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PERMANENT SETTLEMENT REGULATION PRINCIPLES – A STUDY

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ABSTRACT:

During the nineteenth and till the middle of the twentieth centuries, the Zamindari System played a significant role in the revenue transaction in Tamil Nadu, The Zamindari settlement otherwise known as Permanent Land Revenue Settlement was invented and introduced by the East India Company. It was a kind of contract concluded between the East India Company and the Zamindars. However, they anticipated some disturbances from the local powers in the time to come. In the meantime a special commission was recommended for the extension of Permanent Land Revenue Settlement, the government proceeded with the task of preparing four regulations. This paper has tried to show the regulated principles of Permanent Settlement in Tamil Nadu.



KEYWORDS: Zamindars, Permanent Settlement, Karnams, Ryots, Pattas.

INTRODUCTION

The Regulations of 1802 were important because they formed the basic principles on which the entire system worked. These regulations were neither thoroughly discussed nor the provisions properly explained at the meetings of the Commission. This was quite evident from the proceedings of the Special Commission on 8 July 1802 in which only mere settlements of the regulations were ratified by the Governor.¹ On 12 July 1802, the Special Commission prepared the Permanent Settlement Regulations and Submitted them to the Government for

approval.² The regulations were passed by the Governor-in-Council of Fort St. George on 13 July 1801. During the Governorship of Edward Clive, at the outset, the Company administration in Madras passed four regulations in 1802.³ Regulation XXX of 1802 paved the way for declaring the proprietary right of lands to the vested in individual persons defining the rights of such persons under a permanent assessment of the land revenue in the British territories subject to the Presidency of the Fort St. George.⁴ Regulation XXVIII of 1802 enabled the landholders and farmers of land from confining or inflicting corporal punishment on their under-farmers or ryots or

their sureties, the personal property of their under-farmers or sureties was enabled to have distained or disposed of Regulation XXIX of 1802 established the office of karnam and defined the duties of this officer.⁵ Lastly, Regulation XXX of 1802 prescribed pattas to be used between landholders and their under farmers, tenants and ryots.⁶

By regulation XXV of 1802 a settlement with the Zamindars was made, recognizing them as land holders. The land was assessed in perpetuity with fixed land revenue payable in all seasons. It stated that each Zamindari included all the lands both waste and arable, within the

boundaries of a certain number of villages. It was assessed in perpetuity with fixed land revenue payable in all seasons. All the villages in the Zamindari were collectively assessed and the condition of the payment of the sum to the government was defined. Each Zamindar in his own Zamindari, was invested with the "proprietary right of the soil assumed hitherto have belonged to the Government".⁷His demand on the ryot was restricted to a fixed rate of assessment in kind as traditionally established. The permanent assessment fixed in perpetuity payable to the Government was exclusive of salt, salt-petre, sayar, akbari taxes, personal and professional taxes, etc. It laid down that a *sanad-i-milkiyat-i-istimrar*⁸ was granted by the British Government to all person who were called Zamindars and other proprietors. The proprietor was required to execute a corresponding *kabuliyar*⁹ (agreement in return for service) to the District Collector.¹¹It contained the obligation of the Zamindars to appoint a number of karnams for village establishment. For safeguarding the rights and privileges of the Zamindars over their tenants, the Company administration in Madras passed the Regulation XXVIII of 1802 which empowered the Zamindars to collect the land tax by coercion in the case of defaulters.

At the same time, it had little provision to safeguard the ryots from excess of collection. It also empowered the Zamindars to distraint and sell with some specified exceptions, the crops, cattle and the personal property of any of the ryots without sending previous notice to any public officer, For the excessive distraint of property collected from the ryots contrary to the provisions of the regulation, the ryots could recover the damages from the District Court.¹² Section 34(7) of this Regulation divided tenants into two classes: First, those who were the holders of tenures which, by the titledeeds or by the established usage of the country, were transferable by sale or otherwise; and secondly, those who were lease-holders (i.e., whose tenure was determinable, in regard to its duration as well as to its other conditions, by the terms of their leases) or who had the right of occupancy only during payment of certain rents without right of property of possession. In the case of the former class of tenants, the proprietors were declared to be competent to bring the transferable tenure to sale by application to the Court of Adawlut in satisfaction of the arrear of rent or revenue; and the purchaser would then become the tenants of such transferable tenure. In the case of the latter class of tenants, the proprietors were declared to have the right of ousting the defaulting tenants from the tenure¹³.

Regulation XXIX of 1802, in the principle to this regulation, it was stated that "the revenue payable to Government from the estates of proprietors of land being fixed forever", the Government deemed it expedient to abolish the offices maintained for the purpose of detecting and preventing concealment of the actual produce of the estates.¹⁴This Regulation passed for establishment of the office or *karnams* and defined their duties in the British territories of the Madras Presidency. Since the revenue payable to the Government was fixed forever, the Government decided to abolish the officers maintained for the purpose of detecting and preventing concealment of the actual produce of the estates. But at the same time, the government realized the importance for the post of the *karnams* so it decided to retain that post. The Zamindars must appoint a required number of *karnams* proprietors of land neglecting to appoint *karnams* were to be fined at the direction of the District Court. The *karnams* were to obey all legal orders of the Zamindars. But the Zamindars had no power to dismiss a *karnam* without obtaining sentence from a Court of Judicature. The *karnams* were to enter in their register, the rates of the stipulated collections. The fee was payable from the gross produce of the entire land. They were to produce the account-register, whenever required by the proprietor or court. He maintained the account of share between the proprietors and the cultivations.¹⁵Accordingly he was an important officer maintaining the register of the rights and property of the people.

Regulation XXX of 1802 (Patta Regulation) referred to the advisability of abolishing the then "existing indefinite mode of dividing the produce of the earth and of accounting for the customary ready money revenue to the end that cultivators and under-tenants of land may have the benefit and protection of determinate agreements in their dealings with superior landholders and farmers of land" and to the necessity of making the terms of such agreements specific "to the end that cultivators and under tenants may have recourse to them for the prevention of disputes".¹⁶In order to maintain the relations between the proprietors of land and their ryots, this regulation was passed by the Madras Government. According to this Regulation, the Zamindars were required to enter into an agreement

with his ryots for a customary rent payable either in cash or in kind. This agreement was denominated as *patta*. Zamindars were required to grant a *patta* to the inhabitants and cultivators of land, in compliance with the term by which they respectively occupied such land.

The contracting parties were to exchange the agreements in writing.¹⁷ The engagement or proprietor to the ryots was denominated as *patta* and that of the ryot to the proprietor *amuchilika* (a written obligation or agreement). The rent payable by the ryots was mentioned in the *patta*. If a ryot refused to exchange mutual engagement in writing, the proprietor could grant the land of such a ryot to another one. The proprietors were prohibited from imposing any new assessments and collecting exactions.¹⁸ In case of infringement of the *pattas* or illegal exactions by the Zamindars the ryot was left to seek redresses in the Civil Court, which was established in each district almost concurrently with the introduction of the Permanent Settlement.¹⁹ These two mutual agreements were to be regularly signed by the *karnam* of the village in which the lands engaged were situated. The tenures fixed the rate, but not the amount payable to the Zamindars. The amount was determined on this tenure of Zamindari and it made the existing Zamindar in perpetuity. The government lands were subdivided into estates or *mittas* composed of many villages, depending upon the size and circumstances. The assessment of these lands varied from 1000 to 5000 pagodas and sold by public auction to the highest bidder to effect permanent settlement. The tenure conferred all rights on the sellers.²⁰

The highest bidders or newly created Zamindars and the *mittadars*.²¹ But as far as their duties were concerned, both the Zamindars and the *mittadars* exercised the same duty. Many of the estates were settled between 1802 and 1804 in Madras. The regulation provided for the attachment of the estate in the event of any default of payment. When the estate fell under attachment the Zamindari was placed under the charge of the Board of Revenue. The Board in turn appointed a Court of Wards with the District Collector as its head. As the agent of the Board of Revenue, the Collector supervised the working of the Zamindaries while under attachment the Collector attached a part of the estates equal to an extent that might cover the sum under arrears. The Zamindar was given the right to sue the Collector in the *zilla* Court for the recovery of any amount collected in excess. However, the Collector was empowered to attach an estate that fell in arrears only with the previous sanction of the Board of Revenue. Subsequently, the Special Commission function was again entrusted with the Board of Revenue for the introduction of the permanent settlement in the areas of the Madras region.

CONCLUSION

The Permanent Settlement regulations of 1802 were not framed to suit the conditions of the Madras Presidency. The Company apprehended well that under an ordinary atmosphere the Zamindars would not permit them to attain their political goal. With the further extension of the settlement in Krishnagiri, Dindigul and South Arcot Districts, the Court of Directors hoped for a successful operation of the system. The Company tried to influence the Zamindars and *muttadars* so that they could dominate them politically. Besides, the average of collections of past years was purposely adopted whereby they could collect enhanced revenue. Over-assessments crept in the collection of revenue in perpetuity. By extension of the system further especially to Dindigul even after the Virupakshi resistance, it aimed at suppressing the native Zamindars and *muttadars* and getting definite and stable revenue to the Government.

The working of the system the Company confronted with the proprietors of lands when the latter fell into arrears of payment. Inspired by economic motivation, the Company sought all sorts of benefits irrespective of the interests of the intermediaries and the ryots. As a result, a large extent of land was left uncultivated. It led to the decrease of yield which impoverished the ryots. Consequently, they fell into arrears to the intermediaries. Besides, the latter demanded many unjust contributions from the ryots. Under this background, many regulations were enacted to rectify these practical defects. However, the ryots condition was not developed and there took place their mass exodus from one estate to the other. Zamindari system in the Madras Presidency, both in *palayams* and in the created *mittas*, was disastrous to the hereditary chiefs of ancient families and speculative purchasers. As the

system failed both in the Zamindaries and in the created *mittas*, the Government investigated the causes of the failure.

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8. A Persian phrase for which the English equivalent is "Title deed of permanent property".
9. Kabuliyat is a written agreement through which the Zamindar expressed his consent to pay the amount assessed.
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20. Mittadars are the holders of mitta.