

PRECIS

Before the advent of the British, over-all political control vested in the Lahore Government. Rural society was dominated by those whose position ultimately derived from this Government, i.e., by assignees of revenue, revenue-farmers, local officials, rural notables and village headmen. The British greatly augmented the power of the State; they brought more peace and order to the country-side; and they relinquished control over the development of rural society by destroying or diminishing the position and influence of those who had exercised that control. A class of peasant-proprietors, entrusted with a limited agricultural surplus and an almost unfettered power to transfer their holdings, was created as the basis for stability and prosperity. Rapid economic development from the eighteen-sixties enormously increased the amount and value of the agricultural surplus. The value of land rose; the credit of the land-owners expanded; they began to borrow freely for agricultural and social purposes; the trading castes, and indeed men of capital and enterprise of all classes, became interested in the acquisition of land; and the transfer of land in satisfaction of debts or under the pressure of necessity assumed serious proportions.

The expropriation of the land-owners was accelerated by the introduction of a law and civil procedure adapted to the needs of a commercial, competitive, literate and homogeneous society and unsuited to those of an agrarian, customary, illiterate society divided along caste and tribal lines. The law of contract, interest and limitation disturbed the traditional relations between lenders and borrowers and stimulated the demand for the payment of high rates of compound interest. The courts, burdened with work, without administrative experience or rural sympathy, with little power for local enquiry, bound to adjudicate in accordance with written rather than oral evidence, favoured the money-lender rather than the peasant. They did not work efficiently as machines for the recovery of money lent, and they could not sell the debtor's land, but they enabled the money-lender to exert sufficient pressure to induce a recalcitrant debtor to part with his land.

The land passed rapidly from those who had inherited a pastoral or turbulent way of life, who found great difficulty in developing agricultural skills and adjusting to settled and peaceful conditions, let alone to the temptations of inflated credit. It passed rapidly from those who, claiming high status, whether on political or religious grounds, were inhibited from making the most

of their land, while determined to make the most of their social position. It passed rapidly from those whose physical environment, history or religion contained the seeds of demoralisation. It passed even from those who were well-adjusted to agricultural life, and thrifty to greater or lesser degree, but who could not bear up against agricultural calamities or succumbed to a new-found affluence.

Acquisitiveness developed more rapidly among the trading castes than among the land-owners, and more rapidly among certain classes of land-owners than among others. The character of the alienees varied from place to place and this, together with regional variations in social organization and religion, gave a distinctive significance to the transfer of land in each region.

The political significance of land transfers was not confined to the loss of status of expropriated proprietors and the growth of agrarian discontent. The matter was complicated by the acquisition of land by village menials, artisans and others of low birth who wanted to raise their social status; and above all by the conflicting interests of an educated Hindu elite, drawn largely from the trading castes, dominating the professions and Government service, and an educated Muslim elite, most of whose members had

an agrarian and high status background, but some of whom had commercial or low-born origins.

It was the growing discontent of the land-owners, and the consequent political danger, which excited the apprehension of many British officials. They argued that land was transferred under the pressure of debt or necessity, and that the unsuitable administrative system introduced by the British was responsible. They believed that some action was essential to remedy an increasingly dangerous situation, and that such action was economically feasible. More conservative British officials were not prepared to believe that land was transferred on a large scale or at a rapid rate, or that the process constituted a serious political danger. They saw the transfer of land as a natural, even desirable, phenomenon, or at least one inherent in the constitution of society. Interference, they considered, would do more harm than good, because such interference ran counter to natural economic laws.

The question was debated seriously for the first time in the early 'seventies. The radicals of that generation failed to convince their conservative fellows, who occupied the senior positions in the Punjab Government, that action was necessary. But from the 'eighties the radicals of a later generation grew in numbers, influence and outspokenness and gradually gained the upper hand. Until

the early 'nineties most attention was focussed on legislation similar to the Dekhan Relief Act, to protect the land-owner when brought into court. Attention then shifted to reforms in the revenue system which might inhibit the transfer of land, and proposals for a differential assessment on alienated land found a fair amount of support. Finally, in the second half of the 'nineties, the question of direct restrictions on the power of alienation came to the fore.

The policy embodied in the Punjab Land Alienation Act of 1900 was the outcome of a long and involved struggle between the Punjab Government and its officials, the Government of India, and the Secretary of State for India with his India Council. Even after the principle of the imposition of restrictions on the power of transfer was accepted, the nature and extent of those restrictions were keenly debated. Proposals for mere enabling legislation were defeated; but the measure as it finally emerged from the Legislative Council, or rather as it was finally interpreted and applied, was more of a restriction on the power of acquisition of certain communities, than on the power of alienation of the land-owners. Economic considerations were uppermost in this debate. The political effect of legislation was considered only from the standpoint of

the land-owners, the reactions of the trading classes and the educated elites being considered unimportant. The fierce agitation of the Hindu elite against the Land Alienation Bill took the British by surprise. Even so they were hardly ready to believe that the views and actions of the elite were of serious political significance.

LAND TRANSFER, SOCIAL CHANGE AND POLITICAL STABILITY
IN THE PUNJAB, 1849-1901

by

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A thesis submitted for
the degree of Doctor of Philosophy
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This thesis is my original work.

(P.H.M. VAN DEN DUNGEN)

PREFACE

My original intention in planning this thesis was to study some aspect of the agrarian history of one Indian Province, the Punjab. At first, from Canberra, it was difficult to discern whether the sources for such work would be readily or at all available, and whether it would be possible to write such a thesis in the limited time at my disposal. It seemed safest to start by investigating the genesis of a legislative measure which was obviously of some importance - the Punjab Land Alienation Act of 1900 - and to branch out from there, if possible.

A few months in India and Pakistan convinced me that a study of land transfers in the Punjab in the second half of the nineteenth century was feasible and desirable. A vast mass of reliable information was available. The books written by administrators like Thorburn and Trevaskis had touched no more than the fringes of the problem. A careful study, which would take into account evidence from all over the Punjab and which would touch on all relevant considerations, was long overdue.

Such a study, it was clear, could only be meaningful in terms of an examination of the impact of British rule

on agrarian society. I was thus led to consider, in the first part of my thesis, the society and the State which existed prior to the advent of the British; the nature and working of British administration and institutions; and the changes which they wrought in rural society. Against this general background I have tried to explain why certain changes in the ownership of agricultural land took place.

At an early stage it became apparent that this approach, however useful, would not suffice. It failed to show the regional variations in the nature and extent of land transfers in the Punjab. It did not explain why one tribe lost so much more land than another; or why the classes of alienees differed so markedly, in some respects, in one region as opposed to another. These matters could be explained only in terms of tribal character, agricultural or pastoral pursuits, social status, local history, religion and physical surroundings. British administration and British institutions were new and they transformed the country-side; but the response of various tribes and communities to these changes was rooted in the past.

In this way I came to write, in the second part of my thesis, the sort of social history that I had

originally hoped to tackle. The fate of particular communities and the general conclusions I have drawn, may be examined in detail; and it need only be stated here that the second part of my thesis illustrates the limited flexibility of Punjab society, which did so much to determine the response of that society to the British impact.

While these two approaches were assuming shape in my mind, it became increasingly clear that the political aspect of the question deserved attention. Political change - the replacement of Sikh by British rule - had led to the transfer of land and to changes in society; and these transfers and these changes were undermining the stability of British rule. This aspect of the problem could best be studied through the eyes of those who were most concerned with it - the British. Such a study would also throw some oblique light on the transformation of Punjab society; for the key to British administration and institutions lay in British social and economic thought. Besides, despite my original desire not to write merely about the British in India, I was becoming increasingly interested in the story which gradually unfolded before my eyes.

The third part of the thesis, then, is a study of the attitudes of Punjab officials to land transfers or, more broadly, to Punjab society. It is concerned not only with the political, but also with the social and economic thought of the British. These themes are traced throughout the debates of the nineteenth century, and they culminate in the passage and application of the Punjab Land Alienation Act of 1900. This third part of the thesis has, I hope, some of the elements of a good, if admittedly slow, story; and one which gives due emphasis not only to the general currents of British thought, but also to the views - often the changing views - of influential or outstanding individuals.

Each part of the thesis contributes to the over-all interpretation by a detailed analysis of a whole range of problems. The ultimate inferences are set forth in a short conclusion.

The thesis is based exclusively on primary sources. A few secondary authorities deal with the subject of the first part of the thesis, but most of them are not reliable. With one exception, I have not interrupted the narrative to criticise them. Thorburn's bias was too obvious, the works of Trevaskis too incoherent, to make this worthwhile. Darling's study of the

indebtedness of the Punjab peasant was invaluable as a reference for some of the topics in the second part of the thesis; but Darling deals with a later period when conditions had already changed.

The primary sources have been drawn from the National Archives of India, the West Pakistan Secretariat Records Office, the West Pakistan Board of Revenue and the West Pakistan Board of Revenue Library. A particular copy of a book by Thorburn was located in the West Pakistan Secretariat Library. Unable to go to London, I have not seen the India Office records, with the exception of one microfilm; but the additional information provided by these records is hardly central to even the third part of the thesis. The details of the records consulted are indicated in the Bibliography. Only those Departments and Proceedings which were found useful have been listed.

I have tried to use only the most reliable statistics - generally those provided by the assessment reports. Where any doubt attaches to the completeness of the statistics, this doubt has been indicated. All the statistics are derived ultimately from the land-records which were maintained for each Punjab village.

The Settlement reports of districts and the Assessment reports of tahsils provided particularly detailed

social and administrative information of a high order of reliability. They represent the accumulated experience of a Settlement officer who has spent years studying the conditions of the villages of a particular district or tahsil.

References have been given to the most important sources on which each paragraph or series of paragraphs in the text is based. As these references were too unwieldy to put at the bottom of each page, they have been placed in a separate volume; that being obviously preferable to placing them at the end of each chapter. The separate volume provides a key to these references, explaining the abbreviations and conventions used.

Two maps of the Punjab have been placed in a pocket at the end of the second volume. The larger map is intended chiefly as a guide to the districts and tahsils of the Province. The smaller map shows the districts, the position of towns, railways, canals and so on. Both maps show the regions into which the Punjab was divided for the purposes of chapters four and five.

The Appendices in the second volume provide copies of the Punjab Land Alienation Bill, as originally drafted, and as amended by the Select Committee on 6 August 1900 and again on 2 October 1900.

I wish to express my deep sense of gratitude to my supervisors. It was Dr. (now Professor) D.A. Low who suggested that I make the Punjab my "field of battle". He drew my attention to the Punjab Land Alienation Act of 1900; and he combined sympathetic guidance with the most searching examination of the various phases through which my thesis passed. Dr. A. Lamb saw me through the period when the thesis was being written. Mr. Fitzhardinge officiated during Dr. Lamb's absence.

There are many who helped in other ways. Dr. D. Rothermund sent films from London. Miss D. Keswani and Mr. S.R. Mahajan smoothed the way in the National Archives of India. The Keeper of the Records of the West Pakistan Secretariat Records Office, Mian Muhammad Sadullah, was invariably helpful. At the West Pakistan Board of Revenue I am indebted to the Revenue Secretary, who secured access to the Board's records in 1962; and to the guidance of Sultan Maqsood. To these people, to the staff of these offices, and to the Librarian and staff of the West Pakistan Board of Revenue Library, I can only give my thanks for their unremitting efforts on my behalf.

To the Australian National University, which made this study possible by its generous financial assistance, I am very grateful.

For the typing of the drafts of several chapters I am indebted to Mrs. M. Richardson.

In conclusion I express my thanks to my wife for the patience and forbearance she has shown during the progress of this work.

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1

PART I: THE IMPACT OF BRITISH RULE ON AGRARIAN SOCIETY

CHAPTER 1

The Sikh State and its officials. The dominance of the local officials and the village headmen. Land-owners and cultivators. Sikh revenue administration. The position of the trading castes.

Any study of society has perforce to take into account the political environment within which that society functions. Nowhere is this more obvious than in the study of Punjab society under the Sikhs. As elsewhere in India the relationship between the native State and the agrarian society was determined largely by the State's land-revenue policies. Far from being a slight or negligible element in agrarian life, Sikh revenue policies profoundly affected the agrarian economy and the distribution of wealth and power in agrarian society.

I.

The Sikhs were at all times hostile to the existence of superior rights in society which threatened the maximization of revenue and did not derive from themselves. On conquering a region - whether under their confederacies in the eighteenth century or under the

Lahore State in the nineteenth - they overthrew tribes and families which had exercised power there during Mughal rule and after, and sealed their political fate by assuming the fiscal management of these regions themselves. Nor were the landed rights of such tribes always secure: whenever these stood in the way of the extension of cultivation and the augmentation of land-revenue they were dispossessed, partially or, more rarely, entirely, and miscellaneous bodies of cultivators were introduced over whom they could exercise little control. Thus was their social position undermined and the basis laid for their degradation to mere cultivators of the soil.¹

If the superior tribes were too strong to be immediately or entirely displaced, the conquered territory being too distant from the centres of Sikh power, as in parts of Jhelum and Rawalpindi; or the State too petty, as in Umballa, the Sikhs conciliated them by assignments of revenue, percentages on the revenue collections of their villages or grants of rent-free land. As a class they were not allowed to retain the revenue-management of the territories they had ruled. Sometimes the members of leading families were given honourable service, or assisted the local Sikh administration. In these ways their position and prospects became dependent on the State.²

The Lahore State built up by Ranjit Singh from 1799 had not only to cope with the power of such independent tribes as had not been displaced by Sikh conquerors of the eighteenth century, but also with these Sikh conquerors themselves. Though Ranjit Singh destroyed the latter's political independence in the trans-Sutlej Punjab, he was not strong enough to overthrow them altogether or at once, and the more powerful among them were allowed to retain the revenue-collections in their domains, on the condition of providing military service in time of need. Independent rulers were thus reduced to dependent assignees of revenue whose assignments could be, and were, resumed as their owners died or as other suitable occasions arose. The lapsed territory either augmented the State revenues directly, or was available for assignment to reward the services of others.³

Assignments of revenue had the advantage that they attached to the regime, for such period as seemed expedient, those whose power or claims on the State could not be ignored, while saving the Government the expense of collecting this revenue itself.

To derive a maximum revenue from territories which had not been assigned, the Lahore Government commonly farmed them out. Ranjit Singh granted considerable farms

to men who were personally loyal to him, such as members of the Dogra family, foreign adventurers like General Avitabile, or Khattris like Sawan Mal. Smaller territories were farmed to officials and supporters of lesser note. At other times the Lahore Government attempted to collect the revenue more directly through its own officers. These were sometimes recompensed by assignments of revenue. There was generally a Provincial Governor or chief officer who was responsible for the administration of a particular region.⁴

Those whose assignment, farm or jurisdiction derived directly from the Lahore Government were obliged to make their own arrangements for the collection of revenue. Where the assignee of revenue was an absentee he would appoint an agent to manage the collections. The farmer or Governor of any large tract would appoint his own officials as, for instance, Sawan Mal, who employed numerous grades of paid subordinate officials in the south-western Punjab. Sometimes a Governor would also sub-lease villages here and there to men of some local importance, whether of the agricultural or trading class, or to the heads of villages themselves. And the farmer or local official responsible to Lahore, whose farm or jurisdiction was less extensive, would make similar arrangements.⁵

The Lahore State naturally lost potential revenue by such an administrative system not only directly through assignments of revenue, but also indirectly through the power of officials and farmers at every level to retain some part of the collections which passed through their hands.⁶ Against this the State could rely on receiving a cash revenue from its farmers and officials with sufficient regularity to maintain a large army. And it was control of this superior military force which gave it the power to grant and resume assignments, farms and official positions at the highest levels, thus ensuring the dependence of the highest nobles and officials. In this way political control was vested in the Lahore Government, even though power in the rural areas was widely distributed amongst the assignees, officials and supporters of Government. The inherent instability of this political system lay in the fact that it required a dominant personality to control the army and to serve as a focus of loyalty for the top nobles and officials.⁷

II.

While the stability of the Lahore State depended on its revenue receipts to maintain its large army, the political future, official position and wealth of officials,

farmers, agents and assignees high and low were not less dependent on the amount of revenue they could extract from the area under their jurisdiction. This constant and general desire to maximize revenue collections tended to create everywhere a system by which the responsibility for collecting the revenue, and maintaining order, devolved on local officials or kardars controlling relatively small tracts of country, over which they could exercise such close and constant supervision as enabled them to control its inhabitants most effectively and draw from them as much revenue as possible each year. In this respect administrative arrangements in the cis-Sutlej Sikh States were similar to those in the rest of the Punjab.⁸

The aggregate of a kardar's collections in a particular tract depended in part on the political control which he was able to exercise over that tract; and this varied not only with the material power at his disposal, but also with the will and ability of the peasants to resist his exactions.⁹

Wherever tribal ties were strong and cultivating or semi-pastoral tribes of a war-like or troublesome disposition, the collection of revenue was contingent on a constant assertion of material power. In the Bannu

valley, for instance, the collection of revenue was not so much a political and administrative as a military problem. In the cis-Indus Punjab this situation was uncommon, though it existed to a degree in parts of Ferozepore, Montgomery, Jhelum, Rawalpindi and in Kaithal.¹⁰

At the other extreme stood the south-western districts of Multan, Muzaffargarh and Jhang. The history of this part of the Punjab was one of gradual colonization of the waste, through the application of capital or labour, by individuals or small groups, acting with the consent or under the direction of families claiming superior rights in the waste, or directly under State auspices. Whether it was an isolated well sunk in the uplands, or a piece of land broken up along the rivers, individual capital and effort created and maintained individual interests among these colonists. Tribal ties were few. In the uplands there was usually no village settlement, each proprietor residing on his own well. Where village settlements existed along the rivers, they were often without community of interest or power of common action. Once the leading tribes and families had been deprived of power, there could be little organized opposition to State policies in such an atomistic society.¹¹

In most of the rest of the Punjab the Sikhs were faced with village communities, not necessarily of a troublesome disposition, but possessing common interests and a tribal or social cohesion which gave them certain powers of resistance to State exactions. This cohesion found expression in the existence of accepted patterns of authority within the community. Each section of a village usually had its representative, these representatives together forming the village elders of the community. It was the policy of the local official to gain control of the apex of the existing power structure of the village and thus dominate the whole community. He would win over to his side one, two or perhaps three of the most influential men among the village elders by the promise of material reward. In the large majority of villages one of these men would serve as village headman, and take primary responsibility for the transaction of Government business, any others appointed being in a subordinate position. Only in exceptional circumstances did two or more headmen occupy the senior position. In some places this policy was combined with one of conferring rewards and distinctions on rural notables whose influence extended to clusters of villages, and who in return looked after the interests of the local officials in these villages.¹²

From the villagers' viewpoint the choice of the chief village headman was an arbitrary process. They had no say in his appointment, the position being held entirely at the pleasure of Government. The Sikh official looked in the first instance to fitness and influence, seniority or hereditary claims playing only a secondary role. Indeed if his nominee failed to live up to expectations he would replace him by some other headman or even by an influential proprietor, and these latter individuals would often enough be only too willing to serve.¹³

The village headman was recompensed by the kardar by an inam, i.e., he received either a percentage on the revenue collected from his village, in cash or grain, or a grant of rent-free land. The value of this reward varied with the size of the village and the power of the local official to enforce payment of the revenue. Though the village headman probably received the lion's share of the inam, shares in it would sometimes be allotted to one or two subordinate headmen or to other individuals whom the kardar thought wise to conciliate. Some minor ownership dues might also be granted to all the leading village elders.¹⁴

To the kardar the advantages of this system were obvious. He secured the active support of the natural leader of the village and the goodwill or acquiescence of others, according to the extent of their influence in village affairs. He increased the headman's power over the village by the very fact that he gave him his backing; and thereby increased his own power because the headmen who controlled the villages were dependent on his favour. These headmen had thus both the power and motive to squeeze the community to the utmost in the collection of Government revenue.

Equally obvious were the headman's advantages. Already influential, with the backing of the Sikh official he could do what he liked, for only the official could call him to account; and the latter would listen to no complaints from the people or do anything to diminish his nominee's power, as long as the headman continued to squeeze the maximum revenue from the village.¹⁵ The only threat to the headman's position was that other men of influence in the village might undermine his control, and thus destroy his standing with the kardar. To avoid this, and to maintain himself in the superior position, the headman would sometimes find it politic to share some of his inam with such men of influence.¹⁶

To political the headman added economic dominance. In the first place he enjoyed his inam. Since he was associated with the assessment of revenue, was responsible for its collection, and was favoured by the kardar, he might well escape payment of part of his share of the land-revenue in one way or another.¹⁷ Then he collected contributions to the fund for village expenses, and sometimes other dues, from the villagers and none could challenge his management. Where the value of this fund was considerable, many of the headman's private expenses were met from it. This fund was derived largely from the profits of common land, which was again managed by the headman.¹⁸ All the power and profit in the village was in the headman's hands.

Rural society was thus dominated politically and economically by the local representative of Sikh power and, where cohesive village communities existed, by his subordinate allies, the village headmen.

III.

The superior position of the village headmen in rural society is brought into sharper focus by an examination of the condition of the agricultural community as a whole. Wherever Sikh power was firmly established, and the kardar

had brought round the village leaders, he set aside all further social, economic and political distinctions within the village which might lessen his revenue. Apart from the headmen he usually treated all classes, proprietors and cultivators, alike, as tenants of the State. In this way the privilege and power of the proprietary brotherhood, which set it apart from the subordinate cultivating castes in the village, was reduced to a minimum.

As a rule the cultivating proprietary bodies - the descendants of the original founders of the village - remained conscious of the fact that they were the superior class in the village; and the other cultivating castes acknowledged their own social inferiority.¹⁹ Nevertheless Sikh rule severely limited the area within which the proprietors could assert their superiority. They could not always exercise effective control over the introduction of cultivators into the village. To increase his revenue the local Sikh official often imposed his own cultivators on the village; or forced a redistribution of the village lands by which even men of the lowest castes, such as artisans and sweepers, came to hold land on the same terms as the proprietors. Nor could the proprietors readily exercise the power of ejection, which they might possess in theory. Large numbers of resident

cultivators were found after annexation, who had cultivated undisturbed for generations. With land plentiful, cultivators scarce, and the kardar pressing for increasing cultivation and revenue, the proprietors could not afford to eject these cultivators, and the kardar would not allow it. There was of course a class of cultivators whose tenure of land was more precarious, but even their occupancy might be regulated by the kardar as well as the proprietor.²⁰ On the whole, the power which the proprietors were able to exercise over the occupancy of village land by cultivators was limited in practice, and depended on the extent of Sikh power in any region.

The Sikh official, concerned only to take the maximum revenue from the village, exacted it from all cultivating classes on exactly the same terms, and left both proprietor and cultivator with little or no more than was necessary for subsistence and maintenance of cultivation. This constant Sikh pressure on the agricultural surplus of the village, together with the emphasis placed on the expansion of cultivation and the increase of that surplus, amply explain the fact that the cultivators paid no rent to the proprietors. Indeed the concept of rent did not exist. At the most the cultivators paid a light proprietary due, and in many places even this was unknown.

Sometimes instead of paying a proprietary due, the cultivators contributed to the fund for village expenses on an equal footing with the proprietors.²¹

At times the only distinction between the tenure of proprietor and cultivator seemed to be that while the former had a limited right to dispose of his cultivation by sale or mortgage, the latter did not; but in practice this meant little at a time when the heavy revenue demand deprived land of practically all its market value.²²

In short, ownership of land generally conferred status on those possessing it, but the power and profit associated with it were rather limited.

IV.

It was the pressure of a heavy revenue demand which limited the rights attaching to ownership in the soil.²³ In by far the largest part of the country this constant pressure was maintained by the assessment of the out-turn of each harvest, either by division of the crop after it had been reaped and threshed, or by appraisement of the standing crop. By the first method the grain would be collected or stored in some way and guarded until the Government-officer arrived to have the State share weighed out. The second method involved the calculation

of the produce by the eye, as the crop stood in the field; and sometimes a rough measurement of an average field or all the fields in the village would be made by a man's paces.²⁴ The appraisalment of the standing crop was carried out by village headmen in their own or neighbouring villages, or by subordinate Government servants.²⁵ Under the division and appraisalment systems the Government officer not only determined the revenue demand for each village at each harvest, but often he also determined the revenue burden which each field, holding or well in the village would bear according to its out-turn at each harvest.²⁶

The State's share of the produce taken by division or appraisalment varied from tract to tract. In some places the State's share was taken from the gross produce; in others various deductions for agricultural expenses were first made. Political considerations apart, a greater share was usually taken in the more productive tracts. Under favourable agricultural conditions half the produce would be exacted. Two-fifths to one-third was a common proportion in the cis-Indus Punjab, except in the south-west, where the proportion varied between one-third and one-sixth and was sometimes less.

The Government's share of the crop assessed by appraisement or division at each harvest was often taken absolutely in kind, especially by assignees of revenue. At other times, particularly in territories which were held by officers of the Lahore Government, this share, or part of it, was commuted into a cash payment at rates which were always higher than those prevailing at the time in the local market. Still, the very fact that these rates bore some relation to the prices prevailing at the time of collection ensured that these cash payments were adjusted to the actual out-turn of each harvest.

Superior crops such as sugar-cane, tobacco, cotton, poppy and vegetables, were not often divided or appraised. Usually they paid at a fixed money rate per unit of area, measurements being made at harvest time. This money rate varied with each particular crop and with the views of the local official. In practice fixity was to some extent nominal, as allowance was made at the time of measurement for such of the crop as had not ripened or been damaged.²⁷ In the south-western Punjab the superior crops were sometimes divided; while indigo always paid in kind, together with a cash cess on out-turn, which varied according to the price current. This method of assessing indigo was no doubt adopted because its value

varied so much, owing to uncertainty as to the quantity and quality of the yield, and fluctuations in price.²⁸

In addition to the revenue taken on account of the crops, the Sikhs levied a variety of cesses and fines, paid both in cash and kind. These petty demands enabled the Government officer to exact significantly more than was taken as the State share of the crop, under various pretexts, and to such an extent as seemed feasible at any particular time or place. In parts of the south-western Punjab the cesses were used to equalise the demand, so that in tracts where the Government's traditional share of the produce was low, cesses were many; where the share was high, cesses were few.²⁹

In a few cases the ordinary crops were not divided or appraised, but a fixed money rate imposed on the acre, or the plough, or on the yokes working a well. Or sometimes arbitrary demands, calculated on the average of past collections, would be made in bad seasons, and collected by rates on the plough or the acre. These instances were, however, exceptional.³⁰

In the south-western Punjab and in a few other scattered places fixed cash demands were commonly imposed on isolated wells in the uplands and on Persian wheels,

and a lease was given. Despite this element of fixity, the revenue realised annually from each well was subject to considerable fluctuation. The cash lease never protected more than a minimum area of cultivation. If more than this minimum area was cultivated, the crop on the unprotected area was assessed at fixed cash rates per unit of area, or it was divided and the Government share taken. Superior crops were not covered by the lease in any case, being either divided or paying money rates. In addition the lessee had to pay various cesses. On occasion the lease of even the minimum area was not maintained. In a particularly good season part of the crop might be arbitrarily set aside as covered by the lease, and the rest divided or assessed at money rates; or the lease might be ignored entirely and the whole crop divided. These methods ensured that each well or Persian wheel paid as much as possible at each harvest. On the other hand if a well collapsed or became unworkable, the lessee, in the majority of cases, escaped payment altogether.³¹

Fixed money assessments on villages were not altogether unknown during Sikh rule. They were always based on the information and experience derived from collections in previous years by division or appraisal of crop.

In several districts such assessments existed here and there for a short time, and in the uplands of Ferozepur they were general, though we know little about how they worked in practice in these places. In the uplands of Kangra, fixed money demands on villages were maintained for many years, though remissions were sometimes given, especially during the later years of Sikh sovereignty. In Hoshiarpur a system of fixed village leases with the village headmen was worked successfully in the eighteenth-thirties; an attempt earlier in the century having failed. Extreme caution, however, marked these fixed assessments. Though the periods of the leases varied, they were generally for one year, the assessments being allowed to run on if they worked well. If they were found to be too high or too low, they were revised. In bad seasons the local officials were allowed to give temporary remissions, or to throw part of the load of one village on to another in better circumstances. In the 'thirties fixed leases were also frequently given in the Rawalpindi district. It seems likely that they were not always realized in full. And it is certain that they were not always acted on, and that the Sikhs at times took more than the sum fixed by the lease. An attempt by General Avitabile to

to introduce a money settlement into parts of Gujranwala and Sialkot failed signally. Few villages managed to pay the lease in full, and the settlement broke down after a few years, having caused much distress.³² In practice, then, even in these fixed village assessments, there was in most cases considerable fluctuation in collections.

In short, the Sikhs usually took as much revenue as they could get at each harvest. In the large majority of cases their collections fluctuated with fluctuations in out-turn and prices. Each field, each well or each village was made to pay as much as possible at each harvest. In this way it was possible to collect a heavy revenue from the peasantry without checking cultivation.

The Sikh rulers were also interested in increasing the surplus of each harvest by encouraging the extension of cultivation. To this end small inams or rewards were occasionally given to industrious proprietors or cultivators. Encouragement on a liberal scale was given in tracts where the existence of large areas of waste made considerable extension of cultivation possible. In the uplands of Ferozepur a new village paid only a small share of its produce to Government until it had become properly established; and the founders of such a village received

a grant of rent-free land as inam. In one part of Gujrat cultivation was encouraged by exempting one-fourth of the land from appraisement. Elsewhere in the same district a sliding scale on ploughs was established. For fifteen years a newly established cultivator paid only five rupees per plough; after that ten rupees was demanded, and it was only when the cultivator had become fully established that the ordinary rate of fifteen rupees per plough was demanded. In the uplands of Gujranwala as much as one-third or one-quarter of a new well was not infrequently held rent-free for a number of years. In the south-western Punjab Diwan Sawan Mal granted light cash leases for long periods to those who sank new wells or repaired deserted ones. Alternatively a capitalist who undertook to sink eight wells would be exempted from paying revenue on one of them. When it was found that the cultivation on the exempted well was increased unduly, the capitalist received a reduction of one-eighth of the revenue on all his wells. In such ways was the extension of cultivation into waste lands encouraged.³³

The necessity of maintaining and promoting cultivation further manifested itself in the paternal attitude adopted by the Sikh officials and rulers towards the agricultural population. In the south-western Punjab,

Diwan Sawan Mal had the old canals repaired, and new ones constructed. Numerous cuts or branches were dug. By means of these inundation canals, and by means of the light rates imposed on new lands growing indigo, the cultivation of this valuable crop was increased many-fold in a few years. Very careful attention was paid to the working of these inundation canals. Each local official was held responsible for the annual clearance of these canals as much as for the collection of revenue. In addition there was considerable interference in other aspects of agricultural life by the local officials. In Gujranwala and Sialkot - where much of the cultivation depended on the maintenance of expensive wells - the local officials aided the peasants in the timely repair of these wells and sometimes even constructed them.³⁴

The pressure to maintain and extend cultivation under Sikh rule was most fully manifested in the Sikh attitude to land-ownership. Proprietary or occupancy rights were recognised only in so far as the rulers found it convenient and conducive to their interests. The practice of introducing cultivators into villages to maintain and extend cultivation, irrespective of established rights, was widespread. Sometimes entirely new settlements of cultivators were founded within the spare

or waste areas of existing villages. Or, as in the south-western Punjab, cultivators and capitalists were settled in large areas of waste over which certain tribes claimed superior rights. In some places the original or superior proprietors retained the right to exact a small grain fee from the new settlers, in others they did not. Some of the early Sikh conquerors had not scrupled to eject the proprietors of lands which they wanted for their own cultivation or that of their followers. Besides, any proprietor or cultivator was liable to ejection by the kardar if he did not cultivate as much as expected. In parts of Jhelum and Rawalpindi this policy was carried a good deal further. Entire communities were ejected when it was found difficult to realise sufficient revenue from them; their place being taken by mixed communities of cultivators more amenable to the kardar's wishes.³⁵

The Sikh official or assignee thus played an active role in rural life and he was often a significant element in the maintenance and development of the agrarian economy.

V.

The Hindu trading castes - Khatris, Aroras, Baniyas, as well as some others - played a vital role in the economic and political structure of society. They

generally combined the business of trade and grain dealing with that of shop-keeping and money-lending. In these capacities sizable trading communities resided in many of the towns and larger villages; and often enough almost every village in a tract had at least one resident shop-keeper or trader. In this way the agrarian surplus of the village taken on account of revenue found its way to the towns; and its transformation into the cash required by the State was made possible.³⁶

The trader's position in regard to agrarian society was not a strong one. In the grain trade he had to deal with the most powerful elements in rural society. In villages farmed to men of some local influence the farmers collected in kind and paid in cash, and accordingly the trader had to buy the grain from them; unless, of course, he himself held the farm. In large parts of the country the Sikh assignee or official collected the revenue in kind and sold the grain to the trader; and sometimes the Sikh official speculated in this trade himself. When grain assessments were commuted into cash, in some cases at least it was the village headmen who collected the grain and made their arrangements with the trader. Similarly when fixed village assessments were imposed the village headmen were primarily responsible for the lease, and the

evidence suggests that sale of the produce devolved on them. The owners of isolated wells in the south-west must have sold part of their own produce to the trader to pay their fixed cash leases. In some cases the owners of these wells were themselves traders. Elsewhere we find a few instances in which individual peasants sold their own grain to the trader. The bulk of the peasantry, however, had no direct link with the trade in grain.³⁷

The indebtedness of the peasantry to the trading castes was also limited. When the revenue payable on each field, holding or well at each harvest was assessed according to the out-turn of that harvest and collected in kind, indebtedness on the score of payment of revenue was out of the question. It became possible when the grain assessment of each harvest was commuted into cash, or a fixed cash lease existed. Even then, in so far as cash payments formed only part of the revenue payable, or in so far as they were proportioned to the out-turn of each harvest and to prevailing prices, the transaction with the money-lender was a relatively simple one. It was only a question of obtaining an advance in money from him on the security of the crop actually in the ground. Besides, whenever the village headmen made these arrangements with the trader, the bulk of the peasantry was shielded altogether from indebtedness on account of the

payment of revenue. Admittedly in those isolated tracts in which the indebtedness of the peasantry was striking, this indebtedness seems to be directly related to the need to pay revenue in cash before harvest time, or to arbitrary exaction of revenue.³⁸

If borrowing to pay the revenue was not common, the mass of the peasantry must always have been dependent on the shop-keeper for advances of seed-grain, household necessities and for ceremonial expenditure. The volume of debt arising out of these causes, however, could never have been great. The large proportion of the produce taken by officers of the State ensured that the peasant's credit was limited; that he could borrow but little for unproductive purposes, as advances of this nature would be difficult to repay; and that even borrowing for necessities was restricted by his ability to repay these advances from his share of the next crop. The assets of the peasantry being limited, the shop-keeper had few opportunities of growing rich at their expense.

The interest rates which shop-keepers charged for agricultural loans were necessarily high. They were lending to necessitous, ignorant and careless peasants, who possessed little permanent security, and whose already limited powers of repayment were at the mercy of the

seasons. The security for these advances was good only in the sense that even if they could not be repaid immediately, they were not likely to be repudiated. The repayment of a debt was a moral obligation which derived its sanction from the fact that any failure to repay would mean a cessation of future loans. No lapse of time whatever was held to cancel the responsibility for repayment of a debt, and it passed from father to son. This moral responsibility did not extend to the payment of unlimited interest. Though no one custom was applicable to all parts of the Punjab, some such custom as that of restricting the maximum interest recoverable to one half of the principal, if money was due, or to the equivalent of the principal, if produce was due, was commonly observed. There were no regular judicial institutions to enforce the payment of unlimited interest. Sometimes the Sikh official would recover a debt, whatever its age, for about a fourth of its value; but he was far too concerned to maintain the revenue-paying capacity of the peasantry to cripple them by adhering strictly to the shop-keeper's demands.³⁹

In most of the Punjab the trading castes had no rights in the soil. Here and there we find Khattris owning a few villages. Only in parts of the south-

western Punjab were there Aroras owning considerable areas of land. The bulk of the trading community had no ownership rights in the soil, and the reasons for this are readily apparent.

The Sikhs provided peace and security to only a limited degree. In some of the territories controlled by less powerful rulers or officials, there was not even a semblance of civil order.⁴⁰ Nowhere was there any law which protected rights in the soil. The stronger sharers in a village sometimes appropriated part of the lands of their weaker brethren, or of those who had gone on service. The Sikh official introduced tenants, or even ejected owners, if he found it expedient. In consequence rights in land were often vague and open to dispute.⁴¹

Wherever village communities were established, the right of an individual proprietor to dispose of his land to an outsider hardly existed. Only in the south-west and among the Pathan tribes of the frontier were individual transferable rights firmly established. In the former region these rights were the natural result of the development and maintenance of cultivation by individual capital and effort; in the latter region they represented tribal custom, the inherent right of every Pathan to dispose freely of his share of the clan land.⁴²

Furthermore, cultivators were scarce and the State absorbed most of the agricultural surplus, leaving no margin for rent. Together with the general insecurity of property, and the limited right of alienation, these considerations ensured that land had little or no market value.⁴³ The transfer of land by sale or mortgage was a rare occurrence in most of the Punjab; though such transfers were more common in the south-west and along the frontier.⁴⁴

In these circumstances the non-cultivating trader had neither sufficient inducement to aspire to the ownership of land, nor the power to acquire it and maintain it in his possession, as the numerically dominant village communities or tribes would hardly tolerate this acquisition by one who was isolated in rural Hindu society by his occupation, and his caste, and in rural Muslim society by his religion as well.⁴⁵

These considerations did not always hold good. In the south-west, where large areas of waste land existed, Sawan Mal's regime (1827-44) actively encouraged colonisation of the land and the investment of capital in wells and canals. In granting land the Hindu officials may have shown particular favour to their co-religionists. The liberal terms on which land was granted provided the

necessary financial inducement for traders with capital. And there were no compact village communities in most of this region to oppose the intrusion of strangers. For the same reason sales and mortgages were not uncommon; and some of the traders acquired land in this way. In parts of Jhang certain Hindu communities obtained a hold on the land by contracts with the proprietors by which the former assumed responsibility for the payment of a heavy revenue demand; the Hindus being able to gain rather more favourable terms from the State by reason of their importance or the State's prejudice in their favour.⁴⁶

Owing thus to the role played by the State and its officials, the vital functions performed by the trading castes in trade and the financing of agriculture did not ordinarily give them a strong economic or social position in rural society. Even when, in special circumstances, some of them were able to invest more profitably in agriculture, this investment was usually directly dependent on official policies.

* * *

Before the advent of British rule the all-embracing nature of the Sikh political system had concentrated wealth and power in the hands of those who exercised functions primarily political - the officials, the assignees of revenue, the rural notables and village

headmen. The degree of political and economic control exercised by these groups severely limited the possibilities of socio-economic mobility through economic activity. After the death of Ranjit Singh (1839), the disintegration of political control at the upper levels of the official hierarchy paved the way for military defeat. The overthrow of a political system, which had controlled society so closely, and its replacement by one founded on different principles, created a situation in which rapid social change was inevitable.

CHAPTER 2

The transformation of rural society under early British rule. Economic development and the land-revenue.
Origins of indebtedness and land transfer.
The transfer of land.

I.

Once the British annexed the Punjab (1849) the Sikh political and administrative structure was quickly dismantled. Confident of the superiority of their methods of administration and militarily all-powerful, the British not only denied the Sikh nobility any share in the central government, but they everywhere extinguished the local power and administrative functions of the Sikh officials and assignees and resumed revenue assignments on a large scale, swelling the financial resources of the State. As foreigners, knit tightly by a common nationality and imbued with distinct principles of government, the British replaced the loosely organised hierarchy of Sikh officialdom by a regularised and centralised administration in which the British held the key posts at the centre and in the districts; while the number of native officials in the subordinate administrative positions was limited to such a minimum as could be entrusted with specific powers and supervised in the exercise of those powers.

The immediate and lasting consequence was that the native official disappeared as a semi-autonomous and paternal administrator in close contact with rural society. In a tract, for instance, previously divided for revenue collection between as many as eight kardars, the responsibility now vested in one Tahsildar.¹

The British disliked the irregularity of the Sikh revenue system, and the power and profit which it gave to a large native establishment. They considered their own system of cash settlements fixed for a period of years, which they had developed in the North-Western Provinces, far superior. That system was intended to secure a regular flow of revenue in cash, irrespective of seasonal variations or fluctuations in the market prices of agricultural produce; a matter of some importance to a State which paid its officers punctually and directly from the Treasury. To a centralised State, moreover, which looked forward to a long period of stable rule, the economic expansion which it was believed would follow the introduction of fixed money settlements was an important consideration.²

Money settlements were thus introduced immediately any tract passed into British hands - into the Jullunder Doab in 1846 after its cession; into a large part of the Punjab in 1847-48 during the Regency; and into

other parts of the Punjab in 1849-50, shortly after annexation.

These first hurried settlements were made with the village headmen, but not always with the chief headman of the village, whose unique position was hardly appreciated. Men who had been only minor sharers in the inam pressed their claims and were accepted as village headmen. Sometimes the chief headmen, fearing the responsibility of the new cash demand, hung back or persuaded others to share the burden with them. These headmen were no longer dealing with local officials who had perforce to pay for their loyalty, but with the representatives of a more powerful, centralised State, which was unsympathetic to their special claims and favoured the conciliation of the proprietary communities instead. The headmen's inams were generally resumed in the early settlements, and a much smaller emolument substituted, which was divided equally between all those appointed headmen, whatever their status and remuneration under Sikh rule had been. Already, then, during the summary settlements was the chief headman's consequence diminished, though the British had not yet trespassed on the internal management of the village.³

These summary settlements were based almost

exclusively on the information furnished by the Sikh revenue records and the returns of the local kardars. The payments of a few preceding years - most often three or five - were taken as a guide, and an average struck. The average of grain collections was converted into money, usually at the market prices of the immediately preceding years. In most of the settlements the cesses levied by the Sikhs were abolished and a reduction on the average given, so as to leave a margin of profit. This reduction, exclusive of cesses, ordinarily varied from ten to twenty per cent and was sometimes more.⁴

Based on such limited and imperfect information, the distribution of these assessments over the villages was in many cases unequal. Sometimes such unequal distribution arose because special features of the Sikh revenue system were not understood. In Multan and Muzuffargarh, to give only one example, it was not appreciated that the weight of the cesses varied inversely with the weight of the regular Sikh demand; so that by the abolition of cesses the demand on some villages was lightened much more than on others. In a few places the kardars were bribed by certain villages, or were favourably disposed towards them, and the others paid the penalty.

These assessments also pressed heavily on the agriculturists by reason of their novelty. At first, in a few places at least, the village headmen collected the revenue in kind and paid it in cash; but where they did not, or when they ceased to do so, each agriculturist had to sell his crop or to borrow in order to obtain cash. Instead of paying a demand fluctuating with the outturn of his fields, each agriculturist now had to pay a fixed demand, irrespective of seasonal vicissitudes. Another novel feature was the principle of joint village responsibility which maintained fixity of demand by holding the whole village responsible for the demand due from one of its defaulting members; the idea being that other sharers would manage the defaulter's property and pay his revenue. This worked badly in districts where no village communities existed - the British having merely grouped individual properties - and where cultivation was maintained by expensive wells; the sharers in such estates did not cooperate, it was difficult to work a well which had fallen in, and the default of one member only increased the fiscal burden of the others.

In many places these fixed assessments were paid with tolerable regularity, if not without difficulty, for a few years. The strain imposed on the agricultural

community became acute, however, in any tract in which major agricultural calamities occurred. Between 1849 and 1854 the districts of Gujranwala and Sialkot suffered from severe droughts and murrain among the cattle and this told heavily on the resources and revenue-paying capacity of the well-irrigated and highly assessed tracts in these districts. In the south-western Punjab the payment of a fixed revenue was similarly deranged. Some of the riverain tracts in the south-western districts of Muzuffargarh, Multan and Jhang, as well as in the Lahore district, suffered from the capricious action of the rivers; cultivation depended on the river floods and these varied in extent; in some places the rivers changed their course and whole tracts were deprived of the river floods altogether; elsewhere the rivers encroached and cultivated land was cut away. The cultivated area and resources of the Jhang district were significantly diminished by the strife resulting from the Multan rebellion (1848). There were serious failures of supply in the inundation canals in the Multan and Montgomery districts in 1851-52. Here and in Muzuffargarh the careful maintenance of these canals by the Sikh officials had given way to British neglect.

It was, however, the fall in the prices of agricultural produce by something like fifty per cent in 1851-52 which greatly increased the weight of these money assessments and brought on the crisis in the Province as a whole.

To appreciate the causes of this enormous fall in prices it must be remembered that the 'forties were years of political instability and prices were, by the standards of Sikh rule, very high. Indeed in some districts at least, the prices current of the years on which the settlement was based was high even by the standards of the 'forties. This was the case in the Sialkot district, for example, where wheat and barley sold from 1844 to 1846 at prices forty per cent above the average of the preceding thirty years. With the continuance of political disturbances after 1847 prices remained at a very high level, and they did not fall immediately after the cessation of war (1849).

It is unlikely that with the return of peace the consumption of grain decreased, indeed it probably increased. Though the Sikh Army had gone, the British had some sixty thousand fighting men, with perhaps five times that number of camp followers, spread all over the Punjab. The amount of labour employed by the British

on various public works must have increased the demand for food. There was, however, a still greater increase in the supply of grain. The disbanded soldiers and dismissed employees of the Sikh Government returned to their villages to cultivate. Peaceful conditions facilitated the extension of cultivation. Favourable seasons ensured large returns from unirrigated lands. Cultivation was extended into unirrigated lands which were not sown in ordinary seasons and which paid little or no revenue. This cheap, untaxed produce competed with the expensive, highly taxed produce of well-irrigated lands. It is also possible that produce hoarded during disturbed times by the trading classes now reached the market. Communications were primitive and there was no sufficient external trade outlet for the increased supply of produce so that local markets were glutted and prices lowered.

The abolition of town and customs duties may also have lowered prices to some extent, though this would not ordinarily affect the producer. In at least part of the south-western Punjab, however, the prices of sugar-cane and indigo were lowered to the producer's disadvantage by the abolition of customs duties, as this enabled the Cabul traders to obtain a cheaper product of better

quality from Hindustan.

The prices of agricultural produce were also affected by the increased demand for money and its diminished supply. The introduction of money settlements enhanced the value of money by increasing the demand. The effects of this were not fully felt as long as village headmen continued to collect in kind; and as long as there was an overriding demand for grain during the years of political disturbance. Though money was comparatively scarce under Sikh rule, the agriculturists of many districts served in the Sikh army; and savings which had been accumulated in this way, or money which continued to be remitted from this source, ^{was} was used to pay revenue. At annexation the Sikh Army was disbanded and this supply of money ceased. The British did not use the agricultural classes as labourers on their public works, as the Sikhs had done; so that the money spent in this way did not go directly into agriculturists' hands. Furthermore, much of the money spent by the British left the country entirely. The new Army was Hindustani (till the Mutiny), and only part of its money was spent in the Punjab, the remainder being remitted to Hindustan. A vast amount of money before spent locally on wood, lime and iron now went elsewhere.

In these circumstances the agriculturists could not continue to pay their revenue for long, even by borrowing. The British money settlements were even in their inception neither so light nor fixed for so long as to give such a market value to land as would have appreciably increased the limited credit existing under Sikh rule; and once prices fell money became even more difficult to obtain. Nor is it likely that at the beginning of British rule the trading classes had the financial resources to pay the agriculturists' revenue for several years.

The money assessments began accordingly to break down, and in many places a strong desire to return to Sikh methods of assessment manifested itself.

To this critical situation the British responded not only by suspensions and remissions of revenue, but also by lowering their demand to such an extent as would enable it to be paid as a fixed assessment. The reductions which were given throughout the 'fifties on account of agricultural calamities, actual or foreseen, and on account of the continued low prices of agricultural produce, varied greatly in amount from tract to tract; but reductions in the neighbourhood of twenty per cent on the first summary settlement were nothing unusual. By the end of the 'fifties the fixed demand had been

well adjusted to the paying capacities of the large majority of Punjab districts; and it was at this level that the assessments of the Regular Settlements were fixed for long periods.

The injury to agricultural interests caused by the first settlements was neither sustained nor widespread. In some places the relief given came too late to prevent the deterioration of agricultural resources and the creation of some indebtedness. A few localities excepted, transfers of land for arrears of revenue were not common and private transfers of land exceptional.

This state of affairs may be contrasted with that of districts lying between the Jumna and the Sutlej which had passed into British hands in the first half of the nineteenth century. There the settlements had generally been very heavy; they had been accompanied by the desertion of cultivators, frequent recourse to farming, and the sale of land for arrears of revenue. The constant breakdowns, the accumulation of balances, or the frequent grant of remissions, had rendered fixity more nominal than real. Most of these districts did not become part of the Punjab Province till 1858; and by that time a fixed revenue reasonably adjusted to their resources had in many cases been attained for some years,

though their progress in that direction had been slow and painful.⁵

It was this sort of experience in other parts of India - the fear of ruining the agricultural community - which explains the initial reductions on the Sikh demand given in the first Punjab settlements and the readiness with which further reductions were granted when circumstances proved these settlements to be too heavy to be maintained as a fixed demand.⁶

The British were also guided by Western economic thought. It was generally believed that the margin of profit left for a period of years by a light, fixed settlement would give value to land and encourage the extension of cultivation and the accumulation of capital; with a resulting increase in general prosperity and contentment, as well as an improvement of the State's financial prospects.⁷

This improvement of the land, the British believed, followed only when the margin of profit surrendered by the State was divided between a large number of small proprietors. This idea coincided to some extent with the belief, derived from experience of Indian society in the North-Western Provinces, that certain sections of the peasantry were equitably entitled to these profits by reason of their status as owners of the soil. It was

in this spirit that the British defined and adjudicated proprietary rights in the Regular Settlements which followed the summary settlements in most of the Punjab in the 'fifties.⁸

Though the officials, farmers and assignees of the Sikh State had absorbed much of the profits of cultivation, they had no valid claim to the ownership of land in the sense in which the British understood that term. They were often, if not always, foreigners in the tracts which they controlled; and as individuals their control of any particular tract had been too short and their authority too dependent on the State to admit of such a claim. At the same time the Sikh officials, as a class, had often overridden the rights of superior tribes in society; and where these tribes had lost, to greater or lesser extent, possession of the soil, and their rights survived only in the shape of grants of revenue from the State, in the form of small dues exacted from the peasantry, or as a memory, the British were usually not prepared to accept their claims to ownership. It was only after the Mutiny (1857) that such claims were treated with sympathy. In most instances where the land had passed out of the hands of the superior tribes, but where some tangible evidence of their rights remained, they were adjudged small dues

as superior proprietors. This status was commonly created in parts of the north-western Punjab. A similar status and emolument was granted in many south-western districts to tribes and families which had exercised superior rights in the waste.

There remained in a large part of the country village headmen, and in some places rural notables, who had enjoyed power and profit during Sikh rule; but the British looked on them as officials and not as proprietors of their villages. In the 'fifties the rural notables were ignored altogether, and their inams largely resumed. The consequence of the village headmen, already diminished during the summary settlements, suffered a further blow with the grant of proprietary rights to the mass of the villagers; for the careful record of these rights and their corresponding liabilities ensured that the headmen would no longer be able to exact revenue and other dues according to their discretion. The common lands, from the management of which they had derived considerable profit, were recorded as the common property of the village proprietors. As officials the headmen now found their powers controlled and limited by law.⁹

To the British the major problem was to differentiate and define the rights of proprietary and non-proprietary

cultivators. During the summary settlements both classes had, in some districts at least, paid revenue on an equal footing, as they had done under Sikh rule; and thus both classes had shared in the reductions given by the British. Now in British eyes these reductions were the rightful due of the proprietors; and it was to them that they were confined in the Regular Settlements by the adjudication of proprietary rights which carried with them the liability of paying revenue. In most of the Punjab those who were generally admitted to belong to the original stock of the village were recorded as owners of the soil. In the south-west, in the case of upland wells, without a village settlement, the owners of the wells were adjudged ownership of the soil. It was often difficult to resist the claims of those who had been on a level with these village proprietors during Sikh times in everything but name. In a number of north-western districts some of the cultivators of this class were recorded as owners of the land in their possession, though not entitled to a share of the village common or a voice in village affairs. More frequently such cultivators were recorded as tenants with a right of occupancy at a cash rent which could not be enhanced during the term of settlement. At first, in the 'fifties,

considerable difficulty was experienced in inducing the village proprietors to demand from these tenants a rent which would do more than pay the revenue demand on their fields.

By fixing their revenue in cash, and making it payable by a large number of small proprietors, the British greatly strengthened the position of the trading classes. They were now given opportunities for acquiring the grain directly from peasant-proprietors who were in a much weaker position than the village headmen or local officials who had previously disposed of the grain.

Within a decade after annexation (1849) the British had thus destroyed much of the old society - with its concentration of power and profit in the hands of officials, assignees, rural notables and headmen - and had laid the foundations of a new society by the creation of a class of peasant-proprietors entrusted with a certain surplus produce. These changes were the result partly of the establishment of a regularised and centralised administration in which political power was vested in British hands; partly of economic ideas of Western origin; partly of views of Indian rural society and a system of revenue settlement developed in the North-Western Provinces; and partly of circumstances over

which the British had no control. In a military, political and administrative sense the new State was far more powerful than the Sikh State had been; but at the same time it surrendered that power over society which had characterised the latter. The British based their rule on the contentment and well-being of a class whose development they believed they could foresee but could not control.

II.

The general outcome of the British money settlements - as fixed in some of the districts between the Jumna and the Sutlej by the 'forties, in most of the Punjab by the end of the 'fifties and as revised in a few central districts in the 'sixties - was to limit the revenue demand for about twenty or thirty years to an amount which absorbed less of the surplus produce than had formerly been the case. Such enhancements of revenue as were taken in the revised settlements of the 'seventies, 'eighties and 'nineties were taken on the basis of increased resources and higher prices of produce, and these settlements perpetuated a moderate standard of assessment.¹⁰

The amount and value of the surplus left by these fixed assessments increased as average prices of produce rose.

The higher average prices of produce may be partly attributed to the greater facilities for marketing agricultural produce under British rule. As towns and cantonments developed, the local market for grain improved. The extension of metalled roads, railways and telegraphs brought new markets - local and external - within reach. Railway development was of particular significance. The line from Lahore to Multan was opened in 1865, and from there grain could be sent to Karachi by boat. Through railway communication was completed in 1870; and by 1876 the inter-dependence of prices of agricultural produce in Northern India and in the large ports on its sea-coast was established.¹¹

The depreciation of silver, and the consequent fall in the value of the rupee, dating from the 'seventies, also conduced to higher prices of produce.

The prices of produce in the nineteenth century show the general effect of these factors as well as the particular effects of climatic and temporary influences. From 1861 periods of high prices alternated with periods of low prices; but the very low prices of the 'fifties were not touched again. It was the famine of 1860-61 in the Punjab and North-Western Provinces which ended the years of the very low prices; the famine of 1868-69

raised prices to a higher level than they had ever been before. From 1878 to 1881 the famine in the Punjab and Southern India, followed by the demand on the frontier arising from the Afghan war, kept prices at a high level. Between 1887 and 1893 high prices prevailed again, and with the famines of 1896-97 and 1899-1900 they rose higher even than in 1868-69. Taking the period 1861-86, average prices were far higher than those of 1851-60; and the average prices of 1887-1900 were again somewhat higher than those of 1861-86.

Consequently when the settlements of the 'forties, 'fifties and 'sixties - which were all fixed at a level commensurate with very low prices - were revised in the 'seventies, 'eighties and 'nineties it was found that the revenue demand had been considerably lightened by the rise in average prices. Similarly in those districts re-settled in the 'seventies and again revised in the 'nineties it was found that average prices had been somewhat higher during the term of settlement than the average prices on which the settlement had been based in the 'seventies.

These nineteenth century settlements were further lightened during each term of settlement by the gradual increase in the surplus owing to the extension of

cultivation and the increase in well and canal irrigation.¹²

Against this increase in the amount and value of surplus produce must be set the decrease in the purchasing power of money, the price of agricultural necessities such as cattle having increased greatly.¹³

The increased surplus produce was absorbed to a certain extent by the growth of population.¹⁴

There was a great increase in the material prosperity and comfort of the land-owners, and to a lesser extent of other sections of the agricultural population, as compared with Sikh times. Peasant-proprietors kept more milch cattle, ate better and dressed better - sometimes wearing English cotton goods instead of home-made articles. They lived in better houses, stocked with more valuable household utensils - metal instead of earthen - and they possessed more ornaments. On ceremonial occasions a much greater show was made than formerly.¹⁵

At first in tracts indebted from Sikh times or from the time of the early British settlements, the burden of rural indebtedness was lightened as there were now far greater means of paying off debts; and in a few instances the opportunity was taken and debts cleared off and land redeemed.¹⁶

Land, previously of little marketable value, rose steadily in value throughout the nineteenth century; thus adding to the means and substance of its proprietors.¹⁷

This constant rise in the marketable value of land was due to a number of circumstances. There was much greater security of person and property under British rule. The Regular Settlements carefully defined individual rights in land. In parts of the country where individual rights in the soil were already established, the Regular Settlements enhanced the value of land by the greater security afforded by clear titles; elsewhere the Regular Settlements not only defined individual rights in land but constituted the principle of absolute individual possession itself. Everywhere, whether individual transferable rights had existed or not, the proprietary rights granted in the Regular Settlements included - by implication rather than otherwise - the power of transfer. When security of property and ease of transfer were combined with an agricultural surplus constantly increasing in amount and marketable value, a revenue demand only enhanced at long intervals, and in some places a growing pressure of population on the soil, it was natural that the market value of land rose steadily.¹⁸

These changes were accompanied by a great and continuing expansion of agricultural credit. The trading classes were prepared to make much greater advances than before to land-owners because, with a surplus produce increasing in amount and value, the ordinary means of repayment of land-owners were greater; because the ultimate means of repayment were no longer limited to surplus produce but to the value of their transferable property in land; because the land itself was attractive to many lenders and the cheapest way to acquire it was to lend greater sums than the land-owner could repay, with interest, from his surplus produce; and because the lender could utilise the civil court to put pressure on his debtor to repay his debts. The readiness to lend was matched by a readiness to borrow on the part of many land-owners who found their borrowing and their repaying powers so greatly increased.¹⁹

The expanded credit of the land-owners ensured that of the rural population they at least need never lack for food during a series of bad seasons or even famine; and at these times they could maintain by borrowing the standard of living of good or average years.²⁰

Increased credit was in many places accompanied by the increased indebtedness of many members of all

sections of the land-owning community, whether large land-lords - a sprinkling of these being found in certain districts - village headmen or peasant-proprietors. When, with the accumulation of interest, that indebtedness grew faster than the means of repayment afforded by an increased surplus produce, or by outside sources of income, it could only be discharged by the transfer of land; and in this way indebtedness tended to undermine the position of the land-owner.²¹

The direct relationship between increased credit and increased indebtedness is borne out by the fact that the debts of occupancy tenants and tenants-at-will were much smaller than those of peasant-proprietors. The credit of occupancy tenants was restricted because the occupancy right was not as valuable as the right of ownership, and because one class of occupancy tenants could not alienate their rights without the previous consent in writing of the land-lord. Tenants-at-will could only borrow very petty amounts, as their only security was their share of the produce or their cattle.²²

The same point is illustrated by the condition of agriculturists in some of the Native States lying in the centre and south-east of the Punjab. There revenue administration was more elastic, the native revenue

officers had a more detailed knowledge of their charges, and the revenue collected was very much greater than that in adjacent and similar British territory. In some of the States restrictions on alienations, as well as a heavy revenue demand, served to restrict credit. The result was that there was much less indebtedness and fewer transfers of land in these native villages.²³

Together with the change in the circumstances of the land-owners came a great transformation in the position of the trading classes. These latter were by occupation and temperament better fitted to take advantage of the economic development of the Province than the peasants. While the emergence of a number of professional money-lenders among Hindu and Sikh agriculturists was not unknown in some parts of the Punjab, the vast majority of shop-keepers everywhere took to grain and money-lending. Thus there were large numbers of small men of the trading castes engaged in the business. To these men, who were often barely literate, who possessed little capital and sometimes even borrowed that capital from more affluent members of the trading castes, lending and small-scale trade were the only means of improving their condition. Some of these men, who started life as petty lenders, as small village

shop-keepers selling oil, salt and flour or as petty traders and carriers, became comparatively wealthy money-lenders, grain-merchants or land-lords. Money-lending and land-acquisition appealed strongly even to more substantial men of the trading castes; for, apart from trade, these were the only profitable outlets for capital. We find not only large and small village traders engaged in lending and land-acquisition, but also traders in the towns lending to the surrounding villages and acquiring land in them.²⁴

The trading castes often profited more by the higher average prices of produce than the land-owners. The smaller proprietors never had much to sell and they often had to borrow at a time of scarcity and high prices. The full benefit of higher average prices was only taken by those land-owners who conveyed their own grain to the market-town, where competition ensured a fair market price, and who stored their surplus produce until such time as prices were most remunerative. With the exception of the Sikh and Hindu Jats of Ludhiana, Ferozepur and Sirsa, this was uncommon. In parts of the country visited by travelling traders the land-owner sometimes had a chance of getting something more for his grain than he could get from the local money-lender or

grain-dealer. Ordinarily it was to the latter that he sold his produce at cheap harvest prices; and thus the middleman not only made an ordinary profit but he alone benefited from any sudden rise in prices owing to a demand for export. Many a proprietor disposed of his grain this way merely to save himself trouble; but once in debt he was obliged to sell his grain to his creditor.²⁵

As indebtedness increased the money-lender began to acquire the produce at little cost. There was first the grain he realised as interest on his advances. Then, as grain repayments were usually made at harvest time, and as more was repaid at a good than at a bad harvest, repayments were often credited at low prices. When prices were high the money-lender exacted as much produce as possible towards the debt, thus taking all the advantage of high prices. Added to all this was the fact that with an illiterate and indebted land-owner the money-lender could always credit produce in his account at whatever price he chose. Finally the stage of indebtedness was reached in some places where the money-lender took most or all of the grain from the threshing floor, or acquired the land itself.

Society thus developed on rather different lines than the British had expected in the 'fifties; and in the matter of finance alone the State suffered in the process. The value of the land-revenue was reduced by the higher average prices of produce which ruled from the 'sixties; and also by the depreciation of silver, for the Government of India paid much of its expenditure in gold. At the revised settlements undertaken in the 'seventies, 'eighties and 'nineties it was often found impossible to enhance even the amount of this revenue, so reduced in value, in full proportion to the increase in resources and the rise in prices. Population had increased, and in some tracts proprietary holdings had become so small that an assessment well below the half net assets standard was essential. The standard of living had everywhere risen and it was not considered expedient or possible to enhance the revenue to a degree which would reduce it. Indebtedness had in many places decreased the revenue-paying capacity of the old owners; and where their indebtedness was very great it was felt to be politically unwise to enhance revenue to an extent which might hasten their ruin. For the same reason it was not usually possible to enhance the demand to any greater extent on land in the hands of mortgagees or

proprietors by purchase; for in the majority of cases they had acquired not whole villages but parts of villages, and under a village revenue system their revenue could not be enhanced without enhancing that of the old proprietors in the village to the same degree. As the land was already subject to land-revenue the new proprietors and usufructuary mortgagees paid no income tax on the profits derived from land. Only a very small proportion of the interest paid by proprietors on unsecured debts was recovered from money-lenders in the shape of income-tax.²⁶

One significant reason for the failure of society to develop in accordance with British economic ideas was the growing indebtedness of the land-owners; and this deserves further attention.

III.

The various purposes for which land-owners borrowed are illustrated by an enquiry made in 1889 in twenty-nine out of the thirty-one districts of the Province. District officers were asked to supply particulars of the land transfers recorded in five or more selected villages in each tahsil of their districts during 1887 and 1888. Instructions were given that two or three of the selected villages should be villages known to be

prosperous, and two or three should be villages where many transfers from indebtedness were known to have occurred; while all the villages were, as far as possible, to be representative. Altogether the records of six hundred and thirty-five villages were examined; and it was found that during 1887 and 1888 six thousand three hundred and thirty-three mortgages and two thousand three hundred and one sales were recorded in these villages. In two thousand three hundred and sixty-two of these alienations the purpose for which land was alienated was not fully stated; in most of these cases the land was alienated to pay miscellaneous debts, and there is no reason to think that the origin of the debt or the necessity was very different in these cases than in those which were more fully explained. Classifying the remaining six thousand two hundred and seventy-two alienations, ignoring local variations, and bearing in mind that any classification of this nature can only be an approximate one, the results of the enquiry may be briefly stated. Roughly sixty-eight per cent of these transfers were for necessary purposes connected with agriculture or support of a family; twenty-two per cent were related to ceremonial expenditure, litigation or extravagance; and ten per cent might be described as forms of investment.²⁷

The alienations on account of "necessary purposes" may be further classified under three main heads: purchase of bullocks, seed-grain, carts, fodder, etc., twenty-nine per cent; food, daily expenses, household charges, etc., twenty-four per cent; to pay the revenue demand, fifteen per cent. As regards the last figure it seems likely that some of these alienations would have been more properly classified as arising out of borrowing for other necessary purposes as well as land-revenue.

One reason for borrowing for these purposes is to be found in the great vicissitudes to which agriculture in the Punjab was subject.

In all rain-dependent tracts there were fluctuations in outturn from harvest to harvest, varying with the amount, regularity, distribution and seasonal character of the rainfall. As the amount and regularity of the fall varied inversely with the distance from the Himalayas, the districts of Gurgaon, Rohtak, Hissar and parts of the districts of Karnal, Umballa, Ferozepore and Ludhiana, in the east, were most subject to severe drought; and after them, in the west, parts of the Shahpur, Jhelum, Rawalpindi and Bannu districts. In the south-west the fall was too slight to permit of rain-cultivation. Drought in the rain-dependent tracts meant not only

the failure of harvests, but also the loss of large numbers of cattle.²⁸

In the sub-montane tracts, where the fall was heaviest and rain-cultivation most secure, population was also most dense. Holdings often became so small that this in itself made it difficult for the proprietor not to borrow for necessary purposes. Cattle disease, not absent elsewhere, was particularly associated with a heavy rainfall.²⁹

Cultivation in well-irrigated tracts, while to a certain extent more secure than in tracts entirely dependent on a scanty rainfall, often - notably in the Sialkot, Gujranwala and south-western districts - required a much greater and recurring expenditure of capital. Where the depth to water was great, wells were costly, they often fell in and had to be rebuilt, or required constant repairs; the strain on the well-cattle was pronounced and they had to be frequently replaced; and in some of the south-western well tracts there was the additional difficulty of obtaining and financing poor and migratory tenants. Well cultivation was also dependent to a degree on the rainfall. If that were not opportune or failed, irrigation by itself was less effective and, as the water-level receded,

increasingly difficult; there was little or no fodder for the overworked cattle; the irrigated area contracted, the crops were poor, the cattle died in great numbers; or sometimes in the south-west the wells were temporarily or even permanently abandoned, and the cattle taken to a distance to graze.³⁰

In several south-western districts much of the cultivation depended on inundation canals. Here the annual clearance of water-courses involved the expenditure of capital. The water in these canals varied considerably not only in amount but in the time of supply; and in one south-western district (Muzuffargarh) the clearance and repairs of these canals were neglected until the 'seventies. The canals constructed by the British in other parts of the Punjab were much more certain.³¹

Then there were the riverain tracts in the Punjab where, in a year of favourable floods, a minimum of capital and labour secured a good return; while at other times crops might be destroyed by over-flooding, the land rendered unculturable by deposit of sand, or disappearing into the river altogether. In Lahore, in the south-western districts, and along the Indus from Bannu down, the rivers were at their most capricious and violent. In addition to erosion, deposit and

over-flooding, the rivers frequently changed their channels or the directions of the floods changed so that, the rainfall being insufficient for cultivation in most of this area, whole tracts were rendered unculturable for an indefinite period.³²

Somewhat similar, though still more insecure conditions, prevailed in the tracts irrigated from hill torrents in the Dera Ismail Khan and Dera Ghazi Khan districts: in a year of favourable floods there was a plentiful harvest, but as often as not the floods failed; and frequently the hill torrents moved away altogether from villages they had been benefiting.³³

These agricultural fluctuations and difficulties explain why peasant-proprietors borrowed so often for "necessary purposes". The necessity of borrowing for the maintenance of cultivation, for food and household expenditure, if not for payment of a fixed cash revenue, had existed before British rule, but it was the expansion of credit under that rule which made it possible to borrow for these purposes on a large scale. In this sense there was a relationship between debt and a higher standard of living.³⁴

Under British rule, however, it was often possible to avoid borrowing for necessary purposes if the surplus

of a good year, previously absorbed by the State, were stored. This was done by Sikh and Hindu Jats in some of the more insecure rain-dependent tracts in Ludhiana, Sirsa and Rohtak; and was most easily accomplished if, as in Sirsa, fluctuations in outturn were very great from harvest to harvest, for this meant a very light revenue demand and a scanty population, so that a large surplus could be stored in a good year. The Sikh and Hindu Jats in some of these very insecure rain-dependent tracts - in parts of Ludhiana and Ferozepur, in Sirsa and Hissar - also took to other employment in bad seasons, plying carts for hire or working elsewhere as tenants or labourers. Throughout most of the Province agriculture was not quite so insecure from harvest to harvest, so that there was less pressure to store grain, while agricultural credit was somewhat easier; and the vast majority of Punjab agriculturists, who had had no occasion to exercise thrift under Sikh rule, readily succumbed to the easy credit obtainable under British rule. They generally lived up to their incomes in good years, borrowing in bad years to maintain the standard of living and making no attempt to supplement their earnings in bad times by any other means. Once indebted a proprietor might be easily demoralised - "in for a penny, in for

a pound" - and in any case it became increasingly difficult to exercise thrift as the moneylender came to take more and more of the crop as repayment of principal and interest.

In the 1889 enquiry fifteen per cent of the alienations arose wholly or partly out of the necessity to pay revenue.

Sometimes such indebtedness was due to the dates for the instalments of revenue being fixed too early, the demand being collected before the crop could be harvested or sold, and the proprietors having no savings.³⁵

In bad seasons the system of fixed cash assessments introduced by the British pressed heavily on a thriftless proprietary. It was only in certain exceptional tracts that assessments fluctuating with the outturn were introduced during the nineteenth century. The fixed demand was very light where failure was most frequent - in tracts entirely dependent on rain or hill torrents; but much heavier in tracts irrigated by floods, inundation canals or wells, where failure was only less frequent by comparison. The revenue authorities had the power to suspend or remit revenue in bad seasons, but that power was very sparingly exercised. It was not till the 'nineties that suspensions and

remissions were freely given at times when agricultural distress was admittedly widespread. Suspensions and remissions were often discouraged by the superior authorities for financial reasons, at least until the 'eighties; and in such circumstances the average district officer was not inclined to press the matter. Under the earlier rules, too, the district officer could not suspend on his own responsibility, and considerable correspondence was involved. Tahsildars were generally reluctant to recommend suspensions and remissions, believing it to be to their credit to realize the entire demand promptly, while a contrary course involved extra work and trouble. Often the Tahsildar's jurisdiction was too large for him to be intimately acquainted with the condition of all the villages in his charge. District officers were too overworked, their districts sometimes too large, and their tenure of a particular post often too brief to give them the requisite local knowledge. In a time of general distress it was thus no easy matter to decide promptly how much of the revenue of each village should be suspended; and in good or average seasons villages exceptionally situated were generally overlooked. Occasionally suspended balances were recovered at the wrong time, and indebtedness was once more the result.³⁶

In accordance with the principle of joint responsibility, suspensions and remissions were granted to villages as a whole and not to the proprietors of individual holdings. This was an especially serious matter in tracts where no genuine village communities existed and where cultivation required a heavy expenditure of capital, as in certain well tracts and those watered by inundation canals. A proprietor in such a tract might be forced to contract his area of cultivation because his resources had been diminished by some agricultural misfortune or domestic occurrence, and in such a case his revenue measured against his outturn would be heavier than before. In some of the upland well tracts in the south-western Punjab a proprietor was often forced to desert his well; tenants who would work the well on behalf of the artificially constituted village community were not forthcoming, and the proprietors of the village had not the capital or the desire to work it. The remedy - a redistribution of the revenue over the village - was ignored and the headman continued to realize the revenue due on the deserted well from the owner who was grazing his cattle or working as a tenant elsewhere; or if the owner absconded to a distance the headman himself almost always paid the revenue. This led to indebtedness for

well-owners and village headmen in these tracts.

Some twenty-two per cent of the transfers examined in the 1889 enquiry were for purposes which might be described as unnecessary from a strictly agricultural point of view.³⁷

Sixteen per cent of the total alienations were effected on account of betrothal, marriage and funeral expenses. These ceremonies represent another aspect of the higher standard of living of land-owners under British rule. It was only natural that expenditure on these ceremonies, which determined a man's status in society, rose greatly with the increase in agricultural prosperity; and inevitable that a thriftless proprietary, with easy credit, would incur debt on this score. There was, in some parts of the Province, expenditure on this head which might well be termed extravagant, the proprietary classes being intoxicated by the sudden influx of wealth. Sudden rises in the price of agricultural produce encouraged such extravagance; and a similar result was often observed when the extension of a canal to a tract increased agricultural profits enormously.

Four per cent of the transfers examined in the 1889 enquiry were due to expenses in carrying on litigation; a form of wasteful expenditure encouraged by a system of

civil justice which, in the circumstances of Punjab society, gave more scope to prosecution of rivalries than to the quick settlement of disputes. Only one quarter per cent of the alienations were traceable to the imposition of fines in criminal cases, though it may be doubted whether indebtedness on this score would ever be fully stated in an enquiry of this nature. Most of the remaining two per cent of the alienations were directly ascribed to extravagance, gambling, dissipation and so on.

The last class of purposes has been described, somewhat doubtfully, as forms of investment; and it is significant that it amounts to only about ten per cent of the alienations examined despite the fact that from forty to sixty per cent of the villages in which they occurred were known to be prosperous. Six per cent of the total alienations were made to buy or redeem other land. Only one and a half per cent of the transfers were made for permanent agricultural improvements, such as building a well or a dam. About one and one quarter per cent were traceable to starting or supporting a trading business and to speculation. The remaining one per cent was divided between the repayment of Government advances, buying a horse to enlist, and building a house.

It may be concluded that indebtedness in the Punjab was incurred very largely for necessary purposes connected with agriculture or support of a family, though that incurred on account of more wasteful matters was still considerable; that the extent to which such debt was incurred was determined to a large degree by the thriftlessness of many of the proprietors and the ease with which loans were obtained under British rule; and finally that land was transferred in nine cases out of ten to settle debts or to satisfy some immediate necessity or desire.

IV.

While the rise in the value of land enabled thriftless land-owners to borrow freely, it also stimulated the acquisition of land by men of capital and enterprise of all classes. It was most noticeable amongst the trading castes, most of whom had previously owned no land. Such men acquired land because it was often the only way in which a debt swollen by interest could be recovered; because possession of the land gave them the most secure hold on the produce and often on the owner-cultivator as well; because land, and especially fertile and secure land, constantly rising in value, was the safest and most remunerative investment for capital;

and because the possession of land added to the dignity and influence of its holder.³⁸

The professional money-lender's ability to acquire land in the settlement of debts consisting largely of interest charges, gave him a great advantage over those members of the agricultural or other classes who bought land or took it on mortgage when a proprietor's necessity brought it into the open market. A proprietor who would think twice about alienating some part of his land to satisfy his wishes would borrow freely from his money-lender; for, unless his credit was bad, there was no question of landed security being given. It was only after transactions had continued for a period of years and the debt had mounted with compound interest to a large figure that the money-lender would insist on the transfer of some portion of his debtor's land. Occasionally the proprietor, in an attempt to settle his debt and prevent the further accumulation of interest, acquiesced. If he resisted the time came when he needed a further advance for some pressing agricultural or social necessity, and then, unless he managed to put off the day of reckoning by opening an account with another money-lender, he was forced to alienate some of his land. At a time of prolonged and widespread drought money-lenders

had many opportunities for putting pressure on their debtors in this way; and at such a time, when the demand was great and the capital available for lending reduced, money-lenders generally were exacting harder terms or insisting on landed security. In some tracts as the years passed and the money-lenders felt their growing power, they became less and less inclined to let an account run on for long without landed security. Finally the civil courts enabled the money-lenders to exert various pressures on a debtor who tried to borrow elsewhere or who refused to part with his land. In all these ways a land-owner might find himself gradually stripped of all his land - for less value received than those who sold or mortgaged in the open market - and only realize the consequences of his action when it was too late.³⁹

The legal restrictions which the British had imposed on the transfer of land were rather ineffective. The Punjab Laws Act, 1872, had declared the supremacy of custom; and in the last decades of the nineteenth century the civil courts enforced the doctrine of customary law that a proprietor had only a life interest in his land and that he could not alienate beyond this limit without valid necessity. It was, however, left to the

heirs to contest alienations; judicial interpretation of the matter varied from time to time; and the outcome of any suit was entirely uncertain. The expensive litigation which these restrictions stimulated was often of ultimate benefit only to the money-lender who financed the suit and who, indeed, sometimes instigated it.⁴⁰

A system of pre-emption designed to exclude outsiders from village communities had been elaborated in the 'fifties. It was undermined in the 'sixties by Chief Court rulings that the right did not extend to usufructuary mortgages, and that a proprietor by purchase could claim pre-emption. The system of pre-emption laid down in the Punjab Laws Act, 1872, maintained these decisions. The right of pre-emption extended to usufructuary mortgages only where it could be proved that the right existed by custom, and this was difficult.⁴¹

Even as regards sales the right of pre-emption was often successfully evaded by the statement of excessive and fictitious prices in sale-deeds; by the concealment of the alienation for the period of limitation; and by the endless difficulties, ruinous expense and uncertainty of outcome on all material points which attended any attempt to enforce the right in the civil court.

The law of pre-emption was least efficient where it was most needed. Members of indebted and impoverished communities had not the money to claim pre-emption; and most of the proprietary community in a village might be in depressed circumstances for similar reasons.

Sometimes the money-lender worked the law of pre-emption to his own advantage by putting up a man of straw to claim pre-emption; by encouraging and financing a land-owner in a pre-emption suit in the full knowledge that the man was in his power whether he won or lost; and, once the money-lender had bought some land in a village, by asserting his own pre-emption claims - the agnatic relations of the alienor or the original stock of the village having in most cases no priority in this respect.

Nevertheless the law of pre-emption was one reason why money-lenders often acquired a greater proportion of the land mortgaged than of that sold.

Another and stronger reason was that it was easier to persuade an indebted land-owner to mortgage his land than to sell it, for sale meant giving up all hope of ever recovering it; while the non-cultivating money-lender was more easily satisfied with a usufructuary mortgage, which gave him the produce and a willing slave

to work the land, than an alienee of the agricultural classes.⁴²

One mortgage occasionally taken by money-lenders was the collateral mortgage in which the mortgagee did not obtain possession and the mortgagor continued to pay the land-revenue. Interest, or some fixed charge in lieu of interest, was payable, and on failure to pay this the mortgagee was entitled to claim possession.⁴³

A form of usufructuary mortgage commonly taken by money-lenders in many south-western districts was the lekha-mukhi mortgage, which could be either with or without possession. The money-lender usually paid the revenue and the agricultural expenses incurred. The distinguishing feature of this mortgage was that the money-lender kept an account in which he credited the surplus produce of the land against principal and interest.

By far the commonest mortgage in the Punjab, taken by both money-lenders and agriculturists, was the usufructuary mortgage in which the mortgagee had possession of the land and paid the revenue. He took all the rents and profits of the land, or sometimes a fixed share of the produce of the land, in lieu of interest, redemption being only possible on repayment of principal. In most

cases of mortgages with possession, money-lenders, unlike agricultural mortgagees, kept on the mortgagor as tenant.

In the last decades of the nineteenth century the mortgage by conditional sale became increasingly common in certain districts. In this form of mortgage - with or without possession - a date was fixed for redemption and if the principal and interest were not repaid at that time the sale became absolute in favour of the mortgagee, subject only to the condition that the civil court allowed the mortgagor a year of grace within which to redeem.

The proprietor who mortgaged his land in any of these forms often found that he had, unwittingly, taken the first irrevocable step to parting with his land altogether. As regards collateral mortgages, the interest or fixed charge payable tended to accumulate, so that the mortgagee obtained possession. In lekha-mukhi mortgages redemption was rendered improbable not only by the accumulation of interest but also by the fact that the mortgagee could manipulate the account so as to always show a heavy balance against the mortgagor. If it was a lekha-mukhi mortgage without possession the time came when the mortgagee insisted on possession. Ordinary usufructuary mortgages with possession were more often

redeemed from agriculturists than from money-lenders. In the former case the mortgage-money represented a sum actually advanced as a temporary accommodation, while in the latter case it represented a debt swollen by compound interest due on account. In some places very hard conditions were entered in mortgage-deeds, or the mortgage was by conditional sale, and then redemption was almost impossible.⁴⁴

As the value of land continued to increase, the mortgagor who could not redeem could often obtain an extra advance from the mortgagee, or he could, and often did, remortgage elsewhere for a higher sum. Genuine redemptions only became frequent during good harvests, or at times when land-owners were able to take advantage of high prices of produce; but over a period of years these redemptions did not keep pace with new mortgages. In the long run, mortgaged land rather than being redeemed was sold to the mortgagee or to some other money-lender or agriculturist.

The transfer of land by mortgage as well as by sale was a cumulative process, sections of the land-owning classes being gradually expropriated.

The land-owners lost most land, other things being equal, in villages where the soil was fertile, the crop

secure and the produce easily marketable. In fertile villages the land was especially profitable because the revenue pressed less heavily than in poor villages. In distributing the revenue of an assessment circle over the villages composing it, the Settlement Officer would go above and below his average rates according to circumstances; but not to such an extent as compensated for the much greater profits of cultivation in one village than in the next. The more profitable the land the keener was the money-lender's desire to acquire it, while the credit of the land-owners and the temptation to borrow were greater.⁴⁵

The money-lender often acquired the best land in the village because he forced his debtors to alienate their best fields. In the distribution of the revenue of the village over the holdings the best land was usually burdened with little more revenue than the less productive land. When the internal distribution was effected by an all-round rate on cultivation, irrespective of the quality of the soil or the facilities for irrigation, the best land escaped most lightly. This did not matter as long as each owner held a fair proportion of good and bad land. It did matter when the money-lender acquired an owner's best fields - charged with

a disproportionately low revenue - and the land-owner was left with the poorest fields bearing what was for them a high revenue.

* * *

The British brought systematic government and the ideas of a commercial society. They created a stable political and administrative system; but not a stable agrarian society. They brought about the rapid economic development of the Province; but failed to secure the full financial advantages which they had expected from their revenue system. They created a class of peasant-proprietors as a basis for rural stability; they vastly increased the value of their land; they facilitated the growth of individual transferable rights in land; and they allowed the fullest scope for the acquisition of wealth through economic activity. But they failed to make allowance for the need for capital in an agrarian society, the thriftlessness of many peasant-proprietors, and the acquisitive instincts of the trading castes. Furthermore, they failed to anticipate that, in the circumstances of Punjab society, their legal system gave the money-lenders decided advantages over agricultural debtors; a question to which we must now turn.

CHAPTER 3

The British legal system and rural society.
Interest, limitation, accounts and contracts.
Civil procedure. The execution of decrees.

I.

More powerful than their predecessors, the British brought greater stability and order to the country-side; and thus diminished the dependence of the money-lender on a numerically dominant peasantry.

The British did not immediately introduce civil courts on the British model into the Punjab. The members of the Board of Administration had witnessed the evils attending the working of the British civil courts in the North-Western Provinces; and as an alternative they proposed to make the greatest possible use of panchayats and arbitrators. Certain classes of suits, including those for debt, were to be referred to these tribunals for disposal according to custom, decisions being final except in cases of flagrant partiality.¹

These arrangements were criticised by various officers, who claimed that the system did not work well, that the people did not like it, and that corruption was rife. In 1853 the Board yielded and transformed panchayats and arbitrators from independent tribunals into mere adjuncts of the civil courts.

Under the amended system the Courts could compulsorily refer issues for investigation to panchayats or arbitrators. Their decisions might be accepted, rejected, or modified by the court; and the ultimate decision was subject to appeal. Between 1853 and 1866 perhaps ten per cent of decided cases were settled in this manner. Many British officials continued to be dismayed by the corruption to which panchayats and arbitrators were subject.

In 1866 the Code of Civil Procedure gave the death-blow to this limited system of arbitration. Under the provisions of the Code, reference to arbitration was no longer at the discretion of the Judge, but could be made only at the request of the parties. In all but exceptional cases the verdict of the arbitrators was to be final. The result was that the number of references to arbitration dwindled into insignificance. The money-lender plaintiff knew that he was likely to gain more from the civil court than from an arbitrator who would impose a compromise. Few litigants, whether defendant or plaintiff, would voluntarily submit to arbitration when the finality of the arbitrator's award gave such great scope for corruption.

Distaste for irregularities in administration thus led the British to dispense more and more with private means of settling disputes.

The British courts greatly increased the power of the money-lender over the peasant. The Sikh official had only occasionally exercised judicial functions; but the new courts were always ready for judicial business, and able to enforce their decisions without question. The money-lenders thus obtained regular facilities for putting pressure on their debtors. The significance of this change was less apparent during the early years of British rule, because the indebtedness of the peasantry to the money-lenders was then far less general than it later became.

Thorburn argued that until 1866, and even up to 1874-75, the new Judges (i.e. the district officers, their assistants and Tahsildars) had local knowledge and revenue experience, were not bound by law but only by a set of rules known as the Punjab Civil Code (1854), and therefore decided cases according to the broad principle of "equity, justice and good conscience". In this way the old sanctions which had governed relations between creditors and debtors in Sikh times remained in force until many years after annexation. The transition to a rigid and technical system of civil law, Thorburn thought, only began in 1866 with the introduction of the Chief Court, a strict Civil Procedure Code, and pleaders into the Province. It continued in 1872 with the passing of the Evidence Act and the Contract Act,

and culminated in 1874-75 in the creation of a special sedentary agency of Munsiffs, whose only duties were judicial.²

It may be admitted that the rules by which the early courts were guided were more favourable to the interests of the peasant than the legal enactments of later years. The procedure in the early courts was also less regular. In practice it may be doubted whether the peasant fared much better under the earlier system. He might have some of the interest payable reduced; but that was not unknown under the later system. He was already handicapped by the fact that his evidence was oral, whereas the money-lender could produce written accounts. Nor did the courts have more time than those which succeeded them for the investigation of debt cases from beginning to end. The legal principles made explicit in later years were already implicit in the working of the early civil courts.

The British judicial system developed in accordance with abstract legal principles and not in response to the particular needs of Punjab society. The law which guided the courts had been evolved in a foreign country in accordance with the requirements of a commercial community. It assumed the existence of a homogeneous society in which people were literate, careful, possessed of some

commercial intelligence, and able to make a binding contract in full realization of the consequences. The law made little allowance for ignorance or want of foresight; it attached greater importance to written than to oral evidence; it enjoined a strict interpretation of every contract; and in order to secure the fulfilment of a contract it placed the debtor's material assets at the creditor's disposal. Applied to a homogeneous agricultural society in which people were illiterate, careless, unable to appreciate the value of money and lacking in foresight, the law would have been unsuitable, without producing any revolutionary effect. Applied to an agricultural society in which one party - the debtor - could often be fairly described as above, while the other - the creditor - was literate, thrifty and business-like, the law gave an immense and special advantage to the latter.³

The procedure of the civil courts was also rooted in the experience of a foreign society. By English civil law a court was confined to deciding questions put before it by the parties. The greatest importance was attached to sworn testimony and cross-examination of witnesses. All proof of a sort which was not legal evidence according to technical rules of procedure was carefully excluded. The powers of the courts for independent investigation:

were extremely restricted. This was directly contrary to Indian traditions, according to which the civil court (the local official) was an instrument for discovering the truth not just from the evidence placed before it, but from evidence which the court itself searched out by independent local enquiry and investigation.⁴

English civil procedure reflected a society in which rigid caste and tribal divisions did not exist; in which the moral responsibility of the individual was held to be absolute and unaffected by social considerations; and in which public opinion was a force extending to society as a whole and not limited to the groups composing society. Indian traditions of civil procedure derived from a society in which the moral responsibility of the individual and public opinion was confined to the caste, tribe, village, or neighbourhood. A man felt obliged to tell the truth in the presence of his friends, relatives and acquaintances, who in any case probably knew the truth or could guess it. To the outside world a man owed no moral responsibility, and there was no informed public opinion to act as a check on his honesty.

British civil procedure was thus unsuited to Punjab society. In a distant place, surrounded by strangers, bound only by the "Government-oath", neither litigants

nor witnesses had any hesitation in lying freely. The courts, burdened with work, with little power for local enquiry, and faced by universal dishonesty, could do nothing to check this perjury. The ultimate beneficiary of this situation was the money-lender. The notorious unreliability of oral evidence led the courts to place still greater reliance on the written word, the monopoly of the money-lender. And if the money-lender required oral evidence in his favour, he had the money to bribe menials or poor men.

The separation of executive and judicial functions was another foreign innovation. To the peasantry the traditional and desirable form of government was that in which one individual accepted responsibility for all matters affecting their welfare. To the Western jurist nothing was more desirable than the creation of a separate agency specially trained to administer the law. At the higher administrative levels the separation of functions was not completed till 1884; but the most important step in this direction was taken in 1874-75 when rural debt-suits were transferred to sedentary Munsiffs concerned only with judicial work. We need not trace all evil to the Munsiffs to recognise that this agency, recruited from the literate sections of society (i.e. from the trading

castes), without revenue or executive experience, without rural sympathies or general administrative responsibility, did nothing to strengthen the position of the peasant.⁵

At the same time, then, as the increased credit of peasant-proprietors under British rule led to a greater dependence on the money-lender, the power of the latter over his debtors was immeasurably strengthened. The increased power of the money-lender derived, on the one hand, from the effects of increased law and order and the regular dispensation of justice; on the other, from the special effects of the introduction of a law, civil procedure and administrative system developed in a foreign society. To appreciate the full significance of these changes it is necessary to study the relations between peasant and money-lender, and the influence of the law and the courts on these relations, in some detail.

II.

The rates of interest charged by Punjab money-lenders for cash loans to peasant-proprietors on account or bond varied from about twelve to about thirty-seven and a half per cent per annum. Twelve per cent was not a common rate in most parts of the Province. Eighteen or eighteen and three-quarter per cent was the usual rate in a few places,

In most districts the ordinary rate was twenty-four or twenty-five per cent. Sometimes as much as thirty-six or thirty-seven and a half per cent was charged. In addition to payment of interest, a custom existed in many places by which a certain percentage, say an anna in the rupee, was deducted from the principal and interest charged on the full sum, or, alternatively, the full amount was advanced and interest charged on a larger sum.⁶

The interest charged for grain loans on account or bond was higher than that charged for money, mainly no doubt, because peasant-proprietors borrowed at a time when grain was dear and repaid at harvest-time when grain was cheap. Grain borrowed in any month between sowing and harvest had to be repaid at harvest-time with an addition of at least twenty-five per cent, irrespective of whether the grain was advanced at sowing time or shortly before harvest. The payment of fifty per cent per harvest was not uncommon; of one hundred per cent per harvest not unknown. Often bad grain was advanced and repayment taken in good grain; or an inferior grain was advanced and repayment taken in wheat.

These high interest rates, both those for cash and grain, were the traditional rates for agricultural borrowers. It may well be asked why they survived during the second half of the nineteenth century.⁷

Interest rates for cash loans depended in part on the availability of money. The supply of money certainly increased during British rule; but this was offset by the increased demand for agricultural loans stimulated by the increased credit of the peasantry.

It might have been thought that the introduction of regular courts would have lowered interest rates by enhancing the money-lender's powers of recovery and thereby reducing his risks. The majority of money-lenders, however, relied on recovering principal and interest in the ordinary course of business; and they took account of the courts only as a last resort for the recovery of their money. The weakening of the sense of moral obligation for the repayment of a debt, which accompanied the introduction of British laws and courts, did not serve to decrease the money-lender's risks. As for the courts, the institution of a suit involved a certain amount of trouble and expense; and while the courts were useful for putting pressure on debtors, these courts did not function efficiently and rapidly as machines for the recovery of money lent. It might be difficult or impossible to recover money from peasants who in pre-British times had no credit at all - i.e., from the insolvent proprietor, the careless, thriftless man and the bad payer; and these people were charged interest accordingly.

The enormous increase in the value of material, and especially landed security, under British rule enabled peasant-proprietors to borrow more than before, but did not lower the interest rates at which they borrowed. The mass of agricultural borrowers were no longer as poor as under Sikh rule; nor was the insecurity of harvests so great a risk for the money-lender when the peasant possessed a valuable transferable interest in land. In the aggregate the money-lender's security had greatly increased; and he recognised the situation by advancing more than in the past. In individual instances the money-lender had no greater certainty than before that he would recover his advances. The courts might enable him to exert sufficient pressure on the debtor to induce him to part with his land. Or he might be able to put such pressure on the debtor when the latter ran into further financial difficulties. Still, these were only probabilities, not certainties; for what if, say, the debtor had meanwhile mortgaged his land to someone else? Over a large number of transactions and over a course of years the money-lender might well expect a considerable degree of success; but when an individual proprietor, who was not prepared to hypothecate his land, came to borrow money, he could expect no better terms than his fellow proprietors.

There was, in his case, other things being equal, no greater chance of rapid recovery of principal and interest than in the case of any other proprietor; for the increase in the value of landed security had affected each member of the most important class of agricultural borrowers in proportion to the extent and productivity of his holding.

As long as borrowers failed to mortgage their property as security for the loan, they could not benefit by the increase in their material possessions and in the value of their land. Even so it is notable that when proprietors borrowed money on a collateral mortgage of their land, house-property or movables, they often paid a comparatively high rate of interest. It was only when the agriculturist deposited jewelry of greater value than the loan with the lender - i.e., when the agriculturist improved his competitive position by offering perfect security - that he could often, if not invariably, borrow at between six and twelve per cent per annum.

The most important reason for the failure of interest rates to respond to economic change was that these rates were controlled by custom rooted in the nature of society.

While agricultural borrowers had to pay from twelve to thirty-seven and a half per cent per annum for cash loans, traders could borrow from other traders at between six and

twelve per cent per annum. There was a broad distinction between the trader who borrowed money in order to invest it, and the peasant who borrowed grain or money for subsistence or for some agricultural or social purpose. The former would not pay a rate of interest which would not enable him to make a profit; the latter was necessitous, lacking in foresight and prudence, concerned only to subsist from harvest to harvest and to maintain his social status. The peasant had never worried about the rate of interest he had to pay. Under Sikh rule the money-lender had not been able to displace the peasant and the money-lender had never been able to make more than a limited profit, whatever his rate of interest. Under British rule peasant-proprietors were still quite prepared to borrow at the traditional rates of interest.

The habit of agreeing to a higher rate of interest than they really expected to pay was ingrained among peasant-proprietors; and money-lenders, accustomed to the unthinking promises of their debtors, did not expect payment in full. This was not merely the outcome of conditions prevailing under Sikh rule: it was an aspect of the Indian tendency of making extravagant promises, which all parties concerned know to be extravagant, merely out of a sense of politeness.

Many peasant-proprietors agreed to pay high rates of interest because they had little idea of the consequences. Not accustomed to handle money before British rule, they had little appreciation of its value. At best able to count to twenty, they could hardly imagine how quickly a cash or grain debt grew at high rates of compound interest.

The agriculturist wanted to borrow money with the least possible trouble; the last thing he wanted to do to obtain a loan was to mortgage his land or other property. That such a course might enable him to secure a lower rate of interest mattered not to one concerned only to avoid immediate inconvenience and ever-hopeful of what the future might bring. Peasant-proprietors were not even prepared to look around for the best terms available. They went either to the family lender, or to some lender in the immediate neighbourhood. Many reposed full confidence in their money-lender, believing that the terms of the loan were settled in accordance with custom. It was only when their money-lender refused to lend that they looked elsewhere for a loan.

As long as peasant-proprietors did not avail themselves of their opportunities in a rational way, the money-lenders had little reason to compete actively with

one another. As members of castes engaged in similar occupations they were guided by guild feeling rather than by competition. Each money-lender had his own recognised sphere of influence; and he rarely interfered in that of a fellow. The emergence of money-lenders amongst the agricultural classes under British rule hardly affected the situation; for, with the exception of the central Punjab, these men were not numerous; and the element of competition they provided hardly affected interest rates as long as agriculturists borrowed without regard to terms.

The non-commercial peasant was pitted against a keen commercial intelligence functioning in a non-competitive situation. The professional money-lender's demands were checked only by his interpretation of the limits imposed by custom. With little competition and little fear of losing clients, greed played the greatest possible role in keeping interest rates high both before and during British rule. There was this difference that under British rule the peasant was richer than before; he had a valuable transferable property in land; the swelling of a debt by the addition of interest was unlimited, as it had not been before; and therefore the incentives to keep the rate of interest high were much greater. It is not surprising

that, far from any general decrease in the rates of interest occurring, in some places the rate of interest actually rose under British rule.

If British rule failed to lower interest rates, it did much to ensure that the agriculturist was charged compound instead of simple interest.

Under Sikh rule repayment of a debt had been a moral obligation deriving from the obvious and continuous interdependence of lender and borrower. Despite the insecurity of the harvest, the money-lender had been able to rely on sooner or later recovering principal together with interest not exceeding a certain percentage of the principal. At annexation (1849) the British fixed a period of limitation of twelve years for suits regarding the recovery of debts. After twelve years a debt was not recoverable in court unless a renewal of the debt was obtained from the debtor. In succeeding years the period was reduced, with the intention of benefiting agricultural debtors. From 1867 the period of limitation was fixed at three years for suits on account or bond; at six years for suits on registered bonds.⁸

The fixing of some period of limitation was an obvious concomitant of the creation of regular courts designed to

adjudicate in accordance with the law and the written evidence. From this point of view the reduction of the period could be logically advocated on the ground that it would ensure that debtors were not pressed for old debts, which were difficult to disprove in court by oral evidence. It was also argued that debtors would discharge their obligations more quickly if they were made acquainted with the state of their account at regular intervals, before interest had accumulated to such an extent as to make repayment impossible. This latter reasoning reflected the failure of the British to maintain limits on the accumulation of interest; and represented very much an attempt to cure the ills of an agrarian society of illiterate and improvident peasants by a reform adapted to a commercial society in which the reverse qualities prevailed.

The law of limitation disturbed the traditional relations between peasant and money-lender. It undermined the idea of the moral responsibility for the discharge of debt; for to improvident agriculturists the law of limitation appeared as a means whereby they might avoid their liability. There was not always a good harvest within the three years' limitation period, so that the debtor was unable to discharge the debt within that period. The

money-lender, his security adversely affected, strove to protect his interests. To keep the debt alive in the case of failure to repay, it was essential to have the debtor's written acknowledgement of a balance struck, or to obtain or renew an unregistered bond, after every three years. The interest due then became part of the new principal. This was not all. The shorter the period of limitation the greater the money-lender's desire to make as much profit as possible in the limited time available. Money-lenders began to balance their accounts at half-yearly or yearly intervals. Bonds were renewed after the lapse of one, two or three years. At each balancing or renewal, interest was transformed into principal. The demand for compound interest thus took root. The same considerations which induced money-lenders to keep their rates of interest high - the increased prosperity of agriculturists, the disappearance of restrictions on the accumulation of interest - served to give the process a special impetus.

Miscellaneous expenses were also increased by the law of limitation. The village money-lender, grasping only the broad points of the law, and knowing the fraud, forgery and perjury which pervaded the courts, was shy of any but the simplest methods of ensuring that his claims were not barred by limitation. He was not always

satisfied with the part payment of principal or interest, or the debtor's written acknowledgement, but would insist on the debtor writing a bond for the balance due. In these cases, and in those in which bonds were renewed, the debtor paid costs of stamps and registration; and he did not get as much remission of interest as formerly. Finally, if the money-lender could not induce the debtor to acknowledge the debt in some satisfactory way, he sued to prevent his claim being barred by limitation, thus saddling the debtor with court costs.

Though the law of limitation stimulated the demand for compound interest, and increased miscellaneous charges, it failed to make debtors discharge their obligations more quickly. To affix his mark to a balance struck in the money-lender's account or to give a fresh bond meant little to a peasant who had little sense of figures, and who was, to greater or lesser extent, of a careless disposition.

The custom of charging high rates of compound interest was attributable partly to British attitudes towards the award of interest. From the beginning the Punjab custom of restricting interest to a percentage of the principal was ignored; so that full scope was given to the accumulation of interest. Under the Punjab Civil Code (1854)

courts were empowered to cut down usurious rates of interest; and in the early days of Punjab administration twelve per cent per annum was ordinarily regarded as the legal rate. This check on the rate of interest charged disappeared in 1866 when an Act for the repeal of the usury laws was extended to the Punjab. It stated that where the parties had agreed on a rate of interest, that rate would be decreed by the court. In 1873 the Chief Court indicated that the conditions of invalidity applicable to all contracts (such as undue influence, as defined in the Indian Contract Act of 1872) were also applicable to agreements to pay interest. At times the decisions of the Chief Court tended to give the widest possible bearing to the exceptional grounds on which the court could reduce the interest claimed. These strained interpretations of the law only had a very limited effect on the practice of the lower courts which, in the large majority of instances, enforced the rates of interest demanded by money-lenders.⁹

The high rates of compound interest charged contributed significantly to the expropriation of the land-owners. Though the money-lender tried to get as much as possible out of his debtor at harvest time, and soon recovered his principal, he was far from concerned if the interest due was not entirely liquidated. Most peasant-proprietors

were in no hurry to repay their debts. They hardly realized the rapidity with which interest accumulated; or if they did, they hoped that something would turn up, or that they might be able to avoid payment altogether. Sometimes bad seasons prevented the repayment of a debt for a while. Heavy debts, incurred for the purchase of cattle, were not easily repaid in a short time. If for reasons like these the debtor failed to repay for two or three years, compound interest accumulated to the point where the debtor could not possibly discharge the debt from his current income. It was only then that the money-lender would insist on a final settlement in which the debt was wiped out by the transfer of some portion of the debtor's land. In this way peasant-proprietors, who had paid far more to the money-lender than they had ever received, were constantly compelled to alienate on account of accumulated interest.¹⁰

The money-lender's position was strengthened by the consideration that he alone kept the accounts. Unable to read or write, or to calculate the interest due, the peasant could not understand the money-lender's account, let alone keep an account himself. There were usually no witnesses when money or grain was borrowed or repaid; and over a period of years the debtor could hardly remember the

details of the transactions. He did not ask the money-lender for a receipt for a repayment, for, apart from not being able to read it, he did not know where to keep it. If, despite his illiteracy and ignorance, he had the temerity to question some aspect of his account, a threat by the money-lender to stop further loans, or to put him into court, soon silenced him. In practice the debtor trusted the money-lender completely, and accepted his account blindly, until such time as the money-lender stopped lending or began to make unwelcome demands.¹¹

With no check on the money-lender's honesty, malpractices in the keeping of accounts were common. The money-lender kept loose sheets, or a day-book, in which he entered the day's transactions. Grain was debited at the highest prices and credited at the lowest. Debits were sometimes exaggerated and repayments not always credited. At intervals debits and credits were transferred to the ledgers of the money-lender's constituents. The loose sheets were destroyed and the day-book only survived until it was full. In the ledger spaces were usually left, so that interpolations were easy. No cash account was kept. When the balance of the account was struck in the ledger, interest was charged on the debits, but little or no interest was allowed on the credits. The balance

sheet was prepared chiefly for the benefit of the court. It showed the totals of debits, credits and occasional remissions, with the date, and names of the writer of the balance sheet and the witnesses. These were usually friends of the money-lender or poor men in his pay. The preparation of false balance sheets posed no great difficulty.

It was in the main this one-sided view of the transactions between money-lender and peasant which the courts enforced.

The system of bonds and mortgage deeds introduced by the British, the money-lenders also turned to their advantage. In having bonds drawn up, money-lenders did not hesitate to include over-period debts, accumulated compound interest, and sums not due at all, as part of the principal. The custom of inserting sale conditions or other inequitable provisions in mortgage deeds developed in some parts of the Province. Accustomed to loose oral agreements, in which both parties made allowances for exaggerated promises, peasants assented readily to written contracts, not realizing that their terms could or would be literally enforced. They were ready to listen to any suggestions from the money-lender that particular conditions were not intended seriously. Often enough illiterate peasants

put their mark to a bond or mortgage deed, in ignorance of its real contents or of the purport of some of its provisions. If in need of money, the peasant was prepared to agree to any conditions in a bond, as long as they did not involve immediate inconvenience. If the money-lender merely wanted a bond executed on account of some old debts, a threat to sue would bring most debtors round. The execution of the bond was usually witnessed by the money-lender's caste fellows or dependents. In court great value was attached to "contracts" of this nature.¹²

The arrangements which the British provided for the registration of documents weakened still further the legal position of the overreached debtor. The registrar's proceedings were perfunctory. He had the document read over before the executants and witnesses, but ordinarily did not take any trouble to ensure that the peasant understood the contract. Nor was that required of him by the Registration Act and its rules. Influenced by the explanations, promises or threats of the money-lender, the peasant was as ready to execute the bond before the registering officer as elsewhere. The registrar's stock question whether consideration had passed, the peasant answered in the affirmative, even though he had not yet received the consideration, or that consideration consisted largely of

accumulated interest. As a matter of form the consideration was sometimes passed to the peasant in the presence of the registrar; and given back to the money-lender immediately after leaving the registration office. It was this procedure which, in the eyes of the law, gave even greater value to a registered than an unregistered bond.¹³

Apart from these exceedingly common malpractices in the keeping of accounts, and in the execution and registration of bonds, there was considerable scope for outright fraud. Accounts were written up entirely just before a suit was instituted. Bonds were forged with the assistance of stamp vendors and witnesses belonging to the money-lender's caste. There were even professional forgers of bonds. The registration procedure was a direct incentive to fraud. A money-lender would bring in a person claiming to be his debtor and ready to execute a bond. Professional witnesses would identify the alleged debtor. The registration offices being at a distance from most villages, the registrar would not know the parties concerned, and duly register the document. Years later a suit would be brought against an unsuspecting peasant who could not possibly disprove execution.¹⁴

With a debt swollen by compound interest, and by other means, supported by a balance sheet or secured by a registered or unregistered bond, the time came when the money-lender threatened to sue unless the peasant transferred some of his land. In this way land was alienated without resort to the courts, but as a result of transactions which had been influenced at every stage by the pressure of the law and the courts. To appreciate fully the efficacy of the courts as machines for endorsing the will of the money-lender, it is necessary to examine their working.¹⁵

III.

Many money-lenders took their debtors to court only as a last resort. They sued if the debtor had difficulty in discharging his debt within the period of limitation and refused to extend the period by assenting to a balance struck or to the execution of a bond, or if they wanted to make doubly sure that their claims were not barred by limitation. They sued if the debt was nearly equal to the debtor's property and there was no point in making further advances, or if, for this or other reasons, disputes arose, and the debtor refused to repay his debt or opened an account with another money-lender. They sued if they wanted some part of the debtor's land and the latter would not part with it.

There were other money-lenders, however, who resorted to the courts at every opportunity as a means of embarrassing the debtor and acquiring his land as quickly and at as little cost as possible.¹⁶

Of the suits instituted each year about one-fifth were dismissed for default. In cases between money-lenders and peasants this often meant that the court summons had been sufficient to induce the peasant to come to terms with the money-lender.¹⁷

In about one-sixth of the number of suits instituted the defendant did not attend court and a decree was passed against him ex-parte. No doubt in many of these instances the debtor thought it hopeless to contest the claim. At harvest-time he might prefer an ex-parte decree to the loss and inconvenience suffered by attending court. Nor was it unknown for the money-lender to bribe the process-server not to serve the summons, so that the peasant was not even aware of the suit. Ex-parte decrees could be set aside on application; but peasants very rarely made such applications. They were unable to pay the costs, or not prepared to suffer the trouble involved. Or the money-lender indicated his willingness to settle for something less than that accorded to him by the ex-parte decree.¹⁸

For many debtors an appearance in court was sufficient to induce them to settle with the money-lender. Hoping to gain a respite from litigation, and only too ready to listen to the money-lender's promises, they confessed judgement or submitted to a compromise. About one-third of the total number of suits instituted were disposed of in this way. In compromises the debtor would give a new bond for the amount due, plus the costs of suit; or he would mortgage some of his land. The Munsiffs, hopelessly overworked, were very ready to accept confessions of judgement or compromises.¹⁹

The readiness with which debtors accepted ex-parte decrees, confessed judgement or compromised is explained by the fact that of the suits contested - less than one-third of those instituted - about eighty per cent were won by the plaintiff.

In many contested suits the real issues were obscured from the beginning. The money-lender put in a plaint and verification statement, and the peasant put in a written reply statement. These documents were drawn up by a petition-writer, or occasionally by a pleader, who had his own idea of what was likely to sound good in court. If he sometimes influenced the money-lender, the peasant, illiterate and ignorant of court-procedure, was entirely

in his hands. Sometimes the Munsiff would frame the issues on the written statements. More often the parties were examined orally before the fixing of issues. They were already committed to the inventions of the petitioner or pleader; and many Munsiffs had neither the time nor the skill to conduct a lengthy oral examination which would elucidate the real issues in dispute.²⁰

Throughout the case the debtor lied freely. Often he claimed that he had never owed anything, or that the bond produced by the money-lender was false. Alternatively he admitted the existence of a debt, or the execution of a bond, but exaggerated the repayments he had made, or charged that he had not received consideration for the bond, or had not known what he was signing. Sometimes he produced false witnesses who testified to particular repayments which the money-lender had not credited. The money-lender took his stand on an account or bond which was by no means always truthful in all its particulars. He produced witnesses to the balance struck or to the execution of the bond. He had little difficulty in finding other money-lenders or poor men who would give whatever oral evidence was required. The larger money-lenders retained pleaders in the courts as their debt-collectors and smaller money-lenders occasionally employed pleaders. In these

cases the peasant also obtained the services of a pleader. Pleaders strove to obscure the facts in the case and tried to force decisions on technicalities. Munsiffs were not always proof against their tactics.²¹

The court was only alienated by the debtor's attempt to deny liability altogether. The oral evidence of the debtor and his witnesses in regard to repayments could be broken down easily. Even if that evidence were true, it was bound to be full of discrepancies, depending as it did on matters which occurred a considerable time before and which seemed of little importance at the time.²²

The money-lender was in a stronger position because the law excluded oral by documentary evidence. There were no discrepancies in his balance sheet or bond, or in the evidence of those who claimed to have seen the balance struck or the bond executed. The money-lender's accounts might be falsified or his bond not the transaction it purported to be; but that was neither readily apparent nor easily proved. Munsiffs had to dispose of a large number of cases every day. The rapid disposal of cases was an object constantly kept before them. They had not the time to go behind every balance and bond and investigate the money-lender's accounts. These accounts were written in the money-lender's own hieroglyphics and could be translated

only by his caste-fellows. They were kept in a slovenly way, so that their examination was a time consuming process and the detection of interpolations and falsifications not necessarily certain. It was only occasionally that the money-lender's accounts were overhauled in a claim on a balance struck, and it was very rarely that this was done in a claim on a bond. In the few instances in which accounts were checked this was done through commissions necessarily constituted from the literate trading castes.²³

If the Munsiff had no time to check the accounts, he often saw no necessity. He had been trained to administer the law, not to deal out rough justice. A balance struck or a bond executed, supported by witnesses, was legally sufficient for a decree. The Munsiff had to abide by the provisions of the law. To set aside a contract he had to give detailed reasons of sufficient weight to stand appeal. The Munsiff was bound by the record; and his superiors were mainly concerned to supervise procedure and technicalities. The evidence of those who claimed to have seen the balance struck or the bond executed could not be questioned unless that evidence was inherently unlikely or unless there were other facts which raised a legal presumption that the evidence was false.²⁴

There was nothing in the social background of the Munsiff to incline him to strain the law in the debtor's favour. The large majority of Munsiffs were recruited from the trading castes. Some had relatives who were money-lenders. Many associated almost exclusively with traders and money-lenders and shared their outlook and prejudices. A Munsiff who went against the interests of the money-lenders might face unpleasant social repercussions. Conversely Munsiffs had neither knowledge of, nor sympathy with, agrarian society.²⁵

Many contested cases thus ended in a decree in favour of the plaintiff, justified by the formal evidence of the witnesses to the striking of the balance or the execution of the bond. Some Munsiffs occasionally reduced the interest payable by the defendant; but this was not of great significance, considering that much of what the money-lender claimed as principal was often accumulated interest. Nor did such a reduction of interest stop the money-lender from getting his decree.²⁶

Once the money-lender had his decree, a peasant-proprietor might well come to terms and alienate some of his land. If he still refused to submit, he had to face harassing execution proceedings.²⁷

IV.

It was in execution procedure that the British tried to limit the logical outcome of their legal principles and civil procedure.

From one point of view the money-lender's power was great. He was permitted to execute his decree at any time he chose; and he usually settled the method by which the decree should be satisfied.²⁸

One limitation on his powers was imposed by the section in the Civil Procedure Code of 1882 which authorised civil courts to decree payment of a debt by instalments with or without interest. Often the Munsiffs failed to fix instalments. They were too busy and they, and the parties, overlooked the matter; or they had not the time to give the elaborate reasons which they considered would satisfy the appellate courts. Nor did the Munsiff have much idea of the circumstances of the defendant. The court executing the decree acquired a better knowledge of these circumstances; and it was at the time of execution that the need for instalments was felt. But the court executing the decree had not the power to fix instalments. In the instances in which the original court fixed instalments they were often rendered nugatory by the proviso that the whole debt should be recoverable at once if any instalment

was not paid when due. The money-lender who wanted to get rid of payment by instalments simply refrained from putting pressure on the judgement-debtor, who was then usually sufficiently improvident to default in his payment of the instalments. Or if bad seasons came the judgement-debtor could not meet his instalments.²⁹

The law required that payments towards a decree be made into court or certified to the court by the decree-holder. Judgement-debtors, ignorant or careless, often made private payments towards the decree. There was a certain class of decree-holder who habitually took unfair advantage of this and exacted payment twice over. The courts were chary of accepting evidence as to payments out of court, for it conflicted with the prescribed rule as to credits in decree debts.³⁰

The Civil Procedure Code permitted the attachment and sale of land in execution of decree, subject only to safeguards for the substitution of temporary transfers in cases in which the debt could be satisfied in this way. But since 1858 the British had enforced local Punjab rules which required the sanction of a superior authority - at first the Judicial Commissioner, then the Chief Court, finally the Financial Commissioner - for the sale of hereditary and joint-acquired land in execution of decree.

These rules were always worked in a way which made such sales impossible, save in very exceptional cases after protracted enquiry. At times the Deputy Commissioner exercised his power of arranging for a temporary transfer of no more than fifteen years' duration. Ordinarily the debt was too great to be discharged in this manner, and nothing was done apart from the rejection, after long delays, of an application for the sale of land. Money-lenders, knowing that sale would not be sanctioned, and not caring for time-limited transfers, rarely applied for the sale of land. But sometimes a decree-holder had a piece of land attached repeatedly in order to harass his debtor and force him to settle.³¹

Compared to the amount of land transferred voluntarily, the area transferred in execution of decree was infinitesimal. There can be little doubt that the almost complete prohibition of the sale of land in execution of decree acted to some extent as a brake on the rapid transfer of land to money-lenders.

From the early days of British rule plough-bullocks and agricultural implements had been exempted from attachment and sale in execution of decree. By the early 'seventies these rules were disregarded and a Chief Court circular of 1872 attempted to revive them. The Civil

Procedure Codes of 1877 and 1882 exempted from attachment and sale in execution of decree implements of husbandry, cattle necessary to enable the judgement-debtor to earn his livelihood as an agriculturist, and the materials of houses and other buildings belonging to agriculturists. In 1888 the exemption was extended to seed-grain and bedding. By the early 'eighties a portion of the crop sufficient for the agriculturist's subsistence was exempted from sale in a few districts by executive order. The Land Revenue Act of 1887, read together with a provision inserted in the Civil Procedure Code of 1888, provided a legal basis for such exemptions.³²

In practice even the obligatory exemptions were not always scrupulously observed. Milch cattle and other animals not actually required for ploughing, and the crop, or part of it, could always be attached. Such attachments put great pressure on the judgement-debtor to come to terms with the decree-holder. If the latter desired to obtain some part of the judgement-debtor's land, it might be sufficient merely to maintain the attachment of the crop, allowing it to rot before the land-owner's eyes. Items which were of little monetary value, but of great importance to the judgement-debtor's domestic arrangements, as for instance cooking pots or household furniture, were

attached as a means of exerting pressure on the judgement-debtor. Few could face the disgrace which such attachments brought on the household. And if the value realized from the sale of the property attached was insufficient to satisfy the decree, the judgement-creditor could press execution proceedings over and over again. Any attempt on the part of the land-owners to resist execution by force was followed by criminal prosecutions.³³

Most Munsiffs, fully occupied with their judicial case work, neglected execution proceedings, which were not scrutinised by the superior courts. This work was entrusted to their clerks, also largely recruited from the trading castes. They, like the bailiffs who executed the warrants for attachment and sale, were over-worked, underpaid and corrupt.³⁴

The most serious abuses prevailed in regard to the auction-sale of attached property. In pre-British times it had not been uncommon to oblige creditors to accept cattle or produce at a valuation in satisfaction of a debt. Now such property was attached and often allowed to deteriorate. The judgement-debtor was forced to pay for the upkeep of attached cattle. The decree-holder could have the property auctioned at any time he chose. For this reason, and because the property was sold at the place

at which it had been attached, the bidding audience was at the best small, while at the worst, the judgement-creditor was the only purchaser. The sum realized, and credited against the decree, was often quite nominal.³⁵

If the judgement-debtor had little or no property beyond his land and bullocks, or if he had succeeded in concealing property subject to attachment and sale, the decree-holder had little difficulty in having him arrested and imprisoned. Appalled by the disgrace and inconvenience of imprisonment, most judgement-debtors would pay up or alienate their land, when the decree-holder threatened imprisonment or when a warrant of arrest was issued.³⁶

A large proportion of the money decreed by Munsiffs was never realized in execution. In so far as this was due to the exemption of land from compulsory sale, the increasing exemption of necessities from attachment and sale, the facilities which land-owners had for concealing property, and the deficiencies of auction procedure, it reflected the difficulty experienced by money-lenders in realizing their decrees with promptitude.³⁷

The law and the courts, which upheld the claims of the creditor at every point by the enforcement of high interest rates and the written word, failed to enforce the complete and expeditious satisfaction of those claims.

But the courts provided the money-lenders with various methods of putting pressure on their debtors to alienate, in satisfaction of those claims, land which the courts could not sell under compulsion. In this way the law and the courts greatly accelerated a process for which the encouragement and creation of transferable rights in land, the development of agricultural credit, the thriftlessness of many proprietors, and the resulting pressures of debt and necessity, were fundamentally responsible. The judicial administration, like some aspects of revenue administration, was the outcome, to a considerable extent, of the ideas of a commercial society and unsuited to Punjab society. But it is necessary to consider why some tribes found much greater difficulty in adjusting to the situation, and lost so much more land than others.

PART II: LAND TRANSFER AND SOCIAL CHANGE

CHAPTER 4

Land transfer and social adjustment among the land-owning tribes of: The south-eastern Punjab. The central Punjab. The north-western Punjab. The south-western Punjab. The frontier.

I.

The Hindu Jats were the backbone of the land-owning tribes of the south-eastern Punjab.¹ In the east these Hindu Jats, together with Hindu and Muslim Rajputs and Gujars, resembled most closely those of the North-Western Provinces. It was only in the northern tahsils of Umballa that the land-owners began to approximate in language and disposition to those of the central Punjab. Here too were the borders of Sikhism, the Sikh Jats found in small numbers in Umballa being the descendants of eighteenth-century conquerors. In the south, in Gurgaon, the connections of Hindu Jat and Muslim Meo were with Rajputana. In the west Bagri Jats, Hindu immigrants from the praries of Bikaner, appeared; as also Pachadas or Muslims from the Western Punjab; and these latter were confronted in Sirsa by Sikh Jats, moving south since the early nineteenth century.²

Hindu and Muslim Rajputs were among the communities which lost their land most readily. These Rajputs were distinguished by their high status, their pride of blood and their traditions of political dominance. They were agriculturists only by necessity. Looking on manual labour as degrading, they left cultivation to ploughmen of other tribes whenever possible. Forced to cultivate themselves, they made lazy cultivators, lacking in agricultural skill and inclined to become disheartened in the face of difficulties. Their women were secluded and took no part in agricultural activities. Rajputs often preferred cattle-breeding, which required less industry, patience and care. Their restless and predatory outlook, nourished by the anarchy of the eighteenth century, still found expression in their love of cattle-stealing. All these qualities inimical to successful agriculture, were shared by Hindu and Muslim Rajputs, though they were often more pronounced among the latter.³

Ill-fitted for agriculture by status and temperament these Rajputs yielded easily to the temptation of inflated credit. It was particularly difficult for them to withstand bad seasons without borrowing. Their agricultural profits were always limited, while the carelessness and lack of foresight generated by fondness for cattle-breeding

and dislike of agriculture found its counterpart in thriftlessness in money-matters. Considerations of status reinforced a tendency to spend freely and incur debt even in good seasons.

If the value of land remained low, as it did in the very insecure parts of Karnal, the Rajputs succeeded only in burdening themselves with debt, transfers being relatively uncommon. Where the value of land was higher the Rajputs often alienated a considerable percentage of it. In a particular Rajput circle in the south of Hissar, for instance, about eleven per cent of the cultivation was under mortgage in 1863. By 1888 more than twenty per cent of the cultivation was thus encumbered and nearly five per cent had been sold since 1863.

Hindu and Muslim Gujars, found chiefly in the lowlands along the Jumna, were also losing their land relatively quickly. Their status was much lower than that of the Rajputs and they had no social objection to cultivation. But they were still in the process of adjusting to agricultural life, preferring cattle-breeding and grazing, especially where good grazing grounds were available; and taking more readily to cultivation only where it was comparatively easy. They shared the predatory outlook of the Rajputs and were often cattle-thieves. Usually they made poor agriculturists though sometimes, as among the

Gujars of Gurgaon, there were signs of improvement. The greater the attachment of the Gujars to the pastoral life, the more difficult it was for them to practise thrift and retain their land.⁴

The difficulty which pastoral tribes had in retaining their land is best illustrated by the Pachadas of Hissar and Sirsa. These Muslims from the Western Punjab were breeders and graziers of cattle and were usually found only in good grazing country. Their predatory instincts were strong and they were great cattle-lifters. Early in the nineteenth century the Pachadas of Sirsa had still led a roaming and precarious pastoral life. The Pachadas had to adjust not only to the rigid legal and administrative system introduced by the British, but also to settled agricultural life. They made extremely bad cultivators, not even attaining the low standard of the Muslim Rajput. Their pastoral background expressed itself in their lack of foresight, their thriftlessness and extravagance. They had probably little attachment to the soil and in Sirsa they had been granted more land than they could manage. The results can be seen in the alienation statistics of the Fatahabad Naili circle of Hissar, a Pachada circle. As early as 1863 eight and a half per cent of the cultivation of this circle was under

mortgage. By the end of the 'eighties much of this mortgaged area had been sold - sales since 1863 amounting to ten and a half per cent of the cultivation - and three per cent of the cultivation was under mortgage.⁵

The Muslim Meos of Gurgaon were another tribe which was ill-suited to agricultural life. In their case it was not a question of pastoral background but of turbulence and a lawless spirit which dated back to the time of the Mughal Empire and which found little practical expression only because of lack of opportunity. Though they were of about the same social status as the Jat, they claimed Rajput origin, and this did not help to overcome their traditional dislike of agriculture. As their land was comparatively fertile there was little inducement to cultivate it skilfully, and they made careless cultivators, though not entirely lacking in industry. The fertility of their land made their credit and temptations great; and their traditions and carelessness manifested themselves anew in thriftlessness, lack of forethought and extravagance. This gave them little power to withstand bad seasons. Much land was mortgaged in the famines of 1860-61 and 1868-69 in the Ferozpur and Nuh tahsils of the Gurgaon district, the former almost entirely, the latter largely, owned by Meos. In June 1877, after a series

of good or average years, thirteen per cent of the Ferozpur and eleven per cent of the Nuh tahsil were under recorded mortgage. The famine of the next eighteen months was very severe in these tahsils and there were few good harvests in the six years following June 1877. By 1883 twenty per cent of the Ferozpur and eighteen per cent of the Nuh tahsil were under recorded mortgage, apart from some unrecorded mortgage. In 1895 twenty-eight per cent of the cultivation of Ferozpur was under mortgage and twenty-two per cent in Nuh; and the famines of 1896-97 and 1899-1900 were still to come.⁶

Of the land-owning tribes which were less prone to alienate their land, the Hindu Jats were the most important and widespread. These Hindu Jats had no recent pastoral background. Though self-willed, they were peaceable, and without traditions of turbulence and lawlessness. Lower in status than the Rajputs, they did not share the latter's social aversion to agricultural labour; and even their women worked in the fields. As cultivators Hindu Jats were industrious, patient, careful and skilful. The Bagri Jats in the west were only a partial exception, being somewhat less energetic and skilful. Already accustomed to a settled agricultural life, the Hindu Jats were in a better position to adapt themselves to British

rule than the Rajputs, Gujars, Pachadas or Meos. The Hindu Jats had the profits of their labour as well as their property. The care and foresight nurtured by an agricultural life was transferred to thrift and foresight in money-matters; and thrift kept a man out of debt, or at least enabled him to pay off his debts and redeem his mortgaged land.⁷

Even the greatest thrift was not always sufficient to prevent land-alienation in a part of the Punjab dependent largely on rain and subject to periodic droughts. This may be illustrated by the effects of the drought of 1877-78 in Gurgaon. Here the drought was very severe for eighteen months; and in the five years which followed there were very few good harvests. During this period - from 1877 to 1883 - the area recorded as mortgaged in the Jat tahsils of Gurgaon and Palwal rose from two and five per cent to five and nine per cent of the cultivation respectively. Even more remarkable was the increase in alienations in the Rewari tahsil. The dry, sandy soil of that tahsil was owned by Ahirs - orderly, industrious, thrifty cultivators, even more skilful than the Jats. Just before the drought less than two per cent of their cultivation was under mortgage. By 1883 that percentage

had risen to seven while four per cent of the cultivation had been sold. The figures for the whole district - representing alienations by Ahirs, Jats, Meos as well as others - show the rapidity of the increase in alienations more clearly. At the end of June 1877 six and a half per cent of the cultivation of the district was under mortgage. Eighteen months later, when the period of greatest pressure was over, that percentage had risen to eleven. In 1883 it stood at about twelve per cent.⁸

After 1879 the increase in alienations in the Gurgaon district as a whole was not especially rapid; and during the early 'nineties in this and most other parts of the south-eastern Punjab there was a decided tendency for the rate of alienation to decrease. The famines of 1896-97 and 1899-1900 ushered in a great increase in the rate of alienation in all the south-eastern districts. By 1901 at least sixteen per cent of the cultivated area of the Gurgaon district was under mortgage.⁹

Even among the Hindu Jats it was not entirely a question of bad seasons forcing even the most industrious and thrifty to alienate their land. Though the Hindu Jats were better fitted to adapt themselves to British rule than tribes like the Rajputs, Gujars, Pachadas and Meos,

they sometimes lost, under the influence of comparative affluence, the very qualities which enabled them to resist expropriation.

Thus the introduction of the Agra canal into the Palwal tahsil of the Gurgaon district in the mid-'seventies protected the Jat owners against drought, but sapped the industry and thrift which had been maintained under more difficult conditions, and increased extravagant expenditure. By 1895 fifteen per cent of the cultivated area of the Palwal tahsil was under mortgage.¹⁰

Among the Jats of Panipat in Karnal, surrounded by proud and improvident tribes, increased affluence generated a desire to establish social status by means of extravagant ceremonial expenditure.¹¹

This sort of change in the character of Hindu Jats was most apparent in the southern tahsils of the Umballa district. Here alienations had been very extensive: the percentage of cultivation under mortgage in the mid-'eighties added to the percentage of cultivation sold since the early eighteen-fifties amounted in Jagadhri to thirty-two, in Naraingarh and Pipli to twenty-two, and in Umballa to twenty per cent. These tahsils were rather more secure than most of the south-eastern Punjab, so that

land was more valuable, credit better and temptations greater. Recklessness was encouraged in Jagadhri, and in Naraingarh among the Rajputs, by the large size of the holdings, which enabled a man to alienate without being absolutely ruined. In Jagadhri there were large numbers of money-lenders, shrewder, richer and more avid of land than those of the rest of the district. Much of the land of the southern tahsils was held by Rajputs, Gujars and other lazy and improvident tribes who were everywhere ill-equipped to withstand temptation. Further, the land-owning tribes of these tahsils were unusually lacking in energy and resource, enlistment in the army and police, for instance, being practically unknown. Lying directly in the track of successive invasions, culminating in the Sikh conquest of the eighteenth century, these tribes had lost the power of overcoming difficulties.¹²

In some of the southern tahsils the Hindu Jats had still held their own somewhat better than Rajputs or Gujars. In the Jagadhri tahsil, where alienations had been most extensive, this distinction disappeared completely. After allowing for transfers made to particular tribes, Rajputs had lost by sale and mortgage thirty per cent of the land they held in the 'fifties, Gujars twenty-five

per cent, and Jats twenty-eight per cent. Their energies already sapped to a degree by the invasions of the past and Sikh dominance, living among tribes like Rajputs and Gujars, the Hindu Jats had succumbed to a new affluence. Their temptations and indebtedness were measurably greater in the neighbourhood of the small towns of the tahsil. The Hindu Jats of the southern tahsils still worked harder than Rajputs or Gujars, but wherever agriculture was sufficiently profitable, their women no longer worked in the fields. In thriftlessness, mismanagement and extravagance the Hindu Jats followed the lead of the Rajputs and Gujars. Comparison may be made with the two northern tahsils of Umballa, where the Hindu Jats were the dominant tribe, and where by the mid-'eighties only ten and twelve per cent of the cultivation had been alienated.

Of the land-owning tribes of the Jagadhri tahsil the market-gardeners had been most successful in resisting expropriation. Hindu Malis and Muslim Rains had bought more land than they had sold and had lost only nine and six per cent respectively by mortgage. Here, as elsewhere in the south-eastern Punjab, these tribes owned only small areas of land; they were exceptionally industrious, patient and skilful as market-gardeners; and the frugality

and thrift induced by a way of life requiring constant, painstaking industry enabled them to retain their lands. Besides, while the Jat might sometimes aspire to prove himself as good as the Rajput, the market-gardening tribes were so inferior in status to the dominant tribes surrounding them, that they were rather less susceptible to such temptations.¹³

In 1900 about nine per cent of the cultivation of the south-eastern Punjab was under mortgage. The percentage was greatest in Umballa, Gurgaon and Delhi, least in Rohtak, Karnal, and Hissar, in that order. The percentage of cultivation sold by peasant-proprietors under pressure of debt or necessity since the regular settlements of the 'forties, 'fifties and 'sixties, was probably no more than that mortgaged, perhaps less. Altogether probably no more than eighteen per cent of the cultivation had been alienated. This was less than for any other part of the Punjab. One reason was that while the great insecurity of the south-eastern Punjab forced proprietors into debt, it had an even more potent effect in keeping the value of land low, so that the credit and temptations of all classes of landowners were less than elsewhere. Much of the land was owned by Hindu Jats, who were less prone to alienate than

other classes. A subsidiary reason was that most of the south-eastern Punjab had been under British rule much longer than the remainder of the Punjab; so that there was considerable experience of the British administrative system and of its laws and courts before the rapid economic development dating from the 'sixties began.¹⁴

II.

The central Punjab bore the marks of Sikh dominance and influence. Along the rivers almost all the land-owning tribes - Rajputs, Gujars, Dogars, Arains, Jats and others - had been converted to Islam prior to Sikh rule. Weakened by the demoralising agricultural conditions along the rivers - where all cultivation was a gamble, little effort being required if the floods were favourable, no industry sufficing if they were not - many of these tribes had succumbed to the pressure of a powerful religion, while the upland tribes had maintained their old faith. Sikh power was established along the rivers as elsewhere; but Sikhism made no headway against an exclusive religion. The Sikh religion had been most widely accepted by the Hindu Jats of the western half of the uplands. These Jats had played a major political role. Hindu and Muslim

Rajputs, with their claims to superior status, and their refusal to accept the egalitarian Sikh religion, had been the special object of their enmity. Nowhere, not even in the Kangra hills, had the Rajputs retained political supremacy or independence. The Rajputs of the western uplands were few in number and scattered; and the Hindu and Sikh Jats hardly recognised their claims to social superiority. In the sub-montane areas and in the Kangra hills Sikh influence, if not Sikh power, had been less marked. The Rajputs of these parts had maintained their social superiority over the Hindu Jats and other cultivating tribes.¹⁵

The attachment of the Rajputs to a superior status involved customs inimical to successful cultivation, such as the seclusion of women and the strongly marked aversion to ploughing. This, as well as hostility to Sikhism, induced partly by superior status, was responsible during Sikh rule for the passing of much land in the sub-montane areas from the Rajputs to Hindu Jats and other industrious cultivators favoured by the Sikh officials. Under British rule, the maintenance of superior status, accompanied by thriftlessness and extravagance, likewise operated to deprive the Rajputs of their proprietary rights.¹⁶

The Rajputs of the central Punjab were not pastoral in character to any extent; and this aided their adjustment to agricultural life. In Kangra the Rajputs began to perform all sorts of field work under British rule, with the exception of ploughing. The small size of the holdings forced some of the Rajputs of the sub-montane areas to adopt industrious habits. Even the aversion to the plough was decreasing in some of the sub-montane tracts, and the Rajputs here were improving as cultivators. Under favourable circumstances the change could be quite striking, as witness the Muslim Rajputs of Kasur in Lahore who, with canal irrigation, were as good cultivators as the Hindu Jats surrounding them. Wherever constant toil was necessary to work wells or to cope with difficult soils, the Rajputs made little progress as cultivators.

The adjustment of some Rajput communities to agricultural life, unaccompanied by the development of thrift, was too slow to prevent their expropriation. In a typical Rajput circle in Hoshiarpur, for instance, land paying twenty-three per cent of the revenue of the circle had been mortgaged and four per cent sold by 1880.

Muslim Gujars were located in the foothills and along the rivers. Their pastoral background was occasionally still apparent; but most of them were not turbulent or

inclined to theft like the Gujars of the south-east. In many places they had settled down completely to cultivation. They had the advantage over the Rajputs that once they had taken to cultivation they were not burdened by a social status at odds with their occupation. Their women were not always secluded. The Gujars sometimes made fairly industrious cultivators. They had not the same temptations to extravagant expenditure as the Rajputs; but the development of thrift among the Gujars was painfully slow.¹⁷

Often the expropriation of the Gujars was rapid. In the Gurdaspur and Pathankot tahsils of the Gurdaspur district they had by 1890 alienated by sale and mortgage twenty-four and thirty-five per cent of their cultivation respectively. In the Shakargarh tahsil, where they were fairly industrious farmers compared to the Rajputs, their expropriation had been delayed, only seventeen per cent of their cultivation having been alienated.

The difficulty of avoiding expropriation when a recent pastoral background was combined with a turbulent character and claims to high status is illustrated by the Muslim Dogars settled along the Sutlej in Ferozepur. Like the Pachadas of Sirsa, the Dogars had led a truly pastoral life; but unlike them they had occupied their

territory in the eighteenth century as a conquering tribe. The Dogars looked on cultivation as the occupation of the conquered, and claimed Rajput origin. The petty Sikh States of Ferozepur had made great attempts to urge on the cultivation. Too weak to subjugate the Dogars completely, their exactions and cruelties had only heightened the turbulent character of the tribe.¹⁸

That agricultural conditions along the river delayed the transformation of the Dogars into agriculturists may be seen from the fact that the Dogars in the uplands were invariably better cultivators than their fellows along the river. The river Dogars survived during British rule as graziers and cattle-stealers, cultivating through tenants, incapable of any exertion, too carefree to take military service, and utterly improvident and extravagant. They strongly opposed the introduction of the inundation canals into their territory in the 'seventies. The magnificent harvests which followed the introduction of these canals enabled many to free themselves from debt; but by the end of the nineteenth century they were probably worse off than before. It has been estimated that by 1897 the Ferozepur Dogars had lost from one-half to two-thirds of their land. This is probably an exaggeration. More reliable statistics for the river Dogars of the Kasur

tahsil of the Lahore district indicate that alienations must nevertheless have been extensive. By the early 'nineties the river Dogars of Kasur had mortgaged one-quarter of their land and sold a large portion of the remainder.

Muslim Jats resided along the rivers together with tribes like the Muslim Rajputs, Gujars and Dogars. These Muslim Jats had no superior status, no recent pastoral background, and no turbulent history. As cultivators they were consequently much superior to the Rajputs, Gujars and Dogars. Among some Muslim Jats the women worked in the fields. Yet the Muslim Jats were not as skilful as farmers, nor as thrifty, as the Hindu and Sikh Jats of the uplands. The demoralising uncertainties characterising cultivation along the rivers affected them as it affected other river tribes. Muslim Jats settled in the uplands invariably made better cultivators than those along the rivers, though usually still not as good as Hindu and Sikh Jats. Something may be attributed to a fatalistic religion.¹⁹

In some river tracts alienations were rather more extensive than in the uplands. At other times the money-lender preferred to take the crop rather than acquire land which might disappear into the river.

The Muslim Arains, found in greater number in the central Punjab than anywhere else in the Province, were in some places more successful in resisting expropriation than other tribes. Located chiefly along the rivers, especially the Sutlej, having small holdings and large families, often working wells which required a heavy expenditure to maintain the cattle, this was no mean achievement. In Jullunder they were industrious and skilful both as market-gardeners and as general cultivators; their whole families worked in the fields; and they were less inclined to alienate even than Hindu Jats. Along the Sutlej in Ferozepur and Lahore their skill and industry, and above all their thrift, were much less marked. In the Kasur tahsil of Lahore the Arains along the Sutlej were being demoralised by their increasing and unavoidable indebtedness. In many parts of Lahore and Ferozepur the Arains did not seem able to manage ordinary cultivation as well as market-gardening, and their indebtedness was often serious.²⁰

The Hindu and Sikh Jats were the dominant tribes in the uplands of the central Punjab. They were industrious and skilful cultivators, though not so painstaking as the Hindu Jats of the south-east. Industry and skill decreased from east to west in the uplands, i.e., from the

naturally fertile to the naturally less fertile soils. Close farming had never been as remunerative in the west; and even when canal irrigation was extended to these parts the Jats were less laborious and skilful. The Hindu and Sikh Jats of the central Punjab did not get as much help from their women as those of the south-east. Still, the most important point is that the Sikh religion, with its egalitarian message, had enabled the Sikh Jats to enjoy political power without giving rise to claims to Rajput status, which would have been inimical to husbandry or the development of thrift. Both Hindu and Sikh Jats had alienated land; but it was only in Gurdaspur that alienations among Hindu Jats were perhaps as extensive as among the weaker tribes.²¹

Among the Jats of the western half of the uplands, where the Sikh element was strong, and to a lesser extent among the Hindu Jats of the sub-montane districts, a fair proportion of the alienations were not due to debt or necessity. A Jat would mortgage some outlying field, and take some others in mortgage. Mortgages were convenient for those who entered the Army. They obtained some capital, the revenue was paid in their absence, their land was secured from encroachment, and on their return they immediately redeemed. In Amritsar at the end of the

nineteenth century many mortgaged their land to make their fortune in the new canal colony and redeemed when they returned. Sikh Jats in Ferozepur and Ludhiana commonly mortgaged some of their land to finance a trading trip. Afterwards they quickly redeemed or re-mortgaged on more favourable terms.

Alienations due to debt and distress were common among the Hindu Jats of the sub-montane region. Holdings were small and any agricultural mishap would force even a thrifty Jat to incur debt. The Sikh Jats of the western half of the uplands were able to store grain and save money in anticipation of agricultural calamities. In the parts of Ferozepur subject to drought the Sikh Jats would temporarily go to work in other parts of the Province rather than incur debt.

Thrifty though Sikh and Hindu Jats might be in ordinary circumstances, those of the western half of the central Punjab were not always proof against extravagant expenditure. This facet of their character was notable not only in tracts in which the extension of the canal had increased agricultural profits enormously, but also in the rain-dependent tracts. Enormous sums were sometimes spent on marriages; not to speak of drink, dancing-women and gambling. The somewhat quarrelsome character of the

Sikh Jat developed sometimes into litigiousness. In the uplands of Amritsar, Lahore, Ferozepur and Ludhiana a considerable proportion of the alienations could be traced to such extravagant expenditure.

By 1900 over fourteen per cent of the cultivation of the central Punjab was under mortgage, rather more than in the south-eastern Punjab. In no central district were the sales as extensive as in some south-eastern districts. Altogether perhaps not much more had been alienated in the central than in the south-eastern Punjab; probably alienations in the central Punjab covered about twenty per cent of the cultivation. There was less pressure to incur debt and alienate in the central than in the south-eastern districts. There were more signs in the central Punjab that some of the weaker land-owning tribes were adjusting to agricultural life, but the process was too slow to appreciably increase their chances of retaining much of their land. Besides land was more valuable, credit better and extravagance more marked among all agricultural tribes.²²

III.

Throughout the north-western Punjab the distinctions between various tribes in terms of status, industry, cultivating skill and thrift were less marked than in the east.²³

The influence of the egalitarian Sikh religion on social structure was apparent only on the borders of the central Punjab - in Gujranwala and Sialkot - where the Jats were the dominant agricultural tribes and the Rajputs confined to the foothills. The Muslim, Hindu and Sikh Jats of Gujranwala and Sialkot did, however, claim Rajput origin. Further west the claim to Rajput status, as distinct from mere origin, had greater vogue; but Jats and Rajputs were not always easily distinguished. There were tribes in Shahpur and Gujrat who were sometimes recognised as Jats, sometimes as Rajputs. Others like the Ghakhars and Janjuas of Rawalpindi and Jhelum, who had ruled the country before Sikh times, were invariably recognised as Rajputs. It was the tribal name, and not any caste or status classification such as Jat or Rajput, which marked off most of the very numerous tribes of Shahpur, Gujrat, Jhelum and Rawalpindi from one another.²⁴

The deterioration in the agricultural character of the Jat, already apparent in northern Gurdaspur, was almost complete in Gujranwala and Sialkot. The Muslim and Hindu Jats of Gujranwala and Sialkot were as cultivators only a little better than the Rajputs of the latter district. It may be that the predominance of the Muslim element among the Jats was partly responsible for the

deterioration in character; but if the Hindu Jats were more careful and thrifty cultivators, the difference at least was not striking. Only the Sikh Jats of Gujranwala were fairly good cultivators. The Muslim and Hindu Jats of Gujranwala and Sialkot were, like many Muslim tribes further west, industrious but not especially skilled in agriculture. The Muslim Jats of Jhelum and Rawalpindi, for instance, were on a par with the Muslim Gujars of those districts, the latter being more industrious than most of their fellows in the east. A few tribes of marked social superiority - like the Ghakhars and Janjuas - were especially averse to cultivation.²⁵

The tendency to indulge in extravagant ceremonial expenditure, so notable in the central Punjab, was in the north-west less marked even than in the south-east. Many of the land-owning tribes of the north-western Punjab shared only, to greater or lesser degree, the improvidence associated with unskilled cultivators.

In these circumstances it is explicable that the differences between the amount of land lost by various tribes were less appreciable than in the east. The most striking contrast lay in the rapid expropriation of the land-owners of Gujranwala and Sialkot and the less rapid expropriation of those of other north-western districts.

The location, climate, agricultural conditions and history of Gujranwala account for the rapid expropriation of the land-owners of the district. Lying at a distance from the Himalayas, the district had an uncertain rainfall and the depth to water was great; conditions not conducive to the development of settled agrarian society. Many Jat villages founded during Mughal times, were abandoned in the anarchy which followed the collapse of the Empire. The country was re-settled in the late eighteenth and early nineteenth century by Jats who were largely graziers leading a nomadic existence. By the middle of the nineteenth century many of them still looked towards their herds and those of their neighbours; their village organisation was weak; and they cultivated the soil without industry, let alone skill. Close to the centre of Sikh power the district, and especially the well tracts, were very heavily assessed, and subject to the quartering of troops and to the provision of free supplies for the Sikh armies. The agricultural character of the Jats developed but slowly under these conditions.²⁶

British rule saw the growth of a more settled agrarian society. The Muslim and Hindu Jats of Gujranwala became steady, plodding cultivators, not always without a certain degree of skill. But the growth of thrift was inhibited

by the pastoral heritage of the district; and the alienation of land encouraged by certain aspects of its history.²⁷

The early British revenue arrangements created widespread demoralisation. The summary settlements were rendered excessive not only by the fall in prices, but also by several severe droughts and murrain among the cattle. Reductions given in the Regular Settlement in the 'fifties did not suffice. There was general reluctance to engage for a cash demand at all. A number of villages were transferred for arrears of revenue or sold privately. Many shares in villages were transferred.

With such a demoralising history under Sikh and early British rule it is understandable that when the lenient Revised Settlement of the 'sixties was immediately followed by years of acute agricultural distress, the land-owners began to alienate their large holdings freely. The leniency of the settlement encouraged the Khattris, some of whom had been influential and had accumulated wealth under Sikh rule, to invest in land. Much land was sold at low prices at a time when serious alienations had hardly begun in most of the Punjab. Another cycle of bad years after 1885 gave a further stimulus to alienation.

The situation may be gauged from the statistics of the Charkhri - or well - circle of the Gujranwala tahsil, a circle in which alienations were only slightly more extensive than in almost all of the river and well-irrigated circles of the district. Of the two hundred and seven estates in this circle twelve were permanently transferred to Khattris between 1854 and 1856. Excluding these estates as well as others specially circumstanced - such as villages owned by large proprietors, or towns - there remained one hundred and seventy villages held by peasant-proprietors. These were almost all Jats, chiefly Muslims, with a fair proportion of Hindus and a few Sikhs. In 1895 only fifty-two per cent of the cultivation in these villages was the inherited and unencumbered property of the descendants of those recorded as proprietors under early British rule. In forty-seven villages they retained less than forty-one per cent. In the majority of villages - ninety-three of them - they retained from forty-one to seventy per cent, the distribution of villages over this range being fairly even. In only thirty villages did they retain seventy-one per cent or more.²⁸

The condition of the hundred and forty villages in the first and second groups - more than four-fifths of the total number of villages - may be deduced from the

statistics of the villages of Pipliwalla, Abdal and Kamoki. In 1866 these villages were well-to-do; and in 1868 the original proprietors still held ninety-four, ninety-two and ninety-seven per cent of the cultivation respectively. In 1895 that percentage had been reduced to twenty-six, thirty-two and fifty-two respectively. Of the seventeen proprietary families in Pipliwalla - all Muslim Jats - only two were prosperous; another two had alienated land but had sufficient left for maintenance; the remaining thirteen families were ruined or hopelessly involved. The Muslim and Hindu Jats of Abdal had retained slightly more of their cultivation; a few of them held revenue-free grants; and the proportion who were prosperous or had sufficient land left for maintenance was greater, though still less than half the number of proprietary families. It may be concluded that in the first group of forty-seven villages only a small minority had been entirely unaffected and the vast majority were ruined. In Kamoki, a village falling in the second group of ninety-three villages, about one quarter of the original proprietary families (mostly Hindu Jats with a few Muslims) were prosperous; another quarter had sufficient land left for maintenance; and almost half were ruined or hopelessly involved. In some of the villages of the

second group the proportion ruined was probably greater; in the majority probably less. But obviously all the villages in the second group had a significant proportion of ruined families.²⁹

The expropriation of the land-owners was less rapid in Sialkot than in the irrigated circles of Gujranwala. Lying closer to the hills, the Sialkot district had a heavier rainfall and had long been fully populated and cultivated. There was no recent pastoral heritage; the revenue and agricultural history of the district had not been as calamitous as that of Gujranwala; but the small size of the holdings and the heavy expenses of cultivation in well tracts exerted a steady pressure on thriftless land-owners. In the Charkhri circle of the Sialkot tahsil the original proprietors held sixty per cent of the cultivation as their inherited and unencumbered property in 1895. Compared to the Charkhri circle of Gujranwala there was a smaller proportion of villages with less than forty-one per cent; about the same proportion distributed evenly between forty-one and seventy per cent; and a greater proportion of villages with seventy-one per cent or more. There were a fair number of circles in the Sialkot district in which alienations were only slightly less extensive; and as many or more in which

the alienations were rather less extensive, though still considerable.³⁰

Turning from sub-montane or irrigated tracts to the extensive upland tracts of Gujranwala and Shahpur, and the neighbouring upland tracts of Gujrat and Jhelum, we find that in most of these tracts much less land was transferred. Indeed in the upland tracts of Shahpur and Gujrat alienations were not of much significance. The rainfall was slight, irrigation lacking, and the tribes almost entirely pastoral. The value of their land remained very low; the Hindu trading classes were not strongly represented; and the pastoral tribes were not called upon to adjust either to settled agricultural life or inflated credit. Most of these considerations also applied to the upland tracts of Gujranwala and Jhelum, but to a lesser degree.³¹

The upland tracts may be contrasted with the tracts along the Chenab and Jhelum rivers in Shahpur, Jhelum and, to a certain extent, in the Gujrat district. Irrigation from the river floods, from wells or from the canals cut by the British, gave value to land. Cultivation being of old standing, there were towns and large villages with a Hindu trading population. The gamble on which much of the cultivation depended - the river floods - was more

calculated to demoralise than any other form of agricultural insecurity. In Shahpur many of the tribes had a pastoral background and they had been given more land than they could manage. The transfer of land proceeded apace.³²

This may be illustrated by the history of the Jhelum circle of the Bhera tahsil, Shahpur district; the alienation statistics of this circle being similar to those of other circles along the Jhelum river in the Shahpur and Jhelum districts. The chief proprietary tribes of the circle were Khokhars - generally accorded Rajput status - and Gondals, whose status as Jats or Rajputs was debatable. At annexation there were old and new well estates; there was land which had recently emerged from the river; and there was high-lying jungle scrub. In the last the Gondals were more pastoral than agricultural. Canals did not come till the 'sixties; and it was only then that the value of land slowly began to rise. There was neither the over-population of the Sialkot district, nor the disastrous revenue and agricultural history of the Gujranwala district to give a special impetus to alienation.

Excluding estates specially circumstanced - notably those in the bed of the river in which land had little

value as a security - the hereditary proprietors of the Bhera Jhelum circle held seventy-three per cent of their ancestral land unencumbered in 1895. In only two out of seventy-eight villages in the Bhera Jhelum circle had the percentage held by the original proprietors fallen to less than forty-one; in a significant number of villages - thirty-four - the percentage ranged between forty-one and seventy; but in more than half the number of villages - in forty-two - the percentage ranged fairly evenly between seventy-one and one hundred.³³

In many parts of Jhelum and Rawalpindi, and particularly in the former district, the expropriation of the original proprietors proceeded fairly slowly, compared to irrigated sub-montane tracts in Gujranwala and Sialkot or even compared to tracts along the Jhelum river in Jhelum and Shahpur. Much of Jhelum and Rawalpindi was dependent on a small and uncertain rainfall; and while this form of insecurity was a cause of indebtedness, it also restricted credit and inhibited alienation. Holdings were not as small as in the over-populated, long-settled sub-montane tracts of Sialkot. Though most of the Muslim tribes of Jhelum and Rawalpindi were not especially skilled cultivators, there was no evidence of a recent and widespread pastoral heritage, as in Gujranwala and Shahpur; and

some of the Muslim tribes were comparatively thrifty. Lying close to the gateways of India, neither Jhelum nor Rawalpindi had had an uneventful history. The Sikhs had ejected many of the superior tribes from their lands, but the spirit of resistance among most tribes was never broken. In British times a strong partisan spirit still prevailed, which often led to indebtedness on account of law suits or criminal proceedings. The more important point is that there was not the demoralisation and lack of energy so characteristic of parts of Gujranwala and Umballa, where the spirit of the people had been seriously affected by Sikh dominance. In some places agricultural tribes earned much money from work in the mines or from railway construction. There was no prejudice against such work, even among socially superior tribes like the Ghakhars. Here and there some of the Muslim tribes even took their own grain to market.³⁴

It is possible to throw some indirect light on the progress of alienations in the Jhelum and Rawalpindi districts by an examination of the detailed statistics for the Hill circle of the Kushab tahsil in the Shahpur district. This circle belonged largely to the Awans, a comparatively thrifty Muslim tribe also found in Sialkot, Gujrat, Jhelum and Rawalpindi.

The circumstances of the Awans of the Kushab Hill circle were somewhat different from those of other tribes of the north-western districts. The Awans had occupied the villages of the Hill circle for generations. Their cultivation depended on rain and drainage from the hills. The fields had been slowly formed by the labour of successive generations, stones being removed and embankments made. The embankments required constant upkeep. In these circumstances the Awans could not be other than laborious cultivators, though they were perhaps not careful ones. They were greatly attached to their ancestral acres, and many of them were frugal and thrifty. The whole tract was remote from towns and civil courts, though money-lenders abounded in its eastern half. The holdings of the Awans were very small and this, together with the insecurity of rain cultivation, accounted for transfers for necessary purposes. There had been over-assessment under early British rule, from which some of the villages had never entirely recovered. There was borrowing for domestic ceremonies, but no extravagance. Closely packed in narrow villages, with time on their hands during certain parts of the year, and with disputes about rights in drainage constantly occurring, the Awans were quarrelsome and litigious. This sometimes led them into debt.

They were not always wise in their investments. They often borrowed money at high rates of interest to buy land and houses, or sheep and goats. If the luck of the seasons was not with them, the debt soon became too great to repay in any way other than by alienating land.³⁵

In 1895 the Awans of the Kushab Hill circle retained seventy-five per cent of their ancestral land unencumbered; slightly more than that retained by the original proprietors of the Bhera Jhelum circle of Shahpur. The distribution of the thirty-four villages of the Hill circle was somewhat different from that of the Bhera Jhelum circle. There were in the Hill circle no villages with less than forty-one per cent of their ancestral land unencumbered, and only eight villages with less than seventy-one per cent. The remaining twenty-six villages retained more than seventy per cent of their land.³⁶

The statistics of the village of Jaba, a village falling in the third group, with the original proprietors retaining seventy-four per cent of their ancestral land unencumbered, may be compared with those villages falling in the first and second groups in the Charkhri circle of Gujranwala. A much greater proportion of the proprietary families in Jaba - forty-two out of seventy-eight - were prosperous and had alienated no land. Another eight

had sufficient land left for maintenance. Even so there were twenty-eight families - more than one-third of the total - who were ruined or hopelessly involved. The proportion ruined could hardly have been as great in a number of other villages in the third group; but many of the villages of the third group must have been seriously affected.³⁷

There were almost no circles in the Jhelum district in which expropriation had proceeded further than in the Kushab Hill circle. But there were a fair number of circles, belonging to Awans and other comparatively thrifty tribes, in which transfers had been less extensive. In the ninety-six villages of the Khuddar circle of the Jhelum tahsil, one of the two circles in the district in which alienations had been least extensive, there were by 1898 no villages with less than forty-one per cent of their ancestral land unencumbered. The proportion of villages with less than seventy-one per cent of their land unencumbered, already significant in the Kushab Hill circle, was negligible in the Khuddar circle. Only two villages were in this condition. Not only had the remaining ninety-four villages retained more than seventy per cent of their cultivation, but most of them, in contrast to the Kushab Hill circle, were in the upper ranges of this

group. Thus forty-nine villages - more than half the total - retained over ninety per cent of their cultivation unencumbered; another thirty-five retained more than eighty per cent; and ten more than seventy per cent. The condition of most circles in the Jhelum district with comparatively thrifty tribes was about mid-way between that of the Khuddar circle and the Kushab Hill circle.³⁸

As regards the Rawalpindi district it is difficult to judge, but probably expropriation had advanced somewhat further in most of the Rawalpindi than in most of the Jhelum district.³⁹

By 1900 about fourteen per cent of the cultivation of the north-western Punjab was under mortgage, about the same percentage as in the central Punjab. Sales had been extensive in Gujranwala, with its special alienation history, and somewhat less so in Jhelum and Rawalpindi, with their insecure rain-dependent tracts. In the other districts much more land had been mortgaged than sold. Altogether perhaps about twenty per cent of the cultivation had been mortgaged and sold in the north-western Punjab.⁴⁰

IV.

In the south-west, as in the north-west, tribe was more important than caste as a unit of social organisation. A few tribes, like the Sials, who had ruled the Jhang district in the eighteenth century, were admitted to be Rajputs. Many tribes which claimed Rajput status were recognised only as Jats by their neighbours. The Muslim Jats were the major land-owners in the south-west. They bore little relation to the Jats of the north-western, central or south-eastern Punjab. The Jat tribes were exceedingly numerous; and sometimes almost every village in a tract was owned by a tribe having nothing in common with its neighbours. Men of various origins who could not claim to belong to the Muslim religious tribes - Sayads and Koreshis, who owned much land in the south-west - or to tribes of foreign origin - the Biloches and Pathans who had here and there drifted across the Indus - were often ranked as Jats.⁴¹

The Muslim land-owners of the south-west, Jats and Rajputs alike, were even more inferior cultivators than those of the north-west. They were excessively lazy, careless, thriftless and, in the western half of the region, apathetic. Among the Muslims only the Arains and

tribes of lower status showed any energy or skill as agriculturists.⁴²

Conditions in the south-western Punjab had always been more conducive to a nomadic and pastoral than to a settled agricultural life. The rainfall was too slight to permit rain-cultivation. Only in the neighbourhood of the rivers was agriculture possible. Outside the areas affected by the river floods, the investment of capital in wells or inundation canals was a prerequisite. The maintenance of wells and canals required capital and, in the case of canals, some central organization.

Nor had the history of the region encouraged the development of settled society. Before the time of the Mughals, it had borne the brunt of constant invasions from central Asia. With the disappearance of the Mughal peace in the middle of the eighteenth century various local regimes had been established. The military campaigns at the end of the eighteenth and the beginning of the nineteenth century rendered life and property insecure, and much land was abandoned. It was only after 1827, when most of the region gradually came under the Governorship of Sawan Mal, that some sort of order was re-established.⁴³

At the beginning of British rule there were still large areas in the south-west in which the Jats and Rajputs

were nomadic and pastoral. In Montgomery and Jhang many of these tribes looked down on cultivation; and it was carried on only by their dependents, tribes of low status like the Arains and Mahtams. In Montgomery cultivation and population were especially scant, and the pastoral Jat and Rajput tribes were extremely turbulent. They had never been completely subdued by the Sikhs, being able to hide in the jungle which abounded along the rivers. There were in Multan and Jhang tribes which had taken to cultivation, but which still occupied themselves to a large extent with cattle breeding and grazing. Along the Chenab river in Multan, and probably elsewhere, there were Jat tribes which were entirely agricultural.⁴⁴

Agricultural conditions throughout the south-west were most unsuited for the transformation of graziers into industrious and thrifty cultivators. Famine, with its powerful inducements to industry and thrift, did not exist. The uncertainty of whether the river floods would be sufficient, whether the inundation canals would fill to the required extent in the proper season, and whether the few inches of rain would fall, which made well and canal cultivation feasible, inhibited exertion. So did the climate. In Multan it was the hottest in the Punjab.⁴⁵

That Sawan Mal recognised the limited capacity of the people as cultivators may be seen from the minute supervision exercised by the local officials over agricultural matters in such districts as Multan and Muzaffargarh. The British left the people to adjust to agricultural life by themselves.⁴⁶

By the end of the nineteenth century the turbulent Jat and Rajput tribes of Montgomery were becoming a little less lawless, and some of them had taken to agriculture and were improving as agriculturists. Most of the Sials (Rajputs) of Jhang had been forced to overcome their aversion to the plough to make a living. In the eastern half of Multan tribes still semi-pastoral at annexation had become ordinary cultivators; though they were more careless than those in the western tahsils of Multan, who had been agricultural at annexation. The transition from a pastoral to an agricultural life was often slow; and even among cultivating tribes there were few signs of greater industry, skill and thrift than at annexation.⁴⁷

The pressure on the improvident Muslim land-owners of the south-west to incur debt was often great. There were the ordinary fluctuations from year to year in the river floods, in the supply of water from the inundation canals, or in the outturn of well-lands which depended

on aid from the rainfall. Capital was necessary to maintain the wells and the well-cattle, to finance poor and migratory tenants, or to clear water-courses. Revenue continued to be levied on wells which had fallen out of work, and was paid by the owners or by the village headmen. Some tracts were overtaken by calamities. In Montgomery, especially along the Ravi, whole areas were gradually deprived of the river floods during the 'seventies and 'eighties, when the set of the river changed. Proprietors in these tracts had to borrow to live and to pay their revenue, which continued to be realized for years. Debt and alienation in Muzuffargarh increased seriously in the 'seventies when over-flooding did much damage and the canals, badly managed by the British, ceased to work properly.⁴⁸

Money was borrowed for domestic ceremonies; but expenditure on this head could not be called extravagant. The lack of strong tribal or village ties in most of the south-west probably inhibited emulation in these matters among peasant-proprietors. There were a fair number of large Muslim land-owners in Multan and Jhang, and among these men extravagance and debauchery sometimes ended in considerable alienations of landed property. The Jat

and Rajput tribes of Montgomery were also exceptional. Like many turbulent pastoral tribes which had occupied a dominant political and social position, they not only lacked the capacity for saving, but were inclined to spend recklessly. Being great cattle-stealers as well as cattle-graziers, they were often in trouble with the police; and much money was borrowed to fight criminal cases or to bribe officials. Civil litigation was also a common cause of indebtedness.

Alienations of land in the south-west began at an earlier period than in most of the Punjab. Sales and mortgages had not been unknown during Sikh rule; for the policies of Sawan Mal had provided some scope for profitable investment in land, and there were no compact village communities to bar alienations. The Hindu traders had been granted much land under Sikh rule; and they were probably far more ready to acquire land in the early days of British rule than their counterparts in most other districts. The summary settlements of the 'fifties were oppressive in Multan and Muzuffargarh; and the Aroras took the opportunity to acquire land. In Multan the civil courts were already used as a means of forcing the peasant to part with his land. It was only in Montgomery

that land transfers did not become common until the 'seventies. There voluntary transfers of land had not been apparent under Sikh rule; for the turbulence of the tribes had checked them. Under British rule the value of land remained low for years, tenants were scarce, and the payment of revenue a burden; so that at first there was no great demand for land.⁴⁹

All these special and interrelated factors - the pastoral background, the troubled history, the demoralising forms of agricultural insecurity, the climate, the laziness and thriftlessness of the proprietors, the absence of social restraints on alienation, the eagerness of Hindu traders to acquire land - were responsible for land transfers on a rather larger scale than the twenty per cent or less of the cultivation estimated as transferred in the north-western, central and south-eastern Punjab. This may be seen from the following figures, referring to the percentage of cultivation under mortgage in the late nineteenth or early twentieth century, added to the percentage of cultivation sold since the 'seventies, in fifty-two tracts comprising most of the south-western Punjab. There were only fourteen tracts in which twenty per cent or less of the cultivation had changed hands.

In all but one of these tracts, more than eleven per cent of the cultivation had been transferred. Seven of the fourteen tracts were situated in the southern tahsils of Montgomery in which the value of land had remained low. Two other tracts in Multan were similarly circumstanced. Of the remainder it can be said of only two tracts - in the Chiniot tahsil of Jhang, on the outskirts of the region - that the small percentage of land transferred was due to the exertions and thrift of the proprietors. Against fourteen tracts with twenty per cent or less of the cultivation alienated, there were nineteen tracts, scattered throughout almost every tahsil of the four districts of Muzuffargarh, Multan, Jhang and Montgomery, with more than twenty but no more than thirty per cent alienated. There were fifteen tracts in the Muzuffargarh, Multan and Jhang districts with more than thirty but no more than forty per cent transferred. Four tracts in these three districts showed more than forty but no more than fifty per cent alienated. Bearing in mind that these figures are an understatement of the transfers by Muslim proprietors in the nineteenth century, it can be imagined in how many of these tracts expropriation had advanced as far or further than in the Charkhri circles of the Gujranwala and Sialkot tahsils in the north-western Punjab.⁵⁰

V.

In many of the frontier districts alienations were as extensive as in the south-western Punjab. In the late 'nineties about one-third of the cultivation was under mortgage or had been sold since the 'seventies in three of the four tahsils of Dera Ghazi Khan. By the early years of the twentieth century more than half the cultivation of the Tank tahsil of Dera Ismail Khan was under mortgage or had been sold since the mid-'seventies. Transfers may not have affected quite such a large area in other trans-Indus tahsils of the district. More than one-fifth of the cultivation was encumbered by mortgage in 1900 in Bannu (including one cis-Indus tahsil) and Kohat; a larger proportion than in almost any other Punjab district. On the other hand sales of land were not as common as in Dera Ghazi Khan and Dera Ismail Khan. In Peshawar and Hazara the area alienated, though considerable in a few isolated tracts, was not abnormal.⁵¹

The situation in Dera Ghazi Khan and the trans-Indus tahsils of Dera Ismail Khan was in some respects similar to that in the south-western Punjab.

Trans-Indus the Muslim Jats were no more homogeneous, industrious or thrifty than in the south-western Punjab.

Few Rajputs were found along the frontier; their place being taken in Dera Ghazi Khan and the south of Dera Ismail Khan by Biloches and in the centre and north of Dera Ismail Khan by Pathans. Both came from the hills beyond the frontier and had settled in the region as over-lords. Cultivation they had left to their dependents, the Jats. During British rule the Biloches very gradually took to cultivating themselves. To some extent the vagaries of the hill torrents maintained their semi-pastoral and nomad character. Sometimes the Biloches made even more careless cultivators than the Jats, whose agricultural character was of longer standing. At other times the Biloches showed more promise. The improvidence characteristic of bad cultivators was accentuated in the case of the Biloches by the stress laid by tribal custom on hospitality. They were accordingly even more thriftless than the Jats, though shrewder than many of them. The Pathans of Dera Ismail Khan were chiefly settled tribes, partly pastoral, and very largely engaged in trade with central Asia and Afghanistan. Throughout most of the district they were superior proprietors and land-lords rather than agriculturists. Only a few sections of the Pathans took to cultivation during British rule, and even members of

these sections were still engaged in trade. As among the Biloches, the custom of hospitality brought thriftlessness in its train.⁵²

The character of the tribes of the lower frontier partially explains the enormous alienations; though it may be that the expropriation of the Jats was more marked than that of the Pathans or even the Biloches. There were no village communities to inhibit alienation by individuals. Transfers of land had been exceedingly frequent before British rule in Dera Ghazi Khan; and much land was alienated in this district in the 'fifties under the stress of the early settlements. In both districts there was much land available, and many proprietors had more land than they could cultivate, a factor which always encouraged alienation. Cultivation whether by river floods, wells, canals or hill-torrents was as insecure, or more so, than in the south-west; often much capital was required for the purchase and maintenance of bullocks; so that the pressure to incur debt and alienate was also great.⁵³

The upper frontier - Bannu, Kohat, Peshawar, Hazara - was held almost entirely by Pathan tribes. In Hazara, tribes allied to the Pathans and tribes of Indian origin

also held largely. The Pathan tribes of Bannu, Kohat and Peshawar were self-cultivating; and though some were still engaged in trade, many were industrious agriculturists. The right of alienating land had existed here before British rule, and had been freely exercised. Most Pathans were disposed to mortgage freely, but they were not so ready to sell. This partly explains the large area under mortgage in Bannu and Kohat. Some part of the large area mortgaged in these districts can be attributed not to debt or necessity but to mere convenience. It often happened that a Pathan mortgaged some of his outlying fields and took others nearer his home on mortgage. But alienations from necessity or poverty were also frequent. Though Bannu was not as insecure as Dera Ghazi Khan and Dera Ismail Khan, there was the pressure of a fluctuating outturn in the sandy, rain-dependent tracts of Marwat. The Bannu tahsil was secure; but small holdings led to indebtedness and alienation. Further to the north in Peshawar and Hazara, transfers were still less extensive than in Bannu and Kohat, because there was still less pressure to alienate. In Hazara, in particular, there were no great fluctuations in outturn, and the circumstances of the land-owners were easier than anywhere else on the frontier. In all the districts of the upper

frontier many of the more glaring instances of indebtedness and alienation could be traced to the expenses attendant on marriages, riots, litigation and gambling.⁵⁴

* * *

This survey shows that various influences, impinging on different tribes in varying combinations and to different degrees, made adjustment to the rapid changes introduced by the British especially difficult. Tribes which had recently emerged from the pastoral stage, or were in the process of emerging from that stage, tribes whose turbulence had been nourished by anarchical conditions, and tribes of high status, which had occupied a dominant political position, and had a social aversion to cultivation, found it difficult to adjust to settled agricultural life and hence were least able to develop the thrift required to maintain their land in the new circumstances. Adjustment to agricultural life was quickest where the conditions for cultivation were most favourable. It was slowest along the rivers where cultivation was a gamble on the river floods, not much industry being required in a good, of no avail, in a bad year. Apart from adjustment to agricultural life, alienations were extensive in tracts in which the spirit of the tribes

had been crushed by a troubled history. Religion also played a part. In so far as Hinduism sanctioned claims to high status it was responsible for the inability of certain tribes to settle down to agriculture. Conversion to Islam, however, did not affect such claims to high status. In addition the fatalism of Islam sometimes weakened the powers of peasant-proprietors to cope with difficulties; but this was only a marginal factor, on which too much stress should not be laid. Sikhism alone was successful in negating claims to high status. Among tribes well-adjusted to agricultural life, and able to develop thrift, alienations were less extensive; but even they were often forced to alienate by circumstances beyond their control or by their inability to withstand a new affluence. All these factors, as well as others, determined the character of the alienees as well as the extent of the alienations; and it is in a regional study of the alienees that the varied significance of the transfer of land becomes clearer.

CHAPTER 5

Land transfer and the development of acquisitiveness:
The south-eastern Punjab. The central Punjab.
The north-western Punjab. The south-western Punjab.
The frontier.

I.

With the exception of the Umballa district, the south-eastern Punjab had escaped Sikh dominance, and the exclusive village communities of Northern India had survived here in a more complete form than in any other part of the Punjab in which they had ever existed. The proprietary community, which was bound by a common ancestry, considered itself superior to all other castes in the village by virtue of its hereditary rights in the soil, and looked askance at outsiders who sought to trespass on these rights. In times of severe agricultural distress the poorer members of the proprietary community were the first to succumb. In earlier times, when land had no market value, these men had been forced to desert their land, and the proprietary community had remained intact. Now that the poorer land-owner was able to realize the value of his land by mortgage or sale, the integrity of the community was threatened. Usually the impoverished land-owner offered his land to some

richer relative in the village, who was often prepared to take it out of friendship or in order to keep out outsiders. In times of distress the revenue authorities sometimes enforced the principle of joint responsibility by collecting a defaulter's revenue from some prosperous co-sharer in the village; and in return the defaulter mortgaged his land to that co-sharer. An indebted land-owner who was being pressed by his money-lender usually tried to alienate to some land-owner in the village, and paid off his debt with the proceeds.¹

In consequence much of the land transferred in the south-east - the most notable exception being parts of the Umballa district - was acquired by agriculturists of the village. In most districts they acquired from about one-third to less than one-half of the land transferred. Even among weaker tribes like Rajputs and Meos a large proportion of the area transferred was often taken up in this way; though as the weaker tribes tended to transfer a greater percentage of their area than more thrifty agriculturists, more of their land was held by outsiders.²

The strong feeling which existed against the intrusion of outsiders made the area of land that was alienated to them the more significant. The extent to which this process had gone by 1883 in the Gurgaon district - a

district in which alienations were comparatively extensive but in which agriculturists of the village had acquired more than one-third of the area sold and mortgaged - may be gauged from the following figures. In seven hundred and twenty Gurgaon villages which had suffered from the drought of 1877-78, outsiders - men who were not members of the proprietary community and who had obtained possession by mortgage or recent purchase - paid twelve per cent of the revenue. In the drought-affected villages of the Meo tahsils of Ferozpur and Nuh these men paid eighteen and fourteen per cent of the revenue respectively; and ten, eight, and six per cent in the villages of the other tahsils. For all the villages of the Gurgaon district the percentages of cultivation mortgaged to outsiders are available. They amounted to fourteen and twelve per cent in the Meo tahsils and eight per cent in the district as a whole. Comparing the other districts with Gurgaon it may be estimated that outsiders acquired much more in Umballa, perhaps as much in Delhi, and less in Karnal, Rohtak and Hissar where alienations were generally less extensive.³

Of the area alienated to outsiders the smallest part was acquired by agriculturists of villages other than those in which the land alienated was situated. These

at least were men who deliberately sought to acquire land as an investment for their savings. Among the Hindu Jats and other thrifty tribes there were even men who had taken to money-lending as a profession. These agriculturist money-lenders were generally harsher in their transactions than the village trader; they were not bound by the customs and traditions which the hereditary money-lender observed; and money-lending was to them rather a means of acquiring land than of making a living. The agriculturist money-lender was often hated. The intrusion of Hindu Jats into the villages of less thrifty tribes like Rajputs and Gujars sometimes caused considerable friction.⁴

Agriculturist money-lenders were not very numerous; and with certain exceptions - like the Hindu Jats of the northern tahsils of Umballa - the Hindu Jats of the south-east were not especially acquisitive. This was partly due to the difficulty of accumulating capital in a rain-dependent region, where agriculture was not especially profitable, where agricultural capital was depleted by periodic droughts, and where in some districts population was fairly dense. Nor was sufficient money made from military service by Hindu Jats and other thrifty tribes to make large-scale investment in land

possible. It is notable that even thrifty agriculturists did not take their own grain to market but depended on the local traders, who were well-established in this part of the Punjab. The Hindu Jat of the south-east was a skilful and thrifty agriculturist, often able to retain his land, but too much of a cultivator to engage readily in other profitable occupations or acquire land on a large scale.

There was a distinct acquisitive tendency among the market-gardening castes of the Umballa district, especially among the Hindu Malis. These Malis were settled in one of the northern tahsils of Umballa; their holdings were small; and as they were prolific, like all market-gardening castes, they were reaching the stage at which even the greatest skill, industry and thrift did not suffice to feed their families. In the ordinary course of events the Malis would have been expropriated. They had, however, been settled on their land by the Sikh conquerors of Umballa; and once uprooted they had not the intense attachment to their land and homes that was so characteristic of Punjab land-owners. They sold what remained of their holdings; migrated to Pipli in southern Umballa, and with the money obtained from the sale of their holdings they bought large areas of waste in Pipli.

The first purchases were made in 1869 and 1873; and thereafter there was a steady flow of Malis into Pipli. They bought land from the weaker tribes; and from non-resident owners and money-lenders who had themselves purchased the land but found difficulty in making it pay. The Malis applied all their skill and industry to their new acquisitions; and the waste was soon cultivated. In some of the more settled estates the Malis tried to mark their success by abandoning the cultivation of vegetables, so that they might rise in the social scale as land-owners.⁵

A rather different process was taking place in northern Karnal. The Nawab of Kunjpura was a non-cultivating land-owner - a Pathan - of some capital; he was also an assignee of revenue. He acquired large areas of land from the Rajputs within his assigned territory by lending money and by using to the full the special opportunities which his power to collect the assigned revenue gave him. This acquisition of land by powerful individuals of the land-owning classes, supported by the British for political reasons, was admittedly rare in the south-east, though common in certain other parts of the Punjab.⁶

To return to the south-eastern Punjab as a whole - the smallest part of the area alienated to outsiders was

acquired by agriculturists, the largest by Banias. In the southern tahsils of Umballa the Banias had acquired a very large proportion of the extensive area alienated. By 1886 about twenty-five, seventeen, thirteen and twelve per cent of the cultivation of these tahsils had been sold or mortgaged to them. Elsewhere alienations were less extensive and the proportion alienated to Banias was smaller. Taking the figures by districts, it may be estimated that in the mid-'eighties the percentage of cultivation sold or mortgaged to Banias was about thirteen and a half per cent in Umballa; nine per cent in Gurgaon; six per cent in Delhi; and only about four per cent in Karnal, Rohtak and Hissar.⁷

The failure of Banias to acquire a large percentage of the land of most south-eastern districts was due partly to those general considerations which rendered land-transfers less frequent in these districts than elsewhere; partly to the large proportion of the alienated area which was acquired by agriculturists; and partly - and this is what we are concerned with here - to the position and character of the Bania himself. The Banias - and more especially the village Banias - of most of the south-east did not have much capital to acquire land; and considering that the money-lender's profits depended on the profits

of cultivation, this is not surprising. Nor were the Banias particularly eager to acquire land, for land which was not particularly profitable was even less so to a non-cultivating owner. Besides, the Banias had long been settled in the villages and were in some places still under the influence of the village community. There was perhaps more fair dealing and good faith here than elsewhere. The Bania's position may be contrasted with that of the Borah - a Brahmin trader and money-lender from Marwar - who was settling in the districts along the Jumna. The Borah had all the rapacity of the new-comer and outsider to the region - as the Jat money-lender had to the business of money-lending - and was particularly eager to acquire land.⁸

II.

In the central Punjab the distinction between alienations to agriculturists of the village and agriculturists of other villages was less meaningful than in the south-east. Village communities were not quite so exclusive; and acquisitiveness was rather more marked among certain classes of agriculturists, whether they resided in or outside the particular village in which they acquired land. Capital accumulation among the agriculturists was promoted by the considerable profits which were made from

agriculture in most of the central Punjab, and by the large amount of money earned by men in military service.

Among land-owning tribes like Rajputs, Gujars and Dogars, alienations were not only especially extensive, but a larger proportion of the transferred land was ordinarily alienated to non-agriculturists than among the Hindu and Sikh Jats or the market-gardening tribes. This reflected the lack of capital, thrift and an acquisitive outlook among the weaker tribes. The Hindu Rajputs of Kangra were a notable exception. Their holdings were small and they were always ready to take land on mortgage, if they had the capital. Many of the Rajputs took military service, a profession for which they were well-suited by tradition and inclination. The retired Rajput officer usually invested his savings in land. On a rather smaller scale a similar phenomenon was apparent among the Muslim Rajputs and Gujars of Ludhiana; and it was not entirely absent in other places. It was definitely not apparent among tribes still wedded to a pastoral life. The Rajput who did not plough himself, or the Gujar who cultivated, could appreciate the profits that were to be derived from land; the Dogar who pastured cattle had neither incentive nor capital to acquire small plots of land.⁹

Among the Hindu Jats of the sub-montane districts the acquisitive spirit was not especially well-developed. In Jullunder, Gurdaspur and probably in Hoshiarpur, about half the land transferred was acquired by agriculturists. The number of Hindu Jats in military service was probably not extraordinary. The smallness of the holdings stimulated acquisitiveness, but also checked capital accumulation. In Hoshiarpur years of famine and high prices stimulated acquisitiveness among owners of average or large holdings who were not affected by the scarcity but took advantage of the high prices.¹⁰

It was among the Sikh Jats that acquisitiveness was most prominent. The proportion of Sikhs among the Jats declined steadily from the western to the eastern half of the central Punjab. The cultivation of the Jats of the western half of the uplands was dependent on a fairly small rainfall and was less secure and less demanding than the intensive rain and well cultivation of the sub-montane districts. The Jats of the sub-montane areas were pre-occupied with agriculture and were often tied to their wells from year's end to year's end. The Jats of the western half of the uplands had time on their hands during certain parts of the year. It was their consequent restlessness which ensured their conversion to

Sikhism. For Sikhism had not, like Islam, come to the central Punjab as a powerful and established religion winning adherents from among those who were the first to succumb to pressure. It had come as a militant movement and attracted most strongly those among the Hindu Jats who were ready to leave their homes to make their fortunes elsewhere.¹¹

The Sikh Jats had thus acquired a military tradition, and under British rule much money came into their villages from the very large number of men in military service. At the same time Sikhism had enabled them to play a role in the wider world without destroying their character as husbandmen. Under British rule the Sikh Jats in both rain-dependent and canal-irrigated tracts took every advantage of the large profits that could be made from cultivation.

Nor was the enterprise of the Sikh Jats confined to the particular occupations in which they had been successful under Sikh rule. During British rule the Sikh Jats of Ferozepur and Ludhiana took to trade. The trading castes were not well established in their villages. In Ludhiana the petty Sikh chiefs had taken the revenue in kind, for their own consumption and that of their followers, so that there had not been much scope for trade.

In Ferozepur there had not been sufficient time to allow traders to settle in any numbers, few of the upland villages being founded before the beginning of the nineteenth century. There were traders in the towns along the Sutlej, but the Sikh Jats gave them little incentive to settle in their villages. The Sikh Jats began by carrying their own grain to the market-town. On their return they took anything which might be sold at a profit in the villages. Some took their carts for hire to carry grain. From here it was but a small step to buying up grain where it was cheapest - in or near the village - and selling it at a profit in a distant market-town. Only the import and export trade of articles not locally produced was in the hands of the trading castes.

The Sikh Jat who took to lending grain or money on mortgage, or even on bond, was common in all the western upland tracts. There were the profits of cultivation, soldiering and trade to invest in land. The Sikh Jat made the most of these opportunities; and the harshness of his transactions reflected his passion for the land of his neighbours. In the Sikh tracts of Amritsar, Lahore, Ferozepur and Ludhiana as much as two-thirds or three-quarters of the area sold and mortgaged was acquired by agriculturists.

The Sikh Jat wanted to acquire land to cultivate it; so he did not seek to acquire it at a distance. Often he merely acquired the land of a Sikh Jat in the neighbourhood whose extravagance had led him into difficulties. At other times, if there were weaker tribes close at hand, the Sikh Jats acquired land in their villages. By the end of the nineteenth century the money-lending Sikh Jats of the uplands of Ferozepur were extending their operations to the Muslim tribes along the Sutlej river. Much of the land alienated by the Pachadas of Sirsa passed into the hands of the Sikh Jats, who had been moving south since the early nineteenth century. The political power of the Sikh Jat had served to reduce the power and influence of the weaker tribes during Sikh rule; the economic power of the Sikh Jat served similar ends under British rule.

Land being valuable in the central Punjab, the acquisitiveness of the Banias and Khattris was marked. By the 'eighties or early 'nineties they had acquired by sale or mortgage about ten or eleven per cent of the cultivation in Kangra and the sub-montane districts of Gurdaspur and Hoshiarpur, and about seven per cent in Jullunder. Further west their acquisitions were prominent only among the weaker tribes, chiefly in the river tracts; so that

in Lahore, which had large river and other areas inhabited by the weaker tribes, as well as upland tracts inhabited by Sikh Jats, the traders held ten per cent of the cultivation by the early 'nineties. In Amritsar, Ferozepur and Ludhiana, with their large upland tracts, the competition of the Sikh Jats ensured that the traders only held between four and six per cent by the 'eighties and early 'nineties.¹²

III.

Throughout large parts of the north-western Punjab, village communities akin to those of the eastern Punjab were of recent growth. At annexation village organisation and sentiment were weak in Gujranwala and Shahpur, many tribes being largely or partly pastoral. In the hills and western plains of Rawalpindi, society was tribal rather than communal. In the eastern plains of Rawalpindi and in Jhelum, village society was quite different ^{from} to that of the eastern Punjab. The superior tribes, like the Ghakhars, lived in a central village, together with the menials and artisans. The cultivating tribes resided in small hamlets, located at a distance from the central village to which they were subject. The Sikh rulers had done much to break the hold of the superior tribes; and the British completed the process by forming

hamlets into separate villages. The application of a village revenue system to the north-western Punjab resulted in the development of a village organisation approximating to that of the central Punjab, wherever that stage had not been reached.¹³

In many parts of the north-western Punjab the transfer of land to men outside the original stock of the village did not interfere as much with traditional social organisation, as in the south-eastern or even the central Punjab.

In the western districts of the north-western Punjab, on the other hand, the intrusion of Hindu money-lenders into Muslim villages assumed a significance which it had not in the eastern Punjab. The Muslim tribes of the eastern Punjab had been converted to Islam at a comparatively recent date; they were surrounded by Hindus and Sikhs; and between the Hindu and Muslim sections of the same tribe the tribal bond was often more important than the religious difference. Even in Gujranwala and Sialkot, the meeting place of Hindu, Sikh and Muslim, the exclusive spirit of Islam did not reign supreme. Some of the Hindu and Sikh Jats of these districts lent money at interest; and even Muslim Jats did so occasionally. Further west all the land-owning tribes were Muslim.

They were bigoted in their attachment to Islam, and they saw money-lending as the occupation of the infidel.¹⁴

If Islam inhibited the emergence of money-lenders among the land-owning tribes, it did not prevent them from acquiring land. Though agriculture was not as profitable as in some parts of the central Punjab, much money was earned in military service. Everywhere in the north-western Punjab the land-owners obtained a share of the land that came into the market, but that share varied significantly from place to place.¹⁵

Nowhere in the north-western Punjab was the acquisition of land by money-lenders more marked than in Gujranwala. Many of the Khatri of the district had held important positions under Sikh rule. They had accumulated wealth and here and there they had been granted entire villages. Over-assessment in the 'fifties gave them further opportunities to acquire villages. Thus, by the late 'fifties, they held more than ten per cent of the two hundred and seven villages of the Charkhri circle of the Gujranwala tahsil. Excluding the villages acquired by Khatri in the 'fifties, as well as others specially circumstanced, money-lenders by 1895 had acquired twenty-eight per cent of the cultivation in the remaining hundred and seventy villages of the circle.

Another seven per cent of the cultivation had passed into the hands of other non-agriculturists, i.e., traders not practising money-lending, Hindu and Muslim religious tribes, men of land-owning tribes without hereditary rights in land, and menials and artisans, among others. Only thirteen per cent of the cultivation had been acquired by land-owners, out of the forty-eight per cent alienated.¹⁶

If we arrange these hundred and seventy villages in a descending order according to the percentage of cultivation acquired by money-lenders, and then divide them into three groups, the varied impact on the villages becomes clear. The percentage of cultivation alienated to non-agriculturists who were not money-lenders was much the same in each of the three groups. In the first group of fifty villages, money-lenders had acquired an average of fifty-one per cent of the cultivation. The competition of land-owners in these villages had been negligible, their acquisitions averaging only eight per cent of the cultivation. In the second group of eighty-nine villages, the money-lenders had acquired an average of twenty-three per cent of the cultivation. The competition by land-owners had been greater, but they had acquired considerably less than the money-lenders, viz., thirteen per cent of

the cultivation. It was only in the last and smallest group of thirty-one villages that the land-owners had acquired more than the money-lenders, seventeen against nine per cent of the cultivation.¹⁷

This sort of situation, with land-owners acquiring only a small proportion of the land alienated, was typical of two of the three tahsils of the Gujranwala district. Apart from the wealth of the money-lenders, the explanation lies in the pastoral background of the area, its demoralising history under Sikh and early British rule, and the large size of the holdings, all factors tending to inhibit the emergence of acquisitiveness among the land-owners.¹⁸

In the neighbouring but sub-montane district of Sialkot none of these conditions obtained. There were few men of wealth among the money-lenders at annexation. The district had long been fully populated and cultivated, so that the acquisition of entire villages by Khatriis under Sikh rule had not been feasible. Nor were villages transferred to Khatriis in the early days of British rule. The smallness of the holdings stimulated agricultural competition for land.¹⁹

Money-lenders acquired less land in Sialkot than in Gujranwala, and the proportion of the alienated area

acquired by land-owners was greater. Take the Charkhri circle of the Sialkot tahsil. In its hundred and ninety-three villages money-lenders had acquired by 1895 twenty per cent of the cultivation; non-agriculturists who were not money-lenders four per cent; and land-owners sixteen per cent. Arranging the villages and dividing them into groups as before, the percentages alienated to non-agriculturists who were not money-lenders were again fairly constant. Nor did the percentage of cultivation acquired by land-owners vary as much from group to group; indicating that a limited acquisitiveness among the land-owners functioned everywhere, not merely in those villages in which money-lenders were inactive. In the first group of fifty villages the acquisitions of the money-lenders were overwhelmingly greater than those of the land-owners, though not quite to the same extent as the Charkhri circle of Gujranwala. The acquisitions of money-lenders averaged forty per cent, those of the land-owners thirteen per cent of the cultivation. In the second group of eighty villages the land-owners were almost in as strong a position as the money-lenders, the former having acquired seventeen, the latter eighteen per cent of the cultivation. In the third group, containing as many as sixty-three villages, the land-owners

had acquired an average of fifteen per cent of the cultivation, as against an average of only five per cent acquired by money-lenders.²⁰

Only in one tahsil of the Sialkot district was the competitive position of the land-owners weaker than above. In the circles of three other tahsils the proportion of the alienated area acquired by land-owners was similar to that in the Charkhri circle of Sialkot. In the fifth tahsil the proportion acquired by land-owners was greater. Altogether though the land-owners had acquired a greater proportion of the area transferred than in most of Gujranwala, that proportion still fell below that of the neighbouring sub-montane districts of the central Punjab, and far below that of the Sikh tracts of the central Punjab.²¹

Turning to the Bhera Jhelum circle of Shahpur we find that it resembled Gujranwala in that the Khattris had occasionally acquired land before Sikh rule, though on a much smaller scale than in that district. No villages had been sold in the 'fifties as a result of over-assessment. As in Sialkot, the money-lenders were poor at annexation. By 1895 they had acquired only a little less of the cultivation than in the Charkhri circle of the Sialkot tahsil, viz., sixteen per cent. Non-agriculturists

who were not money-lenders, had acquired two per cent. The land-owners had acquired as small a proportion of the alienated area as in the Charkhri circle of Gujranwala, i.e., they had acquired only seven per cent of the cultivation. Dividing the villages into groups, an overwhelming proportion of the area transferred was in the hands of money-lenders in both the first and second groups of twenty-five and thirty-two villages respectively. Only in the last group of twenty villages did the land-owners have the upper hand.²²

The Bhera Jhelum circle differed from the Charkhri circle of Gujranwala tahsil in that much of the land transferred to land-owners was acquired by a few rich individuals. Foremost among these acquisitive individuals were the chiefs of the Tiwana clan, a small, half-pastoral, half-agricultural tribe of Rajput status from the other side of the Jhelum river. The Tiwanas had long resisted Sikh rule; and their political importance had led the British to shower many favours on their chiefs. Their wealth and position, and their readiness to purchase land outside their own neighbourhood, made the Tiwana chiefs powerful competitors for the money-lenders.²³

The failure of Muslim peasant-proprietors to obtain a fair share of the land transferred was manifested in

most of the river and irrigated circles of the Shahpur district and in the river circles of the Jhelum district. It can only be ascribed to pastoral antecedents or to demoralising agricultural conditions along the river or to a combination of these influences.²⁴

The significance of these factors may be highlighted by a comparison with the Hill circle of the Kushab tahsil of Shahpur where these conditions did not obtain, where holdings were small, and the land-hunger of thrifty Awans great. In this circle, though the total alienations were almost as great as in the Bhera Jhelum circle, the money-lenders had acquired by 1895 only ten per cent of the cultivation as against sixteen per cent in the latter circle. Two per cent had passed to non-agriculturists who were not money-lenders. The land-owners had acquired more than half the alienated area, thirteen per cent of the cultivation. The proportion was even greater than in most of Sialkot, and on a par with the sub-montane districts of the central Punjab. In only the first two groups of ten villages of the Hill circle did the average of the money-lender's acquisitions seriously exceed those of the land-owners. In more than two-thirds of the villages the money-lender's acquisitions averaged only five per cent, those of the land-owners fourteen per cent.²⁵

In the Awan circles, and in several other circles of the Jhelum district, the money-lender had made even less of an impression; for the total alienated area was less and the proportion of it taken by land-owners as great. Thus out of the eighty-five villages of the Hill or Awan circle of the Pind Dadan Khan tahsil, there were only seven villages in which money-lenders by 1897 held more than twenty per cent of the cultivation; nineteen in which they held over ten but under twenty per cent; and in the remaining fifty-nine villages they held less than ten per cent. In a few circles the acquisitions of the money-lenders had been less marked even than this. The Maidan circle of the Jhelum tahsil was representative of the situation in those circles in which the money-lenders had made their influence felt. Of its hundred and ninety-four villages, money-lenders had acquired more than twenty per cent of the cultivation in thirty-six villages; between ten and twenty per cent in forty-one villages; but in one hundred and seventeen villages - more than half - they still held less than ten per cent.²⁶

In four tahsils in the Rawalpindi district the position of the money-lender was even weaker than in the Awan circles of Jhelum, the proportion of the alienated area transferred to land-owners sometimes approaching

that of the Sikh tracts of the central Punjab. The proportion alienated to land-owners was less in two other tahsils; but in only one tahsil - Pindigheb - was the percentage of cultivation acquired by money-lenders appreciable. In this tahsil, as in the two other western tahsils never really subjugated by the Sikhs, holdings had remained very large, and several large Muslim land-owners competed actively with the money-lenders for land.²⁷

An explanation for the strength of the land-owner alienee as against the money-lender alienee in much of Jhelum and Rawalpindi may be found in the relative absence of demoralising influences, occupational, agricultural and historical; and in the spirit of resistance and violent temperament which characterised many tribes, and which made the money-lenders more wary in their acquisitions.²⁸

IV.

Village organisation in the south-western Punjab was even weaker than in the north-western Punjab. Along the rivers there were village settlements; and occasionally the proprietors in these villages had shared some common land before British rule. Often even the villages along the river contained families whose origin was distinct and who had settled, and cleared blocks of land, at different

times. There was little or no village sentiment or power of common action in these villages. Away from the rivers the well-owners sometimes lived in a single village, sometimes they resided in small hamlets near their wells. Here, as elsewhere, the British applied their village revenue system. Isolated well lands were grouped as villages; large areas of waste were attached as common land to these villages; and village headmen were appointed. But these villages remained mere revenue units throughout the nineteenth century. Tribal ties extending over large areas were also much less common than in the north-west.²⁹

Transfers of land in most of the south-west thus did not imply the breach of cohesive communities; and to this extent were less significant than elsewhere. As in the north-west there was some significance in the fact that land was transferred from Muslim land-owners to Hindu money-lenders.

The comparative absence of social cohesion provided the most favourable environment for the development of acquisitiveness among land-owners as well as among money-lenders. Nevertheless the land-owning tribes obtained a smaller proportion of the land transferred than anywhere else in the Province. At the end of the nineteenth and

the beginning of the twentieth century they held less than one-fifth or less than one-tenth of the cultivated area encumbered by mortgage in almost every one of thirty-one tracts comprising the districts of Multan and Jhang. In the vast majority of these tracts they secured only about one-third or one-half of the land sold since the 'seventies. Only in a few tracts did they acquire as much as two-thirds of the land sold. Accurate figures are not available for other south-western districts; but everything indicates that the land-owning tribes obtained as small or nearly as small a proportion as in Multan and Jhang. Nothing testifies more clearly to the failure of acquisitiveness to develop among land-owners whose character had been moulded by a recent pastoral background, a disturbed history and the demoralising forms of agricultural insecurity. The fact that the Muslim land-owners of the south-west did not take military service, largely an outcome of the above influences, meant that they had less capital to invest in land.³⁰

The acquisition of land by prosperous or thrifty Muslim peasant-proprietors, apparent in the north-west, was all but unknown in the south-west. There were, however, members of Muslim land-owning tribes with considerable capital who bought land on a fairly large scale.

In these instances much depended on particular individuals; and the large acquisitive Muslim land-owner might be found in certain tribes in one generation, and in some other tribes in the next. Men of this stamp were disliked by their neighbours; but there was no general feeling, based on social or religious grounds, against them.³¹

Alienations being more extensive in the south-western than in the north-western, central or south-eastern Punjab, and the Hindu traders acquiring a greater proportion of the transferred land than anywhere else in the Province, their acquisition of land was the main feature of the alienation history of the region.

Here and there Hindu traders - chiefly Aroras, and a few other castes, including an appreciable number of Khattris in eastern Montgomery - had gained some hold on the land before the time of Sawan Mal. It was Sawan Mal's policies after 1821 which enabled the Hindu traders to acquire considerable areas of land. Grants of land to Hindu traders were feasible in the south-west, as they were not in most other parts of the Province, because large areas of waste existed on which the occupying tribes had but a slender hold.³²

The amount of land owned by Hindus at annexation (1849) cannot be estimated with any exactitude; and a general

impression can be obtained only in a roundabout way. In 1873 in one circle in the Dipalpur tahsil of Montgomery (a tahsil which never came under Sawan Mal's jurisdiction) Aroras and Khattris owned about one-fifth of the total number of villages. They owned about as much in one other circle; and considerably less in several other circles. Almost all these villages must have been founded before annexation. In the Jhang and Shorkot tahsils of the Jhang district, Hindus owned about fourteen per cent of the cultivation in 1878; and we know that they had always owned largely in these tahsils. In the Lodhran tahsil of Multan they owned twenty-three per cent of the total area in 1878; and this represented an increase of nine per cent on their holdings in 1859. They held forty-nine per cent of the total area in 1878 in the neighbouring tahsil of Shujabad; and the percentage held in 1859 could not have been very different. In the late 'seventies they owned twelve per cent of the total area in Muzaffargarh. Out of thirteen villages scattered throughout that district, and chosen in 1901 as villages in which Aroras owned considerable areas of land, there was only one village in which Aroras owned no land in 1850. In the other twelve villages there were one hundred and fifty-three Arora families owning land in 1850.³³

Though no complete statistics are available showing the increase in the area of land owned by Hindus during the first thirty years of British rule, everything points to a significant expansion of Hindu holdings and an increase in the number of Hindus owning land everywhere except in Montgomery. In the thirteen Muzaffargarh villages mentioned above, the hundred and fifty-three Arora families recorded as owners in 1850 had increased to two hundred and eight in 1857; an increase probably due to the pressure of the summary settlement. Six villages were affected, but most of the increase occurred in the single village in which Aroras owned no land in 1850. Between 1857 and 1866 another thirty Arora families were recorded as owners; an increase spread over nine villages. Between 1866 and the late 'seventies - during which period there was much agricultural distress in Muzaffargarh - the number of Arora families recorded as owners rose from two hundred and thirty-eight to three hundred and twenty-two; an increase affecting all but one village. Statistics for the Mianwali tahsil of Bannu show the increase in the area held by Hindus and in the number of villages affected. In 1854 Hindus held about thirteen hundred acres in thirty-two estates out of a total of seventy-one. By 1861 the area held had increased only slightly, but it now affected

forty-four villages. By the end of the 'seventies Hindus held more than eight thousand acres - more than six times what they had held in 1854 - in fifty-eight villages. Most of the villages in which the Hindus had not gained a footing were specially circumstanced, i.e., owned by large proprietors, subject to river action, and so on.³⁴

The rate at which Hindu holdings expanded between the 'seventies and the late nineteenth or early twentieth century in the districts of Muzaffargarh, Multan and Jhang, may be seen from the following statistics. Dividing these districts into forty tracts, there were only two tracts in which Hindu holdings were stationary; and in these tracts Hindus had held much land since annexation. In six tracts the total area owned by Hindus had increased by no more than ten per cent. The increase lay between ten and thirty per cent in fourteen tracts. In sixteen tracts the increase was more or less evenly distributed between thirty and ninety per cent. In two tracts the percentage was over two and over three hundred, Hindus not having held much land here at the beginning of British rule.³⁵

The steady increase in the area under mortgage during the nineteenth century has also to be taken into account.

By far the greatest part of this area was mortgaged by Muslim proprietors; and a very large percentage of it was acquired by Hindu traders.³⁶

The hold which the Hindu traders had obtained on the land by the late nineteenth and early twentieth century is shown in the following figures, which indicate the cultivated area owned by Hindus as well as that mortgaged to them in fifty-eight circles comprising the districts of Muzaffargarh, Multan, Jhang and Montgomery. In sixteen circles the Hindus held one-fifth or less of the cultivation; and in only two of these circles did they hold less than one-eighth. Most of these sixteen circles were in Montgomery, where transfers had been comparatively infrequent because the value of land had remained low. Two of the sixteen circles were in northern Jhang, where Hindus had not owned much land at annexation. There were twenty-two circles scattered throughout the four districts in which Hindus held from over one-fifth to over one-third of the cultivation. In another eleven circles, most of which were in Multan but a few in the other districts, Hindus held from over one-third to under one-half of the cultivation. In the remaining nine circles Hindus held from over one-half to over two-thirds of the cultivation; most of these circles being in

Multan, including those with the highest proportion of cultivation in Hindu hands, and a few in Jhang and Montgomery.³⁷

The building up of large estates by Hindu money-lenders was more common in the south-west than anywhere else in the Punjab. The possibilities are shown by the acquisitions of a particular money-lender and his brothers in the Multan district. In 1859 they held land in four villages; at the end of the 'seventies in seventeen villages; in 1899 in forty-three villages. The area owned by them had increased from sixty-eight acres to more than fifteen hundred acres to over six and a half thousand acres. The area mortgaged to them had grown from just over thirteen hundred acres to over six thousand acres, to more than sixteen and a half thousand acres. Some Hindu traders had already acquired large estates under Sawan Mal; but even these men often continued to expand their possessions. The most notable example was that of the Chaudhris of Shujabad city, a Hindu trading family of the Bhatia caste, who by the end of the nineteenth century had acquired the greater part of the northern half of the Shujabad tahsil.³⁸

That the acquisition of land on such a large scale by Hindu traders sometimes aroused the discontent of

expropriated Muslim proprietors cannot be doubted. It was patent in the Shujabad tahsil of Multan. In Jhang and Montgomery, however, the Hindu traders who had held large areas of land before British rule had much greater sympathy with agrarian society than the ordinary money-lender; and in Jhang at least these men, despite their acquisitiveness, were not generally disliked by the surrounding Muslim land-owners.³⁹

It was the acquisition of land by small Hindu money-lenders, who had owned no land before British rule, which sometimes caused the greatest heartburnings among the Muslim proprietors. They saw men who had been small shop-keepers and lenders, or village weighmen, and whom they had been accustomed to treat as menials, assuming dominance over them, their old masters.⁴⁰

V.

In Dera Ghazi Khan and the trans-Indus tahsils of Dera Ismail Khan, land was transferred on as extensive a scale as in the south-western Punjab. A large percentage of the cultivation was mortgaged in the trans-Indus tahsils of Bannu and in Kohat. But it was only in most of Dera Ghazi Khan that land-owners acquired as small a percentage of the area alienated as in the south-west.

In the trans-Indus tahsils of Dera Ismail Khan and Bannu, and in Kohat and Peshawar, by far the greatest percentage of the transferred area passed to land-owners.⁴¹

In the Pathan districts of Bannu, Kohat and Peshawar, this was partly due to the fact that the land-owners were not as apathetic as those of the south-west; and the more thrifty or prosperous proprietors were ready to acquire the land of their fellow Pathans. In Kohat much money earned in military service was invested in land.⁴²

Another factor was the existence of wealthy and influential land-owning capitalists on a larger scale than anywhere else in the Punjab. These were the chiefs and leading men of the Pathan and Biloch tribes. They owed their position and wealth to the material rewards granted them by the British, who tried to maintain the security of the frontier through the loyalty of its traditional leaders. Set above their fellows in this way some of these men spent their money in hospitality and extravagance and ran deeply into debt. This was especially notable in Hazara, though not unknown in other frontier districts. Many could think only of investing their surplus capital in land. To greater or lesser extent the acquisitions of these men were significant in Dera Ghazi Khan, Dera Ismail Khan, Bannu, and Peshawar.⁴³

Acquisitiveness was inhibited among the Biloch chiefs of Dera Ghazi Khan by the political and social organisation of the Biloch tribes. The position of the chiefs was assured. The tribesmen were loyal to them and looked towards them for help in times of famine. Even the Jats often recognised the Biloch chief of the area as their chief. The Biloch chiefs accordingly exerted their influence to prevent transfers to the money-lender; for this could only undermine the social basis of their own position. It was only when alienation became inevitable that the Biloch chiefs competed with the money-lenders.⁴⁴

In Dera Ismail Khan, the district with the greatest number of powerful agrarian capitalists, acquisitiveness was given full play. The power of the Pathan chiefs was only nominal; and their interests as individuals accordingly came to the fore. Many built up large estates. As long as they did this by fair means there was no general feeling against them. But a man like Azim Khan, leading Kundi Pathan, who traded on his old position as political middleman for the British, and who used the complicated irrigation system to further his own interests in the acquisition of land, was feared throughout the district. He acquired land from Jats and Pathans, sometimes directly, sometimes through Hindu mortgagees and purchasers. He

borrowed large sums from Hindu money-lenders to invest in land. In 1878 Azim Khan held about eight thousand acres on mortgage and in proprietary right in the Tank tahsil. Twenty-one years later he held more than five times as much, or about thirteen per cent of the area of the tahsil. During the same period his holdings of superior proprietary rights, which were of less value, had doubled. In addition he had made large purchases in the Dera Ismail Khan and Kulachi tahsils.⁴⁵

In Dera Ghazi Khan, which had come under Sawan Mal's jurisdiction, Hindu traders had held land before British rule; they acquired most of the land that came into the market; and their holdings sometimes became as extensive as in the south-west. The marks of inferiority imposed by Muslim rulers on the Hindus (such as not being permitted to wear a turban) had never been entirely eradicated from the consciousness of either Hindus or Muslims; and religious animosities were strong.⁴⁶

The Sikhs had never really established their rule in the other frontier areas; and Hindu traders acquired land here for the first time during British rule. Though the Hindu money-lenders of Dera Ismail Khan were overshadowed by the Pathan chiefs and leading men in the acquisition of land, the comparatively small proportion acquired by them

still constituted a very large area. By the early twentieth century they had acquired at least twenty-four per cent of the Tank tahsil.

Further north indebtedness to Hindu money-lenders was less marked than anywhere else in the Punjab. The temper of the Pathans imposed some check on the acquisition of land by Hindus. In Bannu and Kohat money-lenders were not very numerous. They acquired comparatively small areas in Bannu. The difficult nature of the cultivation, and the extremely unpleasant climate, ensured that land was anything but a good investment in Kohat. It was only in a few villages in the richer and more settled valleys of Kohat and Hangu that the acquisition of land by Hindu money-lenders began in the nineteenth century. Except in isolated tracts, the money-lenders did not make much of a mark in Peshawar or Hazara. In the most heavily encumbered tract in Peshawar - the Doaba - they had acquired seventeen per cent of the cultivation by sale and mortgage in the 'nineties. It is significant that when the Mohmands raided this tract in 1851-52 and 1863 the local Pathans helped to repulse them. In 1897 they joined them, but only to loot and burn the houses and shops of the Hindu money-lenders.⁴⁷

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The social significance of land transfers was great because Punjab society was divided by caste, tribal or village ties, by occupation and by religion. Acquisitiveness developed much more rapidly among the trading than among the land-owning communities, because the outlook and habits of the former were dominated by the idea of making a profit, those of the latter only by the idea of making a living. The same factors which made land transfers so extensive among certain land-owning tribes - a pastoral background, the demoralising uncertainties of cultivation in river tracts, an unsettled history, claims to high status - inhibited acquisitiveness among them to a special degree, so that much of their land passed into the hands of trading or other land-owning communities. Among the thrifty agricultural tribes a greater proportion of the land alienated remained within the village or the tribe. The difficulty or ease of capital accumulation determined their degree of acquisitiveness to some extent; though where that difficulty derived from the small size of the holdings it was countered by an acquisitive tendency stimulated by a desire to own more land to cultivate. Special factors were required to make the development of acquisitiveness among land-owners really striking.

Such factors were found in the discipline imposed by an arduous occupation - as among the market-gardening tribes - in the coming of a religion which attracted the most enterprising elements and confirmed their enterprising spirit - as among the Sikh Jats - or in the possession of a large surplus capital and special opportunities for acquisition - as among individuals of various land-owning tribes in the west. The development of acquisitiveness - or rather of its most ruthless, self-seeking features - was checked to some degree in the regions in which society was most cohesive.

CHAPTER 6

Land transfer and social change among:
Low-status communities. The Muslim elite.
The Hindu elite. The dispossessed.

It remains to consider land transfer and social change among communities which generally owned less hereditary land or were less distinctly pastoral or agricultural in character than the land-owning tribes already discussed. In some instances the difference is admittedly one of degree rather than of kind. These communities range from those of the lowest status - menials, artisans and the like - to trading, religious and other communities claiming a high status in Muslim and Hindu society. Together with these are considered the increasing class of dispossessed land-owners of various communities who were sinking in the social scale.

I.

The artisan and menial castes forming the lowest strata of society, often worked in the fields for the proprietary classes. In some places there were artisans and menials who owned small plots of land, or held them in occupancy right, and who cultivated on their own behalf. The origin of these landed rights must be sought in pre-British times. The Sikh official had either introduced

the low castes as cultivators, or the proprietors of the village had allowed their dependents to cultivate small pieces of land as remuneration for their services. Under British rule the landed artisans and menials had in some cases great difficulty in retaining their land.¹

At the same time the acquisition of land by members of the artisan and menial castes became common. These castes were gradually becoming less dependent on the proprietors of the village. They shared in the general increase in agricultural prosperity. They were sometimes able to obtain high wages as labourers on public works; and some of the more enterprising went as far afield as Africa to make money. As men out to make their way in the world, they had every inducement to thrift. Their savings were invariably invested in land; and they made fair cultivators.

To these menials and artisans the acquisition of land was one of the chief means of raising their status. Another common method of asserting themselves was to claim to belong to high-born agricultural tribes like the Rajputs. In the north-western Punjab artisans and menials sometimes posed in this way to be able to enlist in the Army; and they made good soldiers. Nor was it entirely unknown for men of these castes to take to education, enter a profession or Government service, or engage in trade and

money-lending. Such men would sometimes claim to be Shekhs.

Prominent among the artisan and menial castes which were trying to rise in the social scale were the Tarkhans (carpenters) and Lohars (blacksmiths). It is suggestive that here and there people by these names were not village servants at all, but the hereditary owners of entire villages. These particular Tarkhans and Lohars were engaged in agriculture, though they still did some carpenter's and blacksmith's work. It seems probable that some of them owed their position as land-owners to the fact that they had taken the Sikh baptism and played a considerable military role under Sikh rule. Jassa Singh Ramgarhia, one of the great Sikh chiefs of the eighteenth century, had been a Tarkhan; and his descendants, who styled themselves Ramgarhia Sikhs rather than Tarkhans, were certainly hereditary land-owners. In any case these land-owning Tarkhans and Lohars show that the desire among menial and artisan castes to rise in the social scale had in some cases existed before British rule, though that rule greatly enlarged the opportunities for such ascent.²

The Hindu and Sikh Labanas afford a rather different example of a tribe of low social status which was trying to establish itself in the agricultural world. These

people were found in the greatest numbers in the Lahore district; after that in the sub-montane districts from Gujrat to Umballa; while smaller numbers were located in some of the neighbouring plains districts and in Kangra and Muzuffargarh. The Labanas showed distinct traces of a vagrant origin. They were accustomed to making baskets and ropes for sale. In some cases they had been graziers of cattle. Many had at some stage taken to the carrying trade; a not unnatural transition for a wandering people who possessed large herds of cattle and were accustomed to petty hawking. Before British rule the Labanas had taken a further step towards a settled life by taking up cultivation. Allowed to settle in a village for purposes of commerce, they had stood their ground in times of disorder and used the opportunity to possess themselves of the village lands. In other cases they had been settled on the soil by the Sikh rulers to extend cultivation; or they had occupied land to pasture their cattle. By the beginning of British rule the Labanas owned in some places parts of villages, entire villages and even groups of villages. They were, nevertheless, still very largely engaged in the carrying trade.³

Under British rule the railway destroyed the carrying trade; so that the dependence of the Labanas on the land was increased and their transformation into an

agricultural tribe accelerated. It was only in the Kangra hills and in one or two other places that the Labanas continued to be carriers to any extent. The Sikh Labanas of Muzuffargarh, who owned practically no land, had reverted to a wandering life and made a living by making ropes for sale. Almost everywhere in the central and sub-montane districts agriculture had become the main occupation of the Labanas by the beginning of the twentieth century; though in their spare time they sometimes still made ropes, traded in cattle and so on. They made good, industrious cultivators and market-gardeners. As their holdings were small, they could not always avoid serious indebtedness and the alienation of much of their land. There was, nevertheless, a spirit of enterprise among them, in so far as their straitened circumstances and lack of education permitted. A Labana with some capital at his disposal would lend it out on interest or invest it in land. Sikh Labanas, being men of spirit and good physique, were recruited in fairly large numbers for the Army; and these men were especially acquisitive. The Labanas were no longer so very different from many an agricultural tribe. Their social position was also improving, as may be seen from the fact that in some places Jats were taking wives from Labanas and the offspring were treated as true Jats.

The difficulty of effacing the stigma of low birth despite changes in occupation is best illustrated by the history of the Hindu, Sikh and Muslim Kalals. The inferior status which distinguished the Kalals derived from their hereditary occupation, the distillation and sale of spirituous liquors. With the rise to political power of Jassa Singh Kalal, one of the most famous Sikh chiefs of the eighteenth century, the importance of the Kalals had increased and there had been a tendency among them to abandon their hereditary occupation. The British hastened the process, especially among the Sikh and Muslim sections of the caste, by subjecting the manufacture and sale of spirits to Government regulations.⁴

Besides abandoning their hereditary occupation, the Kalals tried to raise their status in other ways. Jassa Singh Kalal had styled himself Ahluwalia from the name of his ancestral village; a title which was still borne by his descendants, the royal family of the Native State of Kapurthala, in British times; and one which the Sikh Kalals not infrequently adopted as the name of their community. These Ahluwalias sometimes claimed Khatri origin. Some of the Muslim Kalals tried to conceal their antecedents by inventing a Pathan origin: adding the first letter of the caste name to the Pathan tribal

termination they called themselves Kakezai. A further step was sometimes taken in which the Kakezai became a Shekh. The Kakezai Shekhs of Hoshiarpur, who ruled the Jullunder Doab in the eighteen-forties, were the most prominent example. This transformation from Kalal to Kakezai to Shekh continued under British rule. Some of the Muslim Kalals claimed Rajput or Khatri origin.

Inclined to abandon their hereditary calling, and seeking a new station in life, the Kalals, whatever their appellations, showed great energy and enterprise in taking up new occupations. Many turned to trade and shop-keeping, occupations which came easily to those accustomed not only to distil but to sell liquor. In British times the Kalals found an opening in trading in boots and shoes, bread, vegetables and the like, which traders of respectable caste refused to touch. Both before and during British rule many Kalals took to cultivation. They did not own much land, and did not make good agriculturists; but by the beginning of the twentieth century there were many Kalals whose only hereditary calling was agriculture. Some of the land-owning Kalals did not escape serious indebtedness; others engaged in money-lending and increased their landed possessions. The Ahluwalias of some districts had many men serving in the army as sepoy or officers. All sections of the Kalals - whatever their

religion or occupation - took vigorously to education. Many of them occupied high posts in the civil and revenue departments of Government or took to the legal profession. The Kakezai Shekhs of Gurdaspur were a notable example of a community which did not own much land, which was engaged in Government service, and devoted the proceeds to the acquisition of land.

The tendency among men of low birth to achieve political eminence, to change their occupations and caste names, and to aspire to a higher status had existed before British rule. In some notable instances it was Sikh rule and the Sikh religion, with its egalitarian principles, which provided the opportunity and the stimulus. Under British rule these particular changes were accelerated in various ways; and new economic opportunities gave a tremendous stimulus to such change among large numbers of menials and artisans previously unaffected.

It is at the point where the occupations and aspirations of the low-born castes are no longer largely confined to the agricultural horizon and the Kakezai begins to approximate to the Pathan or the Shekh that the elite groups in Muslim society may be fitly considered.

II.

The Muslim communities of the Province which took most readily to the professions and to service in the civil departments of Government may be conveniently divided into three overlapping groups: the land-owning tribes; the religious tribes; and the traders.

Among the Muslim land-owning tribes the tendency to take to such pursuits was marked only among tribes of foreign origin and high status, notably the Punjabi Pathans and the Mughals. A few members of other Muslim land-owning tribes like the Rajputs were occasionally engaged in such employment.

The Punjabi Pathans, i.e. the Pathan tribes living away from the frontier, had entered the Punjab at various times since the Muslim conquest of India. They had come with conquering armies or as migrants and refugees. Many of them had played an influential political role, had obtained grants of land and founded colonies. Their political position had been destroyed by Sikh rule. While they sometimes took military service under British rule, they had perforce to rely chiefly on their land for their livelihood. Mindful of their traditions and status they preferred to cultivate through tenants. When forced to work themselves they usually made poor cultivators. They were not thrifty and, having a position

to keep up, they were inclined to spend freely. Consequently they were everywhere among the communities which lost their land most quickly to the money-lenders. Occasionally individual Pathans with capital and marked acquisitive tendencies were found.

Some of the Punjabi Pathan communities avoided the descent to the soil by engaging in other occupations. Take the Ansari Pathans of Basti Danishmandan, a suburb of Jullunder city. In 1910 there were one hundred and twenty-two adult males in the community. One hundred and seven of these were hereditary owners of land; but only nine actually cultivated the soil. Thirty-four supplemented their income from the land by silk-weaving; thirty-three were in Government or private service; and forty-six were pleaders, physicians and so on. In their tendency to take service and to become professional men this small community was typical of the Pathans of Jullunder. Similar examples were to be found in some other places.

Here and there in the Province the Mughals owned a few villages. They had probably entered the Punjab and obtained their land in much the same way as the Punjabi Pathans. Distinguished by an inordinate pride of birth, deriving from their connection with the Mughal rulers, the Mughals did not usually make good cultivators or

thrifty managers. Some of them were inclined to alienate, others to acquire land. They took energetically to service and many of them occupied high posts under Government.⁶

Still higher in the social scale than the Pathans or Mughals were the Muslim tribes which claimed religious sanctity as well as foreign origin. The most prominent of these were the Sayads, who owned land in many parts of the Province, but more especially in the Muslim west. Before the advent of the Sikhs the Sayads had, in a few instances, enjoyed local power. More generally they had obtained land as a gift from local rulers or from land-owning tribes in recognition of their religious character. The Sayads never cultivated their land themselves if they could help it; when forced to do so they invariably made the worst of cultivators. Their extreme reluctance to take to agriculture, their thriftlessness and extravagance may be ascribed to their high status. The attachment to that status was the more intense in that it was religious as well as social; the more sustained in that it was usually based not on past political greatness but on present saintliness. The religious offerings which the Sayads often received from their co-religionists further inhibited exertion and thrift; though these offerings

sometimes helped to keep them solvent. Here and there Sayads were found who had maintained themselves, or had even increased their landed possessions; but the majority were alienating their land to the money-lender almost as quickly as any of the weaker tribes.⁷

Among the Sayads there were men not averse to making money in Government service or legal practice; and together with members of other Muslim tribes claiming religious sanctity and Arabian origin - notably the Kureshi Shekhs - they represented a substantial proportion of all the Muslims engaged in these occupations. The money made in this way by these men was not infrequently invested in land.

The Mughals, the Punjabi Pathans, and the Muslim religious tribes, were represented in the professions and the civil departments of Government because, though they were often hereditary land-owners, they were not men whose attention had been confined for generations to their herds or to the soil. Their high social status, and their traditions of political power or religious sanctity, disposed them to look to service under Government or to other employment befitting their traditions and social standing. As religious guides and teachers the Muslim religious tribes had a greater tradition of learning and took more easily to education than most

Muslim tribes.

The appellation of Shekh, like that of Sayad, implied religious sanctity and Arabian origin; but the Shekhs were a heterogeneous body of men. Some - like the Kureshi Shekhs mentioned above - had claims to saintliness and Arabian origin which were as well-established as those of the Sayads, whom they resembled in status, character and position. It had been common in the past, however, and continued to be common, for Hindus of low social standing converted to Islam, as well as Muslims of low status such as menials and artisans, to call themselves Shekhs. In a few places agricultural Shekhs of this type were found. We are here more concerned with the non-agricultural Shekhs of this stamp, who resided in the towns; irrespective of whether they had more or less established their claim to the name of Shekh, or whether their doubtful origins were still evident.⁸

These urban Shekhs were often engaged in trade; and they may be conveniently considered together with the Khojahs and Parachas, the other Muslim trading communities. The social origins of the Khojahs and Parachas were neither so diverse nor so doubtful as those of the Shekhs; they were simply the descendants of Hindu traders who had retained their occupation on conversion to Islam.

Speaking of the Khojahs, Parachas and trading Shekhs it may be said that in the aggregate they did not own much land; that in many cases they combined money-lending with trade; and that there was a tendency for them to acquire land. The Shekhs - men on the make - were especially acquisitive and pushing; and they were found in the civil departments of Government and in the professions. Together with the Khojahs and Parachas they constituted a fair proportion of all the Muslims so engaged. The Muslim traders were not numerous; but their literacy, deriving from their occupation, made it comparatively easy for them to acquire an education.⁹

The official and professional classes among the Muslims were composed of men who, in the case of the first two groups, had often a hereditary connection with land. The communities to which these men belonged were almost everywhere parting with their land to Hindu money-lenders. The interests of these communities were consequently similar to those of the mass of the great Muslim land-owning tribes. At the same time the individuals who actually became Government servants or professional men were not infrequently interested in acquiring land. The third group had more connections with trade than with land and was as a whole very much concerned to acquire

land. The tendency among members of all three groups to aspire to the status of Government servant was in some degree checked by the vested interests of a Hindu majority.

III.

The Hindu communities from which the official and professional classes of the Province were drawn may be divided (like the Muslim communities) into three overlapping groups: the land-owning tribes; the religious castes; and the trading castes.

It is doubtful whether there was any greater tendency among the Hindu than among the Muslim land-owning tribes to engage in occupations requiring education. Nor were there among the Hindu land-owners any tribes whose status and position corresponded to that of the Pathan and Mughal in Muslim society.

In the second group - the religious tribes - the position of the Brahmin may well be compared to that of the Sayad. The Brahmins were the hereditary owners of considerable areas of land in the south-eastern districts and in the hills from Kangra to Rawalpindi. They had come by these rights in a variety of ways. Like the Sayads they had often acquired their land by religious gifts from land-owning tribes or from local rulers. Occasionally they had been settled on the soil by State

officials or they had themselves been officials. Most of the Brahmins of the hilly Una tahsil of the Hoshiarpur district, for instance, had settled under the rule of numerous petty chiefs, either as their religious dependents and beneficiaries, or as subordinate officials, agents, managers, or even as servants of a lower status. In time these men had not only become dependent on their land for their livelihood but - like most of the agricultural Brahmins of the Province - they had taken very generally to cultivating the soil themselves, the loss of status involved notwithstanding.¹⁰

In taking to agriculture the Brahmins of the Province were handicapped by their social and religious status, though not to the same extent as the Sayads. Many of the agricultural Brahmins still received offerings from their co-religionists and a few even acted as priests; and this did not encourage habits of industry and thrift. Their pride of birth partook of religious as well as social elements; but the religious aspect was not as pronounced as among the Sayads, the representatives of a more aggressive religion. In practice the Brahmin's social position among the Hindus was not as strong as that of the Sayad among the Muslims. In consequence the Brahmins were more generally self-cultivating than

the Sayads; they were as often average as poor cultivators; and there were signs of improvement among the Brahmins that were not discernible among the Sayads. Many, if not all, of the agricultural Brahmins were less prone to alienate their land than the Sayads.

The Brahmins also had the advantage over the Sayads in that Hinduism did not inhibit trade and money-lending, as Islam did. There were everywhere among the agricultural Brahmins professional money-lenders and men keen to acquire land. That the number of such men was often small, and that their acquisitions were not particularly notable, was due more to a lack of capital than to a failure on the part of the Brahmins to make the most of their resources. In Kangra and in the adjoining Una tahsil of Hoshiarpur the trading and money-lending instincts of the agricultural Brahmins were perhaps most pronounced. Here a Brahmin who owned land and was a little richer than his fellows would not only lend money but - and this distinguished him from the pure agriculturist who took to money-lending - would start a shop as well. Even here the agricultural Brahmin money-lenders and shopkeepers were usually men of very small means.

The agricultural Brahmins also differed from the Sayads in that some of the former took service in the Army.

Comparing the Hindu and Muslim religious tribes - and remembering that probably the greatest proportion of Brahmins in Government service and the professions had a trading background while the Muslim religious tribes had no such background - it may be estimated that the Brahmins were close to being as strongly represented in Government service and the professions as the various Muslim religious tribes taken together.

The Hindu trading castes - the Khattris, Aroras and Banias as well as some others - though in theory not of such high status as the Brahmins, were in practice the most significant of the elite groups in non-agricultural Hindu society. The Khattris, claiming Rajput origin, had the highest status; the Aroras claimed to be Khattris; while the Banias had no pretensions to more than a trader's status. The Hindu traders were far more numerous than the Muslim traders and their status in non-agricultural Hindu society was probably more assured than that of the Muslim traders in Muslim society.

In most places the Hindu trading castes were, as we have seen, acquiring land for the first time under British rule. Preoccupied with trade and money-lending, and having no taste for husbandry, they were content to have their new acquisitions cultivated by the old owners or by other tenants. As intruders into the agricultural

world the Hindu traders had not that sympathy with agrarian society which derived from an ancestral connection with the soil. In the new situation they applied the old maxims of the trader and usurer, concerned only with making a profit or getting the most out of a debtor. They often made - much more so than non-cultivating owners of the agricultural classes - rack-renting land-lords. Their acquisitive spirit did not usually move them to make any agricultural improvements. Their means were often too small; the investment of capital in trade and money-lending too easy; and their knowledge of agriculture too limited. There were no classes among the old owners to set the example. In the case of mortgaged land there was always the possibility that the mortgagor might redeem or re-mortgage, and this inhibited any improvement of the soil. It took time before money-lenders acquired appreciable properties by sale; but where they had done so they were sometimes more inclined to build wells, plant trees and so on. Agricultural enterprise only developed slowly among the trading classes.¹¹

In the south-western Punjab the transformation from trader to farmer was well on the way. The Aroras, the Hindu traders of the south-west, owned large areas of land. A few cultivated the land with their own hands. The poorer Aroras, who only owned small areas of land, were

not always out of debt. Many Aroras had been connected with the land since Sikh times. They had gained their initial hold on the soil not by money-lending, but frequently by the investment of capital in waste land. Many of the Aroras with fair properties had come to depend largely on the income from their land. Some had entirely given up trade and money-lending. The majority still engaged in these occupations but not to such an extent as to interfere with the management of their land. Men of this stamp made very fair land-lords. Their thrift and energy had not disappeared; it had merely been channelled in a new direction. Their land was carefully cultivated; they were constantly sinking wells and making improvements. In this aspect of the agricultural character they were far superior to the Muslim agriculturists and land-lords of the region.

In addition to everywhere acquiring land by money-lending, the Hindus of the trading castes dominated the professions and almost all branches and levels of the civil administration. They constituted an overwhelming proportion of all the Hindus engaged in these occupations; and they alone easily outnumbered all the Muslims of land-owning, religious or trading background thus engaged.¹²

The Hindu trading castes had taken readily to education; being attracted by the prospect of employment

which involved no physical exertion and which conferred considerable prestige. The Khattris had in some instances occupied responsible positions under Sikh rule; and these traditions lingered. The traders were, by virtue of their occupation, already literate to greater or lesser extent; and this gave them a tremendous advantage in an agricultural country where illiteracy was widespread.

Even when other communities slowly took to education the trading castes maintained their lead. In the higher Government posts filled by competitive examinations the larger number of Hindu as against Muslim candidates tended to give the advantage to the Hindu. In the lower ranks of the administration, recruited by the local British officials, cliques were often formed which were quite effective in excluding new-comers.

Frequently the lower ranks of the revenue administration of a district - the village accountants and their supervisors - were dominated by friends and relatives of the local money-lenders; and the latter were not averse to using these connections to acquire land. The caste-fellows of the money-lenders were strongly represented in the tahsil, district and court offices; and they sympathised with the money-lenders, although not themselves actually money-lenders.

Government servants in higher positions, pleaders and other professional men, contractors and business-men - all were largely drawn from the trading castes and many had friends or relatives who were professional money-lenders. Among the pleaders there were a number who were themselves almost professional money-lenders. Most of the Government servants, professional and business-men acquired land as a secure and profitable investment of their savings and as a means of enhancing their social status.

The primary connections of the vast majority of Hindu officials, professional and business-men were with trade and money-lending. They themselves, as well as the communities to which they belonged, had a vested interest in the acquisition of land. Even the communities with ancestral interests in land had often trading, money-lending and land-acquiring tendencies; and in many instances they were at least not losing much of their ancestral land. Consequently the interests of the great majority of educated Hindus were in no way related, and often opposed, to the interests of the great land-owning tribes, Hindu as well as Muslim. As the number of dispossessed owners of these tribes increased, and agricultural discontent grew, the British began to move in the direction of action which would ultimately check the

acquisition of land and the associated drive for status among the Hindu elite communities as well as among certain other communities.

IV.

The dispossessed land-owners of the Province may be divided into two categories: those who retained, and those who did not retain, cultivating rights in their ancestral land.

Mortgagees of the trading classes usually allowed the mortgagors to cultivate their ancestral fields as tenants-at-will. In this way the mortgagors lost their cherished status as land-owners. There were no other means of livelihood open to them which would give them an equivalent status. For trade they had neither the ability nor the capital. To turn to handicrafts would be to sink to the lowest levels of society. Often the old proprietors were intensely attached to their ancestral land. They clung desperately to what remained of their old position, agreeing to pay higher cash or produce rents than an outside tenant would ever pay. The adjustments that many had not been able to make as owners they were now compelled to make as tenants. Their credit had gone with their land. They had to work hard lest they starve, or fail to pay their rent, and the mortgagee eject them. In some places this transformation of the old owners was

delayed either by the difficulty of obtaining tenants or by the combined resistance of the villagers to the introduction of outside tenants.¹³

In parts of the Province where these last considerations did not apply, the old owners were gradually losing even their cultivating rights. At times the mortgagor was too impoverished to cultivate his land well or pay a high rent; or he was troublesome and made difficulties about paying his rent; or tenants of the better cultivating castes were available. In these circumstances the money-lender tried to have the old owner ejected. Mortgagees of the agricultural classes usually ejected the old owner immediately, because they wanted to cultivate the land themselves.

Ejectment was the most bitter blow to the old owners; for by it they lost every vestige of their old status and identity. Once ejected they made a living as tenants or day-labourers in or around their village or at a distance. They were then certainly forced to work hard for their living; but they were freer men than the rack-rented mortgagors who cultivated their ancestral land almost as the slaves of the land-lord.

The dispossessed owners who continued to cultivate their ancestral fields or continued to reside in their villages were a powerful source of agrarian discontent.

They were constantly reminded of the fact that they had once been proprietors. They remembered the earlier years of British rule, years of rapidly increasing prosperity when indebtedness had not seemed of much significance. About them they saw men of their own tribe or village who had maintained their status. In these circumstances the dispossessed owners could hardly be contented. The land-owners who had not yet succumbed were also affected. As their indebtedness increased and their land began to slip away from them they saw ever more clearly the fate that awaited them. The resulting bitterness was intensified by the inadequacies of the British legal system and by the fact that the money-lenders were able to exercise such effective pressure through the courts.¹⁴

Agricultural discontent did not develop everywhere at the same time or to the same degree. Much depended on the amount of land which had been alienated to professional money-lenders. Active and bitter hostility between mortgagors and mortgagees was already evident in one tahsil in Multan in the 'seventies. In parts of Umballa the relations of land-owners and money-lenders were very strained by the 'eighties. Nor did the situation improve in these districts with the passage of time. Much also depended on the character of the land-owners. In the Jhelum district, where passions had always run

high, the comparatively limited number of alienations which had taken place by the end of the nineteenth century aroused a commotion and hatred of the money-lenders which was not to be matched anywhere else in the Province. The high-born and semi-pastoral tribes, who not only lost much of their land but found great difficulty in adjusting to all aspects of British administration, or for that matter to any strong government, were often the most discontented. Religion likewise played a part. In the Muslim west the Hindu money-lender was despised both for his religion and his occupation. Agrarian discontent was certainly more marked in most western than in most eastern districts.

The political implications of the growing discontent of those who were losing their proprietary status were readily appreciated by many British officials; but it was only in trying to allay this discontent that the political significance of those groups in society which were acquiring land, raising their status, and above all, profiting by Western education, became a little clearer.

PART III: THE PROBLEM OF POLITICAL STABILITYCHAPTER 7

The protective policy, 1849-59. The protective policy maintained, 1860-68. The debate of 1869-74. The aftermath, 1875-80. Statistics and a debate about fundamental causes, 1881-87. James Lyall and the new protective policy, 1887-91.

I.

In the first decade after annexation (1849) British administrators in the Punjab considered the contentment of the mass of the peasantry to be the main safeguard of political stability. It was they who were chiefly considered in the grant of proprietary rights in the soil. It was sought to protect them from the administrative mistakes made in the North-Western Provinces. In revenue administration light, though fixed, settlements were considered essential. In the administration of civil justice the stress laid by the Board of Administration on the utilisation of panchayats and private arbitration may serve as an example of its desire to protect the peasantry from the unmitigated action of the civil courts.¹

The necessity of maintaining the village communities in their integrity was laid down in the Despatch constituting the Punjab Board of Administration. This policy

found expression as early as 1850 in the orders of the Board prohibiting the sub-letting of villages. With the mortgage of a village, as distinct from a sub-lease, the members of the Board felt they could not interfere, though they certainly regarded it as an evil, holding that it was "our true interest to preserve the village proprietary bodies, as far as possible, in their pristine state". In 1852 economic doctrine on the beneficial nature of free trade in land was to a certain extent set aside in favour of social and political considerations when the Board conferred the right of pre-emption on village communities. This right applied to all permanent transfers of land, temporary transfers being excluded from its scope to maintain agricultural credit. The Civil Code of 1854 warned that customary restrictions on the alienation of land had to be borne in mind. In 1856 the Chief Commissioner, John Lawrence, took a further step when he extended the right of pre-emption to usufructuary mortgages. In all these measures restricting the transfer of land, the administrators were guided by their experience of the North-Western Provinces.²

The indebtedness of the Punjab peasantry to the trading classes was causing serious concern. An attempt was made in 1856 to reduce the scope of money-lenders'

claims against the peasantry by reducing the period of limitation for debt from twelve to six years. In 1858 the large number of court cases for debt having attracted the attention of the Chief Commissioner, further legal remedies were proposed. The outbreak in the North-Western Provinces (1857) underlined the political danger inherent in the transfer of landed property from one class to another. In these circumstances there was a further reduction in the period of limitation for debt. There was also a distinct heightening of official fears as to the danger of transfers of land by whatever means effected. Sales of land for arrears of revenue had not been common in the Punjab, but a renewed stress was placed on their severe restriction. The sale of land by civil courts in execution of money decrees, which had been so common in the North-Western Provinces, was restricted by making such sales dependent on the Judicial Commissioner's sanction whenever hereditary or joint-acquired land was involved. It was resolved to watch even private alienations of land closely, as these were held to be due to special and temporary causes such as the slight value attached by proprietors to their newly-acquired ownership rights, fiscal severity or distress of some description.³

The protective policy sketched above was shaped by men like Henry and John Lawrence, Robert Montgomery, Donald McLeod and Robert Cust. There were officers in less influential positions who did not share such views. There were those who stressed the right of the possessor of property to do what he liked with his own; who objected to the depreciation in the value of landed property likely to ensue from restrictions on transfers; or who, like Edward Brandreth, looked with equanimity towards the day when land transfers would become common. An officer like Henry Davies, who would play a leading role some twenty years later, could refer to the "prejudice" in favour of maintaining the existing proprietors. P.S. Melvill, whose views deserve special attention for a similar reason, had probably few qualms as to land transfers. In 1858 he made an enquiry regarding the rapidity with which land was changing hands in a small tract in the Umballa district. Taking it as inevitable that the villages would die out owing to the deadly climate, he argued that the faster the villages were bought up by capitalists the better. The people would be no worse off and Government would then have some security for its revenue. The restrictions on the sale of land in execution of money decrees came under fire from Colonel Lake,

Commissioner of the Jullunder Division, as early as 1859. Nevertheless in the first decade after annexation the protective policy which stressed political rather than economic considerations held the field.⁴

II.

The famine of 1860-61 ended the decade of low prices; the value of land increased year by year; and land transfers became more common. During the famine some officers felt the need to protect the peasantry by discouraging the transfer of land. And during the next five or six years there were officers like W.G. Davies who looked with no great favour on land transfers; and others like Arthur Brandreth who were perturbed by signs of peasant indebtedness. There was, however, no call for further restrictions on land transfers; and in discussing transfers the majority of officers confined themselves to noting the annually increasing value of land.

In some quarters economic considerations led to something of a reaction against restrictions on land transfers. Edward Brandreth and Herbert Edwardes criticised the discouragement of land transfers in the Cis-Sutlej Division during the famine of 1860-61. Both these Commissioners believed that it was better for land to be

set free from bad farmers and managers. Edwardes, following in Colonel Lake's footsteps, attacked the system whereby sales in execution of money decrees were dependent on the Judicial Commissioner's sanction, with a view to its abolition; and he recommended peremptory sale of land for arrears of revenue for the demoralised peasantry of the Thanalur district. In 1867 T.D. Forsyth, Commissioner of the Jullunder Division, asserted his agreement with an opinion expressed by Colonel Lake, as Financial Commissioner, that the rule, deriving from the right of pre-emption, whereby sale of land to an outsider required the confirmation of the Commissioner, was obsolete; and Forsyth, with an eye on the difficulties faced by European tea-planters in acquiring land in the Kangra valley, characterised the right of pre-emption as a great evil in the eyes of those who favoured sweeping away all restrictions on the employment of capital and the extension of trade.

The opponents of the existing restrictions on land transfers were kept in check by the old advocates of a protective policy. Robert Cust as Judicial Commissioner, and Robert Montgomery as Lieutenant-Governor, defended the existing restrictions on the sale of land in execution of money decrees against Herbert Edwardes. Though Cust defended the right of pre-emption, neither he, nor

Montgomery, nor McLeod - at first Financial Commissioner and from 1865 Lieutenant-Governor - were apprehensive as to the voluntary transfers of land in the 'sixties. They did not favour the imposition of any further restrictions on these transfers.⁵

The protective policy shaped largely by British experience in the North-Western Provinces had been maintained; but it had failed to develop in accordance with changing conditions in the Punjab.

III.

From the end of the 'sixties the transfer of land from peasant-proprietors to trading castes began to draw more and more official attention. In 1866 the Judicial Commissioner was replaced by the Chief Court, and the sanction required for the sale of hereditary and joint-acquired land in execution of money decrees was now vested in the latter. The Chief Court sought to ensure in 1867 and 1868 that applications for such sanction were only submitted when sale was unobjectionable; and that where sale was objectionable temporary alienations or other arrangements should be made to obviate the sale. In May 1869 the Registrar of the Chief Court submitted a letter to Government enclosing minutes by C. Boulnois and D. Simson, Judges of the Chief Court. It was

argued that from a judicial point of view, and contrary to official belief, the Chief Court had no greater power of checking sales of land in execution of money decrees than was possessed by the civil courts and collectors under Act VIII of 1859; and that legislation was necessary to provide a more effective guarantee against the intrusion of strangers into village communities by means of such sales. Boulnois suggested the abolition of sale of land in execution of decrees for money, unless the land was actually mortgaged to the decree-holder, while Simson was in favour of entire prohibition.⁶

When the opinions of Commissioners and a few other officers were taken on this reference, it was found that they were more or less evenly divided as to whether further restrictions should be placed on sales of land in execution of money decrees. The opponents of further restrictions were supported by the Officiating Financial Commissioner, P.S. Melvill, who believed that the peasant proprietary of the Punjab was well able to hold its own against the money-lenders. The Lieutenant-Governor, Donald McLeod, a representative of the old protective school, came out strongly in favour of Justice Simson's views. Replying to the Chief Court, he stressed the political danger inherent in the sale of land in execution of decree and proposed legislation prohibiting

such sales and limiting temporary alienations made in their place to twenty years. Boulnois and Simson naturally reacted favourably. They argued that Melvill's opinion was unsound in so far as it assumed that sales of land in execution of decree had not interfered with the prosperity of the Province; for their records showed that in fact such sales had been exceptional in the past, due to systematic discouragement by the Judicial Commissioner and officers all over the Province by means not altogether regular. The third Judge of the Chief Court, C.R. Lindsay, however, entered a strong protest against the abolition of the sale of land in execution of decree and quoted the High Court of the North-Western Provinces as opposed to abolition. This seems to have convinced McLeod that the opposition was too strong to persuade the Government of India of the need for abolition; but he submitted the papers to that Government in February 1870 in the hope that at least a more stringent provision against the abuse of the power of sale might be adopted.⁷

In recommending checks in 1869 on the sale of land in execution of money decrees Boulnois and Simson were only trying to regularise and strengthen the old protective policy. A more far-reaching onslaught was made in

the same year by Arthur Brandreth. In his Settlement Report of the Jhelum district, written some five years before, that officer had shown his special interest in problems of political control by entering a lengthy protest against the official Punjab policy of strengthening the position of the mass of the peasantry by light settlements at the expense of the leading members of society. Aware that the surplus left to the peasant-proprietor was likely to be absorbed by the money-lender, he had stressed the political wisdom of strengthening the aristocratic elements in society. By 1869 he conceived that political danger lay in the weakening of the peasant-proprietors. As Commissioner of the Multan Division, he laid great stress in his Revenue Report of 1869, and again in that of 1870, on the political danger of the voluntary transfer of land from the peasant proprietary to the trading classes, and on the large amount of land which was being acquired by the trading classes in this way. At first neither the Financial Commissioner, Robert Egerton, nor the new Lieutenant-Governor, Henry Davies, took official notice of these remarks. In his Revenue Report for 1871, Brandreth as Commissioner of the Jullunder Division, returned to the attack in somewhat strong language, and urged that the Government as superior landlord should not permit these voluntary transfers.

Egerton tried to meet his arguments and criticised him for failure to verify his assertions; and in February 1872 the Lieutenant-Governor expressed his regret that such prominence had been given to Brandreth's views and roundly condemned him for remarks which could not be supported by admitted fact or reasonable argument.⁸

Only three months after the Lieutenant-Governor's condemnation of Brandreth, the political danger of the transfer of land from peasant-proprietors to the trading castes was raised by the same P.S. Melvill who had been so sanguine in 1869 about the ability of the peasant-proprietors to take care of themselves. The evidence suggests that Melvill, on his return from the Central Provinces, and in the position of Officiating Commissioner of the Jullunder Division, became alarmed at the extent to which land was being transferred to money-lenders in the Hoshiarpur and Jullunder districts. In any case in June 1872, as Officiating Judge of the Chief Court, he submitted a memorandum to Government, in which he expressed his belief that civil courts in the Punjab often, and perhaps generally, decreed excessive interest on sums due for the time that passed between the date the debt became due and the institution of suit. He felt that this excessive interest had frequently led to the alienation

of land and other immovable property in execution of decree; that sometimes debtors against whom such decrees had been passed had transferred their land to their creditors without awaiting the coercive processes of court; and that debtors who had not been brought into court at all were commonly selling and mortgaging their land to their creditors in payment of debts swollen by compound interest, fearing that if sued, the court would give no relief from the interest charged. To remedy this situation he thought some sort of restriction on interest was advisable, and he suggested that an enquiry be made from local officers. Justice Boulnois agreed with Melvill as to the importance of the subject, while Justice Lindsay declined to give an opinion, though he did not object to an enquiry being made. This time the Lieutenant-Governor, Sir Henry Davies, responded more favourably, and he allowed the Chief Court to make the proposed enquiry.⁹

By the beginning of 1873 the Lieutenant-Governor had also before him some reports regarding the indebtedness of large land-lords in the districts of Montgomery and Jhang. About this time, James Lyall, the Settlement Commissioner, had a talk with Davies. Lyall probably referred to the part played by fixed cash assessments in

creating indebtedness in tracts having a short rainfall, such as Muktsar, or like Montgomery, dependent on variable river floods. At any rate, he certainly suggested the adoption of fluctuating assessments for these tracts.¹⁰

The accumulation of experienced opinion that all was not well with the peasant-proprietors of the Punjab created a considerable change in Henry Davies' outlook. In January 1873, less than a year after his condemnation of Brandreth, Davies struck an alarmist note. Though the results of the enquiries conducted in certain districts did not cause him anxiety, he referred to the opinion of some experienced officers that the transfer of land to money-lenders was increasing each year in a greater ratio, and pointed out that if the tendency of the present system was to allow the land to pass from the peasant-proprietors to the money-lending classes, some remedy must be found. He indicated in no uncertain terms that in such a situation political considerations were paramount, and the theories of political economy must be set aside. A limitation on the amount of interest awarded by courts, and the introduction of fluctuating assessments in certain exceptional tracts, he thought, might be feasible.¹¹

The political danger which haunted Henry Davies had haunted others before him and was indeed deeply rooted in

official policy and experience. At bottom lay the view which had found such clear expression in the principles on which proprietary right had been granted in the Punjab Settlements - the view that British rule in the Punjab was based on the contentment of the great mass of the people, the village proprietors. Their expropriation and resulting discontent would be an obvious threat to political stability. To the advocates of the old protective policy the danger was that this would be brought about by the sale of land through the civil courts, as had happened in the North-Western Provinces. To some of those whose formative experience was in the Punjab the danger lay rather in the expropriation of the peasants through private transfer, and in the odium with which they regarded civil courts which they considered responsible for their misfortunes. It was generally feared - and this fear derived particular force from the experience of 1857 - that the discontent engendered by expropriation would lead to hostility to British rule and to attempts to regain lost rights in times of trouble and uncertainty. At such critical times, events in 1857 had clearly shown, the new men who had acquired landed rights carried no political weight whatever.¹²

Henry Davies' alarmist mood was not of long duration.

At least as early as February 1874 - a few months before the Chief Court submitted the results of the enquiry sanctioned in 1872 - he had become convinced that there was nothing in the extent to which, or in the circumstances under which, land was changing hands, which need cause alarm. This failure to convert the Lieutenant-Governor can be traced, in the first instance, to the failure of the advocates of legislation to communicate to other officers that sense of political danger which they felt the transfer of land to money-lending castes involved. Of course not even all the advocates of legislation shared Arthur Brandreth's alarmist view of that political danger. In reviewing the results of the enquiry conducted by the Chief Court, in a minute written in April 1874, P.S. Melvill gave some indication of his moderate attitude when he wrote that the Government might face a serious political danger, if the transfer of land was allowed to go on for another fifty years. James Lyall took an even more cautious view of the situation, being mainly concerned to prevent the too rapid transfer of land to the monied classes. There were officers in senior positions like Robert Egerton, the Financial Commissioner, and Justice Lindsay, Judge of the Chief Court, who found it difficult to appreciate that the voluntary transfer of land could

lead to any political danger at all. Egerton could understand the growth of agrarian discontent if the Government sold the land for arrears of revenue or if the heaviness of the revenue demand necessitated the transfer of land, i.e., in circumstances familiar to the British in other parts of India. He found it more difficult to admit that a proprietor who voluntarily disposed of his land turned his hatred on Government. Lindsay was hardly inclined to face the question of political danger at all. On the one hand he refused to admit that the peasant-proprietors of the Punjab were unable to look after their own interests; on the other he saw no point in preventing the replacement of a careless, extravagant man by a capitalist who could make good use of the land. At the most, officers like Egerton and Lindsay were prepared to concede that it might be politic to do something to maintain large and influential proprietors. By February 1874 Davies had been brought round to the same view.¹³

The equanimity of the opponents of legislation as to the political consequences of the transfer of land was intimately related to their view of the fundamental causes of these transfers. To men like Brandreth and Melvill the danger of these transfers was that they were voluntary only in name. Brandreth was inclined to stress the rigid

working of the revenue system as a cause of borrowing and land transfer. Both he and Melvill saw these transfers as an outcome of the ability of the money-lender to put pressure on the peasant-proprietor through the agency of civil courts in which the latter could not secure a fair hearing. The Chief Court enquiry showed that this view was shared by a number of other officers. In reply to this, opponents of legislation like Robert Egerton and Gore Ouseley argued that land transfers were a natural consequence of the security of property provided by British rule, and of the creation, for the first time, of a valuable right in the soil by means of light fixed settlements. They were also disposed to deny that the civil courts enforced unjust claims. As regards the payment of a fixed revenue as a cause of borrowing and land transfer, many an officer pointed rather to the improvidence and extravagance of the land-owning classes.¹⁴

The whole controversy was bedevilled by the inherent difficulty of determining the extent to which land was being transferred. Now there can be no doubt that in the early 'seventies many officers believed that land was passing from the agricultural to the trading classes to a significant extent. This belief was not confined to Melvill, Brandreth and their supporters, but was shared

by various officers, including Gore Ouseley, a prominent opponent of legislative interference.¹⁵ The advocates of legislation were handicapped, however, by the absence of any really informative statistics of land transfers. It was one thing to convey a personal impression, another to prove it. Egerton, on the other hand, was in a favourable position as Financial Commissioner. He could, and did, characterise the statistics of his opponents as incomplete and inconclusive. At the same time the discussion of the statistics collected annually for the Revenue Report gave him opportunities of showing by means of figures that transfers of land were not taking place to any serious degree in the Province as a whole. The Lieutenant-Governor accepted the reliability of these statistics - which turned out in later years to be anything but reliable - in February 1874; and no doubt they served to dispel the fear of political danger with which the advocates of legislation had temporarily inspired him. In reviewing the opinions submitted to the Chief Court a few months later, Justice Lindsay took this process a step further. The statistics appended to the annual Revenue Reports did not distinguish between alienations to agriculturists and to money-lenders; and Lindsay, with some slight evidence before him relating to the Hoshiarpur

district, speculated that land might be passing into the hands of prosperous agriculturists rather than into those of money-lenders. This too was a proposition which Davies was to find useful.¹⁶

Many of the opponents of a protective policy - notably Melvill and A.H. Benton in 1869, and Egerton, Lindsay and C.A. McMahon in the 'seventies - took the line that protective measures, by interfering with a natural process, would do more harm than good. Capital was an absolute necessity to the proprietor at certain times. Protective measures would depreciate the value of land and injure the credit of the agricultural population. Money-lenders would insist on harder terms, would take more mortgages and raise the rate of interest. Capital would be diverted from the land, and in times of need the proprietors would not be able to borrow for necessities or to pay land-revenue. The growth of foresight, prudence and self-reliance among the agricultural population would be checked. In these ways their position would be weakened rather than strengthened. An answer to these sort of objections was given by Simson in 1869, was temporarily adopted by Davies in 1873, and was pressed by Melvill in 1874. The restriction of credit following protective measures would be beneficial; it would be

sufficient to check reckless borrowing for purposes of extravagance, and reckless lending; while loans would still be available for necessary purposes. In justifying this view Melvill referred to the relationship between borrower and lender under Sikh rule, and argued that the money-lenders would not cease to lend to the agriculturists altogether, as they were dependent for their business on them. He also believed that the rate of interest would not be raised.¹⁷

Though the opinions submitted by various officers in answer to the Chief Court enquiry sanctioned in 1872 are not traceable, the comments of the Judges of the Chief Court and the Lieutenant-Governor on these opinions suggest that the majority of them did not present too favourable a picture of the position of the Punjab land-owners. The Judges reviewed the question in March and April 1874. Justice Boulnois referred to the hardship caused by the short term of limitation for debt, a number of officers and natives having urged its extension; and he advocated the abolition of imprisonment for debt. The question of the voluntary transfer of land he found too wide to enter upon, confining himself to recommending that sales of land in execution of decrees held by money-lenders for debts due by agriculturists should not be

permitted. Even Justice Lindsay felt reluctantly compelled to recommend a few mild remedies, in deference to the opinions of those who believed that the Punjab landowners could not look after their own interests. Justice Melvill referred to the fact that a large majority of the officers consulted recommended an alteration in the law of interest, though some of the most thoughtful reports were against any alteration. He himself felt that, as far as the action of the courts was concerned, a circular on the award of interest, issued by the Chief Court in January 1873, went far to meet the evil he wished to remedy. After careful consideration, he was not prepared to recommend any alteration of the law of interest where the rate of interest had been agreed upon by the parties concerned. Instead he recommended the extension of the law of limitation for debt, and, most important of all, the curtailment of agricultural credit by the imposition of restrictions on the voluntary transfer of land. His proposals for restricting voluntary transfers were designed to prevent the permanent acquisition of land by creditors, whether of the agricultural or trading class, otherwise than by fair purchase; while leaving the legitimate transfer of land by those not indebted practically unfettered. As an adjunct to these proposals, he suggested that the Government should initiate a scheme for redeeming

outstanding mortgages held by alien money-lenders. Melvill seems to have thought that the adoption of his radical scheme was not very likely; and he accordingly recommended that if no immediate decisive action was taken, statistics showing agrarian indebtedness and giving full details of alienations of land should be collected each year. He concluded his minute by advocating the abolition of imprisonment for debt, and the restriction of the power of the creditor in regard to attachment and sale of crops in execution of decrees for money.¹⁸

The minutes of the Judges were submitted to Government in April 1874, but the Lieutenant-Governor seems to have deferred a final expression of his opinion till Egerton's conclusions in the Revenue Report for 1873-74 were before him. Then in December 1874 he argued that the protection of the land-owners had from the first been recognised by the Punjab Government and had largely influenced its revenue and judicial administration; and that the question now was whether any additional safeguards were required. Noting the conflict of opinion among the superior officers of the Province - Melvill and Boulnois on one side and Lindsay and Egerton on the other - he determined to examine the evidence. Those officers, he argued, who believed that the agriculturists were to an

alarming extent indebted to the money-lender and that transfer of land was being effected to a serious extent to the money-lending class, founded their opinions upon their own experience and impressions, or the opinions and impressions of others, rather than upon a comprehensive survey of the facts. Such "gloomy" views were the result of limited observation, proceeding as they did mostly from judicial officers who were perhaps day after day engaged in the decision of suits against agriculturists. In any case even the judicial officers were not unanimous - and besides Lindsay he instanced McMahon, Gore Ouseley and Blyth as officers whose opposition to legislative interference carried great weight. That opposition seemed to be in accordance with public opinion, as far as that had been ascertained - and here he referred to a meeting of agriculturists and money-lenders convened in the Jullunder district by the Deputy Commissioner. After expressing his sympathies with the advocates of legislation, he proceeded to found his case squarely on the statistics provided by Egerton, arguing that in number and extent transfers of land were insignificant. Moreover, there was no reason to assume that all these transfers were made under pressure of debt, while certain statistics collected in the Hoshiarpur district indicated that the bulk of the

transfers of landed property were made not to village bankers but to brother agriculturists. Nor did he base his opinion on statistics alone, for during his annual tours he had generally found the peasantry to be eminently prosperous; and there was a significant reference to Egerton - also well acquainted with every part of the Province - in whose opinion as to the natural and healthy process taking place he concurred. In conclusion he dwelt on the probability that legislation would do more harm than good, and rejected the proposals for restrictions on the transfer of land, the extension of the period of limitation and the abolition of imprisonment for debt. The only action taken was that the Financial Commissioner was ordered to furnish more complete statistics with the next Revenue Report.¹⁹

The first attempt to formulate a protective policy which would go beyond the measures of the 'fifties had failed. The decisive victory of the opponents of legislation was made possible by glossing over the views of local officers and by relying instead on unreliable statistics which reduced to one dead level all the local variations and complexities in the situation. This victory only postponed a solution; a future generation would have to cope with the problem in an aggravated form.

IV.

The value attached by the Lieutenant-Governor, at the end of 1874, to deductions drawn from the Revenue Report statistics, settled the approach of superior authority to the problem of land transfers for some six years. This is not surprising, considering that the key executive positions during these years were held by opponents of legislative interference, or by men of very moderate views. Egerton remained Financial Commissioner till 1877 when he succeeded Davies as Lieutenant-Governor. His place at the Financial Commissioner's Office was taken by Gore Ouseley, and after the latter's death in 1879, by James Lyall. From the annual statistics these men drew the satisfactory conclusions that not much land was alienated in the Province as a whole; that of the land transferred much was acquired by agriculturists; that many of the transfers took place in districts known to be prosperous; that the value of land was increasing and that the Government revenue had nothing to do with the alienations; and generally that indebtedness and land transfer must be set against the large increase of general prosperity which had taken place. Some less satisfactory features were also apparent. It was noticed in the Revenue Report for 1875-76 that the number of sales was twenty-five per cent

and the number of mortgages forty per cent greater by the registration than the revenue returns; but the question was not pursued in succeeding reports. The annual increase in total area alienated could sometimes be explained, as in the report for 1876-77, by reference to the transactions of former years which only now were being recorded in some districts. In 1877-78 the increase, following widespread distress, seemed more disturbing; but part of it could be explained away. It was also apparent that the distinction between transfers to agriculturists and to non-agriculturists, made since 1875, was not reliable, but not too much stress was laid upon this. The investigations of these years dispelled the illusion that any significant proportion of the transfers might be effected for agricultural improvements rather than for debt or necessity.²⁰

Among the general body of officers there were still sharp differences of opinion. Some like C.A. McMahon and A.H. Benton shared the view of the superior authorities that not much land was being acquired by money-lenders. To Arthur Brandreth, and others of his way of thinking, the results of figures and averages were contrary to personal experience. It was not sufficient to point out that the country as a whole was not seriously involved,

if this was undoubtedly the case in certain tracts or among certain communities. In his Revenue Reports for 1876 and 1877 Brandreth again pressed the matter on Government, recommending that permanent alienations without the consent of co-sharers be prevented by a law which would limit the liability of land for debt to the life of the holder or for some other fixed period. No official notice was taken of these remarks. H.E. Perkins, Commissioner of the Amritsar Division, a man of less decided views, tackled the question from another angle. Having long been deeply interested, he devoted some time to the study of certain statistics for his own Division. In a special report submitted in 1878 he argued, among other things, that more land was being transferred than the Revenue Reports were willing to admit, though the evil was materially qualified by the fact that nearly half the transfers were to agriculturists. Lyall, the Financial Commissioner, and Egerton, the Lieutenant-Governor, indicated in reply that fuller and more reliable statistics were necessary before such a conclusion could be accepted. In the same year that Perkins submitted his report, W. Coldstream, Deputy Commissioner of Hoshiarpur, carried out an enquiry into the indebtedness of certain villages in his district. He came to the

conclusion that considerable indebtedness existed in these villages, and that the time was drawing near when the proprietary rights of the villagers would cease to exist even in name. This state of things, he felt, while not applicable to the district generally, was not at all uncommon throughout the district. He believed, however, that the next generation would be better able and willing to take care of themselves. The increasing indebtedness of the Umballa district caused the Deputy Commissioner and the Commissioner of the Division some uneasiness in 1878. Yet the large areas of land being acquired by money-lenders in the Gujranwala district only led the Deputy Commissioner, A.R. Bulman, to remark the year thereafter, that the process was a beneficial one, the alienees being men of energy and making better landlords than those they replaced. In the same year the Deputy Commissioner of the Gurgaon district indicated that the expropriation of the Meo proprietors, then proceeding apace, would not be an unmixed evil, as the new landlords, mostly of the trading caste, would pay the revenue more readily and compel the ex-proprietors either to exert themselves or starve.²¹

It is notable that during these years there was no call for legislative action from the Settlement officers

who, though fairly new to the Province, had special opportunities for studying indebtedness and land transfers in certain districts. In the south-east, D. Ibbetson in part of Karnal, H.C. Fanshawe and W.E. Purser in Rohtak and J.R. Maconachie in Delhi produced statistics which, while sometimes defective or incomplete, did not often show more than six per cent and sometimes less of the cultivation alienated in tracts of any size. Usually the lion's share of this had been acquired by agriculturists. As Assistant Settlement Officer, Ibbetson had in 1874 opposed the extension of pre-emption to long term mortgages as an interference with freedom of contract; and Maconachie, though well aware of the increased power of the money-lender, certainly did not believe in saving those who persisted in ruining themselves. In the northern Punjab, Colonel E.G. Wace, in reporting the settlement of the Hazara district, had made much of the changed relations between agriculturist and money-lender, and of the problems it posed; but he believed that though there was more borrowing than before, there was less real indebtedness and the number of transfers of land was not abnormal. In settling the Jhelum district he found that, though there were some local variations, only three per cent of the cultivation had been alienated. He was, however, already keenly alive to the need for

adapting the civil courts to the circumstances of the agricultural classes.²²

Along the frontier and in most of the south-western Punjab transactions in land were found to be decidedly brisker. In Bannu, S.S. Thorburn, later to become the most persistent advocate of drastic legislation, had already a special interest in the question of indebtedness; but as to the land actually transferred in Bannu, he felt bound to admit that the large area transferred to agriculturists robbed his figures of much of their gravity. H.St.G. Tucker wrote, as regards Dera Ismail Khan, that a good deal of land had changed hands but not, he thought, to an unwholesome extent. At the same time he did not doubt that in the more heavily indebted tracts many of the small Muslim proprietors would eventually be expropriated. In the south-western districts the Settlement officers certainly discovered a striking incidence of agricultural indebtedness. Despite the complaints of the peasantry in Montgomery on the subject, Purser did not consider that indebtedness mattered much as long as the money-lender did not try to acquire the peasant's land; and such acquisitions had been rare in that district. In the other south-western districts indebtedness had been accompanied by considerable alienations, but neither

F.W.R. Fryer in Dera Ghazi Khan nor E. O'Brien in Muzuffargarh gave any indication that they considered this a matter for anxiety. As for Multan, though C.A. Roe admitted that a considerable quantity of land had changed hands, he believed that a great part of it was due to voluntary exchanges or to the stronger members of the tribe buying up the weaker.²³

As Settlement Commissioner of the Multan and Derajat Divisions for most of the 'seventies, James Lyall had unique opportunities for studying indebtedness and land transfer. Though he saw the communal implications of the change taking place he was not very disturbed by the relatively extensive alienations which came to his notice. For one thing, he knew that alienations had not been uncommon in this part of the Punjab before British rule. For another, he regarded it as inevitable that only a minority among the weaker tribes would retain their proprietary rights; the majority relapsing into a condition akin to that they had occupied under native rule and one which was more suited to their attainments. Lyall was concerned, however, that the process be not too rapid. In particular he sought to amend anything in the revenue system which hastened the inevitable; and under his cautious guidance the 'seventies saw the introduction of

fluctuating assessments into at least many of the river tracts in the Multan and Derajat Divisions. When in 1879 the Government of India, in connection with the relief of indebtedness in the Dekhan, asked the Punjab Government to consider the possibility of a more elastic system of revenue collection for arid tracts, Lyall, as Financial Commissioner, pressed for cyclical assessments for such tracts. Though a number of other officers supported such a scheme, it was negatived by Egerton, who did not consider it practicable, and who argued that only collections in kind could prevent the peasant borrowing cash to pay the revenue, and such collections were only necessary in exceptional tracts.²⁴

Though the question of indebtedness and land-transfer had not been a burning issue during the second half of the 'seventies, the accumulation of evidence had at least been sufficient to convince one old opponent of legislative action that some remedy was required. It is ironic that it should have been Robert Egerton who in 1879 indicated to the Legislative Council that the Dekhan Act might possibly form a precedent for the Punjab. Despite his belief that not much land was changing hands and that indebtedness was not great, Egerton did not merely contemplate such legislation for a distant future; for in

September 1880 he informed the Government of India that he was favourably disposed to an amendment of the law which would empower courts to go behind bonds; to the gradual extension of rural courts; and to limitations on the attachment of agricultural produce in execution of decree. The Government of India never replied to this letter.²⁵

V.

During the 'eighties the transfer of land began once more to claim special attention.

In the Revenue Report for 1879-80 it was noted that the abnormal increase in alienations in the Derajat Division for that year was largely nominal, being due to the disposal of large arrears of mutation cases during the year. This explanation seemed hardly sufficient to the Lieutenant-Governor, Robert Egerton, and in March 1881 he called for further information. He was also disturbed by the remarks of the Inspector-General of Registration to the effect that the registration returns showed more transfers than the revenue returns; and to ensure that these transfers, on which so many arguments regarding the condition of the country were founded, should be accurately recorded up to date, he ordered that the registration and revenue returns be compared annually in the Revenue Report.²⁶

As regards the Derajat, an enquiry followed which Egerton's successor, Charles Aitchison, was not prepared to accept as sufficient. Further reports being submitted in mid-1883, the serious deficiencies of the revenue returns in the Derajat became abundantly clear. In some cases the returns included items which were unreal or unimportant; thus exaggerating the area alienated. More generally increases in alienations were related to settlement operations. These probably stimulated the growth of the habit of recording transfers, this accounting for some increase, and caused transfers to be recorded long after they had occurred. As well as the gradual improvement in the working of the record agency which would explain gradual increases, transfers were more carefully recorded after the completion of settlement than before. Finally the sudden disposal of arrears of mutation cases which had been allowed to accumulate during settlement explained certain enormous increases and decreases in the annual returns.²⁷

The annual comparison of the registration with the revenue returns, soon brought to light the fact that a large number of transfers were not recorded in the revenue records of the Province at all. At times this was due to the neglect of patwaris and Tahsil officials in not

bringing changes of possession to record. Often the parties themselves were not prepared to get the transaction recorded in view of the expense and trouble it entailed. This was particularly the case with mortgages for short periods or those in which the owner retained possession. Or sometimes the alienee was prepared to trust to the honesty of his debtor, or to consider registration sufficient security.²⁸

For these reasons Aitchison set but slight store on statistics on which his predecessors had founded their opinions. A system was elaborated in 1884, however, to secure a more complete record of transfers.

At the same time as the value of the annual revenue statistics came to be seriously questioned, the growing anxiety felt by certain officers regarding the transfer of land became apparent.

In his Settlement Report of the Jhang district, dated May 1881, E.B. Steedman wrote that there was nothing to show that the original proprietors were being rapidly expropriated. Nevertheless he deplored the indebtedness which existed; and he attributed it chiefly to the vast increase in credit which had accompanied the grant of full transferable proprietary rights. Take away the peasant's transferable property in land, he argued, and

the money-lender's only security would be the annual out-turn of the crops; the peasant's credit would shrink and his indebtedness decrease. The grant of proprietary rights had been a mistake. If the cultivators had been given only occupancy rights, and all transfers except such as were sanctioned by the State, absolutely prohibited, indebtedness would have been limited and the State would have been able to take a larger increase of land revenue. About the same time T.G. Walker, Settlement Officer of Ludhiana, though not perturbed by the relatively limited alienations taking place in his district, referred to the "doubtful privilege" which British rule had bestowed when it made possible the command of unlimited credit on the security of land.²⁹

Major E.G. Wace, the Settlement Commissioner, was disturbed by evidence of a progressive increase in alienations coming to light in the Hoshiarpur assessment reports. He knew that these transfers largely discounted the hope of increased revenue. Conversing with the people he had noted their anxiety at the increase in mortgages. He believed that these transfers meant to an increasingly large number of peasants a revival of the heavy cash and grain rents of Sikh times - irrespective of whether the transferee was an agriculturist or a capitalist. Any

measure, however small, which influenced the change was of the first political importance - for evil if it accelerated the process, for good if it enabled the proprietors to resist; though it was too soon to judge what the process would lead to in the next twenty years. This was a matter for their successors to consider. His attitude was not completely consistent. In January 1881 he had been willing to agree to the proposition, advanced in conversation by agriculturists that the unrestrained liberty to sell and mortgage had profoundly modified the status and prospects of the agricultural classes; but in September 1882 he expressed his disagreement with Steedman's strictures on the grant of proprietary right. He did not see how any settlement could have been made which would have prevented the holders from borrowing on it, for it was good government which gave land value and the holder an established title. Even if it had been possible to devise such a settlement, it would not have been adopted, as it would have been alien to British experience of what was good for any country in the long run. It was not so much the form of settlement, he believed, as the constitution of society, which lay at the root of the difficulty; and the question was aggravated by a civil law ill-adapted to the needs of the agricultural classes.³⁰

In addition to Major Wace, certain other officers of moderate views became uneasy. Perkins, now Commissioner of the Multan Division, was shocked in 1882 by the extraordinary number of transfers which careful inspection revealed in the Muzuffargarh district. It seemed to him that before very long some of the richest districts in the Punjab would have a Jhansi Encumbered Estates Act - and if this extreme measure was avoided it would be by depriving the Courts of some of their powers at an earlier stage than matters had reached in the Jhansi Division. By the early 'eighties even McMahon had completely reversed his opinion given in 1877 that the trading classes were not acquiring much land - and he was alive to the friction generated by this process and its political implications.³¹

At the end of 1882 James Wilson launched an attack on the gift of alienable proprietary rights in the soil more forthright even than Steedman's. As Assistant Settlement Officer in Gurgaon, Wilson had felt as early as 1878 that the rapid expropriation of the Meo proprietors of the district called loudly for special consideration; but he had found it difficult to see what could be done for them. In 1882, however, he submitted for approval a scheme whereby Government advances would be applied to the redemption of mortgages made by Meo proprietors.

Restored to his land the Meo would repay the advance at six per cent interest by instalments. In the interval he would not be allowed to again alienate his land, it being hypothecated to Government as security for the repayment of the advance. Meanwhile, Wilson hoped, the power of alienating would be withdrawn entirely from improvident communities like the Meos; for he considered that it was the Government which had brought misery and hardship on the Meos, partly by its inelastic revenue system, but chiefly by its ill-advised gift of alienable proprietary rights, which enabled the Meo to convert his land into cash whenever the need arose. It was only just that the Government should attempt to restore the position of the Meos. In a concluding paragraph Wilson indicated the possibility of extending the scheme to the whole of North India - and saw it as paving the way for that "grand reform", the revocation of the power to alienate ancestral land.³²

Wilson's remarks on the responsibility which Government had incurred by its mistaken policy of granting proprietary rights were not well received by the Commissioner, Colonel Gordon Young, who considered that this was begging a very difficult question and provocative of rejoinder from those who held the opposite opinion as to the policy

of the past. He saw no merit in Wilson's redemption scheme. If the Meos defaulted frequently in paying their instalments, as seemed almost certain, the Government would be forced to use the power of sale and would itself incur that odium which was now avoided by the interposition of the money-lender. Then there was the unwarranted interference with the ordinary business of the money-lender and the investment of money; and the fact that the peasant would be worse off when his land was hypothecated to Government, as he would not be able to borrow for domestic ceremonies. Finally he feared that the scheme would not stop with the Gurgaon district and was likely to take them beyond the bounds of what any Government could reasonably be expected, or safely attempt, to undertake. James Lyall, the Financial Commissioner, did not agree. While he did not share Wilson's views on the role played by the grant of proprietary rights, and reasoned that the cause of the difficulty lay in the character of the people, he admitted that the better definition of rights in land and the greatly increased value of land due to British rule, accompanied as it was by the expansion of credit, had been a questionable boon to improvident landholders. Most of Young's objections to the redemption scheme did not seem individually formidable to him, though collectively they

they had some force. As he saw it, the greatest difficulty lay in the question whether it would be possible to collect the land revenue and instalments without a stern use of the power of sale of land for arrears. The scheme might be tried in the Gurgaon district both as an experiment and because, under all the circumstances, he held that the Government should be ready to incur considerable risk to relieve the people from debt.³³

The Lieutenant-Governor, Charles Aitchison, killed the scheme in April 1883. Ignoring Wilson's references to the restriction of proprietary rights, he conceived that the main defect of the scheme was that it would not prevent the proprietors from again falling into the hands of the money-lenders. Any measure of that nature would have to provide for the supply of the future requirements of the peasantry at reasonable rates. This could only be done by an Agricultural Bank. That topic had also been under discussion, but various difficulties had been raised. An Agricultural Bank would find it difficult to recover its advances - and the revenue establishment would become very unpopular if it was used to recover them. It seemed likely that the establishment of an Agricultural Bank would not stop the proprietors from borrowing from the money-lenders. Out of these difficulties Aitchison saw no safe way. He pointed out that the notorious

recklessness and thriftlessness of the Meos made it unlikely that they would be able to regain their position with the help of Government. Any action taken in this direction was to be exceptional and limited.³⁴

Wilson's defeat in this matter did not prevent him from pressing his views on Government again at the end of 1883, in his report on the distress in the Jhajjar tahsil of the Rohtak district. Land transfers were partly due to rigid exaction of revenue in bad seasons, but chiefly to the value which had been given to land under British rule, and to the power of land-transfer conferred on the peasant, a power which enabled him to borrow freely and to sacrifice the future for the sake of the present. The inflexible judicial procedure and individual transferable rights in land established by Government were unsuited to the existing state of society. It was unjust, and bad policy, to leave those who could not quickly adapt themselves to the system to give place to those who could. Government should rather adapt its system to the state of society. He would be glad to see a system established whereby the power of transfer would be restricted; the revenue taken in kind; and certain judicial reforms effected. The restriction of credit which would follow the establishment of such a system was exactly what was

wanted. If such a system could not be introduced at once, the least the Government could do was to make its revenue system more elastic by fluctuating assessments.³⁵

The officers who reviewed Wilson's report steered clear of the general issues which he had raised. Colonel L.J.H. Grey, the Commissioner, had been pained some ten or more years before by the intrusion of the money-lender mortgagee into the villages of the Rohtak and Ferozepur districts. While he was alive to the problems posed by indebtedness, he was apparently not yet in favour of the restriction of proprietary rights. He was certainly averse to fluctuating assessments; but they were recommended by the Financial Commissioner, W.G. Davies, as a means of ensuring that payment of revenue did not drive the peasants into debt. Aitchison, with the help of W.E. Purser, opposed the general introduction of a fluctuating assessment into Jhajjar on the ground that if indebtedness was to be its main justification it would be required all over the Punjab.³⁶

Meanwhile, at the other end of the Province, S.S. Thorburn was gradually becoming impatient. As Deputy Commissioner of Dera Ismail Khan he had been one of the officers consulted on the large number of transfers of land in the Derajat Division. His report, written in

November 1882, had not been very full or startling, as he had just recovered from an attack of fever and other work was pressing; but he had indicated that it was a question in which he took much interest and that he held rather decided views as to remedial measures. The Government reference stirred him into action. By 1883 he was, on his own initiative, collecting statistics of indebtedness; and in his Revenue Report for that year he wrote that he had long been convinced that sweeping legislation was necessary to avert future agrarian trouble and that he would submit his views when required. No call for his opinion eventuating, he nevertheless submitted a paper in mid-1884 on the indebtedness of the agriculturists of the Muslim districts of the Punjab.³⁷

This paper was at once more alarmist in tone, and yet less radical in its remedies, than anything Steedman or Wilson had written. Where Steedman had lamented loss of revenue and Wilson had lingered on the injustice done to the peasantry, Thorburn saw only agrarian discontent leading to political danger which Government, in its own interests, must avert. Statistics, Thorburn argued, did not, and could not, show the full measure of indebtedness. It was only a question of time before some seventy-five per cent of the peasantry lost their proprietary rights

to Hindu money-lenders and to a few favoured Muslim land-owners. As to the causes of indebtedness Thorburn's paper was not free from uncertainties. There was something of the conservative in his belief that some of these causes were indicative of general prosperity and more or less inevitable in the change from weak, unsettled government to strong, settled and good government. These causes he enumerated as the inherent qualities of the Hindu and the Muslim which were allowed unlimited scope under a system which fostered individualism, and which had given the superiority to the Hindu; the growth of population; and the development of a higher standard of living. The preventable causes of indebtedness he believed to be the introduction of laws which mistakenly assumed that agriculturist and money-lender stood on an equal footing as sharp businessmen; the rigidity of the revenue system which made peasants borrow for revenue when they had no crop; and the diversion of executive officers from administrative to desk duties. He further pointed to the expansion of credit which had taken place at annexation. At one moment he ascribed this to good government in general, and regular settlements in particular; at another he blamed British rule for placing such an instrument of self-destruction in the hands of

agriculturists without restriction. Whatever his inconsistencies on this score, he would not join Steedman in his condemnation of the policy of granting transferable proprietary rights. Instead he concentrated his attack on the unsuitable legal system which had over-facilitated credit and usurious practices. To restrict credit he recommended a number of changes in law and civil procedure which would make the civil courts less of a tool in the hands of the money-lender and more of a protective shield for the peasant. In addition he advocated the extension of fluctuating assessments and the reduction of reports and returns required from officers.³⁸

Not one of the superior officers who reviewed Thorburn's paper was inclined to give much weight to his assertion that the inelasticity of the revenue system was a serious cause of indebtedness, and discussion centred on Thorburn's proposed amendments in law and civil procedure.

Lieutenant-Colonel E.L. Ommanney, the Commissioner, did not entirely share Thorburn's alarmist outlook, and he doubted whether the Pathan communities in the Derajat Division had parted with their land to any extent. At the same time he was well aware of the political danger created in those tracts where land was passing from

Muslim peasant-proprietors to Hindu money-lenders. An experience in Hazara in 1879 had shown him the explosive situation which could be created by the action of the money-lending classes through the courts, and he looked on these institutions as a danger to the State. He was conscious of the need for legal remedies and favoured a number of those put forward by Thorburn.³⁹

Thorburn's paper was considered by the Officiating Financial Commissioner, Colonel McMahon, at about the same time as Steedman's Settlement Report of the Jhang district, and this perhaps explains McMahon's belief that Thorburn also favoured some restriction on transferable rights in land. In one sense McMahon showed himself to be an opponent of legislative interference, as he had been in the 'seventies; in another sense his reviews of Steedman's and Thorburn's remarks reflected the uneasiness which he had felt about the transfer of land in the last few years. He took some interest in Steedman's remarks about the creation of transferable rights in land, but concluded that it was futile to argue about the policy of the past. In his review of Thorburn's paper he expressed his disagreement with Steedman's views more distinctly and indicated that the policy of teaching the people self-reliance should not be reversed. While he was gratified by

Steedman's conclusion that the proprietors of the district were not being rapidly expropriated, he reasoned that even if they were, perhaps no great harm would result, as better men might take their place. In all communities the extravagant and profligate would gradually go to the wall, and legislation could not arrest the action of natural causes. Next to this there was the implicit admission that the time might come when it would be profitable to consider measures to arrest the alienation of land. For the present he did not believe that drastic remedies were required. Clinging to his old fear that the restriction of credit might be harmful, he nevertheless favoured certain of Thorburn's proposed amendments in law and civil procedure as a means of preventing the money-lender from putting severe pressure on the agriculturist. Accordingly he asked permission to have submitted for opinion those of Thorburn's proposals which he considered at present reasonable. These proposals were the abolition of the ordinary imprisonment of agriculturists for debt, the exemption from attachment of some portion of the crop, and the extension of the period of limitation in rural debt suits.⁴⁰

Aitchison received Thorburn's paper with equanimity. In July 1882, shortly after his appointment as Lieutenant-

Governor, Aitchison had ordered a more thorough investigation into the causes of the abnormal increase in alienations in the Derajat Division. He had not been clear then whether the increase in transfers was a healthy symptom or not, and whether Government should take any action in the matter. Similarly in March 1883 he had called for reports on the increase in transfers in certain other districts. The reports which were submitted did not show an entirely satisfactory state of affairs, but as nothing particularly alarming was brought to the fore, they did much to put his mind at rest. When he came to review Thorburn's paper in May 1885 he took a thoroughly conservative line. The question had already been considered several times, but there would be no objection to the circulation of Thorburn's paper. It should be understood, however, that the character of the people, and the change from irregular government to law and systematic government lay at the root of the matter. In so far as this was the case, little could be done for the agriculturists. Credit was indispensable and its restriction could only be harmful. Some remedy was no doubt possible where the evil arose from the existing state of the law and executive arrangements. The question of the abolition of imprisonment for debt was already under

consideration, but the proposals to exempt part of the crop and to extend the limitation period should be discussed, it being understood that these reforms should be of general application and not confined to agriculturists.⁴¹

The opinions collected on this correspondence from June to August 1885 gave some indication of the direction in which the tide was turning. Several officers - R. Clarke, D. Ibbetson, C.M. Rivaz, A. Anderson and J.A.E. Miller - were at one with Thorburn in laying great stress on the political danger created by the transfer of land. Indeed Robert Clarke thought that Thorburn had understated rather than exaggerated the political danger caused by the existing system in the Upper Punjab; and he was all for throwing political economy to the winds. The strongest opinion in favour of drastic action came from Denzil Ibbetson. Eleven years before he had opposed the mildest of remedies, now he was among the most radical in the Province. Ibbetson deplored the ease with which ancestral land was permanently alienated, and attributed it to the substitution of individual for communal rights in land, which he considered "the most grievous blunder that we have committed in India". The root of the evil lay not where Aitchison said it lay - but rather in the extension of a sort of law and

a system of government unsuited to society in certain respects. The people should be allowed to manage their affairs in their own way, and the revolution introduced by British rule should be undone. A general decrease in the value of landed security, he added, would not raise the rate of interest. Charles Rivaz went nearly as far. The unrestricted power of voluntary alienation had been a fatal gift to the peasantry; and alienations should have been made subject in greater or lesser degree to the sanction of revenue officers. He was afraid, however, that such an attempt to retrace their steps would, even if deemed desirable, be regarded as impracticable; and that it was probably only possible to protect the agriculturist when brought into court. Alexander Anderson also thought that it was too late to arrest the transfer of land from the land-owners to the trading classes and that the most that could be done was to try to make the process more gradual. Miller suggested, among other things, a measure on the lines of the Dekhan Relief Act.⁴²

On the other side of the case the strongest opinion came from C.A. Roe. He did not admit that the transfer of land involved any great political danger. Nor was the British system responsible for these transfers. The Sikhs had not scrupled to eject cultivators, but under

British rule land was very rarely transferred for arrears of revenue. Land was seldom sold in execution of money decrees, and the Courts favoured the peasant rather than otherwise. No doubt the Courts considered the peasant as capable of making a valid contract and they enforced such contracts - but this was inherent in any regular administration of justice. The British system had only indirectly enlarged the proprietor's power to alienate his land for it was a natural result of civilization that property should pass from the tribe to the village and from the village to the individual. The Courts had, if anything, retarded the process by following customary law in regard to alienation. Indebtedness and land transfer, then, were not due to the British system, but they were a natural result of men, with little or no capital, engaging in an occupation involving more risks and fluctuations than almost any other. Consequently nothing could be done to help the agriculturists and any efforts in that direction would only worsen their position. Unlike Roe the other conservative officers consulted - including men like Fryer, Tucker, Purser, Maconachie and Gordon Young - devoted most of their attention to a discussion of the remedies which might be tried. The replies taken as a whole thus favoured limited action of one sort or another being undertaken.⁴³

In reviewing these opinions Lieutenant-Colonel Wace, the second Financial Commissioner, showed that he had no sympathy with urgent calls for drastic action. He believed the difficulty lay in the character and environment of the people and not in forms of government. The thrifty races, living on dry, light soils, thrived; the unthrifty races, living on damp or alluvial soils, did not. In that respect society under Sikh rule resembled society under British rule. If the thriftless were crushed under British rule, that process had been still more rapid under Sikh rule. Credit and the power to borrow freely, and freedom to transfer land, were essential to labour, trade and agriculture. They brought misfortune only to the weak, the reckless and the fraudulent. It was not possible to save people from themselves; and it was wrong to hamper the thrifty and enterprising, constituting the body of the population, for the sake of the unthrifty. The restriction of credit and of the power of contract and alienation might be necessary under adverse conditions, but it was a misfortune to be avoided by every possible means. It was, however, necessary to do more than had been done in the way of adapting the revenue and judicial administration to the circumstances of the people; and he favoured a limited programme of this nature.⁴⁴

By 1886 Thorburn had become really impatient. In that year in another attempt to convince the authorities of the necessity for action he published a book entitled "Musulmans and Money-lenders in the Punjab", which dealt chiefly with the Western Punjab. As before he struck an alarmist note. There was great political danger in the transfer of rights in land from land-owners to money-lenders; and these transfers were, except in good years, taking place in an annually increasing ratio. As to the fundamental causes of this process, he had apparently changed his mind, for he now gave foremost place to the conversion of collective into individual ownership of land, and the right of free transfer, which had extended the land-owner's credit up to the market value of his holding. The vast majority of Punjab agriculturists, he thought, were unfit for such a gift. As with causes, so with remedies. He still dwelt on the necessity for fluctuating assessments and for reforms in the administration of civil justice, but now made the further proposal that anyone deriving profits from a shop or from money-lending be debarred from acquiring interests in arable or pasture land. Certain localities and certain classes of land were to be exempted, and elsewhere relaxation of the rule was possible with official sanction

to ensure that the investment of capital devoted to increasing the productivity of land might not be discouraged. Advances of seed-grain were permitted, to be repaid at the next harvest only.⁴⁵

Opinion in favour of drastic action continued to mount; and one reason for this was the very extensive and progressive alienations of land to money-lenders which were brought to light in the course of the Settlement of the Umballa district. The Settlement officers - J.M. Douie and A. Kensington - became gradually more outspoken and by 1887 they were calling for measures on the lines of the Dekhan Relief Act. Even A.R. Bulman - who had in 1879 stressed the economic benefits resulting from the alienation of land to money-lenders - was not free from anxiety as Deputy Commissioner of Umballa four or five years later. In 1887, as Officiating Commissioner of the Delhi Division, he discussed Kensington's call for a Dekhan Relief Act and expressed a strong opinion that peremptory and drastic remedial measures were required in the southern tahsils of the Umballa district. Colonel Grey, the Commissioner of the Delhi Division, now also ranged himself on the side of the advocates of drastic legislation. He favoured a measure along the lines of the Dekhan Relief Act to be followed by the prohibition

of alienations to all but agriculturists. Believing that the latter measure would not be adopted, at least not for a long time, he considered legislation similar to the Dekhan Act the most hopeful step that could be taken.⁴⁶

During the 'eighties there was thus a rising tide of radical opinion in certain quarters; and an admission from certain conservative officers, some of them in senior positions, that limited reforms were desirable. Succeeding events were to embolden and consolidate radical opinion and drive conservative opinion still further in the direction of legislation.

VI.

The opinions collected by the Financial Commissioner on Thorburn's 1884 paper, as well as those expressed by Kensington and Bulman in another connection, were not submitted to the Punjab Government until October 1887. In May of that year the Punjab Government received a Despatch from the Secretary of State for India, calling for a report on the indebtedness of the agriculturists of the Western Punjab. Lord Kimberley's attention had been drawn to that subject by Thorburn's 1886 publication. After some initial skirmishing among the Secretaries to the Punjab Government, James Lyall, the new Lieutenant-

Governor, expressed a typically cautious opinion early in August. As in the past, he was especially concerned with the rate at which indebtedness was increasing. Indebtedness, he thought, was common among peasant-proprietors all over the world. It had been increasing in the Punjab because the absence of credit had at first prevented serious indebtedness; but he did not see why the number of indebted should continue to increase much. There was much in Thorburn's book with which he disagreed. With his special experience of the south-western Punjab it was not surprising that he pointed out that individual transferable rights in land had not been in many parts of the Punjab, and especially the south-west, the gift of the British Government. Thorburn's proposition that Punjab agriculturists were unfit for such a gift was much too strongly put; and in any case it was not possible to go back from the gift for, as he later explained to the Government of India, that "gift" was in reality a necessary outcome of the development of individual rights and the gradual solution of the village communal bond. Nor would the people support such action. To prohibit the acquisition of land by money-lenders was quite impossible. Fluctuating assessments should only be extended slowly and for the most weighty reasons. That the system of

civil justice benefited the money-lender at the expense of the peasant was more or less inevitable. It could only be fought by legislation on the lines of the Dekhan Act. He doubted whether such legislation was as yet wanted in any part of the Punjab. Nevertheless the whole question would be re-examined. Those of Thorburn's proposed reforms in law and civil procedure which seemed reasonable would be submitted to the Financial Commissioners and Chief Court for opinion; and the Financial Commissioners should report on the extent of prevailing indebtedness and whether it was rapidly increasing.⁴⁷

Almost a year later - in July 1888 - Lyall found that these orders had not been carried out. C.L. Tupper, the Junior Secretary, all for legislation, had delayed the case in September 1887 by deciding that papers about the Dekhan Act had better be obtained from Bombay. A note on the Bombay papers was not prepared till April 1888. The Officiating Junior Secretary H.C. Fanshawe, opposed to legislation, did not think the case an urgent one. It was only pressure from the Government of India in June 1888 that led Fanshawe to propose that Lyall's orders of August 1887 be carried out and that a preliminary reply be sent to the Government of India. Lyall agreed to this course of action. By now Lyall had made

a careful re-assessment of his position. He inclined to the view that legislation on the lines of the Dekhan Act was wanted in the Punjab. The body of the measure - consisting of certain amendments in law and civil procedure - would apply to the whole Punjab. There might also be some stronger provisions - such as sections which would empower courts to go behind bonds and separate interest from principal and decree only reasonable interest - which should only be applicable to certain tribes or tracts when formally applied by the Local Government with the consent of the Government of India. The preliminary reply to the Government of India embodying these conclusions, Lyall ordered, should be accompanied by a compilation of statistics from the Revenue Reports, for otherwise the failure to call for statistics from the Financial Commissioners might look like carelessness.⁴⁸

The most interesting feature in the discussion of the Revenue Report statistics which followed was Lyall's insistence that the passing of land from land-owners to money-lenders had been going on in a gradually increasing ratio for years all over the Punjab except in tracts with a thrifty population; that the evil or political danger though accentuated in the west by communal differences was by no means confined to it; that alienations in the

east were more indicative of poverty and distress than those in the west; and that in both east and west there were districts in which alienations to money-lenders were serious and increasing.

In November 1888 a Despatch embodying Lyall's provisional conclusions was sent to the Government of India; and this Despatch was forwarded to the Financial Commissioners and the Chief Court. Revenue officers were to report whether alienations were proceeding in an increasing ratio and whether such increase involved any political danger. They were to consider whether legislation on the lines of the Dekhan Act was necessary, and they were to give their opinion on the particular provisions which Lyall thought might be incorporated in such an Act.⁴⁹ It was made clear that officers were not prevented from putting forward suggestions which Lyall had rejected. The Chief Court was only asked for its opinion on certain of the provisions which Lyall wanted to include in a Dekhan Act.

The replies submitted in 1888 and 1889 showed that there was a consensus among Revenue officers that the transfer of land to money-lenders was increasing.⁵⁰

There were now many officers, probably many more than there had been in the 'seventies, who believed that the process involved a grave political danger. They

included many who had already expressed their opinions fully or partially - notably J. Wilson, S.S. Thorburn, D. Ibbetson, C.M. Rivaz, R. Clarke, A. Anderson, A. Kensington, J.M. Douie and L.J.H. Grey. There were nearly as many whose voices were heard for the first time - T.J. Kennedy, T.G. Silcock, L.W. Dane and G.M. Ogilvie, to name only the most important.⁵¹

The political danger apprehended seemed especially serious to a foreign rule. As Ibbetson remarked in his 1885 paper, political considerations outweighed almost everything else in India. In England popular discontent meant only a change of Ministers and an alteration of the law; in India it meant disloyalty.

The land-owners, various officers pointed out, represented a political force in the country; and they were being displaced by money-lenders, men of no political significance. The land-owning tribes were the foundation of British rule; they had a vast superiority in numbers; they supplied the man-power for the native army; they were the hereditary proprietors of the soil; they were, in many cases, war-like with traditions and a history; they were sturdy, courageous and independent; and if discontented and given an opportunity they would fight. They were, as Thorburn put it in 1886, "the people of

India"; and two years before, writing about the Western Punjab, he had even expressed fears that a nationalist spirit might develop among them. On the other hand, the trading castes contributed nothing to the stability of the State and little to its revenues; their numbers were insignificant; they were feeble in spirit and physique; they were both feared and despised by the land-owners whose social inferiors they had often been before British rule; they could not fight but required protection, so that they were a source of weakness rather than strength in a time of danger; and in any case their loyalty to Government was only doubtful.

There was, some officers thought, a special danger in the west where the Muslim land-owning tribes were bigoted; where the land-owner and the money-lender were sharply differentiated by religion as well as by interests; where there were, across the frontier, races of the same stock, not dominated by the money-lender; and where there was an independent Muslim kingdom - Afghanistan - and Russia in the background.

It was feared that the expropriation of land-owning tribes by money-lenders would create a discontented agricultural class, ready for violence against the money-lenders, and at the least not averse to political change.

Agrarian discontent, many officers believed, could easily turn into hatred of the Government which encouraged expropriation by the great power which its civil courts gave to the money-lender. In some parts of the country officers already perceived various symptoms of agrarian discontent; in other parts they felt that if nothing was done the growth of such discontent was inevitable. It was not suggested that there was anywhere an immediate political danger. Nor were many apprehensions expressed as to the loyalty of the Army; though one officer, T.J. Kennedy, remembering one of the causes of the Mutiny, stressed that events which make the agricultural population dissatisfied also make the Army dissatisfied. There was, however, general anxiety lest one day a crisis should come and the executive be weakened - perhaps through a threat from outside - and the whole fabric of British order and power in the country-side collapse.

The political danger apprehended was thus, in essentials, identical with that expressed by an earlier generation of officers. Now, as in the 'seventies, however, there were conservative officers who perceived no political danger in the transfer of land to the money-lending classes, or who at least believed that no such danger existed at present or would arise in the near future.⁵²

Two of these officers - J.R. Maconachie and W.M. Young - argued that the benefits conferred by a British Administration in the East involved political risks which must be run. Some - like J.R. Maconachie, C.A. Roe and A.H. Benton - doubted whether a situation would ever arise in which tribes were entirely expropriated and united in discontent, or inclined to the view that expropriated individuals sank into insignificance. J.A. Grant doubted whether any political danger was to be expected from men who lost their land through lack of spirit, as in Umballa; or, as W.R.H. Merk thought, through sheer recklessness. W. Coldstream doubted whether those who lost their land blamed Government. To some there was little political danger when the owners were kept on the land as tenants, or the tenants were well-treated; to others when the owners were ejected from the land. An interesting view was presented by E. O'Brien. Dispossessed owners did not flock to the cities where they might become a discontented and dangerous element; they did not gather around independent rulers or traditional leaders; and they did not take to crime. It was only when the unemployed of any profession took to these courses that they became a danger to the State.

It is significant that of all the officers consulted

in this enquiry only one - G.C. Walker - considered the possibility that there might be some direct political danger from the money-lending classes whose influence was growing; but that, he thought, would not arise until it was combined with organization among those classes.

There were great differences of opinion among officers as to the particular reforms in law and civil procedure which might be worth trying; and these differences were not necessarily determined by any particular view of the political danger involved in the transfer of land. On the strongest provision referred for opinion - sections empowering Courts to go behind bonds, decree reasonable interest and so on- and on the general question of whether an Agricultural Relief Act on the lines of the Dekhan Act was required in the Punjab, the vast majority of Revenue officers answered in the affirmative. Only a few of the officers who had questioned the existence of any political danger answered either or both these questions in the negative. The most important of these were G.R. Elsmie and W.M. Young, the two Financial Commissioners, who answered both these questions in the negative. On the affirmative side there were some officers who desired that provisions for going behind the bond be introduced with safeguards, or that a Relief Act be limited in its

application. In this category were a few of the officers who had denied the existence of any political danger, and some who believed the political danger to be real. A large number of officers, mainly those who anticipated political danger but also a few who did not, either did not comment on the question of safeguards or geographical limitations, or indicated that such safeguards and limitations were undesirable. A majority of the judicial officers who discussed these general questions replied in the affirmative. The Judges of the Chief Court - including old opponents of legislative action like A.H. Benton, R.T. Burney and C.A. Roe - were unsympathetic.

Taking the replies as a whole the enquiry had established a remarkable consensus of opinion, especially among Revenue officers, that for political or administrative reasons, some legislative action on the lines of the Dekhan Act was required, while there was a large number of officers who were prepared to go further in this direction than Lyall had been.

The enquiry also showed that there was now a considerable number of officers - mainly Revenue officers - who wanted something more than Dekhan Act legislation. A few wanted to inhibit alienation by changes in the revenue system. Most of them favoured the imposition

of some sort of restriction on the power of alienation. Some of these men - like C.M. Rivaz, J.G. Silcock, J.M. Douie and G.M. Ogilvie - indicated that they considered this to be the only real remedy; and others like J. Wilson, S.S. Thorburn - who had long since ceased to believe that the particular restrictions he had advocated in 1886 were practicable - D. Ibbetson and L.J.H. Grey certainly favoured it strongly. There was nevertheless little hope among these officers that any such solution would be adopted.

The replies of the Judicial Officers were forwarded to the Punjab Government in June, and those of the Revenue officers in October, 1889. Despite several reminders from the Government of India it was not till April 1891 that an office note was prepared on these opinions, and not till June 1891 that James Lyall recorded his opinion. A perusal of the papers convinced Lyall that a serious state of affairs existed, either developed or commencing; that transfers were proceeding rapidly and in an increasing ratio; that there had been a marked tendency to a decline of good feeling among the agricultural classes in many if not all districts; and that political danger was to be apprehended shortly in very many districts. That political danger, he thought, was greatly increased

by the fact that many of the transfers were to the money-lending classes; but even the transfer of land from one agriculturist to another agriculturist, so far as it was due to the unsuitability of law and civil procedure to the condition of the poorer agriculturists, was a reproach and tended to make the Government unpopular. He was now more strongly of the opinion than before that in so far as land transfers were due to the action of British laws and courts, remedial measures were required. He still believed that only a measure on the lines of the Dekhan Act would be of much use; but he now favoured the extension of even its stronger provisions to the whole of the Punjab. The measure which he sketched followed the Dekhan Act closely.⁵³

Lyall knew that these proposals would not be well received by the Government of India. P.P. Hutchins, the Member for the Revenue and Home Departments in the Government of India, had unofficially indicated his hostility to legislation on the lines of the Dekhan Act. It looked to Lyall as if general legislation might be proposed for several Provinces which would not meet the requirements of the Punjab. Accordingly in forwarding his proposals to the Government of India in August 1891, Lyall tried to anticipate objections and suggestions.

His proposals, he argued, though they might appear drastic, amounted for the most part only to a return to the law and procedure in force in the Punjab within the last twenty-five years. In this, as well as in other respects, the circumstances of the Punjab were peculiar; and an attempt to frame an Act applicable to the Punjab and other Provinces would mean not only delay, but in the end a law not adequate or suited to Punjab requirements. As to objections to the proposed legislation founded on the general principles of political economy, Lyall explained why he did not consider them to carry much practical weight. In conclusion he asked for an early reply from the Government of India, so that he might appoint a Committee of Punjab officers to draft a Bill on the lines he had indicated before the expiry of his term of office some six months hence.⁵⁴

In his reference to the principles of political economy Lyall touched on an issue which continued to divide official opinion.

An answer had been given by Ibbetson in 1885 to the conservative economic argument that, credit being indispensable to the agriculturist, any action that reduced the value of his security would only enhance the rate of interest he had to pay. This, Ibbetson suggested, might

be true in individual instances, where the money-lender was the master; though even this tendency was weak in a country so conservative as India, where tradition was so strong, and where in many respects guild feeling almost overrode competition. The money-lender was powerless against circumstances which permanently affected all borrowers alike; for while the agriculturist had to borrow, it was no less true that the money-lender had to lend. The high rates of interest demanded under British rule were survivals from the time when landed security was of much smaller value. They had survived because the rise in the value of landed security had been absolutely general, giving no individual borrower an advantage over his fellow. An equally general decrease in the value of landed security would probably leave current rates of interest unaltered. In any case the amount of interest which could be taken was limited to the amount of which the civil court would compel payment.⁵⁵

In a more extreme form the conservative argument was that protective measures would depreciate the value of land and thereby make it impossible for agriculturists to borrow. This proposition was challenged by L.J.H. Grey in an article written in November 1887 in which he proposed that transfer of ancestral land to others than

agriculturists be debarred. The value of land, he wrote, would fall very considerably - at least for a time. This would not affect the welfare of the agriculturists, for the last thing they wanted to do was to sell their land; on the contrary they wanted to buy and the cheaper the better. If the agriculturist wanted to raise money on the land for agricultural improvements, he could get it from the State. If he wanted money for bullocks, seed and so on this could to a certain extent also be obtained from the State, and the Government could extend this resource at the same time as it restricted alienations. If money was required for food, ordinary expenses or payment of revenue, the money-lender - who he indicated, as Ibbetson had done, had to employ his capital - would afford credit up to the prospective value of the surplus produce of two or three good harvests. If an agriculturist was foolish enough to want money for extravagant purposes there would certainly be some enterprising agriculturist who would advance it in the hope of obtaining the foolish one's land. Of course not as much money could be obtained for extravagance in this way as it would previously have been possible to obtain from a money-lender; but this was desirable. If a proprietor's holding was too small to cover his necessary expenses in

good years then it was desirable that he should be driven to sell out to some more prosperous agriculturist.⁵⁶

Lyall in defending his Dekhan Act in 1891 began by pointing out that the population in India was not as homogeneous as it was in most European countries. In reply to men like W. Coldstream, W.R.H. Merk and W.M. Young who believed that a Dekhan Act would retard natural economic and social development, Lyall referred to the almost entire exemption of agricultural land from compulsory sale or transfer in execution of decree or in insolvency proceedings which had not stopped, as far as he could see, agricultural progress or produced other evil effects.⁵⁷

As to the danger to credit, Lyall shared the belief expressed by many of the officers in favour of legislation in the 1888-89 enquiry, that the restriction of the agriculturists' borrowing powers would be beneficial; and that it would still be possible to obtain necessary, though not improvident loans, as the money-lenders could not abandon their hereditary occupation; an occupation, as Lyall put it, which they used to carry on when there were no courts and laws in the country, and as they still did among the independent Afghan border tribes.⁵⁸

At this point Lyall had to contend with the argument -

which impressed some advocates as well as opponents of a Dekhan Act - that while the money-lenders would continue to lend they would insist more than ever on landed security. To Rivaz this argument led to the conclusion that only direct restrictions on the power of alienation could touch the root of the evil. To another advocate of legislation like W.A. Harris there was some hope that restrictions on interest would prevent loans from growing to such a sum as would necessitate landed security; and that when the money-lender insisted on it the peasant would stop short and curtail his expenditure. To Lyall there was no hope that a Dekhan Act would save all land-owners - though he did not put it quite so bluntly in official correspondence. In his Despatch to the Government of India of August 1891 he argued that the ordinary honest and thrifty agriculturist's credit would not be injured; the less thrifty and dependable agriculturist would get such loans as were necessary and within his means, though he might have to execute a registered bond before he received a considerable loan oftener than before; only the embarrassed and dishonest man would have difficulty unless he could mortgage or hypothecate land or give good personal security.

As to the benefits to be derived, Lyall believed that

a Dekhan Act would reduce the huge number of suits instituted by money-lenders against agriculturists. It would discourage those money-lenders who deliberately aimed in the conduct of their business at getting possession of their clients' lands and who used the courts to that end; and those who lent recklessly at high interest to improvident and dishonest men, trusting to make their business pay by prompt recourse to the courts. These classes, he believed, would be forced to resort to the more old-fashioned course of business still followed by many money-lenders - trying to get a good interest on their capital as a whole, but not trying to acquire their clients' lands, and disinclined to resort to the courts.

* * *

The British had come to India with certain fixed ideas of government. Years of experience in the North-Western Provinces had created officers prepared to modify the existing system in accordance with this experience. Their dominant position in the Government of the Punjab had created the protective policy of the first decade after annexation (1849). Attempts by officers who had obtained their early and formative experience in the Punjab from the 'fifties to extend this protective policy in accordance with changing conditions in the Punjab had

foundered on the opposition of those of their generation who thought otherwise and who occupied the highest positions. The demand for a new protective policy gradually developed among a large number of officers whose experience of the Punjab dated from the 'sixties and 'seventies. The British had been in the Punjab for some forty years before the Lieutenant-Governor of the Province seriously accepted the necessity for a new protective policy; and it still depended on the Government of India whether this policy would be put to the test.

CHAPTER 8

Edward Buck and the Government of India, 1889-94.
 Action through the assessment? 1889-95.
 Dennis Fitzpatrick and the restriction of the
 power of alienation, 1894-95.
 Ibbetson versus Fitzpatrick, 1895-98.

I.

James Lyall's proposals of August 1891 reached the Government of India at a time when that Government was almost paralysed by divisions of opinion.

Lyall's tentative proposals of November 1888 had served practically no purpose. Their consideration had been deferred until the submission of his final report. Meanwhile there were reports on agricultural indebtedness from the Central Provinces and Bombay to consider. The Chief Commissioner of the Central Provinces, A. Mackenzie, wanted a Dekhan Act. The Bombay Government could not agree whether the Dekhan Act had worked well or not. The Punjab and Central Provinces reports were the responsibility of the Revenue and Agriculture Department, the Bombay report that of the Home Department.¹

One of the most influential of the Government of India officials who had to deal with these questions was E.C. Buck, the Secretary of the Revenue and Agriculture Department. Buck had been Secretary for years, having reorganised the Department, and having a special interest

in agricultural improvement and revenue matters generally. The weight of his opinions was entirely out of keeping with his official position. His opinions had been formed in earlier days when he had been a Revenue Officer in the North-Western Provinces. To Buck the great mistakes of British policy had been, firstly, the grant of transferable rights in land, which promoted its encumberment and transfer to money-lenders; secondly, the replacement of an elastic system of revenue collection by a rigid one which forced peasants into debt in bad seasons; and, thirdly, arising out of this, the gradual lowering of the revenue demand under British rule, which further promoted the transfer of land. Buck was especially worried by the consequent financial losses of Government. A Dekhan Act, he thought, only improved the position of an existing generation of proprietors; future generations would have to pay more for their loans and further difficulties and financial losses would result. In his view the only real solution of the problem was to restrict the right of transfer. Fluctuating assessments were likewise highly desirable.²

Buck's superior, P.P. Hutchins, the Member for the Home as well as the Revenue Department, was an old judicial officer with a predilection for general laws

extending to the whole of India; for regular courts guided by the ordinary rules of procedure; and for the sanctity of contracts. The Dekhan Act offended these cardinal principles. Hutchins had little appreciation of the problems posed by the transfer of land. Anything out of the ordinary, like the restriction of the power of alienation, struck him as simply impossible.³

Buck and Hutchins thus agreed on the one point - that a Dekhan Act was not desirable - which would ensure inaction.

The Viceroy, Lord Lansdowne, was not in a position to initiate any definite policies. While on a tour of the Punjab during, or shortly before, January 1890, Lansdowne had heard uneasy references in several quarters to the transfers of land in that Province. He had consulted some of the Punjab Registration and Administration Reports, as also Thorburn's "Musulmans and Money-lenders in the Punjab", and become convinced that a serious agrarian problem existed. Lansdowne was favourably disposed to some sort of effective action being taken; but he had no experience of Indian conditions to guide him as to what that action might be.⁴

In December 1890 Hutchins recorded his opinion on the Bombay and Central Provinces reports. He opposed the appointment of a Commission to examine the working

of the Dekhan Act, a suggestion which had been made by the Secretary in the Home Department. Hutchins thought that the problem of agricultural indebtedness could be adequately met by the introduction of certain amendments into the general law, the most important of which were designed to give the courts greater powers to grant relief against unconscionable bargains. Lansdowne wanted Buck's advice on the matter. He was perplexed by the great divergencies of opinion in the Bombay papers and favoured the appointment of a Commission. As several Council members were opposed to a Commission it was agreed at the Council meeting of 6 February 1891 to drop the idea.⁵

Three days later Buck wrote the note for which Lansdowne had asked. Buck suggested that the time was coming when the Government of India would have to face the general question of agricultural indebtedness; and in particular the desirability of imposing restrictions on alienation and of introducing fluctuating assessments. He believed that a practicable method of restricting transfers might be that proposed by C. Crosthwaite, another old North-Western Provinces officer, during discussions in 1882-84, viz., that Government take power to buy up encumbered estates and re-settle them on enhanced terms with absolute restrictions as to transfer. It was in the investigation of the possibility of such action,

and not in regard to the working of the Dekhan Act, that a Commission might prove of real advantage.⁶

Buck's note convinced Lansdowne that the question of a Commission should be reconsidered. Hutchins was annoyed and clung to his own proposals; though adding that he preferred a law which would enable proprietors who had been sold up to become occupancy tenants of a reasonable portion of their former estates without power of transfer, to any ambitious scheme for buying up encumbered estates. Lansdowne thought that the examination of the palliatives proposed by Hutchins - the amendments of the general law - should not affect the main question as laid down in Buck's note. The opposition on the Council was still too strong for Lansdowne. At the Council meeting of 20 February the idea of a Commission was once more dismissed; and the only definite decision made was to refer Hutchins' proposals to the Legislative Department. Buck's first attempt to bring matters to a head had failed.⁷

When Lyall's Despatch of August 1891 arrived, Buck pressed once more for a general Commission; and later, when that was not accepted, for the association of an Imperial Officer (himself or Crosthwaite) with a Commission which would examine the working of the Dekhan Act. Hutchins was still opposed to a Dekhan Act and he had found a kindred spirit in A.E. Miller, the new Legal

Member. Lansdowne alone was influenced by Lyall's communication. He now felt even more strongly that a Commission to enquire into the working of the Dekhan Act was necessary. Hutchins and Miller gave way reluctantly in deference to Lansdowne. Buck's proposals, however, were not accepted. The Commission, which was appointed in November 1891, was to report on the local working of the Dekhan Act and on the possibility of extending the Act to other parts of India. It was to consider the proposed amendments of the general law. If the Commission believed that the Dekhan Act afforded no lasting solution it was to indicate what other measures, if any, it thought advisable. The possibility of allowing the Commission to collect evidence in the Punjab, after it had finished in the Dekhan, was considered, but ultimately rejected.⁸

The Commission dispelled such hopes as Buck might still have had. It reported in favour of the Dekhan Act and its extension to other parts of India. It approved of the proposed amendments of the general law. The restriction of the right of transfer was discussed, but not recommended for the Dekhan; and for the rest of India no suggestion was made. The Commission's discussion of the restriction of the power of transfer, it was decided, would be dealt with by the Revenue Department. In September 1892 that Department also asked the Governments

of the Central Provinces and the Punjab to comment on the Commission's Report. A. MacDonnell, Chief Commissioner of the Central Provinces, immediately replied that the true remedy lay in the restriction of the right of transfer; but D. Fitzpatrick, the new Lieutenant-Governor of the Punjab, was in no hurry to answer. It was decided in the Revenue Department to await Fitzpatrick's reply before considering the restriction of the power of transfer. Buck had failed once more to get things moving.⁹

Meanwhile the discussion of the Commission's Report in the Home Department focussed attention on the question of restricting the transfer of land. C. Crosthwaite, in a note of November 1892, argued that more than a Dekhan Act was needed. The political danger, he thought, was not so great as to now justify a withdrawal of the right of transfer; but ex-proprietors might be maintained as occupancy tenants in part of their land at a favourable rent and without the power of transfer. He also revived his old proposal for the buying up of encumbered estates. In 1893 these proposals were endorsed to greater or lesser extent by several other members of Council, including Hutchins.¹⁰

In August 1893 Buck made a third attempt to force the pace. Instead of a general Commission he proposed that Provincial Committees be formed in each Province

to consider the restriction of the power of transfer; and that an Imperial officer, who would also draw up a statement of the case from the records of the Secretariat, be associated with the Provincial Committees. Alternatively, he thought, it was necessary to put an officer on special duty in the Revenue Secretariat to prepare the case, and his duties could be extended to include attendance at Provincial Conferences. This time it looked as if Buck might succeed. His first proposal was accepted by Hutchins, whose opposition to the restriction of the power of transfer had abated, and somewhat doubtfully by Miller. Lansdowne, now determined to have the transfer question threshed out, supported it strongly. The Punjab Government was accordingly told that it need not reply to the letter of September 1892, as the question was before the Imperial Council. That Council finally approved Buck's appointment in October 1893; but only to have it disallowed by the Secretary of State in December 1893.¹¹

Now, on the eve of his departure, Lansdowne was fully convinced that the Government of India was faced with a serious political problem which could only be solved by restrictions on the power of land-transfer. His opinion to that effect was sent to the Revenue Department for consideration in January 1894. The Department had a clearer

mandate than ever; but it was in no better position to tackle the problem than before.¹²

A few months later the question was revived by the new Member in the Home and Revenue Departments, A. MacDonnell, who had already, as Chief Commissioner of the Central Provinces, advocated the restriction of the power of transfer. MacDonnell secured the assent of Council to the appointment of an officer who would prepare a statement of the problem from the Secretariat records. The Secretary of State was informed that the matter of restricting the power of transfer had been taken up.¹³

In the Home Department it had been determined to proceed with the amendments of the general law; a circular to the Local Governments being issued in June 1894. In the following month MacDonnell decided that the question of extending a Dekhan Act to other parts of India would be postponed till the enquiries relating to the amendment of the general law and the restriction of transfer had been completed.¹⁴

In this way the Government of India deliberations of the early 'nineties postponed consideration of legislation on the lines of the Dekhan Act, as proposed by James Lyall in August 1891. Hutchins' amendments in the general law were still under discussion; but Lansdowne, with his

eye on Buck, had not allowed them to stand as the final solution to the problem. Despite his repeated failures to get things moving, Buck had played the major role in bringing the question of the restriction of the power of transfer to the fore. With the advent of MacDonnell Buck's efforts seemed about to bear fruit. The particular restrictions on transfers that Buck and others had recommended were comparatively mild and suited rather to conditions in the North-Western Provinces than to those in the Punjab. In that respect the whole discussion was about to be transformed. Before considering this it is necessary to see how the failure of the Government of India to accede to Lyall's proposals enabled more radical policies to come to the fore in the Punjab itself.

II.

It was with reference to the introduction of reforms in the revenue system that the problem of land transfers was kept alive in the Punjab in the early 'nineties.

Thorburn was now Commissioner of the Rawalpindi Division; and as several of the districts of the Division were under settlement, he had to review the various assessment reports submitted. Thorburn used the opportunity to re-open the question of fluctuating assessments, which Lyall had more or less excluded from the scope of the

1888-89 enquiry. Several of the assessment reports showed that extensive alienations of land to money-lenders had taken place. This process of peasant expropriation, Thorburn argued, would be accelerated now that such large enhancements of revenue were being taken. In future the land-owners would have to borrow still more to pay their revenue in bad seasons than they had done in the past. The enhancements could only be safely taken if fluctuating assessments were introduced. James Wilson, Settlement Officer of one of the districts of the Division, hardly shared Thorburn's fears in regard to the enhancement of revenue. He was nevertheless an old adherent of fluctuating assessments; and he made various suggestions in this respect for the Shahpur district.¹⁵

The general extension of fluctuating assessments was opposed by senior officers whose views on the question of agricultural indebtedness were otherwise incompatible. It was opposed at one time or another by Charles Rivaz and Mackworth Young, the Financial Commissioners; and by the Lieutenant-Governors, James Lyall and Dennis Fitzpatrick. To all these men fixed assessments were the norm; fluctuating assessments, which involved special difficulties of management, the deviation. Lyall was perhaps more in favour of cautious extension than most of the others.

Neither he nor Charles Rivaz shared Thorburn's belief that borrowing to pay land-revenue was a serious cause of indebtedness or that fluctuating assessments would provide any real answer.¹⁶

One of the most confirmed opponents of fluctuating assessments was L.J.H. Grey, who had his own special view of the causes of agricultural indebtedness, and of the reform required in revenue administration. As Commissioner of the Delhi Division in the late 'eighties and early 'nineties, Grey urged his views on Government on several occasions. Light assessments, he argued, did not lead to the accumulation of capital and the improvement of the soil. The low assessments and long periods of settlement introduced by the British, and the rise in the value of produce, had left the peasant with a margin which only encouraged him to live largely and to spend his surplus on extravagance and litigation. At the same time the lowness of the assessment and its fixity for a long term of years increased the value of the peasant's land, and with it his credit, and made the land more attractive to money-lenders seeking an investment for their capital. In the process the British lost a considerable amount of revenue, for when a settlement was revised after thirty years or more, the style of life of the peasants had

developed to such an extent that it was no longer possible to take the enhancement of revenue which was indicated by the increase in material resources. The revenue thus lost had to be made up by the tax-paying community in general. In so far as this revenue was used to extend communications and irrigation works, it only served to further increase the value of the peasant's land and thus offer him still greater facilities for running into debt and losing his land.¹⁷

Compare this situation, Grey continued, with that prevailing in the Punjab Native States. These States realised a much greater revenue from their peasants than the British in similar and adjoining territory. Their revenue system was much less considerate than that of the British, no end being spared in realising the revenue, while suspensions and remissions in bad seasons were unknown. Yet cultivation had been extended there as well as in British districts. Standards of material comfort differed little from those in British districts. Above all, the peasants of the Native States were more contented than those under British administration, for adequate assessment coupled with restrictions on alienation had maintained the land in their hands.

In view of these considerations Grey urged a return to heavy assessments and short periods of settlement, or progressive increases in revenue during the term of settlement, as a means of increasing revenue, curtailing the peasant's extravagance and credit and making him work, decreasing the attractiveness of land as an investment to the money-lender, and in these ways inhibiting transfers of land.

It is doubtful whether these proposals commanded support among any section of officers. Conservative Financial Commissioners like Gordon Young and Mackworth Young opposed them as a matter of course. Officers as different in outlook as Gordon Young and Kensington shared the fear that very large enhancements of revenue might break down the village communities completely. Many were well aware that there was a connection between indebtedness and light assessment. Men like Wilson and Lyall were for that reason not prepared to forego a fair enhancement of revenue on account of existing indebtedness. As to a policy of heavy settlements, Lyall thought that it would undermine the political support of the agricultural classes on which British rule depended. Lyall's successor, Fitzpatrick, was no more inclined to favour such a policy.¹⁸

While Grey's proposals for heavy assessments were

not taken up, a proposal to assess alienated lands at specially high rates in order to check transfers gained favour with some officers after 1889. As first mooted by Louis Dane, Settlement Officer of Gurdaspur, in that year, it rested on a view of agricultural indebtedness which was similar to Grey's. It was the lightness of the revenue demand, Dane asserted, which made the land such an attractive investment to money-lenders. Increase the assessment on lands alienated to money-lenders up to the full half net assets standard, and the money-lender's profits would be reduced, his desire for the land would decrease, and his capital might be diverted to more productive ends. If the agriculturist's credit was affected by such a differential assessment this would not be undesirable, as it would prevent him from borrowing for extravagant purposes. Moreover, the Government would secure an initial increase in revenue and, if alienations continued, a further increase plus valuable proof of the liberality of its assessments.¹⁹

In his reply to the 1888-89 enquiry Charles Rivaz, Commissioner of the Lahore Division, supported the proposal as one which might well be accepted if it was considered impracticable to impose restrictions on the power of alienation. He referred favourably to the matter again somewhat later in his review of the Batala

assessment report. The Financial Commissioners, G.R. Elsmie and W.M. Young, had no hesitation in rejecting what they considered to be an extraordinary measure. Lyall dismissed the scheme as impracticable but thought it might be worth considering whether a heavy entry fee should not be imposed on alienations and whether the revenue of a village should not be redistributed when an outsider acquired the most lightly assessed lands. Ultimately Lyall, in a hesitant mood, dropped the former suggestion; while the latter was forgotten. In any case the idea of imposing a heavy entry fee on alienations did not satisfy Rivaz and Dane; for, as they later pointed out, the alienee would probably be able to shift the burden of such a fee on to the alienor as it was not a recurring charge.²⁰

Despite the rejection of Dane's and Rivaz's suggestions in 1890, the question of a differential assessment was taken up by Thorburn and Wilson. From 1890 to 1893 Thorburn made the fullest use of his position as Commissioner by repeatedly referring to the question in his reviews of assessment reports. These opinions were, as Thorburn later put it, "forlorn hopes ... against a position which the assaulters knew would not be carried at that time". Dane also continued to refer to the matter in his reports.

Rivaz, the second Financial Commissioner, was more circumspect; but after Fitzpatrick succeeded Lyall as Lieutenant-Governor, Rivaz also began to press the matter. Finally in February 1894 Fitzpatrick, in response to one of Rivaz's representations, reluctantly promised to take up the question.²¹

The advocates of a differential assessment disagreed on certain points. Dane, Thorburn and Wilson wanted to impose the heavier assessment on lands alienated in the past as well as the future, while Rivaz, at least at first, did not.²²

The second point of disagreement reflected fundamental differences in outlook. Thorburn and Dane agreed in limiting the measure to lands alienated to money-lenders, while Wilson wanted to apply it to all alienated lands. Rivaz at first agreed with Dane, but later changed his mind.

Thorburn approached this question from a political point of view. He believed that transfers to hereditary agriculturists and even those to self-cultivating proprietors of low status were inevitable and did not signify future agrarian trouble. It did not matter who the actual cultivating proprietary was, as long as money-lending middlemen did not intercept the profits of

cultivation. Even if one class of agriculturists should gradually expropriate another, that would only mean that the vigour of the latter, which gave them political importance, had passed to the former.²³

Wilson was preoccupied with securing for the State the full amount of revenue to which it was entitled wherever that amount could be safely taken. It could be safely taken, he thought, wherever outsiders, whether agriculturists or money-lenders, had acquired land. It was only just that those who had voluntarily acquired land as a mere pecuniary speculation should pay the full half net assets assessment. Their ability to buy or lend showed they had some command of capital and could well afford to pay. In this way it would also be made clear that the measure was not directed against money-lenders as a class.²⁴

Rivaz looked at the issue from an economic standpoint. He had at first taken the view that it would not be desirable to inhibit transfers to agriculturists as it was obviously expedient for land to pass from the hands of a man who could not make use of it to one who could. On reconsideration he advised the imposition of the heavier revenue on land alienated to agriculturists as well as to money-lenders, on the ground that while such a measure

would not be severe enough to check the acquisition of land by those who wanted to cultivate it themselves, it would inhibit the acquisition of land as a commercial speculation.²⁵

Dennis Fitzpatrick was not inclined to look favourably on these proposals for differential assessment. As Secretary to the Government of India he had been associated with the framing of the Dekhan Act; he had since occupied high offices in several Indian Provinces and had formed views on the subject of agricultural indebtedness of the most decided kind. He readily admitted that the steady expropriation of the agricultural classes could lead to serious political danger. His economic beliefs were, in a sense, more inflexible than those of his predecessor; and they led him to consider as futile anything short of the restriction of the power of alienation. At the same time he was, as a practical administrator, cautious in the extreme. The proposals for differential assessment offended both his economic theories and his practical caution; and it was in a critical spirit that he took up the matter in August 1894.²⁶

Fitzpatrick undermined the fiscal argument for a differential assessment by his insistence that it could not be applied to past transfers or to transfers to

agriculturists. It would be harsh to give retrospective effect to the measure. In regard to transfers to agriculturists he was, despite his limited experience of the Punjab, inclined to contradict Wilson's view of the matter. Transfers to agriculturists, he thought, were not so much acquisitions by men of some capital, as small transfers to agriculturists of small means who wanted a little extra land to work and who would find it difficult to bear the extra assessment. Such transfers, Fitzpatrick continued, were not open to such strong objections as those to money-lenders; and in support of this assertion he quoted Rivaz's earlier view. If land had to be transferred it was better to favour transfer to an agriculturist by not raising the revenue demand in his case. As to the objection that the application of the scheme to non-agriculturists alone would be class legislation, Fitzpatrick felt no difficulty whatever.

In regard to the political effects of the measure Fitzpatrick indicated that it would not check transfers to money-lenders, for even a full half net assets assessment left a considerable margin for investment; and the only result of the measure in this respect would be that the money-lender would advance less money for the same amount of land and thus secure the same rate of profit

on his investment. Nor would the unthrifty peasant be inhibited to any significant degree from transferring his land by the knowledge that he would get something less for it. Before long both money-lender and land-owner would probably devise means to avoid imposition of the extra assessment. As a method of checking alienations, Fitzpatrick concluded, the scheme was useless.

Besides, Fitzpatrick pointed out that a differential assessment was not likely to be harmless: it might set up a good deal of disturbance in the revenue system; and there were practical difficulties in applying it to a village revenue system.

When Fitzpatrick's letter was circulated to selected officers it was found that few of those consulted for the first time favoured applying the scheme to past transfers or to transfers to agriculturists. With two exceptions there was general agreement among all shades of otherwise divergent opinion that transfers to agriculturists need not be deplored or checked. Most of the officers who favoured the scheme limited in this way did not consider the objections against class legislation to be of serious import. A few touched on the difficulty of defining agriculturist. There was very little discussion of how the money-lending classes would receive such a measure.

An opponent of differential assessments mentioned it incidentally; one lukewarm supporter only doubted whether the political discontent among the money-lending classes would be worth the fiscal gain.²⁷

There was strong opposition to the whole scheme from J.B. Hutchinson, C.F. Massy, F.A. Robertson and W.M. Young - representatives of conservative opinion in the Province. Much of Hutchinson's experience had been in the Multan district and he had been deeply impressed by the improvement of the land which resulted from its transfer to a Hindu trader. Despite this he had throughout his career shown perhaps greater appreciation of the radical point of view than the others. Generally speaking Hutchinson, Massy and Robertson were not prepared to believe that the improvident and extravagant could be saved by legislation. They had never been, nor were they now, prepared to go further than legislation similar to the Dekhan Act, which would ensure that the peasant received fair treatment in court. W.M. Young, now first Financial Commissioner, was probably the most die-hard conservative in the Province. He opposed a differential assessment as he had opposed all other measures to check the transfer of land. At the centre of Young's thoughts lay a conviction which overruled all other considerations - the conviction that

the British system of administration was based on incontrovertible principles. British administration, Young believed, conferred great benefits on Indian society. The constant rise in the value of land was of incalculable importance to a poor country like India. The gradual growth of thrift, self-reliance and prosperity might not attract much attention, but it was none the less real. The transfer of land was a necessary concomitant of these benefits. Young accordingly deprecated any administrative or legislative departure that was not fully justified by precedent and experience, or any interference with the transfer of land, lest the natural development of society be checked.²⁸

These conservative officers - Hutchinson, Massy, Robertson and Young - agreed broadly with Fitzpatrick's analysis of what was likely to happen if a differential assessment were introduced. Robertson indeed thought that there might be an initial shaking of credit - both the peasants' and the Government's - which would check alienations for a time; but that when confidence returned expropriation would proceed much faster because the value of land would be lower. Massy agreed that under a differential assessment the peasant would come more quickly to the end of his tether; and both he and Young

predicted that the restriction of credit would lead to serious peasant discontent. Young also stressed the practical difficulties and the fact that the measure would strike at the root of the village revenue system.²⁹

L.J.H. Grey likewise opposed a differential assessment; he still adhered to his policy of general enhancements of revenue.³⁰

In addition a number of other officers - E.B. Francis, H.P.P. Leigh, P.J. Fagan, E.B. Steedman and F.D. Cunningham - felt that a differential assessment would not check transfers to any degree; but they were nevertheless willing to try it.³¹

There were, apart from Dane and Thorburn, only two officers - J.A.L. Montgomery and A. Anderson - who strongly favoured a differential assessment. Montgomery and Dane thought that the imposition of an extra assessment on non-agriculturists would give agriculturists an advantage in the acquisition of land; and this competition, Dane pointed out, would prevent the serious depreciation in the value of land which Fitzpatrick feared. Thorburn believed that the money-lender's desire for land would be slightly decreased because his annual income from the land would be less under a differential assessment. Together with Dane, Anderson and Steedman he conceived

that the restriction of peasant credit would be beneficial.³²

Thorburn further criticised Fitzpatrick for approaching the issue from the standpoint of an outmoded assessment policy - the system of village assessments. The situation was increasingly becoming one in which villages were held in part by peasant-proprietors and in part by non-agricultural alienees. Yet the Settlement Officer had very limited powers of distribution of revenue within the village. If he assessed the whole village at rates payable by non-agricultural alienees he might well precipitate the ruin of the remaining peasant-proprietors. In consequence the whole village was usually assessed leniently to benefit the peasant-proprietors; and this meant a loss of revenue from the alienees who were well able to pay. Moreover, Thorburn asserted, under the existing system of village distribution the best lands were often the most lightly assessed, and it was precisely these lands which money-lenders ordinarily acquired.³³

Charles Rivaz, the second Financial Commissioner, had been an advocate of differential assessment; but he now thought that too many settlements had been concluded to make the adoption of a differential system worthwhile. He took the opportunity to express a decided opinion on

a point on which the large majority of officers consulted disagreed with him. To apply a differential assessment to money-lenders alone, Rivaz charged, would be a piece of class legislation which would be hardly justifiable; and, as some officers had noted, it would be difficult to distinguish between money-lender and agriculturist.

There were in many parts of the Punjab members of the agricultural classes who combined money-lending with agriculture or who were men of some little capital which they wished to invest in land. There was no reason why such men should not pay a proper assessment on their acquired lands. As before, Rivaz believed that in such cases the imposition of a higher assessment would not deter acquisitions by those who wanted to cultivate the land, but would place an appreciable check on the acquisition of land as a mere commercial speculation. In later discussions relating to the restriction of the power of alienation this aspect of Rivaz's outlook was to be of considerable importance.³⁴

There were indications in the opinions submitted that a number of officers favoured some radical remedy to check land transfers. Grey again suggested that the power to alienate be restricted. Anderson and Fagan thought such restriction desirable, but doubted whether

it would ever be done. Massy considered such restriction impossible. Steedman, Cunningham and Leigh referred vaguely to the necessity for schemes to save the landowner. In Steedman's case this was nothing new; but Cunningham and Leigh certainly wrote in stronger terms than they had done in 1889. Cunningham had then been a moderate supporter of a Dekhan Act, and Leigh, speaking from his experience of the Kohat district, had more or less opposed it. Thorburn, in an opinion which was not written till March 1895, referred to differential assessments as one of several peasant measures which he hoped to see adopted. Earlier that month he had had discussions with Fitzpatrick which seemed to hold some promise of action being taken in the direction of restricting the power of alienation. Before turning to the events of March 1895 it is necessary to examine a discussion which took place about the same time as that relating to differential assessments and which throws further light on official opinion in the Province.³⁵

III.

In July 1894, shortly before he took up the question of differential assessment, Fitzpatrick referred the Government of India's Home Department Circular of 4 June 1894 to the Financial Commissioner and Chief Court for opinion.

The Circular proposed certain amendments of the law regarding usury, and of the Contract and Evidence Acts.³⁶ Fitzpatrick dealt chiefly with the proposed addition to the Contract Act that a contract should be voidable on account of a creditor having taken undue advantage of a debtor's simplicity or necessities; for he feared that that provision would be interpreted in widely different ways by the courts and would introduce a large element of uncertainty into the law. He was convinced that every fresh element of chance, everything that made it more difficult for a creditor to forecast the result of suing his debtor, would lead the money-lender - as he thought it had done already to a considerable extent in the Dekhan - to ensure against the risk by devising new methods of doing business and exacting severer terms. There might be something to be said in favour of destroying the peasant proprietor's credit altogether and thus preventing him from borrowing money; but the introduction of a further element of uncertainty only impaired credit so that the debtor would have to submit to harder terms. Fitzpatrick hoped that someone might be able to suggest a way of making the proposed rule more definite.³⁷

Of the officers consulted a number - chiefly Judicial officers - agreed with Fitzpatrick's view of the danger

of introducing uncertainties into the law; and, as Justice Channing and another Judicial officer added, the peasant was more willing to borrow and to submit to harsher terms the greater the uncertainty whether a particular contract would be enforced or not.³⁸

Some of these officers did not endorse Fitzpatrick's standpoint entirely. Justice Channing, J.R. Maconachie and G.M. Ogilvie, the Financial Commissioner, drew a distinction between provisions of law vague in themselves, to which they believed Fitzpatrick's objection applied more or less strongly, and precisely formulated provisions of law - such as, for instance, one which would limit the amount of interest recoverable in court - to which they considered Fitzpatrick's objection applied with diminished force or not at all. All tinkering with existing Acts of general application in the interests of special classes of the population, Ogilvie explained, was open to Fitzpatrick's objection; but not so distinct enactments with sufficiently precise provisions.³⁹

Several Revenue and a few Judicial officers did not even believe that the proposed amendment of the Contract Act would have the far-reaching effects which Fitzpatrick predicted. Many believed that it was not possible to

make the amendment more definite, but that uniformity of interpretation would be attained in time through the appellate courts. One Judicial officer reasoned that the law could be changed from time to time if money-lenders invented new methods of business. Some thought that the proposed amendment of the Contract Act would introduce no further uncertainty, as many Punjab courts were in practice already in the habit of cutting down interest and so on.⁴⁰

Among those who did not share, or at least not entirely, Fitzpatrick's fear of the introduction of uncertainties into the law, there was yet serious disagreement on the related issue of the restriction of credit. Conservative officers like Hutchinson, Massy and Maconachie disagreed entirely with Fitzpatrick; for they feared that the destruction of credit would prevent the agriculturist from being able to borrow for his necessary requirements. On the other hand, Massy and Maconachie favoured certain measures, among them the limitation of interest recoverable in court, and they were prepared to risk the impairment of credit which Fitzpatrick believed would only make things worse in the end. There were officers like A. Anderson and E.B. Steedman who thought that the impairment of credit would be advantageous.

Anderson's views stood in direct contrast to those of Massy and Maconachie. The peasant, Anderson believed, did not borrow money to improve his land or to better his circumstances, but only to spend it extravagantly. There was no real loss to him if his credit was reduced and he could borrow and spend less. The custom of excessive expenditure would gradually cease; and the provident members of the community would benefit, for they would have to spend less and incur debt less often on ceremonial occasions. Steedman's argument was something of an answer to Fitzpatrick's. If agricultural credit was impaired, and the creditor had difficulty in recovering unsecured cash loans he would try to obtain a mortgage; but the proprietor would hold out to the last against a mortgage and his position would be strengthened by the knowledge that resort to the courts might not be as successful as usual.⁴¹

Officers might disagree whether the proposed amendments of the general law were desirable or useful, but no one suggested that they were in any sense an answer to the problem of agricultural indebtedness. In discussing more radical remedies a number of Judicial officers were prepared to go as far as to suggest or recommend the restriction of the power of alienation. Among them were three of the four Judges of the Chief Court, Channing,

Stogdon and Chatterji. In the 'eighties Channing and Stogdon had expressed their opinion on agricultural indebtedness; but they had not then taken the opportunity to recommend the restriction of the power of transfer. Among Revenue officers it was not surprising that Grey and Ogilvie pressed for the restriction of the power of alienation; but it was notable that Maconachie, who had in the 'eighties been firmly opposed to such restriction, now thought that some cautious action in that direction might be advisable.⁴²

In January 1895 Fitzpatrick accepted the amendments proposed in the law regarding usury and, with certain additions, those proposed for the Evidence Act. He adhered to his view that the proposed amendment of the Contract Act would be dangerous, and instead suggested an alternative and limited amendment. Fitzpatrick indicated that he was not prepared to discuss at this stage the various proposals made by officers in regard to agricultural indebtedness. He did note incidentally that as it would not be advisable to enact usury laws - which would in the long run lead to borrowers having to pay more dearly for accommodation - no amendments of the kind under discussion could touch a large proportion of the cases in which agriculturists ruined themselves by

borrowing money. Unless it was decided to impose restrictions on the alienation of land, those agriculturists would be left to their fate. Though the question of imposing such restrictions was one of very great difficulty, he thought that before long it might have to be considered in some parts of the country.⁴³

In the next few months Fitzpatrick was moved to consider the restriction of the power of alienation rather more carefully. While touring the Jhelum district he received constant complaints, verbal and written, from land-owners against money-lenders and occasional counter-complaints from money-lenders. Fitzpatrick had many conversations with Thorburn, Commissioner of the Division, and Silcock, the Deputy Commissioner of the Jhelum district. Thorburn of course took a very serious view of the rapidity with which alienations were proceeding in the Rawalpindi Division; and Silcock's attitude is best illustrated by a somewhat later remark of his to Fitzpatrick that given even a temporary suspension of British control over the country there would not be a money-lender left alive in the Jhelum district in a week. It was against this sort of background that Fitzpatrick asked Thorburn early in March 1895 to investigate the worst tracts in his Division and show the worst that could be said about them.

Fitzpatrick was influenced by the feeling that if there was a real danger of alienations to non-agriculturists going very far, and the amount of land in their hands increasing very largely and rapidly, the only effectual remedy would be the restriction of the power of alienation. He thought that before such strong and extraordinary legislation was justified it would have to be shown that in some places the evil was attaining formidable dimensions. Vague clamour by agriculturists and vague expressions of opinion by officers would not suffice for this purpose, but only detailed information as to the history and present state of certain tracts. Unless an irresistible case were made out, Fitzpatrick explained in a letter to the Financial Commissioner, there would not be the least hope of obtaining sanction to legislation restricting alienation. If Thorburn's enquiry showed good ground for thinking that there was a case for such legislation, a more exhaustive enquiry into the selected tracts would probably have to be carried out. When the enquiry was finally sanctioned in July 1895 it turned out to be rather more searching than had been anticipated at first.⁴⁴

Meanwhile in March 1895 there came a letter from the Government of India requesting opinion on a private Bill designed to prevent courts from decreeing in suits

for simple money-debts and mortgage-debts interest exceeding in amount the original principal or, where there had been payment in reduction of principal, exceeding in amount the reduced principal. It was not clear whether the term "original principal" was intended to include a power to "go behind the bond" to the very beginning of the transactions between the parties, or not.⁴⁵

A few of the Revenue and Judicial officers consulted simply accepted the measure as desirable. Many pointed out that if the term "original principal" did not include a power to "go behind the bond" the measure could be very easily evaded by the renewal of bonds as well as in other ways. Some officers, including J.R. Maconachie, F.D. Cunningham and Justice Chatterji, though favouring stronger restrictions on the award of interest, thought that even a limited measure of this kind might do some good and would be worth having as a first small step in the right direction. Others, like R. Clarke, C.F. Massy and A. Kensington rejected such a limited measure as useless or even harmful. They wanted either full power to "go behind the bond" or restrictions on the rate of interest. The replies as a whole showed that there was a general feeling among both Revenue and Judicial officers that some regulation of the award of interest was desirable to combat agricultural indebtedness.⁴⁶

One Judicial officer, about to retire, recorded a strong opinion that the power of alienation should be restricted, though he had no hope whatever that his proposal would be adopted.⁴⁷

The replies of officers to a Government of India Circular of May 1895, concerning reforms in the Court of Wards system designed to save large proprietors, further showed the way the wind was blowing. Quite apart from old advocates of legislation like J.M. Douie and S.S. Thornburn, there were officers who had hitherto said little on the general question but who were now showing signs of restiveness at the apparent failure of the Government of India to deal with the indebtedness of peasant-proprietors.⁴⁸

The opinions of Revenue officers on the Interest Bill and on the Court of Wards system were reviewed by Charles Rivaz, the second Financial Commissioner. Rivaz had long since favoured the restriction of the power of transfer, but he had not pressed a measure which he knew would not be considered practicable. Now that Fitzpatrick had shown some indication of moving in that direction, Rivaz came out strongly in favour of some general scheme for the restriction of the power of alienation.⁴⁹

The views expressed by Revenue and Judicial officers, between July 1894 and August 1895, on differential assessments, on amendments of the general law, on the Interest

Bill and on the Court of Wards system showed that official opinion favouring drastic legislation to combat agricultural indebtedness was even stronger than in 1888-89. The desirability of imposing restrictions on the power of alienation was more widely accepted in 1894-95 than before, and this change was especially notable among Judicial officers. The majority of the Judges of the Chief Court approved such restrictions. Among Revenue officers at least some of the advocates of a policy of restricting the power of alienation occupied somewhat higher positions in 1894-95 than in 1888-89. Above all there was now a Lieutenant-Governor who was, unlike his predecessor, disposed to reject all remedies short of the restriction of the power of alienation; and who was about to consider, however cautiously, the imposition of such restrictions. It was at this juncture - long before Thorburn could finish his enquiry and Fitzpatrick could formulate definite conclusions - that there arrived a Circular from the Government of India, dated 26 October 1895, indicating that the Governor General in Council was "... as at present advised, distinctly of opinion that some action in the direction of restriction upon the alienability of land is generally advisable, and even necessary ...".⁵⁰

IV.

The special officer appointed by the Government of India in mid-1894 to prepare a statement of the land-transfer problem from the Secretariat records was E.D. Maclagan, a Punjab officer. In his lengthy note, completed in March 1895, Maclagan summarised such factual information on the subject of land-transfer as was available for the various Provinces; he dwelt on the economic, administrative and political evils of land-transfer; and he discussed the remedies which had been proposed from time to time. Special attention was given to the various schemes for restricting the power of land-transfer which had been devised in the past, and an attempt was made to answer the objections raised against them. Beyond indicating that absolute prohibition of alienations was impracticable, Maclagan did not suggest the particular restrictions which it might be advisable to adopt.⁵¹

The initiative was now taken by a Punjab man of decided views, Denzil Ibbetson, the new Secretary in the Revenue Department. In a long argumentative memorandum Ibbetson pointed out that the transfer of land was, or would become, everywhere in India a political danger of the first magnitude. As long as the masses were contented professional agitators would be powerless; but

agricultural discontent would open the ears of the people to the various forms of political organisation which were coming into existence.⁵²

Amendments of the civil law, Ibbetson thought, were not sufficient to meet the danger. They might diminish transfer but they would not prevent it; and even if the British did not produce the evils they would reap the odium for not preventing them. Heavy assessments were not desirable for the prevention of transfers; for one did not keep a man contented by absorbing his profits. Moderate enhancements of revenue would only be a palliative. Differential assessments were desirable as a revenue measure; but Ibbetson agreed with Fitzpatrick that they would not check transfers. The imposition of a crushing, as distinct from a merely enhanced, assessment on alienated land, was the only revenue measure which deserved serious consideration as a means of checking alienations. It was the restriction of the power of transfer, however, which Ibbetson conceived as striking at the root of the evil.

Ibbetson did not consider that the limitation of credit which would follow the restriction of the power of transfer was a serious objection. The reduction of agricultural borrowing powers was, as experience in the

Dekhan had shown, beneficial and not injurious. That the agriculturist would still be able to borrow sufficiently to carry on his agricultural operations was abundantly proved by the state of affairs existing prior to British rule, by the example of the Native States, and by the existence in certain parts of British India of agricultural classes which did not possess the power of transfer and which were more prosperous and less involved than the small proprietors among whom they lived. It was admitted that by diminishing the facilities for the recovery of debt an element of uncertainty was introduced which would probably raise the rate of interest; but the result was not likely to follow a limitation of landed security. Here Ibbetson argued on much the same lines as in his 1885 paper, with certain additions. A general decrease in the value of landed security would leave the condition of competition between individual borrowers unaltered. If borrowing decreased, capital would be diverted but not to an extent which would materially affect rates of interest, the field for investment of capital in India being too limited. Custom was all-powerful and would probably prevent any increase in traditional rates. The rate of interest upon unsecured debt in the Punjab, Ibbetson noted, was believed to be no higher than in the adjoining

districts of the North-Western Provinces; yet in the former land was practically exempt from sale in execution of a money decree; in the latter it was not.

The real objection to the restriction of the power of alienation, Ibbetson continued, was its unpopularity and the consequent political danger. To ensure that the restriction would not be regarded as a breach of faith it was necessary to make it clear that it did not profit Government except by promoting the prosperity of the people. The argument that the measure would be regarded as a confiscation involved some confusion of thought; for it was only as a negotiable article that the value of land would be depreciated, and it was precisely the negotiable nature of land that it was intended to destroy. The land-owners would approve of the measure in this respect, at least until the individual experienced inconvenience; and those who had purchased land as a negotiable article were by comparison few, and their interests would have to be deliberately subordinated to those of the land-owners wherever they were in conflict. The danger which Ibbetson, with his experience of parts of the south-eastern Punjab, deemed as of the greatest moment, was that the land-owners would regard any measure as an attack upon their status as proprietors. This danger, Ibbetson believed,

existed in North-Western India where the proprietary status had existed from time immemorial and where membership of the proprietary community was regarded as a sign of superior social rank. Yet here where the danger of restriction was greatest, the need for restriction was also greatest; for it was these people who clung most firmly to their land, who felt its loss most keenly and whose manly pride and independence made them the sturdiest of friends and the most dangerous of foes.

A choice, Ibbetson argued, had to be made between the danger of action and inaction. Entire prohibition of alienations was impracticable. No scheme for the restriction of permanent alienations could be applied to the whole of India. The precise restrictions imposed upon the power of alienation must be carefully adjusted to local conditions, lest the remedy be more dangerous than the disease. It would be advisable to confine restrictions on the power of transfer to small owners; the great land-lords could be more easily saved by means of the Court of Wards, the buying up of encumbered estates, and so on.

Restrictions on temporary alienation, Ibbetson believed, would probably not arouse discontent among small proprietors. Most forms of mortgage were objectionable

because the land-owner entered into them with the rarely-fulfilled hope of being able to redeem. Outright sale, to which the peasant would be driven only the greatest necessity, was safer than a mortgage which must end in sale. Consequently in the case of small proprietors all forms of mortgage should be absolutely and everywhere prohibited except that form of usufructuary mortgage in which the mortgagee took the land into his proprietary possession and enjoyed its profits for a term limited by law, on the expiry of which the land passed back into the hands of the mortgagor free from all encumbrance, both capital and interest having been liquidated. In some parts of India the further condition might be added that the mortgagor would retain an occupancy right in the whole or portion of the alienated area at a rent not exceeding double the revenue. The duration of the mortgage might be limited to the life of the alienor, the current term of settlement or, as Ibbetson thought was perhaps best, to a term of years. It would have to be provided that no further alienation could be entered into during the currency of the original alienation, and this disability might extend to two or three years after the expiry of the term. Leases would have to be treated in the same way as mortgages. It was not possible to

protect a man completely against himself by these measures. They would nevertheless ensure that whatever a man did he would do in full knowledge of the ultimate results of his action. The consequences of a single act would be confined to a limited term, at the end of which the alienor would be as far as possible in the same position as before the act. He would not have been able to repeat the act until he was relieved from the pressure of the unfavourable circumstances in which the original act had placed him.

To Ibbetson's way of thinking the restriction of permanent alienations involved greater political danger and greater problems. Alienations to the money-lending castes were a great evil. Those made to agriculturist money-lenders were not always so objectionable; but there was often little to choose between the agriculturist money-lender and the regular money-lender. Permanent alienation to these classes, Ibbetson was certain, ought to be restricted. He was more doubtful about permanent alienations to self-cultivating agriculturists. Even these alienations often had evil consequences; yet they were not infrequently beneficial. There were, however, two weighty practical reasons which inclined Ibbetson to the view that even permanent transfers to self-cultivating agriculturists ought to be restricted. In the first

place it did not seem possible to give a legal definition of agriculturist or non-agriculturist which would effectively exclude both the regular and the agriculturist money-lender from the permanent acquisition of land. The second difficulty was that if alienations were prohibited to one large class and permitted to another, members of the latter class would set up as agents for the former. If the scope for such operations was only sufficiently large it would be worth the agents' while to be honest; but if the field of operations was limited such professional purchasers would not be able to make a living and almost each transaction would require a new agent whom it would not be possible to trust. Given the necessity for a narrow restriction of permanent alienations, Ibbetson considered the possibility of confining such alienations to the village community, to co-sharers in the village or, and this he thought the most hopeful suggestion, to the near agnates of the alienor. Thus restricted permanent alienations would assume their most unobjectionable and least unpopular form, and the freedom left would usually be sufficient to permit alienations of a beneficial character. It might be hoped that the partial freedom of alienation remaining would suffice to show the land-owners that their

proprietary status continued intact.

Together with this limitation, Ibbetson thought, there might be a prohibition of alienation except with the sanction of the Revenue authorities. This would ensure that the regular money-lender who owned land, the agriculturist who had taken to money-lending, and the professional purchaser could all be prevented from acquiring land in individual instances by executive decision. At the same time all beneficial alienations would be allowed. There might be many applications for sanction at first, but it would soon become known what sort of alienations were likely to receive sanction and applications would dwindle.

As an alternative to the above proposals for restricting permanent alienations Ibbetson discussed the suggestion that an ex-owner be allowed to retain an inalienable occupancy right in his alienated land at a rent limited by law. This was one of the proposals which had found favour with several Council members in the early 'nineties. Ibbetson characterised it as an easy proposal - the proprietors were not likely to object - but an incomplete one, for it would not prevent the loss of proprietary status.

A number of subsidiary questions were also discussed by Ibbetson; among them the restriction of the mortgage of crops, the extent to which retrospective effect should be given to any legislation, the manner in which the prohibition against transfers should be enforced, the reasons for and against confining measures to selected areas in the first instance, and the amendment of the law of pre-emption.

In August 1895 Ibbetson proposed that Maclagan's note, his own memorandum, a selection of papers and a resolution be submitted for consideration to Local Governments. He further suggested that the Resolution be published together with his memorandum to ascertain educated Indian opinion. Ibbetson was in a much stronger position than Buck had been in the early 'nineties. He was firmly supported by the new Member for the Home and Revenue Departments, A. Mackenzie, who had as Chief Commissioner of the Central Provinces in the late 'eighties called for legislation to combat agricultural indebtedness, though he had thought it too late to restrict the power of transfer. The Viceroy, Lord Elgin, thought highly of Ibbetson and he was favourable to legislation, the importance of the question having been impressed upon him by Lansdowne and by men whom he thought knew India best. He demurred only to publication,

thinking that public criticism would be more valuable at a later stage; and instead proposed that the papers be circulated confidentially to Local Governments. There was a gentle hint that Council members should not object. Most of the Council members had taken little part in previous discussions. Two of them criticised minor points; the others were unsympathetic and, in the case of A.C. Trevor, obstructive. Certain verbal amendments were made in the resolution, now transformed into a Circular, to meet some of the lesser criticisms. As for Trevor and the other unsympathetic Council members, Ibbetson's views had been too carefully prepared, his plan of action was too easy of application, and his support was too strong, to enable them to block matters at this stage. The Circular was issued in October 1895. It indicated that the Government of India considered some restriction on the power of alienation advisable, but was not committed to the views stated in the memorandum. Ibbetson had succeeded where Buck, in less favourable circumstances, had failed.⁵³

Meanwhile the question of framing a Dekhan Bill which could be applied to any part of India had been revived in the Home Department; and a Circular to Local Governments on this matter was issued shortly after that relating to the restriction of transfer.⁵⁴

As we have seen, Fitzpatrick had seriously considered the restriction of the power of alienation. The Government of India Circular merely induced him, in December 1895, to state his views at greater length. He had not changed his mind about the futility of differential assessments; and he had just rejected all proposals on this head. Legislation on the lines of the Dekhan Act, which his predecessor had vainly pursued, and which was now within the sphere of practical politics, he considered to be at best palliative and at worst dangerous on economic grounds. He agreed with Ibbetson that the creation of inalienable occupancy rights would fail to prevent the all-important loss of status by the ex-proprietor. If political danger threatened anywhere the restriction of the power of transfer was the only solution.⁵⁵

Fitzpatrick did not agree with Ibbetson that political danger necessarily existed either in the present or the future. In Fitzpatrick's eyes political danger could only be assumed to arise in tracts where the amount of land alienated and the number of proprietors dispossessed was about to reach formidable proportions. It was only in these tracts that restrictions on alienation could be applied, and then only after detailed inquiry. This was not merely a matter of their own sense of responsibility;

the opposition of the proprietors, of the moneyed classes and those who held with them, and of outsiders in India and England who could only look at the question from the economic point of view had to be taken into account.

To lessen the opposition of the proprietors Fitzpatrick contemplated giving the Local Government power to apply the restrictions on alienation only to land which would after a certain date come into the possession of individuals by purchase, inheritance or otherwise. To overcome the difficulty that in this way the restrictions might come into effect only after the mischief had been done, Fitzpatrick proposed to confer a special power to apply the restrictions to land vested in possession in the case of tracts in which an overwhelming case had been established by special inquiry. The Local Government would not be able to exercise this special power at will; for if alienations were increasing in any tract, and the special power could be applied at any time, money-lenders might be induced to put severe pressure on their debtors. Accordingly the tracts subject to the special power would be specified in the Act; and the special power could only be applied to other tracts by an amendment of the Act.

As regards the classes to whom the restrictions would be applied Fitzpatrick was equally cautious. Unlike

Ibbetson he was not prepared to sacrifice the interests of the money-lenders who had acquired land. The money-lending classes, he thought, were likely to be most vehement in their opposition to the measure; and it was neither necessary nor politic to restrict their right of alienation. Nor did Fitzpatrick think that there was any need to prevent alienations to hereditary land-owners. There was no doubt, as Ibbetson had noted, a difficulty in distinguishing between agriculturist and money-lender; but Fitzpatrick thought it could be overcome by the suggestion, made to him by James Douie, that those classes whose right of alienation it was considered desirable to restrict should be specified by their tribal name.

In regard to the actual restrictions on the right of alienation Fitzpatrick also departed from Ibbetson's scheme. He proposed to allow proprietors to alienate for life; for any attempt to prevent them from dealing with their land during their own life-time would lead to inextricable difficulties. Proprietors would also be allowed to alienate for ten years certain to obviate the difficulty that the life-term afforded too precarious a security. After ten years or life the land would return to the owner or his heirs, but the debt would not be necessarily discharged.

As a safety-valve in the whole scheme Fitzpatrick suggested that the Deputy Commissioner be allowed to sanction any transfer under special circumstances and for strong reasons.

Ibbetson and Fitzpatrick were thus poles apart. Both asserted that political danger could only be met by restrictions on the power of transfer. But while Ibbetson was more impressed with the risks of inaction, and sought to impose the maximum restrictions feasible, Fitzpatrick was preoccupied with the risks of action, and aimed to reduce restrictions to a minimum.

Fitzpatrick's note accompanied the Government of India papers which were forwarded to selected Revenue and Judicial officers in January 1896.

In the discussion which followed the old opponents of drastic legislation failed to offer effective resistance to the proposals for restricting the power of alienation.

Maconachie's views had been slowly changing since the late 'eighties under the influence of further experience of agricultural indebtedness and of the cumulative effect of land transfers to money-lenders. He had begun to think that a restriction on the power of transfer might be advisable; but he was by no means certain. Forced to re-examine his position by the proposals of the

Government of India and the Lieutenant-Governor, he completely reversed some of his old opinions. The political danger, which he had minimised in the 'eighties, he now thought serious enough. He adhered to his belief that the weaker classes could not be saved by any law; but set himself to devise restrictions on the power of alienation which would save the more worthy men among the land-owners.⁵⁶

Hutchinson was not yet convinced that a serious political danger existed; and he hoped that legislation on the lines of the Dekhan Act would prove sufficient. To restrict the power of alienation, he thought, an overwhelming case would first have to be established by minute inquiry. If such a case was made out and restrictions were imposed they had better be effective; for the delays involved in the application of Fitzpatrick's measures to various tracts would only promote alienation.⁵⁷

The outright opposition of certain other conservative officers was disarmed by the limited application which Fitzpatrick proposed to give to restrictive measures. Not long before Massy had asserted that the restriction of the power of alienation was impossible; now he agreed to the very sparing introduction of such restrictions into special tracts requiring strong remedies. Francis did not

think that there were political or economic grounds to justify the new legislation in Ferozepur, the only district with which he was intimately acquainted; but he took it on the authority of officers with better opportunities of observation that things in the Western Punjab were very different. Merk's experience had been confined to the Peshawar Division, where the acquisitions of Hindu money-lenders had not been marked. He was quite certain that no measures were required in his Division; but with his limited experience he could not altogether oppose the application of Fitzpatrick's proposals to tracts in other parts of the Province.⁵⁸

Charles Roe, the Chief Judge of the Chief Court, was now prepared to admit, as he had not been in the 'eighties, that the agriculturists were being supplanted by the money-lenders to a serious degree and that this constituted a political danger. He still doubted the wisdom of maintaining large bodies of insolvent men as owners; and only proposed amendments of the pre-emption law to give solvent communities a better chance to exclude outsiders. If further measures were to be taken they should be on the lines of Fitzpatrick's proposals; but this would be very undesirable, at least until his own remedy had been tried and found inadequate.⁵⁹

There was only one officer of weight - F.A. Robertson - who strained every nerve to prove that restrictions on the power of alienation were politically unnecessary and economically unsound.⁶⁰

Conservative opinion, constantly on the defensive since the 'eighties, had finally succumbed to some extent under pressure from the Government of India and the Lieutenant-Governor. It was Fitzpatrick's limited support of the Government of India proposals, however, which in several instances prevented that strong opposition from conservative officers which might well have eventuated had they been asked to adjudicate directly on Ibbetson's memorandum. Ultimately this turn of events was to prove of advantage not to Fitzpatrick, but to Ibbetson.

Several officers who had hitherto said little or nothing on the question of agricultural indebtedness assented to enabling legislation.⁶¹

Many of the foregoing officers differed among themselves and with Fitzpatrick as to the degree to which the power of alienation should be restricted in the local areas to which the legislation was applied.

Now that those officers who had hitherto pressed for strong remedies were given an opportunity to indicate in detail the sort of restrictions they would impose

on the power of alienation, similar differences emerged.

Robert Clarke had served in almost every district west of the Sutlej; but for many years he had been stationed in the Delhi Division, of which he was now Commissioner. He had examined the alienation statistics of the Division for the preceding decade, a period of, on the whole, favourable rainfall. From these statistics he drew the conclusions that the mortgaging process had almost everywhere in the Division come to a standstill; that agriculturists were supplanting money-lenders as mortgagees; and that agriculturists managed to secure most of the land sold. As he did not think that alienations to agriculturists were objectionable on the whole, though they might be so in individual instances, he suggested amendments of the pre-emption law which would give agriculturists a larger share of the land that came into the market. He also approved of the abolition of the mortgage by conditional sale, and of Ibbetson's suggestion that the self-redeeming usufructuary mortgage should be the only legal mortgage. Prevention, he concluded, was better than cure and these provisions should be extended to the whole Province.⁶²

Thorburn had always taken an alarmist view of the political danger attending alienations from Muslim

land-owners to Hindu money-lenders in the Western Punjab. He had just completed a detailed inquiry into certain tracts in the north-western Punjab which might well justify the gloomiest forebodings. No longer was Thorburn satisfied with legislation on the lines of the Dekhan Act, as he had been to some extent even in the late 'eighties. Such legislation by itself, he claimed, would promote rather than restrict the passing of land to money-lenders. Thorburn had never been able to conceive that alienations to agriculturists involved any political danger. His experience had been confined to the north-western Punjab and to a few frontier districts, where money-lending and even land-acquisition had not been marked among the ordinary Muslim land-owners. Thorburn indicated that it was too late to maintain the village community and to restrict alienations to the hereditary proprietors of the village. No law would keep the land in the hands of the weaker agriculturists. All that was possible was to preserve the land to self-cultivating proprietors of any kind, and failing them to land-lords whose hereditary occupation was agriculture. That would be sufficient to secure the contentment of the peasantry. The main way to achieve that object was to make permanent alienations of land to non-agriculturists illegal without official

sanction. Only one or two forms of time-limited mortgages should be legalised. As an afterthought he added that perhaps even agriculturists should be confined to these forms of mortgage; but he was not certain.⁶³

A number of old advocates of strong remedies were in closer agreement with Ibbetson than with Clarke or Thorburn.

Alexander Anderson tried to get the most out of Fitzpatrick's proposals. In one respect he foresaw serious difficulties. If those whose right of alienation was to be restricted were to be specified by their tribal name it would be difficult to deal with tribes like the Kangra Brahmins, which contained both agriculturists and money-lenders. Leave the Brahmins unnotified and the agriculturists among them would become the special prey of professional money-lenders unable to acquire land permanently from other tribes. Notify the Brahmins and the money-lenders among them would have special facilities for the acquisition of land. To avoid these difficulties Anderson suggested that lists be made of land which was subject to the restrictions on alienation. In concrete instances it would be easy to determine the true agriculturists whose land should be listed; and the land of money-lenders of every description would be excluded from these lists. The owners of listed land would be

allowed to alienate freely only to owners and tenants holding listed land. Alienations to others would only hold good for life or ten years. The circle within which unrestricted transfers of listed land were allowed might be further narrowed by only permitting such transfers within certain local limits or to men of the same tribe within those limits; and otherwise only by official sanction. This plan, Anderson added, had the further advantage that wherever restrictions were not applied or only to a future generation of proprietors, the present owners might be given the option of putting their land on the list. The knowledge that a debtor might at the last moment put his land on the list would go far to discourage money-lenders from exerting special pressure.⁶⁴

One of the earliest advocates of the restriction of the power of alienation, James Wilson, had always felt keenly the injustice suffered by the individual peasant from the changes wrought by British rule. In the Shahpur district he had seen notable instances of the expropriation of the poorer by the richer land-owners and he did not consider it desirable. Unlike Thorburn, Wilson insisted that legislation should be based on the principle that the land belonged to the heirs. Alienations should be allowed only for life; and members of the notified tribes should not be able to alienate otherwise even to other

members of those tribes. A far-reaching change of this nature, Wilson believed, could not be introduced at once all over the Punjab. It should be introduced gradually and experimentally and its consequences estimated. There should, however, be no restriction on the Local Government's power to extend the restrictions to land vested in possession in any tract. Wilson had another reason for preferring enabling legislation. His experience had brought him into contact with indebted communities in both eastern and western districts; but also with the Sikh Jats, who were, as a whole, able to take care of themselves. In the case of communities like the Sikh Jats Wilson considered the withdrawal of the power of transfer to be unnecessary. Yet Wilson felt the evils of the situation to be so great that rather than wait twenty years to see all his views accepted, and thereby share the responsibility for the ruin of millions more of the Indian peasantry, he was prepared to accept any restriction on the power of transfer immediately.⁶⁵

As Deputy Commissioner of the Jhelum district, J.G. Silcock had watched the growth of the pronounced discontent of the agricultural classes of that district since the late 'eighties. He assumed that the situation was more or less the same in other parts of the Punjab;

and proposed an almost complete withdrawal of the power of transfer all over the Province. He was also motivated to a smaller degree by the consideration that such an enactment would put a stop to the endless litigation about the rights of proprietors to dispose of their land by gift or will.⁶⁶

As far as Stogdon and Chatterji, Judges of the Chief Court, were concerned, the reduction of litigation was a major consideration. They were willing to take it on trust that political danger existed; but they were personally acquainted with the ruinous litigation which the customary restrictions on alienations promoted. It was chiefly as a means of clearly defining the powers of the proprietor over his ancestral land that they supported legislation. Chatterji suggested that the new restrictions should replace those imposed by customary law. The arguments of Stogdon and Chatterji implied a preference for an enactment extending to at least large parts of the Province. They argued that to stifle litigation the restrictions on alienation would have to apply irrespective of the classes to which alienations were made. Besides they feared that if unrestricted alienations to agriculturists were allowed professional purchasers would spring up and agriculturists would soon become money-lenders.⁶⁷

Most of the more radical officers thus favoured general legislation of some sort. There was a broad distinction between those like Clarke and Thorburn, who wanted to restrict alienations to professional money-lenders, and the others, who sought, like Ibbetson, to restrict alienations as such.

The most influential scheme for checking alienations, as it turned out, was that put forward by the Financial Commissioners, Rivaz and Tupper. They took the line that general legislation was required to combat a political problem which varied only in degree from one part of the Province to the other. Rivaz characterized Fitzpatrick's proposals as an attempt to shut the stable door after the steed had been stolen. As with the question of differential assessment, Rivaz was not prepared for class policies. He accepted Ibbetson's proposal that the self-redeeming usufructuary mortgage should be the only legal mortgage. With reference to permanent alienations he thought there was a convenient basis for action in the customary law of the Province, which was in accordance with popular feeling. The basic principle which he proposed was that all permanent alienations of ancestral land should be prohibited except by official sanction. In many instances such transfers would be allowed freely, perhaps even to money-lenders when no other purchasers

were forthcoming. Tupper elaborated certain aspects of these proposals, and explained why he had assented to fastening restrictions on ancestral land instead of preventing agriculturists from alienating to professional money-lenders. In this way the activities of the agriculturist turned money-lender and those of the professional purchaser could be curbed; and it was also possible to check the acquisition of the lands of one tribe by another. The proposal further avoided the difficulty of defining either the money-lender or the land-owner; but raised the difficulty of defining the land to which the restrictions would apply. Anderson's scheme for listing such land Tupper rejected on the ground that the labour involved would be enormous. Instead he proposed a definition of ancestral land which could be applied in individual instances by reference to the land records and which would in the majority of cases impose the restrictions only on the land of the hereditary proprietors of a village. Tupper also indicated the elasticity of these proposals. In districts or parts of districts where there was little necessity for restricting permanent alienations sanction could be given freely. The legislation was to be general; but its application would be adjusted to local circumstances.⁶⁸

Some of the underlying differences between conservative and radical officers only emerged incidentally.

There was, first, the old difference in economic beliefs. Nearly all the conservative officers feared what both Ibbetson and Fitzpatrick had treated lightly, viz., that restrictions on alienation would undermine the credit of the agricultural classes to a dangerous degree. Many predicted difficulty in the revenue collections; and thought that Government would have to step in to supply loans for necessary purposes. Most of the radical officers relied on the old argument that the money-lender had to lend to live and that he would adjust himself to the new conditions.

As regards the political aspect, few officers thought in Ibbetson's terms. Most conservative officers predicted that restrictions on alienation would be unpopular among the agricultural classes; but this was only a secondary argument deriving from the postulate that credit would be injuriously affected. The advocates of legislation varied in their assessments from thinking that the measure would be well-received by small, if not by a few large, proprietors, to thinking that the proprietors would soon acquiesce in the situation. Only Maconachie, who had like Ibbetson spent much of his service in the

south-eastern Punjab, shared Ibbetson's fear that the restriction of the power of alienation would be considered by land-owners as an attack on their proprietary status. He inclined to the view that this feeling could be allayed by careful management.

There were few echoes of Fitzpatrick's fears in regard to the opposition of the trading castes. Robertson thought their opposition could be far more effective than was generally supposed. Maconachie, Wilson and Silcock expected strong opposition from the trading castes, but they did not consider this an argument against legislation. Anderson and Thorburn considered the opposition of these castes to be of little or no account. Rivaz and Tupper, among others, did not even refer to this matter.

Silcock argued that enabling legislation alone would bring about the dislocation of credit (by the flight of capital from the affected tracts); and that enabling and class legislation would create political danger (by creating invidious distinctions between proprietors and between them and the money-lenders). Rivaz adopted this argument in so far as it applied to enabling legislation.

In January 1897 Fitzpatrick attempted to defend his views. He claimed that there was a strong case for

legislation in at least the worst of the four tracts examined by Thorburn. The arguments against enabling legislation did not impress him. Believing that political danger could only arise at a fixed and determinable point, he drew a rather precarious distinction between closing the stable door after the steed had been stolen and closing it just before the steed was about to be stolen. The view that partial measures would humiliate those to whom they were applied he met with the contention that opposition was to be expected from the land-owners and from others and that this opposition would be the more formidable the more widely the measure was applied.⁶⁹

On one point he did give way. He now thought it would be better to give the executive a free hand in applying not only the ordinary power (of imposing restrictions on land which would after a certain date come into possession) but also the special power (of imposing restrictions on land vested in possession). He saw that if the tracts to which the special power could be applied were specified in the Act, the application of the special power to other tracts would mean delays and the promotion of alienation in the tracts concerned. He had another characteristic reason. If the executive had only the ordinary power it would be inclined to use it freely;

if it had the special power as well, it could afford to wait in regard to any particular tract until it was quite certain that the steed was about to be stolen.

Fitzpatrick still maintained that restrictions on the power of alienation should not apply to land-owners of the trading castes and that no restrictions should be imposed on transfers to agricultural tribes. He did not fully grasp the difficulties which Anderson foresaw in any attempt to notify agricultural tribes; and agreed with Tupper that it was not feasible to prepare lists of land, as suggested by Anderson. Tupper's definition of ancestral land Fitzpatrick also rejected, partly because he misunderstood it.

There was no necessity for imposing restrictions, Fitzpatrick thought, on acquired land. Land acquired after the passing of the Act, however, could not be exempted from the restrictions, as otherwise any land-owner could buy land from another land-owner and immediately transfer it to the trader as acquired land.

As to the actual restrictions to be imposed on the power of alienation, Fitzpatrick modified some of his earlier conclusions. He now thought it might be best to allow alienations only for a fixed term and not for life. Ibbetson's suggestion that the time-limited

usufructuary mortgage should necessarily discharge the debt for which the alienation was made might be further considered. It would prevent the proprietor from alienating his land repeatedly for a fixed term; but it might restrict credit too much.

Schemes like those of Tupper and Rivaz, which depended to a very large degree on the grant of official sanction, Fitzpatrick charged, were unworkable. The applications would be so great that they could be dealt with only haphazardly. Subordinate officials could not be entrusted with the power to grant sanction. The Deputy-Commissioner alone should have that power, and it should be a mere safety-valve in the scheme.

In January 1897 Fitzpatrick's proposals were forwarded to the Government of India. In a note sent to that Government in the following March, Fitzpatrick opposed legislation similar to the Dekhan Act, though there was still considerable support for such legislation among both conservative and radical officers.⁷⁰

Meanwhile, in September 1896, after some discussion, the Government of India decided to deal first with the replies from the Punjab, Central Provinces and North-Western Provinces. These were expected in November, while it was anticipated that the replies of other Local

Governments would be delayed.⁷¹

Consideration of the restriction of the power of transfer in North-Western India was unexpectedly delayed by the famine of 1896-97, which posed more pressing problems for the Local Governments and the Government of India.⁷²

In the Punjab the impetus given to land transfers by the famine of 1896-97 led to renewed pressure for legislation; first in June 1897 by Thorburn, Commissioner of the Rawalpindi Division; then in November 1897 by his successor, James Wilson, supported by Thorburn from his new vantage point as Financial Commissioner. Mackworth Young, the new Lieutenant-Governor, agreed readily with his Secretaries that there was no point in stirring up the Government of India and that it was impossible to initiate legislation in the Provincial Council before that Government declared its policy.⁷³

The delay caused by the famine strengthened Ibbetson's position, for in October 1897 Charles Rivaz entered the Government of India as Member for the Home Department. Nevertheless the prospects for legislation in North-Western India were unfavourable. Official opinion in the Central Provinces and North-Western Provinces was opposed to substantive restrictions on the right of

permanent alienation; and Fitzpatrick's proposals were anathema to Ibbetson.

In January 1898 Ibbetson finished his note on the replies received from the Punjab, the Central Provinces and the North-Western Provinces. It was a more moderate statement of views than that given in his 1895 memorandum. Then he had been concerned to make restrictions on the power of transfer as complete as possible; now, after reading the correspondence, there was a subtle change in emphasis: a greater concern with making legislation safe and workable.⁷⁴

The prohibition of all forms of mortgage except the self-redeeming usufructuary mortgage had found wide support, save that some strongly favoured the retention of the collateral mortgage as well. To Ibbetson the collateral mortgage was open to the same objections as other forms of mortgage, though perhaps to a lesser degree. It induced the borrower to accept conditions which led eventually to the loss of the usufruct; whereas he would have borrowed less, or not at all, if faced with the immediate prospect of losing the usufruct. Reluctantly Ibbetson agreed to retain the collateral mortgage, which would be enforceable only by conversion to the self-redeeming usufructuary mortgage. If the collateral

mortgage was to be permitted, Ibbetson thought, his previous suggestion of giving the mortgagor an occupancy right at a fixed maximum rent had probably better be dropped. The collateral mortgage gave the creditor the security of the land without possession. If he required something more, and possession could not be given, then the value of the security would be enormously reduced; the man who would otherwise mortgage half his land would, under the additional restriction, have to mortgage the whole. The position of the agricultural mortgagee, who wanted the land to cultivate, had also to be borne in mind. Ibbetson favoured fifteen years as the term of the self-redeeming usufructuary mortgage. He repeated his suggestion that no lease or mortgage should be valid while a lease or mortgage already existed; but he was inclined to abandon the idea of enforcing an interval between two successive temporary alienations.

The sale conditions in existing mortgages by conditional sale, Ibbetson declared, should be cancelled and these mortgages only enforced as ordinary mortgages with possession. Relief from other existing mortgages, Ibbetson decided reluctantly, could be more safely given by legislation similar to the Dekhan Act and confined to the areas in which such measures were most required.

Ibbetson failed to agree with those who, like Fitzpatrick, wanted to prohibit permanent alienations to non-agriculturists alone. That, Ibbetson thought, would probably be as far as it would be wise to go - he now minimized the objections to transfers to agricultural creditors - except that such a restriction could not be enforced, the scope for professional purchasers being too great.

Yet the restriction of permanent alienations, Ibbetson thought, could hardly be absolute, without the possibility of relaxation. Not a single officer advocated such a course. Ibbetson revived his idea of allowing freedom of sale among the original stock of the village or among the near relations of the alienor; and was very much inclined to favour a combination of these two proposals. In the Punjab at least, where the settlement records included genealogical trees, such a scheme would not give rise to too much uncertainty or litigation. An objection was that in the worst villages, where transfer was most common, it would be impossible to find purchasers; but transfers were not confined to such villages. In Ibbetson's eyes the great advantage of the scheme was that the partial freedom of alienation which remained

might avert the greatest danger involved in legislation, the growth of the feeling among land-owners that their proprietary status had been destroyed. The proposed limitation of the restriction would be in accordance with customary law, which recognised the prior rights of the agnatic group and of the village community; and this was the only general exemption of which this could be said. Freedom of alienation within a limited circle would also place a limit upon sub-division by inheritance which would otherwise lead to the virtual disappearance of an inalienable estate.

Ibbetson was prepared to attach some importance, as he had not done before, to a point stressed by Fitzpatrick. It might be wise to give a general exemption from the restriction on permanent alienation to non-agricultural land-owners, whose alienations would be exempted by Revenue officers in individual instances almost as a matter of course. Not that this would save much work, for these people were more concerned to acquire than to sell land; but their opposition would be noisiest - though Ibbetson hardly thought such opposition of much significance - and a general exemption from the restriction on the power of sale, while not touching the real reason for their hostility, would leave them little justification for overt opposition.

This raised the old problem of defining either the agriculturist or the money-lender. In practice Ibbetson considered it impossible to specify, as Fitzpatrick had proposed, all the tribes of true agriculturists to whom alone the restrictions would apply. It would be easier to enumerate the non-agricultural tribes, and therefore to specify those to whom the restrictions would not apply. To this there were other objections. There were tribes like the Khatris, Aroras and Brahmins which would be difficult to put on such a list (because the tribe contained hereditary agriculturists and land-owners) and unwise to exclude from such a list (because the tribe was largely or partly composed of money-lenders). Besides, the agricultural tribes might resent the fact that they were deprived of one of the main attributes of proprietorship, while it was left to non-agricultural intruders. This could be overcome by specifying the non-agricultural tribes as those who would not be permitted to purchase from others; but as certain officers had remarked, it would be invidious to stigmatise any class as unfit to acquire land, and any distinction based upon caste would be opposed in England and even in India on theoretical grounds.

An alternative to defining the agriculturist or the money-lender, Ibbetson noted, was to specify the land to which the restrictions would or would not apply. Many had suggested that restrictions on permanent alienations should be confined to ancestral land, but though in harmony with customary law, Ibbetson rejected the suggestion, for it would open the door to evasion and introduce too many complications and uncertainties. Tupper's definition of ancestral land, Ibbetson thought, did not really succeed in applying a different order of restriction to land held by the old village stock and other land; and it would only stimulate litigation. Ibbetson much preferred Anderson's scheme of scheduling the holdings to which the restrictions would apply, thus giving general sanction once and for all to those whose alienations would always be sanctioned as a matter of course. This plan had the enormous advantage over Tupper's that it could be ascertained quickly and with certainty whether a particular piece of land was or was not subject to the restrictions. Anderson's plan was also much less likely to create jealousy and discontent than a distinction based upon caste or tribe; though the question of whether a particular holding should or should not be scheduled might not always be easy to determine and the distinction would give rise to much heartburning in the case of

individuals. In answer to Tupper's and Fitzpatrick's objection that the preparation of the schedules would be an enormous task, Ibbetson modified Anderson's plan by suggesting that schedules be compiled for the small area of land to which restrictions would not apply. This could be done as each district came under settlement. Meanwhile the restrictions would apply to all land not scheduled; and until schedules for a district were ready sanction would have to be obtained by individuals who would not require it after the schedules had been prepared.

In the final analysis Ibbetson was not prepared to make general exemptions in favour of non-agricultural land-owners either by specifying the people or the land to which the restrictions would or would not apply. He reverted to his idea of prohibiting permanent alienation except with the sanction of the Revenue authorities. Previously, preoccupied with the desire to make legislation as effective as possible, he had stressed the checks which this would impose on attempted evasions, while also indicating that it would allow beneficial alienations. Now he was more impressed by the necessity to remove restrictions in cases in which they were unnecessary. A transfer from one agriculturist to another was less objectionable than from an agriculturist to a

money-lender; a transfer from one money-lender to another was not objectionable at all. There were tribes mentioned in the Punjab correspondence - such as the Jat Sikhs of Ferozepur mentioned by Francis or the Pathans described by Merk - in the case of which it might be politically or economically unwise to interfere. There were always individual cases in which the circumstances were exceptional, and which had to be provided for in any scheme lest it cause infinite harm and discontent. The work involved in giving sanction, Ibbetson thought, would not be overwhelming; and the discretion which Rivaz proposed to give to subordinate officials, in large classes of cases in which transfer was ordinarily unobjectionable, would reduce the pressure on their superiors. With proper rules and periodical returns, subordinate officials might be entrusted with the power of sanction, Fitzpatrick's objection notwithstanding. Nor would the discretion allowed result in much uncertainty. As the policy of Government became defined and understood, uncertainty would rapidly diminish. Besides, uncertainty antecedent to transfer, though undesirable, did little harm. The great advantage of the proposal was that it treated all alike, so that there was no room for jealousy and heartburning. The people would readily appreciate the distinction by which

an agriculturist wanting to sell to a money-lender had to obtain the sanction of the district officer, while a subordinate official could allow a money-lender to sell to an agriculturist.

Ibbetson was not content to re-state his own views. He had to bear in mind the sort of legislation that was likely to be considered acceptable. In the Central Provinces and in the North-Western Provinces, Ibbetson did not consider it possible to override the opposition of the Chief Commissioner and Lieutenant-Governor to restrictions on the power of sale. They had arrived at conclusions based upon a deliberate and reasonable weighing of the benefits and admitted dangers of restriction. They were supported, in the Central Provinces by an almost unanimous, and in the North-Western Provinces by a weighty body of official opinion. The Secretary of State would never permit their views to be overridden. It was better to accept such restrictions and such legislation as the Lieutenant-Governor and Chief Commissioner were ready to impose. In the Punjab, however, official opinion in favour of restrictions on permanent alienation appeared to be very strong; and Fitzpatrick had not opposed such restrictions outright, but had merely sought to limit them in ways which, it could be easily demonstrated, verged on the absurd.

There could be little objection, Ibbetson thought, to excluding, say the Delhi Division, from the more severe restrictions, if that was considered desirable; but to pick out isolated tracts, as Fitzpatrick proposed, would be fatal. Ibbetson agreed with Rivaz that it was tantamount to shutting the stable door after the steed had been stolen. Besides, how long would it take to examine the whole Punjab? Would successive Lieutenant-Governors decide on the results for tract after tract? What facts would be strong enough to justify legislation if Thorburn's were not? What would happen to the land-owners in a tract in which an enquiry was started? This was not the worst. There were the dangers anticipated by Silcock and Rivaz. The greatest danger in the Punjab - the feeling among the people that they were being deprived of their status as land-owners - was not likely to be entirely absent under any circumstances; but if restrictions were to apply only to isolated tracts the resentment among those subject to them would be intense. General measures, while they would restrict credit to a healthy degree, would not raise the rate of interest; local measures would certainly do so by weakening the competitive position of individuals subject to the restrictions. In tracts unaffected by the restrictions the effect upon credit would be hardly less injurious, for it

would be known that restrictions might at any time, and probably would at some time which was wholly uncertain, be extended. Capital would also tend to leave a tract in which restrictions existed. It would flow into tracts unaffected by legislation and there increase the competition for land, which might be good for a while for these tracts, but certainly not in the long run. Fitzpatrick's scheme would bring many of the disadvantages and none of the advantages of legislation.

To circumvent Fitzpatrick's proposals, Ibbetson suggested that the scheme proposed by the Financial Commissioners - Rivaz and Tupper - was suitable. Ibbetson proposed, following Chatterji's suggestion, that the new restrictions be substituted for the existing restrictions imposed by customary law. Permanent alienations would be prohibited except by official sanction. Since this prohibition was based on the ground that popular feeling only recognised the proprietor's interest as a life interest it seemed difficult to ignore the life-term in fixing the maximum term for the self-redeeming usufructuary mortgage. Besides, as Fitzpatrick and others had pointed out, it was difficult to prevent a man from doing what he wished with his land during his lifetime. To overcome the difficulty that the life-term was so uncertain a security, the mortgagor would also be

able to alienate - with the consent of the heirs - for a fixed term not exceeding fifteen years.

To thus set aside the Lieutenant-Governor's scheme in favour of that of his Financial Commissioners was a desperate move, considering that Mackworth Young was now Lieutenant-Governor of the Punjab; and Ibbetson did not expect much result. He proposed that Young be asked whether he was prepared to accept these proposals and, if not, what other measures he would adopt. Rather than call for further opinions, he should be advised to discuss the matter verbally with a few selected officers.

Rivaz, the Home Member, agreed with Ibbetson that it would be impossible to impose restrictions on permanent alienations in the North-Western Provinces and Central Provinces. For the Punjab Rivaz accepted Ibbetson's modifications of his own scheme and strongly supported Ibbetson's proposal to address the Punjab Government. Woodburn, the Revenue Member, was in charge of the question; and his whole approach was superficial. He was not opposed to the restriction of the power of transfer where political danger threatened; but he was ready to seize on any indication that the situation was improving or that action was not required. He had served in the North-Western Provinces and Central Provinces, thought

nothing serious was required there, and agreed that the Local Governments of these Provinces could not be coerced. Woodburn had no Punjab experience; his careless examination of the Punjab correspondence did not bring to light too much evidence of a tolerable situation; there were authorities like Ibbetson and Rivaz in the Government of India to support strong measures; and the easiest way out of a difficult question seemed to be to accept Ibbetson's final proposals. Woodburn had taken no trouble to understand Ibbetson's views; he was opposed to schemes involving the grant of official sanction, and concluded that Ibbetson had rejected the Financial Commissioners' scheme and accepted a scheme proposed by Chatterji! Woodburn adopted only that part of Ibbetson's final proposals which related to temporary transfers. All alienations, he explained, would be forbidden except alienations for life, or, with the consent of the heirs, for a maximum of fifteen years. Elgin accepted Woodburn's conclusions as a matter of course; and Council approved the reference to the Punjab Government. In March 1898 that Government was addressed as Ibbetson had suggested; but it was Woodburn's proposals for general legislation which were submitted for further consideration.⁷⁵

Ibbetson, who had been away on leave, returned after Woodburn had left. Ibbetson feared that the objectionable scheme proposed by Woodburn would only strengthen Mackworth Young's hand in refusing to take action; and in May 1898 he prevailed on Rivaz and Elgin to send a telegram to the Punjab Government suspending consideration of the question until the arrival of an amended letter indicating that it was proposed to allow permanent alienations with official sanction.⁷⁶

The conflict between Ibbetson and Fitzpatrick thus ended in something of a fiasco. Ibbetson, taking advantage of the favourable situation created by Buck and MacDonnell, had given a definite form to vague proposals for restricting the power of transfer. Ibbetson had not been able to achieve simultaneous consideration of the question in all the Indian Provinces, as Buck had wished. Nor had Ibbetson's personal views prevailed entirely in the Punjab controversy. Yet Fitzpatrick had played completely into Ibbetson's hands. Influenced by opinion in the Province - and more especially by Thorburn and Silcock - that land transfers were becoming a serious evil, Fitzpatrick had swept aside legislation similar to the Dekhan Act and differential assessments, and had insisted that only the restriction of the power

of transfer could cure the evil. He had thus given Ibbetson the opportunity to press for general measures entirely unacceptable to himself. The roles of Ibbetson and Fitzpatrick had not been entirely played out; but Charles Rivaz and Mackworth Young were to be the protagonists in what followed.

CHAPTER 9

The genesis of the Punjab Land Alienation Bill, 1898-99.
Agitation and the amendment of the Bill, 1899-1900.
The enumeration and grouping of tribes, 1900-01.
The Punjab Land Alienation Act: an answer to the
problem of political stability? 1901-07.

I.

Mackworth Young had not changed his views, and the Despatch of March 1898 placed him in a difficult position. In April he nominated a mixed committee of British and Indian officers and non-officials; but soon decided that it would be necessary to get written replies to some leading questions before meeting in committee. In May he resisted most of the suggestions of his Secretary, W.R.H. Merk, to establish a case against legislation. Though there was some indication in mid-June that Young might not assemble a committee after all, his behaviour suggested an unwillingness to take a completely obstructive line to the Government of India proposals.¹

Finally on 22 June 1898 Young nominated a small committee of British Revenue officers. He later explained that he had not packed his jury, but had chosen the best officers available. Nonetheless, the composition of the committee gave some indication of Young's attitude. None of the confirmed opponents of drastic legislation was

included; though Young had apparently intended to include Charles Roe, who had just retired. With the exception of L.W. Dane the officers chosen had already expressed their opinion on the questions circulated. Out of eight officers three - J.M. Douie, J.A.L. Montgomery and G.C. Walker - favoured the tentative extension of severe restrictions on the power of alienation to a limited number of districts; while S.S. Thorburn, R. Clarke, J.R. Dunlop-Smith and C.L. Tupper could be expected to press for general legislation, though in most cases not for more than restrictions on alienations to non-agriculturists.²

The committee met on 1st and 2nd July 1898. The first question on Young's agenda was whether there was a case for general treatment all over the Province or for special measures in certain localities. Tupper explained the scheme which he and Rivaz had put forward in 1896 by which alienations all over the Province would require official sanction; sanction being made easy in districts where no restrictions were required. The committee rejected the scheme. It was recognised that Tupper's scheme while nominally one for general legislation was practically an enabling scheme; and it was probably thought that it involved all the risks of the former while only conferring the benefits of the latter. The committee also thought,

in common with Fitzpatrick, that there were grave objections to investing subordinate revenue officers with power to refuse sanction; a disadvantage which Tupper admitted and which his scheme could not avoid.³

After further discussion the committee agreed that there was a case for general measures; and they proposed to explore the possibilities of agreement on such measures before considering whether there was a case for special measures in certain localities. Thorburn proposed that the law of pre-emption be amended in certain respects; a proposal which the committee accepted. It was resolved to declare all mortgages by conditional sale illegal for the future. Tupper, Dunlop-Smith, Douie and Montgomery had been opposed to legislation curtailing the term of existing mortgages; and this probably explains why no such proposals were made. Only Tupper and Dunlop-Smith had been opposed to declaring conditions of sale in existing mortgages null and void; and this proposal was carried, with their dissent. The discussion of the forms of temporary transfer to be permitted roused considerable controversy; and a sub-committee consisting of Thorburn, Tupper, Douie and Walker was constituted to consider the matter.

The committee resolved that it would not put the question of differential assessment before the Government of India on the present occasion. Thorburn and Montgomery were advocates of such assessments, and Thorburn had been itching to revive the question on its own merits. Louis Dane had only recently expressed his preference for differential assessments, which he thought were less likely to rouse discontent among the leading agriculturists than the prohibition of alienation save with the sanction of Government. In the case of the most indebted tracts in the Province, he had pointed out, even the latter policy would be better than nothing. It was doubtless in this spirit that he submerged his personal views.⁴

Douie, Walker and Montgomery had political, economic and administrative objections to general legislation. Douie thought that restrictions on alienation might cause discontent among the peasantry if legislation were made general at once. Walker admitted that general legislation would inhibit litigation and would be less invidious and rouse less discontent among the peasantry; but still preferred enabling legislation, thinking that the restrictions on alienation would become increasingly unpopular among land-owners as the effect on credit and the value of land became evident. Like Douie he feared to offend the

Sikh and Hindu Jats of the central districts, who were politically influential, and who might object to the imposition of restrictions on their power to acquire land. He also anticipated serious opposition from the trading classes. Political difficulties, he thought, would probably make it impossible to maintain a general measure. Montgomery, Douie and Walker expected a great unsettlement of credit wherever the restrictions were imposed, and consequent strain on the administration, which would find it more difficult to collect revenue and essential to advance money. They thought the risks of general legislation too great; and preferred experimental measures which could be extended as experience was gained.

The advocates of general legislation were less impressed by the risks. Clarke saw no political danger. Thorburn believed that the peasant masses would approve of restrictions. Dunlop-Smith and Tupper did not share Thorburn's optimism; but they did not expect strong opposition from the peasantry. Like Thorburn they expected more opposition from the trading classes than from the land-owners; but such opposition they did not rate highly. The advocates of general legislation expected the restriction of credit to be beneficial rather than the reverse; and Tupper had stressed the old argument that general, as opposed to enabling, legislation would not destroy

agricultural borrowing powers to any injurious degree. Dunlop-Smith and Tupper expected increased work for the administration; but not on the same scale as did those who favoured enabling legislation.

There were certain considerations which narrowed the gap between the advocates of general and enabling legislation. As Financial Commissioner Thorburn had gained personal experience, for the first time, of the south-eastern and central Punjab; and had been surprised to find Hindu and Sikh Jats holding their own against non-agriculturists. Where this was the case Thorburn was prepared to exempt whole districts or tahsils from the restrictions. Tupper had been prepared to make the grant of sanction easy in parts of the Province where restrictions were not really required and where injudicious application of the restrictions might cause discontent among the land-owners. Once the committee rejected his own scheme Tupper may not have been opposed to the exemption of such areas from the law. Dunlop-Smith had conceded that the frontier might be exempted, as he had no experience of that part of the Province. Clarke had favoured no geographical exemptions.⁵

At some stage in the discussion which cannot be pinpointed, a compromise was reached which was distinctly

favourable to the supporters of general legislation. It was resolved that whatever enactment was drafted should contain a provision empowering the Local Government to exempt any district or any part of a district from the operation of any of the provisions of the Act.

There was a serious difference of opinion on whether restrictions on mortgages should apply universally or only when made to non-agriculturists. Douie and Montgomery had advocated the former course; and Walker probably agreed. Tupper's position is difficult to gauge. Thorburn, Clarke, Dunlop-Smith and Dane were disposed to permit the free circulation of land among agriculturists. Thorburn may not have been strongly opposed to making mortgage restrictions universal. In 1896 he had considered that possibility without arriving at any final conclusion.⁶

The result of the discussion was a compromise favourable to those who had given way on the question of enabling legislation. The restrictions on temporary alienation which the committee accepted were of universal application, save that the Local Government was empowered to relax them in any district or part of a district or between any persons or classes of persons. The committee accepted the self-redeeming usufructuary mortgage originally proposed by Ibbetson as one permissible form of mortgage.

At least five members of the committee were opposed to the suggestion that the validity of such transfers should depend on the consent of the heirs; among them Thorburn who had pointed to the delays, uncertainties and litigation to which such a provision would lead. This provision was accordingly cut out. The committee also dispensed with the life-term for the self-redeeming usufructuary mortgage proposed by Ibbetson; and extended the maximum term for such mortgages from fifteen to twenty years; a suggestion which probably originated with Tupper. The addition of a provision rendering null and void conditions in such mortgages which imposed special obligations on the mortgagor, or restricted the right of redemption during the currency of the alienation, may probably be attributed to Thorburn, who had made a special study of such mortgage conditions in his 1896 enquiry. The only other form of mortgage accepted by the committee as permissible was the collateral mortgage which could be enforced against the land only by conversion into the self-redeeming usufructuary mortgage. Certain conditions were added designed to ensure that on such conversion the mortgagee obtained possession only for such part of the maximum twenty years as appeared equitable. Leases were permitted for the life of the lessor or for twenty years, whichever was less.

While the restrictions on mortgage proposed by the committee were more or less in accordance with the spirit of Ibbetson's proposals the restrictions that the committee resolved to impose on permanent alienation were more in accord with Fitzpatrick's views. The committee decided that permanent alienation of land to a non-agriculturist without the sanction of the Collector should be void.

This decision was hardly surprising. Thorburn, Clarke, Dunlop-Smith and Dane were not in favour of restricting transfers to agriculturists. To Tupper, the chief, though not the only threat, to political stability lay in acquisitions by the trading classes. Before the conference Walker, Douie and Montgomery had committed themselves to a scheme similar to that favoured by Ibbetson in 1895 and 1898 by which permanent alienations without official sanction would be confined to the agnatic relatives of the alienor and to co-sharers of agricultural stock in the village. Their adherence to this scheme (perhaps influenced by a desire not to depart too far from the Government of India's proposal to impose absolute restrictions on the power of permanent alienation) was probably soon broken. In discussing differential assessment in 1894 Montgomery had not hesitated to recommend measures which would stimulate transfers to agriculturists. Douie had opposed

Ibbetson's scheme in 1895 on the ground that it would arouse the discontent of the politically significant Sikh and Hindu Jats who wanted to buy land; that it would interfere with the economically beneficial acquisitions of thrifty tribes (of which Douie had experience as Settlement officer of Umballa); and that it might unduly depreciate the value of land. The committee can hardly have missed the point - it was one of which Thorburn was very conscious - that by permitting transfers to agriculturists the dangers of agricultural dissatisfaction and unsettlement of credit would be minimised; and these were the dangers which had led Walker, Douie and Montgomery to propose enabling measures.⁷

If the price of Douie's, Walker's and Montgomery's acquiescence in general legislation was the imposition of restrictions on mortgages which would apply universally, it may well be that their consent to general legislation was facilitated by their readiness to agree that non-agriculturists alone should be prevented from acquiring land permanently.

The decision to prohibit permanent alienations only to non-agriculturists raised the old problem of defining either the land-owner or the money-lender. The committee resolved that the Local Government would have the power to declare for any district or part of a district what

classes of persons were non-agriculturists. Until such a declaration was made all "new agriculturists" as defined in the Land Revenue Act - those who were neither in their own names nor in those of their agnate ancestors recorded as owners of land or as hereditary tenants in any estate at the first regular settlement - would be deemed to be non-agriculturists. This latter definition was of course imperfect; for in some districts traders owned considerable areas of land at regular settlement, and permanent alienation to them would therefore be permissible. The alternative proposal - originating with Douie and accepted by Fitzpatrick - to specify the agricultural tribes which would not be able to alienate permanently to others, had been approved before the meeting of the committee by several of its members; but found no place in the resolutions of the committee.

The decision to make the restrictions on temporary transfers of universal application, and the decision to define the non-agriculturists instead of specifying the land-owners, meant that all the restrictions would apply to land-owners of the trading class. Before the committee met at least six of its members had agreed that restrictions should only be imposed on agricultural land-owners; and no doubt it was thought that the Local Government's power to exempt classes of persons from the restrictions, added

to the Collector's power to sanction sales in individual cases, was sufficient. In this respect the committee's scheme represented a half-way house between the views of Ibbetson and Fitzpatrick.

Before the committee met most of its members had expressed their opinion that restrictions should apply only to ancestral land or to that and land acquired after the passing of the Act. They were soon driven to the same conclusion as Ibbetson, viz., that such distinctions could only lead to confusion; and they resolved that restrictions should apply to all agricultural and pastoral land.

To prevent evasion of their restrictions, the committee decided that the hypothecation of a share of the produce of land should be prohibited for any term exceeding a year, and that the person in whose favour the hypothecation was made was legally responsible for the payment of a proportional share of the land-revenue.

The committee resolved, Tupper dissenting, that no alteration was required in the law and rules under which land was sold in execution of decree.

There can be little doubt that the findings of the committee influenced Young's policy. Their unanimous decision to support general legislation, tempered by the power of exemption, after the Government of India had rejected Fitzpatrick's enabling legislation, made it very

difficult for Young to frame enabling proposals. Instead Young seized on the committee's proposals as a more limited restriction on the power of alienation than that proposed by the Government of India; and one which would work less economic harm and consequently cause less discontent. After the committee had concluded its deliberations Young obtained the assent of its members to the proposition that it was not desirable or safe to adopt any more stringent measures. In his note on the committee's proposals Young made it clear that he was personally opposed to legislation; but that if the Government of India were determined to adopt general and stringent measures he supported the committee's proposals as the maximum restrictions on alienation permissible.⁸

Meanwhile the Government of India, with Rivaz as Member for the Home and Revenue Departments, had been clearing the ground. On the basis of certain statistics for Western India, which seemed to show that the Dekhan Act had not checked alienations, it was decided to abandon the extension of such legislation to other parts of India. Rivaz was influenced by the consideration that certain proposed amendments of the Indian Contract Act - the outcome of the proposals initiated by Hutchins in the

early 'nineties - would enable courts to go behind bonds in cases where undue influence had been exercised; that some exemption of land from attachment and sale in execution of decree was contemplated; and that the imposition of some restrictions on voluntary alienations in Northern India at least seemed probable. Rivaz was primarily concerned to restrict the power of transfer in the Punjab; and he postponed consideration of such action in other Provinces until the matter had been settled in the Punjab.⁹

The Punjab committee's proposals, though only half-heartedly supported by Young, gave Rivaz the opportunity to press for restrictions on voluntary alienation which were more in accord with his own ideas.¹⁰

The committee's decision in favour of general legislation suited Rivaz well enough, and he took care to add that the power of exemption given to the Local Government should be subject to the sanction of the Government of India, as otherwise a Lieutenant-Governor like Young might nullify the whole measure.

Since August 1889 Rivaz had taken a stand against class legislation, favouring measures which would check the transfer of land to all who acquired it merely as a commercial speculation.

From this point of view the committee's proposed restrictions on temporary alienation were satisfactory; and Rivaz accepted them, save that he reduced the maximum period for such alienations to fifteen years. He added the provision that no fresh temporary alienation could be entered into during the currency of the original alienation; but he saw no safe way of preventing successive temporary transfers.

Rivaz accepted the committee's proposal that, apart from striking out the conditional sale clause in mortgages by conditional sale, existing mortgages should be left untouched. Nevertheless he may have contemplated further interference with existing mortgages by conditional sale.

The committee's proposal to prohibit permanent alienations to non-agriculturists found no favour with Rivaz. He reverted to the proposal which he had made as Financial Commissioner in 1896; a proposal which the committee had rejected, at least in the form given to it by Tupper. All permanent alienations of land, Rivaz explained, would be subject to official sanction. There was only one exemption which he now urged, perhaps at the instance of Ibbetson, now Chief Commissioner of the Central Provinces,

with whom Rivaz had been in touch.¹¹ At any rate, Rivaz adopted a modified form of the suggestion which Ibbetson had made in 1898 for allowing freedom of sale to the near relations of the alienor and to the original stock of the village. Permanent alienations would be permitted without official sanction, subject only to the law of pre-emption, when made to any descendant in the male line from the common ancestor of the alienor and the alienee; and to any agriculturist who held land as an owner or hereditary tenant in the village where the land permanently alienated was situated. In defence of his scheme Rivaz not only repeated Ibbetson's argument about the scope which would be given to professional purchasers under the committee's proposal, but indicated that it was desirable to prevent the agriculturist, often as much a Shylock as the professional money-lender, from buying up land in a village where he constituted a foreign element in the village community.

Under Rivaz's scheme the necessity for defining the non-agriculturist disappeared, but it became necessary to define the agriculturist, so as to exclude from this category those who did not belong to the original stock of the village. Rivaz simply reversed the committee's proposal. The agriculturist would be the "old

agriculturist" of the Land Revenue Act, i.e. any person who either in his own name, or in the names of his agnate ancestors, was recorded as an owner of land or as a hereditary tenant in any estate at the first regular settlement. As before, the Local Government could alter the definition for any locality, but only with the consent of the Government of India. Rivaz must have realized that in some places his definition of agriculturist would include traders.

Rivaz agreed with the committee that restrictions should be applied to all agricultural and pastoral land; that the hypothecation of crops should be limited; and the law of pre-emption amended. The sale of land in execution of decree he proposed to abolish entirely, instead of continuing the existing Punjab system.

Elgin could hardly grasp the differences between the various proposals for restricting the power of transfer; he placed the same trust in Rivaz as he had previously placed in Ibbetson; and now that legislation in his time was out of the question, his main concern was that his Viceroyalty should be marked by an important Despatch on land reform. Accordingly, Elgin accepted Rivaz's proposals and made it clear that he hoped Council Members would agree.¹²

The Members of Council showed no inclination to oppose Rivaz's views. Indeed two of them were very favourable to legislation. Only one Member preferred an enabling Act; but he did not press the matter. Three Members looked on the measure as a means of checking transfers to money-lenders; but they did not challenge the restriction of transfers to agriculturists. A.C. Trevor still held much the same views on the question as in 1895, when he had tried to postpone consideration of Ibbetson's proposals. This time he did not allow his personal views to affect the general action proposed. On one point he was insistent. It would be much better, he thought, if all permanent transfers were subject to official sanction; as otherwise much confusion and litigation might result.¹³

This suggestion undermined one of the main advantages which Ibbetson had seen in permitting unrestricted permanent alienation within a limited circle, viz., that it would show the land-owners that their proprietary status had not been destroyed. Rivaz, on the other hand, had always thought of official sanction as the key to any scheme for restricting alienation, and he did not object to Trevor's suggestion. In the Despatch to the Secretary of State of November 1898, in which Rivaz's proposals were outlined

for approval, a paragraph was inserted by the Revenue Secretary to meet Trevor's views. All permanent alienations made without official sanction would be void; no document purporting to transfer land permanently would be submitted to registration without a certificate of sanction; when the transferee was an "agriculturist" holding land in the village or descended in the male line from the same ancestor as the alienor, sanction would be given as a matter of right; in other cases sanction would be at the discretion of the Revenue officer, guided by executive instructions. It was indicated, however, that it had not been finally decided to accept the proposal.¹⁴

In London Rivaz's proposals brought a storm of opposition from the India Council. Fitzpatrick led the attack demanding that the measure be an enabling one, as he had originally proposed, and for the reasons which he had given. As before he thought that opposition to general legislation would be much greater than opposition to enabling legislation. He predicted that a general law would give a great opportunity to agitators - money-lenders, pleaders and so on - and that these people would try to convince the land-owners that the real object of Government was to destroy their proprietary rights. The hands of the agitators would be immensely

strengthened if the law was general and not merely applied to tracts where there was some intelligible justification for legislation.¹⁵

Three other Members supported Fitzpatrick; among them Crosthwaite, who had a few years before indicated that it was too late to withdraw the power of transfer; and Hutchins, who, with his judicial outlook, had a dread of interference with existing rights. Crosthwaite and Hutchins anticipated a great or unforeseeable unsettlement of credit, followed by various difficulties, and accompanied by the discontent of all classes; and they wanted to make legislation as limited and tentative as possible. Another Member, Alfred Lyall, feared that the restriction of proprietary rights would check the investment of capital in land. He only acquiesced in general legislation because he appreciated the peculiar difficulties involved in special and partial legislation. He and John Edge, who was strongly in favour of general legislation, stressed that limited and gradual extension would lead to more opposition and discontent than would a general enactment. The only other Member in favour of general legislation, James Peile, conceived of the law as little more than a pre-emption system, in which sanction would be readily given if no purchasers were forthcoming from the agriculturists of the village or the agnates.

It was probably at Peile's instance that it was decided to ask the Government of India to indicate the nature of the executive instructions by which Revenue officers would be guided in giving sanction.¹⁶

By demanding enabling instead of general measures, Fitzpatrick diverted the attention of the India Council from other aspects of Rivaz's scheme. It is true that Fitzpatrick characterised the restrictions on transfers to agriculturists as mischievous; and argued that the land of money-lenders should be exempted from the start so as to remove at least one motive for their opposition. Nevertheless these had become subordinate points; and only one other Member, Hutchins, referred to them.

Fitzpatrick might well have succeeded in his demand for enabling legislation. The Secretary of State for India, Lord Hamilton, had as much difficulty in deciding Indian administrative questions on their merits as Elgin; and the majority of "experts" were opposed to general legislation. Besides, the arguments of the political danger involved in legislation appealed strongly to one who had seen so much agrarian agitation in Ireland. Hamilton preferred an enabling measure, opposition to which, he thought, would be less formidable than to a general measure.¹⁷

The essential factor in the situation was the new Viceroy, Lord Curzon. By March 1899 the Government of India had heard indirectly that their proposals were not faring well at the India Office. Curzon looked into the matter and, being hardly the sort of man who did anything by half-measures, decided that enabling legislation would be of little practical use. He was undoubtedly influenced by Rivaz, whose arguments for general legislation he pressed on the Secretary of State. Hamilton, not prepared to over-rule Curzon, subordinated his personal views.¹⁸

Even so it was not possible to carry the Government of India's proposals immediately. A Despatch, accompanied by minutes of Members of the India Council, was issued in April 1899. It summarised the arguments on both sides of the case; and requested the Government of India to consider whether they saw any reasons for modifying their course of action. Privately Curzon was assured that whatever they decided would be accepted by the India Office.¹⁹

In much the same way as Fitzpatrick had previously played into Ibbetson's hands, he had now played into Rivaz's. Under Fitzpatrick's influence Members of the India Council, who might well have been persuaded that no action whatever was required, assented to enabling legislation or even to general legislation. Fitzpatrick

concentrated his attack on one point - enabling versus general legislation - on which Curzon was least likely to budge as long as Hamilton did not actually overrule him. Other aspects of Rivaz's scheme, which might have been more easily challenged, were given little attention.

There was still a chance that general measures might not be adopted. In commenting on the Secretary of State's Despatch in May 1899, Rivaz argued that if general legislation was not enacted the restrictions should be given a trial in a compact territory like the Rawalpindi Division. If general legislation was accepted, Rivaz proposed that the power of exemption be used very sparingly, at least at first; an interpretation of the power of exemption which diverged not only materially from Fitzpatrick's, but probably also from the intentions of the Punjab committee of 1898.²⁰

Rivaz reiterated his old arguments that only enabling legislation would materially impair credit and rouse the hostility of the land-owners. In regard to general legislation he shared neither Fitzpatrick's views of the significance of the opposition of the trading classes, nor Ibbetson's fears that the land-owners would feel that they were losing their proprietary status. There might be quite a bit of writing in the vernacular newspapers

against the measure, Rivaz thought, for they were controlled mostly by those on the side of the money-lenders; but the agricultural community would not be affected by such writings and would accept the scheme, at least with tacit satisfaction, as a measure for their protection.

Far from trying to lessen the opposition of the trading classes by exempting their land in the first instance, as Fitzpatrick proposed, Rivaz was not prepared to use the power to exempt classes which the Punjab committee had provided; indeed he was not even ready to sanction freely individual alienations by the trading classes as Ibbetson had been. Rivaz proposed to impose restrictions on the land of non-agriculturists; so that whenever a non-agriculturist wanted to sell his land, its reversion to some agriculturist in the same village would be facilitated, instead of merely passing to another non-agriculturist.

The proposed restrictions on transfers to agriculturists, Rivaz defended on the same grounds as in 1898.

By now Rivaz had accepted Trevor's suggestion that all permanent alienations should require official sanction. As requested by the Secretary of State, Rivaz outlined the executive instructions by which he proposed to regulate the grant of sanction. There would be three classes of cases. When an agriculturist or non-agriculturist

proprietor proposed to transfer land to an agriculturist in the same village or to an agnate, the Tahsildar would sanction the transaction as a matter of course if he was satisfied that the purchaser was really buying for himself. When a non-agriculturist proprietor wanted to transfer land to a person outside these limits, enquiry would be made whether any agriculturist in the village was willing to purchase at a fair full price. If so, the proposed alienation to the outsider would be disallowed; if not, the transfer would ordinarily be permitted, even if the alienee was a non-agriculturist. Power of sanction in this class of cases would rest with the Deputy-Commissioner. In the most important class of cases, those in which an agriculturist wanted to transfer land to a person outside the original stock of the village or the agnates, the same procedure would be followed, sanction being refused if an agriculturist of the village was prepared to buy. If not, and the proposed transfer was to an agriculturist of the same tribe as the alienor, sanction would ordinarily be given. If the proposed transfer was to an agriculturist of some other tribe, enquiry should be made whether an agriculturist of the same tribe as the alienor was willing to buy. If such a man was found, permission to the proposed transfer would be refused; if not, permission

would be given unless it looked as if the proposed alienee might become a mischievous element in the village community. If the proposed transfer was to a non-agriculturist permission would be refused, save only in very exceptional cases of real necessity where no agricultural purchaser of any sort was forthcoming. In the third class of cases the power of sanction would be exercised by the Deputy Commissioner, except where the transfer was to a non-agriculturist in which case the Commissioner's sanction would be required.

In June 1899 Curzon committed himself officially to general legislation. He thought that the danger of taking action had been exaggerated by the advocates of enabling legislation; and if it had not, and if the land-owners were really hostile, it would always be possible to withdraw the Bill. Most of the Members of Council were new to the question; but all preferred general to enabling legislation.²¹

Two Members of Council - R. Gardiner and T. Raleigh - opposed the imposition of restrictions on non-agriculturist proprietors; and the former also questioned the restrictions placed on transfers to agriculturists. The less interference with the power of transfer, Gardiner argued, the less the danger of harmful economic consequences.

Raleigh was impressed by the political danger involved in legislation.

At the Council meeting of 7 July 1899, Rivaz's proposals were approved, with two exceptions. The proposal to impose restrictions on permanent alienations by non-agriculturist proprietors was defeated, presumably at the instance of Gardiner and Raleigh. Mackworth Young, who attended the meeting at Curzon's invitation, had finally abandoned the idea of enabling legislation; and stated his preference for general legislation which would not place too severe a restriction on the power of transfer. After a long argument Curzon asked Young whether there was not any area wider than the village and yet smaller than the Province, which could be adopted as the unit of exemption. Rivaz suggested that any person should be permitted to alienate permanently to any member of the same tribe with nominal sanction. Young immediately accepted the compromise.²²

In this way the Punjab Land Alienation Bill came to contain not one but two definitions of land-owner: the "agriculturist" and the "member of an agricultural tribe". Douie's proposal to specify the land-owners by their tribal names had come in by the back door.

Rivaz's scheme for restricting permanent transfers was thus modified so that sanction would be given as a

matter of right to anyone who was not a member of an agricultural tribe; to an alienation by a member of an agricultural tribe to an "agriculturist" holding land in the village and to an alienation by a member of an agricultural tribe to another member of the same tribe residing in the same district, the meaning of district being variable. In all other cases the Revenue officer was to be guided by the sort of executive instructions which Rivaz had sketched.

The Bill which was now drafted was thus the work of many. Its general provisions, tempered by the power of exemption, reflected the decisions of the Punjab committee of 1898, upheld by Young, Rivaz and Curzon. The acceptance of Rivaz's proposal to make the exercise of the power of exemption dependent on the sanction of the Government of India and later, to make little use of the power of exemption, strengthened the general character of the measure. The restrictions which the Bill imposed on temporary transfers were those advocated by the Punjab committee, as added to and modified by Rivaz in August 1898. The essence of these restrictions was the acceptance of the self-redeeming usufructuary mortgage, which had been advocated by Ibbetson. The restrictions placed on permanent alienations were based on Rivaz's principle

that all such alienations should be subject to the Revenue officer's discretion; a principle modified in the direction of Ibbetson's views by the concession to the original stock of the village and the agnates; further modified under the influence of Trevor by the provision for nominal sanction; and finally modified to placate Young by the concession to the tribe.

Certain provisions of the Bill went beyond the recommendations of the Punjab committee of 1898, though this was apparently not intentional. Instead of merely declaring the conditional sale clause in existing mortgages null and void, the Bill provided that existing mortgages by conditional sale would be null and void, save only that the Revenue officer was empowered to substitute a self-redeeming usufructuary mortgage of no more than fifteen years' duration. Similarly all hypothecations of produce were declared void, instead of hypothecations for more than one year.

The sale of land in execution of any decree, whether passed before or after the Act, was forbidden, as Rivaz had proposed.

Provisions to ensure the enforcement of the restrictions were included in the Bill.²³

In July 1899 a Despatch, accompanied by the Bill, explained the proposed legislation to the Secretary of State. This time there was no opposition from the India Office.²⁴

The general application of restrictions on the power of alienation would not be seriously challenged again; but the stringency of Rivaz's restrictions had been whittled down already to some extent. Rivaz had triumphed over Fitzpatrick; but Young had secured the first of a number of vital concessions.

II.

On 27 September 1899 Rivaz introduced the Bill into the Governor-General's Legislative Council at Simla. It was not proposed to proceed with the measure until the next Simla session, when the assistance of the Punjab Government and its officers would be available. In the interim, Curzon thought, it would be possible to gauge public opinion. The Bill was forwarded to the Punjab Government for its opinion and that of selected officers and other persons.²⁵

Even before the introduction of the Bill into the Legislative Council, rumours of impending legislation against the money-lenders - prompted no doubt by

Thorburn's 1896 enquiry and by an attempt inspired by Merk to ascertain the opinions of non-officials and bankers in 1898 - had spread in some of the rural areas. Among ordinary peasant-proprietors the publication of the Bill gave currency to the notion that existing mortgages would be cancelled or their duration limited. Wherever such views prevailed, the mass of the peasant-proprietors were well-disposed towards the measure. In other places the rumour, fostered by non-agriculturist Hindus, that the Bill was a scheme for Government confiscation of the land, gained ground, with resulting discontent among the land-owners.²⁶

District officers who explained the provisions of the Bill to Hindu and Muslim land-owners found that they received it with various degrees of favour and disfavour. There was a tendency to press for retrospective provisions in regard to mortgages. To some land-owners the fact that the restrictions on alienation would stop expropriation outweighed their objections to the Bill. Others could see only the objections. The major objection was not, as Ibbetson had expected, the interference with the status of proprietor, but the restriction of credit which it was feared would follow legislation. Some of the more intelligent proprietors saw this for themselves;

others were influenced by the money-lenders who explained the Bill to them. At the time this was a particularly pertinent point. Several parts of the Province were suffering from famine, the need for loans was great, and the famine, together with the publication of the Bill, had restricted credit. The fear of the restriction of credit weighed most heavily with the smaller or less thrifty proprietors, who were more dependent on the money-lender. Criticism was also directed at the necessity of obtaining sanction to all permanent alienations, which would involve inconvenience and opportunities for exaction by subordinate officials.

The acquisitive elements in the agrarian community - like some of the Sikh Jats of Ludhiana or the agrarian capitalists of Dera Ismail Khan - were torn between opposition to and support of the Bill. Many saw the advantages of a measure which would exclude the professional money-lender from the competition for land. At the same time many wanted greater freedom of alienation between agriculturists than the Bill gave, and the removal of the provisions requiring official sanction to every permanent alienation, as otherwise their acquisition of land might be hampered. There was also general opposition to the retrospective provisions concerning mortgages by conditional sale which would interfere with their vested interests.

In a few places the Bill, brought to notice by meetings organized by the trading classes, may have been responsible to some extent for the sudden outbreak of violent crime. In Jhelum, for instance, the money-lenders, resenting the Bill, restricted credit with the coming of scarcity. Some of the Muslim land-owners, whose discontent about land transfers had become marked in the closing years of the century, were stirred up by bad characters and a number of dacoities against money-lenders resulted.

Apart from such outbreaks, connected perhaps as much with the famine as the Bill, the land-owners were entirely passive. The petitions actually sent by land-owners for or against the Bill could be counted on the fingers of one hand.

Among the Hindu trading classes the Bill created great unrest. Dissatisfaction was apparent among Hindu money-lenders, large and small, among Hindu officials and professional men, and among avowed loyalists as well as among the disaffected. To all, the Bill represented a threat to their ability to invest in land. The legal profession, which took the lead in opposing the Bill, was probably also influenced by the consideration that the Bill would diminish litigation.

The unrest was stimulated by the retrospective abolition of the mortgage by conditional sale. Many of the ordinary money-lenders believed that all existing mortgages would be converted into self-redeeming mortgages. Even those who were better informed were excited and apprehensive in regard to a provision which not only affected their existing investments in conditional sales but which, it was feared, would establish the principle of retrospective legislation and render all their acquisitions insecure.

The fears of the professional money-lenders were reflected in the restriction of credit, though here the famine was also responsible; in the decrease in area mortgaged; in the increase in area sold, money-lenders taking pains to convert existing mortgages into sales; and in a large increase in suits to obtain foreclosure of mortgages by conditional sale.²⁷

The newspapers gave vent to the strong opposition of educated Hindus to the Bill. The political significance of these writings may be gauged from the fact that the measure was attacked not so much as an interference with the rights of non-agriculturists to acquire land, but as an imposition on the peasantry. This attitude was no doubt partly inspired by tactical considerations; but

it nevertheless reflected a claim to speak for society as a whole. The arguments propounded against the Bill, albeit often exaggerated, were couched in western terms and showed the confidence of the educated in their ability to meet the British on their own intellectual ground. If the Bill was passed, it was contended, agricultural credit would be restricted; the rates of interest would be higher; the value of land would fall. More land would have to be mortgaged to obtain the same amount of money; mortgagors would be ejected from their land; sales would increase; the concentration of land in the hands of agriculturist money-lenders would be facilitated. The peasantry would be impoverished and rural crime would increase. The Government would find it difficult to collect its revenue or enlist its soldiers.

The claim of educated Hindus to leadership was not a passive one. As Fitzpatrick had predicted, widespread attempts were made to convince the land-owners that the Bill was a measure of confiscation. Its effects on the value of land and credit were emphasised. No doubt the appeal of money-lenders and educated Hindus to the countryside was natural, considering that the measure was one for the benefit of the land-owners and would presumably be cancelled if they objected. That these attempts

to influence the thinking of a passive peasantry met with some degree of success, even among Muslim proprietors, showed the potential resources of power on which educated Hindus might draw. Nor was organisation lacking. After a few months, Land Alienation Bill committees were formed in various districts. An elaborate petition was drawn up, and the legal profession together with a few wealthy money-lenders played the leading role in obtaining large numbers of signatures of peasants and money-lenders to copies of this petition.

If the Hindu elite was united, the Muslim elite was divided. The support given to the Bill by a number of Muslim officials and professional men may be attributed to the fact that many members of the Muslim elite were hereditary land-owners, whose social connections were with the borrowing rather than the lending classes, and who were therefore inclined to sympathize with the peasant rather than the money-lender. The opposition of other Muslim officials and professional men is understandable, since even land-owning Muslims would find an appreciable check placed on their powers of acquisition, while those of trading background would be placed in the same position as their Hindu counter-parts. In several instances land-owning Muslims of the official and

professional classes urged that transfers to agriculturists should not be restricted and that sanction to such alienations should not be required. This, of course, would discriminate against the Hindu money-lender, while leaving all Muslims of land-owning stock free to acquire land.

Muslim newspapers seemed to take little interest in the Bill at first. Only the editor of the Rafiq-i-Hind, Muharram Ali Chishti, a non-agriculturist of a Muslim religious tribe, supported the Bill in a determined way. There was little Muslim agitation or organisation. Ata Muhammad, a clerk of court, and a friend of Muharram Ali Chishti, secured the signatures of land-owners in a few central districts to a petition which urged the Government to include retrospective provisions against mortgages in the Bill. Muharram Ali Chishti made some attempt to influence some leading land-owners of the Lahore district in favour of the Bill. Apart from this contributions to Muslim newspapers showed only growing irritation at Hindu attempts to organise rural opposition to the Bill.

It is against this background that the opinions of Punjab officers on the Bill must be considered. They were forwarded to the Government of India early in June 1900, together with the opinion of Mackworth Young. A considerable majority of the Revenue and Judicial officers

consulted were in favour of the Bill. They included many whose experience of the Punjab dated from the late 'eighties and early 'nineties, and who were now consulted on the question for the first time. It was clear that land alienation legislation - and by implication the political analysis on which it rested - would not lack supporters among the new generation. Some officers, like W.S. Talbot, impressed by agrarian discontent in the Jhelum district, thought that retrospective provisions against mortgages were required. A number of officers, like Wilson, still preferred enabling legislation; or, like Douie, thought that the general law would be subject to considerable exemptions of tracts and classes. Only a small minority of officers voiced their complete opposition to the Bill, generally on economic grounds.²⁸

Many officers thought that the restrictions imposed by the Bill were too stringent. It was urged that sanction should not be required where it could not be refused; that the restrictions should not apply to the land of the trading castes; and that restrictions on transfers to land-owners were not desirable. The fifteen years self-redeeming usufructuary mortgage, many believed, would restrict credit too much, and might lead to greater areas being mortgaged or to forced sales, especially in the case

of insecure lands. Twenty, or even twenty-five, years was considered a safer period. An additional form of permissible mortgage, which would be without a time limit, redeemable on repayment of principal, and subject to the retention of an inalienable occupancy right by the mortgagor, was suggested by a few officers, notably Douie, as a means of maintaining agricultural credit.

The retrospective provisions regarding mortgages by conditional sale were generally criticised as unfair, it being considered sufficient to render the condition of sale invalid in existing mortgages. The entire prohibition of hypothecation of crops was not favoured.

Exception was taken to the definition of agriculturist, which would enable many traders in some western districts to buy freely in any village in which they owned land; which was imperfect in other ways as well and which, a number of officers thought, could best be omitted from the Bill.

A host of other suggestions were made on minor points on which the Bill was obviously objectionable, its drafting imperfect or additions necessary to guard against evasions of the law.

Young was still concerned to weaken the restrictions imposed by the Bill. Asked to nominate two Punjab

officers to the Legislative Council, he chose Tupper and Fanshawe. Tupper was influenced by the general opinion among Revenue officers that the Bill would diminish credit to an undesirable degree, and he thought that less severe restrictions would suffice for the political object in view. Fanshawe had never favoured legislation to check land transfers, and he was doubtful about the expediency of the Bill.²⁹

The composition of the Select Committee, to which the Bill was referred at the Council meeting of 22 June 1900, favoured Young rather than Rivaz. Punjab experience on the Committee was represented by Rivaz, Tupper and Fanshawe. Apart from Rivaz there were three Members of the Government of India on the Committee - Trevor, Raleigh and Law. Of these Trevor, though only a recent convert to the policy of restricting the power of transfer, was perhaps closest in outlook to Rivaz; Raleigh had doubts and misgivings about the whole policy; Law was sympathetic but had not the experience to form his own opinions on the questions at issue. There was one Indian Member on the Committee, Harnam Singh, an Ahluwalia (Sikh Kalal) by caste and a Christian by religion. It was indicative of the strength of non-agriculturist Hindu opposition to the Bill that Harnam Singh, a relative of the Kapurthala royal family and a Talukdar in the North-Western Provinces,

took the lead in denouncing the Bill. His request for the appointment of another Indian Member to the Council only weakened his hand, while strengthening Young's. Young pressed Muhammad Hayat Khan, an official and an avowed loyalist, on Curzon. As a large land-owner in the Rawalpindi district, who had increased his landed possessions at the expense of smaller Muslim proprietors, it was not surprising that Muhammad Hayat Khan had doubts about the Bill and, more particularly, that he was inclined to favour restrictions on transfers to traders while opposed to restrictions on transfers to land-owners.³⁰

To understand the amendments of the Bill proposed by the Select Committee in their report of 6 August 1900 three factors have to be borne in mind: firstly, the general trend of the opinions expressed by Punjab officers; secondly, the views of the members of the Select Committee; and, finally, the views of Mackworth Young, who kept in touch with the Committee's discussions.

In deference to widespread criticism, the provision which necessitated the request for official sanction to permanent alienation in cases in which the grant of such sanction was obligatory, was removed. Sanction would now be necessary only where the grant of such sanction was at the Revenue officer's discretion; and it was

provided that such sanction could be given after as well as before the completion of the alienation. The removal of the provision for formal sanction accorded with the views of Tupper, Fanshawe, Muhammad Hayat Khan and Young.

Rivaz was probably not seriously opposed to this amendment. It was Trevor who had pressed for provision for formal sanction as a means of preventing fraud.³¹

The "agriculturist" was not omitted from the amended Bill despite the complexities and misunderstandings which its retention generated and despite the adverse opinions of several Punjab officers and the opposition of Rivaz and Tupper. It was at the instance of Mackworth Young that the "agriculturist" was maintained. It is ironic that a definition which Rivaz put forward in 1898 as part of a scheme to keep transfers within the narrowest possible limits was upheld by Young because that definition was imperfect and allowed some traders in certain districts the privilege of buying land in certain circumstances. An attempt was made, however, to keep the position and privileges of the money-lender "agriculturist" within bounds, despite Harnam Singh's attempt to widen the definition. If the Regular Settlement of a district had been made in or since 1870 (in which case a large number of money-lenders would qualify as "agriculturists") the

Local Government was empowered to choose an earlier settlement on the basis of which the status of "agriculturist" could be claimed for that district. The Local Government was also given a general power to exclude any persons from the definition. In the Bill, probably through an oversight in drafting, the "agriculturist" had been allowed to buy land in any village in which he owned land at the time of the passing of the Act. It was now made clear that the "agriculturist" would only be able to buy land in the village from which he actually derived his status as "agriculturist". These amendments seem to have been made with Young's concurrence. Certain less important amendments of the definition were also made.³²

The Select Committee removed most of the restrictions which the Bill still imposed upon the power of transfer of the trading castes. This had been advocated by several Punjab officers and was in accord with the views of Tupper, Fanshawe and Raleigh. Rivaz probably had little objection; the restrictions which the Bill had retained on the power of alienation of the trading castes could not possibly secure the reversion of land held by them to the agricultural tribes. The provision for formal sanction to permanent alienations being excised altogether, alienors who did not belong to notified agricultural tribes could now make permanent alienations without any

restrictions. There was only one exception, i.e., the restriction on the power of transfer of the "agriculturist" which was now introduced. A loophole had been discovered in the Bill. A money-lender who fell within the definition of "agriculturist" could acquire land from agricultural tribes in the village; there being no restrictions on his powers of disposal, he could re-sell this land, and thus become an intermediary for the transfer of land from agricultural tribes to traders. To overcome this difficulty the Select Committee accepted an amendment proposed by Rivaz by which any land which an "agriculturist" acquired under the Act by reason of his status as "agriculturist" could not be sold again without sanction, except to a member of an agricultural tribe or to a person holding land as an "agriculturist" in the village. Trevor had wanted to go even further in restricting the power of transfer of the "agriculturist". All restrictions on the power of temporary alienation and on the sale of land in execution of decree, previously absolute, were now confined to members of agricultural tribes. The restriction on the power of hypothecation, previously applied to the "agriculturist" (probably through careless drafting), was now applied only to members of agricultural tribes. Mortgages by conditional sale were likewise subject to the retrospective provisions of the Bill only where

they had been entered into by members of agricultural tribes. In future mortgages, however, all conditions of sale were to be invalid, irrespective of the alienors. There was thus almost a complete return to Fitzpatrick's proposal that restrictions should be imposed only on notified agricultural tribes.³³

The most serious clash in opinion arose over the restrictions which should be imposed on transfers to members of agricultural tribes. Young, emboldened by opinion in the Province which supported his view, had gone back on the compromise reached in 1899 by which permanent alienations within the tribe would be unfettered. He now pressed for complete freedom of permanent, and even temporary alienation, between all agricultural tribes. His argument was that the restrictions which the Bill imposed would press too hard on the small proprietors of small tribes. Their credit would fall much more than that of proprietors of the larger tribes, and the depreciation in the value of their land would hasten their expropriation by the richer members of their own tribe. Tupper, also fearing the effects of the Bill on agricultural credit, wanted complete liberty of permanent alienation between agricultural tribes. Muhammad Hayat Khan had reasons of his own for opposing all restrictions on transfers to members of agricultural tribes. Rivaz

offered a small concession, namely that not only permanent but also temporary alienation should be left unfettered within the tribe. Young would not accept this as sufficient. Finally a compromise was reached by which permanent alienations made to a member of the same tribe or to a member of a tribe in the same group, would be permitted; while there would, apart from mortgages by conditional sale, be no restrictions on the mortgages made to a member of the same tribe or to a member of a tribe in the same group. It was explained in Council, but not indicated in the Bill, that grouping was intended only to meet the case of small and cognate tribes. Instead of making the meaning of district variable, power was taken to group districts.³⁴

Considering the opposition, Rivaz had maintained his position fairly well. He could not foresee that Young would get an opportunity to nullify the latest compromise.

Rivaz had also to give way to his colleagues in regard to the forms of mortgages which should be permitted. Young, Tupper and Fanshawe, in common with much Punjab opinion, wanted a twenty year term for the self-redeeming usufructuary mortgage. This was accepted. Tupper and Young wanted the new form of mortgage proposed by Douie as a further safeguard for agricultural credit. Rivaz gave way. The new form of mortgage was a written usufructuary mortgage in which the mortgagor retained an inalienable occupancy right in the land subject to the payment of rent at a customary

rate, or if there was no customary rate, at such rate as a Revenue Court determined to be equitable. The mortgagor could be ejected if he used the land in an improper manner, failed to cultivate it or did not pay his rent. He could redeem at any time on repayment of principal, even if he had been ejected. The Local Government was also empowered to permit any form of mortgage it thought suitable. This was probably added at Tupper's instance, the aim being to permit local kinds of mortgage which were unobjectionable.³⁵

A number of other changes were made in the provisions relating to temporary transfers. Certain objectionable features of these provisions were removed, and certain defects in drafting remedied. Existing provisions designed to safeguard the mortgagor's power of redemption, and to prevent the introduction of special conditions unfavourable to the mortgagor, were expanded and clarified. New provisions were introduced to guard against evasions of the restrictions.

Hypothecations of produce were permitted for one year, and otherwise with official sanction, instead of being prohibited altogether.

The retrospective provisions relating to mortgages by conditional sale were at first opposed by Tupper on the ground that there was no political necessity for such action. He was apparently won over by Rivaz, who stressed economic considerations. The provisions, which had been generally criticised by Punjab officers, were made somewhat less severe. The mortgagee now had the choice

of having the sale condition struck out, leaving the other conditions of the mortgage to be enforced, or he could accept a self-redeeming usufructuary mortgage or collateral mortgage as defined by the Bill, the terms of which would be fixed by the Deputy Commissioner.³⁶

A number of other expansions, clarifications and improvements were made in the Bill, in accordance with the suggestions of Punjab officials.

The Preliminary Report of the Select Committee, which proposed the above amendments in the Bill, was presented on 6 August 1900, with a long minute of dissent from Harnam Singh. Curzon claimed that this minute, as indeed Harnam Singh's speeches in Council, were written for him by interested pleaders at Lahore.³⁷

Whatever the truth of this allegation, it seems likely that there was some central direction of the educated Hindu opposition to the Bill. Throughout September a number of similarly worded telegrams protesting against the Bill and supporting Harnam Singh's views were sent to the Viceroy from Land Alienation Bill Committees and public meetings. A number of these telegrams laid special stress on the objections to retrospective legislation.³⁸

It may be doubted whether the British members of the Select Committee took any notice of this agitation. It had come to their notice that many proceedings were being instituted to enforce the sale condition in existing mortgages and the possibility of bringing the provisions relating to these mortgages into force as soon as the Act was passed was discussed. In its report of 2 October, however, the Select Committee confined itself to extending the retrospective provisions against conditional sales to proceedings pending in the courts at the commencement of the Act. Shortly afterwards an unsuccessful attempt was made to persuade the Chief Court to defer decrees in these pending cases.³⁹

On the other hand, notice was taken of the opposition of educated Muslims to the new form of mortgage. It was pointed out by such Muslims that the Hindu money-lenders would take only the new form of mortgage; that the principal and interest for which the land would be mortgaged would exceed the market value, so that redemption would not be feasible; that pretexts would be found to eject the mortgagor; and that the result would be permanent alienations to money-lenders in fact if not in name. The India Office voiced the fear that collusive

abandonment might be resorted to in respect of the third form of mortgage; and suggested that this form of mortgage should also be limited as to time. The solution adopted by the Select Committee was one suggested independently by a Muslim official and a Muslim legal practitioner to Muhammad Hayat Khan, accepted by him, and conveyed to Tupper and Rivaz. It was provided that in case of ejection or abandonment the third form of mortgage would be converted into a self-redeeming usufructuary mortgage, as defined by the Bill, the conditions of the mortgage to be fixed by the Deputy Commissioner. The customary rate of rent and the jurisdiction of the Revenue court which the Bill provided for the third form of mortgage were excised, and a maximum rent fixed for all such mortgages.⁴⁰

As Douie and Fitzpatrick pointed out, these amendments destroyed the utility of the third form of mortgage. In the end the mortgage restrictions imposed by the Bill were still close to the spirit of Ibbetson's proposals.⁴¹

Apart from the above, the Select Committee, in its Report of 2 October, proposed no fundamental changes.

The Bill was finally passed at the Legislative Council meeting of 19 October, various amendments proposed by Harnam Singh being defeated. In his speech Young made it clear that he was not reconciled to the restrictions

which the Bill imposed on transfers to agricultural tribes. The final stage of the struggle between Young and Rivaz had begun.

III.

In mid-August 1900 Tupper, the Financial Commissioner, anxious that existing conditional sales should not be enforced and that the excitement and misapprehension created by the Bill be allayed, proposed that lists and groups of agricultural tribes be prepared, so that the Act could be brought into force immediately after it was passed. His proposals being accepted by Young, such lists and groups were prepared by several officers. At a conference held on 10 September, a number of conclusions were reached concerning the principles which should determine the selection of agricultural tribes. Village menials and artisans should not be included, though it would be provided that where such men practised agriculture, transfers to them would be sanctioned freely. Tribes of low status should be included, if warranted by their numbers and the amount of land owned. The inclusion of Brahmins, Kalals and Kakezai Shekhs would be decided with reference to the circumstances of each district. It was not considered necessary by most members of the conference to include tribes which, though elsewhere notified as agricultural,

were represented in particular districts by insignificant numbers or held little land. Differences of religion were to be disregarded in enumeration, though it was considered permissible to use them as a test for including or excluding particular tribes, if this was for some special reason convenient. No definite conclusions were reached regarding the grouping of tribes; but at least four out of nine officers were in favour of placing all agricultural tribes in the same group, so that there would be no restrictions on transfers between them. On 5 October 1900 it was decided that the opinion of local officers should be invited in regard to grouping; but nothing was done immediately.⁴²

It may well be that Young was influenced by these discussions. At any rate in his speech in the Legislative Council on 19 October he explained his long-standing opposition to the Bill and made a special point of criticising the restrictions on permanent alienations to members of agricultural tribes which neither the Punjab committee of 1898, nor most of the Punjab officers consulted in 1899, had recommended. Young hoped that the proposal to group only cognate tribes, which was not contained in the provisions of the Bill, would be ignored; that the Government of India would give full effect to

the view of the Punjab Government and its officers in considering the Local Government's recommendations on grouping; and, he added somewhat lamely, that grouping be freely utilised to meet the case of small, scattered tribes.

Rivaz did not let this challenge pass. Earlier in the debate he had stressed that the Bill was designed to secure the preservation of the small proprietor by restricting his credit and thus decreasing his opportunities for reckless extravagance; and he had confidently predicted that the Bill would be followed by a decrease in sales and mortgages. In those cases in which an agriculturist was forced to sell, through the sub-division of the holding, extreme thriftlessness or poverty, the Bill would ensure that his land would pass to another agriculturist, preferably one of the same tribe, instead of to a money-lender. To group all tribes together, Rivaz charged in his later speech, would result in a depreciation of the value of land which would not be sufficient to discourage the small proprietor from selling except in cases of real necessity. The small proprietor would then disappear even more rapidly than before; for he would have to sell more to raise the same amount of money.

Discussion between Rivaz and Young did not lead to any agreement about the grouping of tribes; and this

question was to be referred to Deputy Commissioners.⁴³

In a Punjab Government letter of November 1900, addressed to all Deputy Commissioners, the principles which should be followed in enumerating agricultural tribes were specified. These were more or less in accordance with the conclusions of the conference of 10 September. Officers were requested to revise the lists of tribes which had been prepared.⁴⁴

The letter explained that Young was disposed to think that, as far as the grouping of districts went, it would be sufficient to issue one notification for the Province declaring that each district and all districts which adjoined it should form one group of districts.

Young did not treat the grouping of tribes as an open question. The Punjab Government letter indicated that grouping was intended only for small tribes, who should be given a fair market for their land, though the market should not be unnecessarily wide; that the tribes grouped should be cognate; that grouping should take advantage, where feasible, of local contiguity, a distant market being useless; and that the grouping should not expose small tribes to agricultural money-lenders and land-grabbers of other tribes, for this might be dangerous.

Commissioners were asked to hold Divisional conferences to discuss the enumeration and grouping of tribes.

Rivaz approved of Young's letter; but it would soon become clear that Young had played his cards well.⁴⁵

Almost all the officers consulted proposed to exclude village menials and artisans from the agricultural tribes. Tribes of low status, like the Tarkhans and Labanas, and tribes which contained both agricultural and non-agricultural elements, like the Brahmins, Kalals, Kakezais and Shekhs, were sometimes included and sometimes excluded. The Muslim religious tribes, like the Sayads, and other high status Muslim tribes, like the Pathans and Mughals, were generally, though not invariably, included. The market-gardening tribes, and tribes like the Jats, Rajputs, Gujars and others, whose pursuits were distinctly agricultural or pastoral, were generally enumerated as agricultural tribes.

The method of grouping districts proposed by Young was accepted by most officers.

The only Divisional conference which strongly endorsed Rivaz's proposal for the formation of small groups was that of Jullunder, presided over by Alexander Anderson. Anderson had always supported proposals which were likely to decrease agricultural credit and thus inhibit extravagant expenditure. If it was found that the system of small groups did not answer, Anderson argued, it would always be possible to combine groups. Most of the

officers of his Division agreed with him; partly because in several of their districts the acquisitive tendencies of the Sikh Jats were marked.

In other Divisions the fear was expressed that Rivaz's proposals would restrict credit too much, and would unduly depreciate the value of land, especially in the case of weaker tribes like the Rajputs, who might find themselves forced to sell at a very low price to the one or two capitalists in their tribe. The increase in the Deputy Commissioner's work would also be great. These were the arguments not only of men like Merk, Commissioner of the Derajat Division, who had consistently opposed legislation, and was concerned to whittle it down as far as possible, but also of men like Clarke, Commissioner of the Lahore Division, who had never been prepared to do more than stop the transfer of land to the professional money-lender. Both these Commissioners wanted all tribes in each district to be placed into one group; and Clarke bullied into submission those officers in his Division who had attempted to form separate groups. The Delhi Divisional conference, comprising such experienced officers as H.C. Fanshawe, G.C. Walker and A. Kensington, only wanted one group of agricultural tribes. The feeling that tribes could always be put into smaller groups, while

the combination of groups would be to some extent an admission of failure, influenced the judgement of some of these officers.

Other circumstances favoured the formation of single or large groups of agricultural tribes. In the western districts it seemed pointless that tribes should be formed into separate groups when there were few money-lenders and land-grabbers in these tribes; though the existence of the powerful individual agrarian capitalist in a few of the western districts caused some difficulty. Two practical considerations made themselves felt in the west. Many of the tribes were so scattered that, if grouped singly, they would have little or no market. Then many tribes were so difficult to distinguish from one another that separate grouping would lead to serious ethnological difficulties. These considerations increased the support for single groups at the Derajat and Lahore Divisional conferences. They also influenced the decision of the Rawalpindi Divisional conference, headed by Montgomery, and the Peshawar Divisional conference, headed by Cunningham, to form no more than two groups in any of their districts.

The trend towards single groups was endorsed by James Wilson, now Settlement Commissioner. Hitherto, Wilson had been a determined advocate of a general

restriction of the power of alienation; but also of enabling legislation which would ensure that this remedy was applied with care and discrimination. With a law applying all over the Punjab, Wilson thought it safer to limit the restrictions on the power of alienation in the first instance. He also thought that the power of alienation of agricultural tribes should not be too restricted as long as the money-lender "agriculturist" was given a free hand in the villages from which he derived his status.

In his review of these opinions in February 1901, Tupper, the Financial Commissioner, suggested that the local proposals for the enumeration of agricultural tribes be accepted; subject to the entire exclusion of village menials and artisans, Shekhs (except genuine Koreshis and Ansaris) and, for the present, Brahmins. The Shekhs, Tupper pointed out, were a heterogeneous collection, and agricultural tribes should be protected from their acquisitive tendencies. Likewise it was more important to save the agricultural tribes from the money-lending Brahmin than to protect the agricultural Brahmin. The Muslim religious tribes, Tupper retained, for, as Wilson had noted, they were more often mortgagors and vendors than mortgagees and vendees.

Tupper dissented from the conclusion of the majority of officers that all agricultural tribes should be placed

in the same group, despite his personal conviction that it would be better to place no restrictions on permanent alienations to members of agricultural tribes. Local officers, Tupper thought, had stressed the importance of the field for sale, but they had overlooked the field for mortgage, which was still more important. Ordinarily peasants did not want to sell their land; but they did want to raise as much money as possible on it. If all tribes were placed in the same group, not only would the field for sale be great, but the agricultural tribes would lose the protection of the mortgage provisions of the Act when mortgaging to men of other agricultural tribes. Tupper accordingly framed groups which would protect the weaker from the stronger agricultural tribes.

Young accepted most of Tupper's proposals relating to the enumeration of agricultural tribes; but the trend among local officers to large and single groups, even though he had given no lead in this respect, gave him the opportunity to press his views on the Government of India. That Government was asked to group each district with adjoining districts and to put all agricultural tribes in each district into a single group.⁴⁶

In his letter to the Government of India, Young stressed, among other things, the artificiality of the

groupings proposed. This was something which Tupper felt keenly; and he proposed in April that, if the Government of India rejected Young's proposals, district officers be asked whether it would not be preferable to commence the Act with each tribe notified separately, leaving grouping to be suggested by practical necessities. Tupper did not now think that the restriction of credit, or the increase in work, which this proposal involved, would be very great.⁴⁷

It was too late. Rivaz, influenced by the weight of opinion in favour of single groups and by the idea that separate groups could be formed in future, had already accepted Young's proposals. Curzon, also thinking that separate groups could be formed later, accepted them shortly afterwards. Rivaz and Curzon did disallow the grouping of districts proposed by Young, as this would give too many opportunities for fraud; but this was of little significance beside the decision which allowed all notified tribes in each district to sell and mortgage freely amongst themselves, save only in the form of a mortgage by conditional sale.⁴⁸

Tupper, seeing more clearly than Rivaz, thought it improbable that after this decision narrower grouping would ever be adopted.⁴⁹

Rivaz had been beaten decisively by Young. They were further apart even than Ibbetson and Fitzpatrick had been. Ibbetson and Fitzpatrick had argued about the best way to meet a political danger; Rivaz and Young were divided by fundamental views of society and government. Young considered restrictions on the power of transfer a social and economic evil; to Rivaz they were necessary on economic as well as on political grounds. By adopting a policy in harmony with the views of many Punjab officials Young succeeded in reducing Rivaz's restrictions to the minimum justified by political considerations.

This was class legislation, not only in the sense that it struck at the acquisitive elements among the trading and artisan and menial castes, while leaving similar elements among the agricultural classes almost entire freedom of acquisition; but also because it discriminated against the Hindu elite and not against most of the Muslim elite. The failure to discriminate against most of the Muslim elite was partly a consequence of their agrarian background, partly the by-product of a debate about the economic feasibility of restricting the power of transfer. It is ironic that an aspect of the question which led Indian nationalists to characterise the Land Alienation Act as an attempt to split Hindus and Muslims,

had never been considered by the British. That fact emphasises once more the nature of the political analysis on which the Punjab Land Alienation Act rested.

IV.

In June 1901 the Punjab Land Alienation Act came into force all over the Province, only land within municipal and cantonment limits, the Simla district, and the areas incorporated in the new North-West Frontier Province being exempted. A similar measure restricting alienations was passed a few years later for the North-West Frontier Province.⁵⁰

The Act was undoubtedly effective in preventing the permanent acquisition of land by the trading castes. In a few western districts the numbers of those who could claim the status of "agriculturist" were limited by fixing a settlement earlier than the Regular Settlement as the one from which the status derived. The privileges of the "agriculturist" were not understood at first; and in 1907 these privileges were abolished by an amendment of the Act. Contrary to expectation, applications for sanction to sell land to non-agriculturists were not numerous; but they gradually increased over the years. These applications were sanctioned only in exceptional

circumstances, such as where the land was required for building sites or where the mortgagor could redeem his land by selling part of it. Professional money-lenders were very shy of the new forms of mortgage; and it was only after the first few years that they gradually began to accept the self-redeeming usufructuary mortgage. The third form of mortgage, which provided for the retention of occupancy rights by the mortgagor, remained a dead letter. Many expedients were devised to evade the provisions of the Act; but Ibbetson's fears that a measure which only prohibited transfers to non-agriculturists would be constantly evaded, did not materialise. The legal position of the alienee was usually too insecure for evasion to be widespread and common.

The decrease in the area of land sold and mortgaged each year was directly traceable to the Act. At first the area of land redeemed also decreased; not surprisingly as land had often been redeemed only to be re-mortgaged. After a few years, with rising prices, redemptions increased. In each year from 1905 to 1908 the agricultural tribes redeemed more land than they mortgaged; and the percentage of cultivated area under mortgage began to fall.

The weaker tribes - Rajputs and others - continued to lose land, though probably not as quickly as before;

and acquisitive tribes like the Hindu and Sikh Jats and the market-gardeners continued to acquire it. It was only in the Central Punjab that the acquisitive spirit was marked and widespread among agricultural tribes. The Act strengthened the position of all those notified as agricultural tribes - the acquisitive, the thrifty and the improvident.

The serious depreciation in the value of land, which many had anticipated, did not eventuate. There was a temporary depreciation in the selling and mortgaging value of land; but after a few years it began to rise again and by 1908 it certainly stood at a higher level than ever before. Agricultural credit was restricted to some extent; but the Act stood the test of scarcity in 1905-06 and 1907-08. There was no great difficulty in collecting the revenue. A significant, though temporary, decrease in extravagant expenditure and litigation was apparent. The professional money-lenders began to show greater care in lending, lest the borrower be unable to repay principal with interest. At least some of the capital previously advanced to land-owners now sought an outlet in wholesale and retail trade and industry.

The Act did not greatly increase the work of the Revenue authorities; and in some respects there was a

counter-balancing decrease in work.

Among the agricultural tribes the introduction of the Act occasioned no excitement. Rumours about legislation curtailing existing mortgages or about Government confiscation of the land gave place to an idea much closer to the truth, viz., that Government had forbidden land-owners to alienate to money-lenders. There was no sign of any feeling that the proprietary status had been destroyed. Those notified as agricultural tribes thought that a social distinction had been conferred on them; and they looked down on those who had not been notified. The strength of this feeling may be gauged from one instance. The Pathans of Jullunder city had been notified as an agricultural tribe; but the Ansari Pathans of that city, a cognate community, which intermarried freely with the other Pathans, had been excluded. The result was that the Ansari Pathans found it almost impossible to arrange any further marriages with the other Pathans. It was social considerations like this, as well as the protection from the money-lender which the Act afforded, which made it so popular among the Hindu and Muslim agricultural tribes of the Province.⁵¹

The land-owners who had not been notified felt their exclusion keenly. There were petitions for notification

from ordinary land-owning tribes, whose numbers had not been considered sufficient to warrant notification. There were petitions from the tribes of low status: from the Ramgarhia Sikhs (Tarkhans), presented by an educated member of their community; from the Sikh Labanas in the Army, supported by the military authorities; and from Kalals and Kakezais. Petitions from Brahmins came from several parts of the Province. The few communities of Syads Kureshis, Mughals and the like, who had not been notified, and Shekhs of all descriptions, sought notification. Nor did such petitions cease after the first few years; they became a regular feature of the administration of the Act.⁵²

Various motives inspired these petitions. There were some who sought the protection of the Act. More often those who petitioned desired the power of acquisition. Some wanted to obtain grants of land in the colonies, these grants now being confined to members of notified agricultural tribes. Some believed that in future village headmen would be chosen only from the notified agricultural tribes. The military Brahmins of Rawalpindi sought notification in order that they might still be eligible for military service, their chances in this respect having been apparently severely prejudiced

by their exclusion from the agricultural tribes. Very often petitions for notification were entirely or partially inspired by the desire to escape the social degradation which exclusion from the agricultural tribes involved.

These petitions led to much enquiry and debate among British officials. Those tribes which had been excluded merely because they had been overlooked, for one reason or another, were generally notified. There was not much support for the claims of Kalals, Kakezais, Shekhs and others, who were too often non-agricultural. There was more support for the Labanas and Brahmins. Rivaz, who had succeeded Young as Lieutenant-Governor, had been more or less compelled to accede to a grouping of tribes which exposed the weaker to the stronger; and he was determined not to give the privilege of acquisition to any tribes not already notified whose antecedents were to any degree non-agricultural or commercial. He finally consented to the inclusion of Labanas, because they had already been notified in one district. He refused to notify the Brahmins; but his successors were more liberal in this respect.

To the discontent of those whose petitions were rejected must be added that of the thrifty village menials and artisans whose acquisition of land was hampered if not altogether checked.⁵³

Among the Hindu trading castes - money-lenders, officials, business and professional men - the Land Alienation Act created serious discontent. All found their investment in land checked; and the pleaders suffered a serious diminution in income from the decline in litigation. Agitation and organisation had disappeared with the passage of the Bill into law; but there was a widespread and deep-seated feeling among educated Hindus that they had been unjustly dealt with and that the British did not govern in their interests.⁵⁴

The Muslim newspapers and most of the Muslim elite, on the other hand, were strongly in favour of an Act which prevented the acquisition of land by non-agricultural Hindus, while placing no restrictions on acquisitions by the vast majority of Muslims of land-owning stock. There was, nonetheless, discontent among educated Muslims of commercial background, like the Shekhs and Kakezais, whose power of acquisition was limited just as much as that of the Hindu traders.⁵⁵

The working of the Act in both its economic and political aspects silenced the old opponents of legislation. Its advocates - Ibbetson, Council Member in the Government of India, Rivaz and Dane, Lieutenant-Governors, Tupper and Wilson, Financial Commissioners and many other senior Punjab officers - were convinced that

their policy had been more than justified. Anderson still wanted to create smaller groups of agricultural tribes; but Tupper and Rivaz took the line that this should not be done until the alienation statistics showed that this was necessary.⁵⁶

The agitation of the trading classes had not been entirely without effect on the minds of the British. There was a feeling - shared by Ibbetson, Rivaz, Tupper, Douie and Montgomery and many others - that for some time to come there should be no more class legislation in the Punjab. The attitude of the trading classes to proposed legislation was taken a little more seriously. No hesitation was shown, however, in abolishing the privileges of the money-lender "agriculturist" in 1907, even though little use had so far been made of these privileges.

The new generation of officers - those who had come to the Punjab in the late 'eighties or after - accepted the Land Alienation Act as an integral part of the administration of the Province.⁵⁷

There was one exception. H.J. Maynard had not been irrevocably opposed to the restriction of the power of transfer in 1898; but after the publication of the Land Alienation Bill he began to take an increasingly hostile attitude. At first there was nothing new in his objections, which centred on the natural and beneficial

economic processes associated with freedom of transfer. After the passing of the Act he maintained that its effects were injurious in frightening the capitalist and causing a loss of confidence - more particularly because of the retrospective provisions of the Act. The Land Alienation Act, Maynard thought, was also likely to check the natural and beneficial social process by which groups claimed new caste names and rose in status; a process which prevented society from becoming stereotyped in an outgrown form. Apart from this the Act failed to allow for the social complexity to which this process had given rise. Sections of tribes which were truly agricultural and hardly likely to be dangerously acquisitive were excluded from the agricultural tribes because of their non-agricultural caste names, while the most rapacious of money-lenders, the Jat Sikh, was included. The old laws had perhaps been inflexible, but they had given equal opportunities to all. They favoured brains, but the brains could be those of a man of any tribe, and even if the brains were monopolised by certain classes, that was in some degree a temporary condition. The most serious objections which Maynard urged against the Land Alienation Act were political. By excluding the village menials and artisans from the agricultural tribes a blow had been struck at their

attempts to raise their status; and the contentment of these people had been sensibly diminished. Tribes like the Shekhs, Kalals and Brahmins were bitter at an exclusion which was socially degrading. The agricultural tribes certainly felt that they were favoured by Government; but it was not unlikely that they would in consequence demand further concessions which might be difficult to satisfy. The political significance of the discontent of the trading classes had been overlooked. History showed that there had been great leaders among these people. The influence which at least one trading caste exercised over the rural population, was not to be despised. The landowners, Maynard had noted chiefly in connection with plague prevention, took their opinions from the market place. It seemed likely that in the twentieth century industrial centres would grow and that the towns would exercise greater influence over agrarian society. The great task of the future - of which the Land Alienation Act had made such a bad beginning - was to secure the contentment of the townspeople. It would not be as easy for the British to win the confidence of these people as that of a rural population. The townspeople were unappreciative and captious; and the British had no instinctive sympathy for them. Yet the survival of British rule depended on the

establishment of the belief that the British offered equal opportunities to all, though unable to redress the inequalities created by nature.⁵⁸

Political views such as these had hardly been heard in the debate about the restriction of the power of transfer; and they were still unacceptable to the vast majority of Punjab officials in the early twentieth century.

CONCLUSION

The transformation of Punjab society under British administration was not entirely without indigenous precedents. There was a certain degree of peace and order under Sikh rule; there was a tendency towards centralisation of power in the Lahore Government and towards the gradual destruction of the independence of tribal leaders and Sikh chiefs; land-revenue was sometimes collected in cash and even fixed revenue demands on villages were not entirely unknown; the concept of property in land (communal or even individual) existed; land transfers occurred in some, if not most, parts of the country; the trading castes had acquired land in some places; a system of communications and a trading network existed; indebtedness was found in this as in other agrarian societies; and the obligation to repay one's debts with interest was enforced to a limited extent by representatives of the State.

Admitting all this, it must be emphasised that the changes brought about by British rule in these respects were unprecedented in their rapidity and completeness.

It is possible to go further and claim that the introduction of a political and administrative system, developed in accordance with alien ideas and the

requirements of alien rulers, was destructive of Indian tradition and practice. Regular and impersonal government, the separation of executive and judicial functions, the fixed money obligations imposed on the individual no matter how variable the produce, the recording and creation of individual rights in land, the recognition of the economic privileges of land-ownership, the lightening of the revenue demand, the facilities provided for free trade in land when Indian traditions of government pointed to its restriction, the creation of new means of communication, economic development, the expansion of agricultural credit, the removal of the restrictions on the payment of interest, the rigid enforcement of contracts, the value attached to written evidence in a largely illiterate society, the unsuitable judicial procedure, all these facets and consequences of British administration, while in some instances not unaffected or qualified by Indian circumstances, reflected ideas nurtured in a foreign, homogeneous, commercial and competitive society.

The British introduced these rapid, alien changes into a society possessing only limited flexibility. Indigenous processes of social change worked very slowly, and British rule over-taxed society's power of adjustment.

Social changes, accelerated or made possible by British rule, tended to diminish the distinctions between various sections of society. Pastoral tribes were turning increasingly to agriculture. Gujars, Rajputs and Brahmins were sometimes improving as cultivators. The development of thrift among Hindu, and even Muslim, land-owners was not unknown. Some of the Sikh Jats of the central Punjab took to trade. Many agricultural tribes counted professional money-lenders or men of acquisitive spirit among their numbers. Trading castes were investing in agriculture; and in the south-west their transformation into enterprising land-owners proceeded apace. Menials and artisans were acquiring small plots of land and trying to raise their status in the village. Low-born tribes like the Labanas were gradually improving their status in the agricultural world. Kalals and low-born Shekhs were attempting to enter the ranks of the Hindu and Muslim elite.

Yet the transformation of pastoral and high status tribes was far too slow to avoid their expropriation. The development of thrift was not perceptible among most land-owners in the west nor among many in the east. Acquisitiveness developed among agricultural tribes to a notable extent only in special circumstances or under

special stimuli. In most of the Punjab the trading castes were very slow to combine their commercial aptitude with agrarian enterprise. Dispossessed owners were rack-rented and they contributed only to the growth of agrarian discontent. Attempts by menials and artisans, and low-born tribes, to improve their status took generations. The official and professional world was largely the preserve of certain Hindu castes and a few Muslim tribes.

The limited flexibility of Punjab society was matched by the limited flexibility of its British rulers. Though the British had surrendered the close control which the Sikh rulers had exercised over agrarian society, the Punjab Land Alienation Act showed that the British could still control the development of rural society through their impersonal administrative machinery. The Land Alienation Act represented a long process of adjustment on the part of the British to the nature of Punjab society. Conservative officers spoke in economic terms relevant to English society and assumed that the approximation of Punjab society to that model was natural and desirable. Other officers were successful in adjusting their ideas to their experience of a different society; but the influence of these ideas was often discernible among the strongest advocates of legislation. British methods of

government - with its numerous checks, constant changes in personnel and slowness - gave conservative opinion an extraordinary power of preventing and limiting action.

If conservative officers thought in terms of English society, the political analysis of their opponents rested on a view of Punjab society which was meaningful in the mid-nineteenth century but which became increasingly unrealistic as the century progressed. Conservative officers merely challenged the existence of political danger; they did not question the assumptions which underlay the political analysis of the advocates of legislation. That analysis was formulated in a situation in which the British had destroyed the existing leadership in society and founded their rule on the goodwill of the peasantry. The Mutiny was a fatal legacy, suggesting as it did that the challenge to British rule could come only from the rural masses. Besides, British sympathies were with the land-owners, with whom they were brought into constant contact through their revenue and executive work; not with those whom they often regarded as mere parasites in rural society. That an elite which did not emerge from the land-owning classes could successfully establish its leadership in society was not a proposition which the British could accept. The Punjab Land Alienation Act

was at once a monument to increased British flexibility in economic thought and undiminished rigidity in political thought.