

LECTURE IX.

Board of Revenue.

THE grant of the Dewanny by King Shah Alum to the East Indian Company on the 12th of August 1765 is generally regarded as the acquisition of sovereignty by the English in India. But the meaning of the grant, in theory, was thus expressed by the Court of Directors, "we conceive the office of Dewan should be exercised only in superintending the collection and disposal of the revenues. This we conceive to be the whole office of the Dewan." Under that grant the East Indian Company engaged "to be security for the sum of 26 lakhs of rupees a year for our royal revenue and regularly remit the same to the royal circar; and in this case, as the said Company are obliged to keep a large army for the protection of the Provinces of Bengal, etc., we have granted to them whatsoever may remain out of the revenues of the said provinces, after remitting the sum of 26 lakhs of rupees to the royal circar and providing for the expenses of Nizamut" (a).

Grant of the Dewanny.

The East India Company thus became responsible for the collection of the revenue in the provinces of Bengal, Behar, Orissa. In the

Early administration.

(a) See Aitchison's Treaties (India), p. 60.

beginning a resident at the Nawab's court inspected the management of the Naib Dewan, and the Chief of Patna superintended the collections of the province of Behar. The Zamindary lands of Calcutta and 24-Pergunnas and the ceded districts of Burdwan, Midnapur and Chittagong, which had been granted earlier by the Nawab of Bengal, were superintended by the covenanted servants of the Company. In 1769, European local supervisors were appointed with power of superintending the native officers collecting the revenue or administering justice and in the next year two revenue councils of control, with superior authority, were established at Moorshedabad and at Patna (b).

Origin of
Board of
Revenue.

In 1771, the Court of Directors declared their resolution "to stand forth as Dewan and by the agency of the Company's servants to take upon themselves the entire care and management of the revenues." In consequence of this resolution, the duties of administration were transferred to the servants of the Company and the system of government through the Nawab's officials, subject to English supervision, was abandoned. The Company appointed Collectors of the Revenue in each district with additional powers of supervision of the Mofussil Dewani Adawlats

(b) Fifth Report, I. 4.

or Provincial Courts of Civil Justice. A Committee of Revenue, which soon afterwards assumed the name of a Board of Revenue, was created, consisting of the Governor and four members of the council and the treasury was removed from Moorshedabad to Calcutta (*c*). This was the scheme which was introduced by Warren Hastings, Governor of Bengal, in 1772.

In 1773, an Act of Parliament was passed “for establishing certain regulations for the better management of the affairs of the East India Company, as well in India as in Europe,” commonly called the Regulating Act. In consequence of this Act, numerous alterations were made in the scheme of Warren Hastings. In 1775, the superintendence of the collection of revenue was vested in six provincial councils appointed for the respective divisions, Calcutta, Burdwan, Dacca, Moorshedabad, Dinajepore and Patna. In pursuance of the legislative authority conferred by the Regulating Act, regulations were passed in 1780, by the first of which (*d*), the jurisdiction of these six provincial councils was confined exclusively to revenue matters; that is, all cases regarding revenue or rent were reserved for the exclusive cognisance of these councils or of the Collectors who superseded them (*e*).

The Regulating Act.

(*c*) Fifth Report, I. 5, 21.

(*d*) Reg. I of 1780, section 3.

(*e*) Harrington's Analysis, I. 31; Fifth Report, I. 10.

Scheme of
Lord Corn-
wallis.

In 1786 Lord Cornwallis became Governor-General of India. To carry out the object of Parliament as expressed by an Act of 1784 (*f*), the Court of Directors instructed the new Governor-General "to establish permanent rules for the settlement and collection of the revenue and for the administration of justice founded on the ancient laws and local usages of the country." In pursuance of these instructions, a union of civil and revenue jurisdictions was effected. A revised Code of Judicial Regulations was issued under which all revenue cases were assigned to the Collector, from whom an appeal lay to the Board of Revenue, and ultimately to the Governor in Council (*g*). But in consequence of a change of policy in 1793 (*h*), Lord Cornwallis returned to the system of separation of fiscal and judicial systems, and by Regulation II of 1793 the Collectors were entrusted with the collection of revenue as executive officers subordinate to the Board of Revenue.

Later his-
tory of the
Board of
Revenue in
Bengal.

By Regulation III of 1822 three Boards of Revenue were separately constituted for the Lower, Central and Western Provinces respectively (*i*). By Regulation I of 1829

(*f*) 24 Geo. III. c. 25.

(*g*) Harrington's Analysis, I. 32.

(*h*) Harrington's Analysis, I. 42.

(*i*) This provision was formally repealed by Act XVI of 1874.

Commissioners of Revenue and Circuit were appointed over districts grouped into twenty divisions and in them were vested the powers formerly exercised by the Board of Revenue and a Sadr or Head Board of Revenue was constituted at the Presidency with power of control and direction over the Commissioners. By Act XLIV of 1850, this Sadr Board of Revenue came to be styled as the Board of Revenue for the Lower Provinces of the Presidency of Fort William in Bengal. After the partition of Bengal and the constitution of the province of Eastern Bengal and Assam a Board of Revenue was likewise formed for that province with powers similar to those exercised by the Board of Revenue of the Lower Provinces of Bengal (*j*).

In the United Provinces of Agra and Oudh (*k*) the Board of Revenue is the Chief Controlling Authority and its general powers are mentioned in U. P. Act III of 1901 and these are almost similar to those exercised by the Board of Revenue in Bengal.

Board of Revenue in the United Provinces.

In the territories subject to the Government of Fort St. George, the superintending management of the affairs of revenue appears to have been conducted by the President and Council without the aid of a subordinate

Board of Revenue in Madras.

(*j*) See Act VII of 1905, Section 4.

(*k*) For the recognition of this designation, see Act VII of 1902.

establishment until the year 1780, when a Board of Revenue was constituted at Fort St. George on the plan of the Committee of Revenue then existing at Calcutta. This was done in pursuance of the prescriptions of the Act of 1784 and of the instructions issued to the Government of Fort St. George in conformity thereto. By Regulation I of 1803, the Judicial authority of the Board of Revenue was formally abrogated and its duties and powers in the matter of revenue were defined. These powers were to some extent supplemented by Madras Act I of 1894.

Powers of
Board of
Revenue.

The powers and functions of the Board of Revenue in Bengal are scattered over a number of old Regulations. Except to the extent to which those Regulations have been repealed, they are still on the statute-book. Under Regulation II of 1793 "the Board of Revenue is held at the seat of Government, it has a secretary, with assistant translators and other officers, European and Native. In this Board is vested the general control over the Collectors of land revenue, with authority to superintend their proceedings and to suspend them from their offices if negligent in the performance of their duty. Their own proceedings are in like manner subject to the superintendence of the Government, and the orders of Government in this department are circulated through the Board of Revenue to the Collectors. The

Board of Revenue is constituted a 'Court of Wards,' with power to control the conduct and inspect the accounts of those who manage the estates of persons disqualified by minority, sex or natural infirmity for the administration of their own affairs. The Board may make periodical reports to Government on the state of revenues and their proceedings were transmitted through the Government to the Court of Directors (*l*). By Regulation IV of 1821 the Board of Revenue was empowered to depute any of the officers subordinate to its authority to exercise and perform all or any of the powers and duties ordinarily vested in Collectors. Under Regulation III of 1822 any single member may separately, if so authorised, exercise part of the duties; the decision of any question shall be determined according to the majority of the voices; in the case of officers immediately subordinate to the Board no final orders regarding appointment, removal or punishment can be passed without the concurrent judgment of two or more members; and the Board may review, rescind, alter or confirm any order or decision passed by them in cases meriting further investigation.

Besides the powers specifically mentioned in these Regulations, Boards of Revenue have

Powers
under
special Acts

(*l*) Fifth Report, I. 43-44.

various other powers (*m*) over charities (*n*) and over estates of wards (*o*) and as a tribunal of appeal and revision (*p*). They can make rules (*q*) under various Acts consistent with the provisions thereof. So long as the rules framed and the powers exercised are within the limits and in the manner provided by the legislature, they will be valid, but if otherwise, will be *ultra vires*.

(*m*) See Ben. Act VII of 1864; Reg. II of 1819. And Mad. Acts II of 1864; VI of 1867; II of 1904.

(*n*) Ben. Reg. XIX of 1810; Mad. Reg. VII of 1817. In respect of endowments for the support of mosques, Hindu temples, or other religious purposes, the Religious Endowments Act (XX of 1863) has repealed these regulations.

(*o*) Ben. Act IX of 1879; Mad. Act I of 1902; U. P. Act III of 1899.

(*p*) Ben. Acts VIII of 1865; V of 1875; III of 1876; VIII of 1876; I of 1879; VII of 1880; IX of 1880; XI of 1859; Regs. V of 1812; VII of 1822; XII of 1817; and Mad. Acts. XII of 1857; VII of 1865; II of 1894; III of 1895; III of 1905.

(*q*) Ben. Acts V of 1875; VII of 1876; VIII of 1876; VII of 1878; IX of 1879; IX of 1880; and Mad. Acts I of 1894; III of 1896; I of 1902.
