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EARLY COLONIAL EXPERIENCE: 1792-1862

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This essay intends to examine the early colonial experience in South Kanara in three major areas, namely, land revenue, judiciary and police. The British colonial manifestations in the region and the resultant experience of the people are discussed here.

LAND REVENUE SYSTEM: Sir Thomas Munro, the famous architect of the Ryotwari System of land revenue administration in British India, was the first Collector of the Province of Kanara and Sonda. The land revenue system that he introduced in this Province was “Ryotwari” in character. The salient feature of Munro’s land revenue policy was the acceptance of the existing institutions as he found them, without any alteration, which was not absolutely necessary. Munro was much impressed by the system of private property that was deep rooted in the region. To him lands in South Kanara constituted a sort of private property more ancient and probably more perfect than that of England. In fact private property manifested itself in the form of mulawarg in the region. The mulawargadar of Kanara enjoyed hereditary and transferable property in the Soil. Munro’s policy was not to supersede the existing system by a new one, but to restore and strengthen it. Munro may also have thought that it would help him win the good will of the natives. The Utilitarian philosophy must have influenced him. Further he could not find here the allodial gentry which the introduction of the Permanent Settlement on the Bengal model required. Thus Munro was opposed to the introduction of the Zamindari system or Permanent Settlement in South Kanara though he had received orders from the Madras Government to submit proposals for the same. He wanted to introduce a revenue system which suited the local conditions.

Munro’s minor belief was that the name of the landlord belonged to the rayat (ryot or cultivator). It was a settlement with the actual landowners, the holders for the most part of small estates or wargs, who paid the assessment direct to the government, without the intervention of any middlemen in the shape of rentiers or zamindars. The settlement was made, in many cases, not with the actual cultivator, but with the proprietors of land (mulwargadar). He, in turn, used to let out a portion of his land to a tenant or tenants (on the basis of mulageni or chalageni or vaidegeni tenures), from whom he received rent. The assessment was laid upon each estate or warg, in the aggregate. The assessment was based on the bijawan system of land measurement and not on any scientific survey and measurement of land.
Munro’s conception of the ‘ryot’ is debatable. It is recognised that to Munro, the term ‘ryot’ certainly did not include agricultural labourers. It is also unlikely that he intended it to cover absentee landlords. In the case of Ryotwari System introduced in South Kanara, the assessment was made on those who held a proprietary right or mulawarga title over the land irrespective of whether or not they took to actual cultivation. Some of the assesses, were very rich while some others were poor and cultivated their own small pieces of land. To Munro the designation ‘ryot’ applied to any individual ‘whether the public assessment on his land be ten rupees or ten thousand’.

Notwithstanding his definite views on the impropriety of the assessments of the Mysore rulers, Munro, in making the first land revenue settlement of South Kanara under British administration, did not depart widely from the system which he found established in the region. He made no other reduction in the assessment of Tipu Sultan beyond such as was absolutely necessary to ensure the collection of the rest of the revenues. In fact, Munro confirmed to the familiar British colonial policy in India of exacting the maximum amount of land revenue. Further he never introduced any major change in the method of revenue assessment and collection. One significant change that he introduced was the collection of revenue only in cash and when the assessment was too high, it had a serious implication of introducing a wide network of money economy leading to the emergence of merchant moneylenders in a basically agrarian economy. It also resulted in severe hardships to the poorer ryots.

As per the assessment of Munro, the landlords (wargadars) appropriated 38% to 73% of their gross produce, and the Sirkar (Government) assessment varied from 27% to 62% of the gross produce. After six months of his experience in South Kanara, Munro reported that information he obtained had induced him to think that a smaller abatement in the land revenue would suffice. Accordingly he abandoned his recommendations of a hard and fast rule of fixing the assessment at the Bidanur shist, plus a certain percentage of the Mysore additions (shamil). In order to give a new impetus to agriculture he thought it necessary to recommend certain reductions, varying as regards South Kanara, from 12% to 37%. It was done with the object of bringing down the assessment to not more than half the net produce of the land. Alexander Read, who succeeded Munro as the Collector of Kanara in October 1800, expressed his opinion that the Government demand should be limited, generally to 30% of the gross produce.

Munro left Kanara in 1800. But the revenue system introduced by him continued later with only minor changes. On the basis of the average revenue collected for seventeen years, the Government introduced the tharao (fixed) or sarasari (average) assessment in fuly 1229 or A.D. 1819-20. However, it did not help the ryots in any way. Overassessment, inequality in assessment and revenue arrears continued as earlier. There was revision in revenue assessment in 1834-35 and it failed to achieve its objective of providing relief to the assessees. It was only in the late 1840’s and
1850's that the Government thought seriously about the proper survey of land and revenue settlement based on such a survey. However, it merely remained as a pious wish of the Government for many years to come.

In theory, the share of the Government was 30% of the gross produce, but in practice it went up to 50% or sometimes even more. The factors of overassessment and inequality in assessment were glaring. It is important to note that since 1820 the jummabundy (revenue settlement) price of crops, for example, rice, was more than the market price. Because of this, the ryots had to sell more quantity of crops to realise cash and pay the Governmental revenue. Generally, the result was that a large number of peasants fell in arrears to the Government. The lands of such peasants were publicly auctioned by the Government, and the amount of revenue due was realised. This process of auctioning land led to the creation of a new set of wargadars, who paid a relatively higher amount of revenue to the Government. This was one of the ways by which large scale transfer of property ownership took place.

Another form of transfer of land was from the hands of the ryots to those of the merchant moneylenders. The new landlords, moneylenders and administrative officials, who had close links with the British revenue and judicial administration favoured them in every possible way. The newly emerged groups like landed Brahmans, Bunts and merchants, particularly Saraswat Brahmans (Konkanis) established themselves as a complex layer of adept and influential manipulators between the Company Government (and later the British Government), that is, the administration and the peasantry. In 1826, the Magane Shanbogues in South Kanara exploited the ignorance of the peasants by substituting sale deeds for mortgage lands, obtained their signatures and cheated them.

When the ryots fell in arrears to the Government they mortgaged their land to the moneylenders and borrowed loans. It was known as bogiadhi adavu or living mortgage. The rate of interest that the moneylenders charged varied from 6% to 12% per year. Another kind of mortgaging was prevalent in the region. It was the system of forestalling the future crop, against the sum borrowed even before the seed from which it was to spring was put on the ground. It was called torradhoo or dead mortgage. When once the ryots came under the grip of the native moneylenders, they could never free themselves from them, till they sold their land to the moneylenders. From the 1830s onwards, this kind of sale or transfer of property ownership became common in South Kanara.

The agrarian relation that existed between the mulawargadars and their tenants (Mulagenidars or chatagenidars or vaidegenidars), was also not conducive to the development of agriculture and the economy of the region. These insecure systems of leasing out land for cultivation exploded the myth of 'Peasant Proprietorship' (implied in the Ryatwari System) as a viable alternative to the
Zamindari Settlement. The problems faced by the ryots were expressed by them during the resistance movements of 1809-11, 1830-31 (Koot Rebellion) and 1837 (Rebellion of Kalyanaswamy). In these, the first two cases were 'primary resistance' movements or 'tax rebellions'. They were the result of the harsh land revenue policy of the Government. During the course of these responses, the peasants resorted to no-tax campaigns. The Rebellion of Kalyanaswamy originated from the Coorg politics and it had both political and economic character. Our study reveals that the condition of the agricultural labourers, kuliyalugalu and muladalugalu, was poor and their life was very hard and miserable as in most other parts of British India.

THE JUDICIAL SYSTEM

The origin of the judicial system that existed in early colonial South Kanara is traced to the Cornwallis system, first introduced in Bengal in 1793 and subsequently extended to the Madras Presidency in 1802. The High Court of Madras was set up in 1801. In 1802 the Court of Foujdaree Adalat, Court of Circuit and Courts of Zillah Magistrate were set up in the Madras Presidency. As per Regulation VI of 1802 the office of Zillah Magistrate was joined to that of Zillah(Civil) Judge. Four Courts of Circuit were constituted (as per Regulation VII of 1802) under the Government of Fort St. George. In 1806, alterations were made in the territorial jurisdiction of the four Courts of Circuit. They were designated as the Courts of Circuit of the Northern, Central, Southern and Western Divisions or Provinces and their Sudr Stations were shifted to Masulipatam, Arnee, Madura and Tellicherry respectively. The Province of Kanara and Sonda fell under the Western Division.

Till 1803 the Board of Revenue at Madras exercised judicial authority in the determination of civil cases appealed from the decision of the Collectors. The Collectors managed revenue administration and civil justice in their respective Districts. In 1803, the Company Government created courts of judicature for administering civil and criminal cases. Then the Madras Government abrogated the judicial authority heretofore exercised by the Board of Revenue in those Districts where Zillah Courts were established. In those Districts where no Zillah Court was erected, Collectors had the authority to hear, and determine cases of a civil nature. Thus the Collector had both revenue duties and magisterial powers and in 1804 his designation was Collector and Acting Magistrate in South Kanara.

It was in 1806 that Zillah Courts were established in the various Districts of Madras Presidency. In the same year a Zillah Court was set up in Mangalore for the province of Kanara and Sonda. It was presided over by an English Judge and his designation was Judge and Magistrate. The judicial powers exercised by the Collector earlier were abrogated. Now the Collector was to discharge his revenue duties and he was the Executive Head of the Province but had no magisterial powers. Within the District, the Judge had the principal criminal jurisdiction. He was assisted by a Mutti (who explained the Muslim law) and a Pundit (who explained the Hindu law) and a number of
ministerial, executive and magisterial officers along with the jail establishment. The Zillah Judge was given the benefit of a Government pleader and he was a local person.30

Below the Zillah Court, there was the Registers Court and below that was the Native Commissioner's Court. The Register was appointed from among the Company's covenanted civil servants. The Native Commissioners were chosen from among respectable landlords, jagirdars, tradesmen, kazis, etc. They were also known as Sadr Amins. Their designation was further changed as principal Sadr Amin in 1843. They acted as Munsiffs in suits which involved renters and ryots31.

In July 1808, the office of the Zillah Judge and Magistrate was shifted from Mangalore to Honnavar in North Kanara. But due to the requests and petitions made by the principal merchants and rich ryots, the Court was shifted back to Mangalore by the end of 1812.32 In 1816, the Cornwallis System of judicial administration was replaced by the Munro System throughout the Madras Presidency33.

Appointed as Special Commissioner(1814-18) for the revision of the Madras judicial system (or the Cornwallis System), Sir Thamas Munro arrived at Fort St. George in September 1814. He had to carry out the reforms suggested by the Court of Directors, Munro opined that the most important one was the transfer of police and magisterial duties from the Zillah Judge to the Collector. The Judicial Commission headed by Munro held that the Zillah Judges had no opportunity to acquire an intimate knowledge of the people as they were confined to their headquarters. They felt that such knowledge could be had only by the Collectors because they frequently turned the Districts in pursuance of their revenue duties. But the Governor's Council accepted the idea of transferring to the Collector only the superintendence and control of the police. It was opposed to give the Magistrate's power to the Collector. It did not want to unite the executive and judicial powers in contrast to the whole basis of the Cornwallis tradition. Finally, the recommendations of the Judicial Commission were promulgated as law in September 1816 or the Munro System of Judicature resulted in far reaching changes in the whole of Madras Presidency.

In 1816,34 the office of the Zillah Magistrate and the police duties were transferred from the Zillah Judge to the Collector of the Zillah. Further Criminal Courts were established in each Zillah, presided over by the Zillah Judges, to which the Magistrates were required to commit all cases, not adjudicable by themselves, instead of, as before, committing the cases direct for trial by the courts of Circuit.35 The Collector was the Chief Magistrate and also the Executive Head of the District in South Kanara as in other parts of the Presidency. In the Taluk Headquarters, District Munsiffs were appointed in 1816. In the same year, the heads of villages were appointed to be Munsiffs.36

In 1827, the Government established Auxiliary (Civil and Criminal) Courts in those Zillas where there was the pressure of business before the Zillah Courts. For Kanara, the Auxiliary Court was set up in Honnavar. It had nearly all the powers of a Zillah Court. Under Regulation VII of 1827,
the offices of Native Criminal and Civil Judges were established. They were invested with the same powers as Magistrates, but without jurisdiction over Europeans and Americans.\textsuperscript{37}

For some years prior to 1843, the excessive delay in the administration of justice in those cases, which fell within the jurisdiction of the Courts of Circuit, had attracted the attention of Government and the Court of Directors. To overcome this problem, the Madras Government in 1843 abolished the Provincial Courts of Appeal and Courts of Circuit. Twenty new Zillah Courts replaced them. Further the former Civil and Criminal Zillah Courts were replaced by twenty Subordinate Civil and Criminal Courts established in each District. The new courts were given more powers. For South Kanara, the new Zillah Court presided over by the Civil and Session Judge was set up in Mangalore. Besides a Subordinate Civil and Criminal Court was also established in Mangalore. Further a Subordinate Civil and Criminal Court presided over by a Subordinate Judge (who was also an European) was set up in Honnavar.\textsuperscript{36}

In 1853, the Act of 1843 was repealed by another Act. In 1854 District Munsiffs were empowered with criminal jurisdiction in petty offences and petty thefts. In 1860, North Kanara with the sub-division of Kundapura came under the separate charge of a District Judge. He held his Court at Honnavar till 1866 and then the Court was shifted to Karwar.\textsuperscript{39}

During the early half of the nineteenth century there was the origin and development of the British judicial system in South Kanara. It was an organised judicial bureaucracy in which the powers, functions and privileges of the various officers from top to bottom were laid down. Judiciary became an important apparatus of colonial control and administration. The principal of arbitration followed earlier during the pre-British period went into oblivion. The role of the madyastas, zamindars and village headmen as settlers of disputes reduced considerably.

The British judicial system was dilatory in nature and proved costly for the natives. The fees, stamps and fines were new to the people and they were unwilling to accept them. When the natives resisted the Government due to genuine grievances, they were suppressed with force. The native leaders were apprehended and tried in the courts of law\textsuperscript{40}. The administrative records themselves bear testimony to the injustice, red tapism and corruption that prevailed in the judicial administration. Though Munro himself insisted that in a civilised populous country, like India, justice could be well dispensed only through the agency of the natives themselves, under the Munro System of judicature, the natives were not appointed for higher posts in the judicial branch of administration. Even when the offices of the Native Criminal and Civil Judges were established in 1827, they did not have jurisdiction over the Europeans. Thus the racial discrimination was very vivid.

**THE POLICE SYSTEM.**

It was through the Madras Regulation XXXV of 1802 that the police system was introduced in the Madras Presidency. In fact, the Bengal Police System was extended to this region. Each District
was divided into small police jurisdictions with an area of about 20 square miles. In each division a police officer called Darogha and a Tanadar were employed. They had under them 20 to 50 armed policemen. They were placed under the Collector.

For the purpose of administering police, South Kanara was divided into three divisions, each to be superintended by a Darogha who had a proper establishment of Tanadors and Peons under his authority. Each division was divided into many Tanadar stations as was found necessary. In each Tanadar station, there was a Tanadar and a proper complement of peons. The Daroghas, Tanadors and Peons appointed and removed by the Magistrate. Neither the Daroghas nor other Police Officers were to inflict any punishment nor levy any fine on the culprits. They could only suggest punishment or fine to the Magistrate. As the work of the Collector increased considerably, his police powers were transferred to the Zillah Judge in 1808. For the suppression of outrage and preservation of order, many Regulations were enacted in 1812.

In 1814, the Court of Directors condemned the Darogha system and expressed itself strongly in favour of the village police as the best form of security for local peace. It strongly proposed to revive the police to its original vigour at the village level and to unite in this office of the Collector the duties of the Magistrate and his control of the police at the district level.

As stated earlier the duties of Magistrate and Superintendence of police vested with the Judge. Munro as head of the Special Commission (1814-16) suggested that the offices of Magistrate and Superintendent of police should be separated from that of the Judge and they should be reunited with that of the Collector. Munro argued that the police would be infinitely better managed by the Collector than the Judge, and the potails and cumums of villages would be relieved from serving two masters, the Collector in matters of revenue and the Judge in those of Police, and would regain their usual authority, which has also been too much weakened to strengthen Government.

Munro's suggestions were accepted and in 1816 along with the magisterial duties the superintendence of police was also transferred from the Zillah Magistrate to the Collector. The Darogha establishment was abolished. The police force of villages was placed under immediate direction of patels, of districts under that of tahsildars, and of provinces, under the Collector. Thus the revenue, police and magisterial authorities came to be centred in one and the same set of functionaries. It fact, it was in 1816 that a general system of police was established throughout the territories subject to the Government of Fort St. George.

The police system introduced in 1816 continued to function in the region till the middle of the nineteenth century. The system suffered from defects like corruption, torture and use of oppression of the natives as it was in the fields of revenue and judiciary. In September 1854, the Madras Government appointed a Commission consisting of E.F. Elliot, H. Stokes and John Bruce Norton to
investigate the whole subject of torture and oppression of the natives by officers of the Revenue Department and also by the Magisterial and Police officers. The Commission submitted its report in April 1855 and stated that torture was widely prevalent in both police and revenue cases, and that it was used more in revenue cases.\(^4\)\(^5\)

Offering pardon was one of the methods used for criminal detection. Torture was another most frequently used methods of criminal detection by the police till 1856. Between 1806 and 1855 the Government took half-hearted measures to check the practice of torture \(^4\)\(^6\). The police was underpaid, corrupt and without any moral restraint and self-respect. Such a system of police required either thorough replacement or reorganisation. The Commission of E.F Elliot and others suggested remedies to overcome the problems existing in the police administration. Most important of them was the separation of revenue and police functions and reorganisation of police under the direct supervision of a Superintendent of Police, who was to be European Officer. The Madras Government accepted these recommendations of the Commission and the police functions were separated from revenue functions.\(^4\)\(^7\)

In 1859, the whole police force of the Madras Presidency was replaced under the direction and control of the Inspector General of Police for the Presidency of Madras. The police administration was overhauled and offices of Deputy Inspector General, Superintendent, and Assistant Superintendent were created.\(^4\)\(^8\)

With the introduction of the new Police in 1860, there was some improvement and progress in the field of criminal detection. However, throughout the nineteenth century faith in the efficacy of harsh punishments for the prevention of crime continued. The Indian Penal Code was passed in 1860 and it came into operation from January 1862. Until that time, quite a number of barbaric punishments such as mutilation (abolished in 1802), branding (abolished in 1818) and torture were prevalent. The Indian Penal Code recognised only five punishments. They were capital punishment, transportation beyond the seas, imprisonment - simple and rigorous, forfeiture and fines.\(^4\)\(^9\)

Section XXI, Regulation VI 1802 governed the place, security and other details of the prison establishment. The situation was not better in this area of colonial administration also.\(^5\)\(^0\) Some old tents, a few hired houses, a disused pagoda or a dilapidated wing of courthouse itself constituted the Zillah prisons. In South Kanara the prison was set up in Mangalore but in four different places. Obviously in such places there was absence of security and discipline. The prisoners were sentenced to hard labours. Though every prison had a hospital, the health of the prisoners was neglected.\(^5\)\(^1\) Corruption was also rampant. In 1836, the Prison Committee suggested the construction of central jails. Though the Company Government accepted this suggestion, nothing much was done for its implementation. It was only after 1857 that the Government decided to set up
first class jails and second class central jails. South Kanara came under the second class central jail set up in Cannanore.  

The early six decades of the nineteenth century saw the growth of an organised system of police in South Kanara and in the Madras Presidency. However, the natives were unhappy with the rules and regulations, costly and dilatory nature of police administration.

The above analysis shows that the early colonial administration in South Kanara in fields like land revenue, judiciary and police did not always help the people of the region. These subjects of administration were generally used by the English to exploit the natives. Some of the elite local groups collaborated with the colonial masters, on whom depended the smooth working of the company rule.

Footnotes and References:

1. It was in 1799 that the English East India Company Government annexed the Province of Kanara and Sonda to the Madras Presidency. This Province was later divided into Southern Division and Northern Division in December 1859. The Northern Division excluding Kundapur taluk was transferred to the Bombay Presidency in April 1862. The term 'South Kanara' is used here to denote the Southern division of the Province of Kanara and Sonda. For details see, N. Shyam Bhat, South Kanara 1799-1860: A Study in Colonial Administration and Regional Response. (Mittal Publications, New Delhi, 1998), pp. 4-8; also N. Shyam Bhat, "Judiciary and Police in Early Colonial South Kanara: 1799-1862," I.C.H.R. (New Delhi) Project Report, (March 1996) pp. 7-9.


8. K.N.V. Sastri, The Munro System of British Statesmanship in India,(Mysore, 1939) P. XXXIV.

9. Ibid. Also Maltby to Madras Board of Revenue (hereafter MBR), 22-7-1839 quoted in the Report on Land Assessment and the Landed Tenures of Canara (hereafter LALTC), (Mangalore, 1853), p.22.

10. The Bijawari system meant the measurement of land in terms of the seed required to sow the field.


15. John Sturrock, op. cit, p. 100.

16. Ibid.

17. LALTC, op.cit,p 9

18. N. Shyam Bhat, South Kanara, op.cit,p 105 and p 116.

19. Burton Stein, "Integration of the Agrarian System of South India", in Peter Robb (ed.) Rural India, op.cit, p.203.

20. PMBR, 5-4-1825,vol.No.1098, p 4173


29. PMJD, 2-9-1806, Sl. No. 19, pp. 2867-70.

30. PMJD, 27-10-1806, Sl.no.19, pp 3186-87; PMJD, 29-8-1806, Sl. no. 19, PP 2773-77; PMJD, 22-3-1808, Sl. no. 35, p. 938.


32. PMJD, 15-9-1812, Sl. No. 76, p 4511; PMJD, 29-12-1812, Sl. no. 78, pp 6172.


44. **PMJD** 19-8-1815, Sl.No.108, pp.2913-3042; Burton Stein , op.cit.,pp 182-83.


46. Ibid, pp 167-68

47. Ibid, pp 34-71; B.B.Mishra, op.cit., p 536.


50. **PMJD**, 8-1-1811, Sl.No.58, pp 59-60.
