THE KANARA LAND ASSESSMENT
CASE OF 1875: A FORGOTTEN
CHAPTER IN THE REVENUE HISTORY
OF COLONIAL INDIA

by

N. SHYAM BHAT
AND
BHAGYASHREE H. NAIK

The historiography of colonial India is a cornucopia. The Imperialist, Nationalist, Marxist, Cambridge and Subaltern scholars have contributed immensely to the understanding of British colonial working in India, its impact on India and Indians, and the manner in which Indians had responded to the colonial challenge. However, one major legal battle fought by Vaikunta Bapuji of North Kanara against the Bombay Government in 1875 has missed the attention of scholars. This is an attempt to present this case in the larger context of the British land-revenue administration in North Kanara. The existing historiography of the region does not provide much information on this historic suit and judgment which bears testimony to the hegemonic nature of the colonial government and its greed to enhance the revenues. This study is largely based on the original documents collected from the Maharashtra State Archives, Mumbai.

The Background

Uttara Kannada, also known as North Kanara is a part of Konkan and one of the coastal districts of Karnataka. It has an area of 3,910 square miles. It is bound on the north by Belgaum district, east by Dharwad district, southeast by Shivamogga district, south by Udupi district, west by Arabian Sea and northwest by Goa State. Uttara Kannada region was ruled by the Satavahanas, Chalukyas of Badami, Rayas of Vijayanagara, Nayakas of Keladi, Haidar Ali and Tipu Sultan of Mysore and some other feudatories until the British acquired the region in 1799. After defeating Tipu Sultan in the fourth
Anglo-Mysore war, the British formed the province of Kanara and Sonda (popularly known as the Kanara province) which included Kasaragod taluk (now in Kerala State), and present Dakshina Kannada, Udupi and Uttara Kannada districts. It was annexed to the Madras Presidency in the initial stage of British rule. Later in the year 1860 the District was divided into two; South Kanara and North Kanara. North Kanara was transferred to Bombay Presidency in the year 1862. It was placed in the Southern Division of Bombay Presidency along with Ratnagiri, Dharwad, Belgaum, Bijapur, Sholapur and Kolaba. When the District was annexed by the British, Sir Thomas Munro was appointed as the first Collector of Kanara. He introduced the Ryotwari system of land revenue settlement in 1799-1800.¹ It was a settlement with the ryots who had attached great importance to their hereditary proprietary rights over the land. Private property existed in this region since the medieval times and has been well known as mulawarga in the region.²

¹. Arthur Mills, India in 1858: A Summary of the Existing Administration, Political, Fiscal and Judicial of British India (London, second addition, 1858), p. 109; Joshi, G.V., “Agrarian Structure and Tenancy Reforms- A Case Study of Uttara Kannada”, (Unpublished Ph.D. thesis submitted to Karnataka University, Dharwad, 1985) p. 12; Ray, S.C., Land Revenue Administration in India (Delhi, R.P. Publication, reprint, 1984), p.12. Note: Munro introduced the Ryotwari system in Kanara. In theory, it was a settlement with the ryot. The word ryot is used here to mean the official or real landholder, and he was not necessarily and always the tiller or the cultivator or the peasant. The middle class ryot or small ryot cultivated the land by themselves, but the rich ones used to lease their land for cultivation under the various systems of tenancy like muligeni, chalageni and vaidegeni. This was the case in many other parts of South India also where the Ryotwari system was introduced. Therefore, in this paper the words ryots and landholders are used as synonymous terms. For general information on Uttara Kannada district, see James Campbell (ed.), Gazetteer of the Bombay Presidency Vol. XV, Part I, Kanara, (Bombay, Government Central Press, 1883, reprinted and published by Karnataka State Gazetteer Department, Bangalore, 2003); Deepak Goankar (ed.), Gazetteer of the Bombay Presidency, Kanara District (originally printed in 1883 Vol. XV, Part-I reprint Sagardeep Publications, Karwar, 1991); Suryanath U. Kamath (ed.), Karnataka State Gazetteer, Uttara Kannada District (Bangalore, Government of Karnataka Publication, 1985).

². N. Shaym Bhat, South Kanara (1799-1860): A Study in Colonial Administration and Regional Response (New Delhi, Mittal Publications, 1998), p.84.
Implementation of the Bombay Survey Act of 1865 and the Revision of Land Revenue Assessment

When the North Kanara district was transferred to the Bombay Presidency, the Bombay law and codes were applied there. Further, the Bombay Land Survey Act of 1865 was implemented in the district.\(^3\) In the initial stage between 1864 and 1867, the revised rates of land revenue assessment based on land survey was introduced in 199 villages and hamlets situated above the Sahyadri range. In the year 1868, the new rates of assessment were applied to 71 villages of Mundgod taluk, two villages of Yellapur, and 21 villages of Haliyal taluk. The inhabitants adapted to the new settlement without any opposition or petitioning, like the people of their adjacent villages of the Belgaum and Dharwad Collectorate.\(^4\)

In the second stage, based on the Government Resolution No.1567 dated 29\(^{th}\) March 1870, the new rates of assessment were introduced in 18 villages of Karwar taluk situated on the coast. It was settled by Colonel W. H. Anderson, the then Revenue and Survey Settlement Officer for Southern Division (hereafter SD for Southern Division), and Mountstuart Elphinstone, the Governor of the Bombay Presidency.\(^5\) The landholders were informed to pay the revenue to the government. But the occupants of the lands in these villages refused to pay the government demand at the rates then introduced.\(^6\)

In the year 1871 the revised rates were also introduced in 84 villages above the Ghats in the Sirsi and Yellapur taluks. Even the people above the Ghats in Sirsi taluk were unwilling to pay the revenue. They sent many petitions to the government stating that the revised rates were very high and they were

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unable to pay the revenue. But the petitions made no impact on the government. In the meantime, the coastal inhabitants planned to organise a movement against the government to resist the revision of assessment. They tried to induce their counterparts above the Ghats to join them, but only few joined the movement organised against the government.

Reactions of the Landholders

The newly fixed rates of assessment worked out to be more than double the quantum of land revenue previously collected from all the 18 villages of Karwar taluk. This angered the landholders in these villages of the taluk and they opposed the revised rates of assessment. There was a large gathering of the ryots who refused to pay the revised rates of assessment introduced by the Survey Commissioner. These 18 villages contained rice land, garden land with small patches of coconut groves, and here and there some soopari (areca nut), and dry crop lands. There was also a special kind of land called polun, meaning land with sandy soil near the sea or river. It was suitable for cashew nut, coconut and ondee tree (Calophyllum inophyllum). The ondee tree was grown extensively, and oil was extracted from its nuts.

The new rates of assessment settled by W.C. Anderson in the eighteen villages of Karwar taluk and approved by the Bombay Act I of 1865 refer to Table 1.

The landholders of the following 18 villages participated in opposing the government. Out of the 18 villages, 11 villages were located on the north of the Kali river and seven villages on the south of the Kali river of Karwar Taluk.

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10. Ibid., p.334.
12. Ibid., p.9.
(North of Kali river – Majali, Chittakula, Kunseri, Mudgeri, Angadi, Hossalli, Matiwdada, Aroma, Hottegali, Kollegay and Sawantwada. South of Kali river - Baad, Konay, Baithkol, Nandangadda, Katinkon, Kodibag and Sunkeri) Statement of Land Revenue collected from the seven villages south of the river Kali, Karwar taluk, for the year 1870-71 as mentioned in the Annual Administrative Report of Karwar Taluk for the year 1875. Refer to Table 2.14.

The landholders of all these 18 villages refused to heed the land revenue settlement asserting that the Bombay Survey Act I of 1865 was not applicable to Kanara and resorted to nonpayment of the revenue.15 As a result, the first instalment of the new revenue assessment could not be fully collected by the government. Payment was refused not only by those whose assessments were raised, but also by those from whom the demands of government were lowered.16 The government issued notices against landholders who refused to pay the revenue and twenty days time was given for them to comply with. If they failed to pay revenue within that period their properties were confiscated by the government.17 It was an irony that the notice fees had to be paid by the landholders to whom the notice was issued.18 In the year 1871-1872 an amount of Rs. 6557 was collected in the district on account of notice fee. In fact the notice fee was one of the sources of income for the colonial government and in the annual administrative reports of the Bombay Presidency, a

column was maintained under the heading - revenue from the notice fees.\textsuperscript{19}

After few days of the settlement, some of the landowners planned to legally oppose the new rates and approached the court of law, and the big landholders provided leadership in this venture. The opposition was led by the more influential and intelligent landholders who belonged to the Shenvy caste among the Hindus.\textsuperscript{20} Another community of ryots who supported this movement was that of the Comarpaiks and Conknee Marathas (Konkan Marathas).\textsuperscript{21} They questioned the right of the government to revise the assessment. Cases were filed by denying the right of the government to effect a general revision of assessment and asserting the permanency of their existing rates of land revenue for ever.\textsuperscript{22} More than 500 cases were filed against the revenue authorities.\textsuperscript{23}

The opposition from the ryots alarmed the government and they wanted to tackle this problem at the earliest. W.H. Havelock, the Revenue Commissioner, \textit{SD}, wrote a letter to the Secretary to the Government of Bombay and suggested the following: "In the event of Government anticipating any violence or riot it would be, I think, advisable to station a strong company of Native Infantry at Carwar. The men should be as far as practicable Mussulmans and Konkanees, as Karwar is a bad place for Pardessees, or wheat-eating Hindus of any class. Accommodation on emergency be provided in the police lines, which are very good ones".\textsuperscript{24} A resolution was passed

\textsuperscript{19} Annual Land Revenue Administrative Reports of Bombay Presidency, Kanara Collectorate, \textit{MSA}, from 1872-1917.
\textsuperscript{20} Letter from H. Ingle, Superintendent of Carwar to M.J. Shaw Stewart, Collector of Canara, No. 92 of 1871, Carwar, 17\textsuperscript{th} March 1871, p.16, \textit{RD}, \textit{MSA}, Vol. No. 47 of 1871.
\textsuperscript{21} Letter from M.J. Shaw Stewart, Collector of Canara to Revenue Commissioner \textit{SD.}, No. 703 of 1871, \textit{op. cit.}, p.3.
\textsuperscript{24} Letter from W. H. Havelock, Revenue Commissioner \textit{SD} to F.S. Chapman, Chief Secretary for Bombay Government, No. 1,164, 27\textsuperscript{th} March 1871, \textit{RD.}, \textit{MSA}, p.335.
by the Secretary to the Government of Bombay on 10th April 1871 on stationing a native infantry in Karwar, stating the following: "as regards the necessity of sending troops to Carwar, Government cannot think that any necessity exists; but if, on enquiry, Mr. Havelock thinks that the peace of the district may be broken, he should, in conjunction with the magistrate of the district, take whatever precautionary and preventive measures may seem best suited for the occasion."25 However, no army was sent to Karwar taluk.

The opposition of the landholders was a challenge for the government and it asked its officials to investigate into the matter and report. All the officials reported in favour of the government. Anderson gave a brief report on the matter upheld the right of the government and said: "it is the right of Bombay government to effect a systematic revision of assessment on her inhabitants, under Sections XXV and XXVI of the Bombay Act I of 1865. The plaintiffs simply deny this right and assert existing assessment to be permanent forever."26

M. J. Shaw Stewart, the Collector of North Kanara, had given a brief report on the organised opposition against the government. He wrote: "in conversation with some of the revenue officials and ryots, I urged the necessity of the Government demand being paid, and suggested that its payment could not prejudice their position or prospects as regards any civil suit or other legal remedy that they might see fit to try; but my suggestion seems to have had no effect, and it was evident the opposition was obstinate".27

The government proceeded with legal action against the landholders who defied the new assessment. A notice of action was issued through the Civil Court at Karwar. Hearings of these cases were decided upon at various dates from 16th November to 10th January 1872 in the Civil Court of Karwar.28

27. Letter from, M.J. Shaw Stewart, Collector of Canara to Revenue Commissioner SD, No. 862 of 1871, op. cit., p.3.
were decided on the ground of the constitutional and legal rights of the government under the provisions of Regulations XVII of 1827 and Bombay Act I of 1865 to order a general revision of assessment of lands to fix the land revenue. All these cases were decided at the Civil Court of Karwar.29

**Vaikunta Bapuji versus. The Bombay Government**

One of the major cases filed at the Civil Court of Karwar was that of Vaikunta Bapuji of Baad *kasba* (town) of Karwar taluk against the Revenue Survey and Settlement Commissioner, S.D. and the Collector of Kanara.30 His *wargs* were situated in the Baad *kasba* with *muli* numbers 31 and 16, in Katinkon village with *muli* number 203, and in Kodibag village with *muli* number 64.31 These *wargs* were enjoyed by him as his hereditary proprietary right from the remote past. In his plaint, Vaikunta Bapuji asserted that from time immemorial he was paying the fixed amount of Rs.200-5-7 on his lands. He pointed out that it was through an order dated 29th March 1870 passed by the Governor- in- Council that Act I of 1865 of the Bombay Legislature was improperly applied to his land, and assessment of land revenue was increased to Rs.468-14-0. He requested the Court that his old assessment should be made permanent and his right over the land was to be considered as perpetual.32 Further he claimed that the government by implementing the Act and levying the revised assessment violated his traditional proprietary right. He insisted that the Bombay Act I of 1865 was not applicable to his lands. He questioned the right of the government to reassess and fix new rates of assessment on his lands. The date fixed for hearing of this case was 16th November1871. Oral statement of the plaintiff was taken in the first hearing.33 This was an important case for both the government and plaintiff. The case which was initially filed in the Civil Court of Karwar was transferred by the government to

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30. *Bombay High Court Reports Appendix to Volume XII, The Canara Land Assessment Case*, 1st May 1875 (Bombay, Government Central Press, 1876), *MSA*, p.2.
the Bombay High Court stating that it had original jurisdiction over it. Though this was projected as the official reason to transfer the case, the real factors were far different. The Judge of Karwar Court was a junior with insufficient experience, and the government did not want to take a risk and lose the case. Further, there was great excitement among the people of Karwar about this case and the government desired to keep the local people away from it. The case was transferred to the Bombay High Court on 18th January 1872. A further order of Bombay High Court dated 9th April 1873 permitted the plaintiff to amend his plaint by substituting the Government of Bombay as defendants in lieu of the Revenue Survey and Settlement Commissioner, SD, and the Collector of Kanara. On 17th February 1872, the plaintiff was successful to obtain an injunction which restrained the defendants from levying the enhanced rate of land revenue until the hearing of the suit.

Defending the case, the defendants gave their written statement to the Court on 20th April 1872, that the British government had not given any assurance to keep the old assessment on a permanent basis. Therefore, the revised assessment of Rs.468-14-0 fixed for the plaintiff's land should be paid by him to the government and the Court should not give any relief to his prayer.

Finally this case came up for hearing on 18th January 1875 before Sir Michael Roberts Westropp, the Chief Justice, and Justice West in the High Court under its Extraordinary Jurisdiction. The arguments of the Counsel were too elaborate and took 14 sitting days (18th, 19th, 21st, 22nd, 25th, 26th, 28th, 29th of January, and 1st, 2nd, 4th, 5th, 8th, and 9th of February 1875). The members of the Counsel who argued in favour of the plaintiff were Farran, Branson and Budruddin Tyabji. The

34. Letter from Shaw Stewart, Collector of Canara to W.H. Havelock, Revenue Commissioner, SD, op. cit., p.396.
37. Bombay High Court Reports, MSA, op. cit., p.16.
38. Bombay High Court Reports, MSA, op. cit., p.2.
39. Ibid.
members of the Counsel appointed for the defendants were A.R. Scoble (Advocate General), Latham, Tyrrell Leith and Hart.40

Once again an oral statement of the plaintiff was taken by Spens, a member of the Commission, appointed by the High Court to enquire into this case. Shaw Stewart, formerly the Collector of North Kanara, had already given his report from the government side before the prothonotary (principal clerk of the court).41

The main objective of the plaintiff in this case was to challenge the right of the government to enhance the land revenue on his muli lands. The counsel including Farran and others argued in his favour and tried to prove that the Bombay Act I of 1865 was not applicable to Kanara. They emphasised on the system of private property and the hereditary proprietary rights over the soil. As noted earlier, private property was prevalent as mulawarga (muli land) and its owner was known as mulawargadar or Mulgar. Mula is derived from the Sanskrit Mul, signifying literally a root, and figuratively the root of a tree or origin of a family. Warga or warg meant the registered holding and wargadar meant the registered holder.42 According to this system of land holdings, the landholder enjoyed a hereditary and transferable right on the land and could not be ousted so long as he paid the revenue assessed on his land.43 It is stated that in the 14th century the whole of the land in Kanara was parceled out among a large number of landholders, paying annual revenue in various gradations from 5 to 5000 pagodas.44 The estates so formed went by the name wargs. The land revenue collected from the region throughout the Vijayanagara rule remained unaltered until 1618 when the Keladi or Bidanur rulers levied an additional assessment of 50

41 Bombay High Court Reports, MSA, op. cit., p.2.
43. The Bombay High Court Report, op. cit., pp., 156 and 159.
44. N. Shyam Bhat, op. cit., p. 85.
per cent. The Vijayanagara assessment along with these new additions was called *Rekha* or *Shist* (literally means a line) or Standard Rent of Kanara.\(^{45}\) Subsequently the rulers of Mysore, Haider Ali and Tipu Sultan, enhanced the revenue of the region. Thus the *Shist* and the Mysore additions together, came to be called *Shamil* in Kanara.\(^ {46}\) When the British conquered the region in 1799, Sir Thomas Munro wished to follow the Bidanur assessment (*shist*) as a standard for his settlement of land revenue, and to introduce Haidar Ali’s additional tax (*shamil*) on revenue in the district. Consequently, this was approved by the Madras government.\(^{47}\) The Madras government collected the revenue in the name of *kadim beriz*, which was a fixed amount of revenue on any land.\(^ {48}\) *Mulgars* were considered as absolute owners of their *muli* land. They were subjected only to the payment of *shist* and *shamil*. But by passing the Act I of 1865, an attempt was made by the Bombay government to enhance the revenue share of the landholders.\(^ {49}\)

The feelings and opinions of the ryots were added in the argument made by the Counsel in favour of the plaintiff. The ryots said that the survey and settlement measures were illegal and unjust, and they did not accept them. They argued that the government forced them to participate in the settlement by issuing summons on their names. They had a doubt about the authority of the government to reassess the land revenue and therefore, only some of them filed the case against the government.\(^ {50}\) Probably many more ryots wanted to file the complaint against the government. The suppressive polices of the colonial government would have forced the illiterate and unorganised ryots not to file suits.

The Counsel of the plaintiff produced before the courts


\(^{46}\) N. Shyam Bhat, *op. cit.*, p. 29.


\(^{48}\) N. Shyam Bhat, *op. cit.*, pp.27-35.

\(^{49}\) *Bombay High Court Reports*, MSA, *op. cit.*, p.3.

\(^{50}\) *Bombay High Court Reports*, MSA, *op. cit.*, p.10; Memorandum from W.C. Anderson, No. 1070 of 1871, *op. cit.*, pp. 337-338.
some letters and proclamation issued by the British officials and the Queen. Among them, one was issued by Sir Thomas Munro which stated that when the British took possession of Kanara, many ryots ran away from their houses leaving their lands waste. To remedy this, he issued a Proclamation on 26th March 1800, entreatng the ryots to return, by promising that the government would lower the assessment and would not impose any extra assessment, if only people would come and cultivate the fields.51

Another letter was in the form of an assurance given to the people of Ankola on 6th June of fusly 1229 (1819-1820) by Harris, the Collector of Kanara.52 He stated that the ryots interested in proprietary occupation of government waste lands or sirkar geni lands, should apply for the same and the government would grant mulpattas for the permanent enjoyment of the land by such ryots. Besides, he assured that the land revenue assessment would be fixed without any increase later.53

Thirdly the Counsel for the plaintiff produced another Circular sent by Viveash in fusly 1244 (1834-35). According to it, the ryots were hesitating to cultivate the lands on government lease, and to overcome this problem he ordered that the geni right would be considered as muli right. Further it stated that a mulapatta would be given for each ryot. As a result many lands were brought under cultivation.54

Fourthly the plaintiff's counsel drew the attention of the court to the famous Proclamation of Queen Victoria (1858) made by her soon after the transfer of power in India from the Company to the Crown. In her Proclamation she desired to protect the natives of India in all rights connected with their

52. Fusly or Fasli means revenue year or financial year. Add 590 to convert a fusly year into Christian era. See N. Shyam Bhat, op. cit., p.xiii.
lands. So the Counsel argued that the government had no authority to change the revenue of the lands.

The ryots claimed that by trusting all these official announcements about security of tenure and land ownership, many waste lands were brought under cultivation by them with their own expenses. There was a kind of land called gaznee which was liable to an overflow of salt water. Much money was spent in constructing bunds to prevent the salt water from entering this land. But due to the Act I of 1865 the plaintiff had to pay more than double the old assessment to the government. His proprietary right over the land, and the amount of land revenue paid by him earlier for several decades were not considered by this Act.

Vaikunta Bapuji claimed that in his name there were 23 wargs in Baad kasba and four wargs in Kodibag and Katinkon villages. Out of these, he asserted that 17 wargs in Baad kasba, two wargs in Kodibag and two wargs in Katinkon villages were his muliwargs. He insisted that the muliwarga meant hereditary and alienable estates, of which the mulawargdar was the sole proprietor in perpetuity, subject to fixed land revenue or quit-rent payable to the sovereign, and which could not be lawfully enhanced. He claimed that the remaining six wargs in Baad kasba were held by him as geniwarg. This meant that the land was originally held by the sovereign and he was liable to pay revenue to the government. The counsel argued that according to the assurance given by Harris, the Collector of Kanara, in fustly 1229 (1819-20) the geniwarg was considered in all respects equal to muliwarg.

The Counsel also argued that, to change the rules relating to private property, an Imperial Act was necessary. The Bombay Act I of 1865 could not have interfered with the existing rights and increase the land revenue. In the discussion carried out before implementing the Act I of 1865, the region of Kanara

56. Ibid.
did not figure. Therefore, the sudden application of this Act in Kanara was an *ultra vires* act of the Bombay government.\(^{60}\)

Thus the Counsel to the plaintiff pointed out in his argument that the British government failed to implement its own proclamation and promises to the people of India in general and Kanara in particular.

The Counsel who argued in favour of the defendants or the government successfully proved that all the proclamations provided by the plaintiff were not genuine and that the oral statement should not be recognised by the Court. The Counsel reasoned out that the Bombay Act I of 1865 was applicable to Kanara. According to Section XXV and XXVI of this Act, the government had the inherent right to decide on the tax of its people. Section XXX of the Bombay Act empowered the government to revise the assessment on all lands whether they belonged to the government or not, and impose a thirty years’ settlement. Forty-ninth Section of this Act considered the term "alienated village" as including the *muli* land.\(^{61}\) Therefore, the counsel for the government argued that the plaintiff simply denied this right of the government and asserted that the existing revenue assessment paid by him as everlasting.

The government’s counsel further argued that there was no force in the argument of the plaintiff that the nature of land tenure in Kanara made Bombay Act I of 1865 inoperative in Kanara. There was no provision in the Act to exclude the superior holder, occupant, owner, absolute owner, *inamdar* or *mulgar* from the payment of the land revenue to the government. The *mulgars* were admittedly holders of the land bound to make certain payments to the government and by default they acquired the right to sell their lands, but they were never exempted from paying the tax.\(^{62}\)

The counsel in defense of the government said that Munro, the first Collector had great power but it was not absolute. His polices were never followed by his successors. According to Munro the term private property did not mean absolute freehold from payment of revenue to the government. By the

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term "fixed", Munro did not mean that the land revenue could not be enhanced at all, and it only meant that it would not fluctuate frequently. The counsel further argued that when Munro took charge of Kanara, the British government had two aims: firstly to get the best from him, and secondly to conciliate the people by granting them partial remissions from the exactions imposed on them by their former native rulers. However, such remissions were purely temporary in nature and were for smooth administration. Even if the word 'fixed' meant 'permanent' for Munro, it was not adopted by the government as permanent settlement. If Munro had given any promise to the landholders that their assessments would never increase, he would have definitely written a report to the government, but no such letter was found.63

The government's counsel argued that according to the regulations XXV and XXXI of 1802 passed after the departure of Munro, his successors were not bound by his act. The Regulation XXV provided for permanent settlement, but was never implemented in Kanara and Sonda. According to the Regulation XXXI which was implemented in Kanara, the government had the right to increase the revenue from time to time. Thus the counsel emphasised that these two regulations were enough to prove that the Madras government never ordered for permanent settlement in Kanara.64

The Judgement

The Judicial system was considered as an important administrative organ of the colonial government in India.65 In fact, it was one of the arms of the state that its judicature proved that its laws were supreme and the Indians had no authority to question them. In the aforesaid suit obviously the decision was given in favour of the government. The Court came to the conclusion that the argument of the plaintiff was illegal and impracticable. All his evidences were considered in the court as unauthorised and fake. The Court upheld the

63. Ibid.
64. Bombay High Court Reports, op. cit., p.18.
arguments made by the counsel of the government and proved that the plaintiff had failed to produce any original patta, sanads and title of document.66

The Court observed that since ancient times in India, the assessment of land revenue was always in the direction of increase. The Adil Shahis, Vijayanagara Emperors, Keladi rulers, Haidar Ali and Tipu Sultan who ruled the Kanara region before the British had regularly increased the land revenue from time to time. The plaintiff had failed to prove that the permanency of the rate or amount of assessment, or partial exemption from payment of land revenue were the features of the muli tenure in Kanara for some centuries before the British conquest of the province. The Mulawarga tenure in Kanara, Mirasi and Kaniyatchi tenure in the Tamil areas, the Mirasi tenure in Maharashtra and the Jenmi system of land holding in Malabar of Kerala were the various names for the ancient proprietary rights on the land,67 but they were never exempted from the enhancement of land revenue. The court held that Vaikunta Bapuji relied on the promises and oral orders or statements given by the former British officials for which there was no authenticity. The Court gave its final verdict on 9th February 187568 by saying that the Bombay government had total authority to increase the land revenue on all the lands under its jurisdiction.

Conclusion

The case of Vaikunta Bapuji failed. The colonial government at Bombay and its Court could prove that they had the right to increase the land revenue to be paid by a mulawargadar to the government. But this in no way reduced the significance of the legal suit of the plaintiff. He could question the colonial

66. Bombay High Court Reports, op. cit., p.18.
68. Bombay High Court Reports, op. cit., p.2.
authority as early as 1875\textsuperscript{69} and mobilise anti-British feeling in his region. Along with him several other ryots had petitioned to the government. They were all disposed off at the district level itself. Thus the legal or the constitutional struggle against colonialism had begun in the region. Vaikunta Bapuji contributed to the process and language of protest of the ryots in Kanara which evolved in a big way subsequently. This was not only due to the familiar factor of over assessment of land but also due to the additional reasons like the forest laws\textsuperscript{70}, issue of \textit{soppina bettas}\textsuperscript{71}, salt monopoly of the government, etc. The present case brought to light the importance attached to \textit{mulawarga} in Kanara. The arguments of the plaintiff's Counsel highlighted the contradictions that existed in the colonial rule by pointing out that the British did not implement their proclamations in India. In fact such colonial contradictions were later exposed by early Indian nationalists like Dadabhai Naoroji and others, as well as M.K. Gandhi from the early decades of the twentieth century. Even after this case, the die-hard government did not decrease the land revenue and collected it as per the revised assessment. Further the government decided to increase it after thirty years. An appeal to the Privy Council was never prosecuted. The agitation in Kanara waned away. Thus, the well-known fact that the British government was after the maximisation of land revenue in India, was vindicated in this case as well.

\textsuperscript{69} This was ten years before the foundation of the Indian National Congress at the national level, and hence constitutes one of the pioneering and unique legal battles against the mighty British empire in India.

\textsuperscript{70} Uttara Kannada has been quite well-known for its forest resources. When the British introduced the Forest Act in 1865, the people of the region suffered due to its provisions. Their agony increased further due to the restrictions of the subsequent forest laws; Berthold Ribbentrop, \textit{Forestry in British India} (New Delhi, Indus Publishing Company, reprint, 1989), pp.74-76; B.H. Baden Powell, \textit{A Manual Of Forest Law} (Delhi, Biotech Books, reprint 2007), pp.71-88.

\textsuperscript{71} \textit{Soppina betta} meant hill with bushes and green leaves. The ryots and traditional artisans used resources of such \textit{soppina bettas} for their needs. The Forest Act had imposed restrictions on such traditional use of resources. This had forced the ryots of Uttara Kannada to question the forest laws of the government. See Resolution passed by the Government, No.663 of February 1869, \textit{RD., MSA}, Vol. 30, 1869, paras 2 and 3; Annual Forest Administration Report, 1869, paras 12 and 14, \textit{RD, MSA}; M. Buchy “British Forestry in Western Ghats (India) and French Forestry in Indochina: A Comparison” (13), Pondy Papers in Social Sciences, French Institute of Pondicherry, August 1993, pp.16-17.
### Table 1

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<th>Class</th>
<th>Rice land</th>
<th>Polon land</th>
<th>Garden land</th>
<th>Dry Crop Land</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average Rate</td>
<td>1.24</td>
<td>0.13</td>
<td>1.12</td>
<td>0.4</td>
</tr>
<tr>
<td>Maximum Rate</td>
<td>1.35</td>
<td>1.05</td>
<td>1.35</td>
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</table>

### Table 2

<table>
<thead>
<tr>
<th>No. of. ryots refusing payment</th>
<th>No. of. ryots who have paid assessment</th>
<th>Rs. A. P.</th>
<th>Rs. A. P.</th>
<th>Rs. A. P.</th>
<th>Rs. A. P.</th>
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<td>Increased in the revision</td>
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</tr>
<tr>
<td>Amount reduced in the revision</td>
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<td>Rs. A. P.</td>
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