

SOME DISPUTES RELATING TO ROYAL LAND GRANTS IN KAMRUP

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On the assumption of power in Assam by the East India Company in the wake of the first Anglo-Burmese war of 1824-26, the new Government was faced with the problem of free holding land-grants made to religious institutions and some persons by the Ahom rulers.

When the government claimed revenue, the holders of free land-grants claimed exemption from revenue on such lands which amounted, according to a rough estimate, to about one-fifth of cultivable lands in Kamrup. The exemption of revenue on such a huge area of land would mean loss of considerable amount of revenue to the East India treasury.

Faced with this problem, the new government in the beginning called for documents from such landholders for examination. But not all those who enjoyed revenue-free land could produce their documents. Those, who failed to do so, but claimed revenue-free land were then called upon to substantiate their claim in the court. This led to a number of disputed cases in the district court at Guwahati.

Although the British had occupied Assam during 1824-26, they were still to introduce an effective administration over lower Assam centering around Guwahati.

The British government was trying to get the support of the upper class people like the priests and various officers of the former government. In most of the cases the new government was in favour of this class whenever any disputes arose between the actual tenants and the revenue-

free landholders belonging to religious establishments.

The present paper examines three different cases relating to lands granted by the former rulers. They provide us with the opportunity to know how the British government settled these cases and also help us to know about the price-rate of certain articles like paddy prevailing at that time.

The Cases

1) An appeal was made in the revenue court of Mr. Francis Jenkins, the then Commissioner of Assam at Guwahati by one Ramadeo Sarma of Muktapur village in Patidarang Paragana and the Commissioner delivered his judgement on the 24th of May, 1838 (12th of Jaistha, 1245 B.S.).

The suit was filed by the appellant Ramdeo Sarma against the forfeiture of rent-free land of 10 puras for the reason that he could not produce documents relating to the said land as it was lost during the Burmese invasion.

According to his claim his father Madan Sarma was appointed for the 'Puja Seva' in the Jayadurga temple by the Ahom King Lakshmisimha and was granted 10 puras of Brahmottara land.

Ramananda Bhattacharyea, one of the then prominent vakils pleaded for the appellant. The Commissioner examined a number of papers including the application of the appellant and heard the statements made by Kamadatta Sarma, Pranapati Sarma and Deodatta Sarma, all witnesses on behalf of Ramdeo Sarma and ultimately accepted his claim on the disputed land.

Thus, Ramadeo Sarma, who succeeded his father Madan Sarma as the Bardeoti of Jayadurga temple got back his ownership of the said rent free land although he could not produce any original document in support of his claim.

2) There is another dispute which arose between the grandsons of Madan Sarma and one Sarbeswara Sarma. The grandsons of Madan Sarma stated in their suit that originally 12 puras of Brahmottara land were granted in the joint name of Madan Sarma and Sarbeswara Sarma in 1774 A.D. during the reign of Lakshmisimha and appointed both of them as 'Bardeories' of the Jayadurga temple. In 1838, in a suit filed in the District Court, the grandson of Madan Sarma complained that the grandson of Sarbeswara Sarma became the sole owner of the land by depriving him and occupied the whole land. (the names of the two grandsons are not known as some papers are missing).

Now the grandson of Madan Sarma claimed 6 puras of the disputed land and also 48 Company rupees to compensate the value of the produce of 480 puras of paddy on this land during two years.

The case was first tried in the court of the Assistant Commissioner where the judgement was made in favour of the respondent.

Then the appellant submitted his appeal at the court of the Commissioner. But neither the appellant nor the respondent could produce original documents. Then the Commissioner examined the statements made by some witnesses on behalf of the appellant. The respondent could not present any witness. So the Commissioner made his judgement in favour of the appellant. But the appellant's claim for the sum of 48 Company

rupees was not accepted. Furthermore he made his judgement that the whole expenditure of the appellant should also be paid by the respondent.

3) There is another interesting dispute which arose between one Santa Talukdar and Brihaspatia Kalita on the one side, and Deonarayan Sarma and Ramanarayan Sarma on the other. Both the parties, viz. the appellant Santa Talukdar and Brihaspatia Kalita and the respondent Deonarayan Sarma and Ramanarayan Sarma belonged to village Muktapur in Patidarang pargana.

Here the appellant first moved the case in the Munsif court of Digambar Barua complaining that their forefathers acquired 10 puras of paikan Kheraji land from the Ahom ruler (the name of the Ahom King is not mentioned) and the respondents got their possession on the disputed land as a result of an agreement made between the appellants and the respondents in the form of Chukani in 1839 (1761 Saka). When the appellants claimed the revenue on the said land the respondents did not oblige and continued to enjoy the land.

So the appellants moved the Munsif court to get back their property and the sum of 296 Company rupees for the produce for the period four years.

The respondents then produced a document before the Court claiming that the forefathers of the appellants had sold the land to the respondents. Moreover the respondents claimed their possession for a generation. In support of their claim they produced copies of receipts whereby the respondents paid rents on the land to the Chaudhury of Patidarang Pargana.

The Munsif court presided over by Digambar Barua was convinced with the documents produced by

the respondents and on 27th of April, 1844, gave his judgement in their favour.

Then the appellants came to the court of the Assistant Commissioner and the case was resumed. Here the appellants complained that neither they nor their forefathers sold the disputed land to the respondents, but they were compelled to sign on a paper as the respondents applied force on them. But the appellants in support of their complain could not present any proof and the court of the Assistant Commissioner also agreed with the judgement given by the Munsif Court of Digambar Barua.

The Assistant Commissioner was not only in favour of the respondents but ordered the appellants to pay all the expenditure incurred by the respondents in both the Courts.

Thus from the examination of the documents we learn about the nature of various land disputes in Kamarup and the class of people involved there.

The settlement of these disputes give us a glimpse in the working of the new Court system introduced in Assam.