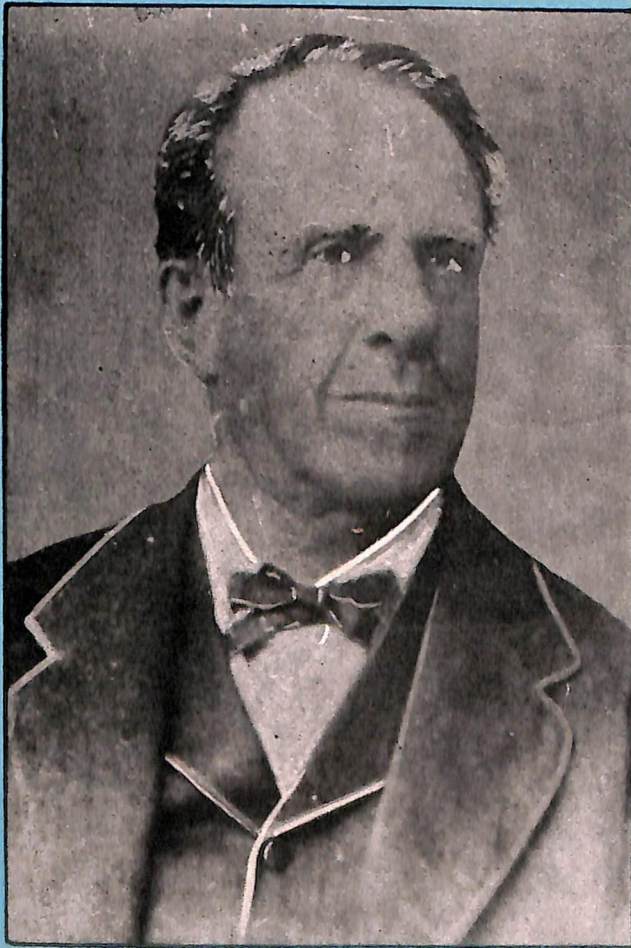


**BRITISH
ADMINISTRATION
IN KUMAON
HIMALAYAS**

A K MITTAL



British Administration
in
Kumaon Himalayas

(A Historical Study—1815-1947)



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Preface

KUMAON is an integral part of the Indian heritage. It is difficult to ascertain the antiquity of the word 'Kumaon'. People believe it to be a natural evolution from the word 'Kurmanchal', named after the incarnation of lord Vishnu as a tortoise (Kurma).

Little is known about the administration of Kumaon prior to 2500 B.C. B.D. Pandey is of the opinion that from 2500 B.C. to 700 A.D. this area was ruled by a Suryavanshi clan known as 'Katyuri', while Rahul Sankrityayan puts them between 850-1050 A.D. After the decline of the Katyuri dynasty, the Chands emerged as another prominent dynasty in Kumaon. According to B.D. Pandey they ruled Kumaon from 800 to 1790 A.D., but Rahul Sankrityayan puts their rule between 1400 to 1790 A.D. Earlier the capital of the Chand rulers were Champawat but it was changed to Almora somewhere around 1560 A.D. and thereafter Almora became the nucleus of the Chand dominion. The Chand dynasty ruled Kumaon upto 1790 when it was uprooted by the Gukhas of Nepal. The Gurkhas ruled Kumaon for a short period. In 1815, by the treaty of Saigauli, Kumaon was annexed by the British. The treaty of Saigauli also ceded Garhwal to the British. Thus, the British Garhwal also became part of Kumaon Commissionery. Upto 1839, Kumaon Commissionery constituted only one district known as Kumaon, but in 1839, it was

divided into two districts—Kumaon and British Garhwal. In 1842, another district was formed known as the Tarai district. This arrangement continued upto 1891. In 1892, the names of the districts of Kumaon Commissioner were changed and the new districts were named Almora, Nainital and British Garhwal. This system remained in force throughout the British rule. Earlier the headquarter of the Kumaon Commissioner was Almora which was shifted to Nainital in 1857.

During the earlier 19th century the British conquered States (e.g. Oudh and Kumaon) were constituted as non-regulation areas. They were governed directly by the Governor-General with the assistance of a Commissioner and had separate rules and regulations as it was believed that the laws of the regulated provinces might not suit the local conditions of these areas and implementation of identical laws would do injustice to the people of these areas. Therefore, here the Commissioner was much more powerful than his prototype in the regulated areas. The Commissioner of Kumaon had, in civil and criminal cases, the powers equivalent to the powers of a High Court Judge and a Sessions Judge, respectively.

From the historical viewpoint, Kumaon to this day remains a relatively unexplored area. The rugged topography and terrain, had made communication extremely difficult, resulting, to a certain extent in an insular outlook and an indigenous administrative history. The present work is an innovative endeavour to collect, collate and synthesize the administrative history of Kumaon. It is an exercise in local and regional history of Kumaon. Kumaon, then administered by the British, has now become one of the most significant and sensitive areas owing to persistent Chinese danger across the border. The Chinese danger has rudely disturbed the equanimity of life in regards to this frontier. It will be interesting here to mention that even the British had recognized the significant geographical situation of Kumaon and thus implemented comparatively liberal and reformative administrative policies here. Thus, it would be fruitful to take a national and historical perspective of Kumaon. Accordingly this volume attempts to make an in-depth study of the life of the people

of this area against the background of its administrative history.

The present study has been done with a view to fill this important lacuna in our knowledge of Kumaon. Thus, this work has the practical intention of increasing our understanding of what administration actually is and how it can be more effective under the conditions and challenges of Indian life especially in the backward areas like Kumaon. It also brings to light the true aims and modes of operation of the British administrators which will prove instructive to our present generation of administrators by acquainting them with the merits and demerits of the administrative policies adopted by their predecessors.

This work deals with the Kumaon region according to its present geographical boundaries although references to have been made, wherever necessary, to the adjacent Garhwal. This has been done to provide more depth to the work. The work has been divided into eight chapters and four appendices. A brief but critical study of the history of pre-British Kumaon has been made in the first chapter, showing the differences and changes introduced by the British. As the administrative history of Kumaon would have been incomplete without a mention of the political events that shook the country, the political history has also been critically analysed. Land settlements played a vital role in the economic life of the people of Kumaon, so the history of the land revenue settlements has been described in the third chapter. Other sources of revenue and its administration have also been mentioned in the same chapter. The administration of police, justice and prisons has been described in the fourth chapter. The fifth chapter refers to the administration of health and education and the sixth chapter to the public works—the most important work being the colonization of Bhabar. The seventh chapter deals with the development of agriculture and the forest policy of the British. The eighth chapter, i.e., the conclusion sums up the failures as well as the achievements of the British and their impact upon the people of Kumaon.

Appendix I gives the names of the Commissioners of Kumaon and the period for which they held office. In appendix

II, a brief biography of Sir Henry Ramsay, the most illustrious commissioner of Kumaon, has been sketched about which nothing was known hitherto. In appendix III, some interesting decisions given by Ramsay have been mentioned which are related to Kumaoni custom of *Sauita-Bant* and *Bhai-Bant*. Appendix IV refers to the economic life of the people of Kumaon during the British rule, the trans-Himalayan trade with Tibet and the British policy towards Tibet which shows that under the camouflage of the Tibetan trade through Kumaon, the British kept an eye over Tibet as they felt apprehensive of some Russian menace there.

The relevant records available at the Commissioner's Library, Nainital; Secretariat Library, Lucknow; the State Archives, Lucknow; the National Archives, New Delhi; and the National Library, Calcutta were thoroughly studied to scrutinize the various British policies implemented in Kumaon and their impact on this region. Standard works on the economic, social political and administrative history of Kumaon were also consulted alongwith some important articles of historic value in local and regional publications to make the work as complete and broadbased as possible. A number of freedom fighters and old people who had been British subjects in Kumaon were also interviewed and, to add greater dimensions and comprehensiveness to the work, valuable matter was also collected from India Office Records, London, and India Office Library, London.

The author is confident that this study, being a pioneer work, will greatly improve our knowledge of the regional history of Kumaon. Further, as it covers a long period of one and a half century and deals with various phases of the history of Kumaon, it will open new avenues for more fruitful research in the future.

It is not possible for me to find adequate words to acknowledge my deep debt to Dr. G.N. Dwivedi and Dr. (Mrs.) Shakambari Dwivedi for their guidance and encouragement. I am also grateful to my wife Dr. Renu Mittal for her patience and assistance, and to Dr. S.A. Hamid, my colleague in the Department of English for his useful suggestions. While working on this project, I came into contact with a large

number of people including officials in the rural and urban areas and I feel it difficult to express my sincere gratitude to all of them individually for their kind assistance and guidance. Here I would like to mention particularly Sri Jugal Kishor Joshi of Almora, who provided me with some old copies of "Almora Akhbar" and letters written by Ramsay from England to Mr. Joshi's grandfather, Shri Badri Datt Joshi. I am also thankful to the Librarian of the India Office Library, London and the Keeper, India Office Records, London, who sent me transcripts of valuable records ; and to the Director, National Archives, Delhi ; Director, State Archives, Lucknow and the Librarian, National Library, Calcutta, for very kindly permitting me to work there.

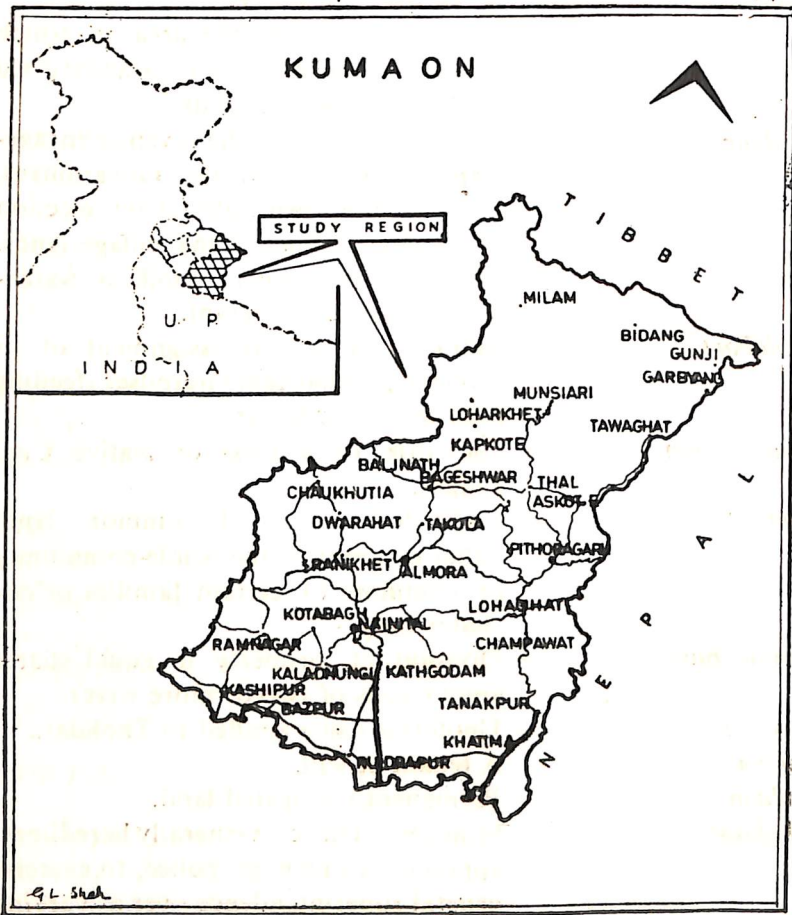
I am also thankful to the University Grants Commission for the financial assistance provided to me for this research project.

ARUN K. MITTAL

Glossary

- Asami* — A cultivator or tenant.
- Bhent* — Irregular dues taken by Thokdars, Padhans from tenants, usually in cash.
- Bisi* — 20 nalis=4800 sq. yards or practically an acre.
- Coolie Bardayash* — To supply free ration to the British officials on tour by the local people.
- Coolie Begar* — To work for the British officials on tour, by the local people, without payment.
- Coolie Utar* — Duty of the local people to provide coolies to carry the luggage of the British officials. The officials were expected to pay, but normally they did not.
- Gunth* — Land, the revenue of which has been assigned to a religious endowment.
- HG* — Himalayan Gazetteer
- Hissa* — Coparcenary share of a proprietor.
- Hissadar* — Coparcenary proprietor.
- Irjan* — Inferior terraced land cultivated intermittently.
- Khaikar* — An occupancy tenant.

- Malguzari* — Land Revenue.
- Ma Wari-Bant* — Division of *Sanjait* land equally by families (irrespective of their proportionate shares in the village).
- Munsif* — A Native Civil Judge.
- Nali* — A measure of land, the area in which two seers of wheat is sown, standardised by Traill as 240 sq. yards.
- Padhan* — The person holding the revenue engagement (Patta) with the Government, either in his own right or by election of the share-holder of the village lands.
- Pahari* — The village messenger, unofficial watchman and general servant.
- Sadabart* — Grant of land and assignment of its revenue for charitable purposes (feeding pilgrims in particular).
- Sadar-Amin* — The title of a class of Native Civil Judges.
- Sanjait* — Undivided measured common land, either common to the whole community or common to certain families or co-shares only.
- Sautia-Bant* — Division of property in equal shares among sons of two or more wives.
- Sayana* — Unofficial name applied to Thokdar.
- Sirtan* — A tenant at will.
- Talaon* — Permanently irrigated land.
- Thokdar* — Ministerial Officer. Generally hereditary, appointed to manage police, to exercise general superintendence over a varying number of villages.
- Upraon* — Dry terraced land.
- Zamindar* — An agriculturist, the term had none of the connotation that it had in the plains. It was often used with a flavour of contempt, "a mere villager."



Historical Background

KUMAON was ruled by the Katyuri, Chand and Gurkha, the three eminent dynasties respectively, before it was finally conquered by the British in 1815. In order to get a more comprehensive picture of the pre-British Kumaon, it is necessary to assess the administrative policies implemented by the rulers of those dynasties.

It appears that the political system that prevailed during the Katyuri rule was monarchy.¹ According to Rahul, the Chands, the successors of Katyuris, adopted the same system.² But B.D. Pandey³ is of the opinion that Som Chand, the first ruler of the Chand dynasty introduced the party-system government for the first time in Kumaon. Pandey calls this system as the *panchayat* or democratic way of administration. During the Chand period the king was the absolute authority. Although they used to take the advice of the leaders of different parties, they were not bound to take their consent or approval in finalising any policy. Further, Pandey finds the incompetence and debauchery of the kings as one of the important reasons for the decline of the Chands.⁴ Since they wielded absolute powers and were all in

all in the state, they became autocratic and misused their power which led to their eventual decline.

Chand rulers were not elected by or on the will of the people, but they required the throne by inheritance. This certainly was undemocratic. In the absence of necessary evidence, no authoritative views can be expressed on this matter. To call Chand's rule as democratic does not appear to be reasonable, although it may be considered (in the words of Pandey) as a 'Panchayati Rajya',⁵ which has certain similarities with the present system of government in Nepal.

During the Chand period there were two *Mandals* (confederations)—*Talla* and *Malla Mandals* having four 'Burhas' of different clans called Karki, Baura, Chaudhuri and Taragi, with whose assistance the Chand rulers used to run the administration. In these *Mandals*, there were a number of *pattis*, the Chief of each *patti* being the 'Thokdar' who worked under the *Burhas*. During the period of Som Chand, the Thokdars of Visunga * were very influential. When they were subjected to extra taxation by the king, they retaliated by beheading all the *Burhas*.⁶

To restore peace, Som Chand asked the 'Thoks' of Visunga *patti* to choose any two out of them, who would be appointed as *Burhas*. One *Mara* and one *Phartiyal* was selected who were accorded the same respect as the other *Burhas*. They were customarily awarded with 'Pagari' (turban) also. Soon these two *Burhas* became very powerful and later formed two factions *Mara* and *Phartiyal*. These two were the most prominent parties which played important role throughout the Chand reign. Besides these two factions, there were other parties of less importance also and their advice was sought only on some special occasions. Later all these parties, i.e., Char-Chaudhuri, Goriya Panch Biriya, Khatiman, Brahman, Pauripandrah Visra etc., merged in the *Mara* and *Phartiyal* factions.⁷

In this way with the help of the party in majority, the kings used to rule, but it should not be forgotten that they were the

* There were five *Thoks* in Visunga *patti* namely—*Mara*, *Phartiyal*, *Daiva*, *Dhek* and *Karayat*.

absolute monarchs and no party could do anything against their will or without their consent.

Revenue Administration of Chands

It appears that the Revenue Administration in Kumaon upto 1790 was based on the old traditional policy. The Chands followed the same system which was prevalent during the Katyuri rule, although the names and the designation of some posts were changed due to the Muslim influence.⁸ The main source of revenue during the Chand period, except that of land revenue was the 'Thirty-six' taxes of different kinds, of which the principal were as follows⁹ :

- | | | |
|------------------------------|---|--|
| 1. Jguliya | — | Levied on the Jhula or the Bridges |
| 2. Sirthi | | Land tax to be paid in cash |
| 3. Baiker | — | Land tax to be paid in kind (Grain) |
| 4. Rakhiya | — | Payable on the occasion of Raksha-Bandhan |
| 5. Kut | — | Grain taken in place of coins. |
| 6. Bhait | — | Gifts to the royal princes or to the king |
| 7. Ghoriyalo | — | For the horses of the king |
| 8. Bajdar | — | For the Mahajan |
| 9. Bajania | — | For Dances |
| 10. Bhukaria | — | For the Horseman |
| 11. Manga | — | Money asked by the king from his people in time of need. |
| 12. Katak | — | For Army |
| 13. Syunk | — | Fees to be paid to the King at a fixed time |
| 14. Kaminchari
Sayanchari | — | For Kamins and Sayanas |
| 15. Gaskha
Negi | — | For Patwaris and Kanungos. |

Besides these sources of revenue, an inscription of King Dip Chand mentions following taxes also :¹⁰

- | | | |
|-------------------------|---|---------------------------------------|
| 1. Sahus and
Ratgali | — | For the writers or the record keepers |
|-------------------------|---|---------------------------------------|

2. Kukuryalo — A tax for king's hounds
3. Vajdat, — Were the payments given for main-
Vajaniya & taining keepers of banks, musicians
Vakhariya and dancers, and the King's grooms.
respectively.

Traill has mentioned some other taxes also namely, *Mauker*, *Grihkar*, *Gheekar* and a tax taken from the Koliyas (weavers). In Tarai and Bhabar one more tax named *Gai-charai* used to be taken. All these taxes were called "*Chhatis Rakam and Battis Kalam*"¹¹, showing as if there were sixty-eight taxes in all, but in reality the number of taxes was less. Besides these taxes; forests, judicial fines and mines were the other sources of revenue.¹²

Under the Chands, the cultivating community comprised of three large classes¹³—(1) *Thatwans* or proprietors, (2) *Khaykars* or *Sirtans*, i.e., the cultivators who enjoyed the produce of the land on the condition of paying the land tax (Kar) either in kind or in cash, (3) *Kainis*, or the house-hold slaves.

The 'Thatwan' was the proprietor of the 'That' (piece of land) allotted to his name. Thatwan could not relinquish his 'That' suddenly and he was responsible for the revenue of that piece of land.¹⁴ The 'Thatwan' had to pay directly to the King's treasuries. He could sublet his 'That' or a piece of his 'That' to others.¹⁵ These became the 'Khaykars' of the 'Thatwan' and were responsible for the payment of 'Sirti' and 'Juliya'.¹⁶ The 'Thatwan' could also become 'Kaini' when the king donated the land to a Brahman or to the family of an expired soldier, or to one of his courtiers. In such cases the 'Thatwan' became the 'Kaini' of the new 'Thatwan'. If any 'Thatwan' wanted to leave his 'That', he had to put a paisa in the dust or stone of his 'That' before the King and then he had to request the King to free him from his 'That'. No 'Thatwan' could forcibly be converted to 'Kaini'.¹⁷

During the Chand period, 'Khaykars' were not permanent and could be sacked by the 'Thatwan'. Their children could not get *Khaykari* without the will of the 'Thatwan'. The tax was paid in the form of grain. Sometimes Khykars had to do private work of the 'Thatwan' also.¹⁸

The 'Kaini' had to render personal services to the 'Thatwan' also. He had even to perform the duties of a domestic servant to the 'Thatwan'. The 'Thatwan' could sell the 'Kaini', but not without the land. The 'Kaini' could also sell his services to others. The 'Kaini' had to face royal punishment on disobeying the orders of the 'Thatwan'.¹⁹

The rules for the payment of revenue were very harsh and there was a complete set of officials for collecting the revenue. The lowest official was 'Pahari', who worked as the door-keeper of the village also.²⁰ He used to carry letters from one place to the other, to collect grain and to perform other important duties of daily routine. The *Pahari* was used to be subordinate to the 'Kotal' and the Kotal to the 'Padhan'. Padhan collected revenue and also performed the police duties.²¹ The 'Kotal' was appointed by the *Padhan* and could also be dismissed by him. The 'Kotal' used to assist the *Padhan* in his duties and served as the writer of all matters.²²

Above the *Padhan* were the *Sayanas* or *Burhas*.²³ (In some places *Burhas* used to be called as *Thoks* also). There was no officer between them and the King, as far as revenue matters were concerned. The duty of the *Burhas* was to collect the revenue and deposit it in the royal treasury.

Atkinson,²⁴ praising the revenue administration of the Chands, calls it a unique record of the civil administration of a hill state, untainted almost by any foreign admixture, uptill the Gurkhali conquest and subsequently the British occupation, Kumaon was always independent. Pandey, supporting Atkinson's view, has also praised the revenue administration of the Chand.²⁵

Although the revenue administration of the Chands had the above characteristic features and they donated a large amount in cash and 'That' to temples as 'Gunth'.²⁶ It appears that they thought the easiest way of appeasing the people and God was to build temples. If the priest of a temple was a noble man then everything went on as it should, but if he was a wicked man then the temple became the centre of vulgarity, corruption and debauchery. It is really surprising that one-fifth of the produce and the producing 'That' was donated to temples as

'Gunth'. Besides *Gunth*, the inscriptions of Chands refer to a number of other grants made by them in favour of different people. This system of land grants, was a usual and common practice at that time, which resulted into tremendous loss of revenue and it may be considered as one of the reasons of the downfall of the Chand dynasty.

Administration of Justice

During the Chand period, the centralised courts of justice were unknown.²⁷ The disputes were decided by the Village Panchayats and the village elders were guided by their traditions and sense of right and wrong. It was mainly the system of judicial administration in those days which preserved the customary law of the *Khasas* from the inroads of Brahmanism.²⁸ The 'Padhan' or 'Thokdar' used to be the *Sarpanch* and their Panchayats dealt not only with social matters but civil and criminal also. In Almora, the Panchayat is described as a primitive Court of Justice. The accused, if found guilty, had to sign a *Kailnama* or admission of guilt, which was countersigned by all members of the Panchayat and handed over to the complainant.²⁹

It appears that *Divya* (ordeals) were also used³⁰ in difficult cases where there was no eye-witness.

Unfortunately not much is known about Chand's administration of justice yet it can be concluded that the King was the highest authority but generally cases used to be decided by Panchayats.

THE GURKHA RULE IN KUMAON (1790-1815)

After the decline of the Chand dynasty, Gurkhas ruled Kumaon for about twenty-five years. Joga Malla Shah was the first *Subba* (Governor) to manage the affairs in Kumaon. He was succeeded by Kazi Nar Shahi, supported by his deputies, in 1792. The rule of Nar Shahi was marked by cruelties, hence he was replaced by Ajab Singh Thapa in 1795.

At that time two factions arose in Nepal and for a long time their quarrels affected the Gurkha rule in Kumaon also. One party was the 'Chautara Party' named after the titles of their

principal leaders who were either sons or nephews of the royal house, the other party being the 'Thapa Party', springing from the common men of the Gurkhali state, and raised to power by military successes.³¹

In 1797, Bum (Bhim) Shah of Chautaria party with the help of his brother Rudravir Shah, managed the Kumaon administration. In 1798-99, Ajab Singh took charge of Kumaon as its Governor. From that time several Governors ruled over Kumaon namely Dhaukal Sun Singh, Kazi Gazeshwar Pandey, Rituraja Thapa till 1806, when once again Bum Shah became the Governor of Kumaon and ruled upto 1815, i.e., till the end of the Gurkha rule in Kumaon.³²

During the Gurkha rule in Kumaon the administration was in the hands of military officials,³³ who ruled with an iron hand.³⁴ The official papers of that period reveal the fact that all the important posts were reserved for the Gurkhas only and the Gurkha officers treated the Kumaoni people with great contempt.³⁵ Due to the calamities inflicted upon the Kumaoni people by the Gurkhas, there are certain proverbs which are still prevalent in Kumaon, such as "Gorkhyani Jai Ke Lai Row"³⁶ and "Gorkhyani**."³⁷ Renowned poets Mola Ram³⁸ and Gumani³⁹ have also deplored the Gurkha administration.

Actually, the Gurkha rule in Kumaon was hardly a systematic or well-defined administration. Although the military officials, who administered Kumaon, used to receive instructions for their guidance from Nepal, they were more busy in plundering and looting the wealth of Kumaon. They did what they liked and there was none to check them. Their cruel ways of ruling Kumaon are quite obvious from their administration of revenue and justice.

Revenue Administration

The Gurkhas, completely revised the Revenue system. The tradition of 'Chhatis Rakam Battis Kalam' was taken-off and the taxes imposed were—Kaukar, Tandkar, Mijhari, Ghikar,

* This is not the Gurkha rule.

** Bad Administration.

Salamiya or Salami and Sonya Phagun, Nazarana, etc. The Gurkhali revenue-roll for 1812 shows the following taxes⁴⁰ :

<i>Gurkhali Revenue Roll for 1812</i>	<i>Amount</i> (in Rs.)
1. Land Revenue	85,825
2. Ghikar	2,252
3. Salami	2,743
4. Mijhari	621
5. Tandkar	50,741
6. Soniya Phagun	1,360
7. Customs and Transit duties	7,500
8. Mines and Mint	2,400
9. Kuersal	3,200
10. Kathbans	1,200
11. Other Customs	162
12. Asmani	2,500
	Total 1,64,526

This table also shows the sources of revenue. Besides these there were also certain other sources of revenue, the most dominant was the 'Slave Trade'.⁴¹ The slaves were sold in Haridwar. A good number of slaves were sold every year from Kumaon.⁴² The value of these slaves varied from Rs. 10.0 to Rs. 150.0 only. The 'Kamins' and the 'Sayanas' of the Patti Kaulkarar, were instructed to check the slave trade by the Central government, but the orders were generally not obeyed and no officer was ever punished for disobedience. According to a hearsay, Gurkhas forcibly convicted and sold more than thirty thousand slaves in one year (1811-12) only.⁴⁵

Another source of revenue was, the ridiculous ordinances promulgated by the Gurkha rulers, and the collection of fines when people violated those regulations.⁴⁶ Randhawa⁴⁷ has written that the fines were the main sources of revenue during the Gurkha period.

As the records of the Gurkha period yield no information about the rents of lands and villages, it is not possible to assess correct estimate of the income derived from Kumaon by the

government.⁴⁸ However, judging from the population and cultivation which then existed, the sovereign's share of gross produce of the country may be computed at about four lakhs of *Kaccha* rupees for Kumaon. The extra revenue was in the form of a general House-Tax which of course varied in its amount because of the subsequent deterioration in the resources of the country. Kumaon, including each and every village hitherto reserved for the support of the court and their attendants, was parcelled out in separate assignments (*Jaijad*) to the invading army, and as this was kept up on a large scale, and the value of each assignment was estimated at an excessive rate to meet the expenditure. The consequences may easily be imagined. The troops considered themselves merely as temporary holders and looking forward to a change of assignment on every new acquisition felt no interest in the condition or the welfare of the land holders, nor were they allowed any indemnification for balances. The emigration of a large portion the principal land holders further increased the evil. The villages were every where assessed on a consideration of the supposed means of the inhabitants rather than on any computation of their agricultural produce. Balances soon ensured to liquidate the families and the effects of the defaulter were seized and sold, and a ready market existed in the neighbouring towns of Rohilkhand.

By the injudicious mode of management introduced under the Gurkha rule, the resources of the country deteriorated rapidly. Agricultural produce diminished and prices depressed arbitrarily.⁴⁹ Further the migratory officers assessed at their pleasure, extracting as much as they could from the poor people. The 'Jama' imposed soon exceeded what the area could yield, the deficiency annually increased by the attempt to enforce the full demand. In the last year of the Gurkha rule (1814) the receipts fell far short of one half of the total demand.⁵⁰

Administration of Justice

There was no specified law during the Gurkha period. Military officers played a dominant role in the administration of justice. Throughout Kumaon all Civil and petty Criminal cases were disposed off by the Civil Governor of the Province assisted by

the military officers.⁵¹ In the absence of the Commandants their powers were given to the 'Becharis' (Judges), who worked as their deputies and decided the cases in the same fashion as their predecessors did.

The system of making decision was a mere affectation. Justice depended upon the will of the military officers. The common way of deciding the cases was that an oral examination of the parties was conducted putting *Harivansha Puran* on the head of the witness and then he was required to assert the truth before the court.⁵² It was generally considered that the witness would not tell a lie when he had *Harivansa Puran* on his head. In the absence of an eye witness or where the testimony was conflicting (for example in bounday disputes) there were three common ordeals for the justice which were as follows⁵³:

- I. The Gola Dip— The claimant had to carry a red hot iron rod in his hands for a certain distance.
(Divya)
 - II. The Karai Dip — The hand of the Claimant was plunged into boiling oil.
(Divya)
- It was believed that these ordeals would not harm an innocent person.
- III. The Taraju Ka— In it, the man undergoing the ordeal was weighed against a number of stones which were carefully sealed and again weighed the next morning. If the person undergoing this ordeal proved heavier than on the preceding evening, his innocence was accepted.
Dip (Divya)

In cases of disputes, the names of the parties were written on slips of paper of equal size and shape and were put before an idol in a temple. The Priest of the temple used to pick up one slip and the party's name written on that slip was declared successful.⁵⁴

Traill has mentioned some other types of ordeals also. In *Tir-Ka-Dip* the man had to keep his head submerged in water for the time needed by a man to run the distance to and fro of a bow shot. Another type of ordeal was that two boys of opposite

parties who did not know swimming were thrown in a water-tank and the one who lived longer gained the cause. Poison was also resorted to as a criterion of innocence. Equal doses of poison were given to both the rivals and whoever survived was considered to be the innocent one. Another mode of appeal was to put some money or a piece of earth from the land in dispute before the deity in a temple by one of the parties volunteering such test. If no death occurred in his family during a period of six months, he gained the cause. On the contrary he was punished in the event of being visited with any great calamity or if afflicted with some severe sickness during that period.⁵⁵

The decisions were written at once after deciding the cases.

Punishments

Under the Chands, executions were very rare and confined almost exclusively to Doms, but under the Gurkhas executions became frequent.⁵⁶ Death sentence was awarded to those committing treachery. Punishment for murder was death by hanging the accused from a tree. If a murderer was a Brahman, he was sentenced to banishment, while all other crimes were punished by fines and confiscation. Willing destruction of a cow, or the infringement of caste by Dom, such as touching the pipe (Hukka) of a Brahman or Rajput, were also punishable with death. The way of executing the punishment was also very brutal. Under the previous dynasties which ruled Kumaon, death was inflicted by hanging or beheading, but the Gurkhas introduced impaling and giving maximum possible torture. Pandey has also written that sometimes the Gurkhas first wounded the man and then salt and chillies were put in the wounds.⁵⁷

In the cases of petty thefts, restitution and fines were the only penalties, while more serious crimes were punished by amputation, although such crimes were very rare in Kumaon. Acts of omission or commission involving temporary deprivation of caste, as cases of criminal intercourse between parties connected with each other in the degrees of affinity prescribed by the Hindu Law, offered legitimate objects of fine. Adultery among the lower classes was punishable in the same fashion. The revenge of the injury was, on these occasions, left to the

husband who by customs, was authorised and required to wash off the stain on his name by the blood of the offending parties. In the case of suicide, the near relatives of the man who committed suicide, were fined heavily.⁵⁸ Those who got the sentence became Kainis (domestic servants) and worked in the royal gardens or farms.

A number of very peculiar types of ordinances were also promulgated during the Gurkha rule. The infringement of these orders was invariably punished with fines.⁵⁹ It appears that they were chiefly issued with the same intention. One such ordinance forbade any woman from ascending on the top of her house. Although ridiculous, it was in fact a very severe grievance. A part of the domestic work (economy) such as drying of grain, clothes etc. was performed there, and fire wood, provisions for immediate consumption were stored in the same place, and the necessity for the man superintending these operations by withdrawing them from their labour in the fields was felt as a hardship. To collect this fine, a separate oppressive Police force was appointed.

It is quite apparent that the judicial system of the Gurkhas was totally tyrannical and also unreasonable and was based on superstitions. The punishments for one particular crime were also different for different people. The punishment were certainly very harsh, and impaling the body was really inhuman.

It can be concluded that although democracy did not exist during the Chand period, even then the administration was quite efficient. That is why approximately the same system was adopted by the British in Kumaon. But the Gurkha rule in Kumaon was extremely despotic and may be regarded as the darkest period in the history of Kumaon. Uncultivated fields, deserted huts and a ruined economy were the results of the brutal rule of the Gurkhas. Therefore, when the British conquered Kumaon in 1815, the change was hailed with jubilation by the hillmen.

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