

Infrastructural Development and the Issue of Compensation in Colonial Calcutta

Kaustubh Mani Sengupta

*Assistant Professor, Department of History,
Bankura University*

[Draft paper, please do not cite]

Introduction

In this paper, I want to look at the issue of compensation with relation to the infrastructural development of colonial Calcutta. Recent years have seen a plethora of books on planning and development of colonial cities of South Asia. They have focussed on the various ideas regarding modern town planning with wide thoroughfares and free circulation air, people and commodities that animated the discussion of civic authorities. But in these works the question of land acquisition and compensation for land acquired to build road or sewers or laying down water pipes have received scant attention. Acquisition of land entailed finding out the proprietor, assess the ‘value’ of land and settle on an amount of compensation. Various claims—related to sacred ancestral property, religion, or custom—regarding the lands to be taken up were put forward by the proprietors. Land, as commodities, passes through what Appadurai has termed as ‘regimes of value’. Often more than one person had to be compensated for a particular parcel of land, as ownership pattern in the city posed problem in clearly identifying a sole proprietor. Through some instances of land acquisition during the late eighteenth and the nineteenth centuries, I will try to chart out some preliminary observations regarding the idea of property, ownership, value and compensation in colonial Calcutta.

Land as ‘Property’ in Calcutta

From the late eighteenth century, and throughout the nineteenth, the EIC (and later, the Crown) tried to formulate various regulations and Acts to standardize issues regarding acquiring land for public utility. All these culminated into the Land Acquisition Bill of 1894. The Bengal Code of 1824, followed by the Acts of 1857, 1870 and 1885, were the building blocks for the 1894 bill. The discourse of ‘improvement’ shaped urban governance in the nineteenth century. The improvement schemes, however, were predicated on the availability of appropriate funds. Apart from problems arising from technical considerations, engineering difficulties or cultural disapproval, financial constraint posed difficulty at every turn. The viability of a project often depended on the guarantee of an assured ‘return’—the idea of ‘recoument’ was crucial, which determined the course of a scheme. Along with that, there was the problem of deciding the ‘value’ of the property—how does one determine the worth of the land to be taken up? What were the cultural and social elements, apart from market considerations, that influenced the decision of the state and the individual proprietors? How does one calculate the amount of compensation to be paid? Also, who was/were to be paid? ‘Property’ and ‘proprietary rights’ were intensely contested issues in the colonial period, especially for agrarian lands. In Bengal, starting from the Permanent Settlement of 1793, through the Bengal Rent Case of 1859 and the Tenancy Bill of 1885, creating a ‘rule of

property’ and identifying the proprietor were major prerogatives of the state. But, as several scholars have shown, the idea of private property as envisaged in the permanent settlement stemmed from ‘misreading’ of precolonial practices, and this created severe problems, especially with mounting peasant discontents in the nineteenth century. Thus, from as early as 1812, when the *Fifth Report from the Select Committee of East India Affairs* was presented to the British Parliament, the discourse of ‘proprietary rights’ (or ‘property as bundle of sticks’) was on the ascent.¹ But what effects did this indeterminacy of agrarian rights have in urban lands? It is worth remembering that the Company started out as the zamindar of the three villages that made up Calcutta. In Calcutta, it farmed out lands, shops, hats and bazaars to individuals for a fixed term. The Company gradually got rid of the earlier zamindars of the region, and managed to secure free tenures of lands in and around their initial base in the latter half of the eighteenth century. In Calcutta, it had to recognize the rights of the *patta* [lease] holders from the beginning. The British were always looking to bring in people to the town which would help in their commercial interests. In a letter from the directors in 1755, we find that they were asking the Company servants to persuade weavers to settle in Calcutta.² The same sentiment was echoed after Plassey, when the Company gained the possession of thirty-eight villages around Calcutta, where the weavers were to be encouraged to settle in so that “as many articles as possible of [Company’s] investment may be provided in and near the principal settlement...”³ The terms and conditions of *patta* holders become clearer in the case of lease of Sutanuti. In 1777, Nabakrishna Deb was given the lease of Sutanuti. The merchants of Sutanuti did not agree to this settlement, and lodged a complaint with the Company against Nabakrishna. In a petition to Governor-General Warren Hastings, the inhabitants and landholders of Sutanuti and Baug Bazar claimed that they were tenants of the Company by virtue of legal ‘pottahs’ and rent paid for several years, and that they “were never Tenants or Riots[sic] to any other person...”⁴ They claimed a proprietary right on these lands having the liberty to sell them with the approbation of the Company and enjoyed the security provided by the Company.⁵ Since they had got the land from the East India Company under a *patta*, the petitioners argued, that any attempt to ‘introduce any new Species of Tenure’ by giving the entire district to an individual to collect the rent ‘would be highly contrary’ to the rights of the existing *patta* holders. The Board was quick to respond to the anxious petitions. It emphasised that the change of authority would in no way restrict the benefits enjoyed by the inhabitants of Sootanuty. Nabakrishna would only collect rent, and

¹ Faisal Chaudhry, ‘Rule of Proprietary Right’; also, as Upal Chakrabarti argues, “property in land [in the *Fifth Report*] was being defined in terms of the right to own a part of the rent, along with the sovereign, and alienate that right to someone else, even if the Meerassadar was not the cultivator himself. These were the beginnings...of an understanding of property that was primarily defined as the right to own a share of the rent. Rent, here, was not construed in the Ricardian manner, as a measure of the differential fertility of soil, but as the marker of sovereignty, usually referred to as the “dues of the government”.” [‘Problem of Property’, *JESHO*, forthcoming].

² James Long, *Selections from Unpublished Records of the Government for the years 1748 to 1767 Inclusive Relating mainly to the Social Conditions of Bengal*, (ed.) M. Saha, (Calcutta: Firma K.L.M, 1973), pp. 79-80.

³ Letter from Court, 3 March 1758, *Fort William-India House Correspondence [FWIH]*, vol. II, ed. N. K. Sinha, (New Delhi, National Archives of India, 1957), p. 60; Letter to Court, 31 December 1758, *FWIH*, vol. II, p. 335.

⁴ Proceedings, Revenue-Governor General in Council [henceforth, Rev GGinC], 23 January, 1778, p 585, West Bengal State Archives [WBSA].

⁵ *Ibid.*

would not have any power “to oppress, or to exact new taxes or to erect a Court of Justice.”⁶ The inhabitants clarified that they never supposed that the grant of the talookdarry would in any way affect the tenure of their private property, but would change their position on their own land with respect to the landlord. The authority exercised by a talookdar or a zamindar acting on behalf of the Company was essentially different from being settled on a land directly governed by the Company.⁷ To authorise their claim to ancient rights, they said that many of the families of the petitioners “have been resident in Calcutta from the first establishment of the Company and have rendered Government, at different periods, many essential Services.”⁸ Nabakrishna sought to dispel such anxieties and fears, and in fact, urged the Company to grant him the mahal of Sutanuti in perpetuity. The Company agreed to this wish and Nabakrishna gained the possession of the area from 11 April, 1777 (Bengali year 1184).⁹

This episode shows the position of the lease holders in early Calcutta. The Company recognized the value of the *patta* and, in turn, had to compensate the lease holders if it wished to acquire a piece of land. The idea of proprietary rights and recognizing various claimants to a parcel of land—not only the proprietor, but also the *raiya*s—was part of the Company discourse in Calcutta from the eighteenth century, as can be found during the construction of the new Fort William (1757-1774), the dockyard at Kidderpore in 1775-77 or the Barrackpore Road in 1809.

Some Early Accounts of Compensation

The building of the New Fort William during the second half of the eighteenth century by ravaging the flourishing village of Gobindapore necessitated paying up the residents, at least some of them got money or land for what they lost. We find that the Council at Fort William informing the Directors in London that they had removed ‘all the Natives out of Govindpore... the brick houses having been valued in the most equitable manner...; those who dwelt in thatched houses...have been allowed ground in other parts of the town and outskirts to settle in.’¹⁰ Some of most powerful native families (like that of Gokul Ghosal, the *banian* of Verelst and an important landowner, the merchant families of the Tagores and the Bysacks) used to reside in Gobindapore. They were provided with land in other parts of the town. Gokul Ghosal moved to Khidirpore where he built a mansion. Nabakrishna Deb went to Shobhabazar, while Nilmani Tagore settled down in Pathuriaghata, located north of the great bazaar of Sutanuti.¹¹ The flourishing market was shifted to a place called Chetla in the south.¹² The Engineers and the Committee of Works later faced some problems in clearing the whole area to extend the Esplanade of the Fort, and establish a clear and safe distance from the city. Some of the inhabitants of the area refused to move even after the order of the

⁶ *Ibid.*, p 596.

⁷ Rev GGenC, 28 April 1778, WBSA.

⁸ *Ibid.*

⁹ Petition to the Governor General, Rev GGenC, 9 June 1778, WBSA.

¹⁰ Letter from Council of Fort William to Court of Directors, January 10, 1758, in Long, *Selections* (M. Saha ed), p. 151.

¹¹ Partha Chatterjee, *Black Hole of Empire: History of Global Practice of Power*, (Ranikhet: Permanent Black, 2013), pp 104-05.

¹² Prankrishna Datta, *Kolikatar Itibritto*, (Calcutta: Pustak Bipani, 1981), p. 94.

Board. The Collector was in a dilemma as he thought it would be wrong to expel Company's tenants in 'so illegal a manner', ('illegal', even after the Board's orders, probably suggests that for most of the common people, who held a 'pottah' for their ground and were tenants to the Company, the compensation for their land was not properly paid or that they were forcefully ejected against their wish) and whether it was cost effective to remove the people and the gunje, and losing 2000 rupees per annum as the rent for those in the process.¹³ Even in 1768, almost ten years after the commencement of the work, we find that the Company was yet to compensate 314 inhabitants of Gobindapore.¹⁴

Like the great Company venture of building the new Fort William, at this point of time various individuals were also engaged in 'public works' in Calcutta. One such initiative was the building of a dockyard. In 1769, Major (later Colonel) Henry Watson, the Company's Chief Engineer (in 1768) and Major Archibald Campbell, (Chief Engineer in 1769 and the future governor of Madras) proposed to build a dock in Calcutta. Like many other projects floated by individuals, this was yet another enterprise that would help to build the city without the active participation of the Company with regards to labour and finance. The Company was only to provide the necessary land for the project. But it was soon found that the land to be given for the dock was "held by a great number of Natives", and to decide on the terms of compensation, eight of the Company's servants were chosen as arbitrators to settle and determine the value. Four of them were selected by the Board, and the other half by Campbell and Watson.¹⁵ They agreed to pay whatever amount should be decided by the arbitrators. These were crucial issues, as Campbell and Watson thought that the money demanded as compensation was highly unjust, and that the owners of different 'Golahs, Hutts and Choppers' often inflated the charges that they incurred while removing them from the land, so much so that the money asked for was "sometimes much greater than the full value of those Golahs, Hutts, and Choppers..."¹⁶ William Hickey, Watson's attorney, wrote in his memoirs that the arbitrators met several times during a period of ten months, but "their opinions differed so widely as to the quantum of compensation that nothing decisive was ever done, nor any report made by them. The inhabitants, however, were effectually excluded from their land, and a high brick wall built round the whole space..."¹⁷

These instances show that from early period of the Company rule in Calcutta, paying a compensation for land taken up for various public ventures was not uncommon. Whether they were paid properly, or whether the original proprietors got the real value of their land is debateable. Sometimes, finding the real claimant became difficult. But the idea was there and an incipient land economy was taking shape that would plague the government of the city in the coming centuries. As population grew rapidly in the second half of the eighteenth century, urban development became a crucial issue in Calcutta. A discourse of town planning entered the vocabulary of governance. Infrastructural development needed land and money. Throughout the nineteenth century, various schemes of building proper roads or a sewage

¹³ Proceedings, Home Department Public Branch [henceforth, Home Public], 5 January-28 December, 1761, pp. 6-8; Home Public, 20 April, 1761, pp. 101-102, National Archives of India [henceforth, NAI], New Delhi.

¹⁴ Home Public, Original Consultation [OC], 26 August, 1768, No 6, NAI.

¹⁵ Proceedings, Home Department, Public Branch [Henceforth, Home Public], Original Consultations [OC], 27 March, 1770, No. 3 (a) [Note: Nos. 2a, 3a and 4a are combined in one file at the NAI].

¹⁶ Ibid.

¹⁷ Peter Quennell (ed.), *Memoirs of William Hickey*, (London: Hutchinson & Co, 1960), p 242.

system came up against the perennial complaint of limited financial resources. But even where money was not a problem, at least in paying the landholder to get hold of the land in the first place, various other issues cropped up. Here I will discuss some of these cases to look into the way people and the government negotiated with each other and shaped the space of the town.

Improvement and Urban Finance: The Issue of Compensation and Value

In 1803, Lord Wellesley, pioneer of urban reforms in Calcutta, observed, “The ground [in north Calcutta] is the property of different individuals, who cannot be compelled to allot their estates for building according to any prescribed plans, and the purchase of the whole, with the houses now standing thereon, would require the expenditure of a sum of money too considerable to admit of any attempt for that purpose.”¹⁸ The Lottery Committee (1817) followed the modern principle of recoupment to recover the cost. The idea was to sell the ‘improved’ land to the ‘speculator in buildings’ at an enhanced price and make a profit thereby. One member of the Committee wrote:

For instance, if it were proposed to make a road through ground which might on an average be produced at 100 Rupees per *cottah* and the value of the ground adjacent to the road should as soon as it was opened ride to 300 Rupees per *cottah*, one third of the quantity so purchased might be given up for the road and 100 Rupees clear profit be gained by the sale of the remaining two thirds...the value of ground in Calcutta generally rise in proportion to its contiguity to a great thoroughfare and that upon this circumstance rested the possibility of effecting the improvement...without expense, provided sufficient capital were advanced for the purpose in the first instance.¹⁹

However, this policy was not always successful, as the initial capital was not available on every occasion, and the government was reluctant to pay from its revenues. But, this was the preferred mode for the rest of the century, as we see in 1887 during the proposed construction of a broad thoroughfare connecting the Hooghly Bridge [Howrah Bridge] with Sealdah [railway terminal in the city], cutting through the wholesale market sprawl of *Burra Bazaar*. To get over the perennial problem of finance, it was decided by the Town Council,

That in taking up land for the new road, the Commissioners should follow the principle of acquiring a considerable strip of land outside the regular line of the proposed street, the precise width being settled by the Committee. This course should be followed not only with the object of reselling the frontage land at profit, owing to the enhanced value due to the new road, but also to enable them to redistribute the frontage land in convenient building blocks.²⁰

¹⁸ Fever Hospital, Appendix F, pp. 315-316.

¹⁹ Lottery Committee, 3 Feb, 1820, quoted in Benoy Ghose, ‘The Socio-economic Consequence of the Town Improvement Scheme in Calcutta [1800-1836]’, *Bulletin of the Victoria Memorial, Calcutta*, 2’, p. 26, cited in Datta, *Planning the City*, p. 31

²⁰ West Bengal State Archives (WBSA), Proceedings, Municipal Department-Municipal Branch, Jul. 1888, No. 168-169.

The Municipal Commissioners adopted the project proposed by the Town Council, and asked the Sub-Committee (appointed by the Town Council) to prepare the 'best and most economical scheme' for the execution of the work. The Committee proposed to the government to appropriate a strip of 170 feet wide land, 70 feet for the road and footpath, and 50 feet on each side for the new buildings.²¹

But not every project assured a return. To minimise their expenditure, the colonial government often had to enter into prolonged negotiation and court cases with land owners. There were disputes regarding the exact measurement of the land to be taken and amount of payment to be made as compensation.²² I want to focus on the nature of claims and considerations, apart from market-value, that entered the negotiation. Determining the 'value' of land and calculating the compensation posed several challenges to the authorities.²³ And it was not the government only; the proprietors had their notions of property and 'just' compensation. Property, as David Graeber argues, can be seen as a social relation where when one gets hold of or buys something, "one is not really purchasing the right to use it so much as the right to prevent others from using it—or, to be even more precise, one is purchasing their recognition that one has a right to do so."²⁴ Economic theory, he argues, tries to explain human behaviour "on the basis of certain notion of desire, which...is premised on a certain notion of pleasure." And, "it is this promise of pleasure economists call "value"."²⁵ Graeber adds another concern with this when he introduces the idea of social 'values' (value in the plural). For him, "insofar as value is social, it is always a comparison; value can only be realized in other people's eyes. Another way to put this is that there must always be an audience."²⁶ This combination of 'value' as desire and recognition creates the worth of a commodity. To think of land and improvements on it (say, a house) as commodities we also need to take into account the different uses that the owner has of them, and all of them, taken together, constitute the use value of that land/house. This use value might not be the same for all the occupants. As David Harvey mentions, "Use values [of land and improvements on it] reflect a mix of social needs and requirements, personal idiosyncracies, cultural habits, life-style habits, and the like..."²⁷ It is this combination of social and economic values that create tension among the buyer and the seller. Let us review a few cases registered during the road-building activities of the Lottery Committee in the second and third decade of the nineteenth century to understand this process.

²¹ Ibid.

²² Proceedings, Judicial Department, (Criminal Branch) [henceforth, Judicial (Criminal)], 25 July, 1805, Consultation no 25, WBSA. For a detail study of road-building and compensation in colonial Bengal, see Paulami Guha Biswas, 'Roads and Travel: Eastern India in the Nineteenth Century', unpublished PhD, JNU, 2014, ch. 5.

²³ 'Value' as a concept has been an issue of intense debates among the economists, sociologists and anthropologists for over a century now. For brief overview, see Graeber, *Toward an anthropological theory of value*; Appadurai, 'Introduction: Commodities and the politics of value'; special issue of the journal *HAU: Journal of Ethnographic Theory*, 3 (2), 2013.

²⁴ Graeber, *Toward*, p. 9.

²⁵ Ibid., p. 9.

²⁶ Graeber, *HAU* 3, (2), p. 226.

²⁷ David Harvey, *Social Justice and the City*, p. 160.

In 1818, Madubram and Ramchunder Mullick put in a petition to the Governor-General saying that they used to own “a piece of tenanted ground, situated at the Muchuabazar, in Mucktaram Baboo’s Street, to the Northward of the Honorable Company’s Public Road.” They alleged that to widen the road and build drains, the Surveyor of the Company’s Roads had occupied the said land “by force”. The petitioners claimed that the aumeens sent by the Collector of 24 Purgunnahs measured the amount of displaced land to be 22 *cottahs*. They demanded a compensation for the land amounting to Rs 6,600, claiming the rate for sale would be Rs 300 per *cottah*.²⁸ The Lottery Committee sent Arthur Blechynden, the Surveyor to inspect the claim of the Mullicks. Blechynden reported that no road had been built near the land claimed. He mentioned that the ground occupied by the petitioners was surrounded by a large drain. While cleansing and enlarging the drain, some part of Mullicks’ land might have been occupied by the Company. Blechynden maintained the quantity of the land could not have been more 3 *cottahs*. He tried to dissuade Madubram Mullick to let go of “their claim for remuneration for the small slip of ground which may have been added to the drain for public advantage”, but did not succeed.²⁹ It was finally decided that a compensation of Rs 900 would be paid to the Mullicks.³⁰

Chunder Seker Mitter and Bholanauth Mitter put in a similar petition to the Governor-General that the Lottery Committee had encroached upon a tank on their land. The tank was extremely important to them on religious ground. It was a part of their ‘*bhodrason*’, and “it was expressly commanded in their Shastras not to dispose any part of such property”.³¹ They argued that the road might have been planned alternatively and spared their tank. In a similar situation, the temple of one Teeluckram Puckrassee was not touched by the Committee, they pointed out. H. Shakespeare and Alex Colvin, members of the Committee, surveyed the situation once again and reported that there was no other way but to encroach on the tank. Otherwise, the house of the Mitters would have been needed to be demolished. They mentioned that, “The line of Road was originally fixed by the Situation of a Musjied near the Bow Bazar, and a Hindoo place of worship of considerable resort near the Petitioner’s House, to escape interfering with which we were forced upon their tank.”³² Also, regarding the case of Puckrassee, the members mentioned that it was a much stronger appeal, on account of the disputed structure being ‘an idol house’, and even then many of the members of the Committee had “always regretted having submitted to, and for which they have often been found fault with, both by Natives and Europeans.”³³ The government had to recognize these various claims and ‘values’ of the piece of land wanted by them for roads. And even for them, the choice was often between different religious structures and customary practices. These competing claims complicated the planning process of the state.

In 1820, the Lottery Committee decided to construct a road and wharf along the western boundary of Calcutta. The issue of claiming the land at the riverfront was the most important point regarding the scheme. According to S. W. Goode, the municipal historian,

²⁸ Judicial (Criminal), 4 September, 1818, Consultation no 6, WBSA.

²⁹ Judicial (Criminal), 4 September, 1818, Consultation, no 9, WBSA.

³⁰ Judicial (Criminal), 4 September 1818, Consultation no 10, WBSA.

³¹ Judicial (Criminal), 22 August 1822, Consultation no. 36, WBSA.

³² Judicial (Criminal), 22 August 1822, Consultation no. 38, WBSA.

³³ Ibid.

“The Committee was of opinion that Government had an incontestable right to all alluvial lands not included in the *pottas* of the river-side proprietors, ‘whether the same had been formed by the spontaneous desertion of the stream or by artificial means.’”³⁴ Compensation for the land was definitely demanded by some of the owners of the land. Goode believes that many others “freely surrendered their lands to the East India Company for the purpose of the road, reserving however to themselves their right to the land west of the road down to the water’s edge.”³⁵ But, obviously, this representation by Goode, the later-day municipal officer of Calcutta, belies the fact that in the process of claiming the alluvial land the Company actually swiftly passed through the successive phases of being a zamindar, to a government and ultimately the sovereign, who could claim the newly-formed land.³⁶ The construction of the Strand Road was extremely important, as the Company could get hold of the crucial piece of land on the waterfront in the early days of town-planning. Later, in the middle of the century, conflict arose with the issue of Strand Bank. The bank was formed by the alluvial deposit from the river and also with the deposition of the city’s waste by the municipality for many years. In 1848, the waste deposited were felt to be a nuisance and covered up. The property became valuable. The government wanted to pass an Act bestowing the right to the land on itself, as it was argued that the land had been in its possession from the time of its formation. However, owners of the land on the west of the Strand Road [i.e. the space of the Bank now] put forward petitions claiming for title to the land. Dalhousie, the Governor-General, was convinced that the land was in undisputed possession of the government for many years and rejected the petition.³⁷ He believed that when the land was taken for the Strand Road, the proprietors were informed that “the land in front of their holdings was to be used as a road, affording them the advantage of a road and river frontage. The land was to be used for public utility and trading purposes.”³⁸ In fact, as Debjani Bhattacharya has recently argued, the Strand Bank case illuminates land grab in extra-legal fashion, which was made possible by “multiple misreading of existing laws of India.” In Calcutta, she points out, “alluvial land accretion in the volatile river basin of Ganges delta laid the basis for articulating the eminent domain principle when it came to urban land.”³⁹ Even then, with some of the influential proprietors, like Raja Radhakanta Deb, successors of Motilal Seal, or the Shobhabazar rajas, the government had to enter into prolonged tussle. Radhakanta Deb demanded a compensation of almost fifteen lakhs of rupees.⁴⁰ Soon, the matter got more complicated. Apart from the raja, *pattadars* of the raja and his son simultaneously claimed compensation for the alluvial land.⁴¹ The Committee was dragged to the court by Radhakanta

³⁴ S. W. Goode, *Municipal Calcutta, Its Institutions in their Origin and Growth*, Kolkata: Kolkata Municipal Corporation, reprint 2005 (1916), p. 258.

³⁵ *Ibid.*

³⁶ See Debjani Bhattacharya, ‘History of Eminent Domain in Colonial Thought and Legal Practice’, *EPW*, Dec. 12, 2015, Vol. L, No. 50, pp. 45-53.

³⁷ *Ibid.*, p. 259.

³⁸ *Ibid.*, pp. 259-260.

³⁹ Debjani Bhattacharya, ‘History of Eminent Domain in Colonial Thought and Legal Practice’, *EPW*, Dec. 12, 2015, Vol. L, No. 50, pp. 45-53, p. 46.

⁴⁰ Sarmistha De, ‘Company Government versus Raja Radhakanta Deb: A Dialectic Contest between Space and Authority’, in Bidisha Chakraborty and Sarmistha De, *Calcutta in the Nineteenth Century. An Archival Exploration*, New Delhi, Niyogi Books, 2013, p. 182.

⁴¹ *Ibid.*

Deb and a long struggle ensued. The Committee had to bear a heavy cost for the suit brought against it.⁴² However, from the initial demand of an amount of fifteen lakhs, the suit was ultimately settled with a payment of rupees two lakhs to the Raja.⁴³ In reducing the amount of compensation, he wanted “to merit as a loyal and dutiful subject of the Supreme Government”, and also a space to erect a *ghat* on the river bank and a path to access the river. The space on the river front was imbued with a variety of meanings for the population of the city—be it the “pious bathers, priests, *bairagees*, worshippers, fortune tellers, moribund sick Hindus waiting for their last Ganga yatra...”⁴⁴ Regarding the construction of the Strand Bank, famous dramatist of nineteenth century, Amritalal Bose wrote in his memoir that, “We have always been admirers of buildings, that’s why whenever we get land, we build upon it. We stay there, call up other people to come and stay with us. And the English are born-wanderers, whenever they get an opportunity, they demolish the building to construct a road.”⁴⁵ For the Company, though, the Strand Bank was to serve the commercial city. Systematic clearance of the plots in the river bank was done in the 1850s.

Another dispute arose over a part of a land, north of the Ahiritolla Ghat, which was in possession of the rajas of Shobhabazar. The Magistrate wanted to pay Rs 2000 to the rajas as compensation for the land without going for an expensive suit at the court. Apart from the said portion, there was an additional bit of land, adjoining to the north of it, controlled by the rajas. When the Strand Road was laid out, this land was reserved by the rajas to hold a *hat* along the sides of the road for a few hours twice a week. The right to hold this *hat* had been recognised by all his predecessors, mentioned the magistrate, “but still it is one so unusual that it occasions constant disputes.”⁴⁶ He further stated, “In no other part of the city, that I am aware of, does such a right exist, & by the provisions of Act XII of 1852, the sale or exposure for sale of articles on the public street is prohibited and is a punishable offence.”⁴⁷ This discrepancy led to periodic hassles and disputes regarding the said land, when the new chief magistrate or deputy superintendent of police without knowing the nature of the land, tried to put an end to the *hat*. To settle the intermittent disputes, the magistrate was inclined to offer Rs 500 for the piece of land. The compensation was accepted by the rajas, and the Lieutenant-Governor also gave his nod for the payment.

The arrangement with the Seals was of a different nature. In this instance, it was not a *hat*, but an idol and a Brahmin priest occupying a part of land on the Strand. According to the agreement, the government was to build a *ghat* if it was necessary to pull down the existing one belonging to the Seals. The government initially took possession of the land by a decree of the Supreme Court, upheld on appeal by the Privy Council. This was in 1857. The government removed various idols from the ground, and there was no objection raised at that time. But, sometime after April 1864, it was observed that “a small idol was surreptitiously set up under a tree standing in the centre of the Government land, and a rude mat hut erected

⁴² Bengal Despatches, E/4/764, Judicial 28 October, 1840, Oriental and India Office Collections, British Library, London.

⁴³ Judicial (Criminal), 10 November 1840, Consultation no 54, WBSA.

⁴⁴ De, ‘Company Government’, p 184.

⁴⁵ Arun Kumar Mitra (ed), *Amritalal Basur Smriti O Atmasmriti*, Calcutta, Sahityalok, 1982, p. 88.

⁴⁶ Judicial (Judicial), 18 October 1855, Consultation no 22, WBSA.

⁴⁷ Ibid.

over it, in which sat daily a Brahmin priest, whose ostensible function it was to mark the foreheads of the bathers, as they came from their ablutions in the river.”⁴⁸ It was alleged that neither the idol nor the hut was there previously, and it was only established when the works started on the land. When the government sought to remove the structure, “a claim was set up to the possession of the land on which the idol stood, on the ground of a fictitious occupancy alleged to extend over a long course of years.”⁴⁹ The government had to backtrack at this point. Moti Lall Seal brought an action before the High Court alleging that the government did not fulfil the terms of the original condition, that of building a separate *ghat* near the original one. The Court let the government assert possession over the ground, but asked it to build the *ghat*. Seal now was not satisfied with this judgement. The government had to do more than build the Ghat. Seal demanded a compensation of Rs 6000 for fact that the priest and the idol had been displaced. The government wanted to settle the matter out of court, and finally the settlement was done for Rs 5000.⁵⁰ It urged the Commissioner of Police to issue strict orders that henceforth no unauthorized encroachments should be permitted “upon what is, or may be supposed, to be public ground...”⁵¹

These instances show that there was a constant tussle going on between the city authorities and the residents; to claim a new-formed land as ‘public’ did not go uncontested. People had ways of claiming the spot, and the state could not summarily reject that claim. The various land acquisition acts tried to figure out a way to calculate the amount of compensation and lay down a standard rule, but as several cases revealed, standardization did not work, and “the amount of compensation remained a matter of negotiation.”⁵² And, in some quarters of the official circle, a sole focus on market-value of land was criticized; Members of the Legislative Council asked the government to focus on socio-religious value of land as well.⁵³ But in the final versions of the bills, these considerations did not find a place.

The establishment of the Calcutta Improvement Trust in 1911 ushered in the new phase of urban planning in Calcutta. The CIT, under its chief Engineer, E. P. Richards proposed an elaborate system to improve the condition of the city, especially an intense grid of new streets to open the congested areas. CIT was an independent body, not accountable to the local population or to their representative in the municipal government. From the late-nineteenth century, Indian participation in civic affairs was vociferously contested at certain circles. Formation of CIT was welcomed by a section of the native population, (mainly lawyers, merchants and rentier landlords), but they were opposed to the composition of the Trust, to be run entirely by Europeans. As Partho Datta mentions, this group was able to win some concession, most important of which was the principle of ‘solatium’, “whereby property acquired by the state would be compensated with a sum over and above the market

⁴⁸ Judicial (Judicial), June 1870, no 161, WBSA.

⁴⁹ Ibid.

⁵⁰ Ibid.

⁵¹ Judicial (Judicial), June 1870, No 162, WBSA.

⁵² Paulami Guha-Biswas, p. 271.

⁵³ Smritikumar Sarkar, ‘Land Acquisition for Railways in Bengal’.

value of land.”⁵⁴ In a sense, the CIT essentially carried forward the mode of urban finance that persisted throughout the nineteenth century.

Settlement Pattern and Impediment to Improvement

The dense built-environment of some parts of Calcutta, produced by a different spatial logic altogether, meant that not every premise could be bought. The actual nature of occupancy of a premise was not always easy to understand. During the assessment of the House tax in 1823, it was mentioned that the assessed rate was not in accordance with the latest pattern of ownership of the premises. The original assessment was made in 1794. Since then some of the buildings had been deserted, but more importantly

[t]he building of new houses and subdivision of premises had deranged the order of the numbers, or caused them to be written in double numbers, thus no 1/1, no1/2, no1/3 and so forth. These were defects in the system which were required to [be] remedied before the demands of the Tax could be enforced with punctuality and decision.⁵⁵

The mesh of ownership and tenancy was not easy to determine, as the proceedings demonstrate the difficulty in understanding the internal structures of the native dwellings, with overlapping usage of space. All these made the rate of assessment to be levied pretty difficult to ascertain. It has been suggested that numbering the houses in Calcutta never achieved a great deal of success. House numbers were important for levying tax. Studying the census operation, Harris and Lewis show how difficult it was to ascribe a house number on the basis of tax assessment reports. The subdivision of the houses and the cluster of huts (*bustis*) were almost impossible to number individually. The difficulty for the census officials was compounded with the simple question of ‘how to define a house?’ With intricate divisions and sub-divisions (when two or more families divided a room amongst themselves), it was almost impossible to number a house. Systematic house numbering was never achieved by the colonial state in Calcutta.⁵⁶ As Beverley writes in his report of 1876 census, “In the case of pukka or brick-built houses...the whole premises were taken as a single dwelling...but it was no uncommon thing to find different families occupying *detached* portions of the premises, and there seemed no reason why in such cases each portion so inhabited should not be regarded as a distinct dwelling.”⁵⁷ For the poorer lot, “house accommodation [was] too limited and expensive to allow many families...enjoying a whole *baree* to themselves; far more frequently we find each separate room in the homestead occupied by a distinct family. The rooms may be detached or not; they may have access to the street by separate entrances or by a common door.”⁵⁸

⁵⁴ Partho Datta, ‘How modern planning came to Calcutta’, *Planning Perspectives*, 28:1, 2013, pp. 139-147, quote is from p. 144.

⁵⁵ Board’s Collection, F/4/1071, 1828-29, no. 29237, ‘Assessment of Calcutta Municipality’, Bengal Revenue Department, OIOC, BL.

⁵⁶ Richard Harris and Robert Lewis, ‘Numbers didn’t count: the streets of colonial Bombay and Calcutta’, *Urban History*, Volume 39, Issue 04, November 2012, pp. 639-658.

⁵⁷ Beverley, *Census of Calcutta 1876*, p. 6.

⁵⁸ *Ibid.*

Ideas of improving the *bustees* were a perennial feature of various reports. These spaces were an anomaly for the healthy city. But it was also believed that “a large part of the bustee property would not be worth either the trouble or expense of systematic draining and water-supply, and it is very doubtful whether, if these improvements were carried out, the result would be worth the cost.”⁵⁹ The main problem for the improvement of these *bustees* was regarding the ownership pattern of these spaces. Some of the proprietors were poor, “many are Hindoo widows who cannot sell or part with their property.” Also, “many of the bustees are intersected by public ditches or drains which cannot be filled up until drainage works, properly so-called, are carried out.”⁶⁰ Still, some of *bustees* were bought, the payment being made to the proprietor, with the poor residents being forced to settle down somewhere else replicating the same structure perpetuating the same set of problem.

The evidence shows how the built environment of the city posed difficulty for any planning programme of the state. Difficulty was not only to buy up land or destroy the existing structure; it was posed in case of levying new tax and rates on the people. Who were to pay? The owners or the individual tenants? The question of finance and compensation can be thus conceived of in a different light if we take into consideration the pattern of settlement in the city. The financial rationale for each case was different. The ideological imperative of the colonial rulers produced a vision for the modern city which was not possible to follow in each instance.

Conclusion

The paper tried to show how issues of property, proprietary rights and compensation can complicate our understanding of planning discourse of the colonial cities. Apart from issues of public health, visions of wide open thoroughfares and racial stereotypes, money played a crucial role in shaping the city. It was not only the amount needed to create a new road, install water-supply system or underground drainage; but also the initial capital to buy the requisite area to implement these infrastructures that was crucial. Here, the role of the owners became important. But what did the tenants have to say? In the Land Acquisition Bills, it was repeatedly mentioned that ‘persons with interest’ should contact the Collector regarding compensation. With that, questions of property, value and the settlement pattern in the city entered the discourse of planning. This paper was a very preliminary investigation of these entangled webs of networks.

⁵⁹‘Memorandum of the Army Sanitary Commission’, Home Municipality, August 1878, nos. 3-5, NAI.

⁶⁰Ibid.