

Founders of Modern Administration in Uttarakhand : 1815 - 1884



Edward Gardner
to
Henry Ramsay

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04 UNIVERSITY OF CHICAGO

R.S. Tolia

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BISHEN SINGH MAHENDRA PAL SINGH

23-A, New Connaught Place
Dehra Dun - 248 001 (INDIA)

2009

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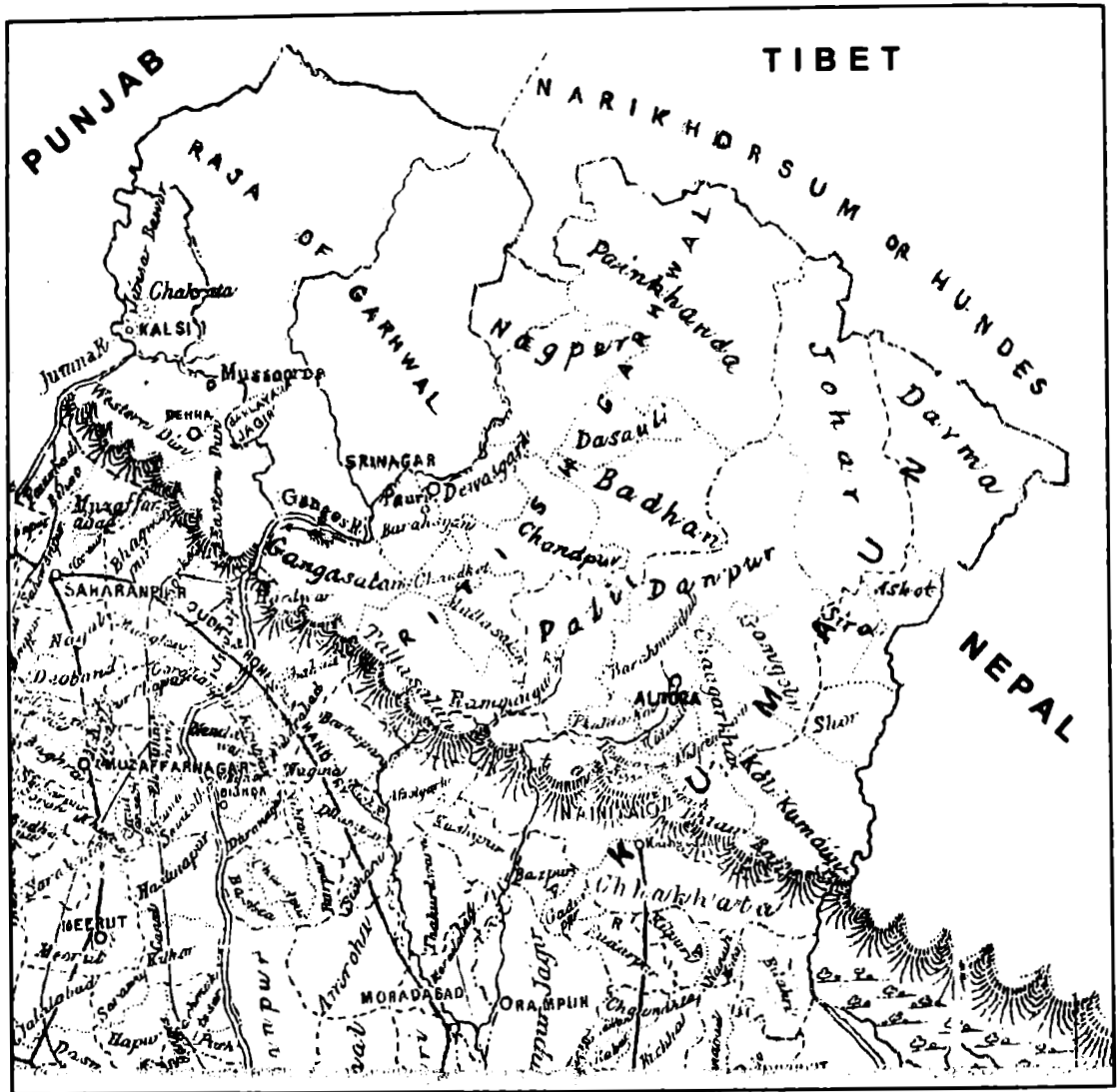


Dr. Shiv Prasad Dabral

(13 November, 1912 - 26 November, 1999)

Shiv Prasad Dabral was born on 13 November, 1912 to Smt Bhanumati and Sri Krishna Datt in village Gahli in Garhwal district. He graduated from Meerut College in 1935. Married to Bishweshwari in 1935 he sought admission to Bareilly College for his Masters the same year but returned home due to bad health. Joined Sanatan Dharma Sabha at Lahore in 1938 and was appointed as Principal in 1940 in the Taranand Degree College at Baijnath in Kangra. In 1948 he became the Principal of DAV College, Dogadda and worked there till his retirement in 1972.

A poet, play writer, geographer and a historian, his doctoral thesis was on: 'Alaknanda Basin: A Study of Transhumance, Nomadism and Seasonal Migration', which was later on published in the form of three books. Then he directed his attention to historiography and his 16 volume History of Uttarakhand is considered a monumental contribution to the understanding of this region. He lived a hermit-like life and his works speak volumes of his dedication and devotion to bringing out an objective and comprehensive history of Uttarakhand, for which he sacrificed almost every thing he had and worked till the very last day of his illustrious life. He even had a definitive and proven premonition of his day of departure from this ephemeral world.



Map of Revenue Districts in N.W. P and Oudh (Sep. 1891)

A Personal Prologue

“Whatever may have been done by the Viceroy, and Governors, and great Commanders, the soldiers and civilians whose names have hardly been heard in England have done much more in building up the splendid fabric of our Indian Empire.

It is by the everyday work of administration that the real foundations of our power have been maintained and strengthened, and the steady progress of the country has been secured.”

Sir John Strachey

INDIA: Its Administration and Progress

The British ruled over Kumaon and Garhwal for slightly more than thirteen decades. These decades fall into four distinct divisions. The first two bear the stamp of Commissioner Traill and the next two clearly belong to Commissioner Batten. Commissioner Ramsay's tenure lasted nearly three decades and the remaining six decades account for as many as seventeen Commissioners.

Edward Gardner and George William Traill laid the foundation of a totally new form of administration. George Thomas Lushington and John Hallet Batten silently ushered in several structural reforms. In the able hands of Sir Henry Ramsay not only the gains of the preceding four decades were consolidated but Kumaon-Garhwal was literally propelled into the main-stream of modern India. The last six decades, not very surprisingly, appear status-quoist in their character, as the officials merely followed the dictates of a highly centralized and remotely seated provincial government. The period covered in this book deals with the developments which took place during the tenure of the first six Commissioners, Edward Gardner to Sir Henry Ramsay (1815 – 1884), which shaped and moulded the administrative fabric of the present day Uttarakhand.

A Non-Regulation Tract

The most prominent trait of Kumaon-Garhwal's administrative history is also explained by the rubric of Non-regulation system of governance. Kumaon-Garhwal, for quite some time, was administered as a Non - Regulation 'province'. Here, the Regulations and later the Acts, in force in the Regulation tracts, were not extended for quite some time. The principal officers were literally hand-picked and their total number was also relatively very small. Unlike the Regulation districts they exercised both executive and judicial powers. This mode of

administration was necessitated as much by this region's remoteness, relative backwardness strategic location as by a shortage of covenanted civil servants to administer a vastly expanded territorial area. Non-regulation territories were open to the covenanted civil servants as well as the men in uniform.

In any study of a Non-regulation region, therefore, a study of the principal officers' background assumes considerable importance as without such an examination the study of events remains less than complete. In the case of Kumaon-Garhwal it is no wonder that the official tenures came to known by the names of their catalysts, the Commissioners in this case. The first six Commissioners account for the first seven decades of the British rule in Kumaon.

Just two years prior to the British annexation of Kumaon-Garhwal the East India Company had applied to the British Parliament for further extension by twenty years of its existing trading privileges in India. The Act of 1813 left the government of the country in the hands of the Company for the next twenty years, allowed it to retain the power of appointment of its servants as well as the monopoly of tea and the China trade. The British Parliament, however, abolished the Company's monopoly of India trade and asserted the sovereignty of the Crown. The appointment of the Governor-General, Governors and the Commander-in-Chief, could now be made only after Crown's explicit approval. The role of religious functionaries was also acknowledged by the appointment of a Bishop of Calcutta and the expenses related to the ecclesiastical establishment were now to be borne by the Company. Lord Francis Rawdon Hastings, earlier the Earl of Moira, assumed the office of Governor-General, under the new post-1813 dispensation, and he was his own Commander-in-Chief. The Supreme Government, seated at Calcutta, discharged its functions through a Central Secretariat, and the latter was divided into four Branches, viz., General, Revenue, Commercial and Judicial. The General Branch was in turn divided into Civil, Military and Marine. Kumaon-Garhwal, was a part of the Bengal Presidency, and during the first two decades of the British rule, the official correspondence was directly with the concerned Branch of the Central Secretariat. The short-lived fourth Presidency of Agra, under a Governor and later the North-Western Provinces under a Lt.-Governor, came up only in November, 1834, decentralizing the governance of the newly acquired territories.

Emergence of Commissioners, 1829

As regards the territorial configuration, immediately preceding annexation of Kumaon by the British; through Regulation I of 1809, 7 Ceded Districts

(Treaty of 1801) and 4 Conquered Districts (Treaties of 1803) were merged into the Western or Upper Provinces. This name was given to distinguish these newly acquired territories from the existing Lower Province of Bengal, Bihar and Orissa and the intermediate province of Benares. The Suder Diwani and Nizamut Adawlut (SDNA) came into existence in 1801, at Calcutta. The control of revenue administration, so far in the hands of the Board of Revenue constituted in 1786, passed first to the Board of Commissioners in 1807 and later to a Special Commission in 1821. A year later, the Board of Revenue was redesignated as the Sudder Board and the Board for Bihar and Benares, as the Central Board. For the majority of districts coming under the Ceded and Conquered districts, a new Board of Revenue or Western Board was formed. Dormancy of this Western Board and the urgency attached to an effective supervision of settlement operations under-way in the newly acquired territories gave rise to the creation of the institution of Commissioners of Revenue and Circuit in 1829. Bengal Presidency, under this decentralization process, was divided into 20 Revenue Divisions, each supervised by a Commissioner of Revenue and Circuit. These Commissioners also discharged the function of Superintendent of Police and they were directly responsible to the Sudder Board of Revenue.

The powers hitherto vested in the Special Commission were split up between the Sudder Board of Revenue and the newly appointed Commissioners, according to their jurisdiction. Soon the exigency to supervise the settlement operations in the Ceded and Conquered districts forced the constitution of a Sudder Board of Revenue on Deputation, in the Western Provinces, stationed at Allahabad. In 1831 it was redenominated as the Western Board and all the powers so far exercised by the Sudder Board of Revenue were conferred on it. With added territorial jurisdiction of Benares, Sagar and the Nermudda Territories this Western Board was now known as the Sudder Board on Deputation. Between 1815 to 1829 Kumaon Commissioners corresponded directly with Calcutta but after constitution of the Rohilkhand Commissionery of Revenue and Circuit at Bareilly, the correspondence on revenue matters were now routed through the new mechanism. Before relinquishing his charge in 1835 Commissioner Traill for some time even held the additional charge of Rohilkhand Commissioner, as Commissioner Revenue and Circuit. However, the exact status of the Commissioner for the Affairs of Kumaon was not to be determined and changed before the departure of Commissioner Traill. It was during a hurricane visit of the Senior Member of the Board of Revenue, Robert Mertinns Bird to Almora in June 1837, that Kumaon was to be upgraded and converted into a mainstream Commissionery, with two districts of Garhwal and Kumaon, with divisional headquarters retained at Almora, in 1839.

A Regular Commissionery, 1839

The so-called mainstreaming of British Kumaon in 1839, as a 'regular' Commissionery, with two districts and land revenue settlement under Regulation IX of 1833, ushered in the first phase of centralisation and the spate of regulations and rules flooding Kumaon courts were its manifestations. By 1853 the Court of Directors had also become a 'little more than a cog in the wheel of government' and Commissioner Lushington's equivocation in handling the controversial sadaburt and maafee tenures in the forties are clear signs of these changes. Commissioner Batten's nostalgic recalling of the freedom enjoyed by Commissioner Traill but not daring to differ or disagree with Commissioner Lushington's interpretation of sadaburt tenures also reflect increased sensitivities on the religious issues and the policy thereon. Lushington-Batten period exposed the region to the settlement operations, awareness of peasantry rights, revenue, civil and criminal court procedures, as practiced in the plains. A corresponding vertical expansion of the administrative machinery, now supported by native officials and expansion of official activities into newer fields like education, forest-management, medical and health, road building and urban development become clearly discernible. Batten's sudden elevation to commissionership accelerates progress in all these directions, consolidating small and hitherto insignificant initiatives into highly demonstrable achievements. With James Thomason, a work-alcoholic and deeply religious Lt-Governor of North Western Provinces, a well-versed and experienced Commissioner in Batten assisted by very able Senior Assistant Commissioners like John Strachey and Henry Ramsay the region experienced unprecedented developments in a host of activities e.g. settlement operations, Badrinath-Kedarnath Pilgrim route improvement, road and bridge constructions, medical and health, tea plantation, Turai-Bhabar initiatives and urbanization of Naini Tal.

Development of Naini Tal, considered phenomenal in comparison to both Simla and Mussoorie, as acknowledged by Lt.-Governor James Thomason himself, shifted the administrative foci of Kumaon from Almora to the new hill-station, as it became the administrative foci of the North Western Provinces also during the summer months. While the administrative activities became somewhat constrained with the centralising tendencies openings were found in several other directions, John Strachey and Henry Ramsay excelling each other, ably prompted and guided by a highly pro-active Commissioner Batten. Westward expansion by 1850 had secured the ever troublesome North-West and this encouraged bolder initiatives, including increased missionary activities in North India, especially through educational institutions and rural upliftment activities.

The Transition of 1858

The uprising of 1857 came as a rude shock and near anarchical situation in the North Western Provinces and parts of North India during 1857-58 and the rescue operations spearheaded by the Punjab and British Kumaon administrations, by holding on against a highly disturbed neighbourhood divisions of Delhi, Meerut, Rohilkhand and Oudh were destined to bring about fundamental changes in the governance of the region. The direct rule of the Crown again accelerated the process of transformation which had been stalled in May 1857. The very same period played a major role in ushering in the Methodist missionary activities and the Kumaon Mission, established in 1850, now gained open support of officials and assistance from various foreign evangelical missions.

Post-mutiny period witnessed unprecedented development in a wide range of activities and for nearly next three decades Commissioner Henry Ramsay guided the progress of the region and his unchallenged knowledge of the region and prolonged stay, to say nothing of the stellar role he had played in salvaging the British Empire from the jaws of certain defeat, ensured that during his tenure the region received adequate attention of the provincial government. Direct rule and supervision of administration by the Parliament made the Government of India accountable and this resulted in a revolution of information of sorts. A whole range of surveys and reports appeared regularly, notably annual reports on trade, departmental activities, gazetteers and so on. This transformation in access to information is also reflected in the referencing of sources of the two parts in which this work is divided. While the first part, the pre-Mutiny period as would be observed, is mainly drawn from the primary sources and correspondence available in the archives and government record rooms, the second or post-mutiny part relies on various official and private publications. The sheer range of activities and availability of authoritative official publication has compelled to follow that route. The post-mutiny part deserves much more attention as many a aspects still remain unattended from the administrative history view point.

The first six chapters of this book, the pre - 1857 period narrative, had appeared earlier as British Kumaon-Garhwal more than a decade ago, in two volumes. There was persistent pressure on the author to take this narrative right upto 1947, or even to 2000, the year Uttarakhand was born. The unprecedented responsibilities this author had to shoulder right from the birth of the new state, and thereafter for the next five years, came in the way of completing the original design. So much so that the original idea was nearly abandoned. However, the

responsibility of documenting the hands-on experience of shaping and moulding of the new state was partially realized through a trilogy of books; 'Food For Thought and Action', 'Patwari, Gharat and Chai' and 'Inside Uttarakhand Today', these three being on-line records of the current administrative history of the new state, parts of which also lies scattered in various files, documents and publications of Uttarakhand, covering most of the major initiatives taken during the first five years (2000-2005). Sanjēev Chopra's two books on new initiatives in industrialisation complete this picture. This accomplished, the author at least felt free from the responsibility of documenting the same at a latter date. To the best of my knowledge no such an on-line account has ever been attempted before this and it is hoped that together with other materials e.g. the proceedings of the State Assembly and Annual Reports of various departments these would substantially address the needs of future historians writing on any aspect of this state. It was very fortuitous that the author chanced upon an opportunity to prolong his stay in the state for another five years, as its Chief Information Commissioner, from October 2005 onwards. It was this god-send opportunity which helped in completion of this long over-due task of taking the narrative to 1884.

A Broad Contour

An extended Introduction has been deliberately added to provide to the reader a broad contour of the period covered by the narrative, within which the local developments took place, thus allowing the reader an opportunity to concentrate more on the details of the changes taking place here, without distracting his attention from the world outside. Further, the narrative has been kept episodical viz., Commissioner-wise, so that the reader is able to closely follow the precise flow of events and place his fingers, as it were, precisely on a particular change when it actually took place. Referencing given chapter-wise help him to consult the original source material, official correspondence, or a publication, as the case may be, so that he could delve further on the subject himself, if he so wishes. This author was thrilled immensely himself when Dr. Shiv Prasad Dabral informed him about his disagreement with one particular interpretation of Commissioner Traill, the latter quoting no less a contemporary authority than Mola Ram, as well as some other vernacular historical works related to the incident in question. Two maps, based on original sketches available in PMR records, have been added, to underscore the sense of unimaginable remote-ness and inaccessibility of this region during the period under our review and a village-boundary 'rajinama', to take the reader back to 1838 and savour a feel of hill hand-made-paper and the Indian black-ink then used !

Manju, Preeti, Priyanka and Krishna allowed me the time and space required for completing this work; Ajai and Shushma proved to be that crucial initial spark which led me to persist with what I have enjoyed the most, going back to the mountains again and again and Pushkin Phartiyal procured the photographs, a big thank you to each of them. Abhimanyu and Rajesh Naithani deserve my very special thanks for taking personal interest in seeing the material through to the print. Frankly, it is really impossible to thank every one who has been helpful in putting this together, directly and indirectly, as they stand spread out both in time and space, innumerable in number, in the dusty archives, libraries, government record rooms and proud-owners of personal collections in scores of cities and villages. A big thank you to all of them who per force have to remain un-named.

As Sir John Strachey, who served as a Senior Assistant Commissioner (present day Deputy Commissioner) of Garhwal in mid-1850s, had observed that it was indeed the excellence in the day to day administration which distinguished and characterized the brighter side of the British rule in India and ensconced India as the 'Jewel in the Crown' of the British Empire, it follows that Uttarakhand, and thus India, would be able to make its mark in the international arena only if both are governed well by those on whom lies the responsibility for its grass-root governance. It is fondly hoped that this book would be found of some practical use by all those who are in any way responsible for the governance of Uttarakhand, its Administrative Officers, Ministers and Public Representatives alike.

Forest Guest House
Dehra Dun, Uttarakhand

R. S. Tolia

26 January, 2009

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CHAPTER 1

EDWARD GARDNER

Edward Gardner entered Company's civil service as a Writer in 1800 and as Senior Merchant he was the Second Assistant to C.T. Metcalfe, the Resident at Delhi. Lord Moira selected him as his special agent for negotiations with Bum Shah; management of all political affairs in Kumaun; and eventual introduction of British authority after its annexation from Nepal. This order issued on the 23rd October, 1814, made it clear that annexation of Kumaun had been finally decided, in view of its important position and resources, as a compensation for the war forced by Nepal on the Company. All the information furnished by Rutherford, Captain Raper and Moorcroft on Kumaun-Garhwal, accompanied this letter. Gardner was instructed to assume total charge of civil administration of Kumaun just as Fraser, the First Assistant, had been asked to do for Srinagar and Dehradun. On the 2nd November 1814 Gardner received necessary instructions from Metcalfe and handed over his Delhi Residency charge to Wilder.

The Governor General, accompanied with C.M. Ricketts, John Adam and Swinton, had himself left Calcutta towards the end of June 1814 and reached Lucknow in October 1814. Lord Moira's entourage reached Moradabad on the 13th December 1814 and the very next day Edward Gardner received formal instructions "to distract attention of Gorkha troops from Garhwal by forcing an entry into Kumaun by troops under Colonel Gardner and Captain Hyder Young Hearsey." Gardner was also authorised to issue a proclamation declaring the intention of the Company to enter Kumaun.

Lord Moira closely followed the fluctuating course of the Gorkha War from this point onwards and received the news of surrender of Almora on the 27th April 1815 while camping at Fatehgarh. On the 3rd of May 1815 Lord Moira approved the terms of the convention concluded with Bum Shah and formally appointed Edward Gardner Commissioner for the Affaris of Kumaun and Agent of the Governor General. He was authorised to draw a salary of sicca Rs. 1,500 per month, exclusive of his salary as the Second Assistant to the Resident and actual expenses (sumptuary allowance). His emoluments were given retrospective effect from the day the day he was authorised to issue to proclamation to the people of Kumaun.³

POLITICAL AGENCY OF KUMAUN

Although Almora had fallen in April 1815 political settlement between the Company and the Court of Nepal was far from complete. The existing maps in possession of the government were so incomplete that no clear directions could be issued to Gardner to achieve the important object of securing the trans-Himalayan trade by suitable adjustment of boundaries with the Gorkhas. He was asked to ensure this while negotiating with the Gorkhas the terms of the Treaty. A similar stipulation was to be necessarily made in the western sector while negotiating the restoration of territories to the former ruling family of Garhwal.

The Governor General with his team of senior most civil servants remained at Fatehgarh, from the 10th of March to the 21st of August 1815, during the course of this settlement. The Supreme Government supplied a draft Treaty to Gardner in May 1815 of which a copy had previously been supplied to Lt. Col. Bradshaw, the Political Agent at Kathmandu. While negotiations continued between Gardner, John Adam and Lt. Col. Paris Bradshaw, respectively projecting the views of Choutra Bum Shah, the Supreme Government and the Court of Nepal's emissaries Gajraj Mishra and Chandra Shekhar Upadhyaya, a decision was taken on the 21st July 1815 in respect of the boundary between British Kumaun and Tehri State. Annexation of all Garhwal territories east of Alaknanda-Bhagirathi was finally communicated to Gardner and he was asked to assume its control immediately. The decision with regard to the territories lying to the east of Bhagirathi was to be communicated later.

Protracted correspondence over fixation of boundary along the foothills and rehabilitation of Bum Shah took the negotiations to the month of December 1815. Col. Ochterlony informed Gardner in March that a treaty had been concluded between the two states on the 2nd of December at Sigauli and the hostilities had ceased. The Treaty was ratified by the court of Nepal on the 5th March 1816 when Col. Ochterlony had reached the valley of Makwanpur in view of intransigence displayed in its ratification. On April 13th Gardner received orders to assume the charge of Political Agent at the Court of Kathmandu, where he remained till his retirement on the 1st May, 1829.⁴ Much of Gardner's time was spent in political negotiations and it is primarily his Political Agency work which could rightly be called as his contribution to the foundation of British rule in Kumaun. Other branches of administration accordingly receive a less significant notice.

REVENUE AND GENERAL ADMINISTRATION

Establishment of new tehsils and thanas, the Sudder Office, settlement of land revenue, investigation of lakhiraji (mafi) lands and nankar lands were completed. Soon after his arrival in Almora in May 1815 Gardner went ahead with the task of establishing new administrative jurisdictions and new institutions. He submitted a rough estimate of the gross revenue Kumaun was likely to yield. The government accepted his proposal to continue the existing system of revenue-settlement and collection during the first year of occupation. The government specially drew his attention to the various mines in Kumaun and asked him to furnish detailed information on the trans-Himalayan trade. Gardner requested for the services of an Assistant.⁵

An immediate and complete introduction of British authority in the newly acquired tracts was Gardner's first priority. In Kumaun he set up 7 tehsils at Almora, Kali Kumaun, Pali Pachaon, Kota, Shor, Phaldakot and Ramnagar. As many as 5 thanas were opened at Almora, Kota, Kathkeemau, Chukata and Timla. A Sudder Office of Kumaun Commissioner was also set up. All these institutions meant a monthly burden of Rs. 4,986, for the Kumaun part alone.⁶

In July the erstwhile Garhwal territories east of Alaknanda were annexed to Kumaun and the new Assistant, George William Traill, joined his duties on the 22nd August 1815. In October he was deputed to Garhwal for settlement of 1815-16 and full introduction of British authority. In Garhwal only two tehsils at Srinagar and Chandpur were opened. In view of near absence of any crime in the interior the Tehsildars were also entrusted with police responsibilities of their respective jurisdiction. Due to frequency of robberies in the forests below Kotdwara a thana was opened at that place. The Thanadar was also given the task of collecting transit-duties and supervision of chowkis established at Bhoori, Bilasni, Chak and Siguddi, all hill-passes. A Sayer Jamadar was also appointed to visit these chowkis. A Sudder Office for the Assistant was also established. These arrangements for Garhwal could be finalised towards the end of December 1815 and entailed a monthly expenditure of Rs. 740. Traill filled up most of the posts by Garhwalis and it was only due to ignorance of Persian (Urdu) language that he could not fill up some of the posts by them.⁷

Traill made the first revenue settlement of Garhwal or, 1815-16, and sent it to Gardner in March 1816 for his approval and inclusion in the overall settlement of Kumaun province, as it was then called. The last settlement of Garhwal was undertaken in 1811 and prior to that no regular settlement had taken place. The rates had been so high that the zamindars found it difficult to honour, and hundreds

of zamindars' family members were sold into slavery in satisfaction of the arrears by the Gorkhas. Cultivation declined rapidly and villages were deserted. As directed by Gardner settlement was primarily made with the Sayanas or where none were present with small zamindars. Actual revenue receipts of the year 1813 were taken into consideration but it fell far short of the demandable jumma which had been fixed by the Gorkhas. The Gorkhali jummas for the last 3 years had been Gorkhali Rs. 87,724, whereas the actual realisations had been merely Gorkhali Rs. 71,819, Rs. 57,735 and Rs. 51,623, respectively.

In Painkhanda sub-division, constituting 22 Bhotia villages, the Jumma stood at Gor. Rs. 4,037, half of which was paid in cash and half in the form of merchandize. When the Sayanas were offered a lease of Gor. Rs. 3,500 corresponding to Farrukhabadi Rs. 2,625, on the old terms, it was discovered that in the first *kisht* (installment) many of the items deposited in kind had no sale value whatsoever, or it was far less than the market price, compared to the rates exhibited in the engagements. Traill divided the kind-part into three divisions and asked the Sayanas to pay for just one division in cash. Other two divisions were allowed by Traill as probable loss in sale. The jumma of Painkhanda was thus brought down from Fur. Rs. 2,625 to Fur. Rs. 1,750.⁸ Traill leased sayer-duty (custom) at Tapoban, *abkari* and intoxicating drugs for Srinagar town, minting of pice at Sayer Sudder *chabutra* and Nayar-*ghat* ferries. An iniquitous tax on the Chamars, called Mujhari and a *nuzzerana* levied on every marriage solemnized at Srinagar were abolished by him. Fifty per cent exemption on all duties granted to Brahmins was withdrawn while duties on all items of necessities for Badrinath and Kedarnath temples were exempted on the request of temple authorities. Custom duties were levied on all imported items at Tapoban, at the base of Painkhanda, and all goods passing through Srinagar-town and Kotdwara.

In Kumaun considerable difficulty was experienced in collecting authentic documents relating to actual realisation owing to the Gorkha system or assigning *parganas* to their troops. Records were either lost or destroyed during war operations. Kali Kumaun and Baramandal, the two *parganas* which bore the brunt of the recent war, suffered maximum destruction and were accordingly allowed liberal reduction in their jummas. In several villages of these *parganas* the fields remained untended rendering any settlement impossible. The Timashi and Gorkha Malli coins also suffered considerable devaluation and Gardner allowed a discount of 25%. Traill's measures in respect of Garhwal Bhoti *parganas*, i.e., an overall reduction in their demand and conversion of kind part into cash, was recommended by Gardner. Gardner thus made the first settlement of Kumaun, including Garhwal, for Sonat Rs. 1,23,360 for the year 1815-16 (Sambat 1872). Separately speaking; Garhwal was settled for Rs. 37,792 and Kumaun for Rs. 86,071.

Gangoli and Sira mines were leased for Rs. 2,700 and Gardner expected other duties to bring in another sum of Rs. 12,000 to Rs. 15,000. The total Kumaun receipts were estimated at Rs. 1,38,863. Gardner anticipated no difficulty in realisation as the demands had been pitched low.⁹

Lakhiraji or *mafi* tenures of Garhwal were investigated by Traill. Bakshi Dashrath Khatri and Kazi Bahadur Bhandari, who had been deputed by the Nepal Court in 1811 A.D. to settle Garhwal, had nearly resumed all individual *mafi*-lands and whenever they made an exception in any case the grantee had been issued a document bearing a seal of one, or jointly of both, the Commissioners. As the whole of Garhwal was assigned as *jagir* to the troops no subsequent grant could be issued except by the Court itself. Accordingly all the grants issued by Kazis Amar Singh and Ranjor Singh were invalidated by Traill, as the former were not authorised to do so. Two such invalidated lists were forwarded by Traill to Gardner and the former was authorised to attach all such lands, till further orders. Gardner recommended resumption of all such lands originating from the grants issued by Choutra Bam Shah, Kazi Amar Singh, Hasti Dal and other Gorkha Burhadars. Existence of a large number of similar lands in Kumaun was admitted by Gardner but he pleaded his inability to furnish details due to his preoccupation with other important matters.¹⁰

The erstwhile Duftrees or Kanungos of Garhwal also possessed certain rent-free lands, called *nankar*, which had been awarded to them partly in consideration of past services and partly present. Traill reported that Rama and Dharni, held the office of Duftrees and they were important members of late Raja's administration. Due to their traitorous correspondence with the Gorkhas both of them were put to death by the Raja. The Gorkha government, on their conquest of Garhwal, granted *nankar* lands to Gajadhar and Kishandutt, the sons, and Krishnanad and Harakhpati, brothers of Rama and Dharni, amounting to a revenue of Rs. 6,000. Later the amount was reduced to Rs. 2,000 in 1811 A.D., and Rs. 1,500 in 1812 by the two Nepal Commissioners. When the Commissioners found these lands over-assessed Dashrath Bakshi compensated it by an additional grant of eighteen villages six of which now lay to the west of Alaknanda in Tehri State. Traill recommended resumption of these lands and money-payment in lieu to the Kanungos in order to secure their efficiency and allegiance to the British government. He rejected their additional claim of *duswori* of one *anna* to a *rupee*, as these did not bear attestation of Nepal Court. Krishnanand and Harakhpati had accompanied Fraser to Delhi from Srinagar and later returned with the Raja. A son of Krishnanand was working with Traill as a Hindi Writer, Gardner, however, recommended a full claim of Rs. 1,500 without the usual depreciation of 25% and an additional 3% on collections, to compensate them from other losses, they might have been

deprived of, on account of possession of *nankar* lands. It was also made subject to their residence in the province and efficient discharge of duties assigned.¹¹

The zamindars were now engaged in Farrukhabadi *rupees* after allowing a depreciation of 25%. Gardner was allowed funds from the neighbouring treasuries in Company currencies for the payment of troops. Current inferior coins were ordered to be withdrawn gradually from circulation and sent to the Company Mint at Farrukhabad for recoinage.

The Gorkha Government had continued the practice of making offer of clothes, oil, etc., at the annual opening of Badrinath and Kedarnath temples but reduced the contribution to Gor. Rs. 280. Gardner, in anticipation of Government's approval, allowed Traill to disburse Rs. 210, as a customary allowance. The articles of consumption meant for these two temples, and of Kamaleshwar, were also exempted from all transit duties.

MILITARY, HILL-LABOURERS AND FOOD GRAINS

In order to consolidate annexation, and owing to a totally unstable political situation in Kathmandu, a heavy contingent of troops was maintained both in Almora and along the Kali, in Champawat. The Artillery Detachment, 1st battalion of Native Infantry, 8th Company of Hill Pioneers, Engineers and Military Commander's Headquarters staff was stationed at Almora, four battalions of Native Infantry and two battalions of Granadiers were kept at Champawat. In addition the Kumaun Provincial (Local) Battalion, mostly for guard-duties and under control of the civil authorities, was headquartered at Hawalbagh. Most of the irregular troops were disbanded as soon as Almora fell to British troops on the 3rd May 1815. Even after conclusion of the Treaty at Sigauli, in December 1815, delayed ratification of the Treaty raised the need for a second Gorkha War and Col. Ochterlony was ordered to march to Kathmandu. The war operations and continued presence of heavy military contingents stretched the fragile resources of Kali Kumaun. The condition of roads was pathetic and it did not permit any carriage through the beasts of burden.

Military equipments and hardware, supplies and foodgrains were all carried by the hill-porters. The number of non-combatants was as large as the actual troops and the burden of their supplies also fell on the hapless hill-porters. The Kumaun Provincial Battalion, stationed at Chaupukia, was making recruitments but "the ragged and uncomfortable state of the men composing the Battalion" and the pittance they received as salary drove the prospective recruits away. They were also frightened by the prospect of being posted at the hill-passes. Even

though the entire Kali Kumaun tract had been razed by the last war and cultivation, whatever little was practised, had nearly ceased, no able-bodied person offered himself for military service. Desertion even from the regular troops was increasing at an alarming rate, an urgent need for civilian intervention was requested by the military commanders.

Provision of hill-porters (Khusseeaha, in correspondence) became the most pressing problem for the civil authorities. The Commissariat, who provided the military supplies, made such a huge demand that Gardner made it clear to them that it was beyond the capacity of the province to provide such a large number. The Kali Kumaun hill-men habitually migrated to the Bhabur during the winter months which reduced the number of available hands considerably. Work-men were also needed at the same time for various construction and building activities which had been commenced at various locations and could not be deferred or stopped.

All the *parganas* of Kumaun, excepting the distant Bhotia *parganas*, from where no such assistance could be procured, were assigned for various public works for the supply of labourers. Additional hands were eventually procured from the contiguous *parganas* of Garhwal. Gardner refused to accept Capt. Raper's demand that *pudhans* be asked to remain present in person to ensure adequate supply of labourers, as such a measure was likely to adversely affect cultivation and over-all economy of the villages. On being further pressed Gardner ultimately directed that the *pudhans* should nominate a person to act as a Jamadar for supply of indentured labourers. Even those who reported for work, fled the site on first opportunity, if supervision was not adequate. Commissariat demanded adequate number of guards to prevent the labourers from running away, a request which was not possible for Gardner to fulfill.¹²

An unprecedented scarcity of foodgrains soon hit Almora in March 1816 as the rabi crop failed to meet such a huge additional demand for food-grains and reduction in the cultivated area reduced the output. This was interpreted by the military authorities as a conspiracy by disaffected persons. The prospect of a second Gorkha War meant further marshalling and mobilisation of troops at Almora which deterred zamindars from resorting to Almora for fear of being conscripted as forced-labourers. This further reduced induction of foodgrains from the neighbouring *parganas*, which would have taken place under normal circumstances.¹³

Dak arrangements, to carry official correspondence, were improved between Almora and Srinagar. A list of post-offices was submitted to the Post Master General. He was requested to send dak via Bareilly instead of Moradabad, as practised hitherto, saving 2 to 3 days in postal communication. Dak runners were

established at Champawat-Bilheri road to facilitate faster dak movement via Pilibhit. This facilitated faster communication with the military commanders, manning the eastern border of Kumaun.¹⁴

That the British rule was now taken *for granted* by the local people was demonstrated by the arrival of deputies sent by the Rawuls of Badrinath and Kedarnath at Almora in December 1815 to pay their respects to the new regime. Gardner presented to each of them, as was customary, a turban and a pair of shawls.¹⁵ The trans-Himalayan trade was apparently not much affected as the military operations had been undertaken at a time when the Bhotias were still in the Tibetan marts and in the process of coming down to their winter-camping ground and to the foothills. Supplies of borax, the premium commodity of the period, was definitely delayed and was perhaps also reduced in quantity this year as Gardner had to request Rutherford to ensure that his employees did not interfere with the mercantile operations of the agents of a Mirzapur borax dealer, stationed at Kashipur.¹⁶

Edward Gardner handed over his charge to Traill on the 13th April 1816 reporting to the Government “the ready and valuable aid” he had received from him, both in the management and settlement of Garhwal, which was under his immediate superintendence, and in the general local duties of Kumaun proper.¹⁷

CHAPTER 2

GEORGE WILLIAM TRAILL

Traill's family came from the city of Bath. Born on the 2nd October 1795 at Bailley near Versailles in France he was nominated to Haileybury (1808-09). Traill was awarded for his proficiency in classical literature. Out of his 25 years' service in India he spent 20 years in Kumaun, retiring on 1st December 1835, as Commissioner for Kumaun. He was one of those officers who never availed any leave. Unmarried during his tenure in India he, however, sired a son and a daughter through a local unmarried woman. While the daughter was born in January at Hawalbagh and baptised in September 1834 at Almora,¹ the son seems to have died in Hawalbagh the same year.

After completing his training at Haileybury he joined Company's service as a Writer. As an Assistant to Magistrate of Farrukhabad he attracted the attention of Lord Moira and when Gardner asked for the services of an Assistant, Traill was the natural choice. His posting as Commissioner for the affairs of Kumaun on 13th April 1816 was definitely at least two years ahead of his colleagues (confirmed in August 1817) but his subsequent raise in salary, as a Senior Merchant, was at least 5 year later than due. He took over temporarily from Melville as Commissioner, Revenue and Circuit, Rohilkhand Division in April 1829 and handed over to Robertson in September 1830. Traill proceeded on 3 months' leave preparatory to retirement, from 1st December 1835. Back in London he had a quiet retired life among old Indian friends, and died suddenly at the Oriental Club in November 1847.²

Whalley considered Traill's administration as essentially paternal, despotic and personal. It resisted the centralising tendencies which the policy of the government had developed. But at the same time, though arbitrary, it was a just, wise and progressive administration. According to Whalley, Traill had left the province orderly, prosperous and comparatively civilized, but his machinery was not easily worked by another hand. He was an administrator of tried ability and equal to all emergencies. Bishop Reginald Heber, who had occasion to meet several Magistrates and Company officials and observe the behaviour of Indians, during the course of his travels through India in 1823-24, could not help compare "the crouching manner and flattering address" of the Hindus of Calcutta and Benares with those of the Kumaunese.

“It is pleasing to see,” wrote the Bishop of Calcutta, “on how apparent good terms Mr. Traill is with all these people. Their manner in talking to him is erect, open, and cheerful, like persons who are addressing a superior whom they love, and with whom they are in the habits of easy, though respectful intercourse.” Traill had told the Bishop that he loved the country and people where he had been thrown and Sir Robert Colquhoun informed him that Traill had declined several positions of much greater emoluments for the sake of remaining with them. Heber also learned that he travelled throughout the dry season and it was a mere chance which gave the former an opportunity to meet him at Almora. “Bishop Heber did not know everything about Mr. Traill,” added Philip Mason (Woodruff) almost 110 years later “as he could not possibly guess that more than a hundred years later the people of the hills would set finality on discussion with the words: It was so in Traill Sahib’s day”. Philip Mason personally experienced it as the Deputy Commissioner of Pauri Garhwal, in late 1930s.

In the higher official circles, Lord Hasting’s “satisfaction of the fulfillment of his anticipations of Mr. Traill’s peculiar fitness for the confidential situation in which he was placed”, continued to be shared through two subsequent Governor Generalships of Lord Amherst and Lord William Bentinck. His own service colleagues considered his knowledge of hill districts and hill-revenue system as unrivalled. Similarly, the proceedings of the Board of Commissioners and the Western Board are anything but a long series of testimonials of Traill’s able management of the revenue affairs of Kumaun. The government of the day was not prepared to accept the recommendations of even the Board of Revenue over what Traill had recommended for Kumaun hills, in respect of revenue-settlement, even after his departure from the scene. Even decades later Kumaun officials were asked to give due weightage to Traill’s decisions in respect of *mafi*-lands. Officials even of the status of Sir Henry Ramsay, did not hesitate to show Traill’s rulings, as if they were the last words on the subject.

Robert Merttins Bird, acknowledged think-tank behind the new mode of settlement under Regulation IX of 1833, found the title of Kumaun Commissioner quite confusing and of very undefined powers, “originally constituted expressly for Mr. Traill”. Kumaun Commissionership, in his view, was specially assigned to Commissioner Traill and special powers were conferred on him with reference to the seclusion of Kumaun from the rest of the province and the peculiar qualifications possessed by him for its management.

P. Barron, the discoverer of Nainital, was amazed at Traill’s “most extraordinary influence among the natives of the hills” and highly critical of his “peculiarly illiberal ideas regarding the influence of European visitors into

province". Barron had heard anecdotes of Traill's jealousy of European travellers which exceeded even that of the Chinese! Batten recounted his own experience of an assembly of hill-men at Haldwani where he was *told* how Traill did not allow the slightest dukhul (interference) of Rohilkhand officials and his strong resentment of any attempt of the plain's people even to cultivate Kumaun Bhabur. "Had Mr. Traill", wrote Batten, who was to become Commissioner Kumaun himself one day, "been born and bred a Kumauni Joshi, he could not have shown a greater partiality to the hill-side of the question, nor stickled more for every inch of ground in his controversy with Mr. Halhed. Mr. Traill spoke, acted, and wrote as if it was a distinct Rajaship." F.J. Shore, a zealous preacher of righteousness and a vehement critic of administrative callousness of his brother-officers singled out Traill's administration of Kumaun, as a solitary exception. Strachey (later Sir John) held that Garhwal had derived more advantages from the construction of hill-roads by Traill and his successors, than from all the measures put together that had been undertaken for the improvement of hill areas, since the inception of the British Government upto 1815.³

Whalley, Bishop Heber, Philip Mason, Lord Hastings, Bird, Barron, Batten, Shore and Strachey paint for us a portrait of Traill from which he emerges as a strong pro-people administrator who was quite willing to go to any extreme to enforce what he considered beneficial for them. Later, Batten himself and Sir Ramsay tried to out-Traill Traill and that appears to be Traill's biggest achievement.

REVENUE AND GENERAL ADMINISTRATION

Traill's observations on hill-revenue matters acquire an almost unchallengeable character for the simple reason that he had better means of judging of the tenures which prevailed under the Rajas than any one since his times. All important published works on hill land-tenures like Batten, Ramsay - Beckett, Pauw, Goudge, Upreti and Stowell only illustrate this simple maxim. Lesser, but administratively equally important, notice has been taken of the manner in which he re-organized the revenue administrative structure, converted feudalistic office of Duftries into comparatively efficient Kanungos; introduced a multi-disciplinary village official called the hill-Patwari; and included a far superior system of village-responsibility. It is, surprisingly enough, still less acknowledged that it was he who first dovetailed revenue-kisht payments with the paying capacity of the zamindars, years before the Board of Revenue prescribed it for the entire N.W. Provinces.

The "Aggregate to detail", or the "Back-Process", considered to be the breakthrough in the history of revenue-settlement, and concretised by Regulation IX of 1833, was actually nothing but a plain's version of the "Dursar-system", practised

by Traill during the course of his seven settlements of Kumaun and Garhwal. Notwithstanding Batten's critique of Traill's settlement-methodology, totally delinking it from the state of art of settlement-philosophy which existed in the Upper Provinces prior to early 1830s, and the plain's system in the hills, it was finally Traill, whose methodology appeared most suited.

"The old story is really told," wrote Commissioner Stiff in 1931, finally vindicating Commissioner Traill, "in paragraph 102 of Mr. Pauw's report. Any attempt to fix the revenue on the same considerations that apply in the plains is clearly impossible." Without making any attempt to belittle Batten's judicial-results of settlements, or introduction of khasra-measurements by Beckett-Ramsay, or the Circle rates, it would be safe to conclude that Traill implemented for several years what his far better-assisted successors were to learn later at tremendous cost initially to the government treasury, but eventually to the poor hill-peasantry. Stiffe is, in fact, a bit too recent an authority to quote, as it was Batten himself acknowledged that, "the opinions of Mr. Traill on any subject relating to this province, must be of higher importance than any which I can offer."⁴ Traill's separate and distinct treatment of the Bhote Mehals was equally based on sound revenue principles and not on "political considerations," as Batten's remarks might lead one to believe. The revenue appeals of the Bhotias of Garhwal and paragana Johar of Kumaun, both upheld by Commissioner Lushington against excessive assessments underscored the fact that Traill understood the fundamentals of revenue-assessment far better than any of his successors. The Western Board of Revenue went as far as to event pull-up Batten on this score.

Traill inherited a revenue-cum-police establishment which was formed on a disproportionately large scale, to facilitate speedy introduction of the British rule in Kumaun. The annual charge of 9 tehsils alone amounted to Rs. 20,216 in 1816. To economise government expenditure, the tehsils were reorganised four times by him, excluding two occasions when they were reorganised due to territorial changes ordered by the Supreme government. These re-organisations were effected in 1816, 1818, 1821, 1825, 1829 and 1834. In 1816 three tehsils of Pali Pachao, Phaldakot and Ramgarh were merged with Almora and the new tehsil was redesignated as the Huzoor Tehsil. Traill was able to affect this change as revenue collection was relatively easy and people peace-loving. Additional expenditure was adjusted against savings affected in the Sudder Office. As Srinagar tehsil's jurisdiction was unwieldy, a part of it was placed under an official at Kotdwara, who was also given charge of police and sayer-collection. These changes brought down the cost of establishment by Rs. 888 monthly. As Kota tehsil primarily collected sayer-duties, with the abolition of sayer-duties in 1818 it was also merged with the Huzoor. Huzoor tehsil Peshkar's salary was raised by Rs. 10 per month,

Table I: Pargana-wise no. of villages & houses in 1823

<i>Parganas</i>	<i>Details of Villages</i>				<i>Details of Houses</i>			
	<i>Khalsa</i>	<i>Rent Free</i>	<i>Religious Assign.</i>	<i>Total</i>	<i>Khalsa</i>	<i>Rent Free</i>	<i>Religious Assign.</i>	<i>Total</i>
1. Pali	1101	02	23	1126	2889	02	140	3031
2. Baramandal	768	45	56	869	3625	176	133	3934
3. Chaugarkha	409	25	91	525	1847	47	157	2051
4. Phalda Kota	188	02	03	193	1314	16	1	1331
5. Dhaniakote	87	0	0	87	1152	0	0	1152
6. Danpur	342	5	71	418	835	8	109	952
7. Gangoli	435	37	53	525	1018	44	67	1129
8. Kota Chakata	310	0	2	312	2220	0	10	2230
9. Katoli Marori	0	4	125	129	0	18	669	717
10. Juar Bhote	153	8	1	162	887	78	4	969
11. Darma	61	14	0	75	515	34	-	549
12. Kali Kumaun	547	6	29	582	3474	26	215	3715
13. Dhaniorow	107	0	1	108	1108	0	8	1116
14. Shor	217	0	8	225	1425	0	30	1455
15. Sera Askot	238	0	9	247	913	0	22	935
KUMAUN	4963	148	472	5583	23222	444	1595	25266
16. Baraseo	569	8	47	624	3013	24	259	3306
17. Dewalgarh	173	4	22	204	1536	21	97	1654
18. Choundkot	315	0	27	342	1690	0	151	1841
19. Nagpur	351	7	221	579	2356	64	1547	4007
20. Ganga Salon	441	0	11	452	1831	0	54	1885
21. Pain Khande	28	0	18	46	461	0	13	474
22. Chandpur	338	0	15	353	1964	0	43	2007
23. Badhan	248	0	32	280	1234	0	113	1347
24. Talla Salan	265	0	19	234	1066	0	58	1124
25. Malla Salan	196	0	1	197	996	0	13	1009
26. Dassoli	0	8	88	96	0	43	606	649
Garhwal	2929	27	501	3457	16147	152	3004	19303
Kumaun Province	7902	175	973	9040	39369	601	4599	44569

15 Chaprasis were added to Huzoor tehsil but still a monthly saving of Rs. 45 was effected. In 1821 Shore tehsil was merged with Kali Kumaun, Gangoli paragana went to Huzoor, and Sira at Askot was incorporated into Kali Kumaun. In Garhwal, Kotdwara experiment did not prove successful and therefore it was abolished. The third round further saved Rs. 147 per month for the government.

In 1823, popularly known as Sun Assi (Sambut Assi, 1880), Traill brought about whole-sale changes in the existing revenue structure. A large number of local sub-divisions were re-organised, into better defined revenue parganas numbering twenty-six, fifteen in Kumaun and eleven in Garhwal. The basic re-organisation of revenue units effected in 1823 is given in Table I.⁵

By 1823, the number of tehsils had been brought down, from nine to just four, and numerous local revenue sub-divisions given a concrete shape of twenty-six revenue-parganas. For the first time an extensive revenue-survey, called Nuzzur Undazee (Guess Estimate), was also undertaken throughout Kumaun. At this juncture of time the tehsil jurisdiction, annual land revenue and cost of revenue establishment was as given in Table II.⁶

Table II: Revenue Tehsil Jurisdiction & Jumma & Cost, Kumaun, 1823

<i>Tehsil (Region)</i>		<i>No. of Villages</i>	<i>Annual Jumma Rupees</i>	<i>Ann. Exp. Rupees</i>
Kumaun:	Hazoor Tehsil	4,421	90,253	3,030
	Kali Kumaun	1,162	28,940	2,106
Garhwal:	Srinagar	2,241	28,149	2,148
	Chandpur	1,210	29,321	2,148
Total		9,034	1,76,663	9,432

The fourth and fifth modifications were necessitated, first at the time of annexation of Dehradun to Kumaun in 1825 (Regulation XXI of 1825) and later in 1829 due to placement of Dehradun in Meerut Commissionery (Regulation V of 1829). Francis Shore was made an Assistant to Kamaun Commissioner and invested with the powers of a Magistrate in criminal cases and a District Judge in civil matters. Dehradun was separated from Saharanpur and Chandi pargana of Moradabad, and four parganas of Kumaun, viz., Ganga Sulan, Choundkot, Dewulgarh and Rajpur, were added to this new charge. With the constitution of Revenue and Circuit Divisions, all over Bengal Presidency, Dehradun was added to Meerut Circuit while Kumaun was kept under Rohilkhand Division. Chandi pargana and the four parganas of Kumaun reverted back to Kumaun.

The sixth change came in 1834, when Traill merged Srinagar and Chandpur tehsils into one, and made Kainyur, on Almora-Srinagar road, as the new tehsil headquarters. Only a small police thana was retained at Srinagar. The additional expenditure was met from the savings provided by the merger of two tehsils. This re-arrangement was without any net savings in the cost of establishment and came into effect in January 1834.⁷ From nine tehsils in 1816 the number was brought down to just three, over a span of 18 years, reducing the cost of establishment considerably.

The tehsils were housed in former public buildings used by the Gorkhas, and no new kutcheri buildings were constructed. Kali Kumaun tehsil was housed in an old stone-fort, while Srinagar was in the middle of the town and Chandpur, before its merger, on a hillock.

All told six police thanas, five in Kumaun and one in Garhwal with four chowkis, had been set up during the first year of the British rule with a monthly expense of Rs. 761. Changes in police thanas followed those in revenue department. Kotdwara, Kathkinau, Chukata and Kota were closed in 1816, sayar-collection work of Kotdwara police was given to Kotdwara Tehsildar and police was replaced by small parties of Kumaun Provincial Battalion. Kota thana was abolished in 1818 and added to Bamouri, the latter now had assumed considerable significance demanding heavy calls from all the travellers entering Kumaun. Now, there remained four thanas at Almora, Bamouri, Dhikuli and Timila, with a total monthly charge of Rs. 455.

Turai-forests in early 1820s were unhealthy and haunts of dacoits and bad characters. Boulderson, the Magistrate of Bareilly, had informed Bishop Heber that not only monkeys "but everything which had the breath of life instinctly deserted these forests and not so much as a bird could be heard or seen in the frightful solitude". Ayeen Khan, Naheen Khan and Torub Khan led the gangs of depredators and levied chowkidari dues. Seton, the Magistrate of Moradabad, having failed to curb their depredations brought them round to levy chowkidari dues and stop all acts of violence. They were supposed to guarantee safe-passage to all persons and merchandize against these dues which were officially fixed. Towards the end of 1822 Halhed was appointed Magistrate of a newly carved district called Northern Division of Moradabad. He put an end to the notorious system of Heeris and Mewatis, i.e., the chowkidari dues, and also abolished the jagirs which had been given to the Sardar of the gangs. Halhed took up the matter of fixing Kumaun-Rohilkhand boundaries with Traill. In 1829, Kotdwara, Dhikuli and Timla were replaced by Chandi, Sunnea Mandi and Patli Dun, as a part of re-arrangement of 1829, saving Rs. 53 per month. The last change took place in

1834 when Srinagar was equipped with a small thana and the solitary tehsil shifted to Kainyur. The six police thanas and four chowkis of 1816, were converted into seven thanas, i.e., one at Almora, five at the foot-hill passes, and one at Srinagar.⁸

Kumaun was placed under the Board of Commissioners in October 1816 but regulations were not proposed to be introduced into the hill-tracts. Kumaun Commissioner, in the capacity of Collector of the revenue, was placed under the Board in all matters connected with revenue and collection. Kumaun was divided into two Kanungoships, manned by the Joshis and Choudhuries. They performed the duties jointly and there did not exist a formal division of parganas amongst them. In 1819, like in Garhwal, the nankar lands of Kumaun Kanungos were also resumed and a consolidated money-payment of Rs. 1500 per annum sanctioned in lieu. The parganas were formally divided between the Kanungos, Joshis and Choudhuries. Pali Pachao, Oochor, Baramandal, Phaldakot, Katyur, Kutoli, Ramgarh, Deorsed, Riuni, Agar, Khaspurja, Dhaniakot, Onchkot, Chiomichautha, Simulkha, Kota and Chukot parganas were assigned to Mana and Narain Choudhuri, Kali Kumaun, Chowbinsi, Dhianirow, Shor, Sira, Gangoli, Askot, Danpur, Khuria, Bisodh, Chaugarkha, Salum, Muhrori, Silkhana, Johar, Darma and Byanse were assigned to Ram Kishan, Tilakchand and Ratanpati Joshi. Their allegiance to the British government was secured by fixing money-payments, i.e. Rs. 30 per month for Ram Kishan Joshi, Tilakchand Joshi and Mana Choudhuri; Rs. 25 for Ratanpati Joshi and Rs. 15 per month for Narain Choudhuri. They now became government servants and their designation was also changed from Duftries to Kanungos. In 1829, the Kanungos were also made Munsifs to try civil cases.

The office of Kanungos was considered hereditary for all practical purposes, being confined to a few families, i.e., four in Garhwal and five families in Kumaun. The Dwarahat Choudhuries furnished two Kanungos, one for Shor, etc., and one for Chougarkha, etc.; Khanduris alone provided Garhwal Kanungos. Traill found all the Kanungos, by and large, active and intelligent officers. As there was no age limit for retirement of the Kanungos, like Ram Kishan of Shor, they kept on working in name, although the actual work was discharged by their near relatives. Some of them were down-right corrupt, like Kanungo of Pali. Those who were employed as Munsifs after 1829 were reportedly doing satisfactory work.⁹

There was no institution of Village Patwari in Kumaun, as it existed in the plains. Only Udaipur, Badhan and Nagpur of Garhwal had a functionary styled as Likhwar or accountant, who was a kind of sub-Kanungo. The Kumeens or the Sayanas themselves wrote the accounts of the pattis for which they engaged Dooks for collecting government dues from the Pudhans. The Dooks in turn received a small remission in jumma for the services they rendered to assist the Sayanas.

When Traill resumed the nankar lands of Kumaun Proper Kanungos in 1819 the jumma of the land added upto Rs. 1,978 and a surplus of Rs. 500 was expected after the revision in process. He made use of this surplus fund to create nine Patwaris for the largest parganas of Kumaun Proper. Baramandal, Pali, Phaldakot, Kota, Kali Kumaun, Johar, Danpur Dhianirow and Shor were the first parganas to be given one Patwari each on a monthly salary of Rs. 5.

The Tehsildars and the Kanungos resided at the Sudder Kutcheri and Traill realised during the course of his fourth settlement that it was futile to expect correct information from or through them. Without a government revenue functionary on the spot it was impossible to know the real state of the potential of the parganas. He added five more Patwaris in 1821 and met their expenses from the increased jumma. All the fourteen Patwaris were appointed in Kumaun Proper. He also increased the salary of Bhote Patwari from Rs. 5 to Rs. 8 when he realised the difficulties of these tracts and higher cost of living. For the next four years a relatively dormant Western Board failed to respond to Traill's recommendations. Traill under the impression that perhaps his demand appeared excessive to the Board even revised his demand from additional five to just three Patwaris and assured to meet the extra expenditure by surrendering posts of four Chaprasis.

Suddenly, however, in 1825 instead of addition of just three Patwaris he received a sanction for eight Patwaris. He had found the institution quite useful, as the migration of the zamindars had diminished greatly. Where they had been located they were found using their good-offices in resolving petty disputes, which in the past had led to serious dissensions. The same year, he added sixteen more Patwaris and surrendered twenty-four tehsil Chaprasis, raising their number to thirty-three. By 1830, their number went up to sixty-three, covering both Kumaun and Garhwal. All through a corresponding saving in Chaprasis-expenses were offered. The exercise was to substitute Chaprasis with "a more efficient and responsible class of revenue-collectors." Traill informed the Board that the job was readily taken up by educated and respectable persons who considered it infra-dign "to wear a badge as a peon."

Their duties included collection of revenue, measurement of the villages under court's instruction, prevention of desertion of villages by the zamindars, adjustment of quarrels and reporting of disputes immediately to the Sudder Kutcheri, care of police, apprehension of offenders, reporting crime, casualties, suicides and notes of all estates through the Tehsildars. This is what ultimately became the Revenue Police of Kumaun and continues to this day, full 170 years after its constitution. The hill-Patwari was quite a distinct entity from the Village Accountant

of the plains, constituted under Regulation XII of 1817. While the former was a government agent, paid by the government, charged with multifarious duties in all departments, quite independent of the villages placed under him, the latter was nominated by the zamindar and supported out of the revenue of the village.¹⁰

It was not before Lord William Bentinck assumed Governor Generalship (1828-35) that Indians were inducted into higher echelons of administration. Deputy Collectorship was opened to Indians only under Regulation IX of 1833. Before 1833 the highest post an Indian could reach and occupy was that of a Tehsildar. This post was usually manned by persons with proven record of efficiency, good and loyal service to the British Government. Parmanand Choudhury, Tehsildar of Huzoor Tehsil and Mangal Sein, Tehsildar of Kali Kumaun, had served the British faithfully for years before they became Tehsildars. The Tehsildars were transferred locally by Traill and it was only in 1820 that his attention was drawn towards the provisions of Regulation of 1804 and VIII of 1809 which required Board's prior approval before doing so.

The Kanungos were hereditary officials and if ever any departure was made it was again from amongst collateral families. The Patwaris were proprietary landholders, influential in their areas, hardly requiring any salary and Rs. 5 was, at least in the beginning, more of an honorarium than a remuneration for their services. Most of the posts were manned by Brahmins and other upper castes of Kumaun, and in Garhwal by Khanduris or Rajput castes, mostly the latter. The other posts were those of Mutsudis or the Jemadars. The menial classes consisted of the Chaprasis, Purkayees and Sayer Mutsudis, the latter meant for the Sayer-chowkis. The Chaprasis were common to revenue and police establishments. Unlike in the plains no Tulubana-fee was levied but the revenue Chaprasis enjoyed other perquisites, like a specified quantity of grains at each village they halted during their government duty. Although officially prohibited repeatedly, it seems to have become customary.

Then, there were the Sudder establishments of the Commissioner and his Assistants. Serishtedar, Robkar Navis, Hindi Navis, Nazir and Stamp Daroga (for some time) was open to the Indians and predominantly manned, as the field-posts, by the upper castes and dominant families of Kumaun and Garhwal. All the Government servants drawing a salary above Rs. 10 per month were confirmed by the Board. Until a short time before his departure Traill reported that he could trace no instruction relating to the qualifications of Tehsildar or Kanungos in his office. This was collectively known as the Native Establishment and Table III gives a comparative expenditure under this head during 1815-16 to 1829-30.

Table III : The Native Establishment Expenses & Savings, 1815 to 1830

<i>Year</i>	<i>Sudder Estb.</i>	<i>Revenue</i>	<i>Police</i>	<i>Total (Rs.)</i>	<i>Decrease</i>
1815-16	9,840	20,216	19,464	40,520	-
1822-23	7,488	9,432	4,344	21,264	19,256
1829-30	7,752	13,140	2,868	23,760	16,760

Considerable savings had been successfully effected in this expenditure. Instructions to Lord Bentinck were to economise in public expenditure as Lord Hasting's Gurkha War (1815-16) and Third Maratha War, and Lord Amherst's Anglo-Burmese War (1824-26) had drained the Company's coffers substantially.¹¹

The revenue and police functions were primarily carried out by non-official village functionaries like Pudhans, Sayanas, Kumeens, Thokdars and Burhas. While there appears hardly any doubt in respect of the position and duties of the Pudhans, the original nature of the Sayanas or Kumeens or Burhas and Thokdars had got quite mixed up by the time British took over in 1815. During the Raja's time a clear distinction existed between the Sayanas and the Thokdars but it got blurred to such an extent later that a general appellation of Thokdar has been used by Batten, while describing these functionaries. The Thokdar's ascendancy during the early British rule is most apparent in the fact that Batten admitted them certain *dusturis* over and above the prescribed 3% on the *jumma*. It is surprising that investigation made by Whalley, more surprising that further investigations made by Ramsay in 1855, fully clarifying the status of Thokdars more particularly, has been totally ignored so far. Contrary to what Batten and Whalley have asserted, the greater Sayanas or Burhas of the northern pattis of Kumaun-Garhwal, and Kumeens of southern Garhwal, were heads of proprietary families, who during Garhwal Raja's time and Gorkha-rule, possessed much greater influence and very often during the course of settlement, engaged with government for the whole sets of villages, sometimes even pattis. Their ministerial duties in reporting offences, casualties and deaths of individuals without heirs, seizing criminals, searching for stolen properties, assisting the government Patwaris at inquests, collecting coolies and supplies for public-service, were the same as those of the so called Lesser Sayanas or the Thokdars. The latter class was purely a public-official, charged with almost same duties, paid by a fee of one rupee on the marriage of the daughter of each Pudhan and a leg of the goat killed by the said Pudhan.

Obviously while the distinction was clear to the villagers and Traill, it was not so to Batten and host of others, who went by Batten's official Settlement reports,

including Whalley. Ramsay in 1855 fished out Traill's proceedings of 12 July 1825 by which he had relieved all Sayanas (the Greater Sayanas) and Thokdars (the Lesser Sayanas) of all police and revenue responsibilities and compensated them by money-payments. All the dues received by the Sayanas, Kumeens and Thokdars, as dustooris were stopped in 1825 (Gulab Singh Thokdar of Putalya) except what Traill had prescribed in the patta. Thus during 1825 to 1835 the Sayanas and Thokdars received only money-payments, realised with land-revenue and paid through government. Obviously by 1825 the Patwaris had been enrolled in a large number and there was apparently now no need to duplicate and double-charge the zamindars for the same set of services. Ramsay, however, fails to mention this obvious development. Anyhow, from 1838 to 1855, the Kumaun revenue-officials did labour under the impression that these classes continued to remain entitled to the dues they received prior to 1825 and in a way the same received Batten's sanction through his settlement pattas. While a submissive and ignorant peasantry paid what was demanded from them; after Batten's settlement operations a collusive band of Kanungos, drawn from the class of illegal beneficiaries themselves, played deaf and dumb. Commissioner Ramsay restored back Traill's orders of 1825 and issued further injunction.¹² Every Sayana and Thokdar, after 1825, was required to furnish a stamp-paper on which a copy of Traill's order was given in respect of Thokdari-dues to which only they were entitled.

The pudhan was a village ministerial officer, mostly one from amongst the hissedars (co-sharers) of the village, appointed with general consent and removable for proved malversation or at the request of the majority of co-sharers according to an agreed quota, beyond which he was forbidden to make any demand. While he paid rent for his own share of land he was remunerated for his duties by fees on marriage and a small piece of land. Although the post was not hereditary generally the son succeeded, unless there existed an opposition due to his immaturity or lack of talents. If no other suitable co-sharer was available the assistance of Sayana or Kumeen or Thokdar was sought for searching one. The land set apart was called "Pudhan khangee" or "petoonds". If it turned out to be less than the Pudhancharee huk, he received rent from the rest of the share-holders. Uncultivated lands were managed by him and he distributed the rents rateably amongst the share-holders. It was not rare to see land revenue falling in arrears as the co-sharers refused to pay the agreed jumma to a Padhan about whom there was some disagreement (Bije Singh Pudhan of Johar in 1816-17).¹³

"The emancipation of the petty landholders," reported Traill in 1823, from the thralldom in which they were held by the Kumeens and Sayanas, has invariably formed a most particular object of my attention. In the greater part of the province

this measure has, through the medium of village settlements, been entirely effected.” Traill evidently used land-revenue settlements as a tool to restore Kumaun-Garhwal peasantry back to good health which of late had been devastated by the excesses of Gorkha military Burhadars. He made light assessment the corner-stone of his revenue-assessment policy. The fact that year after year Kumaun exhibited no-balance proves his relatively light assessment and a prudent handling of collection-process; two significant areas in which he definitely scored over Bird-Thomanson school of “the leveller”. In the maze of new experiments in settlement theories (1833 through 1957) Traill’s innovations appear primitive but which were in fact far in advance of his times.

Interestingly, Traill did not consider the Gorkha assessment as excessive or unreasonable but the fault lay in the process of collection. While the authorised demand was just the absence of controlling power on the spot rendered an act totally nugatory. The military chiefs evaded the instructions with impunity and imposed fines indiscriminately. In Garhwal, these unauthorised exactions became intolerable and according to one source upwards of 30,000 males and females were sold or carried into slavery in satisfaction of the arrears and nearly 80,000 men and women emigrated in 1811-12. “A young jungle”, says an eyewitness in 1814, “was already in a thriving condition, where beautiful cultivation existed in 1808.”¹⁴

Traill carried out seven out of a total eleven settlements conducted in the history of British Kumaun division. The first two were Annual, the next two Triennial, and the last three Quinquennial. The Special Commission had advised against a Permanent Settlement and it was not before 1822 that a modicum of methodology was decided upon and even this failed to deliver the goods. It was not before 1833 that the “Aggregate to Detail” methodology was advocated by Bird. In 1833 Traill was already giving final shape to his Seventh settlement following a pragmatic Dursar System, survey and precise measurements which were simply not possible in the hills.

In 1823 “preparatory to a new settlement a general measurement of the whole province” had been undertaken under the supervision of the Tehsildars, Kanungos and Pargana Patwaris. The nature of the arable land had rendered the ancient form of “measurement by estimate of seed” unavoidable. The mode of measurement followed in the plains (Regulation districts), due to terraced nature of the fields, was “far too complicated and difficult” for the hill-men who were unaccustomed to such duty. However, the first ever measurement of Samvat 1880,

in the eyes of the hill-men, was such a novelty that it was destined to remain firmly etched in the memory of generations of hill-men as the “Great Measurement of Sun Assi”, a reference point for all times to come. After completion of the Great Survey in 1823 Mouzawar Registers were prepared with a separate Book for each mehal having been dispensed with. The hill-villages were quite unlike those in the plains and the proprietary holdings were very small owing to divisions and sub-divisions, over the course of years under the Hindu Governments.

Financial results of the seven settlements conducted by Traill (The first of Kumaun Proper excepted) are given in Table IV.¹⁵

Table IV : Financial Results of Revenue Settlements 1816-33

<i>No.</i>	<i>Year</i>	<i>Duration</i>	<i>Garhwal</i> Rs.	<i>Kumaun</i> Rs.
First	1815-16	Annual	37,792	86,071
Second	1816-17	Annual	44,587	93,722
Third	1818-20	Triennial	45,548	99,199
Fourth	1820-22	Triennial	54,995	1,08,858
Fifth	1823-27	Quinquennial	64,900	1,19,989
Sixth	1928-32	Quinquennial	67,725	1,23,164
Seventh	1833-37	Quinquennial	69,244	1,25,589

Traill adopted the mode of his revenue settlement according to the peculiarity of the country. The hilly nature of the terrain and “known partiality of the officers” compelled him to address to the gross body of the Malguzars themselves. Actual inspection of each village was ruled out by him as it would have taken years and Traill, unlike his successors, did not have the services of a civil Assistant before 1830. In addition to the information provided by the officers he made use of the last settlement made by the Gorkhas in 1807 (Kumaun) and 1811 (Garhwal), as the basis of capabilities of each village and pargana. The Gorkha assessment, conducted by a Commission sent by Nepal Court, was based on actual observation of each village.

All the Malguzars of a pargana or a patti were assembled at one place, after due notice and the sum total of their last year’s jumma was given to them for equalisation amongst them on the basis of the land under cultivation and the number of asamis in each village but without reference to the former jumma. After this the signatures of the Malguzars were taken on the results, as a proof of

their assent and fairness of estimate. To this a proportionate gross increase was added for the pargana and divided among villages. As the parganas were small and the native officers were not involved in this exercise at all the mode of settlement turned out to be satisfactory and quite equitable. The gross jumma was communicated to the zamindars and they fixed up detailed assessment themselves. This the villagers did with much equity and fairness.

In the border parganas of Bhot, i.e., Johar, Darma and Byanse in Kumaun and Painkhanda in Garhwal, Traill while refused to assess land revenue on the basis of "profit in trade" and substitute a tax on this profit in lieu of the actual capabilities of agricultural land, also rationalised the mode of settlement. The detailed assessment was made in a general panchayat of the Bhotias, who fixed each person's individual jumma proportionate to the actual amount of trade carried by him during the year, without reference to capital.¹⁶

The Bhote pargana's jurisdiction was increased by adding a few neighbouring parganas after the British take-over. The Bhote parganas had been assessed very excessively specially owing to nine year long stiff resistance offered by Johari Bhotias, even after the rest of Kumaun had been subjugated by Gorkha arms. Captain Bhakti Thapa was sent by Nepal Court to rationalise the assessment. The villages nearest to the passes derived their income primarily from the trade, the middle villages partly from land and partly from sale of herbs and wild-life, and those at the foot of the snowy range mainly from the land. With the abolition of sayer-duties in 1818 the trans-Himalayan trade received a further boost. Traill exempted the Bhot mehals from long term settlement and it remained annual, while the rest of Kumaun Garhwal became triennial in 1818. Obviously, Traill traded-off an extremely liberal land revenue on the Bhotias with the ready market they provided to the agricultural community of Kumaun Garhwal by purchasing their grains for export to the Tibetan marts. Except Almora there existed no market offering remunerative prices for hill's agricultural produce. Srinagar acted as a market only for the southern parganas of Garhwal while the border parganas of Garhwal preferred to go to Almora than to Srinagar. Haldwani mandi did not exist, Birmdeo could support only southern Kali Kumaun and the road condition was too primitive. Traill's allegedly liberal treatment of Bhote parganas has not been appreciated in this over-all context.

The rates, fixed on Kanch-Masha-Ratti basis (Raja Baj Bahadur Chand had fixed it @ Rs. 12 to a Kanch), and the liberal jumma fixed by him in 1818 are given in Table V. Darma, which had suffered the maximum during the Gorkha War, stood considerably depopulated and received a relatively low rate.¹⁷

Table V : Pargana-wise Jumma of Bhote Mehals of Kumaun, 1818

<i>Pargana</i>	<i>Rugba</i>			<i>Rate of cess</i>	<i>Jumma of last sett.</i>	<i>Jumma of 1818</i>	<i>Decrease</i>
	<i>Kanch</i>	<i>Mash</i>	<i>Ratti</i>				
Johar	365	3	3	Rs. 6/Kanch	5,313	2,200	3,113
Darma	353	3	4	Rs. 4/Kanch	3,409	1,400	2,009
Byanse	71	9	0	Rs. 4/Kanch	695	280	415
Choudanse	41	9	4	Rs. 5/Kanch	532	250	282
		Dhumola		Rs. 2 Annas8	1,0005	440	565
Niti	175			Dhumola			
					10,954	4,570	6,384

Again in 1818, with sayer-abolition all over Kumaun Garhwal, while the lower Bhote villages received a small remission on this account the middle and upper villages got items of musk, bee-wax, and hawks struck-off totally from their available assets. The net demand came down to Rs. 4,124 and this annual demand was maintained throughout the triennial period of the entire Kumaun. The first quinquennial shows a progressive rise in 1823 but it was due to return of the tenants who had immigrated earlier during the war. Traill's priorities were so clear that he initiated the practice of camping at Bageshwar, the great trade entrepot of Kumaun and even built a Commissioner's Kutchery on the banks of Saryu where he disposed of all matters relating to the Bhotias, i.e., judicial, revenue and settlement.

The government Chaprasis collected the jumma direct from the zemindars and it was in nukdee (cash). Where the Malguzars engaged to collect rents in the first instance they could make no demand over the jumma. Their dues were fixed and established on long usage and consisted of a small portion of land and certain fees on birth and marriages in the village. Battai, or the division of produce, was the mode followed in newly cultivated village or with the newly settled asamis in old villages. Traill introduced just four kishts (installments) of the annual demand as against eight or nine in the Regulation provinces. The Sudder Board of Revenue, it must be noted, woke up to this evil much after Traill had left Kumaun. It was no wonder that the annual demand in Kumaun was always fully realised as Traill had backed up a reasonable assessment with an equally fair mode and period of collection of government demand. The Board of Commissioners and the Western Board had nothing but undiluted praise for Traill's management of revenue affairs of Kumaun. Nothing illustrates his measures successfully than the increase in jumma he was able to show off in sixteen parganas, which had such a potential by way of revenue increase in established villages and new villages. Table VI shows this in full measure.

Table VI : Pargana-wise Table of Improvement in the Year 1829

<i>Pargana</i>	<i>Jumma 1815</i>	<i>Jumma 1829</i>	<i>Total</i>	<i>Increase in Villages of Int. Sett.</i>	<i>From new Villages</i>
Pali	21,075	32,624	11549	9,870	424
Baramandal	9,496	17,350	7,854	4,781	512
Chougarkha	4,119	7,727	3,608	1,860	446
Phaldakot	6,432	7,919	1,487	1,010	268
Dhaniakot					
Ramgarh	4,122	6,596	2,474	2,302	126
Danpur	3,489	5,610	2,121	1,100	636
Gangoli	1,851	3,530	1,679	858	705
Kota-Chukata	5,196	15,275	10,079	1,853	6,981
Kali-Kumaun	8,696	16,450	7,754	5,345	1,882
Dhianirow	4,374	7,816	3,442	1,482	1,830
Shor	3,501	6,634	3,133	2,219	588
Sira-Askote	2,655	4,211	1,556	1,410	118
Chandpur	5,913	10,566	4,653	3,086	710
Badhan	3,612	6,789	3,177	2,437	740
Tulla Sulan	3,147	8,363	5,216	2,315	2,901
Mulla Sulan	4,037	6,968	2,931	2,819	112
Total Land Revenue	91,715	1,64,428	72,713	44,747	18,799

Traill's opposition to long-term settlements in Kumaun hills was based on prevailing migrating practice of hill-zemindars, low cultivation and existence of huge tracks of wastelands. According to him twenty year's lease was better suited for fully populated and cultivated areas. The land-man ratio of the hills was quite different from the plains and the policy meant for the plains could not be applied *mutatis mutandis* to the hill-tracts. The third settlement was proposed by him for only two years and he made it triennial only after the Board informed him that even Dehradun had accepted a triennial settlement. He recommended maintenance of thekedari system for the turai-tracts of Dehradun, when his opinion was requested on Col. Young's measure of abolishing the asami in 1830. In the turai the thekedars provided the much needed capital for clearing the jungles, raising embankments, making periodical advances for cattles, etc., to the cultivators. The ryotwari system in turai was likely to be disadvantageous as the cultivator needed substantial capital and without it the small leases were of no use to him. The Government and the banks were definitely going to ask for a security before advancing money and therefore, under the existing circumstances the thekedar was the only substitute through whom this could be advanced.¹⁸ The plains, the

turais (Bhabars) and the hill-tracts were three altogether different scenarios, each with its unique solution and approach. Only with the passage of time Traill's prescription appears near prophetic. Commissioner Stiffe commented on the last category in 1930's, and Kham-Bhabur and Turai-Kham investments in 1850's, proved his second formulation.

Traill's early views on hill-tenures are contained in his report on Pali pargana of March 1821 and the same were further matured in his report to the SBR in January, 1829. He himself considered the latter as his final opinion. Paramount property in soil vested in the sovereign, not only in theory but practice as well. The zemindar's rights in lands were hereditary and transferable and as they were derived from royal grants they could be also abrogated at will. As the land-holders were extremely attached to their lands frequent resort to abrogatory power would have been unpopular. Accordingly, in the interior it was infrequent, but in the neighbourhood of the capital and on the borders arbitrary transfers were not an uncommon feature.

The first category of land holders were those whose ancestors had received grants of land for the maintenance of their families, in recognition of their service to former sovereigns. These lands were subjected to rents under succeeding sovereigns but the proprietary rights generally remained with the original grantees, or their descendants. Grants of this nature were quite distinct from those in tenure of nankar or jeadad, which conveyed no property in soil.

The second class consisted of those who derived their authority purely on the strength of long established occupancy. The tribal communities of the hills came under this category, while the first consisted exclusively of the emigrants from the plains. The third category of land-holders was created by the Gorkha rulers, who received zemindari rights by bringing waste-lands under cultivation. This practice had been continued, according to Traill, under the British rule.

The Dooks, almost invariably, were the property of the land-holder and they resided in the villages of their owners. However, in the villages owned by the land-holders of the first category, there were separate establishments for them, consisting mostly of carpenters, masons, potters, lohars, miners and a variety of other trades carried on by the persons of this caste exclusively.

In view of the smallness of good cultivated land the majority of proprietors were also the cultivators, as it was not possible to share the profit of land with a tenant. As a result 6/10th, of the arable land was cultivated by the actual owners,

who could be termed as Th'hatwan cultivators. Of the remaining 4/10th, about 1/2 could be assumed as cultivated by resident cultivators with no claim in the property of the soil. This class could be divided again into two clear categories. The first or Khaikars, enjoyed as hereditary but not transferable right of cultivation. The second or Kueenees, were the tenants settled on the estates by the proprietors. Owing to their long and continued occupancy they could also be considered as Khaikars, from whom they actually differed very little except in the rent they paid. The remaining 2/10th consisted of the lands cultivated by the non-resident tenants, called Paikasht.

Wherever a share in any estate lapsed due to desertion remaining proprietors divided it among themselves and they also became answerable for its revenue demand. To avoid excessive burden on individual proprietors the small hamlets and paikasht-lands were leased with the uslee village to which they belonged.

The Th'hatwan paid about 1/5th of the gross produce to Government. The Khaikar, in addition to the public demand in cash, paid another 1/10th to the proprietor as Sirtee Bhent or Dustur. The Kueenee paid in Koot (or kind) as the Khaikar, which came to about 1/3rd of the gross produce. In Paekasht there was no general rule and each tenant made his own bargain. As the demand for labour far exceeded that for land the terms were always favourable to the agricultural-labour. The rent paid by him, always in cash, was slightly less than that paid by the Khaikars.

The share of the gross produce, as enjoyed by the various classes of the cultivators, could be assumed as, Th'hatwan 80%, Paekasht tenant 75%, Khaikar tenant 70%, and Kueenee about 66.5%.¹⁹

Kumaun and Garhwal borderland is to the Hindus what Palestine is to the Christians, the home of their great gods. Right from the beginning of the British rule this point had been made abundantly clear to the British Administrators. While almost all proposals made by Traill as Garhwal Assistant were approved by the Government, it put its feet down in respect of his recommendation to resume all Gunths and sadaburt tenures in Garhwal. It held that such an extreme measure would not be possible without exciting a feeling prejudicial to the British reputation for the respect which it paid to the rights and privileges of the religious institutions of its native subjects. No aspect of Traill's administration, not merely revenue, reveals his approach to local-administration more completely than his controversial handling of the gunth and sadaburt lands of Kumaun and Garhwal. But, at the same time, no action of his did more to immortalise him in the memory of the local people than his bold handling of the resources generated by these tenures.

Commissioner Gardner, it would be recalled, had communicated to Supreme Government his own inability to investigate the mafi-tenures of Kumaun due to his preoccupation with other important matters.

Gunth were lands assigned as religious endowments to the temple and attached to them, whereas sadaburt assigned villages were charitable endowments, the proceeds of which were primarily dedicated to the feeding of pilgrims on way to the holy shrines. Jhala sadaburt, in Kumaun, had been assigned to Badrinath by the Gorkha Durbar in 1795 A.D. In 1830, on receipt of news about its abuse Traill attached its revenues to Tehsil Huzur and ordered it to be kept in deposit. The worship of Nanda Devi, the principal deity of the Kumaunese, had been discontinued in 1815 occupation of the fort by the British forces the old temple was destroyed. On 29th May 1832 the chitaidar of the temple (Manorath Tiwari) and other Brahmins moved on application for restoration of the discontinued worship and application of Jhala-grant to the same. Traill had made a reference about the Jhala-grant to the Commissioner of Circuit and Revenue, Commissioner Robertson in July 1831, but no reply was received by him about its future application. When the Brahmins moved this particular application he made yet another reference to the new Commissioner Campbell on 29th May 1832, appending a copy of the application. When no reply was received again Traill ordered payment of Rs. 250 for the revived worship. This order was popularly associated by Kumaunese with Traill's supposed vow made to the Goddess Nanda in lieu of the recovery of his eye-sight, which had been impaired amongst the snows of Nanda Devi mountains in Johar. The pass, negotiating which Traill nearly lost his eyesight, today stands named after him as the Traill's Pass, separating Pindari Valley from Milam. It thus commemorates his abortive attempt to re-open an ancient trade-route.

Far more controversial were his handling of Kutali, Marori sadaburt parganas of Kumaun and Dasoli sadaburt pargana of Garhwal. The annual revenue of the first two sadaburts Rs. 1,173 and Rs. 1,006, respectively, assigned to Badrinath and Kedarnath, was distributed in grain-form to the pilgrims at Pipalkoti, and Putun dharmshalas on the pilgrim-route. Dasoli's proceeds were distributed at Badrinath in charity to the pilgrims visiting the shrine. The proceeds of Purkhandi, Bamsu and Maikhandi of Nagpur pargana of Garhwal were distributed to Kedarnath pilgrims. The total assessment of all these sadaburts amounted to Rs. 4,620 annually. Traill's interpretation was that these grants were religious only to the extent that these assignments were connected with the names of Badrinath and Kedarnath and meant to benefit only the pilgrims heading thereto but in all other respects they were purely temporal. The grants had been addressed to the zemindars of the assigned lands with directions for administration of the charity. The quantity

to be given to each pilgrim had been specified, a certain sum was also fixed for the salaries of the official functionaries and other contingent expenditures meant for the management. The annual surpluses were appropriated to a fund to meet the contingency of a much larger number of persons making the pilgrimage at the time of Ardha Kumbha and Purna Kumbha.

Traill's first recommendation made in 1816 for appropriation of the funds and their deployment for construction and repairs of Badrinath road had been turned down firmly by the Supreme Government. Things remained as in the past under control of the Rawuls of Badrinath and Kedarnath. The servants of the Rawul mismanaged the revenues, embezzled the proceeds and did not feed the pilgrims according to the old custom. Finally, in 1827 Traill took over the management in his own hands and decided to spend its surplus for repair of the roads from Joshimath to Badrinath and Karanprayag to Joshimath, in 1829. Two superintendents were appointed for distribution of the charity amongst the pilgrims and one more superintendent was appointed in 1829 onwards. Approximately Rs. 1,800 remained available on an average for the construction repair of roads.²⁰

When the control of the Board of Commissioners was extended to Kumaun in 1816 although Kumaun Commissioner was made responsible to the Board for management of revenue affairs of the region, it was also clarified that no Regulations were intended to be formally introduced into Kumaun. This left Traill to devise his own mechanism to manage day to day affairs of Kumaun. He did it by issuing ishtehars or Local Notifications or Rules. Interestingly none of these ishtehars, except one, ever received any express sanction of the Supreme Government, nor perhaps they were intended to be. The matters covered by these ishtehars relating to revenue provided for compulsory signatures of the Kanungo or Patwari on all sales of land by the proprietors, failure of which rendered such a sale-deed inadmissible in a Kumaun court of law. By another all the Pudhans were required at then end of the year to settle with other co-sharers the amount of government-revenue and if any part was still unpaid he was either to secure the acknowledgement of the defaulter or realise the entire amount. If the co-sharer failed to make such a settlement the Pudhan was to proceed against him within a specified time, failing which the Pudhan could present no claims later on. The Pudhans were also enjoined to settle their Pudhancharee dues within a specified time. The other Ishtehars covered subjects like complaints of cultivators about damage to their crops by stray cattles, their complaints against their own Pudhan and individuals, claims against any public official for bribery. Some ishtehars also covered certain civil actions like sale of wives by husbands and sale of widows by the heirs or relations of the deceased.²¹

CIVIL, CRIMINAL AND POLICE ADMINISTRATION

For the first ten years, except for 1820, Traill handled Kumaun all by himself without a civil Assistant. B.H. Hodgson was sent to Kumaun towards the end of 1819. After a few months he joined Gardner at Kathmandu Residency as his Assistant, replacing Robert Stuart. It was after having launched the Great Survey of Sambut 1880, preparatory to the first quinquennial settlement, that Traill asked for the services of an Assistant for miscellaneous duties like issuing pay-drafts, bills, handling hill-porter requisition from various quarters etc. and not for revenue-judicial matters. Fully conscious of the small revenue of his charge he requested for this help as all transactions were likely to be held-up owing to his long tours in the interior, in connection with settlements. For this he secured the services of Captain Sir Robert Colquhoun, Commandant of Kumaun Provincial Battalion, available at Hawalbagh itself. From 1825 to 1829 the second civil court of Assistant to Commissioner Kumaun, Dehradun, came into existence, which was again withdrawn in 1829, with the annexation of Dehradun to Meerut Commissary. Mosley Smith, his first full time civil Assistant, joined Kumaun only in March 1830.

To be more precise, upto September 1829 there was just one civil court in the whole of Kumaun, that of Kumaun Commissioner for the cognizance and adjudication of all civil claims. It settled all such claims expeditiously and there were no arrears. Gross abuses had characterized the Native courts under the preceding governments when the administration of justice was an avowed item of public revenue. Earlier the office of the judge was auctioned and farmed to the highest bidder. Accordingly, it was not deemed expedient to have the lower tribunals presided by the native judges. After a passage of full fourteen years it was thought fit that local people might now be in a position to appreciate the British judicial system. It was only then that on the one hand the local tribunals were set up to meet the ends of justice and good governance, on the other the increase in wealth and enhanced value of property had also given rise to increased litigation.

Even so, in selecting suitable officers for discharge of the duties of Native Commissioners the main consideration was to incur as little additional expense as possible. With this view the duties of district Munsifs were delegated to the Kanungos. By 1829, with induction of district Patwaris, they were also not left with much work. By this arrangement all extra expenditure was saved and the charge for stationary was defrayed by institution of a fee of eight annas on each suit. The total income out of this fee, in cases decided on investigation, or adjusted by raazinama or compromise, was paid to the Munsif. In suits dismissed in default the revenue was remitted to the government.

Out of eight Munsifs, seven were the Kanungos and the eighth was the Court Pandit, designated as the Suddar Amin, who resided at Almora. The Suddar Amin's jurisdiction was limited to Almora and Baramandal pargana. The second Munsif decided cases relating to Phaldakot and Dhaniakot Kota, Chukata, Ramgarh, Chowgarkha, Gangoli, Danpur and Katyur; Shor, Sira and Askot; Kali Kumaun and Dhianirow; Chandpur, Badhan, Dasoli, Painkhanda, Mulla Sulan and Tulla Sulan, fell in the jurisdiction of the fourth, fifth, sixth and the seventh Munsif respectively. For the remaining parganas of Garhwal, viz., Nagpur, Choukot, Ganga Sulan, Srinagar, Barahsyun and Dewalgarh the eighth Munsif was the civil tribunal.

The rules for the guidance of the Munsifs were framed, locally, in the spirit of Regulation XXIII of 1814. The Munsifs were authorised to take cognizance of claims for the arrears of rent of the current year and hear complaints for damages caused by cattle to crops of the villages within their jurisdiction. The latter formed the most common cause of quarrel in the interior. In the beginning the Munsifs were empowered to try suits for money or other personal property upto only Rs. 25 worth of value, the ceiling was later raised to Rs. 50 in 1830.

The parganas of Painkhanda, Johar and Darma were retained by Traill to his own civil court and he entertained all original suits of the Bhotias, who inhabited these tracts. These civil suits mostly related to the disputes connected with their trans-Himalayan trade and also civil suits connected with their transactions with brother traders of adjoining border areas, like the Protected Hill States, the region now termed as Himachal Pradesh. In one such dispute Traill testified to Captain Kennedy, Principal Assistant of Subathu, that Fateh Singh and Deb Singh, were two of the most wealthy and respectable Johari Bhotias of Kumaun. As stated earlier, he even set up a Commissioner's Kutchery at Bageshwar, where he settled all revenue, civil and criminal cases of the Bhotias, obviating any need for them to travel all the way down to Almora, in connection with litigation of such types. This unique practice of making justice available at the nearest point, at the most suitable and convenient occasion, i.e., at the time of annual Bageshwar Fair, was retained by Batten and even Henry Ramsay, even after the Assam Rules had come into force in 1839. Mosley Smith, the first Assistant of Traill, recalled its evident benefit later, as Registrar of the Suddar Diwani and Nizamut Adalat, and issued exceptional savings in institution of original suits in favour of Commissioner Lushington. Administration of Non-Regulation tracts evidently was far more beneficial for the border districts compared to Regulation districts, a fact which John Strachey was later to openly condemn, albeit within the bounds of official-correspondence. It also underlined importance of "local experience of hill-tract", an argument Commissioner Batten was to use successfully in securing the services of Henry Ramsay, as Senior Assistant for Kumaun Proper, after there was an

evident relative decrease in the emoluments of the Senior Assistant looking after Kumaun.

A limitation period of four years was fixed for taking cognizance of claims and the right to appeal, from the decisions of Munsifs, to the court of Kumaun Commissioner was also admitted. Two months was the period of limitation for filing such an appeal. Land-disputes formed the greater portion of civil suits and their value rarely exceeded Rs. 100. The Sudder Amin could investigate suits upto a value of Rs. 100 and above this value suits could be entertained by the Commissioner or one of his Assistants. The civil claims of real property could be heard only by the Commissioner or his Assistants.

Plaints were presented earlier on a paper without any stamp fee but after 1829 they were graded according to the value of the suits and these helped defray stationary charges. In civil judicature, simple procedure of the preceding government was generally retained. While the plaint was to be written on a stamp paper of Re. 1, eight annas or four annas, according to the value of the suit's claim, no other fee was charged. A summon was issued on presentation of the plaint and it was served by the plaintiff himself on the respondent. If the respondent did not turn up an *ishtehar* was issued with a fixed *meead*, or period for appearance of ten, fifteen, twenty or thirty days, according to the distance of the respondent's house. A copy was stuck up in the court and the second copy was sent to the local Patwari for affixing it on the respondent's house-door. If the respondent still failed to put up an appearance within the time fixed in the *meead*, the plaintiff was called upon to present his claim and an *ex-parte* decision was given. If the respondent put up an appearance he was required to file a reply, after which both the parties were heard orally, their exhibits were examined, if necessary, evidence was also called for. Examination on oath was ordinarily not resorted to.

On a decision being passed, copies were given to both the parties and the decree was executed as soon as application was made to the court of the Commissioner. In the event of a great delay in applying for execution the decree-holder was directed to enter his suit *de-novo*. Cases were not uncommon where the decree-holder was found keeping the decree in his possession just to harass the debtor.

Ejectments, attachments, plans of disputed premises, measurements, etc., were ordered through the Nazir of the Court and executed through the local Patwari. Debtor was confined only until such time when he could enter into engagement for paying the amount of the decree in reasonable installments, providing security for the same; or if insolvent, until his property had been wholly attached and sold.

Imprisonment and sale in satisfaction of a decree was somewhat rare. The number of Diwani prisoner rarely exceeded eight to ten, at the time.

A fixed sum of two annas tulubana was charged for warrants for execution of decrees for land and houses, "tulub chitthees" to the respondents or witnesses were served by regular Chaprasis and the tulubana was credited to the Tulubana Fund. Out of this fund were paid twenty-eight Malguzari Chaprasis at a rate of Rs. 4 mensum. An extra allowance of Rs. 4 per month was paid to the individual who maintained the accounts of this Fund. Contingent expenses of belts, badges for Chaprasis were also defrayed from this Fund.

"This omission of not examining witnesses on oath," clarified Traill, "did not arise from any ignorance on the part of litigants of the nature of oath", but on the contrary they were remarkably sensible of the religious obligations and thus generally averse to incurring the responsibility of an oath. Traill did not favour an indiscriminate application of it on all occasions which would have reduced its force in these law-abiding hill-tracts.

No licensed Vakils, as in the Regulation provinces, were allowed to practice in the courts of Kumaun but the parties who were unable to attend were permitted to appoint any person as their agent. This greatly precluded all vexatious litigation and prevented unnecessary delays in disposal of suits. Quite contrary to existing civil, criminal and police administration of this period of the British rule, Kumaun Commissioner regularly submitted annual reports on the state of civil, criminal and state of police, to the Special Commissioners appointed under Regulation X of 1817, the only Regulation introduced in Kumaun for a long time. Judge Master was the first special judge to be so appointed for the trial of cases committed by Kumaun Commissioner. R.T. Glyn, of course, received far better notice of such an arrangement owing to his investigation of slavery cases and his report on the condition of forced labourers. In fact, after Judge Master, every now and then, Special Commissioners were appointed, as and when a sufficient number of cases accumulated for trial of heinous offences. After 1829, the Commissioner, Revenue and Circuit, Rohilkhand Division, at Bareilly, was especially empowered under the Regulation aforementioned.

Commissioner Kumaun, in addition to committing cases relating to heinous offences, also submitted a statement about civil, criminals justice, in a detailed report on the state of police and jails. Traill in a similar report to Glyn in 1822 reported that the first process called ittalanama, was sufficient to produce an amicable settlement between the parties and a suit was not included in reports submitted regularly until the first process was returned to the court by the plaintiff. In 1821, i.e., the year under report, there were 273 suits, of which 193 were

decided, 80 were withdrawn for *razinama* and 2 suits related to disputed boundaries. Upto 1821, no suits had ever been instituted for a revenue or rent except when the property or the possession on land was also claimed. The revenue was so light that it was almost invariably paid in advance. As, by and large, the proprietors were also the cultivators, suit for rent did not become a cause for a claim. Upto June 1822, only 164 suits had been entered of which 76 had been decided, 40 withdrawn by *razinama*, after evidence had been taken, 48 were still pending, and 3 suits related to disputed boundary. There were, however, numerous disputes pending along the frontier of the forests between the zemindars of Kumaun and "those parties of the plains". These suits could be settled only after the survey of Rohilkhand had reached these quarters which was then underway.

The creditors of Kumaun were reportedly extremely lenient and except in rare cases never required imprisonment of the debtors. Only two cases of civil prisoners were reported in 1822. One case related to refunding of Rs. 550, forcibly extorted from the plaintiff, on an obsolete claim of 80 year's standing. Traill, however, drew attention towards the custom of payment of bride-price by the bridegroom to the parents of the bride, which customarily established a claim of the husband on the wife, as if she were a property, to be freely disposed off as such. This led to institution of several claims in Kumaun courts for restitution of wife from a seducer. Even if the wife had contracted a second marriage the aggrieved husband filed a suit for the recovery of his bride-price. Regardless of a second marriage the husbands sold of their wives to the highest bidder and in the event of death of the husbands the heirs disposed off the widows without any compunction whatsoever. While the courts entertained no such claims and set the wife free it also did not punish the seducer or the purchaser. Traill, however, did not consider it advisable to issue a legal enactment forbidding such a practice.

Sale of children originated from the overall poverty of the lower classes who had no other assets, under the former governments to satisfy the never ending revenue demands. He help the view that lightness of the demand was the best check against such a practice. Due to comparative improvement in the economic condition of lower classes such sales were becoming extremely rare and it was now becoming very difficult for the dancing-girls to procure young girls at any price. The activities of a few bad characters was now effectively checked by guarding of all hill-passes. Transfer of slaves was not recognized and suits for restitution of slaves were not entertained. As any regulation to immediately free the slaves was likely to cause a great hardship he considered it prudent to tolerate its continuance for the time being. The courts were however to ensure "good treatment of their slaves". The Bhotias were also reported to have slaves of this description, purchased under the former government but they also were unable now to procure any. Infatide of female. However, was not known.

Year 1829 marks a watershed in the history of civil justice of Kumaun. From September the lower civil tribunals, first designated as Native Commissioners and later as Munsifs, were constituted; and just six months later, in March, the first regular Assistant to Commissioner's court (1830) came into existence. Thus, from just one civil court upto September 1829, within a span of six months nine more civil courts came into existence. During the limited period of 1825 to 1829 Kumaun Commissioner and Assistant Dehradun disposed off all the civil cases of Kumaun proper and the newly constituted jurisdiction of Dehradun, including Garhwal. Table VII illustrates the phenomenal rise in civil-litigation between 1821 to the year of Traill's departure (1835) from Kumaun, inter alia comparing the cases pending and disposed off by the various new revenue-courts.²²

Table VII: Comparative Civil Courts Business 1821, 1830 & 1835 A.D.

<i>Court</i>	<i>Year</i>	<i>Pending</i>	<i>Instituted</i>	<i>Disposed</i>	<i>Pending</i>
Commissioner	1821	-	169	116	48
	1830	71	1,932	1,865	77
(Original)	1835	39	784	778	54
App. from Ass.	1835	1	93	90	4
App. from Mun.	1835	4	191	180	15
Commr. Total	1835	44	1,068	1,048	73
Assistant	1835	37	370	361	46
Munsifs	1830	-	687	532	155
	1835	904	2,987	2,935	956
Civil-Total	(1835)	985	4,425	4,344	1,075

In other words, the pendency from zero went upto 985 civil suits, institution from just 169 to 4,425 cases, disposal from 116 to 4,344 and pending cases at the end of Traill's tenure from 48 civil suits to 1,075 suits. It would be fair to conclude that Traill's tenure witnessed a significant rise in the value of property, both in land and other assets, and awareness among the hill-men of their rights relating to real estates, especially amongst the lower classes of zemindars. Another significant development in the history of Kumaunese civil-judicature was retention of Civil Judge powers with the local civil authority. In 1829, with the change brought about in Bengal Presidency by the constitution of the Commissioners of Circuit and Revenue, Melville who took over as the first Commissioner of Rohilkhand Division, expressed his doubt about the legality of entertainment of appeals from the orders of Traill to his court. The government clarified that the appeals from the orders of all lower tribunals of Kumaun were to lie with

Kumaun Commissioner and it did not wish to entertain any change in the judicial affairs of Kumaun, which had so long been conducted so ably by Commissioner Traill, to the entire satisfaction of the Government.²³

When Traill finally quit Kumaun he had doubled the land revenue in twenty years, as he stated in his last communication to the Government "without a single remission, without the sale of a single zemindar." It needs to be, emphasized that at this stage of civil-judicature land disputes fell into civil-justice. The 43 Rules he had devised for the guidance of the Munsifs in May 1829 ensured that the justice dispensation was quick, without vexation and taking full cognizance of the local prejudices and shortcomings. No Vakils for action and pleadings (Rule 6); summoning of no females of rank or respectability by the Munsifs, as a witness; but forwarding of such cases to the court of Commissioner for disposal; where such contingency arose (Rule, 22), referencing of suits where the respondent did not turn up after service of the summons to the court of Commissioner (Rule 23); ultimate reference to the court of Commissioner execution of all decrees (Rule 39); and reservation of right to recall any suit from lower courts (Rule 41) although meant an avoidable taking of suits on himself but it precluded all possible attempts at harassment by the lower tribunals and added to confidence of the litigants in this particular arrangement. Traill fully brought to bear his local experience of hill-tracts in all innovations introduced in judicial department and this ensured their painless application. It was no wonder that Philip Mason in the late 1930s was still being informed about by the successor-generation of hill-men what Traill so assiduously taught their ancestors in the course of his seven rounds of non-formal education, stretched over two decades of revenue-settlements. Undoubtedly Traill was the greatest educator Kumauni zemindars had ever had were likely to have. James Thomason, the Lt. Governor was only echoing the lessons of these early experiments in educating the teeming millions of Indian farmers, when he advocated an elementary education based on educating the farmers according to their priority needs in reading *khasra* and other documents.²⁴ It was more so in the case of Kumaun where formal school education had a much delayed entry compared to the plains where a cess was first levied as early as in 1833 for setting up *hulkabandi* schools.

It was in the realm of criminal-justice alone that the British deemed it prudent to introduce any Regulation in Kumaun at all. Even today, it is a matter of hot-debate whether the Revenue-police is the best agency to bring to the fore the real state of crimes committed in the hill tracts. From the point of view of criminal-justice, the real issue is whether all crimes, which do get committed, are taken cognizance of and the guilty tried and convicted. The issue of investigation agency is a different matter altogether. Going by the state of communication, as it

existed in the first twenty years of the British rule, the mores of the society and the method of reporting crimes gave an impression that the society was comparatively free from crime. True, the number of reported crimes was quite small and heinous crimes, as they were then defined, leading to wilful murder of a person, were comparatively few as compared to such crimes which were reported from the Regulation districts. But, the lurid details of crimes against hill-women, if they are any guide and which one comes across in the committal proceedings of the Assistants to the Commissioner, after 1839, provide us a positive proof that the magnitude and nature of crimes in cruelty of committed against women especially, equalled or perhaps even surpassed those committed anywhere. The fact repeatedly highlighted by several Commissioners and subordinate civil officers and Special Commissioners, that one half of the Kumaun population viz., women, received no better treatment than mere chattel and they *were* bought and sold like any property. The number of crimes against wives and widows alone, which necessarily must have been committed before they *were* brought before a tribunal, is a matter of independent investigation. For our purpose, it is sufficient to infer that the number of actual crimes committed against all human beings was many times more than the figures made officially available lead us to believe. Even the Sudder Diwani Adawlut forbid Henry Ramsay, as late as 1854, to proceed against the Naik community for selling their young female children into prostitution, taking a stand that it was nothing more than *contra bonos mores*. The dancing women of Almora, the Paturs, openly bought young girls for bringing them up for prostitution. It is only in this back-drop that we assess the actual status of criminal-justice in Kumaun.

Regulation X of 1817, prohibited the Kumaun officials, who *were* otherwise charged with the superintendence of police and criminal-judice, from awarding any punishment in heinous offences viz., murder, homicide not amounting to murder, robbery, affrays and treason. They were required to commit all such cases to a Special Commissioner, especially empowered to try such cases, by the express orders of government. Whalley, who has been erroneously quoted by Atkinson and a host of others who unquestioningly followed him, draw a conclusion that such crimes were so rare that for some years it was considered not necessary to invest any officer with the powers of Special Commissioner under Regulation X of 1817. Nothing could be far from this assertion as in the first year of the Regulation itself, i.e., 1817, the first Special Commissioner, Masters, was appointed to try all such cases as committed for trial by Traill. These Special Commissioners not only tried committed cases but also furnished a report to the government on the state of criminal-justice in Kuinaun and the police administration. Criminal justice was certainly in a very nascent stage; as jail-deliveries were only twice in a

year; the trial *of* criminal cases took unduly long time and it cried out for a reform which was initiated by Lord William Bentinck, after 1829. It was a situation not particular to Kumaun but to the entire Bengal Presidency and, therefore, Kumaun administration cannot be singled out for a callous treatment *of* apprehended offenders, which naturally included those who were ultimately acquitted *of* charges. R.M. Bird's criticism, made out in 1837, has to be read with this perspective and not with the hindsight *of* reforms which were to be introduced only in the later half of 1830s.

While in 1829 appeals in civil cases were retained with Kumaun Commissioner, Regulation X *of* 1817 did not vest him with absolute control over criminal-justice. The trial of heinous crimes remained out *of* the purview *of* Kumaun Commissioner throughout the first two decades. Masters, Elliot, Glyn, Cowell were all such Special Commissioners and R.T. Glyn, more well known owing to his deeper investigations into various aspects' of criminal and police administration of Kumaun, was not the only one, as has been the general impression gathered from the published accounts of Kumaun administration. After 1829, Commissioner of the Circuit and Revenue, started performing this role but they has been all still had to be specially notified for this under the said Regulation. Melville, Robertson and Campbell, all Circuit and Revenue Commissioners of Rohilkhand Division, were those other Special Commissioners who performed this duty in their ex-office capacity.

Kumaun Commissioner submitted to these Special Commissioners an annual report on criminal-justice, police and jails and the Special Commissioners in turn submitted to the government their general comments on these points. The Calendar of Committed cases gave out all the particulars of such cases, including the fact of entry into prison of apprehended and committed prisoner. On several occasions the prisoner had already undergone a longer term of imprisonment than his conviction ultimately necessitated, and the Sudder Nizamut Adawlut, who ultimately confirmed the punishment had to simply order release of such prisoners, after finding them guilty.

Muchee and few others were the first criminals involved in heinous crimes to be tried by Special Commissioner Masters at Srinagar, in November 1817, in the Sessions trial held here. Due to paucity of time, in the notice for trial, several principal witnesses could not turn up to give evidence before the Sessions Court. Judge Masters gave instructions to Traill to avoid recurrence of a similar situation in future. Traill on his part informed the Commissioner about the peculiarity of the hill-tracts, which necessitated a much longer notice, as the prosecutor or the

complainant and the witnesses had to be summoned from long distances and the road-conditions were very difficult as compared to the plains. For oath taking a *Ganga-jali* was employed but Kumaun required no *Korani-Mulla*.²⁵

In his early report on crimes, in 1819, Traill informed Judge Elliot that the smallness in number of crimes was neither due to "want of information of crimes", nor to "inefficiency of the police but because of universal detention of the hill-people against theft or other heinous offences". If any offence was committed "they themselves exerted to detect and apprehend the criminals. During the first two years of the British rule only one murder and eight thefts had occurred and these too in the cities of Almora and Srinagar. Out of the sixteen persons confined in jail majority were the "plainsmen". Sketches of Kumaun and other reports sent to the Government declared it as a branch of minor importance, as far as Kumaun administration was concerned. One has to further understand the real state of affairs in 1823, i.e., the year of the much quoted statistical sketches of Kumaun, which only details the state of criminal affairs upto 1823. While Traill's narration is more or less correct, subject to the qualification already spelt-out about the unspeakable state of crimes against hill-women, the *thanas* of the southern frontier presented a totally different picture of absolute lawlessness, necessitating appointment of an officer of the calibre of Halhed; creation of a new jurisdiction of Northern Division of Moradabad district in 1823. It was so serious a situation that Traill in September 1823 recommended to Walter Ewer, the Superintendent of Police for North Western Provinces, extension of Regulation XX of 1817 to meet the situation frontally. This free bootery was confined to the patch of forests, of 6 to 12 miles breadth, which bordered Afzalgarh to the Ganga tract. The southern side of this border was full of wood-cutters, transporters of timber, *banjaras* and other herdsmen and *shikaris*. The patch of forests, without any water, rendered deployment of any police force or guards impossible, making it an ideal haunt of the criminals, greatly facilitating highway robbery and other crimes. While from Ghagra to Afzalgarh, there had been just two cases of dacoity during the eight years of British rule in Kumaun, in Afzalgarh to the Ganges, the dacoities were an annual feature. The timber merchants were special targets of depredations and as many as seven villages had been plundered during the past eight years. Kalu dacoit and his gang wrought such a havoc, from 1820 to 1823, that several marts along Afzalgarh-Najibabad axis were severely affected. The hill-people moved in batches of twenty to hundred traders and this became a chief attraction for dare devilry as they were all unarmed. These offences were committed without any bloodshed but the hill traders instead of lodging complaint in the Rohilkhand courts or *thanas* preferred to "return with all speed to their homes", with their peculiar fondness for safety, even though a fair prospect existed for recovery of

the booty. The *banjaras* tribe were notorious for highway-robbery. Ostensibly collected in the jungles for jungle-produce they stopped and stripped single passengers, specially women, of their property and ornaments. Cattle thieves mostly came from the doab, the herdmen were sometimes killed or often conveniently tied with the trees, to common any immediate pursuit. Cattle-stealing, by far, was the most prevalent crime in the forests. Main perpetrators were the Meerees and Mewatis, who were attracted by large herds grazing in the jungles.

Special Commissioner R.T. Glyn's report covered a period of full two and a half years, January 1920 to July 1822. Traill informed him that the number of crimes was small and out of five murders, three could be tried by Glyn, the 4th having died and the 5th having prisoner having run away to the plains. There were no affrays and only thirty-one cases of petty thefts had taken place, in all of which offenders had been arrested. The cases which occurred in the interior were not-reported due to "very simplicity of the inhabitants." The inhabitants, except the higher classes, were "in no way scrupulous regarding the virtue of wives". Except in cases where their wives had been inveigled away by the seducers the husbands very rarely moved the courts for punishment of the adulterers. Only six cases were reported and all adulterers had been punished. In 1821, four *sutees* and four suicides has been reported.

The kind of offences which merited harsh punishment from Traill, during 1820 to 1822, included forgery by imitating Adawlut seal (Beerooa, 1820, one year hard labour); affray with beating (Gungaram, 1820, five months); petty theft in dwelling house (Gungooa, 1820: six months); affray with death (Ram Singh, 1820, one year); adultery (Kiratna, 1820, eight months); several petty thefts (Khairati, 1821, three years); perjury (Bhimi, 1821, six months); adultery with the intention of selling another man's wife into slavery (Kunmchu alias Gangooa, 1822, two years' hard labour); receiving stolen property (Muglasi, 1822, six months' hard labour); aggravated defamation and aspersion of caste (Doulia, 1822, six months' hard labour); attempt at poisoning (Sitab Singh, 1822 one year's hard labour); enticing away four persons for slavery (Umapati, 1822, three years) and burglary (Bhaskar, 1822, one year). Defamation of caste, petty theft, gambling, aspersion of caste; contempt of court, extortion with violence, forcible seizure of cattle, aiding offences of petty nature, assaults threatening the life of plaintiff, selling female slaves, running away from public employment, assault and ill treatment of Chaprasis, were treated comparatively lightly.²⁶

Traill brought it to the notice of the government that since 1815 on an average three murders were committed in Kumaun annually and thefts above Rs. 50 averaged

about six, and going by the sentences passed by the Suder Nizamut Adawlut an impression was gaining ground that under the British system of criminal-justice, a murder was not punished by death, unless it was accompanied with plunder. Imprisonment was viewed in Kumaun with "perfect indifference" and even banishment did not have much effect. During the native regime the penalty for murder was fine but it was much more dreaded as it usually led to confiscation of property and sale of the criminal and his whole family into slavery, in liquidation of the fine imposed. When a jail sentry fell asleep, providing a good opportunity to escape, while a criminal from the plains seized the opportunity the hill-convict under going a sentence for murder, did not make any attempt at all.

Murders had started taking place on the slightest provocation even on petty matters, like quarrel over a piece of land and two such wanton murders had taken place in 1822. Traill furnished to Glyn all the information he required on slavery, treatment of hill-women, especially about sale of wives and widows and forced-labour, his suggestions on each evil custom and the efforts made by him to reduce their incidence and malignancy.

Inclusion of Dehradun in Kumaun was clearly reflected in the crime figures of 1826, where it far exceeded those committed in the hill-tracts. It brought into sharp focus the difference in crime-profiles to the two tracts, i.e., the hills and the turai-plains. As the subject of crime-management and police was being constantly reviewed during 1829-1835, in the Presidency of Bengal, the criminal-justice reporting underwent frequent changes, which makes an objective and comparative assessment quite difficult. However, Table VIII gives us a comparative position of crimes during 1820 to 1837.²⁷

Table VIII: Comparative Position of Crime

<i>Crime</i>	<i>1820</i>	<i>1824</i>	<i>1825</i>	<i>1830</i>	<i>1837</i>
1. Murder	4	3	-	3	7
2. Dacoity	-	3	-	10	28
3. Highway robbery	-	-	-	31	-
4. Assaults/Affrays/Violence	24	7	11	10	8
5. Theft above Rs. 50	3	8	1	-	31
6. Theft below Rs. 50	29	18	15	-	-
7. Arson	-	1	1	-	-
8. Selling of females	-	1	-	-	-
9. Sale of females	-	168	234	-	7

The figures of 1824 and 1825, taken from Traill's report to the Government in 1824 and 1825, term the offences mentioned in serial numbers 9, 13 and 14 as of "trivial nature" which were on the increase. Their absence in subsequent years, or relative smallness, is due to change in the formats for reporting which either omitted them altogether or did not lay sufficient emphasis on collection and reporting of their incidence. Another-set of statistics is also available for this period which lays emphasis on persons "apprehended" and "punished" during the six months period under report.

This position, which provides a comparatively more accurate information about criminal-justice during this period is given at Table IX. Years marked with the asterick cover the total year's position under the concerned heading.²⁸

Table IX: Number of Persons Apprehended and Punished 1824-1835

Activity	1824	1826*	1829	1830*	1831*	1832	1833*	1834*	1835*
Persons Arrested	23	340	70	152	118	58	207	172	155
Persons Punished	38	147	NA	110	74	40	NA	NA	123

During the early years the punishment was not only meant to be a deterrent in its severity but also quite demonstrative. Roopooa was ordered by the Nizamut Adawlut in May 1819, convicting him of highway robbery with wilful murder of Chuttuneea, to be hanged by the neck until he was dead and "his body to be afterwards exposed upon a gibbet, at the spot where the murder was committed." Later similar punishments do not prescribe post-death display of the convicts dead-body.²⁹

Ordeal-trials were continued by Traill, especially in the "loss of caste" cases. After the Court Pundit pronounced his judgement such orders were treated as final. Before the judgement, however, wherever recommended, Traill allowed trial by ordeal, an ancient practice seems to have been applied for. No higher sanction than Traill's himself was ever availed of in respect of such trials or the sanction of any higher authority for continuation of such an ancient and archaic of the practice. Cases of witchcraft were very common. The condition of the society being what it was in early 1820s, such allegations were allowed to be entertained by the court of Commissioner himself. Both the prosecutor and the offender were put in the *hawalat*, until they produced a *razinama* (compromise). In more serious cases the sorcerer was required to furnish a personal bond to the effect that he will not in future molest the complainant, or anyone else, with his pretended incantations. Until he agreed to tender such a personal bond he was kept in confinement.

However, Traill prohibited any other court from trying such cases. Evidently, Traill believed in gradual introduction of new criminal-legislation but at the same time ensured it that the old practices did not acquire a permanent foothold.³⁰

In 1824, the sale of wives and widows was prohibited by a proclamation on the recommendation of Traill and the practice started dying out. Still in 1831 many ingenious attempts were made to evade the Regulation forcing him to observe very strict adherence to the provisions of the rules. The new husband tried to pay bride-price feigning as if it was for discharging the debts of the deceased husband, devolving on the widow. Whenever such cases became known, the receivers of money were levied an equivalent amount as fine. The proclamation issued on the subject also made it clear that it was not intended to discourage re-marriage of widows and it said so in so many words. Glyn in his report to the government lauded the efforts made by Traill in eradicating all these evils in most pragmatic way and the government also issued its approbation of the ways devised by Traill for their gradual elimination.³¹

Annually a large number of deaths took place due to other causes like killing by wild beasts, suicides, *suttee* and self immolation. In 1826 such deaths numbered 69; in 1827, 103 and in 1830 as many as 236. Pilgrims came all the way from Gujarat to Kedarnath to reach a snowy peak called Maha Panth, with the avowed purpose of dying on the way, as they left behind their clothes and took no provisions with them. In 1825 as many as 20 went up and only one came back alive to Kedarnath.

Police arrangements were geared according to the local needs and of course gradually dovetailed the need of reduction in public expenditure. Changes in police infra structure took notice of a comparative freedom of the interior from crime, which gave rise to system of community responsibility. From 1819, the revenue-police system came into existence with the introduction of the District or *pargana* Patwaris. The main towns of Almora and Srinagar had a semblance of police, i.e., a Kotwal at Almora upto 1823 and a Jemadar at Srinagar, with a posse of Burkundazes (armed personnel), in view of a comparatively large civil and military population and also the sole treasury at Almora and a Tehsil-treasury at Srinagar. Srinagar justified such a system in view of its principal position on the pilgrim-route. The hill-passes in the foot-hills needed a relatively stronger arrangement. In 1822, the *thanas* at Birmdeo, Kota, Dhikuli and Kotdwara were manned by a Jemadar and 6 Burkundazes each. Almora Kotwal was assisted with 25 Burkundazes and Bamouri Thanadar with 20 Burkundazes. From Provincial Battalion, a civil force raised in 1815, 16 guards were deployed at the foot-hill passes

and from Ganges to the Sarda, 150 manned the frontier, during the healthy season (middle of May to middle of October) only.

In September 1823, the post of Almora Kotwal was abolished and his duty was given to the Peshkar of Huzoor Tehsil. The reason being that now Almora had gates at all the outlets and it was now easier to control entry and exit from this town. In 1823, in addition to Almora, *thanas* also existed at Bamouri, Dhikuli, Sunnea, Kangra, Kotdwara and Shore. All the three decoities reported in 1824 were committed by Kaloo Gujar's gang near Najibabad. In these two sepoy of Kumaun Provincial Battalion were looted, one sepoy was killed and four received wounds. With the addition of Dehradun the foot-hill police arrangement was changed once more. Now, all foot-hill *thanas* were abolished except Kotdwara, Shorepur, Lachhiwala, Khurruck, Khansrad, Mohun and Sainspur, in the newly carved Dehradun joint-magistracy.

Prior to 1823 custom Darogas were posted at Bilheri Mundi, near Pillibhit-Bareilly border, and at Chilkia Mundi, north of Kashipur. As the trade slackened they were withdrawn in January 1823. Traill opposed posting of custom-personnel for manning upper-ghats in 1833, as in addition to being costly, this move was likely to lead to additional molestation of traders, who were already facing "too many natural obstacles."³²

Kumaun's first mosque was built in 1829 and the Hindu residents objected to its construction through a petition to the government. Under the Hindu rajas such establishment was not permitted. While Traill respected the sentiments of Hindus an about cow-slaughter but he considered their objection to construction of a *musjid* as frivolous. The government also rejected the petition filed by the Hindus on this score. The British forces consisted of a good number of Muslim sepoy and from 1815 onwards they used a place as the *karbala*. Blinkworth, the Company's Plant Collector, had dug up some part of it as an extension of the garden. The sepoy got enraged and cleared that ground of all plants. Mosley Smith, the Assistant, was deputed to earmark the ground again as *karbala*, for burying the *tazias*³³. The British troops consisted of Muslims and European officers but the Supreme Government in deference to the sentiments of the Hindus had ordered that beef should not be eaten, if sheep and goats were available. Traill asked the Assistant Surgeon Bell to give him a written security that he will not kill kine in future, when it was brought to his notice that he had done so. The Nawab of Rampur was also forbidden to kill kine during his hunting expeditions in Kumaun *turai*.³⁴

Punishment for various crimes consisted of fines or imprisonments with hard labour in irons. Usually punishments upto two to three years only were given

but in certain cases Traill, as Magistrate, had given sentences up to seven years. Heinous crimes were committed and the sentences were confirmed by the Sudder Nizamut Adawlut on the recommendation of the Special Commissioner, prior to 1829, and Commissioner Revenue and Circuit cum Special Commissioner, after 1829. The only jail was located at Almora and it had a capacity to house 100 prisoners. The final orders were pronounced either at Bareilly or Moradabad. During the first two decades there was not a single appeal against the orders of Kumaun Commissioner and his orders were final, as a Magistrate. Similarly no appeal ever seems to have been preferred against an order of the Special Commissioner or the Nizamut Adawlut.

WELFARE OF HILL-PORTERS

Freed from the Gorkha atrocities of over twenty-five years the Kumaunese, especially its lower classes, soon found themselves condemned to an equally irksome tyranny of forced-labour. No one disliked it more than Traill himself. In the Regulation districts, by Regulation XI of 1806, the Magistrates' and Collectors had been empowered to requisition coolies to facilitate marching of troops and even for private travellers. It became more intolerable in the hills on account of a heavy concentration of troops in a man-power deficient country, a near absence of roads or the beasts of burden, the undulating nature of the terrain and finally the insalubrious climate of the *turai*. To cap it all, the Military Board insisted on changing the stationed troops every three years, for which provisions had to be laid out at every halting point. The incoming troops divided themselves at Bareilly, one heading to the Sunnea Mundi, en route to Lohaghat-Pithoragarh, and the other to the Bamouri Mundi, for marching towards Almora. It was preceded by a similar movement, requiring all the arrangements at the stages, by the departing Regiments. This requirement was concentrated during middle of October to middle of May, when the *turais* permitted a safe passage to the hills. Traill considered it purely as a local problem and manfully handled all the attendant pin-pricks, especially raised by the Station Commander and the Commanding Officers of Lohaghat and Pithoragarh out-posts. As the Supreme Government was fully conscious of this evil he raised only policy related issues. The objective was to reduce to the minimum the ill-effects of this necessary evil.

Kali Kumaun was the worst affected region. The zemindars migrated to the Bhabur in October, as they had done for ages, and now they did it deliberately for avoiding conscription, as porters. An extensive migration to the adjoining regions of Nepal was but natural, leaving several villages deserted and a considerable fall in cultivation. This was the alarming situation which Traill inherited from Gardner. Considerable time of Kumaun Commissioner was used up in these petty matters

reducing his role, as Commissioner Col. Gowan was to comment later, to that of a minor "Collectorate officer."

Traill got a government order issued in October 1816, by which all civil and military travellers were prohibited from pressing hill-porters to carry their personal baggage or performing any other service. They were asked to hire bearers or *coolies* from the plains, when they commenced their journey upwards. Traill's reluctance to encourage European travellers to undertake journeys into Kumaun hills is much better appreciated in this context. Barron's Kumaun in 1840's was quite different from the early decade of Traill, and a businessman was the least qualified person to understand the ground-realities of local administration.

The Commissariat had employed a few mules for carrying military equipment and supplies. The 300 mules they had employed in the initial years had either died or became unfit for duties. Failing in his requests to the Commissariat for their replacement now Traill brought the issue to the notice of the Supreme Government in 1822, requesting for a fresh deployment of 300 mules. The two Nusseeri battalions posted at Lohaghat and Pithoragarh needed an import of 18,000 maunds of grains. But, 3,900 hill-porters could barely bring-up 3000 maunds and the police officers reported serious difficulty in assembling the required number of hill-porters.

Traill's handling of the vexatious porter-management issue reveals his deep concern for the hill-people and an unparalleled skill in handling crisis of any magnitude. His strategy consisted of reducing the over-all burden by induction of expensive Mules Establishment for carrying heavy military loads, introduction of a liberal rate of hire to make portage voluntary, preventing abuses in requisitioning porters and ensuring an equitable mode of requisition. The heavy demands of Public Work, like construction of military roads, bridges and public buildings, etc., and the demands of the Commissariat and Ordnance Departments, proved quite injurious to the agricultural sections of the society and the hill-area as a whole.

In July 1817, Traill divided and apportioned revenue *parganas* to the various army units stationed in Kumaun, Commissariat and the Engineers. The Artillery was allotted Phaldakot and Dhaniakot; the Native Infantry *pargana* of Pali Pachaon; Lobha and Chandpur to the Pioneer; Kali Kumaun and Dhanirow to the Right Wing of Nuseeree; Gangoli, Shor and Sira to the Left Wing; and Kota, Chougarkha and Khurai to the Kumaun Provincial Battalion. The Commissariat were given nine revenue sub-divisions (*pattis*) and the Engineers also an equal number. Earlier, the porters could be requisitioned by an order of the Commanding Officer of

the out-posts but now they were required to direct their requisition parties to the allotted *parganas* strictly. The number of porters which each *pargana* or *patti* was required to provide was also indicated alongwith the names of the *pargana* or *patti*.

The number of houses in every village was ascertained and a porter from every four houses was fixed. Villages having less than two houses were exempted from such a porter-levy. A more liberal rate could not be adopted as it would have yielded a very small number of porters for the over-all requirement. A rotation of requisition was also followed according to the nature of the service and the place where it was required. For indents, both public and private, for less than 50 porters, the nearest and most convenient areas were selected, and for which no villages were selected further removed than one day's journey from the place for which the porters or labourers were required. In case larger indents of labourers from more distant places were pressed, it was ensured that they were not more than two days' journey from Almora. An exception to this rule was observed when the Corps were relieved from Kumaun duties and were replaced by other troops.

Collection of labourers and porters was not left to the Native public officers but the selection of labour-supply, the strength of men required and the nature of the services was invariably specified in the allotment-cum requisition-order. A copy of this order was also sent to the zemindars in order to prevent any abuse of this order. The bearers and *coolies* for private baggage were required to be brought from the plains and Traill expected that liberal scales of hire would attract a larger number of plain's coolies to the hills.

The above-mentioned arrangement came about in 1822 after constantly reviewing the experience gained over six years. The *parwana* or the order was issued to the concerned organisation and the supplies of labourers were provided by the concerned *pudhans*. From the very beginning the police of Almora were forbidden to interfere, in any manner, in the supply of labourers and the supply of labour from the *pargana* of Baramandal and other neighboring *parganas* was made by the Peshkar of Almora.³⁵ The Thanadar of Bamouri was also strictly prohibited from interfering in these arrangements. Only after two sick sepoy died at Bamouri in 1818 that an exception was made for supply of coolies in case of sick-sepoy only. In 1819, notwithstanding several *parwanas* issued by Traill the Executive Officer of Almora Cantonment could not secure 750 labourers required by him at a time, compelled the Station Commander, Lt. Colonel Lyons take up the matter at the level of the Commander-in-chief. Traill in his explanation referred to the smallness of Kumaun population and the fact that almost the whole area

within three days' journey around Almora had been exclusively appropriated for this purpose. This was such an exclusive appropriation that porters could not be available for private purposes. Traill mentioned that even the supplies of daily necessities were frequently held up at Bamouri for want of porters for as many as 6 to 10 months.

Before 1819 the labour supply was not adequately looked after owing to paucity of staff on full time basis. Traill suggested some additional staff which could look after this important branch on full time basis. The *parwanas* could not be effectively enforced as confinement of defaulters, by way of punishment, held little terror for the zemindars. For, in both the cases, he was taken away from his home and as a labourer he earned slightly more at official rate than the subsistence allowance he received as a prisoner. The jail-diet at that time was on money-payment basis. As a prisoner he was at least comfortably lodged while as a porter he was forced to seek a precarious shelter in some ruined house in Almora. Imposition of fines also was fruitless as too small a fine could be easily paid. A heavier fine, in any case, would have resulted in as an arrear of revenue, to be ultimately remitted, on account of his inability to pay.

Frequent disputes cropped up between the civil and military authorities over this seemingly small but highly ticklish matter. While the military authorities complained of civil functionaries taking away labourers working inside the cantonments the latter accused the former of "military confinement" of no less an official than the Peshkar of Huzoor Tehsil. Traill even had to warn against such misconducts on the part of military functionaries to the Station Commander. Doom Tulla mohalla of Almora, a ready source of labour, became a bone of contention between the Peshkar of Hazoor Tehsil and the Executive Officer of the Cantonment.³⁶

In 1821 Traill raised the hire-rates of labourers and prescribed additional hire rates for detention of more than four days for a journey between Almora and Bamouri. For every extra detention-day the labourers were to be paid 1/2 anna extra per day. The zemindars of Kumaun mostly ate mundua which sold at a rate of one and a half maunds to a rupee. The number of labourers which could be requisitioned in various parganas and by the Commanding Officers was also limited to a maximum of 15 at a time. This was strongly protested against by the out-post Commanding Officers. The Commanding Officer pointed out that between June 1817 to March 1819 as many as 30,080 labourers were employed on public-roads excluding 8,758 boys. About 30,900 on public-buildings and 40,000 on private-buildings and 1,695 on the construction of Military Bazar godown. This gave an average of 4,897 adult labourers per month in constant attendance. According to the new arrangement hardly 400 labourers would have

been available as against a minimum requirement of two to three thousand labourers per month for Pithoragarh-Lohaghat out-posts. Traill told the Commander that the hill-men were not averse to carrying loads, *per se*, in case the wages were reasonable. The borax-dealers, for example, experienced no problems in regard to the labourers as they gave them as wages sufficient money to take care of their food and clothing requirement for the whole month.³⁷

While this tussel was going on Glyn, the Special Commissioner, visited Almora to investigate the overall situation of criminal justice and trial of heinous crimes. As a total stranger to the hills he was appalled to see "the squalid, sickly, emaciated and half-starved appearance of the Khussees". He had expected to meet hill-men "of that strong healthy aspect which one usually associated with the idea of mountaineers." He was startled to see "all classes of hill-men, from the zemindars to the Dooms, all except Joshi Brahmins, Choudhuries and heads of villages", irrespective of their age and sex, employed in the hard, toilsome duty of carrying burdens from Bamouri to Almora. He estimated that anywhere between six to eight thousand Khussees were pressed into transportation of grains and baggage.

Traill accepted himself that even the revised hire rate of 12 annas for carrying baggage from Almora to Bamouri and back or of 8 annas for Pithoragarh to Lohaghat and 10 annas from Birmdeo to Lohaghat was totally inadequate, when Glyn enquired about the prevailing wages. He suggested to Glyn Rs. 1 per porter, if the number of labourers exceeded 40 and 12 annas if indent for the labourers was less than 40, during 10 October to 15th May. For the remaining period of the year one and half rupees, irrespective of the size of indent. He recommended the same rates for the eastern parganas of Kali Kumaun.

Glyn being an outsider had the eye to compare the prevailing wage-rates of Kumaun with Bareilly, where he was stationed. He pointed out that 12 annas for an absence from home for as many as 13 days was totally inadequate, as it was the actual number on an average when a porter was requisitioned from his home for carrying loads between Almora to Bamouri and back. This meant 12 seers of wheat for a detention of 13 days away from his occupation. If the porter had a wife or children or sick or aged relatives to support, 24 or 30 pounds of grain were certainly inadequate. Even at Almora, he observed, a labourers easily received one and half annas from the European residents and from the others, in addition some chabeena (parched grain). As even at Almora it was rather difficult to secure a porter at this rate the labourers had to be forced for public-service with the help of government Chaprasis. At Bareilly the wages were two and half annas per day and even the prisoner of Bareilly jail received more than a hill-porter for his daily sustenance. A private trader paid Re. 1 to the same labourers for a one way

carriage. Glyn recommended Rs. 1 as hire-rate or Rs. 2 per labourer for a return-trip. The government desired that a hire schedule should be drawn-up with at least one and half annas per day per labourer. Now fully backed by the government itself Traill notified a Regulation for Supply of coolies for the posts of Lohaghat and Pithoragarh on 9th November 1822; and another Schedule of Rates of hire for Khusseas employed in transport, if the porter were supplied through the office of Kumaun Commissioner, on 16th November, 1822.

Jamadar of Shor was now authorised to furnish on a requisition of the Commanding Officers only 15 labourers at a time for private works at the cantonments, for the parties of sepoy going on command or for transport of public-stores or private-bagage of military officers, between Lohaghat and Pithoragarh. For any higher requirement the Commanding Officers were now required to apply to the office of Kumaun Commissioner. The Jemadar of Shor was strictly prohibited to entertain any indent for higher demand without an express sanction of the Commissioner himself. The same rule for requisition was also made applicable to Bamouri or Almora. Now no porters were to be supplied to the banyas or the traders of the Military bazars and they were asked to procure labourers from the open markets, as other traders did. The new hire-rates were applied to the labourer employed in carriage of building materials such as slates, timbers, bullies and chuna. What is more, the grass was now to be paid at the rate of 3 annas per maund and chuna at a rate of Rs. 15 per 100 maunds, exclusive of carriage charge. Traill had secured the services of his first Assistant, since Hodgson and Shore, Sir Robert Colquhoun, the Commandant of Kumaun Provincial Battalion, who specially monitored the labourer-porter requirements received from various sources.

Now, hire rates of porters for several routes within Kumaun were fixed, different for an indent of less than 50 porters and for a larger one. The lowest rate of 10 annas per porter per day was fixed for Pithoragarh to Lohaghat and the highest of Re. 1 and annas 10, for Almora to Pithoragarh, for an indent of less than 50 porters. For an higher indent, 3 annas additional was to be paid to each porter. For the unhealthy season a higher rate of hire, Almora to Dhikuli pass @ 1 rupee and 12 annas and Lohaghat to Birmdeo @ rupee 1, annas 5 the lowest, was fixed. The porters bringing up stores or baggage from Bamouri, Dhikuli or Birmdeo were required to be paid immediately after the conclusion of the trip, while they were to be paid in advance if the baggage, etc., was carried out from Almora to any other point, under the superintendence of sepoys or servants. The payment was to be made in the presence of the native officer, who presented the porters. In the event of any porter absconding mid-way or not able to complete

the carriage due to sickness or any other reason, the money was to be immediately restored on an application to the civil officer, in whose presence the money was paid in advance. The days likely to be taken for performance of portage from one point to another were fixed and an extra payment of one and half annas were required to be paid to the labourer for extra detention over the limit fixed. A minimum of 3 days was fixed for Lohaghat-Birmedo route, while for Almora to Pithoragarh route was given six and a half days. The additional hire charge was to be given to the porters immediately after the expiry of the stipulated period, as the porters usually took with them provisions only for the originally requisitioned period.³⁸

Traill's objection to a large indent of labourers became so well known that the local military officials requested the incoming troops to very minutely re-evaluate their porter-requirement and replace as many of them with mules as possible. His solicitude to the welfare of hill-porters made him request the Supreme Government to ensure that the supplies of the Commissariat and the Ordnance (clothing) departments did not reach the foot-hills during the unhealthy season.³⁹

Traill, however, was not oblivious of the benefit this kind of work brought to the overall economic improvement of the hill-men and his liberal hire rates were directed towards achieving that end. The pudhans and lower functionaries were fully aware of his strict injunctions in this regard and no provisions were made available to any outsiders, unless accompanied with a parwana from the office of the Commissioner. This gave rise to "several anecdotes about Mr. T's jealousies about European travellers in Kumaun," his "Chinese system of government" and a general reputation of an autocratic behaviour. So much so that a European surveyor had to remain without food for two consecutive days as villagers refused to provide him any provisions without a parwana from the Commissioner. Viewed from the eyes of the hill-men Traill appears just the opposite and his other image was testified by Sir Francis Shore Jr. and later John Strachey, who also looked at things from a view point similar to Traill's.

Closely linked with the issue of labour and porter supply was Traill's relations with the army. There had been as many as eight Commanding Officers with whom he had to deal with during his tenure. In addition to the regular troops there was the Provincial Battalion, composed mostly of Gorkhas and the local hill-men. This Battalion was considered a civil force under European officers deployed in guarding frontiers, jail and doing other miscellaneous guard-duties. The Pioneers constructed the military-roads and the Commissariat looked after the supplies of troops.

He did not agree with Lt. Col. Lyon's suggestion to reserve the entire ground lying to the north of Almora ridge for the cantonment. This was the only part where Almora city was in all likelihood to grow, as it was not only the capital of the province but also the only market. The western end of Almora ridge, in 1817, was occupied by Fort Moira and the Sepoy Lines, the southern end by the Pioneers and the eastern-ridge by a bazar of low-caste Hindus. Col. Lyon addressed a letter to the Commander in-chief misquoting their discussion during a joint-inspection. To a decision based on this reference Traill addressed a direct letter to the Governor General. The Supreme Government, while agreeing with Traill's objections also told him that "the determination of a point of the nature is best formed by a communication between the authorities on the spot.". Both the officers were asked to work in concert, a golden maxim, valid for all times and all officers, administering the districts in whichever capacity.

Supply of food-grains for the large number of troops stationed in Almora and the eastern frontier posed the biggest problem for the civil authorities of Kumaun for a long time. It was perhaps at its worst during the days of Traill. Kumaun was deficient in food-production and he had brought this to the notice of the government as early as 1817. Traill to meet the situation, proposed 3 steps viz., sale of grains to the troops from the public stores maintained by the Commissariat in Kumaun, a substantial reduction in the army-strength and transfer of Kumaun Provincial Battalion to Srinagar in 1818. Initially, the government disagreed with his first two suggestion and deferred a decision on the third. But soon afterwards allowed issue of foodgrains at a rate of 20 seers to a rupee, subject to a total sale upto one half of the total Commissariat. The stocks issued were to be continuously replenished by supplies from plains. Relations of Traill with Col. Lyons worsened further on account of his taking Lt. Fordyce's side in a controversy involving the two military officers. Traill soon received a strong reprimand from the Supreme Government, reminding him of Col. Lyon's position as the Chief Military Authority in Kumaun, as important as Traill himself. Traill's continued pressure mounted on the Supreme Government finally resulted in withdrawal of 5 companies from Kumaun in 1818. The strength of Pithoragarh and Lohaghat out-posts were also reduced to mounted half of their previous numbers. Locally, the rate of food-grain purchased from the farmers was fixed at 28 seers to a rupee and the troops purchased their requirement from them at this rate. The Supreme Government directed Traill to ensure that the principle of demand and supply was allowed to operate and no artificial prices were fixed. The practice of forced requisition of foodgrains, with the help of troops, was prohibited from August 1817. In June 1818, all military parties deployed in procuring foodgrains were ordered back to their barracks. In August 1818 another withdrawal order of 5 companies was received.

Col. Lyons and Traill, after they received Supreme Government's displeasure, resolved to mend their ways by not addressing to each other, through public-letters, but only demi officially. This practice was continued during Lt. Col. Garner's time. Although strictly banned, complaints were still received from Chowbinsi, Gangoli and Danpur parganas, about forced requisition of food-grains by military detachments. Traill punished the defaulting sepoy and asked the out-post Commanders to ensure that no recurrence of such incidents took place in future.

Doom Tulla mohalla of Almora was considered by the Executive Engineer of Cantonment falling within his jurisdiction and military personnel resisted government Chaprasis when they got hold of some residents belonging to the low-castes. Traill brought it to the notice of the Executive Engineer (Garrison Engineer) that the latter had always been considered under civil authorities and most of the office bungalows of Almora had been constructed with their help in the past and they were required never to leave the town. Traill protested to Lt. Col. Muat against his "assumption of an authority over any part of Almora town and its inhabitants."⁴⁰

Lt. Col. Muat's successor, Lt. Col. Alladin was surprized to find that even though there was no apparent deficiency of food in Pali the farmers refused to sell anything to the army without an express parwana from Traill. Col. Alladin was informed by Traill that the parwana system had been discontinued from 1817 and it was only due to some temporary deficiency of foodgrains that a small establishment had been retained at Almora and the stock of grain was continuously replenished by supplies from the plains. During the early days of British rule in Kumaun the civil authorities were responsible for supplying almost all necessities of the armed forces like foodgrains, twine, timbers, bamboos, chalk and even grass for hutting the barracks.

The free market principle, as soon as it was applied, raised food grain prices so high that from 28 seers to a rupee it went up to 15 seers to a rupee, in the eastern parganas, forcing the Commander of Lohaghat suggest to Traill and the Station Commander transfer of a Company to Pithoragarh to meet the situation, in 1822. Traill in 1822, it would be recalled, had already requested the government for replenishing the old Mules Establishment with a totally new contingent of mules and his request was acceded to.

Traill's Schedule of 9th November 1822, in regard to restriction of number of porters, restricted to just 15 at a time, further aggravated the problem of food-procurement in the eastern sector. With this restriction it became well-nigh impossible to procure whatever foodgrains could be imported from Birmdeo

and all the supplies were held up. Time consumed in making porters available to the military troops was one of the main reasons which prompted Traill to ask for the services of an Assistant and after 1823 Sir Robert Colquhoun, as his Assistant, handled all these operations, while Traill himself attended to the work related to the Great Survey and quinquennial settlement of 1823.

Lt. Col. Duncan, the next Station Commander, was equally disgusted with the behaviour of Kumauni zamindars and he swore that in his entire career he had never “met with so disobeying set of natives, as the people of these hills.” He threatened Sir Colquhoun with bringing the matter to the notice of the highest authorities, if the huts of his men were not thatched with grass before the rains set in. As he had feared, before porters were sent again, the villagers had set fire to the grass and it had to be brought in from distant places. The people refused to supply grains without a parwana from the Commissioner, he complained against what appeared him “their chief delight, rendering the troops unfortable by refusing to sell anything without an order from you (Traill).” Duncan ultimately did refer the matter to the Commander in Chief but the situation was by now too well known to the government to cause a panic and Traill received a routine direction asking him “to endeavour to assist the officers and men of the infantry in procuring the materials,” but adding simultaneously that no excesses should be committed the owners of supplies receiving a full, fair and liberal compensation.

Sir Colquhoun's own officers of the Provincial Battalion, received no favourable treatment either. The zamindars prevented labourers from taking a supply of fire-wood for the officers when the labourers were accompanied by sepoys. The officer in his explanation, demanded from him by Sir Colquhoun, complained that the zamindars failed to appreciate the mild rule of the British as they felt free to file a complaint against all acts of omission and commission. He considered it “extremely disagreeable to be under the necessity of getting order for every stick and every trifle,” he might require. Sir Colquhoun, convinced that the standing orders had been flouted, in the present case, issued a Battalion Order strictly prohibiting sending sepoys to the villages on any pretext whatever. Lt. Whitekar, of the Pioneers, was also forced to beg for a parwana of the Commissioner as he had to more than once “to go to rest, exhausted with hunger and been several times in distress for want of supplies.” Traill's injunctions became severer and severer, with the passage of time.⁴¹ Lt. Colonels Faithful, Ward, Murray and Cock the station commanders to follow Col. Duncan, continued to struggle with this never-ending problem.

From 1829 onwards, various military establishments were being wound up one by one. The Public Mules establishments was withdrawn in 1829 as a measure

of economy, introduced by Lord Bentinck. To meet the new situation one company was moved from Lohaghat to Pithoragarh where food-situation was slightly better. The mule-shed was handed back to the civil population which gave rise to the issue of recommencing Nanda Devi puja in 1830 after a lapse of 15 years. The Artillery Lines were also vacated in 1830 to be handed back to the people by the Commissioner along with the temple and shed. The arms and accountments of the Native Battalions at Lohaghat and Pithoragarh were put to public auction. A general ban on fresh recruits was imposed all over the Presidencies which created problems for Captain Corbett, the new commandant of the Kumaun Provincial Battalion. The Old Fort of Almora was handed over to the civil authorities in 1832 and the Lock hospital was converted into a hospital for the troops. All the military guns and stores were shifted to Fort Moira.⁴² Commissariat was also withdrawn.

Monthly Courts of Requests were held for settling the debts incurred by men from Almora banias and merchants before pay-day. Almora banias requested for frequent summoning of these Courts, especially before the triennial change of Regiments. That Traill remained a strong and staunch loyalists to the British interests in India is reflected in his opinion on the recruitment of Gorkhas in British Army. Traill recommended opening of recruitment-depot at Pithoragarh, instead of at Lohaghat, and recruitment of all hill-men and not only Gorkhas. He informed that the hill-men possessed all soldierly qualities, as possessed by the Gorkhas. The hill-men were fond of enterprise and their induction in the army would enable the proposed Corps ready to be deputed to any distant expedition. Significantly Traill pointed out that their "inherent distrust of low-landers" will preclude any possible intimate combination with plain Regiments and make a counterpoise" against the present Native Regiments, ready to act against them on an any sudden emergency." This recommendation, made in 1825, was actually acted upon three decades later by Sir Henry Ramsay in 1857, as we shall see later.⁴³

THE BOUNDARY OF KUMAUN

The geographical boundary of Kumaun-Garhwal, as we see it today, is a result of the Treaty with Nepal in 1815, towards the east; in the north a quiescent Tibet allowed undisturbed control of five snowy-passes in the hands of the British; in the west Alaknanda was initially taken as a general physical feature, dividing the Protected Native State of Tehri from the British Kumaun. The turais, towards the south, with a thick belt of forests of six to twelve miles in breadth, was yet to be precisely defined, as no precise details were as yet available about these disturbed tracts. Dehradun and Jaunsar-Bhabur were once to be linked with Kumaun in 1825 to be delinked again in 1829 and made a part of the Meerut division. Traill's

correspondence for every frontier boundary of British Kumaun, most extensive on what he called Kumaun-turai, secured for Kumaun what was for ages an integral part of Kumaun, and no one fought for it more ferociously or emotionally. Kumaon and Garhwal, as a single administrative and political entity, owe a great deal to the administrative benefactor.

His stay in Fatehgarh (Farrukhabad) brought him in close contact with William Moorcroft, whom he provided all assistance during his passage through Kumaun on his last fateful journey. He knew perfectly Lord Moira's mind when he secured the Lipu Lekh and Mana-Niti passes for British Kumaun. It was the British commercial interest in the so-called trade with Tartary, that made Traill demur from handing over Tinkar and Changru, two Bhotia villages of Byanse, lying to the east of Kali. After full two years of Treaty of Sigauli, Nepal preferred a claim on these two villages. On receipt of government orders the zamindars of Byanse pleaded, through a petition, that the remaining six villages, viz., Budhi, Garbyang, Nabi, Rongkali, Gunji and Kuti were entirely dependent on the agricultural production of these two villages and they would be forced to desert these villages in the event of their transfer. They even suggested that they would be forced to divert their entire trade to the Doti marts in Nepal. Traill was, however, advised to explain the inability of the government to the zamindars in not complying with their requests. Henry Strachey, when he visited these two villages two decades later in 1846, called it a mistake on the part of the government. According to him the true line should have been the range of mountains to the east of Tinkar-Nampa and Api, beyond which lay the district of Marma, the northern most division of Doti. While the inhabitants of this side of the range were all Bhotias, like the Byansis, the inhabitants of the other side were all Khasias, like the rest of Doti. Traill was, however, helpless as the geographical knowledge about the region in 1817 was very limited. All that he could secure for the Bhotias of Tinkar and Changru, through his Political Agency, was the permission of Nepal Government for the Bhotias of these two villages facility to pay their government revenue at Bageshwar.

Nepal laid further claims on Nabhi and Kuti on the ground that the western branch of Kali, i.e. Kuti Yankti, should be considered the main stream of Kali, as it carried a larger stream of water. Lt. Webb, who was sent up, reported that the lesser stream, flowing from the sacred stream of Kala Pani, had always been recognized as the main branch as it gave its name to the river Kali. Equally important was the consideration of the two passes which led into Western Tibet, also the easiest except that of Niti in Garhwal, that made Traill reject the claims of the Court of Kathmandu. Any decision taken otherwise would have resulted in creation of a constant source of conflict between the two states, in respect of transit duties, etc., on the trade leading to the Tibetan marts through Lipu Lekh. Traill

informed Bum Shah accordingly and his action was supported by the Supreme Government. The land revenue of Rs. 140, already realised from Tinkar and Changru, now to be transferred to Nepal, was refunded to the Nepalese officials.⁴⁴

The western boundary of British Kumaun was finalised by Fraser in 1815 and the territories west of Alaknanda, with the express reservation of Nagpur, Rawain and Dehradun, was given to Raja Sudarshan Shah on his restoration. Rawain was finally given to him in 1824. Gardner had in fact suggested handing over Rawain to the Raja but it was doubted whether he would be able to control this wild-tract. In 1816, Traill brought it to the notice of the government that there might be difficulties in future if precise words were not used in defining the boundaries between Tehri State and British Kumaun. Loose use of Alaknanda and Mandakani (also known as Kali of Garhwal) words also meant cutting off some valuable portions of Nagpur pargana, including pattis of Bamsu and Painkhanda and the mines near Dhanoli, which lay west of Mandakani. In 1818, Traill complained of the disorderly state of Rawain, where the people had commenced plundering the pilgrims to Gangotri and Kedarnath, now as they were free again from the Gorkhas and the British control. The Raja did nothing to control the situation and it remained informally under his control. By this time uncle of the Raja, Pritam Shah, who had been released from Nepal prison, his laid also claims on Garhwal and Dehradun.

Raja Sudharshan Shah also reverted back to claims on Maithana in 1816, located opposite Srinagar town but west of Alaknanda, on the basis of the agreement.

However, even upto 1823, the issue of identification of the British territory along Mandakani and Rawain had not been formally settled. The Raja now laid claim on the territory lying between Mandakini and Alaknanda rivers. Traill made it clear that even Mandakni river did not form the boundary between Tehri State and British Kumaun but it included tracts in N.W. direction "full two days journey beyond the Mandakini and also included some 40 to 50 village of Nagpur pargana, west of Mandakini." Some of the villages given in religious assignment, however, did not pay rents into the British treasury. Traill refuted all claims of Raja Sudarshan Shah and deprecated his efforts to take advantage of geographical errors made in a transaction in which there was no reciprocity. Traill's treatment of Pritam Shah; his opposition to Raja's efforts to resume all mafi lands confirmed during Fraser's time; and a small issue of control of Jakhani-ghat jhoola (close to Srinagar town, on the Alaknanda) enraged Sudarshan Shah to such an extent that he expressed a desire to be relieved from the control of Kumaun Political Agency. The government

finally allowed annexation of Rawain to Tehri State in 1824 but once for all defined the exact boundary of Tehri and British Kumaun, as Traill had described it. This permanently secured Danpur pargana, the temple of Kedarnath and villages of Bazpur lying to the west of Mandakani to British Kumaun, for which Traill had to incur the displeasure of Sudarshan Shah and a temporary loss of Kumaun Political Agency.⁴⁵ The same boundary continues between Tehri and Chamoli districts, till this day.

Far more acrimonious debate on the boundary of Kumaun was going on towards the south, the turais. When Rohilkhand first came into British hands the turai, for sometime was left in the hands of Nawabs of Rampur. In 1817-18 there was some correspondence about the wastelands of turai and application from the Tharus, the tribals who inhabited this region for centuries, for rent-free cultivation. Whalley is of the view that at this stage even the Supreme Government did not possess exact information about the turais. Prior to Halled's posting as the Joint Magistrate of the Northern Division of Moradabad district in 1823, Traill had written to the Board about the need to adjust the boundary between Rohilkhand and Kumaun. He was advised to await completion of the revenue survey of Rohilkhand which was then underway. But the notorious policing of the turai reached its nadir when in 1823 several affrays rocked the region, making it totally unsafe for the hill-men to graze their cattle. He reported completion of revenue settlement of about 40 villages during the last five years. The turai was important for the hill-men as they came down annually with their cattle in the winter months for want of any pastures in the hills. The hill-men and the plains people were already looking at each other "with the jealousy of foreigners", as he put it, and there seemed no scope for an amicable settlement between the two warring groups, calling for "the intervention of the controlling powers". Traill who considered all turai as part of Kumaun reported in January 1823, that right from the Kali the border with Bilheri had been adjusted, in Nanakmutta there existed no dispute except in village Luddhiora, Kilpuri; Rudrapur posed few problems and in Gadarpur there were no disputes. Near Bajpur, Bhumdarwala and Kutsan had long been lying waste due to disputes with the zamindars of the plains. Finally, the dispute near Kashipur related only to the churai rights.⁴⁶

The Supreme Government at this stage was mainly concerned with the police problem facing the turais and the notorious deeds of the Herees and Mewatees. Ayeen Khan's recent death was to be used as the thin end of the wedge to undo the arrangements made by Magistrate Seton of Moradabad in the past. A new jurisdiction of North Division of Moradabad was carved out and Halhed was hand-picked and posted as Joint Magistrate to reign in the notorious thekedars.

The jagirs previously given to the three Heree and Mewatee chiefs were abolished and their bands were disbanded as the chowkidari system of the foot-hill passes. Halhed's charge included Kashipur, Jaspur, Bajpur, Rehar, Thakurdwara and some parts of the northern portion of the Moradabad district. Halhed was also authorised to communicate directly with Kumaun Commissioner, Board of Revenue and Superintendent of Police, at the Board of Revenue headquarters.⁴⁷

Halhed's brief was very clear, i.e., to get rid of the lawlessness that prevailed in the turais, which was generally considered a blot on the reputation of the British administration. Traill looked at the whole issue simply as one of orderly development, which naturally included suppressing the existing disorderliness. The turai problem could not be conceived purely as one of law and order alone. While Halhed considered it as an unadulterated nuisance, committing atrocities, after having managed to take leases from Traill of lands belonging to northern Moradabad. Traill repeatedly laid emphasis on turai having been an integral part of Kumaun from time immemorial. Traill termed the whole tract as Kumaun-turai to which Halhed took strong exception and the former finding that Halhed looked at the problem purely from a narrow police view point "begged leave to decline entering further on the subject, in the present correspondence." As Traill himself was busy in his first quinquennial settlement he could not spare time to meet Halhed during the cold weather season of 1823.

Traill conceived of turai lands as a potential area for employment of "hill capital and industry for which otherwise very little scope existed in the hills. By inclusion of the turai areas cultivated by hill-men in Moradabad these people were likely to be subjected to double-jurisdiction, as they also owned lands in the hilly tracts. The correspondence between these two officers was extensive, each refusing to budge from his stand and countering each other's arguments. Traill highlighted the dread of turai climate amongst the plainsmen and the number of cattles owned by hill-men which came down annually for grazing. Halhed pointed out the dread of the summer months which made "the very few hill zamindars, who no sooner felt the approach of the hot winds fled to their retreats in the mountains," proving an equally great dread amongst the hill men. He pooh poohed the number of hill cattles vis-a-vis the plain's cattles, which was far greater. He also objected to Traill viewing Kumaun as if it was still a Kingdom independent of British-Indian territories.

Finally, Halhed suggested a line drawn from the extremity of each "promontory of the hills" in the lower ranges of the next, as the easiest demarcable limit of Kumaun and plains at districts of Rohilkhand. Equally exasperated by the

tenor of Traill-Halhed correspondence and increased gravity of the atrocities being committed in the turai, the Board of Revenue reminded Traill that Kumaun and Rohailkhand belonged to the same government and the revenue collected by either of them went to the same treasury. This intervention cooled the tempers of both the sparring parties. Traill, however, now referred the matter to the “final controlling hand”, i.e., the government, and informed Halhed that till he received the final orders he would consider Gadarpur, Bajpur, etc., as an integral part of Kumaun. Now Traill brought it to the notice of the government that the hill-men were likely to deprecate an attempt to wean them away from a lenient system of government and put under a complicated one, at the same time severing their interest and property from a tract to which they had remained attached for such a long time. Even this pleading, made in December 1823, failed to impress the government, who was mainly interested in restoring order in turai.⁴⁸

Halhed completed demarcation in Garhwal sector by August 1824 but Traill continued to refer to Kumaun turai as a “disputed tract” as late as October of 1824. It was not before December 1825 that a meeting between Traill, Halhed and Boulderson could take place regarding settlement about demarcation principles and modalities. Traill-Halhed were able to jointly report in January 1826 about an amicable settlement of a boundary from Ganga to Ramganga. They had been able to include “within hill-jurisdiction all spots where goths (cow-sheds) were established annually and enabling the high-landers enjoyment of all privileges of pastures on payment of grazing dues.” Both of them assured the higher authorities that “the duty has been executed, with the most perfect unanimity and without the slightest conflict of sentiments on any point.” Traill’s bitterest boundary-battle was fought on turai and he now offered his services to superintend the work of “clearing an unbroken avenue throughout the whole of the tract of forest, through which the line was carried.” The government was only too happy to see the last of the controversy and granted Rs. 4,000 to Traill for establishing permanent boundary marks in January 1827. Out of this Rs. 1,000 were given to Francis Shore for Chandi Dun boundary. The total length of the boundary was about 100 miles and giving one full month every year to this operation, Traill completed the task in next four years.

Pillars of large stones were erected at an interval of four to five hundred yards near the base of the hills. At remote points pucca-pillars of brick were erected and where cultivation existed the line was marked either by trenches or embankments. Traill “corrected some of the mistakes committed by the subordinate staff earlier in Garhwal sector” when he himself visited some of the boundary locations, said to have been settled by Halhed in 1824. Batten was to

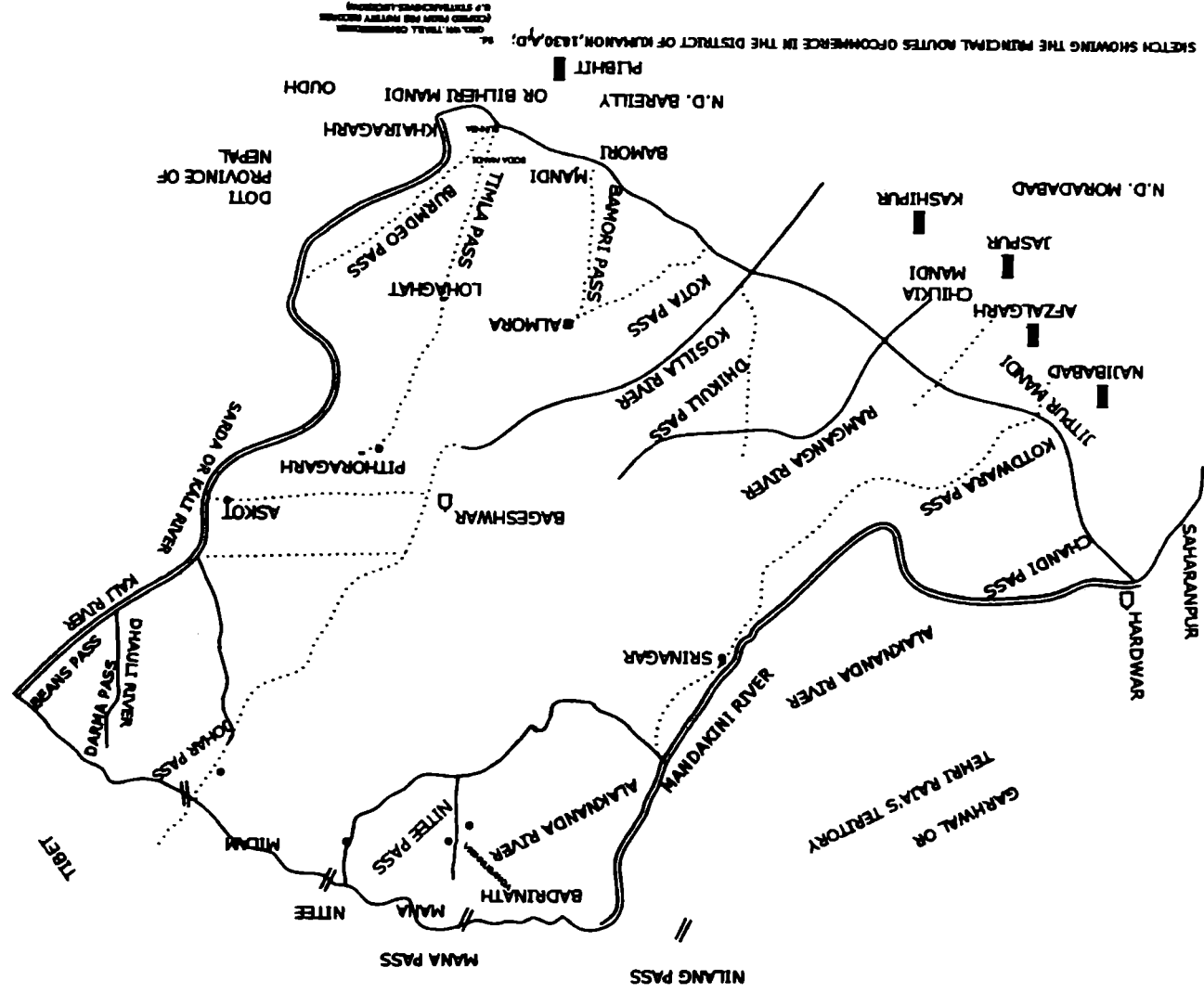
recall later in 1841 the amount of heat generated by this Traill-Halhed boundary controversy and the indelible impression it had left on the minds of the hill-people.⁴⁹

ROADS AND BRIDGES

Inaccessibility of British Kumaun in the first quarter of the 19th century is very difficult to visualize today. Bishop Heber gives us a vivid description of the internal roads criss-crossing the interior. Even in 1844 when John Strachey joined North Western Provinces from Calcutta he had to be carried about 1,000 miles in a planquin on men's shoulders and it took him full 3 weeks to toil through a journey which today takes less than one and half a days. The sketch appended gives some clue to the status of roads during those years. Then there were rivers without any durable bridges. The Gorkhas had left behind just one road which passed through Almora and Srinagar and a military road of communication extending from Kathmandu and maintained by the zamindars and neighbouring villages. No attempt had hitherto been made to facilitate commerce by construction of roads fit for beasts of burden.⁵⁰

All public construction activity was limited to facilitating movement of the troops. Two companies of Hill Pioneers were raised simultaneously with the movement of British troops into Kumaun, one for Kumaun and the other for the Protected Hill States, in the west. The 8th Pioneer was sent from Subathu to Almora in December 1816, to assist the 7th but was withdrawn after one year. The most strategic frontier at this point of time being the eastern Kumaun, military roads were constructed through the Bamouri with Almora via Bhim Tal-Peura; and the other linking Birmdeo with Pithoragarh, passing through Lohaghat cantonment. Almora was also connected with Lohaghat. All these roads were made practicable for the beasts of burden, especially mules.

Traill considered it a waste of public money to construct roads purely from military point of view. In his view Almora-Lohaghat and Birmdeo-Lohaghat roads were not of much use as they had not followed the existing alignment through which the Tibetan commerce took place. The main Tibetan trade came down to the plains through Dhikuli pass, linking Chilikia mundi with Bageshwar-Munsiari-Milum. Chilikia mundi was to the west of Bamouri and north of Kashipur, going up along Kosilla river. In 1821 the third road was aligned and it was the first military-cum-commercial road. It cut almost through the middle of British Kumaun. Moving from the west to the east, Birmdeo, Timla, Bamouri, Kota, Dhikuli, Kotdwara and Chandi were the main entry-points to the Kumaun Hills. Similarly, Bilhari, Sunnea, Bamouri, Chilikia were the main marts at the foot-hills in Kumaun and Jeetput (Kotdwara) the only mundi in British-Garhwal.



Garhwal, not being under any immediate threat, from the military point of view, received no attention whatever. Barron, the severest critic of Traill's system of administration, showered highest praise on him for his enthusiasm for travelling and road construction activity. Traill was the first European to visit Kedarnath and he went through almost incredible labour and danger of climbing up to the temple by the bed of the river, which in Barron's view was "an impossible undertaking". Barron was told that Traill in the estimation of hill-men was "second only to Vishnu himself" and that explains how he was able to construct "from Srinagar to Kedarnath a splendid road, with substantial bridges, over every river, both large and small." This road was continued to Badrinath "in the face of obstacles which could only be overcome by the application of all means and resources, which the art and science could muster." But there was not a single tool of any description except the axe and pick-axe or perhaps saw. There were no engineers except the hill coolies occasionally superintended by Traill "who, it is said, marked out with a hatchet every mile of the line of the road, in the Kedar Ganga glen". To do this Barron was informed, Traill "had to be frequently pulled up the precipices by ropes, and to be suspended over chasms, the very sight of which would make you shudder".⁵¹ Traill, Barron records, by his removal of the great obstacles in the way of safe pilgrimage to Kedarnath even hazarded his reputation as a Christian and there were imputations of his being an encourager of pagan idolatry.

The above is what a non-administrator and foot-loose traveller thought of the Pilgrim Road, as it became known popularly, later. Traill reporting its commencement in August 1829 to Bareilly Commissioner, hoped that its construction would be of considerable advantage to the agricultural community of Garhwal-tracts through which it would pass. Convinced of its benefit to the agricultural community of southern Garhwal he involved the zemindars in construction of a road "practicable for beast of burden" which was also likely to promote communication and facilitate hill-plains trade. It is indeed surprising that it has hitherto been looked at purely as a Pilgrim Road and not as a strong catalyst of economic development. Lushington and his successors seem to have entirely overlooked the prime motive behind its promotion and indulged in all kinds of imputations, respecting control of sadaburt-funds for this purpose. Strachey, another great enthusiast of good roads, considered this act of Traill as his everlasting contribution for the development of Kumaun hills and the best benefit of the entire British rule during these early.⁵²

Fording of big rivers commenced in 1829-30, with the construction of the first iron suspension bridge over Ramgarh river on Almora-Bamouri road. Simultaneously two bridges were built, all iron suspension, over Suwal and Kumni

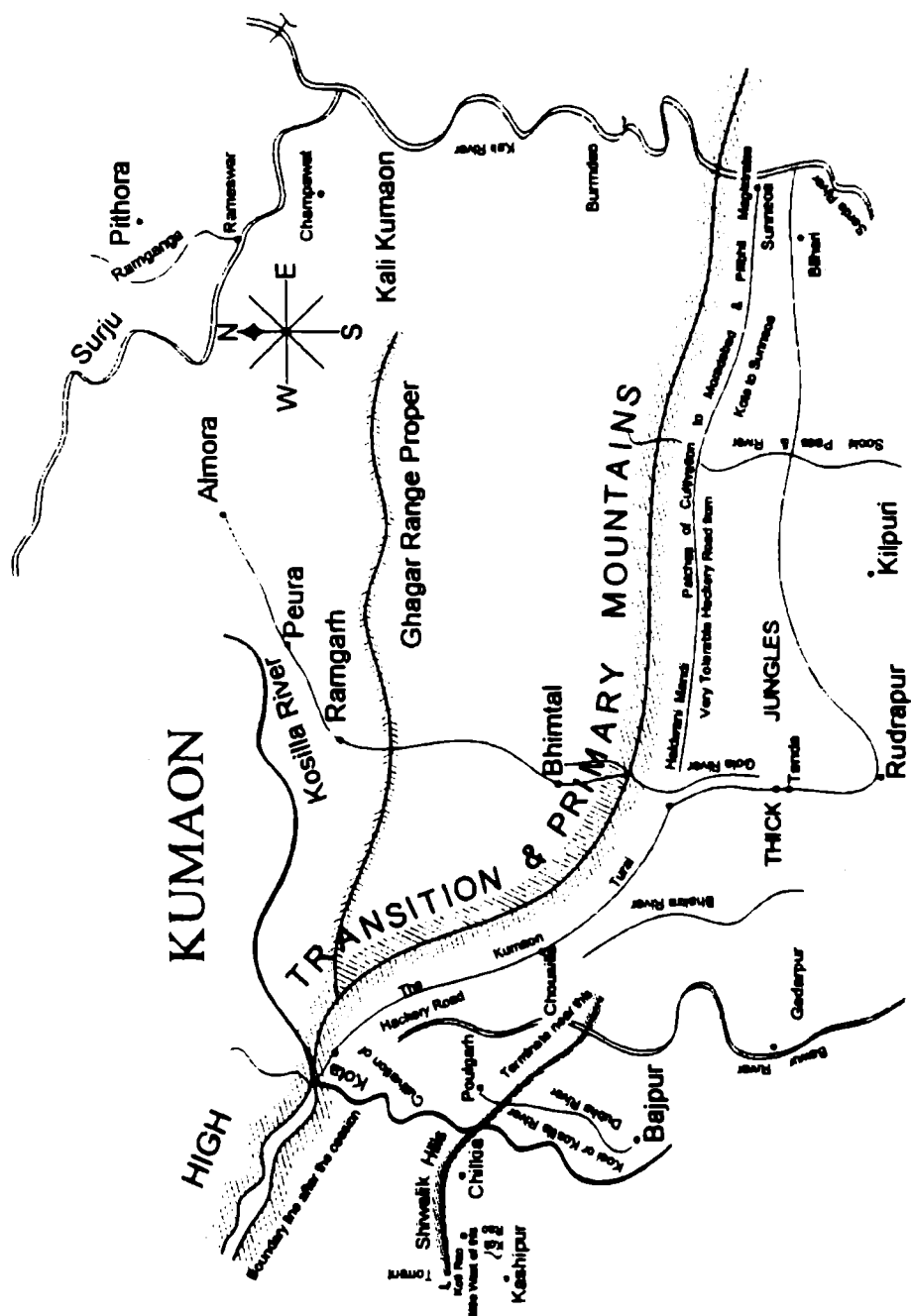
rivers. Before Traill left the province six more iron suspension bridges had been constructed over Ramganga near Rameshwar, Kosilla near Hawalbagh, over Bulleea river; Saryu, Senril, on Almora-Lohaghat road and over Ramganga on Pithoragarh road. All of them were meant to facilitate military movement.

Very insignificant notice has hitherto been taken of Dehradun during the short period for which it remained linked to Kumaun during Francis Shore's tenure, viz., July 1825 to 10th December 1828, when Dehradun was again merged with Meerut Commissionery. Capt Young was the Joint Magistrate cum Superintendent of this tract. In 1822 Dun was absolutely without any roads but before departure of Shore from Dehradun, 29 miles of road, @ Rs. 300 a mile, had been constructed with the help of convict-labour. In addition, about 10 miles of road was constructed by the people themselves at their own expense. Dehra's condition also improved materially. The tracts which during the rains one had to wade through "gutters knee-deep with mud" could now be traversed with perfect comfort. Shore had also commenced work on the Hardwar road and Traill, who had seen its utility personally, recommended more grants for its construction. After Shore's departure, towards the end of December 1828, Traill himself took up its construction with the help of sadaburt surplus funds, one year later. The Great Commercial Road as the Chilkla pass road was called opened for traffic in July 1830.⁵³

FOREST MANAGEMENT

Traill viewed the turai-forests as the unquestionable property of government, only part of which could be appropriated for its own exclusive purposes, "without the slightest infringement of any rights or claims of an individual". This view, of course, he had expressed in 1826. The earliest reference to the forests occur in settlements of jungle-mehals, collection of Kutbans and Kutu-Mehal dues, and in the abuses of the collection of Sayer (custom) duties by the Mewatis and Heeris. All the timber cut within the boundary of Kumaun were liable to a duty of six annas per load, in 1819.⁵⁴

Asked to comment on Captain Hyder Young Hearsey's claims on certain forest tracts in the taluq of Bilheri, situated in extreme south east of Kumaun, Traill informed the Board of Commissioners in 1820, that the whole of it and other jungle mehals of Bareilly had once belonged to Kumaun Raj. For the Kumaunese these jungles were of considerable significance although for the government it might be immaterial whether they remained with Bareilly or Kumaun. From mid-October to mid-May, when the pastures of hills were all dried up, the



Travelling distance from the Koti Rao Torrent (the boundary between the Garhwal and Kumaon Turais) is about 130 miles
The breadth of Kumaon Turai varies from 15 to 25 miles, the greatest breadth being from Rudrapur to Bamori
(This sketch was sent by Lt. Col. G.E. Gowan, Commissioner Kumaon, 1836 A.D.)
REPRODUCED · R S TOLIA (1990)

hill-men were forced to bring down their cattles for grazing. They were likely to be subjected to considerable harassment if these tracts were delinked from Kumaun. The hill-sepoys, alluded to in Hearsey's complaint, had been posted by him (Traill) to protect hill-zamindars from the incursions of the decoits and exaction of Hearsey's armed followers.⁵⁵

The financial results of jungle-mehal settlements, from 1817, before they were ordered to be made by the Joint Magistrate of Northern Division of Moradabad, Halhed, are given in Table IX.

**Table IX : Financial Results of Jungle-mehal Settlements,
1817-1822**

<i>Years</i>	1817	1818	1819	1820	1821	1822
<i>Rupees</i>	2,841	3,200	3,987	4,850	5,503	6,302

In Patli Dun Garhwal, as permanent villages had come up in 1822, Traill issued forest leases for the remaining years of the triennial settlement. Before final orders of the Board of Revenue could reach him Traill had farmed Katabans and Kuth mehals for 1823. It was Halhed who settled these mehals for 1824 for Bareilly and Moradabad. After settlement of borders with Kumaun the applications were collected by him and engagements handed over to the respective Collectors of Bareilly and Assistant Collector of Pilibhit, retaining Moradabad for himself.⁵⁶

The issue of reservation of some parts of Sal-forests in turai for public purposes was examined by the government in April 1825. The Board of Revenue were directed to prepare draft rules for such a plan. In June 1826 with the help of Captain Satchell of Bareilly Timber Agency, Traill submitted a plan for exclusive retention of such forest tracts by the government. This covered the thaplas, i.e. turai forest tracts in lower ranges with timber of superior quality, only and the remaining forests were allowed to remain open for exploitation by individuals. These thaplas were accessible to the hackeries (horse-driven carts) at only a few points and during the next season the lessees were made duty bound to assist in such operations. With the availability of Sissoo, or Sesum, becoming scarce demand for good Sal-timber grew fast. The thekedar, however, created problems for Commissariat agents by felling trees marked by them, and sold them to local people (see enclosed map for the existence of sal forests, during this period). The demand mostly came from the Gun Carriage Agency and the Superintendent of Public Works.

Forest tracts of Bamouri and Birmdeo regions were reserved from August 1826. Active enforcement of these orders commenced from August 1827, although the promulgation had taken place in August 1826. For the next 3 years massive working of Sal-thaplas ensued forcing the government to enforce a ban in 1830. The thaplas were closed for the next 6 or 7 years to allow regeneration. Through a local ishtehar it was notified that henceforth no government gomashtha were to be employed and the thaplas for government were to remain untouched. It proved difficult to prevent private businessmen and hackerimen from encroaching upon Bamouri and Birmdeo reserved tracts. Jalesar and Reala thaplas were encroached upon by Pilibhit people and Traill had to finally order seizing the timber and labourers. Another ishtehar had to be issued in February 1832 defining the boundaries of reserved thaplas. The Timber Agency issued separate ishtehar clarifying to its own staff the bounds of such thaplas. This ban was lifted in September 1834 with the closure of Bareilly Timber Agency and the reserved thapals became once more available for free exploitation. This freedom was so extensively used that in 1837 Traill's successor reported to the Military Board a near total absence of good Sal-timber from these areas. But apparently it was a temporary phenomenon as subsequent reports show existence of extensive Sal-forests in latter years.⁵⁷

Dun forests were rich in Sal-timber. Due to their extensive nature Francis Shore (July 1825 to December 1828), the Garhwal Assistant, did not favour their exclusive reservation for government purposes. It was reported by shore that "years will pass before they would be perceptibly thinned." In the Regulation districts plantation of Sissoo had been undertaken on an extensive scale and once they were mature, in view of their more favourable location and far better quality, they would be naturally preferred leaving these Sal-forests of no value. Not only he recommended extensive working of Sal-forests but its export out of Dehradun, as there it had no takers and its demand was too little, even to cover the cost of working the forests. To reduce the cost of supervision he preferred leasing of the forests and confining government activity to guard the exit-chowkis for realisation of exit-duties. The leases were recommended to be given collectively or separately to contractors.

The taxable products included Sissoo, Toon and ebony wood, Kolhu or bottom part of sugar-mill, bamboos, Lat or top part of sugar mill made of Khair, a heavy hardwood, Sal, Tassin or light wood of any kind for rafts, fire-wood or timber, Bhabur or Moonj-grasses for making ropes, Bansee or Ringal reed of which hooka-pipes were made, Khut or Kuttha for mixing in pan, lac, Pukhu-lime and charcoal. Excepting the lime all forest products were taxable. In

view of considerable revenue likely to accrue out of these products, Shore opposed abolition of transit-duties on these products. The government concurred with the advise of Traill.

The hill zemindars could not benefit from these products as they lacked transport-facilities. They were obliged to sell the products on the spot to the merchants of Rohilkhand, as they found it difficult even to meet the cost of labour deployed and preparation. Hackeries, large buffaloes and mules were used for carriage. Kuth or *tera japonica* was prepared by the lowest caste people and for want of their own capital they were obliged to work on wages or take advances. Kuth did not cost more than 5 to 8 rupees a maund while the merchants managed to secure as much as 10 to 14 rupees for the same in Rampur and bigger markets. Forests near the plains had been nearly exhausted by 1823 and the traders came to the foothills to secure supplies. It provided undoubtedly good employment to the hill-men but complaints of delayed wage-payment by the agents of Commissariat were frequent. Traill issued strict instructions for full payment on the delivery of timbers.⁵⁸

The peculiar mix of territories which went into formation of Dehradun in 1825 to 1829, i.e., part ex-Regulation (Saharanpur and Moradabad) and part non-regulation (whole of Garhwal with four parganas of Kumaun proper) was to pose certain judicial problems after 1829 but during its association with Kumaun, it raised queer situations. One of them related to the practice of elephant-catching by pit-digging. The practice had been prohibited in the Kumaun portion as far back as in 1817; in Chandi pargana a duty of 25% was levied on purchase price of elephants, while in the main portion of Dehradun government generally encouraged this to promote cultivation. Shore favoured it as the money earned by the zemindars was going towards promotion of agriculture. The speculators found it more beneficial to dig the pit by hired labourers and an elephant gave a profit of 650 to 700 rupees. As more than half of caught animals died before they could be trained for duty, the actual margin was much less. The villagers kept the pits to snare wild animals which was a good source of extra income. When the speculators dug up a large number of such pits the hill-zemindars protested vehemently. But the real cause of complaint was to wrest monopoly of the pits as Shore's proposal to ban the practice altogether was also protested against more vehemently. Killing of bears and tigers fetched them handsome income of Rs. 5 per head, equivalent to one month's salary of a Patwari. A compromise was found in banning it within cultivated villages and payment of fine by pit-owners in case an agricultural animal was trapped. Rules to these effects were issued in May 1827. In Almora a duty of Rs. 4 per cubit, as earlier, was reintroduced but

in Dehradun the duty of 25%, again as earlier levied, was revived. Traill, on a reference from the successor of Shore, Assistant Young, asked him to continue 25%, as operative earlier, as no decrease had been announced in the new rules. This dichotomy prevailed throughout Dehradun's association with Kumaun.⁵⁹

POSTAL DAK, CURRENCY AND TREASURY

An efficient postal-arrangement to carry government dak and orders was a sine quo non for Kumaun administration. Paucity of good made-roads in the interior compelled reliance on the village-courier system and it was one of the important duties of the village pudhans. As soon as the Almora-Bamouri military road became functional outside dak was diverted through Moradabad route instead of Bareilly. Between April 1816 to January 1818 Traill functioned as the Post Master of Kumaun. On detection that several officers departed for plains without paying their postage the Dak Munshi was forbidden by him to deliver any dak without prior payment of postage duty. A circular was issued to this effect.

The inter-district dak during this period was managed by the Military Board whereas the District or Mofussil Dak remained in the charge of civil authorities. The Mofussil Dak between Almora and Srinagar originated in 1815 on a monthly charge of Rs. 144 but a cut was enforced in December 1822 by reduction of harkara-strength (carriers). In the plains a thana to thana system had been introduced in that year. Traill brought it to the notice of the government that this arrangement could not be worked in Kumaun as it would have meant a considerable increase in the strength of government Chaprasis. The number of Chaprasis was already being reduced to accommodate the new institution of government paid district Patwaris. In 1832 for entire Garhwal there was just one tehsil at Kainyur and the number of Chaprasis, just 15, was inadequate for several miscellaneous duties entrusted to them. The Post Master General was requested to increase the number of Chaprasis in 1832 to meet the requirement.⁶⁰

Farrukhabad currency was introduced alongwith the introduction of British rule in Kumaun. The land revenue was arranged to be taken in that currency. Benaras Rupee was discontinued from 1819 and only Farrukhabad Rupee was declared as the legal tender by Regulation XI of 1819.

A duty of 8% was levied on the coinage of copper pice to be paid by the person bringing copper-blanks for coinage. Copper came from Dhanpur and Gangoli mines weighed and stamped at the mine-site itself. The duty of coinage

was included in the lease of the lessee. A stamp was kept at Almora for the use of Gangoli thekedar. Garhwal and Kumaun maintained their individual pice and one was not current in the other, necessitating maintenance of respective establishments. Traill maintained the small copper pice as it was cheaper and obviated the need to import from the plains, except for Almora where the troops and the plains-people preferred Rohilkhand pice. Coinage duty revenue was small Rs. 300 in 1821 and the only expense incurred at Srinagar costing Re. 1 annually for the repair of stamp. Regulation II of 1824 for Farrukhabad and Regulation XIV of 1818 provided provisions for currency regulation. A deficiency of 2 pie or 1.999 grain in weight was considered admissible. In 1831 orders were issued for only officer level receipt of coins from landholders and farmers, in the first instance, for preventing receipts of clipped, filed or injured coins. During Traill's tenure the official pice, current in the plains, was not introduced. Prior to British rule, Mansurkhanee, Almora and Srinagar pice were in circulation. The first brought from Rohilkhand valued 80 pice for Farrukhabad *rupee*. Almora pice was valued at 50% of the Mansurkhanee, Srinagar 160 *rupees* could be exchanged for one company *rupee*, i.e. the same as Almora.

Pice circulation was mostly confined to Almora, Srinagar and the two military outposts of Pithoragarh and Lohaghat. In the interior the barter-practice prevailed and the 'pice that found its way into the interior areas was melted for making copper vessels. In 1834 the copper pice circulation did not exceed a value of Rs. 10,000 in Kumaun. The local copper was dearer selling at Re. 1 and annas 10 as against the British sheet-copper, which sold at the rate of Re 1 and 4 *annas* per ser. The latter variety was not considered suitable for making copper vessels. *Abkari* and stamp receipts were accepted in Kuldar Rupee and the quantity of copper coins paid into Almora treasury always fell far short of actual demand. The deficiency was met by purchase of Munsuree pice, coined by the Treasurer of Almora. It was, in fact, not before Act XVII of 1835 was promulgated that Company Rupee became the legal tender for all Company tracts. This Rupee was equal to Farrukhabadi and Sonat Rupee and 15/16 of Calcutta *sicca* Rupee.⁶¹

Treasury transactions was one of the most important and time-consuming functions of the civil servants. The collection and safe keeping of government revenue and miscellaneous duties, stamps and disbursement of civil military salaries and political, treaty and super annulation pensions formed important part of these duties. Various bills and drafts, monetary payment in lieu of grants and *nankar* lands gradually increased and so did the size of currency with increase of revenue over the years. In addition fortnightly statements of collections monthly and six monthly statements of revenue and miscellaneous dues increased the

paper work considerably. In 1823 it was primarily the urgency to deal with this kind of work which required an official at Almora that forced Traill to ask for the services of Sir Colquhoun. For many years owing to the own small revenue and income from other sources the Almora treasury was dependent on Moradabad and other neighbouring treasuries for fully honouring all salary and other liabilities.

During the initial years presence of a comparatively large military strength in Kumaun and collection in just 4 *kishts* of land revenue, as against 8 to 10 *kishts* in the plains, kept Almora treasury more preoccupied with transmission of currency than elsewhere. It was not unusual, therefore, that often the salaries of the civil and military functionaries were delayed by 2 months. The unhealthy season of *turai* forced Almora treasury to "import" adequate currency beforehand to meet salary and other liabilities. Kumaun Provincial Battalion guards were sent down to Bamouri pass to escort the chests containing sizeable treasure. Almora treasury had to be exempted from several treasury rules to meet special circumstances of the region. In 1822 Traill was authorised to draw bills on all treasuries of Bengal Presidency. The bills granted to the merchants and traders of Almora were entirely drawn on Bareilly and Moradabad treasuries and only bills of government servants were applied for on Almora Treasury.

In 1822 the public expenditure from Almora treasury exceeded the gross revenue of Kumaun by three *lakh rupees* and at least one and a half lakhs worth of difference was met from Bareilly and Moradabad treasuries. By taking recourse to several measures by 1830 the actual remittance from the neighbouring treasuries ceased totally, even though the gross revenue had increased to two and a half *lakh rupees* and total charge of Kumaun establishment to nearly four *lakh* of *rupees*. This provided good opportunity to the local banking community, the ingenious Sahs, to earn good commission on all drafts and bills.⁶²

Treasury management underwent major reforms in 1824 with the introduction of double-lock system (pedlock-system with one set of keys with the Collector and one with the Treasurer), making the Treasurer responsible only for the amount which was needed for immediate disbursement. Daily accounts were now prepared by the Gomashtha of the Treasurer in Hindi, by his Mutsuddi in Persian and by the Treasury Writer in English. The first 2 statements were signed by the persons who prepared them and accounts of the preceding day were examined and countersigned by the Commissioner, the next day. The Persian copy accompanied the Monthly Treasury Account, forwarded to the Revenue Accountant of the Board of Revenue. Six monthly cash verifications had to be conducted in person

and certificate transmitted to the Board and the government. Kumaun Records bear testimony to this important work and its load.⁶³ Receipt of correct-weight coins insisted by the Accountant later only added to the weight of argument for an extra officer's need.

JAIL, MEDICAL AND HEALTH ADMINISTRATION

Comparative freedom from serious crimes in Kumaun rendered pressure on the jail of Almora upto 1827 relatively light. The jail of Almora was constructed in 1816 and Pauri in 1827. Pauri jail need was justified by addition of Dehradun, a district more prone to crimes. The capacity of Almora jail was for 100 and the number of inmates was only 65 in 1821. On an average the number remained between 80 to 116, at a time. It consisted mainly of convicts sentenced by the Commissioner and also to a small extent by the Court of Sessions, upto 1829 by the Special Commissioner and the Commissioner of Revenue and Circuit after 1829. A small number sentenced by the Sudder Nizamut Adawlut also served its term here if not ordered for Alipur, West Bengal or banished to Meerut or Saharanpur. The jail-deliveries being few and far between a good number of inmates awaited trial anywhere from one to two and a half years before they were confirmed or acquitted by the Sudder Nizamut Adawlut, in heinous crimes. After 1823 they were taken down to Bareilly or Moradabad for standing their Sessions trial. The long detention without trial was more due to a defective jail-delivery system than a fault of local officials. The inmates were allowed money and not diet, for sustenance. Their allowances were at par with those of plains prisoners. Traill mentions that imprisonment held no terror for the locals due to the over all poverty and income from services like portage and labour being so low.

Convicts were used in making roads and other public works under supervision of guard. The subsistence allowance had been prescribed for the first time in 1805. The daily allowance was two and a half *kutch* pice. Every year a blanket, a *dhoti*, a *chudder* and turban, twice a year, was provided. Two mats and two pillows, stuffed with straw, were also given to the inmates. Old replaced clothings were burnt and the total expense of all these articles did not exceed Rs. 3 annually, per prisoner. All in all, the expense on one prisoner came to about Rs. 17 per annum. The convicts of Bareilly jail were deployed in making plains road to Bamouri and the military road Bamouri to Almora. The Nizamut Adwlut ruled that only convicts below 45 years of age and sentenced for "banishment" could be sent for labour on roads in Kumaun. Elliot, one of the Special Commissioners, had objected to transfer of plains convicts to Kumaun jail in view of their much more degraded moral state.⁶¹

It was a concern for the health of the troops manning Company Regiments which introduced medical and health care in Kumaun. The Almora *paturs*, suspected of venereal disease, were collected by Almora Kotwal for medical check-up and treatment. Traill had directed the Kotwal to confine his "operations to the Musalmans and low Hindu" women. The *paturs* were reported as "extremely caste-conscious" and their being sent to the hospital was likely to prove highly injurious to their caste if it did not absolutely deprive them of it! Adequate arrangements were made in the hospital to remove objectionable features and specially the European-superintendence part of it.

The Assistant Surgeon of the Kumaun Provincial Battalion was paid an allowance of Rs. 100 per month to look after medical duties of civil functionaries and jail inmates. The labouring classes found the air of *turai* very noxious during the unhealthy season. The villages with heaps of dung kept close to the houses and gigantic hemp crops proved conducive to spread Mahamari fever. Contagious and typhus fevers broke out occasionally, showing rapid and malignant features of plague, as did small-pox. The months of November 1827 to August 1828 proved most destructive in the history of Kumaun and Garhwal accounting for 13,069 deaths due to cholera alone. The number of *suttees* committed during 1828 was, as a result, one of the largest. Deaths due to wild beasts averaged 100 every year and self-destruction by the pilgrims on Maha Panth, beyond Kedarnath averaged 20 every year. There was no count of accidents due to fall from rocks etc., which must have been considerable on the Pilgrim Road in Garhwal. Garhwal was totally unattended by any health cover and the road conditions were pathetic.

Small-pox was the only disease for the prevention of which vaccinators were maintained. The Civil Surgeon of Almora was authorised to keep a few vaccinators in 1819, at an expense of 60 *rupees* per month. Even this was objected to and Traill, considering this extremely essential, had to write that he intended to retain this establishment till he received a reply from government, on his reference. The Superintending Surgeon of Meerut undertook an annual inspection round of Kumaun. From 1832 Native Doctors, chosen from native vaccinators trained at native medical institutions, were provided all over the Presidency. The first Native Doctor arrived in Almora in February 1833, on a monthly salary of 20 per month. Bazar medicines, etc., used in jails and military hospitals, were provided by this Doctor, on a prescription by the Assistant Surgeon. He was responsible for their consumption and his stocks and expenses were audited by the Assistant Surgeon. The Commissioner passed the final bills after authentication by the Assistant Surgeon.

Cutaneous eruptions of various kinds were prevalent amongst all classes, leprosy was not as common as in the plains and firing by means of an iron was used in cases of strains, swelling and rheumatism. Goitre was a most common disease and while various prescriptions were advised by local practitioners, *Gellur Patta* (a kind of neck cloth) was most popular.⁶⁵

CHAPTER 3

GEORGE EDWARD GOWAN

Mosley Smith officiated as Commissioner for Kumaun from 30 November 1835 to 6 April 1836. Lt. Col. George Edward Gowan assumed charge of Kumaun Commissioner on 7 April 1836.¹ Joining military service as a Lieutenant on 28 March 1806 he became a Captain in 1815 and a Major in 1831, Regiment of Artillery. He was serving as a Lt. Colonel at Neemuch before joining Kumaun.² His good personal equation with Alexander Ross, Governor of Agra Presidency in 1836 and paucity of qualified civil servants to serve in the Regulation Provinces were the main reasons behind appointing a military officer to the post of a Commissioner in a non-regulation district.³

SLAVERY IN KUMAUN

The only correspondence of some significance, during Mosley Smith's incumbency relates to the status of slavery in Kumaun and Garhwal. R.C. Glyn, the Special Commissioner, it would be recalled, was the first official who applied himself to and investigated the issue of sale of children, wives and widows, in Kumaun in 1822. He brought it to the notice of Traill that not merely the practice of selling children but even of grown up persons, by the Kumaunese amongst one another or to the strangers, had continued even during the new government. Acknowledging Traill's "anxious exertions to abolish the barbarous practice" Glyn had desired to know the possibility of its total ban. The Supreme Government had also examined Glyn's report on the Civil and Criminal Administration of Kumaun and passed certain directions which have been noted in the last chapter.⁴

Lt. Col. Young, the Superintendent of Dehra Dun, who was also the Political Agent for the affairs of the Tehri State, brought to the notice of Government the prevalent practice of trafficking in slaves in Tehri as well as in Kumaun. Forwarding his proceedings to the Government of a case originating with an application from one Ultul for restoration of five slaves, Lt. Col. Young expressed his doubts regarding the legality of the practice of sale of children and slaves existing in Tehri and Kumaun. The custom of permitting Brahmins to purchase the so called lower caste people for cultivation of their lands, according to him, was also liable to gross abuse as it also encouraged prostitution or sale of women for the vilest purposes.

Kuzoo and his wife Kali, both belonging to lower castes, had been sold by Kuzoo's father during the Gorkha rule to Bhopalu for seventeen rupee Kutchha. For thirty-three years they cultivated the land of their master and five months ago Bhopalu had sold them to Ultul for 180 Rupees. Due to ill-treatment by Ultul they did not want to stay with him and fled to Dehra Dun. Setting Kuzoo, Kali and their three young children free, Col. Young enquired from Raja Sudarshan Shah as to how slavery had been permitted inside his territory.

The Raja informed Col. Young that since the advent of the British he had prohibited sale of slaves for the purpose of being taken out of Tehri. Lower caste persons, however, were allowed to be purchased and transferred by sale from one master to other, for the purpose of cultivation, which was carried on solely by the lower caste people. As no labourers of any other caste were available in Tehri if this practice were to be abolished all cultivation was very likely to cease. The Raja informed that this practice was not peculiar to his State only but was in practice prevalent both to the west as well as to the east of his state. Shore and Traill, both had allowed continuation of the practice, the Raja informed the Superintendent.

Col. Young annexed a letter sent by Traill to Raja Sudarshan Shah in which the latter was informed that a young girl purchased by two prostitutes of Tehri could not be sent to them, as it was against the orders to sell a slave to any person residing in another district. In the same letter Traill had admitted that sale of slaves within Kumaun was not prohibited provided that they were not taken out of the district and that it was well known that in accordance with this rule thousand of children, of both sexes, were annually sold and that without paying money a wife could not be secured. These two customs, the letter pointed out, were not prohibited by the British Government, if the slaves in question were not taken down to the plains.

As this reply of Traill to the Raja, copy of which was sent by the Raja to Col. Young as a proof, did not bear the seal or signature of Traill, Col. Young sent a letter to Traill for its confirmation. Traill confirming the contents of his address to the Raja, added in his communication of 2 July, 1935, that this custom prevailed from time immemorial and this kind of slavery was not prohibited by the British Government except in the instance of a husband disposing of his own wife to another or the sale of a widow.

Mosley Smith was sent a set of all these papers and robkaris (proceedings) drawn by Col. Young and was asked by the Government to submit a detailed report.

“Slavery”, reported Smith, “in Kumaun appeared to be hereditary. There were two distinct classes of slaves, namely, household slaves and slaves kept for cultivation of land. The former were Rajputs and the latter Doods (persons belonging to low castes). The practice appeared to be very old and the slaves were dependent on their owners for food, clothing, lodging and marriage expenses. The purchasers engaged such persons for carrying on cultivation, as well as the purchase of females for the purpose of prostitution, were still common and had never been prohibited. Such transactions were accompanied by a sale-deed. The cognizance of slavery by the Kumaunees Courts was limited, to the cases where sale of individuals by their parents was involved. The claims for freedom or servitude were heard like other suits.”⁵

Children seized by the Gorkhas for arrears of rent were set free as the custom had been prohibited by the Nepal Government. Transfer of slaves from one owner to another took place with the consent of slaves. Complaints on the part of slaves were rare from which it was inferred that they received humane treatment from their masters.

The three types of sales which attracted penal provisions were:

- (i) The sale of wives by their husbands,
- (ii) the sale of widows by the heirs and relations of the deceased husband, and
- (iii) the sale of children for the purpose of being taken out of the hills into some other districts.

As the practice of slavery was not countenanced by the Government Mosley Smith solicited instructions for his future guidance. He recommended setting the slaves at liberty gradually as the degree of civilization reached by the society did not warrant their immediate and unqualified enfranchisement. To them, in his view, it was likely to prove of questionable benefit while it was also bound to affect a large number of land owners in various ways.⁶

In order to understand the whole problem especially the nature of claims for service and claims for freedom, Mosley Smith called for case files of two-three cases of each category. Along with these records Smith sent a form of execution exemplifying the mode in which decrees for slaves were enforced and brought it to the notice that where a freedom was decreed by a court no enforcement of the order was required, as a copy of the decree alone was considered adequate to ensure the manumitted party from further claims.

The Government ordered that in future no suits, either for restoration of slaves or for enforcement of slavery, were to be received by the Courts under the Commissioner of Kumaun.⁷

Land Revenue Settlement

Extension of land revenue settlement to a duration of 20 years was the burning question of the day on which Boulderson, the Bareilly Commissioner, asked for Gowan's clear recommendation. Alluding to Traill's original settlement report of December 23, 1833, Boulderson hinted that the late Commissioner Traill perhaps himself considered a longer settlement feasible in some of the old and inhabited parganas. Emphasizing the need for a "perfectly satisfactory" reply, Boulderson advised him to consult Mosley Smith who had completed six years in Kumaun, Traill's public and private letters and opinion of local intelligent officers in preparation of his reply.⁸

Shadewell Morely Boulderson, as Commissioner of Gorakhpur in 1832-34, had already come in conflict with R.M. Bird. S.M. Boulderson and his younger brother Henry Smith Boulderson along with a host of other officers like G.R. Clerk, John William Kaye, Henry Lawrence and F.C. Robinson, held a view totally opposite to Bird and Thomason on the question of Taluqdari.⁹

The Suder Board of Revenue, with R.M. Bird at the helm of affairs, was not prepared to accept Traill's objections against an extended period of settlement and reiterated their view that long leases and moderate rents were in fact the very measures, best suited to counteract the grounds, which in Traill's views made their introduction objectionable. The SBR in fact asked for time from the Government to convince Kumaun Commissioner accept at least a partial extension of the new measure.¹⁰ Hitherto the settlements had been annual, triennial and maximum quinquennial.

Blissfully unaware of both, i.e., the ongoing divergent views held by Boulderson and Bird on the most crucial issues of the day, revenue settlement and the seriousness with which revenue settlement under Regulation IX of 1833 was being pushed all over the Presidency, all Gowan did was to collect the views of all Tehsildars. Boulderson very acutely missed absence of Traill and his intimate knowledge of the country and severely lamented the fact that a reply to the queries could not be obtained from him while he was still in Kumaun. On the basis of reports sent in by the Tehsildars, Gowan reported unwillingness of Kali Kumaun Zamindars for engagements over five years and partial willingness of Askot Zamindars for settlement upto ten years. In Garhwal, while the Zamindars of Choundkot, Ganga

Sulan, Tulla Sulan and pargana Painkhanda had expressed their readiness to engage for next twenty years, Gowan could secure no definite response from Barahsyun, Nagpur, Chandpur, Dewalgarh and Mulla Sulan. Commissioner Gowan accordingly inferred that the majority of the Zamindar of Kumaun and Garhwal were opposed to a long term settlement.¹¹

Boulderson expressed his unhappiness over such a perfunctory reply as no definite reasons had been advanced for the assumed aversion of the Kumaunese land-holders. Careful reduction by Traill in revenue assessments and the marked punctuality with which the past assessments had been paid during the past two decades, Boulderson informed Gowan, on the contrary lead one to believe that it might perhaps be beneficial for the land-holders to hold-on to the present assessment. Frustrated Boulderson advised Gowan to consult Mosley Smith on the issue as the latter had been in Kumaun now for almost six years.¹²

To this Gowan replied very naively that he considered himself to have been called upon merely to ascertain the wishes of the landholders and was not aware that he was also expected to find out reasons for not agreeing with the new terms of settlement. Consultations with Mosley Smith was ruled out on the ground that Traill had never taken any revenue work from his Assistants and Gowan added that Smith had "never quitted Almora or its immediate vicinity" during his entire stay in Kumaun.

The general result of the convassing, Gowan pointed out, was unfavourable to any settlement over ten years. As more than four months had elapsed since the query made by the SBR Gowan requested to Boulderson to forward a substance of his recommendation to the Board. Besides this delay the appropriate time for making a new settlement was also fast approaching as it had to be done before a large number of land-holders left for the Bhabar in October.¹³

So, a new settlement, as Gowan called it, was indeed formed but during his Almora visit of February 1837, R.M. Bird, the Senior Member Suder Board of Revenue rejected it outright. Gowan was instead asked to continue the present demand, i.e., the highest of Traill's last quinquennial of 1833 for another year and during which Kumaun revenue authorities were to make concreted efforts to convince the Zamindars of the great benefit which was likely to accrue to them from a long term settlement of twenty or forty years.¹⁴

It appears rather strange that in the face of such clear evidence and Batten's readily available printed report Atkinson should have numbered Batten's settlement as the ninth whereas it was actually the eighth. Interestingly, such a patent mistake

has been faithfully repeated by several scholars of repute and continues to be repeated in published and unpublished, official and unofficial works.¹⁵ A full chapter on Batten's Eighth settlement and explicit numbering of subsequent settlements of Kumaun and Garhwal should would now set this mistake right. Ninth settlement of Garhwal and Kumaon was completed by James O. Beckett and the Tenth settlement of Garhwal by E.K. Pauw, sets this record straight.

RELATIONS WITH ARMY

Civil-Army relations have always been considered a delicate subject, requiring close understanding of each other's needs and priorities, co-operation and suitable appreciation of rank and status. We have seen how uncertainties relating to availability of food-grains for the troops and local policy relating to the labouring classes had kept this relationship very strained at its very best. Now, appointment of a much junior military officer, as the highest civil authority in the province, added yet another dimension to this already volatile inter-face.

Not surprisingly, within two months of Gowan's assuming his charge, Col. Andree, the Officer Commanding in Kumaun, reported to the Army Headquarters details of a sensational murder of an army Jemadar and an extraordinary decision of the Commissioner, setting free all the prisoners whom Col. Andree considered as implicated in the said murder. In the Court of Inquiry, according to Col. Andree, all the accused persons had been, by and large, identified, but due to an unfortunate delay in the proceedings held at the Commissioner's Court, the main witness turned round and gave a totally opposite evidence which went in favour of the alleged culprits. This judgement given by Gowan appeared to Col. Andree so extraordinary that he brought the entire matter to the notice of the Army Headquarters. Locally, heated exchange of letters took place between the civil and military officials prior to and after the sensational trial.¹⁶ Not to be left behind Gowan communicated his version of the story to the Commander-in-Chief.

The Army Headquarters informed Gowan that as the Civil Officer of Kumaun he was not under the jurisdiction of the Commander-in-Chief and the entire matter was being placed for the examination of the Governor General in Council. He was also advised that he too should transmit himself the proceedings of his Court, which had reference to the several soldiers of the 7th Native Infantry, to Calcutta.¹⁷ Gowan was also sent a copy of the letter which had been sent by the Army Headquarters to communicated by the Commander-in-Chief over the conduct of two officers of the rank and experience of Col. Andree and Lt. Col. Gowan. He lamented the fact that both the officers should have failed to conduct

an investigation into the circumstances of a foul murder without the discord and personal disagreement, which their correspondence developed. The Chief considered one paragraph in a reply of Lt. Col. Gowan as uncalled for as it was "addressed to a much senior officer by a junior officer (although the junior was the Civil Commissioner) and was likely enough to produce the result which followed."

Major General Ramsay was asked to resolve the issue and a Court Marshall was ordered for investigating the charges against the European Officers mentioned in the petition addressed to Gowan by the Sepoys. The Commander-in-Chief held Lt. Col. Gowan primarily responsible for causing the entire controversy over the murder.¹⁸ The Supreme Government also found fault with the conduct of Lt. Col. Gowan for having become the channel of transmitting the complaints of native soldiers against the Commanding Officer of their Regiment to the Commander-in-Chief, unbecoming of a Civil functionary. He was directed "to discontinue the correspondence with Col. Andree on a subject on which both the parties have evinced such a decided want of that cordiality of feeling which should invariably mark the conduct of officers in their respective situation."¹⁹

In yet another case lack of co-ordination and understanding was exhibited in Kali Kumaun by Edward Thomas, the Assistant sent to that division in January in 1837, and Captain Moody, the Officer Commanding at Lohaghat. Due to shortage of food grains to which the eastern part of Kumaun was prone, Sudder Board of Revenue's instructions were not being strictly followed and the local Chaudhury indulged in certain unwarranted practices. However, a relations between Thomas and Capt. Moody soon deteriorated into an exchange of allegations and counter-allegations. Thomas, unsuccessful in securing support from his superior had to tender a written apology which indulged soured local civil-military relations further.²⁰

Mosley Smith left Kumaun in September 1836 for Meerut and was replaced in Garhwal by John Hallet Batten on 15 October, 1836.²¹ Captain Stuart Corbett, Commanding the Kumaun Provincial Battalion since 1829, did not pull on well with Batten, as he believed that it was Batten who was responsible for recommending abolition of the Kumaun Provincial Battalion. Lt. Col. Gowan himself did not take it kindly to be snubbed by R.M. Bird and Batten being entrusted with the land settlement work of both Garhwal and Kumaun. For one year Batten had also behaved as if he was totally independent of Gowan for the revenue and settlement operations of Garhwal. So, it was not without a sense of vicarious pleasure that in April 1838 Captain Corbett forwarded a written communication

about a rumour of Batten having maltreated several persons and one of them having died three days thereafter.²² For the next one and a half months it was a good grist for the European community gossip mill of Almora and Hawalbagh. Gowan's correspondence and notes indicate that Captain Corbett embellished and repeated the alleged incident to such an extent that a majority of European community in Almora and Hawalbagh started believing in the manslaughter-story. Ultimately, one and a half months later Captain Corbett wrote back to Gowan confirming that the rumour was without any foundation. Gowan reprimanded Captain Corbett, typically first of having withheld a written communication about the alleged manslaughter (which Gowan believed had come during his absence from the headquarters), and later, after it was found to have been baseless, of encouraging rumour-mongering against a colleague.²³

In January 1837 Col. Andree sent down some soldiers to collect beef from Bamouri for the use of European residents of Almora. A near riotous situation developed when a hostile mob prevented the soldiers from killing the bullocks with the help of local butchers. Col. Andree sought civil intervention, as there had been no earlier objection and requested Gowan that necessary instruction be issued to the thanadar of Bamouri.

Gowan entrusted the enquiry to Captain Corbett and prohibited slaughter of cattle till the completion of the enquiry ordered. The butchers and some of the leaders of the mob which had collected were arrested and sent up to Almora. The butchers took shelter in Col. Andree's compound. Once inside the Cantonment the butchers again killed one bullock. This was also stopped and the remaining seven bullocks were distributed amongst Col. Andree's men on the assurance that no more cattle would be slaughtered. The butchers were sent down to Bamouri under a guard ensuring their safe conduct out of the province.

Col. Andree quoted a letter of 14 December, 1814, relating to the killing of bullocks, which mentioned that slaughtering of cattle is highly revolting to the feelings of the Kumaunese. This sentiment, the letter said, should be respected and the cattle should not be killed, if sheep and goats could be procured for the troops. The other paper which could be traced during the enquiry was of November 1830, in which Dr. Bell, the Assistant Surgeon, had been called upon by Traill to give a security that he would not kill kine within the limits of the province.

In his report to the Government Gowan mentioned that undoubtedly Traill and a few others did slaughter bullocks but they did it privately and within their own compounds and it was mentioned that the feelings of the inhabitants of

Kumaun were as strong against the practice as they had every been. This fact, he added, could be proved by the number of representations which had been received on the present occasion and which had created such a great sensation that it continued to prevail even after passage of a fortnight after the incident. Gowan himself considered it highly unreasonable that for the mere gratification of a few the feeling of so many should have been outraged. He suggested that if the European still considered it necessary to eat beef they could procure it fresh from Bareilly and Moradabad, packed in baskets, without the Hindus knowing anything about it. He, however, agreed with Col. Andree's suggestion that the rule of practice should be further clarified and should remain consistent.²⁴ Slaughter of kine for troops was restricted to the cantonment limits in March, 1837.²⁵

Evidence available does not sustain the contention of some scholars that Traill had permitted cow-slaughter in Kumaun.²⁶

The communication gap between the civil and the army authorities and lack of anticipation on behalf of the former of agricultural prospects of the province resulted in a severe food grain shortage in Almora. Almost daily SOSs were sent by Gowan to Davidson, Bareilly Commissioner during August, 1838. From the seasonal point of view it was most inopportune as not many merchants were ready to carry food grains during the unhealthy season through the Turai. The Bareilly Commissioner had to direct the Magistrate of Moradabad to seize carriages for the transport of grain and literally push it to the Bamouri pass by forced marches. Davidson communicated his unhappiness over inability of Gowan to anticipate the crisis and bring the whole matter to his notice when the season permitted of an easy and ready supply. As much as 1,247 maunds of food grains were imported into Kumaun in August, 1838 from Bareilly. This incidentally was the first ever import of food grains from the plains to the hills.²⁷

Kumaun Provincial Battalion which was raised at the time of the occupation of Kumaun and primarily deployed on miscellaneous police and guard duties was now proposed to be put under direct military control. By January 1838 separate arrangements had been made to improve policing of the Turai. Particulars related to deployment of Kumaun Provincial Battalion in March 1838 are given in Table XI.

The grounds which were forwarded by Gowan for its further retention were considered by the Government as "military in its nature". Gowan was also reprimanded for expressing his opinion on a military matter, even though writing in a civil capacity, which was "at variance with what, [he] must have been aware,

was held by the highest Military Authority in the Country.” Gowan’s opinion had attracted strong reprobation of the Commander-in-Chief and he was warned for this indiscretion and asked to be careful in avoiding its recurrence.

Table XI : Details of Station Line, Regimental Guards, etc. K.P. Bn.

<i>Period of Change</i>	<i>Guards & Orderlies</i>	<i>Duty</i>	<i>Off. Havil</i>	<i>Naik</i>	<i>Drummer</i>	<i>Sepoy</i>
Monthly	1. Jail Guard, Hawal Bag	1	1	1	-	20
	2. Jail Guard Almora	1	1	2	-	36
	3. Treasury Guard, Almora	1	1	1	-	24
	4. Bazar Guard, Almora	-	1	1	-	14
Daily	1. Quarter & Rear Guard.	1	1	1	1	18
	2. Magazine Guard	-	-	1	-	4
	3. Bazar Guard	-	-	-	-	5
	4. Hospital Guard	-	-	-	-	5
	5. Bells of Arms	-	-	-	-	8
Night Gd.	1. Commdg. Off. Orderly	1	-	1	-	4
	2. Commdg. Officer	-	1	-	-	2
Weekly	1. Hospital	-	1	-	-	-
	2. Adjut. & Order Book	-	-	-	-	2

Kumaun Provincial Battalion for the last twenty-five years under the control of Kumaun Commissioner was transferred to the military department on 9 November, 1838.²⁸

VISIT OF R.M. BIRD

“Kumaun being a remote province, seldom visited by any superior authority,” wrote Bird, “it appears to me proper to put on record such matters as came under my observation during my visit there, although not immediately connected with our own department, for the information of the Government... [and] as the people are too ignorant to know anything of our mode of dividing business into departments... petitions on every possible subject revenue and judicial civil criminal, and political, were pressed upon me, and the matter brought forward in these petitions first attracted my attention to many points of enquiry.”²⁹

Bird’s Note on the Administration of Kumaun has been made use of by Atkinson. It is, however, doubtful whether any subsequent scholar had the benefit

of examining the full text of the report. Some confusion about the administrative history of this period is undoubtedly created by Whalley-Atkinson statement on implementation of Regulation X of 1817, which is confounded further by mal-administration of Lt. Col. Gowan, the subject matter "to many points of enquiry" by R.M. Bird. An absence of deeper examination of Lt. Col. Gowan's administration of almost three years linked with the developments in several departments, has also been responsible for its mis-application by some scholars.³⁰ A simple reading of paragraphs 30 to 35 of the main text gives out the burden of the report and para 29 calls for examination of post-visit correspondence between the Secretary, Judicial Department, the Register of Suder Nizamat Adawlut and the advise tendered by J. Thomason, Secretary to Lt. Governor, N.W.P., to Lt. Col. Gowan. Atkinson, who had access to Bird's full text, does throw a hint when he states that Bird was "pardonably influenced by the insubordination of the Commissioner [Gowan] in judging both of the past and the present" but this hint could not be taken up by the later scholars who obviously did not care to consult the main report with the available evidence in records.³¹

To understand the impact of Bird's note on the administration of Kumaun it is imperative to know a little about R.M. Bird rated as a highly successful civilian who speeded up stalled settlements. R.M. Bird had passed out from Hailebury College in 1807, served the Suder Diwani and Nizamut Adawlut in 1810 and in judicial service at Benares and Gazipur. He became the Judge of Gorakhpur in 1826 and its first Divisional Commissioner in 1829. Due to his specialisation in revenue matters he became the Senior Member of the Suder Board of Revenue, Allahabad, in 1832. After the famous Conference of Allahabad presided by Lord Bentinck he exercised absolute control over the Survey and Revenue Settlement operations of the N.W.P. during the next decade.

As Gorakhpur Commissioner he was imperious, guiding such men as Edward Curie, J. Armstrong and J. Thornton which did not go down well with their immediate seniors like Shadewell Morley Boulderson. Bird served as a link between theorists like Holt Machkenzie who developed Regulation VII of 1822, and Thomason who consolidated what has been designated as a the school of 'pro-levellers', and completed the settlement based on Regulation IX of 1833. By 1837, Bird was able to pull together officers like F. Curie, E.A. Reade, John and Edward Thornton, J. Thomason and H.C. Tucker, H.M. Elliot, John Lawrence and a host of others, as his model Settlement Officers and Collectors. On Bird's retirement in 1842 it was Thomason who took over the master's role. After 1843, when Thomason became Lt. Governor of the N.W.P., till his death in 1853, nearly every covenanted civil servant linked his fortune with Thomason.³²

It is not difficult to visualize an imperious Bird with more than thirty year's judicial cum revenue experience and virtually the think-tank behind Regulation IX, 1833 relentlessly pursuing settlement-operations by his personal supervision during his "cold-weather" tours, confronting an overbearing, insubordinate, Lt. Colonel of the army who was a total stranger to revenue, civil and judicial administration. Read in context the above background Bird's report on Kumaun-Administration is truly masterly, as Atkinson says, and it paved the way for Gowan's exist and opened the door for the so-called "mainstream" administration of Bengal Presidency and North Western Provinces.

Bird's thirty-five paragraphs long minute dealt with subjects like Settlement, Record Keeping, European Establishment, an hitherto unfamiliar post of Kumaun Commissioner and his Assistants, distribution of Judicial work, a review of all Civil cases decided by Col. Gowan, Native Establishment, Turai Police and allied aspects of administration of Turai, Criminal administration and above all the need to place Kumaun under the Suder Board and the local Government. Essentially, Bird made the following sixteen major suggestions to the Government:

- (i) Settlement operations under Regulation IX, 1833 of both Garhwal and Kumaun, in that order, were to be conducted by John Hallet Batten, the Assistant in Garhwal under the direct supervision and control of Revenue and Circuit Commissioner of Bareilly,
- (ii) the English and Native record-keeping arrangements needed an immediate and complete overhaul,
- (iii) the number of European Officers in Kumaun, i.e., four, was disproportionate to the revenue of the province, only Rupees 2.34 lakhs,
- (iv) the post of Kumaun Commissioner was one of undefined powers which needed to be placed on a regular footing,
- (v) Captain Corbett, the Commandant cum Assistant, could assist the Kumaun Commissioner and Thomas could be placed under Batten in Garhwal,
- (vi) Lt. Col. Gowan in consultation with Bareilly Commissioner was to distribute work between himself and Capt. Corbett,
- (vii) young officers, in general, were not be sent to hills directly on appointment to the civil service and they were to be made to rough-it-out in the plains before they are sent to the hills,
- (viii) the title of Kumaun Commissioner was a bit confusing. Mr. Traill was empowered with some special powers due to peculiar qualifications possessed by him for its administration. It was now time to bring it down to those of a District Collector, Magistrate and Zilla Judge,

- (ix) Bareilly Commissioner was to be given appellate powers and he was visit Almora, make a catalogue of civil cases decided by the present Commissioner of Kumaun and certify cases which required special notice of the Suder Diwani Adawlut. The latter Court was also to call for details of such cases, as it deemed fit,
- (x) the civil decisions of the Kumaun authorities needed to be immediately put under some person experienced in judicial affairs,
- (xi) the Native Establishment also required to be suitably reorganized. Bareilly Commissioner, in consultation with Kumaun Commissioner, was to prepare a schedule of moderate establishment, on a proper scale of pay. The whole of Tulubana receipts were to be deposited in the government treasury,
- (xii) the Turai-police was to be reorganized. Imperfect control was being exercised by the hill authorities. A special magistrate was required be appointed for the Turai with adequate establishment, including a strong force of horses under his orders, and possessing joint jurisdiction with all the Magistrates of Rohilkhand. From April to October he was to choose his own residence in anyone of the neighbouring districts but from November to March he was to be in the immediate vicinity of the forests,
- (xiii) the regular troops were of no avail for the Turai, as the protection provided by them did not extend further than the range of their muskets,
- (xiv) the Turai deserved to be considered to belong to the plains and not to the hills. Its revenue administration was recommended to be placed under the Collectors of the adjoining districts. Commissioner Bareilly and Magistrate of Rohilkhand were required to furnish to the Government all necessary details, for a decision on the subject,
- (xv) for the civil administration of Kumaun a brief Code, as prescribed for Assam, was to be drawn up; powers of the civil authorities defined and regular periodical reports furnished to the Suder Diwani Adawlut, and
- (xvi) giving a summary of a suit tried by Assistant Thomas and an appeal filed by the defendants heard by Lt. Col. Gowan, Bird observed how the plaintiff was sentenced by the latter officer for five years in prison with labour in irons and the witnesses to two year imprisonment in a like manner. Bird observed that the general root of the evils which prevailed lay in giving uncontrolled powers to those whose fitness for its use had not been tested beforehand. ³³

This Tour Note was an unequivocal condemnation of Lt. Colonel Gowan's administration owing to his in experience of civil and judicial in experience. As it came from one of the senior most civil servant it received wide publicity and later got misquoted as a condemnation of the entire period of British rule. The

suggestions contained in Bird's note were both of short-term and long-term significance. Some policy issues, put forth in typically Bird-fashion, like the one on the Turai or the one about not sending young officers directly to the hill-districts are highly debatable and to this day the last word has not been pronounced on either of them. Several suggestions were immediately carried through and action on some of them was commenced by the related department/organisation. The local administration of Kumaun was certainly put into a higher gear, for soon after Bird's departure from Almora, Lt. Col. Gowan applied for a copy each of Regulation IX, 1833, letter No. 40 of SBR on the Regulation and the Circular Order on Thornton's Plan of settling boundary disputes, etc., and other related papers on settlement.³⁴

CRIMINAL, CIVIL AND POLICE ADMINISTRATION

Bird during the course of his Almora visit asked Gowan to submit a detailed report to the Government on the present administration of Kumaun in the Civil and Criminal Justice Departments. The report sent by Gowan in March 1837 was primarily based on the various memorandums left behind by Traill and this report also summarises the state of affairs as they stood on the eve of Traill's departure from Kumaun.

Murder and theft were still very rare although almost all other crimes were reported as being on the increase. The total number of criminals confined in the Almora Jail in January 1837 was 142. Table XII gives a comparative position of crime compared with the year 1821.

The decoities were reported from the Bhabar and the Turai only, all perpetrated by robbers from the neighbouring districts of Rohilkhand. Complaints against individual for sorcery and witchcraft were very common. Often cases of unusual or sudden sickness and mortality were ascribed to witchcraft, and murders were committed on suspicion of having occasioned such calamities.

Table XII : Comparative position of Crime in 1821 and 1837

<i>Offences</i>	<i>Number of Crimes</i>	
	<i>31 Dec., 1821</i>	<i>1 Jan., 1837</i>
Murder	4	7
Decoity	-	28
Thefts	3	31
Forgery & Perjury	2	22
Adultery	3	4

Petty thefts & receiving		
Stolen property	29	-
Assaults, defamation & other petty misdemeanors	34	7
Affrays with wounding	-	8
Petty affrays	-	21
Selling & kidnapping women	-	7
Gambling	-	4
Total	75	139

Commissioner Gowan reported that the period of imprisonment rarely exceeded two or three years but there were instances of Traill having sentenced offenders to even seven year imprisonment. The only Regulation which had ever been recognized was Regulation X of 1817. Out of the three Assistants to Commissioner, Batten and Thomas belonged to the Civil Services while the third, Captain Corbett, Commandant Kumaun Provincial Battalion, belonged to the Army. Capt. Corbett held his Court at Hawalbagh and tried all such cases which were made over to him by Commissioner Gowan, for the Huzoor Tehsil or the central parganahs. During the Commissioner's absence from the Suder he also held charge of the Treasury and the Suder Station generally. Thomas resided at Almora and tried cases relating to Kali Kumaun or the eastern parganahs. No appeals lay beyond the Commissioner's Court and his decision was final.³⁵

The Government had, however, received complaints that "persons in Kumaun [were] apprehended, retained in jail and worked for years upon the roads, not only unsentenced or untried but even without any recorded charge." Gowan was asked to submit the grounds for such allegations reaching the Lt. Governor and provide details of any instances of the nature which may have occurred during his administration or come to his knowledge otherwise. He was specifically asked to state the scale of punishments attached to crimes of a less degree than those specified in Regulation X of 1817 and the instruction under which these punishments were awarded.³⁶ Reviewing the Annual Police Report for 1836 the Lt. Governor observed that Kumaun had hitherto not been considered subordinate to the Commissioner of Rohilkhand Division. The statements submitted were so incomplete that they failed to provide any criterion of the state of the police. Steps were afoot, Gowan added, to place the entire police administration on an entirely new footing.³⁷

The Suder Diwani Adawlut, in reply to a reference made by Gowan, informed him that the SDA had no jurisdiction over civil matters in Kumaun. He was directed to make his references to the Lt. Governor on the issues relating to the

administration of civil justice.³⁸ By December 1837 the Suder Nizamut Adawlut (SNA) was able to their investigations of “the five civil cases tried by Commissioner Gowan” which were referred to them by Commissioner of Rohilkhand on the direction of R.M. Bird. The cases were sent to the Suder Court for revision and amendment but the Court questioned their own power to alter the Commissioner’s decisions and final orders were ultimately passed by the Lt. Governor on the Court’s report. This is the only instance of its type, i.e., where the appealed cases from Kumaun had to be dealt in this manner. A special appeal was allowed from the Commissioner’s decisions to the Suder Diwani Adawlut, under Act X, 1838, (Sec. 4, Clause 4, Kumaun Civil Rules).³⁹ In all these cases, viz., Kurku vrs. Jumna, Jeevanand Pant vrs. Khim Singh Lulluva vrs. Natthu, etc., it was discovered that “the plaintiffs having failed to establish their claims in the civil court [they were] treated and punished as criminals!” In some of the cases the witnesses of the plaintiffs had been considered by the Commissioner as accomplices and awarded similar punishments. The sentences awarded to the plaintiffs and witnesses were as heavy as five years with labour. It was noticed that nothing in the shape of a trial was held.⁴⁰ Bringing these serious irregularities to the notice of Gowan, Thomason observed that “the result of this investigation will not fail to impress upon [him] the importance of observing greater caution and regularity in future in [his] criminal proceedings.” Asking him to keep his civil and criminal proceedings entirely distinct and to take particular care in, not assuming that “the failure to substantiate a civil claim, necessarily [involved] criminality, in the assertion of the claim.”⁴¹ Bird’s doubts regarding Gowan’s fitness to hold the civil charge were thus amply substantiated by the inquiry conducted by SDNA.

Police administration of the Turai-Bhabar during early months of 1837 had become exceedingly vulnerable. Magistrates of Bijnor, Saharanpur and Dehradun reported several daring dacoities and in May 1837 sensational dacoities were committed at Bheegoura and Rishikesh. Both the thanas of Chandi and Kotdwara had become totally helpless and especially after the withdrawal of the guards of Kumaun Provincial Battalion, “the dacoities had been daily increasing in violence and impunity.” Garhwal valleys and forests had become hiding places for the bandits. The alarm caused by these dacoities seriously impeded agricultural operations in the entire belt and Batten acknowledged his “utter impotence to assist the Plain’s Magistrates”. The condition of the Kumaun Turai was not much different. The guards of the Local Battalion provided to the thanas between the Kali and the Ganga could at best provide protection at the thanas themselves to those seeking safety and shelter there. Some of the “worst dacoities and murders committed within short distances of these police posts proved total inefficiency of these guards. The fear of decoits combined with the fear of death from

jungle-fever seemed to paralyze the energies of the mountain-guards as they were totally unaccustomed to the kind of crimes committed by the Turai bandits. Batten favoured handing over the entire jungle-tract, upto the foot-hills, to the Plain's Magistrate.⁴²

Criminal administration during 1836- 38 seems to have reached its nadir. One murder in Naya Chukata in 1836, five murders respectively at Peepal Parao, Tulla Des, Dharchula, Tanda and Puttin in 1837 and one murder in 1838 had been committed in which the murderers could not be apprehended. Dacoities in forests, murders of traders and disputes over land were the main causes for committing heinous crimes. Only six murders during almost twenty years of Traill's rule and eleven murders during nine years of Lushington's rule, in which the perpetrators of crime could not be apprehended, presents the sense of insecurity which these sensational crimes must have generated in the minds of hill-people, generally considered a peaceable lot.⁴³

Inadequate and ineffective policing of the Turai-Bhabar compelled the merchants of Almora and Haldwani to engage private-guards to protect their person and merchandize. Batten believed that these private-guards were in league with the bandits either "by ensuring the safety of some travellers at the expense of others" or by acting as informers allowing the actual decoits to escape. "Himmat Khan", concluded Batten, "who undertakes by an agreement, enforced in Almora Courts, to give security to as many as employ him against robbers and violence, must either be a most patriotic person, or in league with the robbers, as his remuneration was quite inadequate to provide a force equal to the duties he undertakes and he must therefore, spend his own resources in this undertaking, or his treaty with the banditry enables him to fulfil partially all his agreements with the traders at Haldwani, at the expense of great crimes elsewhere and great injustice to the really innocent."⁴⁴

Deeply concerned with the ever deteriorating conditions in the Turai, Lord Auckland, the Governor General of India, convened a conference at Mordabad on 29th January 1838, on the subject of police in the Turai. It was attended by T.J. Turner, Commissioner Rohilkhand, Okeden, Magistrate, and Collector, Shahjehanpur and Judge of Moradabad, W.W. Blunt, Magistrate of Moradabad, and W.R.K. Dick, Magistrate and Collector of Bijnor. As decided in the conference, Commissioner Rohilkhand was directed to coordinate and assist the Kumaon Commissioner and the Magistrates of Moradabad, Bijnor and Pilibhit rearrange the limits of their jurisdictions, according to the following plan.⁴⁵

- (i) the entire Turai attached to Garhwal, including Chandi, Kotri and Patli Duns, under the jurisdiction of hill thaplas of Chandi and Kotdwara, were now made part of Bijnor district,
- (ii) the parganas of Thakurdwara, Kashipur, Jaspur and Bajpur, which had hitherto formed part of Thakurdwara Joint Magistracy, were now added to Moradabad, with as much of the Garhwal and Kumaun-Turai which lay adjoining to these Parganas." Part or whole of this part was so far considered attached to the hill thana of Kota, and
- (iii) the parganas of Gadarpur, Rudrapur and Kilpuri, with the Turai of Kumaun opposite this entire line, so far attached to the police thanas of Bamouri and Bhim Tal, were now annexed to Pilibhit district.

It was left to Turner's discretion "to assume and determine suitable stations in the hills to which the neighbouring police of turai [could] fall back, during the unhealthy season, for the better management of turai." He was, however, instructed to carefully assure that "on no account, [this rearrangement] should expose the inhabitant of the hills to any unnecessary vexation from requisitions to attend on the Magistrates in the Plains, from the 15 April to 15th November." All summons by the Plains' Magistrate to the hill-residents were expressly prohibited during this period and investigations were now to be conducted by the Hill authorities. This was to be made well-known to all concerned and the public with the help of a public proclamation.

In addition to making Turner personally responsible for the execution of these orders he was also asked to suggest "any other measures, roads, avenues through the jungles, etc., for promoting security in the turai." Services of Lt. Anderson who was conducting survey of Bijnor preparatory to the excavation of canals for irrigation were also made available to him. The Suder Boards were also to make necessary fiscal re-adjustments, post-facto, to the new Magisterial divisions of the district. Obviously, the Turai problem was no more considered a purely police problem the view which was so noisily and forcefully advocated by Commissioner Traill in his correspondence with Halhed, the Suder Board and the Government.⁴⁶

In November 1838, the Government approved the exchange of territories between Kumaun-Garhwal, Bijnor, Moradahad and Pilibhit. This rearrangement and revised establishment resulted in a net annual saving of Rs. 18,648. Under a novel arrangement, Chandi, Kotri and Patli Duns were placed under concurrent jurisdiction of Kumaun Commissioner and Magistrate of Bijnor. The conduct of the police was the sole responsibility of the former, while the fiscal responsibilities lay with the latter. The private Chokidari tax was now abolished, speedy disposal

of criminal trials was to be ensured and the co-operation of the Nawab of Rampur, offered voluntarily, made full use of, under the superintendence of Rohilkhand Commissioner. A separate report on the opening of new roads and repair of the old ones was to be furnished. Appreciation of the Government was also communicated to Turner, Dick, Blunt, Williams and Batten for the "zeal and judgment displayed by them in the formation of their respective parts of the arrangement". Commissioner Gowan's name, in the appreciation communicated by the Government, was conspicuous by its absence.⁴⁷

Gowan's inexperience in legal matters was further highlighted by the manner in which Batten questioned each and every procedure and practice followed in the Courts of Kumaun which the latter considered violative of any legal sanction. On being approached by the Munsifs of Garhwal for being permitted the use of "ordeal of hot-iron", as a proof in certain cases, he requested Gowan to check up "whether the permission of trial by ordeal [had] ever been actually given by the Almora Court, and if so, whether the practice in the Province [had] received any higher sanction than that of the local Commissioner?"

Batten was told that Commissioner Traill treated as criminal any use of ordeal, except on his own express order, and the Court Pandit was the person who superintended its actual operation. This method was resorted to mostly in the "loss of Caste cases". Batten strictly forbade its use forthwith till it could be shown that the Government had excluded Kumaun from the operations of its legal system, "so much opposed to any sanction of the crudities of native superstitions or to the perpetration, by means of its judicial courts, of ignorance and barbarism." On Batten's refusal to summon the accused in cases where accusations of witchcraft (jadoo) were levelled against individuals, he was informed that such cases were actually taken up in the Almora Courts. Both the accuser and the accused were compelled to sign a personal bond that they will not molest each other. Requests for handling such jadoo-cases and practices like the ordeal by hot-iron baffled Batten no-end and he requested Gowan to be "furnished with facts as to the real state of the law, if any [existed], or of the practice, in the- absence of law."⁴⁸

The Government, in consultation with the Suder Diwani and Nizamut Adawlut, was seriously examined reforms in the Judicial administration of Kumaun. Questioned about the need to bring forward a legislative Act to meet this end the Court drew Government's attention towards the provisions of Regulation X of 1817, whereby the administration of police, civil and criminal justice of Kumaun was conducted by the Commissioner under instructions directly issued by the Governor General in Council. The Court as the next logical step asked Gowan to

furnish the instructions issued by the Governor General in Council to Kumaun Commissioner on these subjects. The SDNA were requested to suggest measures to the Government to reform the Civil, Criminal and Police Administration in Kumaun.⁴⁹ A small establishment for police thana at Pithoragarh was sanctioned from 1 April, 1838.⁵⁰

Revenue Administration

Out of the eight Munsifs appointed in July 1829 seven were the Kanungos. The Court Pandit, who was the eighth Munsif, was designated as the Suder Amin. Gowan found the hereditary succession system of Kanungos repugnant and wanted to do away with it. The case of Ramkishan, Kanungo and Munsif of Shore, nearly eighty years of age, presented a good opportunity. Gowan secured his resignation, on the ground of his unfitness for the duties of his office, rejected the claims of his two sons and recommended the name of Baldeo Joshi who was not related to the outgoing Kanungo. Gowan's correspondence with Bareilly Commissioner highlighted the fact that quite like Kanungoships the office of Munsif was becoming hereditary owing to its genesis out of the office of Kanungo. Dissatisfied with the protracted correspondence on the subject Gowan referred the matter for consideration of the Government.

"What stimulus," asked Gowan, "has a Kanungo and Munsif to conduct himself in an upright and exemplary manner, if the office be hereditary? He knows that if he behaves ill, his brother, some other relative will obtain the situation should he be removed. Among a people so noted for clanship this is no punishment. The man removed is in fact as powerful as before and as much a Kanungo or Munsif as he ever was, except in name." He made a forceful claim for being allowed to make his own selection of a Munsif on the ground that he was a much better judge of the candidates "being on the spot, than Mr. Turner, residing at Bareilly."⁵¹

While all kind of explanations were being required from Gowan, that is how Gowan considered the whole issue, Batten in Garhwal had secured the removal of a Kanungo on the plea of incapacity from youth, "with much ease"⁵² It was left to Commissioner Turner to clarify to Gowan "the difference between [a] dismissal, which [reflected] disgrace, and retirement, free and uncontrolled, to which no stigma attached."⁵³

Interestingly, Batten considered the office of Kanungo as hereditary. He had, in his case, recommended retention of Harakpati Khanduri as Kanungo but separation of a Munsif for Bhim Dutt Khanduri. The official stand, however, lay

somewhere between the two extremes. R.H. Scott clarified to Gowan that while the situation of the Kanungo was certainly not hereditary "it always seemed advisable, in cases where qualifications admitted it, to select a successor from the sons or the members of the family of the Kanungo."⁵⁴ This in Gowan's view was a case of sheer hair-splitting.

Government, however, approved separation of the offices of the Kanungo and Munsif and asked Gowan to appoint the fittest person for the office of the Munsif.⁵⁵

Irked by Bird's order, asking Batten to report to the Rohilkhand Commissioner directly, both in settlement as well as revenue matters, instead of through him, Gowan, requested for Government's existing orders on the subject. He was informed that Batten was required to submit all correspondence through him only, except on settlement matters, a practice which was applicable in the plains as well. He was further apprised that the Joint Magistrates and Deputy Collectors were under the Magistrate and Collector. Appeals lay with the Commissioner. The Magistrates were empowered to restrict, resume and extend jurisdiction of the Joint Magistrates and Deputy Collectors. The Magistrates and Collectors could also issue general instructions for the guidance of the Joint Magistrates and the Deputy Collectors.⁵⁶ This clarification from the Suder Board corrected the aberration which had been temporarily caused by Bird's order and brought settlement correspondence with the Suder Board routed through Rohilkhand Commissioner.

As instructed by Bird Gowan first recommended crediting Tulubana Fund with the Treasury in March 1837. However, soon after, realising that this was likely to disrupt payment of monthly salary of twenty-seven Mulazim Chuprasis and seven Mutsuddis he retracted his recommendation and requested for being allowed to continue the past practice until the Kumaun establishment was fully reorganized.⁵⁷ The Suder Board also favoured remodelling of Kumaun establishment in its totality rather than do it piecemeal. Gowan's attention was also drawn towards the irregular mode of remunerating part establishment in fixed salaries and part out of the Tulubana Fund. Rohilkhand Commissioner was directed to review the whole matter and put up a composite proposal.⁵⁸

Relations between the Suder Board and Gowan soon deteriorated to such an extent that the latter refused to furnish certain information to the Board. The Board took up the matter with the Government and the latter had to draw attention of Gowan towards provisions contained in section 3, Regulation XXV, 1803, for strict compliance.⁵⁹

In 1836 detailed instructions were issued by the Suder Board for arrangement of papers and records of the District Native Departments. The Collector with the help of his Serishtedar was to divide the business into departments. These departments were to be placed under different officers. Papers were to go to the assigned officers and separate arrangement for receipt and despatches were to be made. The Serishtedar was responsible for distributing all receipts daily among the concerned officers. The references required by the Collector were to be brought from the concerned offices on a fixed date. Record Keepers were to preserve papers after final orders were passed.

Pargana and Mouzawar records were to be maintained and Muhafiz Duftar was responsible for furnishing of requisitioned papers. Collectors were directed to pay personal attention to carrying out of these orders.⁶⁰ The modern-day Collectorate could be said to have started taking its present shape with the issue of these directions.

Jail Administration and Postal Communication

In 1836, Lt. Colonel Gowan sent to the Commissioner of Rohilkhand a report on the Mahamari pestilence in the northern parts of Garhwal which was published by the medical authorities. This report gave a fearful account of death and misery.⁶¹

The irregular practice of including European medicines required for Jail Hospital in the annual Regimental Indent was discontinued. Now a special indent for these medicines was furnished to the Superintending Surgeon, located at Meerut. A demand for hospital establishment, one dresser and one hill Bhishti, was submitted to the Government.⁶² Gowan was asked to establish Jail Hospital on the same footing as other Jail Hospitals in the N.W. Provinces and procure a suitable accommodation for it. The European medicines were now to be indented by the Assistant Surgeon on the nearest Medical Depot. Country medicines were to be supplied on the mode indicated in the Government order of 26th October 1830. While the posts of a bhisti and a sweeper were sanctioned, he was asked to make use of the services of one of the convicts as a Dresser.⁶³ Pending introduction of the system of rations instead of money payment to the prisoners an increase of six pie daily on the diet allowance of the prisoners was authorised. This was a temporary dispensation and was to continue till such time as Gowan was able to reduce the ordinary allowance to the ordinary rate.⁶⁴

Thanadari or the District Dak now made available to the public in the plains districts could not be introduced in the hills as there were no indigo planters,

merchants and European traders in the hills. The only District Dak, between Srinagar and Almora, was used for carrying orders and reports to and fro from several offices. The peons were paid by the Government and no revenue was derived from it.⁶⁵

GOWAN'S DEPARTURE

Gowan's handling of judicial matters and several administrative lapses fully vindicated Bird's apprehensions that he was perhaps unfit to step into the shoes of G.W. Traill. His handling of the outcry generated by the murder of an army Jamadar dismissals of Conway, the Head Clerk, Vijay Ram, a Mutsuddi, whom he simply asked "to quit Almora and repair to his own village", and Ramkishan Kanungo-Musif, are some of the examples showing his incapacity and ineptitude. The raucous complaints made by the affected parties, during Bird's visit to Almora in 1837, resulting in "the five referred civil cases" and an adverse finding by the highest Court sealed Gowan's fate. Relations between the civil and the army authorities, from which even Traill had been unable to escape unscathed, reached its nadir, thanks to Government's own unmindfulness in appointing a relatively junior officer as the chief Civil Authority to a station which had a senior military officer as its chief Military Authority. The case of Lt. Sherif, whom Gowan ordered to be present in his court on a fixed day at a fixed time, demonstrates fully the anamoly of the situation. Gowan, to some extent, was himself responsible for aggravating certain situations. His fuelling of Corbert-Batten controversy, is a case in point. While he was unfortunate enough to be a successor to Commissioner Traill, a legend of sorts during his own lifetime it was his sheer bad luck to have run so early into a microscopic examination of an official of the standing of Bird. R.M. Bird, a no non-sense officer who provided leadership and was a mentor to a class of officers, was also well known for his strong likes and dislikes.⁶⁶

Lt. Col. Gowan's appointment as Kumaun Commissioner was cancelled on the directions of the Court of Directors. The Governor General issued orders to the Government of the N.W.P., removing Gowan from his office on 3 September 1838.⁶⁷ The Court of Director's despatch, dated 25 May, 1838, was also discussed in the Supreme Council on the 7th of November, 1838, i.e., after the Governor General had already ordered his removal. A. Ross, now a Member of the Supreme Council, explained the circumstance under which he had appointed Gowan as Kumaun Commissioner, when he held the office of the Governor of Agra. He basically justified his appointment of Gowan on the belief that "among a rude and wild people Military Authority is more respected and more efficient

than any other” and the economy such an appointment was likely to effect. He cited similar appointments of Major Kennedy, in Subathu, Col. Tapp and Lt. Col. Young, in Dehra Dun. W. Morrison and T.G. Robertson, the other Members of the Supreme Council endorsed Ross’s recommendation, in favour of continuation of Gowan. However, the Governor General held other views. The temper, patience, sound judgement and a knowledge of the common principles of justice, which Ross credited Gowan to possess were exactly the traits which “the simple people of Kumaun” had found wanting in Gowan.⁶⁸

CHAPTER 4

GEORGE THOMAS LUSHINGTON

G.T. Lushington completed his training at Hailebury College during 1823-24 and joined Company services as a Writer in 1824. After serving as Assistant to the Persian Secretary, Secret and Political departments, on being promoted as a Factor, he became the Political Agent at Bharatpur in 1833. On leave in England during 1836-37 he joined as Kumaun Commissioner on 30th of November, 1838. He breathed his last in Naini Tal on 25th of October, 1848.¹

Compared to Traill's or Henry Ramsay's periods the tenures of Lushington and Batten have been characterised as uneventful.² Batten's contribution, however, to the development of Kumaun-Garhwal gets ample recognition through his settlement operations.³ But for Lushington Atkinson merely adds that he "appears to have been Commissioner from 1839 to 1848".⁴ He was a man with a literary bent of mind and his lengthened tenures with the secretariat made him consult the Suder Board, the Suder Court, and the Government, in all sensitive matters. He appears to have been sensitive to a fault and "this point of his characteristic delicacy sometimes led him into an error of judgement." He consciously avoided interfering with the working of other departments e.g., road construction by the Military Department, which even his subordinates like John Strachey openly castigated. His reservations about resumption of individual *maafi-tenures*, interference in religious matters, assumption of sovereign rights of government on all streams and waters speak volumes for his own personal convictions but overlook a concern for wider public interest. These very characteristics, however, made him go deeper into each and every new rule, which was being introduced now for the governance of Kumaun, resulting in several supplementary rules for revenue, civil and criminal justice administration. His behaviour and style were apparently contrasted sharply with those of Traill, Gowan, Batten or John Strachey. His so-called liberality and kindness, confined naturally to a selected and privileged few, earned him kudos of poets like Gumani Pant. It goes to Lushington's credit that several rules and regulations which were introduced in Kumaun-Garhwal for the first time were smoothly inter-woven into a polity which had been accustomed to a personal and paternal rule for almost a quarter of a century. He provided a firm foundation by systematisation of administration for Batten and Ramsay to raise an administrative monument which

commemorates their names and tenures. Administratively speaking Lushington and his period has been totally neglected and ignored by the historians.

ACT X OF 1838 AND RESOLUTION OF 1839

Act X of 1838 was passed on 30th of April, 1838 but no follow-up action seems to have been taken till 1839. Partly the Governor General's order on the Court of Director's direction of 25th of May cancelling Gowan's appointment in September 1838 seems to account for this delay.⁶ Lushington was sent a draft of the proposed resolution specifying the rules proposed for the judicial and fiscal administration of Kumaun with a set of Assam Rules mentioned in the draft resolution for his opinion and remarks.⁷

Act X, 1838 of the Bengal Code repealed Regulation X, 1817. The functionaries were now placed under the control and superintendence of the Suder- Diwani Adawlut (SDA) in civil cases, the Suder Court of- Nizamut Adawlut (SNA) in criminal cases and the Suder Board of Revenue (SBR) in revenue matters. The overall control and superintendence rested with the Government of the North West Provinces (NWP) of Bengal Presidency. Earlier respective jurisdictions were exercised by Regulation VI, 1831, in criminal cases and Regulation X, 1831, in revenue matters by the SNA and the SBR, respectively. The only novel feature introduced by this Act was the control given to the SDA over the civil courts of Kumaun. According to Whalley hardly any practical good seems to have resulted from this enactment.⁸

By the Resolution of 26 January, 1839 passed by the Governor General under the authority vested in him by Act X, 1838 Kumaun was divided into two districts of Kumaun Proper and Garhwal. In each district was to be stationed one Senior Assistant, one Suder Amin and one Munsif. The Commissioner could post the Junior Assistant anywhere within his division. In revenue affairs the Commissioner now occupied the same position and powers, in subordination of the SBR, as any Commissioner of a division in the Provinces. The Assam Rules, with certain modifications, were enforced for civil and criminal justice. The Senior Assistant now exercised the powers of a Collector and the Junior Assistant those of a Deputy Collector. The new arrangement came in force on the 1st February, 1839. The Kumaun Local Battalion was transferred from the civil to military department and the burkandazes took over guarding of jail from the sepoy. Captain Corbet, the Commandant, vacated his civil appointment as an Assistant to the Commissioner. A copy of stamp-rules in use in Simla, levying stamp-fee on a percentage basis and paid by the losing party, was sent for implementation in Kumaun.⁹

John Hallet Batten who joined Garhwal as an Assistant on 15 September, 1836 and Capt. H. Huddleston who joined Kumaun as Assistant on the 28th March, 1838 took over as the first Senior Assistant of Kumaun Proper and Garhwal, respectively, on 15th February, 1838.¹⁰

REVENUE ADMINISTRATION

While reforms in other departments were simultaneously introduced the most striking change in the system of policy which came about on the departure of Traill took place in the system of revenue assessment. The Board of Commissioners had been constantly pressing for an assessment for longer terms, a more minute and exact investigation of the rights and liabilities of the landholders and the extent and capabilities of their estates. Batten's settlements, notwithstanding their imperfections, have been regarded as the first solution of the problem of applying the principles of the regulation in fixing the revenue demands in the hill tracts.¹¹ The problems faced by Batten in their implementation, with a critique of the past settlement, have been discussed in Chapter 5.

The SBR's scheme of settlement envisaged close superintendence of the divisional Commissioner. Not only was the tardy pace of settlement operations activated by Lushington but he also took such a keen interest that it elicited unqualified acknowledgement of its worth by Batten. "I may truly say", recorded Batten, "that the settlement has been made, or at least remodelled and improved in a great measure, by yourself, and that your opportunities for observing the system attempted to be delineated in the above rules have been greater than my own." During 1840 and 1841 alone he decided as many as 111 appeals filed by the aggrieved parties. Of these eleven were connected with alleged fixation of high juma and the rest for parties desiring pudhancharee leases in their own names, on the ground of dissatisfaction with the recorded Pudhans at the settlement, or appeals for orders affecting the rights and obligations as Thokdars, Pudhans, and co-parceners.¹²

When Batten, now a Senior Assistant Commissioner cum Settlement Officer, suggested a possibility of his (Batten's) undertaking lesser number of tours and personal inspections, considering his past experience as the Settlement Officer of Garhwal (1837-38), Lushington advised him against it. "It appears to me," remarked Lushington in his typical style, "that were it possible to do the settlement-work satisfactorily without personal inspection it would by no means be expedient to abstain from it. Unaided as you are by a correct professional survey and well aware how little reliance can be placed upon reports of the native officials, or of

the people in a matter of this kind, it is, I think, obvious that by locomotion and personal inspection alone can you arrive at satisfactory results, satisfactory alike to the people and the Government. I am strongly of the opinion that the more villages can you visit the greater and better founded will be your knowledge of the resources of the country, and of the rights, claims and the interest of the people.”¹³

Bird's decade at the SBR (1833-42) was undoubtedly the most fruitful and productive in its entire history. Thomason (1843-53) continued to push the revenue administration on the same lines. This period i.e., Bird-Thomason (1833-53) coincided with Lushington-Batten period of Kumaun administration (1838-56) and witnessed introduction of a host of instructions and circulars on revenue settlement matters. These were subsequently consolidated into the Directions for Settlement Officers (1849), and Directions for the Collectors of Land Revenue (1848). Revenue instructions, issued prior to these two publications were also compiled as Selections from Revenue Records (1822-1833). The compendium meant for the Collectors contained Rules on as many as thirty subjects, viz., Collector's Office, Collection Record Office, Patwari Records, Maafi lands, Malguzari Register, Registration of Deeds, Waste-lands, Alluvian and deluvian, Compensation for land taken for public purposes, Perguna Registers, Summary suits, Sale of lands, Tehsildari Accounts, Nuzul lands and Pensions. Rules were also published on Uncovenanted servants, Balances, Summary settlements, Rain gauzes, Tuccavi advancement, Dustuks, Kham Tehsil, Transfer of Pattidars, Sales for areas of land-revenue, Excise and Abkari and Conduct of suits in which the Government was a party. Instructions on settlements under Regulation IX, 1833 provided a separate series of instructions.¹⁴

Although a good number of these instructions were irrelevant for Kumaun they were nevertheless sent to the hill-authorities and “deposited in the Commissioner's office.” Lushington questioned their despatch to the hill-tracts and the SBR confirmed that “the mass of Regulations and orders in force in the Provinces, is altogether unsuitable to the state of things in Kumaun, and it is not intended to have effect there.” These were supposed to keep the hill-authorities kept abreast “of what is going on, and not for currency unless specifically so stated.”¹⁵ Almora Treasury, which kept revenues of both Kumaun and Garhwal and hitherto directly under the Commissioner, was now placed under the charge of Senior Assistant of Kumaun.¹⁶

A protracted correspondence spread over two years was exchanged between the SBR and Kumaun officials on fixing installments of land-revenue (kisht-bandi).

While seven to nine installments existed in the plains district in Kumaun the land-revenue was realised in four equal installments from the very inception of the British Rule. In April 1839 the SBR recommended its realisation in four installments and the period of kishts were "to be so fixed as to allow the landholders dispose of their grains before they were called upon to pay government revenue" viz., 15th November and 15 December for the Kharif crops and 15 April (or May) and 15 May (or June) for the Rabi. The 15th of June was the very latest and only one for sugar-cane tracts, the third Kharif kisht was allowed to commence on the 1 February.¹⁷ Batten shifted the existing kishts, falling in Kuwar (Sept-Oct), Aghan (Nov-Dec), Magh (Jan-Feb), and Chaitya (Mar-April) to correspond to SBR's dates and amended some of the pattas which were being issued in settlement operations. As the Kumaun Civil Rules prohibited institution of suits in summary suits courts if they were not instituted one month ahead of the close of the year Lushington recommended acceptance of revised dates proposed by Batten, thus rejecting any further laxity in a date later than the 15th of July.¹⁸ When the SBR did not agree to this Lushington stressed the futility of comparing conditions in the plains with the hills where "the climate, the soil, crops were all and each different from what obtained elsewhere."¹⁹ Asking him to reconsider the whole issue the SBR questioned hill-authorities' "wisdom in fixing four equal installments for tracts like the Turai where there was hardly any Kharif cultivation and from whom demanding half of the annual juma was patently absurd."²⁰

The information supplied by Huddleston and Batten on this specific issue throws interesting light on the economic condition of the hill-people and their views on revenue administration of that time. The Garhwalis preferred four kishts in Dec-January and Jun-July as the mandis (markets) in the Turai were generally not established till early in November and the first Kharif kisht, falling on the 1st of November did, not allow people going down to the market and return to their homes until after both the Kharif kishts had been collected. A delay of one month in the Rabi kisht would allow them accommodation for the late harvest and greater facility in payment.²¹

Kumauni landholders favoured four equal kishts "because four equal divisions were more easily understood by all." As to the periodicity of the kishts they preferred to pay at a time, "when their trafficking of all hill-commodities and not only agricultural products put money into their hands." It was not inconvenience with reference to the harvests but related to the mode of collection which troubled them most. Batten was informed that Traill "very rarely inflicted on any defaulter the punishment of Dustuks until very late in the year." They wanted the Tehsildars to be prohibited from issuing Dustuks in November, May, December and June. In Kota Tulla, Chukata Tulla, Tulla Des and Chowbisi the land-holders requested

for a delay in the first kishit till December. With hardly any Kharif cultivation in Tulla Des and Chowbinsi the Kharif kishit was suggested for Jan-Feb; 3 Annas for each kishit and 10 Annas to be divided between May and June. Rabi kishits was to be delayed "till after the Bhotias descending to their winter marts had commenced their annual system of barter and money-purchases with themselves."

The Bhotias in their turn suggested fixing of kishits in January and March so as to correspond to the great fair at Bageshwar and in May to the time of their leaving the Thul fair on way to their homes in the several passes. While the Jan-March kishits could be equal at 4 Annas each they wanted the Rabi kishit of 8 Annas to be realized in one call. They strongly "objected to any second call upon themselves after the close of all their transactions in the central hills." Any Malguzar who could satisfy the Patwari of the remaining 4 Annas, could be permitted to escape all coercive processes on his paying 4 Annas, as the first Rabi installment in May, at Thul or Munsiri. The Gangoli pargana, Danpur Mulla and Tulla pattis also favoured the Bhote-pattern.²² For the majority of Kumaun-Garhwal parganas Lushington recommended four equal kishits of 4 Annas each, but two kishits of 4 Annas for the Kharif and one kishit of 8 Annas for the Bhote Mehals and "parties living in or frequenting the turai for the Spring crop."²³

This explains the difference in the date of kishits i.e., one set for the plains and another for the hills, referred to by some scholars. In fact in the pattis issued by Batten, in the course of his settlement of Garhwal and Kumaun, there should exist three sets of dates, the first issued before 1840, the second issued after the receipt of SBR's instructions in 1840 and finally those issued after 1841.²⁴

The SBR strengthened its control over revenue administration with the help of ever increasing number of periodical statements. In 1839 it consisted of two Annual Statements viz., list of Bakaya Balances and Wasil Baqi Naksha; one two-monthly viz., Patwari-war Towji and four Monthly Statements on Towji, Jama Khurch, Urz Irsal and Mal revenue and Sayer.²⁵ Abuse of power by the Tehsildars, Jemadars and Patwaris, in using hukmanamas not only against the defaulting Malguzars but also in collection of rent-duties merely on the requisition of the Pudhans, was sought to be checked by Dustuks. No Dustuks were now permitted except under the seal of the Senior Assistant. The Dustuks and all the registers issued by the SBR were translated from Persian into Hindi in Kumaun.²⁶ The records which had been found "in a state of admirable confusion" by Bird in February 1837 were now rearranged systematically. An entirely new classification had to be adopted for the settlement misls of the former years "as no mouzawar arrangement had ever been made of them." In Garhwal, Shore's files had been kept at Dehra Dun and upto 1837 all records were kept in Almora. As there had

been no permanent civil officer located there after the departure of Shore and prior to Batten's arrival, the Garhwalis managed to adjust their differences without the aid of courts. Consequently there existed only a small number of settlement files. These files were now sent to Garhwal both from Dehra Dun and Almora, in April 1840.²⁷

The activities of the districts came under much sharper supervision of the SBR through the Divisional Commissioner with the prescription of still another Monthly Statement in April 1839. It was ostensibly prescribed "to keep the Commissioner informed of the state of business in the offices of the Collectors of their division" but its intent soon became clear when right on its heels a Quarterly Index of Revenue Correspondence was prescribed for the Commissioners themselves on the 13th December, 1839. The monthly statement consisted of twenty-six heads on subjects varying from the settlements to complaints against officers and the Quarterly Index was meant "to keep the Board acquainted with all orders which Commissioner might issue to Collectors and with all references submitted by the Collectors." The SBR considered the Index important which was expressly calculated "to expose the internal arrangement of every district and afford the Board ready means of checking proceedings contrary to their views of correct administration." The Commissioners were also enjoined to submit with this Index "copies of all circulars that they might issue during the cognisance and control." Even when no circulars were issued during the quarter the Commissioners were required to intimate the circumstances to the Board through a separate letter. The SBR picked references from this index and requisitioned connected correspondence for its perusal.²⁸

To this unabated torrent of instructions Lushington added his own orders insisting that every person should be provided with a full copy of all orders and this proved to be proverbial last straw to an establishment of just two Mutsuddis in Huddleston's office. They resorted to employing friends for making out the parwanas and copies of orders. Demand for additional Nakal Navises was immediately voiced.²⁹

Aware of the fact that the actual area of land and forests in Garhwal far exceeded the quantity so recorded during the settlement operations and anxious to increase cultivation Huddleston proposed leasing such areas after actual measurement "leaving ample space for grazing and supply of wood for all purposes." To meet possible objections of the existing owners it was suggested that they could be given the first option of bringing such wastelands under cultivation, as clearing leases. Lushington turned down the suggestion on the ground that a settlement was "a solemn contract between the state and people for the term of

years specified therein, neither party having a right to annul or deviate from the conditions laid down." The Government, according to him, had no right arbitrarily to exclude from the ruqba (area) any Pudhan-land, formerly made over to him at the settlement, inclusion of which may have been one of the main reasons that induced him to make an offer.³⁰ It contrasts sharply with the way Batten went about obtaining resignations of forest and land lease-holders once he had made up his mind that holding Bhabur Kham would be in public interest, only five years later. To be fair to Lushington doubts akin to his were to be set at rest by the SBR in November, 1838 only but this kind of inflexible attitude towards existing directions only set apart a Lushington from a Batten and an obvious lack of drive, a Huddleston from a Batten.³¹

Regulation VII, 1831 invested the Collectors with summary jurisdiction over the proprietors to enforce payment of government dues. In the plains the proprietors mostly cultivated their lands through their co-parceners, subordinate proprietors or tenants. This regulation provided for summary decision of all disputes between the Suder Malguzar and his subordinates, including payment of their quota of the revenue or of their rents and all connected questions. Even eight years after its enactment the courts in Kumaun had never regularly tried such cases. In Kumaun the practice was to simply order the Tehsildars to collect revenue or rent indiscriminately from a co-parcener or a tenant.³²

From 1839 onwards summary suits began to be heard in the courts of Kumaun. These were suits of proprietors against tenants for rent claimed or due, suits of tenants against the proprietors for exactions of more than what was due, suits of tenants against the proprietors for ouster from their holdings and suits of proprietors against the Patwaris to compel production of accounts.³³

Table XII provides the position at the end of 1839, broken up district-wise.³⁴

Table XII: Summary Suits position in Kumaun Division in 1839, for the Last Quarter

Officers Designation	Pending at the close of last Qt.		Adjusted during the Qtr.		Total		Decided on Merit		Adjusted or With- drawn		Total Balance			
	Rev.	Exa	ReR	Exa.	ReR	Exa.	ReR	Exa.	ReR	Exa.	ReR	Exa.	ReR	Exa
Kumaun	-	-	41	1	41	1	3	-	-	-	3	-	38	1
Garhwal	3	-	10	2	13	2	8	2	2	-	10	2	3	-
Total	3	-	51	3	54	3	11	2	2	-	13	2	41	1

(Rev: Revenue; ReR: Rent; Exa: Exaction)

The number of summary suits grew steadily over the years, as was the case in the rest of the North Western Provinces. The SBR expressed its serious concern over the mounting number of these suits as it impeded collection of revenue. Table XIV exhibits this phenomenal rise in revenue litigation during 1839-1845.³⁵

Table XIV : Summary Suits Disposal in Kumaun Division, 1835-1845

Year	<i>Decided on Merit</i>			<i>Adjusted or Withdrawn</i>			<i>Total</i>		
	<i>Rev. or Rent.</i>	<i>Exaction</i>	<i>Ouster</i>	<i>Rev. or R.</i>	<i>Exn.</i>	<i>Ouster</i>	<i>Rev. or R.</i>	<i>Exn.</i>	<i>Ouster</i>
1835-38			No	Reports					
1839	151	15	6	173	5	-	324	20	6
1840	126	14	1	284	13	9	410	27	10
1841	211	16	-	445	29	-	656	45	-
1842	188	15	9	428	37	9	616	52	18
1843	158	22	5	458	81	8	616	108	13
1844	179	15	7	460	89	17	639	104	24
1845	149	4	2	524	53	14	673	57	16

A marked reduction in summary suits took place in Kumaun Proper during 1847 which was ascribed to completion of settlement operations in Kumaun and resultant education of the landholders about their rights and liabilities. It was accompanied with distinct improvement in the speed of collection of several installments of the land revenue.³⁶ The number in Garhwal was much lower as settlement had been completed there in 1842. In 1842 there were only sixty-two suits in Garhwal compared to 624 in Kumaun Proper.

The Annual Revenue Administration Reports furnished by the Senior Assistants to the Commissioner at the end of the Fasli year consisted of Collection and Balances of the Year, an Abstract, a Statement of Irrecoverable Balances, Previous Outstanding Balances, an Abstract of the preceding Dustuks, Tulubana Statement, Summary suits Statement, Abkari and Drugs, and Stamp Revenue Statement. This arrangement provided an opportunity to the Senior Assistant to highlight revenue events of the year and raise important issues. The Commissioner summarised the same for the whole division and added his own views and recommendations. The SBR also reviewed it for the NWP and submitted it to the Government for persual and orders.³⁷

Unlike in the plains the system of transferring whole villages in default to a farmer for a number of years was not in force in Kumaun as "there were no Capitalists in Kumaun." The only course adopted therefore was to collect as much of the balances as possible and recommend the remainder for remission.

Lushington considering the overall poverty and smallness of population wondered at the willingness and regularity of land revenue payments in Kumaun.³⁸

Commenting on the revenue administration of Kumaun the SBR in 1842 criticized the heavy cost of collection, irregularities practised by the subordinate revenue officers and the delay in defining and recording the rights and obligations of the tax-payers. Lushington protested against inclusion of the entire salaries of his own and his Assistants towards the cost of collection which was being shown at 36% in the SBR reviews. As 75% of his own and his Assistants' time was used in the civil and judicial matters the charges at the highest could be shown at 18% i.e., half of their combined salaries. Admitting that even this was higher than what it ought to have been i.e., 10%, he recalled that "the province was never expected to be advantageous to the British from a fiscal point of view and that it was on political and military grounds that its retention was considered advisable." However, success of Chinese tea in Kumaun augured well and was likely to answer even this criticism. The twenty year settlement was nearing completion and the rights and liabilities of the villagers had been distinctly recorded.

Acknowledging irregularities and exactions practised by the Patwaris he drew SBR's attention to their low salaries and recommended the same being raised to Rs. 8 or Rs. 10 per month.³⁹

With the introduction of the Dustuk-system the responsibilities of the Patwaris towards collection reduced considerably and it was thrown upon the Tehsildars. After the due date of payment the Patwaris furnished a list of defaulters after which a Dustuk or double Dustuks were issued. After the issue of Dustuks the Patwaris were strictly forbidden to exert themselves in collection work. Defending his strict action i.e., resort to coercive action Batten once reported that even Traill was not infrequently obliged to have recourse to severe measures against some of the principal land-holders. Batten was prepared to quote instance of imprisonments and fines all unreported to superiors and often unrecorded.⁴⁰

Table XV: Showing a comparative account of the total demand of Kumaun and Garhwal during 1835-36 to 1844-45 with the collection in corresponding year.⁴¹

Year	Distt.	Demand			Collection Current & Arrears		
		Land Rev. (I)	Other Rev. (II)	Total (III)	Land Rev. (I)	Other Rev. (II)	Total (III)
1835-36	Kum.	1,33558	12,876	1,46,434	1,33533	12,876	1,46,409
	Gar.	70,163	9,345	70,508	70,164	9,310	79,474
1836-37	Kum.	1,33710	12,765	1,46,475	1,33710	12,765	1,46,475

	Gar.	70,204	9,366	79,570	70,205	9,017	79,222
1837-38	Kum.	1,33710	15,330	1,49,040	1,33674	15,330	1,49,004
	Gar.	70,204	9,697	79,901	70,204	9,697	79,901
1838-39	Kum.	1,33710	16,833	1,50,543	1,33460	16,458	1,49,918
	Gar.	69,370	9,977	79,347	69,370	9,977	79,347
1839-40	Kum.	1,33,700	15,699	1,49,099	1,33018	15,699	1,48,717
	Gar.	69,370	9,977	79,347	69,370	9,977	79,347
Total	(Kumaun)	6,68,388	73,503	7,41,891	6,67,395	73,128	7,40,523
	(Garhwal)	3,49,468	48,155	3,97,623	3,49,468	47,771	3,97,239
1840-41	Kum.	66359	15,764	82,123	66,044	15,764	81,808
	Gar.	69,310	10,804	80,114	69,310	12,528	81,838
1841-42	Kum.	1,33823	15,325	1,49,148	1,32,770	15,325	1,48,095
	Gar.	69,494	12,755	82,249	69,494	11,754	81,248
1842-43	Kum.	1,34,111	13,896	1,48,007	1,32,412	13,896	1,46,308
	Gar.	69,455	9,152	78,607	68,998	5,718	74,716
1843-44	Kum.	1,34,709	20,574	1,55,283	1,33044	20,574	1,53,618
	Gar.	68,804	8,079	76,883	68,743	8,079	76,822
1844-45	Kum.	1,35,700	20,438	1,56,138	1,33754	20,438	1,54,192
	Gar.	68,935	9,403	78,338	68,869	9,403	78,272
Total	(Kumaun)	6,04702	85,997	6,90,699	5,98,024	85,997	6,84,021
Total	(Garhwal)	3,45,998	50,193	3,96,191	3,45,414	47,782	3,92,896

Serious efforts were made during 1838-41 for commercial exploitation of copper in Garhwal. Captain Drummond after visiting some of the Garhwal mines recommended working one of them under European superintendence. Wilkins was entrusted this job and Rs. 2,415 were sanctioned for this experiment. Wilkins commenced his operations on Pokri mines of Nagpur pargana in December 1838 and continued it upto 1841. A further sum of Rs. 1,000 was sanctioned for experimenting extraction in Chowmittee mines. Chowmittee, Raja's mines, New-mines, Kota, Thala, Danda, Salpoongla, Khurna, Danpur and Dobri mines were also worked. But the experiments failed completely as far a profitable return for the capital invested was concerned. Discouraged by the poorness and scarcity of ores found Lushington did not recommend further exploration. Distance of the mines from the plains, slowness and expense of transport, comparative abundance and cheapness of English copper, superficiality of known mines and want of coal were some of the important factors quoted by Lushington as unfavourable to the experiment.⁴²

HUDDLESTON'S ROPE-BRIDGE SETTLEMENT

Annual great concourse of Hindu pilgrims on Haridwar-Badrinath road popularly known as the Pilgrim Road excited the imagination of the British administrators from the very beginning. Traill had taken over the sudaburt funds of Badrinath temple and

built the Pilgrim Road at great personal risk earning gratitude of millions of Hindu devotees, Lushington, as we shall see later, reversed this decision and handed back the funds to the Rawul, taking away whatever funds were available to the local authorities for repair of roads and sanga bridges.

In 1843 revenue of Chandi ferry was separated from the revenue of Chandi village and settled for Rs. 25. At the Haridwar fair the government customarily provided two boats to ferry passengers to visit Chandi Devi temple. The Badrinath pilgrimage used to commence from this point. As the old boat provided by Traill had worn out Huddleston requested Lushington for funds to replace this boat. Then he turned his attention to the maintenance of the jhoolas or the rope-bridge. Lushington's decision of handing back Badrinath deposits to the Rawul, thus having deprived means for repair, Huddleston resorted to the provisions contained in Regulation VI of 1819. He commenced a settlement of the jhoolas and ferries to create a fund for each one of them. Its proceeds were to be strictly confined to the improvement, repair of these bridges and their approach roads. Table XVI give details of the settlement made by him in 1843.⁴³

Table XVI: Jhoola-Settlement of Garhwal, 1843

<i>Jhoola/Ferry</i>	<i>River</i>	<i>Name of road</i>	<i>Amount (Rs.)</i>
1. Tapoban	Ganga	Pilgrim Road	25
2. Byasghat	Nyar	Pilgrim Road	12
3. Deoprayag	Alaknanda	Deoprayag	30
4. Jakhni	Alaknanda	Mussoorie-Dehra	21
5. Dhari	Alaknanda	Tehri	5
6. Rudraprayag	Alaknanda	Kedarnath	25
7. Chutwa Peepal	Alaknanda	Nagpur	No offer
8. Karanprayag	Pindar	Badrinath-Niti	35
9. Seemi	Alaknanda	Kedarnath	Incl. in 8.
10. Okhimath	Mandakini	Kedar-Badrinath	25
Ferries :			
1. Ranihath	Alaknanda		5
2. Kothur	Alaknanda		5
Total			188

The settlement was principally made with the Donars or persons who were in actual possession, holding parwanas of Commissioner Traill. The rates of tax were leviable for the pilgrimage season. The amount realised was to be mainly returned to the lessees, in exchange of labour. Their greater efficiency was likely to be beneficial.

1843 being the Kumbha year the settlement shot up to Rs. 268 and the next two years brought in Rs. 298 and Rs. 355. The deposits in 1846 had reportedly increased to Rs. 662.⁴⁴

DETERMINATION OF PUBLIC HOLIDAYS

The civil courts of Kumaun like other districts of N.W.P. were closed on a large number of days on account of Hindu and Muslim holidays. In 1843 the Government consulted local authorities in order to fix the number of such public holidays. Dassehra vacations were availed of by the native civil officers to visit their homes and the Europeans also used this opportunity to "enjoy a little recreation once a year." Huddleston considered eighty-three native holidays a bit too high in view of the fact that the English courts were also closed on Sun days. Thus out of 365 days for 132 days, more than one third, the civil courts remained closed. Europeans were not allowed the benefit of celebrating their own holidays like their Queen's Birthday, Good Friday, Easter Monday and Christmas etc. He recommended curtailing in all eleven Hindu and twenty-one Muslim holidays, or thirty-two out of the eighty-seven mentioned in the Government List (Gazette), "without any offence to the religious prejudices" and in lieu thereof seven days could be allowed for Holi festival. Batten recommended only forty-three holidays. Batten did not consider any need for Moharrum holidays in Kumaun but the two or three Muslim servants working there could be permitted leave on those days. In place of thirty-four days gazetted for Dussehra, Batten suggested nineteen days. Lushington recommended fifty days for the division under the first class holidays. Taking twenty-four days for Kumaun and fifteen days for Garhwal, under the second class of holidays, Lushington recommended a total of 124 days for Kumaun and 109 days for Garhwal, as the total number of holidays.

Diwali (eight days), Holi (eight), Tri Maghi (five), Nunda Ashtami (three), Durga Puja (three), Shiv Chaturdashi (two), Janmashtami (two), Ashatuk-Anushtak (two), after the great Dussehra, were the other major festivals of Kumaun. In Garhwal, next to Dussehra ranked Holi (seven days), Diwali (five), Durga Puja (three), Ashtak-Anushtaka (two), Janmashtami (two) and Shiv Chaturdashi, as the major festivals.⁴⁵

FOREST MANAGEMENT

The double jurisdiction of the Turai-Bhabur introduced in 1838 i.e. criminal with the adjoining plains' districts and fiscal with hill-authorities was dictated from the law-order point of view. The interests of Katbans (forest) and Churai (pasturage) lease-holders had been completely overlooked. During the visit of a SBR Member it was further represented that the Katbans and Churai farmers harassed the traders and the new settlers. Allegedly this created hurdles in granting land for cultivation. Totally unaware that it was likely to create difficulties for the leaseholders of hills

the SBR abolished these two taxes from the end of 1840. Kota landholders had in the meanwhile separately represented to the Government against this decision and added that splitting Katbans leases from Churai, and awarding separate leases, one going to a plains-man from Moradabad and the other to a hill-man, created practical difficulties. In the past both the leases were held by a hill-man. The issue of forest-leases, in 1840, had thus assumed a complex character. The SBR sought the views of the hill-authorities on this complex issue.

The Katbans (forest produce) revenue in 1840 for the whole division was Rs. 10,273 and Churai (pasturage) Rs. 9,077. Huddleston favoured continuity of both the dues while Batten felt strongly against the pasturage. Pasturage leasing occasioned considerable difficulties for the people while this was not the case with Katbans which in fact facilitated increase of cultivation. Recounting the past history of both the dues Batten strongly recommended making the system less obnoxious. Lushington, supporting abolition of the Churai dues, described his own difficulties in deciding suits which were frequently brought forward in his court by both the parties. These suits were generally instituted by the leaseholder "against the poorest and the most helpless subjects." Further, there was no documentary evidence to go by and both the parties were ready with a host of witnesses. Batten also suggested urgent measures for the irrigation of Turai lands "to render crops certain and more abundant." Services of technical persons like Capt. Cautley, Superintendent of Canals, Dr. Falconer, and other irrigation experts, were suggested by Batten to explore the possibility of "conducting streams of water from Kosilla, Sarda and Kali through the forest tracts, which only needed this additional advantage to become surprisingly fertile." Lushington whole-heartedly seconded Batten's propositions to the SBR.⁴⁶

In 1844 the whole issue of Jungle-Mehal settlement came under sharp focus of the SBR and the Government with a view to hold it Kham i.e., under government management. In Garhwal these Jungle-Mehals consisted of Patli Dun, Kotri Dun and Udaipur Bhabur and in Kumaun the parganas of Kota, Chukata, Tulla Des and Chowbisi. The condition of various forest leases in all these Jungle-Mehals, in 1844, is summarised in Table XVII.⁴⁷

Thomason, the Lt. Governor, took very keen interest in the development of the Turai-Bhabur. He personally discussed the whole issue in its entirety with Lushington, Batten and Huddleston, during his Kumaun visit of 1844. In order to facilitate a decision he suggested settling the revenue *parganas* of Chukata, Kota, Chowbisi and Tulla Des for term of five years, instead of the usual twenty years. Similarly he directed dovetailing the existing forest settlements of Kumaun in such a manner that all of them expired simultaneously in 1848-49 i.e., with those of Kotri Dun and Udaipur. Padam Singh's lease had so far not been approved either by the SBR or the Government, and the latter now wanted one policy for the entire Bhabur tract.

Table XVII: Bhabur Jungle-Mehals of Kumaun-Garhwal, 1844

<i>Name of Mehal or Parganas</i>	<i>Farmer</i>	<i>Juma Settled</i>	<i>Remarks</i>	
Garhwal:				
1. Patli Dun	Padam Singh	Katbans. 1,649	Lease granted for 20 yrs. by Batten, in 1839	
		Churai. 1,101		
2. Kotri Dun	Chabi Negi	Katbans. 701	1st year....801	
(Koh to Rewasu river)		Churai. 100	2nd year...601 (conditional for 5 years)	
3. Udaipur	Ram Singh	Katbans. 551	For 5 years (conditional for 5 years)	
(Rawasi river to Ganga)		Churai. 51		
		-		
		4,153		
Kumaun :				
1. Kota	Dharmanand Belal & Ratan Singh Bisht	Land-revenue and Katbans	7,979	Land-revenue leases to 142 persons
2. Chukata	Gopi Sah, Moti Ram Sah.	Churai.	8,207	8,276
3. Chowbisi	Debi Dutt & Ram			
(Tulla Des)	Kishan Uniyal			
4. Tulla Des				
(Kali Kumaun)				

Huddleston did not see any merit in holding the forest Mehals under Kham management and feared a sizeable reduction in government revenue. In the event of a decision to continue these Mehals under private management he suggested appointment of armed Foresters to prevent indiscriminate destruction of forest by the wood cutters.

Huddleston presented an alarming picture of Garhwal forests. While there was a total absence of good forest in the lowest range and the plains fine Sal forests now remained only in the valley of Patli Dun saved by its inaccessibility to merchants. Patli Dun forests were also being cut down but as the traders could not carry out the timber they were left in the forest to be burnt. Huddleston feared abolition of private forest leases to result in the increase of wastes making them a refuge of the criminals. He vehemently opposed the prevalent concession of free timber to the Nawab of Rampur as it was likely to make Rampur an entrepot of the timber trade, to the detriment of the interest of British jungle farmers. He advocated quantification and definition of the Nawab's demand of timber.⁴⁷

I.J. Turner, Senior Member of the SBR, on Thomason's order, made an in depth study of the Bhabur tracts. In his report of July 1844 he pointed out that

the best of Bhabur land entirely fell inside Kumaun division but except the forest dues it yielded almost no revenue. While the whole of Bhabur was chiefly forest land it was bereft of any valuable timber. In some cases large tracts of land in the forest were found to have been assigned in proprietary rights to individuals by a declaratory order which in his view had no judicial backing and could be simply ignored. The survey of Bhabur lands, ordered by the Government on the 20th of December, had been partly completed in 1844, and it was, imperative that the forest-leasing policy should be determined by the Government early.⁴⁹

The Government approved in March 1845 proposal of Batten to commence a five year settlement of Chukata and Kota Bhabur and reduce those of Tulla Des and Chowbinsi from twenty years to seven and six years, respectively, making' all these to expire simultaneously on the 30th of April 1850. This arrangement covered an area of approximately 800 square miles, containing 17,000 acres of cultivated land, with a land-revenue of Rs. 7,969 and sayer revenue of Rs.16, 483.⁵⁰

The Nawab of Rampur who had taken out as many as 6,000 cart-loads of timber during the past three years without paying any forest duty was now required to make use of this customary concession for his own personal use and submit his future annual requisitions through Commissioner Rohilkhand.⁵¹

Owing to general unwillingness to hold the forests under Kham management as expressed by the hill-authorities it was decided in August 1845 to continue with the present arrangements. Chandi-taluqa was allowed to be in possession of Padam Singh, the lessee, if he had entered into actual possession, but if not, he was to be disallowed and the forest farm held Kham. More important were the Government orders to assert Government's own rights over all forests much more forcefully either by holding them Kham or by farming. Under no circumstances it was to be allowed to fall in abeyance affording people opportunity to advance their individual claims over them.⁵²

Batten viewed some of the reports on alleged devastations of forests of Kumaun Proper somewhat exaggerated. The operations of Sal-fellers were, according to him, mostly confined to the lower range of the hills, where alone Sal forests existed between the Kosilla and Deva, and where even a considerable increase in timber trade would not have made any visible impact. Patli Dun was already protected by nature but protection of Shivanathpur forest, near Moradabad, was important. In Dhanirrow and Chowbinsi Bhabur at least sixteen sites of good Sal forests still existed in 1847 as these were far away from any big town or a major route. He suggested reservation which meant separation from Katbans farms of Nanakmutta and Kilpuri areas. Tulla Des also had six patches of Sal forests but their timber was not valuable. As Sissoo was disappearing very

fast between the Sarda and the Jamuna, called for precautionary measures. Good forests also existed near Birmdeo but they were being constantly cut down by wood-cutters and the agriculturists. Similarly the villagers of Putulti, Koteean and Birmdeo were rapidly clearing the tracts and making profits by their sales in Birmdeo and Sunea *mandis*. Of the Sal *thaplas*, earlier reserved by Traill but de-reserved in 1834, eight existed in Tulla Des and twenty-six in Chowbinsi. Tulla Des *thaplas* needed protection while Chowbinsi supplies could be indefinitely increased by construction of good roads through the excessive thickness of Khair thorn-jungles.⁵³

Forest settlement of Kumaun Bhabur was made quinquennial and synchronized to terminate on the 30th of April 1850. Batten now a firm votary of Kham-management looked around for an opportunity to introduce it in any tract at the disposal of the Government, even before April 1850. He associated himself fully with the suggestion made by Capt. Jones for appointment of a Committee of Wood and Forest, which could be entrusted with the task of examining the entire tract between the Sarda and the Kosilla, authorised to reserve for government purposes, preservation of timber in certain *thaplas*, and to award compensation to the leaseholders for the loss of revenue. Chukata, the sole repository of Sal forests, was indicated as a good example for this partial separation-reservation exercise. Batten made good use of cold season of 1847 in the company of Capt. Jones and the revenue authorities of Rohilkhand "in acquiring a minute knowledge of the lower Bhabur and Turai and the occupants of the soil."⁵⁴

Captain Henry Ramsay, Senior Assistant of Garhwal for almost two years now, did not feel confident enough in 1847 to express any definite opinion on the issue of holding the forests under Kham-management. However, he felt sure that the revenue could be safely doubled, after paying all expenses.⁵⁵

After altering the lease-period to terminate in April 1850, Batten now applied some pressure on the lessees to resign their respective leases. Chukata, Tulla Des and Chowbinsi farmers willingly handed in their resignations but Moti Ram Sah, the Chukata lessee, later filed an appeal before Lushington against this arbitrary change of lease-period by the Government. However, as he was in default his lease was resumed. As the Kota Bhabur Sal forests were rich enough to supply all the needs of the Carriage Department, Lushington recommended all measures proposed by Batten.⁵⁶

In October 1847 the Government annulled all forest leases falling in balance and authorised Kumaun authorities to accept all resignations tendered by the farmers. They were also directed to hold in Kham all forests coming in their

possession in the same manner as pursued by the private farmers. The Government did not agree with the suggestion of appointing a Committee and the Lt. Governor desired to discuss the entire issue of forest management during his proposed visit of Rohilkhand.⁵⁷

Ramsay submitted his report on Garhwal forests in April 1848. Sizeable forests were said to exist in Rawasupar, in Udaipur, although all good trees had already been removed years ago in areas within the reach of hackeries. Chandi area was without any trees worth cutting. In 1848 the merchants were bringing timber on buffaloes from the upper forests. Ramsay recommended closing of these forests, including the Chandi half of the Sal Ban, against all timber merchants. Finding the lower portion of the Sal Ban sadly thinned he feared utter ruin of these forests unless some immediate measures were not initiated. In Rawasu Par, east of Chandi, he did not find the forests very valuable. In Rawasu War, a great portion of Sal could not be removed because of a difficult feature, but nonetheless wood merchants carried on their business at great labour. Khair was earlier in much abundance and was still much sought after. As there were "no passages near Udaipur Kham holding of forests was likely to prove quite expensive. Still Bijnor authorities could grant the *Rnwannas* or exit-passes. Magnificent forests existed in Kotri and Patli Duns, but the pathway leading to the former had' badly damaged hill-sides, making any entry very difficult. Hill ranges, Ramsay reported, extending for miles had a thick coating of finest trees and, except near the Ramganga, the forest remained untouched by the years of cutting it had been exposed to. The Ramganga did not contain sufficient water for floating down rafters and the forests were too extensive to suffer much. The Patli Dun farmer, holding a twenty year lease, objected to any change in the terms. Therefore, if Kumaun and Udaipur forests were decided to be held Kham a new tariff would have become essential and Padam Singh, the lessee, required to observe the same in his area. Otherwise the merchants were most likely to resort to Patli Dun where the tax was lighter, making Kham establishment a net revenue loser. While the revenue under Kham was likely to be doubled no extra expenses were likely to be incurred on the Government side, as the Senior Assistant of Garhwal would not be required to entertain any establishment.⁵⁸

The Government in May 1848, ordered revenue survey operations by the Great Trigonometrical Survey for the Rohilkhand districts of Shahjehanpur, Bareilly and Moradabad. Parts of the Kumaun Turai were also included in their operations. The survey operations were required to cover the boundaries of all jungle tracts, both belonging to the Government and the adjoining villages, division of Government forest land into convenient allotment for grants, each was to be named and numbered, boundary marked off on the ground, and separately

mapped. Early completion of Kilpuri, Radrapur, Gadarpur and Kumaun-Turai was specially stressed.⁵⁹

BHABUR AND TURAI

The hill-men were highly dissatisfied with the transfer of magisterial jurisdiction, ordered in January 1838, from hills to the plains' authorities. This dissatisfaction was clearly discernible in reduction of cultivation in the older clearings and unwillingness to cultivate new grounds now attached to Pilibhit magistracy. These facts were ascertained by Batten personally. Hill-men still remembered and recalled the days of Commissioner Traill, who never allowed Rohilkhand district authorities the slightest interference in Kumaun-Turai. Even after fixation of boundary between Halhed and Traill, the latter resented any attempt of plains' people to cultivate Kumaun-Bhabur. Hill-men considered their dignity injured by the transfer of an old and integral part of Kumaun to the plains. The native official also encouraged these jealous feelings. Hill-men who had seen the pomp and expenses under which the boundary was settled during Traill's time found it hard to reconcile themselves with the ease with which the plains' authorities had now acquired jurisdiction. Colonisation of the Turai-Bhabur was too important a subject and these sentiments could not be ignored.

Lt. Governor desired to discuss the Turai issue with Rohilkhand Commissioner during his proposed visit to Bareilly in March 1841. On Connonly's request Batten transmitted, through Lushington, his own opinions on grievances of hill-people in regard to the existing system.⁶⁰

Batten listed several disadvantages under five broad categories, i.e., firstly the delay, vexation, expenses, risk of health, and long journey to Pilibhit, Bareilly and Moradabad, in the administration of justice; secondly, diversity in respect of language, custom, and habits; thirdly, ignorance of the laws and practice of the courts to which the hill-people were now amenable; fourthly, constant vexations, interference, extortion, and the general bad character of the police, and concealment of the crime by the hill-people from fear of visitation from the official employees; and fifth, inconvenience and anomaly of the same people being subject to the same jurisdiction of separate *zillah* officers in transaction of civil and criminal business. Of these, Batten observed, so far as bad conduct of the police was concerned, appointment of a separate Turai Magistrate or an annual deputation of an experienced Assistant from Bijnour, Moradabad and Pilibhit to the respective Turais of these districts could be remedied but with reference to grievances connected with language, habits, feelings, and prejudices of the hill-people no step could suffice short of restoring magisterial jurisdiction of the hill-authorities.

Connolly, Commissioner of Rohilkhand, and R.H. Clarke, Magistrate of Bareilly, both favoured handing over of the Bhabur to the Kumaun authorities. T.C. Robertson, the Lt. Governor, by his personal observation and specially after his discussion with Major Sleeman, Superintendent for Suppression of Dacoities, was fully convinced that these grievances were not exaggerated.⁶¹

The Bhabur tracts were again annexed to Kumaun in March 1842. The plains Magistrates were allowed concurrent jurisdiction to the foot of the hills for pursuing an offender or a fugitive. The police with their augmented strength were transferred to the hill-authorities. An Assistant from Kumaun was ordered to visit the Bhabur between 15 November to 15 April every year.⁶²

Handing over of the Chandi-taluqa to Garhwal, even though Connolly always considered it to be a part of Garhwal-Bhabur, was deferred when the Joint Magistrate of Bijour raised certain objections to its transfer. Ultimately in October 1842 it was decided to transfer not only criminal, but also fiscal jurisdiction of Chandi-taluqa to Bijour district. Nothing was mentioned specifically about the status of civil jurisdiction.⁶³

The chief problem related to colonisation of the Bhabur has always been water. During Traill's time there were conflicting claims between villages and individuals over sharing of the Gola water. Traill in his capacity of a Civil Judge passed several decisions on these disputes, all based on the fact of possession, as there was no other evidence. Lushington followed the same practice in a few cases which came up before him. The SBR, however, held that it was the Government which had paramount right over all streams and rivers and the interest of the community at large required and judicious distribution of the Gola waters. Traill's system of separate gools (water channels) was considered wasteful leaving little water for all prospective cultivators. Lushington's serious reservations were overruled by the SBR. Lushington finally suggested appointment of an engineer to manage the Gola waters on behalf of the Government or alternatively leave it to Traill's arrangement, which with all its deficiencies still managed to produce "six miles of land under beautiful cultivation."⁶⁴

I.J. Turner, Senior Member of the SBR, conducted an enquiry into prospects of irrigation in the Turai parganas of Rohilkhand under Thomason's order in January 1844. He found the result of Lt. Jones' investigations of the Kumaun-Bhabur very valuable. Lt. Jones' demonstrated the utility of drainage on scientific lines, stressed the need to handle the Bhabur problems differently from those of the Turai, assessed potential of the Bhabur to yield as much revenue as the Turai,

prospects of a better pasturage in the Bhabur, and above all, identified scarcity of water as the chief obstacle in achieving all the above objectives. Batten also mentioned to Turner about many offers he had received for forest lands below Dewalchaur but how he had failed to close it primarily owing to mismanagement of the Gola waters. The Gola waters, at the time of enquiry, irrigated only 8,680 acres, while Lt. Jones felt it had a potential to irrigate as much as 49,724 acres. Turner did not consider Traill's arrangement of distributing its water with the help of eighteen gools fully backed by any judicial orders and thus these were ignored.

As for the forest tracts, which had been assigned in proprietary right to an individual, Turner recommended application of the principles adopted for Dehra Dun. Henceforth the occupants were to be given occupancy rights over lands cleared and cultivated by them, leaving the remainder at the disposal of Government for leasing to other applicants. The Gola waters were to be managed judiciously, water-rate was to be rationalised as hitherto a very small juma of Rs. 1,600 only was assessed on 8,680 acres, and engineering works were recommended to precede settlement operations. Turner felt Lt. Jones and Batten as the fittest persons to be entrusted with the job "for most beneficial results." Development of the Bhabur now became intrinsically linked with management of forests on the one hand and fullest exploitation of the Gola waters, i.e., irrigation, on the other. For the first time the hill-authorities were entrusted with policing-work of the Bhabur with an adequate police establishment.⁶⁵ Decisions taken in regard to forest management in October, 1847, cleared all hurdles in the way of development of the Bhabur.

The Kumaun-Turai, during 1838-48, however, continued to remain in a fragmented state. Pilibhit district, before its merger with Bareilly district, controlled Kilpuri, Nanakmutta, and Bilheri parganas which after merger remained with Bareilly already had within its jurisdiction parganas of Rudrapur and Gadarpur. In Kumaun-Bareilly sector, some portion of the Rudrapur-Gadarpur-Turai, however, fell under hill jurisdiction. Moradabad district administered Bajpur and Kashipur parganas. As these districts were regulation districts, their administration was on the pattern followed in the rest of the N.W.P. The history of the Turai from 1818 to 1858 has been described as a mournful illustration of futility of introducing refinements of legislation among a people unprepared by previous training to receive them. The police question was, as we have seen, the chief problem of management of the Turai. The Bhabur reverted back to Kumaun in March 1842 but the Turai was destined to follow a much more tortuous course.⁶⁶

CIVIL, CRIMINAL AND POLICE ADMINISTRATION

It is in the field of introduction, institutionalisation and adoption of the British system of civil and criminal justice to the hilly tracts of Kumaun that Lushington's contribution seems most enduring. Admittedly, it has neither the palpable gratitude of the millions of pilgrims on the Pilgrim Road constructed by Traill, a highly visible transformation of malarial Bhabur nor an unknown Lake into a healthy resort made possible by Ramsay. One must miss in this process equally the mass contact necessarily a part of settlement operations conducted by Batten and concrete benefit of rights and privileges handed to thousands which flowed from it. It is little wonder that the reform brought about by Lushington in dreary field of civil and criminal justice receives such a low-key acknowledgement as having been "uneventful."

Soon after introduction of the Assam Rules, the Register of SDNA (Suder Diwani and Nizamut Adawlut) forwarded to Lushington the forms of civil and criminal statements in use with copies of circulars connected with their preparation and submission, asking for his views before their implementation. These included seventeen circulars, issued between 20 December 1837 and 15 December 1838, and blank statements covering civil statements, criminal trials, statement of prisons, summary suits, jail delivery, etc. For civil justice Lushington suggested modifications in some of the civil statements and substitution of "Commissioner" for Judge and "Senior Assistant" for the Principal Suder Amin as it appeared in the Assam Rules. "However feebly and imperfectly the statements may be prepared," opined Lushington, and however feebly and imperfectly they may answer for which they are framed they still tend in some degrees to check the abuse of power, to correct or at least record negligence, to stimulate sloth, and prevent injustice."⁶⁷

He found the civil and criminal rules on the whole excellent and well adapted to the wants and wishes of the hill-people but "from their brevity and conciseness they fail to embrace the whole of cases which come before the courts." Was he authorised to decide cases according to the Regulations, in force where they are not printed in the Kumaun Printed Rules?, asked Lushington. Accepting the modified forms supplied by Lushington the SDNA advised him to seek instructions from the Government under Act X, 1838, as they were not competent to give an opinion on this subject.⁶⁸

The "brevity and conciseness" of the Kumaun Printed Rules, as the modified Assam Rules came to be generally known, occasioned issue of several Supplementary Civil or Criminal Rules, over the years, The SDNA also exempted

Kumaun courts from "the literal compliance of several rules contained in various circulars by them from time to time" but they were required "to adhere to the spirit of the instructions", e.g., in providing copies of all final decrees in orders to all parties in suits, with "as much expedition as possible."⁶⁹ The brevity and conciseness of the Rules were made good use of both by the SDNA and the local authorities.

Batten favoured locating Munsifs in distant parts of the district for the convenience of the litigants and disliked centralising tendencies brought in by the new rules. This kind of arrangement, he pointed out, was not prevented by the Kumaun Printed Rules. But when in 1845 Lushington deputed a Munsif of Kumaun for holding his court in the Turai and later in the western part of Kumaun, the SDNA questioned his authority to do so. He was informed that no authority in the entire Province, including the SDNA, enjoyed this authority in respect of subordinate courts.⁷⁰ Lushington was specially invested with powers of Superintendent of Police, under Regulation XVII, 1816, and powers to give award for apprehension of offenders, under Regulation XVI, 1810. But later in 1847 the SDNA prohibited him to exercise the powers of giving awards as the Kumaun Criminal Rules did not provide for it.⁷¹

Absence of certain provisions at times occasioned consultation with the Suder Nizamut Adawlut of Calcutta for any precedence and even advice. The Assam Rules had no provision for use of stamp-paper in court proceedings and the SDNA was not clear whether it could entertain any appeals preferred to it against orders of the Commissioner, without stamp-papers, which its own procedure mandatorily required. On referring the issue to the Calcutta Court and Government of the N.W.P., first the Government exempted any use of stamp papers for plaints and pleading in the courts of Kumaun in 1839, and later for purposes of appeals filed with the SDNA. However, the system applicable in Subathoo, namely, payment of a percentage of the value of claim filed by the losing party was introduced in 1839.⁷²

What was the position of the Kumaun Printed Rules vis-a-vis the new Regulations which were passed subsequent to introduction of the former, was another question that continued to beguile the local authorities. Did or did they not supercede the relevant provisions contained in the Printed Rules? Huddleston, for example, once returned unexecuted a process issued by Batten for sending a witness of Lobha. His contention was that Batten should have issued a commission according to the provision contained in Act VII of 1841. Batten on the contrary held the view that Huddleston was duty bound to cause all legal processes, as provided in the Kumaun Civil Rules. Several instances of the nature arose needing resolution by the Commissioner, the SDNA or the Government.⁷³

Changes in the Kumaun Printed Rules, both on the civil and criminal sides, were mostly engineered by the local authorities. Lushington in some cases objected to the provisions contained in the Rules which could safely be done away with. The practice of filing rejoinder papers were denounced by him as “mere iteration of the arguments contained in the plaint and reply” and not suited to the hill conditions where a simpler mode was the need. The SDNA turned down his request but Supplementary Civil Rules were issued to this effect when the Government found his suggestion unobjectionable.⁷⁴ Batten similarly pleaded for introduction of the provisions contained in the Act XIX of 1843 for Kumaun Courts.⁷⁵ By applying himself closely to the provisions contained in the Kumaun Civil and Criminal Rules and those in various regulations issued in the N.W.P., he was able to suggest from time to time, additions, alterations or deletions concerning the new Rules. His exertions in this direction won him unqualified appreciation of the SDNA that mostly accepted his recommendations.⁷⁶

Notwithstanding all these ambiguities and hiccups by the end of the third year of promulgation of the Assam Rules, it was reported to be working well in Kumaun division under able management of Lushington. The fact that no appeals had so far been preferred in the SDNA proved that justice was being adequately dispensed with in the division.⁷⁷ We now take up some of the major developments which took place in the civil justice administration and performance of civil courts in dispensing justice. Shivanand Khanduri and Trilochan Joshi were appointed Principal Suder Amins (later redesignated as Suder Amin, on Lushington's suggestion) of Garhwal and Kumaun, respectively. First, the SDNA desired nomination by the Commissioner of prospective Munsifs, to be confirmed by them, but later the confirmation by the SDNA was dispensed with on Government orders.⁷⁸ From 1st of July 1839 use of Persian in all court proceedings was discontinued and replaced by Hindustani. Persian translation of evidence, in a separate “*natthi*” (enclosure), was done away with. A clear and idiomatic Hindustani style was recommended for use.⁷⁹ An eight anna stamp for a copy of any order was introduced locally which received *post facto* approval of the Court of Directors and the Government.⁸⁰ In July 1839, Captain Phillips, the Assistant, was invested with powers to try original suits upto a value of Rs.100, as Batten was frequently required to be on tour in connection with his settlement duties, and the courts of Suder Amin and Munsifs were already overloaded with court work.⁸¹ The Suder Amins were initially made responsible for Registering Deeds, but later in 1840, this duty was passed on to the Senior Assistant themselves.⁸²

Commissioner Traill used to decide civil cases of the Bhotias, living close to the perpetual snows, when they used to descend to Bageshwar fair in January every year, and it saved them the trouble of going to Almora or Pauri. On a reference from Lushington he was also authorised to try original suits himself or

leave them to be instituted in the lower courts whenever he happened to be touring in those parts, away from the Suder office.⁸³ In 1840 oaths by *Ganga-Jal* or on the *Koran* were replaced by affirmations prescribed in Act V of 1840. All *Ganga-Jalis* and *Koran Mullas* were discharged in June 1840.⁸⁴ Rules for arrangement of civil court records were issued in January 1843.⁸⁵ Original institution of suits in *Munsifs'* courts was introduced in 1845.⁸⁶

The abolition of stamp-paper led to a vast increase in the number of petitions and the Senior Assistant's time was occupied in attending to them. The fee imposed on the losing party in suits in no way helped in reducing the number of litigants as it did not affect very presentation of the petition. Frustrated by his failure to control frivolous petitioning and "licentiousness, a marked character of hill-people," Batten proposed its reintroduction in 1845. Stamps were accordingly reintroduced in Kumaun in 1845, but only for court purposes and not for bonds, deeds or other legal documents. The Stamp Rules used in Saugar and Nerbudda, other non-regulation tracts, which provided for stamps on copies of decrees, complaints, *mukhtarnamas*, etc., were sent to Kumaun for adoption. The Stamp Rules were finally approved and introduced in April 1846.⁸⁷

Annual Civil Administration reports were submitted by the Commissioner to the SDNA and the latter issued directions and comments on the state of civil-justice administration. SDNA's first review given in Table XVIII covered both civil and criminal case-work.⁸⁸

Table XVIII : Civil and Criminal Case - Work in Kumaun, 1839

	<i>Regular Suits</i>				<i>Misce. Exec. of Criminal decrees</i>		
	<i>Original</i>	<i>Appeal</i>	<i>Total</i>	<i>@</i>			
Commissioner	11	62	50	23	323	-	-
Sr. Asstt. (2)	153	73	110	116	1,961	195	95
Jr. Asstt. (1)	4	7	10	1	341	44	267
Sudder Amin (2)	498	15	102	411	-	-	297
Munsifs (3)	1,926	-	294	1632	-	-	-
(@ on trial/otherwise)							

In its review of 1841 the SDNA appreciated the role of Panchayats (community) as very useful in dealing with cases relating to caste and religion. In that year fifty-three cases were decided by these Panchayats. In their next review, however, the courts were advised to be more careful in classification of civil and criminal cases. The SDNA review was not only separated for giving precise information about each court's disposal during the year. Table XIX shows this more clearly.⁸⁹

Table XIX : Court-wise statement of civil cases, Kumaun, 1842

<i>Court</i>	<i>Description</i>	<i>Pending 31.12.41</i>	<i>Total Before</i>	<i>Decided by Trial</i>	<i>Otherwise disposed of</i>	<i>Pending</i>
Commr.	Original suits	7	112	47	64	1
	Appeals	24	213	177	8	28
	Total	31	325	224	72	29
Sr. Asstt. (Batten)	Original suits	52	983	39	391	553
	Appeals	29	246	130	183	52
	Total	81	1229	169	574	605
Sr. Asstt. (Huddleston)	Original suits	10	467	111	315	41
	Appeals	8	121	112	4	5
	Total	18	588	223	319	46
Jr. Asstt. (Ramsay)	Original suits	153	517	124	393	-
	Appeals	4	54	48	2	-
	Total	157	571	172	395	-
Suder Amin	Original suits	666	1499	155	1042	302
	Appeals	2	4	2	2	-
	Total	668	1503	157	1044	302
Suder Amin	Original suits	51	437	78	294	65
	Appeals	1	11	4	4	3
	Total	52	448	82	298	68

Commenting on relatively low rate of disposal of suits monthly by the Kumaun Civil Courts in 1840, the SDA desired Lushington to fix a minimum rate of suits disposal for the Senior Assistant, Assistant, and the Suder Amin, at his own discretion. In the plains, he was informed, the Civil Judge was required to dispose of a minimum of twenty, Suder Amin twenty, and a Munsif twenty-five suits. Later in May 1843 the SDA determined it to be eight, fifteen and twenty suits per month for the Senior Assistant, the Suder Amins and the Munsifs, respectively.⁹⁰ And soon after the SDA in November 1843 itself severely criticized over pendency of civil cases in Kumaun civil courts. It called it “a case of carelessness, mismanagement and indolence on the part of Ramsay, the Junior Assistant”, and called for his explanation. The reasons for delay which the lower courts had given, the SDA found them “discreditable and reprehensible” and did not fail them to be warned for “harsher measures in future.”⁹¹ By 1843, the Kumaun Civil Courts had come under a very close scrutiny of the SDA and were made to fall in line with the regular pattern of report, review, and directions.

On the criminal justice side, from the list of statements sent by the SNA, Lushington selected only those forms which appeared appropriate. As against a list of thirty-four kinds of crimes mentioned, he suggested just eight, viz., murder, homicide no amounting to murder, thefts (including cattle stealing), receiving stolen and plundered property, affrays, assaults, forgery, and miscellaneous crimes not

included in the above.⁹² On his pointing out discrepancies in dealing with certain cases like "abduction and elopement of women," a fruitful source of crime in the hill-districts, he was allowed to modify the existing practice in handling such cases.⁹³ In 1840 Lushington's attention was particularly drawn towards Garhwal where "statistics of summons, acquittals and discharges of a large number led the Court to an inference that many were subjected to vexation and expenses of compulsory journey to the court on insufficient ground." Huddleston explained that large number of dismissals was on account of people's disposition to file *razinamas* (compromises) after defaulters had been summoned and answered the charges. Sometimes cases were filed even to discover the cause of dispute by compelling attendance. Otherwise, largely criminals cases were of petty nature, needing only admonition to the defendants.⁹⁴ The SNA advised Lushington to direct Huddleston's attention to the provisions contained in Act XXIV, 1841, for checking vexatious litigation.⁹⁵

In their Annual Criminal Justice Reports the SNA uniformly recorded "an absence of serious offences" in Kumaun. The report of 1845 specially referred to a remarkable absence of crime in the Turai where at one time it was so prevalent "as to render the tract as a disgrace to the British name." Table XX provides consolidated position of criminal justice work in Kumaun division.⁹⁶

Table XX : Performance of Criminal-Courts of Kumaun, 1842-45

<i>Dist.Div.</i> <i>Year</i>	<i>Magisterial Court</i>					<i>Sessions</i>		<i>Appeals</i>	
	<i>Under</i>	<i>Tried</i>	<i>Com- mit- ted</i>	<i>Con. vic- ted</i>	<i>Acq- uit- ted</i>	<i>Conf. & Ret.</i>	<i>Acqui- tted</i>	<i>Con- firmed</i>	<i>Rever- sed</i>
Kumaun Proper :									
1842	525	522	261	7	254	-	-	-	-
1843	329	195	89	3	103	-	-	-	-
1844	367	359	236	9	114	-	-	-	-
1845	361	358	238	5	115	-	-	-	-
Garhwal :									
1842	180	179	74	4	101	-	-	-	-
1843	195	195	89	3	103	-	-	-	-
1844	295	293	111	5	177	-	-	-	-
1845	252	231	123	2	106	-	-	-	-
Kumaun Division :									
1842	705	701	335	11	355	14	10	37	12
1843	524	512	266	17	229	15	9	31	17
1844	662	652	347	14	291	13	3	68	19
1845	593	589	361	7	221	8	-	98	13

(Conf.: Confirmed; Ret.: Returned)

Kumaun Criminal Rules empowered the Commissioner right of revising every criminal order passed by his Assistants within six months of its date. This gave to Kumaun Commissioner powers which were not provided to the Sessions Judges of the plains districts. Supplementary Rules were passed in 1848, investing the Commissioner with powers to pass punishments upto fourteen years with labour in irons or banishment, in heinous offences and a fine of Rs. 500 with or without labour upto seven years, in case of affrays.⁹⁷

From 1840 the Government commenced direct review of police administration with the help of an Annual Report on Police Administration. It made it clear that the Village Police system was not proposed to be interfered with. While noticing a total absence of many heinous crimes it expressed great concern over adultery and abduction of women reported from Kumaun. Table XXI gives relative position of these crimes committed against women in 1841 and 1842.⁹⁸

Table XXI: Adultery, Abduction and Sale of Women in Kumaun, 1841-42

<i>Crime</i>	<i>Year</i>	<i>Cases</i>	<i>Persons concerned</i>	<i>Apprehen ded</i>	<i>Acquitted</i>	<i>Punished</i>
1. Adultery & Abduction	1841	167	75	71	51	19
	1842	213	77	61	47	13
2. Sale of women	1841	11	14	14	8	6
	1842	28	20	13	9	4

The Government inferred that either “avoidable vexation is caused by enquiries instituted by police with no satisfactory or beneficial results or the system in force is insufficient and inapplicable to the nature of the offence.” Huddleston, as Garhwal exhibited a preponderant number of such cases, explained that hitherto “mere presentation of petition has so far been considered adequate for such an entry and no other proceeding was considered necessary, until the woman summoned had been taken to ascertain the ground.” Many cases turned out to be for restoration of widows, or wives separated for years, sisters, sister-in-law. As women in Garhwal were more valuable than cattle every relative, however distant, filed an application for restoration. The thanas of Haldwani and Sunea with the mounted police of Pilibhit was transferred to Kumaun in 1843. The salary of Kota police was also increased on par with those of Haldwani and Sunea, who had got it while still with Bareilly, on ground of “unhealthy police station.” In Garhwal the thana of Kanur was shifted to Srinagar for guarding the Tehsil treasury.⁹⁹

Kumaun Commissioner, who acted as the Superintendent of Police for the division, entertained appeals of police officers receiving a salary not extending Rs.10 per month, removed by the district officers for neglect of duty. Drawing

his attention to the circular of the SNA of 10 October 1834, he was advised by the Government that "interference should be cautiously and discreetly exercised as the local officers were the most competent judges of the fitness of such functionaries and the manner in which they discharge their duties."¹⁰⁰ Tanda and Kaladhungi *thanas* were sanctioned in 1845.¹⁰¹

EDUCATION

Captain Huddleston established the first formal school of Kumaun division at Srinagar in 1839. Its expenses were defrayed from deposits of the Lawaris Fund, unclaimed proceeds of the pilgrims' assets who died on the Pilgrim Road. It is only after 1845 that these proceeds were deposited in the treasury, as provided by Regulation III of 1803. A young Brahmin, who knew little English, assisted Pandit Raghubar Dutt, in running the school. Batten contributed some books to the school and it was visited by the Lord Bishop of Calcutta with Lushington in 1840. In the same year a new house was purchased for Rs. 100. Only Sanskrit and Hindi were taught and its strength varied between fifty and sixty.¹⁰² The residents of Almora also petitioned the Lord Bishop for a *pathshala* at Almora as "the teaching of the Shastras was falling to decay in an area which particularly required to preserve its Hinduism." When Lushington forwarded a modified plan prepared by Batten for such a school, he was asked to apply to the Committee of Education at Calcutta directly as the N.W.P. Government had no scheme for general support of education.¹⁰³

In May 1842 a sum of Rs. 38 was sanctioned for establishment of two vernacular schools, one each in Kumaun and Garhwal. Rs. 24 were earmarked for Kumaun and Rs. 14 per month for Garhwal.¹⁰⁴

From the reports furnished by Lushington, Batten and Huddleston it appears that in Garhwal a few children of the upper caste families of Srinagar and surrounding villages attended the school. The attendance was irregular and an absence of any regular system of teaching was apparent. The children of lower castes could not even attend the classes and the teaching was mostly confined to study of the Shastras and Hindi. While the people of Srinagar were too poor to pay for the education of their children, the well off gentry usually employed private tutors. The Bhotias were also "not unmindful of the benefits of a little reading and writing." Huddleston informed that teachers were employed in almost every Bhotia village instructing the children while their parents were engaged in the trans-Himalayan trade. Huddleston was not very sanguine about introduction of a regular village education system in a near future date.¹⁰⁵

BADRINATH AND KEDARNATH

From the very beginning British Government took a stand of no-interference in religious matters. But in Garhwal, a place full of religious institutions par

excellence, it was difficult to maintain that stand for long. In February 1840, Lushington consulted the SDA about the course to be adopted in deciding cases connected with allegations against priests of Hindu temples, the mode, the nature and extent of interference which the civil and criminal courts could exercise. The court 'while asking him to consult the Government on this sensitive issue also asked him to consider the provisions contained in Regulation XIX, 1810, and comment on its suitability for adoption in Kumaun.¹⁰⁶

The Government asked the Commissioner to dissociate himself from direct interference and to find some way by which the task of appointing temple officials could be handled by a non European functionary. The SBR, in a similar vein, advised that disputes connected with temple lands should be got settled by mutual agreement or arbitration, and only in cases likely to affect breach of peace should local authorities intervene, always taking prior approval of the Government.¹⁰⁷

A petition against resumption of Sadaburt lands was presented to T.C. Robertson, the Lt. Governor, during or soon after his visit to Kumaun, towards the latter half of 1841, and he quietly drew attention of Lushington to the subject. Traill's actions not entirely "hidden from men within the recesses of the mountains", had become known to Batten as Garhwal Assistant, as early as 1838, when visiting the camp of Lt. Governor at Dehradun. There he heard the late Sir (then Mr. Secretary) Macnaughten inveigling into what he called an unauthorised usurpation of Mr. Traill. Batten had mentioned this fact to Gowan and later Lushington. Batten acknowledged that when Lushington restored lands to Rawuls he too had considered the order as justified. His realisation of difference between religious and charitable grants was a later discovery.¹⁰⁸

The Jhala grant was now placed under management of the titular and pensioned Raja of Kumaun, Pratap Singh. After 1841 exercise of authority by British in regard to Nanda Devi ceased till in 1852 the Accountant N.W.P., after examination of all pensions granted in perpetuity, declared that Nanda Devi pension did not appear to be religious pension. Batten on this disclosure asked Ramsay to enquire into the whole matter. Ramsay recommended its discontinuance and diversion to Almora Dispensary. It was resumed on 3.12.1852.¹⁰⁹

The Rawul of Badrinath petitioned to the Lt. Governor for restoration of sadaburt parganas of Dussooli and Kutooli in 1842. Considering clear directions which the Court of Directors and the Government had issued on the subject Lushington restored back these parganas to the Rawul in 1842, reversing Traill's orders of 1829.¹¹⁰

Several disputes existed among the temple officers of Badrinath and Kedarnath, and the Rawuls forwarded them to Lushington for resolving them. The Rawuls

also insisted on issue of Sunnuds in their names by the local authority on temple lands and even temple affairs. Lushington still not very sure about the action to be taken, in view of the Court of Director's clear injunctions, reiterated by the SBR on the 14th of December 1841, again consulted the Board.¹¹¹ He himself felt very strongly against holding general enquiries into religious matters and religious *maafis*. "The immunities hitherto enjoyed by the Hindu *maafidars* of Garhwal and Kumaun", he wrote, "is and ever has been a constant theme of praise and admiration to the pilgrims and by them the indulgence shown by our Government in the provinces is reported in all quarters." Similarly the parties which had enjoyed and profited by the liberality were not insensible to this and "they were not slow in praising the advantages they enjoyed."¹¹²

In Garhwal both the Rawls and the landholders were keen to make their own settlements whereas in Kumaun the land-holders favoured a twenty year land-settlement.¹¹³

As the Rawls kept pressing him for a formal confirmation of their authority by the local officials, Lushington brought it to the notice of the Government that while actual nomination rested with the, living Rawul who selected the new Rawul in consultation with the hereditary temple officials, a subsequent confirmation by the local authority was essential for the satisfaction of the pilgrims and the landholders. Lushington pressed the need further on purely political grounds. Pointing to the location of Badrinath temple in extreme north with passages opening into Western Tibet, he hinted at the possibility of intrigue between Nepal and the Court at Lahore in which the Rawul could play a not too insignificant a role. Confirmation by British Government could rule out such a possibility, he suggested.¹¹⁴ The Government laid down directions regarding the mode in which civil rights of the Rawls should be recognized on their succession on 3rd of September 1846.¹¹⁵ In May 1847 Lushington forwarded to the Government a detailed report on religious and civil qualifications required of the Rawls of Badrinath, Kedarnath and Gopeshwar. The Rawul of Badrinath had to be a Namboori Brahmin from the South, well-versed in the Shastras and *Sandhya-puja*, and in the age-group of thirty to forty five. A decent knowledge of the place, acquaintance with accounts and revenue matters, and intelligent disposition were the civil qualifications. From amongst the resident Namboori Brahmins possessing these qualifications the living Rawul and the temple officials selected the successor. The hereditary temple officers consisted of the *Vazir* (Minister), *Lekhwar* (Secretary), *Bhandaris*, *Mehtas* (Treasurer), *Dimris* (Cooks) and the *Sayanas* of Mana village. The *Sayanas* had acquired consideration on account of the services rendered by them to the temple. Many of the *Sayanas* were wealthy and the temple was at times stated to be greatly in debt to them. The Kedarnath Rawul was also a Southerner but from the Jungam sect. He did not necessarily come from Brahmin caste but

could also be selected from the Vaishya or Rajputs of the South. The Gopeshwar arrangements were similar to Kedarnath.¹¹⁶

MEDICAL AND HEALTH

In early 1840 Dr. Playfair, the Superintendent Surgeon, who visited Badrinath, submitted an alarming report on the state of health on the Pilgrim Road and *Mahamari*, which was sent to the Kumaun authorities for comments and action. He concluded that there was no need of any government assistance for the measures suggested by him, i.e., posting of two Native Doctors as the local authorities had sufficient resources at their disposal. Pilgrims' sickness, which accounted for several deaths in the upper reaches, according to him, was caused by sudden change of the climate and not on account of lack of proper food or old age. Batten while contesting the conclusions arrived at by Dr. Playfair, both in regard to the availability of local resources and some of the medical conclusions, admitted that the local officers had been remiss in sending regular reports on sick pilgrims. However, Col. Gowan's report on the *Mahammari* had been published by medical authorities in 1836. According to Batten it was primarily failure of local medical authorities to do any thing effective against deaths of local landholders caused by the *Mahamari*, even though successive Civil Surgeons of Kumaun had been approached, which prevented local authorities in suggesting medical measures for "far less deserving pilgrims." In 1837 Dr. Sandham travelled with Batten through the country and lamented on the condition of pilgrims' feet and general sickness. Similarly during Dr. Darby's tenure help of the Native Doctor was taken not only for vaccination but also as a helper in Nagpur *pargono* where the *Mahamori* was most virulent. Dr. Dempestor, predecessor of Dr. Playfair, also recommended provision of a Native Doctor for assisting Garhwal's Senior Assistant for vaccination as well as general medical assistance. As the Rawul of Kedarnath continued to show his apathy towards assisting such measures it was difficult to sustain a Native Doctor at Okhimath.

The accumulated Road Fund of Badrinath, Rs. 4,600 in December 1839, could not be tapped for this purpose owing to their other commitments.¹¹⁷ Huddleston agreeing with Batten that maintenance and repair of the Pilgrim Road was a far more important work, recommended that the posts of Native Doctors at Okhimath and Joshimath be provided by the Government.¹¹⁸ One Native Doctor was sanctioned for Garhwal in April 1840. When 209 deaths occurred in 1840 in Garhwal, mostly confined to Badhan and Nagpur, Huddleston asked for the services of a European Doctor. In August 1843 in Borakirow, *Mahamari* claimed thirty lives, and its dread was so great that exact information about the losses could not be ascertained. The *Mahamari* was reported for the first time in Badhan in 1837 and was believed to have been carried by *ghee* and salt. The first victim was reported to be an importer of these items.¹¹⁹

The request of the Provincial Government for posting a Medical Officer at Naini Tal, on the pattern of Simla and Mussoorie, on account of its having become an established sanatorium of military invalids, was turned down by the Governor General in June 1845. The local authorities were asked to induce a medical practitioner to settle there. An Assistant Surgeon was finally sanctioned for Naini Tal in October 1847. A dispensary with a Sub Assistant Surgeon was sanctioned for Almora in March 1848. A Dispensary Committee, with the Commissioner as its Chairman, the Senior Assistant, Kumaun, the Commanding Officer of the Station, and the Judicial Officer as its Member Secretary, came into existence. A building was also secured for the hospital and the savings were directed to be used for opening of branch-dispensaries.¹²⁰

ROAD CONSTRUCTION

There is no denying the fact that Garhwal remained neglected during the first twenty-five years of the British rule, as far public investment in that region was concerned. It is only after it was created as a separate district in 1839 that some investment was made for constructing some offices. Except for 1840-41, there was hardly any investment during the next four years. Table XXII, makes this point clear.

Table XXII: Disbursement on Public works, 1835-36 to 1844-45

Year	Kumaun			Garhwal		
	Road	Other	Total	Road	Other	Total
	Not Trunk	Works		Not Trunk	Works	
	1	2	3	1	2	3
1835-36	H8	165	713			
1936-37	430	162	592			
1837-38	8.n	1,380	2,223			
1838-39	6,612	694	7,306			
1839-40	1,075	625	1,700			
	9,508	3,026	12,534	Nil	Nil	Nil
1840-41 (Bhote)	3,258	78	3,336	600	1,550	2,150
1841-42	2,297	779	3,076	...	100	100
1842-43	12,944	147	13,091			
1843-44	2,232	243	2,475			
1844-45	1,709	54	1,763	...	150	150
	22,440	1,301	23,741	600	1,800	2,400
Average for 1st five years	1,901	605	2,506	Nil	Nil	Nil
Average for 2nd	4,488	260	4,748	120	360	480

But Traill, during 1829-35, spent considerable sums out of the Badrinath Sadaburt funds on the construction of Haridwar-Badrinath Road, which was 171 miles in total length, fit for beasts of burden.¹²¹

The above table does not include the cost of masonry and iron works which were incurred on construction of fourteen Iron Suspension bridges over rivers like the Ramgarh, the Suwal, the Ramganga, the Kosilla, the Bullea, the Saryu, the Senril, the Kurnni, the Kali, and the Rinia. In fact over the Ramganga two and over the Kosilla as many as four Iron Suspension bridges were constructed between 1829-30 to 1847-48. On these fourteen bridges, Rs. 19,644 on iron works for bridges, and Rs. 29,272 on masonry works, or a total sum of Rs.48,916 were spent by the Military Board. All these rivers flow in Kumaun. During this period not a single suspension bridge was reported to have been constructed on Garhwal side. This was naturally to facilitate movement of troops which during this period were stationed at Almora, Pithoragarh and during the earlier stages at Lohaghat.¹²² Batten, as Garhwal Assistant in December 1838, prepared a set of rules for management of the Pilgrim Road. These rules were approved by Lushington in April 1839.¹²³ In the Garhwal Bhabur only a twelve mile path existed between Kotdwara *mandi* and Dada *mandi*. Kotdwara was a flourishing *mandi*, the entrepot for exchange of commodities between hill-people of Barahsyun, Chandkot and Tulla Sullan *parganas*. Batten during his Assistantship made a good road within a mile of Dada *mandi*. A good road had been prepared by the Bijnour Fund. By completing this twelve mile patch Najibabad could be directly connected with Srinagar. Moreover, during the rainy season Kotdwara *thana* was moved up to Dada *malldi*. Bidasni *thana*, under Bijnour jurisdiction like Kotdwara, was also moved up to Chandi during the rainy season. Construction of these two roads was important from the law and order point of view. The Government sanctioned Rs. 500 for construction of Kotdwara road.¹²⁴ Tools were indented from the Military Board. The road constructed by Traill in 1835 was also in need of constant repairs. Although people were very keen to construct roads the only tools in their possession were the agricultural ones. Huddleston indented axes, pick-axes, augurs for blasting rocks, sledge-hammers, etc. Road construction activity had almost ceased after Traill's departure. Traill after constructing the Pilgrim Road rather strangely left off his labours at the very point where a road was most wanted, i.e., the route between Joshimath and Niti pass. According to Batten, Traill almost totally neglected all roads between Almora and Garhwal, Srinagar and Najibabad and other important parts of the division. Traill was averse to resort to corvee-system, and not without good reason. It was only during Lushington's period, as Batten said, "a government road was being contemplated for the most enterprising of our people the Johari Bhotias, between their residence and marts in the cis-Himalaya."¹²⁵

Funds were sanctioned in 1845 for construction of the road between Khairna and Naini Tal. Upto 1848 the main entrance to Naini Tal was from Kaladhungi

side. When due to heavy rains in July 1848 the old road was totally damaged near Sookha Tal, the Local Committee of Naini Tal moved the Government for assistance. In July 1848 Rs. 2,000 were sanctioned by the Government for opening a new approach road via Hanee Bane pass.¹²⁶ Batten took personal interest in this new approach road and desired to make it fit for passage of carriages and palakis. The entire length of fifteen miles, from Bamouri to the end of the Lake, was aligned, mile by mile, by him. In fact the alignment was so well described by Batten that Capt. Glassford, the Executive Engineer, remarked that "there remained little for him to do except measuring the distance."

During his visit of Almora the Lt. Governor sanctioned the bridge over river Gomati at Bageshwar. It was completed in September 1848, at a cost of Rs. 1,043. Bageshwar was fast developing, being an emporium of trans-Himalayan commodities like borax, salt, ponies and shawl-wool. The products imported by the Bhotias were purchased by merchants of Almora and others. Many substantial shops and store-houses came up during 1842-48 and the bazar extended on both sides of the Saryu. The need for a permanent Iron Suspension Bridge over the Saryu, costing Rs. 6,000 was strongly urged.¹²⁷

NAINI TAL

P. Barron, a businessman of Shahjehanpur, moved an application on 26th February 1842, for a lease of land on the banks of Lake Naini Tal. As he was the first applicant, Batten recommended that he should have option of selecting any good land, except the fair-ground. Steps for an early survey of the area and the mode of granting grants were also suggested. Recommending this application to the SBR the Commissioner indicated that there was ample building ground for a number of houses and hill people were anxious for their construction. The rent-rates prevalent in Kusooli were considered to be on the high side and one half of the same was recommended.¹²⁸ The SBR approving Barron's grant in December 1842, asked the local authorities to carefully measure it, fix the boundaries and prepare a map. Their attention was also drawn towards the new assessment rates and framing of rules with reference to proposed instructions under the rules.¹²⁹

Within next three months there were as many as nine applicants. In April 1843 Batten proposed the draft rules, containing seventeen clauses. Authorisation of the rules was deferred until survey of the new settlement. Barron's application for a grant of entire Sher-ka-Danda was turned down by Lushington as it was contrary to Government's orders.¹³⁰

Mosley Smith, Assistant under Traill and Gowan, and later Register at the SDNA, was the first donor who gave Rs. 2,000 for public purposes. Out of this

sum Rs. 1,600 were spent on works of public utility and a sum of Rs. 400 was set apart for construction of a church on the request of Lord Bishop of Calcutta to Lushington. In March 1844 site for the first church of Naini Tal was selected and earmarked. The first house was built in Naini Tal in May 1843 at a cost of Rs. 50,000. It belonged to Major H.H. Arnaud (Sherwood in Gaiwala Khet)., The Local Committee submitted draft Local Rules with a memorial to the Lt. Governor in January 1845. Three months later survey work of Naini Tal was entrusted to Lt. Jones and Rs. 1,000 were sanctioned for establishment of a market at Kaladhungi. Kaladhungi during this period was considered within jurisdiction of the Local Committee. In April 1845 local authorities were directed to constitute a Municipal Committee as provided by Act X of 1842.¹³¹

The first by-laws of Naini Tal Municipal Committee were based on draft rules approved by the Government on 12th April 1845. The draft rules provided for a rent of Rs. 2 per acre, maximum area of a grant upto seven acres, those' who had taken sites but not constructed houses to be liable for rent for a value equal to Rs. 5,000 from the date of passing the rules, unappropriated or forfeited lands liable to be divided by the Commissioner or the Senior' Assistant to suitable allottees, forfeited lands also liable for public auction, realisation of rent as land revenue by revenue authorities, a fine of Rs. 50 for every offence of tree-cutting, grantees required to maintain their boundary marks and effacing of the same punishable, all rents and revenues to be appropriated for the purpose of health and public conveyances and all grants were to conform to the rules passed by the Municipal Committee, constituted under Act X of 1842.¹³²

The first Municipal Committee, elected under Act X, 1842, had Maj. Gen. Sir W. Richards as its Chairman, and G.T. Lushington, H. Wilson, Major Arnaud, J.H. Batten, P. Barron, W.P. Waugh and Lt. Clifford as its Members. On 8th May 1845 the Committee passed draft rules and agreed to enactment of Act X, 1842, in the new settlement. The need of a Medical Officer was also communicated to the Government.¹³³

As the Municipal Committee was yet to be approved by the Government and it was likely to take some time to organise itself into action Batten moved for sanction of a small establishment for preservation of public timber, police for prevention of crime and guarding bazar which was increasing daily in size and value, registration and assembly of coolies and attestation of sites. One Jemadar and four Burkandazes were temporarily mobilised from Kota and Haldwani *thanas* and stationed at Naini Tal during summer and rainy seasons.

Turning down the request Government considered present arrangements as adequate and promised to reconsider the proposal for staff "when the state of settlement is more fully known and determined."¹³⁴ "The Government accorded

its approval to the elected Municipal Committee on 7th of June 1845, and forwarded approved Rules for Grant and Building Leases with a copy of the Resolution introducing provisions of Act. X, 1842, in the settlement. The Municipal Committee approved by the Government, however, had only Sir Richards as the Chairman, and Lushington, Arnaud, Waugh and Barron as its other four Members.¹³⁵

The survey work was now being conducted by Capt. Waugh who acted as secretary of the Municipal Committee also, and needed assistance of several *khalasees* (coolies) to carry chain and cut the jungle which in some parts was extremely dense.¹³⁶ Table XXIII furnishes interesting facts on sizes of grants held by various people at Naini Tal in October 1845.¹³⁷

Table XXIII : Details of Capt. Waugh's Survey of Nainital 1845

<i>Name</i>	<i>Area (Acres)</i>	(Rs.)	(Rs.)
		<i>Ground rent</i>	<i>House rent</i>
1. Major Arnaud	280	560	800
2. Barron	32	64	80
3. Barron	9	18	20
4. Barron	3	6	20
5. Beckett	7	14	20
6. MacCleans	5	10	20
7. Col. Moutans	5	10	20
8. G.T. Lushington	8	16	20
9. Lt. Clifford	15	30	40
10. Capt. Hicks	4	8	20
11. Peerzalds	7	14	20
12. Peerzalds (two sites)	17	34	40
13. Fields	I	2	20
14. Capt. Hermees	27	54	80
15. Capt. Waugh	28	56	80
16. Capt. Jones	21	42	60
17. Sir Richards	7	14	20
18. Wilson	29	58	80
19. Capt. Glassfurd	7	14	20
20. Capt. Drummond	7	14	20
21. Capt. Ramsay	7	14	20
22. Col. Weston	10	20	30
	536	1,072	1,550

This survey account did not include large property of Jamoochie's and those of Major Colquhoun and Capt. Montgomery. In addition to the above, Waugh reported several properties which had not been mentioned by him. The Municipal Committee passed its bye-laws on 17 September, 1845, which contained seventeen rules. Besides the usual provisions it provided for one vote for each site, two votes for four sites, three votes for eight sites, and a maximum of four votes by a holder having twelve sites or more, a tax @ 5% on all houses, a small establishment for keeping the lake free from all weeds, coolies for roads, the Magistrate was not to be a member, rules 10 and 11 of Mussoorie by-laws were adopted, appointment of a Ranger for preserving all trees, *dawk choudhury* to be paid from public fund and establishment of a public nursery.¹³⁸

As available land was very rapidly being appropriated by individuals Batten felt need for setting apart land for public purposes and "ornamental scenery". Lushington indicated tracts around the lake which should be set aside for public purposes, including "all lands as yet unappropriated on the east and west side of the Lake, situated below the road made by himself [Lushington] on Sher-ka-Danda and Ayarpata." Site for the proposed church was also earmarked.¹³⁹ Road construction was commenced by the Committee inside the Municipal area in December 1845. Sir Richards moved for construction of a new approach road after the one via Kaladhungi was badly damaged by heavy rains of 1848, as already mentioned.¹⁴⁰

European officers were in the habit of accumulating heavy debts. The assets of Major Arnaud, builder of Sherwood in Gaiwala Khet and the largest owner of land in Naini Tal, were attached by Batten in satisfaction of various debts incurred by him from the local *bunniahs* and money-lenders. His debts were reported to be around Rs. 4,000. Within a span of only five and a half years of Barron's application for a grant of land forty houses were already built, two were under construction, sixty-one visitors resorted there during the season of 1847, and twenty-six casual visitors reportedly visited the Lake.¹⁴¹

CHAPTER 5

JOHN HALLET BATTEN

Four years junior to Lushington at Hailebury College (1827-29), J.H. Batten joined the Company's Civil Service in 1829. At home during 1831-33, on being promoted as a Factor, he served as Assistant to Commissioner of Meerut Division (1835-36). In 1836 he was Assistant to Magistrate of Saharanpur when he applied *for* a hill-posting on health ground. He joined Kumaun on 15th October 1836.

"Batten has but a short time held office in the hills," observed Bird after his tour of Almora in 1837, "but he is a man of well cultivated mind, much ability, great zeal, indomitable energy, and an earnest desire to promote the welfare of the people under his charge. His danger would be impatience of unavoidable errors and imperfections, and using his designs beyond the bounds of impracticability. As his health would oblige him to retain his appointment in the hills *for* a considerable period, we should endeavour to turn his services to the best account." Bird's canny assessment of 1837 nearly sums up Batten's personality.¹

For Two years under Commissioner Gowan (1836-38), during the next ten years he was with Commissioner Lushington; first three months as his Garhwal Assistant-cum-Settlement Officer and later as his Senior Assistant Commissioner *for* Kumaun cum-Settlement Officer (12.2.1839 - 26.10.1848). On Commissioner Lushington's death on 25.10.1848 he took over as Officiating Commissioner. Confirmed as Commissioner on 6th of November, 1848, he ended his nearly two decade long association with Kumaon-Garhwal on 20th of February 1856.²

His intimate and minute knowledge of Garhwal and Kumaun, on record in several official Settlement Reports, Notes, articles he so enthusiastically contributed himself or edited for the Asiatic Society of Bengal, was a result of his indefatigable industry as the Settlement Officer for these districts and his unsatiable hunger for knowledge and information. One gets a glimpse of his own method of work through the instructions he gave to Horace, young Junior Assistant Commissioner who had just assumed charge: "I recommend", he wrote, "you read the Printed Rules for Kumaon and supplements thereto, study of the printed Oordoo version in Nagri character, examination daily in your leisure hours, of one or two criminal cases decided by your predecessor. For duties of Treasury and Post Office, constant and attentive consultation of the Accountant's Manual." And not and attentive consultation of the Accountant's Manual." And not less important were "the

propriety and necessity of a regular and punctual attendance at your actual Kutchery and office during the business hours.” For inspiring activity and attention of the subordinates, “yours own example of sedulous attention to routine duties, in which the JAC alone of the European functionaries in this Province, has uninterrupted time at his disposal.”³

It is not surprising that “he was consulted in every step by the Government, and it was his influence more than that any single officer which gave its stamp and character” to the period which has rightly been distinguished by his name. “The influx of Codes and Rules and a predominancy of official supervision”, says Whalley, “gradually subsided as Batten gained influence, position and experience.”⁴ By the time Batten became Commissioner his settlements were working well, the changes introduced in 1839 ceased to be a novelty and people become familiar with the settled system of procedure based on Assam Rules.

It would be unfair to adjudge Batten by or confine his contribution merely to the benefits bestowed by his settlement operations. The inherent qualities described by Bird drove him to undertaking one reform after the other. Reforms in revenue, civil, criminal-justice administration, Kham management of the Bhabur, road construction, health and sanitation, education; just to name a few, brought about such a sea change that several landmarks of present-day Kumaun are traced back to his period, and not very often mixed up with Ramsay’s long innings as the Commissioner. Undoubtedly it was his singular luck, as he himself admitted, “to possess in Messers Ramsay and Strachey [lesser known than Ramsay, but later to become Sir John Strachey, Lt. Governor of the N.W.P., in 1875-77] Assistants from both the districts, not only distinguished for enlarged and liberal views, but for great personal and active benevolence of character.”

Extremely liberal in his praise of capable officers he at the same time did not suffer the waywards. “It occurs to me,” passing on the Punjab papers on land measurements by Messrs. Barnes, Temple, Davis, etc., just reaching him in 1853, to Strachey he wrote, “that you might gather some valuable hints with that your peculiar talent for accurate investigation, scientific comparisons, combined with your practical turn of mind and kind feelings for the hill-population you might even perhaps succeed in discerning local and popular modes of estimating quantities of land, an accurate system of village-management, which would be understood by the people.” On the other side of the spectrum he ensured a government censure for Bramley and upbraided Somnath Mukherji for not going “from house to house” when cholera razed Almora town and the latter did not stir out from his dispensary.

His deep concern for hill-men made him seek the good offices of the Lt. Governor to intervene in setting aside an order passed by the Commander-in-Chief, who happened to be visiting Agra in 1851. Batten strongly argued that hill-men of Kumaun and Garhwal were no less in soldierly qualities than the Gorkhas, who alone were being recruited by recruiting officers to the strict exclusion of other *puharees*.

Ramsay, the Senior Assistant Commissioner almost half-way through his Bhabur Annual Report for 1854, cut short his narrative by adding, "You have so often examined all the canals, roads, bridges, and other works that I can tell you nothing connected with them that you are not already acquainted with. And as we had the satisfaction of showing all the most important of works to the Lt. Governor, in April last, the Lt. Governor knows, what has been done and how the works have been executed." It was only natural for a Commissioner to feel so emotionally involved with these developments, who only a couple of years ago had himself been juggling with forest lease periods, seeking resignations of existing leaseholders, inspecting malarial Bhabur forests with Capt. Jones, just to hold it Kham and run Gola river waters through reclaimed Bhabur tracts. The very annexation of the Bhabur in 1842 to Kumaun would not have been possible but for brilliant exposition of hill-men's grievances by Batten. To Traill's emotional empathy Batten successfully added a pragmatic-procedural-presentation of hill men's cause. Certainly not as flamboyant as Traill but in sheer range and magnitude Batten's contributions to development of Kumaun are much more enduring.⁵

REVENUE AND GENERAL ADMINISTRATION

The changes which occurred during Batten's Commissionership in the field of revenue and general administration primarily fall into eight categories, namely, revenue proper, the Bhabur Kham- Tehsil, constitution of Kumaun Commissioner's office, general administration, *khasra* measurement, *Sadaburt* management, forest management and *naibad* grants. Developments in the fields of examination, census, *ilbkari* and drugs, stamps, etc., also deserve notice. The first eight categories underwent fundamental changes.

Batten's Final Kumaun Settlement Report could reach the Government in March 1849 although the demand fixed by him had already been approved in June 1845. Appreciating Batten's "penetration and industry" the Government fully endorsed his opposition to "the periodical registration of the state of landed property." The Government did not intend to precipitate an immediate change in the existing arrangement or bring hill revenue to conform to plains' practice. The Governor General's appreciation was also received in 1854.⁶

On conclusion of Garhwal settlement in August 1842, as the Settlement Officer, Batten recommended re-deployment of the four hereditary Kanungos on land measurement-cum verification duties lest they fell back “again into the state of somnolency and idleness”, in which he had found them in 1837. While the Garhwal revenue staff was thus activated, Kumaun revenue staff received written warnings “about a day of reckoning” even prior to the commencement of actual settlement operations. Introduction of the Kumaun Civil Rules in 1839 did not prove helpful in improving the efficiency of collectorial establishment (as the revenue staff was then called). On the contrary it encouraged centralisation as all disputes relating to land revenue and rent fell in its purview and not the revenue courts. Batten’s suggestion to make the Munsif’s court mobile when attempted by Lushington was stalled by the Suder Diwani Adawlut. The work of summary suit increased enormously leading to delays, vexation and corruption. Ramsay was forced to move for dismissal of a Munsif when he found that his Serishtedar and two of his court-staff were either his close relatives or friends of doubtful character. The Munsif could do anything he liked without any fear of detection.⁷ After two years, when the post of Munsif again fell vacant in 1852, Ramsay observed that there did not exist adequate work for two native judicial functionaries and it suffered from “ill effect of creating litigation that otherwise would not exist.” The civil courts of Kumaun disposed of a great deal of work which actually belonged to the collectorial department, partly because of inefficiency of revenue establishment and partly because litigation was invited in civil courts. Strachey, the Garhwal SAC, found “civil courts as purely mischievous and the increasing business as an additional reason for its abolition.” The SDA reacted sharply to “the unmeasured style and sweeping generalisation” of Strachey and Batten to justify his own concurrence with the views of his SACs, especially with reference to annul civil justice returns which showed a disposal of 3,079 and 1,942 original suits by the Suder Amin and the Munsif during 1849-50, in Kumaun alone.

Ramsay’s stand was to make revenue establishment more efficient whereby all the suits of revenue and rent, *pudhanchari*, *thokedari* dues, *malikana*, etc., could be disposed off by the Collector. Strachey pointed to total inadequacy of just one Tahsildar for a sprawling charge spread over 5,000 square miles, especially when the officer was also the Thanedar of the district. The money spent on keeping up one Munsif could be much better spent on maintaining one or two Peshkars, to supervise work of the Patwaris and assist in general administration. To prove his point Strachey drew up a list of 370 villages from his civil case files, where land disputes were mostly concentrated. The SACs stressed that the Tahsildars and the Peshkars could visit the spots settling boundary disputes, revenue, rents and various dues, which stood unnecessarily accumulated in the civil courts. The SDA felt alarmed at large number of dismissal of suits in default and asked Batten to conduct an enquiry into the causes as they thought it was calculated to reduce civil

court establishment. Explanations of Ramsay and Strachey were called to explain their mode of dismissing civil suits in default. Both Ramsay and Strachey stood their ground and proved that they strictly followed the Kumaun Civil Rules which contained no provision for it, but they followed the spirit of regulations. While the SDA kept deliberating the matter asking for *tabula* statements, etc., Batten drew attention of the SBR and the Government to the subject.⁸

"Each step we take in this direction", Batten wrote to the SBR in 1853, "will diminish the necessity of litigation and the evils of our civil courts." He urged them "not to wait for any final opinion of the SDA but address the Government warmly and strongly in support of local authorities who are anxious to reduce purely civil court establishment and increase that of revenue department, a recourse to revenue courts on all matters of land." The Punjab model, another Non-regulation Province, was cited as a good example where "the tribunals to do not meddle with questions of possession and current liability." The SDA still not convinced with the need for a "sweeping alteration in civil administration", now did "admit that evils may exist, they do not dispute but the remedy did not lie in closing of the civil courts by direct pressure in discouraging litigation." Finally, the SDA bowed before the combined opinion of experienced civil servants and ordered transfer of all cases from civil to revenue courts in October, 1855, following Government's order of August 1854.⁹

The Rules for Guidance of Revenue Courts of Kumaun and Garhwal in Summary and Regular Suits were approved by the Government in October 1855. Divided in VI parts it contained forty-five Rules for the revenue courts, while future jurisdiction of the Kumaun-Garhwal civil courts was described in part III.

The summary suits, i.e., suits of *malguzars*, *lambardars*, farmers of duties, on *abkari*, etc., suits of cultivators against the *malguzars*, *lambardars*, etc., were now to be filed in revenue courts, within twelve months of falling due (Rule I, Summary suits, to VII). Suits regarding the *malguzari* rights, ouster, enhancement of rent, etc., termed as Regular suits, now also fell within jurisdiction of revenue courts (Rule I to V, Regular Suits). The civil court's jurisdiction was limited to Regular suits for orchards, gardens, wells, houses and other buildings, private property of individuals, lands on which such properties were situated and enclosures thereof (part III). Rules for practice in Regular suits, twenty-seven in all, were prescribed (Rules I to XXVII, Part. IV). Appeals in summary and regular suits were set out in Parts V and VI (Rules I to III, and Rules I to III, Parts V and VI). This was a fundamental reform in division of work relating to land between the revenue and civil courts, which is followed to this date in Uttar Pradesh.¹⁰

Batten strictly followed directions of the SBR on all revenue matters, including those relating to revenue establishment. He disagreed with Ramsay's departure from the principle of hereditary succession to the office of a Kanungo when the

latter proposed a nominee from collateral branch, rejecting claims of sons of the deceased on the ground of "debts incurred by their father." He pointed out to Ramsay that it would be equally incumbent upon him to prove that his nominee was free from "any personal or hereditary debt." "It has hitherto been considered," Batten remarked, "more praiseworthy for an official, especially a Kanungo at the end of a revision of settlement to die poor than to die rich. To punish sons of a Kanungo dying poor by depriving them of the means of subsistence and leaving them their father's debts to pay, will certainly act as an excitement to future Kanungos to make a purse at the expense of the public, during their life time." Ramsay withdrew his nomination.¹¹

No aspect of revenue administration was considered insignificant. When a large number of SBR's periodical statements became overdue from Kumaun he advised Ramsay to drop all items on hand and undertake a review of his English Office. For the past ten years the SBR had turned a deaf ear to remonstrances of the hill authorities that "such and such returns are not applicable to this Province", the only alternative left was to devise a time saving methodology. He was asked to prepare a roster showing due date of all SBR and SDNA periodical statements, keep one at hand and hang one in the English Office. All the Blank Returns could be printed only leaving the "trouble of signature and despatch." "Even the Blank Statement", Batten reminded Ramsay, "were, if correct, quite valuable in the statistical point of view, as filled up statements, and without them no general tables for the country could be prepared. Local officers lose sight of this fact."¹²

Ramsay and Strachey were asked to jointly investigate the vexed question of the *thokdari* rights by Batten. In their joint report of 6th of October 1853, tracing the origin of the office, they made a clear distinction between the office of the Sayana and the Thokdar. While the Sayanas headed land-proprietary families, answering closely to the Taluqadars of the plains, the Thokdars or Kumeens did not possess any proprietary rights at all but derived their privileges from their official position, as the servants of the Government. Under the British Government due to similar duties and remuneration the two classes had been confounded under the common name of Thokdar. They also voiced the general view that "the thokdars are for the most part worse than useless and their general influence very mischievous." Their hindrances had grown to such an extent that they had become the principal source of worry to the district officers. A careful examination of each case, properly classifying them as Sayanas and Thokdars, and conversion of their dues into money payment to be collected with the government *juma* and to be paid by government offices, was recommended. The present incumbents were recommended to be continued, provided they behaved and conducted themselves properly, but their successors were to be paid money payment on a

graded scale. This measure, the team felt, was unlikely to weaken the bonds that existed between the hereditary chiefs and the people. "We trust," added Ramsay and Strachey, "that time may come when the Sayanas and Kumeens will learn that they have duties as well as the rights." Batten was still not too sure. Ramsay continued his investigation and finally in 1855 dug out from Almora Court records Traill's *robkari* (proceedings) of 12 July, 1825, whereby Traill had relieved all the Thokdars of all their revenue responsibilities and strictly prohibited them from levying cesses of every kind from 1825. "I think you will consider it advisable," wrote Ramsay, "to adopt Mr. Traill's view on Thokdars and you will be more than satisfied of the propriety of abolishing all Thokdari dues, as opportunities offer."¹³

The Court of Directors had clarified their stand of noninterference by Government in religious endowments, way back in 1841, and where such an interference was necessitated it was to be in temporal concerns only. Regulation XIX, 1810, provided for constitution of a Local Agency and a Sub-Committee, constituted of respectable persons belonging to the religion; for managing even these temporal matters. The Collector was ex-officio one of the Local Agents responsible for the care of public endowment.¹⁴

On Batten's direction Strachey re-investigated the *sadaburt* tenures attached to the Badrinath temple, in 1850. The original *sunnads* granted by the Gorkhas, documents mentioned in Traill's letters to John Adam, 23 May, 1816, particulars of *sadaburt* food distribution at Pipalkoti, Nala Pattan, Badrinath, Purkhundi, Bamsu and Maikhandi, Patogurh, all native and English records from 1816 to 1850 were reexamined by Strachey before he submitted his report to Batten. Batten while admitting great benefit which construction of the Pilgrim Road conferred on the hill-people expressed his reservations about the propriety of Traill's action in diverting *sadaburt* funds to making and repairing of roads in 1829, especially after clear injunctions of the Government against it. However, willing cooperation of the Rawuls, "so completely dependent on civil authorities," and no fears of "exciting any religious alarms concerning British connection with idolatory" at home, rendered it easy for Traill. In his view the alleged mismanagement of Badrinath in 1820s was nothing as compared to what existed in early 1850s. Batten also expressed his reservations about Lushington's decision to hand back *sadaburt* managements to the Rawuls, once the distinction between temporal and religious control over temple-tenures became amply clear. He defended Lushington's decision of 1842 on the ground that the officials managing the funds had started diverting funds to roads other than the Pilgrim Road and their officious behaviour lowered reputation and standing of the Rawuls who in the eyes of Hindu gentry were considered no less than "petty princes". Lushington had in fact preceded his orders of transfer of control with handing over actual responsibility of road construction road construction and repair, around the temples, to the temple officers with injunctions

to the government officers not to interfere in any manner with the charitable management. T.C. Robertson, the Lt. Governor, was presented a petition by the Rawuls, during his visit of Dehra Dun in 1841, and he quietly drew Lushington's attention towards this "injustice." The fact of Traill's "usurpation of *sadaburt*" funds for road-making was fairly well-known in the official circles.

Strachey's recommendation for taking over *sadaburt* income under a Local Agency, with the help of a notification, was supported by Batten who felt convinced that an interference was fully justified. The system of food distribution was to be continued, subject to future modification, under supervision of the Rawuls of Badrinath and Kedarnath. The surplus funds were authorised to be deployed in construction of a dispensary at Srinagar, for which public also made private contribution, on the repair of roads and construction of roads and bridges "in the line between the plains and the shrines", as per Strachey's detailed plan. The proceeds of Kutauli, Dasoli, Mahrauri, Purkhundi and Bamsoo amounting to Rs. 5,127 annually, were proposed to be collected by the government agency and the SAC Kumaun was to remit the amount after deducting the cost of collection, to the local Agents. The Government approved the proposal and addressed a *robkari* on 10th December, 1850, to both the Rawuls, communicating them the Government's decision. The local officers were authorised, as provided under Regulation XIX, 1810, to take over control of all the villages of *sadaburt parganas* and connected Khalsa villages of Khola, etc.¹⁵

On the discovery by the Revenue Accountant of N.W.P., in 1852, that the Nunda Devi grant of Jhala village in *Palipargana* of Kumaun was not one of the pensions granted in perpetuity, Ramsay was asked to conduct an enquiry into its background. Ramsay dug out its history and after allowing annual grant of 250 rupees for 1852 recommended its discontinuance and diversion to Almora dispensary. Batten allowing release of grant for 1852, left the matter at the discretion of superior authorities, but added that its resumption would be unpopular. The Jhala mafi was ordered to be resumed in December 1852.¹⁶

Soon after taking over commissionership Batten drew attention of Strachey, SAC of Kumaun (27.10.1848 - 4.5.1849), towards several matters connected with the Bhabur. This memo covering subjects like civil-justice, police, cattle trespass, trade, ferry over the Kali and Birmdeo, irrigation, forests and roads provides us a status paper on the Bhabur in 1848 before it was propelled on its course to development two years later.

A Munsif was now posted for Bhabur, at Haldwani, as heinous crimes were now almost unknown, thanks primarily to the efforts of Col. Sleeman against all robber gangs. As the existing leases did not expire before 30th of April, 1850, it

was not possible to interfere with "the foolish system of wasteful gools for each separate clearing in Bhabur." Strachey was directed to be on the lookout for lapsing of any Katbans lease which was now to be immediately seized and held under Kham management. Survey work was in progress in neighbouring Turai parganas of Bareilly, Moradabad and Pilibhit, and it was to be carried over to the Bhabur tracts, and Kumauni authorities were to assist them in surveying the rivers which ran through the Bhabur and the Turai. Several mandis which existed in the Bhabur needed a benevolent patronage at the hands of local authorities and the ferries at the Kali and the Birmdeo needed better boats for ferrying passengers.¹⁷

The land revenue settlement of the Bhabur villages as well as forest leases were coming to an end on 30th of April 1850. As Ramsay was not much experienced in revenue matters and also not acquainted with the tract the Government on his request extended the existing settlement for the next five years, instead of holding it under Kham tehsil management. Ramsay utilized all his spare time in collecting useful knowledge and necessary material for carrying out necessary operations. The Deputy Collector, J.O. Beckett, was also sent down to the Bhabur to assist Ramsay, as there was not much work for him at Almora.¹⁸ Ramsay, however, expressed his willingness to hold Katbans leases under Kham management from 1st May 1850. Captain Jones suggested that the proposed settlement operations of Ramsay should be availed of to prevent waste of the Gola waters by diverting it for irrigating the Turai tracts of Rudrapur and Gadarpur and taking complete control of the Bhabur rivers.¹⁹

Thomason, the Lt. Governor, directed the survey teams of make their maps and plans with such details as to allow Capt. Jones plot on them his irrigation works, roads, etc., and the survey of the rivers was to be carried from Rudrapur-Gadarpur up to their sources in the Bhabur or the foothills. Ramsay was directed to use the surveyors in the employ of Capt. Jones.²⁰ After six months of familiarisation Ramsay became convinced in June 1850 that it was primarily bad management and waste of water, so often talked about by Batten, which held the key to its backwardness. Sure of himself now, Ramsay took over the task of conducting a quick survey with the help of a small native party.²¹ Ramsay learned that Bareilly and Pilibhit collectors maintained their staff to collect forest dues. He objected to posting his own staff on the outskirts of the lowest forests, outside his own jurisdiction, and requested Batten to advise Bareilly and Pilibhit Collectors to remit collections to the Almora treasury for forest produce exported to the plains. He kept construction of roads, protection of timber and general superintendence in his own hands. As almost all timber merchants came from the plains often on their complaints police from those districts entered the hills and tried to exercise authority there. He registered his strong objection to this practice and reported his readiness to go ahead by October 1850. Ramsay's proposal to

turn the Gola water into canals for irrigating culturable lands of Chukata Bhabur was approved by Thomason and the latter expressed his wish to discuss it personally on the spot.²² Ramsay commenced his Kham tehsil management by engaging a small staff in December 1850, and his superintendence of forests was limited to Chukata and Kota forests only, as Rohilkhand Collectors agreed to levy all dues, remitting him all the collections proportionate to Kumaun share. But, the levy fixed by Wilson, Collector Mordabad, was considerably lower than that fixed by Bijnour or Dehradun, who kept them high both to increase revenue as well as for preventing destruction of Sal forests. As there was no arrangement for drinking water, wells were bored at Tanda, located between Haldwani and Rudrapur.²³

Thomason, the Lt. Governor, accompanied with Francis Robinson, Junior Member of the SBR, visited the Bhabur during first week of January 1851, and discussed the plan prepared by Ramsay. Construction of roads was to be given top priority for consolidation of prosperity, increased cultivation and improving salubrity of the Bhabur. As Kumaun, unlike the plains districts, had no 1 % Road Fund he was authorised to spend one tenth of his entire net revenue from all sources. It was likely to be around Rs. 5,000 still leaving a clear increase of Rs. 17,000. *Mourusi Asamee* rights at fixed rates were proposed to be given to the *asamees* to protect them from being ejected. In the newly settled tracts they were to be recognised as share-holders, as soon as the tracts were more definitely settled. In the meanwhile their possession was to be recorded. All extra cesses and dues were to be abolished and substituted by a consolidated rent. The payment of rents was to be adjusted against their produce. The rents of the tracts, proposed to be given irrigation, were to be higher than the existing ones and irrigation dues were not to be credited to land revenue account but to irrigation revenue. Out of this fund all irrigation expenses were to be defrayed and the surplus was to show the profit of irrigation works. Better and more substantial houses were to be constructed to improve health of the settlers and conferment of occupancy rights was likely to induce them to do so. Ramsay was authorised to assist them in this activity also, and charge the expense to the Villages Expense. One Tahsildar, two Mutsuddis, and ten Chuprasis were sanctioned and half of their charge was to be met from irrigation account, as this establishment was to serve both the revenue and irrigation departments.²⁴

Measures of irrigation for Chukata Bhabur were approved by holding Chukata *pargana* Kham tehsil. A *malikana* of five to ten percent of the net collections of the *malguzars* was agreed, and Rs.10,000 were sanctioned as advance for irrigation purposes. Appropriation of net surplus was agreed to by Thomason for road construction to develop resources of the estates and opening of new markets.

The SBR prescribed a detailed Annual Report on the Bhabur operations, showing the acres brought under cultivation and acres fallen out of cultivation. A Special Account was to be opened and the balance was to be carried over to next year. Necessary amounts were to be advanced by Almora Treasury and placed in the Inefficient Balances, to be made good later from the collections. 25 Detailed discussions also took place on the issue of forest dues. In the meeting held on 10th of February, 1851, participated by Robinson, Commissioners of Rohilkhand and Kumaun and the District Officers, Thomason explained that it had been decided to assert Government's rights over the forest products from unappropriated tracts as their discontinuance gave rise to disputes over sayer rights, which had no foundation whatever. It was primarily to assert these rights more effectively that they were being held Kham. The forest dues were categorised into two kinds. Those levied at certain points, e.g., pasturage dues at the *goths* (enclosures), dues upon *chunam* and catechu (*bhuttee koyrar*), levied at the places of their manufacture from limestone or Khyr trees. These dues were to be collected by the concerned collectors. The second category of dues related to those levied on removal of forest produce from forest along the usual routes, e.g., timber and woods of all sorts, bamboo, wax, honey, charcoal, lac, etc. These belonged to the custom category, which could be levied only once and this required special arrangement between the hill and plains authorities.

Between the Sarda and the Sookhee, from forests belonging to Pilibhit and Kumaun, the dues were to be collected by Pilibhit authorities and Kumaun portion remitted to Almora Treasury. Between the Sookhee and the Kosilla, opposite Rudrapur, Gadarpur and Bajpur, as no forest tracts belonged to Bareilly and Moradabad, the dues were ordered to be collected by Kumaun authorities, and no extra levy was to be made by any other authority. North of Kashipur and Thakurdwara, the forests of Sheonathpur in Jaspur were to be protected and closed. Collector Moradabad was directed to prohibit cutting of wood and block all approaches to the forests. At the foothills Kumaun authorities were to continue collection of dues and Collector Moradabad was not to interfere with those goods on which levy had already been paid in Kumaun. Collector Moradabad was to help Ramsay in shifting his *chowki* further southwards. In the Bijnour sector Collector Bijnour was to continue collection of all forest dues for his own district as well as for Garhwal, as the hitter maintained no *chowkis* of his own. Ramsay's rates' were approved as they were similar to others, on the line. The poorer classes were to be allowed the privilege of carrying head loads of drugs, lacs, dyes, for their own consumption. But the facility was not allowed to be misused. The Kham management was expected to yield revenue which was again to be deployed in opening of roads and development of resources of the tracts. Any surplus receipts, over three year's average revenue, was to be made available for opening of more roads.

The surplus revenue between the Sarda and the Sookhee was to be divided into five equal parts, one part going to Collector Barielly for improvement of roads through his portion of forests leaving four parts to Ramsay for opening out the forests in his portion. Between the Sookhee and Garhwal border all surplus was again to go to SAC Kumaun, again for opening of roads. Surplus collections of Bareilly and Moradabad were also to go to SAC Kumaun. Commissioners of Rohilkhand and Kumaun were required to supervise these arrangements.²⁶

During this visit Thomason also sorted out boundary problems between hills and plains districts. The principle of "all villages cultivated from the hills and all lands likely to be brought into cultivation by the hill people was to remain attached to Kumaun and the rest to Rohilkhand" was to be followed. Minor changes all along Kumaun-Rohilkhand border were affected. Substantial border pillars were erected, a record of the boundary so fixed was kept in Hindi and boundary pillar numbers were shown on the survey-maps.²⁷

Tahsildar of the Bhabur, Mool Chand, was invested with Deputy Magistrate's powers and Thanadar of Haldwani was put under his control. Ten *pattis* (a revenue-unit) of nine *parganas*, which were closer to the Bhabur than *the* hills were taken out of Huzur Tehsil and added to-the Bhabur Tehsil. All told 267 villages, with a revenue of Rs.18,328 were added to the Bhabur Tehsil.²⁸

"Although the Kham-tehsil arrangements," remarked Ramsay in his first Annual Report on Kham tehsil, "have given the greatest trouble, I do not in any way regret having undertaken direct management of the mehals, for I feel confident that all my labours will be well repaid by increasing and permanent prosperity of the villages and the people. The chief difficulty has been overcome and the novelty which well neigh frightened the old proprietors has worn off and sensible part of the men now see that improvement of the estates and not increased revenue only is the object aimed at."

Khasra measurements were undertaken and old proprietors were persuaded to make *asamees pucca khaikars*. Ramsay deliberately settled only five new villages during the first year where *the* settlers were recognised as share-holders and they committed themselves to bring more land under cultivation every year. The land was given rent free for the first two years after which they were to be assessed at fair rates. The hill-men were used to shift from field to field every year and the main problem was how to put an end to this practice. Improvement of estates was not possible if the cultivators did not improve the same field, year after year. Ramsay was not trusted when he asked them to settle down as they took it that the advise was prompted by a desire to harvest more revenue. The villagers of Khera, near

Kathgodam, were the most intractable. Ramsay handled them with a heavy hand. Khera people not only tendered their resignations but also incited other villages to follow suit. Ramsay quickly accepted the resignation put other malguzars and made the asamees pucca khaikars. This had the desired effect and all others fell in line. Instead of produce, or *batti* as had been agreed upon, Ramsay took money rents, as he did not trust ill paid Moharrirs with the task of collecting produce from cultivators spread and one Anna per bigha on fallow land was fixed. A rather high rate of one Anna for fallow land was fixed in order to preempt any one from taking more land than he could possibly cultivate.

“Puharees are very fond of fruits”, Batten was informed, “and take great care of their fruit trees. A garden is the thing to take a Puhari’s fancy. They are only to be managed like children, and when so treated they may be brought to do anything.” At Haldwani a nursery garden was established and it was stocked with Bombay mangoes and other fruit trees. The trees were bound to keep the hill asamees attached to their lands and houses, so a large number of seedlings were distributed in the villages. He could not get sugar cane for plantation in 1851, but planned to try both sugar cane and cotton next year.²⁹ The results of the first year of Kham tehsil are given in Table XXIV.

Table XXIV : Kham Tehsil Bhabur Collections, 1850-51

<i>Name of Mehal</i>	<i>Juma of last 5 yrs.</i>	<i>Realised in 1850-51</i>
Katbans :		
Kota	4,600	15,845
Chukata	1,451	6,327
Kali Kumaun	3,705	8,026
Pasturage dues :		
Kota	3,801	4,280
Chukata	2,650	3,522
Chowbinsi	2,522	3,453
Total	18,729	41,453

After deducting Rs. 12,427 from the total collection of Rs. 41,453 the surplus of Rs. 29,016 was deposited in the treasury. The burkundazes (sepoys), attached to the thanas, were placed under the Moharrir. While the latter collected the revenue the former were used for carrying it to the thana, on return bringing information to the Moharris regarding the condition of the roads, bridges and the hackeries waiting in the forests, etc. After having seen the forests Ramsay prohibited felling of young Sal trees altogether. The yearly felling programme was also limited to

quarterly rejection for sawing and carting of timber. Rawannas were printed and given to hackeries at the export chowkis. After some hackery men misused the facility of giving one rawanna for a set of hackeries, only one rawanna per hackery was given. A very heavy fine was imposed on attempts at smuggling, the hackery was fine was imposed on attempts at smuggling, the hackery was fined ten times the normal duty due, if caught, and it nearly stopped such a practice. Ramsay lodged a strong protest against "when he discovered that the Khansama of Nawab Rampur misused the facility given to the Nawab for taking as much timber free of duty as he needed for himself and his family, and had developed a near monopoly of timber trade at Rampur. The Moharrirs were checkmated when Ramsay permitted them to accept any Rupee from the hackery men "that was not worse than doubtful in point of weight."

All major roads were taken up for construction and repairs and a sum of Rs. 4,828 was spent during the first year. People evinced great interest in the nursery and applied for it. Thomason was thoroughly pleased with all the measures initiated by Ramsay and ordered that only that much lime and timber should be allowed to the Nawab which was required for his bona fide use.³⁰

"The Haldwani Mandi," reported Ramsay next year, "was surrounded with thick jungles and trees which prevented free circulation of air and made the locality unhealthy during rains. I cut down the underwood, levelled the Mandi so as to prevent water-logging in the bazar and keep the place always dry and clean." But at Kaladhungi not much could be done due to cholera as "all the coolies ran away, walls were left unfinished, drains unmade" and heavy seriously injured Nuliana, the high road from Haldwani to Naini Tal. Due to this cholera "the hill men fled the Bhabur from the hills, sick men were left behind, dead bodies had to be burnt and medicines distributed through the hospitals." Work could, however, be commenced on Nuliana, Tanda, Sumda, Bhim Tal, Haldwani *mandi* to Kaladhungi and the two *mandi* of Haldwani and Kaladhungi. *Ghats* and roads in forests were repaired. About Rs. 15,000 were spent on road construction and Rs. 4,000 on miscellaneous works. Irrigation works of Khera, Powalgarh and the Gola canals were commenced and so was the work of Bhim Tal *bundh*. About Rs. 13,000 were spent on irrigation activities. *Taqavi* advance of Rs. 1,379 was made out of which Rs. 1,000 were given through Dharmanand. *Gul* construction of the Kosi, projected to irrigate about 5,000 acres, was not taken up by Ramsay himself as "Dharmanand has power and influence to occupy all the lands to which its water could be applied and he had the means of doing work cheaper than I could." From the Gola canal a branch canal for Bamouri to Tanda was being planned. The *kehusra* survey was executed, although it proved rather expensive, but it put to an Bhabur "so commingled that I would like to manage the whole ilaqa as a large

zemindari-estate". The revenue from all sources would thus be available to consolidate the progress of the Bhabur and extend cultivation.

"Captain Ramsay has quite changed the appearance of Haldwani Mandi and the neighbourhoods," reported Batten, "by his clearing-operation, by his building, gardening and road-making exertions. I have no doubt that he will soon make Kaladhungi also a salubrious and civilized location". The remission sought by Ramsay was given in November 1852, salary of the Bhabur Tahsildar was raised to Rs. 15 per month, so long as the Bhabur was held Kham, and Capt. Jones was asked to report on the progress of all canal works and funds requisite to complete them. After remitting a *juma* of Rs. 18,729 towards 1851-52 and accounting for a surplus collection of Rs. 5,295, a sum of Rs. 51,049 was still available for developmental activities. Out of this Rs. 13,170 were spent on canals and Rs. 23,086 on all other works. Mool Chand, the Bhabur Tahsildar was adjudged "an excellent officer, going to all parts of Bhabur wand Turai, at all seasons of the year, and he collected under his own supervision Rs. 85,000." The Government considered the results as highly satisfactory.³¹

The Boksas bore the brunt of Ramsay's Bhabur operations. They were displaced from nineteen villages of Kota, Chukata Bhabur and Chowbisi parganas. The Gola waters which hitherto irrigated their fields in Bela Kotli, Binkhera, Bankati, Bhoora, Douli, Kuria Tanda, Koryi Khera, Kaliakioz, Khushbhoj Populia, Nayagaon, Tullia, Koryi Gyanpur, Dudhivora, Majhola, Baiduas, Chooramutti, Chindi, Jalonbi and Sunadpur, was taken down and diverted to Gadarpur and the erstwhile proprietor was allowed a compensation of Rs. 300 per annum. In Chukata Bhabur Capt. Jones induced Boksas to shift to the Turai *Pargana* and refused to settle any new *asamees* there. "All the water," reported Ramsay, "is now taken down to Turai villages and these mouzas now cease to exist in my list of villages."³²

Batten now considered it essential that Ramsay should be given complete control of irrigation works if the speed of extension of cultivation in the Bhabur was to be accelerated. "Hitherto he has been compelled by circumstances," Batten informed the SBR, "to abstain from interference with village gools and yet at the same time he has been obliged to furnish water to his niabad locations, without the command of public canals of sufficient size and extent to meet the demand."³³ Canal works specially the Gola-head, presented considerable difficulties but they were overcome, and J.R. Colvin, the new Lt. Governor, expressed his satisfaction over this achievement in November 1854. The revenue payment for 1853-54 was postponed and an advance of Rs. 10,000 was allowed as a loan for early completion of the Gola-works. Paddy cultivation was commenced for the first time which demonstrated that the fear of the Bhabur was on the wane, but still hill-men did

not remain there for more than four months. The area of *niabad*, at the end of 1853, irrigated by the Dubka waters, shot up to 8,000 *bighas*. All construction works had to be completed during these four months as with the onset of rainy season “every ravine became a river capable of sweeping away in half an hour the work accomplished by 500 coolies in six months.” In some parts of Chukata, wives of the *asamees* started residing throughout the year. With supply of wholesome water, Ramsay was convinced, the “fear of heat will soon be forgotten when it will enable the cultivators to remain in Bhabur without the evils nows caused by stagnant and impure water”.

Now rates in good lands were increased to four *Annas a bigha*. Rs. 34,747 had so far been spent since 1852-53, work on Khera canal was commenced in 1852. Kitacheera and Kaladhungi water courses were enlarged to accommodate the Boer waters, and Bhim Tal *bundh* was completed. Camels were employed where hackeries could not go. Two elephants from the Commissariat were taken on loan to travel inside thick forests. Nulleea road was bridged all the way to Naini Tal. Baheri road was fast over taking the old Tanda road, big mills were replacing old *punchukkis* and now a nursery was established at Kaladhungi. Ramsay in his anxiety to complete all works during the healthy season spent everything he had without paying the *juma* due. Canal works were preferred over cross-roads to the Turai, as the latter in no way affected prosperity of the Bhabur. As the Bhabur trade was helped by the roads from Birmdeo, Baheri, Tanda-Haldwani, Moradabad-Kaladhungi and Kashipur-Ramnagar, they received Ramsay's priority. Kashipur-Ramnagar was extremely important “as all the Garhwal exports go to the plains from that route, also all the borax and much of the produce of the western Kumaun.” Demand for another advance of Rs. 10,000 was applied for and also “permission to borrow from the treasury upto Rs. 30,000, if needed.” J.O. Beckett, the Deputy Collector, received highest praise for his exertion from Ramsay.³⁴

“Gola canal”, exclaimed Ramsay in his report of 1855, “has attained a magnitude I never anticipated, when it was first commenced.” Except the wild elephants, who frequently destroyed the canals, no engineering difficulty was envisaged in carrying the Gola waters to the borders of Rudrapur. Kalidhungi canal was now lined with *puca* masonry and the work was by no means easy as “the large boulders required deep digging and were removed with great difficulty”. The water was required not only for irrigation but for drinking purpose also as the police and the *Mandi* people had no facility for potable water. The Lt. Governors, first Thomason and later J.R. Colvin, Batten, Ramsay, Capt. Jones, and J.O. Beckett, not to forget Mool Chand, took extremely keen interest in development of the Bhabur, and but for their interest it would not have been what it is today, the gateway to Kumaun. The Government and the SBR, in turn, provided all the facilities they could.³⁵

The Patli and Kotri Dun forests were transferred from Bijnour to Garhwal in September 1853. It was now to be held Kham by the SAC Garhwal and the surplus revenue was to be used for construction of roads. Pudam Singh, the leaseholder, was allowed a compensation of Rs. 15,000. Before the year could end all forest-*chowkis* were established. All Garhwal hill *Pattis* contiguous to Kotdwara Kham were also transferred from Srinagar Tehsil to Kham Tehsil.³⁶

SEPARATION OF OFFICE

Commissioner Kumaun acquired his full-fledged powers as early in 1839, but for almost a decade he continued to share his English office with SAC Kumaun. Ramsay moved for a separate office for the Commissioner at an additional cost of Rs. 100 per month. Batten disapproved of the proposal, which had kept the Serishtedar of the Commissioner's office, at a junior level than his own. Batten made it clear that the Commissioner's English Office was in no way less important, and such "a lad or young Babu as Ramsay proposed would be a sorry head of my office" and he should be superior to SAC's.

In February 1950, Batten pointed out to the Lt. Governor inability of the local officers to furnish to the SBR and SDNA returns with the same minuteness and attention as they expected from larger Commissionerships and Judgeships. "His Honour, with his great knowledge in all departments," wrote Batten, "will perhaps smile at our having even attempted to obey all requisitions and to present even a tolerable appearance to the superior officers and tribunals, presiding as we do over two English clerks and one Baboo." He justified the change on the ground of addition of Kumaun and Garhwal Political Agency, Sessions Judgeship, the record and transmission to the SDA of the civil Judge decisions in English and correspondence between the Commissioner and the Assistants.

The separation of offices was sanctioned, after full five years, in May 1855. This overhaul of the existing offices incorporated in it not only the need "to ensure the efficiency and separate responsibility of each officer", namely, by separation of the offices of Commissioner and Senior Assistant Commissioner, Kumaun, but also the demands which were made by local officers for improvement in revenue machinery, abolition of the office of Munsif, additional hands repeatedly requested by Garhwal Senior Assistant, additional revenue courts taking over judicial work now transferred to revenue department. Colonisation of the Bhabur and resultant extension of cultivation therein was expected to increase local resource to offset an extra expenditure of Rs. 633 annually. Table XXV gives only parts of establishment which were altered by the new arrangement.³⁷

**Table XXV : Changes in Revenue and Judicial Estb.
Kumaun & Garhwal 1855**

Office	Scale of Establishment			
	Present	Proposed	Increase	Decrease (Rs.)
I. Commr. Office				
1. English Office	-	188	188	-
2. Suder Amla & Rev. Jud. Courts	100	182	82	-
	100	370	270	00
II. Sr. Asstt. Commr. (Kum.)				
1. English Office	-	415	415	-
2. Suder Amla & Rev. & Judg. Courts	280	397	117	-
3. Rev. Est., Huzur Tehsil	384	482	98	-
4. Kali Kumaun Tehsil	227	348	121	-
5. Judicial Establishment	210	140	-	70
6. Estt. for charge of Raja's seat, Hawalbagh	33	-	-	33
	1134	1782	751	103
III. Sr. Asstt. Commr. (Garhwal)				
1. English Office	54	60	6	-
2. Suder Amla, Rev. & Sud. Courts	149	238	89	-
3. Rev. Establishment	412	499	-	70
4. Jud. Estt., lower Courts	210	140	-	70
	825	937	182	70
Total	2,059	3,089	1,193	173

Tahsildar's salary was increased from Rs.50 to Rs.100 per month. Garhwal Senior Assistant was able to effect considerable modifications in his Sudder Office and the Tahsil establishment. With the help of Rs. 95 per month increase in his Suder Office he created a post of Serishtedar and a Naib Serishtedar, an Assistant Record Keeper, converted the posts of Robkar Navises into those of Moharrirs and added a Duftaree. In his *Tahsil* establishment, increased salary of Tahsildar did not allow him much leeway, but a Peshkar was added and the posts of Mutsuddis were converted into Moharrirs, with higher scales of pay.

The number of field staff, i.e. four Kanungos and twenty-one Patwaris, as well as their salaries, Rs. 31, Annas 4, and Rs. 5, respectively remained unaltered, even though repeated requests had been made to effect an increase especially in the latter.

A few other changes and events in the field of establishment and general administration of Kumaun Division deserve our notice. So far there was no

formal recognition of Kumaun Proper charge of the division being a superior charge than Garhwal. Traill, before he relinquished his charge received their salaries according to their seniority in their services. Batten, after 1848 received salary of a regular Commissioner and before that he drew Rs. 1,000 per month extra for settlement work, in addition to his salary of Rs. 700 per month, the salary of the SAC. This reduction in salary was felt by Ramsay when he assumed charge of Kumaun Senior Assistant Commissioner in May 1849. Batten fully conscious of relatively heavier duties of Kumaun Proper charge seconded the request made by Ramsay. Batten in this proposal stressed the request made by Ramsay. Batten in this proposal stressed the need "of securing local knowledge and experience in hill-appointments" which in his view was much more valid than in the plains. In the plains there existed the posts of Joint Magistrates for which there was no parallel in the hills. While Rs. 700 were adequate for SAC Garhwal, the same salary was certainly inadequate for SAC Kumaun who also held charge of the only Treasury in the entire division, revenue collection almost twice as big as that of Garhwal, the Turai involving considerable labour and responsibility, two European Stations of Almora and Naini Tal, and three Military Outposts at Almora, Pithoragarh and Lohaghat. What deserved special consideration was "the personal claim of Mr. Ramsay", which he termed as of the highest order. Ramsay's salary was raised, duly recognised more onerous duties of his charge, to Rs. 1,000 per month from November, 1851. Similarly, J.O. Beckett, an unconvenanted European Deputy Collector received a raise in his salary after Batten pointed out that he occupied a post equivalent to a Sub Assistant Commissioner in Assam, another non-regulation province.³⁸

Half-yearly examinations of the Assistants by Divisional Examination Committee were started by the Government from April 1854. No Divisional Committee could be assembled in Kumaun due to inadequacy of all the officers nominated in this Committee. Beckett, who appeared in one held at Bareilly "was questioned about the Regulations and Acts in force in the plains." Batten had to certify that Beckett was asked by Ramsay and Batten not to quote these Regulations and Acts "which were not applicable in Kumaun" and he was not required to be well conversant with those. The hill-Assistants were "not accustomed to the plains' Urdu and the technical terms of plains' collectorial courts" which could only be acquired by experience.³⁹

"The record prepared at the last settlement," reported Ramsay in 1851, after completing Khusra-measurements in fifty-one village of Muhrori and forty-two villages of the Katoli Bhabur, "were such a novelty in this province" that the people who without a murmur paid as they were asked by the Pudhans and

Thokdars, being too ignorant of the records which were being prepared to protect their rights, were now taking frequent resort to the civil courts as they now discovered incompleteness of these records. But for a few cases it was proving difficult to alter the Rent Rolls as it caused greatest inconvenience to all the asamees of the village. If the decree which were passed by civil courts or even the areas shown in the existing phants, were to be enforced it was likely to harm the interests of the poor. Ramsay brought forward a few files connected with his sadaburt settlements which proved that khusra-measurements were possible in the hill tracts, containing all requisite information, even if not perfect. He suggested doubling the salaries of the Patwaris enabling him to procure adequately intelligent persons to undertake such a task, by degrees, replacing all existing records before the next settlement. This was expected to bring down the number of court cases. During his khusra-measurements in Muhrori and Katoli, in 1850, Ramsay used the phants and pattas issued by Traill in 1829. Batten, fully conscious fully with Ramsay's proposal as he had "no paternal affection for the defects" nor did he wish "to cover them with any shield." However, he favoured a gradual displacement of existing Patwaris, filling up all future vacancies with incumbents possessing educational qualifications of an Amin, as summarily terminating services of all Patwaris would have been a harsh measure.

The Khusra-measurements were to be undertaken where required by a civil-court with the aid of Amins trained by Ramsay. "The mistake of the hill-authorities has been," referring to poor salary of the existing Patwaris, Batten clarified, "in superseding the locally influential men and appointing chuprasis and their own men to these offices." The earlier appointees, being influential proprietors themselves, hardly needed any salary and Rs. 5 paid to them was more in the shape of an honorarium. The new appointees, being ordinary persons, did not enjoy that financial security and on the other hand during this period work also increased phenomenally, making their present salary ridiculously low. Batten himself pleaded guilty of this accusation. Strachey also pressed for an urgent need to undertake *khusra*-measurement in 1853 while conducting settlement of Dasoli sadaburt pargana for which he was sanctioned Rs. 600. In Garhwal Strachey identified 307 villages out of a total 4,500, in which litigation about land was rampant. The Government appreciating this selective approach, asked Batten to complete this list for the division where khusra-measurement could be considered. On Batten's orders Ramsay and Strachey prepared a Patwari-wise statement of eligible and ineligible Patwaris, who could be trained to undertake khusra-measurements. It showed that only fourteen out of thirty-eight in Kumaun and fourteen out of twenty-four Patwaris in Garhwal could possibly be trained to do it. Interestingly in Kumaun, as the statement shows, two Patwaris looked after

more than 200 village each, and nine Patwaris between 100 to 200 villages in their jurisdiction. In Garhwal, two Patwaris covered more than 300 villages, seven Patwaris between 100 to 200 villages and ten Patwaris more than 100 villages in their jurisdiction. Average geographical area of their jurisdiction. In Garhwal, two Patwaris covered more than 300 villages, seven Patwaris between 100 to 200 villages and ten Patwaris more than 100 villages in their jurisdiction. Average geographical area of their jurisdiction was 212 square miles in Garhwal and 187 square miles in Kumaun, per Patwari.

Ramsay disagreed with Batten's approach as he considered it absurd "to divide in indefinite quantity of land into several defined shares," and "taking the *phant* as correct when the total land area had not been ascertained." An urgent need for Khusra measurement was expressed in order to reduce litigation as well as prepare the cultivators for the next settlement. Finally, in April 1853, Rs. 2,000 were sanctioned by J.R. Colvin for carrying out experimental measurements in Kumaun and Garhwal. During the next settlement *Khusra*-measurements were to be undertaken in the whole province, *Shajras* (field-maps) were also to be prepared, *malikana* dues were to be converted into money payments at the rate of 10% to be reduced to 6% on succession, Pudhans were to be given specific money, or a portion of land in lieu, the principal of one of Rs. 1 in Rs. 64, and a school-cess at 1% of the *juma* was decided. Moreover, poorest people were to be exempted from the school-cess, lesser number of schools (central schools) in place of *bulka-bundi* schools were to be established and the *khaikari* rights were to be made transferable. The presentation made by Strachey on most of the above-mentioned issues received special appreciation of J.R. Colvin.⁴⁰

The district administration, prior to 1854, did not follow the present patten of dividing a district into sub-divisions each under total charge of the sub-divisional Magistrate. In May 1854 Colvin directed that the sub-divisions should be manned by separate officers who should be assigned all duties while the overall control be exercised by the Magistrate and Collector. This was expected to provide to subordinate officers "Best training for the performance of every class of duty." The general direction of police, however, was kept as the personal responsibility of the Magistrate. Ramsay reported his inability to comply with it as it would have meant repeated changes without achieving the intended objective. The JAC, in Kumaun, remained at Naini Tal during the summer and rainy months while the Deputy Collector remained in the Bhabur for almost half of the year. The officers were given all the work relating to that part of the district where they resided, and as the occasion demanded.⁴¹

From the summer of 1854 the Lt. Governor started camping at Naini Tal and so did the Government also temporarily. Ramsay's proposal to purchase Landslip House was turned down by the Government and it was clarified that the SACs office and Kutchery need not be shifted, as it would be far removed from the rest of the district, and people would experience great hardship. In May 1854, the permission to shift the JAC's office, and in March 1854 purchase of Victoria Hotel Moti Ram Sah was received. In October 1855 the Government finally sanctioned funds "for the purchase and repairs of a building" to accommodate Kumaun Commissioner's office at Naini Tal.⁴²

MEDICAL AND HEALTH

"The attention of my predecessor had latterly been attracted," Batten informed the Government, "to the state of Almora dispensary, and that if Mr. G. Lushington had lived to revisit that station he would have called an early meeting of the Dispensary Committee." Batten discovered that the first six monthly statements of the dispensary were submitted directly to the Medical Board by the Sub Assistant Surgeon, and not through him. As an Officer who believed in taking active interest in everything happening within his charge he summoned an urgent meeting of the Committee. The dispensary opened in April 1848, was housed in a building of Tula Ram Sah the treasurer, and apart from being inconveniently situated, it lacked even basic facilities like water. It was now moved to a central place in Almora and by May 1849 it was treating 700 patients.⁴³

Garhwal was served by just one Native Doctor. On Capt. Huddleston's strong representation one more temporary Native Doctor was sanctioned in September 1848. Ramsay and Egerton repeated the request for a permanent Native Doctor. The Garhwal Assistant and his staff were constantly "in camp" during the greater part of the year and it took a minimum of eight to ten days for the Native Doctor to reach the place of requisition, in case of any emergency. The Native Doctor was stationed at Pauri Jail, where the prisoner population had now gone up to forty, in place of ten or twelve earlier, Egerton now felt the need for a dispensary in Garhwal as the number of applications for medical aid, during the course of his tours, had increased considerably.

Making a strong plea for establishment of a dispensary at Srinagar, aided by one Native Doctor as superintendent at Pauri and one accompanying the Garhwal Assistant on tour, Egerton remarked, "the number of accidents and wild beasts, falling from rocks etc., requiring surgical aid, are probably greater in this than in any other district, and no assistance is within the people's reach. One's feelings on

witnessing cases of this description, with an utter inability to afford any relief are most painful." He did not think that any expense incurred in this direction would be uneconomic as it would be eventually reimbursed by the repopulation of the deserted villages and cultivation of wastelands. Batten did not consider Woodcock's plan of temporary "marching Doctors" as relevant for the hills and commended establishment of a dispensary for the people as well as "the government servants serving in Garhwal and the convicts"

The Second permanent Native Doctor for Garhwal was sanctioned in February 1849, and branch dispensaries of Almora opened in July 1849 at Pithoragarh and Lohaghat. The branch dispensaries at Pithoragarh and Lohaghat were looked after by the Military Medical Officers, already stationed at these posts, only additional supplies of medicine were available from Almora, and public were allowed access. The Government of India permitted a branch dispensary at Srinagar, on Bareilly pattern, where public contribution was also raised to meet part of the expenses. Within five months Garhwalis contributed a sum of Rs. 2,580, as Ramsay clarified, specifically for establishing a fully-fledged dispensary and not a branch dispensary of Almora. The public were prepared to raise more funds provided the Government agreed to defray the salary of the Sub Assistant Surgeon and the cost of medicines. Srinagar being 100 miles away from Almora the Sub Assistant Surgeon at the latter place was not likely to be any help.

A dispensary for Srinagar was finally sanctioned in October 1850, after Strachey's proposal to take Badrinath *sadaburt* funds under the Local Agency was approved by the Government and Rs. 47 per month were allowed from the *sadaburt* revenues. It was shifted to its new building at Srinagar, constructed under the supervision of Bramley, the Garhwal Assistant, in April 1852. A branch dispensary for Naini Tal was sanctioned in April 1851, and the Municipal Committee was directed to raise "resort subscription" from the visitors for construction of a separate dispensary building.

Construction of the new dispensary building at Srinagar, according to Strachey, was viewed with great suspicion by most of the local people who seriously believed that it was meant for extraction of "*Adami-ka-tel*" by boiling men in a cauldron. Their suspicions turned into conviction, when they saw a big cauldron type vessel being carried inside the building under construction. This belief was shared by some of the most respectable people of Srinagar, comments Strachey "a fact which most forcibly illustrates the urgent necessity of doing something to furnish that true "*Adami-ka-tel*", i.e. education."

Strachey took very keen interest, like in every other welfare activity, in the working of the dispensary. After having necessary funds for it, through the *sadaburt* funds, he involved the Sub Committee of the Local Agency members, to popularise the dispensary among local Hindu gentry. The Sub Assistant Surgeon, under vigilant eyes of the Sub Committee members, exerted himself much better. The Superintending Surgeon treated the interest taken by Strachey in the affairs of dispensary as a case of interference. The Medical Board, while thanking Strachey for his keen interest, clarified to Superintending Surgeon, that just as Commissioner Kumaun had "the right to examine books and to interfere at any time, in any "way he considered conducive to successful working of the establishment", without being mentioned formally in the Medical Regulations and instructions, the SACs enjoyed a similar position in regard to establishments within their districts. Strachey added another wing to the dispensary out of the funds received from private donors. Branch dispensaries were opened out of surplus *sadaburt* funds at Karnaprayag in 1853. Branch dispensaries were also sanctioned at Ukhimath, Joshimath and Mahalchauri. One dispensary was also approved for Kumaun Bhabur, by the Local Agency. Now a dispensary was available to the pilgrims at every twenty miles over the entire stretch of the Pilgrim Road. At Karnaprayag dispensary indigent pilgrims were not only provided food but arrangements were also made to carry sick pilgrims to the nearest dispensary, at Local Agency cost.⁴⁴

Here a notice must be made of charitable contributions of some prominent persons of Kumaun and Garhwal who carne forward and regularly contributed to all public works, medical, roads, drinking water or dharmasalas. Tula Ram Sah, the Government Treasurer, was a regular donor for Almora Dispensary. From 1849 onwards, he contributed almost annually. In 1854 out of Rs.1,575 collected from private donors except Rs.240, which was the legacy of a patient, the rest of it was contributed by him. He also contributed for construction of a road in the city. In Garhwal, Strachey not only collected a substantial amount for the dispensary at Srinagar but a sizeable for Srinagar Iron Suspension Bridge also came from private donors. Several all were either constructed or repaired by private donors, a few names are known.⁴⁵

Mahmnari broke out in Choprakot patti of Garhwal during the rainy season of 1849. It claimed ninety-one lives within a span of four months and substantial part of population of Murrora and Dudoli villages and surrounding villages fled their homes. Strachey lamenting an already overdue enquiry into the disease, requisitioned services of a medical officer in whom "medical knowledge and skill alone will not suffice but he must combine in him uncommon judgement

and determination to face personal risk, which may not be an imaginary one." Batten tracing history of the disease over the years observed that it was coming down "lower and lower". It was alarmingly present in 1837, came down to the sources of the Ramganga at Lobhapatti in 1847 and the same year a village fourteen miles away from Almora was attacked. In 1848 a few villages of pargana Danpur on the Pindar were affected. Dr. Renny, the Superintendent Surgeon, was directed to study the disease on the spot. Strachey reported a fresh outbreak in March, asking Dr. Renny to hurry to Garhwal.

Strachey endorsed the recommendation of Dr. Renny to "burn every house where the disease had appeared," and recommended grant of compensation to the affected persons as it affected the poor most. Strachey issued orders that no person should remain in houses where *Mahmnari* had appeared and not to return to his house before expiry of six months. In June 1850, the Government sanctioned Rs.1,000 for executing the plan. Strachey did not execute the plan to bum the houses but instead appointed a person "with the powers of a Thanadar in the affected villages" and he was given a peon to assist him, to enforce the sanitation regulations he planned to enforce in Garhwal. He was to determine the amount of compensation in consultation with the Pudhans and Thokdars. His salary was kept higher in view of the alarm caused by the disease. *Mahamari* had already claimed 125 lives in nine villages of Choprakot, twenty-five lives in three villages of Chandpur and of nine persons in two villages of Buddhan. The Lt. Governor desired to discuss Dr. Renny's report with Batten before other sanitary measures could be sanctioned. Dr. Renny assigned the cause to "the poverty, filth and bad food of the people". Dr. Renny's report was circulated among officers and pamphlets were distributed warning people of the causes leading to spread of the disease. Strachey was sanctioned a Darogah and a peon for "enforcing the regulations, burning the bodies of the dead, destruction of the less valuable houses" preventing access to affected valuable houses. Monetary compensation was to be given to "poor classes" of the sufferers.

Dr. F. Pearson, accompanied with Somnath Mukherji, visited Danpur pargana and reported "existence of personal fifth seen to be believed, filth in and around the dwellings, accumulation of dung, the terror and anxiety of the inhabitants, past description, strongest family ties were broken, fathers and mothers forsaking their children, wives left their husbands, one and all abandon their homes, leaving property behind." Dr. Pearson employed eight persons of lower caste from the plains for bringing dead bodies from infected houses, removing sick from their houses or jungles and for erecting huts for their protection and attend upon them. Dr. Pearson could not induce a single villager to assist them and they were

compelled "to burn bodies and houses" with their own hands. He recommended sending medical officers, not alone, in March to the snowy reaches.

Government of India, on being warned by the Provincial Government that Mahamari "might burst the barriers and slip down to the plains", sanctioned two Assistant Surgeons with establishments for the hills, for rendering assistance in Mahamari and vaccination. Dr. Pearson, stationed at Pithoragarh, and Dr. Francis, on holiday in Naini Tal, were deputed in September 1852, on special duty. In October 1852, Strachey convinced that Mahamari was to be checked by sanitary measures rather than medical, decided to destroy affected houses in eleven affected villages, give compensation to the affected persons and launch a massive whitewashing drive of lime in every village of Garhwal. In Kumaun, Ramsay ordered burning of all houses of village Pinglaon (pungraon), where the Pudhan and greater part of asamees died of Pootkeea (Mahamari) disease. Here all the efforts of tea nursery and plantation made by Ramsay during the past two years were swept away by the disease.

Strachey in the meanwhile undertook several measures to combat *Mahamari* in Choprakot, Dewulgarh, Chandpur and Lobha *pattis*. The cattles were moved from the houses and their vicinity, dungheaps and other filth surrounding dwelling houses were removed, proper ventilation and whitewashing of every house, both outside and inside were ordered. The whole district; was divided into twelve parts and each part was assigned to an intelligent Chuprasi who in concert with the local Patwari was ordered to visit every village and explain the measures to the people which they were expected to adopt. Whitewashing in all villages was completed. Special measures were adopted in villages affected by *Mahamari*. Every house in which the disease had appeared was destroyed by burning and the remaining houses were properly expurgated. Where the disease reappeared the village site itself was shifted. Lime was discovered in the shape of a local substitute (*kumeta*) in ample quantities. Compensation was distributed to the affected persons. Dr. Pearson personally visited every house in the affected *pattis*, personally supervising execution of the sanitary measures.

Ramsay considered the measures proposed by Dr. Francis as "obnoxious to the feelings of the people, high and low". He ordered only removal of dunghills and enclosures in front of goths or lower stories, where cows were kept. The Garhwal system was adopted in Johar, Danpur, Upper Katyur and Pinglaon, but he was not very sure how long his orders will be carried out by the people. Poor people, he held, could not afford to build good cbuppers and in bad ones cattles were sure to die from cold in winters or killed by wild animals. The people were according to him, too attached to keep them away and were likely to move away

with them. Strachey totally disagreed with Ramsay and considered removal of cattle essential for success of the sanitary drive. In Garhwal, he reported, in nine tenths of villages the cattle sheds, outside the villages, had been built months ago. Strachey considered the sanitary measures not only useful for preventing *Mahamari* but also for better health of the people. Dr. Pearson submitted his detailed report, enumerating the steps taken in Garhwal from November 1852 to September 1853. He had personally visited 103 villages affected by *Mahamari* and personally enforced the Standing Orders, issued in May 1853. While during May 1852 to 30 April 1853 no less than 663 deaths occurred after May not a single case of *Mahamari* was reported. Strachey's unstinted support to his measures made his task very easy. Batten had nothing but undisguised praise for Strachey's sanitary measures.

Dr. Pearson undertook vigorous vaccination drives during spare time available to him. Dr. Francis developed vaccine in the upper reaches of Kumaun and the vaccine proved highly successful during trials at Bareilly, Moradabad and Mainpuri, when the supply of Calcutta failed. Dr. Francis was asked to remain in Kumaun for another year for extending the sanitary measures in Kumaun Proper. In 1854, Dr. Francis visited Darma and Byanse for establishing vaccine in the snowy passes but was unsuccessful, as the inhabitants were afraid that his operations might raise the suspicions of the Tibetans affecting their annual trade. Dr. Pearson met a similar resistance at Mana, in Garhwal. It left only Milam, in the Johar pass, which readily accepted the measure and Milam became the only depot for vaccine during the summer months. From May 1853 to April 1854 as many as 10,000 people were vaccinated in Kumaun. Dr. Francis was rather disappointed with Ramsay's initial response, but was confident that "by and by he will become a most zealous promoter of the measures."

In 1851, Cholera broke out near Kaladhungi and after causing great havoc in the Bhabur followed the hill-men to the hills. It raged in great virulence in Pali and Baramandal *parganas*. The mortalities were so considerable that Batten compared it to that of 1828 in which as many as 13,070 persons had perished. In July, after it ceased for a while in Kumaun, Garhwal was also suffering from cholera. Great personal efforts were made by Ramsay, Batten and the collectorial staff in distributing medicines to the people of Almora. Ramsay earlier had undertaken measures to tackle it in the Bhabur, where it affected his operations. The JAC and the Civil Surgeon of Almora were asked to inspect the sanitary condition of Almora. Interestingly, the joint team found Doom Tulla, generally considered to be "the sink of Almora", much more clean compared to some other parts of the city.⁴⁷ Drastic sanitary measures were undertaken. The Sub Assistant Surgeon, Almora dispensary, was harshly pulled up by Batten for his lethargy during the operations.⁴⁷

EDUCATION

One vernacular school each was functioning in the districts at Almora and Srinagar since 1842. A private English School was opened by the Missionaries at Almora in 1844. In 1850 Batten made some attempts to improve the functioning of the vernacular school. The Maulavi was replaced by two good scholars of Hindi, making a total of four Hindi teachers. The services of Mr. Roberts, the Head Clerk of Almora combined English Office, were also made available to this school. Hindi books were purchased from the Nagari Society. Ramsay observed absence of any system in running of the Government School, as "students were neglected and those who were disqualified by poverty or low caste" were denied any instructions at all. Instead of being a charitable institution it was monopolised by a few who could afford to give their children private education. Ramsay mentions that for the poor the Government School did not exist at all. Ramsay' viewed the school a failure as it was neither accessible to all nor the students' qualifications were adjudged on the basis of ability but caste and religion. In his view those who objected to sharing the school with the lower castes or Muslims should have been asked to stay away. Inspecting the School again in 1851 Ramsay found the old practice being continued. In that year just one student belonging to the *zemindar* (cultivator) class was admitted and the rest belonged to the Brahmin, Negi and Bania castes, all residents of Almora city.

With the establishment of the Mission School most of the intelligent boys left the Government School. In the Mission School, where they were required to pay for their books, etc., the number of students was about 100, while the Government School had just fifty-nine, and of this only half regularly attended the classes. Housing problem in Almora was also very acute and that was one reason why there were not many students from outside the town. In view of unwillingness of the zemindars to send their wards, existence of a good Mission School and ability of the upper classes to engage private tutors for their children, Ramsay recommended closure of the Government School.

In Garhwal twenty-four boys attended the Government School, and regular attendance was barely 50%. Privately seventy-six boys were receiving education, of whom forty-nine were Brahmins, nine Bunias, eleven Rajputs and seven Jogis. In the neighbouring village of Khola thirteen Brahmin boys, and in Somadi fifty Brahmin and four Rajput boys received private education. Bramley considering the majority of students belonging to Brahmin caste recommended the services of a Pundit for a teacher than of any other caste. Neither the Pundit took any interest in his work nor the people had any confidence in his capabilities. Bramley

was hopeful that with the provision of a good teacher there would be no dearth of students. He recommended diversion of Almora school funds in the event of Almora Government School closure. The *zemindar* class was not likely to send their children to the school but children of the government servants could be benefited and in the long run it could serve as a model for other schools in the interior.

In 1852, Strachey found the Srinagar school "not only useless but a disgrace and a laughing stock". Due to panic of cholera in 1852 no student turned up. Strachey desired to start afresh and issued an order that the school would not assemble during the next season, and a new school would be opened as soon as possible. He did not want to open a school until all arrangements for a good schoolmaster, books, maps and a new school building had been made. Construction of the new building was 'already in an advanced stage when cholera stopped all work. He obtained permission to accumulate the grant for purchase of books. He made plans to open the school with the help of private funds and apply for government assistance afterwards. Strachey favoured educating children, of upper classes first as against the Khussias. "Towards diminishing their [upper classes] power", wrote Strachey, "we have done, perhaps done too much already, towards increasing their knowledge we have done nothing, or perhaps worse than nothing, for I think highly probable that 40 years ago the upper classes of the province possessed more knowledge and made a better use of it than they do now."

Batten approved of Strachey's measures but delayed sending his recommendation about Almora Government School and discussed its problems with Ramsay. He did not recommend its closure. He also admitted that "his own and Mr. Ramsay's private associations with the Mission School were well known"; a good number of Brahmin boys still attended the Government School and it would be unfair to deny whatever facilities the Government School offered to the Hindu wards and parents. The Hindu children were not sent to the Mission School for fear of conversion into Christianity and it was better if two school existed, generating a sense of competition. He also recommended further grant of books to the Government School and extension of its supervision by H. Reid, the Visitor of Schools, N.W.P. The Government approved accumulation of funds for opening of Srinagar School but desired that students should be required to purchase their own books, which were now freely available throughout the province. Inability of the Government to provide larger funds for education, as Batten had suggested, was expressed and he was also informed that Reid's superintendence could not be, at this juncture, extended to Kumaun. In January

1853 the VIDYARRTHI KI PRATHAM PUSTAK designed to "supply very cheaply that amount of instruction in spelling, letter writing, arithmetic and mensuration" which was usually deemed sufficient for ordinary purposes of villagers, was received.⁴⁸

The Census of Kumaun and Garhwal conducted in 1853 provides an interesting insight into the level of literacy. Out of a rural population of 3.67 lakhs in Kumaun 10,207 males and twenty-nine females were shown in "Can Write" category; and in Garhwal out of total population of 2.34 lakhs of "rural" population 7,386 males and twenty-four females were returned in "that category. While the literacy figures of Almora city have not been furnished, in Srinagar 363 males out of a total of 1,421 and two females out of 1,132 females could write. Srinagar literacy figure of 25.54% in 1853 for males, by any standard, is highly creditable. The women literacy figure of 0.17% only shows a marked difference and is illustrative of the status of women during 1850s. These figures were definitely shown on a lower side as Ramsay himself clarified that "the patwaris in most instances fixed too high a standard and rejected those who were not considerably less than it ought to have been."⁴⁹ As already noticed, in 1855 decision was taken to levy 1% of land revenue as school cess from the next settlement and establishment of a small number of schools at central places.

ROADS, BRIDGES AND DAK BUNGALOWS

In the plains districts during the settlement operations a provision of 1% of the *juma* was assessed, realised with land revenue and pooled into Road Fund. This commuted the responsibilities of the *zemindars* to maintain the roads which passed through their estates. The funds were managed by a Local Committee, constituted by the Government Resolution of 10 February 1841. The Collector was its ex-officio Treasurer. No such deduction was made in Kumaun and in view of the small *juma* it was considered as meaningless.

Collectors of Bareilly took keen interest in developing their road connection with Naini Tal as it was likely to open market for the Turai, which was held *Kham* by them. The Local Road Fund Committee spent considerable sums of money to improve communication links with Bamouri-Haldwani. The Gola river considerably damaged the pass through which a new approach road for Naini Tal was being planned. The Road Fund Committee also helped in forming the first Kaladhungi-Naini Tal road. During the first year of Batten's commissionership not much progress was reported by Ramsay on the new approach for which Rs.2,000 were advanced. Capt. Jones had spent just 329 Rupees, according to Ramsay, in "construction of a zig-zag road down to the slope".

Strachey launched a vehement assault on road making activities of military department in his Annual Valuation Report of 1848. Based on his four year long experience in Kumaun as Junior and Senior Assistant Commissioner he considered the roadways and bridges in Kumaun as "unsafe and disgraceful", and referred to constant complaints made about the condition of Suspension Bridges. "The state of roads. In Kumaun", reported Strachey, "is so discreditable that it has become the duty of the civil authorities to bring about a change." He considered roads advantageous both to agricultural and commercial communities. He cited how agricultural prosperity of Srinagar, a place well linked with road and thus market, and its neighbouring villages improved by the sale of wheat at a rate of twenty-two seers to a Rupee while the farmers of Tulla Nagpur, a place barely thirty miles distant, found it difficult to dispose off their wheat at thirty-three seers to a Rupee. Comparing conditions of Military roads, for which annual grants were received, and the District roads, which were constructed locally by civil officers with the help of villagers, he did not find any material difference between the two. The best of the existing military roads, according to him, were very bad. The best military road was Almora to Bamouri, where some pretence was made of keeping it in order but even on this road the repairs were such that "few hours of rain was sufficient to undo everything that had been done and the portion of road close to Almora was as bad as it is possible for them to be." Mentioning the roads from Kota, between Dubka and Khaima, he wondered where they went at all, and the condition was such that at best it could be termed a bad *pagdandi*. He strongly recommended removal of bridges and their re-erection where they were actually required. He recalled the entrance to Lohaghat Cantonment "disgraced by the rotten *sanga* which was dangerous four years ago" and though already sanctioned four years ago had not as yet been commenced.

The District roads were equally bad but considering that there was no Government assistance it was really creditable "that they are as good as they really are." He strongly recommended transfer of road construction work from military to civil authorities and constitution of a fund from which the civil authorities could draw, as and when necessary. Without supporting forced labour Strachey pointed on that village responsibility for maintenance of roads was also practised in England and most of the civilized countries of Europe. He was happy that there was no 1% Fund in the hills as he knew that in the plains it was mostly used for the benefit of resident European communities. The civil authorities knew where exactly the roads and bridges were required and even with small funds they could mobilize more funds and work. He was sure that no one who knew Kumaun well was likely to regret "the loss of professional supervision of the engineer," nor were the civil officers likely to choose "these lines worse or execute repairs more carelessly." Strachey pleaded in his report for "better roads and

more of them, nor should we see the roads which lead no where, or bridges which are crossed by nobody."⁵⁰

Batten, who had himself protested against erection of expensive iron bridges over the Kosilla but did not get any support from Lushington who never asserted himself, commended Strachey for his courage and energy in coming forward so strongly. Forwarding Strachey's report to Ramsay, on former's request as the report related to a period when he was SAC Kumaun, Batten asked Ramsay to freely communicate his views without having 'any "scruples concerning other departments" in his desire for reforms in public works. He drew Ramsay's attention towards many roads, which he listed out, where he wanted Ramsay to concentrate.

The part of road falling within hill jurisdiction, between Bamouri to Rudrapur, hitherto with Bareilly Road Fund Committee, was transferred to Kumaun authorities in February 1851. In March 1851, owing to strong protests made by hill authorities on the quality of hill roads constructed by military authorities, all roads falling in Kumaun division were transferred to hill authorities. Senior Assistant Commissioner Kumaun was authorised to draw Rs.1,400 per month for repairs of hill roads. This sum was equivalent to annual average expense incurred by military authorities during last five years. Seven main roads which stood transferred were: Almora to Bamouri, Lohaghat, Hawalbagh, Pithoragarh and Kota, Lohaghat-Pithoragarh, and Lohaghat-Birmdeo. The total length was 259 miles, giving a small sum of Rs. 5, Annas 6, Pie 6, for every mile. In view of wretched state of the roads Ramsay decided to repair them in stages, as funds admitted, instead of spreading the whole amount thinly. He commenced his repair works with Almora to Bhim Tal patch and, followed it up by taking up Pithoragarh-Lohaghat road. In the meanwhile Kham Management of Bhabur also commenced which saw several arterial roads being taken up simultaneously.

In Garhwal, Strachey investigated sadaburt funds of Badrinath; and recommended and secured its control for the Local Agency in 1850. The Government cleared his proposal to deploy the surplus funds on the dispensary at Srinagar as well as construction and repairs of roads between Haridwar and the temple of Badrinath. During Strachey's absence on leave from Garhwal, during October 1850 to March 1852, we observe a comparative lull, but soon after his return to Garhwal in March 1852, Strachey got the Local Agency constituted and a Sub Committee formed to push through his construction activities.

Strachey's brother Lt. Richard Strachey, an engineer, suggested construction of a wooden bridge over river Saryu at Bageshwar instead of an iron suspension

bridge which was proposed to be imported from England. During his leave in England Strachey even made technical enquiries to keep Bageshwar bridge cost cheaper. Enquiries into the cost of iron suspension bridges led into hectic correspondence between Military Board, Provincial Government and Kumaun authorities. Military Board was asked to supply details of fourteen iron suspension bridges constructed by them since the inception of British rule in Kumaun. This bridge was finally completed in 1855.

Survey work on Bamouri-Almora road via Kosilla (Kosi) was commenced in September 1850, and in June 1855 Rs.5,000 were sanctioned to complete the road between Naini Tal and Kosilia valley via Khairna. In 1855 again funds were granted for construction of a permanent road to Naini Tal (from Bamouri) and expenses for its maintenance were borne by the Government and not by Kham Bhabur funds.

A new road was also constructed through Almora city "at the back of the bazar, from Tiria Khola to the gali [lane] opposite Kutchery entrance". Ramsay deployed only prisoner convicts and no public expenses were made. In the Municipal Committee's new bye-laws, under Act XXVI of 1850, approved in July 1851 for Naini Tal, construction of internal roads was deemed a valid charge, and the Committee gave priority to improvement of internal roads. Ramsay objected to any control of Naini Tal Committee over the District road he was constructing, linking Naini Tal with Almora via Khairna, as these funds were not provided by the Municipal Committee.

Bridge construction activity was also speeded up considerably. In Garhwal, Strachey constructed the first iron suspension bridge at Srinagar at a cost of Rs. 17,078. Completed in 1853, Strachey raised as much as Rs.9,586 through private contributions and friends. He also pooled the sadaburt surplus fund with the ferry fund commenced by Huddleston, for construction of 180 feet long wooden bridge at Karnaprayag and another over the Birhiganga at Rudraprayag. As he was otherwise preoccupied he applied for the services of a Deputy Collector, an engineering graduate from Roorkee. Thomason recommended his proposals to the GOI and the Court of Directors. The Court of Directors appreciating efforts of Strachey accepted all the proposals. Lt. Richard Strachey's enquiries about the cost of an iron bridge of 180 feet span established it to be prohibitive. Decision went in favour of a wooden bridge. First a wooden bridge of eighty feet span was tried at Rudraprayag and on its successful execution work on Karnaprayag bridge was commenced in October 1854. It was supervised by Anderson, Engineer, Deputy Collector. The Raja of Tehri also advanced money for construction" of an iron suspension bridge at Tehri.

In September 1853 the Patli and Kotri Dun forests were transferred to Garhwal and in December Strachey assumed complete charge of the forests. Additional funds, surplus over the past revenues, were made available primarily for construction of roads. Considerable inputs to road construction activity were provided by J.R.Colvin, when he sanctioned substantial funds for construction of Almora-Hawalbagh-Katyur-Bageshwar, Ramganga-Ganai-Bageshwar and Srinagar-Pauri-Kotdwara roads in November 1855, to promote tea cultivation and marketing of tea products.⁵¹

The Staging Bungalows or Dak Bungalows were under the Post Master General. In 1849 there were four Dak Bungalows on Bamouri-Almora road: at Bamouri, Bhim Tal, Ramgarh and Peura. From April 1849 the new rules proclaimed for N.W.P., i.e., throwing open bungalows for all travellers and charging for each traveller in place of a group as a whole, were also made applicable to Kumaun. Each Dak Bungalow was earlier served by a Khitmatgar and a Chowkidar, now the Chowkidars were replaced by bearers. Another Dak Bungalow, in a dilapidated condition was located at Kaladhungi. Kaladhungi Dak Bungalow was handed over by the Municipal Committee to the postal department after it was constituted as Municipal Committee in 1850, and Kaladhungi went out of its jurisdiction. At Almora, in 1852, there existed four Dak Bungalows managed by the civil authorities and one Sarai. No Dak Bungalows existed in Garhwal during this period as the regular Dak arrangements did not extend to Garhwal. Watson, the Garhwal Assistant, requested for funds for repair of dharmashalas on the Pilgrim Road. Batten suggested him that he may send his requirements from time to time, but, the Government felt that this was a right channel in which the well to do communities (Hindus) could contribute to help their less fortunate brethren

TEA CULTIVATION

In June 1834 Traill was informed by the Committee of Tea Culture about Kumaun having been selected for tea cultivation trials and the seeds were expected to arrive from China before the end of the year. Traill expressed his wish to assist the Committee in this venture in a letter to Sir Colquhoun. Traill recommended Hawalbagh and sites near Bhim Tal for establishment of tea nurseries. Dr. Falconer, Superintendent of Botanical Garden, Saharanpur, and Blinkworth, a plant collector, posted in Almora since 1822, surveyed the sites. Towards the end of December 1835 the tea plants arrived in Kumaun. The first two nurseries were established at Burha Lakshmeshwar near Almora and Bharatpur near Bhim Tal. By 1839, all the plants were reported to be in a thriving condition. Capt. Corbett's garden at Hawalbagh was purchased in 1841 and converted into a Government Garden, with one Head Gardner and seven Gardners. This garden was maintained

by civil authorities and technical guidance was provided by the Superintendent of Botanical Gardens.

Ten Chinese tea experts arrived in April 1842, and tea manufacturing apparatus arrived in May 1842. The tea leaves were declared by the Chinese tea cultivators as genuine culture plants and far superior to those grown in Assam. Lushington sent a small sample packet of black-tea, out of 6.5 pounds produced in 1842, for the examination of the Lt. Governor. The Chinese described the variety as Pouchang. Capt. Huddleston established tea nurseries at Pauri and Gadolia in February 1843, and Rs. 10 per month were sanctioned for their maintenance. The Government of India made enquiries about the import of Tibetan tea through Garhwal and Kumaun passes; and they were informed in 1844 that barely 7.5 maunds of brick-tea (Dooma) found its way into Kumaun, worth about 600 to 800 Rupees, and about 75% of this imported quantity was consumed by the Bhotias themselves. Hardly twenty or thirty Doomas (one Dooma containing about three seers of tea) were sold at Bageshwar and Almora. As the Tibetan officials were known to make sizeable profits out of compulsory sale of tea, Lushington did not see any prospect of pushing Kumauni tea into Western Tibet markets, even though the Kumauni tea was much better than the brick-tea.⁵³

In 1848 the Government announced a scheme for extension of tea cultivation. Under this the land revenue on lands under tea cultivation was remitted for three years or till the plants yielded leaves fit for picking, kutchra tea leaves were to be purchased at the nearest tea manufacturing plant at 8 Rupees per maund, after revenue free period was over the revenue was to be assessed at the usual agricultural rates. The Senior Assistant Commissioner was authorised to render financial assistance to tea cultivators for weeding purposes at the rate not exceeding 8 Annas per family per month, the assistance of tea Choudhury could be availed for weeding at the fixed rate of 8 Annas, the tea plants were to belong to the cultivator whether he cultivated it on his own land or otherwise. The other incentives provided provision like giving six months' advance notice by the cultivator of his intention of abandoning tea cultivation, etc. In case the cultivator desired to continue cultivation he was required to enter into a written agreement regarding delivery of tea leaves, remission of higher revenue and grant of proprietary rights if the cultivation was on government wastelands. A Chaudhury was also engaged for rendering advice to the cultivators. The Rules for the Grant of Wastelands were issued by the Government in November 1848.

As Ramsay assumed charge of SAC Kumaun in May 1849, he took sometime before he recommended Katyur and Gangoli pattis suitable for the new experiment. He accepted resignation of Ayartoli Malguzar for establishing a tea

nursery. He did not employ a mali for the nursery but secured permission to disburse funds from time to time in order to encourage villagers "to take care of their plants and manage it themselves." Approximately half of ten lakh seeds supplied by Dr. Jameson turned bad and the seeds were planted only in Katyur valley.

"I was present," reported Ramsay, "when the seeds were put into the ground in the village of Pinglaon, the land was properly prepared and I have made arrangements with the villages to water and mud them, which is the only attention they require, till the hot weather. I shall do all in my power to interest the people of Katyur in a tea speculation and there is every prospect of success." A good beginning was made at Pinglaon and they were further encouraged by Ramsay to take up the adjoining village land Mamgree, when its Malguzar died and others refused to take the patta. Ramsay also offered to remit its land revenue if they could take part of its land under tea cultivation. In 1850 about 1,62,000 seeds were sown.

The rules for grant of wastelands development were liberal, and for the first three years no rent was charged. The lease was for fifty years after its expiry the grantee was to be conferred proprietary rights. Ramsay vehemently opposed settling European speculators on these lands for extension of tea cultivation, which according to him required only adequate supply of free tea seeds to the hill-men. The European settler was likely to harm the interest of hill tea cultivators and there was bound to be discontent among them. He favoured Europeans to come forward in establishing tea manufacturing plants. If at all it was decided to give grants to the Europeans its term should not be beyond the present settlement period. On the other hand he did not favour the hill cultivator going for tea manufacture due to their careless habits at home, want of method, indifference to smoking and dirty habits. And once the Kumauni tea earned a bad name the plantations were likely to be of no value.

"I should be sorry to see," remarked Ramsay, "European settlers permitted to have land at low rates than those on which the hill-people hold their and I repeat that no outlay is required, no risk is run, and the profits are certain." There were a large number of European applicants for Kumaun wastelands and there was not enough seed to go around. Moreover, in Kumaun there was not enough land fit for distribution for tea cultivation.⁵⁴

In February 1852, Batten forwarded his recommendations for promotion of tea cultivation in Kumaun division. His package consisted of free seed distribution on the recommendation of the SAC, seedlings at the proper season,

sufficient number of Choudhuries for the guidance of cultivators, distribution of taqavi by the SAC subject to approval of the Commissioner not to be recovered before the fourth year of sowing of seeds or temporary remission of land revenue for three years or more, in case of failure of crop foregoing of realisation of taqavi, in niabad cases settlement to be made with the cultivators with certain conditions, a guarantee by the Secretary to the Government of N.W.P., for buying wet leaves at the factory at Rupees 8 per maund, the guarantee to remain valid till the end of the present settlement, and provision for granting of prizes, not exceeding Rs. 100 to one zemindar, by the Commissioner for extraordinary success in raising plants.

The Government concurred with the view that there was no need to give a fifty year lease in hills to the European speculators, as was being done in the plains; and the rates were to rise from fourth to sixth year, terminating with the present settlement in 1864. Pointing out that 22,701 beesees in Garhwal and 52,383 beesees in Kumaun of culturable wastelands existed fit for this purpose, the Government demonstrated its eagerness by not only raising the ceiling of first prize to Rs. 200 for one cultivator each in Kumaun and Garhwal by adding second and third prizes of Rs. 150, Rs. 100 etc. A total sum of Rs. 1,000 was placed at the disposal of the Commissioner. The zemindars were also assured that they will not be assessed at a higher rate for tea cultivation at the next settlement.

Strachey favoured "avoiding all authoritative interference" in tea cultivation and allowing the farmers to do every thing by themselves. He reported good progress in tea cultivation in Lobha patti especially by Jwala, the Pudhan of Suniyara. "Whether the interference takes the form of official displeasure," observed Strachey, "or of injudicious patronage, it must, I feel, prove fatal to the success of the experiment." He recommended a taqavi of Rs. 50 for Jwala, who although poor and affected by cholera, was still desirous of going ahead. The Mahamari wrecked havoc in Pinglaon, killing the Pudhan and a large number of asamees, forcing Ramsay to order burning of all houses. Ramsay's labours of past two years thus came to a nought.

"Your own good sense and good feeling," wrote Batten consoling Ramsay, "and your well known zeal and interest in all plans for the benefit and increased prosperity of the Hill people will, I feel convinced, make you forget your disappointments and thwarting at Pinglaon, and induce you to give your continued attention to spread of tea cultivation in your district." Ramsay's abhorrence of Dr. Francis' measures for sanitary measures are to be understood in the context of his tragic experience of Pinglaon.

In 1852, tea plantations and nurseries of Government existed at Burha Lashmeshwar and Kupina in Baramandal; Chalar at Hawalbagh and the Government Garden; Russeea and Bharatpur near Bhim Tal, in Kumaun; and Chopra, Gadolia, Rawatgaon, Daireeta, Chandolarai, Chulogaon, Marolu, and Murwara in Barahsyun Pargana of Garhwal. The tea manufactory and the Overseer's house was at Chopra. The private nurseries existed in patti Lobha of Garhwal and Katyur patti of Kumaun.

Strachey's efforts at Lobha continued to do well and he now felt the need of a separate nursery at Lobha as the cost of transporting seeds from Hawalbagh was proving prohibitive. He obtained a grant of Rs. 250 and established a nursery from which only seedlings were proposed to be distributed and no seeds. Suniyara plantations were reported doing quite well and he recommended a further taqavi of Rs. 200 for Jwala Pudhan.⁵⁵ Three years later Watson, the Garhwal Assistant, reported a highly satisfactory tea cultivatoin at Lobha and cultivation was entirely in private hands. The plantations at Pharkandiyal and Silkhet yielded four maunds of leaves enough to yield forty seers of manufactured tea. A small tea manufactory was working at Pharkandiyal, worked by two well trained local persons, and the factory had been built from private funds of Strachey who "still took benevolent interest in the success of the experiment." The tea cultivators of Pharkandiyal and Silkhet were keen to manufacture tea themselves. Six more zemindars started growing tea on a small scale, and were keen to expand it. Same was the case at Chandpur, and a small plantation was still reported at Pauri and they sold a few seers of leaves to the factory. Watson advised against a survey at this juncture of tea platnations lest it should raise any doubts in the minds of the cultivators.⁵⁶ J.R. Colvin discussed the status of tea cultivatoin with Batten, Ramsay, and Dr. Jameson at Naini Tal in 1855. It was now decided to invite private speculators for cultivation of tea on liberal niabad grant conditions. While lands were to be provided by the SACs on liberal terms, seeds and seedlings were to be provided by the Superintendent of Botanical Gardens. About 2,000 acres of land was earmarked for this purpose. In October 1855 Dr. Jameson made recommendation for construction of several major roads in Kumaun-Garhwal for opening up potential tea cultivating areas and carriage of tea products. Immense wastelands available at Baijnath was reported suitable and available for tea cultivation. According to Dr. Jameson it was about the best land suited to tea cultivation in the entire Himalaya. Baijnath-Someshwar road, when made, was likely to become "an excellent exit for export of tea to good and profitable markets." All the roads suggested by Dr. Jameson were likely to make Kumaun and Garhwal "in a comparatively short time a great grounding and tea-exporting country." Batten submitted a separate list of important roads required for Kumaun and Garhwal.

Colvin held another meeting at Hawalbagh which among others was also attended by John Strachey and Richard Strachey. The roads already noticed, were sanctioned after this conference. Dr. Jameson and Ramsay's proposal of establishing a tea factory at Katyur was accepted. Jameson suggested repayment of taqavi in tea leaves. It was also decided that the factories and plantations will finally be handed over to private entrepreneurs.⁵⁷

BADRINATH AND KEDARNATH

In his robkari of 10 December 1850, addressed to both the Rawuls, Batten explained the circumstances under which decision was taken by the Government to take over sadaburts of Kedarnath and Badrinath. Bramley, the new Garhwal Assistant (29.10.1850 to 17.3.1852) was asked to assume full charge but Batten apprehended an adverse reaction. The Rawuls represented against certain measures taken by the officials, and Batten, already worked up, directed Bramley to report within ten days whether these representations were an outcome of a "bona fide ignorance of the Rawuls about present position or a wilful ignorance of the new system in spirit of disaffection." Batten made a quick visit to Srinagar ostensibly for inspection but in fact to assess the overall impact of the extreme measures. Soon in July 1851, he forbae Bramley to go to the regions surrounding the shrines as Strachey's interference with the faffairs of the temples during last year "apparently had done more harm than good." The Rawul of Kedarnath filed a representation with the Lt. Governor on the ground that there had never been any allegations about mismanagement of Kedarnath sadaburt lands, neither during Traill's time nor during 1850s as admitted in the robkari of Batten itself, and yet actions were being taken against his possessions. However, the Lt. Governor turned down his appeal. His appeal to the Court of Directors also met the same fate.

During Bramley's tenure no further action was taken and Batten referred the matter to the Accountant of Revenue, seeking clarification about the mode of financial management. Soon after resuming his charge in March 1852, Strachey got the Local Agency under the Chairmanship of the Commissioner, constituted. The Local Agency consisted of two European officials, i.e., the Commissioner and the SAC, and five eminent Hindus, namely the two Rawuls, Umba Dutt Ghildiyal, Shivanand Khanduri and Rudra Dutt Pant, the last three the Suder Amin, Munsif and Tahsildar of Srinagar, respectively. A Sub Committee of the LA, consisting of the Rawuls, was also constituted to assist in distribution of food to the pilgrims.

Now Strachey focussed his attention on distribution of food to the pilgrims. With his minuteness of investigation he discovered that in the SBR's letter of 8

October 1850, a possible closure of distribution of food was contemplated as some future date. After detailed investigation he recommended its complete abolition. He argued that the Pilgrim Route involved no less than a journey of nearly 350 miles from Haridwar to the shrines and back, and even the most indigent pilgrim could not possibly undertake this long and difficult journey induced merely by the prospect of receiving a seer of atta and little ghee at four places. As a general rule no respectable Hindu, however poor, would avail himself of sadaburt as there were religious prejudices against it. The only party who demanded the charity were "the rapacious troops of jogis and bairagis who took rather than received" what they themselves though entitled to. It was how annually more than Rs. 2,000 were frittered away which could be used in a much more fruitful manner for the benefit of the pilgrims at large. There was not likely to be any resentment against this measure and present settlement was the best opportunity of effecting this change. Strachey considered Batten to be fully competent to order this change and in case of disagreement he could refer the matter to the SBR.

Strachey's next examination involved status of the hereditary temple officials who, Lushington had reported, formed an Elective Body to select the Rawuls. He pointed out that while the mode of recognition of the Rawul's was prescribed, the matter of his appointment had been clearly left out. In the meanwhile the civil courts decided in 1853, after full investigation, that the Rawul of Badrinath possessed no authority either to appoint a Vazir or Likhwar or dismiss them from their offices. There was no question of investing the Rawul with such powers now as it would have been against all ancient customs and given rise to endless disputes and litigations. The officials could take cognizance of a dispute between two individuals, in the capacity of a civil court, but were not required to interfere otherwise. The rules about the succession, in his view, remained quite ill-defined and going by the current reputation of Badrinath establishment future disputes were expected to be fought very viciously. Strachey pointed out that the right to appoint the Rawul and Temple Officials exclusively belonged to the Temporal power of the day, and it was so during the Raja's time and even Traill's. He suggested a plan which would ensure compliance of the ancient customs as well as the present injunctions of the Government forbidding any official interference.

The plan, consisting of ten rules, which was approved by the Government consisted of constitution of a Sub Committee, comprising the Hindu members of the Local Agency, namely the Sudder Amin, the Munsif and the Tahsildar of Srinagar, and the two Rawuls. This SC was to settle all the quarrels relating to temporal affairs of the temples. These ten rules provided that in the event of the Commissioner knowing that no successor to the Rawul had been selected, notified

the SC through the SAC about it, the SC required the Rawul and the Temple Officers to select one. If the decision was unanimous it was final and if not the SC was required to hear the parties and decide the matter. The decision, in either case, was then to be referred to the Commissioner through the SAC; and the Commissioner notified the decision formally both to the Rawul concerned and the SAC. When a vacancy occurred the new Rawul applied to the Commissioner to be registered in that capacity as head of the estates belonging to the endowment. The Commissioner in his reply informed the Rawul about his recognition and at the same time issued proceedings to both the SACs informing them about the succession and registered the new Rawul as the owner of the estates. The vacancies in the temple officers were to be settled by consultation by the SC members themselves. The aggrieved party was required to apply to the Commissioner through the SAC, and the SAC on receipt of the petition referred the matter for SC's decision, which was final. The SC was forbidden to take up such disputes suo moto and all dismissals of temple officials had to be unanimous. Any appeal against their decision was in a likewise manner to be decided by the SC itself. In this manner the so called Elective Body was given a legal status and the SC worked primarily as a Court of Conciliation.

"The existing state of the Badrinath temple," Strachey commented forwarding his report, "is in the eyes of respectable Hindus a standing reproach to our administration and the plan proposed to a great degree will remove the reproach while at the same time the European officers of the government would be separated far more completely than they are now." The SC was subsequently authorised to regulate its proceedings by such by-laws as the Commissioner and the SAC approved. It was also expected that they would modify their by-laws from time to time on the basis of their experience.⁵⁸

Civil, Criminal and Police Administration

Recognising special circumstances of hill-districts the SDNA specially authorised Lushington to entertain original suits while camping far away from his Sudder station. No place was mentioned except the annual fair of Bageshwar where the Bhotias came down to exchange their imported commodities with the traders of Almora and other places. This dispensation was specifically granted to help the Commissioner settle simple disputes of the Bhotias, close to their homes, avoiding the need to go down all the way to Almora or Srinagar.

In June 1854 Batten taking recourse to this provision entertained an original suit (Sunkar of patti Ultiguli, only twelve miles from Almora). Ramsay objected

to this misinterpretation of the Government order and also reminded Batten of Lt. Governor's verbal refusal of his request for being thus empowered to take up "regular suits, in all occasions, while marching through the country." The SDNA, who were referred the matter on the request of Ramsay, upheld Ramsay's contention. The SDNA reiterated "it is essential that the locality (except one instance of annual fair at Bageshwar) should be remote from the head station of the local courts." Incidentally this welcome provision was allowed primarily owing to Mosley Smith's understanding of hill situations, who pleaded for it as SDNA's Register in 1839. Hill administration, in almost all branches, did require liberal doses of "local experience" as Batten once put it himself.

Another instance of lack of appreciation of special hill circumstances became evident in another case, where the opinion of one Register differed materially from his predecessor. Ramsay transferred work of execution of court decrees from Patwaris to Chaprasis under the Nazir. Pearson, the Register, appreciated "the system introduced by Ramsay as judicious in reference to peculiar circumstances of the province, and a very decided improvement upon the system previously in force." Reginald Thornton, his successor, however, pulled up Batten for having allowed his SACs "to draw up, and on their authority put in practice for more than a year, a new system of procedure in an important department" in supercession of rules approved by the Government. Thornton also condemned delegation of important duties previously performed by the Nazir himself to the "ill-paid and irresponsible chaprasis," providing "increased facilities for extortion and fraud." The SACs were also required to observe careful conformity with the injunctions of the existing rules.

Strongly protesting against this undeserving and indirect rebuke, Strachey brought it to the notice of the SDA that "the Printed Rules are observed without further modification than the nature of the country renders unavoidable. The Nazir could not in this wild and extensive country perform in person all the duties entrusted to him and the chaprasis attached to the courts were the only persons to whom he could delegate the duties. The hill chaprasis, in point of intelligence and position at least, were a very superior class of men to the chaprasis of the plains. Probably three fourths of the patwaris in this district and a large number of other native officers were once chaprasis." In fact the so-called new procedure only filled up a deficiency in the Printed Rules and except in their form there was nothing new in them. The responsibility of the Nazir had now increased, as the Chaprasi was under his direct control. Earlier everything was done through the Patwaris which practice was now abandoned by the Printed Rules.

No procedure was laid down in the Kumaun Civil Rules for dismissing suits in default. Ramsay pointed out that he dismissed a plaintiff when the plaintiff failed to pursue his case for six weeks. Strachey's court "was so locomotive and the extent of country so large" that he did not observe any rule at all strictly and did not strike off cases from his file until there seemed no possibility of their being carried on. The rule for refunding the value of stamps where the cases were adjusted by *razinama* (compromise) were introduced in Kumaun Division in July 1849, and their reception was favourable. The arrears of civil suits were increasing but the SDNA found the explanation of the officers "quite satisfactory", as no injury was apprehended to the community in view of an efficient agency. The litigation was mostly of uncomplicated nature.

This increase of business definitely led to corruption, vexation and delays. The lower courts appointed staff of their own choice. Ramsay sought dismissal of his Munsif when several complaints were made by the public against his dealings. He found that the Serishtedar of the Munsif was his own brother-in-law and two other officials of the court were his or his brother-in-law's close relatives. Their character was described by him as doubtful. The position in Garhwal was not much different and the feeling of casteism or "clanship" was rampant. Batten himself deemed it necessary to warn the subordinate against these practices. The civil courts became notorious. How Batten, Ramsay and Strachey moved the SDA, SBR and the Government for changing the existing system and finally got the post of Munsif abolished from Kumaun division has already been noticed adequately."⁵⁹

"The more I see of this province," commented Strachey, "the more do I become convinced that our system of law, comparatively simple as it is, is far too artificial, formal and complicated, to afford any but most imperfect justice to an ignorant, indolent and uncivilized people." The British jurisprudence and the machinery to dispense justice according to its principles were still too complicated for the simple people of the hills. The energy, judgement and the devotion to duty displayed both by Strachey and Ramsay came for repeated appreciation by the SDNA, year after year. The general impression that Ramsay ruled at will is patently wrong if the proceedings of the SDNA and their watchful yearly reviews are any guide. The way Batten, Ramsay and Strachey strove to remove the alleged malpractices prevailing in the lower courts in fact prove the position as quite the opposite. Strachey's statements also indicate the appreciation of these officials to make the laws simpler and justice easily dispensable.

The SDNA still considered the Assam Rules as the model for Kumaun, and its procedure the one to be followed. For example in cases which *prime facie*

appeared for eventual reference to the Commissioner, if the jury returned a verdict of conviction, the SAC sent it to the Commissioner. Hitherto the practice had been that the Commissioner held a fresh trial by empanelling another jury. In one such case (Dhonklu and Others) the Suder Nizamut Adawlut, doubting its conformity with Assam Court's procedure, referred the matter to SDNA, Calcutta. The Calcutta Court held that the Assam Commissioner Courts did not hold a re-trial but based their decisions on the basis of the SAC's court proceedings. Batten was returned the case for re-trial according to the procedure followed in Assam. Batten's remonstrances that "the introduction of a system different from that which had been hitherto followed could have occurred with better grace after the completion of the present trial," or "the statute book being silent on the subject," the past practice which had been sanctioned and enforced by the Sudder Court and thus legalized," etc., cut no ice with the SDNA. It stoutly defended its order referring to Act X, 1838, which stated that the civil and criminal rules current in Assam remained the "strict law in Kumaun."

As Kumaun officials conducted their judicial work in Hindi the SDNA experienced considerable difficulty in reading the proceedings. The SDNA proceedings were conducted in Urdu. Batten was directed to ensure that along with Hindi proceedings an Urdu translation was also sent. Ramsay pointed out that he staff in the SAC's and JAC's court used and knew only Hindi. Strachey, while indicating that execution of the order will require a total remodelling of existing establishment, added that Urdu of plains "especially the official Urdu, is in Garhwal a foreign language." Sanctioning an Urdu translator was not likely to be helpful as it was difficult to find such a person in Garhwal. He was of the view that there was actually no need for a translation of all criminal orders as in hills neither the officials concerned needed to write their judgements in Urdu nor any of the litigant parties wanted it. Apparently the SDNA did not accept Lt. Governor's suggestion to employ an Urdu translator at the SDNA. Strachey in addition to apparent want of a translation in Urdu objected to the measure as "yet another element of doubt in the suspected honesty of all the judicial proceedings, which was bound to be most injurious to the reputation and efficiency of a hill court." The SDNA now formed an opinion that the SACs had exaggerated the difficulties in complying with their wishes and withdrew their earlier request. On the other hand the SDNA did not agree to appoint a Nagari Translator for the SAC's courts. The SDNA by and by required all the courts to follow one procedure and this affected and altered some of the court practices. Like his predecessors, Batten used to pronounce his decision first in vernacular and sign the order written in English later. The SDNA drew Batten's attention to the provisions contained in Act XIII of 1843 which specified that judgements should be written, pronounced and signed in English and asked him to ensure its compliance.

Now the SNA's instructions were gradually becoming more and more specific and dispensation of justice was becoming more formal daily. Ramsay bemoaned the fact that as a Magistrate he could not take cognizance of a crime while touring distant *pargans* like Johar, Chaudans and Tulla Des, as now cognizance in the first instance could only be taken by the JAC who was stationed six to ten days away from place of occurrence of crime. In plains as there were more officers available to the Magistrate and travelling difficulties were comparatively of a lesser magnitude such a situation did not arise normally. Ramsay also found it rather embarrassing to act simultaneously "as a prosecutor and a judge." Strachey also mooted several suggestions in his annual criminal justice reports with which the SNA generally concurred.

The SNA deferred their ruling on the issues raised and asked Batten for his view on a comprehensive reform of Kumaun criminal justice administration.

Comments offered by Batten on Annual Criminal Administration Reports of Strachey and Ramsay provide us problem connected with criminal justice of Kumaun. At the same time it is an eloquent commentary on working of the Assam Rules which were operative from 1839 to 1851. Section I of the Assam Rules needed incorporation of the office of Deputy Magistrate (Clause I), "unaggravated perjury" required to be omitted (Clause II), and provisions contained in Section III, Regulation II of 1834, which rendered all sentences of labour in addition to imprisonment not commutable, appeared necessary to be included. Clause IV also needed amendment as it omitted powers to award labour punishment by the SAC while the same could be given by the JAC. Similarly in Clause V, addition of provision in Clause I, Section III, Regulation of 1834 in regard to fine in lieu of all labours needed to be added. Clause V, addition of provision in Clause I, Section III, Regulation II of 1834, which rendered all sentences of labour in addition to imprisonment not commutable, appeared necessary to be included. Clause IV also needed amendment as it omitted powers to award labour punishment by the SAC while the same could be given by the JAC. Similarly in Clause V, addition of provision in Clause I, Section III, Regulation of 1834 in regard to fine in lieu of all labours needed to be added. Clauses 9 and 10, which subsequently gave enhanced powers to the Commissoiner needed to be included in the revised Criminal Code. Operation of Section II had been found inconvenient and difficult in Kumaun. Initial magisterial enquiry by JAC or Deputy Magistrate only, according to its provision, rendered both SAC and Commissioner a nominal Session Judge. The SAC who became Judge Magistrate, rolled in one, made an impartial trial impossible.

The issue was, Ramsay and Strachey contended, that Judges could not be expected to do justice to a criminal case by “mere persual of the proceedings of the lower court and English letter of the Assistant.” The same applied to the Commissioner, which meant that in all heinous crimes the accused did not undergo a real trial. Strachey’s proposal that Commissioner should not be given powers to accept any evidence, however material, was objected Strachey that Commissioner had powers to remand cases back to SAC, ask for taking further evidence, and even frame specific questions which needed elucidation. This obviously met the objection. Strachey’s reservations, Batten ironically added, applied with far greater force to the judges of the Sudder Nizamut Adawlut who in addition to the handicaps mentioned by him passed judgements exclusively based on Session Judge’s report and a file of Hindustanee proceedings. Further more, “they did not posses the knowledge of local circumstances or the force of meaning of local expressions, which the Non Regulation Commissioners were ordinarily supposed to possess.” Batten considered the power of remanding cases as crucial for true dispensation of justice, even though the Sudder Nizamut Adawlut decried its frequent use. The basic flaw in the Assam Rules was that it assumed that the accused had undergone a trial, with which the Kumauni officials disagreed totally. In reply to Batten’s own recommendatoin the SNA decided against frequent alteration and amendments in Kumaun Criminal Rules, and forwarded sections 10-15 of Regulatoin VI of 1831, for his and SAC’s views. These regulations were in force in Saugar and Nerbudda territories, another non-regulation tract. After the views of Kumaun officials were received the Revised Rules for Administration of Criminal Justice in Kumaun were passed in 1851.

The Revised Kumaun Criminal Rules were simple. Divided in just four sections and thirty-two Clauses, it dealt with the jurisdiction of four grades of functionaries employed in Kumaun, i.e., the Commissioner, the SACs, the JAC and the Sudder Amin (Sec. I); Rules of Procedure (Sec. II); Perjury and Forgery (Sec. III) an Police (Sec. IV). The power of Sudder Amin was restricted to the trial of cases referred to him by SAC and passing of sentences under Rs. 50 or imprisonment upto six months; the jurisdiction of JAC was restricted to the trial of cases referred to him by his District superior and a power to sentence upto Rs. 100 or an imprisonment upto twelve months. The Sudder Amin was required to send up proceedings of cases which in opinion merited severer punishment than he was entitled to award. Appeals against the orders of Sudder Amin lay with SAC of the respective district. The SAC held the charge of the district generally and that of police. The trial of all cases charged with the offences triable by him also rested with him. He could pass sentences upto Rs. 200 and award imprisonment upto two years. The proceedings in forgery and perjury cases were to be referred

by him to the Commissioner. The Commissioner tried all cases referred by SAC and he had revisionary powers to review all criminal cases within six months of the order of SAC. Even at a later stage he could summon any file from any court and after obtaining formal approval of the SNA proceed with review proceedings. He could pass a maximum punishment for fourteen years and even banishment. He was also empowered to invest a JAC with the powers conferred on SACs for trial of cases depending on the need of the district. The Sudder Nizamut Adawlut had only dissenting powers and there too they had to refer the case to the Government for final decision. Confessions in heinous crimes could be taken only by SAC and JAC but “never by the Sudder Amin”, and it was to be attested by two competent witnesses.

Regulation XX of 1817 was now declared to be the Police Law in Kumaun. Kumaun officials were now required to adhere to the spirit of two Regulations and seven Acts, “which had already been recognized in Kumaun”. These Regulations and Acts were, Regulation VII, 1818 and Regulation I of 1824; Act V of 1840; XXI of 1841; V of 1843; II of 1844; V of 1849; XVI of 1850, and XXVI of 1850.⁶⁰

Strachey’s objection about reassembling of jury was countered by Batten by suggesting that in case old jury could not be reassembled new jury could be read out the evidence recorded in presence of the first jury. Ramsay in his report contended that the biggest problem a Magistrate faced in Kumaun was “effort from all sides to conceal the crime and shield the perpetrator of it.” Batten viewed it as Ramsay’s temporary difficulty which arose from the fact of his not having been able to solve a current murder case under investigation.” In whole of India, Batten pointed out, a general feeling prevailed that the police and criminal justice system was only a lesser evil than injury to persons and property which they are intended to avert. In his view the revenue police system and involvement of local people was the best system for Kumaun. The clannish jealousies and party factionalism prevalent in these hills made it impossible for any one to hide a crime. He quoted Francis Shore’s “Indian Affairs” which lauded “unpaid Magistracy system of Kumaun-Garhwal and Puharee System of Police as worthy of imitation in districts assumed to be more civilized.”

Strachey’s objections to alleged inconvenience of litigants attending Commissoiner’s court after a journey of fifteen days prompted Batten to narrate entire development of criminal justice in Kumaun. He pointed out that between 1817 and 1837, it was not though by any one harsh or unjust, under Regulation X of 1817, to give them a Sessions Judge who “neither knew their language nor the

custom of the country and whose jail deliveries were held on the extreme border of the province (Bareilly or Moradabad), and whose trials were few and far between." Again between 1836 and 1848 no one complained of two full trials and two juries (one at SAC's and the second at Commissioner's) till the Sudder Nizamut Adawlut decreed just one at SAC's court. Lushington's appointment which for the first time gave Kumaunese their own Sessions Judge was hailed by every body. Lushington took his court to Lobha, the most central position in Garhwal, and Batten took his court to Rae Kot also near Lohaghat, just to take justice to the nearest point possible. Batten also pointed out that right from the beginning great emphasis had always been laid on constant touring by officials and he had continued the practice. Batten suggested that only jury should be assembled at Commissioner's court and SACs should not be allowed to try "unaggravated perjury" cases as it was likely to be soon misused and abused "to cover prevarications, equivocations and even hesitation" (Sec. IV). Batten pointed out that it was likely to inflict injustice on witnesses "belonging to higher classes, who were already too unwilling to enter our courts." Batten suggested introduction of an altogether new Criminal Code instead of introducing so many amendments. This convinced the Sudder Nizamut Adawlut of the necessity of the same.

The revised Criminal Rules, the Regulations and the Acts mentioned therein were translated and sent down to the subordinate officials. In Garhwal the two Regulations mentioned could not be found in office and their copies had to be procured from Almora. Two years later the Commissioner was further empowered to pass sentences up to seven years for all offences not specially declared punishable by the Regulations. He was not required to make reference to the SNA now as he was forced to do in absence of only blanket provision of this nature.

After enactment of the Revised Criminal Rules in 1851 the SNA in its annual review found arrears reduced in number and diary of witnesses with shortened duration of cases as creditable but result of appeals at the higher courts in Kumaun reflecting discredit to judgement of lower courts. In Garhwal the number of criminal trials increased from 217 to 352 and it was not considered to be due to superior judgement and energy of the SAC but a case of indiscriminate summoning of defendants by him and by the SNA, as indicated by 44% of acquittals. However, by 1855, the SNA were convinced that "courts were freely resorted to for redressal in abduction of women cases but more than 50% offenders succeeded in securing their acquittals." In Kumaun, in cases of abduction of married women, "as against 37 convictions there were as many as 47 acquittals and in Garhwal only 27 convictions against 47 acquittals.

Ramsay launched vigorous action against practice of child prostitution prevalent amongst the Naik community and Patturs or dancing women of Almora. He banned this practice in 1854, after ascertaining from the pundits that it was not a practice prescribed by the Shashtras. In his Annual Police Report for the year 1854, he drew attention of the Government towards this practice and the fact that the Suder Nizamut Adawlut did not consider this practice as punishable but merely a case of *contra bonos mores*, i.e., an immoral practice. What is worse, he pointed out, having been banned once if it was not prohibited it was likely to be constructed as a sanction to the practice by the "Sarkar". Fervently pleading for the "case of the unfortunate children of the district who happened to be pretty or children of poor parents" he asked not only for limiting it but for a total ban. All young children bought by the Patturs were being exported to the plains and not one in a hundred remained in the hills.

Ramsay also disagreed with Batten and refused to distinguish between private and public gambling. According to him gambling in any form had been considered punishable right from the time of Traill in Kumaun. Batten directed Almora police not to interfere with private gambling whereas Ramsay did not distinguish between the two forms. He first withdrew his own instructions to the police, in deference to higher orders and to save embarrassment to the police, and reported "if the instructions hitherto imposed be removed gambling will spread to such an extent that it is difficult to say what demoralisation will ensue. The sons of the respected people will be seduced, corrupted and ruined before they are old enough to know danger of playing. The fact of the police not being permitted to seize a gambler will be considered throughout the district as a new order sanctioning gambling and hundreds will be speedily ruined."

Sanitation regulations were enforced in Almora city by O'Beckett by authorising Almora Peshkar "to seize the lotas of all persons committing nuisance on the roads of Almora". The offenders were fined one rupee or serve twenty-four hours in the hawalat.

Counterfeiting of coin on a very large scale was discovered in Garhwal and a large number of counterfeit coins were said to have been in circulation. Baijroo and Kharkoo were hauled up. Baijroo was punished with the loss of hand when he was caught during the rule of Gorkhas. Very serious punishment was recommended by Strachey to prevent this practice totally. Crimes against women continued unabated. The bestial nature of crime against women can be gauged from the fact that one offender punished so-called "misconduct" of his wife by first tying her up with coils and ropes and then thrusting "a hot iron up her pudenda and inflicting a number of burns in the neighbouring parts of the body."

Hill-men's mistreatment of their women folk was proverbial during this period of their history. Drive against hardened criminals and proclaimed [ishtehari] offenders seems to have been launched. Ramsay apprehended Koon Mahur after "18 months of constant attention" and who had been declared a proclaimed offender as far back as in 1820.

Police administration was tightened up and thana buildings started coming up all over the districts. Haldwani and Kaladhungi thanas came up in 1852, Pithoragarh and Naini Tal in 1855. Kotdwara thana was also transferred back to Garhwal in 1855. A revised Annual Police Administration Report was prescribed in 1855, and it reflected depth of examination now conducted by the Government. Watson, the Garhwal Assistant, found it impossible to fill up requisite police statements. He observed that there was no system to register the number of crimes in Garhwal in which guilty person had not been apprehended. Only in 1852 six thefts were recorded in which the offenders had not been apprehended, only due to special efforts of Bramley.

Watson decried to total absence of police in Garhwal, except at Srinagar, and condemned "the ill paid, untrained, overworked" Patwaris who were also described as ignorant and totally useless as officers of police. The heinous crimes were infrequent and the few which occurred became so notorious that the perpetrators if not convicted were generally apprehended and brought to trial. But in other cases, unless people themselves apprehended the offenders, they looked in vain for any assistance from Patwaris. The village Pudhans were described by Watson as totally inefficient and he recommended development of extensive police force during pilgrim season on the Pilgrim Road. According to him serious cases of robberies or violent breaches of peace did not frequently occur among the pilgrims, was not only a matter of daily but hourly occurrence. Not one case in fifty was reported and the number of offenders caught was even far less. He recommended appointment of four police officers, among whom the district was proposed to be divided, accompanied with a posse of Burkundazes. These officers were recommended not to be kept under Thanadar of Srinagar as he was already preoccupied with his double charge of Thanadar cum Tahsildar of Srinagar.

Ramsay reported easy detection of thefts due to Pudhan's cooperation in detection which was better than plains where paid personnel were employed for the same work. Under reporting of cattle thefts was admitted by him but he pointed out the difficulties which the police encountered in chasing Rampur cattle thieves during unhealthy season in the Turai. The stray cattle were sold to butchers

and disposed off in their shops long before enquiries could be made. Uniform police circular could not be issued as conditions in different parts of the district varied considerably, and what was relevant for the Bhabur police was not so for Almora, and the strength of police at different thanas varied considerably. He specially drew attention of the Government towards the evils of Naik girl prostitution.

Batten requested Strachey to offer his comments on Watson's police report. Strachey pointed out that the Patwaris must not be looked at a badly paid Thanadars. Agreeing with Watson that in Garhwal and Kumaun there was no police at all, in the ordinary acceptance of the term, but this very fact had been considered right from Traill downwards "a matter for congratulation." He again agreed that the existing system of village responsibility was not perfect but it was much better than anything which could possibly be substituted for it. He pointed out that detection of heinous crimes was by any standard easier in the hills than in the plains and the "state of hill police was far from unsatisfactory when contrasted with what existed in the greater part of India."

"I cannot conceive of regular police establishment within the hills," Strachey added, "Mr. Batten and Mr. Ramsay would agree with me that the effect of such a measure would be most mischievous. Everything ought to be most carefully avoided which would weaken to the smallest extent the village responsibility." He observed that extreme poverty of the pilgrims and the difficulties of pilgrimage prevented the professional thieves to proceed beyond Haridwar. In his view the Sepoys gave more trouble to the Garhwal Assistant than petty thieves by their behaviour towards the people. It was unwise in his opinion to do away with the Patwari system and in his opinion anything that is done should either be done through them or by the SAC Garhwal himself, in respect of policing. As regards the maltreatment of hill-women he blamed the Kumaun Courts for having degraded their lot. The abduction of women was treated as a mere civil case in which the husband at best successfully claimed a compensation. He suggested that the offender should be tried criminally first, and on the strength of the criminal proceedings the aggrieved husband should be allowed monetary compensation. As regards women he was in favour of their being asked to go back to their husbands and he was sure, given the current moral values, ninety-nine out of 100 women were likely to follow District Officers' orders. The hundredth woman, he opined, would be as unwilling to return as the husband concerned to take her back.

"We must take the society as we find it," opined Strachey, "and the practices of our courts ought to be such as a good Indian husband and a virtuous Indian

woman can approve. I have no doubt that the position which woman held in society in the hills has been seriously lowered by the operation of our courts.”

The Lt. Governor fully concurred with the views of Batten, Ramsay and Strachey against any attempt to replace the revenue police with regular police. During the pilgrim season only special measures were to be taken in Garhwal. The Magistrate was to be empowered to institute prosecution in respect of child prostitution cases of Naik girls, and Ramsay was authorised to take effective measures, in concert with the enlightened community in hills, to marry off unmarried Naik girls, and the daughters of Paturs.

Jail conditions became a matter of concern. Backett was asked to visit Almora jail as frequently as he could and report on the state of its upkeep and implementation of circulars. The system of diet in place of earlier money payment was introduced in June 1852. The Jail of Pauri was abolished in August 1855, and the prisoners were transferred to Almora Jail.⁶¹

NAINI TAL

The first Local Committee of Naini Tal, as elected by its house holders on 8 May 1845, was approved by the Government on 7 June 1845. By-laws under Act X of 1842, consisting of twenty-one clauses were passed on 17 September 1845, and soon the Committee through its Chairman Sir W. Richards, Major General, started presenting its various requirements to the Provincial Government. The services of a Civil Assistant Surgeon were provided to the residents as “a gift of the Commander-in-Chief” in October 1847.

Unlike Mussoorie, Simla and Landour, Naini Tal was not a regular sanatorium for the invalids of the services, but most of the original settlers were either military officers or civil servants who had connections with Kumaun on neighbouring Districts, especially Rohilkhand Division. The local trading class was also not oblivious of the business potential of this new settlement. It freely provided funds and other facilities to serving government officials. We have already noticed how assets of the biggest householder of Naini Tal, Major Arnaud, were put to auction when debtors pressed for their claims in the civil courts.

Moti Ram Sah took leading part in the settlement of Naini Tal by advancing loans to British officers and through his banking facilities. In January 1848, Moti Ram Sah and others money lenders approached the Provincial Government for enactment of similar rules as prevailed in Simla and Mussoorie for realisation of

debts from the European officers before they left Naini Tal. Before 1848, the Local Committee refused to entertain such requests made by the money lenders. On the direction of the Government, the Committee passed by-laws which started this settlement. Its influential members, having failed in their attempts to secure services of a regular doctor locally, got it sanctioned from the Court of Directors in March 1849. The first Church of Naini Tal was ready by 1850, constructed by the Executive Engineer of Kumaun, but raised entirely from public subscriptions.

Moti Ram Sah's business interests clashed with those of P. Barron and officers like Wilson, Collector of Moradabad. Right from the very beginning Barron and Wilson were on the Municipal Committee Board. In the very first Committee, Moti Ram Sah was elected as its Treasurer but Wilson and Barron prevailed upon Lushington by showing some case against Moti Ram Sah. Lushington in May 1846 ordered the Committee to dispense with the services of the treasurer.

The new municipal notification under Act XXVI of 1850 brought Naini Tal its purview in October 1850. The existing Committee was allowed to continue *pro tempore* and the Lt. Governor expressed his wish to discuss the draft rules with Batten during his next visit to Naini Tal. The by-laws, approved in July 1851, contained thirteen Clauses. It described the limits of the Sanatorium (as Naini Tal was then generally called) as "the natural watershed of the Naini Tal basin" (Clause IV), authorised the Commissioners (as the Committee members were then designated) to entertain staff for police, making and repairing of public roads, bridges, drainage, etc. (Clause V), empowered the Commissioners to levy fines upto Rs. 20, on any person bathing or committing nuisance in or near any streams from which water was drawn for the community, or destroying road by throwing down loads or rubbish (Clause VII), and fine upto Rs. 50, for destroying or injuring forest trees (Clause X). A Superintendent of Works and a Forester alongwith other staff were to be employed (Clause XIII).⁶²

Naini Tal developed phenomenically fast compared to any other sanatorium even though strictly speaking it was neither a civil nor a military station. In September 1850, Batten informed that while a congregation of fifteen persons at St. Marks Church at Almora was though very good, one of even seventy at St. John's of Naini Tal still left out thirty adult Europeans out of Church in Naini Tal. The history of its development came out from no less than a person than Thomason himself when he divulged this secret in exonerating Wilson of allegations made in a complaint lodged by Moti Ram Sah. Moti Ram Sah alleged that Wilson, the Collector of Moradabad, was engaged in trade at Naini Tal, lending official

aid and support to the tenants of shops owned by him by obtaining supplies for them through government officers, and in employing government servants in construction of his houses at Naini Tal. After receiving the reports of Batten and Pidcock, the Commissioner of Rohilkhand, the Junior Member of the SBR recommended framing of charges against Wilson under Act 37 of 1850.

Thomason exonerated Wilson of “trading or trafficking in merchandize” charges for his personal gains. He considered Wilson’s indignant refutations of these charges fully justified in view of Wilson’s general character and the steps he had so far taken for development of Naini Tal. In recording his views Thomason spoke from his own personal knowledge “rather than from written records.” He had himself visited Naini Tal in 1844-45, when it was quite in its infancy. He was convinced of the advantages which were likely to accrue from its development. It was likely to lead to development of roads through the Turai and increased frequency of visitors to the Turai whose dangers had been magnified. It was obviously possible to connect Naini Tal with wide roads on one side with Bareilly, and Moradabad on the other, providing good opportunities of a good market to the villagers having abundant supply of very cheap grain. The money spent on Naini Tal was likely to benefit not only Kumaun but to hitherto wastelands of the Turai, by arousing the industry of the people. All these expectations had been realised to the fullest extent. An excellent roads had been opened to Moradabad, through the pargana of Bajpur from Kaladhungi to Naini Tal, road from Bareilly to Bamouri was beginning to be more frequented and a good road had been cut to Pilibhit through Kilpuri. Naini Tal itself had developed into a flourishing settlement, exerting a salutary impact on the hill-men. The markets were abundantly supplied and labour was freely available at a place where once good food could only be purchased by commission and porters could only be procured with the help of authorities. Thomason revealed that in effecting all these changes Wilson played the most important role. Thomason fully supported and encouraged him in all his efforts. “Wilson’s spirit, energy, and determination, which have surmounted great obstacles, and rendered Naini Tal, a cheap and healthy residence, easy of access, and the cause of wealth and prosperity to the neighbouring country” repeatedly called forth the highest admiration. Wilson’s constant objects had been to promote free labour, to prevent distress to the people and to suppress monopoly. Thomason considered him successful in all these objectives.

Thomason compared development of Simla, Mussoorie and Landour with that of Naini Tal. Compared to the difficulties faced by the settlements cited he thought that Naini Tal has been supplied free labour and cheap supplies much more faster and conveniently, all through the efforts of Wilson. The supply of

provisions and protection of roads were legitimate objects of the care of all Magistrates, and Wilson rendered it with his characteristic energy. Commissioner Batten was aware of the help rendered by Wilson in supplying the markets. With his help hundreds of persons had travelled to Naini Tal in perfect safety. He even provided protection to the goods supplied to Naini Tal from the markets of the plains. Thomason replied to a possible charge that Wilson should not have taken interest in extra jurisdiction territories by saying that Moradabad did not suffer from all these exertions. He testified that the affairs of Moradabad were in excellent condition. However, now as Naini Tal was fully established there was no longer any necessity for Wilson to exert himself and it would be better if he devoted his energies to his own charge. Thomason concluded his remarks by expressing his wish that all roads leading to Naini Tal would one day be as good as the one leading to it from Moradabad.⁶³

Batten's report reveals that Wilson owned several houses at Naini Tal and his position at Moradabad enabled him to let his houses to persons visiting Naini Tal, to the detriment of interest of persons like Moti Ram Sah who also owned a few houses. His position also enabled his tenants in various ways but his houses were better built and better furnished than those of Moti Ram Sah. Wilson was also proprietor of a large number of shops which he had built on clear understanding that he should give priority to the tenants likely to be beneficial to the residents of Naini Tal and this according to Batten had been fulfilled by Wilson. While the direct benefit accrued to Wilson had been the rents for his houses, Batten considered the indirect benefit from a greater resort of visitors shared by all, including the petitioners. Batten revealed that until recently all the shopkeepers and merchants were dependent on Wilson's help for facilities for supply of commodities and carriage. Wilson had also induced bankers to settle in Naini Tal from Moradabad. Thanks to Wilson's efforts Naini Tal's artificial dependence on Moradabad ceased from 1847 onwards and the evils of monopoly and scarcity of supplies vanished. The working of the principle of supply and demand ensured a cheap supply of labour. For the benefit of Kumaun authorities Batten admitted that they were absolutely dependent on Wilson for carriage.

Batten, however, also defended Moti Ram Sah for his contribution in supply of the free *Paharee* labour to such an extent that at one time but for his help not a single house could have been built. Ignoring Moti Ram Sah's "sins of the youth" Batten certified that of late years his behaviour had been ideal, and mercantile integrity beyond doubt. Lushington held Moti Ram Sah in high esteem. Batten deprecated any vindictive action against Moti Ram Sah but recommended a severe public reprimand for "the gross impertinence" of his request at the end of his

petition “with such a splenetic effusion” for having failed to let a few houses at Naini Tal and “secure excessive rates of discount in his banking business.”⁶⁴

The Lt. Governor started camping at Naini Tal with the Secretary to Government of the N.W.P., and office, from the summer season of 1854. The office of Junior Assistant Commissioner, Kumaun, was established in May 1854, Victoria Hotel was purchased from Moti Ram Sah in March 1855 for the office of the JAC, and in October 1855 the newly separated office of Kumaun Commissioner shifted to Naini Tal. Sir W. Richards, now promoted as Lt. General, continued to retain his Chairmanship of the Municipal Committee, without a break for the tenth year in succession.⁶⁵

CHAPTER 6

BATTEN'S REVENUE SETTLEMENT

The Official Reports on the Settlement of Garhwal and Proper Kumaon, 1842, and 1852, are the best testimonials of Batten's zeal, insight and industry. These were considered as landmarks in the series of reports published on the Revenue Settlements of North West Provinces. Batten wished to follow this up with a concise account of the developments which took place during the years of his Commissionership (1848-1856).

It is very essential for fuller appreciation of the efforts put in by Batten in this Herculean endeavour, to recapitulate evolutionary stages hitherto covered by settlement operations in Bengal Presidency.

PERMANENT SETTLEMENT

By the time British authority was firmly established in Kumaon the Court of Directors of the East India Company had already resolved not to extend permanent settlement to other territories. The permanent settlement, it was realised, had very extensively deprived the village communities and inferior-holders of their rights and (in turn) created new and absolute rights on behalf of the persons who had previously possessed only a limited interest in the produce of land. Hence, it was now decided to leave it open to revision after the resources of the country had been better ascertained and individual rights established.¹

Lord William Bentinck, the Governor General, himself addressed a brief history of revenue operations in the Ceded and Conquered Provinces (as North West Provinces were known earlier), prior and subsequent to promulgation of Regulation VII, 1822, to the Sudder Board of Revenue on Deputation. In 1802, it pointed out, a settlement for a term of three years was made out and it was decided that after another triennial, a quarterennial would be concluded, and after ten years a permanent settlement would be concluded. Accordingly, a second triennial settlement was made in 1805-06. Regulation X of 1807, providing for a permanent settlement was disapproved by the Court of Directors in February, 1810. Again, in November, 1811, the Court, disallowing permanent settlements proposed for Saharanpur, Kanpur and Gorakhpur, directed that revenues of the Ceded and Conquered Provinces be administered under a renewed lease for a term not extending five years. This direction resulted in rescinding provisions of Regulation X of 1807, i.e., revoking permanency of settlements concluded under

its provisions and reverting back to declarations contained in the Regulations of 1803 and 1805. The decennial period, in the Ceded Provinces by that time having nearly expired, actually came to an end in September 1812.

The Board of Commissioners, on receipt of these directions, now went ahead with a general settlement of the Ceded Provinces for 1813 to 1817, corresponding to Fasli 1220 to 1224. In their exercise they were required to ascertain the extent of estates which were in a state of cultivation, warranting conclusion of permanent settlement, after leaving the proprietors a profit of 10%, and a report on the estates not in sufficiently improved state of cultivation to admit of a permanent settlement, without a sacrifice of public resources. On the basis of these guidelines, together with those of wastelands, etc., Board of Commissioners concluded settlement of Kanpur. The Board, doubting accuracy of the accounts on which Kanpur settlement was formed, prompted the Government to recommend it as a temporary settlement. It was, in all probability, in response to this hesitant recommendation, that the Court of Directors expressed their firm determination not to confirm the settlement in perpetuity. In short, this was the state of affairs of settlement operations in North Western Provinces, at the time of annexation of Kumaon from Nepal in 1815.

FROM 1815 TO 1839

The interval between 1815 to 1820 seems to have been occupied in collecting information required by the Court of Directors. As the existing settlement in the Ceded Provinces was coming to a close in September 1822, the Government solicited instructions from the Court. Simultaneously, instructions containing salient features of the plan for revenue administration of the unsettled provinces were issued.²

On Court's suggestion, Regulation I of 1821, appointing a Special Commission for the Ceded and Conquered Provinces, was passed. The Special Commission was to investigate claims on wrongful dispossession of lands, ascertain tenures, interests and privileges of the agricultural communities. Due to delay in receipt of Court's reply on the principles of settlement, Regulation VII of 1822 was promulgated, which prescribed detailed mode of settlement.³

Progress of revenue settlements, under Regulation VII of 1822, during the next ten years was so tardy that Lord Bentinck summoned a review conference at Allahabad in January 1833. In this Conference of 21-23 January concrete measures to accelerate pace of settlement operations were discussed. One such mode, tried by Robert Mertinns Bird, as Commissioner Gorakhpur, was adopted and advocated. R.M. Bird was now Senior Member, Suder Board of Revenue. In essence, it was the Aggregate to Detailed method, a total reversal of the 1822

system, which was Detailed to Aggregate. This permitted requisite acceleration in settlement operations.⁴

Bird's methodology, essentially a guesstimate, was entirely dependent on professional survey and making payments a collective responsibility (co-parcenary) in every joint *mehal* (estate). Further, whereas no new rights were to be created, all the old ones were to be recovered and guaranteed by a detailed recording of these rights, regardless of their nature, i.e., *taluqdari*, *zamindari*, or *pattidari*. Henceforth, protection of rights and rates were now to become responsibilities of those who were engaged for the revenue.⁵

ROBERT MERTINNS BIRD

R.M. Bird joined newly constituted Suder Board of Revenue, Allahabad in February 1832. For the next ten years or so he guided and pushed settlement operations in the province. He undertook extensive tours in winters and covered as many as 1841 miles in 1836-37 alone. Bird was also credited for having introduced a far more efficient system of conducting the details of revenue management, in all branches, than by anyone else ever.

The circulars issued by the Suder Board of Revenue during his incumbency were later published in 1839 and also as the *Directions for Settlement Officers* in 1849.⁶ This brief account of the progress of settlement operations, in the Ceded and Conquered Provinces, helps us in understanding a relatively quiet scene on revenue administration front during Commissioner Traill's stay in Kumaon (1815-1835). Sudden flurry of activities during Col. Gowan's incumbency (1836-38) including Batten's arrival as the Garhwal Settlement Officer, followed by "flood of instructions" alluded to by Whalley, stand better explained. Commissioner Lushington and Settlement Officer Batten, braved all these instructions, even though most of these were "not meant for application in Kumaon."

R.M. Bird's visit to Almora in 1837 during Col. Gowan's Commissionership, therefore, was not a routine visit. During his visit he immediately spotted Batten as "a man of well cultivated mind, much ability, great zeal, indomitable energy," who could push his designs under the judicious guidance of matured information and experience. But, in Col. Gowan, Bird found "a man (without) any official experience in any department" and "who himself required both guidance and control."⁷ After the visit Batten accompanied Bird to Bareilly and participated in a meeting called on settlement. Batten was directed to commence settlement operations in Garhwal, in anticipation of final orders.⁸

Land revenue settlements, it is important to understand, basically rest upon the principle that every ruling power, i.e., the government is entitled to a certain

portion of an annual produce of every *higha* of land; and the mode in which the ruling power exercises this right constitutes the system of revenue administration. Theoretically, there is no other limit to demand upon the land than the power of the government to enforce payment, and the ability of the people to pay. It is only in the interest of the government to limit the demand to what is just, so as to create a valuable property in land and encourage its improvement. And to do so it is necessary to determine persons to whom all the benefits belong. To perform these operations is what is known as "making a settlement."

Now, formation of a settlement consists of two distinct operations. The first is fiscal, i.e., determination of the demand, and the second is judicial, i.e., formation of the records of rights. It is very obvious that ordinarily both the operations should be performed simultaneously.

In actual practice, settlement is conducted in four steps; (a) adjustment of boundaries, (b) Survey, (c) Assessment, and (d) Record of Rights.¹⁰

This theoretical and practical framework of settlement-operations were set out in a Circular, issued by Elliot, of the Suder Board of Revenue, addressed to the Commissioners, on 9th of April 1838. In context of historical evolution of revenue administration in Kumaon, the year of issue is of particular significance. It is, as would be noticed, after the departure of Commissioner Traill. These Circular Orders of SBR (Suder Board of Revenue) were also precursors of what came to be later compiled as *Direction for Settlement Officers and Collectors of Land Revenue*. These compilations, issued during Thomason's Lt. Governorship of N.W.P., also superceded all previous orders on the subject.¹¹

It is no wonder that Batten, who before joining Kumaun had served in Saharanpur, in Meerut Commissionery, was taken aback a bit at the state of affairs in Kumaun. Batten records:

On taking charge of the Garhwal in 1837, I had every thing to learn in regard to the peculiarities of the Hill system, and everything to teach, as far as my experience acquired in the plains would allow me, in regard to the revision of settlement required. It is difficult to say whether the Garhwal Tehsildar, the Canungoes and Patwaries were more astonished at the terms Regulation IX of 1833, my own title of Deputy Collector, and my confident proposition of a settlement for a period of 20 or 30 years being about to take place, than I myself was confounded at the circumstances of having to wander over more than 4,000 square miles, in order to revise 70,000 rupees of juma, which I was told Mr. Traill had, at the last

occasion, revised in less than a month, on the road between Haridwar and Badrinath.¹²

Batten's labours were, thus, confined not only to actual labours of a totally novel mode of settlement and understanding features of a non-regulation area, but facing the aftermath of Bird's short visit of Almora as well. Further, unlike other districts" the whole of the settlement duties of Garhwal and Kumaon" were entrusted to him¹³, independent of Kumaun Commissioner. The orders subordinating him, both in revenue and settlement matters, to Meerut Commissioner, were set aside later by the Government. The SBR were later directed to modify their orders and restore Gowan's authority throughout the province.¹⁴ Interestingly, notwithstanding Government's clear orders SBR continued to refuse sending any orders direct to Kumaun Commissioner, forcing Turner to direct Commissioner Gowan to ensure that Batten corresponded only through him. This controversy resolved itself only with the matter going right up to the Supreme Government, the Court of Directors, and culminated in departure of Gowan in December 1838,¹⁵ Obviously, there was no love lost between Commissioner Gowan and Senior Member, Bird. Commissioner Gowan, this needs to be clarified here, was not a solitary case as Penner points out that "the 1833 settlement generated centripetal bureaucratic forces whose influence only a few civilians escaped."¹⁶

Returning to our narrative, back from Bareilly, Batten apprised Commissioner Gowan of the decisions taken in the meeting. The revision of settlement was now to be conducted on much less summary principles than those hitherto applied and a deeper investigation of disputes, addition of greater details in the statement of liabilities. This naturally meant more work and requirement of extra staff. His estimate was one English Writer, a Head Munshi, a Nazir, a Record Keeper and two Writers on a monthly extra salary of Rs. 135. He made no extra demand of Chuprasis, as there were quite a few around already. Some changes were suggested by him in relocation of Garhwal Tehsildars. The *Tulbana* system was to be modified, carrying that particular fund to the Government Treasury instead of being used for an increase in the salary or creation of new posts without the sanction of the Government. He expected to set it off with the help of this measure nearly half of the additional expenses proposed by him for Garhwal establishment.¹⁷

Batten observed that of the four Kanungoes in Kumaun two also functioned as Munsifs, all claiming hereditary rights of service. The villages their ancestors had held as Duftarees under the Gorkhas, had been resumed by the present Government without paying them any compensation or any recorded understanding that their rights to the offices would remain intact. Commissioner Trail

had continued the practice of appointing Kanungoes from the members of the same families.

On the death of Krishna Dutt, Kanungo, Batten recommended appointment of Damodar, uncle of Badri Dutt (the boy sinecurist), who actually carried out Kanungo function on a salary of Rs. 5 per month as fixed by Traill. Kanungoes were paid a salary of Rs. 31 per month. This arrangement was recommended by Batten till Badri Dutt came of age. Kanungo-Munsif of Srinagar, who was actually the Serishtedar (Office Superintendent) of Kumaun Commissioner's office, was found conducting Kanungo-work with the help of two agents. Batten strongly recommended an end of all these archaic practices and introduction of a much more efficient system.¹⁸

After three months of hectic fields visits and review of all past settlement operations Batten prepared a set of ten queries for clarification from the Suder Board. These queries are contained in his exhaustive address of 1st January 1838. Seeking guidance for the mode of settlement he also apprised the Board of the methodology adopted by Traill.

TRAILL'S SETTLEMENT

No scientific revenue survey, observed Batten, had been under taken and whatever native measurements were at all taken bore no approximation to any certainty. Accordingly, the past settlements could not be considered settlements as per the provisions of Regulation IX of 1833, thereby rendering submission of prescribed statements virtually impossible. The general measurements taken in the year 1824, or Samvat 1880, with the assistance of Tehsildars and Kanungoes, was made with a view to ascertain the quantity of assessable land, determination of village boundaries, and wherever possible, recording of existing interests of various agricultural communities. But, Batten opined, that it had singularly failed even in this objective.

The Books of Record, prepared after the Great Survey of 1824, "to which people have for 12 years been accustomed to refer and be referred," owing to their inherent deficiencies, were not held in high esteem, as far as the officials themselves were concerned.¹⁹ This Great Survey of Samvat 1880 Batten found weak on three counts, namely, quantification of land, inexact determination of boundaries, and absence of record of interests and possession.

One illustrative page from Traill's Books of Measurements looked something like this :

Village Kuldor

Boundaries : On the North side such and such tree, on the South such and such ravine, on the East land called so and so, and on the West the land called so and so.

Division of Ruqba:

<i>Name of land or Tok</i>	<i>Nos. of Pathas</i>	<i>Remarks</i>
Baraon	130	
Kaphul	26	
Ranghera	10	
Lukdeo	20	
Netoo	60	
Guwar	12	
Doonagur	62	
Lahdeo	20	
Total	340	
	Pathas	In possession of village Rutgot
Mouzah Kuldor	320 Pathas = 16 Beesees	
Included in Rutgot	20 Pathas = 1 Beesees	
Total	340	17 Beesees

Batten found that the Books of Measurements mostly had only entries like the above, excepting a very few which had post scripts to the effect saying that A, B, C and D were shareholders in this estate, and sometimes that A, B and others were share-holders.

Although in the survey value of Beesee was always taken as 10 Pathas, in actual practice it varied considerably all over Garhwal.²⁰

In the Great Survey land was classified into three categories; first, in a level with or within reach of source of irrigation, second, low or otherwise well situated though not irrigatable, and third, those near top of mountains. The quantity of seed required for sowing in different kinds of soils was supposed to differ slightly. It was assumed at 10 *Pathas* for the first type of soil, 12 *Pathas* for the second and 14 *Pathas* for the third. In actual practice, however, this ratio was never exceeded and hardly ever equalled.²¹

While around 1824 Traill had come to believe and take one *Beesee*, containing 20 *Pathas*, as a common standard, it was only in 1832 that he felt a need to

standardize it. After a detailed investigation of existing differences and careful scrutiny of various answers supplied to his queries, Commissioner Traill declared an average *Beesee* as the official standard of land area contained in a *Nali*.

1 *Nalee* or *Patha*, in whatever land = $20 \times 12 = 240$ yards

20 *Nalees* or 1 *Beesee* = $240 \times 20 = 4,800$ square yards

Batten acknowledged a strange approximation of this measure to English acre of 4,840 square yards. Reduced to yards square it was scarcely different, a *Beesee* being 69% and an acre 69112 and a little more. Batten felt that representation of land area, at the time of the Great Survey in standard *Beesee*, had it been declared official earlier, would have been far useful than *Nalees* in its sub-divisions, as was done in *nuzzar undazee*. The disputes relating to quantity of land were handed over to the *panchayats* of neighbouring land-holders for resolution. The fact that the *nuzzar undazee* method was not helpful in resolving disputes of this nature, "hardly [needed] a better demonstration than the nahle applied", Batten observed.

As the settlement of disputes was not preceded by a regular survey, determination of boundaries was very perfunctory. The boundaries certainly could have been determined much more precisely. The survey should have also shown what was settled, what was still under dispute and what remained uncertain. On the contrary every community named its boundaries and as they were generally beyond the land included in the measured *ruqba* (area), few took the trouble to point them out and still hardly any survey officer took the trouble of verifying his records.²² As a result the name became a fixed and immutable part of the decrees passed by the courts, while the actual whereabouts of the land named very often remained a difficult matter of discovery. Thus an easy matter of mistake led to fresh bouts of case in court, whenever someone wanted an execution of any such decree.²³

As the Great Survey left no useful record of interests and possession, in most cases absolutely nothing was attempted and in others the insertions and omissions of names were "as notoriously a matter of favour or otherwise on the part of the Kanungoes and the Mutsuddies, as the fidelity of those officers employed in the surveys had been a subject of suspicion." Many decrees were won in the courts by persons simply on the strength of mention of their names in the survey books and as many cases were lost by those whose names or those of their fathers did not appear on them. Erroneous mention of facts of dispossession was also a great source of complaint.²⁴

In cases of disputes, Nazir was directed to make a fresh *nuzzar undazee*, with the help of peons and assistance of *patti* Patwaris. The Patwaris were a paid police and revenue government servant. Resolution of such disputes was a long drawn affair as customarily the party adversely affected was invariably allowed to dispute the fairness of fresh *nuzzar andazee* by the Patwaris and allowed another and yet another verification. Interestingly enough, records Batten, none of the parties to the dispute would ever agree to a rope-measurement. The measurement hooks and dowls, or periodical accounts of cultivation and waste, were found to have been indiscriminately recorded all wastes and culturable wastes as *Wyran*. Much culturable land had been concealed and was not measured at the survey. The last survey had to deal with several deserted estates, e.g., desertion caused by the tyranny of the Gorkhas, mountain slips, inundation, incapacitation by wild beasts, diseases, deaths, alleged enchantments and deprivation of castes etcetera. The fear of wild beasts was so great and rampant that Padhans very often fled their villages with all the inhabitants. On the other hand, Padhans abandoned by his *asamees* were left to pay the revenue, as they could. In abandoned villages, arable lands and the boundaries were registered, *pattas* were granted to any hereditary claimants or in their absence to anyone else prepared to cultivate the land. Later the village became *dakhilee* to some neighbouring village or if its area was large and population increased the village was numbered in the next settlement as *Uslee*. Management of wastelands at public disposal, Batten felt, left much to be desired and its bad management seriously retarded progress of cultivation.²⁵

The fact that no balances or arrears of land revenue, ever occurred in the government books since 1815, proved basic soundness of the principles followed for hill-settlements. Any shortcomings in data were counter balanced by the judgement, long experience and intimate acquaintance of Commissioner Traill with the region.²⁶

Batten found it regrettable that notwithstanding completion of two more settlements since the Great Survey, so many questions of interests, possessions and liabilities, should have been left to the mercies of the courts, especially when Commissioner Kumaun enjoyed unrestricted powers of a Judge, Magistrate and Collector, rolled in one.²⁷ The question of liabilities, in particular, had never been settled by general principles applicable to all villages. Even where there was no dispute, no *phant*, or a paper showing such a distribution, was required to be prepared and absolutely nothing was put on record. Only where some serious dispute was raised a measurement of actual possession was ordered, a corresponding *phant* was prepared by the court Nazir, on a request by the parties, after payment of certain fees. There were more villages without any such *phant* and yet the Padhans and Suder Malguzars were constantly suing their brother

shareholders for their quota of revenue. There were suits by and against Padhans for over collection of rents, pending for three to four years, and these suits were tried exactly like recovery of private debts. As there were no balances or arrears of land revenue, the government was never impleaded as a party.

Batten felt convinced that if these suits for rents could be disposed of as summary suits it could have saved him at least half of the time which he devoted on these in 1837.²⁸

Batten could find no *misk* (files) containing settlement proceedings to guide him on the principles followed by Traill in deciding various issues which arose at the time of last settlement. Not a single village statement, English or Hindi, was forwarded by Traill to Bareilly Commissioner, with the last settlement report.²⁹

BATTEN'S SETTLEMENT

After eight months' stay in Garhwal it became apparent to Batten that minute ascertainment of the quality and quantity of lands in each estate of the hills was nothing but a waste of energy and expense. However, he went ahead with a system of settling boundaries according to Regulation IX of 1833. He was doubtful of its utility not in cases where there existed a tangible dispute to settle but where none appeared. Garhwal, in 1838, was then abundant in large wastelands and there existed no immediate plans for fresh cultivation and appropriation of lands by the cultivators. He also felt handicapped in trying suits for the rights or recovery of land shares, as was the practice in the plains, as he combined in himself powers of a civil judge and a collector. He could hear cases only in one capacity or the other.³⁰

Batten did not entertain new applications (*durkhasts*) for *niabad* lands but only confirmed those in their possession, if no one came forward to rebut it or proved a better claim over it.³¹ Tying down all the shareholders for twenty years, under a system of joint responsibility for revenue with their Padhans, however just and necessary for the latter, Batten now felt, was likely to be opposed by the shareholders. Traill, Batten reported, held the view that before commencing a long term lease in the hills it would be advisable to bind to the soil all holders of land, whether *Thatwan*, a hereditary rightful occupant, or *Sirtam* and other cultivators occupying a more temporary tenure.³²

Giving a resume of the settlements conducted in the past Batten sought Board's clarification on the following points:

1. Was a new survey to be made in the hill districts?
2. How were all boundaries to be finally settled?

3. With whom and how-were the wastelands, at government disposal, to be settled?
4. By whom were the wastelands belonging to the villages to be cultivated and on what terms? Both as concerned government revenue and the relationship of the cultivators with the village shareholders?
5. Was assessment of revenue to be made on the basis of the (inadequate ?) data available?
6. Was the principle of joint responsibility for the revenue to be enforced, in all estates, irrespective of their size, and how?
7. What was to be the period of the next lease and was it expected to be universally the same?

The other queries made by Batten related to questions of mines, fonus and statements to be used and settlement of Turai and Doon lands.³

Commissioner Bareilly and SBR insisted on conformity with the formats prescribed by the SBR as also use of acres over *Beesee*. Batten explained the difference between an acre and a *Beesee* and suggested doing away with several irrelevant forms.³⁴ The Suder Board advised against a professional survey, in view of huge costs involved, and undertaking measurements wherever required with the help of Mutsuddies and Mirdahas (Kanungoes). The actual areas and estimates were allowed to be recorded in *Beesees*. Alternatively the actual area was allowed to be divided into low, middling and high, and converted into *Beesees*.

Settlement of boundaries was declared to be indispensable. Where there was no dispute these could be recorded by lines, recording the landmarks as “along the ridge of such a hill” or “the bank of such a stream”, always noting down permanent marks. All disputes were to be decided either by the officer himself or a *panchayat* (jury). Possession of any standing was to be allowed but in doubtful cases, decisions were to be taken and they were to be deemed as final. Such decisions were not to be questioned in a court as the government would at once pass the order and it would be law. In the cases of different *thoks*, in one *mehal*, held separately, the boundaries were not only to be fixed but recorded as well.

The cultivators were required to make their own adjustments of possessions and liabilities, which once recorded were to stand. Further, whatever was done during the current settlement was to be considered as final. Subsequent suits, it was made clear, could only contest interests and not anything finalised at the settlement. The pasturage right was also to be determined together with the boundaries, and duly recorded. Nothing was required to be taken for government from the lands brought under cultivation during the period of settlement.³⁵

Batten was required to judiciously fix the *juma*, which was not only to be fair but well apportioned also. The adjustment of revenue on each *thok* was to be left to the people to settle. If the cultivators decided to divide the land, the responsibilities were also to be divided or else the option was not to fragment.³⁶ The SBR exempted Batten from filing periodical settlement statement in prescribed formats but required it in a general form. Use of *Beesee* for acre was also allowed but the *Beesee* was to be treated as a "native measure" and not as adjusted by Commissioner Traill.³⁷ Settlement of mines was separated from revenue settlement and was to be treated separately later. Batten was not to bother about Turai or Doon lands for the time being and the SBR considered it illogical' to measure Doon wastelands "without anyone coming forward to cultivate it". In Doon, cultivated tracts were to be measured and settled on moderate terms, on a clearing-lease basis, just like Dehra Doon. These leases were to be for uniform period and moderate *juma* was to be fixed on doubtful lands. The SBR felt that measurement of cultivated lands and their distribution into three classes would be most desirable but before undertaking it, cost of such operations and practicability aspects must not be overlooked.³⁸

Concluding their exhaustive direction on each point raised by Batten, the SBR emphasized" that the object of measurement was not so much to increase jummas, as to settle possessions, liabilities, rights and management". Absolute correctness of records was, therefore, to be accorded highest priority.³⁹

The SBR simultaneously informed the Government about the directions issued to Batten and their positive opinion against general measurement, in view of heavy expenditure and delay it was likely to entail. In view of a total absence of proper investigation in the past "Batten had been asked to proceed leisurely, carefully recording what he found and communicate freely with the Board," the SBR added. The SBR also expressed its surprise at "the total absence of any regulations for Kumaon, lack of any fixed principles behind judicial decisions, any careful enquiry into the habits and usages of the people, and any established principles to guide decisions". The Government readily stamped its approval to the SBR's proposals.⁴⁰

Batten commenced his Garhwal settlement operations during the first week of October 1837, from Painkhanda *pargana*. In September, Thomas, Assistant Commissioner, joined Srinagar to assist him in his judicial, magisterial and collectorial duties. In December 1837, the SBR's guidelines and Government's approval were received.⁴¹

It became apparent to Batten, while preparing for his settlement operations, that there was a near total absence of statistical data on "quantity of *talaon* (irrigated)

and *upraon* lands”, although division of lands into uplands and valleys was sometimes attempted in Kumaun, but never in Garhwal. In Kumaun it was also recorded in revenue papers but Traill never used this information for assessment purposes. Settlements made by Traill “were without any base of visibly ascertained data and the result of Traill’s own private judgement were declared and enforced without the reasoning being disclosed to the Tahsildars or Malguzars.” On being confronted by Batten on these points the native officers very close to Traill “were able to only point to general principles of justice to the people and attention to the government interest”. The very idea of any reason appeared” to shock the loyalty of the officials and affected persons alike. The very idea of new enquiries was being met with loud complaints and even the reference of a civil suit was bitterly opposed and resisted, in nine cases out of ten.”⁴²

Even after receipt of the SBR’s clarifications on issues raised by him Batten still entertained several doubts. His doubts related to revenue liabilities and land revenue, and he was still of the view that any new measurement would not only be useless but also mischievous too unless conducted with a large expenditure and time. Any survey excluding uncultivated lands or even wastelands, a very potent source of dispute everywhere, was not likely to serve any purpose. Even for a very experienced person it was nearly impossible” among the hundred fixed terraces of a hillside, to distinguish old wastelands from the new one.” The scattered nature of cultivated patches posed another problem for a quick measurement. A village yielding a revenue of only Rs. 130, Batten pointed out to Commissioner Gowan, needed a minimum of three days for being measured from its highest to lowest cultivation. Any new survey was likely to leave more disputes unsettled than resolved. Batten felt that a survey made after rather than before completion of settlement would be more preferable.⁴³

To relieve European Officers for more important works Batten proposed empowerment of Munsifs to deal with suits of more than Rs. 100. To do so, if the Munsifs were to be paid fixed salaries, stamp value of judicial papers would have necessitated an increase. Alternatively, if Munsifs were to be continued, they were to be paid out of the proceeds of institution fee, as was the practice. It was a simple case of raising their salaries.⁴⁴

In Painkhanda pargana, one of the seats of Hindu religion, Batten delved deep into issues relating to *maafi*-lands, *goonths* and *sadaburt*. Looking into the correspondence exchanged between Traill and Rawls of Badrinath and Kedarnath he found that in most of Badrinath land cases no *sunnuds* were available or were ever perhaps issued. Dasoli in Garhwal and Kotoli in Kumaun were granted by the Gorkha Government for maintenance of *sadaburts* or road-side distribution of food to pilgrims. The grant was confirmed by a copper *sunnud* and the only

other documentary evidence were the parwanas of the local rulers or civil court decisions of Traill, passed during early period of British rule, directing that every Kameen or other land-holders were to continue paying old established dues to these religious shrines.

The fact of non-resumption of these lands after British conquest and Traill's general assurance of perpetual confirmation provided unwritten titles to the rent-free estates of the Badrinath establishments. Kedarnath, Dewalgarh and Nanda Devi also exhibited similar tenures. A large number of local idols and other Hindu divinities were endowed with similar rent-free lands in a large number of villages. As the Garhwal Rajas benefited greatly by the annual pilgrimages these rent-free lands were never resumed by them. During the Gorkha rule rigid rules were enforced in regard to individual rent-free lands and each case was sent to Kedarnath before confirmation.

Batten addressed a set of six questions to Kumaun Commissioner's office. From the answers received it was revealed that most of the files on maafi-lands were incomplete and these contained no final orders. No general principles on maafi-lands and tenures had either been finalised or pursued by that office. Commissioner Traill had forwarded a list of such lands and villages in religious assignment in Kumaun temples on 20th of May 1819, but no such list had been forwarded for Garhwal. The list of villages held rent-free by individuals, said to have been under preparation at the time of reporting, was also not available. As Assistant Commissioner, Traill did not send a statement of rent-free lands to Commissioner Gardner on 25th of March and 2nd of April 1816, but the latter never forwarded it to the Government. Information regarding inclusion or exclusion of goonth lands from the measurement boo kwas also not available. As Traill never recorded any proceedings (robkaree) at the time of settlement, people were in no position to know whether such lands had been included in the rent-roll or not during settlement operations. The people, on the other hand, were to pious to enquire about it and were the last persons to burden such lands with a government revenue. Nevertheless, a fair attention had always been paid to register all such lands in one form or the other. The records did indicate their mode of acquisition and of their possession during 1816, 1819 and 1825. The record of 1825 was the most up to date and complete and the list sent to Commissioner Bareilly office was drawn from the 1825 list. Interestingly these three lists did not agree with each other and certainly they were not prepared for legal registry as provided in the Regulation of 1803, in the plains. It was the Tahsildars and not the officers, who had prepared these lists and, therefore, not much attention was paid to procuring the sunnuds. In a majority of sunnuds. Traill had appended his signatures. The pujaris sunnuds were available. In the absence of any maafi regulations applicable for Kumaun, Batten felt that all the above-mentioned documents

establishing tenures could not be brushed aside, nor could these lands be resumed now.

Batten confessed that had a greater attention been paid to the subject during the past twenty-two years of British rule, when the office work of all types had been much lighter compared to the amount and expense of establishment in any other district of Upper India, the present task of investigation would have proved much lighter and less difficult in its commencement, and much more satisfactory in its final results. A large portion of Badrinath lands, he estimated, would stand resumed if he proceeded to include, all goonths registered in any one of the three lists, as being gifts of zemindars. On the other hand all this area was covered by Traill's assurances or confirmations, written evidence of which was produced before him (Batten). In the absence of any authority based on set rules, untrustworthiness of the records obtainable in Almora office, untenability of a move to distinguish between the lands of different idols and religious establishments, with every chance of revenue department landing itself in a state of embarrassment, coupled with Batten's hesitancy to commit himself to a set of principles adopted for lands incorporated by resumption into the rent-rolls of villages, discouraged him to order resumption of these lands forthwith. It was also discovered that in these tracts the settlement was based on estimates of fluctuating number of population instead of the quantity of lands or quality of soil.

From all this exercise Batten came to the conclusion that in Garhwal "capabilities of villages" must enter as a major factor in his calculations as a basis of assessment. This seems to be the main reason as to why he does not seem very keen on showing a large addition to the assessable area, i.e., recourse to resumption of maafī-lands. To prove this assertion he compared varying statements in the records of former settlements of 1816, 1819 and 1825, where without any proceedings, many goonth lands were included in 1880 Samvat and excluded in 1855 Samvat, "without affecting the assessed revenue in any manner." In contrast, for the rest of pargana, a gradual increase was affected by Traill as usual.

Perhaps, much more than all these theoretical considerations, was "the danger of hurting the sentiments of a religious minded people" and a possible annoyance on the part of the government. So, Batten stayed his hands on the issues of resumption of such lands, and preferred to await government's confirmation. Wherever religious lands were found excluded from the assessable areas of estates a detailed enquiry in the presence of the pujari or his agent and the zamindars was conducted. Where alienation was of recent origin, or where the goonth-holders colluded with zamindars and other evidences proved that the revenue was not being used for any religious purposes, the land was assessed and resumed.

Maafi-lands, held by individuals, were rare in Garhwal and did not affect settlement proceedings.⁴⁵

Batten devised a form of Village Statement for reporting purposes and got printed 10,000 copies of the same. This number corresponded to the number of estates in whole of Kumaun and Garhwal. This form was so devised as to take care of all forms of tenures. Batten furnished to the Board detailed reasons for deviating from the form prescribed by them. As no measurements had ever been made of the uncultivated wastelands, such as the village sites, paths, forests, rocks, etc., this shortcoming was to be accounted for under "mindee" head. For any tenure resembling Seer of the plains was to be met, entry was to be made in table three. Similarly separate columns were provided for pudhancharee and malguzaree possessions of Suder Malguzars. In table four the column prescribed for arrears of land revenue was considered necessary as no balances had ever been known in Kumaun. Table six was prepared in such a fashion so as to accommodate all kinds of tenures. A model misl (file) was also sent to the Suder Board so that the senior officers may also have "a glimpse of the whole system of engagement and records" attempted by Batten for the settlement in hand.

Having completed these preparations Batten demanded one Naib Tahsildar, especially for settlement of Kumaun which was to be taken up after Garhwal. Batten favoured a Naib Tahsildar over what ordinarily would have been the charge of a Deputy Collector under Regulation IX of 1833. Batten felt many native officers, serving in the plains as Peshakars, would be quite willing to take up this job on a salary of Rs. 100 per month. Patwaris prepared Phant No. 3, supervised thok measurements by Nuzzar Undazee, and the Kanungoes settled boundary disputes. As now panchayats were to be used for distribution of liabilities and settlement of disputes, all that was required to be done was verification of decisions of the panchayats (rajinamas) at the time of settlement. All these rajinamas were made a part of the settlement files.

Commenting on a total absence of land revenue arrears in Kumaun, Batten observed that this admirable situation owed its existence as much to the excellence of Traill's individual assessment as to the honesty and other commendable qualities of hill-men. Traill had opposed long term settlements on the ground of local people's ignorance but Batten discovered that "the alleged indolence of the hill-men was balanced by their sense of honesty and other commendable qualities. The hilmen had not allowed their alleged indolence to interfere with their obligation to the state". The gratitude of the hill-men towards the Government was a marked feature of their character and non-proprietor *thokdar* made up the difference in

juma out of their own ministerial dues. Batten mentions that "a hill peasant would have rather sold his wife or daughter to avoid becoming a defaulter". It was a matter of honour for the entire village community to avoid any occurrence of an error. Batten even provides an illustration:

A thokdar was asked by me to prepare his papers of readjustment, or his Dowl of *Toot gunjaish*, for one of the worst villages in his hulka, one of the most over assessed and straightened in circumstances. The thokdar placed three rupees in the column of increase. On being asked why he has done so, he at once replied, "Where was I do to replace the decrease if not here? True the village is a bad one- but the government must not be a loser through me".

Batten deprecated the practice followed in previous settlements of not allowing reduction in revenue under any circumstances without a corresponding increase elsewhere. This rule of compensation had always been combined with that of overall addition in government *juma*. Considering the extortionist and rapacious system followed by the Gorkhas barely twenty-two years ago, the oft repeated claim of doubling of revenue between 1815 and 1837 was not considered by Batten as flattering. He felt now convinced that there was a genuine case of decrease of revenue in Garhwal and sparing it from the rule of compensation.⁴⁶

Waste villages and wastelands not included in anyone's *patta* were offered to public by public proclamation. For the first three years it was given rent-free and for the next two year with a nominal rent. Thereafter the cultivated areas were measured and longer lease given on proper rates. Before any offer was accepted boundaries were settled and all claims on it were also disposed of.⁴⁶

Investigations into the past settlement practices and tenures existing in Garhwal made by Batten are contained in his dispatch of 12th April 1837. Minutes on Garhwal Settlement is the first detailed report on the methodology adopted by Traill in his settlements and an acknowledgement of peculiar conditions confronting settlement operations in the hilly terrain. "The process adopted in the plains", Batten informed the Suder Board, "as a substitute for the former method of arriving at individual capabilities could not be used in the hills as no survey of land had ever been undertaken. It was impossible to work out the rates especially an account of arbitrary alteration that had been made in the record of Guess Survey". The general impression and the complaint of the public was that the assessment of 1880 Samvat was very inaccurate and injurious to the public. In the settlement undertaken immediately after the Great Survey a great increase in the revenue took place. Traill, without any measurement, doubled the area of every estate in as

many as five *parganas* of Garhwal "by a mere scratch of his pen". Interestingly, records Batten, Traill had declared in several papers that his *juma* had never been based on an estimate of lands.

It became apparent to Batten now, after full six months' investigations in Garhwal, that "no English officer, however painstaking or possessed of miraculous abilities, could so cautiously and unerringly make an estimate of land and quality etcetra of even two villagees in a hundred. The exercise, at best could be accomplished in 10 villages in every 100, unless he were to march every day for about ten years."

Till now the headman of *parganas*, who were very intimately acquainted with the state of every village, had been making settlements locally called as *Dursar* process. It was done every fifth year. Under this process they allotted the increase or decrease for different estates. As the entire *pargana* was responsible for the revenue and was required to make good the lossess, somehow or the other, the headman generally were fair in their allotment. Traill was more than aware and now Batten felt fully convinced that very settlement had some difficulties in continuing even for five years. There was absolutely no doubt that if any quinquennial settlement was to be extended for another five years, without adjustments, at least half the area would have been depopulated and rendered uncultivable. This situation contrasts very sharply with the plains conditions where the Suder Board was vigorously pushing a settlement for twenty years and Commissioner Gowan, during the first year in his office, faced embarrassing queries from Commissioner Boulderson of Bareilly.

Thokdars in hills were a class of middlemen, officially known as Thokdars but also known as Kummens, Sayanas and Burhas. These Thokdars had a *patta* declaring him to be a ministerial officer for reporting crime and he was paid certain dues by the Pudhans of the village, named in his *patta*. A three percent levy on the village *juma* was given by the Pudhan for the purpose. Traill had held that the Thokdars had no fiscal duties whatever, his dues could not be shared and his office was not hereditary. Brothers, sons and relations of the Thokdars were generally the persons who called themselves the *bissedars* of certain villages and sued each other in courts for their *bissas* (shares). Batten entertained his doubts about Traill's interpretation of Thokdar's status. He felt that these Thokdars also had, at least initially, fiscal as well as police duties.

In the majority of old established villages, Batten found, the actual cultivators possessed the right to hold their lands at a fixed rent, i.e., their share of the

government revenue. Sometimes these cultivators called themselves *Thatwan bissdars*, sometimes only *Hissedars*, and sometimes *Khaikars*. Theoretically, a *Thatwan* held his land on the strength of some *sunnued* of a native government, giving him a proprietary and disposable right in the soil. On the other hand a *Khaikar* was a hereditary cultivator who could not be dispossessed of his land but who had "sunk in name because his village had been given in That to someone else." In newly established villages the earliest cultivators, unless some headman had settled them (basaaod) as his *asamees*, were the propreitors.

During Batten's settlement i.e., the eighth, open declarations were made, on behalf of the Settlement Officer, regarding the propreitors of the village and only they were expected to make good any deficiency in the government demand. These propreitors alone were authorised to levy other dues, in addition to the dues for Thokdars. The other dues, i.e., dues other than land revenue and ministerial dues for Thokdars, consisted of *malikana* or *bug Zamindari*. After a very careful scrutiny of all decrees passed by Traill, miscellaneous orders. English reports, examination of native officers and public at large, petitions and claims filed in his court, confessions made in proceedings, Batten entertained serious doubts about legality of *malikana* or *bug zamindari* dues. In this estimate in ninety cases out of 100 its legality was doubtful.

By not separating Thokdar's ministerial and proprietary dues Traill had unwittingly allowed *Thokdari patta's* permanence dependent upon his realisation of his own share of dues and paying for any shortfalls of revenue in his *thok*. Batten considered this as a case where Traill's contradicted his own theory of Thokdars' status.⁴⁸ Thokdar, in Batten's opinion, were actually Talukdar farmers of revenue, vested with police powers, who shared all their dues with their brethren and relatives. Because if it were not the case very few Talukdars would have been found willing to pay for the shortfalls of any other estates other than those for which they had *malguzari patts*, or in which they possessed actual fields and ploughs, cultivated by slaves of *khynee* or *Paikasht* etc. but not *Khaikars*. Till the last settlement of Traill the Thokdar never had a *malguzari patta*, or in which they possessed actual fields and ploughs, cultivated by slaves or *khynee* or *paikasht* etc., but not *khaikars*. Till the last settlement of Traill the Thokdar never had *malguzari patta* for an area more than his own village or villages. During his last settlement Traill tried to increase as many leases as he could and accepted many petitions against an excess of *juma* or resignations of Pudhans. Such villages were leased by him to Thokdars without mentioning the period for which these were leased. Further, it was not made clear by him whether these Thokdars were to be considered as farmers of the estates liable to future loss of lease in a revenue settlement. They were also not declared rightful proprietors by adding these extra leases to their

pattas. Majority of villagers were not prepared for a twenty year lease in favour of their Thokdars. They, on the contrary, preferred a separate *patta* containing their amount of revenue fixed by the Settlement Officer.

The dues, Batten observed collected in the villages were invariably in excess of the amount mentioned in the *Thokdari patta*. This excess was called the *Sayanachari* dues. This was meant for the person, called Sayana or Thokdar or some one of his family who claimed it as his hereditary *bissa* (Share). The *Sayanachari* rights were, at least prior to 1880 Samvat, as much a matter of family inheritance and division, as the land itself.

Batten was of the view that the service money of the Thokdar, shareable by name, was an invention of the British rule (Traill's) and the main cause behind violent disputes raging between brothers of several Sayanas. However, the villagers at large, were very clear of the distinction between a proprietary right in the soil and the *Thokdari* dues, but their ignorance of names led to a great harm to their interests. They were forced to contest court cases against powerful and much more knowledgeable persons. Several Thokdars were contesting their rights to the *malguzari patta* and the profits accruing from newly lands, as the leases were in their own names. Only in the abandoned villages the Thokdars preferred no claims.

Based on these principles, all set out and discussed in his Minute on Garhwal Settlement, 12 April 1837, he proceeded with settling Garhwali cultivators for the next twenty years. For ascertaining facts on ground he drew up a questionnaire for himself before assessing a demand. The issues which he framed were as follows.⁴⁹

1. Who had the right to hold the lease of the estate?
2. What in future were to be the recorded *Thokdari* or ministerial police dues?
3. Were there any other dues derivable from the estates and, if so, what were to be considered *Thokdari* dues for the purpose of paying a middlemen allowed by government, the sum which he may expend for improving and assisting the villages and what were to be considered *zamindari* or *hissedari* dues, showing a proprietary and disposable right in villages and shareable according to the laws of Hindu inheritance?
4. Were the *malguzari pattas* and the rights to enjoy the benefits of new cultivation necessarily interlinked?

As the last quinquennial settlement of Traill, 1889-90 Samvat, had not been confirmed by the Government so far, entire Kumaon was without any legal rent-roll. Batten recommended that the existing settlement be considered as a summary

settlement and the local authority permitted to extend it for a short period. He also wanted to review his own work in the light of "various points which have been impressed upon him by subsequent experience and consultation with others". These also included various references which he had addressed in the meanwhile to the Suder Board. While he was quite satisfied with the actual settlement completed in the thirteen *pattis* since October 1836, he was still labouring under several doubts on essential points.⁵⁰

Shivanand Khanduri, substantively a Seishtedar in Kumaon Commissioner's office, but presently working as Kunungo cum Munsif of Srinagar, joined Batten as his Naib Tahsildar. Batten found his work quite satisfactory. Shivanand Khanduri agreed to accept a salary of Rs. 50 per month as refused a salary of Rs. 150 per month as too high. Although substantively to remain as Munsif of Srinagar he was taken on deputation.⁵¹

Overburdened with extensive field visits, investigations and administrative arrangements by August 1838, Batten became a nervous wreck. The Suder Board's continuous insistence on periodical reports and reminders from Bareilly Commissioner Davidson brought out a frustrated report from Batten that no progress report, on prescribed proforma, was possible on Garhwal progress before October 1838. Extra ordinary discoveries of false estimates of population distribution, between those recorded earlier by the native officers and those exhibited by *phants* and other papers, drawn by the people themselves, made Batten very cautious:

I have found it necessary to go over my old ground, in the task of revision of my own assessment, far more carefully and laboriously than I had anticipated....I will have the satisfaction of knowing that my present toilsome and sometimes disheartening occupation will lead to valuable results in enabling me to estimate recorded and apparent circumstances at their true appreciation.

By now he had fully realised that now henceforth he had to be his own guide and advisor, such was the contrast between ground conditions existing between hill and plains situations:

The remarks on the subject of beesess made by the Sudder Board...have thoroughly convinced me how impossible it is for the authorities at a distance suddenly to change all their notions derived from common [plain?] experience and, on the mere perusal of paper statements, to accomodate their instructions, to an unusual state of things.

The principal followed by Traill in his past assessments and procedures adopted by him continued to thoroughly baffle Batten and it was simply not possible for him to furnish various clarifications sought by higher authorities. Frustrated, Batten wrote:

If with all my advantages of locality, I cannot even pretend to understand many of the past assessments in this province, as to see my way through contradictions of present conflicting statements, how can I hope to enlighten my own superiors as to reasons of my own conduct, founded as it must...be on the vary past assessments and those very present statements? The responsibility of my unsupported office is rendered doubly heavy by the resonsibility of full instructions this very weight of responsible duties adds to my humble self-reliance, and determines me to prove that the trust of my superiors has not been misplaced.⁵²

Four years later Batten was able to reflect on his experience of first two years in office as Settlement officer of Garhwal:

During...1837, when my actual labours of settlement officer had hardly commenced and during 1838, when I was personally at work in different camps, all my difficulties, whether real or imaginary, arose from the vision of a complete, according to line and rule, constantly floating before my eyes, interfering with my view of the actual local facts with which I had to deal and inclining me to turn a deaf ear to all the representations of those native officials, who had carried into effect Mr. Traill's plans. The report made by me to Mr. Tuner (and the Board)...propounding question, rather glimpses were given of the real nature of the difficulties which I thought surrounded and to whom I still wrote in the language and tone of the regular Settlement Officer of a regular surveyed district.⁵³

However, this recapitulation made by Batten comes much later, in 1842, but this has been inserted here deliberately to avoid clarifications at many places in our present narrative. Our present narrative is by way of process writing, taking step by step the stages through which Batten had to pass in his hill settlements. Now when we pass over to settlement operations in Kumaun, Batten "is still writing in the language and tone of the regular Settlement Officer", to use his own words.

Having set in motion Settlement operations in Garhwal, Batten turned his attention towards preparatory work for settlement of Kumaon proper and Kali Kumaun. Commissioner Gowan was requested by him to "give weight by his authority to a set of warnings and injunctions" prepared by him to the Tahsildars and Kanungos of Kumaun Proper and Kali Kumaun. "Traill prior to any

quinquennial settlement," Gowan was informed, "asked the Tahsildars to submit to him a Dowl Book for each patti. It used to contain statistics on the state of cultivation in the villages of the patti". These statistics were then compared with the Dowl of the preceding settlements and increases or decreases in the capabilities of the estates were worked out. These Books were thereafter returned to the *tahsil* staff with the new *juma* to be taken. Trail used to record the new *juma* in his own hand writing, opposite the names of the villages. These Books, contain the new *juma*, were also accompanied with an order from him that applications (*darkhasts*) should now be procured and sent to him by dak. Batten reminds Gowan:

Your own recollection of 1836 may perhaps recall to your mind the great importance attached to the Dowl Book as an authority for assessment, under a system which made the duties of a settlement officer to consist rather in a waiting for *darkhasts* than in an active course of enquiry and decision.

"These Dowl's", Batten informed Commissioner Gowan, "were utterly false records, in short fudge-statements, the work of officials' imagination." Since 1880 *Samvat* measurements the Kanungos and Patwaris, by whose aid the Tahsildars had drawn up the papers had found out, in these measurements, ready made recorded total area of the estates and manipulating a reasonable proportion they had been unhesitatingly inventing fanciful accounts of actual cultivation. A very caustic Batten adds :

The Kanungoes, in particular, have the presumption to give the farce of their authority to the Tahsildars preliminary papers, without visiting more than one in 300 villages, nay, frequently without stirring from their houses at all. Nothing can exceed the impudent incorrectness of the present figured tables and statements referring to the village capabilities in Garhwal, except their inconsistencies.

In support of his discoveries Batten provides an illustration.

Extract from Statement No. 1 by Tahsildar

<i>Village</i>	<i>Cultivated</i>	<i>Waste</i>	<i>Huq Pudhanee</i>	<i>Total</i>	<i>Remarks</i>
	<i>Beesees</i>				
A.	25	10	3	38	Two Beesees added to cultivated area since last settlement, cultivators, as usual, and revenue easily paid.

Statements of 1st and 2nd Soils, prepared by Kanungoes and Patwaries by order of Settlement Officer.

<i>Village</i>	<i>1st Soil</i>	<i>2nd Soil</i>	<i>3rd Soil</i>	<i>Remarks</i>
A.	15	10	13	Of the 1st soil, 2 Beesees are sera. This village was over assessed. Its total ruqba is really not more than 22 beesees, of which 15 are cultivated.

According to Batten, on actual verification, several cases of over assessment were discovered. Such instances were more in those five pattis where Traill had doubled the ruqba of every village in five pattis of Garhwal. Population figures were also found incorrectly recorded. In one place for 100 beesees of cultivated area only four labourers were shown "which was an impossibility unless at least one of them had a hundred hands." It was owing to such glaring inconsistencies which were discovered in Garhwal settlement that Batten thought it fit to issue warnings to the Peshkars, Tahsildars, Jamadars, Kanungos and Patwaris. Now they were required to be ready at the time of settlements, in the presence of people, to give a satisfactory explanation to any allegation of untruth.

Notwithstanding all their repeated references to the books of measurements as an imperishable monument of wisdom and an infallible guide, I have never acquiesced in the propriety of considering the Record as sacred, or using it as a nominal standard by which to estimate actual facts. If any of the officers..... know that the total area has been over estimated, why should he record as cultivated a larger quantity of land than that in which the whole estate including waste is contained?

The native officers of Kumaun, who were the chief landed proprietors themselves, knew the real worth of 1880 Samvat survey, "a perfect hunbug". Batten certainly did not expect them to acknowledge it as it would proclaim them and their subordinates as "overpaid performance in a farce like proceedings", or "the perpetrators of real and hitherto successful villainy". Batten considered Kumaun settlement giving them an opportunity to atone for their past mistakes and collusive acts.

I shall not, so long as I am here employed, permit my measures to be thwarted by such sloth or such fraud in any subordinate government

servant. The Kanungoes in particular may be assured that I shall in no case recommend to higher authority the dismissal only of such an officer. The Kanungoship to which he belongs must share his fate and be totally abolished..... It is far better to have no office of the kind.... than to foster therein a breed of villains. The Joshees of Kumaun are a race whom continual patronage has rendered almost forgetful of the possible day of reckoning.... they must be taught to act in their official capacities, under a greater sense of responsibility, and a greater check of fear.

Commissioner Gowan was requested to direct the officers to “continue preparing and amending, upto the last moment the Dowls, the preliminary statements, the tables, etc.” None of these papers were to be produced till sent for by the Settlement Officers, and the ones already received were to be returned for revision. The Dowls were to contain the recorded area of every estate, its divisions at last settlement into cultivated, culturable and pudhancharee, lands, and these were to be contrasted with the present division of lands, prepared according to present circumstances, copied from similar columns in the Statement No. 1. Further, the remarks in the Dowl should contain the Tahsildar’s opinion of the capabilities of the estates, in every particular, especially the lightness, heaviness or equalibility of the existing revenue burden, especially whether, at any time, on the regisation of the Pudhan, a farmer has held the lease of any village, if so, whether that farmer was the hereditary Kameen or some other person, and whether the people have been again allowed the choice of managing their own estates.

It was with great difficulty, Batten informed Commissioner Gowan, that the Almora office and other subordinate offices of Garhwal had parted with te records of every village of Garhwal. Local officers were also required to be warned that this work was quite within their capacity, without any extra staff, and no excuses were to be entertained either. And this was not all. In the table of soils, the nature of the first kind of soil, source of irrigation, proximity to the homestead, and status of manuring was not to be overlooked, and finally the Book of the last settlement was required to accompany the record with a copy of those Books.⁵⁴

Batten’s requirement preparatory to the settlement of Kumaun proper show him in full cry as a regular Settlement Officer. Obviously his experience of Garhwal had not been an easy one. Maintenance of records was such that it drove him to exasperation; and the spirit of co-operation extended by staff, both of Almora and Garhwal, doused his pen with acid rather than the Indian ink.

Before finally concluding the assessment of Painkhanda pargana in Garhwal Batten ascertained views of the Board on the existing revenue arrangements of the Bhote Mehals. Along with his own recommendations Batten appended the original manuscript of Traill's Report on the Bhote tracts. Traill's was an exhaustive record not only of the upper and lower Niti but also for the entire Bhote tracts.

Batten estimated the capabilities of a real Bhotia village, big or small, in nearly exact proportion of its vicinity or distance from the snow. In other words its proximity corresponded to rigor of the climate, the barrenness of the soil, and the impracticability of cultivation, for the more daringly were the latter evils encountered, that is, nearer the village was to the Tibet frontier, the greater was its trading advantages. He felt that Commissioner Traill had made an excessive sacrifice of revenue, by introducing a nominal land tax and calculations of beesees into the upper villages of Bhote ghats (valleys or passess). Since there was no surplus produce from which rent or revenue could be derived a land tax appeared to Batten as absurd. He considered the form of lease could be a settlement per village, according to its trading prosperity, viewed with reference to the government demand paid previous to the abolition of the custom duties, and to the consolidation of all demands into these called land revenue.⁵⁵

The Suder Board, however, observed that there could be no tax estimated on production, when there is no produce, nor founded on comparison of cultivated extent where cultivation does not exist. The Board further remarked that there were no custom houses nor custom duties and customarily the people had been assessed with a demand on each village, reckoned as land revenue. The Board strongly objected to setting up any false standards or misrepresentations and, therefore, directed that the earlier practice be continued to be pursued and for these villages a moderate demand be assessed. The Board also observed that "Settlement Officer must be careful and not make his demand oppressive."⁵⁶

On receipt of these clear instructions and also recollecting the duties levied on the Bhotias by the Tibetan Government, for the privileges of trading, Batten "did not consider himself authorised to make any greater account under the head of profits of trade than Commissioner Traill had though not nominally, into his calculation of the juma demanded from the Bhotia villages." The demand for Malla Painkhanda thus remained unaltered.⁵⁷

With the introduction of Act X of 1838 major changes were introduced in Kumaun, both in the administrative structure and civil administration. Kumaun was divided into two districts, i.e., Kumaun Proper and Garhwal. Now in each

district were to be posted one Senior Assistant, one Suder Amin and one Munsif. The Commissioner was now authorised to post the Junior Assistant wherever he so wished. The Rules for Assam, with a few amendments, were enforced for administration of civil and criminal justice. Commissioner Kumaun, under the Suder Board of Revenue, was now made at par with other Divisional Commissioners. The Senior Assistants were to exercise the powers of Collectors and the Junior Assistants those of Deputy Collectors. These rules came into effect from first of February 1839.⁵⁸

On the departure of Commissioner Gowan, G.T. Lushington assumed charge of Kumaon in January 1839. Batten became Senior Assistant of Kumaun proper.⁵⁹ In Garhwal Captain Huddleston became its first Senior Assistant or Collector. Batten was also authorised to undertake settlement of Kumaun Proper.⁶⁰

Failing to procure a suitable person from the plains notwithstanding his requests to R.M. Bird, the Senior Member of the SBR and Commissioner Rohilkhand, J. Davidson, Batten finally asked for the services of Kunwar Bhagwan Singh, as his Deputy Collector. Kunwar Bhagwan Singh, brother of the then titular Raja of Kumaun, had been appointed Tahsildar of Srinagar by Traill in 1833, and was continuing in the same capacity prior to his elevation as Deputy Collector.⁶¹

Soon after assuming his charge Lushington gave a vigorous push to settlement operations. Batten squarely blamed it on Shivanand Khanduri, the Naib Tahsildar, who proved to be sluggish and procrastinating in reporting progress. Batten's own residence at Almora, about 100 miles away from the scene of actual operations, added to the new burden of judicial and general duties, were given as reasons for slow progress.⁶²

Kumaun settlement operations commenced in September 1839. Danpur and other parts of northern Kumaun, towards Milam, were planned before the onset of winter months. Alternatively Batten desired to settle their regions from Bageshwar, during January-February 1840, when the inhabitant assembled at annual Bageshwar fair. On the return of the Kumaunis to hills from Turai, during the hot weather, Askot and Baramdeo, were to be settled during April to October. Darma, Byanse and Johar regions or Bhote were to be taken up in the autumn months of 1840. The central and lower regions of Kumaun were proposed to be settled from Almora itself. With the experience of Garhwal settlement behind him, Batten proposed that this fine arrangement would save him "the necessity of such continual locomotion and proposal inspection" as had occupied him in Garhwal.⁶³

This apparent sense of complacency, coming over Batten, was not missed on Lushington. Approving his tour plan he added:

There is one part only of your letter which appears to require explanation... you speak of the possibility of avoiding "continual locomotion and personal inspection which have hitherto occupied your time." It appears to me that.... were it possible to do the settlement work satisfactorily without personal inspection, it would by no means be expedient to abstain from it.... unaided as you are by a correct Professional Survey and of course well aware how little relevance can be placed on the reports of native officials, or people in a matter of this kind, it is I think obvious that by locomotion and personal inspection alone can you arrive at satisfactory results - satisfactory alike to the people and to government.... I am strongly of the opinion that the more villages you can visit consistently with a reasonable progress of the settlement the greater and better founded will be your knowledge of the sources of the country, and of the rights, claims and interests of the people.... I do not perceive any obstacle to your adhering to your former system of locomotion and personal inspection.⁶⁴

What Batten had perhaps failed to appreciate or muster necessary courage to enquire directly either from Commissioner Turner, Davidson or Gowan, Lushington achieved it by a pointed reference to the Board of Revenue in July, 1839.

I take this opportunity of soliciting the Board's opinion as to what Regulations are or are not considered by them of force in Kumaun, as I have considerable doubts on this point. The Board are aware that new Rules for the administration of civil and criminal justice have lately been introduced... but no revenue Regulations have been sanctioned, as far as I know. Is it considered by the Board that the whole of the Revenue is considered by the Board that the whole of the Revenue Regulations, Circulars and Statements, in force in other provinces, ought also to be in force in Kumaun, where the tenures of land and revenue practices are in many respects different from those of other districts?⁶⁵

Such circulars, Lushington brought to the notice of the Board, were being unfailingly received from them and "deposited in the Commissioner's office at Almora," but until recently no attention had been paid to them.

In case these were not applicable or if partially applicable, a selection could be made out of them and duly promulgated for information of all parties. He though it a bit unjust to expect an observance of these rules by the Mulguzars and others when the same had not even been made known to them. Obviously he did not expect either the officials or the public to observe such rules, in view of this major lacuna.⁶⁶

The reply of Suder Board of Revenue was most revealing:

The mass of Regulations and Orders in force in the Provinces, is altogether unsuitable to the state of things in Kumaun, and it is not intended to have effect there. The Circular Orders which have been transmitted to you from time to time, were intended to keep you informed of what is going on, and not for currency, unless specifically so stated.⁶⁷

Approval for appointment of an unconvenanted Deputy Collector was received in June 1839 and a notification on duties and powers of this officer were issued in September.⁶⁸ Orders were issue in Hindi and a copy was made available to the Board. The set of rules, called Dustoorul Amal of the Deputy Collecotr, were framed by Batten himself to suit local hill conditions.

The Deputy Collector was authorised to appoint his own staff, a copy of which he was required to send for the information of the Settlement Officer. He was also required to restrict his staff expenditure to Rs. 50 per month. His designation was to be embossed on the badges of his Chaprasis. Control over the Tahsildars, Kanungos and other revenue officers was given to him on all revenue matters and also on summons purposes. He could also punish the defaulting staff for neglect of duties to the extent of one month's pay, on the sanction of the Senior Assistant. In the cases of contempt of his office he could impose of fine upto Rs. 10.

He was also empowered to verify Form No. 1, the Dowl Book and other papers preparatory to settlement, which were now required to be sent to him. He could also send these papers back for necessary amendments. He was also made responsible for the accuracy of all statements. Applications (darkhasts) were now to be addressed to him by the Pudhans after specific approval of the Settlement Officer. Division of the juma was to be supervised by him with the

assistance of panchayats whenever there was any dispute. Asamee-wise phants were to be verified by him and wherever two or more villages were included in one lease he was to resolve the liabilities of shareholders with the help of panchayats. Thereafter, he was expected to forward the applications and phants, along with his proceedings (robkari) to the Settlement Officer.

In a few patts the Deputy Collector could even be entrusted with the work or power of fixing juma. In such cases he was required to take the Dursar of the Thokdars and Pudhans and the assistance of the entire patti, assembled as a panchayat. After fixing a proper juma the Deputy Collector was expected to send the darkahsts and phants, with his own proceedings, to the Settlement Officer. After the approval of the Settlement Officer a patta was to be issued and the remainder were to be sent back for further investigation.

At the time of collecting darkhasts of any village the Deputy Collector was required to verify the boundary settlement, shown either by a razinama or faisalanama of a panchayat. In every case of boundary dispute or irregularity he was required to send a report, with his own opinion, for the inspection of the Settlement Officer. In case the boundary settlement required to be cancelled the entire matter was to be sent up to the District Senior Assistant by the Settlement Officer.

The Pudhans of the villages were to be elected by the shareholders, who in any case of dispute were to appoint a panchayat. Darkhast for the new juma was only to be received from the elected Pudhan. A written agreement, from the shareholders in regard to payment of Pudhanchari dues, was a must. The Deputy Collector was also to record the willingness of the villages for payment of Thokdari dues, regardless of the amount claimed.

On the petitions presented to him the Deputy Collector was to pass an order. Thereafter he was required to send the file to the Settlement Officer for his concurrence. On the petitions presented to the Settlement Office the Deputy Collector was required to make enquiries, as per directions issued. On the petitions received from the Thokdars, regarding malikana or Sayanchari dues, he was again required to make inquiries, but he was not supposed to pass final orders of these. He was to submit his report to the Settlement Officer along with his proceedings for necessary orders. He was not authorised to issue either Thokdari or Pudhanchari pattas. This was to be finalised at the Settlement Officer's level.

In Garhwal while the headquarters of the Deputy Collector was to be decided by the Settlement Officer, for hearing summary suits he was under District Senior Assistant or Collector.⁶⁹

From these orders it is obvious that the officer of Deputy Collector was considerably strengthened with delegated powers and this office became a key office to push settlement operations.

These local arrangements were based on Batten's own local experience and were "founded on its own preparatory enquires and its own experience.... as no former record, at least of the kind procurable from any Collector's office in any other district of India" was available in Kumaon. Batten admits of having used "some severity towards the Kanungos and Tahsildars."⁷⁰

By November 1939, settlement statements started arriving in Commissioners Kumaon's office, patti by patti, each accompanied with a brief English letter, and each patti paper consisted of an average sixty to 100 mouzas (villages). Batten assured Commissioner Lushington that he would be "constantly and at the same time not excessively supplied with settlement matter for revision and for report."⁷¹

There is ample evidence to suggest that Batten had tough time controlling government staff on the one hand and the Puhans and the Thokdars on the other. He did not spare either of the two groups in the larger interest of the peasantry. As the Settlement Officer of Kumaon Proper and Garhwal, he advised the District Senior Assistant, Captain Huddleston:

Where at the time of any dispute a roll of revenue and rent liabilities properly attested (phurd phant) is not forthcoming, or where if forthcoming it has not been published to the villagers, you will make an example of the padhan, by the infliction of a fine or other suitable punishment.

And insofar as the Tahsildars and the Patwaris were concerned :

They should be called upon for their defence... [and].... if the padhans should plead as their excuse that no roll of the kind had been given them, under the attestation of these officers and.... [if the defence of these officers is] not satisfactory an adequate penalty should be attached to the neglect of the duty.... unless some severity is exercised.... I cannot

hope that the present settlement will answer its chief purpose in affording a curse for uncertainty in the matter of village management.⁷²

Batten was fully aware of the treatment meted out by revenue officials to the poor peasantry:

I have been and am unwilling to submit them [the tenantry] to any process of enquiry which may inflict on their inhabitants the visits of Kanungoes and Patwaris and other officials.... already I fear that just grounds of dissatisfaction have arisen among the agricultural community from the necessity to which I was reduced of employing such persons in the numerous preliminary investigations which have preceded the present settlement.⁷³

Now with a Commissioner authorised to entertain appeals and a Deputy Collector to do most of the touring, preliminary and in many cases final settlement operations, the settlement work gathered momentum. Commissoiner Lushington was constantly touring various parganas of Garhwal and Kumaun Proper himself. Hitherto the appeals were being preferred with the Settlement Officer only. On Lushington's directions appeals now could also be lodged with the Commissioner directly, as the appeals were primarily on the merits of actual investigation. This arrangement, i.e., appeals against the orders of Deputy Collector, filed with the Commissioner, was likely to afford the latter greater insight into the very nature of the settlement and "merits and demerits" of his settlement principles.

Moreover, as now Batten was more preoccupied with matters of general administration, mostly requiring his presence at Almora, it would have been more convenient for litigants to prefer appeals with Commissioner's court, while on tour of Garhwal. For people it would have also been difficult to appreciate as to why their appeals against the Deputy Collectors' orders should necessarily be first heard by Batten at Almora.⁷⁴

In consultation with and on their approval Commissioner Kumaon was authorised to entertain appeals directly in seven categories of cases against an order of the Deputy Collector. Henceforth the appeals could be preferred in cases involving right to be recorded as proprietors or occupant asamees, amount of individual rights according to a nominal division of the estate, mode of division of liabilities, amount of remuneration to the Pudhan, right of Tahsildari dues, right of individuals to hold Malguzari patta and the right to elect new Pudhan

and dismiss former ones, and rights of mouzahs as non-dakhili to another mouzah, demand of separate patta and their own Pudhan.⁷⁵

District Senior Assistants were also empowered to pass final orders in certain cases. The Deputy Collector was authorised by Batten to fix jummas for Choundkot and Mulla Sulan, owing to his own preoccupation at Almora. Such occasions only increased in number with the passage of time, lightening the burden of District Senior Assistant cum Settlement Officer.⁷⁶ The zamindars of Choundkot and Mulla Sulan were informed that the appeals could now be heard both by the Commissioner or the Settlement Officer, during the tour of Commissioner in Garhwal. The appeals remaining undecided were now sent to Lushington's camp at Pauri.⁷⁷

That the office of Deputy Collector proved extremely useful is clear from Batten's admission that "if his [Deputy] Collector's services had not been available or if had proved less trustworthy and active, no progress would have been in the Garhwal settlement." His recommendation to increase salary of the Deputy Collector was only natural.⁷⁸

One major exception was allowed to Kumaun administration in preparation of record of rights in this settlements relates to Khewat papers. The SBR was of definite view that some concrete rules for recording changes occurring in village holdings and liabilities, between one settlement and the next, should be laid down. Pudhans of Garhwal were vehemently against an arrangement which forced them to keep village account books, and Batten could see no ulterior motive behind their protest. The hill districts, he informed the Board, had no village accountant comparable to the Patwaris of the plains districts. Further no substitutes were readily available. The only alternative left for the District Senior Assistant was to refuse to listen to the pleadings of a Pudhan in a summary suit brought up by him, until he managed to produce it in some shape or the other against someone who had violated condition laid down in the patta.

Batten suggested that a distinction should definitely be made between a private and public change in a village record. He was strongly opposed to a system which compelled the villages to compulsorily publicise their internal changes, if they unanimously agreed among themselves to such changes. Only in those cases, he felt, where a dispute had been brought forward, the publication should be made mandatory. He was totally against such a government interference, i.e., enforcing record of periodical changes.

Citing Commissioner Traill, who would refuse to order a measurement of possession and record distribution of liabilities until a well ascertained village majority demanded it, pleaded against the measure. In Garhwal, as a result, a very few villages, "one village in hundred", possessed what was popularly known as "Sarkari Phant". This issue was so contentious, he informed the Board, that Traill had to change three superintending official usually a Patwari. In the Great Measurement of 1880 Samvat individual holdings were not recorded but merely an attempt was made to ascertain the quantity of land in all the nominal thoks, which made up the whole area of mouzahs.

Commissioner Traill, Batten records, "dreaded a greater degree of inconvenience and injury in the employment of native officials among the village communities than he envisaged in the courts, or from the absence of any regular system of records." Batten openly admitted :

I would really anticipate great evils if any system is introduced which by bringing the people into compulsory contact with native officials, or even with the courts of European officers, and by affording periodical opportunities of dispute, shall foster rather than discourage that unfortunate spirit of clanship and mutual suspicions which already prevails among the hill communities.

He preferred more reliance on the discretion of European District Officers and a good working of the summary suits tribunals over any specific rules for continual adoption.⁷⁹

He very openly admitted "the difficulties of feeding, lodging and carrying the baggage of officials like the Tahsildars, Kanungos or Patwaris" on the public involved. This was also likely to increase the work load of Patwaris who were paid "a pittance of 5 rupees per month and collected Rs. 3,300 juma annually, in four installments from about 100 villages widely dispersed in a mountaneous country." This was in addition to "superintending inquests and investigations, reporting accidents, offences and crimes, wait on camps with coolies and supplies, furnish statements on all points referred to by civil and criminal courts, service of and execution of decrees." The Sayanas, Burhas and Thokdars were also not capable of conducting the work of attestation, superintendence of changes of records and it presented a severe practical difficulty. Further, the Pudhans were not impartial and were interested parties with vested interest.

While the Board generally agreed with the points raised by Batten they still felt that without some record of internal arrangements, as an evidence of the

nature and mutually existing relations among the villagers, it would not be possible to judiciously intervene, where such a need did arise. Board allowed Lushington permission "to give effect to a system wherein while no compulsion would be enforced to keep a village account" but the Pudhans would be clearly told that the phant drawn up at the settlement would be deemed final and invariably acted upon, until the District Senior Assistant had sanctioned a new one. Those Pudhans would not be assisted in discharge of their duties who failed to produce such phants which were drawn up at the time of settlement. The Board also expected from the Commissioner to encourage the people to record in the District Office the arrangement formed by the villagers so as to enable the administration to assist them "in their concerns according to their own usages."⁸⁰

The Settlement Report on Garhwal was submitted by Batten on 10th of August, 1842. On 15th of August his Appendices, giving pargana-wise settlement were signed. His Report on the Bhote Mehals and Northern Parganas of Kumaun Proper was with Commissioner Lushington by 30th of June, 1843. But, his detailed Report on Kumaun was not to reach Lushington before 1848. These reports, it bears repetition, were the first settlement reports, attempted on the lines of Regulation IX of 1833, and these were to last for next twenty years.⁸¹

Soon after submitting his Garhwal Report in 1842, Batten recommended deployment of the four hereditary Kanungos of Garhwal, on Kanungo work, at Pauri and Srinagar, as assistants in revenue collection and accounts department for Suder and Tahsildars offices, and continuances of their services lest "they all again into the state of somnolency and idleness in which [he] found them in the year 1837."⁸²

Batten, it is necessary to add, in the course of his settlement confirmed 376 Thokdars, appointed 4,755 Pudhans, leased 3,350 separate mehals, granted 516 newly separated pattas, decided thirty-three cases connected with Thokdari pattas, settled 1,521 disputes connected with appointment of Pudhans settled sixty-seven cases relating to remuneration of Pudhans. All told, he settled 1,437 claims of hissedari, 277 pertaining to khaikars, 103 cases of malikana, 115 niabads, resolved 151 boundary disputes, and last but not the least, finalised 140 cases connected with bardaisht levy of coolies and supplies, etc.⁸³

The revenue fixed by Batten for Garhwal, it would also be interesting to know, though fixed for twenty years, fell short by 701 Rupees, over the one fixed by Traill in his last settlement. The increase in Kumaun Proper was Rs. 1,828, a marginal increase of Rs. 1,256 for both the hill districts. He preferred to be remembered "as a friend of light assessment."

BATTEN'S CHARGE-NOTE*

As I am about to vacate my appointment altogether, I take the liberty to offer for the consideration of his Honour the Lieut. Governor of few suggestions on my part which may perhaps be not altogether without value.

In the Foreign Department, I humbly think, that a distinct settlement of the future destinies of the protected state of Garhwal in case of the death of the Rajah without legitimate heirs should be made without delay and communicated authoritatively to the Commissioner and Agent Kumaun Division and to the Commissioner Meerut. The former orders and correspondence have been inspected by the Lt. Governor, and need not be referred to further, than to point out the uncertain state in which affairs are left. Even if it should still be thought necessary or proper to await the orders of the supreme Government of India on the lapse occurring, there ought, I humbly conceive, to be some decided opinion of the Local Government on record as to the distribution and arrangement of the territory, in case the state should be absorbed into the British Dominions.

As I am acquainted with the whole of Foreign Garhwal as also with the Hill Districts of Jounsar and under the Superintendent of Dehra Doon, I myself entertain in all the country West of Bhagirathi River should go to the Doon jurisdiction for its and with the Commissioner of Meerut as the controlling authority. On the North the Jhannabee river above the of the Bhagirathi.... Gangotri should be made boundary, and the line extended to the Neelung pass. The Surveyor General Col. Waugh can, I believe, furnish admirable maps of the country in that direction.

2. To the Kumaun Commissioner's Division should be added that part of Foreign Garhwal which lies west of Jhamnotri and Bhagirathi Rivers, including the Gangotri, the whole basin of the Bullung [Bhilang?] river, and peninsula between the Bhagirathi and Alaknanda Tehri. A very good site for a Deputy Commissioner and convenient with reference to the road (During the life time of Raja Sudarshan Shah, a good line of road, from Mussoorie to Srinagar should be carefully surveyed and commenced upon) between Alaknanda-Mussoorie and the Pilgrim route to Gangotri could be on the high range of Chandrabadni, not far from Tehri itself is of no importance and is uninhabitable due to its hot climate.

* J.H. Batten, Commissioner Kumaon, on leave to W. Muir, Secretary to Govt., N.W. Provinces, Agra: the 9th February, 1856, MLR, Vol. 107. Letter written from the Orient, steamer off Keilgree.

3. Neither in the case of Eastern Garhwal, nor of Garhwal (as the districts should be named, one of which belong to the Pauri senior assistant and the other to the intendent) would it be necessary to appoint extra servants. In each of the new territory a Junior Assistant, a Deputy Collector and one Native Judge would suffice. I am of opinion that the pay both of the doon and....
4. For the Hill part of the Doon Territory i.e. for all Western Garhwal, and Jhounsar etc., I am of opinion that the existing Kumaon Code, especially the Revenue Courts system should be introduced.
5. I may here also record my decided conviction that the settlement Establishment, should be separate from the fixed Established, necessary for the ordinary management of the Hill Districts in the whole Territory under the Kumaun and Meerut Commissioners from the Kalee rivers to the Rupin i.e. from Kalee Kamaun to Reewain.
6. It is quite impossible for the District Officers to devote a sufficient portion of his time and labour to extra work of such importance as the preparation for, and actual revision of land Revenue settlements.
7. In the Revenue Department, I may further suggest that not a day should be lost in commencing on a Khusrah survey of the whole of British Garhwal, the period of settlement in which District will soon expire and the survey should undoubtedly, include the rent free villages belonging to Temples. The object of the measurement and record is not Revenue but the prevention and cure of litigation.
8. In regard to the management of the Bhabar tracts, I hope and trust that my successor Capt. Ramsay may not become a mere appellate authority or a channel of epistolary communication. Owing to our peculiar local education and personal history Capt. Ramsay as Senior Assistant, and I as Commissioner always acted in concert, with a senior assistant new to the Province and inexperience I humbly think that the Commissioner should assume a great deal of direct management in the Bhabar, until such time Mr. Watson acquires local knowledgtge. In recommending it I have no wish to throw out any objection to the Assistant extraneously of his local inexperience or by want of influence. I believe Mr. Watson will soon be a valuable officer in all Departments and everywhere.
9. To enable the senior assistant to become thus it is absolutely necessary that he should constantly tour the length and breadth of his District, in order that he may

form the acquaintance of the people and acquire personal influence with them. It is equally necessary that he travels in such a manner as to cause the least possible inconvenience to the villagers in the matter of labour for carrying supplies for camps. But even on this proviso the costing in the Hills is great and is rarely covered (where is a liberal man) by the allowance of Rs. 5/per diem. Commissioner's Annual tour through the whole Province is equally necessary. Hitherto no travelling allowance is granted. Only the expenses accruing on tents and belonging to Government are paid for by Contingent. The expenses of the Commissioner are very great, when on tour, and are certainly greater than those by the Commissioners in the plains, who do receive consolidated travelling allowance (Tour Coolies cost as much as Cart and carry twenty times less). I do not know the rule in the Punjab Hill Districts, but there the pay of the Commissioner is many hundred Rupees higher than that of the similar functionary in Kumaon. I cannot benefit by the change, but I urgently recommend that an allowance in some form or other be made to my successors for purposes of tour.

10. The Deputy Collectorship in Garhwal should, I think, be entirely separated from the appointment of superintendent of Forests, or the fixed Deputy Collectorship (i.e. independent of settlement operations) should be converted into a Civil Engineer's appointment. Capt. Ramsay, will, I am sure, be able to give good reasons for recommending a change in the terms of Capt. Reade's appointment, and he will agree with me that Upper and Central Garhwal require an Engineer whose duties do not take him into various districts with many masters. I leave to Capt. Ramsay to point out other anomalies connected with Capt. Reade's position. That officer himself is in his proper line most efficient and most useful.

11. It is my intention, if spared, to furnish a supplement to the Vol. of Kumaon official reports, shewing all that has been done in the way of improvement and progress during the last six or seven years throughout the province. We shall thus, I hope, have a second landmark, the first being the Vol. alluded to. This work is an easy one for me, and may be made very concise. There is therefore, no necessity for my further intrusion on Government on the present occasion. I have here only mentioned prominent points which in my opinion require immediate attention, and some of which perhaps can be more appropriately brought forward by myself than by my successor.

12. In conclusion, I beg leave to thank his Hon. the Lieut. Governor for the honourable and kind acknowledgement of my poor services in Kumaon in the

prosperity of which province and its people, I shall always until death retain the most sincere and abiding interest. I, from my heart, thank the Lieut. Governor for his choice of my successor.

I have the honor to be

On Board the Oriental
Steamer off Keilgree
the 9th Feb., 1856

(sd) J.H. Batten
Commissioner, on leave

(1856 Enclosure of Govt. letter No. 138 of 16 March, 1856)

CHAPTER 7

HENRY RAMSAY

Henry Ramsay belonged to a Scottish family, known as the Ramsays of Dalhousie, which had contributed significantly to the consolidation of British Empire in India. The founder of the family was ennobled by James VI and the ninth Earl was made a peer of the United Kingdom for his services at Waterloo and he succeeded Lord Combermere as Commander-in-Chief of the Indian Army. His son - the first and the last Marquis of Dalhousie- first became the President of the Board of Trade and later the youngest and the last of Company's Governor-Generals, Lord Dalhousie. Many of Lord Dalhousie's kinsmen commanded in the British and the Company's armies. General John Ramsay, Henry Ramsay's father, had a division in Bengal; Colonel James Ramsay was the Commissary-General there and Colonel U. Maule Ramsay was Brigadier at Gwalior. It was Henry Ramsay's eldest brother, George, who succeeded to the united honours and estates of Dalhousie and Panmure, as the twelfth Earl. Henry Ramsay thus was a kinsman of Lord Dalhousie, the Governor General, and was four years his junior.

Born at Arbirlot, co. Forfar on 21 September, 1816 to Lt.-General Hon. John Ramsay and Mary as their 5th son, Henry Ramsay was baptized at Arbirlot on 4 October, 1816. John and Mary had the distinction of having James Ramsay, their 3rd son and elder to Henry, also serving in the East India Company army, who retired as a Hon. Major General on 11 November, 1858. Trained at the Edinburgh Military Academy (1829–32) Henry Ramsay became a Cadet in 1833 and joined as an Ensign on 14 June, 1834. Arriving in Madras on 26 September, 1834 he joined duties on 9 October, 1834 with the 69 Native Infantry (N.I.). He remained with the 13 N.I. between 17 October, 1834 and 1 March, 1835, then the 30 N.I. at Meerut from 2 Mar 1835 to 22 Apr, 1835 and thereafter moved over to the 7 N.I. at Almora. After remaining with 7 N.I. from 23 Apr 1835 to 15 Aug, 1837 and then sought transfer to the 53 N.I., where he stayed from 16 Aug, 1837 to 22 Dec, 1837. He took leave from 15 Sep, 1837 to 10 Nov, 1837 in order to remain at Almora. Thus, from April 1835 to November, 1837, for more than two and a half years, when he was in Almora Commissioner Traill, a living legend, was at the fag end of his illustrious two-decade old stay in Kumaon. Between April 1835 to December 1835, nearly seven months, he must have come in contact with Commissioner Traill, as both were Scotts. Commissioner Traill's unusually long innings as Commissioner Kumaon certainly must have left an indelible imprint on

the young officer's impressionable mind. He remained attached to his father, as his Aide de Camp (A.D.C.) for nearly two years, between 23 Dec, 1837 till 1839. Thus, from 14 June, 1834 when he reported at Madras till August, 1840 when he joined as Junior Assistant to Kumaon Commissioner, say for the first six years of his career, he remained with the East India Company's army.

Ramsay temporarily repaired back to his 53 Native Infantry in October 1848 when Lord Dalhousie, who had assumed charge in January, 1848 from Lord Hardinge, declared war against the Sikhs and mobilized 50,000 trained soldiers along the Sutlej, pursuing his annexationist designs. Battles of Chillianwala of 13 January, 1849 and Gujarat on 21 February, 1849, respectively saw the end of the Sikh kingdom being declared in a Durbar held at Lahore on 29 March, 1849. Captain Henry Ramsay thus also participated in an active military operation in the Second Anglo-Sikh War, earning a Medal for his services. This end of a very powerful native kingdom, the Punjab, to the west of North-Western Provinces in 1849, strategically secured for the British the ever turbulent north-western frontier, providing a great sense of security to the British rule in Northern India. These developments in the Punjab, including the manning of the administration in these newly acquired territories, were to significantly impact on the progress of missionary activities in these parts, including British Kumaon.

This is apparent that young Captain Ramsay had made up his mind to try his hand at civil administration, which was possible only in a non-regulation tract like the British Kumaon hills. He took leave to visit the Presidency (Calcutta) headquarters and for joining his deputation to the Government of North Western Provinces (9 Dec, 1839 to 1 May, 1840) at Almora. The months of June and July, 1840 he spent in Almora and he joined duties on 22 July, 1840. Temporarily he functioned as the Adjutant of the Kumaon Provincial Local Battalion, while awaiting transfer to the civil government. On 8 August, 1840 he took over as the Junior Assistant to Commissioner Kumaon and was relieved from his Provincial Battalion charge. Henry Ramsay spent his next 44 years in the service of British Kumaon, in various capacities ending with the Commissionership of the division. He got married to Laura, daughter of Sir Henry Lushington, 3 Bart., and niece of Mathew Lushington. This marriage was solemnized at Naini Tal on 11 November, 1850. Laura was to outlive Henry Ramsay by as many as 21 years, breathing her last on 29 July, 1914.

Ramsay deputed to civil administration from the military wing received his progression in terms of military ranks. This progression commenced with Lieutenancy (8 Jan, 1840 to 14 Dec, 1849) to Captain (15 Dec, 1849 to 14 Jul, 1857), Major (15 Jul, 1857 to 1 Nov, 1861), Lt.-Colonel (2 Nov, 1861 to 17 Feb, 1866),

Colonel (18 Feb, 1866 to 30 Sep, 1877), Major General (1 Oct, 1877 to 30 Dec, 1879), Lt.- General (1 Jan, 1880 to 21 Jan, 1889) and finally General 22 Jan, 1889. Henry Ramsay, starting his career from Jan, 1834, served for 50 long years, 44 of them in Kumaon, ultimately handing over his charge on 31 May, 1884 to Colonel I. J. L. Fisher.

From 1 July, 1881, he was 'placed (on) unemployed supernumerary list, promoted General on 22 Jan, 1889' and decorated with C. B. (Civil) on 18 May, 1860 and with K.C.S.I. on 31 December, 1875, respectively. One of his biographies mentions that he " spent 45 years in the Himalayan province of Kumaon of which he was Commissioner for many years, he was known as Ramjee Sahib and his decisions gave universal satisfaction, during the mutiny 1857-8 he kept his province tranquil." He was "granted a patent of precedence entitling him to rank as if his father had lived to be Earl of Dalhousie from 15 Oct, 1874 ". He also presided over the Missionary Conference held at Calcutta in 1884, the year he retired from active service. Another biography records that from being " Adjutant Kumaon Local Battalion and Junior Assistant Commissioner in Kumaon 5 Aug, 1840 he spent the next 44 years in Kumaon and Garhwal, Senior Assistant to Commr in Garhwal 23 Nov, 1845; Commr in Kumaon 20 Feb, 1856 till 1884. Was called the " King of Kumaon". Rejoined his Regiment temporarily, Oct, 1848. Second Sikh War; Capt 53 N.I., in garrison at Lahore (Medal). Transferred to Staff Corps in 18 Feb, 1861."

Henry Ramsay breathed his last at 4, Turnham Road, Gypsy Hill, Norwood on 16 December, 1893, at the ripe age of 77. The Times issue of 21 December, 1893 published a full page Obituary, noting that " In Lieut.-General the Hon Sir Henry Ramsay, C.B., K.C.S.I., who died at Norwood, there passed away a distinguished representative of the old style of " paternal government ", which contributed so largely, in its day, to the building up and consolidation of our Indian Empire."

A man of great simplicity of character and earnest piety, he was utterly careless of rank and honours, which, however, came to him unsought; but he would often say that the honour which he sought most of all was the fact of his having been asked to preside at the great Missionary Conference held at Calcutta in 1884."

Henry Ramsay's career of 44 years in a single administrative region and post could easily be a world record but its real significance far transcends a mere tenurial statistics. British Kumaon became witness to an administration which was served by an officer who was trained to serve military but chose to serve as a civilian, an administration which became a link to the foundations laid by a

benevolent and modern administration ushered in by Commissioner Traill, nurtured and matured by Commissioners Lushington and Batten, consolidated for nearly three decades under his own personal administration and modern India. His tenure began immediately before the great upheaval of 1857 and felicitated a seamless transition from the East India Company rule to one by direct administration by Parliament. Less mentioned very often is the fact that Major Ramsay was the first Conservator of forests and it was indeed he who abolished the forest contract system in 1858 and gradually introduced a better forest management by which the cultivation of patches of land in the forest proper was discouraged and cultivators were induced to leave the valuable forests in the northern parts untouched.

This administration also encouraged both introduction of western education and missionary societies' initiatives in the field of education and rural development. Commissioner Ramsay happens to be the only British administrator besides Commissioner Traill whose tenure is remembered by naming physical features and institutions after their names. While Traill's Pass, linking Milum valley with Kapkot, recalls Commissioner Traill's audacious effort to revive an old trade-route over a 17,000 feet pass, Ramsay Inter College at Almora and Ramsay Hospital at Naini Tal are testimonials of peoples' gratitude towards what Ramsay initiated in the fields of education and health for them.¹

NEW ESTABLISHMENTS AND OFFICES

New types of offices and establishments were established during Commissioner Ramsay's tenure, which were to be expanded and upscaled later. It has been noted that it was only in May 1855, full five years after the original proposal was submitted, that the office of the Commissioner Kumaon was separated from that of the Senior Assistant Commissioner, Kumaon 'proper'. Commissioner Kumaon shared his office with that of the Senior Assistant Commissioner Kumaon, where it was anchored since its creation in 1839. However, when the separation did come it did not merely separate the two offices but it also overhauled the offices of the two SACs as well. It was so designed as 'to ensure the efficiency and separate responsibility of each officer', by separating the offices of the Commissioner and SAC Kumaon, also to cope up with the demands made by local officers for improvement in revenue machinery, abolition of the offices of Munsif, demand for additional hands repeatedly requested by SAC Garhwal et cetera, from time to time.

Economy in administrative expenses was a policy which was very scrupulously observed. No one was empowered to create any post, however small, and sanction of the highest was required for every single post. Colonisation of the

Bhabur and resultant extension of cultivation therein was expected to increase local resources to off set an extra expenditure of Rs. 633 annually. A glimpse of this first major rearrangement and establishment of offices in British Kumaon can be had from the table below :

Office	Present	Scale of Establishment		
		Proposed	Increase	Decrease
1. Commissioner's Office				
English Office	-	188	188	-
Suder Amla & Courts	100	182	82	-
2 SAC Kumaon				
English Office	-	415	415	-
Suder Amla & Courts	280	397	117	-
Rev Est, Huzur Tehsil	384	482	98	-
Kali Kumaon Teh	227	348	121	-
Judicial Establishment	210	140	-	70
Establishment for change of Raja's seat, Hawalbag	33	-	-	33
	1134	1782	751	103
3 SAC Garhwal				
English Office	54	60	6	-
Suder Amla & Courts	149	238	89	-
Revenue Establishment	412	499	87	-
Judicial Establishment, & Lower Courts	510	140	-	70
	825	937	182	70
Total	2,059	3,089	1,193	173

It was from the summer of 1854 that the Lt.- Governor started camping at Naini Tal and with him the Government as well, albeit for a brief period. Ramsay's proposal to purchase Landslip House for SAC's office and kutcherry was turned down by the Government and it was clarified that SAC's office and kutcherry need not be shifted from Almora to Naini Tal as it would be far removed from the rest of the district, causing people great hardship. However, permission to shift the Junior Assistant Commissioner's (JAC's) office was received in May 1854. Earlier, in March 1854 purchase of Victoria Hotel from Moti Ram Sah was received. Batten in October 1855 moved the Government to purchase Ousely Grove for Commissioner's office and kutcherry and on the 27 October 1855 Rs. 2,500 were sanctioned by the Government for the same (G.O. No. 2197, 27 Oct, 1855, P.W.D). Thus Ousely Grove, "purchased and repaired", became in October 1855 the new Kumaon Commissioner's office and kutcherry, at Naini Tal.

After this physical separation and shifting from Almora in October 1855 Batten remained in Naini Tal for barely four months, as he departed for England on the 9 February 1856. The story of establishment and expansion of Kumaon Commissioner's office, thus, for all practical purposes, is the story of Henry Ramsay's tenure as Kumaon Commissioner. By the time he demitted his office the institution of Military Civilian had all but died. Admittedly Lt. Col. George Edward Gowan (7 April 1836 to 29 November 1838) and Col. I.J.L. Fisher (1 June 1884 to 14 April 1885) were the other two Military Civilians, who also later became Kumaon Commissioners, but as we have already seen Colonel Gowan had to quit his office due to his sheer incompetency while Fisher's exit was caused by the great pressure exerted by the members of the Civil Service. If Traill excelled his other covenanted brethren and became a role model for the Civil Servants of the Company days, Ramsay provided an example of the best specimen amongst the Military Civilians.

As to who was best suited to administer a remote, relatively undeveloped and uncivilized Non-Regulation region like Kumaon, a covenanted Civil Servant or a Military Civilian, was a question which was debated right through Lord Dalhousie's tenure in 1856 to the end of 1877. Nonetheless, Sir Henry Ramsay outlasted and outlived all such speculations and debates, doggedly building the institution and office of Kumaon Commissioner, and other auxiliary offices and establishments. In due course of time, given the background of the office and its unique history, the office of Kumaon Commissioner came to be looked upon as one of the two most coveted jobs in the entire province.

The permanent staff

To appreciate the growth of bureaucracy in modern administration it would be worthwhile to examine in some detail the profiles of all those who constituted this office. The salary statements kept in Kumaon Commissioner's office for the period April 1863 to April 1893 reveal that during the entire Ramsay's Commissionership all told just 99 persons served in various capacities, in permanent service at one time or the other.

In Kumaon while the Commissioner himself was a Military Civilian (uncovenanted), employment of uncovenanted European and East Indians civilians was exclusively confined to the English Office. The only exception to this rule seems to have been one William Hexter (1 April 1875 -1892), the Court Baillif of Naini Tal Court. Ganga Dutt Pant on 10 November 1864 became the first Indian to occupy a clerical post, that of the Second Clerk, in this English Office. Throughout this period, however, the post of the Head Assistants / Clerks, the Second and Third Assistants/Clerks was most of the time occupied by the European or East Indian uncovenanted civil servants.

Some other significant features of permanent employees appear as follows:

- (i) The English Office Assistants were exclusively drawn from the uncovenanted European and Anglo Indian (East Indian) civil servants. The Head Assistant, Second and Third Clerk were invariably Europeans. Indians did occasionally fill up the Second Clerk position but it appears that it was at best a stop gap arrangement,
- (ii) Commissionery's other sections were nearly monopolized by the Kumaoni brahmin class, Joshis among them outclassing all others, by a huge margin,
- (iii) The most prominent gazetted posts, open to Indians, were the Sudder Aminships of Kumaon and Garhwal. Garhwali brahmins, Ghildiyals, appear to have monopolized both the posts till 30 December 1869. Thereafter Kumaon Sudder Aminship went to Maulvi Syed Mohammad Nazir and Bala Dutt Ghildiyal opted for Garhwal Sudder Aminship. From January 1869 to October 1872 this position remained unchanged and from November 1872 Sudder Amin Ganga Dutt Upreti, a Kumaoni brahmin, occupied the Garhwal post. In December 1879 Badri Dutt Joshi succeeded Maulvi Nazar in Kumaon and Ganga Dutt Pant replaced Upreti in Garhwal. From April 1878 onwards both the Sudder Aminships went to Kumaoni brahmins, both Joshis. Badri Dutt Joshi became Sudder Amin of Kumaon on 2 December 1879 and Jai Dutt Joshi Sudder Amin of Garhwal in May 1881; both continuing in these posts till April 1890, as per the records,
- (iv) Other than Maulvi Syed Nazar, Sudder Amin of Kumaon (1 January 1869- 1 December 1879), the only other Muslim employee in Commissioner's office seems to have been one Mussaruf Ali (10 December 1855 - April 1892).

The details of the permanent staff, with changes which took place from time to time, are as under :

1. Henry Ramsay; Commissioner
2. C. Richie; First Clerk. 1 Feb 1860. Rs.110. Upto Nov 1864.
3. C.E. Gwillim; Second Clerk. 1 Apl. 1863. Rs.70. Head Clerk from December 1864 to Jul 1865. Second Clerk from Aug 1865.
4. Badri Dutt Joshi; Serishtedar. 1 Feb 1863. Rs. 85.
5. Ganga Dutt Pant; Naib Serishtedar. 28 Apl 1860. Rs. 25. 3rd Clerk, Rs.70 (1865); upto 18 Feb 1866.
6. Gauri Dutt Sanwal (1867); Appointed Moharrir 19 Feb 1863. Rs.15
7. Lachchi Harbola; Appointed Nazir. 20 Dec 1856. Rs.15.

8. Sukkut Singh Bisht; Appointed Daftaree, 10 Dec 1856. Rs.10
9. Moosafalee; Appointed Daftaree, 10 Dec 1855. Rs.8.
- 10-17 8 Chaprasis @ Rs. 4 per month w.e.f. 3 July 1862.
- 18-25 8 Burkandazes 2 Rs.4 per month. w.e.f. 3 July 1862.
26. Bala Dutt Ghildiyal; Sudder Amin, Kumaon. Appointed w.e.f. 1 Feb 1863. Rs. 100. Salary increased to Rs. 300 w.e.f. 12 Jun. 1867. Transferred to Garhwal 30 Dec 1868; replaced by Syed Mohammad Nazir, Sudder Amin, Kumaon, 1 Jan 1869. Remained Sudder Amin Garhwal till 31 Oct 1872 and was succeeded by Ganga Dutt Upreti.
27. Amba Dutt Ghildiyal; Sudder Amin, Garhwal. Appointed w.e.f. 1 Feb 1863. Rs. 100. Salary increased to Rs. 200 w.e.f. 12 Jun 1867. Replaced by Bala Dutt Ghildiyal.
28. James Fraser; b. 16 Dec 1833. Head Assistant. Appointed 18 Head Clerk. From 18 Aug 1865. Rs. 250. Upto 31 Dec 1891.
29. Enoch Jeffries. b. Second Clerk. 1-17 Aug 1865. Rs.110.
30. Manorath Pande; Appointed Naib Serishtedar w.e.f. 19 Feb 1866.
31. Charles Henry Clegg; b. 21 May 1838. Appointed Second Clerk. 1 Mar 1867. Rs. 110. Additional charge of Local Fund Clerk. 1 Oct 1883, with additional remuneration of Rs.20.
32. Durga Dutt Joshi; Appointed Third Clerk. 19 / Feb 1866. Rs. 70
 In 1867 substantial expansion of supporting staff took place especially in the Nazarat establishment. Post of Nazir for the Courts Commissioner; Senior Asstt Commissioner, Kumaon; Asstt Commissioner, Kumaon; Jr. Asstt Commissioner, Kumaon; Deputy Collector's Court; Sudder Amin, Kumaon; carrying salaries of Rs. 40, 40, 30,30, 20 and 20 per month; and for those of SAC, Garhwal; Deputy Collector, Garhwal and Sudder Amin, Garhwal, carrying salaries of Rs. 40, 20 and 20 per month were sanctioned. This added a total monthly expenditure of Rs.260.
 These posts were filled up in July 1867 and the position of incumbents was as follows:
33. Lachchi Harbola. Appointed 1 Jul 1867. Nazir. Commissioner's Court. Rs. 40. Retired on 31 Mar 1884.
34. Lakshmi Dutt. Appointed 5 July 1867. Nazir. SAC, Kumaon's Court Rs. 40. Replaced by Sri Krishna Joshi. 1 Feb 1869. Rs. 40
35. Vishnu Dutt. Appointed 5 July 1867. Nazir. Asstt Commissioner's Court. Rs.30. Replaced by Shiv Ram Negi. 1 Feb 1869.
36. Tula Ram Choudhary. Appointed 5 July 1867. Nazir. Asstt Commissioner's Court. Rs.30.

37. Shiv Ram. Appointed 5 July 1867. Nazir. Deputy Collector's Court. Rs.20. Replaced by Ravi Dutt Ghildiyal 1 Feb 1869.
38. Gauri Dutt. Appointed 5 July 1867. Nazir. Sudder Amin's Court. Rs.20. Replaced by Ishwari Dutt Joshi. 1 Feb 1869.
39. Rameshwar. Appointed 5 July 1867. Nazir. SAC, Garhwal's Court. Rs.40.
40. Roop Singh. Appointed 5 July 1867. Nazir. Deputy Collector's Court. Rs.20.
41. Hari Ram. Appointed 5 July 1867. Nazir. Sudder Amin, Garhwal's Court. The position of subordinate staff with Sudder Amins of Kumaon and Garhwal, though in position for a long time, become available for the first time in 1868.
42. Padam Singh Negi. Appointed Serishtedar 17 Jan 1850. Sudder Amin Kumaon Office. Rs. 20.
43. Keshab Dutt. Appointed Moharrir 12 Sep 1850. Sudder Amin Kumaon Office. Rs. 10.
44. Nidha Upreti. Appointed Moharrir 1 Nov 1841. Sudder Amin's Office Rs.10. Replaced by Poornanand Upreti. 3 Sep 1868.
45. Brijmohan Naithani. Appointed 13 Nov 1847. Serishtedar. Sudder Amin's Garhwal Office. Rs.20.
46. Lalmani Nautiyal. Appointed 6 May 1843 Moharrir. Sudder Amin Garhwal Office. Rs. 10.
47. Poornanand Upreti. Appointed Moharrir. 3 Sep 1868. Sudder Amin Kumaon Court.
48. Molvi Syed Mohammad Nazir. Appointed as Sudder Amin, Kumaon. 1 Jan 1869. Rs.300; in place of Bala Dutt Ghildiyal, who was transferred to Garhwal.

Following changes took place in 1869:

49. Bhawani Dutt Joshi. Appointed Reader. 1 Feb 1869. Rs.50. Commissioner's Vernacular (Hindi) Office.
51. Shri Krishna Joshi. Appointed Nazir. 1 Feb 1869. SAC, Kumaon Court. Rs. 40. b. 24 Mar 1855. Local Funds Clerk. 21 Jul 1879. Rs.80. Record Keeper, English Office. 1 Jul 1883. Rs. 80.
52. Shiv Ram Negi. Appointed Nazir. 1 Feb 1869. Asstt. Comm. Court. Rs. 30.
53. Ravi Dutt Ghildiyal. Appointed Nazir. 1 Feb 1869. Deputy Collector's Court. Rs. 20.

54. Ishwari Dutt Joshi. Appointed Nazir. 1 Feb 1869. Sudder Amin's Court. Rs. 20.
55. Kashi Ram Nautiyal. Appointed Nazir. 1 Jan 1869. SAC, Garhwal's Court. Rs. 20.

In 1871 Commissioner Ramsay recommended names of subordinate staff who had attained the age of 55 years and were drawing a salary more than Rs. 10.

From his own office he recommended Lachi Harbola's name who was promoted to the post of Nazir in 1867. Harbola had started his career as Peon in 1839; became Jemadar in 1855, Moharrir in 1856.

From Turai office he recommended the names of the following :

56. Syed Mohammad, Jemadar, aged 55 and drawing a salary of Rs. 12.
57. Gaje Singh, Jemadar, aged 58 and drawing a salary of Rs.10.

From Garhwal office following names were recommended :

58. Rudra Dutt Pant, Tehsildar Srinagar, aged 65 years 9 months.
59. Jawahar Singh, Thanadar Kaladhungi, aged 56 years.

From Kumaon office, other than Tula Ram Choudhury, who had recently prompted to Nazir. JAC Kumaon's court (Moharrir Tahsil 1840, Almora 1857, Moharrir JAC 1857, Nazir JAC 1864) the following names were recommended for extension:

60. Dayadhar, 56 years (Moharir Garhwal SAC 1850, Kumaon 1857, Peshkar Almora Tahsil 1863, Reader JAC, Nazir SrAC 1870, Reader Dy Collector Court 1870) Last pay Rs. 40.
61. Harikishan Bhatt, 62 years (Wasil Baqi Nawis 1850, Income Tax Accountant 1860, Wasil Baqi Navis 1865, License Tax Serishtedar 1867, Wasil Baqi Navis 1867 7 1869). Last pay Rs. 40.
62. Ganga Dutt Joshi, 61 years (with Mr. Lowder, Civil Engineer). (Treasurer's Gaomasha 1834, Offg Stamp Daroga 1838, treasurer's Gamosha 1839, Jamadar Bazar Almora 1839, Treasurer's Gamashta 1840, Moharrir Tahsil Almora 1849, Moharir SAC 1855, Wasil Baqi Navis 1860 7 1865, Moharrir SAC 1866, offg Accountant Civil Engineer's office 1868.)
63. Jeevanand Pant, 57 years. (Registry Navis, paid from free, 1836, Moharrir Settlement Office 1839, Robkar Navis 1841, Robkar Navis Collector's Office 1851, Peshkar 1855, Peshkar Pali 1869.)
64. Rewa Dhar, 55 (Registry Navis, paid from fee, 1839, Stamp Vend or, paid from commission 1852, Moharrir SAC 1855, Asst. Record Keeper 1856, Record Keeper 1866 and 1869)

65. Ganga Ram Kanungo, 55, Kanungo Shore (18 Aug 1837 - 31 Oct 1871)
66. Alam Shan Khan, 67, Thanadar Kaladungi (14 Aug 1843-1871). Ramsay wrote "Bad climate has told on the man and he will be pensioned from 1 January 1872.

In 1872 following changes took place:

67. Rai Singh Bora. b. 5 May 1849. Appointed acting Reader 10 Dec 1871 Rs. 50 Moharrir Hindi Office 2 Dec 1879. Rs 25.

In 1873 following changes took place:

68. Gopi Ballabh Pande (28 years). Appointed Third clerk 25 Feb 1873. Rs. 70.
69. Ganga Dutt Upreti. Appointed Sudder Amin Garhwal 1 Nov 1872. Rs. 200.
70. Vidya Dutt Ghildiyal, Appointed Serishtedar, Sudder Amin Garhwal 1 Feb 1873. Rs. 20.
71. Ganga Dutt Tewari (44 years). Appointed Nazir SAC Court, Garhwal 1 Feb 1873. Rs. 40.
72. Hans Ram (44 Years). Appointed Nazir Jr. Asstt's Court 1 Feb 1873 Rs. 20.
73. Vishnu Dutt Joshi (36 years). Appointed Nazir SAC Kumaon. 20 Jan 1873. Rs. 40.
74. Keshab Dutt (29 years) Appointed Nazir Extra Assistant's Court. 7 Oct 1873 Rs. 20.
75. Pratap Singh (32 years). Appointed Nazir Sudder Amin's Court, Kumaon 25 Aug 1873, Rs. 20.
76. Purushottam Joshi (41 years). Appointed Nazir, Turai Superintendent's Office. 1 Nov 1873, Rs. 30.
77. Vishnu Dutt (31 years). Appointed Nazir. Turai Asstt Suptd's Office. 1 Nov 1873. Rs. 20

In 1874 the following changes took place:

78. Keshab Dutt (53 years). Appointed Serishtedar Sudder Amin, Kumaon. 15 Jan 1874. Rs. 20.
79. Gaje Singh (36 years). Appointed Moharrir Sudder Amin Kumaon. 13 Jan 1874, Rs. 10.
80. Brij Mohan (46 years). Appointed Serishtedar Sudder Amin, Garhwal. 1 Jan 1874, Rs. 20.

Changes which took place in 1875 were the following:

81. Devi Dutt Joshi. 25 Feb 1841. Appointed Third Assistant, English Office. 1 Nov 1874. Rs. 70

82. Dharma Nanad Joshi, 22 Mar 54. Appointed Moharrir in Hindi Office. 1 October 1874 Rs. 25.
83. Bishen Dutt Upreti (32 years). Appointed Nazir Turai Suptd's Office. 1 Oct 1874 Rs. 30
84. Rata Mani Nautiyal. Appointed Moharrir Sudder Amin Garhwal Office 1 Feb 1875 Rs. 10.

Following changes took place in 1876.

85. Kishan Dutt Joshi (31 years). Appointed Nazir Extra Asstt. Commissioner's Office. 1 Oct 1875. Rs. 20.

No. changes occurred in 1877.

Changes of 1878.

86. Ganga Dutt Pant. b. 21 Jul 1837. Appointed Sudder Amin Garhwal. 5 April 1878. Rs. 200.
87. Sohan Singh. b. 9 Dec 1834. Appointed Jemadar Commr's Office 7 Jul 1878. Rs. 10.
88. Atma Ram Gairola b. 9 Dec 1856. Appointed Serishtedar Sudder Amin Kumaon, 8 Jun 1878. Rs. 20. Nazir JAC Kum. 8 Jan 1881. Rs. 30.
89. Krishan Chand Harbola. b. 13 Mar 1851. Appointed Moharrir Sudder Amin Kumaon. 8 Jan 1878. Rs. 10. Serishtedar Sudder Amin, Kumaon. 8 Jan 1881, Rs. 20.

Changes in 1880:

90. Dharmanand Joshi, b. 22 Mar 1854. Appointed Serishtedar Hindi Office. 2 Dec 1879. Rs. 150.
91. Badri Dutt Joshi. b. 4 Oct 1830. Appointed Sudder Amin Kumaon 2 Dec 1879. Rs. 300.
92. Ishwari Dutt Ghildiyal, Appointed Offtg. Sudder Amin Garhwal, b. 4 Aug 1844, Rs. 90.

Changes in 1881:

93. Charles Edward Browne, b. 5 Apl 1861. Appointed Third Assistt. English Office. 1 Feb 1881. Rs. 70.

Name of the menial staff employed in the Commissioner's Office the details provide an interesting insight:

Soban Singh, b. 8 Dec 1834, Jamadar, Appointed 7 Jul 1878. Rs. 10
 Mussaraf Ali, b. 15 Feb 1833. Off. Attedt. App. 10 Dec 1855 Rs. 10
 Radhe Bhandari. b. 13 Dec 1819 Chaprasi. App. 18 Jun 1853, Rs. 5.
 Mahendra Singh, b. 20 Oct 1837. Chaprasi. App 9 Feb 1863. Rs. 5

Kamalpati Harbola, b. 6 Jul 1840, Chaprasi. App. 21 Jul 1874. Rs. 5
 Jayanand Harbola. b. 9 Dec 1817. Chaprasi. App. 20 Dec 1856. Rs. 5
 Mani Ram Kanyal. b. 2 Jun 1841. Chaprasi. App. 1 May 1870 Rs. 5
 Jai Singh Bora. b. 14 Mar 1851. Chaprasi App. 5 Aug 1874 Rs. 5
 Lachan Singh. b. 4 May 1851. Chaprasi App. 19 Jul 1878. Rs. 5
 Padi Thatola b. 6 Feb 1827. Chaprasi. App. 12 Jan 1859. Rs. 5
 Mohan Singh Negi b. 19 Sep 1827, Chap. App. 20 Dec 1856. Rs. 5
 Saroop Singh b. 9 Aug 1843. Chap. App. 3 May 1876. Rs. 5
 Jeeva Sah. b. 8 Jun 1818. Chap. App 7 Jun 1842. Rs. 5
 Bijey Singh Bora. b. 7 Apl 1832 Chap. App. 12 Jan 1859. Rs. 5
 Bachu Bora. b. 14 Nov 1848. Chap. App. 12 Dec 1877. Rs. 5
 Gopi Negi b. 12 Jul 1825. Chap. App. 5 Jun 1853. Rs. 5
 Chinta Mani Harbola. b. 21 Jun 1853. Rs. 5
 Bachia Sitola. b. 12 May 1845. Chap. App. 23 Jan 1880.

Besides a Jemadar and an Office Attendant the Commissioner's main office employed 16 Chaparasis. One Office sweeper's post was sanctioned in March 1869. The total burden of the menial staff amounted to just Rs. 105 per month, in 1881.

Lachi Harbola, the Nazir of the Commissioner's Court, now close to 67 years in age, was the only person older than the commissioner himself, by slightly over two years.

94. Shibdeb Dhoundiyal. b. 12 May 1854. Appointed Moharrir Sudder Amin Kumaon 13 Jan 1881. Rs. 10.
95. Bala Dutt. b. 9 Jul 1844. Appointed Moharrir Sudder Amin Garhwal. 25 Jul 1880. Rs. 10.
 Changes in 1882.
96. Lachi Barua. b. 29 Sept. 1855. Appointed Chaprasi. 17 November 1881. Rs. 5 in place of Gopi Negi.
97. Jai Dutt Joshi b. 25 Nov 1842. Appointed Sudder Amin Garhwal 16 May 1881, in place of Ganga Dutt Pant.
 There were no changes in 1883.
 Changes in 1884:
98. Hari Dutt Pant, b. 29 Jun 1861. Appointed Clerk Local Funds Office 1 Oct 1883. Rs. 30.
99. Trilochan Harbola. b. 16 Jun 1862. Appointed Nazir. 1 Apl 1884. Rs. 40.

Evolution of Commissioner's Establishment

The status of the establishment of Kumaon Commissionership can be gauged from the Statement of Salaries maintained in Kumaon Commissioner's Office for the period April 1863 to April 1892. The same statement also provides us details of Tahsil establishments of Kumaon and Garhwal districts after April 1871 (Finance Department Resolution: 230 of 10 December 1870; received with Board's Circular Order 29 March 1871). This Statement provides us a good insight into the structure of the sub district establishments of Kumaon Division, especially relative pay scales of field officers, subordinate staff engaged in district and sub district establishment vis a vis the Commissionery. This aspect of the office establishment is also proposed to be dealt towards the end of the essay.

In April 1863 the Commissioner's Office consisted of just three sections namely an English Office, Native Office or Hindi Office and Record Guard. The English Office had one Head Clerk assisted by the Second Clerk and one Servant. The Native or Hindi Office had just one Serishtedar assisted by three clerks, one Jamedar and eight Chaprasis. The Record Guard consisted of eight Burkandazes (guards). From April 1863 to July 1865, the statements were presented in Budget Head B I and F III formats; gave both the salaries drawn and deductions of the Commissioner only towards his Military Fund, Orphan Fund and Family Contribution Fund. Salaries of the staff drawing an amount less than Rs. 50 per month were clubbed for each section and shown as Salaries Not Assessable. From May 1865, however, the names of the incumbents occupying the posts even under the Not Assessable category commence appearing under a separate statement entitled Detailed Statement.

From August 1865 a new set of formats, Form Nos 6 and 7, were introduced. Form 6, Statement A contained Salary List of Gazetted Officers of Kumaon Commissionership, which meant those of Commissioner himself and the Sudder Amins of Kumaon and Garhwal. Form 6 also carried a Memo of Funds and other Deductions for the Gazetted Officers. At this stage the contributions were made only by the Commissioner himself. The Commissioner also appended a certificate at the end of Form 6 to the effect that all the salaries drawn in previous month's Abstract had been actually paid. Form 7 Statement B, gave out salary, list of sanctioned establishment of the Kumaon Commissionership, which now was reclassified into Commissioner's English Office and what was now called the Vernacular Office. While the English Office continued to show the Head Assistant or Clerk and two other Clerks, the Vernacular Office included the staff engaged in the Commissioner's establishments and those of the two Sudder Amins'.

In May 1866 these salary returns were further modified and divide into A, B and C categories. While Statement A gave out the detailed statement of salaries and establishment of Commissioner Kumaon, B was meant for the List of the Sanctioned establishment of the same office. Apparently the objective was to find out if there were any persons employed against posts which were not sanctioned. In May 1866 the entries for Statement B was the same as for Statement A in Kumaon. Statement C was meant for Uncovenanted Civil Servants, both European and East Indian, in the Commissioner's Office. In May 1866 James Fraser, the Head clerk and Enoch Jeffries, the Second Clerk, drawing salaries of Rs. 250 and 110 per month respectively, found mention. From May 1866 another significant entry which enters these statements is the Head of Service Chargeable. The Gazetted Officers' list and Kumaon Commissioner's establishment is entered as Public Department. From July 1866 Category A is further divided into two separate lists, Commissioner's post is shown under Public Department, whereas the two Sudder Amins, though Gazetted, are shown chargeable under Law and Justice head. In category B also the Sudder Amins' establishment is put under Law and Justice head. Likewise Commissioner's establishment in category B is shown under Public Department head. In short, from May 1866, one observe two district improvements, namely, classification between Gazetted ranks divided into distinct departments, Public and Law and Justice, in Form 6; and non-Gazetted or Uncovenanted, both European and Indians, again separated by department, in Form 7.

From April 1867 another improvement in Detailed Statement of Salaries and Establishment is effected in as much it calls for three additional informations in Statement A.

- (i) Department and date of Govt. Order (GO) constituting each office in the establishment existing on 1 April 1867,
- (ii) Date of appointment of each incumbent, and
- (iii) Designation of post (appointment).

Statement B and C are continued as earlier. From May onwards are additionally furnished in Forms 6 and 7. In statement C also an amendment is effected by adding one column calling information about the period of residence in India of Uncovenanted European and East Indian Civil Servants. Thus we find that in April 1867 Fraser had completed 9 years 4 months and 3 days and Clegg the Second Clerk 5 years 8 months and 12 days of residence. It appears from June 1867 statements of deductions that for other categories of Gazetted

Civil Servants like the Sudder Amins, and those in Commissioner's establishment drawing a monthly salary of Rs. 50 per month or higher were commenced. These deductions were of same amount i.e. Rs. 20 per month. Until 18 August, 1865 the salary of the Head Assistant or Head Clerk of Commissioner's English Office, at Rs. 110 per month was higher than those of the Sudder Amins of Kumaon and Garhwal, both Rs. 100 per month. But from that date onwards it was increased to Rs. 250 per month. This actually commenced with the appointment of James Fraser, the Head Assistant (new appointment vide Finance Department Order No. 1358, 15 July 1865). Similarly the Second Clerk's salary was also enhanced from Rs. 70 per month to Rs. 110 per month. Thus by November 1865, the Head Clerk and the Second Clerk, both uncovenanted, drew a salary higher than Indian Gazetted officers, the Sudder Amins of Kumaon and Garhwal, who drew Rs. 100 each.

This anomalous situation was ultimately rectified in September 1867, with the increase in the salaries of the Sudder Amins. Here too a distinction was created between these posts as well. While Sudder Amin Kumaon's salary was raised from Rs. 100 to Rs. 300, that of Garhwal Sudder Amin's was raised to Rs. 200 per month only. By this measure while Sudder Amins Kumaon's salary was kept higher than that of the Head Assistant, by Rs. 50, that of Garhwal was pegged lower by the same amount.

Sudder Amins

It is interesting to note that in September 1867 Bala Dutt Ghildiyal, Sudder Amin of Kumaon, drew an increased salary of Rs. 300 and Amba Dutt Ghildiyal, Sudder Amin of Garhwal, Rs. 200 per month. In January 1869 Bala Dutt Ghildiyal was transferred to (or sought transfer to) Garhwal and his salary was reduced from Rs. 300 to Rs. 200, the latter being the salary of Sudder Amin Garhwal. For the next three years and nine months, i.e. till October 1872, Bala Dutt Ghildiyal continued to receive the same reduced salary. Obviously, a salary was attached to the post, and each post carried a salary corresponding to the work load.

Nazarat Establishment

A major expansion of establishment took place in May 1867 when the entire Nazarat establishment was created for almost all offices headed by Gazetted officers, both covenanted and uncovenanted. The Judicial department sanctioned posts of Nazir for the following officers, an unmistakable indication of growing work all round :

<i>Court</i>	<i>Monthly Salary</i>
Commissioner	Rs. 40
Senior Assistant Commissioner	Rs. 40
Assistant Commissioner	Rs. 30
Junior Assistant Commissioner	Rs. 30
Deputy Collector, Kumaon	Rs. 20
Sudder Amin. Kumaon	Rs. 20
Senior Assistant Commissioner, Garhwal	Rs. 40
Deputy Collector, Garhwal	Rs. 20
Sudder Amin, Garhwal	Rs. 20

This entailed to additional monthly salary of Rs. 260 and the incumbents were appointed against these posts on 5 July 1867. The establishments of both the Sudder Amins were also expanded by the sanction of Judicial Department of 10 July 1867. Each Sudder Amin's court was sanctioned one Serishtedar and two Moharrirs each, the formers at a salary of Rs. 20 and latters Rs. 10 each. For these courts a stationery allowance of Rs. 15 per month was also sanctioned for the first time in July 1867. These sanctions entailed a monthly expenditure of Rs. 55 for each court. Against these posts old incumbents were adjusted.

Correspondingly from April 1869 in the Commissioner's Office the Detailed Statement of Salaries and Establishment, in addition to the English and Vernacular Offices, a Miscellaneous office gets added i.e. newly created Nazarat merged with what used to be hitherto classified as Record Guard. The Miscellaneous office or the Nazarat, now consisted of a Jamadar and an Office Attendant, at Rs. 10 each, 8 Messengers and 8 Watchmen, at Rs. 5 per month each. The post of Jamadar, or Head Peon, thus dates back to 1869. From 1870 onwards Kumaon Commissioner's Office shows the following clear statements :

Commissioner's English Office
 Commissioner's Vernacular Office
 Commissioner's Miscellaneous Office
 Kumaon Nazir
 Garhwal Nazir
 Kumaon Sudder Amin's Office
 Garhwal Sudder Amin's Office

All these particulars, with additional columns, are furnished in Detailed Statement A, as on 1st April of the year; Statement B is recorded as same; and C

provides details of the European and East Indian uncovenanted Civil Servants . From 1869 onwards monthly statements are dispensed with and an annual Statement, A, B and C is furnished at the beginning of the year i.e. as on 1st April of each year. From 1870 all the statements are sent in duplicate from the Commissioner's office itself, except C which is sent in triplicate. From 1871 the names of the Gazetted officers are not included in Statement B.

The Age of Superannuation

In 1871 a list of persons who had attained the age of 55 years and drawing a salary of Rs. 10 per month or above, is sent to the Government for extension in service, with Commissioner's recommendation, as required by G.O. 1206, 23 November 1871. This indicates that unless extended the subordinate staff retired on achieving an age of 55 years. From the Detailed Statement of Salary of April 1871, it appears that in addition to his consolidated salary of Rs. 2,000 per month the Commissioner drew Rs. 250 monthly traveling allowance debitable to Forest (Fin Deptt: No 3489, 9 November 1868); and a personal allowance of Rs. 500 per month from Bhabur Funds (Home Deptt: 730, 7 February 1871 and G.O. NWP No. 867, 28 February 1871). In August 1873 Nazarat establishment was sanctioned for Turai district as well (G.O. No. 1089, 2 August 1873). One Nazir each for the office of the Superintendent and Assistant Superintendent, on a monthly salary of Rs. 30 and Rs. 20 was sanctioned. Age of the incumbents began to be entered from 1871. During the first year it was entered only for the non-gazetted staff of the English, Vernacular and Miscellaneous offices. Thus in the Detailed Statement of Salaries for 1871 we see ages of James Fraser (37 years), C.G. Clegg (32 years), Durga Dutt Joshi (33 years), Badri Dutt Joshi (40 years), Bhawani Dutt Joshi (23 years) and Gauri Dutt Sanwal (29 years), Sugut Singh Bisht (52 years) and Mussaraff Ali (37 years) alone entered. Age of the Commissioner, Col. Henry Ramsay, and Sudder Amins i.e. Maulvi Syed Mohammad Nazar and Bala Dutt Ghildiyal, among the Gazetted staff; and those of 8 messengers and 8 watchmen and the sweeper are not mentioned. Finally in 1876 the format was again changed, providing a column each for information about present incumbent's promotion to the present pay and age of each incumbent on birth day last before 1st April 1876.

Improvements in maintaining Personal Files

From this revised statement one finds Major General Ramsay attaining an age of 59 years and 7 months, Maulvi Nazar 43 years 6 months and Ganga Dutt Upreti 41 years and 5 months, on 1st April 1876. From 1879 financial year formats for salary of establishment were prescribed by the Civil Accounts Code. Form 3

was prescribed by Rules 3 and 4 of Chapter 4 in Volume I of the said Code. This format had columns as under:

1. Govt Order creating post
2. Present incumbent's date of
 - a. Appointment to present post
 - b. Promotion to present pay
3. Name of post
4. Date of birth of military and uncovenanted officer including ministerial servant
5. Name of incumbent
6. Pay of post
 - a. Minimum
 - b. Maximum
7. Pay of present incumbent

As prescribed by these Rules 5 types of Statements were submitted by the Commissioner alongwith a Salary List of Kumaon Commissionership, as under:

1. Detailed Statement of the Establishment of the Commissioner of Kumaon as it stood on 1st April of the year.
2. Detailed Statement of the Est. of the Local Fund of Kumaon Division as it stood on....
3. List of Uncovenanted Civil Servants (European and East Indian) in the office of Commissioner Kumaon on the 1st April....
4. Detailed Statement of the Establishment of Nazarat of the Kumaon and Garhwal as it stood on 1st April....
5. Detailed Statement of the Est. of the Sudder Amins of Kumaon and Garhwal as it stood on 1st April....
and, Salary list of Kumaon Commissionership for.....

According to the Salary List, which was compiled month-wise, the total annual salary of the various offices for 1879 was as below:

1. Commissioner's salary			Rs. 24000
2. Commissioner's Office Establishment			
(a) English Office			
Head Office	Rs. 3000		
Second Asstt	Rs. 1320		
Third Asstt	Rs. 840		
(b) Vernacular Office			
Serishtedar	Rs. 451		
Reader	Rs. 600		
Moharrir	Rs. 462		
(c) Miscellaneous			
Serishtedar	Rs. 120		
Dufteree	Rs. 120		
8 Chaprasis	Rs. 480		
8 Watchmen	Rs. 480		
Sweeper	Rs. 60		
(d) Local Funds Clerk	Rs. 960		
(e) Stationary Allow	Rs. 360		
TOTAL	Rs. 9254	Rs. 9254	
3. Sudder Amin's Establishment, Kumaon			
(a) Serishtedar	Rs. 240		
Moharrir	Rs. 120		
Moharrir	Rs. 120	Rs. 480	
4. Sudder Amin's Establishment. Garhwal			
Serishtedar	Rs. 240		
Moharrir	Rs. 120		
Moharrir	Rs. 120	Rs. 480	
5. Stationary Allowance			Rs. 360
6. Commissioner's Deductions			
(a) Military Fund Rs. 750			
@ Rs. 62/8 p.m.			
(b) Orphan Fund Rs. 362/8			
@ Rs. 21/14 p.m.			
(c) Family Contribution			
	Fund Rs. 84		
	@ Rs 7 p.m.		
	Total		
	Deduction		
	Rs. 1096/8		

Thus, while the total annual salary of the Commissioner himself alone amounted to Rs. 24000, that of his entire establishment stood at just Rs. 9,854 ! In addition to these salaries the only other expense of the Commissioner's office was the Stationery Allowance, which was Rs. 360 each for the four offices under him and those of the two Sudder Amins. The Commissioner, as mentioned earlier, received Rs. 250 per month from the Forest Department as his personal allowance and Rs. 500 from the Bhabur Fund. These latter added another sum of Rs. 3500 annually to his emoluments. Finally, he was allowed his Military allowance, according to his rank. All told, his annual emoluments were as under:

From 10.2.1856 to 8.11.1868	Rs. 24, 000 per year
From 9.11.1868 to 6.2.1871	Rs. 27, 000 per year
From 7.2.1868 to 17.2.1873	Rs. 27, 500 per year
From 18.2.1873 onwards	Rs. 27, 500 per year plus Colonel's Allowance

Ramsay was allowed a traveling allowance of Rs. 250 p.m. from Forest vide Finance Department No. 3498, 9 November 1868; Rs. 500 from Bhabur Fund vide Home Department No. 7 February 1871 and Govt. N.W.P. No. 876, 28 February 1871 and admitted to Colonel's allowance from 18 February 1873 (See From A: 1876 Statement, 15 May 1876).

Henry Ramsay ended his long tenure of Kumaon Commissioner ship on 31 May 1884 and was succeeded by Col. J.F.L. Fisher. Col. Fisher stayed as Commissioner for only 10 months and 14 days and, in turn, was succeeded by a civilian Hercules Grey Ross. Ross handed over charge to James Robert Reid on 7 November 1888. Barely 7 months later Reid handed over charge again to George Elphinstone Erskine on 24.6.1889. So within a span of 5 years of Ramsay's departure Kumaon saw as many as 4 new Commissioners. Except, of course, Col. Fisher they were all civilians.

Henry Ramsay was a Military Civilian and by May 1884 he was more than 77 years old, of which he had spent nearly 42 years in Kumaon; more than 28 years as its Commissioner, 8 years as Senior Assistant Commissioner of Kumaon and Garhwal. Could he have continued any longer? His departure was precipitated by the resentment which was brewing among the civilians against prolonged deployment of Military Civilians in Non-Regulation regions on civil work. The continued and extensive employment of officers of the Indian army in the Non-Regulation provinces was for some time a grievance of the Civil Service. Lord Dalhousie in 1856 had fixed the proportions of officers to be employed at one half military and one half civil, and in 1867 the proportion of the Civilians was

raised to two-thirds, that of military and uncovenanted officers being reduced to one third.

Military officers in Civil posts

The Non-Regulation provinces, having been excluded from the purview of the Act of 1861, were a field for the exercise of patronage, which excited resentment. Civilians filled posts in the lower grades, while appointments to higher grades were made in India from outside the Civil Service, with a consequent stagnation of promotion. Complaints were made that a cavalry officer with no experience of civil work could be appointed to Deputy Commissionership in a province in which ten out of eleven Deputy Commissioners in charge of districts were already military men; that even men who had not served in the army but had the backing of interest were jobbed in the very abuse to guard against which the Civil Service was created.

In 1875 it was expressly laid down that the claims of Civilians should be brought forward and considered by Government of India when any office fell vacant in Non-regulation provinces. As the country became more settled, and the methods of administration more regular and precise, military officers were gradually superseded by members of the Civil Service, and mixed Commissions, as the administrative corps were called, fell into desuetude.

The employment of military officers for civil work was given up in 1876 in Oudh, the Central Provinces and the Non-Regulation areas of Bengal and the North-West Provinces, in 1885 in Sind, in 1903 in the Punjab, and in 1907 in Assam. Its worth noting that Henry Ramsay, a military civilian continued to retain charge of Kumaon for another eight years, even through the rest of Oudh and N.W. Provinces and the province re-designated as United Province of NWP and Oudh. However, it did not affect Kumaon and Ramsay continued in his office the next 7 more years. It is widely believed that even in 1884 Henry Ramsay did not intend to lay down his office and was literally forced to do. Even after relinquishing his charge he continued to stay in Almora.

Districts, Tahsils and Ranikhet Cantonment Establishments

From the details of reorganisation and strengthening of Districts carried out by the Government in August 1874 it appears that the Collectors in Kumaon, i.e. Kumaon and Garhwal, had following five district offices :

1. English Office
2. Treasury

3. Revenue Vernacular Office
4. Judicial Vernacular Office, and
5. Menial Establishment

The revised schedule of headquarters establishment in the districts of Kumaon and Garhwal, as approved by the Government in August 1874, office-wise was as under:

English Office :

<i>District</i>	<i>Head Clerk</i>		<i>Junior Clerk</i>		<i>Treasury Clerk</i>		<i>Second Clerk</i>		<i>Judicial Clerk</i>	
	<i>No</i>	<i>Pay</i>	<i>No</i>	<i>Pay</i>	<i>No</i>	<i>Pay</i>	<i>No</i>	<i>Pay</i>	<i>No</i>	<i>Pay</i>
Class IV										
Kumaon										
Existing	1	200	2	90	1	100	2	100	10	65
Approved	1	200	2	90	1	100	4*	190	1	65
Garhwal										
Existing	-	-	1	50						
Approved	1	100	1	50						

The approval was conveyed with Board's Order No. 1, 25 August 1874, enclosing G.O. No. 1063, 1 August 1874.

*One of these 4 clerks, on Rs. 50, received Rs. 20 p.m. from the Ranikhet Cantonment Fund, as a part of his pay, Government paying only Rs. 30 p.m. vide G.O. 219, 5 January 1872, received with Board's Order No. 11, 30 January 1872.

Treasury :

<i>District</i>	<i>Treasurer</i>		<i>Naib Treasurer</i>		<i>Money Tester</i>		<i>Treasury</i>	
	<i>No</i>	<i>Pay</i>	<i>No</i>	<i>Pay</i>	<i>No</i>	<i>Pay</i>	<i>No</i>	<i>Pay</i>
Class IV								
KUMAON								
Existing	1	75	3	75	1	10	1	15
Approved	1	100*	3	75	1	10	1	15
GARHWAL								
Existing	-	-	-	-	-	-	-	-
Approved	-	-	-	-	-	-	-	-

Revenue Vernacular Office :

<i>Posts</i>	<i>KUMAON</i>				<i>GARHWAL</i>			
<i>Class IV</i>	<i>Existing</i>		<i>Approved</i>		<i>Existing</i>		<i>Approved</i>	
	<i>No.</i>	<i>Pay</i>	<i>No</i>	<i>Pay</i>	<i>No</i>	<i>Pay</i>	<i>No</i>	<i>Pay</i>
1. Serishtedar	2	200	2	200	2	140	2	140
2. Naib Seritedar	2	90	2	90	-	-	-	-
3. Reader	3	105	3	105	1	35	1	35
4. Deptt Clerk	5	105	5	105	4	80	4	80
5. Sadar	-	-	-	-	-	-	-	-
6. Statistical Clerk	-	-	-	-	-	-	-	-
7. Wasil Baki Navis	1	35	1	35	1	30	1	30
8. Naib Wasil Baki Navis	-	-	-	-	-	-	-	-
9. Record Keeper	1	30	1	30	1	25	1	25
10. Record Lifter	1	6	1	6	1	6	1	6
11. Abkari Daroga	-	-	-	-	-	-	-	-
12. Abkari & Stamps	1	15	1	15	1	15	1	15

Judicial Vernacular Office :

<i>Posts</i>	<i>KUMAON</i>				<i>GARHWAL</i>			
<i>Class IV</i>	<i>Existing</i>		<i>Approved</i>		<i>Existing</i>		<i>Approved</i>	
	<i>No.</i>	<i>Pay</i>	<i>No</i>	<i>Pay</i>	<i>No</i>	<i>Pay</i>	<i>No</i>	<i>Pay</i>
1. Serishtedar	-	-	-	-	-	-	-	-
2. Naib Seritedar	-	-	-	-	-	-	-	-
3. Deptt Clerk	-	-	-	-	-	-	-	-
4. Treasurer	-	-	-	-	-	-	-	-
5. Record Keeper	1	25	1	25	1	15	1	15
6. Record Lifter	1	6	1	6	-	-	-	-

Menial Establishment :

<i>Posts</i> <i>Class IV</i>	<i>KUMAON</i>				<i>GARHWAL</i>			
	<i>Existing</i>		<i>Approved</i>		<i>Existing</i>		<i>Approved</i>	
	<i>No.</i>	<i>Pay</i>	<i>No</i>	<i>Pay</i>	<i>No</i>	<i>Pay</i>	<i>No</i>	<i>Pay</i>
1. Duftarees	3	23	3	23	1	7	1	7
2. Jemadar	-	-	-	-	-	-	-	-
3. Chuprasis	20	100	20	100	15	75	15	75
4. Khalasis	-	-	-	-	-	-	-	-
5. Bhishtis	-	-	-	-	-	-	-	-
6. Sweepers	2	9	2	9	1	5	1	5

<i>DISTRICT</i>	<i>TOTAL NO</i>		<i>TOTAL PAY</i>	
	<i>Existing</i>	<i>Approved</i>	<i>Existing</i>	<i>Approved</i>
Kumaon	56	58	1,479	1,594
Garhwal	30	31	483	583
Kumaon & Garhwal	86	89	1,962	2,177

Taking both the districts together, in all the five offices, through all the reorganization conducted between January 1872 to November 1880, eight years and ten months, just two posts in Kumaon district and one post in Garhwal was added entailing an additional monthly salary increase of Rs. 215. This increase was Rs. 115 in Kumaon and Rs. 100 in Garhwal.

Treasury transactions were carried out from Kumaon (Almora) district only, and as the work load increased in the treasury while on the one hand the pay of the Treasurer was raised two accountant clerks were added. Thus the increase in Kumaon district was in Treasury only. Garhwal's increasing work load, in the English office, was acknowledged by addition of one Head Clerk, whose addition in 1874 accounted for the increase of Rs. 100.

Kumaon Senior Assistant Commissionership was comparatively more important than Garhwal, as it would appear from a larger number of staff in the former, in addition to being the financial center for the Commissionery.

In March 1871 there were two Tehsils in Kumaon district, namely Almora and Champawat; while Garhwal district was coterminous with the only Tehsil it had. The relative position of these Tehsils is reproduced below:

Posts	KUMAON				GARHWAL	
	Almora		Champawat		Garhwal	
	No	Pay	No	Pay	No	Pay
1. Tahsildar	1	150	1	150	1	150
2. Peshkar	1	50	1	50	1	50
3. Moharrir	1	30	1	20	1	20
4. Moharrir	2	20	2	3	1	15
	@ 10 each		@ 15 each		@ 15 each	
5. Kanungo	3	75	2	50	4	125
	@ 25 each		@ 25 each		@ 15/4 each	
6. Patwaris	32	160	10	50	21	105
	@ 5 each		@ 5 each		@ 5 each	
7. Jamadars	1	8	1	8	1	8
8. Chaprasis	20	100	14	70	22	110
9. Tahvildar	1	15	1	15	1	15
10. Rev	-	-	-	-	1	15
Accountant						
11. Stationery Allowance	10		10			10

It would be recalled that when the Commissioner's office was separated from SAC Almora, in 1855, it was expected that the extra expenditure would be offset by increased resources from colonization of Bhabur and extension of cultivation therein.

Here we examine the official structures which indeed had emerged by 1883, clearly indicating significant transformation in Bhabur, its extensive cultivation and increased population. A comparison between the development of official structures, during the same period, in the hilly tracts of Kumaon-Garhwal and Bhabur-Turai, clearly indicates that the two regions have their distinct characteristics, as far as their development potentials are concerned.

In six decades of their development under the British Kumaon and Garhwal in 1871 had just three tahsils, Almora and Champawat in Kumaon and Garhwal in Garhwal. Further, hilly region being peace loving, almost free from serious crime, required virtually no police, the institution of Revenue Police or Patwaris, set up by Traill, fully meeting the requirement.

On the other hand, Bhabur during the first three decades of its development (1856-1883), created a need to have two Tahsils and as many as three Police Stations, in addition a separated Head Office for Bhabur Establishment.

In Turai, similarly, in addition to the Turai Headquarter Establishment, there were as many as six Tahsils, six Police Station, five First Class and one Second Class. In Turai, in addition to the above, under the Surplus Funds establishment, there were five establishments to monitor export of forest-products, management of irrigation systems and Native Doctors to control epidemics.

Bhabur Establishments

These establishments, as they stood in August 1883, can be divided into three categories.

Head Office & General Establishment
Tahsils, and
Police Station

The Head Office & General Establishment:

<i>Posts</i>	<i>No</i>	<i>Pay</i>
Head Office :		
1. Clerk	1	50
2. Accountant	1	40
3. Asstt Accountant	1	15
4. Office Attendant	1	7
5. Chaprasi	1	5
	5	117
General Establishment :		
1. Supervisor	1	250
2. Overseer	1	150
3. Jamadar	1	10
4. Writer	1	20
5. Store Keeper	1	25
6. Store Keeper	1	20
7. Chaprasis	2	10
	8	485

Tahsils:

<i>Post</i>	<i>Haldwani</i>		<i>Chilkia & Kota</i>	
	<i>No</i>	<i>Pay</i>	<i>No</i>	<i>Pay</i>
1. Tahsildar	1	150	-	-
2. Peshkar		-	1	100
3. Head Moharrir	1	30	1	30
4. Accountant	1	20	1	20
5. Siahnavis	1	20	-	-
6. Nigarrur	1	15	1	15
7. Tahvildar	1	15	1	15
8. Jabybgi	1	30	-	-
9. Surveyor & Leveler	1	20	1	20
10. Jamadar	1	10	3	30
11. Irrigation Jamadar	1	25	-	-
12. Irrigation Jamadar	1	15	-	-
13. Irrigation Jamadar	1	10	-	-
14. Chaprasis @ 5 each	18	90	16	80
15. Sawars @ 18 each	-	-	2	36
16. Sepoys, Tah Guard @ 7 each	-	-	5	35
17. Havildar, Tah Guard @ 8 each	-	-	1	8
18. Fixed Contingencies		10		10
		460		399

Bailparao :

1. Irrigation Jamadar	1	25
2. Jamadars	2	20
3. Chaparasis @ 5 each	4	20
4. Fixed Allowance for Stationery	3	

Thanas, Outposts & Police Guards :

<i>Posts</i>	<i>Haldwani Police with 4 Outstns</i>		<i>Kaladhungi Thana</i>		<i>Baramdeo Thana</i>	
	<i>No</i>	<i>Pay</i>	<i>No</i>	<i>Pay</i>	<i>No</i>	<i>Pay</i>
1. Naib Thanedar	1	30	-	-	1	40
2. Peshkar	-	-	1	40	-	-
3. Moharrir	1	20	1	20	1	20
4. Jamadars @10 each	5	50	2	20	2	20
5. Dafedar @7 each	1	7	-	-	1	7

6. Barkandazes @5	20	100	14	70	18	90
7. Dafedar (Mounted)	1	21	-	-	-	-
8. Sowar (Mounted)	1	18	1	18	-	-
9. Sepoys (Tah/Police Guard @7 each)	8	56	-	-	-	-
10. Havildar @10 each	1	10	-	-	-	-
11. Fixed Contingency		5		5		5
		317		173		182

The total monthly expenditure of the Bhabur Establishment, all offices included, amounted to Rs. 2,201.

These establishments i.e. the Head Office, General Establishment, Haldwani Tahsil, Chilkia and Kota Tahsil, Haldwani Police and the Thanas of Kaladhungi and Baramdeo were sanctioned by G.O.; Financial Department. No. 1824, 22 August 1883, which was communicated to the Commissioner's Office by Board's Order No. 979 N/IV. A. 4, 28 August 1833.

All these institutions, in their totality, was called the Bhabur Establishment, in 1833. Development of Bhabur, from a malarious no-man's land into a highly productive region, development of Haldwani as the gateway to Kumaon, extensive network of irrigation channels etc are some of the landmarks which can be directly credited to Ramsay.

Another institution called the Bhabur Police Force consisted of a body of 72 men. The members of the Bhabur Police Force were drawn from the Burkandazes and chaprasis who were otherwise deployed as under:

Bhabur Police Force

Haldwani Police	:	20 Burkandazes
Kaladhungi Thana	:	14 Burkandazes
Baramdeo Thana	:	18 Burkandazes
Chilkia & Kota Tahsil	:	16 Chaprasis
Bailparao	:	4 Chaprasis

The member of the Bhabur Police Force were allowed to draw pay at the rate of Rs. 6 per month vide G.O. No. 3220/X. 587, 21 July 1885.

Turai

Turai region has been a bone of contention between the Kumaon and Rohilkhand administrators, right from the beginning of British rule in Kumaon. Traill, Batten and Ramsay very strongly held that Turai rightfully belonged to Kumaon. Officers like Robert Mertinns Bird or Halhed, who had no knowledge of the hills, temporarily tilted the argument in favour of Rohilkhand; but always ultimately the futility of its linkage with Rohilkhand was realized by the provincial Government. Plains' administrators looked at Turai issue essentially as one of law and order or controlling crime, while the hill administrators looked at Turai as a region where hillmen would be in a position to invest their capital and where hillmen would be migrating to, during the winter months. Turai being contiguous to Bhabur, has always been considered as an inalienable entity, always referred to as Turai-Bhabur, and from time immemorial. The inhabitations, which today dot the length and breadth of Turai, have been settled by the royal house of Kumaon, and bear their names.

Presently also Turai, called Udham Singh Nagar, forms an integral part of Kumaon Commissionery.

Commissioner Ramsay through his exertions in the field of forest management, a novelty way back in 1850s, took special measures for the protection of immensely rich Sal forests. In fact he became the first Conservator of Forest of the North West Provinces. He linked Dehra Dun forests with those of Garhwal and Kumaon, wresting its control from Canal Irrigation Department. As the Political Agent for the Native Tehri State he also checked the activities of Tehri officials who had obviously colluded with that notorious timber merchant, Frederick Wilson.

Management of Turai was handed over to Commissioner Ramsay after the Great Mutiny of 1857. On the eve of Ramsay's departure, i.e. in 1883; Turai was a flourishing area, if the institutions existing in 1883 are any guide. Like Bhabur Establishment, all the institutions set up and worked by Ramsay, in their totality, was called the Turai Establishment.

Turai Establishment

In 1883 the Turai Establishment consisted of the following institutions or offices:

Headquarter Establishment

Tahsil Establishment

Turai Police, and

Surplus Funds, Improvement Fund

Turai Headquarters Establishment :

<i>Office/ Posts</i>	<i>No</i>	<i>Pay</i>
English Office:		
1. Head Clerk	1	200
2. Judicial Clerk	1	50
3. Clerk	1	40
	3	290
Superintendent's Vernacular Office:		
4. Munsarim	1	100
5. Reader	1	30
6. Deptt Clerk		
Asstt Suptd's Vernacular Office:	1	20
7. Naib	1	40
8. Reader	1	20
	5	210
Actt & Record Officer:		
9. Sadar Kanungo	1	75
10. Rev Accountant	1	40
11. Asstt Accountant	1	25
12. Record Keeper	1	35
13. Asstt Record Keeper	1	15
14. Record Lifter	1	10
	6	200
15. Excise Clerk		
Menial Establishment:	1	15
16. Duftari	1	8
17. Tent Pitcher	1	6
18. Chaprasis	6	30
19. Sweeper	1	5
	9	49
Grand Total	24	764

Tahsil Establishment:

<i>Posts</i>	<i>Kashipur</i>		<i>Bajpur</i>		<i>Rudrapur</i>		<i>Gadarpur</i>		<i>Kilpuri</i>		<i>Bilheri</i>	
	<i>No</i>	<i>Pay</i>	<i>No</i>	<i>Pay</i>	<i>No</i>	<i>Pay</i>	<i>No</i>	<i>Pay</i>	<i>No</i>	<i>Pay</i>	<i>No</i>	<i>Pay</i>
1. Tahsildar					1	150						
2. Peshkar	1	75	1	75	1	75	1					
3. Naib Peshkar												
4. Kanungo	1	30										
5. Wasil Baki	1	25	1					1				
Navis												
6. Siah Navis	1	20	1	25	1	25	1	1				
7. Moharrir				20	1	20		1				
8. Tahvildar	1	10	1	10	1	10	1	10				
9. Jamadar	1	8	1	10			1	10				
10. Chaprasis			8	48	6	36	4	24				
@ 6 each												
11. Chaprasis	18	90	7	35	2	10	3	15				
@ 5 each												
	24	258	20	223	13	361	11	134	20	223	10	90

The Headquarters Establishment was sanctioned by G.O. No. 1770, Financial Department, 16 August 1883; received with Board's Order No. 906/. 81, 18 August 1883.

The Tahsil Establishment, with the exception of Bilheri Establishment were sanctioned by G.O. No. 219, 6 February 1883; received under cover of Board's Order No. 154/ IX. 85, 13 February 1883. The Bilheri Establishment was sanctioned by G.O. No. 1696, Finance Department, 6 August 1883; received under cover of Board's No. 818 N/IX. 85, 8 August 1883.

Turai Police :

<i>Posts</i>	<i>Kashipur</i>		<i>Jaspur</i>		<i>Bajpur</i>		<i>Rudrapur</i>		<i>Gadarpur</i>		<i>Kilpuri</i>	
	<i>No</i>	<i>Pay</i>	<i>No</i>	<i>Pay</i>	<i>No</i>	<i>Pay</i>	<i>No</i>	<i>Pay</i>	<i>No</i>	<i>Pay</i>	<i>No</i>	<i>Pay</i>

PERSONAL**Guards****1. Head****Constables****No Pay****1 10**

Constables												
No Pay												
10 50												
11 60												
Police												
Stations												
1. Sub												
Inspect												
2 Grade												
	1		50									
2. Sub												
In 3Gd												
			1	30		1	30		1	30		30
3. Head												
Constable,												
1 Guard												
4. Head												
1	15	1	12		1	15	1	15	1	15	1	15
Constable,												
3 Guard												
5. Head												
	1	10				1	10					
Constable,												
4 Guard												
6. Constables												
8	48	4	24		8	48	6	36	6	36	6	36
@ 6												
7. Constable												
9	45	4	20		7	35	6	30	6	30	6	30
@ 5												
8. Constable												
							1	10	1	10	1	10
4 Guard												
Outposts												

Surplus or Improvement Fund Establishment

Head Office and Improvement Funds

Surplus Fund Head Office & Pargana Offices:[illegible]

	Export												
10.	Patrols		5	25	3	15	2	10	4	20	6	30	
11.	Chaprasis				1	5	2	10	5	25	1	5	
											Bilheri Sub Div		
12.	Forest Ranger										1	20	
13.	Patrols											5	25
		1	75	6	45	10	120	7	70	14	130	19	200
	Total												640
	Improve-ment Fund							No				Pay	
14.	English Clerk							1				50	
15.	Surveyor							1				60	
16.	Over-seer							1				30	
17.	Over-seer							1				25	
18.	Moharrir or Vernacular Accountant							1				35	
19.	Asstt Moharrir							1				15	
20.	Chaprasis							1				5	
<hr/>													
	Total												220
<hr/>													
	Grand Total												860

Sanction for Surplus Funds Establishment was received by G.O. No. 2547 of 16 November 1883.

Ranikhet Cantonment Magistrate's Establishment

A new type of establishment to deal with Cantonment habitant's problems was created in 1883. Its establishment was as given below:

<i>S.No</i>	<i>Posts</i>	<i>No</i>	<i>Pay</i>
1.	Serishtedar	1	55
2.	Nazir	1	30
3.	Moharrir	1	20
4.	Moharrir	1	15
5.	Duftari	1	8
6.	Peon @ 5 each	4	24
		9	152

Its sanction was received by G.O. No 1565, 4 May 1883. This institution later on became a Joint Magistracy.²

Bhabar – Chilkia Estates Administration

In 1850 Lieutenant-Governor James Thomason had placed the Bhabar under Henry Ramsay's charge with power to spend as much as he could realize in excess of the Government demand which was credited to Government as before. The Taccavi advance of Rs. 10,000 which was given to kick start the development, was paid back in a short time. Ramsay first took out temporary canals which enabled him to make a little money and by the introduction of direct management the old villages yielded more than their jummas. At the end of 1852-53 the receipts were a little short of Rs. 20,000. Canals were made as fast as funds were made available and new villages were established wherever water could be supplied.

After the Mutiny Ramsay got the permission of Government to offer a zemindaree in the plains to Raja Sheo Raj Singh in exchange for his estate on each side of the Kosi river known as the "Chilkia Ilaka", which paid a jumma of Rs. 1,800. Soon after a few other villages were transferred from Kashipur and Bajpur to Kumaon, the whole of these transfers carried a jumma of Rs. 4,055. The Bhabar jumma of last settlement, which expired in 1849, was Rs. 8,953, of this sum Rs. 1,911 belonged to the Boksar land which was thrown waster in order that the water might be taken to the Turai, and to cowsheds chiefly on the borders of the Turai, which had not cultivation, but were called villages to enable the settler to get off grazing tax. Thus the Government demand on bona fide villages was only Rs. 7,042 for the Bhabar, and Rs. 4,055 for other transfers, making a total of Rs. 11,097. The receipts from the Bhabar, including Chilkia in 1883-84, from October 1883 to 30th September 1884 was estimated to be not less than Rs. 1,80,000.

Haldwani

In 1849 there was only one substantial house at Haldwani. The munde was composed of grass huts. In 1884 there was a thriving mart with good stone buildings roofed with iron or slates, and a population of 4,012. The climate in the Bhabar in 1854 was bad. In February or March all the non-cultivators used to return to the hills and those who cultivated returned as soon as their crop was secured. By 1884 the climate, as far as the cultivation was extended, had changed significantly. Most villages had rice crops and cultivators stayed back at all seasons without suffering. These cultivators had lands back in the hills also which also required their attention and they moved up and down as their presence was required in the hills or the Bhabar. Even in 1884 the climate in Chorgullia direction was still

not good, and the cultivators, with a few exceptions, were still not properly seasoned. One reason for Chorgullia cultivation not having picked up was the fact that the land in the pargana immediately above it was excellent and this made cultivators leave it relatively undeveloped. However, since the supply of water was abundant and land quality was also excellent there was every hope of future extension.

Development of Bhabar and Chilikia estates can easily be identified as Henry Ramsay's one of the many contributions as besides clearing the malarial jungles it lead to firming up hill-plains economic nexus, it provided a firm base for evolution of many a townships like Haldwani, Ram Nagar, Kala Dhungi, Kotdwara, Tanakpur and above all facilitated a round – the – year communication to the interior regions of British Kumaon. It required a sustained and arduous effort over more than three and a half decades and it was fortuitous that Henry Ramsay was there to commence, sustain and supervise these multi-disciplinary and complex operations. Ramsay in his Final Report on the Administration of the Bhabar and Chilikia Estates has explained the methodology followed by him.

“As a rule,” explains Ramsay, “I allow a new village to have the land free for two years, that the settlers may clear the jungle, build their huts and get the land into order. The third year 4 annas a bigha is charged, next year 6 annas and then 8 annas. With the exception of a few villages the rate per bigha is 8 annas or Rs. 3 per acre. The cultivators may grow sugarcane, leave it fallow, or take two crops out of it. My objective was to induce the assamese to cultivate in the kharif, and the idea that they had that free, induce a great many to sow rice. Now it has become quite the rule as the cultivators have found out what a paying crop good rice is.”

The most paying crop in the Bhabar was mustard, wherever manure was available. The land was prepared in August and the crop was harvested in February. Ganara (millet) was sown immediately thereafter and it ripened in May. In 1884 the mustard crop was splendid and fetched excellent returns, as the prices were very high. The cultivators who had land under mustard fetched Rs. 50 to Rs. 60 per acre, and had the Ganara crop to supply them with food. The Bhabar produced very fine wheat and excellent sugarcane. The latter became popular at one time and a good many “Behea mills” were purchased but as there existed no arrangement for their repairs, people had to go back to mustard and Ganara. In 1884 informs Ramsay, “mustard is carried away by Banjaras who collect it at Tanda and other depots, they sell to Moradabad and Bareilly traders who again sell to men at Cawnpore, and from that place the seed goes to Calcutta. All these middlemen through whose hands the mustard passes take a profit, but, when the Railway works the whole, profits now shared by the middlemen will go to the producer.”

According to Ramsay the prosperity of the Bhabar cultivation depended entirely on manure and that meant "large herd of buffaloes and cattle." "They are located," wrote Ramsay, "on the village land as long as possible, and after that they are penned on the outskirts of the village as long as they can find food. When the dry weather commences they are all taken down to the lower edge of the Bhabar where the springs supply water and the moist land produces green grass." Cattle which had paid grazing tax in the Bhabar were not required to pay a second time when they grazed in the Turai and in the same way Turai cattle that had paid below grazed free in the Bhabar. By an arrangement with Mr. Macdonald, the Collector and Magistrate of Moradabad, the waste lands on either side of the boundary were kept for grazing. The Turai Superintendent took the water of the springs and the waste land was considered pasture ground. Ramsay was of the view that in Chilkia cultivation must not be allowed lower down the village of Ampokhra on the Jaspur road or "below the present cultivation on the east of Kasheepore (old) road. The country below that is unfit for hill cultivators as water is found very close to the surface."

The Bhabar had sufficient pasture land and according to Ramsay it did "not require any management on the part of the Forest department," as it would have been impossible to close any part of it. "As cultivation increases the cattle will have to go further, but however cultivation may extend - it is limited by irrigation - the jungle will be sufficient. These district jungles contain no trees of value as what Haldoo there was in the Haldwanee jungles have been cut by the Railway and the few that have been reserved will be required for the villages-these jungles, i.e. grazing ground, must remain under the officer in charge of the Bhabar and Forest Department should have nothing to do with conserving them."

The water arrangements, Ramsay was firmly of the opinion "must always be in the hands of the officer in charge of the Bhabar and cannot, without certain ruin, be placed in the hands of the Irrigation Department." Every river that passed through the Bhabar between the Pheeka on the west and Chorgullia on the east, had been taken into canals, and substantial works had been constructed by which as much water as required or all that river could give was taken off from every one of them. The canals from the Gola river were the most important and it was expected that the cultivation would extend as far as the canals could supply water for irrigation.

'There is unlimited land,' recorded Ramsay in his Final Report on administration of Bhabar, 'and thousands of cultivators will be forthcoming. The Gola river has a good supply of water up to February and the quantity can be supplemented as required from Bhim Tal and Sat Tal, in which very large quantities of water can

now be stored.' The deluge of 1880 scoured out the bed of Gola and lowered it several feet which made it very difficult to carry water into the canals; but substantial weirs were built which was likely to facilitate easy filling of both canals during the rains. For other seasons also there was no difficulty and proper arrangements had been made for taking out of the river, however, Ramsay felt a great deal still remained to be done in redistribution.

'Every cubic foot of water per second,' recorded Ramsay, 'that is saved from absorption in the shingly watercourse is worth Rs. 500 of cultivation. A great many Rajbahas require to be made pucca.' New extension lines were required to be made every year but extreme care was to be taken to ensure that "every one should be constructed so as to be a part of those above it, and of others that may be subsequently required, by putting these Rajbahas a foot or more under the surface they can be increased when required and the slope is so great the water can always be brought on the surface without difficulty. On the east bank of the Gola river every village gets water from a pucca channel, and if this system be carried out everywhere else there will be immense saving of water and a great increase of cultivation." By 1884 more than 125 miles of masonry channels had been constructed in the Bhabar.

The Bhabar land tenures could be divided into two categories. "In the villages which existed under settlement there are proprietors as elsewhere in the hills," informed Ramsay, "but in all others (i.e. which came up after the last settlement of 1864-65, the Beckett-Ramsay Settlement) the tenure is heritable but not transferable." According to Ramsay this prevented "gamblers ruining a village by throwing it into the hands of Bunyas. A son is not left a pauper by his father's extravagances, and in every way the system works admirably." This ensured that "troublesome strangers cannot thrust themselves on a quiet brotherhood, and those only come as cultivators who intend to remain. This is very important in the Bhabar villages, and the inability to mortgage or sell lands keeps the people out of the Bunya's hands." Ramsay illustrates the point by pointing out that "In Chilikia where 'Desee' (plains) assamees are, procurable there is a tendency on the part of 'Sirgirohs' or Padhans to elbow out Paharees and get Desee cultivators. The reason is that they screw more out of a poor Desee than an independent Puharee." Ramsay warned that "this ought to be checked, because at any time there may be an exodus of these 'desees' to the plains and the village would suffer."

The 'excise' also formed an important part of Bhabar administration. The Excise revenue also increased immensely during the past 30 years. In 1853-54 it yielded only Rs. 3,941 for the entire British Kumaon ('Province'), in 1883-84 it went up to Rs. 63,680, of which Rs. 23,049 came from the Turai. In round numbers

the consumption of liquor and drugs in Kumaon rose from 4 to 40 thousand, but "this belongs only to the stations and to the mundeeds at the foot of the hills." Ramsay was "happy to say that there is no consumption among the rural population of the hills," and he "sincerely hoped there never may be : shops ought never to be allowed except at stations. It is very easy to make drunkards but impossible to turn them into sober people."

A 'great failure' in Bhabar

Ramsay was sagacious enough to admit of an apparent failure in his great Bhabar operations. "Not that the work was a failure," recorded Ramsay, "but the object for which the canal was made never was gained. The Kalee Kumaon people (above Baramdeo) are the only bad cultivators in the hills, and in cases of scarcity they used to go down to Pilibhit district to purchase grain in May and June. A great many died of jungle fever. A was asked by a great many of the inhabitants of eastern Kumaon to make a canal at Baramdeo, so that the people of the hills above might cultivate as others did at Haldwanee and elsewhere. Offers for 100 villages were given and I took a canal from Sarda. After it was completed and in working order these people would not cultivate and the canal, as far as Kumaon is concerned, was useless." In 1878-79 a landslip from the top of the hill about two miles distant came down and filled up two of the Lanterns- it also deposited debris to a great depth for some distance above the canal but as it was at least 15 feet under ground the tube was in no way injured. This canal which was inspected by Colonel Brownlow and fully reported on at the time cost nearly three lakhs of rupees paid for from Bhabar funds. The floods of 1880 which washed away two villages filled up the lower part with sand but with the exception of trifling damage the canal was all right. It was arched over for nearly a mile and a half, had an admirable head work, and Ramsay considered it fit enough for utilization for Bilhari or Pilibhit, in the plains and he recommended it for being handed over to the Irrigation Department on the condition "that if hereafter the hill people could be persuaded to cultivate they should be supplied with water 'free'."

Ramsay was convinced that Bhabar had "a great prospect of prosperity. The judicious expenditure of Rs. 50,000 at least yearly ought to extend cultivation steadily." He expected the Railway to improve the price of mustard and other products and "fifteen years hence the Bhabar will probably yield as much as the whole of the land revenue of Kumaon and Garhwal." The Mutiny and on another occasion a very fatal fever retarded cultivation in Bhabar but excepting these two occasions there has been a steady increase in the revenues of Bhabar. Ramsay acknowledged valuable services of J. O'Beckett, who had retired before 1884 and during later years Colonel Garstin in administration of the Bhabar - Chilkia Estates.³

**Jummas of Kumaon, Bhabar and Chilkia for
1845-46 & 1851-52 to 1883-84**

(As on 30th May, 1884, rounded to the nearest rupee)

No.	Pargana	1845-46	1851-52	1852-52	1853-54	1854-55	1855-56
1.	Kota, Chhakata, Chowbhinsee- Talla-Des	8,953	14,611	19,398	22,425	25,742	25,930
2.	Chilkia	-	-	-	-	-	-
	1856-57	1857-58	1858-59	1859-60	1860-61	1861-62	1862-63
1.	27,289	15,253	15,986	24,445	25,018	37,535	45,275
2.	-	-	-	-	-	5,586	5,927
	1863-64	1864-65	1865-66	1866-67	1867-68	1868-69	1869-70
1.	43,115	51,742	46,743	45,824	48,841	51,556	78,601
2.	7,978	7,978	8,969	11,135	13,342	15,039	16,318
	1870-71	1871-72	1872-73	1873-74	1874-75	1875-76	1876-77
1.	79,928	77,622	74,513	73,705	76,646	80,939	83,342
2.	17,433	17,109	17,923	19,381	20,612	21,544	24,674
	1877-78	1878-79	1879-80	1880-81	1881-82	1882-83	1883-84
1.	Kota, 86,265 etc,	91,759	1,02,149	1,01,813	1,01,474	1,02,382	1,04,045
2.	Chilkia 27,128	31,406	33,034	34,496	36,819	37,123	38,288

MANAGEMENT OF THE WASTELANDS

Ramsay observed that as the value of land appreciated 'a growing tendency among the proprietors to imagine themselves as zemindars with zemindari rights' appeared and they started attempting to 'appropriate all waste and Forest land within the boundaries of their villages.' He wished to check this as it would have led to serious complication and retarded prosperity. Some village boundaries, he observed, contained upwards of 50 miles, and 'Government had an equal right with the village in all jungle land with power to appropriate any that may be required', while the villages were also allowed to increase cultivation, if Government had no objection otherwise. 'This assumption on the part of proprietors', Ramsay observed, was of a recent origin and on every occasion when such a claim was brought to his notice he 'refused to recognize it.'

The village boundaries described (Nazar Andazi or eye guesstimates) in 1823 or Vikrami Samvat 1880 (Assi Sala), at the time of the fourth land settlement, became a permanent point of reference for the hill people, as far as their ancient rights on village commons are concerned. These customary rights, as they perceive them, have come to survive to the present times. The village boundaries, notwithstanding several subsequent settlements, still continue to be referred as to

the Assi Sala boundaries. Not only the forests, which stood within these limits, but the land also which remained un – measured (or Benap in Hindi) was also perceived by the people as their common property, where they could legitimately extend their cultivation.

The entire landmass of Uttarakhand can be divided into two heads viz., (i) Measured, and (ii) Unmeasured land. The measured land presented no problem as it could be dealt by the various relevant land laws and rules. Un-measured land, however, had to be considered with reference to:

- (a) Rights and customs relating to cultivation of it:
 - (i) as between the State and the villagers, and
 - (ii) as among the villagers inter se, and
- (b) Rights and customs other than those relating to cultivation in two similar subdivisions.

Rights in measured land

As only a small fraction of the area of Uttarakhand belonged to the people and was cultivated, the settlement surveys and measurements were practically confined to these areas of village cultivation.

Waste land was known as benap, un – measured, because hitherto such estimates or measurements of were as had been made at succeeding settlements had only taken account of cultivated or cultivable and terraced land.

In common phraseology nap, ‘measured land’ meant settled land which was private property, as opposed to benap, ‘un-measured land’ which was always the property of the State. During the Ninth Settlement of Kumaon Beckett followed different standards for Almora and Nainital.

In Almora, all areas shown in the settlement maps and records were considered the property of the villagers, excepting only roads, streams, camping grounds and the like, though such areas included land which had relapsed into forest for many years and other land which had never been cleared at all. Beckett, mainly in the tracts where forest abounded around the villages, measured up and recorded in the names of villagers rough blocks of cultivable land as unassessed ‘laik awadi’, which they might cultivate if they wished to extend their holdings. These blocks and the relapsed lands stood in the names of villagers as hissadars, and could be cleared and cultivated by them, by mutual agreement when, as was usual, the land was recorded as ‘Gaon Sanjait’.

Nayabad grants, once they had been sanctioned, became ordinary measured land, subject only to any special conditions that may have been laid down when the grant was made.

Free—simple grants and the grants under the waste land rules were the only instances in which proprietary rights were conferred over uncleared waste and forest land. Only subject to any special conditions prescribed for individual cases all the grants ranked as ordinary measured land and the owners had full proprietary rights over it. In such lands rights of the state in mineral alone were reserved. Survey and rough measurement records existed for all such grants.

Right in un—measured land

Un —measured land and Kaisar-i-Hind, whether forest, waste or broken up for cultivation, were considered the property of the State (This was later asserted, on a legal basis, through the Notification No. 869/F.638-44, dated 17 October 1893, wherein all un-measured forest and wastelands were declared as District Protected Forests. The State as supreme proprietor could do anything it chose with such lands, and did exercise its powers freely, so far as the interest of the forests and of the public require, in accordance with the Forest Act).

At the same time, however, the State recognised the ancient and customary rights of the villagers in forest lands and only regulated their exercise, and in exceptional cases interfered with them, when such action became necessary, in the interest of the forest and of the people themselves. The adjustment in practice of the balance between the villagers' rights and their free exercise on the one hand and the proper preservation of the forests on the other, so as to produce a fair and beneficial equipoise with as little friction as possible, formed the most delicate task of district administration in the hills and one that always depended largely on personal equation.⁴

The question of wastelands, especially its management, has always remained a matter of utmost importance in British Kumaon. From the time of the first revenue settlements conducted by Commissioner Traill, and regular settlements in line with the rest of the North-Western provinces, it has always remained a matter of greatest importance. For a thinly populated population the wastelands, and the forests situate over it, have always appeared as a major natural resource to be judiciously deployed for the livelihood of the local people. Commissioner Ramsay opposed its allocation on liberal terms to the European investors and preferred its allotment to the local people, especially for raising commercial crops like tea.

LAWS AND LEGISLATIVE ADVANCEMENT

The Criminal law of Kumaon was the same as elsewhere, Penal Code and the Procedure Code and Kumaon was under the High Court of Allahabad but the Revenue and Civil law of Kumaon was distinct and different from the rest.

The revenue and civil law according to Ramsay was 'admirably suited to the people and they knew them, with the exception of Naini Tal, where there are many European suits, Pleaders and Mukhtars are of no use.' Ramsay was of the view that 'by the Revenue rules the Courts must confront the parties and dispense justice instead of law,' and hoped that his successors 'will be sufficiently interested in the welfare of the people to continue the system which has worked so well.'⁵

Traill relinquished the office of Commissioner of Kumaon at the end of year 1835 and was succeeded by Colonel Gowan. Hitherto the Commissioner had been allowed a large freedom and independence of action commensurate with the confidence evoked by his ability and experience but after a hurricane visit by the redoubtable Senior Member of the Sudder Board of Revenue to Almora in 1837, Mr. Robert Mertinns Bird, a jealous watch was kept over the local authorities. By Act X of 1838 the functionary of Kumaon were formally subordinated in revenue and judicial matters to the control of the Sudder Board of Revenue, Sudder Dewany Adawlut and Sudder Nizamut Adawlut, respectively. Accordingly to Whalley, who was specially deputed in 1869 to unravel and untangle the legal mosaic left behind by the administration of Non-regulation tracts like Kumaon, Punjab, Jhansi, Assam Oudh etc. 'Further legislation appears to have been intended, but eventually it was thought sufficient to adopt the Assam Rules of procedure to guide the action of the Courts in each department, leaving the substantive law to be gleaned from existing precedents or from general regulations.' Other reforms, however, were simultaneously introduced. A system of regular fees and a fixed establishment for the service of process was prescribed, clear rules were laid down for the conduct of the courts in suits connected with slavery and the police establishment of the Turai was withdrawn from the Commissioner of Kumaon and distributed amongst the Magistrates of the adjoining districts in the plains. The most important change in policy resulted in the system of revenue assessment on the departure of Traill, and this change has been covered in the chapter on Lushington and Batten years (1839-48 and 48 - 56). The changes in the system and the difficulties encountered by the new Settlement Officer have already been described in a previous chapter i.e. the Eighth Settlement.

When Major Ramsay assumed charge of the commissionership at the close of the year 1855, 'Batten's settlement was working well, the organization introduced by the Resolution of 26th January, 1839 had ceased to be novelty and the people had become familiar with the settled system of procedure based on the Assam Rules.' Whalley records that 'after long experience it was found expedient to alter these rules (the Assam Rules) in respect of suits connected with land, and a set of revenue rules, which took all land cases out of the Civil Courts, were introduced by G.O. No. 4085, dated 6 October, 1855.' How Commissioner Batten spearheaded the move to bring about this change, soliciting considered views of

his two very able Senior Assistant Commissioners, John Strachey and Henry Ramsay, has already been covered in the chapter on Batten Years (1848-56).

Kumaon Revenue Rules, 1855

These Rules issued for the guidance of the revenue courts of Kumaon and Garhwal in summary and regular suits were issued by the Government by Orders No. 4085 on 6th October, 1855 and were still force at the time of review of Kumaon Laws in 1869-70 and these have been listed up by Whalley in the List of Orders, Rules of a 'Legislative character' passed by the 'executive Government prior to August, 1861, in reference to Kumaon. Whalley mentions that these Rules 'are the only rules now in force which can be held with any certainty to have acquired the force of law under the Indian Councils Act in 1861.' These Rules are appended with Whalley's Kumaon Appendices at K.m. and may be seen at pages 93-100. This has already been alluded to in the chapter dealing with Batten's revenue administration. Commissioner Batten and SACs Strachey and Ramsay had played major role in providing inputs to the Government during its adaptation, after the had received the reforms which had already been carried out in neighbouring Non-regulation province of Punjab, where cream of NWP officials had been deputed by James Thomason on the request of the Governor General. These were the revenue Rules which received Ramsay's approbation as being 'admirably suitable', along with the Assam Civil Rules.

Assam Civil Rules, 1856 and Jhansie Rules, 1863

The Suder Diwany Nizamut Adawlut, as has already been observed in the chapter dealing with civil administration during Batten's period, considered most suited for situations like Kumaon. The Assam Civil Rules remained in force till they were replaced by the Jhansie Rules which came in force with effect from 1st January, 1863 (G.O. No. 2207A., 22nd August, 1862).

The Assam Rules had eleven sections viz., Section I on Jurisdiction and created an employment opportunity for 'Native Judges' in Kumaon known as Sudder Amins, with powers to try and decide cases of original suits referred to them for property not exceeding in value the sum of one thousand rupees. These Sudder Amins were to be appointed by the Commissioner, subject to the confirmation of the Lieutenant Governor of the North-Western Province. These Suder Amins were officers directly under the European functionaries employed in the administration of the civil administration in the districts into which Kumaon was divided, Kumaon and Garhwal-the Junior Assistants and the Commissioner. The Assistant, who was to receive all petitions of plaint were to be submitted in the

first instance was to retain on his own file all suits for property of a value exceeding one thousand rupees, as well as all suits for land claimed as lakhiraj, and suits of lower value could be referred to this new class of officials, the Sudder Amins.

Sudder Amins of Kumaon and Garhwal, 1865-1884

After 1829, which had thrown open public employment to Indians for the posts of Deputy Collectorships, under the Senior Assistants to Commissioner, the only other post opened for higher emoluments was that of the Sudder Amins, opened through the application of the Assam Civil Rules in 1856. In Kumaon and Garhwal its only from August 1865 that we find officials appointed to these new posts. The first two appointments were Bala Datt Ghildiyal and Amba Datt Ghildiyal, as Sudder Amin Kumaon and Garhwal, respectively, drawing a salary of Rs 100 per month each. Their salary was less than James Fraser, the Head Assistant in the Commissioner's English office, who was also appointed in August 1865 on a salary of Rs 112, but higher than C.E. Gwillam, Second Clerk in the same office which was Rs 60. It was ordered to be raised to Rs 110 from August 1865 itself. The only other European Officer, Enoch Jeffries, another Second Clerk, till now drawing Rs 49 also received a raise to Rs 110 from August 1865 itself. But Ganga Datt Pant who drew Rs 70 per month, as Third clerk, did not get any raise. It appears that only Europeans working under Commissioner directly received a raise of a salary higher than allowed to the two Sudder Amins, in 1865, who were allowed a salary of Rs 100 per month.

Bala Datt and Amba Datt Ghildiyal remained in these posts as 'Gazetted Officers of Kumaon Commissionership' category, drawing the same salaries till July 1867, when their service started getting charged under the head 'Law and Justice'. Bala Datt's salary was later raised to Rs 300 per month and Amba Datt's reduced to Rs 200 per month. In fact in July 1867 they even received arrears of Rs 126 and Rs 63, respectively being the difference in their salary raise and actuals received. On 1st January 1869 Maulvi Syed Mohd Nazar joined as the Sudder Amin of Kumaon whereas Bala Datt Ghildiyal was transferred from Kumaon to Garhwal on 1st February 1869, replacing Amba Datt Ghildiyal. Ganga Datt Upreti replaced Bala Datt Ghildiyal as the Sudder Amin Garhwal on 1st November 1872, while Maulvi Syed Mohd Nazar continued as SA Kumaon in 1874. From April 1876 the reporting format of establishment was changed again to show more details about the employees. This year's return shows Maulvi Syed Mohd Nazar, Sudder Amin of Kumaon, as being only 43 years 6 months old whereas Ganga Datt Upreti's counterpart in Garhwal was returned as 41 years 5 months old.

Badri Datt Joshi replaced Maulvi Nazar in Kumaon on 2 Dec 1879 while Ganga Datt Pant replaced Upreti in Garhwal on the 5 April 1878. During Ganga

Datt Pant's eight month sick leave in Garhwal in 1880 Ishwari Datt Ghildiyal officiated for him and thereafter Pant resumed duties. Ganga Datt Pant was replaced by Jai Datt Joshi, in Garhwal, on 16 May 1881. On 1 April 1890, Badri Datt Joshi was Sudder Amin of Kumaon since 1879 (11 years) and Jai Datt Joshi was Suder Amin of Garhwal since 1881 (9 years). The Sudder Amins could be fined for their misconduct by the Assistants of the district concerned (rule 10) and the Suder Amins were also competent to punish any party guilty of contempt of their authority upto a sum of Rs 50, commutable in the event of non-payment to a term of imprisonment of one month. Section II dealt with Original suits and had 12 rules, Section III dealt with Appeals, with 11 rules, Section IV with Vakils or Pleaders; and it provided that there were to be no regular Vakils attached to any of the courts in Kumaon and parties could plead in person. The Commissioner had powers to declare any individual competent to act in the capacity of Vakil in any court in Kumaon. Section five had 17 rules on Execution of Decrees, while Section VI on the Nazir and his Peons had 4, Section VII on Records again had 4 rules, Section VIII on Mortgages 12, Section X on Returns by Assistant to the Commissioner and finally Section XI on Registry of Deeds just one. A reading of the Assam Civil Rules, appended by Whalley as Appendix K.p. support Ramsay's contention regarding their simplicity of application and suitability for a region like Kumaon. These Rules also directed the Commissioner, his Assistants and the Native functionaries that 'in cases not specially provided in the preceding rules, they were 'to conform, as nearly as the circumstances of the provinces subordinate to the Presidency of Fort William (Bengal), applying in all doubtful matters the instructions to the Court of Sudder Diwani Adawlut, or to the Suder Board of Revenue, according as the question at issue may be of a judicial or of a fiscal nature.'

When Whalley reviewed the legal situation in 1869, "the rules were still in force," and were "pronounced by the officers who apply them to be simple in their working and admirably adapted for the people." From 1st January, 1863 the Jhansie Civil Rules, with some modifications, were substituted for the Assam Rule which existed on the subject, by G.O. No. 2207A, dated 22nd August, 1862.

Restraints brought about by the Indian Councils Act, 1862

Whalley draws our attention towards an important fact that, "it was held by the Supreme Government that from the date of the Indian Council Act, August 1861, the Lieutenant Governor of the North Western Provinces ceased to have authority to frame rules for the Non-Regulation Districts, and that the new Civil Rules, whether Jhansie or Kumaon, required special legislative sanction". This effectively and legally means that since August 1862 the special powers which the

Lt. Governor of the NWP enjoyed since 1834 ceased after the enactment of the Indian Councils Act, 1861. This was the first major change effected in the governance of the Non-Regulation tracts i.e. henceforth 'special legislative sanction' was required to 'extend or introduce' any new law, rules or regulations even in a Non-Regulation region or province.

Consequently an Act, Act XXIV of 1864, was enacted 'legalizing retrospectively the operation of the rules from the date on which they had taken effect, and continuing them in force so far as related to the constitution of the several Civil Courts, the distribution of judicial business, and the period of appeals.' The remainder of these rules was also superceded by section 4 of this Act and the 'proceeding in civil suits were henceforth to be regulated by the Civil Procedure Code.' The Limitation Law, Act XIV of 1859 had been extended by Notification No. 57A, dated 20th March 1862 and the Code of Criminal Procedure came in to force by virtue of a similar notification from the beginning of the same year. The Revenue Courts continued to be guided by the amended rules of 1855.

No organic law for Kumaon

There was no organic law for Kumaon like the one which had been enacted for Jhansie i.e. Act XVIII of 1867. Consequently, in revenue matters the Commissioner Kumaon exercised the same powers as a Commissioner of a Division in the Regulation Provinces, as per the Resolution of 26th January, 1839. He was a Sessions Judge under the Code of Criminal Procedure, and his civil powers, and his civil powers, as also of those of the officers subordinate to him, were defined in sections I and LXIII of the Civil Rules of 1863. Similarly, the police functions of the Commissioner were those of a Superintendent under the old Regulations; and Regulation XX, of 1817, so far as applicable, had been declared to be the police law of Kumaon (Section IV, Criminal Rules, passed under Act, X of 1838). Even though a police law did exist, Whalley reviewing the entire legal situation of Kumaon in 1869, enquired, " though how it can be applied at all in the absence of any organized police is a matter of question ". Kumaon, till 1884, as would be seen in the portion dealing with the Revenue Police, hardly had any organized police.

Dehra Dun and Jaunsar Bawur

Dehra Dun and Jaunsar Bawur, both now part of the district of Dehra Dun, presented after 1815 legislative problems of two different genres altogether. The portion of Garhwal today known as Dehra Dun was ceded by the Raja of Nepal by a treaty dated 2nd December, 1815. Regulation IV of 1817 annexed the Doon to the district of Saharanpur and declared the laws then applicable to the

Ceded and Conquered Districts to be in full force, with the single reservation of the periods of the settlements which were to be fixed later. The pergannah of Jaunsar Bawur were then not included in the limits of Dehra Dun but were 'formed part of the reserved tracts between the Jumna and the Sutlej, which were placed under the Commissioner of Kumaon, and subjected to the criminal provisions of Regulation X, 1817.'

As we have seen earlier, by Regulation XXI of 1825 Dehra Dun was transferred to the jurisdiction of the Commissioner of Kumaon; the operation of the regulations was suspended within its boundaries; and the system established in Kumaon, with its local rules and usages, took the place of the general law. An Assistant to the Commissioner of Kumaon was placed in charge of the Doon and invested with the powers of a Magistrate in criminal, and of a Zillah Judge in civil cases. The Peshkar and Tahsildar were to have the management of the police. The Assistant's jurisdiction extended over several pergannahs of the province of Kumaon, which were specified in the instructions issued by the Governor-general-in Council, and 'probably over Jaunsar Bawur', though no mention is made of this tract. However, this arrangement lasted four years only and by Regulation V, of 1829, the Doon was again removed from the jurisdiction of the Commissioner of Kumaon, and from the laws which he was authorized to administer. To recall, this was made a part of the exercise, the greatest exercise of decentralization of administrative powers in the Bengal Presidency of 1829, when the entire Bengal Presidency was divided in to twenty Commissioneries, each headed by a Commissioner Revenue and Circuit, the Commissioner also made the Superintendent of Police for his Circuit. This 'decentralization exercise' also witnessed a major departure in the police administration, as compared to police administrative reforms simultaneously taking place in England, which signaled a direction which was destined to leave an indelible imprint on the development of police administration in India.

This regulation also severed connection of Jaunsar Bawur with Kumaon, and the former tracts thereafter seems to have been treated as an integral part of Dehra Doon district. It created doubts as to what was the legal effect of Regulation V, of 1829, as regards the law to be administered in the Doon proper, to the exclusion of 'the reserved tracts'; and whether or not it revived the clause of Regulation IV of 1817, which subjected the Doon to the operation of the general regulations. Whalley, in his chapter on Dehra Dun and Jaunsar Bawur, points out how this situation later 'led to much complication and some blundering'. According to him it was probable that some legislation was intended but due to other pressing matters the subject got dropped out of sight and the Doon was left without any further law than was contained in the executive orders of the 12th May, 1829, issued simultaneously with the regulation.

Under these orders the Commissioner of Meerut was invested with the civil appellate powers of a provincial court in respect of Dehra Dun. However, when the powers of the provincial courts to hear appeals were transferred by Regulation of 1833 to the Sudder Diwany Adawlut, the effect of the orders of 1829 became doubtful. In 1838, the Sudder Court placed the matter before Government and elicited an order that the Superintendent of Dehra Dun should be directly subordinate to the Sudder Diwany Adawlut, and not to the Commissioner of Meerut.

This resulted in an order of the Governor – General in Council of 29th June, 1839 which provided for; the Agent invested with the powers of a Principal Sudder Ameen, and his Assistant with those of a Munsif. The decisions of the former were appealable regularly to the Judge of Saharanpur and specially to the Sudder Diwany Adawlut; those of the latter first to the Agent and secondly to the Judge of the Saharanpur. The Governor-General did not see any need for bringing this out through a legislative enactment. This led into the Allahabad Court consulting the Calcutta Court and the latter held that ‘section 2 of Regulation IV of 1817 having been virtually revived by the removal of the Doon from the jurisdiction of Kumaon Commissioner, and the Judge of Saharanpur and the Sudder Diwany Adawlut possessing civil jurisdiction under the law’, no new legal enactment was called for. As the Allahabad Court continued to differ and felt the need for a legislative enactment it re-submitted the matter to the Supreme Government. The Council did not consider the reference as of a serious nature but merely a point of technicality and desired that the Sudder Court should issue instructions to give effect to the orders the Governor-General had already passed in June 1839.

A scheme for a General Code for all Non-Regulation provinces, 1840

H.S. Boulderson, Commissioner Meerut, who was then on leave in Mussoorie was asked to ‘investigate the nature and extent of duties of the Political Agent in the Dehra Doon in all departments and to recommend to the Government his suggestions on revision and improvement of the system.’ Commissioner Boulderson’s report was submitted alongwith a draft of rules for the civil administration of the Doon, which after revision by Government, were forwarded to the Sudder Diwany Adawlut for their observations and the Court availed this opportunity to raise the question whether the Doon was to be regarded as a regulation province. The North-Western Provinces Government consulted the Government of India and only then the Legislative Department took the issue of proposing an enactment in September 1840 for including Dehra Dun in the Regulation Provinces. Even this proposal for legislation got somehow merged into the scheme of a general Code for all the Non-Regulation Provinces and as

‘this scheme proved impracticable and the difficulties which gave rise to it’ again threw the issue out of sight !

Commissioner Boulderson’s efforts, however, did not go in vain and in December 1842 a resolution was framed ‘abolishing the office of the Political Agent of the Doon, and transferring all political functions connected with the territory of the Garhwal Raja to the Kumaon Agency, and also deciding that Dehra Doon, with the station of Mussoorie, should be attached to Saharanpur, and administered by an officer subordinate to the Magistrate and Collector of Saharanpur, with the title of Superintendent, on a salary of Rs. 1,000 per mensem’. Next year, in February 1843 it was also declared that the powers of the Superintendent, in revenue and magisterial duties, to be those of a Joint Magistrate and Deputy Collector in separate charge of a portion of a district, and continued to him in civil matters the powers earlier exercised by the Political Agent, pending the revision of the civil branch of administration.’

By 1860 the Sudder Court was exercising its jurisdiction on the civil side ‘consistently and unhesitatingly’ and no distinction was being made by the Court in dealing with Doon and the other districts under its authority and thus by the influence of the Court ‘the Doon was silently drawn within the sphere of the operation of the general law, and the regulations were accepted and acted upon as if they had been formally extended’.

The question of the applicability of the regulations to the Doon was incidentally started afresh by H.G. Keene, then Superintendent but this time the doubt related to the criminal law. The Sudder Nizamut Adawlut drew the attention of the NWP Government towards and order of the Governor general of 23rd February 1832 addressed to the Judge of Saharanpur wherein it was directed that the ‘commitments made by the Superintendent of Dehra Dun and the Magistrate of Muzaffarnagar will be cognizable by the Sessions Judge at Saharanpur and the tract of country comprised within the former jurisdiction shall be considered as forming portion of the First Division’. Meerut Division was referred to as the First Division, as all the Revenue Divisions constituted in the reorganization of 1829 were numbered. This doubt perhaps rose on account of the fact that Regulation IV of 1818 had restored the Diwani Adawlut of the Northern Division of Saharanpur, and it specially reserved to the GG-in Council the power of determining the local limits of the Court’s jurisdiction; and it was probably a doubt concerning the Doon which had led to the insertion of this provision.

Whalley points out that even though ‘there seemed no sufficient reason to question the authority of the Nizamut Adawlut but in the course of the enquiry a suggestion made by Muir, then Member of the Board of Revenue, got approved and that related to the removal of ‘the wild hilly tract of Jaunsar Bawur from the

jurisdiction of the Judge of Saharanpur and the Sudder Court'. This later resulted in the enactment of the concluding sections of Act XXIV of 1864 (sections 11 to 14) which vested the administration of justice and the collection of revenue in Jaunsar Bawur in such officers as the Lt. Governor might appoint, and directed that those officers should be guided by the rules framed for the Turai Districts under Act XIV of 1861. To be noted here is the fact that in 1832 it was the Governor General in Council who had 'the power of determining the local limits of the Court's jurisdiction', under Regulation IV of 1818, which in 1860s got vested to the Lt. Governor of NWP (as NWP had come into existence in June 1836). Through a supplement to the act issued vide Notification No. 1170 ½ of 1864 of the Local Government, the Superintendent of the Doon was invested with the whole administration of Jaunsar Bawur, in subordination to Commissioner Meerut, and empowered to assign duties to his Assistants. This also included details of the functionaries to be employed by him and the application of the Turai Rules was also defined by substituting the Judge of Saharanpur with those of Judge of Moradabad and Bareilly.

Act XXIV of 1864 did not deregulationize Jaunsar Bawur, as it was not intended, and the fact that 'those pergannahs were from the first without the pale of the regulation law was clearly recognized by the Courts of Judicature, the Government and the Legislature'. All that was designed and effected by the Act was to empower the Lieutenant Governor to prescribe the organization best suited to the judicial administration and to apply rules of procedure which had already been tried and approved in the similarly placed districts of the Turai.

Dustoor-ool-uml of Jaunsar Bawur

Whalley must be credited for officially bringing it to the notice of the Government the local code of common law which was drawn up by the Seanas, or the headmen of the villages, under the supervision of A. Ross during the settlement concluded in 1852. This has also been reproduced by G. R. C. Williams in his Memoirs of Dehra Dun. When the question of legislation for Jaunsar Bawur was under consideration in 1862-64 this "Dustoor-ool-uml" was brought to the notice of Government but as the form in which the rules had been cast was too rude and some of its provisions were so startling that they were not considered suited to receive legislative recognition. However, it embodies 'the whole civil and revenue law which has grown up among the people, but it exists now simply as an authoritative record of local usages, which may or may not be enforced according to the judgment of the Courts'.

British Kumaon, it may be mentioned, had to wait till 1920 for Codification of its customary law when Panna Lal, I.C.S. published his Customary Law in Kumaon (which included whole of Uttarakhand except Tehri, Uttarkashi and

Haridwar districts). Panna Lal's assignment was triggered by J. M. Clay, OBE, ICS, who was Deputy Commissioner of Garhwal for seven long years and who later himself wrote a book on Naini Tal, as its Deputy Commissioner. This work was based on the earlier works of V.A. Stowell's 'Kumaon Ruling for Civil Courts' (1916) and 'A Manual of Land Tenures in Kumaon (Hill Patis)', E.K. Pauw's 'The Tenth Settlement of the Garhwal District' (1896) and H.L. Maine's 'A Treatise on the Hindu Law and Usages' (1914). Panna Lal consulted more than 20,000 persons and it took him nearly one year to complete his work. It was only in 1942 that it was officially clarified that The Customary Law in Kumaon was an official publication. Its title was also altered (earlier, Kumaon Local Customs) as it had led people to believe that it was a treatise of anthropology or sociology and not an official publication !

The Sudder Court and the Board of Revenue were of the view that an act should be passed declaring the Doon proper, i.e. the portion lying to the left bank of Yamuna, subject to the regulations. The Sudder Court was of the view 'there was no doubt that technically this portion of the Doon was extra-regulation though practically speaking it had for many years been administered in conformity with the general law. They proposed that 'it should be declared by a legislative enactment that the portion of the district on the left of the Yamuna should be deemed to have been subject to the regulations in regard to civil and criminal justice, from the date of the passing of Act X of 1838'. Government held that 'Act X of 1838 was a special law for Kumaon, having no reference to Dehra Doon' and therefore the Lt. Governor 'saw no necessity for a declaratory law such as that (was) proposed by the Court'.

This entire legal mess and confusion ended with the Court's admitting their mistake about Act X of 1838 and that 'a district legally removed from the operation of the regulations should (have been) administered as one under their operation, without some order placing it under them.' Therefore as in their view 'the state of the previous legislation relating to the Doon proper (did) not necessitate a declaratory act, all that the Government was required to do was by order declare that the Civil and Criminal Procedure Codes have been in force in the portion of the district of Dehra Dun lying on the left bank of the Yamuna from the dates on which the above Codes came into operation, viz., 1st July, 1859, and 1st January, 1862.' A notification was accordingly issued, not extending the codes, but 'simply declaring them to be in force', on 17th January, 1863.⁷

The Scheduled Districts Act, 1874

The Indian Councils Act, 1862 took away the 'legislative work' from the executive hands of the Governor General, as also from the Lieutenant Governor, in the case of the North-Western Provinces. How inefficient and legally deficient

the legislative mechanism could have been we have had occasion to examine it in the case of both the Doon and the Jaunsar Bawur tracts. A scheme set afoot to bring about a common Code for all the Non-Regulation provinces in 1840 proved impractical and was given up. The Scheduled Districts Act, 1874 finally answered the need to fill the legislative void that confronted those serving in such tracts. This Act, being Act XIV of 1874, was amended by section 14 of Act XIV of 1881 and finally by section 8 of Act XX of 1890. The Scheduled Districts which were listed in the First Schedule of this Act were :⁸

1. The Province of Kumaon and Garhwal,
2. The Tarai Parganas, comprising Bazpur, Kashipur, Jaspur, Rudrapur, Gadarpur, Kilpuri, Nanak-Mattha and Bilheri (known as the Kumaon Division, vide Notification No. 644/VII-281, dated the 27th June, 1894),
3. The Mirzapur District, and
4. The tract of the country known as Jaunsar Bawur in the Dehra Dun District.

The enactments which were declared in force, or extended, by notification under this Act, in respect of each of the District were as follows :

Kumaon and Garhwal

1. Bengal Regulations : From 1793 to 1833 (19 in number)
2. Acts of the GG in Council : From 1837 to 1882 (70 in number)
(89 in number)

The Tarai Parganas

1. Bengal Regulations: From 1793 to 1833 (18 in number)
2. Acts of the GG in Council: From 1837 to 1882 (94 in number)
(112 in number)

Jaunsar Bawur

1. Bengal Regulations : From 1793 to 1833 (22 in number)
2. Acts of GG in Council: From 1836 to 1882 (74 in number)
(96 in number)

Comparison between Regulation and the Scheduled Districts : upto 1884

Category of Tract	In Year 1884		Total
	Bengal Regulations (1793 – 1833)	Acts of GG in Council (1836 – 1884)	
UP of Agra & Oudh	24	33	57
Kumaon Garhwal	19	70	89
Tarai Pargana	18	94	112
Jaunsar Bawur	22	74	96

If the Scheduled Districts, as of in 1884, are considered as the legal successors to the former Non-Regulation tracts (which were added to the expanding territories of the East India Company, where the Bengal Regulations were not extended automatically on the ground of their relative 'backwardness' and with a view to keep administration simple) the initial purpose seems to have been served, as all the three former Non-Regulation tracts had smaller number of Regulations which were extended, or declared to be in force there. Even here, while the number of Regulations 'extended' or 'declared to be in force' is lesser, it is only marginally. However, the paper-work which does get generated and the time of the personnel which gets taken up with the introduction of any new law, must have been a great relief to the officials serving in these Non-Regulation tracts.

However, this process of 'extension' or 'declared to be in force' in the subsequent periods soon became counter-productive, as these Notifications 'extending' or 'declaring to be in force' added up to a list of Acts of GG in Council which far exceeded the number of basic Acts which were in force in the Regulation Tracts. Post 1836 number of such Acts shows that as compared to only 33 Acts the Acts of 'extension' and 'declaring to be in force' made this number 70 in Kumaon Garhwal, 94 in Tarai Pargana; and 74 in as backward a region as Jaunsar Bawur ! In its totality, the Scheduled Districts in 1884, now constituting Uttarakhand, carried a number of enactments as Regulations and Acts far exceeding the number of Acts existing in the Regulation Districts, as the above table shows. The Scheduled Districts Act, 1874 even though legally strapped the former Non-Regulation tracts with the mainstream Regulation Districts but it failed to make things easy for those who worked these laws, or parts thereof, both outside and inside the courts and offices. An administrative innovation of 1815 had grown into a major legislative problem by 1874.

HANDLING THE GREAT UPRISING AND THE TRANSITION

Commissioner Ramsay faced perhaps the strongest challenge of his entire career stretching over 42 years in Kumaon, 28 of them in a single post as the Commissioner of Kumaon, in tackling the aftermath of the uprising ignited by the mutiny of Indian sepoys in May 1857 in the neighbouring division. The annexation of the Punjab in 1849 had extended the writ of the Company all over the northern India and thus secured the north-western opening which had for centuries repeatedly threatened the dominant power at Delhi. The Punjab had also received the 'cream of the North Western Provinces' civil servants to man its administration courtesy James Thomason. Thomason as the Lt-Governor of N.W. Provinces (1843 - 53) had ensured that the British administration in the newly annexed territories of the Punjab received all possible help, including time tested administrators, to administer yet another Non-regulation province of North

India. The Kumaon division of the North Western Provinces and the Punjab were destined to play the most important role of not only wresting back the threatened regions around Delhi but also in restoration of the direct rule of the British in India.⁹

The uprising of 1857, ignited in Meerut on Sunday, May 10th owed its origin to the annexation of Oudh, religious sensitivities of both Hindus and Muslims and equally to the ever growing power of the Company which was also perceived as overtaking the role of an effete Mughal empire. Utter chaos and confusion engulfed the northern parts of the country and fiercest passions had been aroused. For the administrators the first obvious task was to maintain law and order with a firm hand and try to smoothen the enraged feelings. All this required firmness, dedication, a sense of anticipation and great administrative and political leadership. Under these circumstance the administrative acumen and qualities of mobilizing man-power and other resources were tested to the full, especially in the regions around Delhi.

Devastation of Rohilkhand Division

Rohilkhand division, with Bareilly as its headquarters, was one of the worst affected regions being adjacent to Meerut, the epicenter of the upheaval, and with its dominantly Rohilla background. Bareilly, Moradabad and Shahjehanpur fell prey to an utter failure of law and order. Bijnor held out in the beginning for some time but was later abandoned by Shakespeare, its district magistrate. W. Edwards barely escaped with his life from Budaun. T.C. Wilson, who as the Collector of Moradabad had taken keen interest in the development of Naini Tal during its formative years continued as its Judge and volunteered to direct affairs of Moradabad during this crisis, as other were quite new to the place. But, after 1st of June, the situation became so bad that even he was forced to abandon the station and depart for Meerut. On 30th May the situation became so desperate that Alexander, Commissioner Bareilly division, also gave up the station and covered 75 miles to Naini Tal in 24 hours with the other European survivors of the carnage. Bareilly was overtaken by Khan Bahadur and arson, murder and rapine ensued immediately. Judge Robertson, who had played host to the Methodist Bishop Wilson on his arrival in North India; Raikes, Hay, Deputy Collector Orr, doctors Hansborough, Bach and Hay were all slain during the carnage. Brigadier Sibbald was shot dead by his orderly. Shobha Ram, who had served the British commissariat, was appointed the Diwan. On the 2nd June the rebel left sepoy left for Delhi. Khan Bahadur was able to raise an army which rose to 29 battalions and 42 squadrons. The unmolested state and a very large presence of Europeans at Naini Tal all through this difficult period acted as a perpetual menace and thorn-in-the side for the rebels of Bareilly.¹⁰

The news of Meerut reached Henry Ramsay on the 22nd May when he was on a tour of Niti Mana valley in remote Garhwal. He at once hurried back to Almora, made whatever arrangements appeared advisable with Col. McCausland, the station commander, and reached Naini Tal on the 23rd night. Considering the road conditions even as late as 1874, described elsewhere in this chapter, it is truly amazing how Ramsay could have done it in 1857, as the only carrier could have been a sturdy hill-pony and the road no better than a bridle path ! Ramsay first set about preserving order at the foot-hill, secure necessary funds to procure adequate food grains for a long drawn operation ahead. Unfortunately the Rabi crop of 1857 had been a failure which required suspension of October revenue demand but the Kharif crop had been better than average. Harsh recovery measures by the Tahsildar forced Beckett, the Garhwal Assistant, to take over the Dustak department.¹¹

Naini Tal as a Refuge

Commissioner Alexander and the other Bareilly European civilian refugees reached Naini Tal on the 1st of June. Moradabad refugees reached Kaladungi on the 4th June on their way to Naini Tal. All those who had started from Bareilly reached the hills safely except Sergeant Haptio. From the 6th June onwards for nearly a month Naini Tal and Kumaon were cut off from all communications with the plains. Intelligence of news about the outer world became of crucial importance, especially news about the movements of the rebels, and it had to be correct and reliable. Ramsay engaged Kudelu and Jaisukh, two jats of Bikenpura, near Baheri, for this important assignment. These two made several journeys between Baheri and Naini Tal, throughout this disturbed period, on every occasion passing numerous outposts of the rebels but never failing to bring in useful and accurate information. Their inputs proved to be of immense use as Ramsay had a very small force at his disposal. The wheat, gram and rice, which Ramsay was able to collect from Bhabar was stored at Jeolikot, 7 miles from Naini Tal, the last point up to which wheat carriages could come. Jeolikot became the storing point for grains purchased from time to time, camp equipage and other necessary stores. Later two large godowns were constructed at this point.

Safeguarding Kumaon

Jai Kishan Joshi, who had been sent to Garhwal as a Deputy Collector for the ninth revenue settlement duty and was known to Ramsay for more than 20 years by now, was withdrawn to Almora at once. Joshi was made responsible for guarding all passes in to the hills and the western parts of Naini Tal. He carried the additional responsibility of procuring supplies from the districts, procure labourers using his influence and counter all possible intrigues of disaffected persons. Colvin,

the Deputy Commissioner, for the time being was for the time being kept at Almora, C.H.M. Batten, stationed at Naini Tal managed Garhwal, while Ramsay himself concentrated on the frontier at the foot-hills, as he was quite well conversant with the tract himself. Padam Singh Negi, the old forest contractor, with the help of a small force of untrained men, was entrusted with the task of keeping the Bijnaur rebels out of British Garhwal. Sumat Singh was entrusted with the protection of Tehri Garhwal, Dehra Dun and the frontier. Dharma Nand Joshi was made in charge of Kumaon passes. Hari Singh Chaudhuri of Haldwani brought valuable information when Haldwani was in possession of the rebels in June-July and again later in September, 1857. Alam Sher Khan, an ex-policeman, was re-appointed by Ramsay in May, 1857 itself. He was the only Muslim amongst the Hindu employees, Madho Ram, Hari and Khem Karan were the messengers who carried Ramsay's message to Bareilly, Pilibhit and elsewhere, and brought for him the latest news from all the places wherever they went on errands. Such communication was maintained continuously even though official communication during June-July 1857 was totally cut off.

Moti Ram Sah

Moti Ram Sah, who had rendered useful service in establishment of the new hill town, especially making available local hill labours for construction of houses; and had led a representation of local people complaining about the involvement of Collector Wilson in the affairs of Naini Tal, rendered extremely useful service to Ramsay. He advanced money to nearly all the European residents and supplied requisite funds to Ramsay on several occasions, when the treasury was empty and was always ready to pay upto Rs. 30,000 on Ramsay's call. He also performed the duties of a treasurer, from June onwards, without any payment for his services. Kundan Lal Sah, who had considerable dealings with the Bhotias, was as helpful as Moti Ram Sah. He procured supplies at the risk of his life and even led the police on two occasions against the dacoits. Throughout 1857 he did not attend to his own business in order to be helpful to the government, he went down to Bhabar during the deadly season of May and June and recovered government property, which was exposed to plunder. He provided valuable intelligence during the disturbed period. Shah Mohammad, a Naini Tal merchant not very rich, placed all that he had at his disposal, nearly Rs 10,000 for credit to European at Almora, when all others had refused to lend on any terms.

In early July Ramsay learning that Mussoorie had uninterrupted postal communication with Meerut he opened up postal communication through the Garhwal hills with the help of Raja Sudarshan Shah. The Raja, who remained loyal throughout this period also advanced 70,000 rupees as a loan. Nawab of Rampur sent Rs 64,000 through Bareilly Commissioner Alexander and foodgrains

for the besieged Europeans at Naini Tal. Raja Sooraj Singh of Kashipur also rendered full support through Commissioner Alexander. After 10th June complete disorder prevailed in the plains below Kumaon hills and large hordes of dacoits from Rampur and Moradabad filled the Bhabur villages of lower Kota. They stole cattle, removed thousands of maunds of grain and did as much damage as was possible. In Kumaon the military strength was too meager to counter act and protect the whole of Bhabar. Ramsay decided to concentrate his efforts to Chukata, in the vicinity of Haldwani. The hill cultivators of Bhabar returned to the hills after a few attempts at resistance in which about 20 rebels were killed. As no resistance was offered the rebels plundered the villages at will and the entire tract was left as a desert.¹²

Gorkha recruitment in British Army

Anticipating that the government will need as many Gorkhas soldiers as could be mustered in view of revolt of the Rohilkhand Native Infantry and consequent desertion and disbandment Ramsay took the matter in his own hands. With the help of Col. McCausland, Lt McIntyres was sent to Pithoragarh on 13th July and with Lt Rogers, Lt Clifford and Garstein by 18th 150 Gorkhas had been collected and within two months 2,000 more were expected to join. The situation was helped by the fact that several Gorkhas had been discharged from their Tibet campaign and were in the look out for employment. Permission was also sought from the Army headquarters for enrolling hill-men, Kumaon and Sirmour Battalions, willing to take up military assignment. Fund situation soon became very critical as salaries of Nepal recruits and future levies were immediately required, all the Europeans who were now camping in Naini Tal had to be paid subsistence allowances, Meerut Commissariat was also issuing drafts on Almora treasury, defence works were being raised, as Garhwal had no military and Garhwal Assistant's headquarters at Pauri and Srinagar required protection, funds were required for informants, paid guards at various foot-hill passes, additional houses were taken on hire to accommodate the refugees from all over the country. Ramsay and Colvin drew up a scale of allowances for all and rationalized all kinds of expenses. It is here that extension of financial assistance by Moti Ram Sah, Kishan Lal Sah and Nawab of Rampur came very handy. Around December 1857 funds position became extremely critical and that stage Ramsay approached the government who authorized Superintendent of Dehra Dun to advance pound 10,000 and he was also authorized to raise money bills on Calcutta @ 7%.¹³

Kaila Khan Cantonment and Total Mobilization

As Lt. McIntyre's Ranbirs, as the 'loaned Gorkhas' were named, were ready to take over Almora duties and if necessary guard the eastern passes (Birmedio-

Tanakpur), Kaila Khan was now selected for camping of the European Regiment and Captain Hume was assigned the task of erecting the barracks. Rs one lakh from Dehra Dun and Rs. 1,25 lakhs from the Meerut Commissionery were received for the purpose. Around January, 1858 news was also received about British army moving into Rohilkhand. Ramsay had also pressed into service every civil and military official who happened to be in Naini Tal at the time of the uprising. Captain Maxwell of the Engineers, Captain Baugh for the Commissariat, mopping up elephants in Khedda, Carmichael of Pilibhit holidaying in Naini Tal was not well so in his place F.Reid, Superintendent of Forests, was sent to Haldwani to take part in Churpura operations and again to accompany Maxwell at Sitagunj. C. Shields, L.Wilson, both pensioners accompanied Captains Baugh and Carmichael to Kilpuri with 260 cavalry and foot, to resist the rebels who had gone there to collect revenue. The rebels were surrounded and destroyed.¹⁴

Conflicts, engagements and Martial Law

District authorities were asked by the Army headquarters to recall all men on leave from Kumaon Battalion and march immediately to Delhi and on 22nd June Ramsay issued parawans to that effect to all parties of Kumaon and Garhwal; some were collected at Almora by McCausland and directed to proceed to Delhi. Some refused the order and some pretended that they had not received orders from McCausland and these tell-tale signs were immediately read by Ramsay who immediately proclaimed Martial Law on the 4th of July, 1857. Thus within a fortnight of the news reaching Kumaon the Martial Law was imposed. Martial Law Courts were set up by McCausland and first some dacoits and ill disposed persons were arrested in Kumaon. The first few were given long term sentences, however, as lawlessness grew, stiffer sentences were imposed and when even this did not have the desired effect, some dacoits were hanged and the fact given widest publicity. This frightened the bad characters and "the good men" felt safe. This restored peace and all signs of unrest subsided.

Kota

On the 27th June, 1857 the rebels collected near Kota. A party was dispatched under Dhan Singh, Jemadar, to defend the place. Musta Khan of Rampur came with an overwhelming force of horse and foot. Dhan Singh, Harak Singh and Karim were killed and several burkundazes were very seriously wounded in defence of Kota tahsil. Rs 717 were looted and rebels retreated at once without destroying the village. Around middle of June disaffection among hill people, especially in the adjoining regions along the plains, started showing up as the weakness of Kumaon forces became apparent. Ramsay felt the need of some strong and demonstrable measures, extreme measures to preserve order, as he figured out

that if any part of the province became disorganized the position the position of Naini Tal would become extremely vulnerable. As there was no regular police in the event of a single pargana getting out of control it was likely that others would have followed suit.¹⁵

Rampur, Naini Tal and Srinagar

On 4th July the Martial Law was imposed, on 13th July recruiting parties were dispatched to Pithoragarh for enlisting man-power to counter any possible threat and replenish the depleted forces due to desertion etc, by 18th July troops were in place to take on duties and it was in July only, during the Bakra-id festival, which fell in July, that Rampur went extremely tense. Serious disturbances were expected and it was rumoured that after killing the Nawab there might be an attempt by the rebels at Naini Tal itself. By way of abundant caution Ramsay sent all European ladies and children, numbering about 200, to Almora under escort safety. While the Id passed off peacefully but thereafter some trouble was reported from Srinagar in August, 1857 where some Bijnauri Bishnoi Sunars and Sirogis of Nazibabad caused trouble. Beckett was instructed to turn out the troublesome Bishnois Sunars and Siarogis and prohibit them from returning back. One company of the Gorkhas was sent over to restore order in Garhwal.¹⁶

Haldwani and Kala Dhungi

On the 9th September some Police Sawars and burkundazes decamped with 1,167 rupees feigning that dacoits had seized the money. After enquiry they were sentenced to 10 years' imprisonment but once inside jail these 19 convicts tried to kill the jailor and effect an escape. All were caught and summarily hanged. Hill burkundazes remained loyal but the police station of Haldwani could be retained only till the 1st September when a 1,000 strong rebel party captured it. On the 18th September Captain Maxwell, with a party of Gorkhas and 40 Cavalry, composed of 8 Irregulars defeated the rebels, killing about 150 of them. The 66th Gorkhas and the 8th Irregular Cavalry protected Haldwani but as the weather turned unhealthy after cessation of rains they were withdrawn to the hills. The police were retained to watch and guard the hill-passes and these guards were kept mobile in the lower reaches of Haldwani.

On the 6th of October the rebel, 5000 strong, again took possession of Haldwani. Hari Singh Choudhuri kept the authorities posted with the movements, seriously risking his own life. He also arranged necessary supplies to a few parties that were sent down to trap the rebel cavalry. Alam Khan Shah, who had been re-employed by Ramsay, remained steadfastly loyal even though his family living in Darsu, near Rudrapur, suffered terrible losses. His brother Ahmad Yar Khan, the thanedar of Kala Dhungi, was killed by the rebels and they carried off his head.

In this attack of Kala Dhungi thana Kharag Singh, Jemadar, Neel Dhar etc. lost their lives. Nandiya Balooni lost both hands.¹⁷

Kali Kumaon

During this occupation of Bhabur by the rebel, Kalu Teriya informed the authorities about all rebel movements. Kalu's cattle sheds were destroyed by the rebels but he remained undeterred, risking his life. In the eastern Kumaon Padam Singh Taragi, Thanedar of Birmdeo police station, held his post even though for months a party of rebels was camping only a few miles from his thana. Kali Kumaon showed signs of disaffection towards the end of the year 1857. Padam Singh Taragi's several relations were sympathetic to the rebel's cause. Nar Singh, Bishna, Kishan Singh Mehra, Khem Kabadwal patrolled the passes and repelled rebels' repeated charges. Some of them forfeited their estates which were in Pilibhit district. The rebels attacked Birmdeo in October.

Colvin, the Senior Assistant Commissioner, Kumaon issued summons to Kali Kumaon people and Bishna, with his armed followers, was the first to respond to this call. He was entrusted charge of guarding Bayal Cheena pass; Kalu Mehra, leader of the Bishang patti of Kali Kumaon, received a secret message from Fazlul Huq to join the rebel's cause. Anand Singh Fartyal, Kalu Mehra, Bishna Karait, Madho Singh, Nur Singh and Kusha Singh were all in Bhabar, when Colvin was sent to Kali Kumaon, after attack of Birmdeo thana. Anand Singh Fartyal went over with some others to the rebel camp at Khatima. Anand Singh received 700 rupees of which he gave 100 rupees to Bishna. When Fazlul Huq received no assistance he seized Kalu Mehra and some others and deprived them of their property and arms. They all were detained by the rebels and demanded back the money which they had given to Anand Singh and Bishna. By the 8th January things became quite serious and Colvin issued proclamations of the Kali Kumaonese to return back to their homes within 7 days. Most of the hill-men repaired back to their homes, leaving Kalu Mehra etc. in the custody of the rebels. Anand Singh and Bishna were hanged after being arrested. Kalu Mehra and others were tried by Senior Assistant Commissioner Kumaon, Colvin for treason. Kalu Mehra and Anand Singh etc had in fact entered into a conspiracy to collect and divide the money, colluding with both sides viz. the rebels and the British. Madho Singh Fartyal, Khushal Singh of Jhalgaon etc. guarded Timla pass and other neighbouring regions of Kali Kumaon and helped Colvin with supplies and coolies etc, as per the agreed conspiratorial plan. After January, 1858 Kali Kumaon remained undisturbed and peaceful.¹⁸

In December, 1857 Colvin himself came down to Birmdeo and received Gorkha contingent which the Governor of Doti had loaned to the British. Padam Singh Thanadar, Gauri Dutt Joshi, serishtedar of Colvin also accompanied him

and played an active role in these negotiations. The Supreme Government was suspicious of movements of certain European nationals, especially foreign military personnel, as such adventurers were moving about offering their services to the rebels. The government directed local authorities to take vigilant measures to prevent entry of such mercenaries. Ramsay gave wide publicity to this government order.¹⁹

On 1 January, 1858 the rebels made a night march to Rudrapur when they heard about supply of grains to the British camp. The rebels reached Haldwani around 9 A.M. but a force under Captain Baugh defeated them, killing about 50 rebels. When the stores position became very serious towards the end of January, 1858 Captain Crossman's Cavalry was ordered to go to Kashipur. Raja Sheoraj Singh arranged grain supplies and Captain Crossman returned towards the end of January with necessary supplies.

Almora and Naini Tal

However, in January 1858 the Artillery company at Almora showed symptoms of disaffection. So many of disaffected soldiers were sent to jail that there was not adequate space to accommodate all of them. At one stage due to extreme panic at Naini Tal no labourers were available for the various works in progress necessary for defence of and additional accommodation at Naini Tal, Ramsay took a desperate step of taking 40 hill-prisoners from the jail, knocked-off their irons and used them as coolies, without any guards. They were promised that if they behaved well they would be released at the end of the year. They worked on the roads, carried loads and on one occasion even attacked a body of dacoits near Kala Dhungi, killing several of them, behaving extremely well throughout the year.²⁰

On the 15 January, 1858 McCausland was asked by Ramsay to take down the 66 Gorkhas to the plains to take position at Haldwani. As now 400 Gorkhas were sufficiently drilled to guard the ghats and man the guns, 100 levies were deputed to protect Kala Dhungi, which was threatened by Khan Bahadur's Horses. J. Read's services were requisitioned to function as Superintendent of Forests, as Ramsay had been informed about one Regiment of Europeans proposed dispatch to Naini Tal. Arrangements had to be made for their accommodation etc in advance. With the improvement in season Ramsay moved down to Haldwani with Col McCausland on 2 February, 1858. Kumaon levies helped recover Haldwani from the rebels and now a sufficiently strong contingent was left at Naini Tal to protect the city, especially from Rampur pass side. Col. McCausland came down with the 66 Gorkhas on the 1 February, 1858 and Ramsay joined him there. By now the British forces consisted of 1,000 infantry, 250 cavalry, 2 six-pounders and 2 mountain heavy guns. Turai was temporarily placed under Ramsay's charge from

the 15 January, 1858 and interestingly Ramsay requested Thornhill, Secretary to Government, to join him in restoring order and wresting the Turai from the hands of the rebels. Ramsay wished to avail Thornhill's aid and influence to induce the royal people of Turai and Rohilkhand, as the former had a thorough knowledge of these tracts. Re-occupation of Rudrapur was the main objective. Col McCausland defeated Kala Khan's forces on the 10 February at Churpura and after this engagement the rebels never settled down in the forest parganas. Kala Khan's army with 4,000 men and 4 guns, which had advanced from Beheri side, were beaten, 3 guns were captured and their magazine and camp was destroyed. Fuzlul Khan, with 4,500 men and 4 guns, moving from the east were never able to join up with Kala Khan's army, and after Churpura, did not face any fight and withdrew.²¹

As by the 6 April, 1858 it was already an advanced stage of bad season and no operations were now possible in the Turai Ramsay sought approval to sent back Ranbirs (loaned Gorkhas) to Doti; 66 Gorkhas back to the hills and the Irregular Cavalry under Crossman to Bareilly, as they were now required in the plains. Ramsay advised that the hill force be sent back to the hills even though McCausland force was prepared to move to the Turais.

Mopping up operations

Ramsay stayed on with McCausland and deputed Captain Maxwell to the Rudrapur pargana. For restoring order in the east the services of Carmichael, working under Commissioner Alexander and having volunteered to serve, was detailed to Kilpuri with a small party. Carmichael accompanied McCausland to Haldwani. Fuzlul Huq's army was still at large and they had to be mopped up in the eastern pargana, for which local influence was necessary. Every thing was to be speeded up and completed before 15th of April, as Turai became inhospitable after that date. As Commissioner Alexander wanted Carmichael back, Ramsay wrote to Government direct for placing Carmichael under his direct control. British Brigade, stationed near Ramganga, was withdrawn in the middle of February, which somewhat eased pressure on Khan Bahadur's army; but the anticipated arrival of Meerut column kept the pressure on the Baheri rebels. Captain Maxwell had withdrawn, Colvin as yet could not be shifted from Kali Kumaon, C.H.M. Batten was forced to continue at Naini Tal and Beckett was too far west away and busy in Garhwal. Colvin was ultimately withdrawn from Kali Kumaon in June 1858 and kept at Almora to restore the confidence of the local people. He was now available to move in any direction, whenever a necessity arose; Batten was kept at Naini Tal to deal with the stupendous problems of a large European population, meeting their manifold requirements and keeping order.²²

Rewards and follow-up

Tharus who cultivated Bilheri and Nanakmutta lands but they were forced to pay revenue to the rebels under extreme pressure were not demanded again as Ramsay thought it was unethical to do so. Kilpuri parganas had not paid their revenue for the past one year and it was proposed to collect it only after the reoccupation of Rohilkhand. Gadarpur, Rudrapur and Bajpur had been placed under the management of Nawab of Rampur during the disturbed period. Ramsay also alerted the Chief of Staff against the risk of Turai fever to which the proposed European Regiment was likely to be exposed to. Ramsay took over the control of Bhabar, as Turai and Bhabar, as under two separate authorities these would have been difficult to control during a disturbed period. From 15th April 1858 he directed that all reports be made over to him in respect of Bhabar as well as Turai. In May 1858 Commissioner Alexander returned to Moradabad, after an absence of almost one full year, accompanied by Carmichael and other Bareilly refugees. He also received 64,000 rupees from the Nawab of Rampur in gold-mohurs, about one lakh as revenue collected and by granting bills on the Moradabad treasury. Raja of Tehri also sent a lakh of rupees and Kumaon officials arranged to pay their way on a limited scale until the return of better times, when treasure would be routed through Dehra Dun in adequate measure.

A Narrative was also compiled consisting of district-wise narration of events and this contained accounts contributed by every district and divisional officer of the events which took place during 1857 and 1858. Ramsay also handled remittances and contributions which were being collected and sent in favour of the families of the European civilians and army-men who had been affected during this period and arranging for their escort etc through the officials and agencies set up in Lahore. Recommendations for rewards in land and cash were also being forwarded for those who had shown loyalty towards the government and risked their lives and properties.

REVENUE ADMINISTRATION

Commissioner Ramsay was witness to a change over from the early Company day revenue administration in a Non-regulation tract to one mainstreamed into what was practiced in the rest of the North Western Provinces. Revenue administration as it evolved during the Bird-Thomason period (1833 – 1853) was not only rated as a model one but its finest protagonists were deputed to yet another Non-regulation province some of during Thomason's incumbency as the Lieutenant Governor (1843-53), after the Punjab's annexation in 1849. The ninth revenue revision of Garhwal followed by Kumaon is nothing short of a brief but most authoritative resume of all the changes which took place between

1833 to 1874, the year it was finalized by Commissioner Ramsay. Easily the most important activity during the incumbency of Commissioner Ramsay was the ninth revenue revision and settlement of Garhwal and Kumaon districts.

Beckett's Ninth Revenue Revision and Settlement

Garhwal

John Hallet Batten's eighth revision of settlement of Garhwal and Kumaon, was the first settlement based on Regulation XX of 1833 and we have already highlighted the sea-change which took place after this novelty. The process-writing highlights the surprise and bewilderment of an officer trained in the plains' district working for the first time in a Non-Regulation tract and of the hill —officials who had not been exposed to the ways of the main-land administration. This new settlement was for twenty years, far longer than the quinquennials hitherto in vogue.

Batten's settlement was made for 20 years, it was to come to an end in 1860 and before its expiry it was decided that the next settlement should be preceded by a survey. Beckett, who was then the Senior Assistant Commissioner (present day Deputy Commissioner) was made the Settlement Officer. Thus it was during this settlement that the first ever actual measurement of the cultivated area took place in Garhwal and Kumaon. The measurement followed the same system that had been usual in the verification of land in civil and revenue suits up to that time. This had been applied by Henry Ramsay as District Officer in Kumaon in 1852, to the measurement of sadburt patties of Kutauli and Maharyuri. Beckett, somehow, has omitted to describe the actual process of this measurement in his report or anywhere else.

There were two surveyors and two chainmen..they arrived at a field, the chainman measured its longest length and took one or two measurements, depending on whether its shape was regular or otherwise. The surveyors sat a little way off and as the measurements were called out one man entered these latter into the khasra and worked out there and then the area by mensuration, while the other plots the measurement by aid of a rough paper scale constructed by himself, on to the plan, and sketched in the contour of the field by eye; the next field was then taken. The chain was actually a thin rope twenty yards long, which was divided by marks easily recognizable, into half, quarters and tenths. " Every field, however small, was measured and numbered, and any one may easily be pointed out by reference to the shijra and khasra. Many contained less than ten yards and some villages have upwards of 3,000 numbers in the khasra. Under such circumstances it is not," wrote Beckett, " I think, surprising that the cost of work is close on eight anna per bisi."

This included the preparation of the records of rights, including the khasra, the muntakhib (a record showing all the fields under the name of their cultivators), the tehrij (a record giving the totals of the muntakhib for each cultivator), and the phant, showing the holding of each proprietor and khaekar, and the revenue and cesses payable by him. It was very seldom that the records had to be faired out. Disputes seem to have been few and when an alteration in a record was required it was made in red ink. The survey was in charge of a Deputy Collector who disposed off disputes as they arose and tested the entries in the muntakhib. The work was carried out between 1856 and 1861, having been interrupted for eighteen months by the mutiny. Provision of a record of rights for the gunths, sadaburt and muafi villages was another special feature of this settlement as these had been left untouched in all previous settlements. John Strachey had made some measurements in 1852 under the orders of the Government of the sadburt parganas and subsequently the control of their revenue was transferred from the temples to a Local Agency. Beckett got these revised and got them remeasured. The temples and the proprietors of the muafi lands requests for the preparation of the record of rights of these assigned lands as this could remove opportunities for embezelling the revenue, as had happened in the past.

Yet another reason for their regular assessment was that cesses were being imposed from this settlement for the first time and this was to be imposed on all villages, revenue-paying and revenue-free alike. These cesses went into items like road-making and establishing the tahsildari schools. All former eight settlements of Garhwal had been based mainly on the previous demand which was being changed from this settlement. Under this survey land was classified at the survey into irrigated, first class dry, second class dry, periodically cultivated (terraced) land, and waste (terraced land). These were reduced to a common standard by doubling the irrigated area, taking one-third more the area of first class dry land, and halving the area of periodical cultivation. Second class land was the standard and remained unaltered while waste was omitted altogether. For the whole district the assessable area reduced to a common standard worked out to much the same figures as the total area and the ordinary village revenue appeared to have been obtained by applying the average rate to this reduced area, and by applying a rate of eight annas to the population and taking a mean between the two sums thus arrived at. Standard revenue was lowered for various reasons like vicinity to heavy jungle, or high elevation etc. Beckett inspected every patti himself before assessing it, to ascertain the actual local conditions. Garhwal settlement was concluded in 1864 and the demand was raised from Rs. 69,274 to Rs. 96,311, an enhancement of Rs. 27,037 or 39%. Considering that the population had increased during the term of the previous settlement from 131,916 to 233,326, the assessment was considered as moderate. Gunth revenue was assessed at Rs 7,139, sadaburt at Rs. 3,626 and the muafi at Rs. 263.²³

After completing Garhwal settlement Beckett's health had compelled him to proceed to England before he could submit his final settlement report for Kumaon district and after his return from sick leave, in close consultation with Commissioner Ramsay, he again worked incessantly so hard for the next five years that he was obliged to go back to England again and his final report had to be finalized by Commissioner Ramsay himself. Kumaon district's revision of settlement commenced in 1863 but it could be completed only in 1873; and as it was necessary to show all alterations made on appeal, the statements could not be closed till the end of January, 1874.

Batten's Garhwal revision was valid up to 1860 but land measurements were commenced as early as in 1856, which remained suspended during June 1857 to December 1858, due to the uprising of 1857. Land measurement work was completed in 1860 and paper work was completed in 1861. The revision of settlement in Garhwal and Kumaon was quite different from the work undertaken by Settlement Officers in the plains. Average pergunnah rates, rent-rates, putwarees' village papers did not exist in Kumaon. The only record of any kind, as regards area, was the guess measurement book of 1823; and the only paper of last settlement giving any details connected with payment of revenue or rent was the "phurd phant" or revenue and rent-roll, which showed how the pudhan (malgoozar) was to collect the revenue, and where rent was due from assamees.

Writing the ninth Final Settlement Report, on behalf of Beckett on medical leave, provided Commissioner Ramsay an opportunity to share his own experience of the developments in revenue administration which had taken place during his 33 years' long associations with the region. Thus Beckett's Settlement report is as much a Ramsay report and it should more appropriately be called Beckett-Ramsay report as there are many details which could have been known to Commissioner Ramsay alone.²⁴

Review of the previous eight revenue assessment

The measurement books of 1823 were of little use except as regards boundaries, which was prepared in 1823 by the native officials who sat on commanding positions and summoned the pudhans of all villages within sight or easy distance, when they wrote down from their information the name of thokes of land and their areas. On these estimated areas all subsequent settlements were based (during Traill's time, upto 1835). But even this was a vast improvement on the utter blank of former times. During the eighth settlement Batten had created the assameewar phant which showed the shareholders and khaikars (permanent tenants) and the quotas of revenue and rent paid by each. However, as these

papers were prepared by the villagers themselves there existed a possibility of concealment and desire to show their village as poor as possible. In practice the revenue was divided amongst a very few of the shareholders in the phurd phant and except where the khaikars were on bad terms with the proprietors a large number of tenants names were omitted. Ramsay felt that it was natural as Batten held dual charge of settlement as well as the district and he was not supported by adequate staff and he was able to call for information from those who derived most benefit by withholding the real state of affairs.

Even if full of the above mentioned defects these phurd phants prepared on Batten's orders paved the way for more accurate details as at least the people became aware that they had some rights capable of being defined and secured. Gradually they learned to assert these rights and before the close of 20 years' settlement a large number of villages had been measured in the adjustment of disputes which arose during this period, providing practical experience to a good number of qualified ameens. People became familiar with khusrah measurement and became agreeable to accept it as the basis of new settlement. This resulted in educating the cultivators that their rights ought to be correctly recorded and for this fully ascertained. A demand for khusrah survey was thus generated which highlighted the fact of actual cultivation, hitherto unknown, and furnished information from which a correct record could be prepared with the willing co-operation of the people. Ramsay felt that owing to comparative poverty and ignorance of the people it would have been impossible to conduct a settlement on the basis of khusrah survey 30 years ago and it would have been impossible to introduce in 1860-63 without the assistance of Batten's phurd phant.

B.W. Colvin commenced measurement operations in November, 1863 and on his transfer in 1865 the work was completed by Beckett. The measurement was carried out on the following two principles;

First, All terraced land was to be measured, unless it had relapsed into forest; but forest clearings, and slopes cultivated only after a lapse of eight or ten years, known as khil of "kanula", were not to be measured. Each field was to be measured separately;

Second, the whole of the terraced land was to be shown under four qualities, (a) irrigated, (b) good unirrigated, (c) second-rate unirrigated, and (d) casual cultivation (ijran).

As the ameens and the villagers did not correctly observe these rules therefore all the land included in the measurement was afterwards classified under the following three headings:

- (i) Permanent cultivation,
- (ii) Casual cultivation (ijran), and
- (iii) Waste.

'Waste' here meant uncultivated terraced land and did not refer to 'grassy slopes or forests included within the nominal boundaries of a village'.

The ameens also prepared a census of the village and this return, with the completed map of the khusrah, was sent to then superintendent, who marked a number of fields with blue chalk and deputed a partial amen to test the measurement and the records of ownership, tenants etc. The purtal amen returned the papers with a written report to the superintendent who made them over to an officer portal. He tested the work a second time and returned the papers with his report. According to the reports of these two men the measurement papers were accepted or rejected, or submitted to the Settlement Officer. As the fields were often of the most irregular shapes on the side of a steep hill these measurements were accepted only an approximation and the papers were valued more as a record- of- right as regards fields than an accurate return of the area. Rainy season was used by the measuring parties in drawing out the moontakhib and teerij of the villages measured in the working season and in preparing schedules of holding for each asamee named in the khusrah. These last one at once distributed. On the completion of the papers of a puttee, a mouzawar abstract was made, giving all the information obtained as regards land and population and this was entered in Beckett's book.

The schedule of holding given to everyone named in the measurement papers known as purcha made every asamee aware of the action of the ameens or others in regard to his land and if he took the trouble to know what was in it made him expose any roguery or incorrect entries before the papers passed out of the Settlement Officer's hands. It was so easy to compare the number of fields with entries in purchas, as regards quantity or quality, and if there was an ground for suspicion get them measured. It accordingly became the responsibility of every one to inform about the inaccuracies if any and it was not open to him later to complain that his land had not been measured properly. The procedure followed was the most practical way of making every asamee acquainted with his recorded possession and the information thus imparted enabled the Settlement Officer to rectify any mistakes at the time of settlement.

The area of 1823 was assumed as the assessable area in the former eight settlements were entered in Beckett's book which enabled him compare the prevailing rates per bessee (acre) under the old settlements and the according to the actual measured area as well. Next, it was necessary to ascertain the quality and quantity of the land to be assessed and the whole area was to be reduced to one standard, i.e., to that of second-rate unirrigated land, known in the hills as doweem oopraon (doyam upraon) The entire land subject to assessment in any village had to come under one, or some, or all the four heads- (i) irrigated, (ii) first quality dry land, (iii) second quality dry land, and (iv) ijran (or casual cultivation). These were all to be reduced to the standard of No. 3 by trebling No. 1 (irrigated), by adding 50% to No. 2 (first quality dry land), and reducing No. 4 (ijran) to one-half.

Calculation of average rates was worked out after ascertaining average yield per acre for various kinds of grain and their average money value. As land was left fallow for one crop every second year Ramsay entered a return of only half an acre in the second money column of calculation table. The total showed what could be considered the average yield in one year of an acre of the second quality (dry) land, to which standard all was reduced in calculating the assessment. Ramsay and Beckett agreed that Re 1 per bessee, second quality dry land, was quite reasonable as the standard rate. Traill's assessment in 1823 gave a revenue rate of Re 0-12-2 per bessee; Batten's revenue in 1842 is given at Re. 1-6-0 in Ramgarh, Re 1-3-5 in Palee, Re 1-0-11 in Baramandal, and Re 0-11-9 per bessee on cultivation for the entire district; the proposed settlement rate for Kumaon district was Re 0-13-10 per bessee on total malgoozaree area. For Garhwal, already assessed it was Re 0-12-7 per bessee.

Table below shows the rates prevailing during the previous settlements and the actual rate fixed for Garhwal and Kumaon during the ninth settlement and the fact that Kumaon was always able to pay a much higher rate than Garhwal:

<i>Traill's rates (1823)</i>			<i>Batten's rates (1842)</i>			<i>Ninth settlement (1860-73)</i>		
<i>Garhwal</i>	<i>Kumaon</i>		<i>Garhwal</i>	<i>Kumaon</i>		<i>Garhwal</i>	<i>Kumaon</i>	
Rs A P	Rs	A P	Rs A P	Rs	A P	Rs A P	Rs	A
1- 7- 0	0-	12- 9	1- 1- 2	0-	12- 9	0-12- 7	1-3-11	

Connected important statistics for previous Garhwal settlements compared to the ninth are given below.²⁵

<i>Year</i>	<i>Villages</i>	<i>Cultivable besees</i>	<i>Jumma</i>	<i>Remarks</i>
1822	2929	57, 432	58, 511	During Traill's settlement
1824	2929	76, 340	66,361	30135 besees, except cultur-
1840	4103	89, 653	68,682	able waste and Bhote
1864	4392	1,49,379	95, 456	Mehals

For Kumaon district the sanctioned jumma was Rs 1,27,112 at the Batten's settlement and it was raised to Rs. 2,30,628; an increase of 1,03,518 or 81.43 %. The work of revision of settlement was commenced in 1863 and it could be completed in 1873 only; and as it was necessary to show all alterations made on appeal the statements could not be closed till the end of January, 1874.

Process of and delay in the revision

Beckett before calculating the jumma of the village cut out all the waste land which the villagers had insisted on being measured which ought not to have been measured at all. He also struck out a great deal of kanla, or temporary clearings; in fact he excluded all such lands. No demarcation of village boundaries was made excepting where the boundary was (i) disputed, or (ii) adjoining Government forest, or (iii) land was taken out where the area was excessive. The papers of the last settlement gave a written description of the boundaries of each village. The measurement undertaken during the ninth settlement supplied only the boundaries where the cultivation of one village adjoined the lands of its neighbour. The record of the map rendered the erection of pillars unnecessary. When the amins found in the course of their survey that a dispute regarding a boundary existed the disputed portion was coloured yellow in the map and a report was sent to the Settlement Officer and during the rains all such cases were taken up. These cases were (i) resolved through filing a razinama; or (ii) agreement was filed to settle the dispute by oath, or (iii) they appointed the Settlement Officer arbitrator undertaking to abide by his decision. For two years the Settlement Officers was mainly engaged in settling boundary disputes.

The villagers had, however, the full powers to use such land as they liked as well as to extend their cultivation in the unmeasured or forest tracts and they had the benefit of such extension without any increase in demand during the currency of settlement. It was due to this system mainly that immense increase in cultivation had taken place and there was every prospect that in the less cultivated parts there was going to be more of new cultivation at the end of this settlement. As all cultivated had been assessed by the process followed during the settlement Ramsay felt that a need for summary settlement might arise in such villages on many grounds e.g. land may be washed away by floods or destroyed by landslips, cattle

disease, or death of asamees or other necessities might arise for rendering relief, temporary or permanent necessary.

The unusually long time taken in this settlement was accounted for by Beckett's sick leave of about 18 months. Then there was every field in 6,333 villages, containing 286,670 besees, besides thousands of besees (measured but) struck out by the Settlement Officer had to be measured by yards; measurement and occupancy entries had to be carefully tested and before fixing the jumma the Settlement Officer had to inspect every village and settle many questions very important to the cultivators. Every objection raised by the villagers had to be heard and answered, every village had to be settled separately and these 6,333 villages were scattered over 6,000 square miles. Beckett after completing Garhwal settled Kumaon and almost the entire settlement work by done him without much assistance from Deputy Collectors and Commissioner Ramsay felt such a quality work could not have been done in a shorter time.²⁶

FOREST MANAGEMENT

Ramsay's Report on the state of the Sub-Himalayan Forests below Kumaon and Garhwal in 1861 is a most valuable reference and source on forestry history used both by Atkinson and subsequent editors of District Gazetteers. The sub-Himalayan forests of Kumaon and Garhwal extended from the Ganges to the Sarda, covering the lower spurs and ridges of the Himalaya and ran down some distance into the Bhabar. The Turai forests contained a little Sal, of inferior growth, barely sufficient for the requirement of the cultivators and were not included in the tracts under the Forest Department. With the exception of a portion of the Chandni Chauk, which belonged to the Turai, almost all the islands in the Sarda below Kumaon had been given to Nepal. A cart-road running along the foot of the hills from the Ganges to the Sarda generally formed the southern boundary of the forests in Garhwal, but further east several blocks reserved for Government purposes lay to the south of the road and were included in the existing reserved forest area.

The western Ramganga and its tributaries, the Barsoti and Kotirao, formed the boundary between the two great forest divisions of Kumaon and Garhwal, while the outer Himalaya gave a well defined boundary on the north. Except the Kumaon Iron Company's grant and a number of villages, all of whose rights had been recorded and for whom blocks of forest had been left open, the entire area described formed one vast State forest in one compact block. Within these limits no private rights existed which could prove injurious to the best Sal forests and cattle grazing was prohibited in all portions which were free of village rights. The most valuable timber was Sal which grew with great vigour in many parts and covered about one fourth of the forest area. Tun and

sissoo were plentiful in the low, moist valleys and flats, while other jungle trees were found mixed with Sal everywhere, even when the last predominated. Among the minor forest produce the bamboo took the first rank and next the matting and cordage materials and indigenous drugs, tans and dyes.

The contract arrangements for the felling continued in Kumaon until the year 1858 and consequently no system of conservancy could be introduced. The forests of the Kumaon division denuded of good trees in all easily accessible places and were it not that it was nature which made sal, sisu, khair and dhauri highly reproductive the newly formed Forest Department would not have anything to conserve at all. Between 1855 and 1857 the demands of the railway authorities induced numerous speculators to enter into contracts for sleepers and to secure favourite areas for themselves they were allowed to cut down acres of old trees very far in excess of what they could possibly export. For some years even after the regular forest operations commenced the department was asked to concentrate on cutting up and bring to the depots the dead timber which had been left behind by these contractors.²⁷

Major Ramsay was the first Conservator. He abolished the contract system in 1858 and gradually introduced a better arrangement by which cultivation of patches of land in the forest proper was discouraged and the cultivators were introduced to take up lands chiefly south of the cross-road from Haridwar to Barmdeo, leaving the valuable forest land to the north untouched. This first attempt at real conservancy would have probably succeeded had not the management of forests been taken away from Commissioner Ramsay in 1868 as such arrangements consume much time and efforts. Ramsay also introduced the system of having all trees marked by responsible officers before permission was given for felling and commenced arrangements for protecting the reserved forests from fire. On the whole the administration of forests was a marked success. The forests not only gave a better return but were conserved for the first time and arrangements were made for the better protection of the young plantations and planting out the denuded tracts. Major Pearson took charge of the Kumaon Forest division in 1868 but he made only a few changes in the working arrangements. It was only in 1877 that the reserved forests in the Kumaon Bhabar were formally demarcated.

Kumaon Iron Company's forests

The only important private forest was the one belonging to the Kumaon Iron Company whose grant extended from the Manar Gadhera, about one mile west of the Dhabka, as far as the Bhakra river, about half way between Kaladhungi and Haldwani. This grant was bounded on the north by the Himalaya and on the south towards the Bhabar by a line of pillars and the area was about 350 square

miles. The collection from this tract for timber and minor forest produce from 1861 to 1881 amounted to more than two lakh of rupees and it constituted in 1882 one of the most valuable forests in Kumaon. It was difficult to say what portion of their rights Government had granted the Company, as the deed was never executed, but from the draft it appears that only fuel-rights were intended and nothing else was expressed. The issue of these forests and the company's claim to them were under consideration of the Government in 1882.²⁸

REFLECTIONS ON KUMAON

Kumaon district's ninth revenue revision settlement Final Report was to be finalized by J. OB. Beckett, the Settlement Officer. Owing to his hard work in Garhwal settlement and relapse into serious ill-health he was constrained to go back to England, which compelled Commissioner Ramsay to substitute for him in March, 1874. It was Ramsay's 33rd year in Kumaon. Major General H. Ramsay mentions in his report how Beckett had made 'rough notes from which his reports would have been prepared' and how both of them had 'arranged all general principles before the settlement commenced and consulted freely'. Ramsay was fully aware of Beckett's work which was expected to be included in the final report and he had also 'seen some of the papers of almost every village in the district'. In the very opening paragraph of the report Commissioner Ramsay makes it clear that under the special circumstances the report should be considered their 'joint report', as under the normal practice he would have written his forwarding comments alone. This joint nature of the Final Report makes it invaluable in many respects, primarily because it provided an opportunity to the Commissioner to add his most valuable insights into almost all aspects of administration related to Kumaon.

Commissioner Ramsay also avoided including 'many interesting details usually given in the settlement reports' as all of these were soon going to appear 'at length in the valuable Gazetteer now being prepared by Mr. Atkinson.' Accordingly, Ramsay confined himself to the 'briefest notice of all matters that are not closely connected with the subject immediately under report'.²⁹ General Ramsay, therefore took the reader down his own memory lane on many an issues which would not have been possible for Beckett to relate, as these could be shared by General Ramsay alone. Some aspects are taken up which highlight the change which were clearly discernible by the end of 1874, a decade prior to Ramsay's retirement.

Kumaon district had eighteen pergunnahs and out of them one i.e. Kutolee and Mahrooree, consisting of two sudaburt puttees, had no clearly defined boundaries as their villages intermingled with those of Baramandal, Ramgarh, Dhyaneerow and Chowgurkha.

Gangoli

Gangoli situated in the lower half of the mountainous Doab between the Ramgunga and the Sarjoo had undergone 'a wonderful change' during the last thirty years. At the time of Batten's settlement the pergunnah was overrun with tigers, bears and deer; and the population was unequal to the task of fighting against them. They were a wretchedly poor people, 'cowed by brahminical influence, without any independence, and apparently aspiring to no better state'. By 1874 the old brahminical influence had considerably declined and Gangoli men were seen to have been improved greatly and their 'fierce nature' was said to have been completely conquered. Shikaris had become so abundant that deer could only be found in the forest on the high hills at a great distance from cultivation. If a tiger strayed into the valley of Ramgunga or Sarju it was generally disposed off on its killing the second or third buffaloe. The Berinag tea plantation, with several small gardens, offered employment to a large number of men and pumped much money into the pergunnah than it is required to pay its revenue. The jungle to a great extent had disappeared and cultivation had considerably increased. Gangoli was now connected with Almora by good roads and there was a large demand among the tea plantations on the spot for its surplus grain, as well as the 'Bhotias', and at Bageshwar. Gangoli was looking up and Ramsay expected the pergunnah 'to make great progress during the current settlement, by a yearly increase of cultivation and wealth.'

Chorekot, in Pali, Kutpur and Sult

These had also improved considerably. A large hill in Chuokote, known as Lukhora, was almost a jungle 30 years ago and it was now studded with prosperous, growing villages. Katpur had improved solely from the benefit conferred on the country by tea plantations. At the time of the last settlement no one would take whole village on Rs. 4 of jumma, now the revenue rent was Re 0-7-9 per bessee of doyam upraon and land was fifty times more valuable than it had been for many generations. The people had not only come out of debt, which used to keep them low, but were now well off, more independent and hard working. The cultivation of this formerly despised puttee paid so well that the tea planters could not get sufficient labour from the surrounding country and were obliged to procure men from other parts, or from Nepal.

Taluka of Askot

The taluka of Askot at the last settlement consisted of two estates but it now belonged to the Rajwar Pushkar Pal. It was situated north of Shore, on the banks of the Kali river, and reached up as far as Darma. The Rajwar was treated as a zemindar at the time of settlement but on his representing the political importance

of maintaining the Rajwar position the Lieutenant Governor sanctioned his retaining the whole Taluka on the terms on which he had previously held his 84 villages (G.O. No. 1950 A., dated 11 September, 1873), i.e., the Rajwar may increase the cultivation to his own profit and make such arrangements as he considers advantageous to the Taluka. However, he could not interfere with the permanent tenants' possessions recorded in the phant. Ramsay concurred with Batten's last settlement terms that, "It has hitherto been assumed that so long as the Rajwar provides decently and respectably for his clan he is himself entitled to the full enjoyment of all the profits and privileges accruing from the Rajwari estate". The Taluka contained 142 villages, large and small, and was assessed.

Shore

It had also improved considerably but not to the extent of Gangoli. It was pretty well cultivated at the last settlement. Prices had arisen considerably, as price of grain had arisen significantly, which meant that rupee had become cheap and the people had become rich, and thus were not compelled to sell grain at low rates. When Ramsay had come to the province in 1840 he remembered wheat selling at a maund and barely at 70 seers for the rupee at Pithoragarh cantonment. In early 1870s, wheat had not been procurable in that cantonment at 20 seers, not because there was no wheat, but because Bhotia traders purchased it at a higher rate, and 15 or 16 seers of atta was now the common price.

Tulla Churaal, Champawat

Tulla Churaal is the country near Champawat which at one time had been the capital of Kumaon. The land was very good but the proprietors of most of the villages belonged to families of broken-down native gentlemen, who were unfit for hard work themselves; too proud to sell to others and as a consequence of their cattle remaining in the Bhabar for so long in the Bhabar to avoid cold at Charaal, the land was not so productive as it could have been.

Kutolee and Mahroree, Sadaburt puttees

These sudaburt puttees contained 24 villages, with a cultivated area of 6,718 beesees, yielding a revenue of Rs. 5,800, formerly belonged to the temples of Badrinath and Kedarnath. The assignments had been made for the purpose of distributing food gratis to indigent pilgrims visiting these shrines. Mr Strachey, later Sir John Strachey, K.C.S.I., when in charge of Garhwal district, brought to the notice of Government how these funds were abused; and after full enquiry, the revenues of these outtees together with those of Garhwal, assigned for the same purpose) were, with the sanction of the Government, placed under charge of local agents in 1852, and the revenue applied to the maintenance of dispensaries

for the relief of pilgrims and others, which benefited these poor people much more than the name of 'sadaburt', which had no real existence. The Kumaon puttees were at the same time taken charge of by the district authorities, and they now yielded a revenue of Rs. 5,800, which in the spirit of the original assignment, was expended on really charitable institutions, under the management of a local agency, of which the Rawls of Badrinath and Kedarnath were members.

Maafee Grants

There were 92 maafee grants in Kumaon, aggregating 3,297 beesees. The largest maafee belonged to the Shashtrees Ramaputtee, Neeldhur & etcetra. The revenue on which the cess has been levied amounted to Rs 3,412. There were a few villages held maafee by residents in the districts but most of them belonged to Brahmins who lived at or in the vicinity of Almora. The maafees of Kumaon were thoroughly investigated in 1855-56 and those recommended for resumption were not distributed till the present settlement, when 41 maafee estates were resumed, and their revenue added to the jumabundies. It was discovered that a few maafeedars who were absent from the district when the former enquiries were made escaped notice altogether at that time. They claimed very small estates and their cases were separately recommended to the Board. Had they been investigated in 1855-56 they would have been included in the list which accompanied the orders of the Government of India, No. 2044, dated 18th October, 1859.

Goonth and Temple lands

There were numerous assignments made in favour of temples, excluding the sadaburt puttees. All the sunnuds were carefully examined in 1855-56 and the Government sanction was obtained (No. 2044, dated 18th October, 1859) to all that were upheld. The temple assignments numbered 444, with a cultivated area of 9,476 beesees with a revenue of Rs. 8,447; of them 35 have been resumed.

Tenures

Commissioner Ramsay had observed much change under the head of tenure during the past 33 years he had been in charge of Kumaon division, especially from the 'advancing position of the parties concerned'. "It is useless trying to classify the hill tenures", he says, "under the definitions given in the Circular Directions" as the terms like "perfect" and "imperfect putteedaree" etc. are utterly unknown. Out here the permanent property in the soil previous to 1815 rested with the sovereign, not only theoretically; for the unrestricted power of alienation was exercised at the will of the ruling power in the time of the Rajahs, and to the end of the Gorkhali Government. A village could be given to an astrologer, a vaidya, a cook, a barber; and the assamees in possession, whatever

their former status, became to all intent and purposes the cultivators of the new owner. If they did not like the *maafeedar's* terms, they moved elsewhere, and they retained no rights in the land which they could assert to the prejudice of the grantee.

This grantee also, he adds, might be ousted exactly in the same manner, at the caprice of the ruling power, if the village was required for any other favourite. In those times land was abundant, *assamees* were scarce, and the cruel oppression to which people had been long accustomed, some time drove them away to parts of the districts where they could be comparatively free from the exactions of their oppressors. Ramsay observes that the hill people are strongly attached to their land, and quoting Commissioner Traill he also endorses the view that, "throughout the greater part of the province landed property has been subjected to few violent changes and by the process of Hindu law of inheritance it has now been reduced to the minutest degree of sub-division."

Historically *maafee* villages which derived some protection from the grantees were more prosperous than *khalsa* villages but at the same time the *maafee assamees* were only so far better than their neighbours that they had to please one who was to a great extent interested in their not running away, instead of being bullied by any official or soldier requiring their services. This state of government for a number of years took the spirit out of the people and they became so accustomed to obey those immediately above them that even those who had not been ousted became quite accustomed to obey the *thokdar* or headman of the village as if they were his slaves.

As a rule this was the situation when the British took over the administration of Kumaon. Commissioner Traill realized the revenue through the *thokedars* and *sayanas* and after he had seen the country he made *mouzawar* settlements. But the people had recovered so little that during those early settlements the lease was often supposed to include the proprietary right in the land. From 1825 to 1835, as is evident from the cases of that time, that the people had improved and begun more generally to feel that they had rights in the land and this feeling grew with the prosperity of the country. During Batten's 20 year settlement the first record was attempted by Mr. Batten, who hampered with the charge of the district side by side with that of the Settlement Officer, had to struggle against the ignorance of the people and to contend against the few who could appreciate the difference between *hissedar* (proprietor), *khaikar* (permanent tenant), and *sirtan* (tenant at will) and quite ready to make use of their knowledge against those who were ignorant or apathetic.

Revenue courts were simply flooded with cases about *hissedaree* and *khaikuree* after Batten's 20 year settlement. These cases helped sharpen the intellect of the

people who before the end of the settlement thoroughly understood what exactly was involved in these terms which were merely little more than names in Commissioner Traill's time. Assamees could then make their own terms and the pudhans, thokedars, or proprietors could not afford to displease their tenants, as they were too poor to pay on waste land and could not afford to easily replace the assamees who left. In short, the undefined position of proprietor and tenant remained for about 20 years or say up to 1835. During that time, says Commissioner Ramsay, "Mr Traill might have transferred even a whole village and his right to do so would not have been questioned, except perhaps by a very few. From the date of Mr. Traill's last settlement the people began to improve generally, and the 20 years' settlement enlightened them in many ways."

Subsequent litigation made great changes and by the time Beckett commenced his work of settlement he found every one wished to be recorded as a proprietor. The old generation had passed away and the existing one could hardly realize the position as it obtained 50 years ago. It was a very difficult work to determine the real position of many who claimed under Commissioner Traill's settlement, the measurement book of 1823, Batten's phants, decrees of court, or as relations of those who considered they had rights under any of these authorities. Beckett tried his level best 'to put each man in his right place and those who were dissatisfied were referred to the revenue courts'.

The state of cultivation in the best pergunnahs had entirely changed during Commissioner Ramsay's time as compared to Commissioner Traill's period; asamees had become abundant in the well cultivated parts and land was scarce. "The paharee", observed Commissioner Ramsay, "is extremely attached to his home and it is difficult to induce a khaikar even to move to another part, although the change might carry with it proprietary rights. I do not see the migratory spirit that appears to have prevailed in Mr. Traill's time and my experience is that villagers will put up with great hardship as regards revenue rather than give up his village. If a tiger or sickness carry off shareholders, the remaining few will never give up if they can pay the revenue by any means. Some Kalee Kumaon people are exception to this rule. They are headstrong, obstinate and spiteful. If they had a thokdar or pudhan whom they disliked, a whole village might resign and go elsewhere rather than be compelled to pay him recognized dues."

Tenures in Temple lands

Commissioner Ramsay found temple land tenures as very doubtful. A few court decrees had recognized that a 'goonth' assamee had a right to sell his land. In other cases, the proprietary rights was considered vested in the temple. To him it appeared unnecessary to place temple lands on a different footing from the khalsa as regards proprietary right. The representative of a temple could not sell its land.

The temple, or its representative only require the revenue to meet their wants. Goonth cultivators had often sold their land but it could not matter to the temple authorities who cultivated as long as the revenue was paid. Accordingly all the old cultivators in temple lands were recorded proprietors as in khalsa lands. This was expected to put an end to many disputes and prevent troublesome pujaris creating unnecessary annoyance.

Malikana

Under the old settlement the position of proprietor and tenant was very different from what it had become by 1874. Earlier very few of the tenants were recorded at all although their khaikaree rights were not interfered with and this situation gave the proprietors much power. The usual perquisite was a rupee on the marriage of each daughter, and other offerings, which were very vexatious and could even be made use of to bully any assamee who did not give what the proprietor asked for. The perquisite of this class were commuted to 25% on the revenue during the settlement, which was also more than the proprietor was legally entitled to under the former system. In other cases where small payments of grain were made in addition to these perquisites 50% has been given and where large quantities of grain were given, and money in addition to these offerings, in some instances three and four times more than the jumma, 100% has been given. Under the last situation, half of the gross rental has been divided equally between the Government and the proprietor.

Johar Bhot

Commissioner Traill's celebrated account of the Bhotia Mehals submitted to the Supreme Government in 1828 and later published in the *Asiatick Researches* is eminently updated in 1874 by Commissioner Ramsay, as much through his official understanding as his personal acquaintance, as names of some of the prominent Johari Saukas of his age are mentioned by him as an exceptional gesture.³⁰

Bhote pergunnah of Johar, situated north of the outer snowy range on the banks of the Gori river, informs Ramsay 'has no land of any value but a very thriving trade'. During the rains the Bhotea families live in their villages in Johar while the men are employed in going to and from Tibet with their jooboos, goats and sheep, from October to May these are employed in bringing down borax and salt from the upper villages, which they deposit at different depots and in carrying up grain, goor etc. For instance they bring all their Tibetan products to Munshiari before they attempt to carry part lower down. On leaving Munshiari they generally form depots at Tejum, Buggar, Sera Gangoli or other places, where their families are to live during the winter. At Tejum in Johar, Looathul and at

other places in Gangoli and elsewhere they had built houses. Many of them erect temporary shelter and while the women were employed in weaving blankets, or looking after the ewes and cattle, some of the men are busy with their goats and sheep, carrying borax to Bageshwar or Ramnagar, and salt to the villages. The former was sold to the bunniahs, or to Phaldakot men at Ramnagar and the Bhoteas took back grain or goor to their depots. Thus they went on till they had sold all their borax and collected as much grain as they were able to carry on to their homes in the snow. The salt was bartered for the grain in the villages.

The Bhoteas kept a few ewes for themselves and they bought a large number of Chamba sheep for lading, which were brought by Kangra men for sale at Ramnagar and all they could get from Malla Danpur pergannah. A few ponies were also brought down but since the Sikh invaded Tibet about thirty years ago the pony trade had been ruined, as the Sikhs carried off nearly all the good mares. Consequently a good pony in 1874 which cost Rs 300 now could have been earlier bought for only Rs. 100.

Commissioner Ramsay rated the 'Joharees as the best of their race'. Some of the Johari Bhoteas were well off and in the 'old race, among whom Deboo (who assisted Moorcroft), Hugguroo, and Futteh Singh were well known, had passed away, and none of the present generation could exercise the power and influence they did.' Commissioner Ramsay noted that 'the Joharees are decidedly the most intelligent and most wealthy of all the Bhoteas of this province'. Dhunnoo, a very enterprising man, went to Calcutta every year to purchase his own supplies of cloth, corals, etc., for the Tibet market; Manee, son of Deboo, who distinguished himself with Schlagintweit, and under the Great Trigonometrical Survey, was putwaree of Darma. Commissioner Ramsay mentioned Mani, the putwari, Mani son of Futteh Singh (Mani Budha), Dhunnoo Jangpangi and Gyani, son of Hugguroo, as the leading men among the Johari Bhoteas in 1874. The murrain among cattle was very fatal in some places above Bageshwar and was 'liable to carry off sheep by thousands'.

Ramsay considered the revenue fixed on the Bhotia villages, which was not on land only but on their profits generally, 'quite fair (which they should pay) because they occupied an immense tract of country to the exclusion of all others, for six months they grazed their sheep and cattle all over the country, they had the benefits of the roads and bridges, made at great expense and with these advantages they made large profits, while they paid almost nil to the Tibet Government'. With their consent it was arranged that the villagers should make their own phant or distribution of jumma every year for all they had to pay in excess of the land revenue, 'as they knew who among them had suffered from the loss of sheep, or had been crippled in trade, and who had been able to make larger profits than usual.'

However, Ramsay added, 'although fair jumma have been fixed, in the event of severe loss from murrain, remission should be freely made; because it is very disheartening in payment of this kind to be called upon to pay on profits when murrain had caused actual loss. Strictness in demanding jummas now fixed in bad seasons, when murrain had destroyed their flocks, might throw the poorer Bhoteas into the hands of the bunniahs, which would be a terrible calamity.' But if there is no murrain epidemic 'the jumma now fixed can be easily paid, and will be cheerfully given.'

Bhotias of Byans and Darma

Ramsay noted the eastern Bhoteas of Byans and Darma 'very far behind those of Johar in every way. They are much more obedient and pay a good deal to the Tibetan Government....They drink very much....the Byans people can easily evade any objectionable order by crossing over the border into Nepal and they have no respect for law except in so far as they may be made to feel its power.' The most enterprising men in this tract are the Kambas, who came originally from Tibet...Chodans is altogether different from Byans and Darma. Its climate is so mild that people can live there and cultivate throughout the year.'

Cess of 10%

A ten per cent cess had been levied and it was to be applied to education, district postal service and putwarees' pay.

Education

Great difficulty was being experienced in bringing 'education within reach of all' though this objective did not aim higher than 'to read and write, and arithmetic of the simplest kind.' It was considered sufficient for the masses and if any sharp boy wished to pursue higher education, which his father could not afford, he received an allowance to admit him to 'the school at Almora'. A fixed number, according to the funds available, was provided for this on the recommendation of the inspector or the district officer. A boarding-house was under construction at Almora where such boys were to be looked after. Teachers in the hulkabundee schools received only Rs 5 per mensem and this was considered 'sufficient to procure men capable of teaching all that was aimed at and it was considered more beneficial to impart to many the useful knowledge of reading and writing sufficient for their everyday use than to give a smaller number a better education by employing qualified but more expensive teachers. Expensive schools were not required and as a rule sheds were erected by the people and the school masters could be removed to different localities from time to time as required.

There were 99 hulkabundee and six tuhseele schools in Kumaon which had an average daily attendance in 1872 of 2,014 boys. The schools were looked after by the inspector and they were to be supervised by the district officer and no pundit was allowed to draw his pay for doing nothing. Ramsay observed that the hulkabundee schools will prosper or decline 'according to the interest taken in them by the district officer.' According to Ramsay Kumaon could boast of 'a higher percentage who can read and write than any other district in the North - Western Provinces.'³¹

District Post and Putwarees

Police arrangements of the district were comprehensively dependent on an efficient functioning of the district post and to ensure uninterrupted communication from all parts of the district the putwarees and rural police were kept on their toes. To look after an area spread over 6,000 square miles there were 91 putwarees through whom the police arrangements were carried out and a large number of men were required on the district post establishment to convey reports from all parts of the district to Almora. Prior to the settlement there were 42 putwarees on a Rs 5 per month basis borne on the tuhseel establishment. The circle of some of them contained an area of 300 square miles and consequently they could only do a part of what was expected of them. The number was increased to 91, like in Garhwal, to be paid off from the cess fund imposed. The ones who were wholly paid received Rs 10 per mensem while an allowance of Rs 5 each was given from the same to those old putwarees borne on the tuhseel establishment as were qualified by a knowledge of survey work. The circles were reduced to an average size of 50 square miles, paying a revenue of about Rs. 2,500. These putwarees in addition to the duty of collecting the revenue and their ordinary police work had to measure land when required, execute decrees where land is concerned, look after the repair of district roads, arrange for supplies to travelers, procure coolies when required and keep the district officer informed of all that was going on. There were no village putwarees similar to the class of village accountants in the plains.

Police

There was no regular police in the Kumaon hills except at Naini Tal, Ranikhet and Champawat, nor were there any village chowkidars, as in the plains districts. The few chaprasees attached to the courts and tahsils were required to perform the police duties of escorting prisoners or apprehending criminals, which was done with the assistance of the thokdars and pudhans.

The rural police were the pudhans of villages who in heinous cases were required to apprehend criminals, report crimes to the putwarees and arrange for

the safe transport and custody of the Government revenue from distant parts to Almora. If they failed in making police reports the thokdar was bound to bring to the putwaree's notice any serious crime committed that had been concealed or not reported by the pudhan.

"In all parts of the district every thokdar or pudhan", reports Commissioner Ramsay, had "enemies who were ready to bring his neglect of duty to notice; crimes unreported soon got talked of in the village, and this extended to friends beyond the village when some one was sure to make a report to the putwaree or the district officers." Ramsay believed that "our rural police system worked better than any other in India and it would be most unwise to interfere with it. It has the merit of being cheap, i.e. costs the State nothing (I do not here include the Bhabur police, which is separate); and the absence of annoyance and worry inseparable from a paid police is not its smallest recommendation."

Thokdars

The only subject on which Henry Ramsay changed his pre-Mutiny opinion relates to the office and role of the Thokdars. During Batten's incumbency Captain Ramsay and John Strachey who were Senior Assistant Commissioners of Kumaon and Garhwal districts had come to a conclusion that the thokdars were oppressive and it was on their recommendation that the Government had ruled in 1856 that their services should be dispensed with, as far as possible, and in the cases where the same could not be done they should get a percentage on the revenue of their sayancharee villages. Both the officials had held that soon after the British take over the thokdars were entrusted with the collection of the revenue. Sayanas, kumeens, thokdars and boorahs had appeared to them synonymous terms-being local terms for the same thing. Sayanacharee and booracharee, according to them, had in time got mixed up with the hissedaree, probably with the object of excluding land from the revenue demand. Ramsay conceded that there were great differences between some of those called by these names. For example Tej Singh, syana of Kukurgaon, Narain Singh of Tamadhon, Kalyan Singh of Juspoor, Mulk Singh of Danpoor and some others were quite different from the common thokdars. Batten believed that they occupied a feudal place in the estimation of their subjects. Ramsay recalled that when he came to Kumaon in 1840 "Mulk Singh was a king; his word was law in upper Danpoor. He did what he liked; he took what he wanted, and the people did not grumble."³²

Ramsay, writing in 1874 says, "since that time I have been compelled to change my view." The reason he gives for doing so, as he himself admits, is that "the people have altered so much since 1856, that it was absolutely necessary to maintain thokedars as far as possible, to ensure the due performance of police duties on

the part of the pudhans.” He also mentions that he saw that “the abolition of the office of thokedar, which had existed so long, would be very unpopular with all except the democrats who, more than others, required to be kept in check.”

Clearly it was the shock which the British had experienced during the great upheaval of 1857 and blame –game launched against the Bird-Thomason schools’ officers, the opposition of Talukadars in Oudh etc, which had forced Ramsay to reconsider his earlier stand against the thokedars in Kumaon. Ramsay accordingly represented to the Board and Government in favour of the necessity of keeping up all the old thokdars and the Lieutenant Governor authorized him to do what he deemed necessary. Henry Ramsay had already redeemed himself in holding forth during the disturbed times of 1857-58 and had been instrumental in restoring British control in the disturbed districts of the North-Western Provinces and recapture of Delhi.

In the course of appeals Commissioner Ramsay examined all the thokdari misls (files) and he came to the conclusion that Commissioner Traill’s order which reduced all thokdari dues to 3% was never acted upon except when a small thokedar came into court. The important thokedars never applied to courts as in those times “they made asamees do whatever they liked”. At the Batten’s settlement the thokedars in many cases recorded very heavy payments in the phants. Others, resting on their thokdari sunnuds, felt it unnecessary to record their thokdari dues at all. Ramsay and Beckett decided that some of the most important men should receive 10%, and some 6%, as in Garhwal, on all the villages where their thokdari was entered in the 20 years’ settlement phant and the remaining were to be given 3% whose names were in the thokdari pattas if thokdari was upheld among those who were descended from men in office when Kumaon was conquered.

As all the settlements had been completed before these thokdari claims were recognized Ramsay directed the Settlement Officer to deduct the amount from the Government demand. The total amount required to meet the dues was Rs 2,156.

Pudhans

Under the old settlement there was only one pudhan of a village but at the 20 years’ settlement some villages had as many as ten. The asamees found the mistake of having many pudhans who created a great deal of mischief. When there were separate dharas or clans in a village each was allowed to have its pudhan or where there were a very large number of proprietors of different castes more than one pudhan was allowed. As a rule no more pudhans were appointed than necessary. Where pudhancharee land existed in sufficient quantity that was the pudhan’s

remuneration. Where there was not enough, or none at all, 5% was given. In some cases sub-pudhans i.e., ghur pudhans were appointed with the object of looking after the asamees rights and collecting the revenue. These ghur pudhans could at any time be removed by the district officer or Commissioner on being shown that they could be dispensed with without injury to the village.³³

Population

No correct return of population existed for Commissioner Traill's time. The first ever census was taken in 1852 not by counting all in one day but by collecting the requisite information through putwarees. This was a work of months and as the births were probably nearly equal to and not less than deaths during the time occupied this return was more correct than any that could have been made on a particular day. The last census was attempted in the common way of counting all present on a certain day. The settlement census, including the town of Almora, but not the stations of Naini Tal and Ranikhet, showed the population of each place as they were counted during the progress of the field survey, which extended over several years. All showed a great increase in the agricultural population of the district.

Population Return Kumaon

1852			Settlement Census			Census 1871		
Males	Females	Total	Males	Females	Total	Males	Females	Total
190,203	169,808	360,011	208,878	186,044	394,922	213,975	199,067	406,042

Garhwal 231,788

Tea Cultivation

Commissioner Ramsay was happy to report that the prospects of tea cultivation which had been gloomy and disheartening of late had changed entirely and there was hope that not only the existing plantations would yield satisfactory returns but that other investors may be encouraged by their success to establish new plantations. He felt that if some large plantations were to settle here it would have infused life into eastern Kumaon where land could be purchased and labour is abundant. The Kausani and Katyur companies had changed Katyur from a desert into a prosperous tract and it required only time and men to convert much of the remaining jungle into fruitful fields. Ramsay observed great improvement in Katyur, the tea planters having done for Katyur what Batten in his settlement report had anticipated and Ramsay wished that the people from over-crowded parts would be induced to settle in that puttee, where they would find good masters in the present tea-planters and abundance of land on which they could

locate their families. The Doonagiri plantation had thrown a vast amount of wealth into the surrounding country from which derives labourers. The Berinag and other smaller plantations have done much for Gangoli, Julna also has in some way greatly benefited the country east of Almora and there were smaller plantations which had been of immense value to the district. Earlier the planters faced problem of disposing off their product but now the purchasers were coming to their doors and making long term deals at reasonable prices.

Last fifteen years the tea-planters invested heavily in the district and this improved the condition of the people as well as the quality of the houses built. Ramsay was hopeful that soon the planters would be in a position to reap the benefit of their investments in the district. There were 19 tea plantations in fee simple tenure, four grants and 39 villages assessed in the usual way, belonging to tea-planters in the district. Some had little tea planted where some had nothing at all. The fee simple estates aggregated 13,942 beesee bought at a cost of Rs. 32,389 and they paid Rs 182 under the 10 per cent cess. This cess was fixed by charging 10% on the amount given by 4% on the purchase money, i.e., if a fee simple had been purchased for Rs. 2,000, 4% on this would be Rs 80, and 10% on that sum would give a cess of Rs. 8. The rule did not apply to the purchase money of a ready made tea plantation, but merely to the value of the land, which was determined without reference to the value of the tea or buildings on it.

Commenting on the list of tea sites finalized by Beckett Ramsay found that many of them were rather small and he thought it would be far better for a tea planter 'to purchase a village with extensive pasturage ground than to attempt high cultivation on a small area, where adequate quantity of manure would be difficult to come by. Small villages with large tracts of jungle could be purchased in Kali Kumaon, Gangoli, Dhyaniraw and some other parts in Kumaon.

List of lands available (at 33 identified) tea sites included land pieces at Kairharon and Mahriyuri in Baramandal (2); Chugarkha, Darroon, Lakhanpur Malla and Rangarh in Chugarkha (5); Bichla Danpur, Talla Danpur and Malla Katyur in Danpur (4); Choubhansie and Malli Rao in Dhyaniraw (2); Bol, Bherung, Burhaon and Pungrao in Gangoli (8); Gumdes, Sipti and Usee in Kali Kumaon (3); Talla Chukot and Pulla Giwar in Pali (2); Mali, Barbisi and Dindihat in Seera (4) and Raul, Tala Waldiya and Soun in Shore (3).³⁴

Markets

All British administrators, Traill onwards down to Ramsay, were essentially Company officials with a keen sense of market, all believers in free trade and the principle of demand and supply. Commissioner Ramsay provides an excellent situation analysis of the existing markets in 1874 and their potentials.

"No district could be better off for markets," informs Commissioner Ramsay, "Naini Tal, Ranikhet and Almora would consume far more than hills could supply." The first two cities had established market for labour with potential to provide continued employment and the labour rates were such that 'a man could probably pay the whole of his quota of revenue by carrying a load from Almora to Naini Tal and back, or by serving a fortnight at a tea plantation.' Near Ranikhet the villages could pay their revenues by selling their bhoos (chaff) and rice straw. Milk attracted fabulous price at all the stations. Vegetables and fruits also fetched good prices as these very eagerly bought. Rice and atta was seldom cheaper than ten seers per rupee while turmeric, red pepper, pomegranate, tamarind and a great variety of forest products were brought down during the cold season to the markets at the foothills. It was estimated that hill products valuing nearly Rs 3,00,000, came from Tibet, both cultivated and natural, and brought down to Ramnagar alone every year. This did not include borax. Exports worth Rs. 1,50,000, of which red pepper and turmeric accounted for Rs. 80,000, took place annually and this could be added large amounts for grain, if it prices were high in the plains.

By 1874 Bageshwar market for borax had declined, compared to what it used to be earlier; though the number and quality of houses had improved owing to increased prosperity of the place. It still remained the principal market for borax, where Almora bunniahhs purchased the tincal from the Bhoteas. A good quantity of the same was brought down to Ramnagar by the Bhoteas themselves without the medium of the bunniahhs and similarly most of it which used to come from Darma now went down to Burumdeo (near Khatima, in Nepal now), or sold raw to Tula Ram at Champawat or to the Pilibhit bunniahhs. Bageshwar on the 12th of January fair, Thul in April attracted large crowds to its fairs where extensive transaction were entered into between the bunniahhs and Bhotea, clearing up accounts and making advances for next years transactions. Large sheep purchases were also made at Thul.

Roads and bridges

A cart-road from plains to Almora via Ranikhet and another to Naini Tal was in use and all the important parts of the district were connected with good bridle roads suited to laden ponies. Fair bridle roads were within easy reach of all the tea plantations. All the difficult rivers had been bridged on the main lines of road and there were 27 suspension bridges and a new kind of wire-rope bridge, introduced by Mr. Lawder, was found very suitable for the hill part of the division. There were as many as 25 staging bungalows. The important lines of roads were maintained at Government expense. At the same time it was customary for the people to keep the district roads in repair by giving personal service as they believed that the roads were for their benefit and the advantages are enjoyed by all.

Ramsay mentions that it was impossible to expect the Government to repair cross roads and it was essential for the prosperity of the district that all parts should be connected with the main lines. It used to be the practice to send a road jemadar, armed with an order to putwaree to supply coolies to repair roads but it was found that the weak suffered from the strong, or the more wealthy induced the jemadar to release them. To avoid this situation the old system had been improved and now the roads were divided off to the villages within reasonable distance. This merely assigned to each village or plantation a part of what under the old system many were required to do collectively. The putwaree or a jemadar was now entrusted with the duty of seeing the repairs done. If any one refused or neglected to do his part the same could be done by the paid coolies and the cost was to be realized from the village of a fee simple estate. Bridges requiring skilled labour were constructed at Government expenses.³⁵

Roads in Kumaon, 1874

1st Class Cart Roads

1. Cart road from Ramnagar to Ranikhet and thence to Almora
2. Cart road from Haldwani to Naini Tal

2nd Class Broad bridle roads with graduated slopes

1. Almora to Haldwani and branch to Naini Tal
2. Almora to Lohaghat
3. Almora to Pithoragarh, slopes steep
4. Almora to Beri Nag
5. Almora to Bageshwar
6. Almora to Katyur and Garhwal frontier
7. Almora to Garhwal via Deghat
8. Almora to Ramnagar with branch to Naini Tal, from Khairna
9. Naini Tal to Haldwani
10. Naini Tal to Kaladhungi
11. Naini Tal to Bhim Tal
12. Naini Tal to Dwarahat via Ranikhet
13. Dwarahat to Garhwal via Masi or Deghat
14. Dwarahat to Bageshwar
15. Ganai to Ramnagar
16. Ganai to Lobha
17. Pithoragarh to Birmdeo via Lohaghat
18. Bhim Tal to Mulooa Tal, steep slopes

3rd Class Bridle road made without good gradients and narroe

1. Bageshwar to Pindari glacier
2. Bageshwar to Milum Johar
3. Bageshwar to Askot via Beri Nag
4. Pithoragarh to Thal via good (?)
5. Pithoragarh to Darma and Byans
6. Lohaghat to Birmdeo, via Chalthee
7. Ranikhet to Pant Ka Peepal

Mines, Minerals and Labour

Ramsay mentions that even though iron and copper availability was in abundance but the labour situation, their dearness, rendered the value of mines nearly worthless. The Sones, or miners, had given up their old trade and taken to contracts. In the earlier times mining was attractive owing to “cheapness of grain in the khetsari valley”, where iron was extensively manufactured. This situation had changed with the expansion of Ranikhet, which had doubled the price of grain, and the miners found it difficult to exchange their labour for small margin through ironworks. The situation of copper mines was no different. Earlier some villages where the miners resided were included in the mining leases of Kumaon and Garhwal. These villages now had been settled with the miners and this freed them from the clutches of the contractors, who was in the habit of extracting maximum profits at their cost. These contractors had no technical knowledge of the mining technology and they did not have enough money to extend the mining area beyond the existing worked-out galleries.

The mines had collapsed and it was not possible to make them profitable without substantial fresh investment, labour had become expensive and the English copper could be bought at a cheaper rate at Almora. Ramsay did not expect the native contractors to make any profits from the resident miners, who worked at their own convenience and worked on an arrangement of taking half the ore for themselves as their margin and share. Undoubtedly there was an abundance of copper in Gangoli but the existing quantity of copper and iron being manufactured was barely sufficient for local consumption. This small production went into making agricultural implements for the people of neighbouring villages and a few copper vessels. As all the mines were in the interior areas and far away from a good market it was not likely to prosper in near future.

Spirituos liquor

“It is not the custom for hill-people in Kumaon,” writes Ramsay, “to drink; and unless they are taught, by having grog shops planted over the district, I do not think they will take to this demoralizing practice.” Ramsay had strictly prohibited

the extension of grog shops and limited them to stations where they could not be dispensed with. He was convinced that if the grog shop contractors are not watched they will “in a quite way encourage the habit of drinking beyond their licensed capacity, and having taught a few to drink, will apply for licenses. Such extensions should be vigorously opposed and except at the stations hitherto supplied with liquor shops I hope no others may ever be permitted in Kumaon. They are not required to check smuggling and they can not be required to introduce drinking habits and they can not be required to introduce drinking habits among a people wondrously free from the vice.”

“Bhoteas”, added Ramsay, “are utterly beyond the check of grog shops. They make their own liquor wherever they halt, but they do not sell it, or encourage other castes to drink. It is impossible to prevent their making liquor and therefore useless to attempt to do so.”

Wildlife

The battle between the wild animals and man was at its fiercest peak and the former outnumbered the latter. Danpur, Gangoli, Seera and Kali Kumaon were home to extremely rich forests and these were home to numerous bears but as compared to the past “very few bears left”. In Sera Ramsay reports that during the settlement operations Beckett was approached by a shikari with 13 skins for a reward and this gives some idea about the number of “these mischievous beasts”. A man-eating tiger occasionally created great alarm but he reports that this was rare. As a rule tigers which kill cattle were shot immediately. Shikaris hunted for these destructive animals and this kept up the numbers for which rewards were paid.

During the last 13 years, Ramsay reports, 479 tigers, 1,86 leopards and 2,869 bears had been killed and paid for. Naturally a much larger number was killed but not reported. The amount paid for destruction of the tigers, leopards and bears in 13 years i.e., January 1860 to December 1872 was Rs. 20,413.

State of the district and people

Settlement reports are veritable periodical socio-economic surveys of the districts and the constituents of a district i.e. tahsils and parganas. Dabral has in fact used these periodical revenue revision settlements to classify and distinguish 132 years of British administration into three distinct stages ; First, 1815 to 1864 as a period of village expansion and agricultural expansion, covering seven settlements of Commissioner Traill and the eighth of Batten, as Settlement Officer; Second, 1864 to 1914 as a period of agriculture expansion within village boundaries, Beckett-Ramsay's ninth settlement of Garhwal and Kumaon district; and Third,

1914 to 1947 as the age of 'awakening' covering the tenth revenue revisions of Pauw and Ibbotson. In district Garhwal alone Dabral mentions that from 2929 villages in 1822 the number went up to 4417 in 1864, the cultivated area jumping from 57,432 beesees to 149,379 beesees during the same period. During these 42 years number of villages increased by 50% and cultivated area by 260%.³⁶

Concluding his report Commissioner Ramsay mentions that Commissioner Traill had reported that, "from the subdivided state of landed property which exists here few individual land-holders have the means of acquiring wealth; but though all connected with soil are confined to a state of equality, their condition as a body is no doubt superior to that of a similar class of tenants in any part of the Company's territories." Commissioner Ramsay comparing the present situation with the one 40 years ago remarks that "if this really was the state of Kumaones upward of 40 years ago it is much more applicable to them now. At the time when Mr Traill wrote as above he stated that four lakhs of rupees had been expended in ten years among the labouring classes. I find that in addition to the revenue of the province - the abkaree, stamp revenue, the forest revenue, the revenue of the terai, and miscellaneous receipts-the large sum of 24 lakhs of rupees have been remitted in cash to Kumaon during the last three years, which gives an average of Rs. 8,00,000 for each year. No money is sent down to the plains. The sums I have specified above, in addition to cash paid for remittances to other treasuries, and the probable amount expended on tea plantations, makes a total of nearly 20 lakhs of rupees for each of the last three years; and the sum has been expended in Kumaon. I entirely agree with Mr Traill and consider that Kumaonese are better off than any peasantry in the whole of India. With the increasing prosperity of Ranikhet and Naini Tal, the price of grain or labour will not fall, while the prospects of tea cultivation are so hopeful that, as far as I can judge, there is every reason to look forward to still greater prosperity among the people."³⁷

EVANGELICALISM AND ADMINISTRATION

Evangelicalism and promotion of Christian missionaries' activities and involvement of civil servants therein has not been examined as an integral part of administration, as hitherto it has been perceived as something personal to the practitioners and not a matter of public domain. Company civil servants and later British administrators professed a religion which was alien to the vast number of subjects whom they governed and sooner or later it was only natural that the social and private life of the rulers was bound to impact on their public life. Appreciating this eventuality the East India Company pursued a clear policy in

regard to interference in the matter of their subjects' religious sentiments and practices. This policy, as practiced, could be divided into three clear periods :

- (i) the period of strict neutrality (1775- 1833),
- (ii) the period of neutrality, without indifference (1834- 1850), and
- (iii) the period of open avowal (1850- onwards).

During the last decade of the eighteenth century while the European countries were busy setting up their colonies in far out places of the globe during the same period several Protestant societies were being established in Europe and the New World. In India while the old missionary societies like The Society for Promoting Christian Knowledge (S.P.C.K.) and Society for the Propagation of the Gospel (S.P.G.) were existing for over a century there was almost a flood of newly formed societies during the last decade and the first decade of the nineteenth century. Baptist Missionary Society (B.M.S., 1792), London Missionary Society (L.M.S., 1795), Church Missionary Society (C.M.S., 1799) and Wesleyan Methodist Missionary Society (W.M.M.S., 1813) were the principal ones. In America the American Board of Commissioners for Foreign Missions, established in 1810, gave birth to a new approach following which all prominent protestant branches commenced having a dedicated wing for promoting Christianity in non-Christian regions. This new approach ensured that wherever new colonies of European countries were established the missionary units followed with their missionary activities. In British colonies likewise the Cross followed the Union Jack.³⁸

The East India Company was an out and out commercial undertaking and the Company share-holders were opposed to both the introduction of missionaries and the Indian Christians alike, as they feared that their commercial interests might be jeopardized by their activities. On the occasion of the renewal of the Company's charter in 1793 the Directors strongly opposed proposals of missionaries like Wilberforce for introduction of chaplains and school masters during the parliamentary debates. It was feared that any interference in the religious sentiments of Indians might raise their anger against the British administration. The Parliament rejected the proposal of Wilberforce and for the next twenty years the Company opposed entry of missionaries both in England and India. As during this period no European could enter their territories without their express permission it was not very difficult to implement the policy. Accordingly for the next twenty years, 1793 – 1813, there are no visible activities of the missionaries in the Company territories. This truly was a period of strict neutrality in religious matters in India. By the time the Company charter again came up for renewal in 1813 the President of Company's Board of Directors, Charles Grant, had successfully persuaded

the Parliamentarians about the religious needs of Company servants and sanction of an ecclesiastical establishment to address the same. Prior to the renewal of the charter a Committee of Parliament conducted hearings on the petitions submitted by the societies of missionaries, opposition by the business associations etc. Along with the renewal of the charter in 1813 a Bishopric was sanctioned for Calcutta and Archdeacons for the other two Presidencies. Protestant missions were also allowed entry into India and with this protest missions expanded their activities. However, the main objective was to improve the functioning of the chaplains working in English churches and their effective supervision. It was still not intended to promote missionary work or encourage missionary activities amongst Indian population. Thus the official policy remained that of strict neutrality in the religious matters for the next twenty years again. However, during the next twenty years, 1813-1833, even though the official policy remained that of strict neutrality a perceptible change occurred on ground.³⁹

This period in Kumaon, as we have seen, corresponds to the tenure of the first two Commissioners, Gardner (1815) and Traill (1815-1835). While in the rest of the Bengal Presidency and especially the North Western Provinces, of which British Kumaon was an integral part since 1830, this policy was strictly followed. However, Kumaon was put under the Non-Regulation mode, which meant simpler and almost a personal form of government. We have observed that Commissioner Traill went ahead with his own mode of governance, following his own procedure for settling the land revenue, distinctly unique patwari system different from the plains etc. What was, however, discussed in whispers outside Kumaon was the way he had handled the sadaburt and goonth, acquiring their management and deploying them for road-making and feeding the pilgrims, openly violating the official policy of strict neutrality. Interestingly during this period Kumaon was visited by Bishop Heber, a product of renewal of charter in 1813, and he was highly appreciative of the way Commissioner Traill handled the province. Bishop Heber's journal covering his tour of Kumaon in 1824, is the best testimony of the fact that the current policy of strict neutrality was being followed in these parts in its true spirit. Hence far from being enraged the Kumaonese held Commissioner Traill in their esteem next only to Lord Vishnu!⁴⁰

Commissioner Col. Gowan's period (1836-38), a highly controversial one, highlighted the fact that open cow-slaughter was highly resented by the Hindus and Commissioner Traill had taken measures respecting people's sentiments. Commissioner Lushington's tenure (1838-48) followed the policy almost mechanically and it resulted in restoration of certain religious grants, withheld or withdrawn earlier after an objective enquiry, which resulted in praise by beneficiaries of a rather lackadaisical official. By 1839 Kumaon had become a Commissionery in the legal sense, with two districts, and a Commissioner who strictly went by the

rule book. By 1840, Maharaj Ranjit Singh had died and Company's expansion west of Yamuna was a certainty which resulted in the annexation of the Punjab in 1849. In the meanwhile James Thomason had taken over as the Lt.- Governor of N.W. Provinces in 1843 and for the next ten years the Punjab had quite a few officials handpicked by Thomason. Like James Thomason, the officials who received his favour and patronage, were all deeply religious and all came either from missionary families or were themselves deeply religious. The Bird-Thomason school, which reigned supreme in N.W. Provinces, from 1830 to 1870, substantially altered the ground condition, and the policy which was followed was that of neutrality, but without indifference to one's own religion. Thomason a deeply religious man, while followed the official policy of neutrality in religious matters publicly, openly participated socially in private religious functions of his subordinate officials and he openly promoted their religious efforts.⁴¹

Annexation of the Punjab in 1849, shift in the official policy from strict neutrality to one of neutrality, without indifference, followed by James Thomason, from 1843 onwards, ensured that by late 1840s even this policy changed into that of an open avowal. This policy shift of open avowal is best manifested in the establishment of the Kumaon Mission in 1850 at Almora.

Kumaon Mission, 1850

Henry Ramsay and John Hallet Batten, who had taken over as a Commissioner in 1848; and who sincerely believed that Commissioner Traill had violated the official policy of strict neutrality with impunity before he really understood the real meaning and intent of this policy later, invited personally Reverend John Henry Budden of the London Missionary Society to shift from Mirzapur to Almora for establishment of Kumaon Mission. Commissioner Batten himself became the president of the Mission, Henry Ramsay the Treasurer with Reverend Budden as the main functionary. Thus from 1850 the policy of strict neutrality became one of open avowal in so far as public intervention in religious matters was concerned.⁴²

Commissioner Henry Ramsay took over as the next Commissioner when Commissioner Batten went on a furlough in 1856 and he remained Commissioner of Kumaon for the next 28 long years. Much before he took over the reigns of Kumaon in 1856 evangelical work received open support from him as well as other officials. In the chapter dealing with Commissioner Batten's tenure we observe Henry Ramsay openly admitting the involvement of British officials in missionary and educational activities, a well known fact to everyone.⁴³

Commissioner Ramsay's nearly three decade long tenure as the senior-most official of Kumaon is a series of public interventions which were less a government

scheme as we understand them today and more by way of missionary interventions, often not excluding his personal contributions. Commencing with his attention to the plight of leprosy affected individuals as soon as he came to Almora way back in 1840 as the Commandant of the Kumaon Provincial Battalion, to opening of a school for boys, then for girls, construction of Churches in Almora and Naini Tal, mission school and office in Pauri Garhwal and various places like Ranikhet, Dwarahat etc. shows that many of these interventions were not official interventions but a part of religious duty towards the poor and the needy.⁴⁴

Lest Commissioner Ramsay's real intentions are misunderstood it would be in the fitness of things to evaluate his various other initiatives like promotion of tea cultivation, health and sanitation, almost every other activity in the public domain would show that not everything was attempted with an eye on conversion of the local communities. Owing to a near total lack of access to public documents in a colonial-rule set up it is not surprising if the various efforts made by Commissioner Ramsay have been viewed, in context of his open support to missionary activities and personal involvement in quite a few of the same, by some exclusively from the tainted glasses of a particular religion.⁴⁵

Henry Ramsay himself considered the honour conferred on him to preside over the Conference of the Missionaries in Calcutta in 1884 as the highest amongst all which he had received speaks volumes of his firm conviction in Christian values, which were manifest in his various deeds and interaction with all those with whom he had any dealing. Perhaps Henry Ramsay, like James Thomason before him, truly practiced what came to be known as a policy of 'neutrality, without indifference' towards ones' own religious beliefs and practices.

ATKINSON'S GAZETTEER OF HIMALAYAN DISTRICTS

While George William Traill and John Hallet Batten immortalized their indefatigable official efforts and unquestionable commitment to the welfare of the simple hill-people through their celebrated reports in the volumes of the Asiatic Researches and the Journal of Asiatic Society of Bengal, Henry Ramsay does not appear to have any comparable literary claims.⁴⁶ Besides completing the Ninth Revenue Revision Settlement Report for Kumaon district both as the Settlement Officer and as the forwarding divisional Commissioner the only report credited to him is his Report on the Sub-Himalayan Forests, used by Edwin T. Atkinson as an introduction to the Sub-Himalayan Forests, in his Economic Botany, Forestry section.⁴⁷

Atkinson's celebrated Gazetteer of the Himalayan Districts was originally planned as a Memoir to thoroughly examine the territories lying between the Tons

and the Kali, as had been done for Ceylon by Tennent, and a reasonable summary of the existing knowledge of the Himalaya-Tibet region. It was expected to be a kind of guide book for the entire Himalaya through which its 'physical unity with its historical connections' could be correctly understood, a more rounded view of the Himalayas than what was known through a huge mass of disconnected published material which had appeared upto 1880s. As it was from or through Himalayas that the pre-Aryan and the Aryan races were believed to have come and subsequently inhabited the plains of India in historical times it was assumed that only 'the beliefs which had their origin in or beyond the Himalayas which must have influenced the religious systems of India' from the earliest ages down to the 1880s. Thus this Special Gazetteer was commenced with the objective of understanding the 'political and religious history of the plains' and for which special efforts were made to collect all possible published material to arrive at an 'adequate conception of the physiography, ethnography, and history of the Himalaya-Tibetan tract.'

Accordingly all possible published material on the Himalayan districts of the North-Western Provinces were collected and the impressive list which emerged stand included as 'References' of Chapter I. The plan to achieve this objective was suggested by Mr. R.N. Cust in 1866 for the preparation of a 'Catalogue raisonne of every kind of printed information connected with the North-Western Provinces' and Atkinson gave preference to 'all special and local reports of those engaged in administration'. In the meanwhile District Memoirs like the one by G.R.C. Williams had made their appearance in 1870s which though substantially obviated the need of collecting and indexing such lists still failed to address 'subjects of general importance. . . which even these local accounts did not subserve'. Upper most among these, of course, was 'history' as Atkinson put it 'in its widest term, of the Himalayan-Tibetan region'. This Special Gazetteer's one major contribution was a list of 'references as the nucleus of a complete index' to the extant knowledge of the physiography, products, peoples and institutions', of the Himalayan-Tibetan region.

By 1881, when the first volume of Atkinson's Gazetteer came out, a considerable advance in accumulation of information had taken place, but it was not available in a processed form and in print. This Gazetteer processed all extant knowledge in the fields of Scientific and Economic Botany, Economic Minerology, Meteriology, Geology, with a summary and the 'guide to materials for the study of details'. What added real value to this celebrated work was the fact that all of it was 'new, or embodied information buried in correspondence and reports, and practically as inaccessible to the public as it had never been committed to writing'. General Richard Strachey, Mr. H.B. Medlicott, Mr. S.A. Hill, Dr. King, Dr. Watson,

Mr. Winterbottom, Mr. F. Duthie, Mr. Grieg, Major Garstein and Colonel Walker, were all civil servants or scientists who had been in service in the North Western Provinces or had their offices located within it. Latest information on the patties or subdivisions adopted at the latest settlement by Beckett were also used. A co-ordinated effort was put in preparation of maps used in the first volume took place between the office of the Great Trigonometrical Survey and the Kumaon Commissionery officials under the guidance of Henry Ramsay. The great 'one - inch to one-mile' sheets were photographed down to a smaller scale and were sent to Atkinson who obtained the correct names in Hindi of all villages, rivers etc., numbering about 8,000 in Kumaon and Garhwal, entered against each as correctly transliterated for use in a new map, names of all halting-places on every ordinary route, patwari headquarters, places of note, trade centers and names of villages containing over one hundred inhabitants were entered, corrected and returned after fairing out. For the trans-Himalayan portion of the map, to which the survey had not extended, the help of patwaris was taken and their selection was aided by Beckett. This massive enterprise certainly was 'not intended to be solely a popular account of the districts...but to contain, first of all, a record of all facts of permanent scientific or economic value that had been gathered' by Atkinson himself during his visits to Kumaon and Dehra Dun and those which were contributed by others. Atkinson had devoted many years of 'his leisure time' to publish his first volume in December 1881 and he hoped that it would be 'of some use to his successors and enable them to produce a more worthy record for those who were truly interested in the moral and material progress of the North-Western Provinces'.⁴⁸

The next volume could be published more than two years later on 20th March, 1884 as since April 1876 Atkinson was not in charge of North-Western Provinces Gazetteers and whatever he could do was accomplished 'in the few hours of leisure that he could secure for the task without assistance of any kind'. During 1882-83 Atkinson had gone on furlough and it was carried through the press when Atkinson was far away from any references. Atkinson hoped that the content on this new volume may be found suggestive to many, of the lines that they should take up, not for the higher aim of aiding in the great work of diffusing a knowledge of India and its peoples, but for the personal aim of following-out some study which may give to the student a fresh interest in life and help to dissipate the 'general dissatisfaction' which an eternal round of hearing petty cases and going through drills and parades, added to climatic influences, is certain to effect.

"The materials lie around in abundance which ever way one's taste may lie", added Atkinson, and "it has been my principal object in all that has been written,

to suggest to the rising generation of officials what they can do, and help them on the way.” This volume included information on Zoology, History of the Khasias of Kumaon, connection between the Khasas and Katyuri rulers in Kumaon and others as suggested by late Sir H.M. Elliott, the celebrated historian and Secretary to the Board of Revenue at Allahabad for more than a decade, and Religion. Contributions came from Mr. Grieg, Major G.F.L. Marshall, Mr Theobald, Sir John Strachey who transmitted valuable notes of one Rudra Datt Pant, a learned Brahmin of Almora. Suits related to revenue-free grants of land decided by Commissioner Traill, travels of Hwen Thsang were given a close look and as mentioned Sir H.M. Elliott’s hypothesis was also put under a close review for the first time. The last, the presence of Katyuris, is considered an enduring contribution of Atkinson to the historiography of Kumaon-Garhwal and continues to engage serious attention of scholars of all shades.⁴⁹

The last volume came out on 19th February, 1886 which was not generic as the past two volumes had been but was focused on the topographical, statistical and other local information for each fiscal sub-division and important tract, town or place, in the Kumaon, Garhwal, Tarai, Dehra Dun and Jaunsar-Bawar districts. This third and final volume draws very extensively from ‘everything of interest not only in the local official records but also in papers which had been printed at any time besides the result of much original inquiry’. By now G.R.C. William’s Memoir was easily accessible but the final settlement report of Dehra Dun had not been received. Beckett’s Garhwal and Kumaon report were available and these two had been substantially used and extensively referred. Like Williams, P. Whalley’s report was also used, as the material extracted by him and annotated as Appendices in his report. Atkinson’s third and last volume literally stands as one publication which has been extensively referred to ever since its publication. So much so if any error has been entered in this report that too has been recycled many times, all these years. Availability of this volume has also resulted in many researchers and scholars not consulting the primary sources, always so very essential.

It is in this last volume that Atkinson has acknowledged the ‘assistance and advice’ rendered by Sir Henry Ramsay ‘throughout the work, and especially for the materials for the notice of the Bhabar, the administration of which has been especially his own work.’ The fact that Sir Henry Ramsay was very closely associated with the progress of Atkinson’s Gazetteer is also proved by the fact that while concluding the Settlement Report on behalf of Beckett, for district Kumaon, Ramsay mentioned that no map is being included with the Settlement Report, as was the practice, as a better map was being prepared for inclusion in the first volume of the Himalayan Gazetteer.⁵⁰

Involvement and contribution of Sir Henry Ramsay and his team of several officials, over a long period of time, with the ground-work related to the publication of Atkinson's celebrated Himalayan Gazetteer, could well be considered a literary production quite in the genre of what Commissioners Traill and Batten had been able to produce. The only difference being that the literary contributions of the first two came out in an age when British Kumaon was just transiting from a feudal era, with the worst kind of administration in the living memory of the hill-people, and a modern administration was being introduced. By the time Commissioner Henry Ramsay appeared on the scene not only the new mode of governance was well known and functioning smoothly, all kinds of official information was not only available but the same was being used in courts, modern educational institutions and communication revolution had educated common masses to such an extent that the first ever political association of Indians, the Indian National Congress, was founded only a year after Commissioner Ramsay ended his record tenure of office. Not only the political awareness but also religious activities had also expanded to such an extent that Commissioner Ramsay had the great privilege of presiding over the Annual Conference of Missionaries held at Calcutta in 1884. Atkinson's Gazetteer thus also becomes a veritable compendium of accumulated knowledge in several disciplines of science and humanities and the last volume an official account of the progress the Himalayan districts had made during the first seven decades of the British rule in these parts. It also documented the role played by each of the Commissioner whose tenures have been taken as milestones for narrating the administrative history of these tracts.

Table I: Chronological Table of Revenue and Judicial Administration

<i>Year</i>	<i>Date</i>	
1815	3 May, 1815	Appointment of Edward Gardner as Commissioner for the Affairs of Kumaon and Agent, Governor General; Secy to Govt. to Edward Gardner, Futtehgarh.
	18 May, 1815	Sanction given for appointing the revenue and police establishment for Kumaon, proposed by the Commissioner as a temporary measure
	27 May, 1815	Gorkha revenue system to be adopted for the first year.
	2 June, 1815	Continuation of transit duties sanctioned, and abolition of traffic in children approved. The duty on the sale of children was the only one given up.
	8 July, 1815	Appointment of G.W. Traill, as Assistant to the Commissioner on Rs. 700 a month; Secy to Govt to Commissioner.
	2 Dec, 1815	Conclusion of the treaty by which Kumaon was ceded to the British Government.
	26 Dec, 1815	Traill proposes arrangements revenue and police administration of Garhwal; G.W. Traill to E. Gardner
1816	1 Mar, 1816	Traill submits Garhwal settlement report.
	1 Jun, 1816	Rules regulating surrenders of prisoners to Nepal.
	19 Oct, 1816	Kumaon placed under the Board of Commissioners at Farrukhabad; Secy to Govt, Secret Deptt to offg Commissioner of Kumaon.
	19 Oct, 1816	The pressing of coolies for the use of private persons prohibited; Sect to Govt to offg Commissioner of Kumaon.
1817	7 July, 1817	Traill appointed Commissioner for the affairs of Kumaon and Garhwal on Rs 1,500, from 1 st Aug 1817.
	22 July, 1817	Regulation X, 1817 received the ascent of Governor-General in Council.
	28 Aug, 1817	Settlement of Kumaon, Garhwal sanctioned by Governor General in Council, except that of the Bhote Mehals; Board of Commissioners. 22 Sep, forwarding G.O.No. 488, dated 28 Aug, 1817.
	25 Sep, 1817	Board of Commissioners sanction the collection of Kutbans and Kut Mehals

- 1818 10 Feb, 1818 Enquiry made into the system of farming the customs duties on the boundaries of Kumaon; Secy of Bd of Commrs to Commr of Kumaon.
- 19 Jun, 1818 Abolition of all transit duties, customs, and sayer from the commencement of the ensuing Fuslee year; Secy to Govt to Board of Commrs at Farrukhabad.
- 1819 11 Jun, 1819 Settlement account of Bhote Mehals confirmed; Consultation, Govt of India, Nos. 41-3
- 6 Aug, 1819 Proclamation issued, under sanction of Governor-General in Council, disallowing the immunity from punishment enjoyed under the Gorkha Government by the slayer of an adulterer; Secy to Govt to Commr
- 1 Oct, 1819 Sanction of Governor General in Council of the settlement of the resumed canoongoe lands; From Secy to Govt,
- 1 Oct, 1819 Appointment of putwarees as paid servants of Govt authorized; Secy to Govt,
- 12 Oct, 1819 No tulbana levied in the Revenue Department; Commr of Kumaon to Board of Commrs,
- 5 and 24 Nov
 and; 16 Feb
 1820 Deputation of the canoongoes of Kali Kumaon and Pilibhit to adjust the boundary of the hills and plains; Commr of Kumaon to Collector of Bareilly,
- 23 Dec, 1819 Report on the system of cooly supply; Commr to Chief Secy to Govt,
- 1820 4 Jan, 1820 Instructions solicited by the Commr relating to the fourth settlement of Kumaon. Long leases deprecated on account of the migratory habits of the cultivators, and a three year's settlement proposed; to Bd of Commr, Farrukhabad.
- 14 Apl, 1820 Three year's settlement approved. Proceedings of Governor General, Consultation,
- 22 Jul, 1820 Dispute regarding the sale by Bareilly Civil Court of certain lands situate within the province of Kumaon, and claims of Major Hearsey in reference thereto,
- 5 Sep, 1820 Report of the settlement of the jungle mehals; to Bd of Commissioners,
- 14 Nov, 1820 Report of a murder induced by belief in witchcraft; to Political Secy to Govt,

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| 1821 | 14 Mar, 1821,
4 Apl and
25 Apl, 1821 | Report of the settlement of Pergunnahs Kalee, Kuttoor, Kuriee, Danpore, and of the Bhootea Mehals; to the Bd of Commissioners, |
| | 5 Apl, 1821 | No Government opium disposed of in Kumaon; to Civil Auditor, |
| | 21 May, 1821 | Proposal for five additional putwarees in Kumaon; to Bd of Commissioners, |
| | 30 Jun, 1821 | Report of the settlement of pergunnah in Tehsil Shore, to Bd of Commissioners, |
| 1822 | 29 Mar, 1822 | Release of convicts on His Majesty's birthday; GO No. 168, |
| | 5 Jul, 1822 | Enquiries of Mr Glyn respecting the sale of children, |
| | 8 Oct; and | |
| | 19 Dec, 1822 | Inquests ordered to be held in cases of suicides; Paras 16-17 of Mr Glyn's report; and para 11 Resolution of Govt, |
| | 9 Apl, 1823 | Legal rate of interest fixed at 12%; paras 3 and 4 of a letter from the Court of Directors, |
| | 5 Jun, 1823 | Proclamation prohibitory of the sale of wives and widows; G.O., |
| 1824 | 5 May, 1824 | Transfer of Turai; Mr Adam's letter, |
| | 21 May, 1824 | Decision of Government on the boundary between Kumaon and Moradabad; G.O., |
| | 21 May, 1824 | Rule for the sale of lands; Resolution of Govt., |
| | 13 Oct, 1824 | Board's rules for regarding the tax on foreign produce; from Board to Mr. Halhed, |
| 1825 | 17 Mar, 1825 | Traill's salary raised to Rs. 2,500 per mensem; Resolution of Govt., |
| | 25 June, 1825; | |
| | & 8 Dec, 1825 | Correspondence regarding the transfer of Pergunnah Chandee to Kumaon; Proceedings of GG in Council, No.61, and Resolution of Govt., |
| 1826 | | Correspondence on Mr. Traill's quinquennial settlement |
| | 8 Dec 1825 | Annexation of Deyrah Doon and Chandee to the Jurisdiction of the Commissioner of Kumaon, and issue of administrative orders; Proceedings of GG Council, Judicial Department |

- 1827 18 Oct 1827 Magistrates' jurisdiction in the case of petty offences committed by sepoys; Letter from Secretary to Government to Mr. Traill, No. 2059
- 1828 28 Feb 1828 &
15 May 1828 Registers of burials, baptisms, and marriages prescribed; Proceedings of Governor General in Council No. 215 and Proceedings of Government No. 31
Change in the constitution of revenue authorities.
- 1829 19 Feb 1829 Stipulations of Kistbundee approved; Letter from Sudder Board of Revenue
10 Mar 1829 Canoongoes and pundit empowered to try civil suits;
& 14 Jul 1829 GO 717 and GO 2024
12 May 1829 Separation of Deyrah Doon from Kumaon from 01 May.
12 May 1829 Pergunnah Chandee placed under the Commissioner of Kumaon; Letter from Secretary to Government to Mr. Traill
Mr. Traill, settlement of certain pergunnahs confirmed for five years.
14 Jul 1829 &
3 Nov 1829 Appointment of a Munsif; GO 2024 and GO 2983
5 Dec 1829 Measures for the suppression of suttee; GO
- 1830 24 Sep 1830 Mr. Traill directed to take up charge of the Bareilly Division
- 1831 15 Nov 1831 Mr. Robertson's power as Commissioner of Circuit; Letter from Senior Secretary Sudder Nizamut Adawlut, No 1295
Spirit of revenue law prescribed for Kumaon by Regulation X of 1831, Sec 5, 7
- 1832 19 Jan and
14 April 1832 Proceedings in the case of Deboolee, charged with murder.
10 Apr 1832 Mr. Campbell appointed Commissioner to try suits under Regulation X of 1817
Extension of Kumaon settlements for a further period of five years
- 1833 05 Jan 1833 Orders of Government respecting the supplies of grain for troops; Letter from Officiating Secretary to government to Mr. Traill, No. 67

- Regulation of customs dues in Kumaon entrusted to the Sudder Board by Regulation I of 1833
- 1834 12 Feb 1834 Opinion of Government on the surrender of revenue defaulters to Nepal; Letter from Court of Directors, No. 2
Recommendation of the Board of Revenue that Mr. Traill's settlement should be extended for a period of twenty years negatived.
- 1835 28 Oct 1835 Mr. Traill relinquishment of the office of Commissioner of Kumaon (December 31); G.O. No. 3706
- 1836 28 Jan 1836 &
24 Feb 1826 Abolition of the traffic in slaves; GO No. 4 and GO No. 604
19 Jan 1836 Renewed investigation of rent-free tenures; Letter from Special Commissioner Meerut No. 6
27 May 1835 Directions as to the mode of demanding the surrender of refugees; Paras. 32-36 of Letter from Court of Directors No. 19
31 May 1836 The Courts forbidden to receive suits for the recovery of slaves; Letter to Commissioner of Kumaon
10 Jun 1836 Arrangement of records enjoined by the Board of Revenue; Letter from Secretary to sudder Board of Revenue to Officiating Commissioner of Bareilly No. 37
3 Apr 1835 Insanes to be removed to Divisional Hospital; Circular from Registrar of Calcutta Court to Commissioners and Magistrates Lower Provinces
- 1837 20 Jan 1837 Magistrates forbidden to order the restoration of wives to their husbands; Circular, Sudder Nizamut Adawlut
4 Mar 1837 The entertainment of an establishment for service of processes authorized and tulubana ordered to be credited to Government; Revenue Proceedings.
10 May 1837 Suggestions of the Board for abolishing the oppressive system of obtaining supplies of grain for the troops judged impracticable; Revenue Proceedings.
9 Mar 1837 Slaughter of kine for troops restricted to cantonment limits; Judicial Civil Proceedings
Canoongoeship declared not hereditary
13 Jun 1837 Mr. Bird's note on Kumaon submitted to Government by sudder Board of Revenue; Letter from Secretary to sudder Board of Revenue

- 10 Jul 1837 Orders re-annexing the Kasheepore Pergunnahs to their proper districts and the Turai to the contiguous Rohilkhand Collectorates; G.O. in Revenue Department
- 31 Jul 1837 Importation of slaves into the plains from Kumaon held to be illegal and criminal in reference to Regulation III. Of 1832; From Secretary to Government to Registrar, Sudder Nizamut Adawlut
- 28 Jun 1837 Question raised regarding the legality of the ordeal by hot iron; Letter from J.H. Batten, Assistant Commissioner Garhwal to Collector Gowan No. 3
- 12 Sep and
29 Sep 1837 Refusal of Commissioner to supply certain information to the sudder Board of Revenue and orders of Government thereon Sec. Section 3 Regulation XXV of 1803; Letter from Secretary Board of Revenue and G.O. in the Revenue Department
- 13 Nov and
7 Dec 1837 The Question of the recognition of badshahee grants in Kumaon referred to the Government of India Government of India decline to lay down any general rule; G.O. Revenue Department
- 1838 27 Apr 1838 Questions concerning maafce holdings in Garhwal and Kumaon submitted to Government; Letter from Secretary Board Revenue
- 4 Jul 1838 Orders concerning ditto; G.O. Revenue Department Kumaon placed under control of sudder Dewany Adawlut Sudder Nizamut Adawlut and Sudder Board of Revenue; Act X 1838
- 24 Nov 1838 Carrying out of the transfer of Kumaon and Garhwal Turai to the plains and Consequent reorganization of the system of police; letter to sudder Board of Revenue.
- 1839 Separation of offices of canoongoe and moonsiff. Jan 26th letter from Commissioner of Kumaon dated 25th July 1837 under orders of 15th July 1837
- 26 Jan 1839 Introduction of Assam Procedure Rules and other changes consequent on enactment of Act X 1838, Resolution
- 15 Feb 1839 Mr. J.H. Batten made Senior Assistant to Commissioner of Kumaon on Rs. 700 a month, Resolution

- 9 Mar 1839 Placed in charge of revenue settlement of Kumaon, Resolution
- 8 Jun 1839 Confirmation of Court declared not necessary to appointment of moonsiffs; From Sudder Dewany Adawlut
Appointment of a Deputy Collector under Regulation IX of 1833
- 25 Jun, 12 Aug
& 14 Nov 1839 Rules regarding stamped paper in Kumaon Rules contained in Section 17 Regulation X of 1829 dispensed with in appellate cases origination in Kumaon
- 6 Sep 1839 Constitution of an office for registering deeds in Kumaon; G.O. No. 2192
- 14 Sep 1839 Authority given to Commissioner of Kumaon to exercise his discretion in entertaining original civil suits himself or leaving them to be instituted in the lower tribunals; From Secretary to Government to Sudder Dewany Adawlut Court's permission for the record of proceedings in Nagree.
- 1840 30 Jan 1840 Authority given to the Sudder Court to issue instructions to modify the practice of the Civil and Criminal Courts in cases of the abduction or elopement of women from their husbands; Orders of Government in Judicial Criminal Department
- 15 Feb 1840 Commissioner authorized to exercise the power of granting rewards under clause 3 Section 14 Regulation XVII of 1816 and Section 18 Regulation XVI of 1810; G.O. No. 542
- 12 Jun 1840 Instructions regarding the interference of the Commissioner in the appointment and dismissal of priests of Hindoo temples. GO in Judicial Criminal Department
- 1841 18 Mar 1841 Mr. Batten's report on the management of the Turai; From J.H. Batten Esq. to Commissioner of Kumaon
- 1842 31 Dec 1842 Revised settlement of Garhwal confirmed for a term of twenty years; GO
- 1843 9 Jun 1943 Wish of the Government intimated that the enquiries into cases of abduction and adultery should be strictly governed by the rules in force in the plains; Orders of Government on the Report of Police Administration

- 1844 11 May 1844 Directions for an addition to the Civil Rules to empower the Native Judges in and dispense with replications and rejoinders; To Sudder Dewany Adawlut from Secretary to Government
- 1845 27 Feb 1845 Commissioner directed to observe the provisions of Regulation I of 1824 in taking up land for a public road; GO
- 7 Jul 1845 Notification containing rules for the settlement at Nynee Tal and resolution introducing the provisions of Act X of 1842 into that settlement
- 3 Jul 1845 Supplementary Civil Rules regarding the cognizance of suits moonsiffs and the registration of deeds passed by the Hon'ble the Lieutenant Governor.
- 25 Aug 1845 Directions regarding the farm of Talooqua Chandee and the forest tracts. The right of Government to the forest should be asserted either by holding kham or farming; G.O. Revenue Department
- 20 Sep 1845 Advertisement in the Gazette of Pokree and Dhampore mines in Garhwal; G.O. Revenue Department
- 1846 6 Apr 1846 Rules issued for the use of judicial stamps; Resolution of Judicial Civil Department
- 2 Jun 1846 Confirmation of the settlement of Kumaon; Revenue Department GO
- 1847 18 May and
3 Sep 1846
4 May, 21 May
& 26 Jun 1847 Definition of the duties of the local authorities in respect of the succession and investiture of the Rawuls of the temples of Badrinath; Proceedings of Government in Revenue Department
- 1848 6 Nov 1848 Death of Mr. G.T. Lushington and appointment of Mr. J.H. Batten as Commissioner of Kumaon; Resolution
- 1849 24 Jul 1849 Introduction of the rule for the refund of stamp duty in cases adjusted by razeenamas; G.O. No. 49
- 1850 8 Oct 1850 Directions issued for the local officers to assume charge of the Sudaburt estates. Granted to the temple of Badrinath and Kedarnath as a trust in the spirit of Regulation XIX of 1810; G.O. of Revenue Department

1851	10 Feb 1851	Mr. Thomason's Note on the levy of forest dues along the foot of the Kumaon hills.
1852		Rules respecting zemindaree tea plantations.
1855	26 Sep 1855	Rules respecting grants for tea lands; Notification No. 2109
	6 Oct 1855	Revision of Revenue Rules; G.O. No. 4085
1856	20 Feb 1856	Captain H. Ramsay appointed Commissioner of Kumaon
1858	11 Jan 1858	Transfer of the Turai to the charge of the Commissioner of Kumaon; Resolution of Chief Commissioner
1861	2 Apr 1861	Re-attachment of the Turai to the Rohilkhand Division; Notification
	24 Jun 1861	Instructions to Commissioner of Kumaon direction observance of Sections 243, 244 of Act VIII of 1859; G.O. No. 184A
	18 Dec 1861	Extension of Criminal Procedure Code to Kumaon; Notification No. 1226A; Judicial Criminal Department
1862	20 Mar 1862	Extension of Act XIV of 1859; Notification No. 57A
	22 Aug 1862	Introduction of Jhansie Civil Rules; G.O. No. 2207A
1863	8 Apr and 29 Apr 1863	Correspondence with Sudder Dewany Adawlut respecting the withdrawal of the supervising authority hitherto exercised by them and amendment of the new Civil Rules; From Reg. Sudder Dewany Adawlut No. 636 to Reg. Sudder Dewany Adawlut No. 165A
1864	8 Apr 1864	Enactment of Act XXIV of 1864 and introduction of Civil Procedure Code.
1868	1 Oct 1868	Act XXIV of 1868, inoculation in Kumaon and Garhwal.
1874		The Scheduled Districts Act

Table II: Governors-General, Governors, Lt-Governors and Commissioners

<i>Sr</i>	<i>Year</i>	<i>Governor-General of India</i> <i>Governor / Lt.-Governor</i>	<i>Commissioner</i>
1.	1813-23	Lord Hastings (Lord Moira)	Edward Gardner G.W. Traill
2.	1823-28	Lord Amherst	G.W. Traill
3.	1828-35	Lord William Bentinck Governor Agra 14 Nov 1834 20 Mar 1835 Sir C.T. Metcalfe 20 Mar 1835 1 Dec 1835 Mr. W. Blunt 1 Dec, 1835 1 Jun 1836 Mr A. Ross	G.W. Traill
4.	1835-36	Sir Charles Theophilus Metcalfe Lt. Governor, NWP 1 Jun 1836 1 Jun 1838 Sir C. T. Metcalfe	G.W. Traill G.T. Gowan
5.	1837-42	Lord Auckland 1 Jun 1838 Sir C.T. Metcalfe 4 Feb 1840 Mr. T.C. Robertson	G.E. Gowan. G.T. Lushington
6.	1842-44	Lord Ellenborough 30 Jun 1843 Sir G. R. Clark 22 Dec 1843 Mr. James Thomason	G.T. Lushington
7.	1844-48	Lord Hardinge (Sir Henry Hardinge) Mr. James Thomason	G.T. Lushington J.H. Batten
8.	1848-56	Lord Dalhousie 10 Oct 1853 Mr. James Thomason 10 Oct 1853 Mr A.W. Begbie (i/c) 7 Nov 1853 Mr. J. R. Colvin	J.H. Batten
9.	1856-58	Lord Charles John & Viscount Canning 10 Dec 1857 19 Jan 1859 Mr. E.A. Reade (i / c) 1858-May 1862 G.G. & Vice-roy Canning 19 Jan 1859 27 Feb 1863 Sir George Fredick Wdmonstone 27 Feb 1863 7 Mar 1863 Mr. R. Money (i / c)	J.H. Batten H. Ramsay
10.	1862-63	Lord Elgin 7 Mar 1863 10 Mar 1868 Edmond Drummond	H. Ramsay

11. 1864-69 (Sir) Lord John Lawrence H. Ramsay
 10 Mar 1868 Edmond Drumond
 10 Mar 1868 7 April 1874 Sir William Muir
12. 1869-72 Lord Mayo H. Ramsay
 Sir William Muir
13. 1872-76 Lord Northbrook H. Ramsay
 Sir Milliam Muir
 7 Apl 1874 26 Jul 1876 Sir John Strachey
14. 1876-80 Lord Lytton H. Ramsay
 26 July 1876 Sir John Starchey
 26 Jul 1876 15 Feb 1877 Sir George Ebenezer Wilson Couper
 Lt. Governor & Chief Commissioner Oudh
 Sir G.E. Wilson Couper
15. 1880-84 Lord Ripon H. Ramsay
 17 Apl 1882 Sir G.E. Wilson Couper
 17 Apl 1882- 21 Nov 1887 Sir Alfred Comyn Lyall
16. 1884-88 Lord Dufferin H. Ramsay
 21 Nov 1887 Sir Alfred Comyn Lyall
 21 Nov 1887 28 Nov 1892 Sir Auckland Colvin

Table III: Revenue Revision Settlements (1815-1884)

Sr.No.	Year	Unit	Duration	Settlement Officer	Demand		
					Rr	An	P
I	1815	Kumaon	Annual	G.W. Traill	35,000	0	3
II	1816	Kumaon	Annual	G.W. Traill	41,782	5	6
III	1817	Kumaon	Triennial	G.W. Traill	45,548	5	9
IV	1820	Kumaon	Triennial	G.W. Traill	54,995	10	9
V	1823	Kumaon	Quinquennial	G.W. Traill	64,900	6	0
VI	1828	Kumaon	Quinquennial	G.W. Traill	67,725	8	0
VII	1833	Kumaon	Quinquennial	G.W. Traill	69,254	0	0
VIII	1839	Kumaon	Twenty Years	J.H. Batten	68,682	0	0
IX	1864	Garhwal	Twenty Years	J.O'Beckett	96,311	0	0
		Kumaon	Twenty Years	J.O'Beckett	2,30,628	0	0
X	1892	Garhwal	Twenty Years	E.K. Pauw	1,65,727	8	0

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CHAPTER 1

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CHAPTER 2

George William Traill

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CHAPTER 3

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CHAPTER 4

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130. Batten to Lushington, 15 Apr 1843, MLR, Vol. 74; Elliot to Lushington, 16 Jun 1843, Vol. 74; Batten to Lushington, 20 Oct 1843, MLR, Vol. 75; Lushington to Batten, 22 Feb 1844, RLI, Vol. 15.
131. Lushington to Lord Bishop, 18 Mar 1844, RLI, Vol. 15; Barron to Lushington, 21 Jan 1845, MLR, Vol. 78; Thornton to Lushington, 12 Apr 1845, MLR, Vol. 78.
132. Thornton to Lushington, 12 Apr 1845, MLR, Vol. 78
133. Householdors of Naini Tal to Lushington, 12 May 1845, MLR, Vol. 79.
134. Batten to Lushington, 2 May 1845; Thornton to Lushington, 26 May 1845, MLR, Vol. 79.
135. Thornton to Lushington, 7 Jun 1845, MLR, Vol. 79.
136. Capt. Waugh to Lushington, 19 Aug 1845, MLR, Vol. 79.
137. Capt. Waugh's account of survey, 3 Oct 1845, MLR, Vol. 80.
138. By laws of Naini Tal Municipal Committee, 17 Sep 1845, MLR, Vol. 80.
139. Batten to Lushington, 4 Nov 1845, MLR, Vol. 80; Lushington to Batten, 6 Nov 1845, RLI, Vol. 15.
140. Sir Richards to Batten, 17 Dec 1845, MLR, Vol. 80; Batten to Lushington, 18 Jul 1845, MLR, Vol. 86; Proceedings of the Mun Comm, 29 May 1852, MLR, Vol. 100.
141. Batten to Lushington, 12 Sep 1845, MLR, Vol. 87; Lushington to Thornton, 10 Aug 1845, MLR, Vol. 88.

CHAPTER 5

John Hallet Batten

1. Bengal List, pp. 329-471 and East India Register and Directory, years 1837, see entries against J.H. Batten, National Archives, New Delhi; p. 18 (1831), p. 17 (1833), p. 15 (1836), and p. 14 (1837); Batten to Gowan, 15 Oct 1836, MLR, Vol. 53; Whalley, P., *op cit*, pp. 61-62.
2. Whalley, *op cit*, pp. 20-21.
3. Report on the Settlement of the District of Garhwal, in the province of Kumaon, 10 August, 1842, Appendix thereto, 15 August, 1842; Report on the Settlement of the District of Kumaon, 30 June 1843; Final Settlement of Kumaon Proper, No. 2 of 1846, 6 March, 1846; Final Settlement Report, No. 135 of 1848, 1 September 1848 and Appendix thereto, 1 June 1840; published as a part of Reports on the Revenue Settlement of the North Western

Provinces of the Bengal Presidency, under Regulation IX, 1833, Vol. II, part II, Benaras, Medical Hall Press, 1863. Settlement Report of the Bhabur Mehals of Kumaon Proper: A Few notes on the Kumaon and Rohilkhand Turai, Journal of Asiatic Society of Bengal, Vol. III; Vol. XII, etc.; Batten to Horace, 12 Dec 1848, RLI, Vol. 17.

4. Whalley, op cit, p. 2.
5. Batten to Secy, 15 Jun 1849, RLI, Vol. 17; Batten to Muir, 28 Aug 1851; 27 Sept 1851, RLI, Vol. 19; Batten to Bramley, 24 Jan 1852; Batten to Mukherji, 5 Aug 1852, RLI, Vol. 20; Batten to Strachey, 18 Apl 1853, RLI, Vol. 21; Batten to Ramsay, 25 Sept 1852, RLI, Vol. 20; Batten to Thornton, 10 Feb 1851, RLI, Vol. 19, Ramsay to Batten, 26 Oct 1855, MLR, Vol. 105.
6. Allen to Muir, 21 Mar 1849 MLR Vol. 89; order of Gov. Gen. in Council, No. 13, 1854.
7. Ramsay to Batten, 3 Aug 1849, MLR, Vol. 90; Pearson to Batten, 15 Jul 1850, MLR, Vol. 94.
8. Pearson to Batten, 5 Oct 1852, MLR, Vol. 101; Strachey to Batten, 10 Feb 1853, MLR, Vol. 102; Ramsay to Batten, 16 Sept 1853, MLR, Vol. 102; Christian to Batten, 10 Jun 1853, MLR, Vol. 102; Batten to Christian, 8 Apl 1853, RLI, Vol. 21.
9. Register to Batten, 28 Nov 1853, MLR, Vol. 102; Resolution of SDNA, 1 Aug 1854; Muir to Dashwood, 31 Aug 1854, MLR, Vol. 106.
10. Whalley, op cit, Rules for the Guidance of the Revenue Courts of Kumaon and Garhwal in Summary and Regular Suits, Appendix K.m.
11. Batten to Ramsay, 3 Dec 1849, RLI, Vol. 18.
12. Batten to Ramsay, 12 Jul 1849, RLI, Vol. 17.
13. Ramsay and Strachey to Batten, 6 Oct 1853, MLR, Vol. 102; Ramsay to Batten, 6 Dec 1855, MLR, Vol. 105.
14. Directions for the Collectors of Land Revenue, op cit, paras 330-335; Court of Director's Despatch No. 17 of 1841, 26 Aug 1841.
15. Batten's Robkari to Rawuls of Badrinath and Kedarnath, 10 Dec 1850, MLR, Vol. 100.
16. Batten to Christian, 12 Oct 1852, RLI, Vol. 18; Christian to Batten, 3 Dec 1852, MLR, Vol. 101.
17. Batten to Strachey, 15 Dec 1848, RLI, Vol. 17.
18. Ramsay to Batten, 5 Dec & 10 Dec 1849, MLR, Vol. 91; Muir to Batten, 11 Dec 1849, MLR, Vol. 91; Batten to Muir, 25 Jul 1850, RLI, Vol. 18.
19. Ramsay to Batten, 29 Dec 1849, MLR, Vol. 92; Batten to Muir, 25 Jul 1850, RLI, Vol. 18; Capt. Jones, 19 Jan 1850, MLR, Vol. 92.
20. Capt. Jones to Batten, 28 May 1850, MLR, Vol. 93.
21. Ramsay to Batten, 17 Jun 1850, MLR, Vol. 93.

22. Ramsay to Batten, 25 Oct 1850; MLR, Vol. 94; Thornton to Muir 15 Oct 1850, MLR, Vol. 95.
23. Ramsay to Batten, 8 Dec 1850, MLI, Vol. 95; Ramsay to Batten, 10 Dec 1850, MLR, Vol. 95.
24. Ramsay to Batten, 30 Dec 1850; MLR, Vol. 96; Note recorded by Francis Robinson, 9 Jan 1851, MLR, Vol. 96.
25. Muir to Batten, 4 Feb 1851, MLR, Vol. 96.
26. J. Thomason, Levy of Forest dues along the foot of Kumaon Hills, 10 Feb 1851, Whalley, op cit, Appendix, K.j., pp. 82-85.
27. Robinson's Memo regarding the boundary between Kumaon and Rohilkhand, MLR, Vol. 96; Ramsay to Batten, 19 Apl 1851, MLR, Vol. 96.
28. Ramsay to Batten, 18 Apl 1851; MLR, Vol. 96; Sherer to Batten, 9 Jun 1801, MLR, Vol. 97; Ramsay to Batten, 19 Apl 1851, Vol. 97; Sherer to Batten, 22 Aug 1851, MLR, Vol. 99.
29. Ramsay to Batten, 12 Jul 1851, First Kham Report, MLR, Vol. 98.
30. Abstract of Kham Tehsil Collections, 1850-51, 10 Jun, MLR, Vol. 98; Ramsay to Batten, 24 Jul 1851, MLR, Vol. 98; Thornton to Batten, 20 Sept 1851, MLR, Vol. 99.
31. Ramsay to Batten, Kham Tahsil Accounts, 1851-52, 31 Jul 1852, MLR, Vol. 100.
32. Muir to Christina, 30 Nov 1852; MLR, Vol. 101; Ramsay to Batten, 21 Aug 1852, MLR, Vol. 101.
33. Batten to Christian, 11 Aug 1852, RLI, Vol. 20.
34. Muir to Hammond, 6 Mar 1855, MLR, Vol. 104; Ramsay to Batten, 1 Oct 1854, Bhabur Report, 1852-53, MLR, Vol. 106.
35. Ramsay to Batten, 26 Oct 1855, MLR, Vol. 105.
36. Muir to Christian, 17 Sept 1853, MLR, Vol. 102; Strachey to Batten, 17 Nov 1853, MLR, Vol. 102; Muir to Batten, 30 Dec 1853, MLR, Vol. 102.
37. Muir to Edmonstone, including Proceedings of the President of the Council of India, 7 May 1855, MLR, Vol. 104; Watson to Batten, 17 Jul 1855, MLR, Vol. 105.
38. Batten to Sec, 12 Apl 1849, RLI, Vol. 17; Thornton to Batten, 18 Dec 1851, MLR, Vol. 99; Batten to Secy, 16 Jun 1849, RLI, Vol. 17; Thornton to Batten, 19 Jan 1850, MLR, Vol. 92.
39. Muir to Batten, 8 Nov 1853, MLR, Vol. 102; Christian to Batten, 20 Dec 1853, MLR, Vol. 102; Ramsay to Batten, 10 Apl 1854, MLR, Vol. 103.
40. Ramsay to Batten, 7 Oct 1851, MLR, Vol. 99; Batten to Christian, 10 Apl 1852, RLI, Vol. 20; Ramsay to Batten 30 Oct 1852; Strachey to Batten, 1 Dec 1852, MLR, Vol. 101; Ramsay to Batten, 29 Dec 1852, MLR, Vol. 102; Strachey

- to Batten, 10 Feb 1853, MLR, Vol. 103; Christian to Batten, 10 Jun 1853, MLR, Vol. 102; Ramsay to Batten, 19 Apr 1854, MLR, Vol. 103; Strachey to Batten, 26 Apr 1854, MLR, Vol. 103; Strachey to Batten, 29 Oct 1854, MLR, Vol. 106; Hammond to Batten, 6 Jul 1855, MLR, Vol. 105.
41. Circular No. 745 A of 1854, Muir to Commrs, 25 May 1854, MLR, Vol. 103; Ramsay to Batten, 25 Jul 1855, MLR, Vol. 105.
 42. Muir to Batten, 27 Oct 1855, MLR, Vol. 105; Batten to Muir, 22 Oct 1855; RLI, Vol. 23.
 43. Dr. Faithful to Batten, 12 Dec 1848; Strachey to Batten, 21 Dec 1848, MLR, Vol. 88; Batten to Secy, 15 Jun 1849, RLI, Vol. 17.
 44. Egerton to Batten, 6 Jan 1849, MLR, Vol. 89; Batten to Secy, 20 Jan 1849, RLI, Vol. 17; Allen to Batten, 31 Jan 1849, MLR, Vol. 89; Elliot to Allen, 13 Feb 1849, MLR, Vol. 89; Ramsay to Batten, 1 June 1849; MLR, Vol. 90; Thornton to Batten, 9 Jul 1849, MLR, Vol. 90; Thornton to Batten, 21 Feb 1849; 25 May 1849, MLR, Vol. 89; Thornton to Batten, 17 Apr 1851, MLR, Vol. 97; Bramley to Batten, 18 Feb 1851, MLR, Vol. 96; Thornton to Batten, 6 Nov 1851, MLR, Vol. 99; Strachey to Batten, 5 Apr 1852, MLR, Vol. 100.
 45. Dr. Francis to Batten, 5 May 1854, MLR, Vol. 103.
 46. Strachey to Batten, 22 Dec 1849; Thornton to Batten, 22 Feb 1850, MLR, Vol. 92; Batten to Thornton, 1 Jan 1850; Batten to Dr. Renny, 21 Mar 1850, RLI, Vol. 18; Strachey to Batten, 18 May 1850; Thornton to Batten, 4 Jun 1850, MLR, Vol. 94; Strachey to Batten, 8 Aug 1850; Thornton to Batten, 14 Sept 1850, MLR, Vol. 94; Thornton to Batten, 23 Oct 1850, MLR, Vol. 95; Dr. Pearson's Report of a tour in Danpur, Oct-Nov, 1851, 10 Mar 1852, MLR, Vol. 100; Dr. Francis to Batten, 31 Mar 1855, MLR, Vol. 103.
 47. Batten to Christian, 29 Jul 1852; Batten to Mukherji, 5 Aug 1852, RLI, Vol. 20; Hay and Morris to Batten, 26 Jan 1853, MLR, Vol. 102.
 48. Ramsay to Batten 23 May 1849, MLR, Vol. 89; Ramsay to Batten, 28 Aug 1850, MLR, Vol. 94; Ramsay to Batten, 26 Jan 1851, MLR, Vol. 98; Bramley to Batten, 17 Sept 1851, MLR, Vol. 99; Strachey to Batten, 13 Jul 1852, MLR Vol. 100; Batten to Muir, 14 Sept 1852, RLI, Vol. 20; Muir to Batten, 28 Sept 1852, MLR, Vol. 101; Walker to Batten, 28 Jan 1854, MLR, Vol. 103; Muir to Hammond, 23 Jun 1855, MLR, Vol. 105.
 49. Ramsay to Batten, 8 Sept 1854, MLR, Vol. 106, and Statement 10 Aug 1854, Watson to Batten, 13 Mar 1855, MLR, Vol. 104.
 50. Strachey to Batten, 3 Aug 1849, MLR, Vol. 91. This apparently found its way into the Calcutta Review (1852). Batten and Strachey in fact criticized defective construction of roads by the military department. Strachey much later recounted the condition of early roads in, India, Administration and Progress (1884), p. 112. It is incorrect to call it a criticism of Batten's period, as done by Pande, op cit, p. 453; Dabral, op cit, Vol. 7, p. 147.

51. Batten to Ramsay, 8 Aug 1849; Batten to Secy, 19 Jul 1850; Batten to Thornton, 18 Feb 1850, RLI, Vol. 18; Sir Richards to Batten, 9 Jul 1850; Strachey to Batten, 18 Aug 1850; Thornton to Batten, 3 Sept 185-; Ramsay to Batten, 23 Sept 1850; Ramsay to Batten, 26 Oct 1850; 18 Nov 1850, MLR, Vol. 94; Thornton to Batten, 30 Oct 1850, MLR, Vol. 94; 12 Jul 1851, MLR, Vol. 97; Thornton to Batten, 17 Feb 1851, MLR, Vol. 96; Thornton to Batten, 1 Mar 1851; Ramsay to Batten, 14 May 1851, MLR, Vol. 96; Ramsay to Batten, 21 Jul 1853, MLR, Vol. 102; Batten to Muir, 16 Dec 1852, RLI, Vol. 20; Proceedings of Gov Gen in Council, 27 Jul 1853; 27 Sept 1853, MLR, Vol. 102; Strachey's Memo on Karanprayag Bridge, 20 Jan 1855, MLR, Vol. 104; Watson to Batten, 13 Feb 1855; Muir to Hammond, 6 Mar 1885; Muir to Batten, 28 Jun 1855; Ramsay to Batten, 25 Jul 1855; MLR, Vol. 104; Resolution, 14 Nov 1855, Conference at Hawalbagh, 2 Nov 1855; Muir to Batten, 16 Nov 1855, MLR, Vol. 105.
52. Watson to Batten, 31 Jul 1855; Muir to Baten, 2 Nov 1855, MLR, Vol. 105; Lands Occupied for Govt purposes, RLI, Vol. 20.
53. Wallich to Traill, 28 Jun 1834; 14 Aug 1834, MLR, Vol. 50; Traill to Civil Auditor, 5 Dec, 1834, RLI, Vol. 11; Lt. Sait to Traill, 10 Dec 1835, MLR, Vol. 51; Dr. Falconer to Lushington, 17 Apl 1841, Resolution of Gov. Gen., 24 Jul 1839, MLR, Vol. 68; Lushington to Hamilton, 11 Apl 1842; 3 Aug 1842, RLI, Vol. 14; Batten to Lushington, 16 May 1842, MLR, Vol. 70; Biddel to Lushington, 15 Dec 1842, MLR, Vol. 71; Lushington to Hamilton, 9 Feb 1843, RLI, Vol. 14; Hamilton to Lushington, 9 Feb 1843, RLI, Vol. 19; Hamilton to Lushington, 22 Feb 1843, MLR, Vol. 73; Batten to Lushington, 1 Jun 1844, MLR, Vol. 76; Lushington to Hamilton, 7 Jun 1844, RLI, Vol. 15.
54. Ramsay to Batten, 10 Nov 1849; Thornton to Batten, 6 Dec 1849, MLR, Vol. 91; Ramsay to Batten, 3 Dec 1849, MLR, Vol. 91; Ramsay to Batten 18 Nov. 1850, MLR, Vol. 95; Directions for Collectors of Land Revenue, op cit, para 205, Rules for the Grant of Wastelands, App XXI. Ramsay to Batten, 3 Jan 1852, MLR, Vol. 100. Pande, op cit, p. 455, This explains Ramsay's Ramsay feared criticism of his alleged autocratic rule but an apprehension that it might harm hill-men's interest.
55. Batten to Muir, 4 Feb 1852, RLI, Vol. 20; Christian to Muir, 12 Mar 1852; Muir to Christian, 30 Mar 1852; Christian to Batten, 23 Jul 1852, MLR, Vol. 100; Strachey to Batten, 29 Nov 1852; Muir to Batten, 30 Dec 1852; MLR, Vol. 101; Batten to Ramsay, 25 Sept 1852, RLI, Vol. 20; Ramsay to Batten, 21 Jul 1853; Strachey to Batten, 16 Nov 1853, MLR, Vol. 102; Ramsay to Batten, 9 Dec 1852, MLR, 101.
56. Watson to Batten, 25 Jul 1855, MLR, Vol. 105.
57. Muir to Batten, 25 Jul 1855, MLR, Vol. 105; Notification 26 Sept 1855, MLR, Vol. 106; Dr. Jameson to Muir, 22 Oct 1855, MLR, Vol. 106; Muir to Dr. Jameson, 31 Jul 1854, MLR, Vol. 106.

58. Batten to Bramley, 25 Mar 1851; 27 Mar 1851; 7 Jul 1851, RLI, Vol. 18; Strachey to Batten, 29 Oct 1852, MLR, Vol. 101; Strachey to Batten, 13 Jun 1853; Muir to Batten, 6 Aug 1853, MLR, Vol. 102; Muir to Batten, 18 Sept 1854, MLR, Vol. 106.
59. Pearson to Batten, 29 Jul 1852, MLR, Vol. 100; Reginald Thornton to Batten, 27 Jul 1853; Strachey to Batten, 2 Aug 1853, MLR, Vol. 102; Strachey to Batten, 7 Nov 1853, MLR, Vol. 102; Edmonstone to Batten, 30 Jul 1849, MLR, Vol. 90; Resolution of SNA, 16 Oct 1850, MLR, Vol. 95; Resolution of SDNA, 21 Jun 1849, MLR, Vol. 90.
60. Strachey to Batten, 4 Sept 1849, Resolution, SDNA, 13 Sept 1849, MLR, Vol. 91; Res SDNA 21 Jun 1849, MLR, Vol. 90; 27 Jun 1850, MLR, Vol. 93; Edmonstone to Batten, 30 Jul 1849, and 11 Sept 1849, MLR; Vol. 91, MLR, Pearson to Batten, 18 Jun 1850, MLR, 93; Strachey to Batten, 18 Jul 1850; Thornton to Batten, 23 Sept 1850; Strachey to Batten, 28 Sept 1850, MLR, Vol. 94; Pearson to Batten, 30 Nov 1850, MLR, Vol. 95; Pearson to Batten, 24 Nov and 26 Nov 1852, MLR, Vol. 102; Ramsay to Batten, 1 Jul and 6 Aug 1850; Pearson to Batten, 13 Jul 1850, MLR, Vol. 93; Whalley, op cit, Appendix, K.k., pp. 85-91; Bramley to Batten, 20 Feb 1852, MLR, Vol. 100.
61. Pearson to Batten, 18 Jan 1853; Thornton to Batten, 22 Jun 1853, MLR, Vol. 102, Resolution of SNA, 6 Aug 1855, Ramsay to Batten, 25 Jul 1855, MLR, Vol. 105; Ramsay to Batten, 22 Oct 1849, MLR, Vol.91; Strachey to Batten, 31 Jul 1850; Strachey to Batten, 4 Sept 1850 (Must. Luchmi Vrs Moti) MLR, Vol. 94; Ramsay to Batten, Proceedings of Gangoli *Patur*, MLR, Vol. 96; Ramsay to Pidcock, 9 Aug 1851, MLR, Vol. 98; Ramsay to Batten 27 Feb 1851; 19 Apl 1851, MLR, Vol. 96; Thornton to Batten, 8 Nov 1851, MLR, Vol. 99; Thornton to Shakespeare, 31 Dec 1851, MLR Vol. 100; Muir to Batten, 26 Aug 1852, MLR, Vol. 101, Ramsay to Batten, 25 Jul 1855; Watson to Batten, 30 Jul 1855, MLR, Vol. 105; Watson to Batten, 12 May 1855; Watson's First Police Report, 26 Jun 1855; MLR, Vol. 104; Ramsay's Police Report, 25 Jul 1855; Strachey's Police Report, 1 Aug 1855, Muir to Batten, 10 Oct 1855; Watson to Batten, 10 Dec 1855, Thornhill to Muir, 3 Aug 1855, MLR, Vol. 105; Beckett to Batten 22 Oct 1849, MLR, Vol. 91; Thornhill to Magistrates, 28 Jun 1852, MLR, Vol. 100.
62. Thornton to Lushington, 13 Jun 1848, MLR, Vol. 85; Extract from the proceedings of Naini Tal Committee, 15 Dec 1845 and 14 May 1846, paragraphs 2 and 3, sent on 13 November 1850; MLR, Vol. 94; Thornton to Batten, 30 October 1850, MLR, Vol. 95; Thornton to Batten, 12 July, 1851, MLR, Vol. 97.
63. Batten to Thornton, 6 Sept 1850, RLI, Vol. 18; Pidcock to Batten, 28 Oct 1850; Wilson to Pidcock, 25 Oct 1850; Pidcock to Wilson, 14 Oct 1850, MLR, Vol. 95; Thornton to Muir, 28 Mar 1851; and Muir to Batten, 7 Mar 1851, MLR, Vol. 96.

64. Batten to Thornton, 11 Dec 1850, RLI, Vol. 18.
65. Ramsay to Batten, 11 Feb 1854, MLR, Vol. 103; Muir to Batten, 18 May 1854, MLR, Vol. 103; Ramsay to Batten, 12 Mar 1855, MLR, Vol. 104; Muir to Batten, 27 Oct 1855, MLR, Vol. 105; and MLR, Vols. 80 to 105.

CHAPTER 6

Batten's Revenue Settlement

1. Selections from Revenue Records, 1822-33, *paras* 17-51, pp. 273-245, U.P. State Archives (UPSA); *Directions for Collectors of Land Revenue*, NWP, Part I, para 91, October, 1846, Agra, Longden; Baden Powell, RH. : *Administration of Land Revenue and Tenure in British India*, p. 172, chapter VIII.
2. *Selections, op cit*, pp. 241, *para* 40, Lord Bentinck's letter to the Suder Board on Deputation. .
3. Baden Powell, *op cit*, pp. 172-173.
4. *Directions, op cit*, pp. 21-22, *paras* 2-3; Penner, P. *Patronage Bureaucracy of North India*, pp. 24-25, The Robert M. Bird and James Thomason School 1820-1870, Chanakya Publication, Delhi, 1986.
5. Lushington to Suder Board of Revenue (SBR), 1 Jul. 1839, Judicial Letter Issued (JLI), Vol. 142. UPSA; Penner, *op cit*, pp. 24, 28, 52.
6. Circular order of the SBR. Address to the Commissioners of Revenue on the subject of settlements, see *Directions, op cit*.
7. Gowan to Thomas, 9 Mar 1837, Revenue Letters Issued (RLI), Vol 12; Gowan to Thomas 10 Mar 1837, RLI, Vol. 12; Bird's Note on the Administration of Kumaon, 13 Jun. 1837, *paras* 5 and 6, Whalley, *op cit*, pp. 60-67, reprinted as "Whalley's *British Kumaon*, Vishvidyalaya Prakashan, Varanasi, 1992, pp. 60-67.
8. Batten to Gowan, 15 Feb. 1837, SLI, Vol. 53, UPSA.
9. *Directions for the Settlement Officers in the NWP*, pp. 21-22 , New Edition, 1858, The Baptist Mission Press, Agra; Penner, *op dt*, p. 66.
10. *Directions for Settlement Officers, op dt*, p. 21.
11. *Directions for Collectors of Land Revenue*, October, 1846, E.H. Longden, Agra; *Directions for the Settlement Officers of North West Provinces*, Baptist Mission Press, Agra, 1858, New Edition.
12. *East India Register and Directory*, Year 1836, p. 15; year 1837, p. 14, National Archives, New Delhi; Batten to Gowan, 15 Feb. 1837, SLI, Vol. 52; Batten's Report on the Settlement of Garhwal, 10 Aug. 1842, pp. 515-516, *para* 5, Vol. II, Part II, Benares, 1863.
13. Turner to Gowan, 21 Aug 1837, Settlement Letters Received (SLR), Series I, Vol. I; Bird's Note, *op cit*, 13 Jun 1837, *para* 6.

14. Batten to Turner, 20 Apl; 29 Apl; 1 Jun; 5 Jun; 12 Jun; 17 Jul; 1 Aug; 7 Aug; 18 Sept; 8 Dec and 15 Dec, etc. SLR, 1837, Vol. 121, Suder Board's Letter 13 Jun, 1837; Gowan's reply to SBR, 10 Jul 1837; Turner to Gowan, No. 81, Aug 1837, SLR, Ser I, Vol. 1.
15. Elliot to Turner, 8 Aug 1837, SLR, Serie? 1; Turner to Gowan, 28 Dec 1837, SLR, Series I, Vol. 1 and Vol. 123 of Series II.
16. Penner, *op cit*, p. 114; Political Proceedings, 1839, 7 Nov; 28 Nov 1838. Princep, 23 Oct, 1838., MLR Vols. 59 & 61, UPSA.
17. The *pargana* office of Kanungo and village office of Patwari were generally hereditary in the plains districts, as well. *Directions for Collectors of Land Revenue*, p. 7, Part I, 1846, Batten to Turner, 29 Apl 1837, SLR, Series I, Vol. 52. Badri Dun Khanduri, the boy sinecurist, was removed from service and Batten appointed Damodar as full time Kanungo, SLI, Vol. 52, 12 Jun. 1837.
18. Batten to Turner, 17 Jul 1837, SLI, Vol. 52; Batten to Turner, 7 Aug 1837, SLI, Vol. 52.
19. Batten to Turner, 8 Dec 1837, SLI, Vol. 52; Batten to Turner, 15 Dec 1837, SLI, Vol. 52.
20. Minute on Garhwal Settlement, 12 Apl 1838, SLI, Vol. 52.
21. Batten to J. Davidson, 11 Aug 1838, SLI, Vol. 52; Batten to Gowan, 20 Aug 1838, SLI, Vol. 52; Campbell to Traill, 30 Jan 1834, Miscellaneous Letters Received (MLR), Vol. 49; Batten to Gowan, 19 Jun 1838, SLI, Vol. 52; Batten to Lushington, 19 Feb 1839, SLI, Vol. 52.
22. Batten to J. Davidson, 11 Aug 1838, SLI, Vol. 52.
23. Batten to Lushington, 15 Feb 1839, SLI, Vol. 52; Batten to Lushington, 7 Sept. 1839, SLI, Vol. 52.
24. Batten to Lushington, 11 Feb 1840, 20 Feb 1840, SLI, Vol. 52; Batten to Lushington, 14 Api 1840, SLI, Vol. 52; Batten's Garhwal Report, *op cit*, Section IX, p. 519, Section XXVI, pp. 541-542, Appendix to the Report, pp. 546-558; and Batten's letter accompanying the Settlement Statements of Kumaon Proper, p. 564, Sections 2 and 3.
25. Batten's Garhwal Report, Section 26, pp. 542-543; Batten to Huddleston, 27 Nov 1839, SLI, Vol. 52.
26. Batten's Kumaon Report, Section 22, pp. 631-632; Batten's Garhwal Settlement Papers, Section 9, p. 519.
27. Batten's Settlement Papers of the Bhote Mehals, Section 8, p. 562; Batten's Garhwal Report, Section 3, pp. 514-515; Batten's Kumaon Report, Section 7, p. 563; Batten to Gowan, 15 Feb 1837, SLI, Vol. 52; Batten to Turner, 20 Apl 1837, SLI, Vol. 52.
28. Batten to Gowan, 12 Sept 1837, SLI, Vol. 52; Batten to Turner, 15 Dec 1837, SLI, Vol. 52.

29. Davidson to Gowan, 20 Jun 1838, SLI, Vol. 52; Batten to Gowan, 21 Jun 1838, SLI, Vol. 52; Batten to Lushington, 15 Feb 1839 and 16 Jan 1839, SLI, Vol. 52.
30. Batten's Half Yearly Report, 6 May 1840, SLI, Vol. 53; Batten's Garhwal Report, p. 523 f.n.
31. Batten to Lushington, 7 Sept 1839, SLI, Vol. 52; Batten's Kumaon Report, pp. 594, 595, 598, 617, 619, 620, 621, 624.
32. Batten to Turner, 1 Jun 1837, SLI, Vol. 52; Proceedings of the Board of Revenue, 7 Jul 1837, Vol. 99, UPSA.
33. Batten to Turner, 12 Jun 1837, SLI, Vol. 52.
34. Lushington to Batten, 12 Aug 1839; Proceedings of BOR, Vol. 142, Jul 1839; Batten to Lushington, 1 Jun 1840, SLI, Vol. 53; Elliot to Lushington, 10 Jul 1840, SLR, Vol. 122, Series I.
35. See for Khewat Papers, *Directions for the Settlement Officers, Paras* 159-167, pp. 70-76.
36. Batten's Appendix to Garhwal Report, pp. 546-549; Report on Bhote Mehals, pp. 559-563; and Final Settlement Report, pp. 570-576.
37. Batten to Turner, 18 Sept 1837, SLI, Vol. 52; Batten to Gowan, 30 Sept 1838, SLI, Vol. 52.
38. Elliot to Turner, 7 Jul 1837, SLR, Series II, Vol. 123.
39. Elliot to Turner, 5 Dec 1837, SLR, Series II, Vol. 121, enclosing Government Order of 7 Nov 1837, No. 583.
40. Turner to Gowan, 19 Dec 1837, SLR, Series I, Vol. 121; Gowan to Batten, 23 Sept 1837, SLR, Series I, Vol. 121; Batten to Gowan, 12 Sept 1837, SLI, Vol. 52.
41. Batten to Turner, 17 Jul 1837, SLI, Vol. 52.
42. Batten to Turner, 7 Aug 1837, SLI, Vol. 52.
43. Batten to Gowan, 12 Sept 1837, SLI, Vol. 52; Batten to Turner, 18 Sept 1837, SLI, Vol. 52.
44. Batten to Turner, 8 Dec. 1837, SLI, Vol. 52.
45. Batten to Turner, 15 Dec. 1837, SLI, Vol. 52.
46. Batten to Turner, *ibid*, f.n.j Batten's Minute on Garhwal Settlement, 12 Apl 1837, SLI, Vol. 52.
47. Traill's proceedings (*robkan*) on the subject were discovered much later by Major Henry Ramsay, District Senior Assistant, Kumaon.
48. Batten's Minute on Garhwal Settlement, 12 Apl, 1837, SLI, Vol. 52.
49. Batten to Gowan, 19 Jun 1837, SLI, Vol. 52.
50. Batten to Gowan, 21 Jun 1838, SLI, Vol. 52; Batten to Lushington, 15 Feb 1839, SLI, Vol. 52.

51. Batten to J. Davidson, 11 Aug 1838, SLI, Vol. 52.
52. Batten's Report on the District Garhwal, 10 Aug 1842, *para* 5, p. 516.
53. Batten to Gowan, 20 Aug 1838, SLI, Vol. 52.
54. Batten to Gowan, 30 Sept 1838, SLI, Vol. 52.
55. Elliot to Davidson, 26 Oct 1838, SLI, Vol. 52.
56. Batten's Garhwal Settlement Report, *para* 6, p. 348, 15 Aug, 1842.
57. Whalley, *P. op cit*, Appendix K.F., p. 69: Resolution 26 Jan 1839.
58. *Ibid*, Resolution 15 Feb 1839, p. 19.
59. *Ibid*, Resolution 8 Jun 1839, p. 9.
60. Batten to Lushington, 15 Feb 1839, SLI, Vol. 52. Kunwar Bhagwan Singh died in 1841. Batten considered him an excellent and able man. Garhwal Report, p. 5.
61. Batten to Lushington, 19 Feb 1839, SLI, Vol. 52.
62. Batten to Lushington, 26 Aug 1839, SLI, Vol. 52.
63. Lushington to Batten, 31 Aug 1839, SLR, Series, I, Vol. 122.
64. The Assam Rules, with certain modifications remained in force till the end of 1862, to be replaced by the Jhansi Rules. Whalley, *op cit*, Appendix KP., p. 100. The Jhansi Rules were extended to Kumaun, subsequent to the India Council's Act, 1861 Validity was given by Section 2, Act. XXIV of 1864; Whalley, Appendix K.q., p. 118.
65. Lushington to BOR, 1 Jul 1839; Proceedings of the BOR in NWP, 16 Jul 1839 to 30 Jul 1839, SLR, Vol. 142.
66. Elliot to Lushington, 26 Jul 1839, SLR, 1837-1843, Vol. 121, Series I, Vol. I; Proceedings of BOR, Vol. 142, Jul 1839.
67. Batten to Lushington, 7 Sept 1839, SLI, Vol. 52; Resolution, 8 Jun 1839, Whalley, *P. op cit*, Chronological Table, p. 19.
68. Batten to Lushington, Instructions to Deputy Collector, 7 Sept 1839, SLI, Vol. 52; Batten's Garhwal Report, 10 Aug 1842, *para* 13, pp. 523-526.
69. Batten to Lushington, 20 Sept 1839, SLI, Vol. 53.
70. Batten to Lushington, 9 Nov 1839, SLI, Vol. 53.
71. Batten to Lushington, 24 Nov 1839, SLI, Vol. 53.
72. Batten to Lushington, 24 Dec 1839, SLI, Vol. 53.
73. Batten to Lushington, 11 Feb 1840, SLI, Vol. 53; Batten's Report on Garhwal, *para* 26, p. 541.
74. Batten to Lushington, 20 Feb 1840, *ibid*; Batten's Garhwal Report, p. 513; *para* 14, p. 526; and Batten's Report on Settlement of Kumaun Proper, *para* 2, p. 559.

75. Batten to Lushington, No.6, *ibid*, SLI, Vol. 53.
76. Batten to Lushington, No.7, *ibid*, SLI, Vol. 53.
77. Batten's Half Yearly Report, 6 Aug 1840; Lushington to Batten, 30 Jun 1840, SLR, Vol. 122, Series I.
78. Batten to Lushington, 1 Jun 1840, *ibid*; Batten's Report on Garhwal, for distinction between "ghur phant" and Government juma, p. 521; also reproduced as *para* 6 of Appendix to Batten's Final Report, pp. 647-649.
79. Elliot to Lushington, 10 Jul 1840, SLI, Vol. 53.
80. Batten's Report on Garhwal, Bhote Mehals and Kumaon Proper, Years 1842, 1843 and 1848.
81. Batten to Lushington, 18 Aug 1842, SLI, Vol. 54.
82. Batten's Final Report, 1848, on Kumaon, Revenue Statement No.2, p. 623.

CHAPTER 7

Henry Ramsay

1. George Smith in his *Twelve Indian Statesmen* (1897) includes Sir Henry Ramsay as one of the Twelve Indian Statesmen who were 'chief among the Empire builders of the nineteenth century'. He puts Sir Henry Ramsay in the august company of Charles Grant, Sir Henry Lawrence, Lord John Lawrence, Sir James Outram, Sir Donald M'Leod, Sir Henry Marion Durand, Lt.-General Colin Mackenzie, Sir Herbert B. Edwardes, John Clark Marshman, Sir Henry Summer Maine and Sir Charles U. Aitchison. Dr. George Smith knew all of them except Charles Grant and counted them 'as intimate friends'. He mentions it as an accident 'that the twelve unconsciously revealed that strain of Puritanism which had been said to mark the greatest and most zealous patriotism', see Preface and pages, 275-286. Charles Grant, credited with being 'the first to work out the ethical principles on which alone Great Britain could found its Indian Empire', and also with 'being the chief influence in education public opinion (in England), and persuading Parliament to give these principles active authority'. According to Dr. Smith these were applied to the Princes and Armies of India by Henry Lawrence, to its People by John Lawrence. Henry Lawrence had as his disciples James Outram, Herbert Edwardes, Henry Marion Durand, and Colin Mackenzie; John Lawrence was followed by Henry Ramsay and Charles Aitchison. The Historian who recorded and the Journalist who continuously influenced much of Imperial Policy on Puritan lines was John Marshman. The Jurist who justified and applied these principles to the India of the Queen Empress, embodying them in legislative forms, so that they became fruitful for ever, was Henry Maine. Badri Datt Pande's assertion that Dr. Smith's inclusion of Henry Ramsay, as one of the twelve Statemen of India, was owing

to commitment of Ramsay towards Christianity and open support of missionaries, is thus borne out from this unambiguous admission. However, that Ramsay wished to convert whole of Kumaon to Christianity is not proved from any document or his public actions; cf Badri Datt Pande, *Kumaon ka Itihas*, page 454-455.

For his other biographical details see *Modern English Biography*, volume II, R to Z, Frederic Boase, Frank Ross & Co Ltd, 1965, page 26; *List of Officers of Bengal Army, 1758-1834*, Part III, by Maj. V.C.P. Hodson, Phillimore & Co Ltd, 1946, page 601-602; an Obituari in *The Times*, December, 1893, page 4: Issue 34140; col B; also Indian Office Library, London : L/MIL/9/ 180.f. 626; he was also remembered by the descendants of those individuals who had been close to him and one such publication came from Lala Debi Das Kayastha of Almora, as *A Short Memoir of General Sir Henry Ramsay & His Works in Kumaon; The K.P. Works, Almora*, pages 1 - 3. An engraving of Major General Sir Henry Ramsay appeared in the *London Illustrated News* of March 25, 1878, and the cutting came to light in context of visit of the Prince of Wales, later Edward VII, to Kumaon, on a tiger hunting expedition. Another obituary in the *Chronicle* of 1893 noted his adroit handling of the 'great Mutiny of 1857-8' when his province 'remained loyal and tranquil'. The Lt.-Governor of the North Western Provinces at that time wrote that 'his sway was a patriarchal sway; he was the Father of his people; his word was law. Liberal, large-hearted, and unceasing in his journeying through the province, attending to the minutest wants as well as the larger interest of his people, Kumaon never had a better man as its head, or is likely to have a better "King".'

Ramsay's Administrative Report on the Bhabar and Chilkia Estates in May 1884 was his last one and its paragraphs 22 – 39, kept in the State Archives of Uttar Pradesh, Lucknow, record an over-all assessment of his entire stay in Kumaon, especially the main changes to which Ramsay was a witness. Beckett's Ninth Settlement of Garhwal and Kumaon, the last one to be done by a single Settlement Officer, after John Hallet Batten, provided Ramsay yet another opportunity to sum up his impressions of changes which came over during Ramsay's four decades stay in Kumaon. The Kumaon part of the Ninth Revenue Revision of Kumaon division accordingly has been taken by this author as his 'reflections on Kumaon', as a separate chapter. This author has also analyzed his entire tenure as Commissioner in an independent monograph entitled *The Office of Kumaon Commissioner and Its Subordinate Offices, 1856-84*, first published by the Centre for Development Studies, UP Academy of Administration, Naini Tal and recently included in *Some Aspects of Administrative History of Uttarakhand*, 2009, by the same publisher. A summarized version is included in this volume. Much remains in various publications of English and American Missionaries and the Pre Mutiny Records at UP State Archives. The pre-mutiny primary references on Ramsay have

been also noticed in the preceding chapters upto year 1856. His Report on the Sub-Himalayan Forests, 1861, was one major source material for Edwin T. Atkinson's Gazetteer of Himalayan Districts, Forestry chapter, 1882, and this Report had been published earlier by the N. W. Provinces Government. This author is particularly grateful to Dr. Pushkin Phartyal of CHEA, Naini Tal for the written and photographic material he accessed from the British Library and the School of Oriental and African Studies, University of London. Henry Ramsay richly deserves a full scale study on his life and times which would be of great value to the understanding of Uttarakhand of today.

2. These particulars have been gleaned from the original Detailed Statement of Salaries & Establishment of the Kumaon Commissioner's Office, as on 1st May, 1863, and subsequent years upto 1st May, 1885; kept under Orders of Revenue & Judicial department. This Statement provides us an interesting insight into the growth of the establishment of the Office of Kumaon Commissioner, the way the particulars regarding each permanent staff was improved upon from time to time and the additions which were made in 1867, adding the numerically largest Nazarat establishment mainly consisting of the menial ranks as supporting staff; addition in 1869 of 8 persons. After 1871 those over 55 years of age were recommended for extension of their tenures from the Nazarat, Turai Office, Garhwal Office and there after changes which took place in 1872, 1873, 1874 etc on annual basis right upto 1884, the year Ramsay himself superannuated. All told it made up a roll of just 99 persons, including the Commissioner himself. This part precisely pinpoints the manner in which the offices multiplied into English, Vernacular and Miscellaneous Offices, followed by the Judicial branch expansion and the biggest of them all the support staff/ Nazarat establishment. Man-power planning becomes more detailed, calling for minutest of personnel details. By and large the offices in Uttar Pradesh and Uttarakhand remain modeled after this evolution and not much has changed in the Collectorates, Tahsils and police thanas.
3. Extract paragraphs 22 – 39 from a Report on the Administration of the Bhabar and Chilkia Estates upto the end of May, 1884, by General Sir Henry Ramsay, Commissioner Kumaon Division, U.P. State Archives, Lucknow. This was the last detailed Annual Report submitted by Ramsay and while writing it he became conscious of the fact that it would be so. Accordingly he expanded the scope of this report to include some of the impressions which he thought were overpowering enough to merit mention by him. Bhabar and Chilkia Administration for quite some time remained one of his most enduring contributions where he had demonstrated what is possible to be achieved in one's own life-time, a rarer phenomenon these days. The statistical table at the end of the report really illustrates this achievement. What is popularly also known as the 'Kham' management of Haldwani and Kotdwara, both Bhabar retained this management right into the seventies of the present century, when

this author had occasion in 1970s to manage it in Kotdwara and in 1990s in Haldwani, as Commissioner of Kumaon. The fresh water channels, old boulder-houses with slate-roofs, old orchards etc now stand replaced with multi-storey houses, even some modern-day shopping Malls !

4. What Ramsay has brought to our notice by way of his parting remarks and warning was to be later fully expanded by V. A. Stowell, I. C. S. in 1953 in his celebrated work *A Manual of the Land Tenures of the Kumaun Division (Hill Tracts)*. Stowell observed that 'to a new comer from the plains the distinctions of measured and unmeasured lands (nap and benap) and all the questions regarding unmeasured waste and forest lands present a somewhat complicated problem... and the subject formed... one of the chief branches of district administration in the hills, perhaps the most important of all, and in no other matter local knowledge and experience was so essential... for very many questions relating to Nayabad, district forest management and the rights and practices of villagers not merely a general knowledge of principles and rules, but an actual local knowledge of each portion of the district was necessary.' Ramsay reiterated 'the immense importance of personal investigation and arrangements on the spot.'; see Stowell's, *A Manual of the Land Tenures of the Kumaun Division (Hill Tracts)*, Centre for Development Studies, Readings, U.P. Academy of Administration (1953, reprint 1996), page 163-185.

Settlement Officers' different handling of such waste-lands illustrates this best. We find Pauw, on the other hand, at the time of the Tenth Settlement later in Garhwal, striking off all such land, as had relapsed in to jungle or permanent waste, or had never been cultivated, the area recorded in the names of villagers and settling with them in the cadastrally surveyed tracts only. The plots, however, remained on the settlement records in the name of the State (Kaisar-i-Hind) as *hissadar*. Other waste plots, which intervened among the cultivation and were plotted in the new cadastral survey maps, were similarly recorded in the village papers. Such areas are known as Kaisar-i-Hind land, and so far as villagers' rights are concerned they rank as un-measured land. The villagers had no proprietary right over them, as they did in Almora lands which still remained recorded as their *hissadari*. Subject, however, to the usual precaution about the destruction of trees the Kaisar-i-Hind plots were considered a legitimate field for the extension of cultivation.

Naini Tal, presented yet another picture and came between Almora and Garhwal in a way. The villagers retained the old measured waste or fallow of Beckett's settlement; it had not been struck off the village, or made Kaisar-i-Hind land; and there are further the surveyed plots of "zone" land of the new settlement, which somewhat resembled Beckett's 'laik awadi' land or Kaisar-i-Hind land in Garhwal. Each *hissadar* had the fullest rights over his own share of the measured and assessed land; he could do whatever he liked with it, subject only to the customary rules of law regarding the rights of other individuals. The State had

nothing to do with such land so long as the revenue on it was paid and the terms of the settlement agreement observed. The same was the case with the common and waste lands in which the villagers were recorded as proprietors, they could have them partitioned and cultivate them or leave them waste as they thought fit.

As recently as in 1937, the Kumaon Laws Committee also included the Nayabad as one of the thirteen major items (item 4) to be deliberated. Of the various opinions received by the Committee it was felt that 'no hard and fast rules be made to permit the Forest department to interfere with the discretion of Civil and Revenue authorities when a channel or panchayat extends in the reserved forests' and 'the Nayabad should only be given to those who are permanent residents of the place and have no lands already and it should not be given to any outsider'. It was admitted in 1937 that 'Nayabad has been a source of litigation, it has been instrumental in getting hill tops deforested, which have eventually led to unprecedented floods and landslips during the past fifteen years...therefore...no further extension of cultivation should be allowed, with the proviso that landless people should be granted pieces of land for cultivation in selected civil forest areas'.

The wastelands, the Nayabad and the Forest Act provisions on Protected Forests were now getting interlinked inextricably and like his predecessor Commissioners Ramsay also strongly believed that the Government, or say the state, was a major stake-holder and had at least 'an equal right in all jungle land' if not more than the villagers and the villages. The debate continues to this day, as a part of a wider 'Jal, Jameen and Jungle (Water, Land and Forest)' rights issue and with deeper democratization the state now shares these rights and privileges, rather than monopolize it absolutely.

5. Extract paragraph 35, Report on the Administration of the Bhabar and Chilkia Estate, *ibid*.
6. See Whalley's *British Kumaon*, *ibid*, pages 101-119, Appendix K.p.
7. P. Whalley's *The Law of the Extra-Regulation Tracts*, Subordinate to the Government of N.W.P, was originally published in 1870 and it is most surprising that notwithstanding its mention in Atkinson's and Nevill's *Gazetteers* and the *Memoirs of G.R.C. Williams* this seminal work was not readily available. After a painstaking search of nearly a decade when this author sent a copy of its partially reprinted edition to the doyen of Uttarakhand History Dr. Shiv Prasad Dabral he in his letter of 3rd July 1999 elaborated the frustratingly futile search he had to undertake himself. Whalley and G.R.C. Williams were detailed to undertake an in-depth examination of the extant laws in the Non-Regulation tracts of British Kumaon and Dehra Dun, respectively. Whalley was able to complete it in 1870 whereas Williams was delayed on many counts, including his transfer out of Dehra Dun. The re-print styled as *Whalley's British Kumaon* was undertaken by Vishwavidyalaya Prakashan of Varanasi, in 1991, with an

Introduction by R.S. Tolia for the re-print, and the same forms the base for this part.

8. Compiled from the United Provinces Code, 1906. The United Provinces Code, 1906; which consists of The Bengal Regulations and the Local Acts of the Governor General in Council in force in the United Provinces of Agra and Oudh, The Acts of the Lieutenant-Governor of the United Provinces of Agra and Oudh in Council and the enactments which have been declared*in force in, or extended to the Scheduled Districts of the Province of Agra by Notification under the Scheduled Districts Act, 1874, with A Chronological Table and Index (in two volumes) (Fourth Edition), 1906 see Appendix, pages 964-984, for Kumaon and Garhwal, pages 985-1001, for the Tarai Parganas, and pages 1003 - 1013, for Jaunsar Bawur. These are given in the Appendix. The Code, after 1882 adds one more category, Acts of the Lieutenant-Governor of the United Provinces, from 1901 onwards and there are only 5 entries in this category, all of them for the year 1901 and related only to one subject, United Provinces Land Revenue Act, 1901, which extended certain provisions of that Act after certain modifications, given in column 5 of the tables. For Tarai Parganas also there are three categories. In category 2 there is only one entry after 1882 i.e. for 1890 on Railways, declaring the Indian Railways Act, 1890 (IX of 1890) was also in force in Tarai Pargana; and just one entry in category 3 i.e. for 1901, whereby the Land Revenue Act, 1901 was extended on the 5th January, 1906. Jaunsar Bawur had only two additions after 1884 i.e. Act VV and Act X of 1888, both extending amendments in the Code of Civil Procedure. For Jaunsar Bawur there is no entry in category 3.

9. After annexation of the Punjab, Dalhousie required officers to man the districts of the Punjab, where Lt-Governor James Thomason enthusiastically helped him with the transfer of "nineteen of the best blood". Elliott informed the Punjab Board, "they have all been selected for their known and presumed qualifications,...you will find them as efficient a body of public servants as have ever been employed in a single province in India".

The Thomasonian Rule in the Punjab, Peter Penner, *The Patronage Bureaucracy in North India*, The Robert M. Bird and James Thomason School 1820-1870; Chanakya Publications, Delhi, 1986; pages 284-285 and 305. This association of NWP officials with the Punjab proved critical and assisting John Lawrence in being later hailed as the saviour of the Empire. Not only during the disturbed period but in the post-mutiny relief and rehabilitation of the British and European affected families both Ramsay and John Lawrence played a major role. Lahore Fund and collective efforts of the Thomasonian officials in the rehabilitation efforts is yet another research theme for which ample primary material exists in the pre mutiny records of the various archives. Rehabilitation of the affected Indian families by the Thomsaonian officials is reflected in the Methodist missions' work in Orphanages, widows' upliftment and printing

workshops. The Narrative by Keene, contained a very brief account of happenings in Kumaon. This article, being the first detailed account first appeared in the Uttaranchal Special Issue, Vol. V, 2005 and also in The Journal of the Meerut University History Alumni (MUHA), Special Issue on the even of the 150 years of 1857, edited by Dr. Devesh C. Sharma, pages 339-349.

10. Keene, H.G., Indian Districts During the Revolt, (1883); reprinted as British Administration during the Revolt of 1857 (1985), pages 124, 127, 129-133, and 137.
11. Beckett to Ramsay, 15 May 1857, MLR, vol. 109; Ramsay to Muir, 23 July 1858, No. 258, The Narrative from which most of the material is taken, JLI, vol. 45; to Dickson, 20 July 1857, JLI, vol. 45; Becjett to Ramsay, 16 June 1857, MLR, vol. 109.
12. The Narrative, op cit.
13. A certificate issued to Moti Ram Shah and several testimonials given by scores of European officials (printed list) is a testimony of the loyalty of various residents towards administration in the hour of need. A portrait of the builder-philanthropist Moti Ram Shah has been made available by the his descendant Rajen Nath Shah, who has also established a Trust for the maintenance of worship at the Nanda Devi temple, following the family tradition. Moti Ram Shah's charitable acts extend to setting up drinking water channels, grants for hospital at Almora and establishment of trusts like Nanda Devi temple; Ramsay to McCausland, 15 Dec 1857, JLI, vol 45; Ramsay to Thornhill, 3 Feb 1858, vol 45; to Muir, 29 Jan 1858, JLI, vol 45; Ramsay to Mc Causland, 13 July 1857, vol 45; to Brigadier Chamberlain, 13 July 1857, JLI, vol 45.
14. The Narrative, op. cit.
15. Copies of parwanas to all Kumaon Battalion men through patties to march to Delhi, on 22nd June 1857, JLI, vol. 45; to Col McCausland, 4 July, 1857, JLI, vol. 45; and The Narrative, op. cit. Both SACs received the extraordinary powers conferred by the Acts of XIV and XVI on 3rd September only. By the first week of September recruiting parties were all over Kumaon in search of Gorkha recruits, such as the 20th Punjab Regiment, the Guards etc.; also the Narrative, op. cit. There had been only two occasions, the uprising of 1857 and later the non-cooperation movement of 1942, when the local officers have acutely felt the absence of a regular police for maintaining law and order. Alternative arrangements, as the situation remains the same, have to be thought out.
16. Ramsay to Lt Dickson, 20 July 1857, JLI, vol 45; to Beckett, 12 Aug 1857, JLI, vol. 45.
17. The Narrative, op. cit; to Muir, 4 May 1858, JLI, vol 45.
18. Ramsay to Muir, 4 May 1858, JLI, vol 45; to Colvin, 17 Jul 1858, JLI, vol 45.

19. Ramsay to Muir, 13 Jul 1858, JLI, vol 45; H. Vansittart to Superintendent Dehra Dun, 2 Dec 1857, MLR, vol 109; Thornhill to Ramsay, 23 Dec 1857, MLR, vol 109.
20. The Narrative, op.cit ; to Thornhill, 15 Jan 1858, JLI, vol 45; and Ramsay to Muir, 6 Apl 1858, JLI, vol 45; to Maj Gen Mansfield, 6 Apl 1858, JLI, vol 45.
21. Ramsay to Alexander, 12 Feb 1858, JLI, vol 45; to Muir, 26 Feb 1858, JLI, vol. 45; to Alexander, 27 Feb 1858, JLI, vol 45.
22. Ramsay to Muir, 13 July 1858, Statement of persons recommended for Medals, JLI, vol. 45 ; Ramsay to Muir, 6 Apl 1858, JLI, vol. 45; to Maj Gen Mansfield, 6 Apl 1858, JLI, vol 45; to Colvin, 10 Apl 1858, JLI, vol 45.
23. The next, the Tenth settlement of Garhwal was E.K. Pauw for twenty years; see Report on the Tenth Settlement of the Garhwal district, by E.K. Pauw, published by the Government Press, Allahabad, 1896. Some authors have termed Batten's settlement as the ninth which is patently mistaken. This confusion has been caused by Atkinson and has even been carried over to the works of scholars like Dr Shiv Prasad Dabral and others who followed him. See Dabral's Uttarakhand Ka Itihas, volume 7, p 190. That Beckett's settlement was the ninth revision is also expressly mentioned in paragraph 2 of the Report on the Settlement of Kumaon District itself; Major General Henry Ramsay to E.C. Buck, Secretary to the Board of Revenue, NWP, camp Haldwani, No. 223 of 1874, dated 7th March, 1874. Ramsay also mentions that he is skipping other interesting details as a Gazetteer was being prepared by Mr. Atkinson most of these aspects. E. K. Pauw, quoting from a description given by Colonel Pitcher, Director of Land Records and Agriculture, in 1888, describes this measurement process; see para 62, page 58 of Report on the Tenth Settlement of the Garhwal District, 1896. For Garhwal settlement, also see Pauw's Tenth Settlement of Garhwal District, *ibid*, para 62, pages 53-54.
24. Beckett, Report on the Revision of Settlement in the Kumaon District, 1874, *ibid*, para 25, p 13.
25. Dabral, Dr Shiv Prasad, Uttarakhand Ka Itihas, vol 7, p 190-202.
26. Beckett, *ibid*, p 1-11.
27. Ramsay, Major Henry: Report on the Sub-Himalayan Forests, 1861, in North Western Provinces Gazette Supplement, 19 December, 1861.
28. Atkinson, E.T.: Himalayan Districts of the North –Western Provinces, p 852-853.
29. Ramsay, Major General H. Ramsay, Commissioner of the Kumaon Division to E.C. Buck, Offg. Secretary to the Board of Revenue, N.W.P., dated camp Haldwani, the 7th March, 1874; Report on the Settlement of Kumaon District, No. 223 of 1874, p 1.
30. Ramsay, *ibid*, p 17–18; and Dabral, *ibid* p.

31. Ramsay, *ibid*, p 19; and Dabral, p.
32. Ramsay, *ibid*, p 20; and Dabral.
33. Ramsay, *ibid*, p 21; and Shiv Prasad Dabral, *Uttarakhand Ka Itihas*, vol 7, p 202.
34. Appendix No. 11, List of Lands available at Tea sites, Beckett's report, *ibid*, p 36 D.
35. Appendix 13, Roads, Beckett's Report of the Revision of Settlement, Kumaon district, Allahabad, 1874, p 36 D.
36. Dabral, Dr. Shiv Prasad, *Uttarakhand ka Itihas*, vol 8, p 5. Whalley divides the same period of 13 decades into three periods viz., those of Commissioner Traill (1815-1835), Commissioner Batten (1848-56) and Commissioner Ramsay (1856 – 1870, or 84). Dabral unfortunately could not access P. Whalley's report.
37. Beckett's Report on the Revision of Settlement in the Kumaon District, 1874, p 29.
38. Firth, Cyril Bruce: *An Introduction to Indian Church History*, The Christian Student's Library No. 23, The Senate of Serampore College, by SPCK, 2007, pages 143-144 and 147-155; Arthur Mayhew's *Christianity and the Government of India*, *Final Triumph of Wilberforce*, pages 100-101; and for an indepth examination of the subject, Peter Penner's *Patronage Bureaucracy in North India; The Robert Mertinn Bird and James Thomason School, 1820-1870*, pages 240–241 and 246.
39. This period covers the years beginning with William Carey's arrival in India to the renewal of Company's charter in 1813; also see Peter Penner, *ibid*, page 241 and foot-note 6, page 265; and C.B. Firth, *ibid*, page 158-160, Part II, *Bishops and Missionaries, 1814-1858*, pages 55-84, 411 and 415. Bishop Reginald Heber, Lord Bishop of Calcutta, *Journal*, covers a narrative of a journey through the Upper Provinces of India, from Calcutta to Bombay, 1824-26, with Notes on Ceylon; published by John Murray, London, 1873 (New Edition)' see pages 243-286.
40. Bishop Heber's Journal is singularly deficient on his personal thoughts on possible missionary activity and interestingly enough highly appreciative of the efforts and work of Commissioner Traill, who in the opinion of his fellow-colleagues openly flouted the then current policy of 'strict neutrality' in religious matters of the natives.
41. Penner, Peter: *The Patronage Bureaucracy in North India*, Chankya Publishers, 1986, pages 346-347; List of Hailebury and Adiscombe Men appearing in the text; also see Mayhew, *ibid*, "most important of all perhaps was the influence brought to bear by the persistent and scholarly Professor of Bengali (William Carey) on the young cadets of the Company who sat under him in Fort William," page 69.

42. Gibbs, M.W.: *The Anglican Church in India, 1600-1970*, ISPCK, pages 27-29, 9-97 and 102-115; also Rev. E.S. Oakley, Almora, page 825 in Bishop Brenton T. Badley, *Visions and Victories in Hindustan, A Story of the Mission Stations of the Methodist Episcopal Church in Southern Asia*, Diamond Jubilee Edition, Methodist Publishing House, Madras, India, 1931; *Indian Missionary Directory and Memorial Volume*, 1881, Lucknow; Methodist Episcopal Church Press: Rev. B.H. Badley and a compilation of three generations of John Henry Budden by Major J.K. Pant, Shanti Bhawan, Almora.
43. See chapter on education where Commissioner Batten acknowledges his own and SAC Ramsay's private association with Almora Mission School, chapter V.
44. Wellesly C. Bailey (1886-87) in his *A Glimpse at the Indian Mission Field and Leper Asylums* mentions that 'the leper asylum at Almora in the United Provinces is the oldest institution.. it owed its inception to a young officer, Lieutenant Ramsay, afterwards Sir Henry Ramsay, K.C.S.I., C.B., whose sympathies had been drawn to the mendicant lepers in the district when stationed at Almora with his regiment in 1835. On his return to the district in 1840 he erected some simple stone huts for the shelter of about twenty sufferers, and from this insignificant beginning there developed in the course of time a well organized and finely situated leper asylum, with an home for untainted children. In 1851 the asylum was placed under the charge of Rev. J.H. Budden, of the London Missionary Society, and in 1866 there were over one hundred inmates. It was the fourth institution to receive help from the Mission, the first grant being made in 1879', page 42. All over Europe 'leper hospitals' and 'Lazar houses' were opened by monks and nuns to care for those whom church and society had rejected. The 'Lazar house' derived their names from St Lazarus - though no one could ever be certain whether he was the man with leprosy who sat at the rich man's gate in Jesus's parable, or Jesus' own friend Lazarus who was raised from the dead; *Caring Comes First: The Story of Leprosy Mission*, Cyril Davey; Marshall Morgan and Scott, UK, 1987, page 17.
45. Badri Dutt Pande, *Kumaon Ka Itihas*, 1937, pages 454-455 and Shiv Prasad Dabral, *Uttarakhand Ka Itihas*, 1978, volume 8, pages 147 – 153, have covered the administration of Henry Ramsay and dealt with his contributions and assistance to missionary work. According to Pande Rev. Dr. George Smith has included Henry Ramsay amongst the 12 Great Statesmen of India perhaps because Ramsay was a great supporter of Christianity and helped the missionaries openly. It was his wish that entire Kumaon should embrace Christianity. While Henry Ramsay was certainly a deeply religious person mainly responsible in persuading Rev. Budden to shift from Mirzapur to Almora and set up the Kumaon Mission through the London Missionary Society and later expanding missionary work in Pauri and other places in Kumaon, he followed, like James Thomason a policy which was publicly that of neutrality in public affairs but without sacrificing his own faith (neutrality, without indifference). Shiv Prasad

Dabral has quoted Badri Datt Pande, while the latter's contentions are not borne out by either the public behaviour or records which have been left behind. Hollister, Dr. John N.: *The Centenary of the Methodist Church in Southern Asia*, Lucknow, India, 1956, pages 1-5.

46. Asiatick Researches, A Statistical Sketch of Kumaon, XVI, 137-234; Report on the Bhotia Mahals of Kumaon, G.W. Traill, J.A.S., Bengal II, 551, reprinted in Kumaon Reports; A Few notes on the subject of the Kumaon and Rohilkhand Tarai, J.H. Batten, J.A.S. B., XII., 887; Extract form the Journal of J.Weller, on a trip to Bulcha and Ooncha Dhoora passes, edited by J.H. Batten, J.A.S.B., XII, 78; Journal of a visit to Melum and the Oonta Dhoora pass in Jawahir, by E. Manson, edited by J.H. Batten, J.A.S.B., XI, 1157; Note of a visit to the Niti pass of the grand Himalayan chain, J.H. Batten, VII, 310 and a Notice of a trip to the Niti pass, J.A.S.B, XIX, 79. Batten also contributed articles in other Journals in England e.g. on a history of tea-cultivation in the Journal of the Royal Society.
47. Major Ramsay's Report on the condition of the forests in 1861 in North Western provinces Gazette Supplement, 19 December, 1861; quoted in Atkinson's *The Himalayan Districts of the North Western Provinces*, Vol I, 853-854; published by Low Price Publication, Reprinted in LPP 2002 (First Published in 1881).
48. Edwin T. Atkinson, *The Himalayan Districts of the North-Western Provinces of India*, Vol I, see Preface by Atkinson, 17 December, 1881.
49. Preface, Vol II, see Atkinson, *ibid*.
50. Preface, Vol. I, see Atkinson, *ibid*; and Report on the Settlement of Kumaon.

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ABBREVIATIONS

JLI	:	Judicial Letters Issued, U.P. State Archives, Lucknow.
MLR	:	Miscellaneous Letters Received, U.P. State Archives, Lucknow.
MLR	:	Miscellaneous Letters Received, U.P. State Archives, Lucknow and Regional Archives, Nainital.
PMR	:	Pre Mutiny Records, U.P. State Archives, Lucknow.
RLI	:	Revenue Letters Issued, U.P. State Archives, Lucknow.
RLI	:	Revenue Letters Issued, U.P. State Archives, Lucknow.
SLI	:	Settlement Letters Issued, U.P. State Archives, Lucknow.
SLK	:	Settlement Letters Received, U.P. State Archives, Lucknow.

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