

CHAPTER - IILAND REVENUE AND TENURIAL ARRANGEMENTS IN THE  
WESTERN DUARS REGION DURING THE BHUTANESE RULE.SECTION 1 : INTRODUCTION

II.1.1 In this chapter we want to re-examine the nature of land revenue and land-tenure arrangements in the Duars region of North Bengal during the Bhutanese period.

II.1.2 The reconstruction of the history of land revenue and land-tenure system of this region during Bhutanese period is rather difficult due to paucity of sufficient data. Our source materials are various government documents and reports and accounts left by the British government officials. Another problem arises due to the fact that the documents, reports, etc. sometimes give contradictory views. Nevertheless, from these contradictory and sometimes fragmentary documents, it may be possible to give some idea of the then prevailing land revenue and tenurial arrangements of the region. Such an attempt has been made in the following paragraphs.

II.1.3 The discussion will be initiated and developed in the following manner. Since we are writing about the Bhutanese period, we shall first know as to how this region came under the Bhutanese subjugation. Then we shall describe the prevalent land-tenure system and trace and its origin. Next we shall delineate the land revenue arrangements. And finally, we would summarise the whole discussion and comment on the impact of the land-tenure and revenue arrangements on the agricultural development of the region.

SECTION 2 : EARLY HISTORY OF WESTERN DUARS  
BEFORE ITS ANNEXATION TO BRITISH INDIA

II.2.1 The territory called Western Duars extending from the river Tista to the river Sankosh lying at the boundary of Assam were held by the Koch chieftains<sup>1</sup>. In order to ensure her hold over the fertile tract of Western Duars, Bhutan was interested in the affairs of Cooch Behar State. There is, however, no authoritative document recording the exact period from which the Bhutias extended their grip on the plains of the Western Duars<sup>2</sup>. In the official history of Cooch Behar, H.N. Choudhury stated that before the first Anglo-Bhutanese War (1772-74), the Bhutias systematically took possession of a large number of 'taluks' (a land unit) in the Western Duars, which were formerly held in farm under Cooch Behar, were usurped by them and did not pay any revenue to the Cooch Behar Raj. They also openly dispossessed some other lands covered by taluks "Chichakhata, Paglahat, Luckiduar, Kyranti and Maraghat which were under direct management of the state

[of Cooch Behar]"<sup>3</sup>. Though not founded on the firm basis of chronology, this observation of H.N. Choudhury gives us some idea about the process in which the Bhutanese acquired control over the Duars under Cooch Behar<sup>4</sup>. In fact the struggle between the Koch and the Bhutanese had been continuing for a long time<sup>5</sup>. In this context Dalton (1872) wrote : "There were no doubt conflicts between the Kuch [Koch] and the Bhutias about three hundred or four hundred years ago but these were struggles for supremacy in the Duars which ended in many of the Kuch [Koch] leaders as Sidli and Bijni and other chiefs submitting to the Bhutias"<sup>6</sup>. There were two probable causes of these small battles. The first was the geographical and physical situation of the region. Most of the parts of the region was full of jungles and infested with wild animals. Moreover, as large part of it was lying at the base of the hills, very often the bandits and the outlawed anti-social elements left the southern territories and took shelter here<sup>7</sup>. It was very difficult to extend their effective administration in such a place on the part of the Cooch Behar Kings<sup>8</sup>. Secondly, there was an economic reason. For Bhutan, it was very lucrative to extend its possession over this region. The Bhutanese collected many necessities of life and also articles of luxurious consumption from the Duars<sup>9</sup>. Naturally, it was not possible to give up her possession of this area.

II.2.2 At the beginning of the 18th century and by 1765 the kingdom of Cooch Behar had become very much weak due to internal dissensions. Bhutan reigned supreme in the Cooch Behar darbar<sup>10</sup>. The Cooch Behar Raj could do nothing without the permission of the Bhutanese officials. To

expel the Bhutias from her territory the Cooch Behar Raj entered into a treaty with the East India Company in 1773 and virtually became a feudatory state of the Company. The Company managed to drive away the Bhutias from the Cooch Behar darbar, but the Bhutanese supremacy in the Duars region continued unabated. Under the initiative of the Bhutias, the Company entered into a non-aggression pact with the Bhutias in 1774 by which the Bhutias agreed not to molest the territories of the Raja of Baikunthapur<sup>11</sup>, who by that time had become a rent-paying Zamindar under the East India Company. At that time, the Company was trying to oblige the Bhutias by every means so that they could find out a trade route to Tibet through Bhutan. The Bhutias took this as an opportunity to lay claims on two areas (Jalpesh and Ambari Falakata) which were in possession of the Zamindar of Baikunthapur and asked the Company to procure those two places for them from the Zamindar. Without examining the propriety of the claim of the Bhutias, the Company readily agreed and directed the Zamindar in 1779 to make over the possession of these tracts to the Bhutias. The Zamindar lodged repeated protests with the Company and delayed the making over of the areas on various excuses for ten years, but was ultimately compelled by the Company to hand over the places to the Bhutias in 1790<sup>12</sup>.

II.2.3 From this time upto the conclusion of the Treaty of Sinchula<sup>13</sup> and the annexation of Western Duars in 1865, the Zamindar of Baikunthapur and the Cooch Behar Raj were debarred by the Britishers from dealing with the Bhutias directly. The Bhutias got freehand over the Western

Duars without any opposition. However, the Bhutias had a particular way to deal with the Duars region and geared up its administration accordingly. Thus, the inhabitants of the Western Duars were obliged to pay their allegiance to different authorities at different periods of history before the Britishers could extend their administration into the tract.

### SECTION 3 : LAND-TENURE ARRANGEMENT

II.3.1 Actual tillers of the soil were divided into a few classes<sup>14</sup>. The first and the most powerful person in the hierarchy of settled agriculturists was the jotedar who held a certain amount of land individually, jointly or in common. His holding was called a jote. He paid revenue to the Government of Bhutan through its agent Katham or Tahsildar. In practice, a jote constituted the core of the land-tenure arrangement.

II.3.2 The most usual way of acquiring a jote was by succession. The original acquisition of many jotes was explained by the principle of holding land by the first settler. The Bhutia Rajas and Governors allowed settlers to take possession of unpopulated parts of an area for a term of five years, "more or less, without payment of revenue"<sup>15</sup>. When the entire land or a portion of it was brought under cultivation, the settler was called a 'jotedar'. The jotedar then paid revenue fixed by

government. There were some jotes that passed through several generations. A jotedar could acquire a jote by purchase or through a gift from another jotedar. Lastly, a jote could also be acquired by a grant from the Bhutia Raja effected through his Subah (Lieutenant Governor). This grant could be made with the lapse of a jotedari due to absence of heir, and/or in the event of abandonment of holding by a jotedar and/or in the case of a first settlement in uncultivated land. A jotedar could occupy a jote as a peasant proprietor and he had the liberty in growing and disposing of the produce. He could also sublet the entire or a part of his holding to any one he liked and at any term he could secure. The idea of rack-renting was, in fact, inherent in the later provision because it can be presumed that as the jotedar had to pay a stipulated sum to the government, he tried to secure such a term that would ensure him the highest income. Jotedar's right was saleable with the restriction that in doing so, he could not prejudice the rights of any third person. Jotes were considered to be the property of the family and not that of the individual. This provision might have restricted the frequency of selling jotes and compelled the jotedars to some extent to stay on the same jote for generations inspite of oppressions of the Bhutias. This restriction on salability was further strengthened by the fact of charging a fee for recognition in cases of alienation and succession. The fee charged, was in the nature of either a fine or a relief paid by both the outgoer and the incommer. Alienation took place also through usufructuary mortgage. <sup>Mr.</sup> Tweedie did not <sup>find</sup> ~~find~~ any case of alienation of jotes through will. <sup>16</sup> But he guessed that the same principle which regulated alienation by sale or by gift might apply to rights devised by will.

II.3.3 A jotedar had to observe two kinds of liabilities, viz., to pay the revenue fixed for his jote and to pay benevolences which the Bhutan Raj had been habituated to demand in different times.

II.3.4 A jotedar's tenure might be terminated in three ways. These were (i) by absence of heirs, (ii) by desertion and (iii) by abandonment of loyalty which was the natural concomitant of desertion. A jotedar's right was not saleable for the purpose of collecting revenue dues in case of default. This appears to be a very strange thing. In all probability, this right was also not liable to forfeiture in such a situation. It might be reasonably conjectured that, in practice, the jotedars dared not to be defaulters for a long time out of the apprehension that he might be tortured physically, if his revenue remained overdue for a long time.

II.3.5 During the Bhutanese regime, there is no doubt that land was abundant. Question arises as to what prevented anyone from occupying virgin land and become a jotedar, under the circumstances. What led to the formation of a hierarchy and the creation of sub-infeudation? The most important factor, as it appears to us on the basis of available evidence is that access to the acquisition of a jote was not open to all. The restrictions were economic and social and these made land a scarce asset, not physically but socially, leading to a formation of cultivating hierarchy.

II.3.6 The economic restriction was that a necessary pre-condition to acquiring a jote was the possession of some amount of capital. The "original settler" assuming that he leased out his land on adhi (share cropping), would have to wait for at least five years before he received any income from it. The implication of this is that he must have had some alternative source of income. The jotes could be "obtained by purchase or gift from another jotedar, the right of alienation being limited"<sup>17</sup>. Obviously, to purchase a jote, it was necessary to own means. The question of purchasing a jote arose as, probably, the ultimate owner of all the land was the State and it had the power to vest jotedari rights on a person.

II.3.7 Another important factor inhibiting open access to jotes was the social and political status of the potential jotedar. The process of acquisition being regulated through Subahs and Kathams (revenue collectors), the position of the individual concerned in the power hierarchy, the influence he had in the village, his relations with the rulers and his standing in their eyes were important considerations for the determination of his eligibility to get a jote. The fact that transactions in land were accompanied by a "fee" given in both cash and kind as a gift to the officials, deterred many from taking up virgin lands simply because they could not afford it. It was this very fact of limited access to land acquisition economically, socially and administratively which created the basis for the formation of a hierarchy.



II.3.8 Access to land being limited, one way out was to lease in cultivable land from the jotedars either on a fixed cash rent based on the amount of land or on a crop-share basis. But here also a certain degree of "familiarity" was necessary, along with certain amount of resources. Those who did not possess any resources whatsoever, apart from their physical labour, became projas or adhiars (share-croppers). The jotedars, too, on their part, perhaps favoured leasing out land. He would retain a part of it for personal cultivation, often with family labour and leased out the rest either on a cash rent or crop-sharing basis. In a situation of labour shortage, this was the only way to maximise both the land under cultivation and their share of the surplus.

II.3.9 Below the jotedars, there were smaller estates and tenure holders who were all dependent on jotedars' estates. A jotedar was the superior landlord and the holders of subordinate estates under him were the tenants. Three classes of tenants were there, viz., chukanidars, rayats and projas. They differed among themselves with respect to the (i) length of time for which the estates were held, (ii) and by the mode of payment by the lessees, i.e., in cash or in kind as a share of the crop. In reality, they could perhaps also be differentiated by the amount of resources they possessed, the chukanidar having the most, while the proja (adhiar) having nothing.

II.3.10 In the next step below jotedars, there were the chukanidars. A chukanidar held land for a fixed term of more than one year and paid a fixed money rent. He enjoyed a temporary tenancy and it lasted for

the period of contract. The contract was, perhaps, oral. Because Tweedie did not mention of any written contract. A chukanidar could not sell or transfer his right without the permission of the jotedar. We have no data on the amount of rent paid by chukanidars to jotedars. But what is certain is that it was not uniform and the jotedar had the right to raise it according to his will. It is also certain that rents paid by chukanidars to jotedars was higher than that paid by jotedars to the government.

II.3.11 Rayats constituted the next grade of tenants. In Tweedie's opinion, the term rayat was used in other parts of Bengal as a general term applicable to various kinds of cultivators, but, in the Duars, the word meant "a yearly tenant who pays to the jotedars a yearly money rent for the land held by him"<sup>18</sup>. He was a man of some capital, and as such conducted agricultural operations at his own expense"<sup>19</sup>. A rayat differed from a chukanidar with regard to the length of time of holding the tenure. The former was a tenant for a year while the later was a tenant for several years, though both of them had a non-permanent tenure.

II.3.12 In the lowest ladder of the hierarchy of rent paying tenants were the projas. He paid rent in kind to the jotedar or chukanidar who engaged him. There were also some important differences between the projas and the rayats. First, a rayat paid rent in cash at a fixed rate but a proja paid rent in kind to the jotedar at the rate of fifty percent of the produce of land. Secondly, a rayat was a tenant for one year but a proja was nothing but a tenant-at-will. Thirdly, a rayat possessed

some capital but a proja had to depend entirely on the jotedar for cultivating his land. The latter got seed, manure, plough, cattle and other implements of agriculture from the jotedar. After harvest, the amount of seed advanced by the jotedar had to be repaid by the proja over and above the half of the produce of lands.

II.3.13 Therefore, the projas were the actual tillers of the soil, but very often the jotedars and chukanidars also appeared to be actual tillers of the soil when they tilled their lands themselves. The position of the projas were the most vulnerable as they had neither the ownership right nor the security of tenure, whereas, although the rayats and chukanidars had no ownership right, they enjoyed security of tenure for several years or at least for one year. In all probabilities, it can be claimed that the rayats and chukanidars had their means to tide over the periods of distress. Being tenants-at-will there had always been a threat of eviction of the projas by the jotedars. However, the most common practice might have been the desertion of a jote by the projas themselves. Due to co-existence of scanty population and huge amount of waste lands available for cultivation, it can very well be presumed that jotedars had little intention to evict the projas. We have already mentioned that the agrarian situation in the Duars was marked by a relative physical abundance of land compared to labour, which was scarce. Under the circumstances, share-cropping was the best method of "surplus labour appropriation"<sup>20</sup> by the landlords. Therefore, eviction of an adhiar would mean that the jotedar could gather less surplus because of discontinuance of cultivation by projas in such a case. So the motivation of projas towards desertion might have been due to direct

Bhutanese oppression inflicted on them and the pressures put on them by the jotedars for collecting large amount of rent to satisfy the Bhutia task-masters.

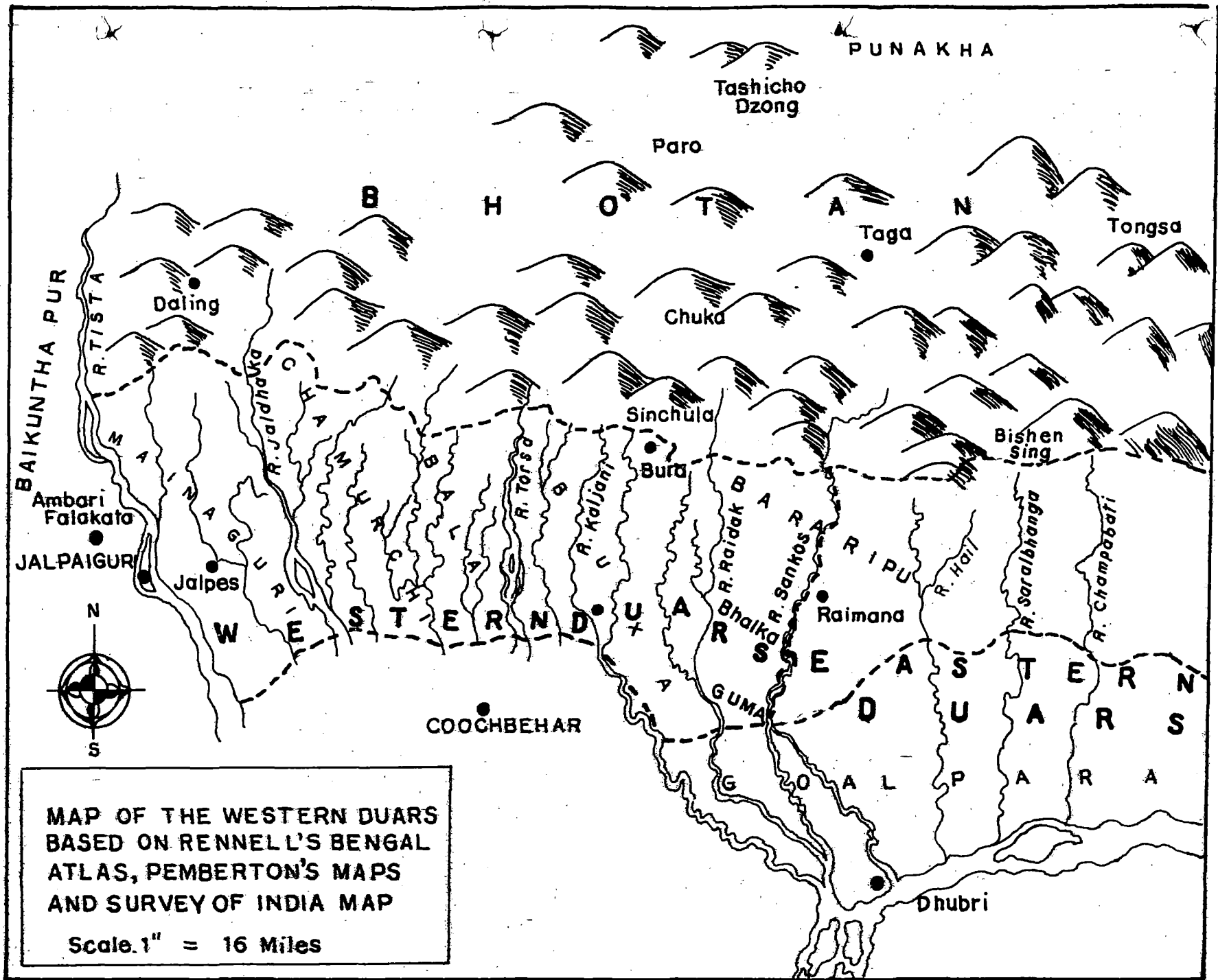
II.3.14 A system of daily wage labour did not exist, at least, we have not found evidence of it. This is not unnatural, as the mode of production, (which was certainly not capitalistic), was not conducive to wage labour. Even during peak agricultural seasons, when the demand for labour could have risen substantially, daily wage labour was not engaged. Family labour of tenants and share-croppers provided the necessary labour in such periods.

#### SECTION 4 : ORIGIN OF THE TENURIAL ARRANGEMENT

II.4.1 Prior to making an analysis of the inter-relations among different classes of tenants let us investigate as to how and when the arrangement as described above was introduced in the Western Duars. It is clear from various reports and documents that the Bhutanese government did not intend to develop a system of good government, and land-tenure and revenue arrangements in the Western Duars. The basic reason was that they did not come to settle and live here permanently. This region was a sort of colony to them. For purposes of settlement they very much disliked this place<sup>21</sup>. Naturally they did not intend to introduce anything new or novel and allowed the prevailing customs to continue.

II.4.2 As noted earlier, this region was under the rule of the Cooch Behar Raj. Later on, it came under the Bhutanese subjugation. Thus the customary land-tenurial and revenue arrangements resembled that of the Cooch Behari arrangement. The Bhutias established their control over this region gradually. A glance into the pre-Bhutanese part of the history is necessary in order to establish our hypothesis that the Cooch Behari system of land-tenure was in vogue in this region before its Bhutanese subjugation.

II.4.3 There were as many as nine Duars comprising the Western Duars, stretching from the river Sankosh in the east to the river Tista in the West. To the West of Bara Duar lay Buxa Duar. The Buxa Duar comprised the area between the rivers Raidak and Torsa. When Bhutan's influence became predominant over Cooch Behar from the first quarter of the eighteenth century, she later ceded the lands lying below the hill upto Chechakhata<sup>22</sup>. For this favour, Bhutan agreed to pay annually five Bhutanese ponies to Cooch Behar<sup>23</sup>. In the western sector of the Duar, however, Bhutan's right to the lands was disputable. Because, though Cooch Behar claimed to have farmed out these lands to Bhutan, the latter claimed them as her possessions from time immemorial<sup>24</sup>. The matter of the fact, however, was that due to domestic troubles of Cooch Behar and her obligation to Bhutan for the military assistance given by the latter against the Mughals gave an upper hand to the Bhutanese. Later on, the lands originally farmed out to her were subsequently claimed by Bhutan as possession. This gave rise to disputes and the East India Company was called in to settle. It is to be noted



Map. 3.

that when Ralph Fitch visited Cooch Behar, he found that Bhutan was four day's journey from it<sup>25</sup>. Not only so, even in 1626-27, when Stephen Cachella, the Portugese Jesuit traveller went to Cooch Behar, he found Jaigaon at the foot of the hills, included within the northern boundary of the Koch Kingdom<sup>26</sup>. In this way, Bhutan had successfully pushed her southern boundary at the cost of Cooch Behar.

II.4.4 Luckhe and Chamurchi Duars were situated to the West of Buxa Duar between the rivers Torsa and Mujnai and between the Mujnai and the Jaldhaka rivers respectively. These were also undefined territories. The Mughals, during Mir Jumla's invasion of Cooch Behar went in pursuit of her king Pran Narayan, who had fled to the Bhutan hills; they halted for sometime at Kanthalbari, which was about twenty miles in the north of Cooch Behar. But as in the case of Buxa Duar, so also in the region between the Torsa and the Jaldhaka, Bhutan succeeded in pushing her boundaries far south of Kanthalbari. So that, the few villages in Maraghat between the Jaldhaka and Dudua rivers, were all that remained to Cooch Behar. And Maraghat also, in future, became an Alsace between the two States<sup>27</sup>.

II.4.5 On the West of the Chamurchi Duar and between the rivers Jaldhaka and Dharala lay Yamerkot which is better known as Maynaguri Duar. It is clear from the map of Rennell<sup>28</sup> that this tract was rather narrow, for the eastern portion of Baikunthapur stretched out to obstruct its southward expanse. Afterwards, as we have already alluded, Bhutan being pampered by the East India Company, claimed also the eastern part

of Baikunthapur, and succeeded in increasing the area of Maynaguri Duars at the cost of it.

II.4.6 From the political history of the Western Duars it can be easily inferred that the current system of land revenue and land-tenure in the Bhutia period in this region must be the Cooch Behari system<sup>29</sup>. However, we would not make a comparative study of the land-tenure and revenue systems of the Bhutanese occupied Western Duars and that of Cooch Behar State. That ought to be a subject of a separate study. Nevertheless, we shall point out certain broad features of the arrangements in the two regions in order to show that the Bhutanese did effect no substantial change in the land revenue and tenurial arrangements as it was prevalent in the Western Duars region when the area was under the control of the Cooch Behar Kings.

II.4.7 In the Cooch Behari land-tenure system, Raja was the owner of the soil. Similarly, in the Bhutia period, the Bhutan Government was the owner of the territory or soil. In Cooch Behar, the following were the other classes of tenants<sup>30</sup> : (i) Jotedars (ii) chukanidars, (iii) dar-chukanidars, (iv) dar-a-dar chukanidars, (v) tasia-chukanidars and (vi) adhiars or projas. In our earlier description of different classes of tenants in the Western Duars, we have seen that the first two and the last classes of tenants were common in both the regions. In the British period Mr. Milligan, the officer entrusted with the survey and settlement operation (1906-16) of Jalpaiguri district opined that this rayat class of the Bhutia period perhaps constituted the class of dar-chukanidars of the British period<sup>31</sup>. So the third class of



undertenants of Cooch Behar corresponded to the same class of undertenants of the Western Duars. There is, however, a striking similarity between the adhiar or proja class of tenants in so far as their rights and class characteristics were concerned, namely, that in both the areas the adhiars were the actual tillers of the soil, that they had no rights in the soil and cultivated land on the condition of half-sharing of the crop. Though adhiars have been described as "tenants-at-will" in the Bhutia land-tenure system and as "hired labourers" paid in kind in the Cooch Behari system, they virtually belonged to the same class of tenant<sup>32</sup>.

II.4.8 One marked difference between the two systems of land-tenure is that many undertenants were recognised by the government in the Cooch Behari land-tenure system and therefore most of them enjoyed the occupancy right and the permanency of tenure, but in the Bhutanese arrangement, except jotedars no other class of tenants enjoyed either occupancy right or permanency of tenure. Another difference was that the rights of various classes of undertenants were clearly defined in the Cooch Behari system, and therefore, they were in a better position than their counterparts in the Western Duars during the Bhutia period.

II.4.9 Thus, though there were some differences with regard to the rights, permanency of tenures, classification of tenants and clarity of definition of rights of different classes of tenants, still there were similarities in some fundamental respects. Firstly, in both the regions there was a stratification among tenants. There were the highest

description of tenants having rights and permanency of rights as well as the lowest class of tenants with minimum rights or having no rights. Secondly, the most fundamental similarity lies in the fact that exactly similar words like jotedar, chukanidar etc. were current in both the regions to describe tenants of the same position. It could be found that in the contemporary period these words were in use only in the State of Cooch Behar and Baikunthapur region (in the permanently settled portion of Jalpaiguri district) and nowhere in any district of Bengal. As Baikunthapur along with the Western Duars tract earlier formed parts of the Koch kingdom, therefore, we can safely say that the land-tenure arrangement in the Bhutanese occupied Western Duars was nothing but a reflection of the Cooch Behari arrangement. The observed differences were not of kind but only in the higher degree of intricacy involved in the latter system. Thirdly, the composition and characteristics of the corresponding classes of tenants were also more or less the same. The orderliness of the Cooch Behari arrangement in terms of the clarity of definition of rights of tenants etc. is explained by the fact of prevalence of a good Government in the State of Cooch Behar and concern of its authorities for the welfare of its subjects which was unexpected in the Bhutanese occupied Western Duars for reasons stated above.

II.4.10 In the matter of stratification of the tenantry it can be found that in the Cooch Behari system it was of a higher degree than that of the Western Duars. This was for the simple reason that in the contemporary period the State of Cooch Behar was more populated and

therefore characterised by the presence of large number of settled cultivators which resulted in the larger degrees of sub-infeudation. In contrast to this there was lesser degree of sub-infeudation in land in the Western Duars. But the rights of the under-tenants were not defined or established in the Western Duars and as a result they were more oppressed and exploited through rack-renting, illegal exactions etc. Subsequently, in the British period, it could be found that though a little more intricacy crept in, the rights and obligations of different classes of tenants in the Western Duars were defined, at the same time, in clear-cut terms.

II.4.11 Doubts were raised by the British government official Mr. Metcalfe regarding the existence of an arrangement of land-tenure as described by Mr. Tweedie. He commented, "no jotedari rights such as those found by Mr. Tweedie, could have been respected or indeed have existed, under the Bhutias, as they cared for nothing except to realise all they would get in grain, pigs, spirits and money"<sup>33</sup>. In all probabilities, the system was not operative in the entire tract of Western Duars. It was possibly in operation in those parts of the Western Duars which were relatively more open, cultivated and relatively more populated. The pargana of Maynaguri was such a place. Grunning's Gazetteer of Jalpaiguri reveals that Mr. Tweedie prepared his report on the land-tenure arrange of the Bhutanese occupied Western Duars on the basis of interview of a Katham (Bhutia rent collecting officer), two jotedars of Maynaguri and information received from his Amins (native revenue officers) who narrated him the prevailing land-tenure arrangement of that part of

Western Duars<sup>34</sup>. This arrangement could never be in vogue in the entire area of Western Duars under the oppressive Bhutanese practice of revenue collection. It is to be noted that progress of cultivation in the Western Duars took place gradually from west to eastward<sup>35</sup>. Moreover, its interior parts were mostly inhabited by the tribes like Meches, Totos, etc. who were wandering people<sup>36</sup>. They were nomadic in nature and habituated to shifting cultivation, which was facilitated by the availability of vast amount of virgin land. Perhaps these people paid only 'dao-tax', capitation tax etc<sup>37</sup> and did not pay any land revenue and due to the unsettled nature of their cultivation no system of land-tenure could develop. Under these circumstances, it appears that a more or less formal arrangement of land revenue and land-tenure prevailed only in those areas that were adjacent to the State of Cooch Behar. On the other hand, in the more interior parts, informal arrangements were predominant due to its demographic and geographical features.

II.4.12 The conclusion that we can reach from the above analysis is that the land-tenurial arrangement prevalent in the Bhutia occupied Western Duars was nothing but that of the Cooch Behari type in a nebulous form. The Bhutias did not evolve any system. They only allowed the existing arrangements to prevail. In the absence of introduction of any reform it could not become systematic. In the latter periods the Britishers made attempts to systematise the land relations through the introduction of various reforms and modifications in the arrangements.

SECTION 5 : LAND REVENUE ARRANGEMENT

II.5.1 Let us now sketch the arrangements for revenue collection in the Western Duars during the Bhutanese rule with special reference to the land revenue and its administration. Historically it has been found that whoever might be the rulers - the Mughals or the Britishers, the chief objective of their administration was the management of the land revenue. The land-tenure system was developed as a means to achieve that objective<sup>38</sup>. The Western Duars region of the district of Jalpaiguri was not an exception to this fact. It is also a historical truth that in spite of changes of regimes, the rulers of the later days did not introduce major changes in the basic structure of land revenue arrangements and demands of the earlier days<sup>39</sup>. This tradition was maintained during the Bhutanese regime in Western Duars.

II.5.2 It had always been assumed in the Duars that every field under cultivation used to be reclaimed at the tenant's own expense from the original jungles. The Bhutanese custom was to leave land rent free for five years after reclamation. Thereafter, rent was assessed at area rates according to the hal or plough - a local measure of about five acres of best quality land where winter rice was grown. The old settlers were allowed to possess other lands free of charge. New comers were charged Rs. 2-8 a hal for all kinds of lands<sup>40</sup>. Detailed classification of land according to quality, location etc was not made. A special cess of one rupee a hal was levied for the cultivation of mustard seed. A local rate of one rupee a hal and two rupees per house

was levied for pujas (worship). There was a fee for irrigation channel, the number of which was very few. There were other taxes like the "dao tax", levied from those who temporarily squat in the jungles, taxes on looms, licences to trade and to ply boats. These were designed rather to "realise something from the wandering Mechis [Meches], the weavers and traders than to impose any additional burden on the permanent cultivators"<sup>41</sup>. In the Buxa duar, the land was used to be farmed out among people who paid a fixed deposit (jummah) on the estate. This deposit was irrespective of fluctuations in cultivation or in the number of ryots<sup>42</sup>. We have noted earlier that two forms of cultivating enterprise existed at this time - shifting and settled. The latter, because of its implications of higher productivity, and hence, surplus, was attached a greater social value both by the people themselves as well as the rulers<sup>43</sup>. The shifting cultivators belonged to various tribes such as the Meches, Bodos, Ravas, Totos, the Meches being predominant numerically. They would clear a patch of land, following slash and burn method and cultivate paddy, cotton, edible roots, pulses, millets etc. with tools like the dibble sick and hoe. They domesticated animals and spun coarse silk cloth (endi), often bartering these with their neighbours, probably for salt and iron articles such as knives<sup>44</sup>. However, from the fact that each family paid a capitation fee (or dao tax), calculated variously according to the number of adults in the family and sickles possessed, it can be said that as far as revenue collection was concerned, the unit of assessment was the family and not the tribe of the individual. The taxes were collected not by an indigenous tribal

leader, but by the Zinkaffs (messengers) of the Kathams (rent collectors). The Zinkaff came annually to each family to collect the taxes and other cesses. It is not certain whether the lands belonged to the individual families or to the tribe as a whole. Since the family was the unit of revenue collection, the land probably belonged to it. Even under settled agriculture the jote was the property of the family and not the individual<sup>45</sup>. However, it would not be surprising if the land at least initially, belonged to the tribe as a whole as it happens elsewhere<sup>46</sup>.

II.5.3 Mr. Tweedie, the first Deputy Commissioner of Western Duars after its annexation in 1865 found in his investigation that revenue was realised by Tahsildars (Kathams) directly from the jotedars during the Bhutanese rule. The undertenants of jotedars paid rent in cash or kind to the jotedars. From our analysis of land-tenure arrangement of the Western Duars we have seen that the rates of rent for the undertenants were higher than those for jotedars at every successive lower grades.

II.5.4 There was the widespread prevalence of the system of unpaid labour. It is recorded that the Totos, a tribe who inhabited the lower slopes of the hills, used to give labour in lieu of rent for land. They used to carry the Subah's burden from one place to another and build bridges annually<sup>47</sup>. Another tribe, the Mechis [Meches] used to pay rent in elephants tusk, stag skin etc<sup>48</sup>. In fact, this practice of resorting to the custom of unpaid labour was something new and was introduced in this area by the Bhutias whose origin was in Bhutan proper.

II.5.5 Another very common custom prevalent in the Duars was that of feeding the Bhutanese soldiers and officials who happened to be there or passing through them on some kind or other of official business. It would appear that corvee, forced requisitions, oppression of Bhutanese officials and 'endless' civil strife in the Duars made the lot of the cultivator an unenviable one. A large number of people migrated to Darjeeling Terai after 1850. Many of them were engaged in road building and working in the new settlement. Sometimes steps had to be taken to ensure continuity of cultivation and residence. Thus, when one tract was going to be deserted by cultivators, the Deb Raja (the temporal and de-facto ruler of Bhutan) took a series of remedial measures. He granted remission of taxes for five years. In order to encourage settlement of new ryots (tenants) six kinds of cesses were dispensed with. Requisitions for soldiers and officials were remitted for five years and concessions were granted to Meches and other tribes<sup>50</sup>. It is also reported that Bhutanese officials in the Duars used to receive payment for allowing their subjects the right to intra-Duar trade<sup>51</sup>.

II.5.6 The provincial Governors (Penlows) were endowed with abundant power. The policing of the country, the levy of taxes and the administration of justice were committed to them<sup>52</sup>. They kept the machinery of the Bhutan Government in motion with the help of a host of subordinate officials like the Subahs (Dzongpons) the Zinkaffs (messengers) in Bhutan and the Kathams in the Western Duars. The titles



of subordinate officials as narrated above underline the interesting fact that some are distinctly of Tibetan origin while others, specially in the plains, indicate a continuity since the days of the Mughals<sup>53</sup>. The point of uninterrupted tradition was not merely a matter of form. The functioning of the old system in the Duars plains appears to have been undisturbed<sup>54</sup>. Certainly, the Bhutias found it most suitable as they did not have sufficient man-power and dreaded the lower heights and the humid jungles of the Duars.

II.5.7 The officer entrusted with the administration of a Duars was known as Subah. A Subah was a Bhutanese and so a foreigner among the people of the Duars. He was the man who represented the Deb Raja in his judicial, military and mercantile capacities. His duty connected with the revenues consisted only in remitting a portion of it to the Deb Raja, while retaining another portion as remuneration for his trouble. He used to be appointed temporarily and that originated in the supremacy of the party in Bhutan to which he belonged. His continuance in office depended on that party's ability to remain in power. In hot and rainy seasons, he came down to the lower hills and visited the lower plains to enforce obedience or to invade the territory of the neighbouring States<sup>55</sup>.

II.5.8 Immediately below the Subah, officers were chosen from among the people of the Duars. "Almost all the principal officers in charge of these Duars plains were Kacharees, Assamese or Bengalees appointed nominally by the Sunnud (title deed) of the Deb Raja, but virtually

at the recommendation of the Pilos [Penlows] in whose jurisdiction they were comprised, and without whose sanction they would never be able to retain their situations for an hour"<sup>56</sup>. The chief subordinate officer was known in the Western Duars as Katham. This officer was a man of respectable birth and good repute in the country. But at the time of his appointment, due consideration was given to the highest bid, made by an individual applicant for the post, to pay the revenue of the district to the Subah. The recognised income of this officer accrued from the collections made from the 'specified localities', which he was allowed to retain for himself. The existing rent was generally low but between four to six times that rent was demanded by the Subah. The revenue officer under the Subah (i.e., the Katham) also kept for himself a handsome profit, very nearly equal to the sum he despatched to the Subah. In addition to their duties as revenue officers, the Kathams assisted the Subah in the exercise of civil and criminal authorities<sup>57</sup>.

II.5.9 The revenue of each estimated area was liable to be handed over to the Subahs by the Kathams. Subahs were chiefly revenue collecting officers who were not paid any salary from the Bhutan treasury but could only retain a portion of the revenue thus collected by the Katham for their personal expense. The tenure of a Subah depended on the volume of revenue which he could hand over to the Bhutanese treasury - larger was the transfer of revenue longer would become the tenure of his service. This peculiar service condition would necessarily induce a

Subah to demand revenue from a Katham, who was entrusted to the revenue collection of an area, more than what was usually estimated to be paid by the local inhabitants. It has been recorded that the decent of a party of Bhutanese Zinkaffs in the Duars was regarded as a calamity by the local inhabitants<sup>58</sup>.

II.5.10 It would, however, be appropriate to locate the sources of harassment and misery of the inhabitants of Western Duars in the institutional arrangements in Bhutan itself rather than attribute them to the wickedness of a number of border chiefs. Pemberton is forthright in saying that "every official endeavours to gather as much property, as possible during his tenure of an office which he is aware is likely to be but of short duration and as the removal of the superior is generally attended by the dismissal of every subordinate under him at the same time, the incentive to speculative industry exists in every grade"<sup>59</sup>. Under the circumstance, the cultivator was the actual victim of the system which deprived him of the rewards of his labour.

II.5.11 The above delineation is suggestive of the fact that the demand for revenue under no circumstances could have any link with the revenue earned from land cultivated by local inhabitants. The settlers in the vast wasteland of Western Duars were liable to pay such revenue as might be fixed, and also occasional benevolences. To be precise, the inhabitants of an area under the jurisdiction of a Subah would be liable to pay whatever amount the Subah would require to appease his higher authority. This was how the revenue liability of an

area was determined under the so-called rule of the Bhutias.

II.5.12 Writing on the revenue system of Bhutan, Eden observed, "Strictly speaking there is no system. The only limit on the Revenue demand is the natural limit of the power of the officials to extort more .... There never was, I fancy, a country in which the doctrine of 'might is right' formed more completely the whole and sole law and custom of the land than it does in Bhutan"<sup>60</sup>. Thus the only motive behind the so called Bhutanese arrangement of revenue collection in the Western Duars was the limitless extraction, resulting in severe oppression of the local inhabitants. The rights to real or personal property was limited by this oppressive custom evolved by the Bhutias for the entire region of Western Duars.

II.5.13 Surgeon Rennie had viewed the matter in a little different way. According to him, Ashley Eden who was writing under a sense of "personal insult and political failure" suffered from a tendency to "over-state Bhutanese defects"<sup>61</sup>. Commenting on the revenue system prevailing in the Duars, Rennie writes : "It would seem doubtful whether the Bhutanese mode of collecting their revenues from the Duars was so unsystematic as Mr. Eden's note of it implies; because since our annexation of them it has been determined in the first instance, to continue collecting it in the same manner as the inhabitants had been accustomed to under Bhutanese rule"<sup>62</sup>. But this view of Mr. Rennie does not appear to be entirely warranted in view of the fact that the Britishers kept the old traditions and customs uninterrupted for a few

years after their annexation as they thought it wise not to "venture into the unknow" and not because that it was a systematic one. Because we see that later on they introduced reforms to "systematise" the land and revenue relations in the Western Duars through various survey and settlement operations and enactment of land laws and rules. Moreover, whatever system was there, it was not always respected and maintained. Mr. Sunder in this context observed : "all rights, whether to real or personal property must be taken as subject to this limitation that they were continually violated, particularly during the civil war which immediately preceded our annexation"<sup>63</sup>. This view of Mr. Sunder, therefore, also contradicts Surgeon Rennie's observation.

#### SECTION 6 : SUMMARY

II.6.1 The ultimate picture of the agrarian situation in the Western Duars, on the eve of the British annexation, can be summarised thus.

II.6.2 It is found from available historical records that Western Duars once formed a part of the Koch kingdom but fell into the hands of the Bhutias when the kingdom began to disintegrate. The Bhutias dominated over the tract until the Anglo-Bhutan War of 1864-65 when the Britishers wrested the land from the Bhutias and formed a new and separate district of Western Duars.

II.6.3 The sole motive which led the Bhutias to rule over Western Duars was to extract as much revenue as possible from the acquired region. In so far as their objective could be achieved, they did allow the old custom and tradition to operate. The demographic characteristic of the region was such that whereas the areas adjacent to Koch kingdom were mainly populated by the Koches or Rajbansis, the rest of the region was frequented by tribal people who mainly squatted in the jungles and practised shifting cultivation. The State of cultivation thus varied as one proceeded from the south to the north towards Bhutan where vast portion of the region was covered with dense jungles with occasional signs of habitation. But in the southern parts, where settled agriculture had been fairly in practice, found the development of some relations on land mainly along Cooch Behar's lines. The tenurial arrangement as such had long prevailed customarily in these portions of Western Duars even before the Bhutanese control over the region.

II.6.4 But it is really doubtful whether such arrangement could ever prevail among the migratory tribals who lived over a major portion of Western Duars. In fact, it could safely be presumed that unlike jotedars and their sub-tenants, such as chukanidars or others in the region with settled cultivation, the tribals pursued their material activities under the direction of their chiefs, locally described as Gaburs, Mandals, Dewnias, etc., who used to hold land on behalf of the tribal people under their domination<sup>64</sup>. The peculiar arrangement which the Bhutias had introduced for Western Duars for the collection of revenue had nothing to do with the state of cultivation of an area and as such with the tenurial arrangement.

II.6.5 Under such circumstances, a market for land did not develop. Absence of any social tension could also be safely presumed. In fact, the only tension from which the inhabitants had to suffer originated from the peculiar Bhutanese arrangement for collecting revenues from the acquired territory.

II.6.6 The revenue demanded from an area had nothing to do with the capability of an area to pay revenue. This was so, because the task of revenue collection from an area was entrusted to a local person of repute who promised the highest bid. He had no fixed remuneration for the service he rendered, but had a fixed locality from which he earned income. The more he could despatch to his immediate superior task-master, the longer his tenure could be assured of. Similarly the highest revenue official did not get any fixed salary from the Bhutanese treasury, but depended entirely on the revenue handed over to him by his subordinate officers from which he could keep a portion of the revenue for his own expense, despatching the other portion to the Bhutanese capital. But in this case also, the more he could despatch to the Capital, the more secured could be his position. Thus, every stage of revenue collection during the Bhutanese regime was marked by 'excesses'.

II.6.7 In such a state affair, the Bhutias, irrespective of the state of cultivation of an area, would take village as a "unit" for the payment of revenue, no matter as to how the revenue was deposited with the local revenue official. The coercive way in which revenues were collected by the Bhutias it is natural to suggest that they were

interested in "money, pigs and spirits" only. It was of no concern for the Bhutias whether the revenues were handed over by the jotedars or the tribal chieftains. Everywhere the local official would demand whatever they thought fit. All the inhabitants of Western Duars had to pay always both in kind and cash, a host of gifts, benevolences and various other demands made from time to time, not only by the local officials but also by the party of Bhutanese officials who would arrive frequently in the plains of Duars from the Bhutanese capital. The exploitative nature of revenue collection had rendered the plight of the inhabitants of Western Duars to a pitiable state and sometimes caused desertion of a village. Perhaps the migratory habit of the tribals of Western Duars got impetus not only from the availability of vast virgin soil but also from the torture and sufferings inflicted on them by the Bhutias. A large area of Western Duars remained a happy hunting ground of the Bhutias where no sign of change was visible since the days it was described as the "land of independence"<sup>65</sup>, until peace was restored by the Britishers towards the later part of the sixties of the 19th century.

II.6.8 The Bhutanese arrangement of revenue collection also leaves scope of doubt as to whether inhabitants of the areas where there were settled cultivation could actually hold land hereditarily. Because, at the time when there was no written document, the existence of any right to any kind of property is a doubtful proposition. Classification of land, on the basis of fertility, location etc, was not made. Jotedar's revenue payment obligation depended neither on the type of land he held



nor on the capability of his earning from land. In fact, revenue was demanded from a village as a whole, and it was the local official who would distribute the payment obligation among the inhabitants in accordance with what he was obliged to pay to satisfy his immediate superior task-master. The ultimate victim of such an arrangement of revenue collection would naturally be the undertenants and projas (share-croppers) on whom would fall the burden of handing over such a portion of produce which would enable their giris (landlords) to despatch an amount desired by the revenue collector. This arrangement was bound to encourage frequent desertion of villages by the projas in order to avoid obligation of payment. Excessive demands of the local officials also sometimes compelled jotedars to desert their land in order to free themselves from the clutches of a particular Bhutanese official of a particular area.

II.6.9 Thus, attachment to land, tenurial arrangement, creation of property rights and even the social relations among the people of Western Duars were regulated by the Bhutanese revenue arrangement. All the inhabitants, whether holding land individually or collectively had a Bhutia repression-phobia which perhaps stood in the way of a sharp differentiation among the peasantry based on differential economic conditions. All of them considered themselves to be equally prone to the Bhutia repressions.

II.6.10 Still then, the Bhutanese arrangement had injected some sort of differentiation in the Western Duars society. There emerged two

distinct classes - one, who were the victims of the Bhutia oppression and the other were the oppressors. The common people belonged to the first category, the local revenue collectors belonged to the second. It was revealed on enquiry made immediately after the British annexation that the local inhabitants of the second category had no title to land but were merely revenue collectors. They did not till the land, but earned revenue from it. Hence, they appeared to form a "rentier class". Initially after the British annexation, it had been proposed to give them temporary settlements in lieu of drawing their earnings from the specified localities during the Bhutanese regime. This second category of people because of their high birth and close connections with the Bhutanese durbar through the Bhutia officials, had begun to consider themselves to be different from other peoples of the locality. Thus, class differentiation in a rudimentary form did appear in the Western Duars society during the Bhutanese rule. This got further impetus for proper regimentation due to multifarious factors imminent on the introduction of the British administration in Western Duars. It is thus clear from our above delineation that development of agriculture and economic development in general was retarded or did not get impetus due to the absence of any systematic land-tenure and revenue relations and constant fear of the inhabitants from the Bhutanese government officials in the event of producing more goods, earning more income and accumulating more fortune.

II.6.11 On the introduction of the British administration, the whole region remained no longer a region inhabited by oppressed people. A host of changes in every aspect - social, economic and political - slowly but steadily began to take place when peace was restored and oppressions were stopped in the region after the Anglo-Bhutan War of 1864-65. An attempt has been made in the following chapter to delineate the transformation of the economy and the society of Western Duars during the British rule.

N O T E S                      AND                      R E F E R E N C E S

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2. Ibid.
3. Ibid.
4. Choudhury, H.N., The Cooch Behar State and its Land Revenue Settlement 1903, pp. 263-64.
5. Sen, A.K., Western Duars - Past and Present, in Jalpaiguri District Centenary Souvenir, 1869-1968, pp. 48-57.
6. Dalton, E.T., Descriptive Ethnology of Bengal, p. 96.
7. Sen, A.K., op. cit., p. 50.
8. Ibid., p. 51.
9. ✓ Eden, A., Report on the State of Bootan and on the Progress of Mission of 1863-64, p. 17.
10. Sen, A.K., op. cit., p. 52.
11. Earlier it was a part of the Koch Kingdom and ruled by the vassals (called Raikats) of the Koch Kings and paid tribute to the latter. By 1625, the former became independent. About 1680, the Raikats acted as the protectors of the Cooch Behar State. Ibid., p. 52.
12. Ibid., p. 54.
13. By this Treaty the Western Duars region was permanently annexed to British India.

14. The delineation is based on the report of Mr. J. Tweedie, the first Deputy Commissioner of the Western Duars, inserted in Hunter, W.W., A Statistical Account of Bengal, Vol. X, 1876, pp. 283-92. Mr. Tweedie left a note on the land-tenure arrangement of the Western Duars during the Bhutanese period.
15. Ibid.
16. See note 14 above.
17. Ibid., p. 28.3
18. Ibid.
19. Ibid., p. 284.
20. Pearce, R., "Sharecropping : Towards a Marxist View", in Byres, T.J., Journal of Peasant Studies, Vol. 10, Nos. 2 & 3, 1983.
21. Sen, A.K., op. cit.
22. "Cacchegate" mentioned by Ralph Fitch was situated about 20 miles to the north of Cooch Behar.
23. Letter from the Collector of Rangpur to Warren Hastings, 20 January 1773 (Comm. Cir. Pro.), p. 126.
24. Cooch Behar Select Records, Vol. I, pp. 1-2.
25. Foster, W., Early Travels in India (1583-1619), Oxford, 1921, p. 27. Fitch visited Bengal in 1585-86; and Cooch Behar, a little later.
26. Wessels, C., Early Jesuit Travellers in Central Asia, 1603-1721, The Hague, pp. 122-25. Jaigaon is nearly in 26.50 north latitude and 89.28 east longitude, and about 30 miles straight in the district of Cooch Behar.
27. ✓ Majumdar, A.B., Britain and the Himalayan Kingdom of Bhotan, Bharati Bhawan, Patna, First edition, 1984, p. 19.
28. Published according to the Act of Parliament, 15th August, 1779. Please see Map 3.

29. This is indirectly corroborated by at least two authoritative documents of the land-tenure system of Cooch Behar. These two documents are - (1) H.N. Choudhury's "The Cooch Behar State and its Land Revenue Settlement" (1903) and (2) W.W. Hunter's "A Statistical Account of Bengal", Vol. X, 1876.
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31. Milligan, J.A., Final Report on the Survey and Settlement Operations in the Jalpaiguri District, 1906-16, p. 87.
32. Hunter, W.W., op. cit., p. 390.
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48. Ibid.
49. Deb, A., op. cit., p. 117.
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51. Letter addressed to Capt. Jenkins from Brodie Ensign, dated Falakata, the 22nd March, 1834, Foreign Political Proceedings, August 28/34, No. 53, N.A.I.
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63. Sunder, D.H.E., op. cit., p. 16.
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