

# The Commissioner System in Kumaon

## Abstract

The British occupied Kumaon from Gorkha rulers in 1815. Initially the division Kumaon was regulated from Bengal as a part of non regulation province. The East India Company appointed Commissioner in Kumaon division for its proper administration, as it was not possible to regulate them from Bengal. These appointed Commissioners were the supreme authority in the division. They were vested by revenue and criminal judicial power. The provinces were divided into certain division, these divisions were splits into districts and these districts were subdivided into lower administrative units called tahsils and sub tahsils and then villages. At each level, there were government officers, who were responsible for the development of their administrative units.

**Keywords:** British Administration, Commissioner, District Collector, Board of Revenue, Division, District, Tahsil etc.

## Introduction

The Commissioner system in Kumaon was established with its occupation by British in 1815. However the concept of divisional commissioner is not new in India, we have evidence of Commissioner System in ancient period too. The "bhukti" under Gupta and Pratihars, "rastra" under Rastrakut and "mandal" under the Cholas and Chalukyas. The "rajukas", who ruled over several hundred thousands of persons in the administration of Maurya Dynasty, might have corresponded to the modern Divisional Commissioner. Their main function was to look after the region assigned to them and to collect revenue from the region with the help of subordinate officers. They administer the region with the help of their subordinate officers and also maintain sufficient strong military forces under their head. The very famous Pundravardhan was appointed by Kumargupta as Commissioner in his reigm.

## Aim of the Study

Through this paper we will get to know about the administrative system of British in Kumaon. This paper will examine the work of various administrative officers at district, sub district and tahsil level. This will also help us in determining progressive nature of commissioner system. This paper will also spot light over the need, duties and powers of Commissioners and his subordinate officers.

## Review of Literature

Previously, a number of studies had been made on British Administration in Kumaon by distinguished writers. I have gone through the 'British Kumaon Gharwal' vol 1, (1994) a commendable work done by late Mr. R.S Toliya in which he described the British administration under several commissioners. 'The Himalayan Gazetteer' by E.T Atkinson, (reprinted 2016) in which a full description of Himalayan district of North - West provinces is given, helped me in completing my task. I also took assistance from 'India: Its administration and progress', (1903) which is an illustrious work in the field of British administration done by Sir John Stretchy.

I hunt for detail study of the history of the Civil Services in India from 'The I.C.S The Indian Civil Services', (1937) by E. Blunt and 'The Indian Civil Services' (1601-1930), (1931) by L.S.S. O'Malley. The detailed study of Commissioner System from the 'Record Copy of Origin and Development of the Board of Revenue and Divisional Commissioner', (1961) by B. Shivaraman, 'Indian Administration', (reprint 2016) by S.R Maheshwari, 'Revenue Inceptions at the District level', (1965) By A. Avasthi and J.D Shukla's 'State and District Administration in India' (1976) helped me lot in accomplishing my goal. The series of 'The-Imperial-Gazetteer-Of-India'-Vol-2(1881), Vol-5(1908), Vol-XXIV(1908), by W.W Hunter also enlightened the path of my paper.

## Kumaon as Non- Regulation Territory

In 1801, the Nawab of Awadh, Saadat Ali, ceded some territory to the British in order to fortifying himself from the threat of attack from north –



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west by Zaman Shah Durrani, the grandson of Ahmad Shah Durrani. The territory of Gorakhpur and Rohaikhhand divisions; the districts of Allahabad, Fatehpur, Campore, Etahwah, Mainpuri, Etah, southern part of Mirzapur; and the tarai parganah of Kumaon were included in the ceded territory of British by Saadat Ali. This territory was under Benaras Province (1775-1800). As a result of Anglo- Maratha war in 1803, the Meerut division, the rest of Agra Division and the district round Delhi, most of the part of Banda and Hamirpur and small tracts in Jalaun, Godah and Gwalior also get added to the British Empire. The Anglo-Napalese war held in 1815, which ends with the treaty of Sagaully, through which the Kumaon division and Dehradun districts were annexed to the British Empire.

All these ceded and concurred provinces of North India were designated as "Non-Regulation Territories", at first added to the Bengal Presidency as North-West province and its administration was brought under the control of the Governor- General Council till year 1836. The first Act of Parliament constituted in 1773, arranged a well defined system of government for the affairs of India and provided the appointment of Governor General and a council of four members for the Bengal Presidency. In 1833, the Act of Parliament, made the Governor General in council of Bengal then the Governor General of India in Council. This Act also divided the Bengal Presidency in two Presidencies (1). Agra Presidency (earlier N-W Province of Bengal) and; (2) The Fort William in Bengal. A Governor was to be appointed for Agra Presidency and the Governor-General was to be Governor for The Fort William in Bengal. Unfortunately, the presidency of Agra was not constituted but, by the Act of 1835, the territories which have been added to Agra Presidency were to have been included in new province called North Western Provinces, under a Lieutenant Governor without a council. There was no council for Bengal but Bombay and Madras sustain their council as earlier. The Qudh i.e Awadh annexed to British Empire in 1856, and a fraction of Awadh was merged to North – Western Province in 1877. Another Province named North –Western Frontier Province was formed in 1901, and in order to avoid confusion due to similarity in the names of two Provinces, the North- Western Province was renamed as the United Province of Agra and Qudh, this included the Provinces of Agra (previously known as North-Western province) and the some portion of Qudh. The province of Kumaon as a part of concurred and ceded province was administered from Bengal presidency till 1833, from then it became the part North- Western province later on, a part of United Province of Agra and Qudh.

#### **Type of Administration**

There was two type of administration in British India. One for the older provinces i.e. for Bengal, Bombay and Madras, and other for the territories those were occupied recently under the title of 'ceded and concurred provinces'. The former were called Regulated Provinces and the later were Non Regulated Provinces. A Non Regulated Province was one in which the old Regulations and Acts in force in

the Regulation Province had not been extended. For the smooth running of administration, the provinces are divided into district. These Districts are headed by district officers. The Non Regulated Provinces were governed by few Officers called Deputy Commissioner, who were responsible to exercise executive and judicial functions in the provinces. In Regulation provinces i.e. in presidencies they are called Magistrate or Collector. The Regulation provinces were governed by the laws made under the charter Act until 1834. The Non Regulation Provinces were governed by ordinary laws, these laws were made by Governor General in council by executive orders. These ceded and concurred province were at far distance and it was not possible to administer them from Bengal only, hence local officers were appointed for the purpose of administration. It was expected from these officers that they will pursue the same standard and spirit of the Regulation and to work with full justice and equality. Although the law in regulated Provinces were not mandatory to follow in Non Regulated Provinces even if it is required that rules and regulation applied in Non Regulated provinces must be reasonable and acceptable. In actual, there was neither any regulation for the provinces those were annexed to Bengal Presidency and nor any direct power of making law for them till,1834.

#### **Kumaon under Commissionership**

The Division of Kumaon in his early British era was a part of Bengal and was regulated from Bengal as a separate administrative unit under Non Regulation Province. The District officer appointed in Non Regulation Provinces is the supreme authority in a Non Regulation province is called, a Deputy Commissioner. In some parts of Non- Regulation Province which were under the administrative authority of Bengal were head of Chief Commissioner, like in Kumaoun. The Himalayan Gazetteer of Atkinson, express that the supreme authority appointed by British in Kumaoun Division after its occupation from Gorkha in 1815 was designated by the term "Commissioner". Atkinson states. "By an order of the 3<sup>rd</sup> May, 1815, the Hon'ble E. Gardner was directed to assume the official designation of Commissioner for the affairs of Kumaon and Agent, Governor General. Mr. G.W. Traill of the Bengal Convenanted Civil Service was appointed as Assistant (8<sup>th</sup> July) and joined on the 22<sup>nd</sup> August, when he was at once instructed with the administration of Garhwal (10<sup>th</sup> Oct ). On the departure of the Hon'ble E. Gardner (13<sup>th</sup> April, 1816) Mr. Traill was appointed to officiate as commissioner and was conformed in that office in the following year (1<sup>st</sup> August)." However the system of Commissioner was commenced in 1829, as Commissioner of revenue and Circuit, when the Government of Lord William Bentick appointed the office of Commissioner in order to administer the work of Collector, Judge, Magistrate and District Magistrate.

#### **Structure of British Administration in Kumaon**

With the accumulation of Indian territories in the British Empire, there was need arise for the settlement of land revenue and thus the Board of Revenue was created. The first Board of Revenue

was constituted in Madras in 1786, later on it was realised that power of administration was getting concentrated in the Board and does not proved fruitful due to excessive work load, this brings the origin of Commissioner of Revenue and Circuit in 1829. However the Institution of Commissioner was crafted in Kumaon since its British occupation. The Commissioner of Kumaon was subjected to the supervision of the Board of Revenue at Calcutta, because there was no Board of revenue for Non-regulation province. The class of Divisional Commissioner created in Non-Regulation Province had to administer the performance of the district officer i.e. the collectors in the districts and exert control over fiscal, judicial and executive functions in their divisions. The collector completes his consignment with the assistance of Tahsildaar. Next to the gradation in the series were Kanungo and Patwaries. These officials were native locals and they directly communicate with the locals.

**The hierarchical structure of the officers, who performed under Kumaon Commissioner is as follows**



#### **Commissioner**

The definition of Commissioner given by Oxford dictionary is 1. a member of a commission, 2. a representative of the highest authority in an area. For the convenience in the administration of a district, a district is divided into divisions. These divisions act as an administrative unit. The Commissioner is the head of the Division. He is the intermediate link between the District Collector and the State Secretariat. The Commissioner being a Divisional Officer can supervise and inspect the work of the District officers in order to coordinate their work at the regional level. He can make frequent visits at the spot and can ask for periodic reports and returns by issuing necessary instructions. The Divisional Commissioner is responsible for the control and supervision of the revenue administration and maintains law and order in his authorized division along with other developmental administration. Under the commissioner was Assistant Commissioner, then Deputy Commissioner, under the Deputy Commissioner were Tahsildar, Kanungo, and Patwari. Thokdar and Malgujar were semi government workers.

#### **Deputy Commissioner**

The Deputy Commissioner is also called

District Collector/Magistrate. The executive and official title in the Non- regulation Province was Deputy Commissioner. The District Collector succeeded the Karori – Faujdaar of the Mughal Government. The post of the District Collector was created by East India Company in 1772. He is the responsible head of his jurisdiction. The deputy Commissioner or District Collector is controlled and supervised by Divisional Commissioner. He is responsible for two main functions, firstly he is a fiscal officer and responsible for the collection of revenue from the land and other sources. Secondly, he is a revenue and criminal judge. Further S.S Khera explains in his work 'District administration in India', the responsibility of District Collector that, "his duty was to issue writs and process for the collection of revenue from his district, and to maintain law and order in the respective districts". A District Collector is the head of the district and work as the official agent of the State Government. W.W Hunter believes that, the office of District Collector is equivalent to the office of Prefect in France. In France, the office of Prefect is called Prefecture. The Revenue and General administration Department and the Registration department of the district administration are directly under the charge of District Collector.

#### **Tahsildar**

The tahsil is a territorial subdivision of a district, it is larger than parganah. The Tahsil is the basic unit for the various aspect of administration like land, revenue, land records, treasury, and so on. The Tahsildaar is the native officer, who work as an agent of the collector in subdivisions, whose duty was to superintends the collection of the revenue and other business a connected with land. In Northern provinces they were called Tahsildar and in the Southern Provinces they were called Mamtaldar.

#### **Kanungo**

Each tahsil is again divided into number of circles for the purpose of convenient administration. These Circles are called Parganah. The name associated to Kanungo, differ in each State. In the early days of a Kumaon, the Kanungos were called Daftari. The office of Kanungo was first introduced by in the era of Akbar. They were closely associated to the Tahsildaar. They perform the function of collector, writer, and record keeper of land and other sources of revenue. The office of Kanungo was considered hereditary in the Kumaon.

#### **Patwari**

Prior to British occupation the word "Patwari" was unknown to the authorities. Though, in the large parganahs, the deputies of kanungo who performed the similar duties were called lekhwars. They work under the supervision of Kanungo. Mr. G.W Traill was responsible for the creation of the post of Patwari in hill Districts of Kumaon. These were not appointed to each village, but to a circle appointed by Commissioner. These village accountants were called 'Karnam' in Madras, 'Kulkarni' in Bombay and 'Patwari' in North India. According to S.S Khera, two king pin of the district are the collector and the patwari.

**Padhan-**

The Padhan is the headmen of the village also regarded as the lambardar or malguzar of the plains. He is the officer of the village who, entrusted with the collection of the government demand and with the supervision of the police of his village and paid by the remuneration called padhan kangi (piece of land or money), this is also known as hak padhani or padhanchari.

**Thokdaar-**

Thokdars are middlemen in the revenue administration. In Kumaon, they are well known by three names Burhas, Sayanas and Thokdars. These middlemen had right in the land and could sell land at any time. These were in occupation to assist the military and civil officers in their administration. They were not granted by any special duties in the administration.

**British Commissioners**

The head of the Commissioner office was Commissioner. A brief description of some British Commissioners who held the office at Almora and Nainital were given as below-

**Edward Gardner**

The first appointment made in the post of Commissioner of Kumaon was filled by Hon'ble Edward Gardner. At the outbreak of Gorkha war in 1814, Gardner was transferred to Kumaon as Commissioner and Political agent to the Governal General of Bengal. E. Gardner, was the first Kumaon Commissioner (1815 for about 9 months), he was transferred to Nepal as British Resident.

**George William Traill : (1816-1835)**

Earlier George William Traill was appointed as assistant to E. Gardner in Garhwal, after the transfer of E. Gardner to Nepal as British Resident.

The company promoted Traill as Commissioner of Kumaon on 1 Aug 1817.

**Masaelly Smith -(30<sup>th</sup> Nov1835-6<sup>th</sup> April1836)**

After the retirement of G.W Traill, Masalley Smith was became Commissioner of Kumaon for very short period.

**Colonel George Gowan (1836-1839)**

On 1836, Company appointed Colonel Gowan as Commissioner of Kumaun. In 1836, government declared sale of children, slave, girls, as criminal offence.

**G.T Lushington (1839-1847)**

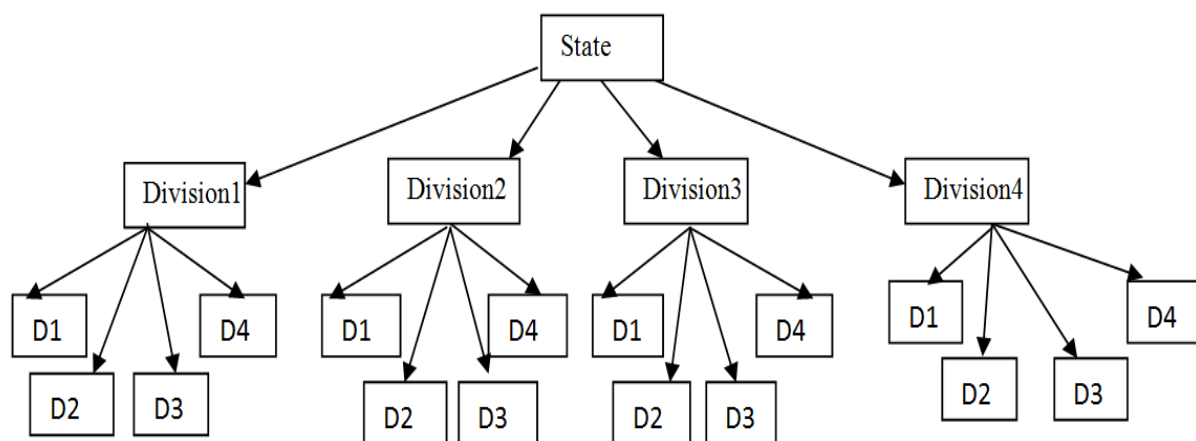
East India Company appointed George Thomas Lushington as Commissioner of Kumaun in 1836 and he remained in the post till his death in 1848.

**J.H Batten**

Previously, in 1839 government divided Kumaun into Kumaun and Garhwal. There were two Assistant Commissioner for administering each district. John Hallet Batten was assistant commissioner of Kumaun. On the death of G.T Lushington in 1848, Company appointed J.H.Batten as Kumaun Commissioner.

**Present Status of Kumaon**

Presently, the Kumaon Commissioner is Rajeev Rautella, (I.A.S.) The headquarter of Kumaon Division is situated at Nainital.The Administrative Unit of Uttarakhand is divided in two Divisions (Kumaon and Garhwal), 13 Districs (janpad), 110 Tahsil and 18 Sub-Tahsil. Out of them in alone Kumaon we have, six districts namely Pithoragarh, Almora, Nainital, Udham Singh Nagar, Bageshwar and Champawat. In Kumaon number of Tahsils are 48, Development blocks are 41, Nagar Nigam are 3, 17 Nagar Palika, 3 Cantonment Board, and 9 census Town. The headquarter of Kumaon is situated at Nainital.



The number of division in a State may vary as per the geographical area. There may be variation in the number of Districts under a Division. The above diagram shows that the number of District comprises to form Division and a number of Division comprises to form State. In the every State of India there are Commissioners except in Madras. The number of Commissioners in each state may vary as per the availability of Divisions. The Divisional Commissioner

is subjected to the Board of Revenue. In Uttarakhand, the Board of Revenue was constituted in 2012. Presently, in Uttarakhand the Board of Revenue is composed of three members. 1.Chairman Board Of Revenue 2. Commissioner cum Secretary/member (Jud) Circit Court Nainital. 3. Commissioner cum Secretary /member (Jud) Circit Court Pauri. Each District is further divided into sub-divisions headed by S.D.O/ S.D.M (Sub –Divisional Officer/Sub Divisional

Magistrate), this is the first joining of an I.A.S. Then in the lower gradation we have Tahsildars, Kanungo and Patwaries.

#### **Duties and Powers**

After Independence, States like Maharashtra and Madhya Pradesh abolished the system of Commissioner but later on the importance of Institution of Commissioner was realised and it was revived. In Uttar Pradesh also, the reduction was made in the number of Commissioner from nine to three, but it was unfruitful and it was established again.

The power associated with the office of Commissioner is as follows:

1. To ensure the proper and effective implementation of the various developmental schemes induced by government including civil supplies, poverty abolition, employment generation, drinking water, other health and sanitation related programmes etc.
2. He is the head of the law and order administration. He is responsible for the maintenance of peace, law and order in the Division.
3. To guide, supervise and controls the function of District Collector, Chief Executive officer of Zila Parishad, Superintendence of Police and Municipality Councils etc.
4. To instruct District Collector on the matter subjected to Relief and Rehabilitation programmes during emergencies, flood, drought and other natural calamities.
5. Exercising the Power of heads of the Departments/ Institutions/Programmes as assigned by Government.
6. To act as an appellate authority in all matters subjected to his jurisdiction.
7. To carry out inspection of District Collector office and other offices of district and tahsil from time to time through periodical touring.
8. He has to act as a friend, philosopher and guide to his junior officers at district level. Being the head of the division, must solve the interdepartmental problems. He has to make remark on the report duly forwarded by the District Officer before sending it to the high authority at state level including confidential report.

#### **Conclusion**

In the Administrative hierarchy of the State, the office of Commissioner is an important element. He is responsible for the overall development and progress of the division. Prior, it is evident that many states of our country abolished the office of Commissioner on some grounds, but later on the importance of the Commissioner was realised and it was again established in those States where it was abolished earlier. He act as a buffer between the government and the district, thus play an important role in the administrative system of the State. Not only today, the significance of Commissioner System was

comprehended in the ancient age too. The very first existence of Commissioner appears in Mauryan Era. However in later period, the variation is seen in the powers and duties of the Commissioners.

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