

1800

2026

BIHAR

In the Crucible of Time

A History of the Unfinished Foundation

NITEN CHANDRA



BONO JURIS
Making Knowledge Universal

BIHAR

In the Crucible of Time

1800–2026

A History of the Unfinished Foundation

PART I · PART II · PART III

Niten Chandra

Bihar: In the Crucible of Time, 1800–2026

A History of the Unfinished Foundation

First edition, 2026

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Making Knowledge Universal

DEDICATION

To Bharat Ratna Jan Nayak Karpoori Thakur,
1924–1988

*who carried the poorest of Bihar into its government
and carried nothing out of it for himself*

THE THREE PARTS

PART I

Bihar, 1800–1947

Economy, Society, Law and Politics

PART II

Bihar, 1947–2026

The Long Aftermath

PART III

Three Transformations

Tamil Nadu, Gujarat and Maharashtra, 1947–2026

P R E F A C E

Bihar has made real progress in recent years, and its economy has grown quickly. However, change is still inadequate considering the needs of the people of Bihar and the potential that innovative leaps in technology of today offer. There still exists a considerable gap between Bihar and other States, and at the recent pace of growth it is not yet closing. For a citizen of Bihar to reach the standard of living of the citizens of Tamil Nadu, Gujarat or Maharashtra, several decades of much faster growth must pass.

These decades have to be decades of peace and tranquillity. Time, energy, and peace are the three things required for the destiny of Bihar to change. In a democracy, both energy and peace depend on people's choices. Time waits for none. For various reasons, Bihar did not convert the advantages it held — fertile plains, great rivers and an ancient seat of learning — into prosperity, and time rolled by. How and why that happened is the subject matter of this book.

The book brings out the different sides of Bihar since independence and unravels the social dynamics at play that fettered Bihar. To understand the origin of the fetter, this book looks back a hundred and fifty years more, for social institutions evolve very gradually to produce any outcome — good or bad. The book lays bare the historical forces operating in Bihar that changed much on the surface of its life and left its foundation where it was.

We will all do well to be aware of what happened. The book marshals history to build this awareness that we all need. Right awareness brings right understanding and right action. The Buddha, who taught on the soil of this State, placed right view at the head of the Noble Eightfold Path, before right action. The people of Bihar have to bear this torch of Truth and make right decisions for their own sake.

All that we are is the result of what we have thought: it is founded on our thoughts, it is made up of our thoughts.

— The Dhammapada, I.1, tr. F. Max Müller

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October 2026

ABOUT THE AUTHOR

Niten Chandra spent his early life in Bihar, where he lived until 1982, and served in Bihar from 2002 to 2005 in the Department of Personnel and Administrative Reforms, Government of Bihar. A member of the Indian Administrative Service for thirty-five years until 2025, he was Law Secretary to the Government of India from 2022 to 2024 and Secretary to the High Level Committee on Simultaneous Elections, and sat ex officio on the Law Commission of India, the India International Arbitration Centre and the Executive Committee of the Indian Law Institute. Trained in economics, he is co-author, with Shalini Chandra, of Competition Law and Policy and Administrative Law. This book is the first of two on Bihar; the second, Bihar 2047 — Jobs for All, sets out the programme.

INTRODUCTION

This book began as an attempt to answer a question that is usually asked in the wrong tense. People ask why Bihar is poor. The tense invites an answer about the present — a Government, a policy, a scheme, a leader — and every such answer turns out, on examination, to describe a symptom rather than a cause. The better question is why Bihar became poor, and stayed so, while States that began the Republic within sight of it did not. That question has an answer, and it takes three Parts to give it.

The argument can be stated in a paragraph, and the reader is entitled to have it at the outset rather than at the end.

Bihar has repeatedly modernised its superstructure and left its foundation where it was. In 1793 the Permanent Settlement fixed what the landlord owed the State and fixed nothing about what the cultivator owed the landlord, and the whole architecture of rural Bihar for the next century and a half sits in that asymmetry. Across the hundred and fifty years to 1947 the province acquired codified law, a High Court, a railway, a steel city, a university and an elected Ministry — and did not touch the agrarian settlement beneath them. In 1950 it enacted the Bihar Land Reforms Act to abolish the zamindari, and did not move the land. In 1952 a freight policy adopted in Delhi removed the commercial reason to manufacture in Bihar; in 2000 the bifurcation removed the manufacturing that had been built anyway. What remains is an economy in which manufacturing produces a smaller share of output than it did in 1960, and a State that receives roughly three rupees from the Union for every rupee of its own tax revenue.¹

The consequence is the second half of the argument. Caste in Bihar has never been a fixed inheritance from scripture, however often it has been justified by scripture. It has been, from the first page of this account to the last, a continuously renegotiated competition for rationed goods — land, water, credit, schooling, a place in a queue, a Government post. The Constitution abolished untouchability in 1950; private caste militias were still burning hamlets in 1997. Law did not fail because it was badly drafted. It failed because scarcity outvoted it.

¹ Manufacturing was 9.7 per cent of Bihar's net State domestic product in 1960–61 and 7.2 per cent of its gross State value added in 2024–25, both at current prices; the two shares are measured on different aggregates. In 2023–24, at current prices, transfers from the Union were ₹1,50,401 crore against own tax revenue of ₹50,400 crore. Sources as for Tables II.6.1 and II.7.1.

If that diagnosis is right, the remedy follows from it and is not a matter of sentiment. The rate at which Bihar ceases to be poor is the rate at which caste loses its function, because the two are one process observed from different angles. The remedy is accelerated development — flood control, irrigation, drinking water, housing, roads, bridges, railways, airports, energy, education and health, pursued fast enough that the goods they supply stop being rationed within a working lifetime rather than across three generations. Measured over six decades, Bihar's rate of growth has risen and fallen with its Government on unchanged ground, and at the rate it has recently sustained it still falls further behind each year; the Epilogue sets out that arithmetic.

That proposition is asserted in these Parts and it is tested in one of them. Part III exists because an assertion of this kind is worth little unless it can be checked against cases. In 1960-61, the year in which Gujarat and Maharashtra came into being, Tamil Nadu, Gujarat and Maharashtra had per capita incomes of ₹334, ₹362 and ₹409 against Bihar's ₹215 — the richest less than double the poorest.² By 2024-25 the spread is more than fivefold. What separated them was not endowment, because Bihar held the minerals and Gujarat held a salt desert.³ It was sequence: what each State built first, and whether each mobilisation of the dispossessed left an institution behind or only a coalition.

A word on what this book is not. It is not a plan. It identifies the remedy and stops there, deliberately, because the strategy of accelerated development — what to build, in what order, financed how, and carried by which institutions — is a subject of a different kind and a different size. It is the subject of the volume that follows this one, Bihar 2047 — Jobs for All. A history that ends by prescribing in detail has usually stopped being a history some pages earlier, and the discipline of separating the diagnosis from the prescription seemed worth keeping.

Two notes on method. The statistical material is drawn from official series — the Census, the Central Statistical Organisation's estimates of State domestic product, and the Reserve Bank of India's handbooks of State statistics and its annual study of State budgets — and wherever

² Central Statistical Organisation, *Estimates of State Domestic Product, 1960-61 to 1983-84*, Table 3; Reserve Bank of India, *Handbook of Statistics on Indian States 2015-16*, Table 13; Reserve Bank of India, *Handbook of Statistics on Indian States 2024-25*, Table 19. Net State domestic product per head at current prices.

³ In 1960-61 Gujarat's net State domestic product was ₹738 crore against undivided Bihar's ₹993 crore, at current prices: CSO, *Estimates of State Domestic Product, 1960-61 to 1983-84*, Table 1.

those series are joined across price bases or boundary changes, the tables say how. Figures for the terminal year, 2025-26, are given as ranges, because the official accounts for that year are not yet final.

Each Part numbers its own chapters. Tables and figures are numbered by Part, chapter and order — Table I.13.2 is the second table in Chapter XIII of Part I; the Prologue's are numbered P, the Epilogue's E, and those in a Part's Conclusion C. Notes are numbered afresh in each chapter. Pagination is continuous throughout.

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Source: W. G. Archer, *Census of India, 1941*, Volume VII: Bihar — Tables, Table VII, “Age and civil condition”, printed page 126, all communities. The figures are the sample of 213,998 slips, one in fifty, drawn from eleven subdivisions and Seraikela State; Archer warns that it “is not fully representative of the whole province since some districts are not represented at all”, and the figure is therefore a picture of the sampled area, which includes Seraikela State, now in Jharkhand, rather than a provincial count or a count of the present State. Bars show persons per 10,000 of each sex divided by the width of the age band, the convention used in Figure I.8.1, with the open band at sixty treated as fifteen years. The age groups are Archer’s. Author’s calculations.

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PART I

Bihar, 1800–1947

Economy, Society, Law and Politics

THE COMPANY RAJ · THE FIVE RAJAS · THE PERMANENT SETTLEMENT · THE KISAN SABHA · THE
PARTITION YEAR

PROLOGUE

THE SURVEY: WHAT THE COMPANY ORDERED COUNTED, AND WHAT BUCHANAN FOUND, 1811– 12

*Your inquiries are to extend throughout the whole of the
territories subject to the immediate authority of the
Presidency of Fort William.*

INSTRUCTIONS OF THE GOVERNOR-GENERAL IN COUNCIL TO DR FRANCIS BUCHANAN, 11 SEPTEMBER
1807

This Part opens in 1800. Seven years later, the government that had fixed Bihar's revenue in perpetuity ordered the province to be described. The order survives in full, and so do the answers. Read together they are the earliest complete account of the foundation this book calls unfinished — written not by a critic of the Company but by its own servant, working under written instructions, with the Company paying for every page.

The sequence is worth stating plainly. The Permanent Settlement was enacted in 1793. The narrative of this Part begins in 1800. Francis Buchanan surveyed Patna and Behar in 1811 and 1812. By the time Buchanan set out, therefore, the central legal instrument of Bihar's agrarian order had already been in force for eighteen years, and its consequences were not a matter of prediction. They could be counted. He counted them.

I. Why the Company Wanted to Know

A government that has fixed its revenue in perpetuity has given away its reason to count. That is the paradox standing at the head of this Part, and it is the reason the survey exists at all. The Permanent Settlement of 1793 settled with the proprietor and asked nothing further of him: the demand was fixed, what the land actually yielded was the zamindar's business, and the establishment of village accountants that a temporarily settled province maintains as a matter of course was never created in Bengal or in Bihar. Within fifteen years the Company had discovered what it had

done. It governed the most fertile territory in its possession and could not say what that territory produced, how many people lived on it, what they ate, what they made, or what any of it was worth. The men who could say — the zamindar, the kanungo, the patwari — had every reason not to, and no obligation to. The enquiry ordered in 1807 was, before it was anything else, an attempt to see over a wall the Company had built itself.

The second reason was older and worse, and it was never set down in these terms because it did not need to be. The famine of 1770 followed the failure of the rains across Bengal and Bihar. The Company's own Court of Directors afterwards put the loss at about a third of the population, and modern demography does not accept that figure; the revisions run far below it.¹

What governs conduct, however, is not the figure that is right but the figure that is believed, and the Company believed the third. It believed that in a single season it had lost a third of the people whose rent paid its dividends, and it had lost them worst in Tirhut, in Champaran and about Bettiah — Districts that reappear in almost every chapter of this Part. It believed this knowing what its own servants had done while it happened, which was to raise the assessment rather than remit it. A corporation that has watched a third of its revenue base die, and knows what it was doing at the time, acquires a durable interest in being told early. Buchanan's instruction accordingly required him to record what the people ate, how the land was watered and its floods managed, and how goods were sold at fairs and markets — which are the questions a creditor asks when he wants to know whether his debtor will survive the year.

The third reason was the war. Saltpetre, scraped from the soil of the Bihar Districts and refined at Chhapra and Patna, was the oxidiser in gunpowder, and the French wars had made it a strategic material rather than a commodity. Opium, advanced against, weighed and balled at Gulzarbagh, paid for Chinese tea without exporting silver; indigo, grown on the tenant's best land under the assamiwar form, carried private fortunes home to London. A survey that mapped where the nitre earth

¹The one-third estimate is the Company's own: the Court of Directors adopted it, and it passed from there into every nineteenth-century account. Modern demographic work puts the mortality far below it. See Tim Dyson, *A Population History of India: From the First Modern People to the Present Day* (Oxford: Oxford University Press, 2018); and Rajat Datta, *Society, Economy and the Market: Commercialization in Rural Bengal, c. 1760–1800* (New Delhi: Manohar, 2000). The point made here does not depend on which figure is correct. It depends on which figure the Company acted upon, and that was its own.

lay, which Districts could carry poppy, what a loom cost and which rivers would take a loaded barge was not a work of description. It was a reconnaissance of the Company's own balance sheet.²

The fourth reason was a habit of mind, and it is the one most easily mistaken for disinterestedness. Many of the men who governed Bengal after 1790 had been formed in the Scottish Enlightenment, and they had before them Sir John Sinclair's *Statistical Account of Scotland*, compiled parish by parish through the 1790s from returns made by the clergy. The conviction that a country could be known by being counted, and that counting was the first act of governing it well, was genuinely held. It was also perfectly compatible with everything in the three paragraphs above, and the instruction of 1807 shows no strain between them: the same document that asks for the religious usages of the people asks, in the heads that follow, for the profit arising to the cultivator and the amount of goods manufactured in each District.³

The men who gave the order can be named, because it matters that they were not scholars. At East India House in Leadenhall Street the Chairman of the Court of Directors was Edward Parry, with Charles Grant — the evangelical who had spent two decades arguing that British rule in India must be justified by what it improved — as his Deputy. At Fort William the government had just changed hands: Sir George Barlow, who had held the office in an acting capacity, gave way to Lord Minto, whose term began on 31 July 1807. Six weeks later Minto's Governor-General in Council issued the instruction that this Prologue reproduces.⁴

Read in that light, the document in the next section is not an antiquarian curiosity and was never meant as one. It is the operating order of a corporation that had fixed its revenue and blinded itself, watched a third of its people die on its own reckoning, needed gunpowder and a currency

² Saltpetre from the Bihar Districts was a strategic material for the duration of the French wars; the Company's opium was processed at Gulzarbagh in Patna and sold at the Calcutta auctions for the China trade, and indigo was the third of the export staples. All three are traced through this Part, and all three appear in the heads of the commission at Table P.1.

³ Sir John Sinclair, ed., *The Statistical Account of Scotland*, 21 vols. (Edinburgh, 1791–1799). On the transfer of the method to India and on what the Company wanted from it, see Marika Vicziany, 'Imperialism, Botany and Statistics in Early Nineteenth-Century India: The Surveys of Francis Buchanan (1762–1829)', *Modern Asian Studies* 20, no. 4 (1986): 625–660.

⁴ Edward Parry was Chairman of the Court of Directors in 1807 and again in 1808, with Charles Grant as his Deputy in both years. At Fort William, Sir George Barlow held the office in an acting capacity until Lord Minto's term began on 31 July 1807; the instruction of 11 September was issued six weeks later, by Minto's Governor-General in Council. C. H. Philips and D. Philips, 'Alphabetical List of Directors of the East India Company from 1758 to 1858', *Journal of the Royal Asiatic Society* (1941); Sirajul Islam, 'Barlow, Sir George', *Banglapedia; Encyclopædia Britannica*, 11th edn (1911), vol. 18, 563, 'Minto, Gilbert Elliot, 1st Earl of'.

for the China trade, and had acquired from its own century the belief that all of this could be settled by enumeration. The remarkable thing is not that the Company asked. It is that the man it sent answered — completely, in figures, with his working shown — and that the answers survive. What Buchanan returned is the only measured description of Bihar before the census, and it is the foundation against which every later chapter of this Part is set.

It is also the reason this Part opens where it does. A history of Bihar that began in 1847, or in 1857, or at any of the dates the textbooks prefer, would be a history of consequences with the cause left offstage. The instrument that shaped the next century and a half was enacted in 1793; the catastrophe that taught the Company to fear its own ignorance fell in 1770; the order to find out what it was governing went out in 1807; and the answer came back in 1812. The nineteenth century in Bihar begins at the turn of it, and this Part begins there with it.

II. The Order

In 1807 the Court of Directors of the East India Company, in a despatch to the Governor-General in Council, recommended that a statistical survey of Bengal be undertaken, and that the work be given to Dr Francis Buchanan, who had already surveyed Mysore. Buchanan was appointed, and on 11 September 1807 the Governor-General in Council — Lord Minto — issued the directions under which he worked.

The geography came first. The inquiry was to begin in the District of Rungpur, proceed westward through each District on the north side of the Ganges to the western boundary of the Company's provinces, then turn south and east until every District on the south side of the great river had been examined, and afterwards go on to Dacca and the eastern frontier. He was to extend his inquiries to adjacent countries and petty states with which the British government had no regular intercourse — but he was expressly prohibited from quitting the Company's territories, and confined to questioning such natives of those countries as he might meet, or natives of British territory who had visited them. It is an instruction to describe a frontier without crossing it.

Then came the substance, in seven heads. They are reproduced below in the order the instruction gave them, because that order is itself evidence:

what the Company wanted to know about a province, and in what sequence.

TABLE P.1 — THE SEVEN HEADS OF THE COMMISSION, 11 SEPTEMBER 1807

Head	What the instruction asked for	Where this Prologue uses the answer
I	A topographical account of each District: its extent, soil, plains, mountains, rivers, harbours, towns and subdivisions; the air and weather; and its history and antiquities	Table P.2; Figure P.1
II	The condition of the inhabitants: their number; the state of their food, clothing and habitations; the diseases to which they are liable and the means taken to remove them; the education of youth; and the provision or resources for the indigent	Tables P.3 and P.8; inoculation
III	Religion: the number, progress and most remarkable customs of each sect or tribe; the emoluments and power of its priests and chiefs; and what might attach them to Government or render them disaffected	The water test; Table P.9
IV	The natural productions, animal, vegetable and mineral, with the fisheries, the forests, and the mines and quarries	—
V	Agriculture: the kinds cultivated, and the modes and seasons of cultivation; the value of the produce of a given extent of land and the profit to the cultivator; implements, manures and watering; cattle; fences; the state of farms, with the rent and the wages and condition of farming servants and labourers; and the tenures of landed property	Table P.4
VI	The arts and manufactures: processes and machinery; the kinds and amount of goods manufactured; raw materials and capital; the situation of the artists, the usual rates of their labour and their affluence compared with the cultivators'; and new arts that might be introduced	Tables P.5 to P.7
VII	Commerce: goods exported and imported; sales at fairs and markets; money, weights and measures; and the conveyance of goods by land and water, and how it might be facilitated, especially by making or repairing roads	The commercial return

Sources: the *Minute of the Governor-General in Council to Dr Francis Buchanan*, 11 September 1807, printed as the *Introduction to Volume I of the Account of the Districts of Bihar and Patna*, pages i to iv. The heads are given in the order the instruction gave them.

A standing instruction added to all seven: that he should forward to the Company's Botanical Garden at Calcutta whatever useful, rare or curious plants and seeds he might acquire, with such observations as might be necessary for their culture.

III. What the Instruction Reveals

Three things should be said about that document before any of its answers are used, and the third is the one usually left out.

First, it is the most comprehensive statistical mandate issued in India before the census. It does not ask only how many, which is what a census asks. It asks for value — the value of the produce of a given extent of land under each crop, the profit arising to the cultivator, the comparative affluence of the artisan against the cultivator, the amount of goods manufactured in each District. That is a national accounting instruction written sixty-five years before the first census of India and a century and a half before anyone in India attempted to estimate a domestic product.

Second, it is a developmental instruction as well as a descriptive one. At head after head the surveyor is told not merely to record but to recommend: to point out the means of increasing the number of valuable trees, to suggest new objects of cultivation and how their introduction might be encouraged, to propose better implements, to identify remedies for defects in flood management, to say how any new art or manufacture might be introduced, and to indicate how the conveyance of goods might be facilitated, especially by making or repairing roads. The Company wanted an inventory and it wanted a plan.

Third, it is an instrument of rule, and it does not disguise the fact. Head III, after asking for the customs of each sect and the emoluments of its priests, ends by asking “what circumstances exist or may probably arise that might attach them to Government, or render them disaffected.” The same head that inquires into worship inquires into loyalty. A survey commissioned in those terms is not a neutral document, and the material it produced must be read with that in view. What follows is nevertheless indispensable, for a simple reason: nothing else of comparable range exists for Bihar before the colonial censuses, and much of what it records was never counted again.

IV. The Ground It Covers, and the Ground It Does Not

Before a single figure from this survey is used, one thing has to be fixed in the reader’s mind and kept there, because almost every later use of Buchanan — in this book and in the wider literature — has been looser about it than the surveyor himself was. The title of his general table is exact: General Statistical Table of the Districts of Patna City and Zila Behar. It is not a survey of Bihar. It is a survey of two Districts.

Those two Districts covered 5,358 square miles and were divided into seventeen thanahs, of which Patna City was one. He returns them in two

blocks, and the blocks are themselves informative. The first, of 403 square miles, is the city and its ring: Patna City, Phatuha, Noubutpur, Bakipur-Jaywar and Sherpur. The second, of 4,955 square miles, is the country: Gaya, Nawada, Sheykhpurah, Duriyapur, Bar, Behar, Helsa, Holasgunj, Jahanabad, Daudnagar, Arwal and Vikram.

In modern terms that is South Bihar and only South Bihar — broadly the present Districts of Patna, Gaya, Nalanda, Jehanabad, Arwal and Nawada with a part of Aurangabad. What it leaves out is most of the province this book is about. It contains nothing of North Bihar — no Tirhut, no Saran, no Champaran, no Muzaffarpur, no Darbhanga. It contains no Shahabad, no Monghyr, no Bhagalpur, no Purnea. It contains not one acre of the Chota Nagpur plateau. Against the 94,163 square kilometres of present-day Bihar, Buchanan's 5,358 square miles are a little under fifteen per cent of the ground, and they are the fifteen per cent that had the oldest settlement, the densest population and the capital on it.

The density figure makes the point sharply. Three million three hundred and sixty-four thousand four hundred and twenty people on 5,358 square miles is 628 to the square mile. Over the much larger tract of his whole Bengal survey — the 36,784 square miles that Chapter VIII of Part I sets against the census of 1872 — he reckoned 420 to the square mile. Patna and Behar were half as crowded again as the territory he surveyed in general, and everything in the tables that follows should be read as a description of a crowded, long-settled, capital-bearing tract rather than of a province.

With that said, the general table can be set out. Nothing else in the survey is packed as tightly: four families of columns — soil and situation, manner of occupation, people, commerce — carried across all seventeen divisions, and the rest of the appendix is built on it.

TABLE P.2 — THE GENERAL STATISTICAL TABLE: PATNA CITY AND ZILA BEHAR, 1811-12

Head of the return	City and ring (5 divisions)	The country (12 divisions)	Whole survey
Extent in square miles	403	4,955	5,358
Rivers, tanks, marshes and water courses	23	98	121
Liable to be under water — clay, good free soil, light sandy	129	389	518

Bihar: In the Crucible of Time

Head of the return	City and ring (5 divisions)	The country (12 divisions)	Whole survey
Exempt from floods — clay, free soil, sandy, rock, hill	251	4,468	4,719
Waste: altogether unfit for the plough	37	1,119	1,156
Fit for the plough but lying fallow	—	29	29
Actually occupied by farmers who hold the plough	343	3,701	4,044
Number of people	609,270	2,755,150	3,364,420
Proportion of Moslems to Hindus, in sixteenths	5 : 11	4 : 12	4 : 12
Adhyapakas or Pandits	27	29	56
Moulavis	4	3	7
Miyaji or Khulifah	219	451	670
Gurus	200	1,165	1,365
Market places	41	212	253
Exports, in rupees	3,612,058	987,930	4,599,988
Imports, in rupees	6,770,821	374,985	7,145,806

Sources: Buchanan, *An Account of the Districts of Bihar and Patna in 1811–1812*, Appendix I, Table No. 1, printed page 719. The proportions of Moslems to Hindus for the two blocks and the whole are the author's calculations from the division figures of Table No. 4.

The ground is returned twice in the original, by soil and by manner of occupation, and each partition sums to 5,358 square miles: the soil partition (water 121, liable to flood 518, exempt 4,719) and the occupation partition (water 129, waste 1,156, fallow 29, occupied 4,044).

The chapter continues

*Prologue: The Survey: What the Company Ordered Counted, and What Buchanan Found, 1811–12,
continues in the complete book.*

CHAPTER I

THE COMPANY'S PROVINCE: BIHAR ON THE EVE

In 1847 Bihar had no separate name on the map of power. It was a stretch of divisions, Districts and revenue circles inside the Bengal Presidency, governed from a building four hundred miles downstream.

Ten years before the sepoys rose at Meerut, Bihar was not a province at all. It was a set of revenue arrangements. Fort William in Calcutta governed it through the Bengal Regulations; the map showed two great divisions, each under a Commissioner of Revenue and Circuit. The Patna Division gathered Patna itself, Bihar (Gaya), Shahabad, Saran (which then included Champaran) and Tirhut. The Bhagalpur Division took in Bhagalpur, Monghyr and Purnea. To the south, beyond the last of the alluvium, the Chota Nagpur plateau was handled differently: after the Kol insurrection of 1831–32 it had been fenced off as a “non-regulation” tract under the South-West Frontier Agency, where an Agent to the Governor-General exercised powers that would have been unthinkable in the plains.¹

It is worth pausing on that distinction, because it explains a great deal of what followed. The regulation Districts were run by the book — and the book was written for the extraction of land revenue. The non-regulation Districts were run by a man with a wide discretion and a small escort. Neither arrangement was designed to notice what was happening to the people living under it.

The Apparatus of Rule

At the District level authority converged on a single officer, the District Magistrate and Collector, who gathered revenue, kept order and supervised everything else that the Company thought worth supervising. Justice ran on a parallel track: British District and Sessions Judges presided, but the working machinery beneath them was entirely Indian — *Sadar Amins*, *Amins* and *Munsifs*, hearing civil suits under Anglo-Indian

¹ Bihar State Archives, Patna, digitised collection *Archival Documents*, issued for the seventy-fifth anniversary of Independence (archives.bihar.gov.in/independenceday): ‘Insurrection in Chota Nagpur, 1832’.

regulation and under personal law interpreted for them by *pandits* and *muftis* attached to the court.

Policing was thinner still. The countryside was divided into *thanas*, each headed by a Daroga with a handful of *barkandazes* — matchlock-men who were, in practice, as much a private resource as a public one. Beneath the *thana* sat the older Chaukidari system: village watchmen, *chaukidars* or *gorits*, nominally obliged to report crime upward, in reality dependent for their grain and their standing on the local *zamindar*. A crime reported was therefore, very often, a crime the landlord had decided to report.

The administration of the late 1840s was also a nervous one. In the winter of 1845–46 it had uncovered what the records call the Patna Conspiracy — an organised attempt to corrupt the sepoys, in which the munshi of the 1st Native Infantry was found in treasonable correspondence with a rich and influential landowner of the neighbourhood, and a scroll was found bearing the names of respectable inhabitants of Patna, Hindus and Muhammadans, pledged to die in defence of their religion. Nothing came of it in the short run. But it put surveillance into the bloodstream of the Patna administration a full decade before 1857, and it identified the two things the British would fear most in Bihar for the next century: the city's notables, and the sepoys.

The Extractive Economy

Bihar's economy in 1847 rested on a single legal instrument and three commodities. The instrument was the Permanent Settlement of 1793, which fixed the State's demand on the *zamindar* in perpetuity and left the cultivator's rent to the landlord — the asymmetry, set out in the Introduction, on which the rest of this chapter turns.

Between the great proprietors and the men who actually held the plough lay a dense, profitable undergrowth of intermediaries — *thikadars*, *mustajirs*, *patnidars* — each of whom had bought the right to collect rent and each of whom needed a margin. The cultivator at the bottom, whether resident *khudkasht* or non-resident *paikhasht*, paid for all of them.

Opium: the Company's pharmacy

Bihar was the eastern engine of the opium trade. The Bihar Opium Agency, headquartered at Gulzarbagh in Patna, held a statutory

monopoly under Bengal Regulation XIII of 1816 and ran the entire cycle: licensing, advance, collection, processing and despatch. Peasants were bound by cash advances — *dadān* — to plant poppy on their best, most heavily manured multi-cropped land, the *bheeth* or *dih*. The raw opium came in to Gulzarbagh, to balling halls and drying rooms of a scale that visitors found startling, and left again for the Calcutta auctions and the China trade. Failure to deliver was not treated as a commercial disappointment. It was treated as something close to a crime: summary fines, forced recovery of the advance, prosecution.

Indigo: the planter's country

North Bihar — Tirhut, Saran and above all Champaran — was planter country. Europeans acquired their hold in two ways. They leased whole villages from great estates under the *thikadari* system, which made them the landlord for all purposes; or they bound individual cultivators directly under *assamiwar* contracts, the early form of what would become the notorious Tinkathia obligation to plant indigo on a fixed fraction of one's holding. Either way the price was set by the factory, the seed and stamp paper were debited to the ryot's account, and the ledger was kept by the man who profited from it.

The leasehold form was not a preference but a necessity. Under the East India Company it had not been lawful for a European to own land outright in the Province, and the habit outlasted the prohibition: even at the close of the planting era only a small proportion of the land under indigo was held by the factories themselves, the remainder running on ordinary leases granted by Indian landlords. What the planter owned was the plant and the paper — the steeping vats of some fifteen hundred cubic feet, the pumps, the paddle-wheel, the drying racks, and the contract. The unit of enterprise was not the factory but the concern: a group of three or four factories, in some cases seven or eight, worked under a single manager with a European assistant at each outwork. The planting Districts were Muzaffarpur, Darbhanga, Champaran and Saran, with a small acreage in Purnea and, south of the river, in Monghyr and Bhagalpur.

Even the seed came from elsewhere. Indigo would set seed in Bihar, but the hard coat of the Bihar-grown seed germinated badly, and the factories bought their seed from the irrigated tracts about Cawnpore in the United Provinces. In 1904 the planters began cultivating a new and

higher-yielding variety, *Indigofera arrecta*, obtained from Java, for whose seed the Government had sent to Natal in 1902. A crop raised on Bihar's soil by Bihar's cultivators, under contracts drawn in a factory office, thus depended on seed grown five hundred miles upriver and on a plant collected in southern Africa.

Saltpetre: gunpowder from the soil

Less celebrated, and in imperial terms no less important, was saltpetre — *sora*, potassium nitrate, the oxidiser in every barrel of British gunpowder. North Bihar was among the world's principal sources. The work was done by the Nunia caste, leaching nitrous earth in crude pans and boilers under licensed contractors. It was filthy, seasonal and badly paid, and it fed the artillery of an empire.

The other Bihar: subsistence

Behind the export crops lay the ordinary agricultural year. Winter rice (*aghani*) was the dominant food crop of both north and south, harvested in November and December; autumn rice (*bhadai*) with maize, *marua*, *kodo* and barley carried the labouring classes through the lean months; the *rabi* harvest of wheat, gram, barley, peas, mustard and linseed came off the alluvial plains of Shahabad, Patna and Tirhut. Sugarcane was widespread in Saran and the south; tobacco flourished in Tirhut and Darbhanga.

A very large part of rural society owned nothing at all. The landless *kamia* worked under *Kamiauti* — hereditary debt bondage, of which more below — in exchange for a subsistence grain allowance, the *khoraki*. The Indian Slavery Act of 1843 had already forbidden Company courts to enforce any claim to personal slavery. It made no difference whatever, because the relationship had simply been re-labelled as debt.

Water: The Ahar, the Pyne and the Well

In 1847 the colonial state had put essentially no capital into irrigation in Bihar. The Sone Canal lay a quarter of a century in the future. What existed was indigenous, old and locally maintained.

In the dry, gently sloping country of Gaya, Patna and Shahabad, agriculture depended on the Ahar-Pyne system — one of the more elegant pieces of pre-modern hydraulic engineering anywhere in India. *Pyne*s were inundation channels taken off the seasonal hill torrents of the

Falgu, the Morhar and the Poonpoo. Ahars were rectangular earthen catchment reservoirs, embanked on three sides, holding runoff for the winter crop and for flooding paddy. The system was kept alive by Gongawat (or *goam*): customary collective labour, owed by every tenant, to desilt the channels and reinforce the dams before the monsoon. It worked because everybody in the village was obliged to make it work.

Elsewhere, water came up out of the ground: masonry (*pucca*) and earthen (*kachcha*) wells, worked with the bullock-drawn leather bucket (*mote*) or the lever lift (*latha-kuri*, *dhenki*). In North Bihar the calculation was different again — the land was watered, and periodically ruined, by the Himalayan rivers: the Gandak, the Burhi Gandak, the Bagmati, the Kamla and the Kosi, supplemented by *chaurs* and *mans* (natural depressions and oxbow lakes) and by the thousands of tanks, *pokharas*, that the estates had excavated.

Mines, Forges and Looms

Modern industry did not exist in Bihar in 1847. Its beginnings lay beyond the plains, on the Chota Nagpur plateau that is now Jharkhand and in Bengal: commercial coal mining was pushing outward along the Damodar Valley from Raniganj, led by private concerns such as Carr, Tagore & Company — Dwarkanath Tagore's venture — and the early Bengal Coal Company. Iron was smelted on the plateau, but by tribal artisans, the Asurs and Agarias of Hazaribagh and Singhbhum, in small charcoal-fired earthen bloomeries. Mica was being scratched off the surface on the northern edge of the Hazaribagh plateau; the copper workings of Singhbhum were primitive and local.

What the province did have was craft — and craft under siege. The handloom cotton industry was in structural collapse under the weight of cheap Manchester piece-goods; weaver distress in Patna, Bihar Sharif and Madhubani was acute, and only coarse rustic cloth (*motia*) for local consumption survived the competition. Around the wreckage, specialised traditions held on: Monghyr, heir to Mir Qasim's arsenals, still produced gunsmiths, blacksmiths and ironmasters of real quality; Bhagalpur wove *tussar* silk; Obra in the Gaya-Aurangabad tract made coarse wool and cotton carpets; Patna produced glazed ceramics and clay figurines. The only true factories in the province processed the two

monopoly crops — the opium works at Gulzarbagh, and the indigo vats scattered across the north.

The wreckage can be measured, because thirty-five years earlier somebody had counted it. Francis Buchanan, surveying Patna and Behar for the Company in 1811 and 1812, estimated the number of looms at work in each division and valued the thread they consumed in a year: twenty-two lakhs twenty-nine thousand rupees' worth for cotton cloths, a further lakh for mixed cloths, thirty-seven thousand for tape, carpets and tent ropes, two thousand for sewing thread — a little over twenty-three and a half lakhs in all. He arrived at the figure twice by different routes and found the two agreeing, which by his own standards was unusual; of the traders' returns for exports and imports he remarked that he considered the table "of no authority with regard to the amount of each article, the traders here being still more shy than those of Bhagalpur".

As the Prologue showed, the fine end of the cotton trade was already contracting in 1812, a generation before the piece-goods of Lancashire arrived in quantity. What Manchester did was finish a decline that had begun for other reasons, and finish it at the coarse end too.

The survey also priced the industry, loom by loom, and the pricing is the most damning thing in it. The coarse cotton cloth of the two Districts was made by 19,590 weavers working 23,552 looms — which, set against the 19,900 weaving houses and 24,352 looms of the artificers' return, leaves 310 weavers and 800 looms on the finer cloth made in the Company's three factories at Maghra, Bigha and Jahanabad. Those looms consumed thread worth 17,71,379½ rupees in the year and turned it into cloth worth 24,38,621. The difference — 6,67,241½ rupees, or a little over twenty-seven per cent of the value of the cloth — is everything the weaving trade of South Bihar earned in a year, before starch, soap and the weaver's own food are taken out of it.

Divide that by the looms and a loom returned about twenty-eight rupees a year, which is some two rupees a month. Buchanan did not leave the reader to do the division: his table carries a column headed total profit in a month for each loom, and it runs from one rupee five annas in Vikram to three rupees twelve annas in Sheykhpurah, with most divisions between one and two rupees.

Now set two rupees a month against the household table of the same survey, where the commonest family in the two Districts — five persons — lived at three to four rupees a month. One loom did not keep one family. It kept between half and two-thirds of one, and the rest had to come from the spinning of the women in the same house, from a plot of land, or from debt. That is the condition of the Bihar handloom a generation before Manchester arrived, priced by the Government's own surveyor: not a prosperous craft about to be destroyed by machinery, but a trade already unable to support the households working in it.

The River and the Road

Bihar's commercial spine was the Ganga. Thousands of country craft — *patellas*, *dinghis*, *budgerows* — moved grain, hides, timber, saltpetre and opium; by 1847 commercial steamers of the Company and of the Ganges Steam Navigation Company were running regularly between Calcutta, Patna and Mirzapur. Patna was the great commercial metropolis of eastern India; Revelganj (Godna) on the Gogra was a grain clearing house of formidable size; Buxar, Monghyr and Bhagalpur handled the rest. Once a year, at Sonapur, the largest animal fair in Asia assembled horses, elephants and cattle on the Harihar Kshetra sands.

Exports ran to opium, indigo cakes, refined saltpetre, rice and wheat for lower Bengal, mustard seed, hides and forest timber. Imports ran the other way: Manchester cottons, iron and copper bars, Liverpool salt, English glassware.

Roads were another matter. Outside the renovated Grand Trunk Road, which crossed South Bihar through Sasaram, Dehri-on-Sone and Sherghati with staging bungalows for mail and troops, Bihar had almost no all-weather surface. Ordinary rural traffic moved on *kachcha* tracks that became mud channels for four months of the year. There were no railways at all — Dalhousie would not authorise construction until the early 1850s. There was no electric telegraph; the first experimental lines in Bengal came in 1851. Letters moved by the Imperial Dawk, runners and horsemen with leather bags along the Grand Trunk Road, supplemented in the Districts by the Zamindari Dawk, an unintegrated landlord-run service for carrying government writs and tax notices — which is to say, the State's own communications ran partly on the goodwill of the men the State was taxing.

Money: Mahajan, Hundi and the Grain Loan

European banking in Bihar was negligible.

The credit system that mattered was indigenous. Mahajans, sahkars and Marwari, Agarwal and Jain family firms, concentrated in the commercial quarters of Patna City — Marufganj, Mansoorganj — and in Gaya and Bhagalpur, financed the movement of goods through hundis, inland bills of exchange payable at sight (*darshani*) or after a fixed term (*miadi*). A hundi drawn in Patna cleared in Calcutta, Mirzapur, Benares or Bombay through private networks of standing and reputation (*sakh*). The discipline was not judicial but social: a dishonoured hundi cost a merchant his credit and his place in the clearing house, which was a far more immediate punishment than anything a *munsif* could impose.

For the cultivator, none of this applied. He borrowed grain in the lean season from the village moneylender against a thumb-print, at *sawai* — repayment of one and a quarter times the principal at the next harvest — or *derha*, one and a half times. Landlords with debts of their own resorted to *zarpeshgi*: a usufructuary mortgage in which the creditor took the rent-collection rights of named villages in lieu of interest until the principal was repaid. It very often was not, and the land passed permanently. Both of the cultivator's rates had names because both were standard products of a settled trade, and the whole published ladder — in grain and in money — is set out in Chapter III.

Work, and the Business of Leaving

The occupational order of 1847 can be read off the land. At the top, a landed proprietary class — the five great Rajs and thousands of petty rentier *maliks*. Below them, peasant cultivators divided by the security of their tenure. Then the specialised agricultural castes: Koiris, prized horticulturists whom the Opium Agency actively sought out for poppy; Kurmis; Yadavs/Ahirs in tillage and pastoralism. Then the artisan and industrial castes — *Julahas* and *Tantis* at the loom, *Nunias* at the saltpetre pans, *Telis* at the oil press, *Barhais*, *Lohars*, *Kumhars*. At the bottom, the landless Dalit castes — *Musahars*, *Dusadhs*, *Chamars* — tied by *Kamiauti*.

Cutting across this was a literate service elite — *Kayasthas*, Brahmins and educated Muslim *Ashraf* — who staffed the paperwork of the whole system as *patwaris*, *gomasthas*, *mukhtars*, *amla* and *munshis*. And cutting across that was a military labour market: Shahabad and Bhojpur were the

The chapter continues

*Chapter I: The Company's Province: Bihar on the Eve,
continues in the complete book.*

CHAPTER II

LAW BEFORE THE CODES: THREE LEGAL UNIVERSES

It is easy to forget how recent codified Indian law is. In 1847 there was no Indian Penal Code, no Code of Civil Procedure, no Contract Act, no Transfer of Property Act, no Bengal Tenancy Act. There were the Bengal Regulations; there was Hindu and Islamic personal law; there was mercantile custom; and there was a vast, unwritten body of caste and village usage. Where the Regulations were silent — which was most of the time — the judge fell back on that famous, elastic formula: justice, equity and good conscience, which in practice meant English common-law doctrine adapted to colonial administrative convenience.

The framework for personal law had been laid down by Warren Hastings' Plan of 1772 and reaffirmed by the Bengal Regulations, notably Regulation IV of 1793: Company courts applied Hindu law to Hindus and Islamic law to Muslims in matters of marriage, inheritance, caste and succession. Because the British judge could read neither Sanskrit nor Arabic, he was supplied with indigenous law officers — Pandits for Hindu law, Qazis and Muftis for Muslim law — whose formal opinions, *vyavasthas*, shaped the outcome. Alongside and largely beneath this ran a third universe: the unwritten customary forums of tribal and lower-caste communities.

The Hindu Order: Benares and Mithila

Hindu civil law in Bihar was not one thing. It was split between two sub-schools of the broader Mitakshara system. The Benares School governed south and western Bihar — Shahabad, Patna, Gaya, Saran. The Mithila School prevailed in the north — Tirhut, Darbhanga, Champaran, Purnea — grounded in the treatises of Vachaspati Mishra (*Vivada Chintamani*) and Chandeshvara (*Vivada Ratnakara*). The distinction was not antiquarian. It decided who inherited, who could adopt, and on what terms an estate survived a failure of male issue.

The coparcenary

The household was an undivided joint family, *samavaya*, headed by the *karta*. Its defining doctrine — and the sharpest contrast with the *Dayabhaga* system of neighbouring Bengal — was right by birth, *janmasvatvavada*. A Bihari Hindu male acquired a vested interest in ancestral coparcenary property the moment he was born. The father was not absolute owner: alienation of ancestral immovable property required legal necessity (*apad-dharma*) or the consent of the coparceners. Kinship was strictly patrilineal; marriage was forbidden within the same *gotra* and *pravara*, and among *sapindas*.

Marriage, and the genealogists of Mithila

For the upper castes, marriage was an indissoluble sacrament. Early marriage was the rule, though not at the same age on every rung: the lower ranks married their daughters in infancy, while among the high-born, as the Prologue showed, the cost of a match of equal rank often delayed the wedding past puberty. Either way the bride remained in her natal home until the *Gauna* or *Duragman*, and cohabitation began only after puberty. Monogamy was the norm; polygyny was lawful and practised by wealthy landed and *Kulin* families.

In Mithila the business was more elaborate still. Among Maithil Brahmins and Karna Kayasthas, marriage was governed by the *Panji Prabandha* — a genealogical archive maintained by professional *panjikars*. Alliances were contracted at the *Saurath Sabha* near *Madhubani*, held once or twice a year in a great orchard, where the *panjikars* examined the genealogies of both families and approved a match only when no relationship within the prohibited degrees was found. It was, in the most literal sense, a marriage market with a registry attached.

Inheritance, and the widow's estate

On the death of a coparcener in an undivided family, his share did not pass to his widow or daughters. It passed to the surviving male coparceners by survivorship. A widow inherited at all only if her husband had died completely separated from the joint family and without male issue — and even then she took only a limited estate: the usufruct for life, with no power to sell, mortgage or alienate the corpus except under strict necessity, the property reverting on her death to her husband's nearest male collaterals, the *reversioners*. Absolute ownership was

available to a woman only over *stridhana*, the gifts of her marriage and bridal procession.

Widowhood itself was a sentence. Sati had been outlawed in 1829, but in 1847 widow remarriage among the upper castes remained legally unrecognised and socially unthinkable; the Hindu Widows' Remarriage Act was nine years away. Divorce did not exist. A deserted wife could claim bare sustenance and nothing else. The joint family estate was, at least, legally bound to maintain all non-coparceners: unmarried daughters, mothers, widows and members disqualified by infirmity.

Kritrima: the Mithila exception

North Bihar preserved a form of adoption of its own. Beside the conventional Dattaka adoption — which severed the child from his natural family and required the *datta-homam* — Mithila recognised *Kritrima*: a simple mutual agreement between adopter and adoptee, of the same class, with no restriction on the adoptee's age. Its consequences were considerable. A Mithila widow could adopt a son to herself alone, without her late husband's permission. In exchange, the *kritrima* son inherited only from the individual who adopted him, not from that person's ancestors or collaterals, and retained full inheritance rights in his birth family. For houses navigating a failure of male issue, it was an extremely useful instrument.

What the villages actually did

For the great majority — Yadavs, Kurmis, Koiris, Dusadhs, Chamars, Musahars — the Shastric texts were subordinate to caste custom, and caste custom was far more practical. Widows remarried, in the simpler form called sagai. Marriages could be dissolved outright through the caste panchayat, usually by mutual consent on the payment of some compensation for the marriage expenses. The rigidity of Hindu personal law, in other words, was largely a property of the people who could afford it.

The Muslim Order: Hanafi and Ja'fari

Muslim society in mid-century Bihar was predominantly Sunni and Hanafi, with a prominent and politically influential Shia minority — particularly in Patna and among aristocratic families — following the Ja'fari school. Kinship operated inside endogamous strata: the Ashraf

preferred alliances within their own lineage on the principle of *kufu*, parity of status; the Ajlaf preserved occupational endogamy. Unlike Hindu practice, cousin marriage was permitted and favoured, and parallel-cousin marriage to the father's brother's daughter (*bint-amm*) was used deliberately to consolidate land and keep agrarian shares from leaving the family.

Marriage was not a sacrament but a civil contract, executed before witnesses on offer (*ijab*) and acceptance (*qabul*). The husband was bound to assign a dower, *mahr*, in two parts: prompt dower payable immediately on demand, and deferred dower payable on dissolution by divorce or death. In Bihari landholding families the deferred portion was frequently set deliberately high — a device that both deterred unilateral divorce and gave the widow a first-priority lien on her husband's estate.

Dissolution was asymmetrical but not one-sided. The husband held the unilateral power of *talaq*. A wife could initiate *khula*, typically by relinquishing or refunding her *mahr*, or *mubara'at* by mutual consent. Maintenance (*nafaqah*) was owed during the marriage; after divorce it ran only for the *iddah*, roughly three menstrual cycles or until delivery, after which the woman looked to her natal family or her dower.

On inheritance, the contrast with Hindu law was stark. Under the Quranic scheme of *faraiz*, estates were divided among fixed sharers and residuaries. A daughter took half a son's share; a widow took one-eighth with children, one-quarter without. Crucially — and unlike the Hindu "widow's estate" — a Muslim woman owned her share absolutely, with full power to sell, mortgage or alienate. That was precisely the problem, from the point of view of a great landholder watching his estate fragment among daughters whose shares would pass to other families. The solution was the family endowment, *waqf-alal-aulad*, dedicating estate usufruct to specified patrilineal descendants — a pious form with an unmistakably dynastic purpose.

Islamic law recognised no adoption that altered genealogy. Care arrangements (*kafalah*) existed; an adopted child could inherit only as a testamentary beneficiary, and a will could not exceed one-third of the net estate.

The Tribal Order: Kili, Bapla and Khuntkatti

The peoples of the southern highlands — Santhals, Mundas, Oraons, Hos, on the plateau that is now Jharkhand — were integrated into neither legal system. Their affairs ran on oral customary law administered by village councils, the Manjhi-Pargana among the Santhals and the Munda-Manki among the Mundas.

Kinship was patrilineal and organised around totemic exogamous clans. Marriage inside the clan was a severe taboo, punishable among the Santhals by *bitlaha*, social expulsion. Marriage itself — andi among the Hos — involved negotiation between family heads, but courtship, festival encounter and mutual selection were freely accommodated. The direction of payment reversed the plains pattern entirely: instead of dowry, the groom's family paid a bride price (*gonong*) in cattle and cash, compensating the bride's clan for the loss of her labour — an honest acknowledgement, which the plains did not make, that the labour had value.

Divorce was socially accepted and readily obtained, very often by mutual agreement. Widows remarried, and the levirate was not uncommon. Land was held under khuntkatti tenure — regarded as cleared and settled collectively by the original founding lineages. Women were excluded from inheriting ancestral arable land, an exclusion justified not by Brahmanical doctrine but by the patrilocal order of the family. A daughter instead had a right to subsist on her parents' land, and a widow a usufructuary right in her husband's.

Beside the tribal councils of the plateau, two courts sat in every District of the plains, and they did not sit as superior and inferior but as parallel worlds that seldom acknowledged one another. The table that follows sets them side by side, and the contrast it draws is worth unfolding slowly, because almost nothing about it is obvious.

Consider first what each forum was for. The Company adalat existed to decide the ownership of large things — estates, titles, high-value successions, the fate of a zamindari when a proprietor died without a son. The caste panchayat existed to decide the ownership of small ones — whether a husband must maintain a deserted wife, whether a widow's second marriage would be recognised, what a man owed the family of the

woman he had sent home. The first dealt in acres; the second dealt in lives, and dealt with them very much more often.

Consider next where each found its law. The *adalat* found it in books — Colebrooke's translation of the *Mitakshara*, Macnaghten's *Principles*, the *Hedaya*, the *Fatawa-e-Alamgiri* — texts composed centuries earlier and hundreds of miles away, now treated as though they were statutes of the realm. The *panchayat* found it in memory: in *dastur*, in what the village had done last time, in the collective recollection of elders who had no text to consult and no need of one. The consequence was a strange inversion. The tribunal with the library was rigid; the tribunal without one was flexible.

And consider, finally, who each forum served, because that is the line on which everything else turns. The *adalats* were used by zamindars, urban merchants and upper-caste litigants who could afford stamp duty, pleaders and delay. The *panchayats* were used by everybody else. When the colonial judge, working from his digests, held that a custom permitting widow remarriage was unproven and therefore did not exist, he was not merely making a legal error. He was overwriting the practice of the majority with the scripture of the minority, and he was doing it in the name of fidelity to Hindu law.

TABLE I.2.1 — TWO FORUMS, ONE PROVINCE: THE ADALAT AND THE PANCHAYAT IN 1847

Dimension	Formal Anglo-Indian <i>adalats</i> (Company courts)	Caste and village <i>panchayats</i> (customary forums)
Jurisdiction	Large landed disputes, formal title deeds, high-value inheritance, zamindari succession.	Day-to-day matrimonial disputes, maintenance claims, customary divorce, validation of sagai.
Legal basis	Formal textual digests — Colebrooke's <i>Mitakshara</i> , Macnaghten's <i>Principles</i> , the <i>Hedaya</i> , the <i>Fatawa-e-Alamgiri</i> .	Local unwritten custom (<i>dastur</i>), collective memory and community consensus.
Characteristic bias	Tended to scripturalise and rigidify Hindu personal law, suppressing fluid regional exceptions unless formally proved.	Pragmatic, localised and responsive to economic necessity — above all the preservation of agricultural labour.
Principal users	Aristocratic zamindars, urban merchants, upper-caste elites.	Agrarian peasants, artisan guilds, service castes, rural labouring classes.

Sources: the Bengal Regulations of 1793 named in this chapter, and the digests on which the *adalats* relied — Colebrooke's *Mitakshara*, Macnaghten's *Principles*, the *Hedaya* and the *Fatawa-e-Alamgiri*.

The division was never merely procedural: it determined whose customs hardened into law and whose were demoted to folklore. That, in the end, is the significance of the table. It records not two levels of a single judicial system but two competing theories of what law is — one textual, imported and increasingly unanswerable; the other oral, local and quietly being dispossessed. The century that followed would settle the argument decisively in favour of the books, and Bihar would spend a great deal of the twentieth century discovering what had been lost in the settlement.



CHAPTER III

PROPERTY, CONTRACT AND THE BONDED BODY

If Chapter II described the law of the household, this describes the law of the field — and it tilted, comprehensively and by design, in favour of the landed proprietor, the European commercial enterprise and the moneylender.

What the Permanent Settlement Actually Did

Under Bengal Regulation I of 1793, the East India Company vested absolute proprietary title to the soil in the *zamindars* and renounced all future revision of the revenue demand. It was intended to manufacture an Indian squirearchy with an interest in improvement. What it manufactured was a rentier class with an interest in collection.¹

How solid that title was at its base is another matter. Francis Buchanan, surveying Patna and Behar for the Company in 1811 and 1812 — eighteen years after the Settlement — could not establish the nature of the tenures in the tracts lately taken from Shahabad, but recorded that almost the whole of the revenue-free land there, as in the other parts, belonged to Muhammadans, and that “there is strong reason to think that almost every grant which the Hindus occupy, has been procured by forgery or other fraud, during the confusion which prevailed on the first occupancy of power by the Company’s servants”. To settle a revenue in perpetuity is a formidable thing to do on a register of exemptions which the Government’s own surveyor believed had been substantially falsified.

The title so created was absolute against every private party and strictly conditional against the State. Under the Revenue Sale Acts then in force — Act XII of 1841 and Act I of 1845 — if the revenue instalment was not lodged in the Government treasury by sunset on the appointed day, the estate went to public auction, without judicial intervention of any kind. This was the celebrated “Sunset Law”, and it explains a good deal of the frantic, occasionally violent quality of rent collection each quarter.

¹ P. J. Marshall, *Bengal: The British Bridgehead: Eastern India, 1740–1828* (Cambridge: Cambridge University Press, 1987; references here to the paperback reissue of 2006), 95–96; P. K. Shukla, “The Zamindars of North Bihar during the Early British Rule (1765–1793)”, *Proceedings of the Indian History Congress* 57 (1996), 507–513, at 513.

The chapter continues

*Chapter II: Law Before the Codes: Three Legal Universes,
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In 1807 the East India Company sent a man to count Bengal and Bihar.

By 1812 Francis Buchanan had counted everything in Patna and Behar: the people, the ploughs, the looms, the schoolmasters, and many more. At Gulzarbagh opium was being weighed and balled to pay for China's tea; Bihar's saltpetre was going into the gunpowder of the French wars. This book tells the saga of what came after. Of the Permanent Settlement and the great estates, on which the British built the fiscal machinery of the province. Of a province that had no college until 1863, whose fortunate few went to Calcutta for an English education while many more were shipped out under indenture to the sugar colonies, or left for the jute mills and the tea gardens. Of Sachchidananda Sinha, Sir Ali Imam and the lawyers and journalists who demanded "Bihar for Biharis" and won a province of its own in 1912, a High Court in 1916 and Patna University in 1917. And of the eight censuses, from 1872 to 1941, that set down how the people lived, worked, married, worshipped and learnt, and on whose tables this book draws.

Then, in 1947, freedom. Sindri, Barauni, Bokaro and the Damodar Valley Corporation started the industrial engine — but a freight policy settled in Delhi in 1952 had already taken away the reason to build a factory in Bihar. The old order of power began to crack: the Total Revolution of 1974; the Mandal decade, which gave izzat to those who had never had it while the public systems around them gave way; and the division of 2000, which carried off the mines and the mills. Through all of it the social and economic foundations scarcely moved. Reconstruction began in 2005, under deep uncertainty; and the contest for a share of the pie that Buchanan had counted in 1812 returned, in 2023, as a caste survey.

Part III sets Bihar beside Tamil Nadu, Gujarat and Maharashtra, and asks why they took off and Bihar did not.

Written for all who wish to understand what Bihar is, and why it is what it is.

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