THE

LAND-SYSTEMS

OF

BRITISH INDIA

BEING

A MANUAL OF THE LAND-TENURES AND OF THE SYSTEMS OF LAND-REVENUE ADMINISTRATION PREVALENT IN THE SEVERAL PROVINCES

BY

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LATE OF THE BENGAL CIVIL SERVICE, AND ONE OF THE JUDGES OF THE CHIEF COURT OF THE PANJÁB

WITH MAPS

VOL. III

BOOK IV: THE RAIYATWÁRÍ AND ALLIED SYSTEMS

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P. 9, l. 14, *for* North of *read* North or

P. 42, l. 14, *for* These are the *read* There are also the

P. 92, *note* 2, *for* certain instructions *read* certain restrictions

P. 104, l. 29, *for* their preservation *read* the preservation

P. 153, l. 18, *for* rule ship *read* rulership

P. 163, l. 4, after desam *dele* the semicolon.

P. 177, l. 26, *for* Paṭṭamkár *read* Páṭṭamkár

P. 209, l. 14, *for* and then *read* then

P. 225. In the *diagram*, the class number (3) has dropped out of the upper left-hand corner of compartment 3.

P. 245. In the *table*, column 5, *for* portion culturable *read* unculturable

P. 251, *note* to the table, *for* lease for Government *read* lease from Government

P. 361, l. 25, *for* then *read* there

P. 372 (*heading to* § 11), *for* as *read* at

P. 402, l. 15, *for* the land *read* other lands

P. 450, l. 19, *for* amnesty *read* amending

P. 475, *note* 1, *for* Kanáar *read* Kánara

BOOK IV.

THE RAIYATWÁRI AND ALLIED SYSTEMS

(Systems dealing, for Revenue Purposes, with the Individual Cultivator).

Part I.—MADRAS.

List of Abbreviations employed in referring to certain standard works repeatedly quoted.

	Full Title.	Quoted as
1.	Manual of the Administration of the Madras Presidency, 3 Vols., folio. (Volume I is paged separately for each Section and Division) . . .	'Macleane'
2.	Kaye's History of the Administration of the East India Company, 1853	'Kaye'
3.	'District Manual' (of the several districts) . .	'D. M.'
4.	Major-General Sir T. Munro. Selections from his Minutes, *with a Memoir* by Sir A. J. Arbuthnot, 2 Vols., 1881	'Arbuthnot'
5.	Fifth Report from the Select Committee on the affairs of the East India Company (London, 1812) Reprinted at Madras, 1883. Vol. II. The Madras Presidency	'Fifth Report'
6.	Government Order	'G. O.'

CHAPTER I.

THE EARLY SYSTEM OF REVENUE ADMINISTRATION.

SECT. I.—INTRODUCTORY.

THE Land-Revenue Administration of MADRAS, distinct in form as it now is, was begun under conditions very similar to those which attended the commencement of Revenue Administration in BENGAL. In both territories the East India Company's staff was fitted for trade and commerce rather than for the government of districts and the control of revenue-assessments. Although Madras had its 'President and Council' (afterwards called 'Governor and Council'), and its array of 'writers,' 'factors,' 'junior merchants,' and 'senior merchants'; and although they had for their own protection military forces, and soon were obliged to plunge into the troubled sea of local politics, to engage in wars and negotiate treaties, they were quite unprepared to take the responsibility of the regular government of a populous and not unfertile country, to supervise the administration of justice, and to settle the Land-Revenue and control its collection.

The legal powers which the representatives of the Company possessed under the first Charters, were conferred with the sole view of providing for the control of the military and naval forces, and the internal government of factories and trading stations[1]. But this defect was remedied

[1] For an excellent account, in detail, of the gradual growth of forts and factories in Madras, beginning with the Settlement at Masulipatam in 1611, Fort St. George (Madras) in 1639, and the grant of sites and villages which preceded what I may call territorial acquisition, see Macleane, vol. i, pages 162–170. (History).

before any large portion of territory was acquired. The change was gradual, and its steps have been indicated in the opening chapters of this work. When at length circumstances compelled the Madras government to undertake direct administrative duties in the territories granted to it, the trading organization had to give place to a new one, and the titles and grades of officers sent out to manage the new districts, were naturally adopted from the system already working in Bengal. The 'Board of Revenue,' the 'Provincial Councils,' and afterwards the 'Collector,' were titles of office already familiar; and it was at first supposed by the central authorities that a Permanent Settlement of the Land-Revenue made with Zamíndárs, could be carried out in Madras as it had been in Bengal. But when after some years of tentative measures, this idea was formally carried into practice, a short experience showed that Madras and Bengal were widely different, and that except as regards a portion of the north country to which the Mughal rule had extended the Zamíndárí system, a totally different method of Settlement and revenue administration would have to be developed. For it was not possible to find a system ready formulated: only time and the trial of different plans, with many failures and disappointments, could ultimately solve the problem of how to manage the Land-Revenue.

As in the life of the individual there is often some one period—some salient event—not perhaps thought much of at the time, which profoundly influences the whole course of the man's after-life, so it may be with governments. And it cannot be doubted that the acquisition, as British territory, of the country called (by its later Muhammadan rulers) the Báramahál or 'twelve revenue estates,' now included in the Salem (Sélam) district, was such a crucial event in the revenue history of Madras. For the circumstances under which that district came under a British Revenue Settlement were such that they necessitated, or gave rise to, a hitherto novel method of treatment.

The experience gained in this Settlement (under Col. READ and Capt. afterwards (Sir Thomas) MUNRO) pro-

foundly influenced not only the future revenue history of the Presidency itself, but also, more or less indirectly, that of all the British Provinces of India outside Bengal. This remark is none the less true that the Báramahál Settlement did not at first prove a success, and that both in principle and detail, the system, as first conceived, needed large modification.

In tracing the progress of the Madras Land-Revenue System, it will be advisable in the first place to review the general course of acquisition, by which the Madras districts became British, and next to describe, in a brief and general manner, the various stages of the history of the early revenue management. Commencing with the Settlement (above alluded to) in the Báramahál (1792-98), which was soon followed by those of Coimbatore (1799), the Ceded Districts (1800), and the Carnatic Districts (1801), we shall see how the first raiyatwárí system, or rather systems, were overthrown for a time by an attempt to make a general *Zamíndárí* Settlement (1801-1808); how on the failure of that attempt, a proposal for 'village Settlements' (in the sense of granting leases for the whole village, to a renter, a headman, or a joint-body of inhabitants) was tried with various success for a few years; and how, in the end, a raiyatwárí assessment was finally ordered (1812-18)[1].

Having so far described the general course of events, I shall return to notice somewhat more in detail, some of the principles which Read and Munro adopted in their Settlements. These matters will be found not devoid of interest; and they are important, as showing the stages of evolution by which the modern system of Madras has been worked out. In thus dealing with Salem (and also with a cognate Settlement—that of the Ceded Districts—which came under Munro's charge, 1801-1807), I shall illustrate the position by some extracts from minutes and letters showing how MUNRO developed the principles with which a commence-

[1] I may now assume that the reader is familiar with the term 'raiyatwárí' as indicating a system where each field or holding is dealt with separately, and where the holder is free to pay the revenue and keep the field, or free himself by giving it up, as he pleases.

ment had been made, into that raiyatwárí system which is chiefly associated with his name. The Court of Directors formally sanctioned this system in 1812-18, and Sir T. Munro superintended its general application, as Governor of the Presidency[1].

This will, I think, form a fitting and I hope not uninteresting introduction to a concise view of the Madras system and its practical working at the present day.

SECTION II.—FORMATION OF THE MADRAS PRESIDENCY.

§ 1. *The Jágír.*

A glance at the map in vol. I, or indeed any good-sized map of South India, will make what follows readily intelligible.

The first general acquisition of territory by the East India Company—the first from a revenue-point of view—was of the country around Madras,—known as the *Jágír*—because it was originally granted by the Nawáb of the Karnátik as a jágír—a term with which the student is now familiar; the revenue thus assigned was intended as a contribution towards the expenses of the wars undertaken in aid of the Nawáb. The final acquisition of the territory was piecemeal, and dates between 1750 and 1760 (being finally confirmed by the Emperor Sháh 'Álam in 1763). At first the direct administration was not assumed; the revenues were collected on the native plan; and it was not till 1780 that British officers took regular charge. The Jágír now forms the Chingleput (Chengalpat) district, out of which a single taluk[2] forms the separate district of Madras.

§ 2. *The Northern Sirkárs.*

The next acquisition, in point of time, was that of the 'NORTHERN SIRKÁRS' (often written 'Circar'). These

[1] He was Governor from 1820-27.

[2] Separated, as it includes the capital and its suburbs,—a special area presenting administ[illegible] tures, as well as an extra amount of separate business, which require a special staff of offic[illegible]

territories were granted in 1765 by the Delhi Emperor[1]; but the Madras government, looking to the practical claim of the Nizám of the Dakhan, who was hardly even in name subject to Delhi, also obtained a grant from him in 1768. The five administrative divisions known to the Mughal system as 'Sirkár' were those of Chicacole (Chíkákol—Srikákulam), Rajahmundry (Rájámahendrívíram), Ellore (Alúr), Mustafanagar (or Kándapílí), and Murtazanagar[2] (Gantúr or Kandavíd).

They form the present districts of Vizagapatam (Visákhápatnam), Ganjam, Kistná and Godávari[3].

These came at once under British administration[4]. It was found that they consisted (1) of lands settled under Zamíndárs, as in Bengal, (2) of 'havéli' lands, those reserved for the support of the royal family and its immediate dependants, and therefore 'Crown' property. Such a state of things invited the application of the Bengal system; the Zamíndárs were accordingly left in possession and the haveli lands were parcelled out and leased to revenue farmers for a term of years. The Jágír lands (already mentioned) were, in 1780, divided into blocks and put under a similar system of revenue-leases.

§ 3. *Districts acquired after the Mysore Wars.*

In 1792 and again in 1799 the Mysore wars led to the cession by Haidar 'Alí and Típú Sultán, of the districts along the southern and western frontiers of the present

[1] They now link Madras to Bengal; but at that time Orissa (beyond the Subarnrekhá river) was in the hands of the Mughal government.

[2] But the Guntoor portion did not become British till 1788. See Macleane, volume ii. page 412.

[3] Up to 1860, the country now forming the two districts, Kistná and Godávari, used to be divided between three districts called Rájamundry, Guntoor and Masulipatam. But with a view to the administrative convenience of having all the irrigation works about the deltas of each of the great rivers (Kistná and Godávari) under the same head, the territory was made into two Collectorates called after the rivers.

[4] The Northern Sirkárs had been brought under Muhammadan dominion first in 1471 A. D., and had various fortunes under the different contending dynasties. In 1687 Aurangzeb's conquest of the Dakhan added them to the Mughal empire, and they were ultimately taken over by the Súbadár of the Dakhan (Nizám-ul-Mulk) nominally from the Emperor Farúkhsír in 1713 A. D.

Mysore State. The Salem district (the Báramahál, excluding the hill taluk of Hosúr), some taluks of Madura [Dindigal (Tindukhal) and Palní], and Málabár, were ceded in 1792. Coimbatore (Koyambatúr), Kánara and the Hosúr taluk, followed in 1799 [1].

§ 4. *The Ceded Districts.*

The same wars resulted in the transfer from Mysore, of a number of districts to the Nizám; but a year later (1800) the Nizám ceded these districts (whence they were called 'the Ceded Districts') to the British. They form the present districts of Bellary (Ballárí), Anantapur, the Pálnád taluk of the present Kistná district, Cuddapah (Kuṛapa), and Karnúl. Karnúl was, however, in the hands of a tributary local Nawáb, and did not pass under British administration till 1839 [2].

§ 5. *The Carnatic* [3] *Districts.*

The State of Tanjore (Tanjá-vúr) was brought under management in 1799, owing to the incapacity of the (Hindu) ruler; and in 1855 it became the British district of Tanjore by lapse on failure of heirs. The remaining districts [4] were those originally held by the Nawáb of the Karnátik or Arcot (Aṛkádu). The Nawáb, who had already ceded the

[1] Malabar, i.e., excluding the Wainád, which latter taluk was added by supplementary treaty in 1803. Malabar was attached to Bombay, and did not come under the Madras Presidency till 1800. Kánara was in 1860 divided into two districts, whereof the North Kánara portion was transferred to Bombay in 1862.

[2] See Arbuthnot, *Memoir*, I. xc. The Ceded Districts, comprising some 27,000 square miles, had an exceedingly chequered history. They were held by the (Hindu) Vijayanagar dynasty from the fourteenth to the sixteenth century. A confederacy of the Moslem Dakhan kings established Muhammadan rule in 1564. But the districts fell under the control of local chiefs called poligars (pálegára). In 1680, the Maráthás overran the country. Then Aurangzeb conquered them, and placed them under the viceroyalty of the Dakhan. Lastly, they were conquered by Mysore.

[3] With reference to the term 'Carnatic' it should be noted that it is by a freak of historic usage that the name has come to be applied to the districts below the Eastern Ghâts, whereas the old Karnátádesá or land of the Kánnaḍas (Canarese) was the land above the Western Ghâts representing Mysore, Coorg, and a bit of the Ceded districts. Kánara is the name now given to what was anciently Chera or Kéṛalá.

[4] Now Nellore (Nalúr), North and South Arcot, Madura, Trichinopoly, and Tinnevelly (Tirunaveli).

'Jágír' before spoken of, became greatly indebted to the Government, and had from time to time assigned the revenues of various taluks and estates to pay off his debts. Under circumstances which need not here be detailed, the whole of the districts were made over to British control on July 31st, 1801. The Nawáb retained the titulard ignity and a pension. The direct title expired in 1855[1].

Section III.—Characteristics and Material Condition of the Territory.

§ 1. *The Natural Division of the Country.*

The student will find that the Madras books constantly make use of certain natural divisions of the country: they should be followed on the map, and are three in number:—

(1) The North of '*Telugu* country' (where Telugu is the prevailing language[2]), extending as far south as Pulicat. This part of the presidency was more completely under the Muhammadan dominion, and exhibits a larger survival of Persian Revenue terms and Muhammadan reminiscences, while the Zamíndárí system of revenue management obliterated, as it did in Bengal, the traces of the earlier Hindu systems,—so that few special land-tenures survive. The villages are simple groups of cultivators, on the common level of tenants of the Zamíndár or of the State as the case may be;—there are no surviving proprietary communities claiming the entire area of villages. It is not till we reach Nellore and the districts further south, that we find traces indicative of the joint village which lingered especially in the district of Chingleput, and to some extent in Arcot and Tanjore.

(2) The 'Tamil country' comprises all the *Carnatic* districts south of Pulicat, where Tamil chiefly is spoken.

(3) The 'West Coast' consists of the British districts of

[1] The Nawáb of the Kárnatik or Arcot was a dependant of the Súba or viceroyalty of the Dakhan. The first Nawáb was appointed by the Viceroy in 1710 A.D.

The foregoing account, is of course, only a general one, and takes no account of the particular taluks: those who desire an accurate and detailed list will find one at page 188 (History) of Macleane, vol. i.

[2] In one corner of the Bellary district Canarese is spoken.

South Kánara and Málabár: the rest of the Coast being occupied by the Native States of Kochin and Travankúr. The country is partly elevated and hilly (above the ghâts) and partly plain country (below the ghâts). The former is described by the term 'bálá-ghát'; the latter is called 'payín-ghát' or 'talá-ghát[1].'

§ 2. *Condition of the Districts at date of acquisition. The North-Eastern and the Ceded Districts.*

The state of these territories, when they came under British rule, was in many cases uniformly deplorable.

The districts forming the 'Northern Sirkárs' which had been under the Muhammadan dominion in its decline, had passed, as I have said, under the *Zamíndárí* system of revenue-collection[2], which marked the days of the fall; but the Zamíndárs do not seem to have been exceptionally exacting.

The districts that had been taken from Mysore were oppressively assessed, but otherwise had been kept in some order. The Mysore Sultáns were too careful of their treasury to allow great Zamíndár agents to intercept the profits; but they left the revenue-officials or 'ámils, and petty middlemen, to get the most out of the people they

[1] The Western ghát range, it will be observed, forms a continuous chain, tolerably equidistant from, but near, the coast line all along from north to south. The Eastern Coromandel Ghâts are much farther inland; they only form a simple chain in their upper portion, i. e. from the Kistná river to the North Arcot district, at which point the main chain seems to turn inland, and sweep across the continent. Following this line, the ghâts, skirting the Mysore State, form the hill taluks of the Salem and Coimbatore districts, and unite with the Málabár ghâts in the network of hills surmounted by a plateau, known as the Nílgirí (or Blue Mountains). The Eastern coast, below the point of turning off above alluded to, is not altogether devoid of any hill barrier, for the place of the ghât line is still indicated by groups of hills rather than a chain line. Among these groups the Shevarái (Shevaroy) hills are well known.

The Western ghât line below the Nílgirí group has several offshoots inland, of which the two most important are the Anamalai and the Palní hills. (See the map 'Physical Configuration' — *Indian Statistical Atlas*, 1886, p. 8.)

[2] In 1786, we find Mr. Grant, Resident of Haidarábád, speaking of the system of Zamíndárs as designed 'to relieve the ignorant voluptuous ruler from the intricate and troublesome details of internal police, and the management of Mofussil collections' (see *Kistna D. M.* p. 34–5.

could. Haidar 'Ali did not object to his agents squeezing the people; for, as Colonel Wilks, in his account of Mysore, says: 'it was part of his system to *squeeze the sponges which absorbed his people's surplus wealth*[1].'

The Ceded Districts, however, were overrun with a class of local chiefs (to be described presently) called 'poligar.'

In Karnúl there was a tributary Nawáb, and his oppressions were grievous[2]:—

'The revenue administration was in the greatest disorder, and was carried on without any system whatever. No public accounts were kept except by the village officers. . . . The amount to be paid by each village was changed according to the caprice of the Nawáb, and he would increase his demand without any ostensible reason. When his demands passed all bounds, the people would fly.

'Then the Nawáb would allure them back with promises, and give them a cowle (agreement of terms) to reassure them; but as soon as the crops were ready to be cut, he would seize the produce, breaking through his word without scruple. . . .'

3. *The Carnatic Districts.*

The districts under the Nawáb of the Carnatic form no exception to the general gloomy picture. The *District Manual of Nellore* gives a piteous account of the oppression in Nellore under the great renters employed by the Nawáb[3]. In Trichinopoly, also, a system of exactions was in force which ruined the people[4].

Nor was the Hindu kingdom of Tanjore in the South any better. For many years it had been the victim of misrule[5].

Of Tinnevelli it is said 'the history up to 1781 is a confused tale of anarchy and bloodshed.' Since then, also, up to the final suppression of the poligars in 1801, there were many troubles.

[1] *Coimbatore D. M.* p. 92, et seq.
[2] *Karnúl D. M.* p. 45.
[3] *D. M.* p. 483.
[4] *D. M.* Trichinopoly, p. 18.
[5] For some pictures of the state of these countries as far back as the seventeenth century, see the curious quotations from a Jesuit Father—an eyewitness—in the *District Manual* of Madura. Part III. Chapter VII. p. 149, et seq. '*Les expressions*,' says the writer, '*me manquent pour rendre tout ce qu'elle a d'horrible.*

§ 4. *The Jágír.*

The history of the Jágír districts is a still sadder one[1]. When granted to the British, the management was left in the hands of the Nawáb of the Carnatic, who rented the whole country for an annual sum. 'The system of management was of the same oppressive and unjust character which marked the administration of his own territory, the Carnatic. It exhibited throughout, a scene of boundless exaction and rapacity on the part of Government and its officers, of evasion on that of the inhabitants, or of collusion between them and the public servants, while the revenue diminished every year.'

The Jágír was, besides all this, twice invaded by Haidar 'Ali, who, in 1780, 'entered it with fire and sword.' 'On the termination of the war in 1784, hardly any other signs were left in many parts of the country of its having been inhabited by human beings, than the bones of bodies that had been massacred, or the naked walls of the houses, "choultries," and temples which had been burned. To the havoc of war succeeded the affliction of famine'; and the district was nearly depopulated. In 1780 the Company attempted direct management: it was in want of money, and had to let out the country in fourteen large farms on leases of nine years at increasing rents. The renters were in fact very inferior men. But the committee of supervision had not 'any lights or materials that could properly guide their judgment.' The renters themselves did not know how to manage. On the one hand, the Company pressed them for advances; on the other, the people were demanding help in order to start cultivation. By 1788, the renters had repeatedly failed and their 'estates' were sequestrated.

In succeeding years the supervision of the district was variously arranged for: sometimes it was formed into one, sometimes divided into two, Collectorates, but nothing seemed to succeed. The inhabitants, reduced to poverty,

[1] The account is taken from the '5th Report,' in which there are very full details about the condition of the country.

had been thrown a good deal into contact with the 'dubashes' or native agents[1] of the European officers and merchants: and these persons took the opportunity of buying up the lands for almost nothing, leaving the former owners in possession as cultivators. Through their real or pretended influence with the officials they kept the people in complete subjection. 'They found means to introduce their own 'ámildárs (Revenue-agents) into the management of the country and fomented quarrels between the cultivators and the Company's renters. Then the quarrels would subside, because the dubásh's interest was to keep things quiet and prevent enquiry. They, therefore, did not dispute any more with the inhabitants about their share in the crops, but they set the inhabitants fighting among themselves—'one man advanced pretensions for himself and precluded the rest: property having once been thrown into confusion, was easily invaded. In such a state of things the dubásh was pampered by both parties. He lived on the people and only gave his favour in return.'

It was not till 1793-94 that order began to prevail owing to Mr. Lionel Place's determination to restore the village organization as the basis of Revenue management.

Other details will occur in the sequel, but this will suffice to show what a difficult task Collectors or Provincial Councils—more or less new to the work—had when they were called on not only to restore order but to devise a system of revenue administration by which the poor and the rich should be justly treated and the Government interests respected.

[1] Dubásh is a corruption of Dobháshí—one who speaks two languages—and means interpreter. The term and office are now entirely obsolete. The nearest thing we have to it is a 'jamadár,' the headman among a staff of office-ushers and messengers: but in the old days the dúbásh was a native agent on whom the European officer was always greatly dependent for any dealings with the people: they were thus able to represent things to their masters much as they chose, and also to work everything round to their own purposes and advantage.

(3) Land imperfectly supplied with water; or where the level is inconvenient, and the drainage bad, so that the field may become water-logged.

(4) Land so situated that the water cannot be let to flow on to it, but has to be raised by baling it out (picotta).

This last is perhaps not a 'sort' of land; the defect is allowed for by a special remission on the full rate per acre.

§ 14. *Principle of Assessment.*

The next stage is to ascertain what amount of crop each different 'class and sort' of soil will produce—the amount being stated in 'Madras measures'[1]. While the old system considered only a rough proportion of the *gross produce* (and often hardly considered that at all), the modern system deals with the *net produce*, i. e. the gross produce as valued in money, but after deducting the costs of cultivation. Then, dividing the result into the proper percentages, one such percentage, fixed by rule, will be the Government revenue.

But before more detail is given as to the actual calculation of this theoretical percentage, it should be explained that though a raiyatwárí Settlement treats each field as subject to its own several assessment, that does not mean that the assessment is arrived at by an independent calculation for each unit. On the contrary, the object is to get as few rates and as broad and simple a classification as possible, so as to secure equality of assessment from village to village where the situation and advantages are similar.

§ 15. *Standing Orders.*

In the 'Standing Orders' of the Board of Revenue, the *principles* of assessment are laid down as follows:—

[1] Of $1\frac{1}{2}$ seer. The *Settlement Manual* tables are headed 'kalams,' 'túms,' &c., which are other kinds of measures. The student desirous of exploring the mystery of local measures will find sixteen pages of closely printed double columns devoted to the subject in Macleane's Appendix XC. vol. ii.

(1) The assessment is on the land [according to its value and capacity], not on the description of produce, nor on the claims of certain classes of cultivators to pay lower rates.

(2) The classification of soils is to be as simple as possible.

(3) The assessed revenue is not to exceed one-half of the *net* produce, after deducting expenses of cultivation, &c.

(4) In dry land no extra assessment is imposed for a second crop. But wet lands, which ordinarily have a regular supply of water for two crops, are registered as two-crop lands, and the charge for the second crop is one-half that of the first. When the source of irrigation is uncertain, the second crop charge is assessed on a consideration of the irrigation sources; and when the water has to be raised by baling, an acreage allowance or deduction is made.

§ 16. *Practice of Assessment.*

Let us now see how the rates are, in practice, determined. Granted that the fields on the village map have all been classified as of one or other 'class' or 'sort,' and that they appear in considerable groups of a practically uniform character. First, we have to ascertain the grain produce. Let us take the case of 'dry land.' It is not one kind of crop that is always grown on the same soil, nor on the same field from year to year. It is necessary to choose some one or more 'standard grains' (always food-grains [1]) to represent the general or average produce.

An example is the clearest explanation. Suppose that, on looking at the taluk statistics of cultivation, we find the cultivated area occupied in the following proportions by the different crops:—

[1] For reasons explained in *Settlement Manual*, pp. 8 and 28.

	per cent. of the whole.
Rági (*Eleusyne Coracana*) . .	13
White Paddy	21
Indigo	14
	48

	per cent.
Varagu (*Panicum miliaceum*) . .	13
Kambu (*Pennisetum spicatum*) .	9
Cholum (*Sorghum vulgare*) . .	4
Gram (*Cicer arietinum*) . . .	2
Trees and groves (topes) . .	16
Oil-seeds and vegetables . .	8
	52
TOTAL	100

Here paddy occupies by far the largest area; but this is a wet crop, and we are dealing with dry. Indigo, also largely grown, is not a food-grain. So our two standards are clearly the millets called 'Rági' and 'Varagu.' Then, looking at the other produce, we find there are crops, whether food-grains or not, known to be so approximate in value to one or other of these two, that we can, for practical purposes, treat them as if they were 'Rági' or 'Varagu'; and hence, for dry land, we take about 48 per cent. of one, and 52 per cent. of the other[1].

Next, we shall ascertain for each class and sort of soil, what is the fair average outturn of the standard grains.

Formerly experimental reapings (*kail*) were conducted both by the Revenue (Collector's) staff and by the Settlement, and they were compared with opinions of the raiyats and the Tahsíldárs; but these experiments are now given up; —general inquiries and statistics collected, are relied on. Now, supposing we have a soil of 'IV. 2'—(Regar—loamy —'good'); we find the outturn of 'Rági' on such soil is 320 Madras measures per acre, and 'Varagu' 440 Madras measures per acre. To get our standard we shall allow half the acre to each (48 per cent. and 52 per cent. = half and half very nearly). By our table of average prices (of this presently) 160 measures of 'Rági' are worth R.7-1-7, and 220 of 'Varagu,' R.6-1-11: thus the gross value of the outturn per acre of this soil in standard crop will be R.7-1-7 + R.6-1-11 = R.13-3-6.

[1] An allowance for crops of special value may be added on to the totals to equalize the burden. In these cases, the crop may be such that the outturn can only be approximately valued by an estimated money rate.

In 'wet' land 'white paddy' is the uniform standard crop.

The calculation of the quantity of produce of standard grain per acre of each class and sort of soil, is called 'determining the grain-value.' It will be remembered that the produce figure accepted for the 'grain-value' represents a fair average crop, allowing for good and bad years.

Next, this crop is to be valued; and the 'commutation price' is the average price (per *garce*=4800 seers of 80 tolás) of the twenty non-famine years immediately preceding the Settlement[1].

But these are merchants' prices: so a correction[2] of 15 per cent. is made, to allow for the raiyat's selling at lower rates, for cost of cartage, and for difference of prices, &c.; and a further deduction of $\frac{1}{4}$ to $\frac{1}{5}$ is made for vicissitudes of season, as well as to allow for the fact that we have been dealing with survey acreages which include the whole superficies, while, in fact, parts of it produce no grain, being paths, water-channels, or banks of fields.

Against the average grain-value we have next to set off the 'cost of cultivation,' which is estimated on certain items of general experience, the details of which need not be gone into[3].

Having deducted this, the result is the 'net produce,' and half of this is the Government revenue.

The principle always has been that the assessment is to be moderate. The old rates (as we have seen) were generally based on 50 per cent. of the *gross produce* for wet, and 33 per cent. for dry, land. When revision began, the maximum was reduced to 30 per cent.; the average being about 25 per cent.

But in course of time a 'gross produce percentage' was not considered sufficiently accurate. *Net produce* was to be ascertained by deducting the cost of cultivation, &c., and in 1864, the Government share or revenue was fixed at half the duly ascertained *net* produce.

[1] G. O. No. 881, dated 30th July, 1885.

[2] *Settlement Manual*, pp. 29, 30, gives 8-20 p.c. but a latter G. O. No. 1134 of 6th December, 1878, fixes 15 p.c.

[3] Ibid. Sections 32 *et seq.*, p. 30.

matter of fact only a few of them—such as were really men of local weight and standing, did become landlords, and to this day they hold the 'sanad-i-milkíyat-i-istimrár' or title-deed of perpetual ownership. Their estates are spoken of as the 'settled polliems.' But in the majority of instances the poligars attempted to resist the British authorities, in the hope of continuing the same lawless courses of exaction and plunder that they had adopted before the annexation, and were therefore destroyed, or dispossessed.

The poligars seem to have been of different status and origin in different parts of the country. We hear of them chiefly in the Ceded Districts and again in what are spoken of as the 'Western Polliams,'—those of Chitúr, &c. (North Arcot district), and the 'Southern Polliams' in Madura and Tinnevelly.

§ 8. *In the Ceded Districts.*

In the Ceded Districts they are thus described—

'The Poligars were military chiefs of different degrees of power and consequence, bearing a strong affinity to the Zamíndárs of the Northern Sirkárs. Their origin may also be traced to similar causes.

'(1) Those whose territories were situated in jungly parts of the country and among the eastern hills, appear to have been for the most part freebooters or leaders of banditti who, for the preservation of internal order in the country, had been expressly entrusted with the charge of the police, or had been allowed to take upon themselves that kind of service.

'(2) Some of them derived their descent from the ancient Rájás, or those who held offices of trust under the Hindu governments.

'(3) Some gained their territories by usurpation and force (as in the case of the poligars of Raidrúg and Harpanhalli).

'(4) Others again had been renters of districts or Revenue officers who had revolted in times of disturbance. . . . Even headmen of villages had . . . attained the footing of Poligar chieftains, though on a small scale.

Though in some cases their incomes did not exceed a few hundred rupees, yet they kept up their military retainers and

their officers of State, and were regularly installed with all the forms and ceremonies of a prince of extended territories.

In these Districts they gave great trouble: indeed, the Settlement Officer's time seems to have been divided between fighting the Poligars and assessing the villages. Munro wrote[1]: 'The country is overrun with poligars. I am trying with the help of Dugald Campbell, General of Division here, to get rid of as many as possible; but it will take some campaigns to clear them out.'

And the state of the districts is thus described in Gleig's *Life of Munro*: 'Probably no part of Southern India was in a more unsettled state or less acquainted either by experience or tradition with the blessings of a settled government. The collection of the revenue being entrusted entirely to Zamíndárs, Poligars and Potails (pátéls—village headmen) each of these became the leader of a little army and carried on destructive feuds with the villagers immediately contiguous to him. Bands of robbers wandered through the country, plundering and murdering such travellers as refused to submit to their exactions. . . . It is computed that in the year 1800, when the Ceded Districts were transferred to the Company's rule, there were scattered through them, exclusive of the Nizám's troops, about 30,000 armed peons, the whole of whom, under the command of eighty Poligars, subsisted by rapine and committed everywhere the greatest excesses[2].'

These were not the men who, even on their submission, could be permanently settled with. As a matter of fact, they have disappeared from the scene as territorial magnates, and only remain (in the Ceded Districts) as pensioners.

For the greater part the poligars of the Ceded Districts are now insignificant and poverty-stricken men. These descendants of old families come periodically to the cutcherry to draw their pension; 'and men, whose fathers

[1] *Bellary D. M.* p. 117. For an account of the resistance of Narasinhá Reddi, whom Munro directed to be hanged, see *Cuddapah D. M.*

[2] Arbuthnot, *Memoir* I. xcii.

rented the country a hundred years ago, are shoved into the cutcherry-room and hustled out again by the lowest-paid peon[1].' In Karnúl, the poligars have also disappeared, and either receive pensions or are holders of 'inám' lands.

§ 9. *Central Districts and Western Polliams.*

Very much the same remarks may be applied to the Carnatic districts of the west and south. A number of the District Manuals are full of narratives of resistance and troubles caused by the poligars: and in some we hear of regular 'poligar-wars,' which have added not a few stirring pages to the military history of Madras.

In NELLORE, the poligar does not appear to have developed beyond being a revenue functionary—a sort of police superintendent attached to a collector—as he was in Chingleput. He was responsible for the peace of a circle of villages, and was remunerated by a 'merá'—an allowance or share of the produce, from a little over 1 per cent. to 4 per cent. of the whole[2]. Such a position naturally resulted in claims to acquired rights over many villages: but such claims have now been settled or compounded for by the grant of ináms, or revenue-free holdings[3].

In NORTH ARCOT there were great poligars, and here also we hear of 'poligar-wars'[4]. It is in this district th[...]

[1] See *Cuddapah D. M.* p. 136. The writer goes on to describe the superstitions that these decayed families have; how they will not live in a tiled house but prefer a thatched one: and how they refuse even to look in the old poligar's forts for buried treasure—fearing the wrath of the ancestor's spirit: and how the ruined forts are invariably full of custard-apple trees, and not other fruits. The above quoted remarks are written in a kindly spirit which it is impossible not to respect. At the same time it should be remembered that, as far as the poligars were really old, rightful, and respected landholders, it was entirely their own fault that they rebelled and did not submit: for had they behaved reasonably they would have got their sanads and the permanent Settlement. For the other class, usurpers and wrong-doers whose career had been one long course of grinding the poor raiyat, even if the prescription of years had confirmed their possession, they deserve scant sympathy.

[2] *Chingleput D. M.* p. 246: and in South Arcot; *D. M.* p. 221.

[3] *Nellore D. M.* p. 552.

[4] *North Arcot D. M.* pp. 77–81: a curious account of how the poligars paid their peons, &c., by 'tax' or orders for grain, &c., [...]

we find the large estates (still existing) known as the 'Western Pollams' (Chitúr, &c.).

§ 10. *In the Southern Districts.*

In the Southern districts, we again hear of poligar-wars in Tinnevelly; it seems there also the poligars had 'overrun' the whole district. In Tanjore there are but thirteen small surviving pálaiyams, and in Trichinopoly three [1]. In Madura, there were a number of poligars who were disposed to submit in 1799, so that it was actually proposed to form their lands into some fourteen pálaiyams (which had not resisted), while the rest would make forty Zamíndárí estates to be otherwise provided for [2].

§ 11. *General results of the Poligar troubles.*

In speaking of the land-tenures we shall again notice what estates, derived from the poligar system, still exist; we have here only to summarize the results of the struggle with the poligars, as far as they affect the revenue-administration, and the attempt to introduce a Zamíndárí Settlement.

Speaking generally, we may say that only a few of the larger, and a certain number of smaller, poligars accepted their position without resistance, or otherwise were allowed to become landlords with a permanent Settlement. The majority of poligars have disappeared, or are allowed compassionate pensions, or small revenue-free holdings.

§ 12. *General results of the attempt to introduce the Zamíndárí System.*

The result is indicated by a glance at the Settlement Map in Vol. I. The Zamíndárí estates are found chiefly in the North-Eastern districts, and especially in the Ganjam and Vizagapatam districts [3]. Some considerable estates are found in other parts, chiefly west and south. But in

renters or others, and the trouble that resulted, see *Nellore D. M.* p. 262.

[1] *Trichinopoly D. M.* p. 254.

[2] *D. M.* Madura, Part V. p. 33 (the 'parts' are separately paged).

[3] But some of the Ganjam estates failed and broke up in 1809.

other districts only small scattered estates exist which could not be shown in the map; these represent poligars, jágírdárs, and a few relics of the artificial mutthá holder. The Salem district affords a good example of this state of things.

This partial survival is a proof of how impossible it is to succeed with artificial arrangements designed to suit revenue theories, but not having grown up with the natural growth of the country[1]. The large, old-established, and really 'respectable' Zamíndárís (doubtless old Hindu or Dravidian 'Ráj' representatives), have succeeded best. Even in the Sirkárs all the Zamíndárís did not survive. Dr. Macleane speaks of the Godávari Zamíndárís as 'falling to pieces one after another[2].' In the Kistná district the original Settlement was made with five Zamíndárs: under this arrangement the raiyats were pillaged, and the Zamíndárs ruined themselves. By 1843 most of the *sanads* had been voluntarily surrendered[3]. A large part of Kistná is now raiyatwárí.

§ 13. *Area now Zamíndárí.*

The amount of land now under Permanent Settlement is variously estimated at one-third to one-fifth of the whole Presidency. Possibly the larger estimate includes estates more properly denominated 'Feudatory States,' which pay, indeed, a fixed tribute, but are not British territory, nor subject to ordinary Revenue-law[4]; while the smaller excludes great estates like Vizianágram, which, however important, are still Zamíndárís, properly so called.

This proportion does not appear from Dr. Macleane's

[1] Lord W. Bentinck, who was Governor from 1803—1807, had sided with Munro. He was 'strongly convinced that the creation of Zamíndárs is a measure incompatible with the true interests of the Government and of the community at large.' Mr. Thackeray, Senior Member of the Board, was sent on a tour, and he reported against the Zamíndárí system. But Mr. Hodgson, another member, was in favour of it. Their respective minutes on the subject are in the Appendix to the Fifth Report (Arbuthnot I. cxix.).

[2] Vol. ii. p. 411.

[3] Vol. ii. p. 412.

[4] See Budget Statement, 1888-89, *Gazette of India*, March 31st, 1888, Supplement. (Printed in vol. i. p. 384.) The really Feudatory states are Puducotta (Tondiman), Sandúr, and the great estate of Banganapili (in all 1527 sq. miles).

figures. Taking the whole Presidency, excluding Madras itself and the three States named in the previous note, the area is 139,274 square miles; and the total Zamíndárí area is given as 19,957 square miles, which is about one-seventh [1]. But I suspect that Dr. Macleane has excluded the great Vizianágram Zamíndárí from Vizagapatam, and some large areas in Ganjam. I prefer, therefore, the Secretary of State's Statistical Tables (1886–7), which show the Zamíndárí area (not including whole *inám* villages) as 27,835,108 acres, or nearly 43,492 square miles. The same tables give the Presidency area at 90,997,990 acres, or 142,200 square miles, which is practically the same as Dr. Macleane's. In this case the proportion is more than one-third.

There are no Zamíndárí lands in the districts of—

Anantapur,	Karnúl,
Bellary,	Nilgiri,
Cuddapah,	South Canara,

and only the Cannanore estate (of four square miles) in Malabar.

In the following the area is under 500 square miles:—

Chingleput,	South Arcot (37 sq. miles only),
Coimbatore,	Tanjore,

Trichinopoly (has 667 sq. miles).

In the following districts the Zamíndárí area is considerable. They are arranged in geographical order, beginning with the north:—

Statistical Tables. Sq. mi.		(Dr. Macleane) Sq. mi.	
15,048	Vizagapatam . .	1556	Zamíndárís.
5886	Ganjam . . .	1480	
3314	Godávari . . .	2415	
1849	Kistná	1483	
3435	North Arcot . . .	2790	'Western Pollams', Darshy, Pudulai, Venkatagirí.
3825	Nellore	2594	
1774	Salem	1771	
5266	Madura . . .	2892	the great 'Southern Pollams' Sivaganga, Ramnád.
1449	Tinnevelly . . .	1446	

[1] Macleane, vol. ii. Appendix lviii.

§ 14. *The Village Lease-system.*

But, though the creation of Zamíndárí estates was no longer to be thought of, the authorities by no means gave up the idea of a permanent assessment for village estates with some form of joint or individual middlemen: and we find, as the next stage in Settlement policy, the idea of three or five-year village leases steadily enjoined in all the districts; they were to be followed by ten-year leases—always with a view to eventual permanency [1].

The result of the lease-system was by no means favourable on the whole. In fact, the true principles of assessment were not yet ascertained; and those officers who, like Munro, had made the most progress in devising improvements, were the most opposed to a lease-system, and the most desirous of a raiyatwárí Settlement.

Several of the District Manuals give an account of the failure of the leases. Thus in Cuddapah, we read 'this state of things (the three-years lease and the ten-years lease) lasted till 1821, and the inhabitants of this district still speak of those days as a veritable hell upon earth. Plundering and blundering was the order of the day. It was one incessant scene of extortion from the under-tenants, and of absconding and punishment of the renters' [2].

In South Arcot, unfavourable seasons and low prices interfered, and when the decennial lease was tried, no better success was had [3].

In North Arcot the rents were in arrear, the assessment being 'grievously excessive' [4].

In Coimbatore, the three-year leases failed entirely; and when a reduction was attempted in order to secure ten-year leases, a number of still worse abuses arose [5].

Even in Nellore the system failed, though the rates

were low and the villages under good management ought to have afforded a surplus. 'The system,' wrote the Collector in 1824, 'seems to have been followed by the same evils in this district as in others. Lands changed; raiyats ousted; accounts neglected; industry checked; mániyams (free-grants) usurped; tanks allowed to go to ruin, cultivation carried on slovenly; . . . the Collector himself being at a distance from the people, had no longer that control which, when gently enforced, is doubtless beneficial to a society composed as that of the cultivators of India'[1].

But in other cases, it must be admitted, the leases were fairly successful[2].

And even where the rent-system did not succeed, the most general cause of failure was over-assessment, and this cause might have been removed without touching the system.

The Revenue chapters of the District Manuals are, in fact, most of them, a record of a series of experiments in assessments; reductions and enhancements, changes in one direction and another, following each other in somewhat bewildering order.

There certainly was also a great deal of uncertainty about the nature of the leases. Had it been possible to hit upon a method which should have secured a renter and yet kept him from defrauding *either* the State *or* the raiyat, matters might have turned out well.

§ 15. *The Difficulties of a Lease-system.*

It is easy to discuss in general terms the comparative merits of a village-lease-system and a raiyatwárí system, but it is not by any means clear what a lease-system means when the actual details have to be prescribed.

Between any raiyatwárí system and any lease-system there is this general difference: the raiyatwárí only assesses

[1] *Nellore D. M.* p. 527.

[2] It is also right to record that the Board of Revenue were not disposed to admit that the lease-system, as a whole, had failed, especially the decennial leases, when the Court of Directors announced the raiyatwárí system.

the 'field,' or survey-unit, and leaves the raiyat to hold it or not as he pleases, provided he gives notice of his intention at the proper time: if he keeps the field he must pay the assessment; that is all. The lease-system involves payment of a certain sum for a fixed area, whether the land is cultivated or not. It is no use for the middleman lease-holder to throw up his land, for that would not relieve him of his contract-liability. This, it will be remembered, is the case with all the Settlements on the village or 'Máhal' system in Upper India.

But, accepting a lease as binding the holder to a certain sum for a certain area,—who should the holder be? Is he to be the headman of the village, with absolute powers as landlord over the villagers? Is he merely to be a sort of responsible director and to apportion the lands among the cultivating classes according to their own consent in the village assembly? Or, should the body of the village landholders be the lease-holder, in that case, of course, the 'corporate' body (as ideal middleman) being jointly and severally responsible for the amount?

In North Arcot we find the Collector in 1801 acknowledging, as a 'desirable object,' the introduction of a system of village-leases, 'constituting the head inhabitants of each village [1] its renters, and making them jointly and severally responsible.' But even here the country had been so reduced that the people feared the joint responsibility. Still the Board desired to see a system under which the '*proprietary inhabitants at large* of each village should enter into engagements with the Government, and derive a common and exclusive interest in the cultivation of their lands in proportion to their right of property' [2]. They thought it would diminish the amount of interference with the private concerns of the cultivators [3]. The Collector, on the other hand, knowing the state of the villages, and the general absence of any joint interest, thought it would

[1] Meaning, I presume, the heads of the families of the old-established cultivators.

[2] *North Arcot D. M.* p. 93.

[3] *Id.* p. 105 (and the local Government supported this view, p. 106).

really throw all the power into the hands of the headmen who would oppress the others.

In Tanjore, the villages sometimes possessed a proprietary class, whom we shall afterwards hear of as called 'mirásídárs.' But they were impoverished, and the heads of families who held the leases were so much in fear of responsibility that a peculiar method known as the 'úlúńgú system' (ooloogoo) was devised, and long remained in force; it was in fact a device for variable assessment, the *actual* outturn for each year being valued in a particular way. Change after change was introduced into the system tending to simplicity and to a more fixed and average rate of produce and commutation price, but it long remained a mark of the difficulties of *artificial systems*.

§ 16. *Remarks on the Lease-system.*

Mr. Dykes, the historian of the Salem district, has made some remarks on the lease-system, which, admirably as they are written, hardly do justice to the real difficulties of the case[1]. No doubt where there is a strongly organized village, where there really are well-kept village accounts and a record of what every one ought to pay, there the renter—or the headman himself if he were the lease-holder—would go to the village and discuss publicly 'under the wide-spreading council-tree' what each man had to contribute, and the 'poorest raiyat might be sure, that if the crops of the village could meet the total assessment demanded, what he had individually to give would be within his means.' No doubt also, *if* there is a feeling of joint-ownership over the whole village, and therefore an acknowledgment of joint revenue-responsibility, it is 'a sure check against the over-assessment of the weak.'

But the difficulty arises when, as in a great many—I might say the majority of—cases, the lapse of time and the changes effected by former Governments have left the villages in a weakened condition; where village accounts are not reliable, and regular assessments not on record;

[1] I refer to the remarks quoted at page 216 of the *Salem D. M.*

where the raiyats absolutely reject the idea of joint responsibility and there is no 'backbone' in the village—nothing of that strong spirit of union which equalizes all rights, which knows what can be done and ought to be done by each member, and makes the headman and the accountant keep their proper places.

Under such conditions, to devise a system whereby an adequate sum, just and fair in itself, should be fixed for every village, and a renter or other responsible person found to collect it; and whereby both the spirit in the people and the means of acting should be resuscitated, so that the whole group should have a voice in the proper distribution of the burden,—that is a task which may be prescribed on paper, but is next to impossible to realize in practice.

The elements of success must exist; they cannot be created by any official scheme or system whatever. The North-West Provinces and Panjáb systems are nothing else in substance, but a realization of Mr. Dykes' ideal—not from any merit in the revenue-system as a system, but because of the facts: historical conditions produced villages generally of the joint or landlord type: the landowning classes *have* remained strong and united; and when a village lump-assessment is fixed, they have, as a fact, a joint interest in the whole village, and a system of shares or plough-holdings, or what not, by which it can be distributed fairly and according to ancient custom, and under which one sharer answers for the default of the other. It is because of the impossibility of artificially creating such conditions of union, where, under existing circumstances, the villages do not possess them, that all over Bombay, Berár, and Madras, the concurrent experience,—tending in various directions and starting from different points—has ultimately led up to the conclusion that a system of assessing each holding by itself, is the only really practical one. When in the Central Provinces that view was resisted, and proprietors—the proprietor being only a developed village renter or lessee—were artificially found, all manner of legal

difficulties followed in fulfilling the duty of protecting the rights of the raiyats; till now we have the somewhat anomalous spectacle of landlords with tenants under them, but the tenant's rent absolutely independent of the landlord's will or consent.

§ 17. *The Board's Views.*

The Board of Revenue evidently clung, as long as it could, to the hope that the lessee could be controlled by the action of the village body. This hope was kept alive by the undoubted cases of survival of joint-villages in some districts, and by the results of such Settlements as Mr. Lionel Place's of Chingleput in 1795. In 1814–15, they caused an inquiry to be made regarding the survival of joint-village bodies, and the indications of their former existence. It is quite undeniable that *marks* of the former existence of proprietary bodies, whether originating in the families of conquering chiefs of superior caste or of cultivating partnerships (e.g. the Kareikáran of Madura or the Vísapadí of Cuddapah)—can be traced, as we shall see in our chapter on Tenures.

And it is open to any one to argue—at least very plausibly—that joint or proprietary villages had existed, commonly, in all districts, but that their rights had been crushed out of existence by the theory of Muhammadan conquerors, and still more by misrule, and by long periods of oppressive revenue-farming, which caused it to appear (as Munro said of the Ceded provinces) that there was 'no private property in land,' and that it 'seemed *at all times* to have been regarded as the property of the State.' But even so, it is not enough to have indications that a now disused institution once flourished: the question is not one of historical truth, but of to-day's practice:—is the right still practically vital?

The Board evidently thought it was [1]; and so did many officers. The Board argued that the system of village-leases

[1] See their Minute of 5th January, 1818.

or Settlements with a renter *or* with the whole body (and assuming of course that the renter would be under village public control), was desirable, because the system would 'adapt the revenue administration to the ancient institutions of the country'; and much is said about 'suiting the system to the people, and not attempting to bend the people to the system.' It is obvious to remark that, unless the assumption is true that the requisite conditions actually survive, the joint responsibility and public control which the village system presupposes, will not work. The villager, as he is to-day, declines to be responsible for his neighbour's failure, and does not appreciate a grant of 'the waste.' It can hardly be doubted that to have forced the joint-village method on the existing villages of the northern and central districts, as a universal system, would have been to create a proprietary class under the name of lessees, benefiting a few to the injury of the many, and in fact offering an example of the very thing—'bending the men to the system'—which the Board so justly deprecated.

On the other hand, experience has shown that the raiyatwárí system—in that absence of any creative or artificially developing tendency which is one of its best features—is quite able to make special allowance for, and do justice to, exceptional tenures: it can to any extent desired, practically give value to rights and customs of mirásídárs in Chingleput (if they call for recognition) as well as to proprietary tenures called narwá or bhágdárí in Bombay.

§ 18. *Ultimate adoption of the Raiyatwárí Method.*

The end of the lease proposals and the village system inquiry was that the home authorities (probably influenced by the opinion of Munro, who visited England in 1807) finally decided for the RAIYATWÁRÍ SYSTEM [1].

[1] See Arbuthnot, vol. i. p. cxx. It was then alleged by the Court of Directors that the village system had been tried and failed. This remark was naturally open to criticism, as at best it was only true in a certain sense. But it might have been anticipated with confidence to fail if persisted in in districts where the circumstances of the villages were not adapted to it.

It was in a despatch of 16th December, 1812 (paragraph 33), that the positive order seems to have been given by the Court of Directors. The despatch runs :—

'It remains for us . . . to signify to you our directions that in all the provinces that may be unsettled when this despatch shall reach you, the principle of the raiyatwárí system, as it is termed, shall be acted upon, and that where village rents upon any other principle shall have been established, the leases shall be declared terminable at the expiration of the period for which they may have been granted.'

At that time the lease-system was generally in force, and there were unexpired leases, so that the orders could not be carried out at once. And the Board apparently had hopes of changing the Directors' resolution, since it was in 1814 that the Board commenced its inquiries into the *general* existence of a proprietary right in villages, and in 1817 made a draft of a proposed Raiyatwár Regulation (which was never passed), and on 5th January, 1818, recorded its minute on the Settlements in different districts. The Court of Directors, however, finally affirmed the Raiyatwárí system.

SECTION V.—DEVELOPMENT OF THE SYSTEM AS ILLUSTRATED BY THE BÁRAMAHÁL SETTLEMENT.

§ 1. *Meaning of the term Settlement.*

At the outset of our consideration of the Madras Settlement system, it is desirable to bear in mind that though the word 'Settlement' has now in official language become a generalized term, indicating the process of determining the amount of land-revenue due from any village or district, in reality it has a meaning which varies somewhat with the circumstances of the particular province. In the Settlements of Northern India, for example, there is something like a bargain struck between the landowner (or the village body) and the Government officer. The assessment is announced, of course, by the Settlement Officer after calculation according to his own rules and methods ; but if the

landowner objects, he is heard and may be able to sustain his plea for an abatement; so that there is really a *Settlement*, in that sense.

But in Madras (and so in Bombay) the system does not involve the preliminary determination of any person to be the 'proprietor' and to accept the Settlement terms: it goes straight to the land, and determines, according to its own rules and principles, what that field or survey-unit ought to pay, no matter who holds it. Of course objections as to rates would be listened to, as elsewhere, and so far there is a Settlement of the amount of the land-revenue; but on the whole, 'survey-assessment' is the more appropriate term. But 'Settlement' may have another meaning. Munro's remark that the term was used 'not for the money-rate but for the extent of land,' indicates this. It is the essential feature of a raiyatwárí Settlement that every raiyat is free to hold or to relinquish whatever fields of his holding he likes, or to ask for other available numbers, provided all is done by a certain date. Hence an account or 'Settlement' is necessary both to see what the raiyat has actually held, and has to pay revenue for, during the year, as well as (in Madras) to determine the amount of any remissions he may, by rule, be entitled to. So it is a feature of the raiyatwárí system, that besides the initial assessment of the land-revenue, there is an annual 'jamabandí' or settling up with the cultivator, taking account of any change in his holding as shown in his 'patta,' and noting deductions (if the system allows any) from his total payment.

Bearing this in mind, we shall continue to follow the general usage in calling the process of determining the land-revenue a 'Settlement.' And we shall fall into no error in so doing, because, under the raiyatwárí system, the 'annual Settlement,' in the sense of Munro's phrase, is now generally known by the vernacular term 'jamabandí.'

§ 2. *First Ideas of Settlement.*

When Colonel Read [1] was sent to the Báramahál it does not appear that he was instructed to settle with the individual raiyat or to value individual fields; the idea was rather to grant leases to the headman or the inhabitants of each village. At first these would be annual, but after the survey and inquiry had progressed, it was hoped that five years' leases might be entered into, both to encourage the lessees by giving them a fixed time free from apprehension of increase, and at the same time to secure the revenue. The assessment 'was to be so fixed that the inhabitants might be compelled with justice to adhere to the terms of Settlement for at least five years' [2].

To begin with, Read made a proclamation of a kaulnama (qaulnáma, or proposal for terms) offering annual leases to the pátels (headmen) of single villages or groups (hôbalis) of villages [3]. The assessment was on the basis of the 'bériz,' or recorded assessment of Haidar's reign, corrected by comparison with accounts of actual cultivation, and deducting some amount for expenses of servants employed in collecting (sibandí), &c.

But in the course of his inquiries, Read was led away from the idea of making leases of fixed areas for fixed sums to be paid uniformly for the whole term of lease. As he surveyed the villages field by field, he came round to the idea of assessing each according to its quality, and leaving the raiyat free (which was in the end a very good test of the assessment) to keep the field or throw it up or take another, provided only he gave notice, at the proper time, of his intentions. This did not occur to Read all at once: there were many restrictions (as we shall presently see), but the idea once entertained, the idea of a *lease* or village rent grew faint.

Read in fact developed his own system without much regard to his instructions; he finished the rather crude,

[1] *Salem D. M.* I. 207, Arbuthnot, I. xl, et seq.

[2] *Salem D. M.* p. 217.

[3] The text of the proclamation is given in *Salem D. M.* p. 212.

but still actual field-to-field survey, by 1798, and issued of his own authority a proclamation to the district explaining the terms of his (really raiyatwárí) Settlement. All this time the Board was expecting to hear that leases for five years had been arranged; and they 'peremptorily demanded' an explanation. The explanation did not come till long after, for Read and Munro were called away to military duty, by the renewal of war with Mysore. Meanwhile the consideration of what had been done was suspended by the abortive attempt to settle on the Zamíndárí system; and when the adoption of the raiyatwárí system, which I have already described, was finally ordered, Read's work was found to be suitable.

The circumstance which led Read to prefer individual Settlements to leases which bound people to certain lands and certain payments for a term, was that 'he heard numerous complaints that binding the raiyats to the same lands for a number of years, despite constant changes in their stock and circumstances, produced considerable hardship[1].' He accordingly, at first, gave an option either 'of keeping lands under the lease, or under annual Settlements; the latter mode allowing the raiyats to give up, early in each year, whatever lands they might not choose to cultivate for that year, or to retain for any number of years what lands they liked, subject to payment of assessment, provided they gave intimation of their wishes at the beginning of each year[2].' Munro did not at first see this, but in the end he came round.

The system, however, still required—what is quite foreign to the present system—that all resident cultivators should 'be bound to joint-responsibility for the rent (revenue) of all the lands that may be cultivated during the current year; they will, therefore, be required to bind themselves to make good any deficit that may arise among them from inability, by contributing the amount in proportion to their individual rents[3].'

[1] *Salem D. M.* p. 220.
[2] For the proclamation itself see *Salem D. M.* p. 220.
[3] Proclamation, § 22.

§ 3. *Principle of Assessment.*

As to the method employed in assessing the lands when surveyed, it was assumed that the Government share was about half the produce of 'panja' or 'dry' land (unirrigated) and three-fifths of 'nanja' or 'wet,' i.e. irrigated land, the three-fifths being reduced when there was not a full water-supply. Making the necessary allowances, however, for the deductions for the 'merá' or grain-share by which the village artizans were remunerated, and for the vicissitudes of season, the actual shares were one-third for dry and two-fifths for wet lands.

These proportions had been calculated in kind (váram)[1]. They were now to be commuted into money values.

The reduction to the smaller fractions mentioned, would not affect the revenue totals much, because the survey (on the one hand) brought to light cultivation that escaped assessment and unauthorized free holdings, and also (on the other hand) abolished irregular cesses,—devices which enable the cultivator and the renter respectively, to bear up against the burden of excessive demands under native rule.

But the rates calculated in this manner still proved too high; Munro predicted this, and from the first, advocated a reduction of from 15-20 per cent.

To ascertain the value of lands, wet and dry, according to produce, a classification was adopted[2]. Several methods were tried of valuing the produce—one was the measuring or estimating the grain produce for the particular year and valuing it at current prices. This was called Ooloogoo or ulúńgú, and was in force in some districts—I have already mentioned it in Tanjore—till finally abolished in 1860: or there might be a fixing of grain values, arbitrarily, by aid of former accounts and experiments by reaping sample areas, and valuing the outturn; or, thirdly,

[1] This term, which enters into many compounds, represents the old plan of dividing the actual grain-heaps: it is the batái of North India. Thus we have the mél-váram, the heap for the Rájá or the owner, the kudiváram, or cultivator's heap, &c.

[2] Given at p. 256 of the *D. M.*

'the most difficult way is to *estimate* the Government share from the nature of the soil, and value it.'

As the gradations of soil are infinite, averages were taken; and by inquiry and comparison of the figures deduced from the old cultivation accounts of twenty years (from 1773-92) a 'full crop' for each average soil was made out. Deduction was then made for failures, uncultivated parts of areas, &c.; and it was held (as above stated) that for dry land 69 per cent. and wet land 84 per cent. of a 'full crop' was the *average yield.* This was valued at the average of selling-prices for twenty years past.

But the resulting rates were again modified by grouping villages according to the advantages of their situation; nearness to a great road was a disadvantage, because thieves plundered travellers' cattle and the crops; nearness to market was an advantage; and so forth. Not only so, but the officer actually tried to take into account facility of cultivation as affected by the personal health and strength, the caste and habits of the raiyat, and by his reputation for affluence or poverty[1]!

The rates were finally adjusted by comparison with previous accounts of actual collection, so that a rate brought out by calculation could be reduced if it showed a figure that the accounts proved not to have been realizable.

Tables of rates so prepared applied only to the taluk, or part of a district, over which conditions were generally similar. The payín-ghát and plain taluk rates would be different from those of the upland or bálaghát, for example.

Such rates are called 'Taram'—rates affecting an average equal group or class[2].

In all the early raiyatwárí attempts, the Government revenue was taken as a *certain share of the gross produce* valued at fair rates. The resulting figures were largely modi-

[1] See Read's own report, p. 261, *Salem D. M.* At p. 263 will be found a specimen of Read's tables showing classes of wet and dry cultivation, with average produce varying from 1440 Madras measures to 22 Madras measures, and money rates from R. 9-12-1 down to R. 0-1-9 an acre.

[2] The term Taram survives to this day for the soil-class rates of assessment. When a reduction of rates was first ordered in Salem, the event was noted as the 'taram-kamí' (kam = less).

fied with reference to the former revenue collections: but those were very high indeed. In the Ceded Districts, especially, I notice that at first, hardly anything was attempted beyond taking the old rates and reducing them according to various considerations. In all cases it may be said that the first rates were too high: and the general history of the different districts as given in the Manuals —whether raiyatwárí or under lease—is one of a series of new 'hukmnámas,' or assessment orders, by which rates were experimentally lowered, raised, and lowered again, till in 1855-58, a general and systematic resurvey and revision was ordered, and the modern order of things began.

§ 4. *High Assessments, how tempered.*

There were various expedients, however, adopted, which tended to temper the evil results of over-assessment. At that early date, and even up to 1855, only a limited portion of the arable land was cultivated, and in order to encourage waste cultivation, special agreements or leases called 'cowles' (qaul)[1] were issued, giving land free for the first year or years, and then at favourable rates.

A villager could then (practically) throw up an over-assessed holding, and take up other land, or his own holding after it had lain fallow for three years or so, under a 'qaul.' This was *sub rosâ*, of course, and the Board ignored it; but in fact, in 1835 (I am speaking of Salem), more than 120,000 acres were held on qaul. In time, however, measures were adopted to prevent the throwing up of regularly-assessed or old holdings for the sake of new land on *qaul*. The raiyat was to throw up good and bad together, in proportion,—and so forth. These restrictions were both troublesome and ineffective. The *District Manual* devotes some pages to detail on the subject; but it has now no interest except as showing how the free right to hold or throw up land—which is

[1] See *Salem D. M.* p. 347. Such qauls were frequently issued, and I believe still may be, to encourage the reclamation of land overgrown with 'prickly pear' (*Opuntia Dillenii*).

the essential feature of a raiyatwárí system—was only by degrees recognized by the authorities. In fact, this freedom, though it involves variation in the yearly revenue, and demands patience in waiting while land rises in value and comes into demand, is the greatest security against over-assessment.

As land rises in value, an assessment, which was at first too high, becomes more and more tolerable, and then, with the increase of population, there is no unwillingness to hold; if one man throws up a field, another will take it. In the end, a well-assessed raiyatwárí taluk practically becomes as permanently held and cultivated as leased land[1].

It was not, however, till 1859 that the last restrictions on freedom of holding or relinquishing, were taken away[2].

The only condition is that the relinquishment must be signified before the 15th July, i. e. within fifteen days after the commencement of the agricultural year, so that there may be time for other arrangements to cultivate the land.

Section VI.—The Settlement of the Ceded Districts.

§ 1. *Munro's Views.*

In Sir A. J. Arbuthnot's *Memoir of Sir T. Munro* will be found a series of letters and minutes, which (besides dealing with Malabár and Kánara, reserved for separate treatment in these pages) contain his suggestions on Read's plan for Salem, and also his own account of the procedure adopted in the Ceded Districts.

One of his first criticisms on the Salem system was the opinion that no additional rate should be levied in consequence of improvements effected by the raiyat's own expenditure and exertion[3]. This meant, that any known and tangible work should not be directly taxed; for, of course, under any system of assessment, all cultivation being the

[1] See Munro's exposition of this. Arbuthnot, vol. i. pp. 39, 40.

[2] *Salem D. M.* p. 438 (vol. i).

[3] Arbuthnot, vol. i. p. 19.

result of expenditure—gradual and intangible,—of labour and capital, such efforts must be taxed to some extent; nor is this of any consequence provided a substantial profit is left to the cultivator.

The recommendation, however, bore fruit in the determination not to assess *wells* sunk, so as to raise the assessment over what the general value and character of the land (apart from the effect of the well) would warrant. This rule was adopted in 1852, more than half a century after the minute was written.

The same minute advocates the freedom of raiyats in holding or relinquishing what fields they desire, on which I have already remarked. But at first Munro was inclined to adhere to the principle that the raiyats should not be allowed 'to select all the good and reject all the bad fields, but be obliged to take the good and the bad together according to the custom of the country[1].'

§ 2. *Complete Raiyatwári not at first contemplated.*

It is to be remembered that Munro's first raiyatwári idea was a sort of intermediary between a lease and an individual Settlement, i. e. he contemplated having a lease to some extent; but the proportion to be paid by each raiyat was to be determined, consequently he would maintain the joint responsibility, because 'a lease Settlement cannot be permanent unless individual losses are collected from the great body of the farmers[2].

As to Munro's own work in the Ceded Districts (1801-7), it has already been remarked that at first his plan very much more depended on a just distribution and equalization of existing known assessment figures (derived from the accounts of former Governments, and from tradition and discussion with the people) than on an independent classification of the soil of fields, the ascertainment of total produce, the Government share, and the valuation in money of that share. He informs his subordinates in the Ceded Dis-

[1] Arbuthnot, vol. i. p. 113.
[2] *Minute on Read's Settlement,* Arbuthnot, vol. i. p. 43.

tricts that there are three ways of assessing[1]. (1) To take the known revenue of a 'district' (i.e. a taluk or specified portion of the area) and then distribute it over the villages and ascertain 'kulwár'[2] the payment of each person; (2) to take a single village total and distribute it; (3) to take each individual field and add the sums to give the village total. In either case the end was to determine *each raiyat's revenue* payment on the lands he held, and to assess culturable waste at the *average* of cultivated lands of the same kind in the village.

In adopting the first method, free and public inquiry was resorted to; and he found that the people of one village, unwilling to bear too great a proportion for their own village, would at once disclose the real value and resources of the other villages.

In the village-total method (2) he also reckons on the villagers assembling and discussing the distribution. The headmen know that a certain sum must be levied, and the discussion of its division and the playing off of one interest against the other, would result in a fair distribution of the burden.

§ 3. *The actual Raiyatwárí Method.*

The third method (3) is described as the most difficult,—assuming that it began by deducing a rent from previous accounts and considering whether it was too high or too low: but when the *survey is completed* an ascertainment of the value of each field is possible. Munro does not describe any particular method of classifying soils, or valuing the grain. The plan of taking 'dry' and 'wet' and 'totakál' (garden or improved land), with the usual variety of soils, 'black-cotton,' 'red,' &c., and arranging 'tarams,' was assumed to be understood[3].

[1] The papers are given at length in Appendix C to Arbuthnot, vol. ii.

[2] This term is often used by Munro for the raiyatwárí or individual assessment: it means 'kul' all and every, and 'wár' according to—the Settlement according to each and every one's individual amount.

[3] The survey was made between 1802 to 1805, and the classification of soils between 1804 to 1806. Before the rates came fairly into operation the lease system (3-5-10 years' leases) was ordered.

Pattas or sheets showing the survey fields, assessments, and remissions allowed, were to be issued to each raiyat.

When the orders for the 'village rent-system' (leases from three to five years) came out, Munro remonstrated; and a letter, written in 1806, gives his defence of the 'kulwár' system. He here notices how much he relies on the fact that where there were headmen as managers, they were able to apportion the village totals; 'the raiyats from having been long accustomed to be guided by them, readily agree to what they fix or propose, as it is usually what they know themselves to be the proper rent[1].' It is also here mentioned that in Cuddapah, the vísápadí or 'sixteenth villages comprise a considerable part of the (Cuddapah) province.' These are the shared villages which we shall hear much of in the section on Land-Tenures: and here, of course, the share of each man was known[2].

Had this principle of action been really possible everywhere, it is probable that the 'village lease-system' would have in practice nearly coincided with Read and Munro's individual assessments, and would have had a different fate[3]. But, in fact, districts varied, and in many cases, fair assessments, that did not require constant 'tinkering,' were not known; former accounts were not to be had or were unreliable; recent accounts were falsified or neglected and the power fell into the hands of the renter, while the village opinion did *not* control him; hence the resort not only to the *individual revenue-assessment* (which every system supposed to be fixed) but to the different methods

[1] Arbuthnot, vol. ii. p. 360.

[2] 'The proper rate of assessment,' says Munro, 'is found either by reference to the accounts of former years, or by comparison with the rent of lands of the same quality which have long been nearly stationary.' (Arbuthnot, vol. ii. p. 361.)

[3] If a village lease is given out as a lump-sum for a term of years, with a renter or headman as nominal lessee, so long as the distribution to each cultivator is known and *regulated under the village council-tree and cannot be transgressed*, the system is practically raiyatwárí; the lease is a name only, and the renter is a mere collecting machine confined to such profits as the lease contemplates: but directly the village-payers cannot control him and he begins to oppress and exact, then he is a *renter* or *middleman*—soon slips into the position of landlord, and the others become his tenants, to be rescued afterwards by more or less difficult legislation as to occupancy and rent enhancement.

of ascertaining field-rates, and removing every intermediary between the State and the individual-holder.

§ 4. *Munro's Defence of the Raiyatwárí System.*

'When a district has been surveyed and the rent of every field permanently fixed,' wrote Munro[1], 'the kulwár Settlement becomes extremely simple; for all that is required is to ascertain what fields are occupied by each raiyat, and to enter them with the fixed rents attached to them, in his patta; their aggregate constitutes his rent (revenue) for the year. He cannot be called on for more, but he may obtain an abatement in case of poverty or extraordinary losses. He has the advantage of knowing in the beginning of the season . . . the fixed rents of the different fields which he cultivates . . .

'The kulwár Settlement, though it may appear tedious when compared to the village one, is, however, not only better calculated to realize the revenue, but is, on the whole, a saving of time, because when it is once made there is no further trouble: but in the village Settlement there is so much room for malversation, for many disputes between pátels and the raiyats about extra collections on the one hand and the withholding of rents on the other, that more time is consumed in inquiring into these matters than in the original Settlement.

The Honourable Court of Directors seem to be apprehensive that too much must be left in the kulwár Settlement to the agency of native servants, but it does not appear to me that such agency can be dispensed with, or that when properly controlled, any serious evil can result from its employment . . . Without it the most experienced Collector could hardly make the Settlement ("jamabandí" he means) of the villages in a whole year. . . . When the rent of every field has been fixed by survey there is little room for abuse: it cannot be against the raiyat, but may be in his favour, because it can be effected only by reporting cultivated land as waste or by obtaining remissions on false pretences of poverty; but it has already been shown that from the public manner in which the Settlement is conducted and the contending interests of the raiyats, either of these modes of injuring the revenue can never reach to any extent or be long concealed.'

[1] *Id.* p. 365. 'Permanent,' that is, as opposed to a 'provisional' rent: it has nothing to do with the question of a 'permanent Settlement.'

§ 5. *Its Contrast with the Zamíndárí System.*

In 1807 Munro wrote an able paper contrasting the small raiyatwárí proprietor with the Zamíndár[1]. This it is of no use to quote in detail, because it is impossible that a general Zamíndárí Settlement can be revived; but after stating the supposed advantages of the interest which the Zamíndár would take in revenue management—knowing so much more of the circumstances of the raiyats than a Collector could, after allowing for the hope that he would improve the estate with his capital, and that he would relieve the Government of details and lessen the number of revenue accounts and the cost of collection, he contrasts the risk of the Zamíndár absorbing all the benefits and rackrenting his tenants, or else that of his failing and breaking down. For the raiyatwárí system he urges that it requires no artificial restraints to prevent division of estates; it admits of all gradations from petty owners to great. 'It is better adapted to preserve simplicity of manners and good order, because every ryot will on his own estate be proprietor, farmer, and labourer; . . . because a great body of small proprietors, instead of a few Zamíndars or muṭṭhadárs, will be interested in supporting Government. . . . It may also be said that it is better calculated to promote industry and to augment the produce of the country, because it makes more proprietors and farmers and fewer common labourers; because the raiyat would be more likely to improve his land . . . and the small proprietor being a better manager and farmer, is more immediately interested than the great one in the cultivation of his land, would bestow more pains on it, and make it yield a more abundant crop.' He adds 'that the raiyatwárí system, by retaining in the hands of Government all unoccupied land, gives it the power of gradually augmenting the revenue without imposing any fresh burden on the raiyats.' He denies that the account system is more troublesome.

[1] This with some other minutes is in the Appendix to the *Fifth Report*, and Arbuthnot, vol. i. pp. 94–99.

'When a country is surveyed and the rent of every field fixed, the accounts become perfectly simple—they are nothing more than a list of raiyats and fields: . . . and as karnams (village accountants) must always be kept, there is no more difficulty in getting from them an account of a hundred raiyats than one mutṭhádár. . . . The fluctuation in the revenue "would be gradually lessened as the raiyats became attached to their farms, by the benefits of a low assessment and retaining them as a lasting possession instead of changing them partly or wholly almost every year."

'It would never amount in one year to more than 10 per cent. on the aggregate of districts, and would scarcely ever be above five. . . .

'The public ought certainly to be regulated in some degree by the private revenue of the country: but nothing can be more contrary to this principle than the Zamíndárí system, for it fixes the public demand now, which must remain the same thirty or forty years hence, whatever addition may have been made to private property in that time.

'When remissions are granted for calamity or other cause, it "gives the whole of it at once to the raiyats" and there is no one to intercept the benefit.'

§ 6. *Cause of the Defects of the Early Settlements.*

It should be here remarked that, while the main outlines of the raiyatwárí system were thus laid down, a definite principle of assessment based on a just valuation and calculation, checked by, but not dependent on, former records, was not yet understood. To this fact may be attributed all the defects of the early Settlements and their repeated failure from being too highly pitched, either positively, or relatively to low rates of prevailing price. It was the necessity for modifying and devising all sorts of temporary expedients of reduction that led to the different systems of revenue-collection (sometimes, but very wrongly, described under the head of 'tenures') that are to be found in the books.

§ 7. *Old Systems of Revenue Collection.*

As the reader may be puzzled by the terms that occur in the reports, I may here mention that while the Settlements were being made and money-rents from one cause and

another were not known or could not be employed, or had to be reduced, the following expedients were adopted:—

(1) (only adopted as a temporary and preliminary measure). The amáni or direct system. This simply consists in taking the actual share of the grain. It is also called the 'ására' or sharing system. In Tinnevelly, for instance, for several years such a system was in force on the paddy lands (wet cultivation). 'An army of Government servants was employed to measure out the three months' crop (kár=crop) harvested in September, and to divide it equally between the Government and the raiyats. The Government grain was stored in granaries in different villages, and kept until the rise of prices made it profitable to the Government to dispose of it.' As the five months' (peshanam) crop ripened in January, its extent was ascertained by inspection, and its probable outturn estimated by persons employed for the purpose: when the whole was estimated, a price was fixed at the jamabandí (annual Settlement), and the Government share or three-fifths of the whole was sold to the raiyats at that price. Whatever remained at the time in the Government granaries of the previous crop, was at the same time sold to the raiyats at the same price, and the whole of the money demand then became payable[1].

The 'vísápadí system' was merely a method of dividing the revenue assessed under the village system according to customary shares in which the village body held their land. It involved the curious condition that if any one thought his share over-, and that of his neighbour under-, assessed, he had a right to demand that the latter be made over to him at an increased rate, which he named, in exchange for his own. But should the neighbour assent to the enhanced rate, the exchange was not actually carried out, but the complainant was allowed a proportionate reduction on *his* land.

The 'úlúṅgú' (ooloogu) system prevailed in Tinnevelly,

[1] *Tinnevelly D. M.* pp. 71 and 72.

and for a long time in Tanjore. In the latter district it was adopted, as I have stated, because the joint-village owners could not be prevailed on to accept the rates offered on the three years' lease plan of Settlement. The ulungu system has now been abolished, except, I believe, in one small village.

As described in detail in the *Tanjore Manual* it seems terribly complicated; but it really reduced itself to a system of computing in money the actual grain-share for the year (valuing it by current prices); the trouble and uncertainty of this being progressively reduced by attempts to arrive at something more like an *average* produce and an *average* price for assessment purposes[1]. 'The system was somewhat complicated,' says the author of the *Tinnevelly D. Manual*; 'briefly put, it consisted in the commutation of an assumed or estimated quantity of produce, at a standard or fixed price modified by the current price of the day.'

The average estimate of produce was calculated on the outturn of certain given years (according to the district circumstances), and the standard price on the average of certain specified years. If the current price was less than 10 per cent. above the standard, the standard was taken; if more, the excess only was added to the standard price to give the commutation rate for the year. On the other hand, if the current price was not more than 5 per cent. below the standard, the standard was taken: and if more than 5 per cent. below, then the excess beyond the 5 per cent. was deducted from the standard and the balance formed the commutation rate.

The 'Mucta' system (b'il-mukta='in the lump') of assessment occurred under that method of Settlement (noted above by Munro) where a village assessment was fixed in the total and the raiyats distributed it as they pleased. But the distribution once made lasted as long as the lease or Settlement.

The 'Mutafaisal' system was similar. It was noted in Tanjore as succeeding the ulungu[2]. It is practically almost

[1] See the *Settlement Manual*, 1887, p. 2.

[2] *D. M.* pp. 73-4.

exactly like the 'báchh' in a North Indian Settlement, only that the latter goes into more detail to equalize rates and supervise the distribution according to the soil and general value of each holding. In Tanjore the lump-sum was ascertained without a field-to-field classification, but on a comparison of the highest and lowest grain-produce, valued at certain average rates, and calculated out for an average area of cultivation, the whole being freely discussed by the villagers and with the aid of a panchâyat [1].

§ 8. *Old 'Dittam' Settlement.*

It only remains to add, in taking leave of the old system, that while it involved an annual settling up or jamabandí (as at present) at the *end* of the chief harvest, determining the lands held by each raiyat, and the remissions he was entitled to on the standard assessment of those fields, there was also a 'Dittam Settlement' or preliminary estimate made by the tahsíldárs at the *beginning* of the season—a kind of forecast of what each raiyat *would* hold and cultivate, and what crop he would sow. The curious will find it described in the *Salem Manual* [2]. At first great importance was attached to this proceeding, but it has now been abolished for many years.

§ 9. *Summary of the Old System.*

Mr. Nicholson, in his *District Manual of Coimbatore*, has given us a very good abstract of the principles and results of the old revenue system [3]. The officers of those days recognized the system of dealing with each raiyat as one which was the really ancient system of the Hindu kingdoms: they endeavoured to survey and register every field and give every holder a lease or patta, showing what he held and what he was to pay: this was settled first at

[1] A long account of it is given at pages 588-618. For reasons stated, the Collector could not carry out his Settlement on an independent classification and valuation of fields; and in 1831, he adopted a lump-assessment (Mootafaisal as it is there corruptly written), which the mirásidárs (there are joint-villages in Tanjore) distributed. After much correspondence this system was sanctioned in 1859.

[2] p. 361, vol. i.

[3] See pages 107 and 108.

the 'dittam,'—the preliminary or estimate-Settlement just mentioned, and then finally at the jamabandí, which was made after the chief harvest and showed what *actually had been.*

The raiyat 'paid full rent (revenue) for his cultivated land, and one-third or one-fourth for land held as grazing: his "dry" land had at first little or no sale value: his "wet" land was so highly assessed as to be often valueless as transferable property; but most of the raiyats had garden land, and some "wet" that was valuable.'

The theory was just as at present: it was that land was taxed and not the person, so that a raiyat could increase or diminish his revenue-payments by changing the component fields of his farm. But this theory was marred by the safeguards that it was thought necessary to impose for the security of the revenue. The old rule had been that if some raiyats ran away, those that stayed made good the deficit: this was not long retained, but some survival of it was preserved in the shape of restrictions on relinquishment. The raiyat in 'affluent circumstances' was not allowed to give up a field unless he could get another raiyat to take it, or unless he would consent to take up waste bearing an equal assessment. Even the 'poor' raiyat must give up 'good and bad together' in equal proportions. Another very objectionable feature was the treatment of 'garden' land, which always produced two crops in the year. The theory being that 40 per cent. of the gross produce was the Government share, it came to this, that the assessment was about four times the rate on dry land, though the 'garden' was largely due to the raiyat's own labour and to the well which he had sunk. Then the survey and assessment had to be so rapidly done, that there were very great inequalities. In Coimbatore, for instance, the northern division was surveyed in a little over a year, and the southern division in about two years; it was impossible, especially in the confusion of the days immediately following war and

annexation, to settle satisfactorily so large an area in so short a time.

The assessments too were, as I have said, largely dependent, not so much on estimates of produce,—very roughly calculated, in comparison with what was afterwards done—but on former assessments, which had been run up to a high pitch under the Mysore Government or the Nawáb as the case might be. Such rates were liable to become intolerable when grain became very low in selling price—as it did for a number of years.

Hence various devices were consciously, or unconsciously, allowed to mitigate the burden; such as calling land 'grazing land' and letting it at one-fourth of the assessment, or allowing 'cowles' for cultivating what was called waste, at favourable rates.

All this has now given way to careful survey and deliberately framed and carefully equalized assessments: the extra taxation of 'garden' lands as such, has long been abandoned, and there is therefore no occasion for any irregular devices to mitigate the pressure of the revenue.

CHAPTER II.

THE MODERN SETTLEMENT SYSTEM.

SECTION I.—SURVEY AND SETTLEMENT DEPARTMENT.

THE modern Settlement system requires the co-operation of two branches—the Revenue-Survey and the Settlement Office.

The Survey is now confined to Revenue-surveying: until recently, it also had a topographical department, the work of which was made over to the Imperial Survey in 1886[1].

The Presidency contains approximately 141,617 square miles. The Revenue Cadastral Survey does not extend to Zamíndárí or other estates permanently settled, nor to 'proprietary villages held on 'inám throughout' and other estates not under raiyatwárí Settlement. Estates of this kind are generally topographically surveyed and mapped on 1 inch = 1 mile[2].

The table given on the following page shows the progress of the Survey work[3].

The village maps show every field, besides the leading topographical features; they are plotted on a scale of 16 inches to the mile, and are reduced and printed (by photo-

[1] G. O. No. 692 (and letter No. 603), dated 20th July, 1886.

[2] Macleane (*Survey*), p. 101. G. O. No. 315, dated 22nd March, 1887. I see, however, that detached estates and shrotriyams and ágrahárams (forms of revenue-free or lightly-assessed estates) and some others, are occasionally mapped on the scale of 4 inches = 1 mile.

[3] Being enclosure No. 5 to G. O. No. 984, dated 17th October, 1887.

Statement showing the Extent surveyed and remaining to be surveyed in each of the undermentioned Districts up to 31st March, 1887.

Districts.	Area in square miles.	Surveyed, square miles.			Remaining to be surveyed, sq. miles.			
		Revenue.	Topographical.	Total.	Revenue.	Topographical. For Madras Survey.	Topographical. For Survey of India.	Total.
1	2	3	4	5	6	7	8	9
Districts surveyed and under survey.		Survey Area.			Estimated Areas.			
Ganjam . .	8311	1661	3451	5112	...	..	3199	3199
Vizagapatam	17,380	169	10,473	10,642	613	295	5830	6738
Godavari. .	7345	2880	4465	7345	...	...	...	...
Kistna . .	8471	5454	2066	7520	...	951	...	951
Kurnool . .	7788	4839	2949	7788	...	...	...	...
Bellary . .	5590	2293	307	2600	2925	65	...	2990
Anantapur .	5417	1907	431	2338	3079	...	...	3079
Cuddapah .	8738	5429	3309	8738	...	...	...	...
Nellore . .	8739	4232	4507	8739	...	...	...	...
Chingleput .	2842	2096	746	2842	...	...	...	...
Madras . .	27	27	...	27	...	...	...	...
North Arcot.	7503	2851	4652	7503	...	...	...	...
South Arcot.	[1] 5132	4657	475	5132	...	...	...	...
Salem. . .	7729	3611	4118	7729	...	...	...	...
Coimbatore .	7804	5169	2635	7804	...	...	...	...
Nilgiris . .	957	444	513	957	...	...	...	...
Malabar . .	5763	266	[2] 854	1120	2245	...	2398	4643
Trichinopoly	4742	2697	945	3642	...	...	1100	1100
Tanjore . .	3654	379	...	379	2221	1054	...	3275
Madura . .	8402	3074	5122	8196	...	...	206	206
Tinnevelly .	5381	3080	1719	4799	...	...	582	582
Total. .	137,715	57,215	53,737	110,952	11,083	2365	13,315	26,763
District not yet taken in hand.								
South Canara	3902	...	...	...	2,512	...	1390	3902
TOTAL .	141,617 [3]	57,215	53,737	110,952	13,595	2365	14,705	30,665

1 Alteration due to excess of area found on survey.

2 266 square miles of Wynaad taluk, first surveyed topographically and afterwards cadastrally, have been shown only under column 3, Revenue Survey, to avoid repetition.

Antique figures denote estimated areas unchecked by survey.

3 According to the Census of 1881, the area was 140,821 square miles.

zincography) on the 8-inch scale. Taluk and district maps are compiled from these on a scale of 1 inch = 1 mile [1].

Topographical and 'Atlas Sheet' maps are also prepared, but do not concern our present purpose.

The Settlement Department was first organized in 1858. In 1855, less than one-fifth of the area of the Presidency was cultivated. The early surveys, though done as well as the state of establishments at the time permitted, were imperfect, and were made without preliminary demarcation; they only extended to a few districts; and the records were not always fully preserved. The defects of the Settlements have already been explained. A general revision Settlement was determined on in 1855 [2], and the first Director of Settlements was appointed in 1858.

At present (since 1886) the Settlement is directed by a Commissioner of Revenue Settlement, who is also Director of the Department of Land Records and Agriculture. He is one of the 'Commissioners' who collectively form the Board of Revenue as reorganized in 1886. There are two Assistant Commissioners; and on important works, one of them takes charge of the field establishment. At present, five working parties are organized; a 'party' consisting, ordinarily, of a Deputy Commissioner of Settlement, his assistant, and an office establishment. There is also attached to each party, a field establishment under a 'Supervisor of Assessment' consisting of four 'head Classifiers,' and thirty Classifiers (for soil inspection) [3].

It will be observed that the Settlement operations in progress are conducted by a staff entirely separate from the District Revenue Staff, the Collector, Assistant and Deputy

[1] This is prescribed in G. O. 20th July, 1886, No. 602. For some time past maps have also been prepared on $\frac{1}{2}$-inch = 1 mile scale.

[2] G. O. No. 951, dated 14th August, 1855, and Despatch of Secretary of State, dated 17th December, 1856. The Staff under the Superintendent of Survey has hitherto been entirely separate from the Settlement Staff; but orders (*vide* No. 315, dated 22nd March, 1887) have recently directed that the Survey subordinates should be instructed in Settlement work so as to make them available.

[3] *Manual of Revenue Settlement Department*, p. 39.

Collectors, Tahsíldárs, and Revenue Inspectors. But, as has already been stated in the general introductory chapter, in future the abolition of a separate Settlement Staff is everywhere contemplated. The records, kept correct from year to year, will never need entirely renewing; and any future re-assessment will merely be a revision of *rates*, on the soil classification and other data already recorded, and so can be done by the ordinary district staff[1].

SECTION II.—THE PROCEDURE OF SETTLEMENT.

§ 1. *General Features.*

Such being the working machinery, I may at once proceed to the detail of its methods. The RAIYATWÁRÍ SETTLEMENT might be more correctly described as a 'Survey-Assessment,' and may be defined in terms which are as true of Bombay as they are of Madras[2]. Dr. Macleane says it is 'the division of all arable land, whether cultivated or not, into fields, and the assessment of each field at a fixed rate for a term of years[3].' I have substituted 'field' for 'block' in the original, for the assessment of *blocks* of fields, though at one time recommended, was given up[4]. The occupant pays the revenue so assessed on the area he actually occupies. This area may be constant or may be

[1] This will be possible as the result of the recent Survey Settlements; but it would not have been so till the Settlements had made the progress now attained.

As a matter of fact, in 1864, it was actually proposed to put the Settlements under the District Staff, because it was thought that the local experience of the District Officers was otherwise lost. In some districts the change was tried, but it did not succeed. After some discussion, the separate Settlement Staff was confirmed in 1874. In 1879, for financial reasons, the Director was abolished, and the Department controlled by a Member of the Board. In 1882 the (reappointed) Director became also Director of Agriculture and Land-Records, and in 1886 the changes already recorded took place.

[2] As to the use of the term 'Settlement' see the remarks in Chapter I. p. 32, ante.

[3] Macleane (*Revenue Settlement*), p. 103.

[4] In G. O. No. 221 of 15th Feb. 1876, the Government ordered the system of assessing blocks to be given up. At present after the field-to-field classification is made (by the classifiers, head classifier and supervisor) fields of similar soil are grouped together into blocks, chiefly to enable the results of classification to be recorded conveniently in the descriptive memoirs, and illustrated by the eye-sketches, of each village.

varied from year to year by the relinquishment of old fields and the taking up of new, which are either available as waste, or as given up by some one else. The occupant deals directly with the Government, and is responsible for no one's revenue but his own. He holds in every case a 'patta' showing his fields and the revenue assessed. Every year an annual settling up, or 'jamabandí,' takes place, at which the patta of each raiyat is tested, and, if need be, corrected, to see what land he has actually held, and what remissions, if any, he is entitled to, on the full revenue of his holding. The annual 'jamabandí' will be described in more detail in the Chapter on *Revenue officials and Revenue business.* It is noted here as being an essential feature of the raiyatwárí system.

It is stated that, in the Madras Presidency, there are two and a half millions of raiyats, holding on a general average eight acres each [1].

For facility of description I may divide this subject into the following heads or stages of progress :—

1. Demarcation of boundaries	by the Survey Department.
2. Survey	
3. Inspection	by Settlement Department.
4. Classification of soils	
5. Assessment	
6. Matters subsequent to assessment	
7. Records of Settlement	

§ 2. *Demarcation and Survey.*

The Act XXVIII of 1860, as amended by (M.) Act II of 1884, provides for the demarcation of villages and fields, for the settlement of boundary disputes [2], and the preservation of survey and boundary marks.

The proceedings of demarcation and Survey commencing

[1] In Bombay the average varies—eight acres in the north, thirty-two in the centre, and twenty-three in the south. For a general estimate of the acreage of different kinds of estates, see the Chapter on Land-Tenures.

[2] Madras Regulation XII of 1816 provides for the settlement of certain kinds of cases depending on boundary disputes.

a Settlement, are opened by a notification in the *District* Gazette,—a publication special to this Presidency.

Villages and main divisions of villages are demarcated, every turn of the line being marked: irregular boundaries are adjusted and small hamlets amalgamated, and very large villages subdivided. The 'field' boundaries are then permanently marked with stone or masonry. There is no minimum size for a field. The maximum *used to be* two acres for 'wet'[1] land, and four for 'dry,' but now, as a rule, each revenue-field[2] will form a survey-field: in exceptional cases two or more revenue-fields may be clubbed together, subject to the following conditions:—

(1) Every survey-field so formed must consist of *entire* revenue-fields.

(2) No survey-field so united must exceed six acres of 'wet' land or twelve acres of 'dry' land.

(3) The revenue-fields forming a survey field must be held on exactly the same tenure. In no case, can 'inám' and 'Government' land be put in the same survey-field.

No existing revenue-field is to be divided, however large.

§ 3. *Subdivision of Holdings.*

Joint holdings (owing to the law of inheritance, which recognizes the joint succession of the heirs), though they frequently occur, are not encouraged by the system; and subdivisions of survey-fields are demarcated on the ground, and surveyed by the Survey establishment[3].

It very often happens that the survey-field and the 'holding' correspond: but should holdings be clubbed together, or a number of relations jointly possess a field, it follows that the individual holdings will not in such cases correspond with

[1] 'Wet' means mostly paddy crop land, or land *irrigated* by river channels, or tanks, or those aided by wells. 'Dry' land is unirrigated, dependent on rainfall; private wells sunk on dry land to aid cultivation do not alter the classification as 'dry.'

[2] Each area of land, i.e. on which previously, a separate assessment has been fixed.

[3] See G. O. No. 315 of 22nd March, 1887.

the survey unit. Such subdivisions are accordingly demarcated on the ground, and indicated in the Registers, by giving to each a *letter*, added to the survey *number*. (Thus we may have 21 A., 21 B., &c.)

The following are the latest orders regarding the recognition and record of 'interstitial fields[1]':—

'The subdivision of survey-fields may be permitted for all purposes on the following conditions:—

'(1) that the portion to be divided off be durably demarcated in such manner as may be required by the village officers, and the holdings be separately lettered and numbered in the village accounts;

'(2) that it shall be in a single block, not in patches, and be readily accessible from without;

'(3) that if the subdivision is for the purpose of relinquishment, the portion divided off for relinquishment shall not be less than two acres, if dry, and one acre, if wet (unless the portion relinquished has been destroyed or rendered useless by flood or other cause beyond the raiyat's control).

'No subdivision will be valid till confirmed either by the officer conducting the jamabandí of the taluk in which the village is situated or the Divisional officer. [This refers to subdivisions made after the Settlement operations are over.] It will be at the discretion of the Divisional and jamabandí officer to refuse to confirm subdivisions in which the above conditions have not been complied with.'

§ 4. *Method of Survey.*

For an account of the actual method of survey, Macleane [Vol. I (*Survey*), p. 101] may be consulted.

§ 5. *Inspection of Districts and Villages.*

In making the Settlement, it is necessary to obtain a general view of the characteristics of each district; to ascertain particulars of the climate, rainfall, and physical features of such tracts or divisions as differ from each

[1] G. O. No. 1269, dated 14th November, 1885, as modified by G. O. No. 675, dated 6th August, 1886.

other distinctly; to search the Collector's records for information relative to the past history of the district, its years of plenty or famine, its land-tenures, mode of taxation, and the cause of gradual progress; to study the relative values of such sources of irrigation as the various tracts possess; to determine how different tracts are affected by roads, canals, markets, towns, hill-ranges or sea-board; and to acquire a general idea of the prevailing soils in each tract, and the relative value of such different soils as may be found to exist. Each taluk is accordingly visited, and the revenue officers and leading raiyats assembled, and their opinion asked regarding the relative values of villages under such and such irrigation, or in such and such a position; information is also recorded as to the payment of labour, the method of cultivation pursued, the crops grown, the mode of disposal of surplus grain, and the markets mostly frequented.

§ 6. *Grouping of Villages* (*Dry Land*).

Before proceeding to the detailed classification of soils in each village, there is a preliminary *grouping* of villages (for assessment purposes) so as to bring together those which are similarly situated as regards advantage of position: e.g. with reference to proximity to market, facilities of communication (road, railway, or canal) and climate[1]. The grouping according to advantage of situation is independent of the physical properties of the soil.

This preliminary grouping is a necessity of all Settlement work; because it is obvious that even if the villages had exactly the same qualities of soil, the value, and therefore the capacity from an assessment-point of view, of each soil, must be different according to position. If a given soil is found in a village which lies close to a market, so that the produce is easily conveyed, and always

[1] General similarity of soil—as where a number of villages lie on sandy soil near the sea coast, is now dealt with in the soil classification; it does not enter into the question of grouping, which refers only to general features of advantage in position. See *Settlement Manual*, pp. 11–33.

in demand, it is obvious that it can be assessed higher than the same soil in a remote and inaccessible village.

The same grouping is not adopted for villages wholly irrigated or consisting of wet land; these are treated on separate considerations to be mentioned presently.

§ 7. *Dry-Soil Classification—'Series.'*

Each village in any group will exhibit natural differences of soil. Those recognized in practice have been so because they answer the requirements of being few, simple, and well defined, while they are universally acknowledged by the people themselves. These primary soil differences are only five in number, and are spoken of as the soil *series*. They are:—

(1) Alluvial islands in rivers, and permanently improved soils[1]. (Exceptional soils.)
(2) Regar or regada, the so-called 'black-cotton soil.'
(3) Red ferruginous soil.
(4) Calcareous—chalk or lime (of rare occurrence).
(5) Arenaceous (more or less pure sand—on the sea coast, &c.).

§ 8. *Soil 'Class.'*

But again a further distinction occurs. Every soil of the series may contain varieties in physical constitution. Each one, we may be sure, has some one distinctive mineral constituent which is capable of reduction to an impalpable powder. This contains the characteristic mineral nutritive element of the soil, and is for convenience (though not, of course, with scientific accuracy) exhibit this

'loam'), or mixed with an excess of sand ('sandy-soil'). That is true of all the series except the fifth. And the difference affects the value of the soil, because it makes it heavier or lighter, more or less permeable, liable to cake, or able to retain moisture.

Consequently, under the *series* we have also the *class*—i. e. pure 'clay,'—or half sand, or more than two-thirds sand, &c.

§ 9. *Soil 'Sort.'*

And there is yet one more difference. Given that a field is in a certain *group* as regards situation, that it belongs to—say—the 'black-cotton soil' *series*, and to the *loamy class* of the series, it may yet be 'good' or 'bad,' or 'ordinary,' or 'worst' of its kind. This last difference marks the *sort* of soil. So that we have *series*, *class*, and *sort* to attend to in each *group*.

§ 10. *Table of Soils.*

It is easy to combine these differences into a simple tabular form.

In speaking of soils it is not necessary to give the whole detail at full length; it is enough to write Class II, Sort I, or 'II. 1,' simply, because the *series* is implied in the *class* number. For example, Classes I, II, are both in the *first series*. Classes VI, VII, and VIII, are in the *third*; and so on.

The classifier enters the soil, as he goes along, on a sketch-map as well as in a register; his work is checked by the Head Classifier, and by the Supervisor. It is usually found that soils run

Nine kinds of inâms (classified according to their object or purpose) are enumerated—

(1) For religious institutions and services connected therewith.

Nearly a million and a half acres are so assigned, including temples, pagodas, and mosques. The largest grants are in the southern districts.

(2) For purposes of public utility. Such are, support of 'Chatrams' (places where refreshment is given gratuitously), water-pandals (drinking places), topes or groves, flower-gardens for temple service (nandavanam), schools (pat-shálás), for maintaining bridges, ponds, and tanks, &c.

(3) 'Dasabandham' inâms for the construction, maintenance, and repair of irrigation works in the Ceded Districts, in Kistna, Nellore, North Arcot, and Salem.

(4) To Brahmans and other religious persons for their maintenance called 'Bhátavritti,' and (Muhammadan) 'Khairát.' They form nearly half the Inâms of the Presidency, and cover more than three and a half million acres.

(5) Maintenance grants for the families of poligars and ancient land-officers. These are grants to families of dispossessed poligars in Báramahál and the Ceded Districts, to Kánúngos (Chingleput), and to Deṣmukhs, &c.

(6) Lands alienated for the support of members of the family (also for religious persons) by poligars, &c. These are the bisáí (bissoye), doratanam, mukhása[1], jivitham, amaram (North Arcot[2]), umlikai, &c.

[1] In Tanjore there are a number of 'mukhásas' for the service of the Ránis, and for the king's family; also found in Kistna.

[2] These are described in *Nellore D. M.*, p. 265. Amaram means 'ease.' To remunerate Revenue-collecting peons a part of the revenue (royal share) was assigned to them and never raised in amount.

rock, &c., the field would be placed in the class indicated by the surface-soil, but allowed for in the 'sort,'—as 'inferior' or 'worst.' There is a natural limit to such difficulties, for if the surface layer is very slight and the subsoil rock, the whole would be unculturable, and not be classed at all.

§ 12. *'Wet' Grouping.*

When we are dealing with villages wholly irrigated (or chiefly so) for rice, then the local grouping above described is found in practice to be unnecessary[1]; and instead, they are grouped according to the character and quality of the irrigation, thus:—

(1) Anicuts (anaikaṭṭu (Tamil)—a dam or weir) over large and perennial rivers, and collecting and regulating the water for distribution through smaller channels.

(2) Tanks well supplied during the year with water sufficient for the whole ayacut (ayakaṭṭu) or area watered by the tank.

(3) Tanks indifferently supplied and not able to water with certainty the whole ayacut.

§ 13. *'Wet' Soil Classification.*

The soil classification, as regards *series* and *class*, may still be necessary, even where the land is changed in character by irrigation; though some of the classes will oftener be found in unirrigated villages. But instead of (or possibly in addition to) the *sorts*, we shall have, for irrigated land, further distinctions:—

(1) Where the land is close to the irrigation main-channel, and has good level and drainage.

(2) Land less favourably situated in these respects.

[1] The *Settlement Manual* remarks that large irrigated areas attract markets to them. Hence the proximity to market which is considered in the case of dry land does not apply. Irrigation too overcomes any disadvantage to which dry land would be exposed on the score of uncertainty of rainfall and climate.

(3) Land imperfectly supplied with water; or where the level is inconvenient, and the drainage bad, so that the field may become water-logged.

(4) Land so situated that the water cannot be let to flow on to it, but has to be raised by baling it out (picotta).

This last is perhaps not a 'sort' of land; the defect is allowed for by a special remission on the full rate per acre.

§ 14. *Principle of Assessment.*

The next stage is to ascertain what amount of crop each different 'class and sort' of soil will produce—the amount being stated in 'Madras measures'[1]. While the old system considered only a rough proportion of the *gross produce* (and often hardly considered that at all), the modern system deals with the *net produce*, i. e. the gross produce as valued in money, but after deducting the costs of cultivation. Then, dividing the result into the proper percentages, one such percentage, fixed by rule, will be the Government revenue.

But before more detail is given as to the actual calculation of this theoretical percentage, it should be explained that though a raiyatwárí Settlement treats each field as subject to its own several assessment, that does not mean that the assessment is arrived at by an independent calculation for each unit. On the contrary, the object is to get as few rates and as broad and simple a classification as possible, so as to secure equality of assessment from village to village where the situation and advantages are similar.

§ 15. *Standing Orders.*

In the 'Standing Orders' of the Board of Revenue, the *principles* of assessment are laid down as follows:—

[1] Of $1\frac{1}{2}$ seer. The *Settlement Manual* tables are headed 'kalams,' 'túms,' &c., which are other kinds of measures. The student desirous of exploring the mystery of local measures will find sixteen pages of closely printed double columns devoted to the subject in Macleane's Appendix XC. vol. ii.

(1) The assessment is on the land [according to its value and capacity], not on the description of produce, nor on the claims of certain classes of cultivators to pay lower rates.

(2) The classification of soils is to be as simple as possible.

(3) The assessed revenue is not to exceed one-half of the *net* produce, after deducting expenses of cultivation, &c.

(4) In dry land no extra assessment is imposed for a second crop. But wet lands, which ordinarily have a regular supply of water for two crops, are registered as two-crop lands, and the charge for the second crop is one-half that of the first. When the source of irrigation is uncertain, the second crop charge is assessed on a consideration of the irrigation sources; and when the water has to be raised by baling, an acreage allowance or deduction is made.

§ 16. *Practice of Assessment.*

Let us now see how the rates are, in practice, determined. Granted that the fields on the village map have all been classified as of one or other 'class' or 'sort,' and that they appear in considerable groups of a practically uniform character. First, we have to ascertain the grain produce. Let us take the case of 'dry land.' It is not one kind of crop that is always grown on the same soil, nor on the same field from year to year. It is necessary to choose some one or more 'standard grains' (always food-grains[1]) to represent the general or average produce.

An example is the clearest explanation. Suppose that, on looking at the taluk statistics of cultivation, we find the cultivated area occupied in the following proportions by the different crops:—

[1] For reasons explained in *Settlement Manual*, pp. 8 and 28.

	per cent. of the whole.
Rági (*Eleusyne Coracana*) . .	13
White Paddy	21
Indigo	14
	48

	per cent.
Varagu (*Panicum miliaceum*) . .	13
Kambu (*Pennisetum spicatum*) .	9
Cholum (*Sorghum vulgare*) . .	4
Gram (*Cicer arietinum*) . . .	2
Trees and groves (topes) . .	16
Oil-seeds and vegetables . .	8
	52
TOTAL	100

Here paddy occupies by far the largest area; but this is a wet crop, and we are dealing with dry. Indigo, also largely grown, is not a food-grain. So our two standards are clearly the millets called 'Rági' and 'Varagu.' Then, looking at the other produce, we find there are crops, whether food-grains or not, known to be so approximate in value to one or other of these two, that we can, for practical purposes, treat them as if they were 'Rági' or 'Varagu'; and hence, for dry land, we take about 48 per cent. of one, and 52 per cent. of the other[1].

Next, we shall ascertain for each class and sort of soil, what is the fair average outturn of the standard grains.

Formerly experimental reapings (*kail*) were conducted both by the Revenue (Collector's) staff and by the Settlement, and they were compared with opinions of the raiyats and the Tahsíldárs; but these experiments are now given up; —general inquiries and statistics collected, are relied on. Now, supposing we have a soil of 'IV. 2'—(Regar—loamy —'good'); we find the outturn of 'Rági' on such soil is 320 Madras measures per acre, and 'Varagu' 440 Madras measures per acre. To get our standard we shall allow half the acre to each (48 per cent. and 52 per cent. = half and half very nearly). By our table of average prices (of this presently) 160 measures of 'Rági' are worth R.7-1-7, and 220 of 'Varagu,' R.6-1-11: thus the gross value of the outturn per acre of this soil in standard crop will be R.7-1-7 + R.6-1-11 = R.13-3-6.

[1] An allowance for crops of special value may be added on to the totals to equalize the burden. In these cases, the crop may be such that the outturn can only be approximately valued by an estimated money rate.

In 'wet' land 'white paddy' is the uniform standard crop.

The calculation of the quantity of produce of standard grain per acre of each class and sort of soil, is called 'determining the grain-value.' It will be remembered that the produce figure accepted for the 'grain-value' represents a fair average crop, allowing for good and bad years.

Next, this crop is to be valued; and the 'commutation price' is the average price (per *garce*=4800 seers of 80 tolás) of the twenty non-famine years immediately preceding the Settlement[1].

But these are merchants' prices: so a correction[2] of 15 per cent. is made, to allow for the raiyat's selling at lower rates, for cost of cartage, and for difference of prices, &c.; and a further deduction of $\frac{1}{4}$ to $\frac{1}{6}$ is made for vicissitudes of season, as well as to allow for the fact that we have been dealing with survey acreages which include the whole superficies, while, in fact, parts of it produce no grain, being paths, water-channels, or banks of fields.

Against the average grain-value we have next to set off the 'cost of cultivation,' which is estimated on certain items of general experience, the details of which need not be gone into[3].

Having deducted this, the result is the 'net produce,' and half of this is the Government revenue.

The principle always has been that the assessment is to be moderate. The old rates (as we have seen) were generally based on 50 per cent. of the *gross produce* for wet, and 33 per cent. for dry, land. When revision began, the maximum was reduced to 30 per cent.; the average being about 25 per cent.

But in course of time a 'gross produce percentage' was not considered sufficiently accurate. *Net produce* was to be ascertained by deducting the cost of cultivation, &c., and in 1864, the Government share or revenue was fixed at half the duly ascertained *net* produce.

[1] G. O. No. 881, dated 30th July, 1885.

[2] *Settlement Manual*, pp. 29, 30, gives 8-20 p.c. but a latter G. O. No. 1134 of 6th December, 1878, fixes 15 p.c.

[3] Ibid. Sections 32 *et seq.*, p. 30.

§ 17. *Illustration—Figures applied to 'Wet' Land.*

An example from 'wet land' (for a change) may illustrate the whole subject:—

Soil, Class, &c.	Gross outturn of standard grain (paddy).	Value per garce at R. 117, corrected 20 years' average price.	Deduct			Net Produce.	Half.	Government revenue[1].
			$\frac{1}{5}$th as above.	Cultivation expenses.	Total.			
	Madras Measures.	*R. a. p.*	*R. a. p.*	*R. a. p.*	*R. a. p.*	*R. a. p.*	*R. a. p.*	*R. a. p.*
VII. 4.	600	21 15 0	4 6 2	9 2 5	13 8 7	8 6 5	4 3 2	4 0 0

[1] The Government revenue is fixed so as to reject the small fractions. If the reader does not remember the meaning of VII. 4 in the first column he will look back to the Standard Table of Soils (p. 61, ante).

§ 18. *'Taram' Rates.*

Now, as we have said, it is not needed (nor would the result be equable) to make this calculation for each field independently. It will evidently happen, that a number of different classes and sorts of soil will, on calculation, show nearly the same 'net produce,' and therefore the revenue-rate will be uniform for them all. Then it will be sufficient to draw up a table of *class* and *sort* rates (called 'taram'), which will apply equally to several soils. But the 'grouping' of the village has to be allowed for in the assessment, and this is arranged for by gradation of 'taram.' Thus a set of soils in the first (normal or favourably situated) group would command the first or highest *taram*; in the second group they would command the second only; and so on.

This system has gradually been perfected in simplicity and breadth. In some of the older Settlements as many as 800 different rates varying from R. 35 to a fraction of a rupee, were applied [1]. Now, no district has more than thirty rates in the 'wet' scale and twenty-eight in the 'dry.'

At one time (in 1879) it was thought possible to draw up standard 'wet' and 'dry' tables of *tarams* for all the soil classes, which could be applied at once to each field in a district so soon as its soil class was known [2]. This table

[1] *Statement of Moral and Material Progress presented to House of Commons,* 1882-83, p. 142.

[2] Mr. Wilson explained (No. 3293

was actually made use of in the Chingleput, North Arcot, and Coimbatore Settlements. But the hope of universally adopting so simple a table, proved too sanguine. When submitting (in 1884) proposals for the Settlement of the Madura district, Mr. Wilson tested this standard scale by working out rates for each class and sort of soil, taking the outturn and cultivation expenses from the sanctioned Settlements of adjoining and similarly situated districts, and the commutation-rates from the price returns of the Madura district. The order of Government was as follows: 'The results of the application of the standard scale of rates to the Settlement of the Madura district, in which it is used for the first time, show that the process of verification adopted by the Director, cannot, with safety, be dispensed with. The Director, therefore, proposes that for *each district*, the Settlement of which is taken up in future, *an independent scale should be worked out* on the data supplied by the Settlements of other similarly situated districts without reference to a standard scale. This proposal is supported by the Board and is accepted by Government[1].'

I shall, nevertheless, give this standard scale, because the student will not mistake the use I make of it, which is merely to serve as a concrete example of the way in which a few '*taram*' rates on a sliding scale, can be made to apply to a considerable variety of soils, and how the grouping of villages according to advantage or disadvantage of situation can be allowed for without making a new scale for each group. For the mere purpose of such illustration, it is obviously immaterial whether the rates are actually true for any one or more districts :—

A., dated 15th November, 1884, to Board of Revenue) that in 1879, he found twenty-three Settlement schemes affecting, in whole or part, thirteen districts. In these thirty-five rates (varying from R. 12 to R. 1) had been adopted for 'wet' and twenty-eight rates (from R. 20 to four annas) for dry. He then discarded very exceptional rates and neglected small fractional differences, and so reduced the number of rates that could be taken for the several different soils against which they are placed in his table. R. 2 was taken as a minimum payment, because if wet land could not pay that, it could not be worth irrigating at all.

[1] Quoted from the *Settlement Manual*, p. 23.

Observations on the Tables.

The soils are briefly expressed by figures; 'class II' can only mean the second class of the first *series* or permanently improved land: 'Sort' No. 1 means 'good,' as 2 does 'ordinary,' and 3 'inferior.' So if we take 'VII. 3,' this means Red ferruginous series, loamy, ordinary: because 1 is here 'best,' 2 'good,' 3 'ordinary,' 4 inferior,' and 5 'worst.'

In every case one Roman and one Arabic numeral will express every series, class, and sort of soil in the table (see page 61, ante).

Dry lands.—The table shows no rate for class I of either sort—because islands (lanká) can only occur in certain rivers, and the exceptional rate for such cases can be specially supplied when wanted.

The class II may, in its actual physical properties, be soil of any kind; but it is put into a special class, because its having been worked up into garden or permanently improved, which gives it a new character and properties. This soil 'ordinary' (II. 2), it will be observed, is equal to the 'best' regar clay (III. 1).

Inferior clay regar (III. 4) is on an equality (as to its value for assessment purposes) with quite a number of other soils: e. g. with 'best, sandy, regar' (V. 1), or with 'good, loamy, red ferruginous' (VII. 2.), or with 'best, loamy, arenaceous' (XII. 1).

Wet lands.—The table contains no rate for class I or class II, as these are not 'wet lands' yielding white paddy as the standard grain. Note also that 'best, loamy, regar' (IV. 1), is higher in value when irrigated than 'best clay regar' (III. 1) irrigated; the value being reversed in unirrigated land. A large number of soils from III. 4 to XIV. 1 come under the fifth taram (R. 7 per acre) when in the first group, according to advantage of situation and means of irrigation, level, &c.

This table explains the application of *tarams* according to the *group*. We need not calculate out new rates for all the lands in the second group.

Land that commands the first or highest *taram* (R. 12) in group first, is allowed the second taram only (R. 10-8) if it is in the second group; or the third (R. 9) if it is in the third group; and so on.

No rate below R. 2 is given, as already explained.

Dry.

Soil Classification.		Rate per Acre.									
Class.	Sort.	Taram.	First group.	Taram.	Second group.	Taram.	Third group.	Taram.	Fourth group.	Taram.	Fifth group.
			R. a.		*R. a.*		*R. a.*		*R. a.*		*R. a.*
II	1	**1**	5 0	2	4 0	3	3 8	4	3 0	5	2 8
II	2										
III	1	**2**	4 0	3	3 8	4	3 0	5	2 8	6	2 0
III	2										
IV	1	**3**	3 8	4	2 0	5	2 8	6	2 0	7	1 8
III	3										
IV	2										
VII	1	**4**	3 0	5	2 8	1	2 0	7	1 8	8	1 4
III	4										
IV	3										
V	1										
VI	1										
VII	2	**5**	2 8	6	2 0	7	1 8	8	1 4	9	**1** 0
VIII	1										
XII	1										
III	5										
IV	4										
V	2										
VI	2										
VII	3	**6**	2 0	7	1 8	8	1 4	9	1 0	10	0 12
VIII	2										
XII	2										
XIII	1										
IV	5										
V	3										
VI	3										
VII	4										
VIII	3	**7**	1 8	8	1 4	9	1 0	10	0 12	11	0 8
XII	3										
XIII	2										
XIV	1										
V	4										
VI	4										
VII	5										
VIII	4										
XII	4	**8**	1 4	9	1 0	10	0 12	11	0 8	12	0 6
XIII	3										
XIV	2										
V	5										
VI	5										
VIII	5										
XII	5	**9**	1 0	10	0 12	11	0 8	12	0 6	12	0 4
XIII	4										
XIV	3										
XIII	5	**10**	0 12	11	0 8	12	0 6	12	0 4	12	0 4
XIV	4										
XIV	5	**11**	0 8	12	0 6	12	0 4	12	0 4	12	0 4

Wet.

Classification.		Rate per Acre.									
Class.	Sort.	Taram.	First group.	Taram.	Second group.	Taram.	Third group.	Taram.	Fourth group.	Taram.	Fifth group.
			R. a.		*R. a.*		*R. a.*		*R. a.*		*R. a.*
IV	1	**1**	12 0	**2**	10 8	**3**	9 0	**4**	8 0	**5**	7 0
III	1										
IV	2	**2**	10 8	**3**	9 0	**4**	8 0	**5**	7 0	—	6 0
VII	1										
III	2										
IV	3										
V	1										
VI	1	**3**	9 0	**4**	8 0	**5**	7 0	**6**	6 0	**7**	5 0
VII	2										
VIII	1										
XII	1										
III	3										
IV	4										
V	2										
VI	2										
VII	3	**4**	8 0	**5**	7 0	**6**	6 0	**7**	5 0	**8**	4 8
VIII	2										
XII	2										
XIII	1										
III	4										
IV	5										
V	3										
VI	3										
VII	4	**5**	7 0	**6**	6 0	**7**	5 0	**8**	4 8	**9**	4 0
VIII	3										
XII	3										
XIII	2										
XIV	1										
III	5										
V	4										
VI	4										
VII	5	**6**	6 0	**7**	5 0	**8**	4 8	**9**	4 0	**10**	3 8
VIII	4										
XII	4										
XIII	3										
XIV	2										
V	5										
VI	5										
VIII	5										
XII	5	**7**	5 0	**8**	4 8	**9**	4 0	**10**	3 8	**11**	3 0
XIII	4										
XIV	3										
XIII	5										
XIV	4	**8**	4 8	**9**	4 0	**10**	3 8	**11**	3 0	**12**	2 8
XIV	5	**9**	4 0	**10**	3 8	**11**	3 0	**12**	2 8	**13**	2 0

§ 19. *Comparison of Rates.*

It may be interesting to note how rates assessed on the Madras principle compare with rates assessed in other Provinces. Dr. Macleane gives the following brief comparative table:—

Province.	Three heaviest assessed districts (rate per acre).									Three lightest assessed districts.								
	I.			II.			III.			I.			II.			III.		
	R.	*a.*	*p.*	*R.*	*a.*	*p.*	*R.*	*a.*	*p.*	*R.*	*a.*	*p.*	*R.*	*a.*	*p.*	*R.*	*a.*	*p.*
North-West Provinces	2	8	0	2	7	4	2	6	9	1	3	9	1	1	10	0	10	3
Oudh . . .	2	5	9	2	5	6	2	5	5	1	7	0	1	3	4	1	1	7
Panjáb . . .	1	15	6	1	13	6	1	11	9	0	7	8	0	5	10	0	3	3
Central Provinces	0	11	6	0	11	2	0	9	10	0	4	0	0	3	11	0	2	9[1]
Bombay . .	4	3	3	3	6	4	3	6	0	0	8	1	0	7	5	0	7	1
Madras . .	3	12	1	2	13	7	2	13	0	0	14	3	0	11	8	0	11	2

[1] The Central Provinces initial Settlements were exceptionally low; they are not likely to remain at that figure at the present revision.

§ 20. *Subsidiary matters connected with Assessment.*

It is hardly necessary to note that proposed rates at Settlement have (as in all Provinces) to be reported, through the Board of Revenue, to Government, for sanction, before adoption. Any considerable changes have to be fully explained and justified.

It is not always that 'wet' land is assessed on its own separate scale. Sometimes, for local reasons, it is assessed at dry rates, and an acreage 'water-rate' added (e.g. in the Delta portion of the Godávarí and Kistná districts, and in four taluks of the Kurnool district traversed by the Kurnool-Cuddapah Canal.

Here it is to be noted that in Zamíndárí and inám lands, though the 'peshkash' in the former and the 'jodi' or quit-rent (reduced revenue) in the latter, is not touched at Settlement, 'water-rate' may be assessed additionally when water is supplied from Government works; and also the local cess is payable.

§ 21. *Assessment of Double-crop Lands.*

This subject was touched on in the Standing Orders noted at p. 64. In fixing the standard rates of assessment on *irrigated* lands, it is generally assumed that there is one crop. But such land, if the water-supply is good, does often yield a second crop; and when this is, for all ordinary seasons, the case, the land is registered as 'double crop,' and a charge equal to half the single-crop assessment is added. The addition is payable unless the water has failed so that a second crop could not be raised. Where the irrigation is uncertain, the land is not registered as double-crop land; but if a second crop is actually raised, it is charged for by a rate (which, as before, is half the single-crop assessment), added at 'jamabandi' time (fasl-jyásti). But the second-crop payment can be compounded for by a fixed addition to the regular assessment[1] on lands under uncertain sources of irrigation; and this compounding is done on certain principles which need not be detailed[2].

§ 22. *Assessment on account of Wells.*

It should be clearly understood that no extra assessment is levied because of the existence of wells.

This applies equally to wells constructed in 'dry' land, with a view to securing the cultivation, raising improved crops, or garden produce, as to those which are made in 'wet' land. The only exception is that where the wells are believed to derive their water not from springs but by percolation from the regular irrigation source, they are treated as practically extending the wet area; or in other words, the area irrigated by them is treated as *part* of the tank or river area as the case may be. Of these wells three varieties are recognized:—

[1] Registered double crop land is entitled to a supply of water before other land not so registered, in case there is a need to limit the distribution.

[2] *Settlement Manual*, p. 14 and G. O. 20th August, No. 954, part 5.

(1) Those near the water source, which may be supposed to derive their supply from percolation, are called 'lópala bhávalu.' The existence of such wells generally implies that the tank supply is uncertain as to its duration: in that case probably the land will not be registered as (ordinarily) certain to bear two crops: and a second crop, if ripened, will be charged as already explained.

(2) Wells situated within ten yards of a tank or a dam are called 'itifák,' and are supposed to intercept the water of the tank, and so land watered by them is treated as 'wet,' i.e. as if directly watered by the tank itself.

(3) Wells are sometimes made near the beds of rivers and are fed by small channels which lead water into them (called dorovu or sultán); lands watered by these are also treated as if directly watered by the river.

All other wells not in these situations, do not raise the assessment on 'dry' land, nor convert the land (for assessment purposes) into 'wet.'

The following rules on the subject will now be intelligible [1]:—

I. No water-rate shall be charged on dry lands irrigated solely from private wells situated on land which is private property, or constructed prior to the 20th August, 1884, within whatever distance the wells may be from a public irrigation source.

II. In all cases—either single-crop or registered double-crop land—if one of two crops is raised by Government water—whether this is the first or second-crop season—a full single-crop wet assessment will be levied [2].

[1] G. O. 652, 17th May, 1884, as modified by G.O. 26, 15th January, 1887, and 425, 4th May, 1887.

[2] Where the assessment is on double-crop land in one sum, then the charge will be two-thirds of such sum.

(*a*) In land where the second-crop charge is compounded —single dry rate.

NOTE.—In such land, the full compounded rate will be charged if any supply is received during the year.

Explanation.—Dry rate means in settled districts, the dry rate fixed for the class and sort of soil and group; in unsettled districts, the highest dry rate of the village.

III. Nothing in the foregoing rules shall be held to prejudice the claims of holders of wet lands containing, or irrigable from, private wells, to remission[1] under the ordinary rules for waste or withered crop.

§ 23. *Revision of 'Irrigated' Area.*

As much depends on the true extent of the *ayacut* or area which a tank really waters, one of the operations of the new Settlement was the careful revision of such areas. Any mistake in this might result in the land being assessed as 'wet' though not really within reach of the water-supply. The *Settlement Manual* contains[2] various rules regarding the alteration of land from 'wet' to 'dry,' and *vice versâ*.

§ 24. *Duration of Settlement.*

The duration of Settlement is thirty years. During that period neither the grain-values nor the commutation prices are altered. The discussion about making the assessment permanent is now at an end, and the policy 'formally abandoned' since the Board's Minute[3] of 8th September, 1868, and the orders from home of 1882-84. (See Vol. I. p. 345.)

The latest review of the Survey and Settlement work[4]

[1] 'Remission' is explained in the Chap. on Revenue Business.

[2] *Settlement Manual*, p. 17.

[3] This very able State paper is printed as Appendix F. to the *Chingleput District Manual*, and see despatch of Secretary of State to Government of India, No. 24, dated 22nd March, 1883, section 9.

[4] G. O. No. 859, dated 1st September, 1887.

shows what has been done up to the close of 1886-87; thus:—

COMPLETED.	IN PROGRESS.
Ganjam.	South Arcot.
Godávarí.	Madura.
Kistná.	Malabar.
Nellore.	Bellary.
Cuddapah.	Anantapur.
Karnúl.	
Chingleput.	STILL TO BE DONE[1].
Trichinopoly.	
Tinnevelly.	Vizagapatam.
Coimbatore.	Malabar (proper).
Salem.	Tanjore.
North Arcot.	
Nílgirís.	
Wainád.	

§ 25. *Completion of Settlement and the Records prepared.*

It should be noted that the land registers take note of the entire area of the village, including:—

(1) The assessed raiyatwárí land.

(2) 'Inám' land granted free or at reduced rates for village service, charitable, religious, or other purposes, within the village.

(3) Waste culturable.

(4) Unassessed waste, including 'purambok'[2], which means unassessed waste set aside for special purposes—as for the village residence site, a threshing-floor, burial-ground, site of a well, grazing ground, &c.

Consequently, on the completion of the assessment,

[1] Madras, which is a separate district consisting of a single taluk, is not likely to be brought under Settlement. The revenue is mostly in the shape of house rates; and what little assessable land there is in Madras is charged with quit rent under (M) Act XII of 1851.

The Wainád (hill tract) was until recently part of the Malabar district: it is now, with the Ouchterlony valley, united to the Nílgirí district.

[2] Purambok or Puramboku, according to Wilson (Glossary 428), means 'excluded place.' Its cultivation is strictly prohibited, and if it is broken up a high revenue-rate is enforced as a sort of penalty.

the Settlement officer will proceed to the division of the 'samudayam' or common lands (where the form of tenure requires such a division). And all questions regarding 'purambok' and the allotment of residence or building sites, burial-grounds, threshing-floors and the like, will be then settled. Composition for second crop assessment is also now carried out; and transfers of pattas are made, including the correction of names where the patta is in the name of a deceased raiyat, &c.

Rough pattas (like the 'chitta' of a village-Settlement in the Panjáb) are then given out, so that each raiyat may see what is going to be put down in the registers as far as it affects him; and at a certain time and place noted on the form, he can make any objection to the new entries and rates. When all is done, the completed registers of each village, prepared in English and in the vernacular (diglott), are forwarded to the Settlement Commissioner's Office to be printed.

§ 26. *The Records.*

The *Settlement Manual*[1] gives the following account of the Settlement Records or Registers:—

(I.) 'This register, called the *Settlement Register*, is the foundation on which the whole revenue administration rests. It forms a complete Domesday Book, recording accurate information regarding every separate holding, whether large or small. The area is given in acres and cents (i.e. hundredths of acres) and the assessment thereon stands in parallel columns. A single field on the survey map may actually be divided amongst twenty raiyats. In such a case, there will be twenty sub-letters (see p. 57, ante), and each raiyat will have a separate line in the register, giving full particulars of his holding, even though the extent of it (as sometimes happens) is no more than the one-hundredth part of an acre. From the register is prepared a ledger known as the *chitta*, which gives each raiyat's personal account with Government. Every field, or fraction of a field,

[1] *Settlement Manual*, Sections 64-67.

held by the same raiyat, is picked out from the Settlement register and entered in this ledger, under his name, with particulars of area, assessment, and other details. The total of the area shows the extent of his different holdings in the village, and the total of the assessment is the amount due thereon by him to Government. A copy of this, his personal account, is given to each raiyat with a note as to the date on which each instalment falls due, and is known as his "*patta.*"

(II.) 'An English descriptive memoir, giving full details touching each village and its Settlement, and an account of all lands held revenue-free, or on favourable tenure, is also printed. A sketch map of the village, showing the tanks and channels, and all similarly assessed fields, laid out into blocks, is attached to it. A scroll map in two or three sections, showing the classification of a whole taluk, is also prepared and lithographed at Madras.

'The descriptive memoirs of all the villages in each taluk, consecutively numbered, are bound into a single volume, with their respective eye-sketches, which thus supply complete information regarding each village.

'Thirty copies of each register of the descriptive memoir and of the eye-sketch are printed and distributed; one-third for sale to the raiyats, one-third for official use, and one-third as a reserve.'

The whole of the information thus conveyed has now, by the aid of the annual and monthly village accounts, to be kept continually correct [1] so that at any future revision of Settlement it will be unnecessary to re-survey, re-classify, and re-register the land. It will only be requisite to test the correctness of the accounts, and apply a new rate, calculated on the principles—whatever they may be—prescribed by Government. It is anticipated that all this can be done by the ordinary District Staff [2].

SECTION III.—SETTLEMENT OF INÁM CLAIMS.

The Settlement, as we have seen, only assesses the land under raiyatwárí tenure. If, however, there is land in

[1] How this is done by the Records mentioned from year to year by the *Karnam* (patwárí) will appear later when we speak of the Revenue Officers and their duties.

[2] See the remarks in the general Introductory Chapter on Settlements in Volume I.

the village, consisting of a few fields or even a division of the village, held revenue-free, or at a reduced rate, such an area is shown in the village registers.

But it may be that a whole village is 'inám.' If so, it constitutes a separate estate, like a Zamíndárí or a 'pollam,' and does not come within the scope of the Settlement. Government has no claim to the land or to the revenue, unless there is a fixed quit-rent, which is recorded as is the permanently settled revenue or 'peshkash' of the Zamíndárí or pollam estate. There was accordingly a special procedure under which the right and title of the holders of these favoured estates was elucidated and put on a sound basis; and the quit-rent, or reduced rate, where the estate is not entirely revenue-free, determined by rule.

All native governments were in the habit of rewarding favourites, providing for the support of mosques, temples, religious schools, shrines, and for almsgiving and the maintenance of Brahmans or Muhammadan saints, &c., by granting the revenue on the land, whether they granted the land itself or not.

In later days these grants were made rather recklessly; in many cases a wiser system would have given a money allowance. It is always easier for a listless governor, whose treasury is chronically empty, to give an assignment of revenue or a grant of land free of revenue, than to pay a cash pension; and the minor officials, who have no right to make such grants at all, assume to make them; while in the general confusion, people set up as 'inámdárs,' on really no title at all.

A modern government has to set all this right. It does not wish to offend the feelings of the people, nor to withdraw endowments and maintenances which the sense of the community would desire to retain; but it cannot have its revenues frittered away for nothing, or on titles which will not bear examination.

Every province has therefore had its procedure for examining into and resuming invalid titles of this kind. In

Bengal we have noticed the rules regarding Bádsháhí (Royal) and Hukámí (subordinate authorities') grants of this description. In the Panjáb and the North-West Provinces there are similar rules about the 'lákhiráj' or revenue-free grants—whether in the form of 'jágír' or 'múáfí.' In Madras a special 'INÁM[1] COMMISSION' was appointed to deal with the subject.

Both in Madras and in Bombay 'inám' lands are spoken of as 'alienated,' while the raiyatwárí lands are 'Government.' The former term implies that Government has parted with its right of assessing the land and revising the assessment; the inám being either rent-free or, more commonly, charged with a 'joḍi' or quit-rent which is unalterable.

Passing over the earlier attempts to deal with Ináms, I may come at once to the establishment of the Inám Commission in 1858[2] (16th November). I do not propose to go into the details of the work, which consisted in validating and issuing title-deeds for ináms lawfully in possession for fifty years, and in resuming others, or commuting them for money pensions. For the purposes of the Commission, all kinds of grants were dealt with, whether they included the right in the land or only the Government revenue; they were—

(1) Ináms proper, where the land is granted, either a field, or a village, or a group of villages.

(2) Muhammadan jágírs, which were personal grants and might or might not include the land.

(3) Shrotriyams (Ṣrotrîyam) and agráhárams, grants to certain (different) classes of Brahmans which did not give more than the revenue, leaving the land in its original occupancy, unless it could be shown that the occupancy was also granted.

[1] Inám (correctly In'ám) is an Arabic word signifying reward or favour.

[2] A question arose about the form of signature to the titles granted, in connection with the law under which contracts executed in a certain form are binding as the acts (by delegation) of the Secretary of State. This question was set at rest and the titles validated, by the 32 and 33 Vic. c. 29 (1869).

Nine kinds of inâms (classified according to their object or purpose) are enumerated—

(1) For religious institutions and services connected therewith.

Nearly a million and a half acres are so assigned, including temples, pagodas, and mosques. The largest grants are in the southern districts.

(2) For purposes of public utility. Such are, support of 'Chatrams' (places where refreshment is given gratuitously), water-pandals (drinking places), topes or groves, flower-gardens for temple service (nandavanam), schools (patshálás), for maintaining bridges, ponds, and tanks, &c.

(3) 'Dasabandham' inâms for the construction, maintenance, and repair of irrigation works in the Ceded Districts, in Kistna, Nellore, North Arcot, and Salem.

(4) To Brahmans and other religious persons for their maintenance called 'Bhátavritti,' and (Muhammadan) 'Khairát.' They form nearly half the Inâms of the Presidency, and cover more than three and a half million acres.

(5) Maintenance grants for the families of poligars and ancient land-officers. These are grants to families of dispossessed poligars in Báramahál and the Ceded Districts, to Kánúngos (Chingleput), and to Deṣmukhs, &c.

(6) Lands alienated for the support of members of the family (also for religious persons) by poligars, &c. These are the bisáí (bissoye), doratanam, mukhása[1], jivitham, amaram (North Arcot[2]), umlikai, &c.

[1] In Tanjore there are a number of 'mukhásas' for the service of the Ránis, and for the king's family; also found in Kistna.

[2] These are described in *Nellore D. M.*, p. 265. Amaram means 'ease.' To remunerate Revenue-collecting peons a part of the revenue (royal share) was assigned to them and never raised in amount.

(7) Grants connected with the general police of the country under former rulers.

Such are the kattubadis [1] (grants of waste revenue-free to police under poligars).

(8) Grants to village headmen, karnams, and village police (Grámamániyam, &c.).

(9) Grants to village artizans, where they were not paid by the fees called merái (or in addition to them).

Both 8 and 9 are the 'watan' of Central India.

Next to validating titles, the chief operation of the Commission, which will interest the general student, was the 'enfranchisement' of the Iná́ms. In the case of an Iná́m held for personal benefit, the holder could either retain it subject to inability to alienate and to the actual terms of the tenure, or he could *enfranchise* it, i.e. convert it into his own private property by payment of a moderate quit-rent, or a single commutation sum equal to so many years' purchase of the quit-rent.

It accordingly happens that Iná́ms may be classified as—

(1) still unenfranchised;

(2) enfranchised but liable to jodi or quit-rent, as the case may be;

(3) enfranchised, the rent being commuted, or redeemed.

The Commission has dealt with nearly 444,500 titles affecting more than $6\frac{1}{2}$ millions of acres and some $2\frac{1}{2}$ millions of grantees. The quit-rent assessed (up to 1884) amounted to nearly eighteen lakhs of rupees [2].

The work of the Commission, as a separate department, was brought to a close in November 1869; but work of the

[1] *Nellore D. M.*, p. 268. They paid rent only in form of a customary annual present, 'Mámúlí katnam,' also in the Ceded Districts and North Arcot.

[2] The census of 1881 (see Macleane, vol. ii. p. 398) giving the total presidency at 140,821 square miles (or excluding the States of Sandúr and Pudocottah and Banganapili) as 139,301 square miles: this represents 12,908 square miles of all kinds (cultivable and uncultivable) as Inám.

same kind still continues under the charge of a member of the Board of Revenue before whom the cases of the still unenfranchised ináms may come, and especially a large number of titles of small ináms for village service, consequent on the revision of village establishments at the new Settlement.

CHAPTER III.

LAND-REVENUE OFFICIALS, THEIR BUSINESS AND PROCEDURE.

SECTION I.—THE OFFICIAL STAFF.

§ 1. *The Board of Revenue.*

AT the head of the revenue administration, and in direct communication with the Governor in Council, is the BOARD OF REVENUE.

The Board was originally constituted on the model of the Bengal Board in 1786, and its functions were afterwards defined by Madras Regulation I of 1803:—

'The duties of the Board of Revenue have been, and hereby are declared to be, the general superintendence of the revenues from whatever source they may arise, and the recommendation of such propositions to the Governor in Council as in their judgment may be calculated to augment and improve those revenues[1].'

The Board had hitherto consisted of three Members with two Secretaries; and there were separately, a Commissioner of Salt and Ábkári (Excise) Revenue, and a Director of Settlements.

In June 1887 the Board was reorganized, and now consists of four Members, with three Secretaries and an Assistant Secretary[2].

Two of the Members are the 'Land-Revenue Commis-

[1] Section 4, Regulation 1, 1803. This Regulation is still in force, though much of it strikes a reader as obsolete and rather historically curious than practically useful. Act II of 1883 has amended the Regulation as far as relates to the power of action of single members.

[2] Secretary of State's No. 90 (Revenue), dated 7th October, 1886. G. O. No. 162, dated 12th February, 1887.

sioners.' The third Member is the Commissioner of Revenue Settlements, and is also Director of Land Records and Agriculture; the fourth is the Commissioner of Separate Revenue.

The Land-Revenue Commissioners dispose of all the ordinary subjects of land-revenue administration, such as collection of land-revenue, irrecoverable arrears, waste lands, Zamíndárí estates, 'beríz deductions [1],' ináms, endowments (Madras Regulation VII of 1817), pensions (Act XXIII 1871), subordinate officers' leave and control, income-tax, stamps, forests, emigration, budgets (estimates of receipts and expenditure for district purposes), the Court of Wards (charge of land-estates of minors and incompetent persons under Madras Regulation V of 1804), compensation for land taken for public purposes, law-suits by and against Government, and many other matters.

According to their relative importance these matters are either decided by the whole Board or by the two Land-Revenue Commissioners jointly, or by one Commissioner on his own responsibility [2].

The Settlement Commissioner takes up, besides the direction of revenue Settlements and revision of village establishments and remissions—'special' (on occasion of grave calamity) and 'fixed'—the subjects of internal trade and commerce, irrigation, statistics (cultivation, rainfall, prices, seasons, crop-produce, industries), rules regarding wells, composition for second crop, &c., transfers of land from dry to wet, from unassessed and purambok to assessed, 'cowles,' agriculture, famines, cattle-disease, jamabandí reports.

The Commissioner of Separate Revenue takes salt, excise, opium, customs, and sea-borne trade.

The proceedings of the Board, when they are of perma-

[1] Which mean assignments of land-revenue to particular persons causing deduction of all or part of the revenue recorded as assessed on particular holdings or particular revenue-rolls.

[2] Madras Act II of 1883, Section 1. The distribution of business and reservation of any part of it for 'concurrent judgment' of two members, or for 'the decision of the collective Board' has to be notified in the *Gazette*. See *Fort St. George Gazette* of 5th April, 1887, Part II. p. 548, accordingly.

nent interest, are, after the sanction of Government, incorporated in the collection of 'Standing Orders.' These orders deal with general administration, interpretation of Acts and orders, &c., and form an authoritative code for the use of all officers subordinate to the Board [1].

§ 2. *District Organization.*

The Madras Presidency has no system like that of Bengal and the other provinces, where there are Commissioners of Divisions (aggregates of three or more districts) intermediate between the District Officer and the Chief Revenue authority.

The Members of the Board themselves have the title of Commissioner and there are no others.

There are twenty-two districts in Madras. The Nílgíris form an exceptional Hill district, and the Madras district of one taluk) comprises the capital and its suburbs; the other twenty districts are of considerable extent, averaging 6919 square miles, with over 1,500,000 inhabitants, and a *gross* revenue (i.e. land-revenue and excise, salt, stamps, income-tax, &c.) of about forty lakhs of rupees each [2].

The limits of existing 'Districts or Zilas' may be altered from time to time, under Madras Act I of 1865, of which one section remains in force. The Madras districts are very large, and in fact the Collector may almost be said to be more like the Divisional Commissioner of other provinces, while the heads of subdivisions under the Collector are like District officers of other parts.

Each district is divided into divisions, one of which is the 'Huzúr,' where the Collector of the district has his head-quarters, and the others are presided over by an Assistant or Deputy Collector. The division includes two or three up to five taluks.

The taluk (with its 'kasba' or head-quarter station) is the charge of a Tahsíldár.

[1] G. O. No. 117, dated 31st January, 1887.

[2] Macleane gives thirty-five lakhs; but, comparing the total figures in the Adm. Rep. for 1887-8, the number in the text would seem more correct.

In large taluks there is a deputy Tahsíldár of a section (firka) of the taluk.

At the head of the whole is the Collector. The Sub-Collectors[1] or Assistant Collectors, and Deputy Collectors (uncovenanted) are subordinate to him; the latter are usually in charge of treasuries, or are 'Deputy Collectors on general duty.' These officers are all 'Revenue officers' with magisterial powers, as in other provinces.

Collectors are competent, on their own authority, to appoint, suspend, and dismiss officials below the grade of Deputy Tahsíldár. Tahsíldárs and deputy Tahsíldárs are appointed and dismissed under the orders of Government, and the Collector's (office Superintendent or) Serishtadár under orders of the Board. The Collector has only powers of suspension and other discipline.

The taluk or tahsíldárí charge averages 700 square miles in extent, and contains about 100 villages, with a population of 150,000, and a revenue of two and a half lakhs of rupees. Under the Tahsíldár are the Revenue Inspectors[2] whose proper duty is to move about and see that all the village registers and accounts are so kept up that the jamabandí or annual Settlement can be made without delay. It is on the efficiency of these Inspectors and the village officers, that the prospect of ultimately abolishing all separate Settlement establishments depends.

Section II.—Village Officers.

§ 1. *The Village Staff.*

The village officials are of no less importance to the revenue administration. As the village system (says Mr.

[1] The title Sub-Collector (Subordinate Collector), comes from Madras Reg. VII of 1828, which empowers those officers (and Assistant Collectors) to act in subordination to the Collector.

Dr. Macleane gives the staff thus:—

15 Sub-Collectors (two called Principal Assistant Collectors).
20 Head Assistant Collectors (two called Senior Assistant Collectors).
4 Special Assistant Collectors (two called Special Assistant Agents).
45 Assistant Collectors ('passed' and 'unpassed,' i. e. the local examinations).

There are 65 Deputy Collectors (Act VII of 1857) in grades.

[2] Equivalent to the Kánúngo of North-Western Indian districts.

Garstin) 'is the keystone to the arch, so to speak, on which the stability of the whole revenue administration of the country depends, its soundness, or, in other words, the efficiency of the village establishments, is a matter of supreme importance.'

Though the various reports recognize the old Hindu 'Bára-baluté,' or twelve kinds of servants[1], these do not always exist in this order or number. We are here only concerned with those that have Government functions, and they are the headman[2] and the 'karnam' or village accountant.

There is a public place or office in the village where business is transacted, called chávadi or kovil.

§ 2. *The Headman.*

The headman, who is a much better educated[3], wealthier, and more important person than (at present) the 'lambardár' of Northern Indian villages, not only aids in collecting the revenue, which is paid through his hands, but is a petty Magistrate and Civil Judge[4]. As Magistrate he deals with petty crime, assaults, affrays, &c.; as Civil Judge (village Munsif) he decides suits for money and personal property up to R. 20 in value (without appeal). With consent of the parties (given in writing) he can adjudicate, as arbitrator, any claim up to R. 200 in value. If the parties consent, he can also call a panchâyat[5] of not less than five nor more than eleven

[1] i. e. (1) The Headman, (2) Karnam (Patwárí or Accountant), (3) Shroff or Notágar (he examines the coins paid in, a useful functionary in former times when coins were so various), (4) Nírganti (who looks after the distribution of the irrigation), (5) Taliyárí or Tóti (village constable), (6) Potter, (7) Blacksmith, (8) Goldsmith, (9) Carpenter, (10) Barber, (11) Washerman, (12) Astrologer (to tell the auspicious days for beginning to plough, harvesting, &c.).

[2] Known by many names according to the local dialect, i. e. the 'monigar' (mániyakáran), pátel (*Hindi*), reḍḍi' naidu, peddakápu, nátamkár, &c.

[3] In his report on Revenue Establishments (1883), Mr. Garstin remarks: 'Their efficiency can only be increased by insisting that no person shall be eligible to hold the office of village head or village accountant who cannot read and write well and keep accounts.'

[4] I mention these facts because there has been some movement in the Panjáb of late for the adoption of this kind of agency as a means of settling disputes locally and without kindling ill-feeling and wasting money over pleaders and law-suits at head-quarters remote from the village.

[5] See (M.) Regulation IV of 1816 amended by (M.) Act IV of 1883 and (M.) Regulation V of 1816.

persons, the majority to decide. This applies to cases of the same class (money and personal property) without limit of value and without appeal. I am informed, however, that the panchâyat system is not successful or much resorted to.

The police duties of headmen and their duty as to repressing and informing about crime, need not occupy our attention in this manual.

§ 3. *The Karnam.*

The *accountant*[1] is chiefly concerned with keeping the village accounts and registers—of which presently. Karnams in Zamíndárí estates are under Regulation XXIX of 1802, and need not occupy our attention.

I shall not go into the question of the difficulty that may arise where the office is hereditary, and a claim to it, as a property, irrespective of fitness for employment, arises[2]. It is naturally regarded as highly objectionable that the Collector should be obliged to appoint a son or descendant of a late headman or karnam, when he is unfit for the public duty. Doubtless this will be settled by legislation before long.

§ 4. *Remuneration.*

The village headman and karnam used to receive payment sometimes by inám[3] (revenue-free) lands, sometimes by 'mérá,' or fees from the revenue (shares of the grain).

Act IV of 1864 was passed to enable Government to levy a land-cess not exceeding one anna in the rupee on the assessment, so as to establish a regular fund from which to pay the village officials. The inám rules also enabled

[1] The accountants of the villages in the *Kistná* district are mostly Brahmans, and so in Cuddapah, Godávarí, and Nellore. It is said that they are descendants of Brahmans brought in with the northern conquests of the Chola kings. Their own account is, however, that they came from Northern India. Their position, whatever its origin, has given them great influence: 'This system of village accounts or karnams was regularly established about the year 1144, and there are extant copies of the list of karnams of that date, many of the present office-holders claiming to be able to trace back their pedigree to the karnams entered on that list' (*Kistná D. M.*, p. 342).

[2] See Madras Regulation VI of 1831.

[3] The 'Nilamányam,' &c., when it was a land-grant; 'tirwamányan' when it was an assignment on the revenue total (tirwa) assessed on the village.

Government to assess and resume, or consolidate and grant proper titles for, inám lands of hereditary officers.

It was part of the work of the new Settlements to revise village establishments and put their pay and their ináms (where these were retained) on a proper footing [1].

SECTION III.—LAND-REVENUE BUSINESS AND PROCEDURE.

§ 1. *Village Accounts.*

I pass over the district and taluk accounts, because they are merely abstract and generalized statements, in the end derived from the village accounts. For example, the taluk accounts are in form like those of the village, only that they give the totals of many villages comprising the taluk, instead of one village only.

The first reform of village accounts was effected in 1855, when the use of the 'Maráthí' character was no longer required, and writing on 'cadjan' (strips of flattened palm-leaf) was abolished. The account-forms have since been revised from time to time.

§ 2. *The 'Permanent' Accounts.*

The 'permanent' accounts consist of five Registers which represent the state of the land and its assessment as fixed at Settlement. They are in fact adaptations of the Registers made at survey-Settlement; certain forms being separated for convenience. The nature of these registers will be at once understood from the mere enumeration of them.

Register A (Field Register) shows every field (survey-field and subdivision) in the village, whether 'Government' or 'inám,' wet, dry, cultivated, or purambok; the source of irrigation; whether one crop or two, what *group* it is in; what is its soil class; the 'taram' or revenue-rate applied;

[1] A village service fund has been constituted, made up of the cess under Act IV of 1864, the quit-rent of enfranchised village office ináms, the assessment minus the joḍi or quit-rent of resumed village office ináms, and deductions of revenue made in Settlements prior to Act IV for cost of village servants (Macleane, vol. i. paras. 187–191). The total cost of village establishments is about forty-eight lakhs.

the extent in area and the total assessment; lastly, comes the name of occupant, &c., and remarks.

The 'enclosure' to this register is an *abstract*, grouping Government and 'inám' lands together. Thus :—

Nature of the land.	Class, and sort of soil.	Taram (Revenue-rate).	One crop or two.	Rate.	Government.		Inam.		Total.	
					Extent.	Assessment.	Extent.	Assessment.	Extent.	Assessment.
				R. a. p.	*acr. cts.*	*R. a. p.*				
Dry . . .	II-3 .	3	...	2 4 0	3 0	6 12 0	...	...	...	...
	V-1 .	3	...	2 4 0	1 0	2 4 0	...	...	...	...
	III-4 .	6	...	1 8 0	7 0	10 8 0	...	...	...	...
	&c. .	...	...	.....	.....	.....	...	...	...	...
Wet . . .	IV-2 .	5	2	7 8 0	1 0	7 8 0	...	...	...	...
	&c. .	...	...	.....	.....	.....	...	...	...	...
Purambok .	.....	...	...	.....	.....	.....	...	...	...	...
Village site .	.....	...	...	.....	1 80	.....	...	...	...	...
Cattle shed .	.....	...	...	.....	0 50	.....	...	...	...	...
&c. . . .	.....	...	...	.....	.....	.....	...	...	...	...

Register B is a register of any inám fields in the village, giving particulars of the field, its taram, its quit-rent, the part of this payable to Imperial Revenue and the part to the village service fund.

Register C shows the sources of irrigation, and the fields included in the area or ayacut[1] supplied by each.

Register D, shows the area occupied and charged as irrigated under each source of irrigation for a series of years.

Register E shows the Land-revenue Settlement for a series of years—under 'dry' and 'wet'—showing the area and assessment of holdings, waste remitted (i.e. allowance for unculturable bits like the 'pot kharáb' of Bombay), the remainder charged, the remissions other than those on waste, and the net charge, besides miscellaneous revenue, local and special funds. Columns at the end show the actual collections on this demand.

[1] So much 'Government' and so much 'inám,' with extent and assessment of each.

§ 3. *The Monthly and Annual Accounts.*

We are next concerned with those periodical registers by which the Land Records are continually maintained in a correct form, showing all charges and all facts, not as they were at the date of the Settlement, but as they are at the time.

At present they consist of the following, which are habitually alluded to, not by name so much as by the number, which I have shown prefixed to each.

No. 1 shows the particulars of monthly cultivation for each field by its number and letter, whether Government or inám, the source of irrigation, the name of the holder, the kind of crop raised (first and second). This is, or might be made, the basis of all agricultural statistics in the country. An abstract (enclosure A) shows the area under each crop for the month, with columns for an *estimated* outturn[1] and for the actual outturn if the crop was harvested in the month.

No. 2. This is the 'adangal,' or annual statement of occupation and cultivation, field by field. It shows, first of all, the fields (Government or inám, number and letter, revenue-rate (taram), single or double crop, area, and assessment) as they appear in the Settlement-survey or 'mámúl' account. Then follows the name of the holder, the sources of irrigation if any; the occupation, the actual cultivation, and remarks of the karnam.

If this is carefully kept up, it forms the basis of the annual jamabandí Settlement.

It has several enclosures, such as a list of lands cultivated without application[2];—a list showing the total area of each kind of crop for the year; a statement of groves and planta-

[1] The estimate is indicated in one or other of four columns, viz., over-abundant crop (twenty annas), full (sixteen annas), half (eight annas), quarter (four annas).

[2] Such cultivation is now permitted, subject to certain instructions. The revenue is brought to account as 'Sivoy jumma' (Siwáí jamá, revenue over and above the regular account).

tions; particulars of irrigation (area irrigated and crop raised from each source); changes in the 'ayacut' of irrigation works (such as deduction on transfer to purambok; 'wet' transferred to 'dry' area, or an addition for unassessed land brought into cultivation under the tank, &c.)

No. 3 is the Annual Register of *changes*. Fields taken up on darkhwást (application for permission to hold); transferred by sale, &c., relinquished, sold for arrears of Government revenue; converted from single to double-crop land, &c., &c. An enclosure to this shows the total area affected by each kind of change.

No. 4. Land purchased by Government at sales for arrears.

No. 5 is a statement of 'remissions' of revenue (see p. 99, post).

No. 6 is a statement of 'water-charges,' i.e. when a separate water-rate is charged. This additional charge may be made on inám as well as Government lands (see p. 73, ante).

No. 7 is the statement of 'Miscellaneous' Revenue, i.e. inám-quit-rents, fine or charge on unlawful purambok cultivation, rent charged on groves or certain kinds of trees, fishery-rent, rent for grazing land, &c.

No. 8 is a statement of 'wet occupation,' showing for 'Government land,' the fields always irrigated, converted from dry fields, waste added in, also miscellaneous receipts; and for inám and zamíndárí land, that irrigated free of charge, 'charged,' and totals. This under each source of irrigation for each wet group (see p. 62, ante).

No. 9 shows any local and special funds collected (from each person) other than those leviable on ordinary Government lands.

No. 10 is a sort of 'individual chitta' or personal ledger of each cultivator. Section I. shows the particulars of the original holding, additions by transfer, or by land taken up on application, &c., under 'dry' and 'wet' separately. Section II. shows the assessment on these lands, deducting remissions and adding miscellaneous revenue, land-

cess, village service, and special funds (as per statemen No. 9).

[*No.* 11 is not an account, but the form of *patta* granted to each raiyat.]

No. 12 is an account of Settlement in abstract: it gives the number and name of each person, his holding as last year, *deducting* changes by transfer or relinquishment, and *adding* new land acquired, and then the total. Against this is the column to deduct remissions, and showing the remainder charged (under different heads), and the miscellaneous revenue due to local and special funds.

No. 13 is a 'chitta' of daily collections from raiyats (daily cash chitta).

No. 14 is an abstract (or individual revenue ledger) for the year, of collections from each raiyat, with balances, with enclosures showing total collection and balances, and arrears reported irrecoverable, and any excess collections.

No. 15 is a list (signed by the headman and karnam) of revenue collections remitted to the treasury after authorized deductions (e.g. so much to headman, karnam, and beríz deduction to such and such a temple).

No. 16 shows the liability at the end of every month, of each raiyat, with reference to the several years to which arrears appertain.

No. 17 records the interest due on arrears.

(*No.* 18 is a form of receipt to the raiyat.)

Nos. 19, 20, 21, 22 are statistics of births and deaths, cattle-disease, season reports, quantity of water in tanks and channels, number of patta-holders, joint and single, inámdárs, landholders who have redeemed the revenue, purchasers of waste land under the waste-land rules, statistics of agricultural stock, of irrigation works (in and out of repair).

No. 23 is an abstract rent-roll.

The object of the detailed irrigation accounts which have been noticed above, is to afford a ready index to—

(1) the share of the revenue derived from irrigated lands that is due to irrigation;

(2) the extension of irrigation and increase of cultivation resulting from the construction of new irrigation works and the restoration and improvement of old.

(3) The financial results of such works.

The rules for preparing the accounts so as to separate, in all cases, the water-charge and the dry-charge, are to be found in the *Accounts Manual*, and need not here be detailed.

§ 4. *The Jamabandí.*

It has already been explained that as the raiyatwárí system allows each raiyat to alter his holding by transfer, by relinquishment, and by taking up available waste, or fields relinquished by others; and as he is allowed certain remissions fixed and casual (on wet lands for failure of crops), there must be an annual settling up to show what lands each raiyat has actually held, and what amount (on all accounts) he has actually to pay for the year. This process is called the 'Jamabandí.' If the village accounts have been duly kept up and the Revenue Inspectors have been on the alert (checked by the Tahsíldárs) to see this done, the *jamabandí* ought to be an expeditious and easy process.

The most recent orders regarding the making of the *jamabandí* are in G. O. No. 521, dated 27th May, 1887 :—

'The jamabandí, or annual Settlement, should be conducted at not less than three stations in each taluk. These stations should be selected with care; they should be villages of considerable size and easily accessible. In reporting upon the Settlement of their several districts, Collectors will state whether this rule has been complied with. The villages to be settled each day should be decided the previous day, or earlier, and lists showing the order in which they will be taken up should be posted for general information in conspicuous places at the Tahsíldár's and also at the settling officer's cutcherries, so that village officers and raiyats may know about what time their village will be called up for Settlement.

'2. The Settlement of each taluk must be made within the

fasli year[1] at latest, and the taluk demand-statement must be closed within fifteen days after its expiration. After the Settlement officer has left the taluk, the Settlement accounts must not be altered without his sanction, or, in his absence from the district, without the sanction of the divisional officer, previously obtained in writing. The general demand-statement for the whole district, which is compiled from the taluk statements, must be closed within one month after the expiration of the fasli year.

'3. The Settlement of each taluk in the district should be conducted by the Collector himself once in five years.

'4. The annual Settlement is conducted with a view to ascertain and record the demand of *all* the items of land-revenue within the taluk. It is not sufficient merely to fix the demand for raiyatwár villages. The demand of permanently-settled estates, inám villages, and minor iná̀ms should be settled at the same time. As the Settlement also affords an opportunity for the inspection of the village and taluk accounts, all Collectors should see that, at each Settlement, a thorough and intelligent examination of the village accounts themselves, and a careful comparison of them with the taluk accounts, are carried out. Opportunity should also be taken at the annual Settlement of each taluk to see that all the taluk authorities from the Tahsíldár downwards have, during the fasli, been doing all that is expected of them by Government, particularly in respect of the following subjects: the careful inspection of cultivation, the prompt disposal of darkhwásts (applications) for, and relinquishments and transfers of, lands, the examination of the cash accounts, claims to remission, and the collection of kists (instalments of revenue) as they fall due.

'5. It is very important, in view of the growing amount of clerical work demanded from village officers, that the karnams should be kept away from their villages for as short a time as possible. If the taluk authorities and divisional officers make a point of examining whether the prescribed village accounts are kept written up to date by the karnams, as they should be, blank spaces being left for all entries which depend upon the orders of the settling officers at the time of jamabandí; and if

[1] i.e. the Agricultural year (Fasli (A.) = harvest). It begins on 1st July and ends on 30th June. This has really nothing to do with the old 'Fasliera' introduced by Sháh Jahán, though in South India the Fasli year begins on 1st July also. See § 7, post.

all cases of relinquishments, applications, and transfers, and of charges for unauthorized cultivation or for the use of Government water, are disposed of promptly by the taluk and divisional officers, there should be no necessity for any karnam being kept away from his village more than a short time. The system of summoning karnams to the taluk cutcherry and detaining them there for weeks together to write up accounts, which should have been prepared during the year, should be put a stop to.

'6. In the following paragraph brief instructions are drawn up for the use of district officers in conducting the annual Settlement. In these instructions the responsibilities of karnams and the revenue inspectors are chiefly referred to. The Settlement officer will, however, not forget that the Tahsíldár is himself personally responsible for the state of his taluk, and that, as principal administrative officer, he is responsible for the conduct of all the officers under him. It will be the duty of the Settlement officer to see that during the fasli year the Tahsíldár has carried out all the duties of his position, which involve the supervision of all the work done by the subordinate revenue officers in the taluk and the constant inspection of their work. Under the Tahsíldár the chief officer in the taluk is the taluk Sarishtadár, and he is primarily responsible for the examination of the village accounts and the correct preparation of the taluk accounts, and the Settlement officer should see that his work has been efficiently performed. The examination of the taluk and village accounts will at once show how far he has satisfactorily executed his duties.

'7. Collectors should impress upon their divisional officers that the jamabandí is the appointed opportunity for the thorough overhauling of all the accounts maintained in the taluk. All the difficulties which have been felt hitherto in most districts in reconciling the village and taluk accounts, and in clearing up the district balances, have arisen from confusion in the taluk and village accounts, which would not have existed had the annual Settlements been always intelligently and thoroughly conducted.

'8. The Settlement officer should satisfy himself that all the wet 'waste' and 'sháví,' &c. (remissions allowed in wet lands for loss of crops) have been inspected by the taluk officers, and that the claims to remission are well founded, testing the reports of these officers by an examination of village accounts Nos. 5-A (Statement showing particulars of irrigation) and 20

(season report). He should invariably record his orders in his own handwriting, in ink, in statement No. 5 (the remission abstract).

'9. Immediately after the claims to remission in each village are disposed of, the karnam should at once write up the abstract statement of Settlement—No. 12—filling up every column which he has left blank for the Settlement officer's orders and bringing out the total beríz of the village.'

[Then follow detailed instructions for comparing the statement with others and verifying the column entries.]

'12. The distribution of the pattas should not be made before this abstract statement of demand (by villages) is completed and signed. When the officer conducting the Settlement of a taluk is not the officer in divisional charge of it, a copy of the taluk abstract statement No. 12 (abstract of Settlement) should be sent to the divisional officer as soon as the Settlement of the taluk is complete. The divisional officer will forward it, with the subsequent statement showing the demand accruing after jamabandí, to the Collector.

'13. Abstract statements should be prepared for all permanently-settled estates, inám villages, &c., and minor ináms situated therein, from the taluk register B (register of the beríz of permanently-settled estates, &c.), showing the demand under all heads of revenue.

'An important portion of the Settlement officer's duty is to supervise the scrutiny of the arrear balances outstanding. One of the clerks of his establishment should see that all the balances shown in village account 14 (individual ledger) have been fully accounted for in the taluk demand, collection and balance statements Nos. 15-A and 15-B, including the irrecoverable arrears written off; that the collections shown in village cash accounts, 14, 14-A, 15, and 16 agree in all respects with those entered in the taluk accounts Nos. 15 (abstract of raiyatwár collections) and 15-A (demand, collection, and balance statement), and that the balances obtained by deducting the collection shown in the several accounts from the demands brought forward at the beginning of the year are the same in both sets of accounts. The totals in the daily cash chitta 13 should be checked in as many villages as possible. Complete agreement between the village and taluk accounts should be insisted upon, and any difference, however slight, should be reconciled or satisfactorily explained.'

[Paragraph 15 gives details as to the way in which the village accounts should be checked and corrected.]

'16. Officers conducting the jamabandí in settled districts should be required to see that each karnam produces for inspection, at the time his village is taken up for Settlement, the maps and Settlement registers of his charge. If they are not found in good order, fresh ones should be supplied at the karnam's expense from the taluk cutcherry. It should at the same time be ascertained that the file of *District Gazettes* and circular orders in charge of the village officers is complete.'

§ 5. *Remissions.*

Allusion has been made to 'remissions[1].' They are divided into 'occasional' and 'fixed.' The principles of occasional remission are these:—no remission is allowed for unirrigated lands, the rate of assessment being moderate and fixed after taking into account all ordinary casualties. On irrigated land even, remission is not allowed unless the crop is 'waste' or damaged *owing to causes beyond the raiyat's control.*

§ 6. *Casual Remissions.*

The causes are thus technically described—

(1) 'Sháví' (withered), i.e. for crops withered by failure of water, or blight.

(2) Pánbuḍít or paímálí[2] (inundated); crops destroyed by flood.

(3) Palanashtan (loss of produce) applies to districts not yet settled, and where, on partial loss of crop, some reduction in the rate of assessment may be called for.

(4) Tirwá-kamí (reduction of revenue); when there is a wet assessment, and no water has been obtained and a dry crop only has been raised, there is a reduction from wet to dry rate.

(5) Fasl-kamí (crop deficiency) would be allowed when land is assessed to two crops, and one fails.

[1] We are speaking here of remissions in ordinary years, not of great calamities, famine, &c., which call for special measures, in any and every province.

[2] See Salem *D. M.* vol. ii. Glossary, sub voce.

(6) 'Miscellaneous,' such as may occur under any system whatever, e. g. land removed from the register and taken for public purposes, washed away by river, &c.

§ 7. *Fixed Remissions.*

The 'fixed remissions' are those granted for reasons other than seasonal causes. They consist of the following items :—

(1) For labour in reclaiming waste numbers, e. g. land on a high level rendered fit for wet cultivation.

(2) Remission in unsettled districts, made because the old rates are considered too high.

(3) Remissions made in introducing new enhanced rates, when the increase is not taken all at once but gradually.

(4) Remissions to privileged classes; but the revised Settlements do away with such.

(5) Remission on irrigated rates where the water is obtained by *lift* not by *flow* (and the cost and labour are greater).

(6) Remission granted for groves and topes to encourage plantations. For twenty years remission is granted, after which assessment is levied if the grove is kept private ; it is permanently remitted if the grove is made public. This only applies where there is an actual grove or tope, not merely where trees are planted on land which is cultivated and yields crops.

(7) 'Dasabandham' or remission for constructing or repairing tanks wells, and channels.

(8) Cowle (qaul) remission for bringing land that has long been waste under the plough.

(9) Miscellaneous remission of assessment in favour of a temple, &c.[1]

[1] There are special remissions on grazing lands in the Nílgirís and on taking up forest land for cultivation in Malabar. They do not need notice.

§ 8. *Beríz Deductions.*

There are also what are called 'sundry deductions' or 'beríz deductions[1].'

This means, cases where a certain part of the revenue is deducted, i. e. not paid into the treasury, but handed to the village headman, who disburses it for the purpose to which it is to be applied (e. g. pay of village servants), or where an amount once consolidated with the revenue is separated and paid to a special purpose (e. g. road-cess in the Kistna district).

§ 9. *Where Remissions are not allowed.*

It should be remarked that in Zamíndárí, muṭṭha, and other estates where the revenue is permanently fixed, remissions for loss of crops are not granted. There may be a deduction, of course, if land is taken up for a public purpose, and a water-rate remission for Government water charged by the year or on a composition, if the supply fails[2].

[1] Macleane, vol. i. (*Land-Revenue Collection*), § 155, p. 135.

[2] If it may be permitted to record the reflection that occurs to an outsider on a system which certainly possesses many admirable features, it is to wonder why the 'fixed' remissions are not abolished. Where it is a 'beríz deduction,' it is not really, or need not be, a remission of any particular raiyat's revenue at all. As to the 'casual' remissions I would not venture an opinion. The policy of remissions generally, has been discussed in the general chapter in vol. i. It may here be noted that in Zamíndárí estates no 'remission' is allowed, and consequently the raiyats get none, yet they manage very well: (I do not refer to the extraordinary remissions which great calamities necessitate). The author of the Vizagapatam *D. M.*, on the contrary, remarks (p. 123), that absence of remissions is beneficial; the raiyats become careful to maintain, by their own labour on periodical repairs, the tanks and channels for irrigation; while he says that the Government raiyats 'systematically neglect these works,' trusting that if water fails Government will remit the assessment in whole or part.

Another point is that the village accounts are too numerous and too complicated. The karnams (as old hereditary servants are apt to be) are said to be far from efficient, and the Revenue Inspectors still less so. At every jamabandí, the village accountants have to be called up all over the taluk to the Tahsíldár's cutcherry and, in spite of orders to the contrary, to be kept there for a long time, writing up the elaborate accounts. It may be desirable to possess detailed information, but in the end the standard of detail *must* be conformed to what the agency, as practically available, can be made to give. Accounts that *are* kept up to date, even if not ideally perfect, are better than more elaborate papers imperfectly filled. With accounts so few and simple as to be *really* checked by active Revenue Inspectors, and kept up to date, the jamabandí would be a much simpler matter than it is now, and more real and efficient.

§ 10. *Miscellaneous Revenue.*

It has been incidentally mentioned that various items of 'Miscellaneous (Land) Revenue' are levied besides the regularly assessed revenue. To this head, for example, is credited quit-rent on inám lands less than a whole village; income from rented villages (estates in the hands of Government managed direct or through a renter[1]. Rent or grazing-tax paid on unassessed lands available for grazing: rent of islands in rivers, which are Government property and not treated as raiyatwárí lands; rent for palmyra (*Borassus*) palms[2] and fruit-trees. A number of other items are mentioned, but these will suffice to explain the subject.

§ 11. *Extra Charge for Water.*

Irrigated lands, as we have seen, are classified as bearing one crop. But some of the old assessments are still in force under which a double-crop assessment has been levied.

When a second crop is raised, it is separately charged for at the jamabandí; but in some cases (see p. 73, ante) a raiyat is allowed to compound once for all for a second crop.

As this subject was mixed up with the question of private wells on dry land (which never cause any increase in the assessment, at least not to make the land 'irrigated') and with the question of wells in wet lands, it was more convenient to dispose of the whole subject under the head of Settlement procedure. Properly, the 'fasl-jyástí' (increase) or fasl-kamí (decrease) for second crop grown or second crop withered, &c., is a question for the jamabandí or annual Settlement, and not for the survey-Settlement, unless it is a question of compounding for second crop charges.

§ 12. *The Agricultural Year.*

The year for village accounts is the agricultural year, which begins on the 1st July and ends 30th June; but it is a question whether this will be retained. The year so fixed

[1] In Vizagapatam, two large estates (Zamíndárí), which lapsed to Government, have been for years, owing to special causes, rented for R. 1,30,000.

[2] Which yield toddy from their juice: the leaves also are useful and the fruit. The toddy is a matter for the excise department however. For other items see Macleane, vol. i. § 160.

is supposed to include the period of sowing and harvesting all crops, but in reality it does not do so [1].

§ 13. *Transfer of Holdings.*

This is a branch of business which occurs under all systems, often under the name of 'Dákhil-khárij' (entering and putting out). In order that it should be known who holds any particular field, and who is therefore responsible for the revenue, it is necessary that every transfer should be known and registered. The rules provide for registration of permanent transfer in the revenue records, when both parties consent, or one person, producing a deed, satisfies the Collector, &c.) that the transfer is genuine. Temporary transfers (lease, mortgage, &c.) are not registered, unless both parties consent. Where the transfer is compulsory (as on decree of Court) it will be registered on production of the sale-certificate, or if there is none, on the applicants proving the transfer.

Transfers by *succession*, where there is no dispute, are at once registered. Where there is a dispute, the Collector publishes a notice and holds a summary inquiry. On the expiry of the notice, unless an objector appears, the change will be registered. If one comes, and *primâ facie*, there is a question to be settled, the parties will be referred to a regular suit, and the transfer will be recorded on the result of the suit being known.

A person absent for seven years, without any evidence that he is alive, is treated as deceased.

Applications for registering transfers may be made to the Collector or Divisional Officer or Tahsíldár or Deputy Tahsíldár or Revenue Inspector.

A useful provision may here be noted: when a deed is registered (under the Registration Act), the Registering Officer is bound to ask the parties whether they consent to the transfer being noted also in the revenue records: and if so, he causes them to sign an application for the transfer, which is then sent to the proper officer, and registered without further formality.

[1] See Mr. Garstin's *Report on the Revision of Revenue Establishments*, 1883, § 27 et seq.

All this applies equally to transfers of enfranchised inám holdings, but not to permanently-settled estates, which are transferred in the Collector's Office under Regulation XXV of 1802.

In Zamíndárí estates, when the owner desires to transfer (by sale, &c.) a portion of his holding, Madras Act I of 1876 provides for the partition and registration of the separated portion, as regards its area and revenue.

Sometimes the question of transfer is the subject of appeal; one appeal is allowed, and a second only for special reasons [1].

§ 14. *Subdivision of Fields.*

It may happen that a survey-field has to be subdivided after Settlement; this is done on the same rules, as noticed already under the Settlement procedure (p. 56, ante).

§ 15. *Maintenance of Boundaries.*

The importance of the permanent maintenance of the boundary-marks of villages and fields is exceptionally great under a raiyatwárí system.

In Madras care is taken to enter in the registers such a description of the direction of the boundary-lines that the limits of a survey number and of its subdivisions can be traced even if the marks are from any cause obliterated.

But Act XXVIII of 1860 (amended by M. Act II of 1884) provides for the maintenance of boundary-marks.

Under the former Act power is given (as already noticed under Settlement-Demarcation) to determine the boundaries both of villages and fields, and to settle disputes. Act II of 1884 deals with the taking charge, by the Collector, of boundary-marks after the completion of a survey, and provides for enforcing their preservation by the owners or occupiers of land of such marks. Government, it is provided, bears the cost of marks for extensive waste tracts being State property; the owners bear it in other cases. A penalty of R. 50 for each mark, may be inflicted on conviction before a magis-

[1] This general account will suffice; for further details see G. O. No. 414, dated 1st June, 1886, and for appeals (darkhwást appeals) G. O. No. 854, dated 30th August, 1887.

trate, for erasure of or wilful damage, to boundary marks half goes to the informer and half to the cost of restoration. If a mark disappears, and no delinquent can be found to whom the damage is attributable, the cost of restoration is divided between the occupants of the adjacent lands according to the order of the magistrate investigating the case.

§ 16. *Collection of the Revenue-Instalments.*

As to payment of Land-revenue, the fixed assessment or 'peshkash' of Zamíndárs, if large, is paid direct into the Collector's treasury; if small, into the local taluk treasury. Payments of revenue on other lands are made to the village headman. On receipt, the headman causes the karnam to enter the payment in No. 10, the village cash-book. After entry in the other abstracts, the money is despatched to the Tahsíl once in the month.

The revenue is paid in certain instalments, because the people have not capital to pay up once a year for the whole: they must have dates of payment so fixed as to enable them to realize the crop by sale of the grain.

In former days a considerable number of 'qists' was allowed; but now, instalments are not to exceed four (except in the Tanjore district). Every instalment is to be due on the 10th of the month, the first to be not earlier than December and the last later than May. Each Collector arranges (for sanction) lists of four instalments for his district or for separate taluks, on these terms.

§ 17. *Coercive Process.*

When raiyatwárí land-revenue falls into arrear, it is recoverable, together with interest at 6 per cent. and cost of process, under Madras Act II of 1864, as amended by Act III of 1884, by sale of moveable property (including uncut crops) or immoveable property, or by imprisonment in the last resort, and if there is reason to suspect fraud. The imprisonment does not extinguish the arrears.

Zamíndárí land-revenue is recoverable by process as defined in the terms of the particular 'sanad' or title-deed

of holding. A sale of a Zamíndárí requires the sanction of Government.

The land-revenue is a first charge on the land against all other creditors. Land sold for arrears is sold with a clean title, i. e. all encumbrances are voided, even including the Government assessment due to date [1].

It is not necessary here to go into the details of the Act as to issue of notices before sale and so forth. A defect in the Act relating to setting aside sales for arrears for material irregularity, fraud, &c., has been cured by Madras Act III of 1884.

Coercive measures are but little resorted to [2].

§ 18. *Recovery of Private Rents.*

Zamíndárs, holders of shrotriyams, jágírs, and ináms, and farmers of land, can recover their rents under Madras Act VIII of 1865. For details the student may consult the Act itself.

§ 19. *General Subjects of Revenue Administration.*

There are other branches of district administration connected with the land, such as the rules for acquisition of land taken for public purposes, and compensation paid therefore; also 'Taqávi' or advances made to cultivators for land-improvement under Act XIX of 1883, and Act XII of 1884 [3]. With these subjects I do not propose to deal, as they are only indirectly connected with our subject.

§ 20. *The Revenue-Procedure Law.*

Though the Zamíndárí system was introduced by Regulation XXV of 1802, no general Revenue Act exists, nor has

[1] Even the crops of an under-tenant are not protected; but he has subsequent redress by deducting the value from any rent due by him to the land-owner. He may also pay up the arrears and so stop the distraint, recovering afterwards from the landlord.

[2] It may be noted that, by section 52 of the Act, all arrears of Government revenue other than land-revenue, all fees and dues of village servants, and also local rates (Act V of 1884), may be recovered as arrears of land-revenue unless otherwise expressly provided.

[3] G. O. No. 434, dated 7th June, 1886; No. 557, dated 6th July, 1886; No. 219, dated 28th February, 1887; and No. 351, dated 31st March, 1887.

the raiyatwárí system ever been established by legislative enactment. The boundary preservation and boundary disputes enactments have already been alluded to, and so the Revenue Recovery Act (M.) II of 1864 (and III of 1884).

The Act III of 1869 enables Revenue Officers to summon persons to give evidence or produce documents in any matter 'in which they are authorized to hold an inquiry.' It is stated that the Act is beset with difficulties and requires amendment.

Really, the 'Standing Orders' of the Board are the Land-Revenue Code of this Province; and no one can thoroughly master the revenue administration without studying these in detail.

CHAPTER IV.

THE LAND-TENURES.

It will be borne in mind that the sections of this chapter as far as the VIIth, have reference to the districts of the Presidency *excluding* those of Kánara, Malabár, and the Nílgirí plateau, which present special features and are dealt with by themselves in the remaining sections.

With this limitation, we may speak of Madras generally as exhibiting, so far as its land-tenures are concerned, those phases and forms which are commonly observed in the Indian provinces. As might be expected in districts largely peopled by Dravidian races (so-called) and by some Kolarian and many mixed castes, the village-grouping, which is the universal primary feature, is of that character which the reader who has studied Chapter IV of the first volume is already familiar with as the raiyatwárí form. In some districts we have traces of the fact that in some places, over considerable areas, a landlord class had grown up in the villages—the phenomenon which forcibly claimed our attention in the North-West Provinces and Oudh. These landlord claims will be found to be due, in some cases (e.g. Tanjore and Tinnevelly) to the existence of chiefs or of grantees or lessees, whose families divided, lost the position they once held, and became the landlords of the village soil. In other cases they are due to the special foundation of colony-villages by expeditions sent out for the purpose. Subsequent events, in some cases

the misgovernment and oppressive taxation of later Muhammadan and other rulers, usually caused these landlord claims to fall into abeyance, and to be only partially remembered. A large part of the general area, was, however, not affected by those early tribal movements and conquests, which furnished rulers and overlord families to Upper India: nor did the Muhammadan rule long prevail. The raiyatwárí constitution of villages, which was really congenial to the Dravidian ideals, was therefore never *generally* interfered with. Native dynasties, chiefly of mixed or 'converted,' or 'Hinduized,' Dravidian origin, ruled, but do not seem to have altered the village constitution: nor do they appear to have undergone that process of dismemberment, which in other parts we found to be a common source of origin to landlord families,—such families forming the proprietary body in villages over which their ancestors once ruled as chiefs or Rájás.

Circumstances also did not favour the growth of great landlords, except in the north (where there are Zamíndárs, the relics of the Mughal rule); and in some other places where chiefs, called 'poligars' (to whom some allusion has already been made in speaking of the Settlements) established themselves. But as such estates do exist, it cannot be said that Madras tenures fail to furnish us with examples of the influence of State Revenue-collecting agencies on land-tenures. And the Presidency also abundantly illustrates those tenures which arise out of revenue-free grants.

Section I.—The Past History of the Madras Village.

§ 1. *Introductory.*

Commencing with the village tenures, as the most obvious and the most universal, we shall be prepared to find that while the bulk of villages is now in the raiyatwárí form, there are local areas, of considerable extent, where the villages once contained a body distinguished as landlords by their claim to hold 'by inheritance,' and by their having

some form of *sharing the entire estate, waste and arable together.*

These traces were, however, at the beginning of the present century, but faintly surviving; they did not affect the general application of the raiyatwárí method of revenue management. In practice they are only represented by certain privileges, which the (general raiyatwárí) system of administration provides for, such as the right of a 'co-sharer' to take up a waste or unoccupied field in preference to an ordinary village cultivator or an outsider.

The village landholders, as they now generally are, form 'communities' only in the sense that they live in one spot, under a common headman and *Karnam*, and employ the usual staff of village artizans in common.

Describing then the most usual form of Madras village, we may thus summarize the facts. Each village has a known local area, a name, and a central site (with or without detached hamlets) for residence; it has always its headman, its *karnam*, or accountant, its messenger and watchman (toti and taliyári), its scavenger, its guardian of irrigation, and the staff of artizans. The area of each village is divided into cultivated, culturable waste, and 'purambok,' i. e. uncultivated land assigned to special purposes (from which it must not be diverted) such as threshing-floors, cattlesheds, burial-grounds, building sites, roads, or sites of wells. There is usually some pasture-land allotted for the common use, though not the property of the village either jointly or severally.

Waste available for cultivation and not reserved for special purposes, belongs to the State, and is available to be taken up by anyone applying for it and offering to pay the revenue assessed. At the first Settlements most villages contained a considerable number of such unoccupied fields. Had it been so in a village in the North-West Provinces, such available waste (including the pasture-land) would have been given over as the joint property of the whole village and would ultimately have been partitioned among them, according to their shares: this at once emphasizes the

distinction between the North Western landlord- and the Madras raiyatwárí-village. As the group of cultivators do not jointly own the land, and as the assessment is laid on each field, not on the village in a lump-sum, no owner in the village is responsible for his neighbour's revenue: nor has he any right to anything but his own holding registered in his name: he has the user of the lands set apart for special purposes; but only the user.

§ 2. *Traces of the Landlord or Joint-Village.*

In certain parts of Madras there are unmistakeable proofs of the joint-village, and also other traces—chiefly in the prevalence of certain terms—which are less conclusive, because they are open to other interpretations. The subject is of great interest, because the Madras evidence when fairly considered leaves no doubt (1) that in the Tamil country we have an instance of the formation of joint-villages over a considerable area: the strength of the claim to the allotted areas, and the principle of sharing it, being due not to the growth of particular chiefs, grantees of State, or scions of noble houses, but to the co-operative work of *colonists*, of a good agricultural caste, who in virtue of their conquest over natural difficulties, and of their equal rights, formed bodies which exhibited marks of coherence, and in fact that 'landlord' spirit which gave them a claim to the entire areas occupied, and which, as among themselves, they held in equal shares. (2) We have elsewhere instances of villages in which a landlord class may be believed to have grown up: this conclusion is warranted by finding the occurrence of such villages in places where (especially) various states and chiefships existed, and where the scions of noble houses, petty rulers, grantees and others may have naturally obtained the leading position in the villages and afterwards multiplied into co-sharing bodies. (3) We have also in the present state of these villages, an instance of the possibility of the formation of what are now raiyatwárí villages by the decay of the joint-village. The landlord class, whether a colonist body or one that

has grown up in the village, again decays under the pressure of revenue-exaction, or the effects of government systems which ignored their rights, and so presents, in later times, a group of severalty holders which is not distinguishable from those villages which never had any other organization. (See also Vol. I. p. 146, and the case of the Dakhan villages described in the present volume (Bombay Land Tenures)).

§ 3. *The Vellálar Colonization.*

It is in the Tamil country that our most important instance of joint-village formation occurs. The South of India was once the seat of the Hindu-Dravidian kingdoms of Pándyá, Cholá (or Shozham), and Chérá. Pándyá is said to have been the present district of Madura; Chérá was about Salem; and Cholá was Tanjore and Trichinopoly [1].

There is historic evidence (collected in the volume of *Mirási Papers*, 1862, and especially in minutes by Mr. Ellis) that the country to the North—roughly speaking, the country between the North and South Pennar Rivers,—was anciently a vast forest tract, spoken of in the Ramáyaná as Dandakáranyam. For what reason we are not informed —either because some aboriginal races gave trouble, or merely for the sake of wealth and dominion—a Cholá prince conquered the country and called it after his own name, Tondei-mandalam. The prince must have been 'Hinduized' as his partly Aryan name is Adanda- or Athondé-Chakravarti [2]. He sent out a colony which must have been considerable from the first, though we must allow for the multiplication and expansion of villages which always takes place when a colony is successful.

The colonists were of the Vellálar caste, or tribe, who are good agriculturists [3]. There is also evidence that

[1] For the history of these kingdoms see Macleane, vol. i. (*History*) p. 118 et seq. Madura became the capital of the Pándyan kingdom (probably) in the fourth century, B. C. Cholá (Shozha Mandalam) was contemporary with Pándyá. It is the Dravidian name that by corruption became 'Coromandel' as applied to the East Coast.

[2] I cannot give the first (Dravidian) member of the name with certainty: the authors write it variously: Mr. Place spells it Ardandi: others Adanda, or Adondi. Dr. Macleane gives it as Athonday (Athondé) which I follow.

[3] The Vellálar (Vellan = white) are reckoned by the Hindu writers as Sudras, i. e. probably mixed caste;

the colonization occurred about A.D. 1064, and was nearly contemporaneous with our Norman conquest [1].

§ 4. *Probable extent of the Colonization.*

As to the extent of the colony, it is in Chingleput and in North and South Arcot, that the most decisive traces survive. It was said, however, that the country of Tondei-Mandalam covered more than 18,000 square miles; and some held the opinion that the Vellálars had colonized the whole, presumably adopting everywhere the same principle of allotting and sharing the land. Indeed the Board of Revenue in 1818 were disposed to think that the disappearance of the joint-village in Nellore and the Ceded Districts and the Northern Zamíndárís was due to the changes introduced by the Bíjapur and other conquering governments: and they said:—

'From the marked distinction still maintained between "qadímí" and páíkárí raiyats, from the patel's mániyams (free holdings in virtue of office) of the Ceded Districts and those of head Reddís and Náyaks or Pedda-kápus in the Northern Circárs, being often held in shares . . . from the word "kání-átchí," being well understood and employed in Telingana to designate private landed property, the Board have little doubt that the Tamil mirásí [system] was at one time established throughout the Northern districts [2].'

On this, however, it should be remarked that too great stress ought not to be laid on terms. It is known that in the Dravidian village the early founders, who furnished the official heads of the village, had their hereditary (*ex-officio*) holdings of land,—and these rights make a

with some Aryan blood: their tradition derives them from the North. It is possible that there may be some connection between them and the Kunbís or Kúrmis, who are such excellent cultivators, and are found in Central India, Bombay and as far as Oudh and the Gangetic plain.

[1] Macleane (*History*), p. 141, note.

[2] *Board's Minute*, § 114. *Mirási Papers*, pp. 246-7, and p. 378. But in 1818 the Board were rather anxious to make out a case for the 'village-system'—and the more it appeared probable that there was some principle of joint-ownership in the villages generally, the stronger the case would appear.

distinction between the first colonizers (as qadímí, or old) and the páíkárí or casual tenants, without there being anything like a landlord class generally. As to the mániyam (the watan of other parts) being held, when it descended by inheritance, in family *shares*, that was a Dravidian institution; at any rate it has no connection whatever with any landlord system, or plan of joint-holding in an allotted area or village.

It seems to me quite beyond the evidence to assert the prevalence of the colonizing system outside Chingleput, North and South Arcot, and possibly Nellore. As regards Nellore, opinion, no doubt, differs, and the *District Manual* notices the survival of terms which *may* indicate the system [1].

§ 5. *Landlord Villages in other Districts.*

The traces that we have of the landlord village in other districts occur, as I have stated, in places where there were once kingdoms and chiefships, from which, whether by grant, or lease, or by the dismemberment of estates, families descended from the grantee or a chief, may long remain in (landlord) possession of villages and form (as the descendants multiply) a proprietary body claiming shares and vaguely remembering their dignified origin.

In Tanjore and Trichinopoly the evidence seems to me clear, in Madura and Tinnevelly it is less positive.

In the Dindigal portion of Madura, it was reported that rights of landlords existed: some who were now 'raiyats' claimed to be owners of certain *shares* which they desired to hold and to pay for without privilege of relinquishment; they were called 'pattukat raiyats.' The Collector (Mr. Peter) thought that the persons called 'karaikáran' in Madura were village-owners: the author of the *District Manual* controverts this, and states that they were the

[1] See *D. M.* p. 477. As regards South Arcot, the Collector reported in 1817, 'Mirásí' right has never been recognized by any of my predecessors.' But the whole Report affords indications that the system once prevailed; and it is worthy of note that the Vellálar caste still form 14·3 *per cent.* of the population.

result of an association of cultivators formed to resist the tyranny of the Tanjore government (at a later time) of which he gives a deplorable picture [1].

It is said that in the Tinnevelly *pollams* (or chiefs' estates) landlord villages were common. The opinion is expressed that they fell into decay before the advancing desire for individual ownership and under the effects of modern Settlements [2].

In Tanjore it is fairly certain that similar villages existed in large numbers, though many of the villages (or rather hamlets) shown as owned by single landlords, were the result of partitions [3].

§ 6. *Districts where the System is not traced.*

I think it must fairly be said that evidence is either wholly wanting or inconclusive, to show that joint-villages were ever established in the Northern Zamíndárí districts or in the Ceded Districts, or in Salem or Coimbatore.

These doubtful cases may be left as they are; it is impossible to go any further; unless, indeed, at any future time, further details should come to light.

§ 7. *'Mirásí' Rights.*

Having considered the localities where traces of the joint-village exist, and having attributed such villages to two kinds of origin, (1) special colonization; (2) growth of noble families or of grantees under a State organization; it will be desirable to explain the nature of the rights claimed and the forms of village constitution. In every case the body of landholders was united by some kind of proprietary bond, and they claimed the entire area of the village (both waste and cultivated) according to the shares which their custom had established.

The right to a share in the estate was, of course,

[1] Madura *D. M.* Part V. p. 12.

[2] Tinnevelly *D. M.* p. 84, and see *Mirási Papers*, p. 78. It is to be observed that in Chiefs' estates, it is especially likely that scions of the family, younger sons, &c., should get villages and in time multiply into proprietary communities.

[3] See *Mirási Papers*, p. 95, and in the sequel (p. 118, post) some further particulars are given about Tanjore.

hereditary; and we have seen that there is everywhere a tendency for the descendants of conquerors and ruling chiefs and first colonizers to speak of their title as—'by inheritance.' The fact is too universal throughout widely different parts of India, to be accidental.

In the Tamil country the right was called 'káni-átchí' (inheritance in land); Brahman owners spoke of their 'swástiyam': kúnbhává was the (Maráthí) term used in Tanjore. The Perso-Arabic term 'mirási,' however, gradually came into use, and was so generally understood, that 'mirási right' was used in all the reports to indicate the remains of any kind of right (of the landlord type) wherever found. It is important, however, to remember that 'mirási' may be used of any hereditary right, e.g. the right of the headman or the *karnam*, or even that of the village watchman or the temple dancing-girl, all of whom may have a mirási' right to fees or perquisites or even bits of land held as remuneration for service.

§ 8. *Features of the Mirási Village.*

Mr. Place when (at the end of the last century) in charge of 'the Jágír' (Chingleput), found still surviving, the Náṭṭán (Nautwan of the report) as the head of a *group* of villages: he was evidently the chief of a tribal section, whose territory formed a 'nád': the joint-village, singly, was not subject to one headman, but to a council of the heads of families. Next, it was discovered that the villages were mostly divided into lots. Some were divided into a few major shares, and the sub-sharers, it was declared, did not look upon themselves as independent, but as subordinate to the heads of the major shares. Mr. Place, in his report of 1799, attributes this to the fact that the major shares represented the allotment made at the original colonization,—each major sharer being the head of a party of colonists, who came with a greater or less number of ploughs and labouring followers[1]. It

[1] Mr. Place's report (that of 1799) is printed at p. 298 of the vol. ii. Fifth Report. It is a curious specimen of how tenures were examined

is quite possible that the sub-sharers, though as 'first clearers' of the soil and founders of the village, entitled to *all* the rights of co-sharers (as Mr. Place acknowledges), were yet in the matter of representation, or negotiating with a public officer in respect of revenue matters, deemed inferior. The King's officers would naturally select some one leading man to deal with, and so regarded the head of the share as the superior or principal. There were other villages where the large number of shares showed that either the body settling were all originally equal, or that the present body were the numerous descendants of one (or a few) original chief settlers or founders,—as we so often see in North India.

The villages exhibited all the marks of the landlord village where the whole area is claimed in shares. The grain-produce was distributed in shares (mámúl váram): and besides the proprietors, there were hereditary and permanent tenants or cultivators, who had doubtless aided in the founding, and so were regarded as privileged, and yet as inferiors, not co-sharers. There were also casual tenants. The former were the 'ulkúdí,' the latter the 'parakúdí' (outside tenants), or generally páikárí (corrupted into poycarry, paicari, &c.).

The proprietary body could sell and gift their land while the 'kúdí' could not.

I have not found any instance of the division of land by *ploughs*. It seems always to have been divided by fractions. The Tamil arithmetic only recognized such fractions as $\frac{1}{2}$, $\frac{1}{4}$, $\frac{1}{8}$, $\frac{1}{16}$, $\frac{1}{32}$, and so on: so that fractions not of the series were called 'bits' or *khandam*, and could not form regular shares[1].

§ 9. *Forms of Sharing.*

In *form* of tenure, the villages exhibited the same features as elsewhere—

in those days. Mr. Place cannot understand anything but a *feudal* tenure, and he refers to Blackstone and Temple, and speaks of 'copy-holders' and the like, as if no other form of land-tenure was possible.

[1] Chingleput *D. M.* p. 219, *note.*

(1) They might be held 'samudáyam' or 'pasangkarei,' i.e. cultivated and held entirely in common, and their produce distributed, after defraying the revenue charges and village expenses;

(2) or 'kareiyídu,' i.e. where the land is temporarily allotted, but the shares are periodically exchanged so as to give good and bad in turn to each (the 'vesh' of the North-West Panjáb);

(3) 'Arudikarei' (pálabhogam of some districts). Here the shares are divided out.

The division is apparently by ancestral shares, ascertained by lot[1]. The division might be perfect or imperfect, i. e. the whole culturable area might be divided, or part might be left in common. Where part was common, the land was usually cultivated by tenants whose rents were taken to meet the revenue and village expenses, so that the individual sharers received the whole benefit from their own cultivation. If the produce of the common did not suffice, the deficit was made up by a payment from each sharer.

§ 10. *Exchange of Holdings.*

It is repeatedly noticed that in the Tamil country (colonist) the custom of periodical redistribution of the lots was practised. This is probably one of the early tribal methods, indicating in the first instance, no doubt, a desire to equalize the advantages of holding land, so that each may have his turn at the better as at the worse lands. But it is interesting as being a relic of a tribal idea — a sense that property is not yet so *individualized* that it cannot be exchanged[2] and inequalities redressed.

[1] Vide Appendix to *D. M.* Tanjore. Where the ownership passed into one hand, the village became 'Ekabhogam' or Jajmánam,—the zamíndárí khális of Northern India). In Tanjore this happened from the desire of every mirásídár of consequence, to constitute his holding a separate village to be called by his own name. In Tanjore the villages were mere hamlets (*D. M.* page 408, note). They were afterwards clubbed together. In 1807 there were in Tanjore—

1807 villages Ekabhogam (mostly hamlets).

2002 separated (Arudikarei).

1774 joint (or Pasangkarei).

[2] See *Mirási Papers* (as regards the Tamil country), pp. 67, 79, 178, 226, 341, 395, 432.

§ 11. *Utilization of the Area.*

In every case, the village site was common land; and the space required for the cattle-stand, burial-ground, site of public well, &c., &c., was appropriated to these purposes, for the whole village or section of a village, as the case might be, and could not be diverted from these uses.

The whole area of the village was then classified into (*a*) *várampat* and (*b*) the *tárisu* or waste; (*a*) was the culturable area, which gave the 'váram' or produce for division between the owner, the king, and the cultivators and village servants. The waste (tárisu) was divided into—the shékálkarambu, culturable waste, which often remained common and was cultivated where possible by tenants; and the anádikarambu or 'immemorial waste,' used for special purposes, as the site of quarries, groves, and useful trees. It was not allowed to be cultivated [1].

The earliest distribution of the produce and payment of revenue being in kind, we find the right of the cultivator, the owner, the king, &c., distinguished by terms ending in váram or wáram, i. e. the whole produce. Thus we have the 'várampat' or whole area yielding the váram or divisible produce [2]; the mél-váram or king's share; the tundu-

[1] This circumstance gave rise to the controversy whether the joint-village (mirásídárs) owners owned also the waste. In the light of experience gathered from all India, there can be no doubt that *all* waste inside the village is as much the original property of the landlord-community as the cultivated fields. But it is very easy to see how, partly by the consent of the body, the appropriation and cultivation of particular waste would be prohibited; and how the State would also step in to limit the area of waste actually attached to the village (as it has done everywhere in the Panjáb and Central Provinces, where waste was abundant, and the villagers at first seemed disposed to claim unreasonable and enormous areas). Restrictions of this sort do not really militate against the principle that the waste really attached to the village is its property. Nothing at the present day, in the Panjáb, is the cause of more bitter quarrels in the village, than the attempt of some one to break up and appropriate a bit of 'immemorial waste' which the majority wish to see kept uncultivated. The people appeal to the Collector and to the Courts, to interfere, although they would stoutly maintain that the land is not the property of Government but of the village at large or the patti.

[2] When in process of time it came to be the practice to take some of the land-revenue in kind (mostly wet crops) and the rest in money, the area that paid in kind was called várapat, and that which paid by money rate 'tirwápat.'

váram or owner's share, and the kúdi-váram or cultivator's (tenant's) share.

When the owner gave up his share for any reason, he would retain a small interest called 'swámi-bhogam,' which is exactly the 'málikána' of Bengal and Northern India, —the small allowance which the dispossessed owner is allowed in token of his original right [1].

The village servants,—the karnam and the messenger, constable, scavenger, irrigation-watchman, and the artizans —where they had not hereditary 'inám's' or lands held free as a reward for their service, or sometimes along with this—were paid by fees, or small portions of the grain-heap called 'méra' or 'mérái' (or in other places 'swatantram').

Besides the pay of the village servants, other village expenses, such as entertaining strangers and the upkeep of tanks, cost of watching crops and harvested grain, &c., were all met by these 'méra' or contributions from the proprietary body.

It was the distinguishing feature of the Vellálar colonies of Chingleput and Arcot (Tondeimandalam) that the owners were allowed a portion of the village free of all revenue to the crown (kání-átchí mániyam), also to take méra or swatantram out of the king's share (mel-váram). Then they got, besides, the ordinary proprietor's share (tundá-váram) from lands held by their tenants.

When the king made a *grant*, it was (originally) of the mel-váram — his grain-share only, without touching the cultivators' rights. But as such grants were frequently made to Brahmans, or members of ruling families; these, by their influence, succeeded in getting hold of the land, and thus soon appeared as the owners of the entire village [2]. Mirási or swástiyam villages of Brahmans were called agraháram's; and these might be (as regards the Government revenue) assessed with a quit-rent or reduced revenue, or 'sarva-mániyam,' entirely revenue free.

[1] The reports make some confusion between tundá-váram and swámi-bhogam; but I take it that the true distinction is that the former is the owner's share when he employs a tenant but is still (legally) in possession: the latter is the *dispossessed* owner's fee paid in token of his rights.

[2] Tanjore *D. M.* p. 404.

In *Tanjore* the co-sharers did not enjoy a revenue-free grant in the village—possibly because they were grantees, or members of wealthy families not the original founders of the village, and as such holding the first-clearer's privilege in freehold land: possibly also it may be due to the gradual decline of the privileges of owners. Nor were they recognized as entitled to a málikána or swámi-bhogam on waste lands given out to be cultivated (by the authorities) to persons who were not co-sharers[1]. The proprietary classes were mostly Vellálars; and they have greatly declined in numbers and influence owing to causes stated in the *District Manual*[2].

§ 12. *Slaves.*

Brahman (and also other) proprietors largely employed *slaves* to cultivate for them: and these slaves were looked upon as *glebæ adscripti*. It is curious that these also called themselves 'mirásídár' (in the *other* sense of the word above explained), though not of course using the term 'kání.' 'The Vellálar,' they said, 'sells his birthright to the Súnár (goldsmith and money-lender); the latter is cajoled out of it by the Brahman, and he is swept away before the fury of a Muhammadan invasion: but no one molests or moves the (slave) *pareiyar:* whoever may be the nominal owner, or whatever the circumstances of the time, they are safe in their insignificance, and continue, and will ever continue, to till the ground their ancestors have tilled before them[3].' This slavery was not the result of foreign traffic, but was purely territorial.

The 'villeins' worked for the mirásídárs in rotation (*mu-*

[1] Tanjore *D. M.* pp. 402–403.

[2] *Id.* p. 406.

[3] Chingleput *D. M.* p. 213. The slaves belonged to three castes and nationalities, for (says the *Manual*) it seems certain that they are the representatives of the 'aborigines' or first inhabitants of the country; and to this day the Pariahs have not been included in any caste. The Pariah (or Pareiyar) and the Pallars were generally in villenage to the Sudra (i. e. Vellálar) cultivators, and the Pallis, the third slave class, were the Brahmans' slaves.

For a curious custom, involving a sham 'strike' by way of asserting the privileges of the class, once a year, see Chingleput *D. M.* pp. 213–4.

This system of slavery seems to have nothing in common with the *domestic slaves* (often illegitimate offspring of warriors of the superior class with low caste women) among the Rájputs described in Tod's *Rájasthán*, (Golá, Bassí, and Dás, vol. i. pp. 156-7, 3rd (Madras Edn.)

rei). They got a house and yard free, also certain dues in grain (kalavásam, &c.), and presents in clothes, grain, and money, at stated festivals. The 'slavery' was therefore not a very hard bondage.

§ 13. *Results of the Inquiry in* 1814-15.

The existence of joint-villages was first made known in 1795-6. The Government was not at first inclined to admit the proprietary right. In 1796 we find the Government declaring that the first principle of both Hindu and Muhammadan governments was, that the sovereign was lord of the soil[1].' This no doubt had come, in comparatively late days, to be the case. The Muhammadans were conquerors, and as such might have claimed the soil; and it was probably on the same ground that the later Hindu kingdoms (such as Vijayanagar) based their pretensions. The rulers of Central India and the Rájput States of the North Indian Himalaya make the same claim at the present day: but it is quite inconsistent with the earlier theory of the old Hindu system, as it is with Moslem law; and as an argument against proprietary right in private hands at a date anterior to the modern claims of conquering princes, it is quite inadmissible[2].

When the Board issued its circular of inquiry in 1814 the result was not a great success; but one series of really valuable papers were obtained, and those were by Mr. Ellis, Collector of Madras in 1816, who went into the whole subject[3].

§ 14. *Landlord Rights not always admitted.*

Some officers were, however, much prejudiced against

[1] Chingleput *D.M.* p. 257. The Government went on to say 'that the occupants of land in India could establish no more right in respect of the soil than a tenant on an English estate could establish a right in the land, by hereditary residence.'

[2] See remarks on this alleged State proprietary right in the general Introductory Chapter on Tenures, vol. i. pp. 230 and 239.

[3] Printed in the *Mirási Papers*, 1862. It should be remarked that, though the Court of Directors at one time threw some doubt on Mr. Ellis' Reports, as being 'only his opinion,' the accuracy of his observation is practically placed beyond doubt (1) by its absolute concordance with what is observed in other parts of Madras, and (2) by a comparison with similar tenures in other parts of India.

'mirási' rights, and endeavoured to minimize their existence and afford some other explanation of them. For example, Mr. Harris, the Collector of Tanjore wrote (in 1804) a report on the subject; he observed (what does not, however, strike a modern observer as at all strange) that many of the mirásídárs (and especially the Brahman owners, who were numerous) did not work their lands themselves, but let them to tenants: for this they took *as much as half* the produce. This appears to have excited Mr. Harris' indignation[1]. Nevertheless, the report graciously admitted that the mirásídárs had 'some functions'; and it seems that these were supplying the labour and bearing the expenses of irrigation works: they also bore other charges of the village system, and (under the native Government) it was 'they on whom all exactions fell; and under the Mahratta Government they were heavily oppressed.' These 'functions' may be considered to be a pretty good share of a landlord's duty. However, Mr. Harris concluded, that the mirásídárs should be regarded as 'men *between farmers and landholders* who have raised themselves above the labour and expense of cultivation, who are too idle even to superintend it'; they are too avaricious to pay for its small works, but obstruct it by their contentions and policy[2]; they are willing instruments to the public servants for the plunder of the Circar revenue, and *who, differently from the custom of every other country* even in India (!), consume nearly half the subsistence which should go to strengthen and support the most useful class of people[3].

[1] Half 'batái' is quite a common rate everywhere for the landowner to take, where the rent is paid in kind, i.e. on a sort of *metayer* system. The landlord pays the revenue and bears all 'the exactions'; so that the bargain is far from an unequal one.

[2] The 'obstruction' appears to allude to the not unnatural desire of the owners at Settlement time to have the village as little in apparent prosperity and full cultivation as possible in order to secure low assessments. Such devices are common everywhere, and are not usually considered as derogating from the proprietary right of any one!

[3] Mr. Harris' views were, about the same time, modestly but very fairly, controverted by Colonel Blackburne, Resident at Tanjore. There were other writers who were hardly more just to the mirásídár than Mr. Harris. Colonel Macleod assumes (for example) that the mirásídár represents what was originally a 'temporary public employment' (!). It is remarkable that even Sir T. Munro wrote a minute, in 1824, which does not

§ 15. *Conclusions as to 'Mirásí' Rights.*

As a matter of fact, it appears that the ownership (for such it clearly was) of villages by mirásídárs or bodies of co-sharers claiming the entire area (village site, cultivated area, and waste within the customary limits of the village), arose exactly as we find it in other parts of India. Naturally enough, the colonizers banded together and divided the new villages into shares, either according to their ancestral connection or to their means in ploughs, number of followers, and cattle; sometimes they held the land in common, exchanging the holdings periodically (to give each sharer his turn of good and bad land). Such a settlement, confirmed by the good-will of the king (who granted special revenue-free portions in each village) and backed by the sentiment of ownership which arises from 'clearing the waste' and founding the village, soon produced strongly-felt rights of ownership. Some of the villages (as in Tanjore) must have arisen out of royal grants, either as revenue-leases to Vellálar families, to 'feudal' chiefs, or to Brahmans. According as the grants are numerous or the efforts of the colonizers widespread and successful, so the jointly-owned villages would appear occasionally only as scattered tenures in the midst of others, or as forming the prevailing tenure of entire tracts of country.

There is not one of the local terms (with which the reports bristle) that has not its exact counterpart in the joint-village tenures of Northern India. This fact forms a strong corroboration of the observations made.

§ 16. *Some similar Institutions.*

I have already remarked that even under the old Dravidian form of village, where there was no joint ownership of the whole, nevertheless the old settlers (bhúiṅhárs as they are called in Chutiyá-Nágpur) had certain specially allotted lands and privileges, and these, being hereditary, might readily have

exhibit his usual insight into facts. He there questions the Vellálar immigration of Chingleput, and makes other more than questionable statements. No one now doubts the historical truth of the immigration. See Chingleput *D. M.* p. 222.

been called by the popular term 'mirási,' so that we must not be too easily led to suppose that real joint or landlord villages occurred wherever we find *merely* the use of such a term or terms [1].

This is the place to notice the Visábadi or 'sixteenth' villages which, as MUNRO remarked, were largely found in Cuddapah [2].

The institution is noted also in the Godávarí *D. M.*[3]

But it is supposed to have been promoted by the raiyats merely in order to protect themselves against the increasing demands of the Muhammadan governors. A fixed sum was assessed on the whole village, and a number of raiyats agreed to be responsible in fixed fractional shares (whence the name). They exchanged holdings periodically so that each might have his turn at the good and bad land. And the Manual notices a plan, which I have alluded to as practised in some of our own early Settlements, viz. that, if a man thought his holding over-assessed, and that of his neighbour under-assessed, he offered to exchange on paying for the latter an increased sum which he named. If the neighbour agreed that this was just, his holding was raised to the amount named, and the objector obtained a reduction on *his* land. This system does not necessarily imply a landlord claim to an entire area.

[1] In Vizagapatam, for example, the *D. M.* (p. 113) states that the villages were very similar to those in the Tamil country. In the Telingana country the land is divided into waste and cultivated: there is the mániyám (or revenue-free land), the khandriká (subject to a quit-rent), and the revenue-paying land. On mágáni (wet crop lands) a *share* of the crop (in kind, called 'koru') is taken for the revenue, and the rest is the médipálu '(share of the plough handle'). On land cultivated with dry crops or on garden land, a money revenue is usually assessed. The hereditary right seems vested in the ancestors of the Reddi, Nayádu, and other castes. Their title is believed to have originated in conquest and forcible colonization. 'The immigrants, more civilized and more powerful, partitioned the lands amongst distinct families or fraternities, who held the estates in common as proprietors.'

All this is consistent with the Dravidian village organization, exactly such as I have described in Chutiyá Nágpur (Bengal), vol. i. p. 576). It does not necessarily indicate any form of the joint-village.

[2] See Arbuthnot (Munro's Minute), vol. ii. p. 360.

[3] p. 314.

§ 17. *The decline of 'Mirási' Rights, and their Practical Recognition at the present day.*

If it is correct to say that these joint-villages, however *relatively* ancient and long established, were the result of special conquests, grants, and associations of leading castes in founding new villages, and were not the primeval or *always existing* form of landholding which the people of West, Central, and Southern India naturally developed: or if—what comes to the same thing in the end—the genius of the people is not favourable to their continuance, either owing to mutual distrust and weakness, and inability to hold their own when Revenue systems are oppressive, or if there is a stronger desire for individual action and mutual irresponsibility, then it is not difficult to account for their decay and disappearance on the one hand, or for their local survival among particular castes or under particular circumstances, on the other.

Even in Chingleput the rights have only survived to a very limited extent: they formed rather, as the *District Manual* says, 'the troublesome ghost of a former system.'

Probably the desire for separation began the work: then Muhammadan over-assessments destroyed the value of the proprietor's share; then renting and revenue-farming displaced old proprietors by new occupants, and finally modern revenue systems completed the change. Rights that survive in the shape of troublesome and complicated grain-fees and perquisites, are resisted and ultimately disallowed; rights in the waste, which have for many years been ignored by the Muhammadan system and by the later Hindu systems also, are but partially acknowledged[1].

In 1834, in Chingleput, outsiders were allowed to take up lands lying idle, though some kind of 'swatantram' or fee was still paid to the mirásídárs. In 1859, 'mirási pattas' were issued, that is to say, each claimant was com-

[1] See some good remarks in the North Arcot *D. M.* pp. 92–93, and Chingleput *D. M.* p. 300. The extracts in the Mirási papers volume exaggerate the effects of our own system in sweeping away old mirási rights and claims; they were already out of harmony with the more generally prevailing state of things.

pelled to say what lands composed his share, and to keep to it. In 1863 the distinction between the 'mirási' patta and the 'páikári' patta was abolished. In 1870 special compensation for mirási right in land taken up for public purposes, ceased to be given.

In the Chingleput Settlement the mirási question was settled—

(1) by dividing out the arable land into shares proportioned to those known: each mírásidár then became the raiyat holding a patta for those lands:

(2) a certain area of waste was left permanently unassessed, and allotted to the village for grazing, wood-cutting, &c.:

(3) non-mirási cultivators paid a 'swatantram,' or, as the books call it, 'a manorial fee' to the mirásidárs, which came to two annas in the rupee on the assessment of the lands held by them. The mirásidár collected this fee himself—allowance being made to the raiyat in his assessment for it [1]:

(4) certain privileges as to the waste are still maintained; i. e. mirásidárs *and other resident raiyats* in a village have due notice when lands are relinquished or fall vacant, and they have a preferential claim to take them up before strangers; first, the mirásidár, then the resident cultivator; but applications for whole survey numbers are preferred to those that ask for only part—in any case. An appeal is allowed in case any one is dissatisfied with the order passed [2].

[1] But see the case reported in I. L. R. II. Madras, p. 149 (1878). (Full Bench on review of a case of 1875.) It was held that there was no uniform *rule* that cultivators holding land in the area of the 'mirási estate' were bound to pay dues to mirásidárs; it was a question of evidence, whether *by custom* such dues were payable. 'There has been no law depriving *mirásidárs* of any privileges they may have been customarily enjoying. Under the Regulations the intention of Government was declared to respect the privileges of landholders of all classes.'

[2] For details see Standing Order in Government Order No. 854, dated 30th August, 1887. Those who are interested in seeing how a manigár or headman was appointed,

SECTION II.—THE RAIYATWÁRÍ TENURE OF THE PRESENT DAY.

The *raiyatwárí* Settlement, as already stated, assesses a revenue on each survey number or field for a term of years (thirty years as now fixed) and each occupant holds subject to his paying the assessment in force for the time being. The area of a raiyat's holding may either remain constant or may be varied by relinquishment of his lands, or by his taking up new land which has been relinquished by some one else, or is otherwise available,—not being set aside for some special purpose [1].

It is sometimes said that the raiyat holds under an annual lease from Government [2]. Whether or not the raiyat

and how the rather complicated system of village mérás was done away with, may see it traced in the Tanjore *D. M.* p. 415, et seq.

[1] According to rules which prescribe the proper dates of application, the form of application, and lay down certain conditions as to priority of right. These are known in Revenue official language as the Board's 'Darkhwást (Application) Rules.'

[2] So in Macleane, vol. i. *Revenue Settlement*), p. 104. With all due respect I submit that this is not correct, or can only be held under considerable limitations as to sense of the expression. I am not aware of any authority for supposing that the Collector could, at any jamabandí, terminate the tenant's holding for any cause whatever *except* failure to pay the revenue or the raiyat's own relinquishment or abandonment. That is clear from the case *Rájá Gopálá Ayyangar* versus *Collector of Chingleput* (7, Madras High Court Reports, 98). Nor do I think that the Full Bench ruling reported in Indian Law Reports, I Madras, 205, can be regarded as a final authority. It was '*strongly doubted*' in a case reported in I. L. R., V Madras, p. 165. Again, in a Chingleput case reported in I. L. R., VI Madras, p. 303, it is expressly ruled that a pattá issued by Government will (unless it is otherwise stipulated) be construed to enure as long as the raiyat pays the revenue assessed.

Moreover, the ruling on the particular point in the Full Bench case in question, can be easily justified *per se*, without resorting to the idea that a raiyat *who has not made* default could be ousted at the close of any year by the Collector, as he could if he were a tenant from year to year.

Government claims its revenue, and large powers to secure it; but as to any claim on the soil over and above that right and its logical consequences, the Government has neither asserted one for itself, nor, by legislation, conferred it on any one else. The raiyat's title depends on his occupation, and in the absence of title in any one else (Government included) to disturb it.

It certainly was the intention of the founders of the Raiyatwárí system that the raiyat should *not* be looked on as a year-to-year tenant of a Government who was the real owner of the soil, and at liberty to eject him at the close of any year's lease. The intention was to make him, in virtue of his occupancy, as Munro wrote in 1807, 'the complete owner of the soil,' as long as he paid the State dues: he was to be at liberty, 'to let his land to a tenant (without any limitation as to rent) or sell it as he pleases.' On

can be called a 'tenant' of Government (as in some limited or metaphorical sense, the universal landlord) it is certain that he is not in any sense a mere tenant from year to year. He cannot be ousted as long as he pays the revenue assessed: he can sell, mortgage, or gift, his holding or lease it; and the transferee will become liable in his place for the revenue, and he will be (*pro tanto*) relieved[1], provided the transfer be duly reported to and registered by the proper Revenue Officer. If he does not register the transfer, he will remain liable for the revenue, though, at law, the transfer may be, in other respects, complete and good.

The raiyat deals directly with Government (without any middleman) and is solely responsible for his own revenue—not for that of his neighbours, unless, indeed, there is a joint and several pattá issued—as it may be for convenience[2], though the Madras system does not encourage joint-pattás.

The *Manual of Administration* itself summarizes the raiyatwárí tenure as that 'of a tenant of the State, enjoying a tenant-right which can be inherited, sold, or burdened for debt in precisely the same manner as a proprietary right, subject always to payment of the revenue, ... due to the State.'

The student will do well to compare this with the definition[3] of the Bombay Survey tenure in Bombay Act V of 1879, secs. 3 (16), and 68, 73 &c.

this subject I may be permitted to quote what was written to me by Mr. R. Benson: 'It is very necessary,' he says, 'to draw attention to the real position of the raiyat. There is a constant tendency on the part of the Courts under the influence of English landlord and tenant ideas, to look on the position of the raiyat as that of a tenant from year to year. If the tendency is not checked, we may have a most serious 'Irish question' on all lands other than those held direct from Government on a raiyatwárí tenure. Government, fortunately, fully admits the position contended for in the note. The danger lies in the Zamíndáris and other estates, the proprietors of which are ceaselessly at work to acquire the fuller powers of an English landlord.'

[1] Of course not of any *arrears* due at the time.

[2] e. g. as where two joint widows succeed to a deceased raiyat, &c.

[3] Dr. Macleane says this is not a definition but a description of the incidents of tenure. But that is all that any definition can be, unless there is some absolute standard, subsisting in the nature of things, to refer to. Proprietorship or ownership, in the Roman law, for example, was a definite thing; it consisted of certain de-

The *Settlement Manual* (page 3) gives a quotation, the source of which is not stated, which presents a different view of the case. I submit that, looking at the subject in the light of the decisions of the Madras High Court, alluded to in a former note, the *Settlement Manual* description is preferable to Dr. Macleane's; the difference is perhaps more theoretical than practical; but, to say that the raiyat is a 'tenant of the State,' suggests (at any rate) the idea that he can be ejected at some time or other, which he certainly cannot, so long as he pays the revenue as it may be periodically assessed or re-assessed. The *Settlement Manual* states:—

'Under the raiyatwárí system every registered holder of land is recognized as its proprietor. . . . He is at liberty to sub-let his property or to transfer it by gift, sale, or mortgage. He cannot be ejected by Government so long as he pays the fixed assessment, and has the option of (annually) increasing or diminishing his holding or of entirely abandoning it. . . . The raiyat under this system is virtually a proprietor on a simple and perfect title, and has all the benefits of a perfect lease without its responsibilities, inasmuch as he can at any time throw up his lands.'

In Madras, if a raiyat takes possession of a piece of vacant land, without making a formal application for it (darkhwást) according to rule; nay more, if he cultivates a bit of 'puramboke,' which is assigned to some purpose and is not allowed to be cultivated, he is not punished or summarily ejected (as he would be under the Bombay law)—his *possession is recognized*, only in the case of *puramboke*, he is practically compelled to give up, unless he can afford to pay the prohibitive assessment that may, by rule, be laid on him.

SECTION III.—THE ZAMÍNDÁRÍ OR OTHER LANDLORD TENURE OVER ESTATES.

§ 1. *Classes of Landlords.*

We now turn to those districts in which, as the result of the orders for introducing the Permanent (Zamíndárí)

finite faculties and features. But that is not an universal rule. 'Proprietorship' is exactly what the law and custom of different ages and different countries make it.

Settlement, a number of estate holders, either officially called Zamíndárs[1], or by other titles, were recognized as full 'proprietors' of the entire estate—waste and cultivated.

Dr. Macleane classifies the Zamíndárís as follows:—

(1) Tenures earlier than 1802 (the date of the Zamíndárí Regulations No. XXV, &c.) with a 'sanad' or title-deed granted by Government showing proprietorship, payment of a fixed and unalterable revenue (though liable to water-rate and local cess); coupled with an obligation to give written pattás or leases to all tenants, and with the condition that the estate is *indivisible* and descends by primogeniture.

(2) Similar estates—whether ancient Zamíndárís or Pálaiyams, or more modern estates of the kind created under the law of 1802, but *without* any rule of indivisibility or primogeniture.

(3) A few estates of the Pálaiyam class, called the 'unsettled Pálaiyams,' in which the holders did not come to terms with Government and so did not get grants or 'sanads.' But their tenure is practically as secure, and their revenue, as permanently fixed, as the others.

I understand that in all the statistical returns where 'Zamíndárí' estates are mentioned, this includes pálaiyams —the estates of poligars, and 'muṭṭhás' (mootahs or mittas of some reports) i.e. 'proprietary estates' created in 1802–5, where these have survived. But I do not understand the term to include 'inám estates,' of whatever size, even when a reduced quit-rent has been fixed and where the inámdár owns the land as well as the revenue interest; nor does it include land-holdings at reduced revenue rates and others called hereafter 'freeholds' (following Dr. Macleane).

The title-deed held by every Zamíndár is called 'sanad-

[1] I have no occasion here to describe the origin of Zamíndárs: their history was just the same as in Bengal and has been fully discussed in vol. i. Local Rájás and chiefs of the Hindú rule were conciliated and adopted into the Moslem administration by recognition as Zamíndárs. Here and there a capitalist would obtain the same position.

i-milkíyat-istimrár,' which is a Persian term, meaning 'title-deed or grant of perpetual ownership.' The holder signs a written counterpart or 'qabúliyat'—his 'acceptance' of the terms. In the case of the first class (as above enumerated), the estate is not alienable, or chargeable beyond the life of the holder, nor is it divisible; and it passes by succession to the eldest son[1].

In the case of other Zamíndárí estates, the property is freely transferable, by sale, gift, or mortgage—subject of course to ordinary law,—Hindu, Muhammadan, or other, relating to the transfer of property. The Government has no concern with the order of succession; and by subdivision, sale, &c., many estates will be gradually dismembered.

When a parcel of land in a Zamíndárí has to be transferred, the transfer must be registered before the Collector in order that the corresponding fraction of the 'peshkash' or fixed revenue may be deducted and transferred to the name of the new holder[2].

§ 2. *Rights over Tenants.*

No law directly regulates the right of Zamíndárs over their 'tenants'; and if these have or claim to have, any 'mirásí' rights in waste, or otherwise to fixed tenure and so forth, such claims must be proved on their own title and merits in a court of law[3].

[1] Such are the Vizianagram (Vizagapatam), Pitapur (Godávarí), Venkatagírí, (Nellore), Rámnád, and Sivagangá (Madura) estates.

[2] Regulation XXV of 1802, section 8, and Regulation XXVI of 1802.

[3] Regulation XXV of 1802 purports to 'grant' on behalf of the Government 'a permanent property in land for all time to come': and this property becomes vested in the landlords and in their heirs and lawful successors for ever (section 2). Qábúliyats are to be given (section 3) and they (with the sanad) contain the 'conditions and articles of tenure,' and so provide for the payment of the 'peshkash' and recovery of arrears. No remission is allowed (section 6), and if the revenue is not paid, personal property first, and then the land, may be sold and 'transferred for ever' (section 7). Nothing is said about saving the rights of raiyats or tenants, except so far as the grant of a pattá and receipt for rent paid (section 14). Section 15 imposes on the landlord the duty of apprehending offenders and giving notice of robbers, &c., taking refuge in the estate. Regulation IV of 1822 points out that the Regulations of 1802 are not intended 'to define, limit, infringe, or destroy actual rights of any description of landholders or tenants' but leaves them (as stated) to the Courts of Justice.

§ 3. *The Poligars.*

Among the landlords of great estates we must reckon the chiefs called poligars. It was more convenient to speak of them when describing the Settlement arrangements, and therefore some account of the early history of Poligars has already been given (p. 18, ante). They have their parallel sometimes in the Zamíndár of Bengal, or, better still, in the 'Ghátwál,' a grantee who held land on condition of maintaining a police force to keep the hill country quiet, and the passes open. Such grantees soon assumed a proprietary position; and had it not been that so many chiefs of this class chose to rebel and to resist the Settlement, they would have furnished a somewhat numerous addition to the list of landlord estates. As it is only a few of them were recognized; among these may be found a few great landowners. The principal Pálaiyam estates that escaped the troubles alluded to, were known as the 'western and southern polliams' [Venkatagírí, Chitúr, &c., in North Arcot and Nellore, and Rámnád and Sivagangá in Madura.] The larger estates differ in no way from sanad-holding Zamíndárs, and are in fact included as such in all statistical tables. Some of the 'polliams,' however, are still unsettled, that is, they never formally agreed to the Government offers[1] and so got no *sanads*. It does not appear that there is any practical difference between the two.

§ 4. *Local Illustrations of the Zamíndárí Estate.*

In the *District Manuals* relating to the principal (northern) districts, are a number of curious particulars about Zamíndárs, which will repay perusal. I can here only select a very few illustrations throwing light on the origin of the Zamíndár and the nature of his estate.

It is remarkable that the Muhammadan rulers—no doubt obliged by circumstances to interfere as little as possible with existing (Hindu) institutions—when they began administering the country in the sixteenth century,

[1] Which were, that they should pay the tribute they had been paying for fifty years past.

did not replace the old functionaries by officers of their own. They occupied forts and garrisoned cities, and here and there appointed a jágírdár to maintain troops and keep order; but the headmen and accountants of villages remained, and so did the Deṣmukhs and Deṣpándyás, or collectors and accountants of circles. As these officers were permanent and hereditary, it is not surprising that they were often recognized by the Muhammadan rulers and allowed to contract for their districts as Zamíndárs[1]. In the natural course of events they grew to be proprietors. The position of all such landlords was recognized by law in 1802, but never to the extent of destroying, either in theory or practice, the rights (whatever they naturally were) of the raiyats on the estate. This remark applies to the payínghát or plain country. In the hilly districts were chieftains of another sort who became Zamíndárs: I will merely notice in succession some instances from each district.

KISTNA.—In the *District Manual*[2] I find a translation of a Zamíndárí sanad of old times, which may be quoted as showing what I have so often remarked, that, in appointing 'Zamíndárs,' the Muhammadan Government had no idea of conferring a landlord property in the soil. The appointment defined nothing, and left the holder to get what he could, or what he was naturally entitled to, regarding him primarily as a Revenue-Collector with certain fees and privileges. The sanad runs:—

'To the 'Ámils, &c., the Deṣmukhs, Deṣpándyas, Chaudharis (note the Hindu titles), the principal persons and accountants of the Vinnakota pargana, in the Chármahál District, Sirkár of Mustafanagar, Súba (province) of Haidárábád. It is now written that the fees (rasúm), land-revenue (mahál), sáír (customs, &c.), muhtarafa (a house and trade tax), sávarams (revenue assignment or allowance to Zamíndárs) . . . are now confirmed and ratified as usual to Kandana, &c., and Surayya, &c., Zamíndárs of the above-named Chármahál. You are to give up to them the rasúm, mahál, &c., &c., so long as they continue attached to Government. They are to enjoy the

[1] Kistna, *D. M.* p. 343.

[2] id. p. 344.

benefit and perquisites thereof and to remain faithful to the Government interest: this is to be strictly observed.' (Dated 1st Sáwal 1172 H.=1759 A. D.)

When the Zamíndárs were confirmed by the British Government in 1802, the amount to be paid by each was calculated at two-thirds of half the gross produce of the lands, this being supposed to be the share paid them by the cultivators. Thus, the landlord was to retain one-third of half, i. e. one-sixth of the gross produce for his 'maintenance.' The amounts were obtained from an inspection of thirteen years' accounts, 'or what the karnams produced as accounts.'

The 'Havelí,' lands[1] in the Northern Districts were made into muṭṭhás or parcels and sold just as in the Jágír, and the purchasers became landlords. Most of them, however, subsequently failed (see p. 17, ante).

The Zamíndárs assumed the position of petty princes and kept many elephants and show-horses. The Collector of GANTÚR mentions that the Zamíndárs there spent on their 'sawári' (retinue, horses, elephants, &c.) a sum which could maintain eleven battalions of Company's sepoys. Some were energetic, but others managed badly; failure was also due to the 'constant disputed successions and tedious litigation in almost every family.' Sir T. Munro, in 1822, mentioned that the Gantúr Zamindárs were all of modern date, and of a character entirely different from those of Ganjam and Vizagapatam: 'they may be regarded rather as a higher class of raiyats than as military chiefs.'

In the GODÁVARÍ district we again find, that though the Zamíndárs had, in the later days of lax administration, usurped independence, so that 'not only the forms, but even the remembrance, of civil authority seemed to be wholly lost,' still they were only agents of the Muhammadan rulers: and though descended from ancient Hindu princes who had once ruled, they were removeable at pleasure, and were frequently punished by dismissal, for acts of disobedience. Some of them resided in the hills

[1] Haveli = palace. I may repeat that there were lands not given over to Zamíndáris, but managed direct for the benefit of the Emperor, the Nawáb or the Governor, as the case might be.

which were very inaccessible, the climate being unhealthy; and their residences were often guarded by dense jungle. The Zamindár 'usually resided in a mud fort in which his palace was situated. Whenever he went out he was accompanied by a retinue of "peons" bearing matchlocks and pikes. He was generally borne in a richly embroidered palanquin with a curved pole, in front ornamented with a silver figure-head of the sacred swan, or of some grotesque deity: or he rode on the *howdah* (*hauda*) of a gorgeously caparisoned elephant. Men went before him shouting aloud his titles, as he passed through a village, or drew near the house where he was about to visit[1].'

The history of the Godávari Zamíndárs begins with stories of revolt and disturbance, with revenue difficulties, excessive arrears of revenue, and attempts to settle matters properly. When the Permanent Settlement came on, there were thirteen ancient Zamíndáris and some estates which had been allowed to fall under direct management of the Collectors. The Settlement resulted in establishing fifteen regular Zamíndáris, and some twenty-six 'proprietary estates,' i. e. mutṭhás and similarly created holdings[2]. The Permanent Settlement, however, worked very badly, and a Special Commission was appointed to inquire. A terrible cyclone and recurring famines had been among the causes of failure, but the administration was also defective. The Zamíndárs left everything to their agents, and *their* only object was to keep the Zamíndár in ignorance, and extort as much for themselves as possible. The consequence was universal failure of the estates and heavy arrears of revenue. This the Board of Revenue deplored, in the double interest of the Zamindár and the raiyat, and desired to abolish the Permanent Settlement (as the estates got into arrears and were therefore liable to be sold), and to substitute village leases[3]. Deserving Zamíndárs of real

[1] Godávarí, *D. M.* pp. 245-6.
[2] id. p. 280, where there is a list.
[3] id. pp. 294-5. It would seem that there was no law in the Madras Presidency which made it necessary on sale of a Zamíndárí for arrears, to give the purchaser also a Permanent Settlement. In Madras, therefore, a number of landlord estates, especially the arti-

position were, however, leniently dealt with. The result has been that, while a few estates have been retained as 'proprietary' estates, a considerable portion of the district ceased to be Zamíndárí, and went through the experimental stage of village-leases till it settled down under the modern raiyatwárí system. Nineteen 'ancient' Zamíndárí estates and thirty-one 'proprietary estates' now remain, the rest having become raiyatwárí.

In VIZAGAPATAM and GANJAM, we hear once more of the hill chiefs:—

In GANJAM there are a number of hill tracts called Máliahs: they are now 'Scheduled districts,' and were removed from the ordinary jurisdiction as far back as 1839 (Act XXIV). The Zamíndárs are here hill chiefs deriving their estates from the Gajapatí kings of Orissa[1], who granted the lands on condition of feudal service and keeping the wild tribes of the hills in order.

It will be observed that a number of the Zamíndárís are here, themselves, subdivided into 'muṭṭhás,' either for the convenience of revenue management or as representing the shares or jurisdictions of subordinate chiefs, called 'bissoye' (bísáí).

VIZAGAPATAM is a district with much hill country; in fact, the line of Eastern Ghâts passes through it. In the hill country there are Zamíndárís (including the Jaípur Ráj), and in the plains the great estate of Vizianágram, and the 'havelí lands.' The Zamíndár of Vizianágram at first made the other Zamíndárís 'feudatory' to himself, and also absorbed the 'havelí' lands in the district[2]. The Government, however, did not confirm this high-handed procedure. When the Permanent Settlement was made, sixteen 'ancient' Zamíndárís were separately recognized, and the havelí lands were made into some twenty-six 'proprietary estates' and put up to sale. The parcels were nearly all of

ficial ones, ceased to exist, and the lands became raiyatwárí, and subject to the ordinary (Temporary) Settlement. In Bengal this was not the law. Though great numbers of Zamíndárís were sold for arrears, they did not cease to be permanently settled estates. Only in case no one bought them they were held by Government as 'khás mahâls.'

[1] *D. M.* p. 14 et seq.

[2] *D. M.* p. 115.

them purchased by Vizianágram[1]. 'Jeypore' (Jaípur) as still shown on the maps, nearly all belongs to Vizianágram, which is a great 'Ráj' of 3000 square miles, and the landlord has the title of Mahárájá. Jaípur as a separate estate pays only R. 16,000. *peshkash.*

In concluding this notice of Zamíndárí estates, I may append an abstract of the table of Zamíndárís which shows where they principally lie. It will be noticed that the great estates are either in the north, or in the west and south, where they are properly called 'pálaiyams.' In other districts, as well as those named, there are 'proprietary estates' which are either 'muṭṭhás' or other small landlord estates, sold in 1802–1805. A large number pay not more than R. 500 a year, and very many less than R. 100. The districts in *italics* have no such estates, and the figures refer to the permanent revenue assessment or 'peshkash' as it is called:—

1. *Anantpúr* . .	None.
2. Arcot, North . .	13 estates (2 over a lakh and 3 over R. 10,000.)
3. Arcot, South . .	Only 4 small estates.
4. *Bellary* . . .	None[1].
5. *Canara, South* . .	None.
6. *Cuddapah* . .	None.
7. Chingleput . .	206 small proprietary estates; 29 are between R. 1000—3000 and 177 under R. 1000 each.
8. Coimbatore . .	15 estates.
9. Ganjam . .	Ancient Zamíndárís 18. Proprietary estates mostly small, 48.
10. Godávarí . .	'Ancient' 19. Proprietary estates, 81.
11. Karnúl . .	One estate.
12. Kistná . . .	10 fair-sized estates (one pays R. 80,000), 30 small.
13. *Malabar* . .	None (not counting the Rájá of Cannanore's estate).
14. Madras . .	4 small estates.
15. Madura . .	2 great estates (pálaiyams) and 2 others.
16. Nellore . .	1 large estate and 2 others.
17. *Nilgiris* . .	None.
18. Salem . . .	151 estates (small), only two over R. 10,000.
19. Tanjore . .	13 estates.
20. Tinnevelly . .	65 estates (2 pálaiyams over half a lakh each).
21. Trichinopoly . .	6 estates (one over R. 20,000).
22. Vizagapatam . .	'Ancient' 14. 'Proprietary estates' 37.

[1] *D.M.* p. 227.

[2] Sandúr, attached to this district, is a small independent State, not a Zamíndárí.

Section IV.—Tenures depending on Revenue-Grant.

Lands may be the subject of grant by the State, either by giving the land and remitting the revenue (or part of the revenue), or by allowing the landholder to redeem the revenue by a lump-payment. Some grants do not affect the right in land, but merely assign the revenue: here we are speaking of cases where the land is held as well as the revenue grant; and, in such cases, as Government has no further concern with the land, or is only concerned to the extent of its fixed quit-rent, the tenure is considered fully proprietary. It is the custom in Madras to speak of some of these tenures as 'freehold.'

(A) Under the head of 'Perpetual Freeholds' are described the tenures of modern date, which result from permission to redeem the land-revenue by a payment of twenty-five times the assessment or quit-rent as the case may be.

This is allowed in the case—

(1) of lands occupied for building purposes or gardens or plantations:

(2) of the Nílgirí, Palní, and Shevarái hills for plantations, &c., and in the Wainád for coffee cultivation:

(3) of inám lands 'enfranchised' on settlement of a quit-rent, which is then compounded for by a payment of twenty times the quit-rent.

The free-holder, on paying the redemption money and the cost of survey and demarcation, is given a title-deed.

The free-hold gives immunity from land-revenue charges but not from separate cesses or taxes; nor does it affect in any way sub-tenures or rights of occupancy where such subsist on the land.

(B) Ináms that are enfranchised (but unredeemed) are practically private properties; transferable, heritable, and for ever exempted from fresh revision of land-revenue by the fixity of the quit-rent. They may therefore (in a sense) be said to resemble 'freeholds.'

(C) Lands held on cowle (qaul). These agreements are

not now much used by Government, but are by Zamíndárs; they represent cases of leases whereby a person undertakes to reclaim waste, either at no assessment at all for the first year or years, or at favourable and gradually progressive rates, till the full rate being reached, the land becomes ordinary raiyatwárí or other, as the case may be. Why these should be distinguished as 'tenures' I am at a loss to imagine.

§ 1. *Inám Tenures.*

Inám holdings have, to some extent, been described in the Section headed 'The Inám Commission' (p. 78, ante).

In this place it is necessary to notice that the inám grant *per se*, is a grant of *land* to be held revenue-free; and it is an accident of subsequent occurrence, that an inám is often charged with a part payment of revenue or favourable assessment. Where it was entirely revenue-free it was a 'sarvamániyam.' Where some revenue is paid to the State Treasury by the inám-holder it is called a 'joḍi' or quit-rent tenure. Only in the case of grants to Brahmans, called ṣrotriyam, I understand that the land was not necessarily held by the grantee. Such grants in fact are assignments of revenue[1], and whether the *land* was unoccupied, and was acquired with the grant, is a question of fact in each case.

The Inám Commission, for convenience, dealt with shrotriyams, but only settled the revenue question, i. e. the title to the revenue, and the conditions of tenure; rights in the land were left (in case of dispute) to the Civil Courts.

An inám holding may be of a field only—or a village, or a tract of several villages. Where the inám has been 'enfranchised' there is, as above stated, a perfect title to the whole, freed of all conditions except the payment of the quit-rent. All irregularities in the title, liabilities to resumption, and demands for service, are cured and removed. Where the conditions offered were not accepted,

[1] Agraháram were proprietary grants given to a community of Brahmans who might be of different sects (see pp. 80, 119, ante). Ṣrotriyams are given to particular Brahman families: the term properly implies a grant to persons who read the Vedas (Srútí).

the inám remained, at any rate in theory, liable to the original restrictions and conditions of the tenure ; i.e. there was no power of alienation ; and there was the liability to resumption, in some cases, after expiry of a given number of lives, or on failure of heirs male in the direct line ; Government could, moreover, resume for failure to perform the service-conditions[1], of which failure Government was the sole judge.

Section V.—Tenures on Waste Lands.

Inside every village area, as already stated, there is some unassessed waste, reserved for certain purposes, as sites of house and yard, channels, roads, burial-grounds, tank or well, cattle-stand, or threshing-floors. There may also be waste reserved as grazing-ground for village use. Besides this, there may be 'culturable waste,' numbers assessed but not yet assigned or occupied. Where these are only limited areas, they are usually let out for grazing till wanted, and if applied for are assigned as ordinary 'pattá' lands, or given out on a reclaiming 'cowle' for a term ; or permission may be given to form a 'tope' (tóp) or village plantation. Theoretically, and as far as rules go, available waste *inside* villages may be sold[2] in ten-acre blocks, not subject to land-revenue, but only to local cesses and taxes. Practically, the sale of waste lands is only carried out in places where there are still areas available *outside* the limits of surveyed villages ; and this happens chiefly in places like the Nílgirí and Shevarái hills, or in the Wainád. For these latter there are special rules under which no upset price (except cost of demarcation) is demanded, but an annual assessment is fixed which may be redeemed at twenty-five years' purchase.

[1] Where the inám was for services which were, under present circumstances, such as could not be utilized, enfranchisement was made compulsory.

[2] By auction to the highest bidder above an upset price fixed by rule (see Macleane, vol. i. *Tenures*, p. 126

§ 2. *Distribution of Estates of different Classes.*

In conclusion, the following table will give some idea of the distribution of the different classes of landed estates in Madras:—

Nature of Holdings.	Number of Estates.	Number of Villages.	Gross area in acres.	Average assessment of each.	Average size of each estate in acres.
				R.	
1. 'Great' Zamíndáris' (paying more than R. 50,000). Indivisible, i.e. (subject to primogeniture)	15	9621	6,067,834	1,84,135	404,522
1. 'Great' Zamíndáris' (paying more than R. 50,000). Ordinary . .	1	269	116,102	59,929	116,102
2. 'Large' Zamíndáris (paying more than R. 5000.) Indivisible . .	53	6497	8,157,848	15,026	41,173
2. 'Large' Zamíndáris (paying more than R. 5000.) Ordinary . .	67	1343	926,664	10,649	13,831
3. Small Zamíndáris, mutthás, &c.	678	3111	2,563,484	1099	3781
4. Joint-proprietary bodies paying in common.	1081	771	22,842	61	21
5. Estates under Government management rented.	450	1158	199,610	649	443
6. Raiyats paying more than R. 100.	43,067	11,027	2,903,546	195	67
7. Raiyats and all small estates paying less than R. 100.	2,491,130	25,651	16,181,131	10	7
8. Inám-holders . In perpetuity .	404,600	30,526	7,981,555	9	19
8. Inám-holders . For life . . .	1795	929	30,849	10	17
9. Estate-holders who have redeemed the land-revenue.	519	139	4759	...	9
10. Purchasers of 'waste-lands' . .	648	152	28,477	42	44

Section VI.—Tenancies and Under-Tenancies.

As might be expected under a raiyatwárí system, where tenants are employed, they are mostly tenants-at-will; and the *District Manuals* contain no instances of the perplexing under-tenures, grades of tenant-right, or superior and inferior landlord rights, which we meet with in other provinces.

'The system of tenancy,' says Dr. Macleane, 'under (raiyatwárí) landholders, is fully developed, registered raiyats sub-letting their lands and living on the difference. . . . In the districts on the East Coast, lands are rented out by the landholders and others, for a fixed annual payment in

money, or as *metayers* for a share in the produce, which is generally half. Ordinarily, dry and garden lands are rented for money, and irrigated lands for a share in the produce.

'Except in large Zamíndárís, where rights have grown up from long possession, private tenants, as a rule, are tenants-at-will, and the leases from year to year.' 'Legislation,' Dr. Macleane adds, 'is contemplated with a view to define and protect the rights of tenants under Zamíndárs, poligars, shrotriyamdárs, inámdárs, and others who are landlords, and whose tenants are held entitled to the same protection that raiyats have under Government. The basis of the proposed legislation is to throw on the landlord the onus of proving a right to evict or enhance[1].

Section VII.—South Canara.

Though South Canara (Kánara or, more properly, Kánnaḍa), and Malabár are in some respects similar, and by their local and climatic conditions were likely to develop similar land-tenures, the historical circumstances in which they have been placed, coupled with certain differences of population and government, have led to their being different in the end. They must, therefore, be separately dealt with.

But both are extremely instructive in relation to other parts of India, because they furnish us with new examples of how land-tenures are modified under the moulding force of local peculiarities of the country, and of the races who inhabit it, as well as of the ordinances made by successive Governments.

South Canara represents the southern section of the country, which was made a separate district under the Madras Government; while North Canara became a Bombay district in 1862, and was settled under that Government not very long ago[2].

[1] Macleane, vol. i (Ináms), p. 127. In Zamíndárí estates, naturally, the actual land occupants (who would in 'Government' villages be the registered occupants and practical proprietors), are in name 'tenants,' because the Zamíndár is legally the landlord. But they may have the advantage of a fixed tenure, and even a fixed rent, if they can prove it (in case of dispute) in a Court of law.

[2] On first annexation, the *whole* of Kanara was attached to the

Of South Canara we have not yet complete information. There is no Settlement; there is no *District Manual.* Nevertheless, Munro's minutes, Dr. Macleane's notes, and other sources of information, are available.

The reports repeat again and again that in these two countries *private property* in land existed where it did not elsewhere.

In one sense this is perhaps true; but I fail to see that the wargdár of Canara is really more *owner* than the now barely surviving mirásídárs in the Tamil country and other parts, once were. In both countries what attracts attention is that the *owner* or *landlord* class is essentially a caste that has *conquered* or *colonized* the country. It is a class, like this—starting with the advantages of comparatively high caste or birth, and with the natural superiority of strength and character which brought them successfully through their struggle with the aboriginal inhabitants, or with the natural difficulties of the jungle,—that always appears most vigorously claiming the *land as an inheritance.* It is the castes or clans of this description, who in Rájputána, in the Panjáb, and elsewhere, exhibit the passionate attachment to their ancestral acres that is everywhere noticed in histories and *Settlement Reports.* The Rájput with his 'bhúm,' the Central Indian hereditary officer with his 'watan,' and Panjáb Jat with his ancestral acres, are the counterpart of the West Coast 'múlawargdár,' or the Malabár 'janmí' *as he has* now become: they are, and always were, every whit as much entitled to be called 'proprietors'; 'private property in land' is no more peculiar to Canara or Malabár, than it is to any of the places named.

It may be concluded that, originally, there was an organization under which certain leading castes and classes shared the interest in the land very much as can be historically traced in Malabár. But inasmuch as a suc-

Bombay Presidency, but as early as 1800 (vide the *Fifth Report*) the whole was transferred to Madras. It was afterwards divided as stated in the text.

cession of Hindu (or rather Hinduized) princes reigned over the land for some centuries past, the fact tended, as it always does under the primitive forms of Dravidian-Hindu monarchy, to exalt the military or governing organization at the expense of the humbler cultivator. Náyaks and other colonists of the military castes who obtain the petty chiefships by conquest, satisfy the lesser members of their own order, with special holdings of land; while other castes, viz. the cultivators, (who under the earlier order of things, had equally a right in the soil which their ancestors had reclaimed from the jungle), are put down into the place of 'tenants,' even though they may be to some extent privileged. It is not that *some* castes or races do not assimilate the idea of a right of property in land and that *others* do;—it is not that the Telugu people or the Central Indian Gonds or the Bengal raiyats had (naturally) *no* idea of property in land and claimed none, while the conquerors who now people Canara and Malabár had: the smallest insight below the surface will show that a sense of ownership was equally strong in all. But, with pride of origin, strength, and success in conquest or occupation, the idea of property is developed and realized on a new basis. 'Inheritance' becomes the leading principle of the conqueror's right, as 'first clearing' was of the older right. Moreover, though originally the conquering caste took the position of rulers, or at least, the official charge of districts, yet it constantly happens that when, under dynastic changes, the states break up, the descendants of the old rulers are able to preserve some relics of their former position, as the virtual landlords of fragments of their original dominion. This we shall see clearly exemplified in Malabár; and it is no less noticeable in Oudh, and indeed, wherever ruling families have become broken up or divided. The territorial rule disappears, and a landlord claim takes its place. The humbler classes, on the other hand, never having held a ruling position, must submit to such terms as the power of the new State imposes; if, from attachment to their home, they bear hardship

rather than abandon the land, ancestral landholding becomes a burden rather than a privilege. And then it is we hear said: 'There is no private property in land in these districts'; 'the Rájá claims to be owner of every acre in his dominions, and the raiyats are mere tenants,' and so forth. It is good fortune and bad fortune, high caste and low caste (i. e. belonging to a military or ruling race, or to a humbler cultivating tribe), that have made the difference, as regards 'property in land,' between the Telugu raiyat and the West Coast 'proprietor,' and nothing whatever in the nature of things, or in the real sentiment of the people as regards right.

Canara owes much to its peculiar conformation. With the exception of one local division or 'mágané' (Hannár), which is situated on the plateau, the whole district lies along the coast, between the sea and the lofty 'ghâts' clothed with evergreen forest. This country is undulating, composed of laterite ridges intersected by the deep-soiled valleys of the streams coming down from the hills, and by estuaries running in from the sea: cultivation is here very rich[1]. Beyond this, there are valleys running farther into the hills, and a tract of table-land above, on which some kinds of grain (but not wheat) as well as rice and sugarcane, can be grown. Above, rise the main slopes of the ghâts with dense evergreen forest on the ridges. On the other side of this barrier is the hilly country of the 'bálághát,' which gradually becomes drier and more barren as it falls to the general level of the Dakhan.

The early history of Canara is not easily traced. It is really only the northern portion of the country and that above the ghât, which is 'Kánnada,' where Canarese is spoken. The 'payín-ghât' is properly 'Tuluva'; and the southern portion assimilates with Malabár, where Malayálam is spoken. It seems to have been occupied anciently, both by Brahmans, and by a military caste called Nadavar in the

[1] Land is known as 'bail' when irrigated or yielding three crops. 'majal' is irrigated land yielding two crops; 'bettu' is land dependent on the abundant rainfall only and yielding one crop.

north, and Bunt in the south. The latter correspond with the Náyar caste in Malabár, though without any connection that I am aware of;—for the Náyars are very exclusive and lose caste should they go to reside further north than the Chandragirí river in the south of South Canara. Colonists of this class, having reduced the aboriginal population to serfdom, claimed for themselves the property in the soil, and divided the land according to their relative place in the organization which they contrived. But the country was not favourable to the aggregation of cultivation in the form of villages; this was partly owing to the hilly nature of the country, and partly owing to the paucity of plough-cattle. Separate plots, therefore, are occupied, and the houses are scattered about upon them. A man's (or rather a family) holding may consist of a number of such plots; and when, in later days, a central rule was organized, and lands were recorded in State Registers, as many plots as appeared on one leaf (or *warg*) of the accounts[1], being held by the same family, formed a sort of unit-group, and each holding got to be spoken of as a 'warg': the holder was called, in revenue language, the 'wargdár' or 'múlawargdár' (original or hereditary holder). For administrative purposes, a number of hamlets or holdings were further united under one local accountant and called 'tarf' or 'mágané.' A similar aggregation was also effected (for Government purposes) in Malabár, where it constitutes the modern Ámisham. In either case it was probably suggested by, or is connected with, the earlier Dravidian grouping, which had relation to tribal sections or clan groups.

South Canara, in fact (along with Malabár), gives us one of the interesting cases where 'villages,' as we understand the term in India, did not exist. Instead, separate plots are broken up (or perhaps were once tribally allotted) for cultivation, and the family house is placed on one of the plots. There is no aggregation of residences in one place, walled or unwalled, no staff of village servants and artizans,

[1] This is the Sanskrit 'Varga,' or possibly the Arabic 'Warq,' a leaf.

and no headman, because the father of each family is his own headman: for common affairs, these heads met together in council. In this we recognize the old Dravidian plan (also followed among the Kolarian tribes) whereby the villages, or, as on the West Coast, the family plots, were aggregated into unions (the 'parhá' of the Chutiyá Nágpur States), and managed by councils. The Kolarians had no government above this; the Dravidians, as we know, adopted a central government in addition. It is thus possible that the aggregation of the family holdings into the 'uru' or 'gráma' now known, and the further grouping into 'mágané,' may really originate in old Dravidian customs. But the appointment of a 'village' headman and of the accountant, are certainly later institutions, as indicated by the foreign titles and non-hereditary character of the offices. I am informed that the original term for the family aggregate of dwellings,—consisting of the houses occupied by the members, with a few humbler abodes for servants and artizans,—is 'tara,' a word meaning 'street' or hamlet[1].

But to return to the history of Canara. The Pándyan dynasty held the overlordship for a time; but as far back as 1336 A.D., the Vijayanagar kings obtained the rule. Their empire lasted till beyond the middle of the sixteenth century, when the Bednúr kings took the Southern country, and the Ikkeri Rájás held Tuluva further north.

In 1763 Haidar 'Alí overran Canara; and it became British in 1799[2]. In the disturbances which followed the Mysore conquest of 1763, and the wars with the British, the country was overrun by the Coorgs, and by various local chiefs and poligars, as mentioned by Munro[3]. The local landowners suffered considerably, and were reduced in some cases to the condition of labourers. The Vijayanagar kings, in their palmy days, appear to have been moderate rulers—a fact which may be

[1] Compare the Tamil 'teru' and Telugu 'teruvu': it is said that there was an archaic Canarese word teravu, now disused.

[2] Not 1791, as stated in the *Imperial Gazetteer*, p. 378, vol. vii. See *Fifth Report*, vol. ii. p. 483.

[3] Arbuthnot, vol. i. p. 57.

asserted with every probability of truth when we find that a regular revenue-settlement was made. At first the simple rule was that whatever quantity of rice it took to sow a field, a similar quantity of the outturn was the State share. The revenue of one 'katti' of land (i.e. an area which one katti would sow) was one katti. But in the fourteenth century (between 1334-1347) Harihar Ráyá, Rájá of Vijayanagar, had made a Settlement upon principles laid down in 'the Shástra,' which supposed the produce of land to be, in proportion to the seed used for sowing, as 12 : 1. Taking therefore a customary area of land which required two-and-a-half kattis to sow, the yield would be thirty kattis[1] of paddy (unhusked rice): the division was made thus:—

½ to labour and cultivation . . .	15
¼ to the land-owner	7½
¼ to the State	7½
	30

And, as a pious king would give part of his revenue to the support of temples (devasthána) and part to Brahmans, the 7½ katti share of the State was taken, 5 by the king and 2½ to these pious uses.

The register of this Settlement is spoken of as the bíjwár, or register of land according to the seed (bíj) required to sow it. 'This ancient assessment,' says Munro, 'is still written, not only in the general accounts of districts[2], but in those of every individual landholder.' All subsequent additions were regarded as oppressive exactions. The original assessment, with certain rates on cocoa-nut and fruit-trees (added up to 1660 A. D.) was called the 'rekhá' or standard assessment.

The karnams (locally called shánabhogam) not only wrote up registers of the public revenue, but noted all transfers

[1] The katti was 3200 rupees in weight.

[2] By 'district' Munro always means subdivision, taluka, or other local area. But all these 'black books' (so called from the material of which the leaves were made) have now disappeared. A curious account of them is to be found in the (Bombay) *Settlement Report* of North Canara.

of land, and made copies of their books. Though many were destroyed in the Mysore troubles, enough were believed to remain in Munro's time, 'to furnish a complete abstract of the land-rent (revenue) during a period of more than four hundred years.'

The assessment was, of course, largely increased both by the Bednúr and the subsequent Mysore Governments. The money-rate was called 'shist,' and the increments the 'shámil.' When the district came under British Settlement, Munro did not propose, at first, to reduce the assessments very much below the Mysore standard [1]. But this would not work. In 1819 a revision was made, resulting in what is known as the 'tharáo' assessment [2]. It was also called sarásari or average, because the assessment was based upon the average collections of the years since British occupation. This was, on the whole, a considerable reduction on the shist and shámil, though it is not meant that there was a reduction in each individual assessment.

There have been, however, further reductions necessary, which are arranged in a series of 'remissions,' pending a Settlement. Most of the estates, in the now prosperous state of the district, are 'bhartí,' i. e. pay the full 'tharáo' assessment; a few are 'kam-bhartí' or reduced. The reduction of assessments in special cases, was arranged for in various ways. Holdings that required what we should now call a progressive assessment were called vaida (or wayada = promising) [3]. They paid by increasing rates till they became 'bhartí,' i. e. attained the full assessment. 'Vaida pattás' are still sometimes given for waste land. Other reduced holdings are known as 'board-sifárish' (favoured by the Board of Revenue), i. e. estates disadvantageously situated, which cannot be expected to pay in full: and 'tankí' estates, which are uncertain and are settled annually.

[1] Arbuthnot, vol. i. p. 65.

[2] Called 'Tarow' or 'Tharow.' Wilson gives it as a Hindí and Maráthí word meaning 'fixing or determining.'

[3] Macleane, vol. i. (*Land-Revenue Collection*), p. 136.

§ 1. *Forms of Tenure.*

The múlawargdárs, recognized as landlords of the holdings, have tenants of two classes. The first, whose position appears to be exactly that of cultivators who were originally owners (or in a practically similar position), have now become 'múlgéní' tenants. They have a perpetual and indefeasible right to occupy the land, so long as they pay the rent, which is sometimes nominal. In the case of this tenure we find instances of the tenant paying a year's 'rent' in advance, and deducting a proportion of the produce, as interest on the advance, which is something like what happens under the kánam tenure of Malabár. The second class is the '*chaligéní*,' or tenant-at-will; apparently the tenure does not differ from that of the paikásht of Upper India or the parakúdí of the Tamil country. It may be added that the warg or holding has a portion of waste attached to it; and cultivation in this waste is not subject to an increased assessment, as it would be in a formally surveyed raiyatwárí tenure [1].

Section VIII.—Malabár.

The district of Malabár will always have singular attractions for the student of Indian land-tenures; it pre-

[1] It was supposed at one time that because múlawargdárs had acquired a proprietary right in their wargs, therefore, every part of the forest-land must be included in some warg or group of wargs and belong to some one; and that the State could not interfere to reserve certain areas of land as State forest for the public benefit. In all other provinces, however, where there is a large area of 'waste' in excess of the actual holdings, and of what is needed in proximity to these holdings, for pasturage, wood-cutting, or gathering of leaves for manure and fodder, Government has an undoubted claim to the 'surplus' waste and may take it under management. There is nothing in the history of the múlawargdárs to give them any claim different to that of other landlords. The student who desires to pursue the subject may refer to the judgments in the Canara (Forest) case, *Ind. Law Reports*, III, Bombay Series, pp. 452–785. The case related to North Canara; but there is a great deal of information about the tenures. The question was there complicated by the fact that temporary cultivation, called 'kumri,' was practised, and that the rules or the custom recognized a certain right to this, which might be held to imply a prescriptive right in the forest itself. The right of Government was nevertheless recognized by the decision.

sents an unique history of landholding customs, the result of a colonization by separate tribes, each with its own rival interests, and the absence at first, of a central government. The peculiarities of development which afterwards followed, are to be traced, partly to the physical features of the country, but chiefly to the characteristics of the tribes, and the peculiar circumstances of their government. It further presents to us a curious modern process of landlord development, in which local and historical conditions no doubt had their part, but which was still more due to the influence of European ideas embodied in western terms,—ideas which unfortunately, according to the lights of those days, were accepted as the only ones applicable to the facts.

§ 1. *Features of the Country.*

A large part of the cultivation consists of rice in valleys between wooded hills. Orchards also abound and form a definite class of lands for revenue-assessment. Cardamom cultivation is practised only in clearings in the dense forest. Pepper is also largely grown. As might be expected, forest-clearing for temporary cultivation (Kumerí or Kumrí in Canara) is common; and in these clearings, *punam* or jungle-rice is the chief product. On the bare uplands where there is no forest, 'miscellaneous' cultivation (as the Reports class it) is sometimes undertaken, and consists of *modan* or hill-rice and *ellu* or 'til' seed (*Sesamum*).

Malabár is, at the time I am writing, under Settlement and survey. It has had a singularly unfortunate history as regards its revenue-administration; but in the end the assessments, which at first were badly arranged and without system, became easy, under the influence of a gradual rise in prices and general prosperity, aided by the bounty of a naturally fertile and abundantly-watered soil, and the profits of pepper, cardamoms, and cassia.

The difficulty of dealing with Malabár tenures consists in this: that for a long time the subject was never studied in the light of actual facts, and with the aid of ancient

deeds (which exist) and a proper reference to ancient traditions, a skilful use of which might have detached valuable elements from the mass of mythical dross in which they are enclosed. If we look to the early Reports [1] we shall find them dealing with the tenures in a singular method, or perhaps I should rather say, in a method, congenial to writers of that time, when the early history of institutions and the methods of investigating them—which are the products of the most recent times—were unknown, and when everything was looked at from an English law, or 'lord-of-the-manor' point of view.

When Malabár first came under observation, the facts were these. At a comparatively recent period the Mysore Sultán had conquered the country, dispersing the chiefs of the military or Náyar caste, who had formerly held the country as rulers over separate estates or territories. Some of these had since returned, and still retained, in a few places, a rule ship over territorial estates. But in most instances the principle we have so often noticed came into operation. The rule was lost, but the chief families clung to the land, or part of it, as landlords. A number of Brahman and Náyar caste-men were found in possession of tracts of country, calling themselves 'janmís,' and claiming to be, in fact, absolute landlords. Under them were found humbler landholders of the same caste, but apparently only privileged tenants: they acknowledged the 'janmí' as in some sense their superior; but in many, if not in most cases, they had made money advances to their 'lords,' and

[1] There is a report of the Joint Commission appointed in 1792-3, which is very curious. The *Fifth Report* has a considerable notice of Malabár, of which mention will presently be made. Munro wrote in 1817 some valuable minutes reproduced in Arbuthnot, vol. i. p. 167. A number of valuable and curious notes are in Macleane, but scattered and unarranged. (Vol. i. *History* (p. 114 note and p. 128), also *Tenures*, pp. 114, 117, 118, and in vol. ii. p. 99). But Mr. Logan has collected with great care a vast mass of information in his invaluable *District Manual* (2 vols. Government Press, Madras, 1887). Unfortunately Mr. Logan has committed himself to a peculiar theory of tenures, which almost wholly depends on a peculiar interpretation of local terms, giving them a meaning which, I fear, I must say, on the best authority, the language will not bear. I shall, however, state Mr. Logan's view in the text, and also the reasons for doubting it.

so were not paying any rent, or only a very reduced rent, because the interest on the money covered the whole or part of the rent- or grain-share.

It is quite certain from the historical evidence, that this proprietary-claim on the part of the Náyars was a comparatively recent matter. Nevertheless, if we turn to the Reports printed in the Appendix No. 23 to the second (Madras) volume of the *Fifth Report*, we shall see it taken for granted, without the smallest question, that 'almost the whole of the land in Malabár, cultivated and uncultivated, is private property and held by "jemnum" (janmam) right, which conveys full absolute property in the soil. . . . We find the land occupied by a set of men who have had possession time out of mind.' The only attempt to argue this question is based on the further assertion that 'We found that they (the janmís) have enjoyed a landlord's rent, that they have pledged it for large sums, which they borrowed on the security of the land, and that it has been taken as good security; so that at this day a very large sum is due to creditors to whom the land is mortgaged. Had the creditors ever doubted the validity of the jemnum (janmam) title or imagined that Government would have called it in question, it is not probable that they would have risked their money on so precarious a security.'

No attempt is made to inquire how these persons became 'absolute' proprietors, nor is it considered who the so-called mortgagees were: ignoring the significant fact that they also were Náyars of lower degree, who were interested in upholding their superiors, partly from personal motives and partly from feudal feeling. Moreover, the idea of the sub-tenures being 'mortgages,' i. e. that money was advanced as a matter of business or commerce, relying on a known 'valuable security,' was a pure assumption.

Practically, no doubt, when our rule began, the 'janmís' had by prescription, a sufficient title to make it equitable for Government to acknowledge their pretensions—without allowing them large areas of waste beyond their reasonable requirements. I do not doubt also, that practically the

kánakkáran or mortgagees were, or had become, a sort of privileged sub-proprietors, or hereditary tenants with certain rights added, which, for want of a better term, we now call those of a mortgagee. But all this throws no light on the origin of the tenure, which is historically interesting, and has given rise to an idea that 'private property' was something quite exceptional in Malabár; whereas, in fact, the 'janmís' became proprietors exactly as any other once ruling, but subsequently reduced, race did. They were at first local chieftains, and then, on the break-up of their power, members of the caste took or retained possession of, what they could; coming down, under the stress of circumstances, from the position of ruler to that of landlords of smaller or larger holdings, exactly as we can see in Oudh or Northern India generally.

It is very important to notice that the use of the term 'janman' (or janmí for the holder) is quite modern. It cannot be traced back before the end of the sixteenth century, when Muhammadan institutions were already well known in Southern India[1]. The adoption of a Sanskrit word by Dravidians is quite natural; and it is, of course, *possible* that when, at a later period, the Náyars seized upon lands as landlords, they may have desired to use a term implying 'birthright' or inheritance—in which case they would have been following the universal custom of military and conquering landowners, who, as we have seen, always speak of their rights, not as by *conquest* or *seizure*, but as their 'birthright'—bápotá, mírás, wirsa, wárisí, &c. But, on the other hand, 'janmam' in Sanskrit does not mean 'birthright,' but only 'birth'; and 'janmí' (for the *person*) is a term of no language at all. Mr. Thompson has suggested, and to my mind with great probability, that really they only corrupted the common land-term of the Muhammadans—zamín (as in zamíndár). In a Hindí dialect this would become jamín, and the 'janmí' may be merely the same as 'zamíndár' = landholder. It is certainly curious

[1] See Mr. A. B. Thompson's paper in the *Malabár Law Reports*, vol. i. (1887), p. 82.

that the term should not have been in use before a period at which the conversion of the old Hindú chiefs, under Muhammadan rule, into *Zamíndárs*, had become familiar in the country. In Coorg, the military class now claim the land in exactly the same way, calling their tenures by the term 'jamma,' which is (linguistically) a barbarism, and may either have a supposed Sanskrit derivation, or be also a corruption of 'zamín.'

§ 2. *Early History of Malabár.*

I must pass over the early myth, that the west coast was miraculously reclaimed from the sea and gifted to Brahmans. Parasu Ráma (the partizan of the Brahmans) was instructed to throw his mace or battle-axe as far as he could, and so caused the whole of the west coast from about Násik down to Cochin to emerge from the sea. This country was called Chérá, of which the Sanskrit writers made Kéṛala. It was divided into four sections; two (Tulurájyam and Kúparájyam) formed Canara, and two (Keṛalarájyam and Múshikarájyam) formed Malabár and Travancore. Naturally all the accounts, like the Keṛalolpatti (= 'origin of Kéṛala') are Brahmanic writings, and their object was to glorify the Brahmans; but this tradition may have some naturalistic explanation, only that we must leave such inquiries out of question in a work like this.

But it seems evident that from early times, a body of some military caste of Dravidian origin, called Náyars[1], had

[1] The Náyars, says Dr. Macleane, were originally snake-worshippers (Dravidian) and practised polyandry. They still attest their warlike origin by the employment of weapons of war in domestic and religious ceremonies; by their living in fenced or fortified gardens (the quillom or kolgum of the Reports); and having in the 'tara' or village gymnasia (or kalári) wherein the youth may be trained to the use of arms. They are also remarkable for the custom that the inheritance goes not to the son but to the sister's son, because the mother, taking for herself what might almost be called a temporary husband from the Brahman or other superior caste, the father goes for nothing; the descent is counted from the mother. See *Ind. Law Reports*, VII. Madras Series, p. 3. (Full Bench.)

This custom of inheritance is called Marumakka-táyam or the 'nephew's' (marumakkal) 'portion' (táyam).

attained a prominent place in Malabár and also Brahmans, besides other tribes. The original inhabitants appear to have been Kurumbars, a pastoral people, who were quickly displaced by the new settlers[1]. I cannot attempt to fix the order of arrival, but we find clearly: (1) Brahman; (2) Náyar; (3) Tíyar (= islander), people who had come from the South, bringing with them the invaluable cocoa-nut tree; (4) Vellálar, an agricultural tribe from the Tamil country. All these formed their own settlements in families, as already described. The Náyar groups were called *taṛa*, the Brahman *grámam*, the Tíyar and other foreigners *chérí*.

It is to be borne in mind that we have an eminently Dravidian country to deal with, but one to which Aryan ideas had early penetrated; and we know, from evidence all over India, how readily the Dravidian and the Aryan institutions united, and how the Dravidian chiefs became Hinduized and considered themselves as 'Kshatriya,' even though the Brahmans classed them as 'Sudra' because of their origin[2].

It is remarkable that no one, as far as I am aware, has sought to refer the undoubted original organization of Malabár to the universal Dravidian (and Kolarian) model, with which it exactly agrees. Now we find in Malabár that—in the absence of large villages—the small hamlets or family settlements were grouped into some form that did duty for the village of other parts, and was called taṛa, chérí, &c. As usual with Dravidians, the elders of the family (or unit-group, called the taravád) managed the affairs, and the managing elders were called 'káranavar[3].' The Brahmans had their similar assembly, called 'sabháyogam.' But for affairs of a more general character, the taṛas, &c., were united into larger unions called 'nád' (the parhá of other parts); and for the affairs of this union a larger council, called 'kuṭṭam,' met.

[1] From whence it came to pass, that slaves on land were a universal institution, and that in Malabár, until the passing of Act V. of 1843, slaves were bought and sold with the land on which they worked. See *D. M.* I. p. 149.

[2] *D. M.* Malabár, I. p. 116.

[3] Id. p. 131.

It was at a later period, when a centralized government and military rule were introduced, that a division not corresponding with the taṛa, gramam, or chérí, was introduced[1]. This was called 'desam'; and the chief of the desam was the deṣaváli. We have thus originally, in Malabár, the old Dravidian organization in a most unmistakeable form.

The Brahmanic histories, true to their own theory, make out that the land all belonged originally to the Brahmans. But inasmuch as military duty, police, and executive rule, are foreign to the Brahman life, we always find that the Kshatriya ruler—from a Rájá down to the 'lords of towns' (deṣmukh, &c.), are an essential part of the system; and accordingly we find the Brahmanic history assigning the ruling and protecting duties to the Náyars (as representing the Kshatriya element). The Kéṛalolpatti records the tradition that Parasu Ráma gave the Náyars the executive power (*lit.*, 'the eye, the hand, and the giving of orders'), so as to prevent rights from being curtailed or suffered to fall into disuse[2]. This clearly means that they rose to hold the executive power. But whether from jealousy among themselves, or from the comparatively equal power of the other castes, no local chief was allowed to elevate himself into a general ruler or sovereign. At first, we learn, the country being allotted into sixty-four náds or 'unions,' the Náyars of ten-and-a-half náds furnished a force for military and executive duty. An elected council of four managed the whole, acting for twelve years.

This sort of republican rule, however, failed to give satisfaction. We find that after a time, Brahmans were sent to the neighbouring kingdoms to look for a ruler; and for a long time the curious feature is presented of a chosen king ruling for twelve years only (if he lived so long), and then retiring. It was at a later time that the king became permanent.

[1] Thus the Calicut *nád* contained 125 *desam*, and seventy-two *tara*.

[2] *D. M.* I. p. 133.

§ 3. *The Land-Revenue in Malabár.*

There is no doubt whatever that these kings (first called Kon or Shepherd, and later Perumál), received a share in the produce for their revenue—which was a well-known plan among the Dravidians, as among the Aryans. But it was not the earliest Dravidian idea; we know from other parts (see Vol. I. pp. 264, 576) that in every village (in those parts there were villages) the Dravidian method was peculiar. Certain allotments of land were made in each village—one for the village officers and for the village founders, one for the priest and religious worship, and one for the king or the king's grantee[1]. The nature of the country in Malabár would not allow of this plan in the same form; but we find it carried out in practice in another way; as there were temple lands, lands for the chief, and for the functionaries. It was quite possible, therefore, to find a ruler or a chief taking no land-revenue in the shape of a general grain-share, but content with the produce of his special allotments all over the territory. But in Malabár, as elsewhere, it is quite certain that so long as there was a king or overlord, he levied the grain-share as well, and there is mention of it in ancient deeds.

But, to anticipate for a moment; when the rule of a supreme overlord broke up (A.D. 825), and the country was divided among a number of smaller chieftains, we cease to hear of the revenue-shares; as the petty lords would not, of course, take revenue one from the other, but doubtless lived on the produce of their own territory and of the rents of their family estates. When the chiefs were overthrown by the Mysore conquest, and afterwards regained their place as a sort of local Zamindárs, and had to pay revenue, those who retained lands or acquired them as 'landlords from time immemorial,' having paid no revenue under

[1] In Coorg we also find mention of these 'panniya' or royal farms—cultivated by serfs. They were nothing more than the *Dravidian* 'majhas' lands of Chutiyá Nágpur. And exactly in the same way when there was a general overlord, he took a revenue besides the produce of the royal lands, and when there was not, the chiefs (holders of jamma land as it was called) paid nothing.

their former organization, naturally claimed that, until the Mysorean conquest, they had not paid land-revenue. Hence the idea at one time prevailed that land-revenue was unknown in Malabár.

Under no Hindu system does one chief take revenue from another: only the conqueror of them all will exact a general tribute.

§ 4. *Cessation of a Central Rule.*

In the *District Manual* will be found an account of the various kings that reigned. In the end, as might be expected, one of the temporary sovereigns located himself permanently; but the course of events was curiously interrupted by the fact that early in the ninth century A.D. the *Perumál* named Cherámán, became a Mussulmán, and determining on a pilgrimage to Arabia, he gave up his domain (A. D. 825), and *divided* out the country among a number of Náyar claimants who then became separate chieftains[1]. But there were multitudes of smaller Náyar castemen not able to get domains, but holding lands and equally proud of their military caste (which was as good as that of their chiefs). It seems to have been the fact that the greater chiefs were always kept in awe by the nád assemblies (kuṭṭam) of their caste-men, and we find in the deeds,—both of the times of the *perumál* rulers, and after that,—allusions to a 'council of six hundred[2],' which had a power of control.

§ 5. *The Mysore Conquest.*

When the Mysorean conquest took place in the latter part of the eighteenth century (1766 A.D.), the Sultán made the

[1] The last Perumál was Cherimán: the Joint Commissioners of 1793 in their Report (reprinted at Fort St. George Gazette Press. 1862), call him, I think, Sheo Ram: a curious story is told of him. As he was leaving, and had distributed his dominions, a person called 'Uri' (ambitious though only a cowherd) asked for a share. The prince had nothing to give but the town of Calicut *and his sword*. Of the latter Uri made such good use that he carved himself out the State of Calicut and was the founder of the Zamorin (Samudris = Ocean King). Only two of the greater overlords seem long to have survived;—the Kolatiṛi Rájá of the north and the Zamorin of the south.

[2] See *D. M.* I. p. 132.

surviving Náyar overlords his 'Zamíndárs' (though not, that I am aware of, by that name), and then they began to oppress the people—in fact, they descended (as usual) from the place of rulers, to being land-managers and exactors of rents. It is to this period that we must assign the definite soil-rights claimed by the so-called 'Janmís.'

§ 6. *The so-called Mortgagees or Kánam Holders.*

It may be asked what became of the smaller Náyars? It is certain that a number of them held lands under the greater men as a sort of privileged tenant. But in most cases they acquired a hold on the land—indicated by the term kánam=property or possession, which has been assumed to be a kind of mortgage. The details of this I will reserve for the present; but it will be sufficient to indicate generally that they made money advances, and of course paid no rent, or only a part of the rent, because the interest due on the money covered the remainder.

There is no evidence whatever of the antiquity of this institution of the kánakkárar, or kánamdárs (as the Reports call them). The occurrence of the word kánam in one of the old deeds (about the ninth century) does not prove anything at all, except the use of the word to mean 'property or possession' (as Dr. Gundert, the best authority on the subject, gives it). The 'mortgage,' as we shall see, deserves the term 'property,' because really the land was made over in a very extended sense to the holder; the mortgage could not be redeemed except at certain periods and on certain terms. The whole system seems to me to be quite clearly connected with the feudal organization, or the feudal spirit existing in the Náyar caste. Indeed I find the Chief Commissioner of Coorg (which is closely connected with Malabár) in a note of 18th May, 1885[1], describing the 'mortgage' holdings as purely a matter of feudal relation. He says:—

[1] Printed in the (*Revenue*) Proceedings of the Chief Commissioner of Coorg.

'The Náyar chieftains, if their territories were large, seem to have sometimes granted away their rights and powers over certain tracts to subordinate chiefs or captains of the Náyar militia, to be held by the latter in military subordination. The main body of the Náyars were content to get household or family allotments in lease from the chiefs and captains to whom they chose to attach themselves; they gave the chief a fee called kánam or kánike in token of allegiance, on receiving the allotment.' . . . 'In order to secure their independence, these military Náyars asserted the power of demanding back the fee, relinquishing the land allotted, and of thereafter attaching themselves to another chief or captain. But it seems probable that the chief had at this time no power to take away the allotment or terminate the lease so long as service was duly rendered. This was apparently the original form of the kánam or kánike tenure. The bulk of the occupied land held by Náyar chieftains was granted away on this tenure; the rest was the private demesne of the chief, which he cultivated through low-caste serfs or slaves, or leased . . . to ordinary rent-paying tenants of the non-military classes called páṭṭam-kár. The Brahmans collected the produce or rents of part of their lands through slaves and tenants, the rest they also found it necessary to grant to the fighting men on kánam tenure for their own safeguard and protection.'

§ 7. *Growth of the Janmí Title.*

The whole process of the growth of landlord right then reduces itself to an evolutionary process, which is in all essentials the same as that which has taken place in other parts of India. The Dravidian, adopting Aryan ideas, and perhaps, in return, suggesting his own ideas to the Aryan —establishes a kingdom in which the rulers and chiefs are military caste-men, the advisers Brahmans. The inferior castes who are above the status of slaves or serfs are first settled in their own localities, holding undisturbed (as proprietors, if it please us so to say) the cultivated plots which they cleared from the jungle, but paying a part of the produce to the king, or to some local chief or immediate overlord. As long as there is a powerful sovereign or overlord, he keeps the subordinate military in

feudal subjection; they were content with their places in council, the privileges of rank, the right to special dues from estates granted to them, or the perquisites of headship over the governmental groups of territory, the deṣam; and the nád. In time the supreme ruler ceases to exist, and the country is then held in small groups or estates by the chief Náyars, while the smaller men are content to hold lands under the chiefs, as privileged tenants or on terms of the kánam; inferior caste-men are reduced to being tenants. In this stage there is no one to collect any *general* revenue. Each chief—one cannot of course take revenue from the other—lives on the produce or grain-share of his own demesne, and on the payments of the smaller landholders whom he has now made his 'subjects.'

Then comes the Mysore conquest and the disruption of the ruling chiefships. The Náyar chiefs are now reduced to being (virtually) local revenue-contractors of the Mysore State. Once more a general revenue, and that a heavy one, is exacted by the conqueror, and all classes have to contribute to it. As many of the Náyars as can do so, cling to their 'ancestral' lands, no longer as rulers, or as official heads of districts and subdivisions, but as landlords, inventing terms to signify their claim to the soil.

Lastly comes the British power, and finding the landholders making such claims, and misled by names into supposing these rights to be something really ancient and exceptional, not only recognizes the proprietorship (which, as it was practically established, was the obviously right thing to do), but further accepts totally unfounded theories about the perfection and antiquity, and exceptional character of the right, whereby the claim of the State to the forest and unoccupied waste which has elsewhere been properly asserted, has been lost[1]. Another effect of the influence

[1] The 'proprietors' were no more really entitled to the whole of the unoccupied forest and waste than were the proprietors in any other province; but unfortunately the extravagant notions were allowed so long, that now prescription has probably prevented, or practical policy will bar, any attempt to resume the forest area for the benefit of the public.

of British ideas has been to treat the kánam as a pure mortgage transaction, and to render the holders liable to ejection on payment, as we shall afterwards see.

§ 8. *Mr. Logan's Views.*

The theory set up by the able author of the *District Manual* may now be alluded to. Starting with the fact that there were the successive immigrations of the Brahman, the Náyar, the Tíyar or cocoa-nut planters, and the agricultural Vellálar tribesmen, the author has formed a theory, that all of these fell into a sort of corporate unity: all of them had certain functions—one of protecting, another of tree-planting, another of irrigating—and that they *divided the produce*; so that each had a certain right in the soil: the king his share, the 'protecting' class their share, and the rest going to the actual cultivator. No one was then landlord in any modern sense, but each class had its appropriate interest, and its privileges. That the Dravidian-Aryan mind readily assimilated the idea of separate duties for separate castes there is no doubt; and if we had any evidence, that every cultivating settlement contained a certain number of planters, a certain number of Vellálars, and so on, and that all shared the produce; something might be said for the view: but nothing of the kind is known to have happened. There were separate settlements of the different castes, and the non-cultivating castes like Brahmans and military Náyars, employed slaves or tenants of the agricultural classes, while the others cultivated their own holdings, paying such dues to a lord or to the State as the existing organization required. Indeed, the whole theory of a corporate unity rests entirely on *supposed meanings of certain terms*, which the best scholars find to be wholly untenable.

It is assumed, for instance, that the 'kánam tenure' was really derived from the guild position of the Náyars. *They* were the káṇakárar, and it was their part in the general polity to 'protect' and 'supervise' the whole. All this is evolved from the idea that kánam implies 'seeing' or

supervising[1]. Again, Vellálar cannot mean 'water-ruler,' for it is a Tamil word, rarely used in Malabár, and then to indicate Tamil people or foreigners generally[2].

In the same way, from a single term in one of the ancient deeds (niratti-péru) it is attempted to be argued that *peru* means 'birthright,' and so foreshadowed or originated the *janmam*-right, which is supposed to mean 'birthright' (though it does not). The text, however, clearly requires that *péru* should have its natural meaning of 'acquisition[3].'

The text about Parasu Ráma, to which I have already alluded, clearly means that to the military class the general rule—as orientally expressed, 'the eye, the hand, and the word of command'—was committed, according to the usual Hindu polity: there is no reason why 'supervising' should be selected in particular (see p. 158, ante).

It certainly would have to be asked how it came that a peculiar organization of division among a number of equal castes, came to exist in this one place, contrary to any experience in any other place among similar Dravidian

[1] There is the word kan 'the eye,' and a Dravidian root *kaṇṇa*, 'to see.' But there is no proof that kánam ever had the meaning proposed. Dr. Gundert, than whom no better authority can be quoted, says that the root *kaṇṇ* implies not 'to see' but 'to appear,' and the kánam is visible wealth, or property in a tangible shape. It will be observed that Mr. Logan refers to one of the ancient deeds where the word 'kánam' occurs, in which its obvious sense is 'property' or possession—whether of a limited kind (as a mortgage) or not. To substitute 'supervision' would make nonsense of the text. There is not the least proof that the Náyars as a class were early, or ever, called kánakkárar as a class. We have no evidence *when* the system of money advances described began. But no reasonable doubt can exist that 'kánam' is wholly connected with the idea of property, and that at some time or other it became specialized to mean the sort of property, which the subordinate Náyar had when he took his lord's land against a money advance.

[2] In Tamil Veḷḷam means 'a flood,' not water (as it does in Malayálam) and is chiefly used in poetry: the word cannot be referred to any Malayálam meaning: it may be derived from the Tamil Veḷḷa = white and 'ál' = person.

[3] The term-niraṭṭi-péru refers to an ancient Hindu custom known to Manu, of pouring out water as a solemn act of transferring property, so that Niraṭṭi-péru = acquisition by the water-libation, is thoroughly intelligible: but 'birthright by water-pouring' seems to be self-contradictory. Moreover *peru* does not mean 'birth'—(and if it did there is nothing about *right* in it). Peru means to 'bring forth,' or more commonly 'to obtain,' and the derivative noun (péru) means the 'act of obtaining' or acquisition.

races; but, as the only evidence offered is the existence of single words and phrases, which, to say the least, are capable of an entirely different interpretation, and as the primal existence of the quasi-mortgage assignment or kánakkárar tenure is assumed without the least authority, we can hardly find it necessary to examine the subject further.

That the ancient deeds indicate many curious forms and institutions, the division of produce, and certain rights and claims over trees and produce, all this may be fully admitted and profitably studied; but they are all absolutely consistent with the existence of rights always found to arise among the superior castes, and zealously claimed by them, and which ultimately change into the formal landlord-claims of later days.

That rights in land of a strong character existed in Malabár as they did all over India, the deeds and records fully establish; but that there was any exceptional private property *of a particular kind* certainly does not appear. Where Mr. Logan is undoubtedly correct is in his explanation, that, while the whole class of Náyars had their original position, the chiefs were not soil-owners in the European sense any more than any other class[1]. Mr. Logan believes that the origin of the superior or 'janmí' rights of the leading Náyars was in the royal grant, and that the grant gave, not the soil, but a certain position, authority, and privileges. Accordingly, when the subordinate Náyars advanced money to the *janmís*, it was not to take, as security, a terminable interest in the soil; and it was only by an extension of English law ideas that the soil itself could be redeemed in connection with the kánam right.

As a matter of fact, the idea of the 'janmí' having a special right in the soil was merely the late assumption of a military class, who no longer had independent rule; while the practice of taking money advances was one, the origin or antiquity of which it is impossible to ascertain,

[1] *D. M.* vol. i. p. 601, et seq.

and was more probably connected with feudal or military tenure, irrespective of any question whether the superior was soil-owner and could redeem, or not.

§ 9. *Features of the 'Janmam' and Kánam Tenures.*

It may be justly urged in defence of the claims of 'janmís,' that colonizers and conquering settlers have at all times in India claimed very large rights, and have had fixed ideas about inheritance and the power of transfer. And when Malabár was under a sovereign prince, he no doubt made grants, which were expressed in such terms that it is not surprising to find a landlord-claim developed when the *ruling* position of the caste-men passed from them.

The ancient title-deed, translated in Mr. Logan's Vol. II, no doubt proves the existence of a fully-developed idea *of property* in land and its being transferable. The deed seems to delight in indicating the completeness and durability of the transaction by piling up words (in this respect not unlike our own conveyances), which at first sight indicate the grant of the soil itself. We find the deed enumerating the 'good or bad stones,' stumps of trees, thorns, roots, 'stupid, bad, wicked snakes,' holes, mounds (hidden) treasure, wells, 'skies' (everything up to the sky), 'lower world' (everything down to the bottom), streams, water-courses, canals, washing-places, footpaths, deer forests, shady places where bees make honey, import and export duties and customs, sold as part (or as incidents) of the property; but there is the significant addition of 'deṣam' (authority in the small territory so-called), 'rank,' 'right of wager by battle,' and so forth.

It has been rightly pointed out that really what is conveyed by such a grant—spite of all the words about the soil—is primarily the place and the position in the community and the soil-rights that go with it[1].

[1] And this is borne out by the admitted fact that the janmam right itself may survive, though any actual enjoyment of the soil may have dropped away from it altogether. See *D. M.* vol. ii., deed No. 15, and vol. i. p. 606.

It is certain that the leading Náyars, whether holding under grants worded like that alluded to, or merely as original heads of territorial divisions, chiefs of 'deṣáms' and 'náds,' were regarded as superiors and entitled to dues from smaller caste-men who were contented to hold land under them, though probably not in any such sense that they could be ejected like ordinary tenants.

And it is certain that this relation brought about the peculiar 'kánam' tenure, which is found here and in Canara also[1]. I have already expressed an opinion in favour of the view stated by the Chief Commissioner of Coorg, that the 'kánam' was the indefinite 'possession' or 'property' consequent on paying a fee in token of allegiance, which fee (or the interest on it) excused or covered the rent, wholly or in part; but there is no need to be bound by this: if it is a question of the extravagance of the 'landlord' and his desire to forestall his rent by taking a lump-sum in advance, still the whole matter was arranged by custom.

The interest to be allowed was regulated so that it was known how much of the rent—whether the whole or part—was covered. And the custom shows a desire to protect the rights of both parties. The 'mortgage' could certainly not be redeemed at pleasure, nor at a term fixed by contract, which at once shows that we have not an ordinary European mortgage to deal with. But the custom was that when either the janmí or the káṇakkar died, a certain reduction in the principal debt was made and the holding continued as before.

After a time it became customary to deduct these portions, or credit these renewal fees to the account, *every twelve years*. If the deduction or charge of fee was actually made, a new deed showing the diminished principal and

[1] It is said, by Mr. Logan himself (i. 601, note), that the term kánam, as applied to this tenure is a *very* modern use; if so, it is very much against Mr. Logan's theory, for he does not adduce the smallest evidence to show that any kind of Náyar was ever called holder of kánam or kánakkárar, in any *other* sense, or at any earlier time. The older name for the tenure is páṭṭóla or páṭṭamóla.

consequently diminished interest deduction from the *janmí's* share, was drawn up. But more frequently the deduction was not actually paid, but re-advanced to the *janmí*, in which case the original deed remained. Under such a system, in theory at least, a time came when the *janmí's* debt was reduced to nothing; and if that happened the *janmí* and the *káṇakkar* each resumed his original position and share of produce. Either this, or the continual re-advance happened according to mutual convenience; and thus the good relations of the parties were maintained.

Where the advance was so considerable that the interest swallowed up the whole of the *janmí's* produce-share, the transaction was called 'otti.' But, as remarked, the *janmí's* share was not the only item in the constitution of the 'janmam' privilege or property; consequently, if these other rights could be valued, they were also good security for a still further advance. These residuary rights were customarily valued at half the sum which had purchased the 'otti.' And the 'mortgage,' in which the interest went beyond the 'otti,' had another special name[1]. In short, the *janmí* first pledged up to the full value of his produce-share, and when that was no longer available, he had to meet the interest on further advances, out of his other resources as *janmí*. It may be mentioned that sometimes, when there was an additional advance to be taken on janmí right already pledged, it was called 'melkáṇam,' and if the previous 'mortgagee' would not advance the money, the *janmí* applied to a stranger, or sub-mortgagee. The new lender has, however, now no power of evicting the first 'mortgagee,' though he can redeem the first mortgage when the time comes (without the renewal fee or deduction

[1] It is curious to note in primitive languages how frequently they have a multitude of separate terms for things which modern tongues are content to describe by one or two common names, the class being the same, though some features are different. At the same time the primitive language is unable to find different terms for things which the modern speech finds it indispensable to discriminate. Thus in Malayálam we find a host of different names for transactions that are really exactly the same in kind, though differing in the amount of interest, &c.

every twelve years). The simple pledge of the *janmam*, or any other, right is called 'pannayam,' the general term for which has now practically become a mortgage.

Another form of tenure which (speaking in modern terms) combined the mortgage with a waste reclamation tenure, was the 'kuḷikáṉam [1].'

The cultivator enjoyed the whole produce (it is no light labour to keep down the weeds and clear the growth of a semi-tropical forest-waste) for a term of years, paying a nominal fee for entry on the land: when the term (it became twelve years by custom) expired and the janmi desired to take his share, he had to buy the right from the cultivator at a certain customary price (*now* it is called 'compensating,' the reclaiming 'tenant' for his permanent 'improvements'), and then he took his rent or páṭṭam as in ordinary land. But commonly this money was not paid down, but treated as an advance (like the kánam), and the interest was deducted from the *janmi's* share. Moreover, the cultivator who commenced such a 'clearing' was not treated as a trespasser; it was obviously to the advantage of the superior, where waste was so abundant.

When the Mysorean troubles began, it seems that the Náyar janmís took to flight, or at best feared to show themselves in the Muhammadan revenue-'kutcherries' (public offices): so it was the káṇakkars (many of them Máppillas) [2] *that had to bear the new 'Settlement.'* Had the káṇakkars thought the *janmam* to be a real right in the soil, a 'fee simple,' or some such thing, they would surely have seized on it and become the proprietors. But such is the force of custom and the value of káṇakkar rights, as then understood, that all the kánam-holders merely made favourable terms with the janmís, giving

[1] Sometimes written (with a view to render phonetically the liquid ḷ) — kuyyikaṉam. Kuḷi is the pit in which young cocoa-nuts are planted.

[2] The Máppillas were an energetic Mussulman race who were emigrants from the Arabian Coast and adopted Malabár customs and became landholders. The name is now usually said to be honorific; Má = Mahá or 'great,' and Pilla is an honorific suffix also applied to Náyars in Travancore. The Máppillas have given repeated trouble by their violent insurrections.

them small sums to subsist on, and they were quite satisfied with *enlarging their own kánam rights.*

§ 10. *Résumé of the Development of Tenures.*

If we may now pause for a moment to compare the rights in a Malabár village with what they were in a joint village of the Tondeimandalam country, or indeed with any joint village (of ancient origin) in the North-West or Panjáb, it will be observed that (apart from their physical difference in the aggregation of land and the village dwellings, which is of no great importance) the central difference is this. In the Tondeimandalam, we have *one* leading colonizing tribe or caste, and that all the rest, including the original inhabitants, are markedly inferior, so that the colonizers divide the land as their own, on such a system of sharing and exchange, and so forth, as suited the genius of the times; and they alone claimed to be proprietors or 'mirásidárs' respecting their inferiors and even their slaves (see page 121), more because these latter were *indispensable to the existence* of the village, than from any other cause. But in Malabár, there was no one caste so predominant —at least not universally and always. The Brahmans were strong in their way, and they got a good share of the territory in separate estates organized in their own fashion: the Náyars were naturally strong, with their military habits and organization: the Vellálars had always held up their heads, at any rate in the beginning[1]. The Tíyars, too, could not have travelled from Ceylon, bearing with them the precious 'Southern tree' (cocoa-palm) unless they had good stuff in them; and so no one of the classes at once succeeded in becoming *the* landlord over considerable areas. Each doubtless considered himself fully entitled to his own holding, but arrangements were made for a general government which, to a certain extent, preserved the rights of all classes. But in the end, the natural tendency of the race

[1] Though the Brahmans chose to class them as 'Súdras,' it must be remembered that the Súdra (a theoretical rather than an actual caste) is *infinitely* high up in the scale, compared with the host of 'mixed-castes,' and 'no-castes' below him.

towards a military sovereignty prevailed. Accordingly in the end, the Náyars became first rulers of territories and in the end landlords, following the ordinary course of events; and having done so, they received the aid of western ideas in further fashioning their position into one of absolute property.

The *spirit and intention* of the Malabár 'janmí' right is just the same as that exhibited in the terms káni-átchí, mírás, wárisí, wirsa, or watan of other parts: and thus it has happened that we have the whole of Malabár owned by a class of *janmís*, and of inferior Náyar kánakkárs, who are *now* only holders of 'kánam' or various forms of mortgage right, while other cultivating castes hold land under the *janmís* as tenants, some of whom are protected from eviction and enhancement chiefly by the claims they have for 'compensation' due to them for the 'permanent improvements' they have effected. Of course, as time went on, the courts and Revenue Officers having proclaimed or recognized these relations, they became better understood, and are now real,—being described in leases and agreements executed, and legally binding between the parties.

§ 11. *The Modern Development of these Tenures.*

The way in which the tenures came to be what they are, is, in some respects, connected with the revenue history. In the first place, it has just now been mentioned, that when the Mysoreans came, the 'janmís' mostly fled, or refused to appear, so that the Revenue Settlements, such as they were, were made with the 'káṇakkárs' and others in managing or cultivating possession.

The Mysore Settlements were arbitrary, and were varied from time to time. They proceeded, in the case of grain-crops, on the basis of the native customary calculation, that a certain quantity of seed produced a certain outturn; speaking in general terms, the Mysorean rulers took nearly all the produce that remained after paying the cultivator's profit and subsistence, and the costs of cultivation and wages of farm-servants. They converted the State grain-share into money at

certain rates. And so with garden-produce: they valued the fruits of the different kinds, the areca-nut, the cocoa-nut, and the jack-fruit, &c. These arrangements have now no interest for the general student, but can be traced in detail (in the different taluks and náds) in the *District Manual*[1].

When, in 1792, the country became British, and the chiefs returned, arrangements were first made with them as a sort of temporary Zamíndárs. Placed in this novel position, they took to 'plundering and oppressing.' From 1792 till 1802, the district was in continual disturbance; and in 1801-2, the first Collector was appointed. Meanwhile, the Joint Commission of 1792-3 had issued a proclamation recognizing the *janmís* as landlords[2].

The earliest schemes of revenue-assessment by the Collectors were to some extent based on the Mysore rates; but as they failed to understand the real tenures, no provision was made for leaving a sufficient margin to supply both the janmí (who was now the Settlement holder) *and* the káṇakkár, with their respective customary shares or profits. This was hard, because it was the latter class who really had borne the burden of the land during the Mysore occupation. No doubt, looking to the almost universal fact that the káṇakkárs had advanced money, it was supposed that they were sufficiently protected as '*mortgagees*' and could look after their own interests by 'realizing their *securities*.'

And at first this omission caused no great difficulty. Most of the *janmís* were deeply in debt, and the káṇakkárs were in actual possession, and it was not realized how the revenue scheme really ousted them from a permanent

[1] A general calculation shows that, taking the customary produce as ⅓rd to the cultivator and ⅔rds the net produce available for the co-proprietor or the State, or both as the case might be, the Mysorean assessment came to about 86 per cent. of the páttam in 'wet lands,' and on an average 63 per cent. in garden lands. In the 'miscellaneous lands' punam (temporary forest-cultivation), modan (uplands rice), and land that grew 'ellu,' til seed, the share was from 32-42 per cent. of the *gross* produce.

[2] It called them 'owners,' and declared that the káṇakkárs were 'owner's lessees,' and *as such* liable to be got rid of when the term for which the lease was created expired. See No. LXVIII, Part II, Logan's *Collection of Treaties*, &c., Calicut, 1879.

share and interest in the soil-produce, which by *custom* (we must remember) they had *independently* of their money advances.

But it was not long before the theory began to be felt in practice; for in 1831-32, prices began everywhere to rise, and also an inquiry was going on into what were called the 'actual rents' (paid to the janmí proprietors). The receipts of the janmís began to get larger and larger, as the prices of produce rose, and also they woke up to their new position and tried to make out everything in their own favour. They found out that they could 'evict' the 'mortgagees' (who had been in possession since the time of Haidar 'Ali's conquest), as soon as their balances were paid off; and so they began to demand extravagant terms and 'renewal' fees or deductions, at the periods of revision, before they would consent to the renewal of the 'mortgage.' The lessee, fearing that otherwise he would have to go altogether, was obliged to consent. Then it was that the kánakkárs (regarded as mere lessees and mortgagees) began to find themselves getting the worst of it; and the more turbulent ones, especially the Máppillas (Moplahs) commenced those outrages which have been occasionally repeated down to the most recent date[1], and will not be put a stop to finally till there is an effective working of a good law, which will protect the surviving subordinate tenants from eviction and harsh treatment by the settled 'proprietor.'

There is no test of the operation of principles, or the effect of recognizing certain relations between classes of soil-holders, like examining actual title-deeds and actual holdings; and it is fortunate that Mr. W. LOGAN, the Special Commissioner and author of the able report of 1881, has been able to examine no less than 14,034 holdings of land in Malabár.

[1] The last was in 1885. What made the Máppilla outrages so bad was, that, starting with a sense of injustice of the Hindu (Náyar and Nambudri Brahman) landlord, they imported into the quarrel religious fury against the 'infidel'—considered themselves as 'shahíd' or martyrs, and after divorcing their wives and going through formal devotions to meet their end, rushed into violent attacks and murders which always ended in their death.

Out of 14,034 plots, the janmí was found with wholly other caste-men under him as tenants, in 10,328 cases, while the smaller Náyar or Moplah káṇakkár retained his place in only 3706 cases.

It is, however, curious to note that though the 'janmi' must have got rid of the 'intermediary' Náyar holders in so many cases, he was still obliged to resort to the richer cultivator for advances, and appears to be proceeding to create new mortgage interests for advances, with his direct tenant or cultivator, just as he did with the 'feudal' káṇakkár.

§ 12. *Examination of Tenure Statistics.*

At the risk of being a little tedious, I must give the analysis of the *terms* on which these 10,328 plots or holdings were taken from the 'landlord' direct[1]:—

	In number.
I. *Permanent* tenures paying rent, or the rent being excused	338
II. 'Otti' tenure. Advances made to the landlord to such extent that the interest covered (and really more than covered) the landlord's produce-share, so that there was also *no reduction* at the periodical renewal	33
III. The same only where the advances were not so heavy, and so a *renewal*-fee was chargeable	26
IV. The tenant had made advances, leaving some 'rent' payable to the landlord and liable to renewal-fees (*kánam*)	3472
V. Ditto, ditto, but not liable to renewal-fees (the agreement being so) . . .	23
VI. Simple mortgages for indefinite periods, in which some rent may or may not be payable to the mortgagor (*panayam*) . .	123
VII. Simple leases on rent for twelve years or more (verumpáttam)	972

[1] This list is taken from the *D. M.*, but the order is slightly altered, and the explanations expanded so as to be more easily understood.

	In number.
VIII. Leases for terms more than one and less than twelve years	2752
IX. Leases for one year or 'at will' . . .	2589

It will then be convenient to resume the state of the chief tenures as they *now* are regarded, premising that in a book of this kind I cannot pretend to describe every one of the numerous varieties (*all separately* named and sometimes to European eyes most portentously) of tenures. Indeed, except for a local administrator, the distinctions have often no value; they merely mark whether one or two years' rent has been paid in advance, and other such features of detail.

The *real* or generic distinctions I have already to some extent indicated. Thus, for instance, the mortgage that lasts for twelve years and is then liable to a deduction or renewal fee if the janmí renews, is the *kánam* in one of its various forms. The mortgage *not so terminable and renewable*, but like a mortgage elsewhere, is *panayam*[1]. The peculiar 'planting' tenure is *kuli-kánam*[2].

These distinctions are fundamental, and not merely incidental: so where the kánam amounts to 'otti,' as already explained, the distinction may be important, because, where the mortgage is so extensive, it seems that certain forms were really only to disguise an actual sale, and in fact the *janmí* had no *right of redemption*, though if the káṇakkár proposed to sell *his* rights, the janmí had a right of pre-emption[3].

§ 13. *Results as to the Modern Kánam Tenure.*

Practically, then, the káṇakkár is now only a lessee or mortgagee, as the case may be, with varying powers according to the nature of his connection with the janmí.

He may be a practically irremoveable intermediary,

[1] A mortgage called uṇḍaṛuti—in which both principal and interest are cleared off by the usufruct—seems exactly like the 'lekhá-mukhí' mortgage common in India.

[2] See p. 170, ante.

[3] A kind of mortgage called peruvartam is also a very stiff one. Here the right of redemption is not lost, but can only be had by paying the market value of the estate at the time of redemption.

because he cannot be redeemed out; if not that, he has always his tenure for twelve years, and then, if the mortgage is not renewed, he has to be compensated for all improvements before being turned out; and his annual payments ('rent') to the janmí are regulated by what remains of a fixed share of the produce, after deducting the interest due to himself. On the other hand, if, at the end of the term, he wishes to keep on the land, he must submit to such renewal fee or premium as he can agree upon with the landlord. With the planting or reclamation 'kánam' (kuḷikánam), there is the usual twelve years' tenure, and the cultivator cannot be asked to give up at the end of it without full payment for all permanent improvements, buildings, and plantations. On the ordinary mortgage (panayam), there is neither a certain tenure for twelve years (unless that happens to be the term specified), nor any question of renewal or deduction fee, nor any compensation for improvements by the outgoing mortgagee.

Simple *leases* (verumpáṭṭam) are now much in vogue, varying in terms from a bare subsistence to the tenant—the bulk of the produce going to the landlord—to better contracts when the old customary one-third (of the *net* produce) goes to the cultivator and two-thirds to the landlord.

Simple tenants-at-will or under contract, are called 'Paṭṭamkár.'

§ 14. *Law for Tenant Protection.*

A Bill has been prepared for the control of evictions and the monopoly of land, dealing with the question of evictions in four sections; but it does no more than provide (which is a usual clause in all Tenant Acts) that eviction can only take place at a certain date (with reference to the agricultural year and ripening of the harvest, &c.), with the further addition that the tenant is to receive notice six months before the intended eviction, and with a provision that even when a suit for ejectment is filed, the tenant can prevent forfeiture by paying up his arrears and full costs of

suit (or giving security for payment within fifteen days)[1]. I have no information at present regarding the prospects of the passing of this draft law, or whether it will be regarded as a preliminary measure, or whether it is intended hereafter to recognize certain rights in classes other than *janmís*. At present it would seem that, besides the proprietor, no one has any protection but what the terms of a *contract* give him.

§ 15. *Land-Revenue Management.*

It has already been noted that, when Malabár was first annexed, it was placed under the Bombay Presidency. A joint Commission of Bengal and Bombay officers was appointed to examine into the state of affairs; and this Commission, by its proclamation in October 1793, appears to have taken the first step towards formally recognizing the janmís as owners of the soil. After various preliminary measures, under which the local chieftains were engaged with to pay a certain revenue for their territories, and 'Supervisors' endeavoured to control them, the district was transferred to Madras, and a Collector with assistants was appointed. It may here be noted, that in the absence of *villages* as units of management, some other aggregate had to be adopted, and local officials appointed. The social units, tara, grámam, or chéri, were too small. Under the old Malabár 'Perumáls' there had been a general constitution of small subdivisions called deṣam, and a head of each called desaválí. The original nád was also made use of as a sort of larger (or táluk) division, with its nádválí or executive head, and its deṣádhikárí or accountant. The deṣam was thought too small by our first Collectors, while the Mysore administrative division called 'hobalí,' was

[1] The Bill does not attempt to define (or recover) any right of the State to the unoccupied waste or forest. All that is assumed is the right of regulation in each case, where some one proposes to cultivate waste to an extent not exceeding fifteen acres; and the question whether any one has a just claim to object to the grant of a 'patta' to cultivate, is a question of fact in each particular case. The question can be evaded by the objector or claimant offering to pay five years' assessment, in which case the application to cultivate *must* be refused, if the person paying is 'interested' in the land.

unsuited. They adopted, therefore, a sort of 'parish' grouping now called ámisham (amshom of the books), for each of which there is a headman, and an accountant called menóñ. In 1803 the first Collector (Major Macleod) endeavoured to make a hasty revision of the assessment; but unfortunately, at the same time, he raised the rates of exchange (in connection with the complicated local and other systems of coinage of the day). This led to disturbances, and Major Macleod resigned, and Mr. Rickards succeeded him. In 1805-6 inquiries were made, and especially a plan of consulting the landholders, as to what method of assessing the Government share would be acceptable to them, was resorted to[1].

This assessment was called '*vilachchal-méní-páṭṭam*' (calculated in special or peculiar methods). But it proved unequal and complicated, and would not work. The next stage is represented by Mr. Warden's attempt (1805) to get an enumeration of fields, and of garden trees, and to make a survey. This is spoken of as the 'janmí paimáish.' But he was not very successful, and fell back on some earlier assessments of 1800-1, which he caused to be corrected and written out. They are said to be, though defective, the best accounts extant. Being written by *Maráthá* karnams, they were called the 'Hinduwí paimáish' accounts.

Still the assessments were much complained of, as appears from Munro's minute, written after his visit, which has been alluded to. (Munro was then a member of a Special Commission for Revising Establishments and the Administrative System). The chief cause of complaint seems to have been, not so much the assessments in themselves, as the levy of them on lands that had deteriorated, and on gardens the trees of which had

[1] Roughly speaking, this was a division of the páṭṭam. Thus (wet land is taken for an example), take the gross produce; deduct (according to the known customary ratio) the seed, and a similar quantity as being costs of cultivation. Of the balance, take ⅓rd for the cultivator and ⅔rds for the páṭṭam, and of this take 60 per cent. for the State and 40 per cent. for the proprietor. The Government share was turned into money at certain rates for the produce at local value. There was another plan (on the same general principles) for dividing 'garden' produce; 50 per cent. being the Government share.

ceased to produce fruit; and above all, to the *sale* of land for arrears, to which the Malabár *janmís* were not accustomed[1]. This was followed by the appointment of Mr. Græme, who made an inquiry into the whole administrative system, and furnished what was described as an exceptionally able report in 1822 (January 14th)[2]. He examined the proportions of the produce the Government could take, but unfortunately was unable to go into any of the vital questions (which would really have brought matters to a satisfactory conclusion), namely, how the produce was actually shared between the 'janmí' and what we should now call the under-proprietors or tenants. This would have elucidated the subordinate rights, and enabled Government not only to fix *its* share in such a way as to leave a full margin for *all* the interested parties, but also to make regulations for securing to each party his right. Unfortunately the able report of Mr. Græme did not do this, and therefore left the tenures in the unsatisfactory condition that they have so long been in. Still the report proposed an assessment based on a proportion of the verumpaṭṭam or actual rent received, as the author calculated it. The details of his plan are set forth in the *District Manual*[3]. This was approved of, and Mr. Græme was sent to work out his proposals in practice, and revise the assessments. He ascertained the total assessments of 'hobalis' or circles of villages (which had been fixed by the Mysoreans) and constituted the 'Amshom' divisions instead. Unfortunately, as he then left the district, the detailed assessment or distribution of the totals on individual holdings, was left uncompleted, and was afterwards undertaken by Mr. Vaughan. 'The principles laid down by Mr. Græme were adhered to and *are still in force*.' But the execution in detail appears not to have been equal to the design.

[1] The popular customs evinced great dislike to sale of lands at all, as evidenced by the repeated mortgages, the object of which seems to have been to stave off a *sale* as long as possible.

[2] It was Mr. Græme who organized the 'amshom' subdivision alluded to above (1822-3), see *D. M.* I. 89.

[3] I. p. 690. § 254, seq.

As regards the application of Mr. Græme's plans to the various classes of land, it may be noted that, as regards (1) garden lands, various surveys and inspections were made, and also periodical revisions of the assessment. These present no feature of general interest. The great rise in prices and in the value of garden lands has enabled revenue collections to go smoothly ever since.

(2) The scheme for 'wet' (rice lands in the low valleys) did not progress so satisfactorily. The accounts of the lands were false, and the surveys did not advance; for which the heads of amishams were chiefly to blame.

A long series of attempts at a remedy followed. And in 1861 a revision was ordered, going back to the accounts of 1806–10 (Hinduwí paimáish) with subsequent corrections for new cultivation.

(3) Various taluk orders were issued regarding the assessment of 'miscellaneous lands,' which present no feature of interest. There the reforms came to an end; meanwhile prices rose and land acquired value, so that rates which were once heavy became easily payable. The fact seems to have been both as regards garden land, wet land and miscellaneous crops in the upland and forest, that the soil is so fertile, the crops generally so good, and the rates so generally light by reason of increase in prices, that revenue collection has been in practice easy, however complicated the various taluk rules seem to the outsider.

A regular Settlement is now in progress. Three survey parties are at work in the district. In the Wainád, which was until recently part of the Malabár district, a new Settlement has been introduced, and the Settlement of Pálghat is begun.

§ 16. *The Wainád Settlement.*

The principles of the Wainád Settlement are shown by the following Notification of 29th September, 1886. I have not heard of the principles on which the Malabár taluks below Ghát are to be settled.

'2. The general principles on which this (Wainád) Settlement will be conducted are briefly as follows:—

'For the classification of lands two main divisions will be observed, viz. (*a*) wet and (*b*) dry.

'3. (*a*). Wet lands comprise paddy flats and swamps locally known as 'Nílams,' 'Kandams,' 'Vayals' and 'Kollis.'

'(*b*). Dry lands include all other lands on which dry cultivation (whether estate[1], garden, modan, punam, or takkal) is or can be carried on.

'4. Wet lands will be assessed on a scale of nine rates extending from a minimum of 8 annas per acre (by increments of 4 annas) to a maximum of R. 2-8-0 per acre according to the various classes or *taram* to which they belong.

'5. Dry lands will be assessed on a scale of four rates ranging from a minimum of 8 annas per acre (per increments of 8 annas) to a maximum of R. 2 per acre. The highest class (R. 2 per acre) will include forest lands and coffee, cinchona, &c., cultivation. The second class (R. 1-8 per acre) will include the better kind of scrub land. The third class (R. 1 per acre) will include inferior scrub and best grass land, and the fourth class (8 annas per acre) will include inferior grass land.

'6. Effect will be given at the Settlement to the decisions arrived at in the course of the Escheat Inquiry.

'7. On all Government (revenue-paying) janmam lands, whether wet or dry, janmabhogam[2] at the rate of 8 annas per acre will be imposed in addition to assessment, except in the case of lands acquired *bonâ fide* from fictitious janmís whose place has been taken up by the State. Occupants of such lands will only be required to pay to Government in addition to assessment, the janmabhogam, if any, originally agreed upon between the fictitious janmí and the landholder.

'8. On and after the introduction of the Settlement, all lands, wet or dry (except as hereinafter provided), shall only be taken up or relinquished on the system of "darkhwást" and "rázináma," subject to a minimum which has been fixed at half an acre on wet and one acre in dry land.

'9. Forest lands assessed at R. 2 per acre at the Settlement will not in future be granted on darkhwást, but will only be sold under the Waste Land Rules.

'10. The existing orders relating to exemption from assess-

[1] 'Estate,' i. e. a grant under Waste-land Rules.

[2] The Revenue payable by janmís is so called.

ment of tea, coffee, and cinchona for certain periods after planting will remain in force.

'11. House sites will be allowed free to the extent of 25 per cent.; any excess being charged at the rate leviable on the land had it been occupied for cultivation.

'12. Estates held under the Waste Land Rules will not be affected by the Settlement, but will continue to pay existing dues on the full extent held.

'13. Existing estates held under private janmís or under Government, who have taken the place of fictitious janmís in escheat lands, *bonâ fide* acquired, will be assessed as follows:—

'On the cultivation at the time of Settlement, the existing rate of R. 2 per acre will be charged, which, with the addition of six pies per acre on the remaining uncultivated portion of estate, will constitute the whole assessment of the estate for the period of Settlement, viz. thirty years. It must, however, be distinctly understood that the Government reserve to themselves the right of enhancing the assessment on any of the land assessed at six pies the acre, which may subsequently revert to the State by relinquishment or otherwise.

'14. Estates held on Government patta will be charged the proper rate per acre on the whole area occupied, according to the class or classes of land comprised in the holding, whether cultivated or not, in addition to the present janmabhogam of 8 annas per acre, as in the case of all other Government lands, wet or dry, held on patta.

'15. Temporary or "Púnam" cultivation, as also "Takkal" or "Kumeri" cultivation, will not be allowed in forest lands of the first class, but only in inferior classes of dry land. This kind of cultivation will be treated in the following manner:—

'(*a*). In Government lands a block of land five times the extent of the cultivation at the time of Settlement will be marked off and entered in the cultivator's name. The whole block will be assessed at one rate lower than would otherwise be the case, and entered in the pattas; but at the annual jamabandí the assessment and janmabhogam on the portions uncultivated during the year will be remitted. No transfer of lands held on these terms will be recognized.

'(*b*). In private lands the proper rate will be charged on the extent cultivated.

'16. The Settlement will remain in force for the usual period of thirty years (from date of introduction), at the ex-

piry of which time Government reserves the right of making any modifications as may then be deemed necessary or expedient.'

SECTION IX.—THE NÍLGIRI DISTRICT.

The Nílgiri (Nílagirí) District, interesting as it is to the naturalist and the ethnologist, presents but few features which interest the student of Land-Revenue systems. A mountain country of plateau and valley and forest, the only cultivation of local inhabitants was—

(1) The purely shifting cultivation called kúmri, practised by the Kurumba and Irula tribes;

(2) the cultivation which is indicated by the term 'bharti,' which is a sort of intermediate system between roving and settled cultivation.

But, besides the assessment of this cultivation, and the recording of rights, the Nílgiris presented other questions, of which the important ones were, the acquisition of estates by settlers at Ootacamund and Wellington, and by coffee-planters and others. These were mixed up with a question which was long misunderstood, namely, the rights of a pastoral tribe called Tódas or Túdás (Todawar of some reports).

The Nílgiri district was acquired in 1799 and formed part of North Coimbatore. As originally constituted, it comprised only the plateau and the slopes on the north and east, running down into Coimbatore; but various tracts were afterwards added: e.g. the Kundahnád in 1860, and the Kinnakorai villages in 1881; the Ouchterlony Valley in 1873; the South-East Wainád in 1877; Merkunád, with the slopes below Manaar, in 1877. The Ouchterlony Valley and Wainád have peculiar tenures of their own, similar to those of Malabár, of which district they were until recently a part; they were not included in Mr. R. S. Benson's Nílgiri Settlement of 1881–1884.

The original inhabitants of the Nílgiri district had no settled ideas of land-tenure; the curious Tóda tribes are

graziers only [1]; the Kurumba and the Kóta, live by kúmri cultivation in the forests, from which, like other tribes, they are gradually reclaimed to settlements of a permanent character.

The Baḍagá tribe (called 'Burghers' in the early reports) were the latest comers, and they inhabited the settled 'villages,' and were (with the Kótas to some extent) the only permanently cultivating class. There is, however, little that is peculiar about their tenure. The nature of the country favoured rather the settlement of small hamlets with a certain area belonging to each. In the immediate vicinity of the hamlet, the manure from the cattle 'kraals' enabled a limited area of 'home farm' or permanent cultivation to be kept up; for the rest, the poverty of the soil or the habits of the people, or both, induced them to cultivate only bits here and there, over the area attached to the hamlet, the rest lying fallow; it was, in fact, a modified form of kúmri cultivation.

'Under the "bharti" system,' writes Mr. Benson, 'each cultivator held from Government a pattá for the area of land which he ordinarily cultivated in each year; but the available land being practically unlimited as compared with the demand for it, and being of little value to Government, the cultivator was permitted to cultivate a different plot each year, shifting from one place to another at will within certain limits, but retaining, by common consent and without payment, a preferential claim, or lien, on the plots formerly cultivated by him, and returning to them in rotation after two, three, or more years, according to the nature of the soil and the period of fallow which was considered necessary to restore its fertility. Thus, though the area in a man's pattá, and for which alone he was charged assessment, might be only ten acres, he was in the habit of cultivating in rotation various plots of land aggregating thirty or forty acres, or even more in poor and

[1] They live by the produce of herds of buffaloes, which the visitor to Ootacamund has seen (and avoided) roaming over the grassy downs of the 'Kunda' or low hills on the plateau. Docile enough to little Toda boys who tend them, they are wild with strangers. The Todas live in curious enclosed, domed huts, without doors or windows, and furnished with a small aperture into which they creep at night. A group of such huts is called a 'mand.'

sparsely-populated tracts. Nor were these several plots defined or limited or even identified except by the rude names of the fields entered in the pattá at the suggestion of the raiyat or the caprice of the village headman. There was no demarcation or survey, and consequently, in practice, the disposal of all lands lay with the village and subordinate revenue officials. If they did not wish an applicant for land to be successful, it was easy to set up some claimant in the locality to petition that he had a preferential claim to the land under the "bharti" privilege, and they were thus enabled to defeat the object of the applicant or to compel him to buy off their opposition or to purchase the consent of the claimant.'

The 'bharti' system was abolished with some flourish [1], and a Secretary of State's sanction, in 1863; but no one really paid the slightest attention to the orders, and the practice continued as before. Such a system, in fact, *could* only be abolished effectually by the one thing that was *not* attempted, i. e. demarcation and survey. It has come to an end now under Mr. Benson's Settlement, because both these operations have been performed.

The bhárti cultivators got one-fifth of their nominal holding ('pattá' lands) at one-fourth of the sanctioned assessment, as an allowance for fallow, technically described as 'iyen' or 'ain-grass.' They were further allowed to hold an additional grazing-lease—which was supposed to be for inferior land (purava-pillu-vari), at one-fourth rates *till* they cultivated, or some one else applied for the land. These two privileges, it was said, led to abuses (as might be expected where there was no definition or demarcation), and they might be made use of seriously to impede the spread of real cultivation.

The attempt at abolition consisted in the grant of considerably reduced assessment-rates, on the supposition that no Baḍaga retained any right in any area that he did not actually pay for as entered in his pattá; and this was supposed (as sanctioned by the Secretary of State) to apply to only 29,000 acres, then declared to be the total area

[1] See, for instance, at pp. 321 and 323, Nilgiri *D. M.*

held by the tribe. This was afterwards ignored when, in 1870, a survey was begun [1].

In the Kundahnád, a system of management (well-known also in Burma and other forest-covered localities) was practised. The system was known as erkádu and kothukádu. It consisted in levying a rate or tax for each plough (*er*) or hoe (*kothu*). The cultivator then cleared and sowed where he pleased. 'No restrictions,' says Mr. Benson, 'even on the felling of forests, were imposed, so that the hill-sides and valleys were cleared at will.' This system survived in Kinnakorai down to 1881.

§ 1. *Supposed Rights of the Tódas.*

We have now briefly to notice the Tódas and their rights in connection with the question of European and other settlements at Ootacamund (Uttakamand) and in the district generally under waste land and other rules.

The Tódas, who were not a cultivating class, had, in old days, levied or received a grain-tribute (gúdú = basketful) from the cultivating tribes. On this grain, together with the produce of their buffalo-herds, they subsisted. Various authorities supported or denied [2], according to their views of the facts, any right on the part of these Tódas, who, whatever may have been their claims to a just location and privileges, certainly never had any pretence to be general owners of the land or overlords of the Baḍagas, or anything of the kind. However, at one time, a number of persons at Ootacamund purchased land from them, imagining they got a good title; and apparently took up a considerable area of ground all round the house-site in consequence. In 1828, the Tóda claims were so far admitted that building sites could be taken up only on paying a fixed compensation; and the Home Government had laid down some prohibitions about Europeans taking lands for

[1] See the rules laid down as to unauthorized occupation, &c., *D. M.* p. 325 (note).

[2] This claim was sometimes magnified till the Tóda was made out to be landowner of the whole plateau and compared with the *janmí* of Malabár! See the right explained and the absurd ideas exposed, in *D. M.* p. 328.

cultivation without the assent of 'all parties possessing an interest in the soil and in the rents.' But it seems that when lands for cultivation were applied for by settlers, these principles were not attended to; a quit-rent of R. $5\frac{1}{4}$ per 'cawnie' (about one-and-a-third acres) was taken for Government, and that was all. But still people found that it was convenient, by paying ten to fifty rupees to a Tóda, to get what they supposed would pass as a title to lands; and so the question of 'Tóda rights' was kept alive. The *District Manual* gives an account of the subsequent attempts to settle the Tóda question. The claims of this small tribe were in reality quite simple, but they had grown and become complicated by misunderstanding; moreover, the Tódas themselves, hearing of the whole matter, and probably inspired by petty revenue officials, began vaguely to imagine great things, and to refuse the compensation offered them [1]. The matter hung in the air till 1843, when the Court of Directors finally decided it [2]. Some rules were then made (not sanctioned till 1849) and remained until the 'waste land' rules of 1863 came into force.

The Tódas have now been secured in their 'mands' or settlements, and a reserve of grazing- and wood-land is allotted to each; but, even though the pattás of the Tódas are declared non-transferable, 'the intention of Government has easily been defeated by a system of sub-letting, which has converted the home-lands of several "mands" into potato-fields and market-gardens.' In 1882 Government sanctioned the levy of a heavy penal assessment on lands granted on favourable tenure if alienated by sale, lease, or otherwise. This ruling will doubtless check the practice [3]. The Tóda land is subject to the really nominal land-revenue of two annas an acre; and that is the only charge upon it.

[1] *D. M.* p. 234, et seq.

[2] See the *Despatch* No. 20, *in extenso* in the *D. M.* pp. 339-41.

[3] The rates are R. 1000 per acre on forest, and R. 100 on grass lands.

§ 2. *Land held by Settlers and Immigrants.*

On this subject I cannot do better than follow Mr. Benson's *Settlement Report*:—

'The first European settlers bought lands, as has been already noticed, from the Tódas; but in 1828, Government required them to take out leases from Government and imposed an assessment of 1½ pagodas (R. 5-4) on each cawnie (1·32 acres) of land thus leased. Many properties are still held on these old leases. This high rate of assessment was held to apply to all lands, even those held for agricultural purposes, in the uplands of Tódanád. This rate was considered to be excessive and likely to check the extension of cultivation; so in 1836, Government, at Mr. Sullivan's suggestion, reduced the rates on cultivated lands at a distance from Ootacamund to an equality with those paid by the Baḍagas, but imposed special double rates on cultivated lands taken up by immigrants in Ootacamund, on the ground that the land was exceptionally rich, and that a good market for produce was close at hand. The limits within which these higher rates prevailed are those now known as the limits of the Ootacamund settlement. In the same year, it was determined that the assessment on house-sites should be reduced to R. 5-4 for the first cawnie only of the area occupied, the remainder being charged at R. 1-2-4 per cawnie. In 1842, an elaborate manual of rules for the disposal of lands was drawn up, but it did not come into force until 1849 on the completion of Mr. Ouchterlony's survey. It provided for the grant of thirty years' leases for agricultural purposes and ninety-nine years' leases for building sites, the latter being renewable every thirty-three years. Many conditions (now rarely observed) are inserted in these leases, and, in particular, one which provides that on the expiration of the lease, the land with its buildings reverts absolutely to Government. In the cantonment of Wellington, leases for fifty years are granted under similar but not identical conditions. Some modifications were introduced in 1858, and in the following year the redemption of the land-tax was authorized at twenty years' purchase, subsequently raised to twenty-five years' purchase.

'The abolition of the "bharti" system, which has been already noticed, was the necessary preliminary to any general system of auction sales of land such as the Government had

Waste Land Rules of 1863.

for some time been desirous of introducing. So long as large and indefinite claims under the "*bharti*" system could be brought forward and supported by the kinsfolk and friends of the claimants, who were usually the only witnesses that could be examined as to the validity of the claims, it was practically impossible for applicants to obtain land from Government. On its abolition, therefore, the Waste Land Rules of 1863, which had long been under discussion, were finally adopted, and the (General) Act XXIII of 1863 was passed to facilitate the disposal of claims made to lands about to be sold under the rules. The main provisions of these rules were that land was to be demarcated and surveyed on being applied for, and was then to be sold to the highest bidder, subject to an upset price to cover the cost of survey, and subject also to an annual assessment of R. 2 per acre of forest and R. 1 per acre of grass land. The assessment on grass lands was reduced to 8 annas per acre by order of Government in 1871, and, from time to time, considerable relaxations have been made by exempting land from assessment for some years after its purchase.

The Sígúr Tract exceptional.

'It is to be noticed that neither the Waste Land Rules, nor the simple rates introduced by Mr. Grant in 1862, have ever been applied to the Settlement village of Musinigudi, that is, to the tract of country lying between the foot of the hills on the Sígúr side and the Moyar river. Lands there are still obtained under the "*durkhast*" (simple application) system prevalent in the low country, and numerous rates of assessment, all containing fractions of an anna, still prevail unchanged since the beginning of the century. The survey of all estates in this tract was completed with the general survey of the district and the survey of all pattá lands and the revision of assessments therein has recently been ordered.—*G. O. No.* 986, *dated 4th September*, 1884.

Objection to Waste Land Rules.

'When the Waste Land Rules were passed, it was decided that henceforth no land should be granted to any one, not even to the Hill tribes, except under those rules. Considerable areas were sold to European planters during the first three years after the rules were in force, but they were never popular and the sales soon fell off. Between 1867 and 1874, the sales never exceeded 850 acres in any one year, and in 1868–69 they only amounted to four acres! The district was without an adequate staff of officials. Great delay occurred in the survey and sale of land applied for. When the sale took place, there was

nothing to prevent an outsider from coming in and buying the land over the applicant's head or bidding him up to such a figure as effectually depleted his cash-balance and left him unable to develop the estate. Sometimes this was done through mere enmity, more often to prevent new-comers from obtaining land near existing estates and thus reducing the supply of labour and manure; or in the hope that the purchaser would be able to sell the land (as he often did) a few days after the auction to the disappointed applicant, who would often, on consideration, think it better to pay an enhanced price rather than incur the delay, uncertainty, and expense of making a fresh application.

General Survey began, 1878.

'Prior to 1870, blocks of land applied for under the Waste Land Rules, and properties in and about the Settlements of Ootacamund, Coonoor, and Kotagiri, had been, from time to time, surveyed, but it was not until 1870 that a general survey of all lands was ordered, including lands in the occupation of the Hill tribes. Owing to the want of village establishments, the unhealthiness of the district, the advent of famine (1876–78), and other causes, the survey proceeded slowly and was not completed until about 1880. In its course it was found that, owing to the increase in the numbers of the Hill tribes, mainly Baḍagas, the area actually under cultivation by them had greatly increased since the pattás of 1862 had been given to them. Scarcely an acre of land had been bought by them under the Waste Land Rules, but the position of their pattá lands were undefined, and there was no one to check their acts. Consequently, they had gone on increasing their cultivation at will as their numbers grew; and they, moreover, still practised the "*bharti*" (or roving) system of their ancestors, which was nominally abolished in 1862, but which really still flourished without let or hindrance. The Survey officers thus found the Hillmen actually cultivating more land than was in their pattás and claiming still larger areas, on the ground that they had recently cultivated them and had a prescriptive right to hold them. There would, undoubtedly, have been extreme hardship in an order to recognize the pattádárs' title only to the areas shown in their pattás; and, consequently, orders were issued to treat the pattádárs liberally. In fact, the operation which Mr. Grant thought he had effected in 1862 was now again (or, perhaps, more accurately for the first time) to be carried out. In practice, each man was allowed to take up

whatever land he had at any time cultivated under the "*bharti*" system, and often, too, adjoining lands which had never been cultivated, but which might soon be useful either for extension of cultivation or for sale to other persons; for, in order to avoid the risks and inconvenience inseparable from applications under the Waste Land Rules, planters had now begun to apply to native landowners rather than to Government for such land as they required, and the more frequently when Government began to refuse applications for forest land, which is the only kind suitable for coffee-planting.

Malpractices at Survey.

'It is true Baḍagas rarely had land in localities suitable for coffee-planters, but then there was nothing to fix the position of the lands shown in their pattás. No one, in fact, knew the position except the owners and the men of their own village. It was easy to make an arrangement by which they should all agree to say that the land was in a certain spot which had been fixed upon as suitable for a coffee or other plantation. The subordinate officials of both the Revenue and Survey Departments were poor and easily open to persuasion. Indeed, in many cases, they either obtained, or intended to obtain, land in this way themselves. Little by little the practice, which had begun in fear and trembling, grew with impunity into a regular system, and embraced large areas in its operation. Owing to the existence of the Irulas and Kurumbas of the jungle, it was often possible to find small patches of land which had once been cleared in the midst of the virgin forest, and this lent colour to the misappropriations, and it was always easy to assert that small, poor forest was, in reality, secondary growth and had once been cleared. Many thousands of acres of Government land (grass, scrub, and virgin forest) were thus claimed and demarcated as private property. It was not uncommon to claim a couple of hundred acres of forest or scrub under a pattá for a half-a-dozen acres of ordinary land in some distant village. In one case I remember 1000 acres on the Hulikal slopes were claimed under a pattá for 1 bullah (3·82 acres).

Not noticed until 1878.

'Owing to the position of the subordinate Revenue and Survey officials, as already noticed, and the paucity of superior officers, this state of affairs did not come prominently to notice until the complete survey registers began to come in, and pattás were under preparation for the areas as ascertained by survey. Indeed, pattás for the three settlements and for Merkanád were

issued in, or prior to, 1878, without much notice having been taken of the excess lands included by survey with the private holdings. In that year, however, Colonel Cloete (the Superintendent of Survey) and Mr. Barlow (Commissioner as he was then called) of the district, got information of the state of affairs, and several reports were written, which are embodied in G.O. No. 793, dated 5th April, 1879. This order laid down certain general rules for dealing with all cases of excess, and some few were settled in accordance with its principles.

State of the Revenue Accounts.

'The state of the revenue accounts also and of the village establishment, required revision. There were no revenue villages, for the old náds (sometimes called villages) more properly corresponded to taluks or divisions. Tódanád alone contains 217,000 acres. There were hardly any village establishments, and such as existed were miserably remunerated. Scarcely a headman in the district could read, and the land-revenue accounts of all lands, except those in the quit-rent and plantation registers, were supposed to be kept by four karnáms, each paid about R.3 per mensem. As a fact, it may be said that no accounts were kept except the chittá (individual ledger) and some imperfect collection accounts. Many of the original accounts had been destroyed by the persons interested, after the revelations of 1878, with a view to hinder the prosecutions then ordered. The quit-rent and plantation-registers, which related mostly to the lands of European planters or to lands in Coonoor and Ootacamund, were kept in the Commissioner's Office, and, as the bills for assessment were also issued from his office, much of his time was spent in matters which would properly devolve on the Tahsíldárs. It often happened, too, that, between these several registers kept by the karnam and the Commissioner, land escaped registration (and assessment) altogether. Each office thought that the land was in the other's register. There were no general registers for fixed areas, nor did the registers usually state the tenure on which any land was held. Some lands were ordinary pattá lands. Others were held on restricted pattás, of which there were three classes:—those issued to (1) Europeans, (2) Todás, and (3) Irulas. Other lands were held under Waste Land Rules, deeds, or under permanent pattás or under ninety-nine years' leases, or (in Wellington) fifty years' leases. There were also quit-rent lands not held on lease, and free-holds and firewood allotments and lands held on special deeds or terms. In such

a multiplicity of titles, it is easy to see how important it is that the register should be clear and well kept[1].'

All this confusion has now been brought to an end by Mr. R. S. Benson's Settlement [2], and this has been followed by a proper organization of village and revenue establishments. For Settlement purposes the four nâds settled were divided into thirty-six 'villages.' There were prepared at Settlement, the usual general register of lands, and from it the chittá (or individual ledger) of each holder's lands. Descriptive memoirs of the villages were also prepared and printed[3]. To these have been added brief descriptive memoirs of each important estate, to the number of 248, and embracing more than 41,400 acres.

[1] It should be remembered that the Settlement Rules or Instructions empowered the Settlement Officer to make grants of land during the progress of operations, at certain rates and on certain terms: this was a valuable power, because it enabled him to satisfy a number of people who were touched by the necessary operations of registration, &c., which put an end to vague claims and a hope of being able to do as they pleased, on the part of many. The total grants so made were of 8451 acres assessed at R. 10,886.

[2] The revenue work of the district is now extremely simple. Notwithstanding the large increase in the revenue, over 99 p. c. was collected without difficulty in the past year. Formerly 50 p. c. was not uncommonly left uncollected.

[3] The *Memoir* contains—

(1) A note as to the situation and boundaries.
(2) A statement of the areas included.
(3) Some statistics of demarcation marks.
(4) Some statistics of the population, number of houses, of pattás, and of cattle.
(5) A statement of the area actually cultivated with various kinds of crops.
(6) A note showing the total increase of assessment by the Settlement accounts.
(7) A descriptive memoir of each important estate showing its position, the lands included in it, the history of their acquisition, the areas of the crops cultivated, the former and present owners, and the assessment.
(8) A list of all demarcated and reserved forests, with their position and areas, and names, if any.
(9) A similar list of all demarcated and reserved swamps.
(10) A rough eye-sketch of the village indicating its boundaries and the chief hamlets, roads, streams, estates, and grazing-grounds on it.
(11) The general field-register, showing the number and name of each field, its rate of assessment, area and total assessment, and the name of the owner, with remarks as to the tenure on which it is held; or, if Government reserve, the purpose for which it is reserved.
(12) An abstract showing the areas occupied as freehold or subject to each rate of assessment; the grants made at Settlement; the various areas reserved as forest, grazing-ground, &c.; and the areas available for sale, &c.

BOOK IV.

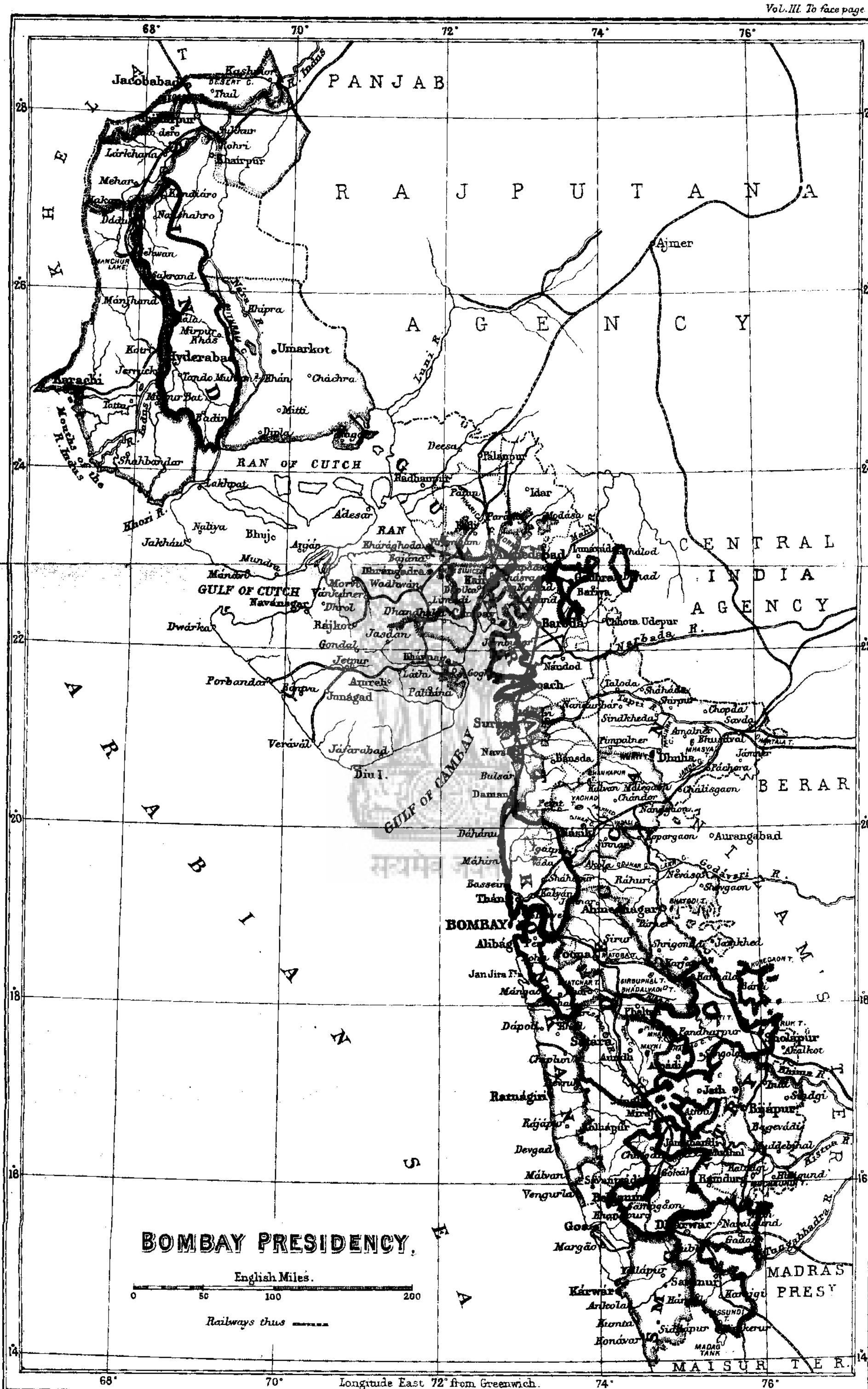
THE RAIYATWÁRÍ AND ALLIED SYSTEMS.

PART II.—BOMBAY (AND SINDH).

ABBREVIATIONS.

In order to shorten references I use the following :—

Full Title.	Quoted as
1. Administration Report, Bombay Presidency, 1882-83, Chapter I (red letter section on character of Land-Tenures and System of Survey and Settlement)	'Ad. Report.'
2. Nairne's Revenue Hand-book (Mr. H. A. Acworth's 3rd Edition)	'Hand-book.'
3. Survey and Settlement Manual, 1882, with the Report of 1847 by the three Settlement Superintendents, forming Part I thereof . . .	'Survey Manual.'—'Joint-Report.'
4. Bombay Act V of 1879, amended by Bombay Act IV of 1886	'Rev. Code.'
5. A Memoir of Central India, 2 vols., reprint of 3rd Edition, 1880	'Malcolm.'
6. Grant Duff's History of the Mahrattas—reprinted at Bombay in 1873	'Grant Duff.'
7. Selections from Records, Bombay Government, No. CLI, New Series. Papers relating to Revision of Settlement in Indapur (and other) taluks of the Poona Collectorate	'Indapur Report.'
8. Selections from Records, Bombay Government, No. CXIV, New Series, describing the Narwa and Bhágdári villages in Kaira, &c.	'Pedder.'—Joint village.
9. Gazetteer of the Bombay Presidency, Government Central Press, Bombay, 1880. (In 25 vols.) ed. Mr. James Campbell	'Gazetteer.'



Oxford University Press

in 1882[1]. In the present chapters I have constantly referred to these authorities, as well as to the 'permanent' chapters (marked with red letter headings) in the *Administration Report* of 1882–83 (by Colonel the Honourable W. C. Anderson), which describe the system as well as the history of the Survey Department, and then somewhat briefly reviews the land-tenures. There is also Mr. Campbell's *Gazetteer* of Bombay which goes into detail about the tenures of land, in the appropriate District Volumes. To these authorities I may add some valuable papers of the late Mr. W. G. Pedder's on Guzarát and the tenures of that interesting province; and I have made use of various Settlement Reports (including the first Revision Report on Indapur), and the Government Resolutions regarding revision of Settlements, the assessment of lands improved by the skill and capital of the raiyat, and other important matters[2].

I take this opportunity of stating that, as far as possible, I have excluded the northern province of Sindh from my remarks, reserving that province for a separate chapter. Its revenue Settlement, though 'raiyatwárí,' presents special features; and its tenures are wholly local and unconnected with those of Western India.

[1] The student cannot help regretting that this work was not at any rate accompanied by a set of chapters which would really make it a 'Manual.' As it stands, it is simply a collection of correspondence beginning with the *Joint Report* of 1847, and going on to the debates on the former Revenue Survey Act (I of 1865), which have a very limited interest, and concluding with some later collections of rules under the Code, and other useful orders. There is neither explanation nor comment; so that, unless reading under the guidance of a local teacher, the student is perpetually puzzled to know whether any particular paragraph represents what is the rule and practice of the present day, or not.

[2] I must express my indebtedness to Mr. Alex. Rogers for his paper (read before the East India Association, vol. xiv. Feb. 1882), on the land-tenures in Bombay; also to notes communicated by Mr. T. H. Stewart, Commissioner, Northern Division, and by Mr. A. S. Bulkley, Settlement Commissioner, and to an interesting Report of Colonel Anderson's, No. 1045 of 1880 (7th October), regarding the revision of Settlements, and to the Government Resolution, No. 2169 of 26th May, 1884, explaining the policy of Government in regard to survey and assessments.

CHAPTER I.

THE SURVEY AND SETTLEMENT.

SECTION I.—INTRODUCTORY AND HISTORICAL.

§ 1. *Comparison of the Bombay System to that of Madras.*

THE BOMBAY RAIYATWÁRÍ system has its points of resemblance to that of Madras, inasmuch as it proceeds on the same general plan—a survey of the land, a division of it into 'survey numbers,' i. e. blocks more or less representing the *individual* holdings, and a determination of the Government revenue rate to be assessed on each field. It allows the raiyat the same privilege of relinquishing any field he does not wish to hold, by giving in his 'rázináma,' or notice of his desire to relinquish, in proper time; it allows him also to apply for any unoccupied lot that is available. It treats the 'waste land' in villages and outside villages, on similar principles. Each system has its 'jamabandí' or annual determination of the raiyat's revenue liability.

But in many matters of detail and some of principle (e. g. the method of assessment) the systems are dissimilar. In Bombay the system is comprehensively treated and legalized in a 'Revenue Code' (Bombay Act V of 1879, as amended by IV of 1886), which is as good a specimen of clear and logicial expression of land-law as is to be found on the Indian Statute Book. Rules made under this Act and the Standing Orders of Government—to be found in the well-known *Revenue Handbook* (Nairne and Acworth)—give the necessary subsidiary details. There is also a *Survey and Settlement Manual*, published

§ 2. *The Divisions of Territory and their History.*

The chief divisions of territory included in the Bombay Presidency (excluding Sindh) may be now summarized. It will be remembered that, geographically, the Presidency represents Western India. It includes territory which knew the old (Aryan) Rájput system, and also in later times, the sway of the Muhammadan kings of the Dakhan; and it is the home (*par excellence*) of the Maráthás. The main features of the country are that a strip of low and fertile land on the sea-board, is succeeded by a long line of hills —the Western Ghát, marked by an abundant rainfall and much evergreen forest along the crest of the range. These hills again are succeeded, not by a plain country of the same general level as the coast districts, but by a table-land of varied surface, but of generally high level, part of which is dry and not very fertile—forming the table-land of the 'Dakhan.' Regarded territorially, we may distinguish:—(1) the Northern part or Guzarát; (present Districts of Ahmadábád, Kaira (Kherá), Broach (Bharoch), Surát, and the Pánch Maháls). This tract was longest under Muhammadan rule, and has, therefore, most felt the influence of that system; (2) The 'Dakhan' districts (above Ghát, i.e. inland of the Western Coast range) are Khándesh, Násik, Ahmadnagar, Poona (Púna), Sholápur, and Satára; these were also, more or less, under Muhammadan influence, but exhibit chiefly the results of the later Maráthá rule—a rule which, when settled as it was in these parts, did not do much to disturb the existing administrative and social organization of district and village, though it must have been felt as oppressive by the people, owing to the raising of the revenue-rates[1]; (3) The Bombay Karnátak,

[1] The student will do well to refresh his memory both as to the Muhammadan influence south of the Narbada river and also as to the Maráthá Confederacy, by referring to the article 'India' in the *Imperial Gazetteer*, or some standard History. The Dakhan districts were first conquered by Moslem power in the last years of the thirteenth century A. D. The first Delhi empire survived till 1345, when the great kingdom of the Báhmanis arose, which split up into the Nizám Sháh Dynasty of Ahmednagar, &c., that of Bijápur ('Adil Sháh) and Golkanda (Kutb Sháh), and two smaller ones, Bídar and Berár, which became extinct before 1630 A. D. After a time they were

popularly called the 'South Maráthá country' (Belgáum, Dhárwár, and Bíjápur, belonging to what are called the black-soil plains of the Dakhan), also under Maráthá rule. This country is distinguished by the fact that the population is partly Kanarese-speaking. To some extent it felt Muhammadan influence during the reign of the Mysore Sultans. (4) The district of North Kanára, finally attached to the Bombay Presidency in 1862, is a Canarese district, also for a time belonging to Mysore, and exhibiting certain peculiarities in its land-tenures; (5) 'The Konkán' consists of the three seaboard-districts below Ghát—Tháná (in which is the city of Bombay), Kolábá, and Ratnágirí. These were mostly Maráthá provinces, distinguished by the peculiar revenue-farming arrangements which have given occasion for special legislation on the subject of the 'Khotí' tenure.

It will be sufficient here to recall the general fact that, passing over the early settlement at Surát, and the acquisition of 'Bombay Island,' a portion of the Guzarát districts became British in 1802–3 (second Maráthá War); the greater part of the Presidency was acquired after the fall of the Peshwá in 1818[1].

attacked by the Mughals from Delhi, and a suicidal struggle went on for some years between the two, resulting in a brief subjection of the whole Dakhan to Delhi, which the Maráthás took advantage of. In fact, the Maráthás sided first with one and then with the other, and ultimately crushed both. The Maráthá history is in reality a long one. For Maráthá races bore rule and fell again in earlier times; and traces of their rule are observable in certain facts about the Dakhan villages. They appear to have succumbed again to invasions from the North, the conquerors having left their mark in the well-known cave sculptures which indicate that they adopted the Buddhist faith. All this was long before the last and great development of the Maráthá power as we know it. This may be said to commence with Sivaji's coming forth as Rájá in 1664-74, the principal feature being the rise of the other branches, the Bhońslá of the Berárs (out of this family came the Nágpur province which passed under British rule in 1854), the Indore (Holkar) and Gwalior (Sindhia) branches, and that of Baroda. It was the Berár branch that attacked Bengal and Orissa: the central power (the Peshwá) was defeated in the north by Lord Lake, resulting in the treaty of Anjangám (December 30, 1803), and the cession not only of some Bombay territory but also part of Bundelkhand, and districts on the Jamná River in the north. Finally, the disruption of the Peshwá's kingdom in 1817, brought the other territories to Bombay, and saw the downfall of the Maráthá Confederacy.

[1] These dates of acquisition are general. There have been many minor changes before and since.

These dates at once indicate that the Bombay districts came under British Revenue Administration just when the Madras districts were going through the experimental stages of management which have been described in Chapter I of the account of that Presidency. Historically, the Bombay Settlement system came after the Bengal Permanent Settlement, and after the North-West Provinces village system had received the first beginnings of its final form under Reg. VII of 1822. It came also after the first Madras raiyatwárí Settlements, but before the final development of that system which may be said to date from 1855. The Bombay system began in 1835, but may really be dated from the time of its development into uniformity in 1847.

§ 3. *The Maráthá Organization as preliminary to our Own.*

Before we proceed to consider the modern Survey system, let us take a brief glance at the organization of the districts as they were left by the Maráthás.

The student should bear in mind that these clans, though peculiar in some of their ideas and customs, were Hindus (being probably a mixed race of Dravidian origin, which had adopted the Hindu social system and religious ideas). They accordingly organized their affairs very much on the traditional Aryan or Hindu model; nevertheless, their methods had been a good deal influenced by the practice which originated with the Mughal empire, or with the independent Dakhan kingdoms.

The Hindu organization (I may repeat—for the fact is too commonly forgotten) is twofold. Two systems exist side by side—the State organization, and the village or

The British territory (as a glance at the map shows) is, in parts, much mixed up with the territories of Native States and Chiefships more or less independent. Occasional lapses have added villages or talukas to the British districts; and in times past, for convenience sake, boundaries have been simplified by arranging the cession of particular villages. It is perhaps partly owing to this admixture of territory that the Settlement operations go so much more by taluks than by whole districts and Collectorates, though this is not the chief reason.

social organization. As regards the latter, ancient Hindu government is chiefly associated with that type of village in which every landholder is a separate unit, concerned only with his own cultivation and revenue payment. In early days he paid his revenue in kind, giving the customary grain-dues to the 'bára bulautí'—the village staff of officials and artizans, and to the Bráhmans or other religious body, and also to the king. The headman and the accountant are both hereditary and often have their 'watan,' or dearly-prized estate in land, held (together with other privileges) in virtue of office. The office of headman is sometimes twofold; there may be the headman connected with the old village families, and another appointed by the ruler; and where this is not the case, the headman must be regarded as the connecting link between the State organization and the village; and rather as belonging to the former than to the latter.

The State had at its head the Rájá, and under him a number of chiefs, who were bound to render military service. In the case of the Maráthá States, there was a confederacy[1]; each prince or chief held his own state, but in a certain subordination to the Peshwá who held his court at Poona. Each ruler and each chief took revenue from his own domain only: no revenue was paid by the feudal subordinate to a superior, only service in the field and contributions or aids in times of danger.

The Hindu territorial administration which connects the villages with the entire government system, was (as we see it described in Manu), a sort of successive enlargement of the village government[2]. A group of ten or more villages formed a 'pránt,' and several pránts united formed a 'deṣ,' each with its headman (deṣái or desmukh) and its head-accountant (Despándyá). These, in fact, were for the 'deṣ' what the pátel and the village kulkarní or grámalekhak[3], were for the village[4]. Above the 'deṣ' a still

[1] Including the Rájás of Satára, of Kohlápur, Holkár (Indore State), Sindhia (Gwalér or Gwalior), the Gaekwád of Baroda, &c.

[2] See vol. I. chap. v. p. 254.

[3] Grant Duff, p. 36.

[4] For an account of the Maráthá State and Government organiza-

larger group was recognized, presided over by the Sirdesmukh and the Sirdespándya; some families still retain these titles, presumably because some ancestor once held the office.

The Maráthás, however, often adopted, with some modifications, the Muhammadan ruler's local division of territory, and that again was a division based on still earlier forms[1].

The whole province was still called Súba or Sir-súba. Under this the major division was the 'Sarkár,' comprising ten to forty 'districts' (pargana or mahál). The 'district' contained fifty to a hundred villages, and was presided over by a kamísdár (or kamáísídár) a sort of Collector: he had his staff of 'kárkun' or agents, and his 'sibandí,' a body of which the members may be described as half militiaman, half bailiff. The Kamísdár was placed by the Maráthás *over* the earlier and hereditary pargana officers, who were the district headmen,—'mandloí' or 'chaudhárí,' or 'zamíndár' (always called zamíndár in the Rájput States), also called 'deṣmukh' 'deṣí' or 'deṣáí.' These latter officials had a 'nánkár' (subsistence) allowance and a 'lání' or small percentage on the revenue collected, also a 'bhet' (or bheṅt), viz. a rupee or two from each village. The Maráthás were jealous of this class of officer (and with

tion, see Malcolm, vol. i. p. 433, et seq., and for the Revenue administration, vol. ii. (p. 39, et seq.).

[1] Here is an example: in the Attavísí or twenty-eight-parganas of the Surát province, which came under British rule in A. D. 1803, the revenue was *then* farmed by certain hereditary officers called 'desáí.' The position and functions of the 'desáí' under Mughal rule, are perfectly clear, having been defined by a farmán (decree) of the Emperor Aurangzeb. Their duties were to assess, collect, and to pay over to the treasury, the revenue due by the cultivators: their remuneration (besides some fees and free lands) was 3 per cent. on their collections. Originally, there was one desáí to each pargana; but as time went on, the desáí families, according to Hindu custom, divided their rights according to the rule of inheritance, allotting the supervision of single villages or even shares of villages, to individuals; that is, each member of the family assumed the management and the emoluments of a division of the pargana corresponding to his share in the hereditary interest in the office. (Pedder, *Journal Soc. Arts*, vol. xxxi, April 1883, p. 521.) Mr. Pedder goes on to say that the Maráthás allowed the desáís to *farm* the revenues of their villages, and that they were on the high road to become proprietors; and at one time the possibility of a Settlement with them was discussed by our Government.

reason—for under a lax administration they grew into great power, and absorbed the lands and intercepted much revenue).

Under them was the pargana kanúngo, with his staff of 'mirdáhas' or land-measurers. The Hindu title was deṣpándya or deṣ-lekhak; they had only half the allowances of the former class. Both were however 'watandár,' i.e. had lands which were held along with the dignity of office, and became hereditary.

The pargana was subdivided into 'tálukás' or 'tappas,' small circles of villages (five—twenty or thirty villages). The early Hindus did not trouble about *measuring* land, because they always took their revenue in kind: but it was otherwise under the Moslem and Maráthá rule.

'All ground,' says Malcolm[1], 'be it ever so waste or hilly, is included in these divisions, which are marked by natural or artificial boundaries, such as rivers, water-courses, ranges of hills, trees, rocks, ridges, or lines between any two remarkable objects. The lands were measured, including the space occupied by tanks, wells, and houses, &c., in the time of the Mughal Government; and this record of measurement was lodged in the office of every zamíndár (deṣmukh, &c.) of a district, as well as in the "fardnavís's" office[2]. Several of the records have been saved; but where they are lost, the ease with which the memory of the respective limits is preserved by the hereditary officers of the district and village to whom this duty belongs, is very extraordinary.'

§ 4. *System of Revenue Settlement under Native Rulers.*

In the days of the Empire, Sháh Jahán (1637 A.D.) introduced the Akbarian survey and Settlement into the Dakhan. (The land was measured with standard measures and was assessed at one-fourth of the calculated average produce commuted into cash and fixed for ten years. Murshid Qulí Khán was employed for twenty years on this task. The

[1] Vol. ii. p. 5.

[2] One of the State Departments or 'Secretariats' of the Maráthá Rájá.

assessment was known as 'tankhá.' The name is really derived from the *silver* coin which was used in lieu of the old copper 'taká'[1]; but the term has become synonymous with a fixed assessment in the lump on a village. In the independent Dakhan Kingdoms, the Ahmadnagar Minister, Malik 'Ambar (he died A.D. 1626) pursued a similar but not identical system[2]. His assessments varied with the crop and were not fixed like the Mughal Settlements: they were also lump-assessments on the village (in some cases). Grant Duff mentions that where the assessment was in kind it was two-fifths of the produce: and that where there was a cash-assessment, it equalled in value one-third of the produce.

When the Maráthás came into power, they took the revenue in money on the basis of the older measurements, but they ignored the lump-sum village (tankhá) assessments, and made (A.D. 1784–85) a new 'kamál' assessment, field by field[3], based on a classification of soils. In Poona (for instance) this plan nearly doubled the old tankhá assessment. They seem to have taken for irrigated land, garden-land, and for land growing opium and sugarcane, rates varying from R. 5 to R. 6, R. 8, and R. 10 per bíghá; dry crops were assessed at R. 1 to R. 1-8 the bíghá

[1] Grant Duff, vol. i. p. 106.

[2] See Grant Duff, i. 80, where an account of Malik 'Ambar's history is given. In his land Settlements, he greatly restored the 'mirásidárs,' and made joint Settlements for whole villages, whence it was stated in some of the Madras notes on mirásí rights—of course, by an opponent—that a mirásídár was an office created by Malik 'Ambar!

[3] *Indápur Report*, part I, para. 3 (p. 8 of the reprint).—It will be remembered that the Maráthá revenue system, exhibits two periods or phases. At first, when the several chiefs were in the conquering and marauding stage—interfering and gaining a footing in this province and that, sometimes by force, sometimes by the grant of powers anxious to conciliate them or get their aid—they took only part of the revenue as a sort of cash allowance. This was called the 'Sirdesmukhí' or general sum as the overlord's right or tribute, or a 'Chauth,' i.e. the fourth part of the general revenue. And this tribute was divided: one part went to the general treasury of the head of the confederacy; another went as mokásá—that appropriated (mukhásа, A.) to special objects such as the maintenance of chiefs or a 'saranjám' allotted for the support of troops. When the general government of the Maráthás was established, they then took the whole revenue, and assessed the land (or in rarer cases farmed the collections). But occasional revenue-assignments were still called 'mokásá' or 'saranjám' as before.

(afterwards doubled)[1]. When they could not collect the kamál assessment, they gave farm-leases, as they did in the Konkán, where the 'khots' or revenue-farmers grew (in time) into proprietors.

Our system has recognized the village officers and preserved their emoluments. The (pargana) organization has given way to that of districts under Collectors and subdivisions called tálukás[2], with a mamlátdár (tahsíldár of other parts) at the head, as we shall further see in the chapter on Revenue officials and business. The old pargana officers' families have still reminiscences of their titles, and in some instances have retained their hereditary 'watan lands' in the form of an 'inám,' though without any official function.

To do the Maráthás justice, it may be said that where their rule was settled, though they were stern and exacting financiers, they did not 'kill the goose that laid the golden eggs.' They knew how to make a full assessment, but yet to let it be elastic—an art known to oriental rulers and not sufficiently recognized by ourselves. Where, however (as in the outlying provinces or those where their tenure of power was uncertain), the Maráthás had but a fitful grasp, their behaviour was that of plunderers, not administrators. Here, for instance, is a brief extract from Dr. Fryer, a traveller of 1675 A.D. (published 1698), relating to Canara, which came under Mysore rule, and was then conquered by the Maráthás of Sivájí's time[3]:—

'It is a general Calamity and much to be deplored to hear the complaints of the poor people that remain, or rather are compelled to endure the slavery of Seva Gi: the Desies (desáí) have Land imposed upon them at double rates: and if they refuse to accept it on these hard conditions (if Monied men) they are carried to prison: there they are famished almost to death: racked and tortured most inhumanly till they confess

[1] See Malcolm, ii. 29. I understand the bighá used, was Akbar's '3600 Illáhi gaz,' coming to 3025 of our square yards, or nearly $\frac{2}{3}$rds of an acre.

[2] In Bombay they use the Maráthí form (tálukā) of the Arabic word taluqa (or properly ta'alluqa).

[3] Quoted in the *Settlement Report* of the Kumta and Ankola Tálukás, pp. 2-3.

where it is. They have now in Limbo several Brachmins whose flesh they tear with pincers heated Redhot, drub them on the Shoulders to extreme Anguish (though according to their Law it is forbidden to strike a Brachmin). This is the accustomed Sawce all India over, the Princes doing the same by the Governors when removed from their offices to squeeze their ill-got estates out of them: which, when they have done, it may be they are employed again. And after this fashion the Desies deal with the Combies (kunbí—cultivator caste): so that the Great Fish prey on the Little as well by land as by sea, bringing not only them but their families into Eternal Bondage.'

§ 5. *Early Revenue Management.*

When the territories which had been hitherto ruled in the manner just described, came under British administration in 1818, there was nowhere in India a system so successful and so well defined as to serve as a model for introduction into Bombay. The Zamíndárí Settlement had failed in Madras, and was far from being successful in Bengal, though it still had its advocates; the system which was afterwards introduced into North-Western India had not yet seen the light, and the Madras raiyatwárí-system, however ably explained and defended in principle by Munro's minutes, was not yet working well, as the true practical application of an excellent theory had still to be developed[1].

Inevitably, therefore, the earliest Bombay management commenced in most districts, with dealings with the deṣáís (heads of districts under Native rule) and other local men of influence, who leased or farmed the revenues of certain tracts of country; while in other districts the Maráthá village revenue assessments were followed, or some modification of them; or periodical leases were granted, leaving

[1] See the chapter on Madras early revenue arrangements (p. 48, ante). The system had to grow and to be improved step by step; until 1855, the Madras revenue management was little more than a series of experiments in revisions and reductions of rates, varying from district to district and taluk to taluk, and not likely to commend itself to the outer world.

things much in the hands of the headman and accountant (kulkarní) [1].

This early revenue management in Bombay I propose to pass over entirely, as uninstructive. It was an utter failure, both in the Guzarát districts and in the Dakhan. The Maráthá assessment accounts showed sums that could not, owing to various causes, be realized. A great part of the Dakhan districts was at that time waste, and a cycle of very low prices set in: all these circumstances together resulted in a period of failure and confusion in the revenue administration.

§ 6. *Question of the adoption of Village-Settlements.*

A new departure had clearly to be made; and after 1822 we find the Government anxiously considering what plan of Settlement it would adopt. By this time the North-Western system of 1822–33 had begun to show good results, and its advocates were able men,—able both to work the system and to be its prophets in minutes and reports. The first question, therefore, was whether the 'village system,' as applied to the landlord or joint-villages of the North-Western Provinces, should not be adopted in Bombay. We were unfortunately then in a stage when the *relative merits* of revenue-systems were discussed. No comparison can be more invidious than that of one revenue-system with another; no discussion can well be more fruitless. It is simply impossible to say that one system is, in itself, better than another—that one is to be regarded as 'enlightened,' another the product of outer darkness. The applicability of systems depends wholly on the facts and on the circumstances of the place. Where there are really joint-villages, of whatever origin, few persons will be disposed to doubt the merits of the village-system. Where the North-Western type of village is not in practical survival (or where it never existed) some form of

[1] See the *Indápur Report*, p. 9. There is an account of the oppression practised by the desáís (1800–1816) in the *Gazetteer* (Surat, p. 215). These officers were gradually abolished and pensioned off after 1816.

raiyatwárí Settlement is preferable, for the simple reason that the introduction of a village-system must be accompanied by more or less artificial arrangements which may or may not be acquiesced in by the people. All depends on circumstances—on the character of the people and the value of the privileges which are offered by the joint-system. Ordinarily, in a country where the free grant of waste, as village common, is not appreciated, and where the people have been for generations holding land without any bond of ancestral connection, the joint-liability involved in the 'village-system,' is refused; and naturally, if the principle of assessing the village jointly in a lump-sum (which is distributed over the holdings according to a known system of sharing) is not applicable, and then the only distinguishing feature of the system *is gone*: what remains is common to it and to the individual or raiyatwárí system.

Considerable hopes were, however, entertained that a joint-village system might work; for there were indications that such villages had formerly been in existence. The detail—and it is somewhat curious—of village history, must be reserved for the chapter on land-tenures; but it may here be noticed that a general inquiry into village-tenures was made, as it had been in Madras. In one or two districts of the Guzarát section there were joint-villages (or, as they are officially called, 'shared-villages') still in survival, and unquestionably exhibiting the same features as joint- or landlord-villages in the North-Western Provinces. But a much more widespread phenomenon presented itself in the Dakhan districts, which was chiefly observable in the survival of certain *terms* which were used to distinguish two classes of landholdings in villages. There can be no question that in many villages the memory of old proprietary families who once owned them, also survived. These data were, however, sufficiently obscure to allow of considerable difference of opinion as to the meaning to be put on the terms and as to the facts to be inferred. At a later stage we shall pursue the subject; here I can only state briefly, that, whatever the true

theory, anything like a joint-constitution, or system of co-sharing by a body of owners willing to be jointly responsible, was certainly not found in the villages generally (as it was in the Guzarát cases); and hence the hopes of success for a system involving a general joint-responsibility, was not a very strong one.

The ultimate conclusion which seems to have been reached was that no attempt could (generally) be made to set up a proprietary class as distinct from the other cultivators; nor was it thought possible, as a general system, to assess the villages in the lump and trust their own 'ancient' organization to distribute the amount fairly[1]. The individual system was therefore the necessary alternative, seeing that *ex hypothesi* it was agreed not to create artificial middlemen proprietors. A system must be adapted to the commonly prevalent type of tenure: where there are exceptionally constituted villages, as in Kairá, the raiyatwárí system can be modified to make allowance for them, —as well as for the Ahmadábád taluqdárí, or the Konkán Khotí, or any other exceptional tenure.

§ 7. *First Surveys on the Raiyatwárí Plan.*

The early Survey-Settlements on the raiyatwárí method were, however, unsuccessful. They were commenced under Mr. Pringle of the Civil Service, in 1824–8. The failure was in no respect due to any fault of Mr. Pringle's. He is reported to have been an exceptionally able officer; but, while he himself spared no pains in his calculations, the

[1] The Hon. Mountstuart Elphinstone, when Governor, was anxious to have the North-West village system. In 1840 the Revenue Settlement Superintendents examined the North-West system in an elaborate letter (*Survey Manual*, Appendix I, after p. 124), and vindicated the raiyatwárí system for Bombay. This has now only a historical value. It seems rather to evade the question of the existence of village communities, in a somewhat equivocal sentence at the end of paragraph 3. There were no doubt 'estates' in the Dakhan, and may have been 'brotherhoods' of mirásidárs; but practically there was *not* a generally existing condition of villages comparable to that of North India, still less a condition of affairs such as would warrant any hope that the Dakhan would be better suited by the North-West joint-village assessment than by the field-to-field assessment; and that was the main point.

material collected for him was worthless, owing to the unreliable character of the subordinate staff, which had not yet been worked up to that stage of necessary efficiency which was afterwards attained. The system adopted was one of great elaboration, but the survey-data, and the statistics, were too rough and inaccurate to render the most careful assessment work of any practical use. It was like trying to read off the smaller fractions on a barometer so faulty as not to mark even whole degrees accurately.

'His (Mr. Pringle's) assessment,' says the writer of the *Administration Report* of 1872–3[1], 'was based on a measurement of fields and on estimates of the yield of various soils, as well as of the cost of cultivation, the principle adopted being to fix the Government demand at 55 per cent. of the net produce. The execution of the different operations of the survey was entrusted entirely to native agency, without either the experience or the integrity needed for the task; and at a subsequent period the results obtained were found to be nearly worthless. The preliminary work of measurement was grossly faulty, and the estimates of produce which formed such an important element in the determination of the assessment, and which had been prepared in the most elaborate manner, were so erroneous as to be worse than useless. But meanwhile the Settlement had been introduced and with the result of aggravating the evils it had been designed to remove. From the outset it was found impossible to collect anything approaching to the full revenue. In some districts not one-half could be realized. Things now went rapidly from bad to worse. Every year brought its addition to the accumulated arrears of revenue and the necessity for remissions or modifications of rates. The state of confusion in the accounts engendered by these expedients was taken advantage of by the native officials to levy contributions for themselves. Every effort, lawful and unlawful, was made to get the utmost out of the wretched peasantry, who were subjected to torture, in some instances cruel and revolting beyond description, if they would not or could not yield what was demanded. Numbers abandoned their homes, and fled into the neighbouring Native States. Large tracts of land

[1] See p. 41 of the Report. This is the 'decennial' report of the period previous to the one most frequently quoted in these pages (that of 1882-3).

were thrown out of cultivation; and in some districts no more than a third of the cultivable area remained in occupation.'

The result of these difficulties was, that in 1835, a recommencement was made by revising the Settlement of the Indápur taluka of the Poona Collectorate. It was found that the survey required to be done again. And an entirely new method of soil-classification was adopted.

'Abandoning all attempts to arrive at a theoretical ideal of assessment by endeavouring to discover the yield of different soils and assigning a certain proportion of them as the Government demand, the Survey-Officers adopted the simple expedient of ascertaining the average character and depth of soil in each field and classing it accordingly; no more than nine gradations of valuation being employed for the purpose. In fixing the rates of assessment they were guided by purely practical considerations as to the capability of the land, and the general circumstances of the district. The more intelligent among the agricultural class were even taken into consultation on the subject, and their opinion allowed due weight. No safe standard of assessment existed; the rates in force in the prosperous times of the district had, through the depreciation in the value of money, long ceased to represent any moderate share of the produce of the land, and the ruinous consequences of the first Settlement forbade any reliance being placed on the system of fixing a Government demand on estimates of the yield of the land[1].'

As the experimental survey of 1835 was found successful, the same system was gradually extended to other localities also.

§ 8. *The Present System.*

As the present system is virtually an extension and completion of that commenced in Indápur, in 1835, the Bombay officers view the survey, for revenue purposes, as one operation, which began in 1835 and is still going on[2], and which will be completed in about six or seven years, and will then not require to be done again. The only

[1] See the *Administration Report* of 1872-3, p. 42-3. This experimental re-survey was carried out by Messrs. Goldsmid and Lt. (afterwards Sir Geo.) Wingate, aided by Lt. Nash at a later period

[2] *Ad. Report*, Chapter I. p. 28.

work will be the 'revision' of the assessment-rates on certain principles. For the 'original' or first Settlement was made for a period of thirty years, and as the term comes to an end, the rates require to be 'revised' and reimposed for another period.

The first efforts at Survey-Settlement, even after 1835, were not entirely successful; but, even under all disadvantages, the condition of the Indápur táluká soon showed marked signs of improvement, both as to extension of cultivation and the easy realization of the revenue. Separate surveys were gradually organized for other parts of Poona, Ahmadnagar, and the 'South Maráthá Country.' As experience widened, the practice improved; it was wisely determined to gather up the results of the experience gained, and formulate them into a regular system for the guidance of workers in the remaining districts. In 1847, three Settlement Superintendents (Wingate, Goldsmid, and Davidson) met and drew up the clear and practical paper known as the *Joint Report* of 1847. This Report modestly disclaims the merit of discovering anything new, and professes only to simplify and reduce to system the 'somewhat diversified' operations of the different survey-parties. Nevertheless, the introduction of these rules, when they came to be well understood in practice, was of singular benefit to the country. The Settlement system thus consolidated and sanctioned by Government, is (with some minor modifications of later date) the method of Settlement which we shall have to study.

Section II.—The Survey.

§ 1. *The Survey-Settlement Staff.*

It is needless to repeat that an accurate survey of the soil and a classification of it, are the essential preliminaries to any modern Settlement, and *à fortiori* to a raiyatwárí Settlement.

It may however be premised that the Settlement-survey is conducted by several parties, working in different dis-

tricts, each in charge of a Superintendent, who has separate establishments (as a rule) for measuring and for classifying the soils: generally, the latter operation follows the survey-measurement at an interval of one season. Every detail is closely supervised by the Assistant Superintendents. On the Superintendent devolves the duty of fixing the rates of assessment, reporting (as under all systems) those rates for the sanction of Government, and introducing the Settlement when sanctioned. In this last operation an officer of the Revenue Department is associated with him[1]. The whole Department is controlled by a Settlement Commissioner.

It was formerly the subject of remark that the Bombay Survey-Settlement was purely technical, and that the ordinary District Officers knew nothing of its practical working; but this has ceased to be the case. Every Civil servant of less than seven years' standing is now required to go through a course of Settlement-survey-work in the field, both in measuring and classifying soils; and Survey-Settlement-work is one of the subjects of examination[2].

Occasion may also here be taken to remark that though the dates of Settlement given in the general table at p. 61, Vol. I of this work, seem to show (as noticed also in Stack's *Memorandum on Revenue Settlements*, 1880) that the period occupied by Settlement is twelve to fourteen years, which is longer than other provinces; this conclusion is not practically true. The practice of settling small areas at a time, makes the period for the *whole district* seem longer; but, as a matter of fact, the new rates take effect in the táluká without waiting for the whole district or Collectorate to be completed.

§ 2. *Commencement of a Survey-Settlement.*

Rev. Code (i.e. B. Act V of 1879), sec. 95.

A Survey-Settlement is set in operation by direction of the Government. The Code does not require any notifica-

[1] When the present surveys are at an end, the need for a separate Department will cease. Future revisions of assessment, which alone will be called for, will then be done by the ordinary Revenue Staff, with the aid of an officer specially charged with the supervision of Land Records and Agriculture.

[2] See the rules at pp. 362-74 of the *Survey Manual*.

tion in the *Gazette* to begin with; that comes afterwards, when the assessments are declared. The officials spoken of above, who conduct the Settlement, are appointed by the Governor in Council[1]. Every one so appointed is called in the Code a 'survey officer.' The Governor in Council directs a survey with a view to the assessment of the land-revenue for a term of years. The Governor may also, at any time, direct a fresh survey, or any operation subsidiary thereto; but the assessments cannot be enhanced till the original term of Settlement has expired.

Rev. Code, sec. 18. and chaps. viii-x. sec. 102.

§ 3. *The Importance of the 'Field' or Survey Number.*

It has been already stated that one of the great features of the raiyatwárí method is the facility it affords for the contraction and expansion of operations by the cultivator according to his means. He is bound by no lease. The amount of his assessment is, indeed, fixed for thirty years (or whatever other term may be ordered), but his title to the land goes on from year to year: he may perpetuate it at his pleasure. So long as he pays the assessment, the title is practically indefeasible. But if he feels unable to work the land he holds, he may relinquish (under suitable conditions) any part of it; or if prosperous, he may take up more land, if land happens to be available. It is therefore necessary to demarcate, survey, and register all the permanent divisions of land in a village. This is done by selecting certain 'survey-numbers' or survey-fields or blocks, as the main units of survey, and arrangements are then made for the due demarcation, survey, and record of smaller subdivisions.

'The success,' writes Colonel Anderson, 'of Settlements on the raiyatwárí system depends in a very great degree on the correctness of the measurement of individual properties and on the facilities afforded for identifying them. To

[1] A convenient clause specifies that subordinates may, by delegation, exercise such portion of the powers of their superior as he may authorize, but always subject to a right of revision by the superior.

ensure these objects a constant check is kept on the work of the surveyor, who is required to have boundary-marks erected at the corners and bends of each property as his work progresses[1].' The *village maps*, which are most accurate and detailed, show not only the outline of each survey-number in which several properties or holdings may be included, but (by conventional signs) the position and description of every boundary-mark.

The 'survey-number' is, however, far from being an arbitrary thing. It is necessary, indeed, to lay down an ideal area which, as far as possible, it is desirable to attain; but existing and well-known divisions into fields were always allowed due consideration; and under no circumstances were differences of tenure and marked natural distinctions ignored in order to attain an ideal or arbitrary standard. In waste lands it was, of course, open to adopt a size for the survey-number corresponding to the standard officially prescribed.

It will be well to distinguish the earlier rules from the more modern practice regarding the size of the 'survey-number.'

§ 4. *The Earlier Rule.*

It may be premised that the Bombay survey abandoned the use of bíghás, or other ancient or local measures, and works entirely with English statute acres.

The idea of the *Joint Report* was to start from the area which a raiyat could cultivate with one pair of bullocks[2]; this would vary according as the cultivation was wet or dry, or as the soil was light or heavy, and generally with the climate and circumstances of the locality.

This rule did not apply to larger areas of jungle-covered waste land, which were at first made into large numbers,

[1] The traveller will know directly he comes into a 'raiyatwárí' country by observing the stones (or banks where stone is not available) forming angular marks at the corner of every field. This will be seen in the diagram at p. 221, post.

[2] 'As farming cannot be prosecuted at all with a less number than this, when a raiyat has only a single bullock, he must enter into partnership with a neighbour, or obtain a second by some means or other, in order to be able to cultivate at all.' (*Joint Report*, § 13.)

and were divided up afterwards when applied for for cultivation.

It was found that in each class the following area was convenient as a standard:—

20 acres for light 'dry' soil (unirrigated).
15 ,, ,, medium.
12 ,, ,, heavy.
4 ,, ,, rice-land (irrigated and 'wet').

Then, as a rule, every 'number' should contain a number of acres, of which the foregoing table gave the *minimum*; double that was the *maximum*.

Plots under different tenures—as 'inám' and revenue-paying, or wet and dry cultivation—were not included in the same number, whatever the size. These are the standards which were adopted in the earlier Bombay Settlements and in Berár.

§ 5. *Necessity for Modification.*

Circumstances, however, have tended to make them unsuited for final adoption. When the first Settlements were made, land was much less valuable than it has since become; large areas were also waste, and it was not anticipated that these would become valuable enough to be cultivated; consequently a larger and simpler division of land for surveys than now suffices, was all that was then required. Again, difference of locality produces fresh requirements. Thus the early rules were well adapted to the dry districts of the Dakhan, but the densely-populated country west of Satára was found to require a smaller unit for each 'number.'

§ 6. *The Later Rules.*

The result has been that the older rules have been considerably modified. The legal basis of the practice on resurvey or revision, is to be found in the Rev. Code (and in No. 55 of the Rules under Section 214).

The Code prescribes that no survey-number is to be made less than a *minimum* size, to be fixed for the several classes of land in each district by the Survey-Settlement Sec. 98.

Commissioner with the sanction of Government. But the Code saves all 'survey-numbers' which had already been fixed below the *minimum*, or where the Commissioner gives special orders otherwise: and 'any survey-number separately recognized in the Survey-records shall be deemed to have been authorizedly made, whatever be its extent.' The principle now adopted is that 'on revision survey, every independent holding' (paying revenue to Government) 'shall be separately measured and assessed on its own merits.' It is also demarcated on the ground. If it is too small to be a separate 'survey-number,' it is indicated in the register as a subordinate number (familiarly called 'pôt number'); but for all intents and purposes it is legally a 'recognized share' of a survey-number[1].

The general rules for the Dakhan plain-districts and the South Maráthá country now direct—

(1) That an original 'survey-number' over thirty and under fifty acres (*dry*) shall be divided into two fields; every field over fifty and under seventy acres into three, and so on; so as to secure that no survey-number exceeds from twenty to thirty acres. One acre of rice-land is reckoned equal to three acres, and one acre of 'garden-land' to five, of *dry*-crop;

(2) every occupancy, having already separate recognition and entry in the village accounts, is separately treated, unless it is less than one acre in dry-crop land;

(3) in all cases 'Inám' and 'Government' land, if in one holding, are made into separate numbers;

(4) all Inám lands, in one old number, but held by

[1] The ordinary village map cannot always show the subordinate holdings, which may be as small as 1-40th of an acre. In such cases, the small demarcated portions are shown on a larger scale plotted on separate sheets attached to the village Register. By the Code, Section 3 (No. 6) 'survey-number' means 'a portion of land of which the area and other particulars are separately entered under an indicative number in the survey records . . . and includes a recognized share of a survey-number.' No. 7 goes on to state that a recognized share is any subdivision of the survey-number which is separately assessed and registered.

separately recognized and independent holders, are made into separate numbers [1];

(5) remeasurement is to be made to ascertain the area now really under irrigation;

(6) the large blocks, originally constituted for waste, are now to be divided into convenient units.

Remeasurement is often carried out on the 'partial system,' i. e. is deferred till the time when it is actually a matter of practical necessity to make the subdivision of numbers on the above principle; the extent of the work depends on the sufficiency or otherwise of the previous survey in any particular district, and it may be needed to be a complete process. Re-classification of soil is also done where needed.

In the densely-populated country about Satára all the best land had already been surveyed into blocks about six or seven acres, because the holdings were small and land valuable. The above principles would, therefore, be easily applicable.

In the Konkán, the survey had also already been made with small survey-numbers. As regards the rich rice and garden lands in the valleys below the hill ranges, the survey-number was sometimes as small as one acre. In most parts, however, the wooded slopes above were only surveyed in larger numbers; and this necessitated a revision-survey of these lands on a smaller unit. In Kánara, the original survey was recently completed: here every actual holding is treated as a survey-number, unless it is very small indeed [2].

[1] Inám numbers are not always revenue-free: they may have to pay a 'joḍi,' which is not far, perhaps, from a full assessment. 'Government' land means that which pays revenue to Government.

[2] See Colonel Anderson's letter, No. 1045, of 7th October, 1880, which gives an excellent idea of the original survey system as compared with what was required in completing the last of the initial surveys or on revision survey.

Colonel Anderson remarks, generally, that a piece of land actually demarcated and given a separate number in the map and in the register has, *pro tanto*, a higher value in the market than a landholding not so completely defined.

§ 7. *The case of Co-occupancy.*

It is often the case that a plot is held by two or more occupants, each of whom has a separate account and pays his quota of land-revenue separately; and yet the land may not have been formally partitioned, so as to become separately demarcated. Then the entire occupancy is shown in one survey-number, and each co-occupant's share is '*recorded* as a recognized share of the survey-number,' together with the proportion (reckoned in annas) which such share bears to the whole survey-number, and the assessment of such share. And it may here be mentioned that in other cases, any co-occupant may apply to the Collector or to the Survey Officer (as the case may be) to have his name entered along with the registered occupant, as also his share, expressed in fractional parts of a rupee. But the entry does not amount to a separate assessment of the share; it will not affect the liability of the registered occupant to Government (or co-sharers as amongst themselves) for the land-revenue of the number, nor will it make the share so recorded a 'recognized share' in the sense above explained[1].

Rule 55 (2). Rule 99.

§ 8. *Village- and Field-Boundaries.*

Rev. Code, sec. 118.

The Bombay survey is just as much concerned with the village-boundaries as the North-Western Provinces survey is. If the village-boundary is not ascertained, it is clear that the boundaries of the fields lying along the margin would not be correct. Moreover, the accounts are made out village by village, and there are also questions of jurisdiction which require the indication of village-boundaries.

The maps, therefore, lay down the village-boundary as well as the internal division into survey-numbers and

[1] See Rule 99 (Rules made under section 214 of the Code) as amended by Notification, No. 5546, dated 8th July, 1885, *Bombay Government Gazette*, 1885, pp. 667–8.

subordinate plots. Boundary-disputes are settled by agreement, or by reference to arbitration, or by summary order of the survey officer, subject to an appeal.

The field-boundaries are also laid down, if there is no dispute, on the assertion of the occupant, attested by the village officers. If there is a dispute, the survey officer takes evidence and decides. Arbitration may be resorted to by consent of both parties.

If a dispute arises after the survey, the Collector decides.

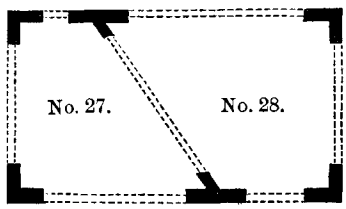
It is of the greatest importance that the boundaries of fields, once fixed, should be permanently demarcated and the marks well maintained. The Superintendent of Survey is empowered to determine the size and material of the marks[1]. The plan usually adopted is to make short earthen ridges or set up stones at the corners of the field, the stones or banks pointing in the direction of the boundary-line.

In Bombay, as in the Berár Settlement rules, the order was that, with a view to connect one mark with the other, a strip of land should be left unploughed; and as this soon gets covered with grass, palm-bushes, and so forth, it becomes impossible to mistake the boundary[2].

Strict rules are in force under the Bombay system for the periodical inspection of the field-marks, and the Code gives ample powers for their maintenance. These will be alluded to under the head of Revenue Business. It is obvious that the entire preservation of the results of the survey depends on the keeping up of the boundary-marks.

Chap. IX.

[1] Which vary according to climate and locality. The 'bándh' or earthen ridge has been generally adopted in the Dakhan since 1846. But in some climates earthen ridges are washed away: stones have also their disadvantages. The method of corner-marking will be understood from the sketch.



[2] See Berár *Settlement Rules*, XXIV-V.

§ 9. *The Survey Maps.*

The field-survey results in a map on a scale of eight inches to the mile. Great pains are taken in constructing the maps.

In all the later surveys the Great Trigonometrical triangulation has been taken as the basis, and the system of village traversing has been adopted, so that the maps have a topographical as well as a revenue value.

The survey work is afterwards combined into reduced táluká and district maps, which are furnished by the department, as well as the large-scale field-to-field maps.

SECTION III.—THE ASSESSMENT.

§ 1. *Classification of Soil.*

Rev. Code, sec. 45.

All land, whether applied to agricultural or other purposes [1], and wherever situate, is liable to the payment of land-revenue to Government, according to the rules of the Code, unless expressly exempted.

While the survey is done by the proper establishment, a separate staff of 'classers' examine the soil of every field and place it in a certain class in the following manner:—

The classes and soils actually described, apply only to the 'above Ghât' districts of the Dakhan [2], but the principle of classification is the same for other districts, only the detail of the rules differs according to local circumstances.

The classer deals separately with—

(1) Unirrigated or jiráyat land [3].

[1] I have not in this chapter taken any notice of the assessments of sites in towns, &c. Chap. X of the Code must be consulted, if necessary, by the student for himself.

[2] The student will recollect the local division of Bombay territories already given, viz. (1) the Guzarát districts (Surat, Broach, Kairá, Ahmadábád, and the Pánch Mahás); (2) Khándesh and the Dakhan, including Násik, Poona, Ahmadnagar, Satára, and Sholapur; (3) the 'South Maráthá country' or Belgaum, Bijapur, and Dhárwár; (4) the Konkán (comprising the below Ghât districts—Thána, Kolába, and Ratnagirí) and North Kánara.

[3] This word is the Maráthi corruption of the Arabic 'zirá'at' = cultivation.

(2) Rice-land.

(3) Garden-land, called bágháyat (begayet), which is 'motásthal,' if watered from wells, the water being raised by buckets; and 'pátásthal, if from tanks or dams, the water being brought on by small water-courses [1].

Rice-land grows nothing but rice, though some garden-land may grow rice also.

Rice-land may be entirely irrigated by rain-flooding or by artificial means.

Commencing then with jiráyat (always taking the Dakhan rules as an example), it was found by experience that soils could be graded into three orders:—(1) fine, uniform black; (2) coarser, red; (3) 'barad,' or light soil.

Three feet (or $1\frac{3}{4}$ cubits) is the maximum depth of soil which it is of any importance, on agricultural grounds, to consider; within that limit, however, the value of each soil varies with its depth; and the gradations are fixed from $1\frac{3}{4}$ cubits to $\frac{1}{4}$ of a cubit, with less than which, land of any kind is not culturable at all.

The soil of each order will thus require seven classes—$1\frac{3}{4}$, $1\frac{1}{2}$, $1\frac{1}{4}$, 1, $\frac{3}{4}$, $\frac{1}{2}$, and $\frac{1}{4}$; but as soils of $\frac{1}{2}$ and $\frac{1}{4}$ cubit depth in the poorest order, are lower valued than any others, two additional classes were made; and for some years past a tenth class has been recognized, to be used for the poorest soil of all.

The best class in the highest order is *relatively* valued as *one whole*, or 16 annas in the rupee, the second at 14, and so on, and the lowest at $4\frac{1}{2}$ annas [2]. The best class in the second order is valued at 14 annas, and so on, down to the lowest at 3 annas. The best soil of the third class rarely or never exceeds 1 cubit in depth,

[1] Whence the name. 'Mot' is a large bucket, 'pát' is a raised watercourse.

[2] It may be necessary to remind the student unfamiliar with Bombay, that these numbers have nothing to do with an actual money rate for assessment. They are relative numbers only. If, for example, the actual highest rate fixed for first class soil was R. 3 an acre, the 16-annas land would pay R. 3, the 12-annas land $\frac{3}{4}$ths of R. 3, or R. 2·4, and so on. We shall speak of the determination of actual rates, later on.

so that the highest class is valued at 6 annas and the lowest at 2.

This will appear from the following table :—

Class.	Relative value.	First order, 'black.'	Second order, 'red.'	Third order, 'light.'
	Annas.	Depth in cubits.	Depth in cubits.	Depth in cubits.
1	16	1¾	...	...
2	14	1½	1¾	...
3	12	1¼	1½	...
4	10	1	1¼	...
5	8	¾	1	...
6	6	½	¾	1
7	4½	¼	½	¾
8	3	...	¼	½
9	2	...	...	¼
10	1	...	...	¼ (very poor)

§ 2. *Accidents affecting Soils.*

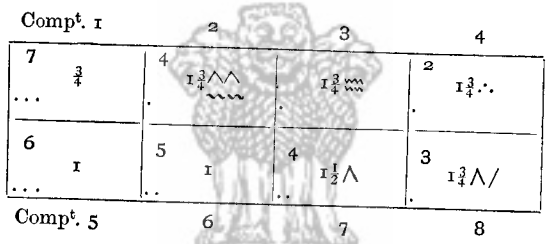
Then, besides each order of soil being placed in a particular class *according to depth*, there are *accidental circumstances* which, again, depreciate the value. These have been found in practice to be seven in number, and are indicated by conventional signs.

1. Admixture of nodules of limestone	∴
2. Admixture of sand	V
3. Sloping surface	/
4. Want of cohesion among the constituent particles of the soil	×
5. Impermeability to water	∧
6. Exposure to scouring from flow of water in the rainy season	∿∿
7. Excessive moisture from surface springs	▭

Each of these accidents is held to lower any soil by one class, and, if it occurs in excess, by two classes.

§ 3. *Method of Recording Class and Relative Value of Land.*

The classer now makes a sketch of the field on a piece of paper, and, after studying the ground, he determines to divide the area into a number of compartments of equal size: this is accurate enough for all practical purposes. The number is fixed with reference to local orders, according to the variability of the soil. In size, the average is from one or two acres each. It is a general rule that, however small the field or survey-number may be, at least two compartments are to be made. Here, for instance, is such a sketch [1]—



Beginning at the lower left-hand corner of each square, the dots indicate the order of soil, *one* being the best (fine black), *two* being the *red*, and *three* the poor *light* soil. The numbers 1, ¾, &c., just above, mean the depth in cubits.

Now let us take the first compartment. The soil is light or 'barad' (three dots), and being ¾ of a cubit deep, by reference to the above table, it is in the seventh class; hence the class of this is marked 7 in the upper corner.

The No. (2) is of the first order, and is 1¾ cubits deep, so that it would have been in the first class, but it has some accidental defects. It is impervious to water (∧) in a double degree,—the mark is repeated twice; and it is also liable to be swept over by drainage-water (﹏); hence, as

[1] The figures are imaginary, and in nature the compartments would not *all* differ so entirely; still, in the Dakhan, the soil is exceedingly variable, and varieties from class 1 to class 9, or even 10, may occur in one field perhaps of no larger extent than five acres.

each defect lowers it one class, it has to come down from the first to the fourth class, and the figure 4 is entered.

In the same way we find the whole eight compartments of the sketch give—

						Annas.	
1	=	3rd	order	7th	class	= $4\frac{1}{2}$	Total $76\frac{1}{2}$ annas, giving $\left(\frac{76\frac{1}{2}}{8}\right)$ an average of 9 annas 6 pie (*relative* value) for the whole field. As regards soil, then, this field will bear— $\frac{9\frac{1}{2}}{16}$ of the maximum or full rate of assessment, whatever it is.
2	=	1st	,,	4th	,,	= 10	
3	=	1st	,,	3rd	,,	= 12	
4	=	1st	,,	2nd	,,	= 14	
5	=	3rd	,,	6th	,,	= 6	
6	=	2nd	,,	5th	,,	= 8	
7	=	2nd	,,	4th	,,	= 10	
8	=	1st	,,	3rd	,,	= 12	

§ 4. *Garden and Irrigated Lands.*

Irrigated lands have to be classified in this way, *as regards their soil in its natural, unirrigated aspect*; but they require further examination to test the effect of the well or other means of irrigation which may be already in existence; for this may result in their being assessed with an addition over and above the unirrigated rate, and the addition will be the full or maximum, or a part only, according to the character and value of the means of irrigation.

The area of *garden land* or *irrigated land* is separately measured, for it may be that in one survey-number part is irrigated and part unirrigated. Tables can be made out showing the different values to be assigned to wells according to the supply of water in the well, the depth, quality of water, sufficiency of extra land around the well, to allow a rotation of wet and dry crops, and the distance of the garden from the village—which affects the cost of manuring [1].

[1] It should be remembered that we are speaking of the original Settlement of lands, and not of the question of *subsequent improvements* by sinking new wells—on which no assessment is directly placed; on this subject we shall have to remark later. As a general principle of course—and apart from the question just stated—the fact that land is irrigable or irrigated, is a fact which must enter into the question of assessment. As the Government remarked—'The capability of land depends as much on the facility for irrigation, . . . as it does on the even depth and other qualities of the soil. The principle, therefore, on which garden and irrigated land is assessed at higher rates than dry crop land, is one which must be admitted generally.'

It is obvious that the rate to be added to the soil-class-value may be applied to the whole acreage of the field, or to part only; if the irrigation does not cover the whole, a fair number of acres is calculated which it is estimated the well waters; this number depends on the capacity and water-supply of the well. The rate can also be adopted at its full figure, or be reduced by the consideration that the well is very deep, that the water is brackish, or that it is

And as the *Joint Report* says—'Irrigation greatly augments the productive powers of soil, and whenever there is a command of water for this purpose, it becomes a very important element in fixing the assessment of the land.' See Resolution No. 6015, dated 25th July, 1884, in the Report on the Jhalod Táluká (Pánch Mahál's). The following paragraphs from the *Joint Report*, further explain the question of assessing land irrigated from wells.

'Of these elements, the supply of water in the well is of most importance, and should be determined by an examination of the well, and inquiries of the villagers, in addition to a consideration of the nature of the crops grown, and the extent of land under irrigation. This is the most difficult and uncertain operation connected with the valuation of the garden (especially in the case of wells which have fallen into disuse), and, therefore, that to which attention should be particularly directed in testing the estimate of the classer, and fixing the assessment of the garden. The remaining elements admit of being determined with accuracy.

'In deducing the relative values of gardens from a consideration of all these elements, which should be separately recorded by the classer, it would greatly facilitate the operations were the extent of land watered always in proportion to the supply of water in the well. But it is not so, as in many instances the extent capable of being watered is limited by the dimensions of the field in which the well is situated, or the portion of it at a sufficiently low level; and in others, supposing the capacity of the well to be the same, and the land under it abundant, the surface watered will be more or less extensive, as the cultivator finds it advantageous to grow the superior products which require little space, but constant irrigation, or the inferior garden crops, which occupy a more extended surface, but require comparatively little water.

'Wherever the extent of land capable of being watered is not limited by the dimensions of the field, the most convenient method of determining the portion of it to be assessed as garden-land, is to allot a certain number of acres to the well in proportion to its capacity. By this means the most important element of all is disposed of, and our attention in fixing the rate per acre restricted to a consideration of the remaining elements which are of a more definite nature.

'The relative importance of these elements varies so much in different parts of the country, that we find ourselves unable, after a careful examination of the subject, to frame a rule for determining the value to be attached to each, and the consequent effect it should have upon the rate of assessment under all the circumstances. It must be left to the judgment of the superintending officer to determine the weight to be assigned to each circumstance affecting the value of garden-land, and this determined, it will be easy to form tables or rules for deducing from these the relative values of garden-land under every variety of circumstance.'

far away from the village, so that the profit of irrigation is reduced by the difficulty of getting manure, which is the complement of garden cultivation.

§ 5. *Classification of Rice-Lands.*

Rice-land[1] requires special rates, even when not artificially irrigated, because it is different in character from ordinary jiráyat land, or from garden-land. I understand that rice-land is not treated like dry land with an addition for the water, but is classified on a scale of its own.

§ 6. *Assessment Rates.*

When the classer has classified the 'dry' soil according to its nature, and prepared tables showing the requisite facts regarding the irrigation of 'bágháyat' land, and has classified the rice-lands, the Superintendent of Survey, as assessor, has now to adopt actual assessment rates.

He has to ascertain—

(1) The full or sixteen-anna rate for dry cultivation,

[1] On this subject the *Joint Report* states as follows:—

'In rice, as in other irrigated lands, the chief points to be considered are the supply of water, the nature of the soil, and facilities for manuring. The supply of water is often wholly, and always to a great extent, dependent on the ordinary rains. In some parts of the country, to guard against the effects of intervals of dry weather occurring in the rainy season, small tanks are formed from which the rice may be irrigated for a limited period. In estimating the supply of water, there are two distinct circumstances, therefore, to be considered, viz. the inherent moisture resulting from the position of the field, and the extraneous aid derived from tanks or from channels cut to divert the water from the upper slopes into the rice grounds below. The weight to be given to each of these elements, in the classification of the supply of water, depends so much upon local peculiarities, that we feel it impossible to frame a system of universal application; and consequently the determination of this point must be left to the judgment of the superintending officer. All that we can do is to indicate the principles according to which, as we conceive, the operation should proceed.

'The classification of the soil should be effected by a system similar in principle to that already described, though modified in details to meet the peculiarities of different districts. But the circumstances of the rice countries to which our operations have yet extended appear to vary so much, that we have not been able to agree upon any detailed rules for the classification that would be suitable to all.

'The facilities for manuring rice-lands will be determined, as in the case of dry-crop soils, by distance from village, or the locality from which manure is procurable.'

and for other lands, considered in their unirrigated aspect;

(2) the addition he will make to form suitable 'irrigated' rates;

(3) the rate he will adopt for rice-land.

In calculating rates, no attempt is made to represent in money a given fraction of the produce, or to take a certain fraction of 'assets.' The basis of calculation is, in fact, the existing or former rates considered with reference to altered circumstances, the rise or fall of prices, improvement in population, means of transport, and other advantages. There has never been any attempt, as (in theory) is the rule in Madras, to fix, first, an average 'gross produce,' and then an average 'cost of cultivation,' by deducting which a 'net produce' for each class of land is arrived at; nor is it attempted, further, to value a given percentage of net produce in money after ascertaining fair commutation prices.

In this matter the Bombay system is different. As Mr. Pedder remarks [1]:—

'The Bombay method is avowedly an empirical one. When a tract (usually a táluká or subdivision of a district) comes under Settlement . . . its revenue history for the preceding thirty or more years is carefully ascertained and tabulated in figured statements and diagrams. These show, in juxtaposition, for each year of the series, the amount and incidence of the assessment; the remissions or arrears; the ease or difficulty with which the revenue was realized; the rainfall and nature of the seasons; the harvest prices; the extension or decrease of cultivation, and how these particulars are influenced by each other; the effect of any public improvements, such as roads, railways, or canals and markets on the tract, or on parts of it, is estimated: the prices for which land is sold, or the rents for which it is let, are ascertained. Upon a consi-

[1] *Journal*, Society of Arts, Vol. XXXI (April, 1883), p. 524. It should be remembered, however, that even in Madras the 'grain assessment' and 'commutation price' theory, is, in practice, mostly used for purposes of comparison and check. The revenue is *really* fixed by other considerations, e.g. by comparing former rates, and those prevalent in similarly-situated districts, &c.

deration of all these data the total Settlement-assessment is determined. That amount is then apportioned pretty much in the same way on the different villages, and the total assessment of each village is then distributed over its assessable fields in accordance with the classification which has determined their *relative* values in point of soil, water-supply, and situation.'

The Revenue Officers from time to time make experiments as to outturn of crops, and the assessor makes use of them as checks—seeing how, at known prices, they would afford a proper margin of profit after paying the proposed revenue-rate; but that is the only use of such experiments.

§ 7. *Further Details.*

The assessor then unites the villages into groups, very much as is done in Madras and elsewhere: that is to say, he takes certain tracts of country which, having similar advantages, he considers can bear uniform rates. It is obvious that in Bombay, as in every other province, two villages may possess exactly similar soils, and on a soil-classification only, would pay the same rates; yet one village may be very favourably situated as regards market communications, &c., and the other be remote and inaccessible. Some may be in a climate where the rainfall is regular, others in places subject to irregularity. Rates then could not fairly be the same in both. Accordingly the Assessing Officer fixes maximum rates for each group, which represent its full or sixteen-anna rate. On this subject the *Joint Report* may be quoted:—

'. . . It now remains for us to point out what we deem to be the best mode of fixing the absolute amount of assessment to be so distributed. The first question for consideration is the extent of territory for which a uniform standard of assessment should be fixed. This will depend upon the influences we admit into consideration with a view to determine the point. Among the most important of these influences may be ranked climate, position with respect to markets, agricultural skill, and the actual condition of the cultivators. The first of these may be considered permanent; the second and third less

so; and the fourth, in a great measure, temporary. And as our Settlements are intended to be of considerable duration, there is an obvious advantage in regulating the assessment by considerations of a permanent character, or, at least such as are not likely to undergo any very material change during the term of years (generally thirty) for which it is to endure.

'In determining, then, upon the extent of country to be assessed at uniform rates, we are of opinion that the more permanent distinctions of climate, markets, and husbandry should receive our chief attention. We should not think of imposing different rates of assessment on a tract of country similarly situated in respect of these three points, in consequence of the actual condition of the cultivators varying in different parts of it. . . . . .

'Each collectorate being divided into districts (tálukás)[1], of which the management and records are distinct, it is an obvious advantage to consider the assessment of each of these divisions separately. And were the points bearing on the distribution of the Government demand alike in all parts of any such division, one standard of assessment would be suitable for the whole. But this is seldom the case; and there is usually such marked distinction between different portions of the same district, as to require the assessment to be regulated with reference to these. The first question, then, in proceeding to the assessment of a district, is to ascertain whether such distinctions exist, and to define the limits over which they prevail. This, however, will seldom be a task of much difficulty, or involving any very minute investigation; as marked differences only, calling for an alteration in the rates of assessment, require notice; and within the limits of a single district three to four classes of villages would generally be found ample for this purpose.

'The relative values of the fields of each village having been determined from the classification of soils, the command of water for irrigation, or other extrinsic circumstances, and the villages of a district arranged into groups, according to their respective advantages of climate, markets, &c., it only remains, in order to complete the Settlement, to fix the absolute amount of assessment to be levied from the whole.

'The determination of this point is, perhaps, the most im-

[1] Or, as we should say, 'each district is divided into subdivisions or tálukás.' It will be observed that in this extract 'district' = tálukā.

portant and difficult operation connected with the survey, and requires, beyond all others, the exercise of great judgment and discrimination on the part of the officer on whom it devolves. The first requisite is to obtain a clear understanding of the nature and effects of our past management of the district, which will be best arrived at by an examination and comparison of the annual revenue Settlements of as many previous years as trustworthy data may be procurable for, and from local inquiries of the people, during the progress of the survey. The information collected on the subject of past revenue Settlements should be so arranged as to enable us to trace with facility the mutual influence upon each other of the assessments, the collections, and the cultivation.

'This, in our opinion, can best be done by the aid of diagrams, constructed so as to exhibit, in contiguous columns, by linear proportions, the amount and fluctuations of the assessment, collections, and cultivation, for each of the years to which they relate, so as to convey to the mind clear and definite conceptions of the subject, such as it is scarcely possible to obtain from figured statements, even after the most laborious and attentive study. The information to be embodied in the diagram best suited for our purpose should be restricted to the land of the district subject to the full assessment; the extent of this cultivated in each year, the assessment on the same, and the portion of the assessment actually realized.

. . . . . .

'Furthermore, to assist in tracing the causes to which the prosperity or decline of villages, or tracts containing several villages, are to be attributed, independent statements of the annual revenue Settlements of each village should be prepared; and from these again, a general statement for the whole district, or any portion of it should be framed, and its accuracy tested by a comparison with the general accounts of the táluká, and from the returns so prepared and corrected, the diagrams should finally be constructed. The nature and amount of the various items of land-revenue and haqs (holdings revenue-free or at reduced rates) excluded from the diagram, should be separately noted, and taken into account in considering the financial results of the proposed assessment.

'And, finally, with the view of affording the fullest information on this important subject, detailed figured statements should be furnished, exhibiting the source and amount of every

item of revenue hitherto derived from land of every description, whether Government or alienated, comprised within the limits of the villages for which an assessment is proposed.

'The information thus collected and exhibited, with that obtained by local inquiries into the past history of the district, will generally enable us to trace the causes which have affected its past condition; and a knowledge of these, aided by a comparison of the capabilities of the district with those of others in its neighbourhood, will lead to a satisfactory conclusion regarding the amount of assessment to be imposed.

'But instead of a particular sum at which a district should be assessed, it amounts to the same thing, and is more convenient, to determine the rates to be imposed on the several descriptions of soil and culture contained within its limits, so as to produce the amount in question. And to do this, it is only requisite to fix the maximum rates for the different descriptions of cultivation when, of course, all the inferior rates will be at once deducible from the relative values of our classification scales.'

It should be noted that, besides variations according to grouping, there may be differences resulting from situation within the village. Lands may be precisely the same in quality, and yet those nearer the village (where manure is to be had), and nearer a well or other water-supply, may be able to pay more than those more distant.

Mr. Rogers remarks that in the village registers it is noted regarding each field, how far it is from the village site, and from water.

Rates may also be modified with reference to the natural agricultural capabilities of the different cultivating castes or classes holding the land.

§ 8. *Example of Assessment-Rates.*

To illustrate the result of rate-calculation, I may instance that, on looking through the assessment report of the Indápur táluká of Poona, already alluded to, we find that a general maximum *jiráyat* rate of one rupee per acre was taken as fair; but Indápur itself had a very good market for its produce, so the rate (in a group round the

town) was raised to R.1-2. Then, in parts of the táluká, certain groups of villages were badly off as regards communication, and still more so as regards the climate, in steadiness of the rainfall average, so these were grouped into tracts for which the rates were fourteen annas, or even twelve annas; in other places there was a fertilizing overflow of the river which bounds the táluká, and this so improved the conditions of agriculture, rendering them comparatively independent of rainfall, that a special increase on the maximum dry-crop rate was imposed on those lands that directly benefited by the overflow. (This, it will be observed, was a question of natural advantage, not of artificial irrigation.) The actual rate, R. 1 or R. 1–2, was arrived at by a study of the rates previously paid, and whether easily so or not, and whether under the greatly improved condition of things, increase of culturable area, rise in prices, increase in population, cattle and carts, rates[1] could be fixed higher or not.

§ 9. *Application of the Rates.*

The standard rates being fixed, the classer's data can now be brought to bear: for example, taking the rates of the last paragraph—fields of the group where the maximum is R.1-2-0, and shown in the classer's list as belonging to the sixteen-anna class, would pay R.1-2, the fourteen-anna class R.1, and so on; those that were in the two-anna class would pay one-eighth of R.1-2 or two as. three pie. Fields that were irrigated by wells would have certain rates added on to represent the well, the rate being applied to the number of acres considered to be irrigated, the addition, moreover, being the full rate, or something less, according to the scale made out on the basis of the facts regarding irrigation, and the nature and efficiency of the means of applying it.

[1] For example, in Indápur, the making of roads and the introduction of carts, which had before been almost unknown, made the people much better off, and a much larger return was obtained from agriculture.

Rice-land would be similarly dealt with, in its own classification, as regards the rates.

§ 10. *Rules in other parts of the Presidency.*

The rules described were devised for the Dakhan districts; but though the details differ, the principle is the same in other parts of the Presidency. In the Konkán, for example, the rainfall is so abundant that soil-depth is of no consequence; but everywhere the rules lay down the observance of well-known classes of soil having different productive capabilities, both with water and without, the separate classification of rice-lands, the grouping of villages for assessment purposes, and the same general method for calculating rates.

§ 11. *Method of Working.*

The work of soil-classification is very rapidly done, and so accurately that test classifications do not differ by more than six or seven pies in a maximum valuation of one rupee. The classification will not take more than twenty to twenty-five minutes for a twenty-acre field, and seven or eight fields will be done in a day by a classer, of whom thirteen or fourteen form the establishment of one Assistant Superintendent. The establishment will get over 45,000 to 50,000 acres of plain country in a month. The Assistant Superintendent tests from 5 to 15 per cent. himself, by doing the work over, without reference to what has been recorded by the native classer; and it is surprising how small the corrections are as a rule.

It will be observed that under the Bombay system, no less than any other, the fixing of actual rates is a matter for the Settlement Officer or assessor; it is dependent on a consideration of circumstances, on wise calculation, knowledge, and experience; but when once the general rates are determined, they are applied to each field by an arithmetical process, resulting from the classer's fractional valuation of each.

The whole assessment is not made by rule of thumb, as

is sometimes supposed; it is a matter of estimate after careful study of the locality, as well as of tabulated statistics, by experienced men, as it must be under all systems; where the system of precision comes in is, that, given the maximum or standard rates determined on, the considerations described for the group, the application of those rates, in full or in the appropriate fraction, is a matter of exact calculation: each field has a *relative* value (so many annas out of sixteen), fixed according to rules of classification, and the application of the rate to the field is a matter of arithmetic.

The value of the system consists in this, that the soil-classification (dry and rice-land) and record of facts about the water-supply, can be so easily and satisfactorily checked, and that great experience is gained by the trained staff, who are constantly employed as classers. No system can dispense with the assessor's (as distinct from the classer's) personal judgment, or exclude altogether an element of estimate or intuition; but this system leaves as little as possible to such judgment, and when the rate is determined, applies it by uniform and exact methods to each field.

§ 12. *Settlement of Alienated Lands.*

'Alienated' lands (as they are called in Bombay[1]), that is, grants, revenue-free or partly revenue-free (on a 'jodi' or quit-rent, as it is called), are not, as an entire class, assessed. But the Code gives power to survey the villages as regards their boundaries, and to settle disputes regarding those boundaries. There may be whole estates, or a tract of land of considerable size, alienated; and there may be merely alienated fields or groups of fields in the midst of 'Government,' i.e. revenue-paying, lands; or possibly, Government may have a share in alienated lands. In the former case Government would ordinarily not interfere; the grantee would make his own arrangements with the occupants, who, in fact, pay revenue to him instead of

[1] I shall consider this term at a later stage under the head of Tenures.

to Government. In some cases, however, the inámdár will request the survey to determine the assessment; and then, if he accepts the rates, these are binding on him as regards the occupants; and Government pays the expense of the survey [1]. In the case of single fields held revenue-free, the land would be assessed like the adjoining fields, only the assessment would not be levied, or only so far as Government had a share in it. But in such lands the assessment should be known, because the local cess is levied on the basis of a percentage on the revenue.

The only local cess (the one-anna local cess) is charged for special purposes, one-third being devoted to education and two-thirds to district roads.

Lands belonging to the 'watan' of the hereditary village officials (and now held on joint succession by the present occupants as members of a watandárí family) were usually charged by the Maráthá Government with a 'joḍi,' or quit-rent, often sufficiently heavy. In all cases *watan* lands are now assessed to a sum sufficient to provide a remuneration for the actual office-holder, which remuneration is calculated on the basis of a certain percentage of the revenue of the village. Should the full survey-assessment be not sufficient to cover this, the balance is paid by Government.

§ 13. *Area adopted for separate Settlement Operations.*

I before remarked that the Settlement of single tálukás, or even groups of villages less than a táluká, separately, is the common practice. It may be partly due to the convenience which such a system offers, when the districts are more or less interlaced with chiefs' estates or foreign territory, and frequent adjustments of territorial boundary for Government purposes, had to be made. But the chief reason is stated by Colonel Anderson to be, that this plan enables the settling officer to give minute consideration to the tract he is settling, and enables the authorities above

[1] See on this subject Handbook, Chap. XXIII. 504, and XXIV. 538-540.

him, the better to scrutinize his proposals. A further advantage is that the working of the Settlement on a small area can be watched, and the suitability of rates imposed be judged of, before extending their application to a larger area.

SECTION IV.—THE REVISION SETTLEMENTS.

The term of Settlement is thirty years, except in Sindh, where, owing to local circumstances, it has been thought desirable to adopt a period of ten years[1].

When the period of Settlement comes to an end the land is re-settled. This, in Bombay, is always called a 'Revision Settlement.' Owing to the difficulties experienced in early years, the *first* Settlements of all districts were not completed before a great many revision Settlements began to fall due. At the present day all but perhaps one or two of the original Settlements are about to expire, or have already fallen in, and many 'Revisions' have been undertaken. Consequently, it is now of more importance to notice the principle on which *revision* is conducted[2].

§ 1. *Survey and Classification.*

I have already described the principles on which land is divided for survey purposes, and how the later surveys differ from the earlier ones. It is anticipated that, when the few first or original surveys which are still in progress are completed, and when all the subsequent (or present) revisions are finished, there will be no need for any further general survey, nor for any general reclassification of soils. It was hardly to be expected that the first surveys could have resulted in such matured or perfect work, that no further classification would be needed; and as a matter of fact the earlier 'revisions' often consisted in doing the whole Settlement-survey work over again[3], and some of them have not yet been completed.

[1] *Report*, p. 30.

[2] See the table of districts in Vol. I. p. 61, where the dates of revision, &c., are given.

[3] For example, the Settlement of Indápur táluká in the Poona Collectorate, during which rules were devised, and practices estab-

In the Resolution No. 2619 of 26th March, 1884, it is stated that the bulk of the tálukás in the Southern Maráthá districts will not need any further alteration of the classification and valuation of land; also the greater part of the Dakhan districts. 'The power of Government to direct a revaluation of soils will be exercised almost solely in the province of Guzarát, the districts of Thána, Colaba, Khándesh, and Satára, and in these, it is believed, a partial survey will suffice.'

It has also been determined that when, in Settlements since 1854, portions of survey-numbers were left unassessed as unculturable—'pot-kharáb'—either from surface peculiarities, or as containing quarries, pits, tombs, &c., even though such portions should (by increased labour and owing to the increased value of land) have been cultivated, no increase in the assessment will take place in future, by altering the classification, or rather cancelling the deduction or the allowance made in the process of classifying. Further, the general rule now stands, that where either a classification of soil has been made for a *second* time, or an original classification has been approved as final, it is not again to be altered so as to affect the assessment[1].

It may here be remarked that, with a view of making an end with classification and survey work, any 'revision' operations that are still requisite are not delayed till the old or existing Settlement actually expires. Formerly it was so; but—says the Resolution of Government already quoted—'if this practice were maintained the operation would be greatly protracted, and the highly skilled survey establishments would be dissipated for want of full-time employment.

'It has therefore been resolved that the completion of the survey record should be carried out at once, . . . and it is estimated that all field operations of the survey in this Presidency may be completed within a period of eight years' [i.e. before 1892].

lished, which were the foundation of all the modern systematic improvements, was itself a 'revision' operation, and under it, the survey and classification were practically done all over again.

[1] See Section 106 of the Code as amended.

These revisions of area—to get once for all a perfect survey and classification of the soil—do not affect the assessments, which remain until the term fixed for their currency expires.

Rev. Code, sec. 102.

§ 2. *Assessment on Revision.*

As to increases of assessment after the expiry of the Settlements at present in force, the important principle has been laid down, that if, since a first or original Settlement, a landholder has improved his land himself, or at his own cost, such improvement is not to be taxed by an increased (revision) assessment. This rule, as the Code stood in 1879, was qualified by the condition, that an increase might be taken with reference to any natural advantage, when the improvement effected from private capital and resources consisted only in having *created the means of utilizing* such advantage. It may be thought that this proviso would, in practice, be correctly understood; but a different opinion has prevailed. The desire to remove *any* expression which might affect the minds of cultivators and make them hesitate about expending capital and labour on improvements, has led to the remodelling of clause 107[1]. As it at first stood, the clause meant that, supposing a field originally assessed as 'dry' was, on revision, discovered to have an abundant supply of sub-soil water—say twenty feet below the surface—the assessment might be increased by reason of this purely natural advantage, before overlooked, but discovered at revision; although the fact that the cultivator had actually sunk wells to utilize this advantage, would *not* be the cause of any increase. In *that* sense I do not understand that the amended section alters anything, except in so

[1] By Bombay Act IV of 1886, the clause now runs: 'In revising assessments of land-revenue, regard shall be had to the value of land; and in the case of land used for the purposes of agriculture, to the profits of agriculture. Provided that if any improvement has been effected in any land during the currency of any previous Settlement made under this Act, or under Bombay Act I of 1865, by or at the cost of the holder thereof, the increase in the value of such land, or in the profit of cultivating the same, due to the said improvement, shall not be taken into account in fixing the revised assessment thereof.'

far as the new proviso to section 106 will prevent any re-classification of soil once finally made.

The Resolution of Government, No. 6682, dated 10th November, 1881, provides that where wells existed at the date of the original Settlement, and the lands were assessed at well-rates, the revision assessment is limited to the 'dry-rate' (but the *maximum* dry-rate) applied to the vicinity. And where new wells have been constructed subsequent to the first Settlement, the *ordinary* dry-crop rate, without addition, is levied. This rule is now general for all districts.

'Burkís'—which appear to be masonry constructions by which water is drawn from a stream, so that it can then, by lift, be baled on to lands—are treated as wells. In some places irrigation is effected by a 'bandhára,' which means a dam erected across a stream or nála: improvements of this class are governed by the same principle, except that if the water itself is the property of Government, a rate for the use of the water may be charged irrespective of the assessment; and the rules at page 234 of Nairne's *Hand-book* apply.

While thus encouraging the expenditure of capital as far as possible, it was not intended to forego the right of the State to its just participation in the natural value of land. Now it is obvious that the existence of an easily available water source below the surface, is just as much a natural element in the value of land, as is the fact that the soil itself is of good quality, of sufficient depth, and well placed as regards drainage. Hence while foregoing a rise in the assessment on the ground of new works, the classification (whenever there was opportunity) has been corrected so as to take into consideration the sub-soil water, and so make a reasonable increase in the proportionate value of the land[1], before the classification becomes final and unalterable.

[1] See Bombay Resolution, 594 S. 10th August, 1883. See also the interesting *S. R.*, on the Dholká táluká (Ahmadábád) and the orders thereon. Here the addition on account of the water advantage comes to R. 0. 2. 10 per acre.

In connection with this subject it may be mentioned that, in Guzarát generally, there is an easily accessible water-bearing substratum which, in many places, would render irrigation easy if wells were sunk. In Ahmadábád (Dholká táluká) when water was available within twenty-four feet it was taken into consideration (and in exceptional cases to forty-five feet); over that it was not considered. Where the water is brackish or otherwise defective, the rate is suitably lowered.

In some cases, with a view of encouraging the people (in the backward parts of the country, the Panch Mahál especially), sanction has been given to the proposal to abandon *all direct taxation of wells* (new or old) and add only a small sum to the dry-land rate in recognition of its superior advantage [1].

§ 3. *Amount of Increase.*

Lastly, in connection with *revision*, comes the question what rate of enhancement shall be adopted, and whether any (generally applicable) limit can be fixed. This subject has been discussed in principle and with reference to all provinces, in Vol. I. Ch. V. (see pp. 360, 4); here it will be sufficient to repeat that in Bombay the rule laid down for the Dakhan districts has been generally extended; the rule is, not to increase the revenue of a *táluká or a group* of villages which shows the same maximum dry-crop rate, beyond 33 per cent.: nor should the increase on a *single village* amount to more than 66 per cent. without special explanation and sanction; nor should the increase on the *individual holding* exceed 100 per cent.

It has to be borne in mind that hard-and-fast rules about *percentages* are apt to work badly; while to form a judgment solely on the fact that the increase in any particular case is (absolutely) so much per cent. on the old rate, without reference to the whole of the facts, is almost certainly to go wrong. In some cases a holding has been increased in area by the authorized (or unauthorized) inclusion of

[1] Resolution, No. 2619, 26th March, 1884, § 32.

waste land: here of course there ought to be the just increase—no matter what the percentage. So if in an early survey or revision survey there has been an absolute misclassification of soil, the error should in reason be corrected, whatever its effect. If care is taken not to alter more than is necessary, to make every allowance for the light assessment of poor soil, and to keep in view the *general* limits of percentages of increase as above indicated, it is not likely any serious error can occur. That I think is fairly—though very briefly put—the gist of the existing orders.

§ 4. *Concluding Remarks.*

It is hardly necessary to remark, in conclusion, that the above principles have nothing to do with the increase of assessment where an improvement is made at the *public* expense, as where the making of a Government canal raises the selling value of the land within its reach; or where land the produce of which was nearly unsaleable for want of transport, has been brought by a Government railway, within reach of a ready market. Here, as was stated in the Government Revenue Despatch No. 246 of 15th April, 1882, (to the Secretary of State), the increased value is 'fairly considered in the classification rates along with other advantages which are not due to expenditure of capital by the occupant of the land.' Here we are not speaking of any charge for the use of water as a commodity supplied from a Government source, but of the increase in the value of land and its consequent revenue assessment. Rev. Code, sec. 37.

There are certain orders, issued in 1874 (which it is not necessary here to detail) as to notifying in a district under Settlement or about to be settled, that irrigation works are about to be completed, or are in a state of progress which may affect the assessment[1].

[1] This notice is only given 'when the works to which it has reference are actually under construction, or authorized with a fair probability that their benefits will be available at an early period in the term of Settlement. When works are merely in contemplation . . . we should consider it injudicious to disturb the minds of the cultivators

SECTION V.—THE RECORDS OF SETTLEMENT.

The Code is remarkably simple in its provisions on this subject.

The village maps are among the most important records. Accompanying these is the *Settlement Register*, showing the area and assessment of each survey-number, together with the name of the registered occupant of the number.

Code, sec. 108.

The Code leaves it to the Local Government to prescribe such other records as may be necessary. One record is, indeed, expressly mentioned in an earlier section of the Code—a record of all alienated lands—that is, what would be called in Upper India 'lakhiráj' or 'mu'áfí' lands,—lands of which the Government right to revenue has been wholly, or within certain limits, alienated or granted away.

Sec. 53.

§ 1. *Forms of Record.*

The orders on the subject direct that the records shall be[1]—

I. The village map.
II. The Register of all lands.
III. The 'Botkhat,' or record of each holding; that is, the fields held on each separate interest, or on a separate tenure by a single individual, or by joint body, shown as grouped together.

Nos. II and III are in fact, just the *khasra* and *khatauní* of the North Indian Settlements.

Each holder of land gets, at the time of survey, a copy of the details recorded relating to his land. I have not seen any order as to the precise forms of these records, but I presume that the Register is essentially the same as that which is kept up to date as 'No. I' Form, in every village. This 'Register of land' is a very complete one. And as a glance at its columns and arrangement gives at once a certain insight

by a reference to future liabilities connected with works visibly in progress before them. In such cases the enhancement of rates on account of increased value of irrigable land may be deferred to the expiration of the period of guarantee (i. e. to the duration of the existing Settlement) (Despatch last quoted, § 6).

[1] *Hand-book*, p. 141.

into the results of classifying land and surveying it at Settlement, I give[1] the form as now used. It is locally called 'shetwárpatrak.'

Survey number.	'Pôt' number, if any.	Government or alienated.	Total area.	Portion culturable or unassessed.	Holder's name.	Culturable Land and Assessment.									Amount due for quit-rent (jodi).	Assessment of alienated lands after deducting quit-rent.	Record of Alteration of Names.		Remarks.
						Garden.		DryCrop.		Rice.		Water-rate.	Total.				Particulars of alteration.	Order by whom issued and date.	
						Acres.	Assessment.	Acres.	Assessment.	Acres.	Assessment.		Acres.	Assessment.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20

Under column 3 will be shown that the 'number' is 'Government' (i. e. revenue-paying), or 'service inám,' or 'personal inám,' or watan or village-Government-service inám, or village-community-service inám. And it may be that a 'number' will be held (column 6), by several persons: thus, (1) Mahádev Govind—

Shares—himself	8 annas.
A. B.	4 annas.
C. D.	4 annas.

Column 5 will show whether any portion of the number is wholly or partly 'pôt kharáb,' i. e. allowed as unculturable, having a tomb on it, &c.

Column 17 is necessary, because there may be a local cess to be paid by a percentage on this assessment, though the assessment itself is not realized.

When any *alteration* by death, relinquishment, transfer, and so forth occurs, it will be noted in Columns 18 and 19. 'Remarks' (20) show such particulars as that a 'well' is on the land, or 'the mango trees belong to Government,' &c.

At the end is an *abstract* of the area of the village under—

[1] From Hope's *Manual of Revenue Accounts* (3rd ed.).

A. *Land for cultivation.*

(1) Assessed { Government (i.e. revenue-paying). Inám.

(2) Unassessed (if any).

B. *Land not available for cultivation.*

(1) Unculturable.

'Pôt kharab' (deductions made for bad bits in numbers,—as part covered by tombs, or by broken ground, &c.).

Rivers and streams.

(2) *Set apart for special purposes.*

Kúran (fuel reserve of bábul trees), Forest Reserves, &c. &c.

(3) *Set apart for public purposes.*

Gáonthán, or village site.

Burial ground.

Roads.

Railway.

Free pasture for village, &c. &c.

I have mentioned this Village 'Register No. 1' under the head of Survey Records, for so it practically is; indeed, formerly it was actually prepared by the Survey and handed over. Now it is compiled by the village accountant or kulkarni from the actual Settlement-Survey Records, and verified by the Mámlatdár of the táluká.

§ 2. *Preservation of Original Records.*

Code, secs. 109, 110.

The original Survey registers, when complete, are not altered, except to correct clerical errors or mistakes admitted by the parties interested. Mistakes as to a wrong entry of a registered occupant's name by error, fraud, or collusion, may be corrected within two years, even if the parties do not admit it; but all subsequent changes by succession, partition, transfer, &c., are not made in the Settlement registers themselves, but in village registers kept up for the purpose.

Thus there are (as in other Provinces) the unaltered

Survey register and maps, showing how things were at the time when the Settlement was complete, and subsequent registers showing any changes that have taken place.

As the holding of every person is registered, whether it is an entire survey-number or some subdivision of it, the record is really as complete a record of right as can be required.

§ 3. *Ascertainment of Rights.*

The Settlement Officer makes the entries according to the actual facts of occupation; he does not exercise any judicial function in determining a doubtful title: if there is a dispute he will refer the parties to the Civil Court. There being, as a matter of principle or general rule, no intermediate landlord between the landholder and the State, there is but little room for those questions of subordinate right and varieties of tenancy which need such careful reservation in North Indian Settlements. In special cases, where there are superior rights, as in 'khoti' villages, a record is made of the subordinate rights also, as specially provided by the Khoti Act (Bombay) of 1880. There are also other cases of special tenures, such as the taluqdárí tenures of Ahmadábád, which are dealt with under a special Act (VI. of 1862).

CHAPTER II.

THE LAND-TENURES.

SECTION I.—INTRODUCTORY.

§ 1. *History of the Districts.*

THE Bombay Presidency (in this chapter we exclude Sindh) offers a very diversified field for the student of tenures. In so far as the purely modern condition of the *villages* is regarded, there might appear to be considerable uniformity: but underneath this there are the traces of an eventful and stormy history, and many illustrations of the working of those agencies which everywhere in India may be traced in their effect on land-tenures.

The Northern Province of GUZARÁT, indeed, still remains, owing to its physical and historical features, diversified with examples of several tenures; we may there find, side by side, the ordinary village held purely on the raiyatwárí tenure, and 'joint villages,' which, though few in number, are a still actively surviving institution, known as 'narwá' or 'bhágdárí' villages. There are also remains of the chiefships of the Rájput families that once bore sway over Guzarát, some of them much broken up, and now known by the (later) name of 'taluqdáris.' There are also certain tenures which still attest the power of the plundering chiefships of the Maráthá times.

It is otherwise with the DAKHAN districts;—those lying between the Narbadá (or Narmadá) river on the north, and the sources of the Kistná on the south. The early history is here almost wholly traditional; it was once a Dravidian country, but various successive conquests affected it; one

rule giving way to another. In the sixth century of our era we find that these districts (or the greater part of them) formed part of the (Hindu) Málwá kingdom under Vikramadityá. The country came permanently under Muhammadan rule (i.e. under the early Delhi emperors) towards the middle of the fourteenth century[1]. It subsequently passed under the sway of the independent Dakhan kings known as Báhmanis, whose kingdom soon split up into five —till for a brief space the Mughal empire was established by the conquests of Sháh Jahán and Aurangzeb. But in the end the contests of the two Muhammadan powers were suicidal to both, and were the cause of the Dakhan passing under the power of the Maráthás between the middle of the seventeenth and the beginning of the nineteenth century.

Under such circumstances, the tenures of the Dakhan must have undergone considerable changes—changes indicated by certain survivals, which are, however, sufficiently indefinite to allow room for some difference of opinion as to the inferences to be drawn from them. But at the present day the villages, whatever their form originally, are practically on the level of the simple, but convenient and unquestionable, raiyatwárí tenure.

In the KONKÁN districts, in the same way, the village tenures have also undergone changes: the existence, in former days of a proprietary class distinct from the 'tenantry,' is rendered probable by the use of certain terms and by the surviving privileges of certain classes of cultivators. The Konkán tenures are, however, diversified by the existence, in some parts, of an overlord tenure, derived from Moslem and Maráthá revenue-farming, and known as that of the 'Khots,' as well as by certain privileged occupancies which arose in connection with former revenue arrangements, and with reclamation of salt lands on the sea-coast.

§ 2. *Tenures Classified according to Kind.*

Under such local and historical conditions, it would be equally possible either to treat the tenures according to

[1] Muhammad Tughlak completed the conquest, A. D. 1338.

the *locality* of occurrence, or to classify them according to their *kind*. On the whole, I have preferred to deal with the subject in a classified order. We shall thus have to consider—

(i) the village tenure as it now exists, i.e. the non-landlord or raiyatwárí form in the Presidency generally;

(ii) the survivals of the joint or landlord village (narwá or bhágdárí) in Guzarát;

(iii) the cases where 'double' or 'overlord' tenures have been established *over* the villages, as (chiefly) in the case of the so-called taluqdárís of Ahmadábád, and the Khots of the Konkán;

(iv) the history of the 'alienated' lands, i.e. lands held under grant of complete or partial freedom from revenue payment, including the service and other 'watans,' which form so interesting a feature of the land administration in Central India and Bombay, as well as Madras.

§ 3. *Tenures Grouped by Locality.*

If we were, however, to deal with tenures by localities, we should group them thus:—

The Dakhan and the Presidency generally.	The 'survey tenure' villages, now consisting of aggregates of unconnected raiyats, with equal rights under the Code.
	Historical reminiscences of a former joint-village surviving in the use of certain terms.
Guzarát	The narwá or bhágdárí tenure in certain villages.
	The overlord or taluqdárí tenure.
	Wántá tenure.
	Mewásí tenure.
	Málikí tenure.
North Konkán .	Khotí tenures.
	Shilotri tenures.
	Izáfat tenures.
South Konkán .	Khotí tenures (permanent), with inferior tenures dhárekari, &c.
Kánara	Tenures the same as those described in the note on Kánara (Madras).

§ 4. *Statistics of Tenures.*

It might be supposed from this variety of tenure, that really the area held by overlords or by landlords was very

considerable; and that the area which, though divided as usual into villages, is held by 'occupants' directly under the State (neither holding in co-parcenary bodies or under a middleman) was of less importance; it will be desirable to give a few statistics which will show that the landlord village and other forms of overlord tenure really occupy but a minor portion of the land.

In the published Statistics for 1886–7, unfortunately, the villages held in shares (bhágdárí and narwá) are not separated, but the following figures are given:—

Tenure.		Number of estates or holdings.	Number of villages.	Area in acres.	Remarks.
Village landholders.	Raiyatwárí villages *	1,284 238	20,118½	28,475,016 (occupied land only)	* I have added together those paying at full rates and the much smaller number paying at privileged rates: the latter are 213,405, and how far these represent bhágdárs, &c. I have no means of telling.
Overlord tenures.	Taluqdárí	530½	530½	1,419,397 gross area)	
	Mewásí	41	41	79,334	
	Udhad jama-bandí.	123	123	194,830	
	Khot	1732½	1732½	2,160,517	
	Isáfat	7	7	3608	
Revenue-free, i. e. inám and jágír.		2165¾	2165¾	4,483,343	These refer to whole villages or estates, not to revenue privileges on individual fields, &c. which are included in village landholdings.

I omit from notice 5730 acres of land merely held on 'lease' for Government as owner.

SECTION II.—THE VILLAGE-TENURES.

§ 1. *The Dakhan.*

The fact that a great part of the Dakhan was in early historic times peopled by mixed tribes, which afterwards gave rise to the great confederacy of the Maráthá clans, is indicated by the circumstance that it received the special

name of Mahárâshtra from the Sanskrit writers: moreover, a special dialect (or rather dialect with several varieties) (Maráthí) was developed[1]. There can, I think, be very little doubt that originally (so-called) Dravidian tribes must have existed in abundance; there must have been Gonds and Mhárs, and doubtless others. At an early date, however, Aryan or Rájput adventurers from the North must have penetrated the country; since it is otherwise impossible to account for the great number and many subdivisions of the Bráhman caste, and for the fact that the oldest of the various States or petty kingdoms formed in the South were certainly 'Hinduized'—i.e. had adopted the Brahmanic traditions and forms at an ancient date. In spite of all caste prohibitions, it is certain that the Aryan and the Dravidian races everywhere fused rapidly; and it is probable that only the highest families kept themselves pure, and called themselves 'Rájputs.' No doubt the 'upper strata' of even the mixed clans would adopt the same designation whenever they came into power, or acquired wealth and influence. Such families are known (from instances in many parts of India) to have then professed a greater strictness of life, and to have taken Hindu names and assumed all the attributes of the purer or original Aryan Rájputs, with whom they had really a very secondary connection. The ancient kingdoms of Cherá, Cholá, and Pandyá in the South were ruled by princes thus converted. There can be no reasonable doubt that the Dakhan was anciently held by princes of the same kind long before the Muhammadan conquest[2]. How far they were in-

[1] Yule and Burnell give Mahárâshtra as = *magna regio* (in Sanskrit). Others refer it to the Mahár or Mhár tribe, once a numerous one, which now only survives in the village Mhár—who is a sort of beadle or messenger. The origin of the term now generally used for the Dakhan population is uncertain. The regular Hindí form is Marhaṭṭá (commonly written Mahratta): but this is, I believe, a term of reproach (=plunderer), and is certainly not adopted by the people themselves as a collective name. For this reason I have not used it, but prefer the form Maráthá which I believe to be more correct as a general name.

[2] See for instance Tod, vol. ii. p. 240, where he speaks of the Rájput princes, holding kingdoms in the South, 'whose offspring, blending with the original population, produced the mixed race of Mahrattas.'

terfered with by the *later* series of Rájput movements—which occurred before the first Muhammadan conquests—it is impossible to say; there were many wars and struggles; witness for example the career of Sálivábana. It is, however, impossible not to believe that native and local kingdoms flourished in the Dakhan long before Vikramaditya (whose kingdom appears in Central India in the sixth century), and long before those Rájput kingdoms of Málwá, Central India, and Guzarát, which were still in existence in the eleventh century, and which are traceable partly to immigrations from the Ganges plain and Oudh, and partly to movements of Rájputs when first disturbed by Moslem irruptions. These kingdoms, held by princely houses, which we may call Maráthá (as indicating the mixed Aryo-Dravidian origin) passed away long before the Muhammadan Dakhan kingdoms, and the subsequent resuscitation of the Maráthá power in the seventeenth century[1]. Yet they may have given rise (as such kingdoms often do) to landlord families having a hereditary interest in land, which left traces of their existence in the Dakhan villages; traces that still survive in certain terms and names.

But if this is the case, and there can hardly be any doubt of it, it is impossible not to take count of the Dravidian form of village as in all probability existing before the landlord families came. It is to be remembered that throughout the Dakhan, the holding of land in virtue of hereditary village office is everywhere known. And this feature is always connected with the old Dravidian form of landholding. Thus in the Dakhan we shall really have one of the many cases in which the landlord village grew up over an earlier form. The Dravidian village still survives in other parts of India, and it is not easy to

[1] Grant Duff (i. 35), speaking of the time when the Muhammadans first invaded the Dakhan, says:—'From that time the Mahrattas were quite lost sight of; and so little attention was paid to them that in the seventeenth century when they started up from their native hills and plains, they were, to other natives, a new and almost unknown race of people.' It is quite certain that Maráthá clans existed long before Siváji's time; and Colonel Sykes (to whose work allusion will presently be made) has no doubt that the old landholding class indicated by the specially surviving terms in the Dakhan, were early Maráthás.

suppose that in the ancient Dakhan it was different to what it was elsewhere. In itself it was an essentially 'raiyatwárí' form of village, though distinguished by certain features which are easily lost in the process of time, and by the effect of later revenue-assessments. In the Dravidian village the old founders' families were privileged, not as landlords claiming superiority over the entire area, and holding it afterwards in family shares, but (1) by the right to furnish the hereditary officers of the village, (2) by holding special and valuable lots of land—often the best in the village, and worked for them (probably) by contributions of labour from the ordinary cultivators settled in the neighbourhood. When a conquest occurs, or a foreign rule supervenes, it is very natural that such privileges should be ignored, or at least that the ruler should only conciliate the village headman and accountant by adopting them into the State system, and allowing them to hold their ancient lands in virtue of their office and headship—lands which, in later times, were called the 'watan' or special holding of the ancient 'home[1].' The village in this state exactly corresponds to the 'raiyatwárí village' as we see it all over Central, Southern, and Western India. If now the descendants of a ruling house, grantees of the king or chief, and others, obtain a footing in such villages, they will, under the influence of subsequent defeat or intestinal decay, as we know by the evidential illustrations obtainable in Oudh and elsewhere (Vol. I. pp. 131–6), lose the *ruling* position and descend to be landlords. Usually the process commences with one man—perhaps a relation of the chief's, who is granted the 'king's-share' in a village for his sustenance; or a courtier or other influential person is similarly located. At first he interferes very little with the old cultivators or their tenure; but when he dies, and in course of time a numerous body of descendants occupy his place,

[1] Watan is an Arabic word, signifying 'home' or 'nation,' and was applied to the land-holdings and other privileges left to the old village office-holding families (and on a smaller scale to artizans and menials of the village) by the wisdom of the early Muhammadan rulers.

they all have equal rights and are sharers by inheritance in the 'estate.' Necessity causes them to assume a closer, and virtually landlord, connection with the land; the pressure of numbers compels them to seize on and to cultivate the adjacent waste, and to annex whatever land they can; thus they become (*de facto*) co-sharing owners of the whole village. The same thing occurs when a ruling family divides or is broken up by misfortune or conquest. Members of the fallen house manage to cling to fragments of the estate, and afterwards dividing the property, and at the same time gradually falling in social position, they remain as groups of peasant landlords in the villages. No student of land-tenures in India can, I feel certain, doubt that this process has been one largely in operation, and that it is one of the most important of the factors in producing joint or landlord villages. And there is yet a further stage in the process. In some cases these landlord-villages indeed have shown marked stability, and continue to our own time; they may lose their regular scheme of co-sharing, but still they survive. In others, however, they are overborne by the growth of great territorial Taluqdárs and Zamíndárs. In others, again, they simply melt away:—Revenue authorities place the landlords and cultivating tenants on an equality, heavily assess all alike, and deal with them all directly. Unless, then, the landlord class happens to be of especially good agricultural and managing capacity, and unless it escapes the fatal defects of internal decay, of loss of vigour, of indolence or extravagance, it falls out of rank, and its once landlord position is only indicated by certain names still given to the lands in its possession.

§ 2. *Attempt to account for the Decay of Old Landlord Claims.*

It seems to me that the facts in the Dakhan exactly accord with the process just now sketched. For at any rate history discloses a process of rise and fall of kingdoms and states, which here as elsewhere, must have left traces, in the shape of numerous bodies of descendants who

managed to retain village-lands, no longer as rulers, officers or State-lessees, but as co-sharing bodies of landlords. The process of decay reached a still further stage when these bodies again lost the exclusive landholding position and their right became a shadowy privilege—merely surviving in certain names or terms, and in faint memories of the past. If we compare the Dakhan villages with what we see in Guzarát, we notice in the latter exactly the same sort of process of rise and subsequent disintegration; only that as the Rájput kingdoms were later in time, or at any rate lasted longer, disintegration had not gone so far; and now has been arrested by the preservative effects of British power and by the recognition of rights (in one form or another) under British land-Settlements. In Guzarát, as we shall see, the relics of the Hindu state are more evident; the Rájá or overlord has indeed disappeared before Moslem and Maráthá conquests, but joint villages still survive in what is known to have been the Rájá's 'demesne': and the minor (Rájput) chiefships are still in existence, some of them much broken up, and in fact gradually dissolving into mere village landlord estates held by widows, descendants of branches and minor members of the chief's house.

§ 3. *Survivals in the Dakhan.*

Whatever may be thought of this reasoning, it was a general feature of the Dakhan villages at the beginning of this century, that over large areas there was found a class of cultivators called 'mirásídár,' which implies that they are 'hereditary' landholders. I think it most probable that they were once members of co-sharing landlord communities. In the same villages another class are called 'uprí' (or uparí (Wilson)), which means 'stranger' or 'coming from another place,' and indicates that the cultivator is of an inferior class with no hereditary claim to the land, though he may have been long resident and in possession. The Persian term 'mirásí' probably came into use when the Muhammadan Dakhan kings ruled. One of their ministers, Malik 'Ambar (to whom I have already

alluded), made a revenue Settlement in the seventeenth century. In this he seems to have adopted, at any rate partially, a system of village-assessments, and encouraged and perhaps restored, the 'mirásídárs.' But the landholders had a term of their own, 'thalwái' or 'thalkarí'=shareholder—leaving no doubt as to the nature of the hereditary right implied in 'mirási.' The villages were, in fact, divided into major shares, 'sthal' (=pattí or tarf of Upper India)[1]. It is evident that the 'thalwái' (or mirási) right was long respected. When the original holder had disappeared, the holding was known as 'gat-kul' (i. e. the family (kula) was lost or had disappeared (gata))[2]. In the Bombay *Administration Report* for 1882–3 (p. 36), it is mentioned that the mirási right could be acquired by a sort of purchase, and on consenting to pay the Government revenue demand[3].

In the end, whether by the uniform pressure of the later Maráthá demand, which took no thought (as far as assessment was concerned) whether the landholder was of this class or that, or whether by the gradual decadence of the old landlord class, the special features of *mirási* holding disappeared. In the first quarter of the present century no such surviving joint-ownership existed as would warrant the 'village system' of revenue management being adopted.

Whether *all* 'mirási' rights are to be explained in this manner, I do not feel certain. When we recollect that there were privileged classes under the Dravidian organization, and that the hereditary right of these, though not

[1] See this detailed in Colonel Sykes' papers on Dakhan villages in the *Journal* of the Royal Asiatic Society, vol. ii. p. 206, &c. The record of the Bombay official inquiry into village tenures, including the Hon. Mountstuart Elphinstone's minute, and Mr. Chaplin's notes, was reprinted in the *Selections from the Records of the Bombay Government* (Old Series), No. IV. I greatly regret that repeated efforts have failed to give me access to the original volume. I believe also that the Elphinstone minute is in vol. iii. of the *Bombay Revenue Selections*. I am dependent on the quotations made by Mr. Campbell in the *Gazetteer*.

[2] It should be noted that it was held in old times that the mirási right could never be lost. A mirásídár might return and reclaim his land within thirty years. The families were also held jointly responsible for the revenue.

[3] Holders of 'mirási' lands may therefore not consist exclusively of descendants of old Maráthá families. Energetic cultivators, both Kunbís and others, may have acquired mirás land by purchase, or by taking the burden of the revenue on themselves.

extending to any *share* in the entire area, was certainly a distinct feature, it is always possible that some land-holdings may have been called 'hereditary,' and yet not be historically connected with a claim of a co-sharing body of landlords.

§ 4. *Konkán Villages.*

The Konkán districts (on the coast) were also part of Maháráshtra, and though here the *later* Maráthás employed a farming agency which gave rise to special tenures, the original villages also exhibit traces which make it probable, or at least possible, that joint bodies once held them. We shall speak of the 'khot' revenue-farmers separately: here we attend to the village-landholders. Only as regards the farmers it is necessary to say, that they themselves, in many cases at least, owed their position as much to prescription as to direct lease or grant; and they may have been active members of the very class who would have furnished ordinary landlord families to the villages, but who, being put into a special position, developed in a new direction as revenue-farmers. Or they may represent a later race of chiefs and moneyed men who supervened upon those older landholding classes who had once held the landlord position but who had fallen, or begun to fall, into decay, before the khots came. The subjection of villages to a revenue-farmer armed with large powers, is unfavourable to the preservation of any pre-existing class of landlords already tending to decay. The farmer will invariably look askance on local rights which would conflict with the growth of his own family position and influence: at the same time he may find it wise to conciliate the old landholding class and allow them certain privileges (in subordination to himself): such old landholders are valuable because of their unwillingness to throw up their ancestral lands, and because they have influence with the cultivating body at large. Hence vestiges of old rights may remain under guise of 'tenant rights.' In the North Konkán villages we find a 'sútí' tenure which resembles the 'mirásí'[1]. The term

[1] I feel doubtful about the etymology of this term. May it be the 'swástí' (corruptly sústí) of Wilson's glossary? If so, it may imply

'gatkul' is also used to describe holdings from which the old landholder has disappeared. And the common or casual tenant is distinguished from the ancestral class, by the term 'chiklí.' In the South Konkán the mirásídár is probably represented by the 'dhárekár,' and 'dhárá' holdings are privileged under the Khotí Act, 1880. It is also remarkable that we have a class of tenant whose right is heritable but not necessarily transferable, known as 'watandárkul,' which possibly may imply that the holders were descendants of old founders' families who held the 'watan' lands in former days.

§ 5. *Kánara District.*

There were no village groups properly so called in this exceptionally situated district; all that has been said about South Kánara in the previous chapter on Madras tenures, applies to the district.

§ 6. *The Guzarát Villages.*

It is interesting to notice that while the bulk of the villages in the Guzarát districts exhibit the usual raiyatwárí features, there are a certain number of distinctly joint or landlord villages. It may be at once stated that Mr. Pedder considers the present joint-villages to represent the remains of a much larger number. He thinks the few that survive, were either able to stand because of their adopting a peculiar method of combining to share the heavy burden of Maráthá revenue-assessments [1], or because of the superior energy of the caste. The villages are known as bhágdárí (held on shares = bhág), and also narwá- (or narvá-) dárí, i.e. held on a scheme for distributing the burden of the revenue (indicated by the Guzarátí word 'narwá,' which

only the favourable terms on which land was held; or it may be connected with súta = son, and refer to the land being inherited.

[1] Pedder (*Joint Villages*), p. 4. It is much to be regretted that we have not any exact statistics of the castes which now hold shares. But a very large number are Kunbís—a caste which had exceptional agricultural capacity, and having adopted the narwá method, were able to bear up against bad times and survive while others disappeared. Their power to hold lands under exceptional difficulties of a high rental, is illustrated in other parts of India (cf. for instance, vol. ii. p. 247).

is exactly like the 'bhejbarár' of the North-West Provinces). Mr. Pedder gives the numbers of these villages as—

Kaira (Kherá) district	. . . . .	90
Broach (Bharoch)	,, ...	244
Ahmadábád	,, ...	1
Surát	,, ...	12

The nature of the villages shown in the two latter districts is more or less uncertain: in some cases the joint-tenure has disappeared: it is doubtful whether the villages really represent landlord-villages of the class we are considering [1].

In Kaira the villages are called 'narwádárí,' and are held almost entirely by Kunbís, though shares may here and there have been sold or strangers otherwise admitted. Mr. James Campbell [2] mentions that 77,933 acres, paying revenue of R.405,370—more than one-sixth of the area of 'Government' land and paying one-fourth of the 'rental'—were held by them.

In Broach the villages were called bhágdárí, and are clearly 'pattídárí' villages held on ancestral shares, mostly by Mussalmán proprietors of the Bohrá (Bohará) class. These were traders. 'As late as the eighteenth century,' says Mr. Campbell, 'the sharehold villages were the most numerous and the most prosperous [3].' Mr. Rogers thinks the Bohrás got a footing as revenue-farmers: or perhaps they stood security for the villages. Possibly they may have been grantees under early Muhammadan rule; or they may have been converts to Islam from old Rájput clans (as were the Khojás), and as such may represent an old territorial nobility, now descended to the rank of peasant-proprietors. They were evidently much depressed by Maráthá rule, and fared best in the territories held by the Nawáb of Broach, who, as feudatory to the Maráthá state, was allowed

[1] I find no detail about the Ahmadábád 'shared villages'; they may have been mere fragments of the Mewásí and other chiefs' estates and of the same origin. In Súrát there were villages called hundwá- (or hundá-) bandí. The term hundwá (Wilson) means farming for a certain sum; and such a village may have been one in which a contract for the revenue was accepted in certain shares; this may or may not have implied a landlord form of tenure. Mr. Campbell says there were three narwádárí villages in Súrát (*Gazetteer*, p. 230).

[2] *Gazetteer* (Kaira), p. 105.

[3] *Gazetteer* (Broach), p. 482.

to manage his own country, paying only a fixed tribute. Out of 284 villages surviving in 1828, 129 were found in the Broach subdivision.

The narwá villages of Kaira held by Kunbís may possibly represent a group of lands cultivated on a system of co-operation, still continued by descendants,—recalling the Vellálar villages of the Tamil country. On the other hand, where the villages are held, as Mr. Rogers informs us, by unmixed families [1], descendants of one ancestor, this may be held to point more probably to an original lease or grant of the management of the village to a single person. It is also to be recollected that Kunbís were, or became, incorporated among the Maráthá clans; Sivájí himself was of the Kunbí tribe, and the Rájás of Satárá were of the same stock. It is therefore possible that the Kunbí narwádárs may represent territorial overlords, as well as agricultural lessees.

§ 7. *Possible Origin of Guzarát Tenures.*

If we look back to the history of Guzarát we shall find it a somewhat complicated one [2].

The whole northern country was in early days the scene of Gújar immigration, for this tribe gave its name to the province. What connection they had with the early history, it is impossible to ascertain; for it is to be remembered that large *tribal* names like Gújar and Jat, &c., very often

[1] 'Narwádárs are invariably Kunbís, and I believe more or less related to each other . . . being descendants of one ancestor and holding their estates hereditarily from the first.' (Paper in *Journal of the E. I. Association*, above quoted.) The whole history of the Kunbís is most interesting. Regarding Sivájí my authority is Hunter's *Gazetteer* (s. v. Bombay Presidency) and Malcolm i. 95; see Grant Duff, i. 21. The Kunbís are the same as the Kúrmís of other parts. Mr. Hewitt thinks them a mixed race connected with the Aryan Kauravyá or descendants of Kurú (*Journal R. Asiatic Soc.* vol. xxi. (new series) Part II. pp. 234–8 and 307). As to the extent of the Kurmí caste in Upper India, see Beames' *Elliott's Glossary*, vol. i. p. 155. It is probable that the Kunbís may be ethnically connected with the Vellálar agriculturists who penetrated the South Country. It is remarkable that the Vellálars of Madras have a tradition that they came from the North, and probably (in virtue of their Aryan blood?) were a fairer race than other local tribes (in Tamil vella = white, ál = person).

[2] See an interesting article by Mr. Pedder, 'Early History and legend of Gujarát,' *Asiatic Quarterly Review*, vol. iii. p. 129 (January, 1887).

are forgotten, while only *clan* names are remembered which are not so easily recognized as subdivisions of the larger body. A portion of this country was anciently called Sauráshtra—the country of the Súrás: they may have been really of Gújar origin. At one time we hear of the Græco-Bactrian king Menander extending his dominions in this direction. At a later period various Rájput clans (themselves probably mixed races) contended for the mastery in North Bombay; and we hear of tribes of Chalukyá, Solankhí, and Chawárá as successful.

No less positive evidence of the existence of a Rájput dominion[1] is the fact that Broach, Kaira and part of Ahmadábád formed the khálsa or royal demesne of the Rájá or head chief; and that the taluqdáris (as they are now called) in the South-West and West tálukás of Ahmadábád, once formed the 'bháiád' or feudal chiefs' estates. These still exist, but are rapidly breaking up and on the way to becoming mere village estates held by joint landlords. Káthiáwár (which is not British territory) is also the site of a number of Rájput chiefships also much subdivided. It is not at all surprising therefore that in the districts where the Rájá has disappeared before later conquest, traces of landlord families should survive in joint or 'shared' villages. Some of these villages, again, may not be so ancient, but only date back to revenue-farmers of former days.

§ 8. *Nature of the Tenure.*

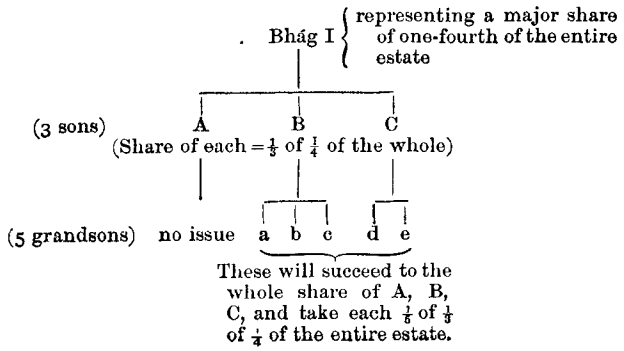
The first question that occurs to us to ask, is whether the terms 'narwá' and 'bhágdárí' point to any real distinction in the constitution of the village bodies? The Reports generally seem to indicate that they do not. The difference is assigned merely to certain methods of assessment of the revenue im-

[1] It is also known that Anhilwára and Somnáth were under 'Rájput' princes in the 11th–12th century when invaded by Mahmúd of Ghazní. There is an excellent account of Rájputs in Central India (and it applies also to Guzarát) in Malcolm, ii. p. 103, et seq. The Rájputs most probably came as adventurers from the kingdom of Kanauj, and were further reinforced when the Muhammadan conquest of Hindustán began to disturb their northern settlements. Malcolm describes how they mixed with the local population, and how spurious Rájput castes arose (p. 105).

posed when the Muhammadan, and afterwards the Maráthá, rulers obtained the dominion.

The Bohrá villages, consisting of shareholders (bhágdárs), were what the North-West Province writers would call 'pattídárí'—held on ancestral shares. This is quite natural when their origin can be traced to ancient (or comparatively ancient) revenue-farmers. The fact that now *some* shares are held by other castes, is nothing against the original constitution being as suggested. A list of these (ancestral) shares, termed phalávní (or phalní), is preserved. It was the custom to assess each share separately by 'bíghotí' rates—i. e. money rates chargeable on each bíghá of the separate holdings. These rates were totalled up and gave a lump-sum which represented the entire assessment for which the shareholders were liable. This total was again distributed for payment (not according to the number of bíghás or the rate fixed for them according to their value, but) according to the fractional shares or interests in the village, as shown by the phalávní.

The whole estate might be first divided into 'motá-bhág' (the primary division, corresponding to 'tarf'), or it might be divided at once into petá-bhág (the pattí of Northern India). Thus if the original ancestor had four sons, there would be four 'bhág,' representing each a 'four-anna' share of the estate. Each sharer in a bhág is called 'pátídár. By way of an example, I may take one of four 'bhágs.' It would very possibly be subdivided as follows:—



The share of revenue payable by each, would correspond to the fractional share in the estate.

But in the case of the narwá village, no 'bighotí' assessment was made of each bhág or share, but a lump-sum was levied on the village, and then the co-sharers made out a narwá or list of the amount each was to pay, which doubtless, was made proportionate to the practical value or capability of each share and to the means of the holder. This is exactly the plan of the Upper Indian 'bhejbarár,' and Mr. Campbell speaks of the distribution as being made annually. Where the revenue is heavy and the land very various in quality, it is obvious that a scheme of this kind presents great advantages; it adjusts the load to the capacity of the several holders, and does not leave one man with a fixed share of ill-cultivated (and possibly inferior) land to pay the same fraction as the holder of another share which has greater advantages, and possibly is worked by skilful tenants. Such a plan of sharing burdens may be adopted by *any* form of co-parcenary village. In the North-West Provinces (Vol. II. p. 143) we find it more frequently adopted by those who had divided the land by *customary*, not by *ancestral* shares, but it was adopted in ancestrally-shared villages also. So that in itself the distinction does not imply any necessary variety in the village constitution[1].

But it is also natural to ask, was there not some difference which led to the fact that the State officers *did*, in some cases, assess in the lump, and in others assess the shares separately? In the North Indian villages we are aware of a curious distinction which existed. Some vil-

[1] It is to be remembered that the families who adopt *ancestral* shares are usually descended from one or more chiefs, and are generally proud of their origin and equal rights (among themselves), and so are anxious to preserve, if possible, the old shares. For any system of distributing and adjusting revenue burdens is also apt to lead to one man getting more land than another, and so destroying the equality. If a man is better able to pay, he will also ask for more land to make up, and so he becomes a preponderating power in the village. If land is all fairly good, and the shareholders of fairly equal capacity, the shares originally fixed on family or inheritance principles, can often be maintained for long periods without any inconvenience.

lages were *ancestrally* shared, others were allotted by a '*bhaiáchárá*' *method* (method of customary sharing) which gave holdings to all who settled in the same village, and made those holdings as equal in value as possible, by various devices of peculiar land-measures (see Vol. I. p. 160-3). It may be therefore conjectured that really, some such distinction existed in Guzarát[1].

§ 9. *The Narwá Principle.*

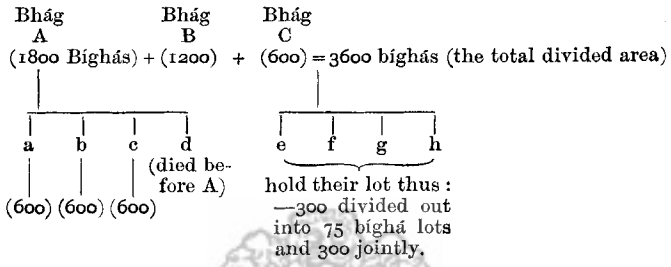
It may, however, be explained that there seems to have been ample reason for adopting the narwá as a special plan of meeting the Maráthá assessments. 'Whatever may have been their merits in their own country,' says Mr. Pedder, 'in Guzarát the Maráthás were mere plunderers. Their system was the ruinous one of farming out districts to speculators, who in their turn farmed out single villages to other persons, often unconnected with the village, but who were sometimes the pátels, or some influential cultivator.' He goes on to mention the case of one village in which the *jama'* was raised, in forty years, from R. 700 to R. 5250!

No doubt many co-sharing bodies would disappear, being unable to retain their lands under such burdens. Others would change their rule of sharing.

The narwá was arranged in this way:—Suppose that the village consisted of 3600 bíghás held in severalty, and 1000 held jointly (in the hands of tenants, &c.). The revenue assessed is R. 9000, of which, say, R. 1800 is met by the rents of the joint-land and any profits from fruit-trees, waste, or

[1] It is worthy of notice that the Rájput clans in Guzarát seem occasionally to have presented the same 'democratic' features as we notice in Oudh and the North-West Provinces. Some tribes or clans had a Rájá and a gradation of chiefs; others had not, but merely consisted of families, the elders of which formed a council for general affairs. It was these latter who most often adopted the bhaiáchárá rule. Heeren (*Historical Researches, &c.*, Translation, Oxford, 1833, vol. i. p. 310), quoting the Portuguese historian Barros, says that the Guzarat Rájputs had a 'republican constitution'; Barros' own words are, 'Governão os Rasbutos em republica, por os mais velhos, repartidos em Senhorias.' This refers to the elders forming the heads of clan-groups. In Pedder (*Joint Villages*), p. 14, 15, certain local terms are given, which suggest to me that there must have been this distinction. For instance, the 'urd-bhágwári' seems to me to be the 'bhaiáchárá bighá,' and to refer to the artificial measure of land allotment on the 'bhaiáchárá' method.

other common property: that leaves R. 7200 to be made up by distribution over the 3600 bíghás held in severalty. 'Vulgar fractions' are not understood, so a rude method of calculation is adopted. For simplicity, we will suppose the holdings are in 100 bíghás or parts and multiples of that number. Thus:—



The shares (phála) will be represented symbolically in 'annas,' and 72 will be a convenient number with reference to the areas held.

If it happened that all the holdings were fairly equal in value, it would be possible to distribute the burden by an all-round rate: each would pay R. 2 per bíghá on its separate share. The 'motá-bhág' C, has however part of its land still joint: it would therefore meet its liability (of R. 1200) in exactly the same way as the village did. Supposing that the 300 bíghás held jointly, are able to account for R. 350, then R. 850 remain to be met by the divided holdings, which (if equal) would pay R. 212-8 a. each. But the beauty of the system was that, if the shares were not practically equal in value or in advantages and general profitableness to their holders (and that presumably was most often the case where the narwá plan was adopted), the sense of the community would value one holding at a greater number of 'annas' and another at less. For instance, the 1800 *bíghás* of the A share, would, on the assumption of perfect equality, represent 36 annas in three lots of 12 annas each; but actually, in the 'narwá,' to allow for differences, (a) might be counted as 17 as.; (b) might be reckoned as 7, and only (c) as 12. Or

the whole major share A, being for some reason, inferior, might be counted (though much larger in area) as only the same number of annas as C, which may have held more valuable land, though only 600 bíghás instead of 1800.

§ 10. *Features of the Joint Village.*

These villages, as usual, were found, some of them wholly, divided up into lots, others having part left common (majmún). The terms for major share (or motá-bhág), and the minor share (petá-bhág) are applied to either form of village. Each major share has an elder or head, called the 'mukshbhágdár' (head sharer), or the mutthádár (who holds the seal and signs his name as representative)[1]. These would be the 'lambardárs' of a North Indian village. Each several sharer is called pátídár (here the word 'pattí' of North India becomes pátí), and every sharer is given the honorary address of 'pátel.' The official headmen (whether police or revenue) are still selected from among the mukshbhágdárs.

§ 11. *The Modern Condition of these Villages.*

The joint-village tenures are recognized by Bombay Act V of 1862. A field-to-field assessment is in practice actually made[2], because if the village should escheat or be forfeited for arrears of revenue, Government would at once be able to manage the village on the raiyatwárí system, knowing the proper assessment for each field. As long as the village remains joint, the sharers have their portion of

[1] Mr. Campbell (*Gazetteer*, Broach, p. 483) gives it as 'matádár.'

[2] Mr. Pedder (p. 21, sec. 40, &c.) describes the modern method of settling the villages. All the holdings were separately surveyed and their survey-value ascertained; and this revenue valuation of the land was totalled up and distributed according to the narwá list, or according to the register of shares, as the case might be. If this was less than the old lump-assessments, the difference was adjusted by a percentage deduction from the sums paid by cultivators with rights (not being proprietary sharers). The cultivators on the majmún or common (undivided) land pay their *revenue* (according to their holding, direct to Government; any further sum as *rent* to the co-sharers, is paid to them. Consequently, the sum which the narwádárs have to make good, according to their shares, is the total survey-valuation, less the amounts paid by the cultivators who pay direct to Government as occupants.

the revenue-payment assigned according to the customary distribution shown in the phalávní register or the narwá. The sharers are responsible jointly, and the sub-sharers severally, for the revenue, whether the land is cultivated or not; there is no relinquishing or taking up, as under the survey-tenure. In fact, the revenue management is by totalling up the field-assessments to one lump-sum, and distributing that, according to village circumstances and constitution, exactly as in a joint-village of the North-West Provinces or the Panjáb.

Whenever (as most often happens) *all* the land of the village is not held in 'bhágs' and 'pátís,' the remaining common (or majmún) land is treated exactly like any other raiyatwárí land; that is, the revenue of each field shown in the register, is levied from the actual occupant according to his occupation. The occupants may be the proprietors themselves (as tenants of the body at large), or may be outside tenants or 'inferior holders.' The Collector takes the assessed revenue from the holder in either case, according to the fields actually in his possession.

The main object of the Act of 1862 was to prevent confusion being introduced by the sale, or mortgage, of the sites for habitation (gábhán), and the homestead land belonging to each share or bhág; and also to prevent portions of the land other than recognized shares, being sold, and so obliterating the ancient divisions and subdivisions. Power is given to render null and void all such alienations. The people themselves are averse to the breaking up of the joint responsibility[1]. Nevertheless, there is a tendency for the holders of land to prefer to pay the survey-assessment on the fields in their holding rather than according to the ancient scheme of sharing. And it is permitted, if the people choose, to convert a joint-village into a raiyatwárí one by giving up any surplus waste to Government; each holder of fields then becomes the registered occupant, responsible only for

[1] The people, Mr Pedder says, are unwilling to dissolve their joint-tenure: they would lose their reputation and dignity (*abrú*), and would be unable to marry their sons and daughters as advantageously as they do now, if they did so. Motives thus conflict.

the assessment of his own holding. As long as the village remains joint, however, the sum fixed for the share and the recognized sub-share, must be made good as a whole, irrespective of whether certain fields are cultivated or not.

§ 12. *Origin of the term 'Sanjá' for Raiyatwárí Villages.*

It is remarkable, that though it is *these* villages which are really in character 'joint,' yet the *distribution* of a total area, and of a lump assessment, is the feature that has struck the popular mind; so that the people call them *shared* villages; while the term 'sanjá,' i. e. associated, is applied to the ordinary village of the country, because there is no 'sharing' of lands or revenue burdens; all are together on the same footing and united under one headman. This shows how careful we must be in drawing inferences from isolated terms, unless we fully understand the particular point of view from which things were regarded when the term was invented:—and that is often a point of view quite different to one which we ourselves should naturally adopt.

SECTION III.—MODERN LEGAL DEFINITION OF THE VILLAGE LANDHOLDER'S RIGHT.

§ 1. *The Raiyatwárí Village.—The Survey Tenure.*

Having thus explained how the greater part of the Bombay villages has come to be in the raiyatwárí form (whether originally so or by decay of any supervening landlord class) and how exceptional provision is made for a few that are joint,—though likely in the course of years to become purely raiyatwárí—we may proceed to notice the practically important tenure officially called the 'Survey Tenure,' which is, in fact, the ordinary tenure of village-landholders who have no special grant or other peculiarity in the title by which they are connected with the soil.

It will be observed that the Revenue Code does not enunciate any theory of proprietary right: it does not call the

Rev. Code, chap. vi. landholder 'proprietor,' but it describes what the practical incidents of his right are. The 'right of occupancy' is itself a property; being permanent, heritable, and transfer-

Secs. 68-73. able. This right of occupancy is, necessarily, conditional on, or subject to, the payment of the revenue-assessment;

Sec. 48. failure to pay this involves the land, and everything on it, in liability to forfeiture, and to all the legal processes for recovery of arrears.

Sec. 56. The right of occupancy does not[1], in the absence of special facts, include any right to mines and mineral products, which are reserved to the State. As to trees

Sec. 69. standing on the land, the principles, which have grown out of older custom, will be stated presently.

The 'occupant' has a right to erect farm buildings, construct wells or tanks, and make improvements for the purposes of agriculture. But land must not be diverted from agricultural purposes without the Collector's permission; and the Collector may, subject to the orders of Government, require the payment of a fine for any such concession, in addition to any change in the assessment which may be legally made, consequent on the different

Sec. 65. use of the land. Neglect to obtain this permission will entail liability to summary eviction.

§ 2. *Relinquishment and Transfer.*

The occupant may continue to hold the fields he has, as long as he likes; but he can relinquish his entire holding, or any entire survey-number, or a recognized share in a survey-number, provided he does so by giving written notice[2] to the local revenue officer (mámlatdár or mahálkárí as the case may be).

If the relinquishment is absolute, the notice must be given before the 31st March (or other date that the Governor in Council may fix), and it will take effect after the close of the current year, the occupant remaining liable for the revenue of the remainder of the year.

[1] In unalienated or 'Government lands.'

[2] Called a 'rázináma.' When there is a transfer, the transferee writes at the foot that he agrees.

Transfer is dealt with by the Code as a relinquishment, only not absolute, but in favour of a specified person; and this may be made at any time. In this case the transferee, or the principal of several joint transferees, must agree in writing to the transfer, and his name is then substituted in the register.

The Code makes further specific provision for the case where a lump-assessment is fixed on an aggregate of fields or survey-numbers (as may be the case in a narwá village), and the occupant wishes to relinquish certain fields only. Provision also is made for the case of a 'recognized share' of a survey-number being relinquished; in which case the occupants of the other shares have the preferential right to take it up, in the order stated in the Code. Sec. 75. Sec. 99 (clause *b*).

§ 3. *Protection from Forfeiture.*

As a 'number' is liable to forfeiture if the revenue is not duly paid, there is a power given to a co-occupant, tenant, or mortgagee, to prevent forfeiture by paying up the revenue. Sec. 80.

And in all cases where there are several occupants, and the registered occupant fails to pay, the Collector need not forfeit the whole occupancy; but if he thinks it would be unfair to the others' interest, he can deal with only the defaulting occupant's interest by transferring it to one of the others who pay up. Sec. 81.

§ 4. *Taking up New Land.*

Just as the occupant can relinquish his holding, so he is at liberty to apply to take up a number or numbers which are unoccupied. All that is needed is that he should submit a written application, since any occupation without proper authority, is made penal by the law. Sec. 60.

In such cases the right of occupancy may be granted at a price (which will include the right to all trees not specially reserved), or the right may be put up to auction, which will usually be done where land is much in demand. Sec. 62.

§ 5. *Succession.*

On the death of a registered occupant, his eldest son, or other person appearing to be his heir, or the principal among several joint heirs, is entered as registered occupant, but on the production of a decree of Court, or certificate of heirship (whatever that may be), the Collector will amend the record accordingly.

Sec. 71.

§ 6. *Comparison of Occupancy Tenure with the Proprietary Tenure elsewhere.*

It may here be convenient to summarize the features of the occupant- or survey-tenure (khátádár of the revenue books), by way of comparing or contrasting them with those of the proprietary tenure, specifically so called.

Sir Richard Temple has aptly called the occupant's right a 'limited property,' and Sir A. Lyall compares it to the tenure of an English 'copyholder.'

The right of occupancy is (as before remarked), declared to be 'a heritable and transferable property,' and the restrictions or conditions which apply to such occupancy are—

(1) The necessity for paying the revenue; failure to pay this causes the right to terminate *ipso facto*; although it is in the discretion of the revenue officer to adopt other coercive measures to recover the balance instead of absolutely ejecting the defaulter.

(2) The land may be improved, but cannot be destroyed or rendered unfit for agricultural purposes without express permission, and perhaps a payment for it.

This last condition is alone sufficient to diminish the full 'proprietary' right of Western law, for the full owner may destroy if he pleases.

It may be added also that where formal partition is applied for (as distinct from a mere record of shares) it will not be officially granted, so as to enable the sharer to have

Rev. Code, secs. 113 and 98.

a separate liability to Government, if the partition would make the separated share or shares of smaller size than the *minimum* recognized at the Settlement survey. This, however, may be regarded as not practically amounting to any reduction in the *status* of the occupant.

There may also be some practical distinctions between the acknowledged right of occupancy and a full ownership. For instance, if the land is taken up for public purposes, the occupant may have a right to compensation for loss of profits by cutting short his term of occupancy, as well as for money spent on unexhausted improvements; but the occupant, as such, has no claim to compensation, on the ground that the *land itself* has risen in value from any cause.

Again, a right of occupancy depends on occupation: it is lost directly a holding is relinquished by permission or is abandoned[1].

§ 7. *Holdings under, or 'inferior' to, the 'Occupant' in Raiyatwári Villages.*

The nature of the tenure just described, or rather the local conditions under which it arises, render it (in all *ordinary* villages, of which we are now speaking) impossible that there should be any complicated grades of interest in the land—superior and inferior proprietors, in the sense in which those terms are used in Upper India. Nevertheless, it is quite possible that there may be contract or other tenants under a 'registered occupant,' or some other form of inferior holder. But the way in which any such case would be dealt with is perfectly simple. If a person admits himself to be, or is decided by a Court to be, on the land as a tenant, the *terms of the tenancy* are those agreed on between the parties; and if no agreement appears, the tenancy is presumed to be on the terms of rent payable or

[1] But subject, of course, to any question as to whether possession has been *constructively* maintained; e.g. a man going away and leaving his receipt book and instructions to pay the revenue, with an agent: or leaving his land in the hands of resident co-sharers, with the intention of returning and taking back the possession of the share.

services to be rendered, according to the usage of the locality, or failing proof of such usage, according to what is just and reasonable.

Rev. Code, sec. 83.

And the *duration of the tenancy* is dealt with on similar principles. If there is no proof of its commencement and of a term agreed on, and no usage as to duration, it is presumed to be co-extensive with the duration of the tenure of the superior. There is no limit to the superior's power of eviction or enhancement of rent, except the terms of the agreement or the usage of the locality.

Questions regarding tenant-right can thus be simply and satisfactorily disposed of by the Civil Court if they ever arise.

Annual tenancies, in the absence of proof to the contrary, run 'from the end of one cultivating season to the end of the next: the cultivating season may be presumed to end on the 31st March.'

Sec. 84.

Annual tenancy is terminable by giving three months' notice on either side.

§ 8. *In Other Estates.*

In the case of inferior occupancy arising from the existence of the taluqdárí or other overlord tenure, or from the land being 'alienated,' that is, granted by the State to a proprietor under a title-deed[1]; here the relation of the parties again entirely depends on the facts (as determined in the Civil Court, if there is a dispute), and by the terms of any special law applicable, as the Khot Act of 1880, the Taluqdárí Tenure Act of 1862, and so forth.

The actual occupier of land may admit that the superior is absolute owner, and that he himself is a tenant on certain terms; or he may claim to be irremoveable, and bound to

[1] In the bhágdárí villages the landlord class are the 'superior holders,' and the others are the 'inferior'; some, it may be, 'ancient' and privileged tenants, others 'tenants-at-will.' And so with the few other cases, as where there is an inámdár or revenue-free grantee; his family will be the superior, and the cultivators the inferior occupants: and so in any other form (as vántá, kasbátí, &c.). In some cases the superior is 'proprietor' *eo nomine*; in others he is so practically, though only called 'superior holder' in the Code.

pay only a certain sum, which it may or may not be in the power of the superior to alter.

It will be observed that the law as regards the holding and the recovery of rent or other dues by the superior, is just the same, whether it is a case of tenancy or of inferior occupancy in a taluqdárí or other such estate: the only distinction is that in the case of all 'alienated' lands the inferior holders are protected by the rule that where a hereditary patel and village accountant (kulkarní) exist, rent-payments must be made through these officials; and the superior is liable to penalty if he attempts to receive or collect directly. Sec. 85.

Section IV.—Double Tenures.

§ 1. *Their Origin.*

Among the factors which go to the development of land-tenures in all parts of India, we have always to note the effect of conquest and of internal disruption, on the old ruling chief's estate or domain.

Either a foreign conqueror overthrows the territorial rule, or the decline of the family in ability and energy, or the occurrence of feuds and quarrels, brings about the disruption of the estate; and then the ruler's family, dismembered and scattered, soon sinks to the position of peasant-proprietor, furnishing the landlord class in villages. But there are many cases in which the process has not gone so far. The original dignity and independence of the chief may have been lost, but still the estate, or at least a reasonable portion of it, has been kept in the hands of his descendants. It is, however, a landlord estate (in some form), not a rulership, that is preserved; for the rule has been taken by the conquerors. And the landlord interest is superimposed on, and grows at the expense of, the older interests in the land (see Vol. I. Chap. IV. p. 191). So long as the Rájá or the Thákur remains in his pristine condition, the village cultivators under his rule are not affected; they are practically the landowners: the chief takes his grain-

share as ruler, not as landlord. But if the Rájá is defeated, and accepts the position of Taluqdár or Zamíndár under the conquering government, he will, in time, become the direct and sole landlord. In many cases, however, the local chiefs acquired no such recognized status under the new *régime*, and yet managed to retain possession of at least a part of their old territory, on more or less favourable terms. When the British rule followed, it was bound to do justice as far as possible to all interests in the land; and it could only do so by acknowledging a double tenure—the right of the overlord, and the right of the soil-owners, now reduced to a secondary position. This resulted in what is called the 'taluqdárí' tenure of the North-West Provinces, or in a case of 'superior and inferior holder' under the raiyatwárí law.

The history of Guzarát, diversified as it was with many ups and downs of fortune and many changes of dynasty, has left its marks in the existence of several varieties of the overlord's tenure. Most conspicuous is that of the 'Thákurs' (chiefs) of Rájput clans which are found in the West and South-West tálukas of the Ahmadábád district. Other estates are to be found in the other districts, whose origin is similar. Each tenure has received its local customary name, which often, but not always, indicates the origin.

In other parts the 'double tenure' will be found to be not directly of this character. Revenue-farming arrangements may have given influence to persons who had not necessarily any territorial or hereditary position; on the other hand, it is just as likely that the ruler would select as his revenue-farmer or security, a man who was once a local chief or a land-officer, and thus the result may be the same.

The Guzarát tenures of the first kind are the 'vántá,' the 'mewásí,' and what are now called the 'taluqdárí.' Under this head I also include a notice of the 'girásiya' right, though it is hardly to be reckoned a land-tenure. For the second, we have the 'Kasbátí' tenure, and that of the Konkán 'khot' families.

With reference to their origin, the first tenures may all

be included in the same general class. They represent the effect of the disruption of the domains of the old Rájá and his feudal chiefs. Girásiya was a name formerly given to chiefs, who were younger members of the ruling (Rájput) families to whom territory was assigned for maintenance. In troubled times they became independent, and like the petty barons of the Middle Ages in Europe, waged war and levied contributions all round them. An account of their exactions is given in the *Gazetteer of Surát*[1]. Some *estate holders* having this title or designation still exist, but are called Taluqdárs; and the 'girás' is now chiefly represented by a cash-allowance.

In the Maráthá times the continual state of warfare resulted in the country being classified into that which was peaceable (rásta) and that which was troubled (mevásí). A number of chiefs who had lost their domains, settled where they could and got hold of what they could; the details will be given presently; but, to summarize the results, it may be said that a certain number of hereditary allowances, as charges on the revenue, have now become permanent by prescription; and that a certain number of claims were (long ago) commuted into land-holdings forming 'mevásí' estates.

The wantá or vantá are merely fragments of larger estates still held by the descendants of chiefs who were obnoxious to the former conquerors, and were reduced accordingly, under early Moslem rule.

The 'taluqdárí' are estates of chiefs which are preserved to them in Ahmadábád. Let us now examine each in turn, in somewhat more detail.

§ 2. *Wántá Tenure.*

This tenure is derived from the old 'service' grants of the Hindu Ráj.

The numerous Rájput chiefs who held what would be called 'jágír' estates in later days, naturally were a source of trouble to the later Muhammadan conquerors, and also

[1] P. 214, with reference to the article on Guzarát (*Hist. Muhammadan Period*).

to the Maráthá chiefs[1]. The consequence was that they were often ejected and their revenues taken away. Such fragments (one-fourth was a common fraction) of their possessions as were left were called wántá or vántá (= Hindí bántá) meaning 'divided' (estate).

I do not find them mentioned among the Ahmadábád tenures, though they are said to be commonly found to the north of the Taptí river. In Kairá they were formed either by the Dakhan king Ahmad I (1411–1443), or later under Akbar (1583). The areas, sometimes forming a distinct quarter of a village, had often been reduced to much below a fourth of the original estate. They are sometimes jointly held by the family, sometimes in divided shares. Lands were sometimes separated for the support of wives, and called 'sirjamín.' In Surát, vántá lands are reckoned among the 'alienated' lands, and are said to be due to arrangements introduced by the Emperor Akbar in 1590. In Broach the vántá lands were granted free of service (as the old estate subject to that condition was resumed). Some of them were afterwards assessed to a fixed sum called 'udhaḍ-jama[2]', others were rent-free (ráhat-wántá), and these now pay only a certain *cess*, but no revenue. The ugáriá-vántá was granted on condition of succouring (ugárvu = to aid) the villagers against robbers.

The *Administration Report* says that 'wántá' is used in contradistinction to 'talpat,' or fully assessed land. The majority of the wántá lands pay at the present date, the lump reduced assessment 'udhaḍjama,' which they were found paying at annexation. The vántá tenure may extend to a whole village, or may be merely on plots of land.

[1] See *Gazetteer*, Broach, p. 495.

[2] These estates were assessed at the lump-sums which they were found to be paying at the commencement of British rule. Wilson gives udhaṛ or udhaḍ as a Maráthí word, signifying 'in the lump,' and this would imply that the petty estate was assessed to a lump-sum, without any field-to-field reckoning. The holder would pay this, and make his profit by the difference between the lump-sum and what he could make out of the individual cultivators. It will be observed that the Imperial return given at p. 251 only notices 'udhaḍ-jamabandí' estates.

§ 3. *Mevási Tenure.*

It has just been mentioned that in Maráthá times, as government was only gradually established, they spoke of part of the country as 'peaceful' and part as troubled, mevás (or mavás)[1]. The 'trouble' was mainly caused by Kolí freebooters and some Rájput chiefs, who either as ejected from an original ruling position, or having always been freebooters in the wilder parts of the country, maintained a hold by terror and by force on the neighbourhood. It is interesting to notice how the process of decay goes on in families which lose their original status. Among the holders of mevási estates (and also in smaller holdings in the more settled territory) there were originally found to be three grades or classes. At the head were those chiefs who exercised a rude rule, or at least had some kind of authority, over a more or less considerable area: a middle grade consisted of members of the family (of less consideration) who held one village, perhaps, or only shares in a village: a still lower grade was formed by those who had got into debt, and mortgaged or otherwise lost their shares: these, however, lived almost entirely by plunder, as mere robbers. The position taken up by the freebooting chiefs is easily understood. 'During the latter part of the eighteenth century,' says the author of the Ahmadábád *Gazetteer*, 'when Mughal rule was loosened, and Maráthá ascendancy not yet established, the failure of the central authority to shelter them from the raids of freebooters and the exactions of their stronger neighbours, drove the owners of many villages to seek the protection of local chiefs.

[1] Wilson gives méwás, and says it is the Guzárátí name for a tribe of Kolís. I do not think this is correct. Mr. Elphinstone insisted that the Mevási chiefs were always Kolís, because he said that if Rájputs they would not be regarded as usurpers or troublers of the State. But this distinction seems hardly warrantable, for the conquering governments might dispossess almost any chief who happened to come in their way, and these might then turn freebooters. Malcolm (i. 420, who writes the word *mowass*) says, 'The chiefs on the Nerbudda river are generally called Mowassee, which refers to the place they have chosen for their residence: mowass signifying in the colloquial dialect of the country, a stronghold or fortress.' Other writers use 'mehwás.' I follow the Bombay Act VI of 1888 in writing mevás. For other derivations of the term, see *Gazetteer* (Kaira), p. 81, *note*.

Sometimes the cession was in perpetuity (aghát), sometimes for a number of years (avad)[1].'

By such means the chiefs, or at any rate those who had any ability, would acquire considerable influence and even form large estates. 'Living in fortified villages, some of them strengthened by large stone-built castles, they kept bands of armed followers, both foot and horse, to guard their persons and villages, and to wage war on their neighbours. They managed their affairs and settled their disputes at their own will, and so long as they .... paid their tribute, the paramount power never meddled either with their foreign or their home affairs.' The Maráthás afterwards had much trouble in dealing with these chiefs, and they used to collect the revenue by the process of 'mulkgírí (= seizing the country), which meant that they sent an armed force to collect what they could at the point of the sword.

The tenure of overlords derived from the Mevásí chiefs exists now along the river Máhí and in the Parantij táluká of Ahmadábád. As might be expected, it is but a vestige of the old estates that remain. The 'owners' pay a lump-sum ('*jama*') as a tribute, and derive their profit from the difference between this and what they collect from the inferior occupants. In many cases they have no direct concern with the land, and live on the profit, which (confer the Ambálá jagírdárs of the Panjáb)[2] has become *divided* among many branches of the family. The shares are called 'bhág,' the head sharer 'muksh bhágdár,' and the subordinates 'petábhágdár,' just as in a shared village.

§ 4. *Girás.*

A number of the old Rájput chiefs were called 'Girásiya' (Grassia of many writers); and where such still retain, in whole or part, territorial estates, they come under the head

[1] *Gazetteer*, p. 147. In some cases the protection was secured by actually mortgaging the village: in others it was simply given over to the chief, a certain share or allowance for subsistence being reserved to the original owner. We have noticed a process of 'háth-rakhái,' or putting a village under protection, also in the Panjáb.

[2] See vol. ii. p. 683.

of 'taluqdárí' tenures. But at the present day the term is applied specifically to a cash-allowance or revenue-assignment, and not to indicate a landed or proprietary estate. The allowance in question is called toḍá- or 'torá-girás' or 'wol.' The right to it has recently been dealt with by Bombay Act VII of 1887, which provides that no one can mortgage his right beyond his own life-time. The custom of 'toḍá-girás' arose out of the dispossession (on subsequent conquest) of the old Rájput chiefs in Málwá, Guzarát, and Central India[1]. These persons so harassed both the Government and the inhabitants of their former estates, by robberies, raids, and incursions, that Government and the people were glad to give them a *share* (girás = mouthful) of the revenue to secure their protection and freedom from plunder. The amount so to be paid became an item in the revenue roll of the villages. Girás is now paid as a claim established by prescriptive right, either by Government or by the inámdár (on alienated land) to the descendants of the old chiefs, but only to male lineal descendants, unless the Governor specially extends it to the descendants of a brother. B. Act VII of 1887, sec. 3.

The *Revenue Handbook*[2] speaks of the Girás as 'the political allowance in Guzarát,' &c. It is at the present day purely a matter of cash-payment made to certain chiefs, who may (of course) possess other lands or property of other kinds.

§ 5. *Taluqdárí Tenure.*

We have yet another (and more important) survival of the old Rájput kingdoms in Northern Bombay. The estates that remained fairly preserved or entire—whether originally girásiya estates or other—are now called taluqdárí. The Rájá's demesne or khálsa under the Rájput dominion, is known to have been in part of the districts of Kairá, Broach (Bharoch), Ahmadábád, and Surát. As this was held by one

[1] I have followed the Act in writing 'girás.' Wilson gives the correct form as (Gujarátí) Garás or Grás and (Maráthí) Ghás or Ghásṇ. 'Toḍa' (Mar. and Guj.) means 'compromise or commutation.' For an account of the origin and life of the 'Grassia' chiefs, see Malcolm, vol. i. pp. 312, 3, and p. 414.

[2] Rev. Handbook, p. 496.

Rájá, and was indivisible, extensive overlord tenures did not arise in it; except, indeed, where farming contracts or royal grants gave rise to a certain number of landlord villages, as we have seen. In those parts (outside the khálsa) where subordinate chiefs (Thákurs, &c.) had their estates, the history of the lord's families has been various: in some the chief was driven out, and, as described above, was only allowed a sort of pension as (now called) a 'Girás' allowance. In others a fragment of the estate was left under the name of Wántá. It seems that the Thákurs west of Ahmadábád (and towards Káthiáwár) escaped this fate, and retained their estates in some form even when the Rájput rule passed away. It should be observed at once that the term 'taluqdárí' was only applied to these estates under Muhammadan rule. The revenue-language of those times frequently applied the rather vague term 'Taluqdár' to any local chief whose position it was convenient to tolerate, if not directly to recognize [1].

The estates called 'taluqdárí' exist in the Viramgám, Sánand, Dholká, Dandhuká, and Goghá subdivisions of Ahmadábád, and include 372 villages covering more than 1900 square miles [2].

The proper titles of the holders are various. Some, as already stated, are still called 'Girásiya' chiefs: others holding a single village are called 'Gámétí.' There are also here (cf. Ajmer, vol. ii. p. 329) bhúmíya estates: while one of the estates is held by Kolí chieftains called 'Thákurdás' (lordling) [3]. The 'Kasbátí' estates reckoned in this class are alluded to separately. 'Náik' is also mentioned in the Act of 1888 (afterwards alluded to) as one of the titles. Náik was

[1] Under our own Revenue-management in early days, the nature and claims of these estates were but little understood. Interference with their internal management was attempted, and Government 'talátís' or paid village accountants, were appointed to the villages. As it became known that the chiefs took from one-third to one-half produce from their tenants, it was conceived that the Government assessment ought to be 70 per cent. of the profit. Many Taluqdárs got into serious debt in consequence of this assessment. At a later period the estates were restored to liberty, and a moderate assessment fixed.

[2] Part, however, belonging to the Thákur of Bhaunagar was transferred to Káthiáwár.

[3] *Ahmadábád Gazetteer*, p. 179.

a title[1] given to Maráthá chiefs in the service of Muhammadan rulers. The holders were declared under Bombay Act VI of 1862 to be absolute proprietors of their estates, subject to the payment of a tribute (called *jama*) which is fixed for a term of years, and liable to revision. We shall presently notice that most of these estates were held in shares, and that in this case the estates may be described as being the *shared village* tenures repeated on a larger scale. Both are the result of the ancient principle of the *joint succession*, under which, after the original great ancestor or head of the whole has passed away, the members of the family jointly succeed in equal right, taking shares according to their place in the pedigree-table. The Thákur's estate can be mortgaged (pasáitá), but cannot be permanently alienated[2]. Where there are co-sharers a manager or 'wahiwatdár' is appointed to collect the several shares of the Government *jama*. The chief retains a portion of his land as 'gharkhed' (exactly the 'sír' of Upper India and Bengal) worked by his own servants, and lets the rest to his (personal) tenants. He also grants rent-free holdings to Brahmans, Chárans (bards, &c.), and the village menials may also be so remunerated.

As between the tenants and the taluqdár, rent is paid in kind; the grain-division being according to the village 'dhárá' or custom of division. So much is first set aside for seed and for the perquisites of village menials, &c., and the rest is divided between the landlord and the cultivator.

The chief members of the family in the village where the Taluqdár resides, are collectively called the 'Darbár' (lit. court). Most of the features of the overlord right observable in other parts of India are reproduced. The tenant, besides his rent, formerly paid several 'cesses[3],' but they are apparently not now levied, or at any rate are not oppressive. The author of the *Gazetteer* remarks that though all are tenants from year to year, they are not subject to excessive exaction, nor are they ever turned out. 'As long as a

[1] Grant Duff, i. 35.
[2] See sec. 8 of Reg. XVII of 1827.
[3] See the *Settlement Report* of the Dholká táluká.

tenant conforms to the custom, he is practically as safe as a Government tenant (occupant).'

If a tenant leaves the village, the wooden frame-work of his house becomes the perquisite of the chief; it cannot be sold or removed.

The Survey-Settlement has been applied to these estates, with a view to preserving rights where there are fractional interests in the estates, and avoiding disputes about boundaries. Bombay Act VI of 1862 may be referred to in this connection. In 1888 Bombay Act VI was passed, which puts an end to further proceedings under the Act of 1862, and makes provision for the revenue-administration of the estates and for their partition, where this is admissible, on the basis of the Revenue Code, as well as its own special provisions. The records to be made do not determine anything about *tenants*, beyond specifying the *manner* in which co-sharers are to collect rents,—i.e. the village 'dhárá' or custom of division. I gather from the *Gazetteer* that 'occupancy rights' and such like, do not exist (but there are rent-free holdings). However this may be, the records as described in the Act are devoted only to the rights of co-sharers as stated in Sec. 5. If the estate is *undivided*, the method of sharing the profits is recorded, and also the method of contributing to the Government *jama*, the police charges (for which the landlords are responsible) the cost of erecting and maintaining boundary-marks and any other legal charges. If the estate is divided, the record will indicate the extent and limits of the separated shares, and the same of *sub*-shares (i.e. within the main shares). In either case, the extent and nature of *incumbrances*, and interests created by custom or grant, are described.

On the subject of *Partition*, the Act (Part III) is quite explicit, and comment is unnecessary. If there is any dispute as to whether any person is or is not entitled to partition, and to have his share in severalty, the question must be determined by a suit. Presumably such disputes are not likely, as the rule and custom must be perfectly well understood. It is only a limited number of the estates—I

believe seven in all—where there is only one chief, and the succession to the 'gaddí' (or State cushion indicating the chiefship) is by primogeniture[1].

Other estates belong to the whole 'bháiád' or brotherhood, members of the chief's family. And it is remarkable that though primogeniture does not here prevail, it is the custom to allow a double share (or in one tribe one and a half share) to the eldest son. Among the Káthís females take a share; in other castes they do not. 'The Chúvál Thákúrdas have kept the whole estate in common, the strongest holding shares in the produce; the weaker, amid perpetual quarrelling, are put off with 'subsistence lands.' Under this state of things the tendency to lose all marks of a 'chief's estate' must be very great. Thus Mr. Rogers says[2], 'The Taluqdárs are uneducated and improvident . . . they will gradually disappear as landlords, and sink, as many of the junior branches already have, to the level of common cultivators. The sub-tenures [sub-shares in divided estates] with which no interference has been permitted, carry within themselves the seeds of decay; for although the succession by primogeniture prevails [in some estates] the junior members of each family, and all widows and co-ancestors, to an almost unlimited degree of relationship, expect to have a livelihood provided for them out of the estate: so that in the course of a few generations the State will have to look for its dues to men occupying the position of landlords, with inadequate resources from which to meet them.' This was written in 1882; since then Bombay Act VI of 1888 has come into force; and what with the record of rights prepared under it, and the (limited) restraint it puts on the process of partition, it may be hoped that the progress of decay will be retarded, if not stayed altogether[3].

[1] *Ahmadábád Gazetteer*, p. 184.

[2] Paper read before the E. I. Association, already alluded to.

[3] The Act introduces a number of verbal amendments into the Revenue Code. Sec. 114 is now no longer applicable to taluqdárí partitions, which are solely governed by the Act of 1888. The Code is now applicable to taluqdárí Settlements and to the management of the estates: for this purpose, various sections are amended, or rather certain words are taken to be modified

The encumbered condition of most of the 'thákúrs'' estates long ago led to the passing of Acts for relief. Act (Indian) XXI of 1881 is now the law applicable. It would be foreign to the purpose of this work to go into detail on the subject; but it may be noted that while indebtedness and the consequent tendency to sell and mortgage lands is always a powerful factor in breaking up joint estates, it is reported that very considerable success has been attained by the official agency provided for consolidating, compromising, and eventually liquidating, the debts. This again is a hopeful sign for the preservation of these interesting tenures.

§ 6. *Kasbátí.*

Under the head of 'taluqdárí' estates, another limited class of tenures is found which may be mentioned, because it exhibits a special form of overlord tenure, which has become practically identical with the 'Thákúr's' estate[1]. Yet in origin they were quite unconnected with old territorial chiefships. The term 'kasba' refers to a large village, a market centre, and sometimes to a group composed of a parent village and offshoots. When in former days these were *farmed* for revenue purposes, the farmer acquired the landlord position, and the estates so held are now called 'Kasbátí.' The holders are usually Muhammadans. 'Kasbátís' are found in Ahmadábád district, and chiefly in the Dholká subdivision. They are described as the descendants of rich soldiers, who by lending money and standing security for the payment of revenue, gradually raised themselves to the position of landlords[2]. 'About the year 1750 they had gained power over the villages by bringing them into cultivation, stipulating that they should be allowed to have them at a fixed rent. When the lease fell in it was renewed; and instead of forcing the farmers to close all

(as provided by sec. 33 and other sections of the Act) when so applied. There is a detailed account of the taluqdárí Settlements already effected in Mr. J. B. Peile's *Report*, Bombay Government Selections, No. CVI.

[1] E. g. For the purposes of the Encumbered Estates Act (XXI. 1881) a kasbátí estate is included in the definition of 'Thákur.'

[2] *Gazetteer*, Ahmadábád, pp. 147, 8.

transactions connected with the expired lease, the Government (then of the Gáekwáḍ) allowed them to take bonds from the heads of villages for balances of revenue. In payment of these bonds, the Kasbátís obtained lands and sometimes whole villages in grant, or on mortgage.'

§ 7. *Málikí Tenure.*

In the Kaira district, but unconnected with the old Rajputs, we have to mention a tenure which is of quite a different origin. It was originally a royal grant, on favourable terms, of land held as a reward for service.

In the Thásra táluká there is a group of villages which once formed a property granted to certain Muhammadan families known as 'Malikzáda'—the grant of about ninety square miles of land being made by a Sultán of Ahmadábád, four centuries ago, for service in taking the fort of Pávágaḍ (near Chámpáner). These villages were at first twelve in number (spoken of as the báragám): in 1864 they had increased to twenty-seven by expansion of families and fresh cultivation. They are held on the 'Málikí' tenure as it is called: the Maráthás levied a lump-revenue called 'udhaḍjama,' and then at a later period an additional tax, called 'ghásdána' (lit. 'grass and grain'), for the support of troops; this the grantees recouped by levying a poll-tax and other dues on the villages. The 'Málikí' holders have now 'sanads' from the British Government, and are assessed at a fixed revenue-rate[1].

§ 8. *The Khotí Tenure.—The Izáfat.*

Still belonging to the category of 'double' tenure, but quite of a different origin and nature, is the 'Khotí' or estate of the Khot in the Konkán districts only[2]. The

[1] See Kaira *Gazetteer*, pp. 82, 3, where a history of the changes in the method of assessment is given. Survey and Settlement and grant of sanads took place in 1865.

Twenty-two villages called 'Sarákati' (from the Arabic sharákat, 'partnership') are mentioned in Surát: the origin is said to be unknown. The revenue was 'shared' in partnership between the State and some persons connected with the district Government. In these villages Government still shares the revenue along with the descendants of the old grantees.

[2] See *Selections from the Government Records*, New Series (Bombay),

tenure deserves to be considered in some detail, because the materials are abundant, the evidence fairly clear, and the history exactly and curiously illustrates the process of growth by which an ancient official, a leading headman, or a mere capitalist may, when recognized in a peculiar position by the State, grow into a landlord. The names for the grades of tenants and other connected matters, are local, but the facts disclose the almost exact counterpart of what we can again and again have in Bengal, in Oudh, and elsewhere.

It is said that the creation of Khots as farmers or collectors of revenue over groups of villages, can be traced back to the days of the 'Adil Sháh dynasty of the Dakhan (which dates from A.D. 1489–1579); but the terms Khot, Khotí, and Khotgí or Khotkí (for the office or grade), are given as Maráthí by Wilson. The 'antiquity' sometimes claimed for the title probably refers rather to the fact that the position was, or was allowed to become, hereditary, and that very possibly the first holders were derived from former territorial chiefs, or from the old district official classes. Some of them held 'sanads' or title-deeds, others not. It is very probable that their origin was various, and that the degree of their connection with the land equally so. This is generally observable in cases where the modern tenure is derived from the grant of a position as revenue farmer. *In itself* this is nothing more than a right of management under a contract for the revenue, whatever may have been the antecedent position of the renter. But it depended on his antecedent claims and his natural connection with the land, as well as on his circumstances and opportunities, how far he afterwards developed (practically) into a landlord[1].

§ 9. *The Village Landholders under the Khotí.*

Before considering the position and privileges of the Khot as overlord or superior occupant, it will be well to

CXXXIV, on the Khotí tenure, 1873, and the *Gazetteer* (Ratnágirí), p. 203.

[1] In the *Survey Manual* is reprinted the entire discussion in the Bombay Legislative Council, when the Settlement-Survey Act I of 1865 was being passed. The most extravagant claims were put forward for the Khots.

consider the nature of the villages over which he presides.

In another connection I have already alluded to the Konkán villages generally; here, the details first given relate specially to the Ratnágirí district, in which the fully developed and more ancient Khotí tenure prevails. It will be observed that the villages under the Khots are either (1) entirely held by peasant proprietors or 'dhárekár,' or (2) are entirely held by common tenantry, or (3) are 'khichadí' or mixed, i. e. partly held by dhárekárs, partly by common tenants.

The dhárekárs were always acknowledged as virtually proprietors of their holdings, though of nothing more. They appear in a position closely resembling that of the 'málik-maqbúza,' described among the tenures of the Central Provinces and the Panjáb. Their right was hereditary and transferable, and they paid the 'dast' or Government assessment, and nothing more, unless the Khot was able to exact the ubiquitous landlord's 'cesses.' It has been assumed that the dhárekár represents the old co-sharing member of a former landlord community. It is quite possible that members of old ruling families may have originated such communities in the South Konkán, as they did in so many other places: and there is some reason to regard the 'dhárá' right as very similar to the 'mirásidárí' of the Dakhan (p. 256, ante). Villages held by dhárekárs are known as 'kulang' (or 'kulargí'), a term which has reference to the 'kula' or family. Possibly also the 'dhárá,' though the word means 'rate' or 'current-price,'—and hence the schedule of rates payable in a village,—may carry us back to something like the 'narwá' of Guzarát, and refer to a distribution of the revenue burden over a co-sharing body. Otherwise I have not found among the authorities any reference to the idea that the old landowners held in ancestral or other *shares*, the entire area of the village. The right was, however, so respected, that, in the days before our limitation laws, it was held that the holder could never be deprived: however long absent, he could return and recover

his land—perhaps on paying equitable compensation, from an *ad interim* holder; land finally abandoned was called 'gáyál' (cf. the 'gatkul' of the Dakhan).

On the other hand, it is to be borne in mind that first of all in point of time, the Dravidian form of landholding must almost necessarily have been in use; that is, antecedently to the growth of a possible hereditary landlord class: and under that form the families of original founders, who held privileged lands, and furnished the village officers with their *ex officio* holdings (watan), would also be a 'hereditary' landowning group, with a strong attachment to the soil, and yet not represent the joint-village[1]. But it is also to be remembered that besides the 'dhárekár' there is also a class of (now somewhat inferior) occupancy-tenants called 'watandárkul,' and it may be suggested that *these* may be the relics of the ancient founders' families, while the dhárekárs may represent later landlord growths, which again fell, under the stress of circumstances. I must leave the question undetermined; but meanwhile it is interesting to note how the growth of the revenue-farmer results or tends to result in the diminution of older rights. For the villages under Khots do not exhibit merely two classes, the *quondam* proprietor and the common tenant. The stages of reduction of the old landholders were more gradual. This came to pass owing to the fact that a number of the dhárá holders, whose proper privilege it was to pay the Government assessment only, were gradually made to pay something more, and then became classed in a somewhat lower grade. This happened in times when the dhárekárí was unable to pay the Government demand, and agreed with the Khot that the latter was to meet all such demands, and to take *grain* from the holding, i. e. sometimes double, sometimes once and a half, the quantity of grain at which the holding was (nominally) rated. 'When these agreements were made it is probable that the landholders, owing to the

[1] Compare for instance the claim of the (Dravidian) bhúiñhárí families of Chutiyá Nágpur to return to their holdings without limit of time. Vol. I. p. 581.

low price of grain, lost little by the change. Had this arrangement not been made, they would in years of low prices have found it hard to raise cash to pay the assessment[1].' These reduced holders have still an occupancy-right, and their (modified) rental payment cannot now be further enhanced, and they can alienate their holdings. Those who agreed for double the grain-assessment were called 'dupatkari'; those who gave $1\frac{1}{2}$ times were 'didhivála' (or didhpatkari): and those who gave $1\frac{3}{4}$ times, 'pávnedoṅpatkari.' In the Dapolí subdivision, the 'daspatkari' is somewhat different: the basis of his payment is the Government 'dast,' but there was an addition of eight annas cash per maund (man) of assessment. This comes to ten rupees (das) per local *khandí* of assessment. Under the older system of management, the dhárekhár paid revenue in a peculiar way: theoretically it was a grain-assessment, but commuted into cash[2]. One part (called the ain jinnas), either three-fourths or (locally) one-half, was valued at current market rates as fixed by the Collector: the rest (called bahánakt) was valued at the (fixed) old rate of the former survey. This illustrates the inconvenience of the grain-payment, and the devices that either side is able to adopt to raise or reduce it without openly altering the form. Even when the rental was only the Government assessment, the khot (as usual) managed to exact some *cesses* (pattí bábtí). The *Gazetteer* gives an extract from the 'receipt-book' (of 1853) of a dhárekár tenant. The rental payment was R. 12. a. 3. p. 5, which for the year (owing to alteration in price of grain) became R. 11. a. 14. p. 10. This was made up of 4-5-9, the 'bahánakt' or part payable in cash, calculated at old fixed rates; 7-2-7 payable by conversion of grain at current rates, and 0-6-6 small cesses for the different táluká officials. The details occupy more than twenty lines of small print.

[1] *Gazetteer* (Ratnágirí), p. 209.

[2] Observe the transition stage and the process of gradual commutation. The *terms* clearly imply that one part should be paid in actual grain and the other in money; but in practice, even the former was paid in cash, only on an (approximately) actual valuation, while the other was taken at a conventional standard.

They would be unintelligible to the lay reader; but I may say this much, that the R. 4-5-9 'cash' is made up of 2-4-3, the real bahánakt, *plus* a stable cess (I suppose to pay for the khot's horse), a coin-assayer's cess, a superintendent's cess, and a cess (paid in ghí or clarified butter, or by a cash equivalent), coming in all to R. 2-1-6. (R. 2-4-3 + 2-1-6 = R. 4-5-9.) The reader wonders how so absurdly complicated a system could have been tolerated for a single year; but such is the force of custom!

There are still other occupancy-tenants. The 'watandár-karda' is supposed to represent a grade of dhárekár who has fallen still lower than the second grade just described, having been unable to resist the khot's encroachments: but may they not be really members of old hereditary cultivating families even prior to the dhárekárs?

In some cases, to secure the reclamation of waste or abandoned holdings, or for other purposes, the Khots themselves have created what are virtually occupancy-rights; this is always a feature observable in the growth of overlord tenures. The Khot Act (of which presently) has determined the status of these tenants, with reference to their having been in possession continuously since a certain date, and they now form a large body. The tenure is heritable but not alienable.

Common tenants pay no cesses (so the cess-payments in an account at once indicate a superior class). In numbers they are but a comparatively small body.

It is said that there is not much difference between the rents paid by permanent and by yearly tenants. As usual, a great many local terms are employed to distinguish each variety of payment, or other special circumstance of the tenant's position[1].

[1] Tenants of Khot families whose land is held in common are called 'bádekari' (tillers of the waste). A man who lives in one village and cultivates in another is 'dulandí.' If the tenant pays in grain (by appraisement of the crop, called abhávní) he is an 'ardhelí' (half-payer), or 'tirdhelí' (third), or 'chautheli' (fourth), according as he occupies 'rice-land,' or upland (varkas). The term 'ardhelí' is also applied to those who pay a fixed quantity of grain (or its equivalent) as determined by a lump-estimate (thal). But many tenants succeed in getting the Khots to agree to a cash (contract) rate, called 'maktá' in the North and 'khand' in the South. I wish to call atten-

Tenants pay shares of the straw, and of the produce of fruit-trees, besides their rent. Formerly the Khots used to exact certain days of labour in ploughing or in carrying the palanquin; but these exactions have been stopped.

§ 10. *Features of the Khotí Estate.*

Turning now to the rights of the Khots themselves, it appears that the estate is sometimes held by one man, sometimes by a family in defined shares (on the principle of the inheritance share). They hold 1337 villages in all, of which 607 are 'nival Khot,' entirely held by Khots, with varieties of tenants under them. 210 are held entirely by dhárekárs, and 397 are 'khichadí' or mixed. The rest are held in 'inám, where the grantee is over the Khot or renter. Some are managed direct by Government, owing to failure of the Khot. In cases where the Khots hold in shares, it is usual for one of the number to take the management in rotation, and the manager signs a kábuláit to be responsible for the Government revenue.

Formerly the khot paid to Government what was theoretically a grain-assessment, though actually levied in cash. Part was calculated at current rates, part at certain fixed rates (bahá-nakt) as in the case of the dhárekárs. At present, of course, it is a cash-assessment fixed with reference to circumstances. When the whole village was held by dhárekárs, the khot's profit consisted in his getting an allowance called 'musháhara.' When it was held by tenants, his profit, amounting to 50-75 per cent., consisted of the difference between his total rent-collections and the Government assessment.

As usual in landlord estates, a portion of the land is held by tenants (here called the 'khot-nisbat'), and part is held by the khot himself. This is usually the best land, and is called the 'khot khásgí'—the 'sír' of other provinces. A khot may hold other land on the footing of a tenant

tion to the reappearance here of the word 'maktá,' which we find in use in the Central Provinces to indicate a tenure at a fixed (and favourable) rate. See vol. II. p. 477.

of the khot or khot body; in that case he will pay full rent, unless it is otherwise privately arranged. If a village is held by several khots, they may either hold it jointly, managing, as above described, in rotation; or they may partition it wholly or partly, the partition-deed being called 'dhada vántap.'

Khots are found to be of all castes. Originally they were Maráthás or Mussulmáns introduced under Moslem rule, but historical changes account for many alterations; or sales of the right resulted in Bráhmans and others acquiring the renter's estate or a share in it.

It may well be supposed that the position of the khots was long a subject of controversy. The whole detail is given in the *Gazetteer* of Ratnágirí. Some officers denied all proprietary character in the khots: others thought differently. The khots maintained the highest claims—often very extravagant ones—as may be seen in the debate which took place when the first Survey Act was passed in 1865[1], in which it was a question whether the khot estates were liable to be brought under the Survey-Settlement operations or not. That they had grown (in various degrees) into the proprietary position just like the larger landlords (whose growth was due to the operation of the same causes, and exhibits exactly parallel features) in Oudh and Bengal, there can hardly be a doubt; and the wise conclusion was reached (here as elsewhere) that while a practically landlord position (superior occupant's) was conceded, the Government would retain the right to make a Survey-Settlement, and to secure the rights of all classes of tenants.

§ 11. *Similar Tenures in the North Konkán.*

The district we have been hitherto considering is Ratnágirí; we may now look at the rest of the Konkán[2]. First, in the North Konkán (Tháná district) there is a

[1] The whole is printed in the *Survey Manual*. The Khots were heard by counsel.

[2] The Konkán, I may repeat for convenience, includes the Tháná Kolába and Ratnágirí districts.

modified form of tenure to be noticed. In the Salsette Island (táluká of Tháná) there are 'khots who hold their villages at a permanently fixed rental and usually under specific grants; and there, the nature of the tenure in each case depends on the terms of the deed[1].' In the other tálukás there are also some ordinary khot estates.

In the two northern tálukás of Kolába there are no khots. In this part, however, are the 'shilotrí' lands, i. e. kháras, or plots reclaimed from the sea. The reclaimer constitutes a kind of superior occupant, who lets out the lands and levies 'shilotrí maund' (as the cost of maintaining the embankments) in addition to his rent. Some shilotrí lands belong to Government; in that case there is the 'shilotrí maund' to pay in addition to the ordinary revenue; it is levied in cash.

In the Northern Konkán also, there is a tenure analogous to the khotí (but inferior to it in privileges) called 'izáfat.' The izáfatdár is a grantee or assignee, allowed to take the revenue as a personal benefit or increase to his income. Or it is explained as applying to a *farmer*, appointed to realize an 'increased' revenue. Whatever the origin, the izáfatdár has now no right to increase the 'rent' of any cultivator, nor is he personally entitled to lands that lapse or are abandoned. The terms however vary; in some cases the izáfatdár pays a fixed sum and gets the benefit of all actual revenue payments (by increased cultivation or otherwise) above that: in others, he simply gets an allowance of 10 per cent. on the revenue; in others, again, he pays the revenue on rice-lands, and appropriates whatever rents he can get on 'warkas' or dry lands for the year of cultivation (and on which no Government rates are imposed)[2].

In the remainder of the Kolába district, as well as in the

[1] See the Hon. Mr. (afterwards Sir B.) Ellis' speech (on Act I of 1865), *Survey Manual*, p. 181.

[2] Izáfa, which is an Arabic word signifying increase or augmentation, is written ijápha in Maráthí. Wilson says that it was, under the Peshwá's government, an assumption or appropriation of revenues by the sirsúbadárs (governors) of the Southern districts, or in other words, an impost over and above the revenue the governors had to pass on to the State Treasury. It also was applied to grants revenue-free as an extra allowance to hereditary village or district chiefs.

Rájpurí, Sánki, and Raigarh tálukás of Thána, there are the hereditary khots about whose rights more question has been raised. In the Northern Konkán, the general fact that distinguishes the khots, is that they all date from the first days of British rule[1]. The *Administration Report* otherwise includes them in the same class as the Ratnágirí khots, and observes (of both classes), it is 'now generally conceded that they must be considered as limited proprietors[2].' They are like the Bengal Zamíndár, but without the permanent Settlement, since it has 'never been doubted that they are liable to increase of assessment.'

§ 12. *Modern Legal View of the Khotí Tenure.*

The chief undisputed points of this tenure, says Colonel Anderson, are as follows:—

(1) The right to hold their villages on payment of the lump-assessment, provided the annual agreement (kábuláit) be given to Government by members of the khotí-watan, authorized to give it. . . .

(2) The right to rack-rent all lands in which there are no permanent rights of occupancy.

(3) The right to all lands that may lapse owing to absence or failure (either temporary or permanent) of the occupants.

(4) To collect the assessment from permanent occupants (dhárekáris) with (deduction, or) remuneration, and to receive Government assistance in doing so.

With the exception of the cases in the Salsette island above alluded to, the khot's assessment is not permanent. I have already quoted the Bombay Government views on the tenure, and I may add that it is hardly possible to doubt that the khot-right has become practically that of proprietor, limited by the right secured to the inferior occupants. Indeed if the following extract resembles the generality of the '*leases*' issued to khots in old days, it

[1] In the villages the tenants are not called dhárekár, &c., but the privileged or hereditary class, are 'sútí'; and there are gatkulí holdings as in the Konkán 'Government' villages (see p. 258, ante).

[2] *Administration Report*, p. 37.

must be held that the term 'lease' refers to the revenue, not to the land; for the document expresses a hereditary permanent grant of these estates, as 'watani' property—which would certainly be taken to mean not only a proprietary estate, but a strong form of it. Thus I find a grant of a British Collector in the South Konkán in 1833:—

'You are to consider . . . the village as your *watani* property: to enjoy from generation to generation, both by male and female descent, the haq-lawázima[1], mán-pán, kánu-kayuda and farfarmás, according to the practice of the other khots: . . . to cultivate the aforesaid village and recover the revenue encouragingly and live happy. You shall not be subject to any extortions.'

§ 13. *The Khot Act*, 1880.

The khotí tenures in Ratnágirí are dealt with in Bombay Act I of 1880; the Act may be extended to Kolába also. The Sections 37 and 38 of Act I of 1865, still in force, entitle the khots to have the 'lease' for 'their territories' granted to them; and also to have the rents of 'tenants' fixed for the period of Settlement. The Khot Act does not define the nature and extent of the 'khotkí' (aggregate of rights of the khot), but merely says that the khots shall continue to hold, provided they pay their 'jama,' and fulfil other obligations which may exist; and it recognizes the right as heritable and transferable.

The Act also protects the 'inferior holders.' This it does by recognizing (under circumstances already explained)—

(1) the ancient landholders called 'dhárekarí';

(2) persons who by agreement or by custom are also (but less) privileged, and are called 'quasi-dhárekarí'[2];

[1] *Survey Manual*, p. 208. The 'lawázima' refers to dues paid to support the 'necessary' train or retinue; 'mán-pán' is the precedence, position, or official dignity; the others are certain fees or perquisites in produce, from the villages.

[2] Quasi-dhárekaris are the tenants above described as of reduced grade and called daspatkarí, dupatkarí, &c. They include tenants encouraged to settle by being only asked to pay small fixed additions to the 'ma'múl,' or Government assessment; and that is the distinction to this day; the dhárekarí pay *nothing* beyond the Government assessment for the time being; the quasi-dhárekarí pays the assessment

(3) occupancy-tenants, i. e. all tenants who have continuously held since the revenue-year 1845–46.

The rents of the tenants of different classes are limited; and a reciprocal protection is given to the 'khots' in case of recusancy or neglect to cultivate on the part of tenants. Reference must be made to the Act itself for details on these subjects. Sections in the Act describe how a survey is made, and how the registers show the rights of the different parties.

It may be mentioned that the khot, paying a lump-sum on the whole village, has the right to the waste numbers and unoccupied lands in his khotí. This led to a dispute as to whether all forest lands were necessarily within villages and so belonged to the khots; the dispute was ultimately compromised, and the Act now provides that Government may constitute State forests (or 'reserved forests' as they are called), unless any special 'sanad' or grant appears to the contrary. To make things pleasant, the khot is to receive one-third of the net profits of the forest, subject to the performance of any condition for duty or service (such, e.g. as the Forest Act imposes) in connection with the forest.

B. Act I of 1880, secs. 41, 42.

The *Gazetteer* notices that though the khot holds all land in his khotí, it does not follow that all land in the district is included in one khotí or another. In the case of lands requiring expenditure of labour or money for their valuation, Government has always exercised the right of granting its own 'qaul' or lease, e. g. for tidal swamps (khájan) or sand-dunes (pulanvat).

SECTION V.—'ALIENATED LANDS.'

§ 1. *Classification.*

Wherever there was once a system of estates held by chiefs, there are also sure to be many relics of grants of the

plus certain additions specified in a Schedule to the Act. The rights of these two classes are heritable, and are also transferable.

king's revenue. For it is only the greater chiefs who form a graded series of rulers in connection with the central power; a large number of the minor ones either hold life-estates for their subsistence, or receive assignments of revenue, which may include the land as well as the revenue right, or only allot a certain fraction of the collections in cash or kind. Some of these grants are connected with the obligation to apply a part of the income to the support of troops, or to provide police. Others are connected with official position and duty in districts, subdivisions and villages. Some (in days of disorder) were simply usurped, and partook of the nature of 'black-mail' levied on the villages.

It is always a matter of some difficulty to draw the line between revenue-assignment grants, and the overlord tenures described in the last section. It would be quite possible to consider the 'girás' allowance as among the revenue grants: the same might be said of the 'vánta' tenures. A revenue grantee very easily slips into the position of a landlord or rather overlord. Modern practice has simplified the matter. All lands held either revenue-free, or at a reduced rate, are called 'alienated' lands, and are divided into certain classes; it is these we consider in the present section.

The term 'Alienated'[1] implies that Government has parted with its revenue-rights absolutely, or to some extent (levying only a quit-rent,—a 'judi'[2] or salámí). And

[1] But the term has also reference to the rather vague *ultimate* right of the State *as landlord*. In the General Chapter on land-tenures (Vol. I. pp. 234-240) I have discussed the position of Government in relation to the right in land. There is no doubt that our Government succeeded to the right of the former Government which certainly claimed to be general landlord. There is equally little doubt that our Government did not, as a general rule, retain the right, but used it as a *locus standi* for conferring a title on others. That was the case in Bengal, and in other provinces. But where, as in Bombay, Government does not legally create the landholders proprietors, but gives them the occupancy or survey tenure, it may be said that, in a sense, it still retains a sort of landlord right to itself. In that case, in the exceptional tenures where the Government recognizes the grantee as *proprietor eo nomine*, it may be said to 'alienate' the land. It has no further interest in it *either* as regards the revenue, *or* as regards an ultimate right in the soil itself.

[2] I have not seen an explanation of this term, which is written 'Júdi' or 'Jodi.' I suggest that it may be a natural corruption from 'Juz,' 'Juz'í,' the Persian-Arabic for a 'portion' or 'bit.' Wilson gives the word, but only as Telugu or Carnatic.

parting with the revenue-right, it also ceases to exercise the same control as over Government lands: as for instance where whole 'inám' villages are exempted from Survey-Settlement except as to the boundaries.

See Rev. Code, sec. 216.

Unlike the 'inám of Madras, in the Bombay Presidency alienations of the revenue-rights called 'inám do not always include the land as well as the revenue. Sometimes the grant is of the revenue only; i. e. the land being occupied by some one else, the revenue only is paid to the assignee. The returns of the 'Inám Settlement Department show 'land' as well as 'cash' 'ináms, though most of the former.

The alienations are now classed as—

(1) Political.
(2) Service.
(3) Religious.
(4) Personal.

§ 2. *Political.*

The 'Political' are the Muhammadan grants of jágír, for the support of troops, or the payment of other service, and the Maráthá, 'Saranjám'[1]; these are said to be confined to the Násik and Khándesh districts in the Northern, and to the 'South Maráthá country,' in the Southern division.

No condition of service is now exacted, this having been commuted to a money payment; and the grant is a personal distinction for life or lives, or in perpetuity, as the case may be.

§ 3. *Service 'Inám—Watan.*

The 'service' 'ináms are the most interesting: they were called 'chákarait' in the north. They are now shown in the Village Registers according to their purpose: thus we have 'village service'—useful to Government (e. g. the headman's and kulkarní's 'watan'), and the village service, —useful to the community.

[1] 'Saranjám' is a Persian word signifying 'supply' or 'provision' for troops, or the performance of particular duty: it has much the same meaning as 'Mokásá,' which was a share of the revenue appropriated to some special object, sometimes only the support of a chief, but usually including the obligation of keeping up troops, or providing for some service.

A special Act (Bombay) III of 1874 lays down the law regarding 'Hereditary officers' and their 'watan.' It provides against the alienation of the watan, the commutation for service not required, and for the case where the watan is held by a family, and one or more members (representative watandárs) have to be selected to perform the duty; or where the family are of too high rank to work, or where, owing to the holders being incompetent, 'officiators' have to be appointed [1]. There were also similar grants for the surviving descendants of the old pargana officials (Deṣái, Deṣpándhyá, &c.). These 'watans' are still held, though the modern revenue system does not find a place for the official employment of the families as such. Accordingly arrangements have been made, whereby a portion of the assessment is levied as a commutation for services no longer required. B. Act III of 1874, sec. 15 seq.

§ 4. *Personal 'Ináms.*

The other heads of 'personal' grants, are now simplified under the common designation of 'ját-'inám.' When they are settled and a title-deed issued, the word 'sanadia' is added. The term includes all except the religious grants, which are not to *persons*, but to *institutions*, as temples (dewásthán, dharmádev), mosques, &c.

Originally, the 'personal' grants as distinguished from the (official) service grants or 'watan,' were very curious: by their names they often indicate their origin. All these tenures might be either quite free of revenue (nakra) or rent, or subject to a quit-rent (salámía). Grants to religious persons (Moslems) were called 'wazífa.' We also find grants made as hária (the victim's field) to support the family of a man slain in the defence of the village: 'ranvatia' (the warrior's field) for the family of one slain in an attack on the enemy (cf. the *Marwat birt of Oudh*, vol. II. p. 241). Still more curious was the 'hália' (tombstone field) for support of a tomb in memory of some Chásan (bard) or Bráhman who had killed himself in the interest of the village. A

[1] See also Chap. XXIII of the *Handbook*, p. 499.

number of grants also arose in the days of heavy revenue exaction, when a 'manotidár'—a capitalist, would *stand security* for the revenue. His risk and trouble would be remunerated by a grant of land (for which he paid nothing) called 'walatdánia': or if he had to make good revenue which the village cultivators could not pay, he recouped himself by taking land in sale or mortgage from the village head as vechánia or giránia.

Pasáitá grants were commonly made to village artificers, well-cleaners, or to religious persons; but were frequently added to the emoluments of village officers, as the desáí's pasáitá, &c.

Many grants were made as 'black-mail,' like the 'girás' spoken of above, and land ominously called 'dabánia' simply usurped, and 'koliapa' held by Kolís, &c. 'Pagiá' was land held by *trackers* (pagí) of thieves.

§ 5. *Alienation Department.*

As usual, the original titles to these 'inám lands were often doubtful, and fraudulent titles were also in some cases brought to light; and therefore an 'Alienation Department' had to be formed. There had been some rules enacted under the older Regulations; but the discovery of frauds in the South Maráthá country led to the passing of an Act (India) XI of 1852, which appointed Commissioners for districts not brought under the General Regulations of 1827. And the intention was, between the Regulations and the Act, to inquire into all titles. But the procedure was slow and difficult, and after a time, it was thought better to waive the question of exact proof, and to treat the matter summarily on certain broad principles; offering reasonable terms to claimants[1], which, if accepted, put an end to further troublesome investigations as to title. In 1863, two (Bombay) 'Summary Settlement' Acts were accordingly passed, 'to provide for the final adjustment, sum-

[1] In fact the principle was just that of 'enfranchisement' in the Madras Presidency. (See p. 82, ante.)

marily, of unsettled claims to exemption from the payment of land-revenue, and to fix the conditions which shall secure in certain cases, the recognition of titles to such exemption with respect to succession and transfer.' Act II of 1863 relates to the districts for which the Act XI of 1852 had provided 'Inám Commissioners, and Act VII of 1863 to those which were under the Regulations of 1827.

The main principle involved was that Government consented to forego a special inquiry into the title, if the 'inámdar chose to accept a summary assessment on the entire estate, as made by the Collector under the Act, and to submit to the conditions of the Act. If the 'inámdar thought that he could establish his title, and escape assessment, he would submit to an inquiry, which might possibly establish his right to lands either absolutely free of revenue payment, or subject to a lighter payment as 'salámí' (quit-rent) or 'udhar jama' (reduced assessment), than the Collector offered. But if he failed, his land was liable to full survey assessment if he did not lose it altogether. In many cases, therefore, it was profitable to avoid the expense, delay, and risk of an inquest, and to submit to a summary assessment of the estate, on accepting which, the alienee got his estate confirmed by 'sanad' or grant in perpetuity. Some 'ináms, not under the Summary Settlement Acts, are heritable, but the succession to them is only to actual, not to adopted, heirs.

The estate granted under the Summary Settlement Acts is in full proprietary right, and is heritable and transferable; adoption being allowed. The estate pays revenue-survey-rates for land which has been surveyed and assessed, and rates agreed on between the Collector and the 'inámdár for unassessed lands. If a quit-rent (jodi), &c., is already payable, the assessment is at this, *plus* one-eighth of the difference between the jodi and the full assessment. The 'inámdárs are then considered entitled to all the waste and forest included in the terms of their summary Settlement, unless it was specially agreed that such lands, or the trees on the land, were reserved to Government. They are also

allowed all land actually in possession, even if in excess of the original grant [1].

If on receiving a notice to elect between a summary Settlement and an inquiry, the latter was accepted, the Act was referred to for the rules to be observed; such as, for example, from what date a title was to be considered as prescriptive; what princes and officials of former Governments were to be considered as empowered to grant 'inám, so that sanads signed by such princes and officials might be regarded as valid; when an adoption could be recognized; and so forth.

The operations of the 'Inám Commission, and of the procedure under the Summary Settlement Acts have resulted in a considerable saving to the State. At the commencement of the inquiry, the annual revenue alienated amounted to more than R. 1,32,50,000. Of this R. 52,12,000 have been disallowed, leaving R. 80,38,000 alienated, as shown in the margin. 'Service tenures' are about equal to 'personal,' each accounting for about 33½ lakhs of rupees. Up to 1876–77 the cost of the departmental agency for inquiry into titles and Settlement of 'inám holdings, had been a little over 26 lakhs of rupees [2].

Land R. 57,55,000, Cash R. 22,83,000.

SECTION VI.

§ 1. *Rights in Trees.*

In concluding the subject of land-tenures, a convenient opportunity may be taken to allude to *rights in trees*; for these by no means always follow the soil occupancy. In Government (unalienated) lands under Settlements made *before* the Code became law, all trees (unless reserved under special orders) are held to belong to the occupant of the number. Settlements, however, made not only before the

[1] Accordingly by bringing waste under cultivation, and deriving profit from forest lands, the inámdár has a rental largely in excess of the lump-sum assessed on his estate.

[2] These figures (reduced to round numbers as regards the last three figures) are from the *Administration Report* (1882–83). I cannot learn whether this work is completed as yet or not.

Code, but before Act I of 1865 was passed, do not give a right to teak, blackwood (*Dalbergia latifolia*), or sandal-wood, unless conceded in express terms. In Settlements *after* the Code, all trees not expressly reserved, go with the occupancy; and so when an unoccupied number is applied for and granted. Rev. Code, secs. 40-44.

All trees otherwise belong to Government; and so do road-side trees[1]. The latter trees belong to Government while they live, but if they die, or are blown or cut down, they belong to the occupant of the land; and the usufruct, i.e. produce of loppings, &c. (when lopping is allowed by the Collector), also belong to him.

But for a term of two years from the date of the Code becoming law, the landholder was allowed to get the strip of land on which such trees were growing, cut off from his holding, and the assessment reduced accordingly; then the trees and the land vested in Government.

When trees have been reserved to Government, as above stated, it may be that the reservation is accompanied with certain privileges of wood for fuel or domestic purposes, and especially of lopping branches and cutting bamboos to burn and form ash-manure for the rice-fields: this is called 'Ráb.' In such cases the privilege is exercisable under rules to be made by the Collector or such other officer as Government may direct[2]. Sec. 44.

In the Konkán districts the 'warkas' numbers are an instance of this. The rice-lands in the valleys form the valuable 'wet' cultivation, and lands on the higher ground or forest-covered slopes that yield casual dry crops of pulse and inferior grain, such as millets (called by the Maráthí generic term 'varkas'), are the less valuable, but still 'occupied,' dry-cultivation numbers. They are not always assessed. For the purpose of the cultivation the whole of

[1] For rules regarding occupants buying out the Government right to fruit-trees, see *Handbook*, p. 186.

[2] For this information I am indebted to Colonel the Hon. W. C. Anderson, Survey Commissioner. See also Nairne's *Handbook*, pp. 173-75 for Rules under section 214 of the Code, Nos. 91-98, and Rule 111 for penalty; and see also p. 269, et seq.: it is a pity that this *Handbook* has not arranged the rules and orders regarding trees in one convenient series.

the trees are not removed, but the trees are lopped for 'ráb'; and hence the rights in question[1].

In alienated lands, as a rule, the trees belong to the grantee, but not teak, blackwood, or sandal, unless they have been specially conceded.

[1] 'Warkas' land (in the Konkán districts), though technically 'occupied,' is really forest rather than cultivated land. It often contains valuable trees hitherto reserved. Rules 93-98 do not apply to this class. The Forest Department, in communication with the Collector, manages the reserved trees, and is entitled to cut the teak, &c., to best advantage, and to obtain successive growth by coppicing, &c. (see G. O. No. 3462, dated 5th May, 1883).

CHAPTER III.

THE REVENUE OFFICERS AND THEIR OFFICIAL BUSINESS.

SECTION I.—REVENUE OFFICERS.

§ 1. *Supervision.*

THERE is no Board of Revenue in Bombay, but the District officers are controlled by the Commissioners of Divisions[1]. The whole presidency consists of a little over 124,000 square miles, and 16½ millions of population, forming 23 districts[2]. The Town and Island of Bombay are under a special Collector in direct communication with

[1] The Commissioner is directly subject to the Governor in Council (Code, section 4); divisions are constituted under section 5, and assistants to the Commissioner may be appointed under section 6.

In Bombay, the districts generally are 'Regulation' except Pánch Mahál, and the Sindh districts, which are 'Non-Regulation.' The distinction is now nominal (as explained in vol. I. pp. 50, 89). What is of importance regarding the law is that Sindh and the Pánch Mahál (and certain Marwári Chiefs' estates) 'are scheduled' districts (Act XIV. 1874).

[2] Northern Division:
1. Ahmadábád.
2. Kaira (Kherá).
3. Pánch Mahál.
4. Broach (Bharoch).
5. Surát.
6. Thána.

Central Division:
7. Khandeish (Khándesh).
8. Násik.
9. Ahmadnagar.
10. Poona (Púná).
11. Satára.
12. Sholápur.

Southern Division:
13. Kolába.
14. Ratnágirí.
15. Belgáum.
16. Bijápur.
17. Dhárwár.
18. Kánara.

Sindh Division:
19. Kurrachee (Karáchí).
20. Haidarábád.
21. Shikárpur.
22. Thar and Párkar.
23. Upper Sindh Frontier.

Government. The other districts are, in Bombay, grouped into three Commissionerships, Northern, Central, and Southern; the Sindh districts being under the Commissioner of Sindh.

§ 2. *The District or Collectorate and its Subdivisions.*

The 'Collectorate' answers to what is called a district in other parts of India[1]. And the Revenue Code introduces the term 'district' in the general sense in which it is used in India, providing that the present Collectorates or 'zillahs' shall form 'districts.'

Rev. Code, sec. 9.

Sec. 7. The district consists of subdivisions called 'tálukás.' These may be locally again subdivided into 'petá' or 'tarf,' but the official designation, under the Code, of a subdivision of a táluká (which has an assistant to the táluká officer in charge) is 'mahál.'

Sec. 14.

Sec. 8. The Collectors hold charge of districts; they are aided by Assistant Collectors and by Uncovenanted Deputy Collectors, who may be placed in charge of a tract, consisting of one or more tálukás. The Assistant or Deputy in charge of a táluká or several tálukás, has all the powers of a Collector as regards the local area of his charge. But the Collector may reserve certain powers to himself, or assign them to another Assistant or Deputy Collector. And under Chapter XIII of the Code an appeal lies to the Collector. Over the táluká is the mámlatdár, answering to the tahsíldár of Upper India: and when the táluká is subdivided, the mámlatdár's assistant is called the mahálkári. In the mámlatdár's office are assistants called kárkun; and the head kárkun (like the náib-tahsíldár of Upper India) may have subordinate magisterial powers[2].

Sec. 9.

Sec. 10.

[1] Formerly in Bombay the term 'district' was used as synonymous, not with a Collector's charge, but with a local division of it—the táluká. The term zillah (zila') used also to be employed as a purely judicial term, and is now obsolete in Bombay, as it is elsewhere.

The Collector's head-quarters are sometimes described by the term 'huzúr,' which is the same as 'sadr' in Upper India.

[2] See Nairne's *Handbook*, Chapters III-IV. The orders regarding office work, establishments and duties, are here collected, and give an excellent view of district work generally. Chapter V gives the duties of the Mámlatdár and his staff.

§ 3. *Village Officers.*

At the head of the village organization is the pátel. The pátel may have his 'watan,' and then the pátel's family all share in the land and privileges, and one member, who receives a remuneration from Government, does the duty of the office. He collects the revenue from the raiyats, conducts all Government business with them, and should exert himself to promote the cultivation and the prosperity of the village. 'Though originally the agent of Government, he is now looked on as equally the representative of the raiyats, and is not less useful in executing the orders of Government than in asserting the rights, or at least making known the wrongs of the people [1].' On receiving revenue from the raiyats, the accountant enters it in the Government books and issues receipts. The pátel is also the agency for reporting everything that is necessary to the mámlatdár [2].

Where there is a watandár or hereditary accountant, he is called the kulkarní. But there is no kulkarní-watan in many villages, and even in some whole districts [3]. In that case a *stipendiary* accountant called 'talátí' is appointed.

The village menial, called 'mhár' in the South Maráthá country, 'dher' in other parts, is the guardian of boundaries, and is the messenger: he it is who carries the revenue and the pátel's reports to the táluká officer (the mámlatdár).

In some parts I find mention of a village watch called 'jáglia,' as in Berár.

'The village system,' says the *Handbook* (page 119), 'exists most vigorously in the Dakhan, where every village

[1] *Handbook*, Chapter VI (quoting Elphinstone). It might be said with more historical truth, that the headman (originally called gáoṅrá) was part of the social organization. That at an early date he became taken into the State interest and paid, and that now he is looked upon (once more) as the popular representative in the village. See some interesting remarks in Malcolm, ii. 11–14, and (as to the value set on the office of pátel) i. 60. See also Grant Duff, i. 26–29.

[2] In Guzarát, in the joint-villages the mutthádár of the páti, bhág or share, is the headman; and revenue and police pátels for the whole are selected from the mutthádárs.

[3] *Handbook*, Ch. VI. p. 118.

has its full complement of watandárs. In the Coast districts generally, it has not been so well preserved; in Kánara there are no hereditary village officers at all [for there are no villages properly so called]; in the Khotí districts of the Southern Konkán, few watandárs of any sort; and in the Northern Konkán no kulkarnís, and but few inferior watandárs. But everywhere, under our Government, there is for every village, either hereditary or stipendiary, a pátel, an accountant, and a menial servant[1].'

§ 4. *Inspection.*

It is here necessary only to notice as a feature of general duty, that repeated inspection is made a great point of in Bombay. Under any revenue system, indeed, inspection is of the first importance. Revenue officers must constantly control their subordinates, otherwise they cannot develop the revenues of the district, or ascertain whether the revenue assessment is burdensome or easily borne; whether the public health is good; whether irrigation works, and the making of roads, tanks, and wells, tree-planting and such like improvements are attended to; whether education flourishes and the people are happy and well-governed. Without seeing for themselves, and freely mixing with the people, and hearing what they have to say locally, and without the restraint of a public office and the presence of subordinate officials, they will never know what is going on in the district, and what the effect of administrative measures, and the working of Rules and Acts really is, as felt by the people at large. Moreover, for revenue and statistical purposes, the village accountants have everywhere to furnish statistics of crops, of land-transfers, and so forth: these will be filled in any how, if the makers of them do not know that a supervising officer will examine the records and check them occasionally on the ground. Village accounts will fall into arrear, and revenue receipts fail to be properly given, if the accountant does not know that at any moment his papers may be called for. The Government

[1] *Handbook*, Ch. VI. p. 88.

deals with each individual landholder, and therefore it is more than ever essential to see that his payments are properly acknowledged; the examination of raiyats' receipt-books (kulruzuwát) is therefore a regular branch of inspection duty.

So also in the constant maintenance of the field-boundaries, on which everything, I may say, in a raiyatwárí Settlement, depends. The local subordinates are primarily charged with the duty, but their work has to be examined and checked by the superior staff.

There is no province in India to which these remarks do not apply. But a raiyatwárí Settlement requires, perhaps more than any, such inspection. It is therefore laid down as a rule that Collectors and Assistants are to pass the greater part of the year in camp; only the four monsoon months, as a rule, being spent at head-quarters.

§ 5. *Maintenance of Records.*

To these remarks I have only to add that the *maintenance* of the records prepared at Settlement, has the same importance that it has in every other province. It is no longer intended to allow the records to fall out of correspondence with existing facts, so that a revision Settlement will all have to be made anew. The maps and records have to be continually kept correct by noting up all changes as they occur. The Director of Land Records and Agriculture is appointed mainly to see that this is done. But it should be observed, that there is this difference between the raiyatwárí survey and that of other districts; in the latter the maps have to be altered to correspond to changed boundaries; in the former, the boundaries have to be kept correct according to the maps [1].

[1] There may, of course, be new roads, drains, wells, &c. to be entered on copies of the maps; but cultivators cannot alter the fields at pleasure as they can in N.W. India: the survey fields are never altered; changes by part sales, by subdivision and so forth, must be regularly reported, registered and demarcated according to a prescribed practice; and the maps may have to show new authorized subdivisions accordingly.

SECTION II.—REVENUE BUSINESS.

§ 1. *The Jamabandí or Annual Settlement.*

The raiyatwárí system always requires an annual inspection or Settlement, so as to ascertain the extent of fields in actual occupation; for under this system every field has its own assessment, but the number of fields actually held by any one raiyat is liable to vary, and consequently the revenue for which he is responsible for the year. The necessary returns have therefore to be made out annually in each village and carefully checked. The work should be all done by the 15th February, or at latest the 15th March, as the official year ends on the 31st March. The jamabandí is ordinarily made by the Assistant Collector in the tálukás in his charge; but the Collector is required to make it personally, in a certain number of tálukás, in such a way as to go over the whole district in the course of a few years.

The *jamabandí* of Bombay is, owing to the simplicity of the assessments and the absence of any annual remissions due to special rules, and owing, also, to the superiority of the village accountants, a matter which requires much less detailed instruction and explanation than elsewhere. In Nairne's *Handbook* the subject is disposed of in a few brief paragraphs[1].

In Hope's *Manual of Revenue Accounts*[2] the forms used for the jamabandí work are described. The first step is a preliminary inspection of the lands, to see that, if occupied, they are so by the parties in whose names they are entered, or by their representatives; if unoccupied, whether any income derivable from the grass, &c., can be got in, whether any land has been occupied without authority, and what crops have been grown.

The village *kulkarní* has filled up, after such an inspection, 'Form 2' of the village accounts, which is a register of assessed, but unoccupied, numbers, and will at once show if any has been wrongfully occupied, and also what amount has been got for the grass, or fruit, while the land was lying unoccupied; also 'Form 3,' which is the general

[1] See *Handbook*, p. 85.

[2] Third ed., 1887, pp. 2 and 3.

land inspection report, showing the crops and the actual state of all land whatever. There is also a report on *the state of the boundary-marks* of each survey number on the Register[1]. With this information the ledger account (No. 5) of each occupant, can be opened, and also what is called the 'rent (revenue) roll' (No. 6), which is a statement in twenty-six columns, showing the demand against each person, up to the *jamabandí* time, and having separate columns for demands which arise afterwards.

All this information is abstracted in the No. 10 Form, or 'Tharávband,' on which the officer conducting the *jamabandí* records his approval, as showing that he is satisfied as to the account of the whole area occupied and its revenue. No. 10 is accompanied by certain forms (Nos. 7, 8, and 9)[2] which are intended as checks on it. These together form what are called the '*jamabandí* papers.'

§ 6. *Relinquishment and Occupation of Land.*

I have already said something under the head of rights in land, to explain the procedure in taking up and relinquishing fields (p. 270, ante). The razináma or application is presented to the mámlatdár. If an entire number is relinquished, the process is very simple. The relinquished number is available for any applicant, and if not applied for is sold by auction as fallow land (for the grazing on it) during the year. If only a recognized share of a number is relinquished, the share must be offered to the other sharers in the order of the largeness of the amount payable by each as revenue. If all refuse to take it, they remain proportionately liable for the revenue of the relinquished share, till some one takes it up. This, in effect, compels the sharers either to take up the share, or else to join with the sharer desirous of relinquishing, in giving up the whole number. Rev. Code, sec. 99.

[1] I refer to the Register (or Form 'No. 1')—the permanent descriptive register of survey numbers in the village. (See p. 245, ante.)

[2] These show the total area and assessment of village, the deductions for all kinds (as uncultivated, inám, unoccupied), and the balances; then the miscellaneous revenue, and then the columns comparing the present year with last year.

Rev. Code, sec. 79. Under this head I should remark, that on voluntary transfer of land, the parties are bound by law to register the transfer, otherwise the Collector will hold the original registered occupant liable for the revenue.

§ 7. *Disposal of Lands belonging to the State.*

The 'Rules' (made under Section 214 of the Code) contain provisions regulating the Collector's duty in disposing of lands which belong to Government[1]. This disposal may Rules 7–14. be by absolute sale or grant, or by grant of 'occupancy.' In the latter case the occupancy is sold at a price or put up Rule 18. to auction. Should the land not be assessed, rule 18 prescribes how this want is supplied[2]. In special cases, to encourage reclamation of difficult land, an occupancy may be granted for a time revenue-free, or at gradually progressive Rule 19. rates; and salt-marsh land can be had for reclamation on Rule 20. specially easy terms. Occupancies of building sites are the subject of rules, but do not concern the student of this Manual.

§ 8. *Alluvion and Diluvion.*

The Bombay Code provides that an alluvial accretion of not more than an acre, and also not more than one-tenth of the 'holding' against which it has formed, is at the disposal of the occupant of such holding. The term 'holding' here means either a whole survey number, or a portion which has its separately recorded assessment. If the accretion exceeds this amount, the land is at the disposal of the Rev. Code, secs. 63, 64. Collector, who must, however, if he sells it, offer it to the adjacent holding, and at a certain price.

If a holder of land loses, by diluvion, a plot of not less than half an acre, *and* not less than one-tenth of his holding, he is entitled to a reduction of assessment. Changes resulting from alluvion and diluvion are taken notice of at *Jamabandí* time.

Sec. 47.

§ 9. *Maintenance of Boundary-Marks.*

As already remarked, the maintenance of the corner marks, whether stones, earthen ridges, or otherwise, so as

[1] *Handbook*, p. 148, et seq. [2] And see rules at p. 157 of the *Handbook*.

to make permanent the survey division into fields, is of peculiar importance.

The Code definition of a boundary-mark, it should be recollected, includes 'any erection, whether of earth, stone, or other material, and also any hedge, vacant strip of ground, or other object, whether natural or artificial, set up, employed, or specified by a survey officer[1] or other revenue officer having authority in that behalf, in order to designate the boundary of any division of land.'

Every landholder is responsible to maintain the marks of his holding in good repair, and to pay any charges incurred by the revenue officers in cases of alteration, removal, or disrepair. The duty of the village officers and servants is to prevent destruction or unauthorized alteration of the village boundary-marks. The duty of looking after the marks and requiring their repair and erection, devolves on the Collector (when the survey officer's work is over) and he has power to require the erection or repair, or to do the work himself (at the cost of the landholder) if the landholder neglects. Rev. Code sec. 123. Sec. 122.

Power is also given to the Collector, survey officer, mámlatdár, and mahálkárí, to summarily convict offenders for injuring marks, and inflict a fine not exceeding R. 50 for each mark. Half of the fine may be spent in rewarding the informer, and half in restoring the mark[2]. Sec. 125.

§ 10. *Partition.—Recognized Shares.*

The terms 'perfect' and 'imperfect[3]' partition are not here applicable, because there is not, as a rule, any joint responsibility; but under the Bombay system there are two operations which may be performed in respect of shared lands, which are in some respects analogous to partial and perfect partition. For example, there may be a partition

[1] Code, Sec. 3, No. 9, i. e. the officer appointed under section 18.

[2] See *Handbook*, p. 176, for rules (No. 100, et seq.) regarding the inspection of boundary-marks, which is made a much-insisted on portion of district duty. I have already alluded to the report on boundaries in Forms Nos. 3 and 4 of the village accounts.

[3] See Code, Chapter VIII, section 113, et seq. and *Handbook*, p. 189.

which goes so far as to separately demarcate, number, and register (under the new names) in the revenue records, the partitioned plots; or there may be a process which is analogous to a partition, in which the shares are ascertained and 'recorded' by symbols—as so many 'annas' to each sharer, but not separately demarcated, on the ground or given new numbers. The 'recognized shares' are practically separate, as far as the liability for revenue is concerned, and each recognized sharer can ordinarily be held liable only for his own share. If a partition, or at least a record of shares separately assessed, has not been made, the one person whose name is, according to rule, always entered as 'registered occupant' of the number, remains liable for the whole revenue, no matter how many sharers really hold along with him.

Under the Code, the partition spoken of is the complete partition. It must be made, if possible, so as not to divide existing survey numbers, but it should be contrived so as to give one or more whole numbers to each sharer. The splitting up of an existing survey number is only resorted to if really necessary, and even then it cannot be allowed if it would leave any of the newly-constituted numbers below the minimum size[1]. Any bit of land that is over, and cannot be further divided out, owing to this restriction, is either given over by consent to one of the sharers on his making up the value of it to the other sharers, or it is sold and the proceeds distributed[2].

At time of survey or revision of survey, the survey officer can, of his own motion, subdivide any field, and give new numbers and separate assessments without any formal procedure for partition.

Any one can apply for partition if he is admitted to be a co-sharer, and is so recorded, or if he can get a decree of a Civil Court that he is a sharer.

[1] The minimum size has been variously fixed according to the circumstances of the different districts. See page 217, ante. In that case only the record of shares and fractional payments can be made.

[2] There are also special rules for joint estates like khotí tenures, into the details of which I do not enter.

§ 11. *Law regarding Payment of Land-revenue.*

In Bombay, as already remarked, the registered occupant is primarily liable for revenue in Government lands, and in alienated lands (where revenue is payable) the superior holder,—the grantee. Rev. Code, sec. 136 (cl. 1).

If the person primarily responsible fails to pay, a co-occupant of any alienated land, or a co-sharer in alienated land, or the inferior holder or person in *actual* occupation, is next held liable. In the latter case credit will be allowed to the inferior holder, for such payments, in all demands against him, by the superior holder, for rent. Id. (cl. 2).

The revenue is paid in instalments fixed by the order of Government. It is technically due any day after the first of the *agricultural year*, which begins on the 1st August, and ends with the close of the 31st day of July following. Sec. 146.

The Bombay Code requires revenue officials and others to give receipts for payments of revenue; 'superior holders' are equally bound to grant such receipts to their inferior holders. Secs. 58, 59.

The land-revenue is a first charge, taking precedence of all other debts and mortgages on the land, and is also a first charge on the crops. There are certain circumstances under which the Collector is empowered to attach the crops (either to prevent the reaping or the removal of the grain when reaped, according to circumstances) as a precautionary measure, to secure the current year's revenue, but only *one* year's revenue. Secs. 140 5.

Revenue 'in arrear' is revenue not paid on the instalment-due dates. Interest or a penalty may be charged on arrears under the Bombay Code; a scale of such penalty or interest-rates being fixed by Government. A statement of account certified by the Collector, his Assistant or Deputy, is conclusive evidence of the arrears. Sec. 148. Sec. 149.

§ 12. *Recovery of Arrears.*

I do not propose to go further into detail as to the process of recovery than to say that it can be effected by—

(*a*) serving a written notice of demand;

(*b*) forfeiture of the occupancy-right or of the alienated holding on which the arrear is due;
(*c*) distraint and sale of movable property;
(*d*) sale of immovable property;
(*e*) arrest and imprisonment of the defaulter;
(*f*) in case of (alienated) holdings consisting of whole villages or shares of villages (as in jágírs, khotí estates, taluqdárís, &c.), by attachment of such villages or shares.

Nothing is said as to the *order* in which these processes are to be applied, nor is it said that the one is to be resorted to only in case of failure of another[1]. It is left to the Collector to adopt any process, or more than one, at his discretion.

Officers who have to recover any public money under the Bombay law, will do well to read and bear in mind the terms of section 187, which fully (and widely) apply the procedure for recovery of arrears of land-revenue to every species (almost) of payment due to Government.

Rev. Code, 187.

§ 12. *Assistance to 'Superior' Holders to recover Rents and Dues.*

Jágírdárs, Inámdárs, and all other superior holders in Bombay (i.e. both 'superiors' from the occupants under them, and occupants from the tenants under them), can get certain assistance from the Collector in recovering the revenue or rents (as the case may be) *lawfully* due to them[2]. Provided that the demand refers to the *current* year's rent or revenue, the Collector can set in motion the same machinery as he could to recover Government revenue. There is also a power given to issue, to certain superior

Secs. 86 94.

[1] In this respect the practice is different from what it is under the laws in Upper India, e.g. under the Panjáb Act, arrest and imprisonment is one of the first things to be tried: but then it is for a short time only. In Bombay, the imprisonment spoken of may go as long as a civil imprisonment under a decree of like amount might. Sale of immovable property, other than that on which the arrear is due, is only allowed in the Panjáb in the very last resort and under special sanction. In Bombay it is put down as one of the ordinary processes for recovery.

[2] And for details see *Handbook*, p. 191.

estate-holders, a 'Commission' enabling them to exercise directly certain powers for recovery of revenue or rent. This does away with the necessity for summary suits for rent.

§ 13. *Remissions.*

I should here remark that there is no *system* of remissions such as the Madras practice rendered it necessary to describe. Of course, on the occurrence of any calamity, as famine, or flood, or locusts, the Government will grant special remission; and when a revised Settlement is introduced which increases the rates, a partial remission may be allowed so as to bring up the full rates gradually and not all at once. In the old days, under the earlier excessive assessments, remissions at *jamabandí* time were almost matters of course; but that state of things has long passed away.

§ 14. *The One-anna Cess.*

There is no other charge beyond the land-revenue assessed (unless under the Irrigation Act for water supplied) except a cess of one anna for every rupee of assessed land, under Bombay Act III of 1869, and applied for 'Local Fund' purposes, i. e. district improvement, roads, education, &c.

§ 15. *Procedure.*

The XIIth Chapter of the Code contains rules for the *procedure* of revenue-officers when making an inquiry or transacting any business under the Act; and the XVth Chapter provides for appeals from orders.

I do not propose to enter into details, but generally, the Chapter gives power to summon witnesses as under the Civil Procedure Code. All inquiries are classified into 'formal' and 'summary.' In the former, evidence is recorded in full, and so is the decision; in the latter, only a memorandum of the substance of what the parties and witnesses state is made; the decision and the reasons for it being also recorded.

Unless the Code expressly directs that any inquiry is to

be formal' or 'summary,' the question which is followed, is determined by rules made by Government, or, in their absence, by the orders of the superior officer, or by the discretion of the officer holding the inquiry, with a view to the importance of the case and the interests of justice.

It may be necessary also to allude to Bombay Act X of 1876, which provides for the exclusion of the jurisdiction of Civil Courts in certain matters of land-revenue administration.

CHAPTER IV.

THE LAND-TENURES AND SETTLEMENT OF SINDH.

SECTION I.—INTRODUCTORY.

§ 1. *Sketch of the existing State of the Land.*

THE *Sindh Gazetteer*[1] states that land-tenures throughout the province are of an extremely simple character.

This simplicity is probably due to the fact that the original form in which the villages were established and organized is now almost irretrievably lost. Even the village 'headman' only survives in name, he being probably a relic of the days when the system of local chiefs was at its zenith, and when a leading man for every village was selected as the person with whom the chief would deal. This is indicated by the names of headmen, which imply, 'forward-man,' 'respectable man,' and so forth—'Wadéro,' 'Nékmard,' or 'Dihdár' (Village-holder). This decay of original tenures is only what we should expect after a long course of troubled history, in which dynasty overthrew dynasty with hardly any breathing time of peaceful development. There can be no doubt that the country was once partly held under a Hindú (or at any rate a Hinduized or mixed Rájput) organization; part also was conquered by Muhammadan tribes and families of later origin. The result of this was, at one time, the general existence of overlords over larger or smaller areas according to circumstances. The over-

[1] *Sindh Gazetteer*, 2nd edition, 1876, A. W. Hughes, Bom. C.S.—(London, G. Bell and Sons).

lords, in later times, received the Protean name of 'Zamíndár[1].' They were recognized originally, not as the soil-owners—for very little value was attached to the soil, but as chiefs entitled to certain dues from their subjects; and in later time they became managers of the local land-revenue under whatever conqueror happened to hold the supreme rule. They are now spoken of as 'landlords,' not so much because, in the native idea, the soil belongs to them, as because they claim a certain right in the produce of all land, and once had the *control* of all cultivation within their 'estate.' In process of time the zamíndárí families multiplied and, as elsewhere, *divided their interest or property*, so that *now* there are only a few great, and many small, 'Zamíndárí' holdings.

Some parts of the country were held in the same way by 'Jágírdárs,' who were very like Zamíndárs, except that they had to maintain bodies of troops. This historical condition of things it will be our business to develop and explain.

But to complete our preliminary survey, and coming down to the times of the Settlement which followed the conquest in 1843, it will be enough to notice, in this place, that it was the policy of Sir Charles Napier to discourage claims of overlords, and deal with the cultivating occupants of land direct. In very many cases the old overlord families had already decayed and sunk to the rank of petty landholders, whose subdivided estates had gone down to the size, and assumed the form, of cultivating occupancy-holdings.

§ 2. *Summary of Forms of Tenure.*

Regarding then the land-tenures in their *actual condition*, we have to study:

[1] Just as in the South Panjáb. Cf. vol. ii. p. 657, seq. As the different clans conquered and established their rule over different sections of the country, the chiefs and members of the family took the 'zamíndárí' right over the villages or exacted a haq-zamíndárí, or overlord's fee or rent, and claimed more or less extensive rights over the waste. These rights are now only in partial survival.

(1) A somewhat decaying system of (Zamíndár) overlords, with tolerably definite claims to certain dues from the landholders, and certain indefinite claims over unoccupied or waste lands in their 'estates,' and consequent claims on occupants who settled on that waste;

(2) under these overlords we have groups of individual landholdings, on the 'survey tenure'; we can hardly call these groups *villages*.

Whatever their social organization or constitution may once have been, it has now decayed. What we may, for convenience, call 'villages' are mere groups of unconnected individual soil-tillers, but with reminiscences of a more organized or corporate system, doubtless originating in tribal conquests and territorial allotments, the land having been divided out among the families either for direct occupation or in overlordship over earlier settlers. Even the village headship, as before stated, is little more than a name; and an Act was passed in 1881 with a view to supply the want, by gradually reconstructing a staff of village accountants ('tappádár'), police pátels, and watchmen[1], &c., when a revenue Settlement gave the opportunity.

(3) We have a number of petty zamíndárs, now sunk to occupying their own lands, and so to be hardly, if at all, different from ordinary occupants on the 'survey-tenure';

(4) we have certain tenures (as usual) arising out of the grant, by the State, of revenue privileges.

Section II.—Early History.

A brief outline of the history of Sindh will be necessary, because each succeeding power has left some marks which survive to this day.

At first, tradition informs us, Sindh was occupied by tribes of the Jat and Rájput clans who are found all over

[1] The 'pagí' (or paggí) is not only the watchman, but the tracker who follows (sometimes with extraordinary skill) the traces of stolen cattle and the thieves.

Northern India down to Bíkanír and Rájpútaná. These original tribes were conquered by Arabs of the Caliphate, under Muhammad Qásim Sákifí (A.D. 713). The Khálifs' rule, however, was not destined to last. In fact, it survived scarcely more than a century and a half, growing weaker and weaker till it practically, but not altogether in name, ceased in 871 A.D. Once more local kingdoms, reared out of aspiring tribal chiefships, established themselves at Multán and Mansúra; the latter including most of the country now called SINDH. When Mahmúd of Ghazní invaded India, there was still a Supreme Governor, nominally representing the Khálifa. About the middle of the fourteenth century, the Ghazní power was overthrown by the Samá (or Shammá) tribe, who were originally Yádava Rájputs, but at an early date adopted the Muslim faith. They came from Kachch (Cutch). After the reign of fifteen kings of this line, the Samá dynasty was supplanted by the Arghún dynasty from Kandahar (Qandahár). In the end, the province was united under the Mughal rule, A.D. 1592. But various native families rose to pre-eminence as local chiefs, such as the Daúdputrá and the Kalhorá. The Mughal rule was, in turn, broken by the Afgháns under Nádir Sháh; after him Ahmad Sháh Dúrání obtained the rule, and the local princes became tributaries.

In 1783 the (Bílúchí) Tálpur family rose to power as 'Amírs[1],' and split up the country into portions, each held by a member of these families. These were 'the Amírs of Sindh,' from whom the country was conquered in 1843 under Sir Charles Napier.

§ 1. *Modern Territorial Division.*

Sindh is now formed into three large Collectorates[2], called Karáchi, Shikárpur, and Haidarábád; and two Political

[1] The Tálpurs are specially noted as having granted jágírs to chiefs of their nation (Bilúchí), and as having formally established zamíndáris. Under the Amírs, the administrative divisions of the country were called parganas, and they were subdivided into 'tappas,' which were governed by Kárdárs. —*Gazetteer*, p. 46.

[2] It will be observed that though Sindh is 'non-regulation,' the district officers (with the exception of two whose position is peculiar) are called 'Collectors,' not Deputy Commissioners as elsewhere.

Districts—(1) the 'Upper Sindh Frontier District,' under a Political Superintendent, who is magistrate of the district, and in command of a military force; it includes the tálukás of Jacobábád, Mírpur, and Kashmor; (2) a similar district, 'Thar and Párkar,' a tract of over 12,439 square miles, also under a Political Superintendent; it consists of the tálukás Khiprá, Umrkot, Mittí, Diplá, and Nagar-Párkar. Part of it is desert.

In the Collectorates (which are more like 'divisions') each of the sub-collectorates or sub-divisions is as large as a district in other provinces—

Haidarábád	Naushahro—(3067 square miles). Hálá. Tándo (Tándo-Muhammad Khán). Haidarábád.
Kurrachee (Karáńchí)	Sehwán. Jhírak (Jerruck). Sháhbandar. Kohistán—(a large tract of 4058 square miles). Kurrachee.
Shikárpur	Rohrí. Shikárpur and Sakkar. Lárkána. Mehar.

SECTION III.—THE LAND-TENURES.

(A) Zamíndárí and Occupant-Tenures.

§ 1. *In Early Times.—Overlord Claims.*

I have stated that before the invasion of Sindh by the Arabs under Muhammad Qásim Sákifí in A.D. 713, the country was occupied and ruled by tribes of Hindus or Hinduized clans, calling themselves Játs. They had their capital at Aror (or Alor) on the Indus: and it is said that the dominion extended as far south as Surát (in Bombay), including the Káthiáwár country.

Other 'Hindu' (Ját and Rájput) tribes appear to have immigrated about this time also.

A remembrance of this period is still retained in the Rohrí subdivision of the great Shikárpur Collectorate, where the Upper Sindh Zamíndárs claim to be representatives of

the original tribal chiefs[1]. This reminiscence is interesting, as probably representing what was originally the general state of things. Among Ját and Rájput settlers, we constantly find the conquering chiefs, each ruling a certain allotted area of country, being often (but not always) in a sort of feudal subordination to some greater Rájá of the tribe, or in later times paying tribute for retaining their position under a conqueror.

The different Muhammadan rulers of after-days, seeing such an organization already existing in the country, made use of the chiefs as 'Zamíndárs,' and thus the institution grew into its later form. We have several times seen this fact illustrated, as e.g. in the history of Bengal and Oudh.

Rohrí, it seems, was originally the seat of three tribal settlements,—(1) Daharkí, the seat of the Dahars (the *Gazetteer* calls them 'Dhars,' and says they came from the country beyond Delhi), occupying the Ubauro táluká, and the north part of Mírpur; (2) Maharkí, the settlement of the Mahars, another immigrant tribe, in Mírpur, and in the Ghotkí táluká; (3) Dhárejkí, the land of the Dhárejas (part of Ghotkí, Saiadpur, and Rohrí).

At first these tribes fell away before the Arab invasion, but were converted to Islam and regained their possessions. The chiefs were known by the title 'Jám.' The Arabs, however, bestowed on the head chief the title of 'Arbáb,' and the Mughal sovereigns subsequently gave the title of 'Khán.' Dr. Pollen informs me that the land was originally allotted among the tribesmen, and, no doubt, on a plan similar to that observed on the North-West frontier of the Panjáb—groups of holdings forming the separate allotments of families of one clan; and there are traces of the common custom of periodical re-distribution of holdings.

The chief's authority was supreme in his clan; and he managed the collection of the revenue or grain-share which the conquering rulers of Sindh exacted.

[1] I am indebted for this and much other information about Sindh, to the kindness of Mr. J. Pollen, LL.D., of the Bombay Civil Service, who was for a long time employed in Sindh.

But the chief or 'Zamíndár,' as we may now call him, had his own personal due (as chief) from his clansmen, and that was called the 'lápo,' or 'both hands-full,' of the grain[1]; it varied from $\frac{1}{40}$th to $\frac{1}{16}$th of the gross produce.

This, and indeed all subsequent arrangements, point, not so much to any personal right to the soil, in the European sense of 'proprietorship,' but to an idea of authority and right to service over persons, which involved the payment of a produce offering; this being the only form of payment possible in a country where cattle (as a source of wealth) are not known, and where in early days money would be extremely scarce.

The growth of the Zamíndár's right was exactly what it was elsewhere. In after-days, as the exactions of the ruling power became greater, the Zamíndár was obliged to increase his demands on the people by means of cesses; and thus the original limits of the chief's right were overstepped. Thus, we hear of 'dih- or ráj-kharch,' an exaction supposed to be required to cover the expenses of the village, 'tobro,' a cess for feeding the chief's horse (tobra = a nose-bag), and 'málikána,' or 'owner's fee'; this probably being a due paid on the private or personal lands held by the chief, or on lands claimed as such. We can observe also the usual transformation, however gradual, from a local overlordship to an actual landlord claim.

§ 2. *Tenancies.*

As soon as the Zamíndár's authority was developed, it was natural that certain privileged under-tenures should arise; while at the same time the claims of the family groups settled under the Zamíndár-chief would grow indistinct. Wherever the extension of cultivation was possible, the chief would ignore the fact that the waste was (theoretically) within the limits of a given village. Cultivation is only possible, in Sindh, within reach of the river, i. e.

[1] 'Lapo' means 'a piece, or *one*-hand-full'; 'lápo,' 'what fills both hands': it is suggested that 'lápo' may be an old plural or rather dual form of 'lapo.'

where either a canal can be taken, or the sub-soil is moist enough to enable a well to be sunk to a reasonable depth. And the chief would naturally use every means to increase his 'lápo' by inducing settlers to extend cultivation without regard to boundaries. In all such places, the chief was regarded by the new-comer as the 'landlord'; at the same time, the cultivator was a privileged person because of his services. For example, those who would undertake to clear the scrub (locally 'búrapati') would be excused from the 'batái,' or grain-dues for the State, and only pay 'lápo' in acknowledgment of the chief's authority. Inside originally cultivated areas also, clansmen would be encouraged to sink wells. In this way the class of privileged tenants, known in Upper Sindh as 'maurúsíhári,' who have a permanent interest in their improved holdings, grew up. We hear also of tenants now called 'second class háris'—also privileged, because they cultivated and improved the Zamíndár's own personal estate or holding.

§ 3. *Bilúchí (Canal) Zamíndárís.*

In later times the Kalhorá chiefs and the 'Mírs' introduced large bodies of Bilúch settlers to dig canals, as these canals would improve the whole estate. The pre-existing Zamíndárs were induced to give up strips of land called 'tak,' which were the sites of the new canals: these became separate 'zamíndárís' within the older ones as it were. The chiefs of the Bilúch settlers became Zamíndárs of these 'taks'; they allotted them in the usual fashion to subordinate settlers, the canal-diggers, and proceeded to take 'lápo' from them.

So firmly implanted was this idea of groups of tribesmen under a Zamíndár chief[1], that it came to be understood that all land was theoretically under *some* Zamíndár;

[1] The reader will find in the notice of Multán tenures (Panjáb) much that will help to illustrate Sindh tenures. There we find cases of settlers voluntarily (by a sort of pretended sale) putting themselves under the protection of a 'zamíndár' and paying him a certain due called 'háth-rakhái,' or protection fee. See vol. ii. p. 657.

and where there was actually no such person, the Government was supposed to be 'Zamíndár,' and to take the 'lápo.'

§ 4. *Later History of the Zamíndárs.*

The rulers of the country always adopted this system, and made the Zamíndárs responsible for the State share in the produce, which, as we shall presently see, was paid in kind—while the managers were allowed, undisturbed, to get their own 'lápo,' málikána, and other dues. In a few cases favoured Zamíndárs were allowed to make their payments to the State in cash, or 'mahsúlí,' as it was called. In that case the 'batái,' or grain-share of the State, was taken as usual by the chief, only he did not account to the State officers for it; all he had to pay was his 'mahsúl' or 'peshkash.'

In course of time, however, the Zamíndárís became much divided by the custom of inheritance (for on the death of the chief, his sons divided the estate), and so the 'lápo' came to be divided among many sharers[1]; but there usually remained one (of the elder branch or otherwise) who was *the* Zamíndár *par excellence*; and he managed to secure his own dues.

In this way it has happened that many estates have been broken up, and the divided families hold single villages, or even less; such petty Zamíndárs become the immediate holders and cultivators of the land, with or without the help of tenants.

It is stated that at the present time, while there are still some great overlord Zamíndárs holding their own private lands in direct tenure, and other villages as overlords, the majority are petty landholders: one half the entire number do not hold more than ten acres, and not more than one-sixth of the estates exceed thirty acres.

The original tribes were nearly all converted to Islám, so that formerly the acknowledged Zamíndárs were all Muhammadans; but in later times many zamíndárí holdings have been purchased by Hindu traders and others[2].

[1] See *Gazetteer*, under 'Naushahro,' p. 622. [2] *Ad. Report*, p. 40.

§ 5. *Zamíndárí Claims; how dealt with at Settlement.*

In this decayed and altered condition, it is hardly surprising that under a 'raiyatwárí' system of Settlement, a uniform, or completely satisfactory, method of dealing with such lands as were still 'Zamíndárí,' should not at once have been devised. Not that a raiyatwárí system is, *per se*, incapable of admitting the necessary modification; but in Sindh it was Sir Charles Napier's policy to discourage claims of Zamíndárs, and deal directly with the occupants of land; so that at first any adaptation of the system to the facts was not much thought of.

The limits of the various Zamíndárís were well-known and jealously watched by rival chiefs. But little or no notice was taken of these limits on the introduction of the Revenue Survey, because so much of each individual estate was waste. In theory a raiyatwárí Settlement is averse to recognizing large areas of waste as 'occupied,' because every 'occupied number' ought to pay revenue, and it is difficult to make waste areas pay.

At our first Settlement in Upper Sindh, accordingly, the waste area was surveyed into large blocks[1]. Where the Zamíndárí right appeared clear, the Settlement of the whole was offered; but the Zamíndár could not afford to pay assessment on the whole, and the offer was uniformly declined. The land was then entered in the Survey Records as Government waste. In 1875 the Zamíndárs were offered leases of tracts including a certain portion of the waste, on a general reduction of assessment (about 30 per cent.), but even this did not prove sufficiently attractive. They

[1] In Sindh the area of land 'occupied' is much larger than the area actually under crops at any one time; for frequent fallows and changes are necessary, even where there is irrigation of some kind. Hence, in every estate, the uncultivated part at any given time is largely in excess of the cultivated.

On canals, the water is sometimes available by flow, and sometimes by raising with a 'Persian wheel.' The term 'charkhá'—the area irrigable by one wheel—denotes a common land measure, and 'harlo' is half a charkha (*Gazetteer*, p. 617). Cultivation by rainfall is only possible in a narrow strip under the hills of the western frontier, where also the ravines on the hillsides carry down with the rain water, a fertilizing mud utilized in cultivation. (Cf. the Dáman of the Deraját in the Panjáb.)

preferred to pay on what is called the 'new system,' which will be described presently [1].

Where an hereditary tenant was in possession, he was treated as the revenue-paying occupant, and he was left to adjust the payment of 'lápo' to his Zamíndár as a matter of civil right between themselves[2]. Where this was done a difficult question might arise; for the occupant might fall into arrears and his holding be sold. It would then be a question whether the purchaser who took the occupancy should pay 'lápo' to the Zamíndár, as his predecessor did? The question has not yet been settled, but a special inquiry has been made, and the orders of the Bombay Government are awaited (1888).

Of course, when an occupant takes up waste claimed by a Zamíndár, but not allowed to be his at Settlement, the occupant will resist any payment of 'lápo' with good reason.

§ 6. *Résumé of Tenures (Revenue-paying).*

The number of large Zamíndáris remaining as overlordships is, as I have said, now limited. What with the subdivision of families, lapses, indebtedness—with its consequent mortgage or sale, a large quantity of land has come to be held direct on the survey tenure; and in modern days, the revenue paying (or in Bombay official language, 'Government') lands appear in the following classes:—

(1) Larger Zamíndáris, the landlord being superior Settlement-holder, with some privileged, and other ordinary, tenants under him.

(2) Smaller Zamíndárs working their own land direct, and therefore being themselves the 'registered occupants,' on the ordinary survey-tenure.

(3) Registered occupants, not being of the Zamíndár class; some of them may be holders of land where there never has been a Zamíndár, or

[1] See Stack's *Memorandum on Current Settlements*, 1880, p. 523.

[2] In some cases the 'Maurúsihárí,' finding himself the direct Settlement-holder, tried to refuse 'lápo,' but the Civil Courts, I am told, generally upheld the claim of the zamíndár.

where the right has died out, or has been overruled, or not recognized at Settlement. Some of them, again, may be persons[1] acknowledging their obligation to pay 'málikána' or 'lápo' to some overlord, but who, under the circumstances, or under orders passed pursuant to the policy of the Settlement, have been themselves recorded as the registered occupants.

(4) There are *tenants*, not recorded as inferior occupants, holding under the Zamíndár (who is the only recorded) occupant.

(B) Revenue-free Tenures.

§ 7. *Jágírs.*

As might be expected where the history of the country is one of a long series of successive conquering governments, and the rise and fall of local chieftains, mostly Muhammadan, the jágír tenure figures prominently. Whenever there was any general rule over Sindh or part of it, the ruler (or Amír in later times) would make over the remoter and less-easily held districts to military chiefs who were permitted to realize the revenues, on condition of keeping order and supporting a body of troops for State service when required. Grants of this kind, when long established, were recognized and maintained (under suitable conditions) under British rule.

In Bombay revenue language, as we have seen, such estates are called 'alienated,' as opposed to 'Government' lands, which pay revenue. It did not follow in the least that the jágír-grant originally gave any defined right in the soil, but, inasmuch as in many cases a large portion of the area was waste, and the jágírdár a man of power and substance, he would not only naturally slide into the position

[1] The maurusi-hári of Rohrí pays only his fixed and unenhanceable quit-rent (from 6 to 12 annas per acre) payable usually in kind or grain crops, and in cash or vegetables, or garden crops. Other 'tenants' under zamíndárs pay both the revenue and the zamíndárí dues, whatever they may be, by custom.

of owner of what was uncultivated, and afterwards colonized or reclaimed by his exertions, but also get into his hands much old cultivated land too.

The *Gazetteer* mentions[1] that Sir Charles Napier issued a proclamation to all jágírdárs, promising that if they came in and tendered allegiance, their estates would be confirmed to them. Nearly *two thousand* grantees presented themselves accordingly.

The jágírs are now classified according to the antiquity of their origin.

Those *prior to* the accession of the Tálpur dynasty in 1783 A.D. are called 'first-class,' and are permanent heritable estates.

Those granted in the first years of the Tálpur dynasty are called 'second-class,' and those of the concluding years are in the third and fourth classes.

Speaking generally, those of the second class would lapse on the death of the holder, unless a succession-fee or nazaráná were accepted to continue it.

The third and fourth classes will eventually lapse on the termination of the life or lives for which they were recognized.

For practical purposes, as regards the extent of the estate, the following jágírs are recognized as 'first-class': (1) those which are absolute, as above described; (2) the jágírdárs of four families connected with the Tálpur ruling race; and (3) those of certain 'selected sardárs' (or chiefs).

The first class were allowed the whole estate (waste and cultivated) as it existed in 1843. The Tálpur families' jágírs were subject to giving up about a third of the area as unoccupied waste. The holder was offered the option of surrendering the third at once, and getting *the rest* as a permanent heritable estate, or of retaining the *whole area* for life only. If he accepted[2] the latter, his immediate heir might secure the succession by surrendering the third; or

[1] p. 49.

[2] The 'four great Tálpur families' possessed 19,35,908 *bighás* at conquest, and were confirmed in their title to 9,73,949. 'Selected' sardárs held 6,58,562 bighás and 1,06,875 were secured to them.

he could take the whole, subject to payment of a 'chauth,' or fourth of the revenue on the entire estate. But the heir after him could only get a number of bíghás mentioned in the sanad, as permanently re-granted; and, measurement being made, all the surplus would have to be surrendered.

In the case of the selected 'sardárs,' various terms were made according to rank and position; but no larger permanent jágír was granted than 5000 bíghás.

The succession to jágírs is only[1] to lineal heirs male.

They are subject to 'local cess' of 5 per cent. on the assessable value of the jágír.

§ 8. *Hakábo.*

Jágírs are also liable to a rate for clearing and maintaining the canals that water the estate, the work being done by the Irrigation officers. This rate was levied when Colonel Jacob, the Commissioner, in September 1856, abolished the forced (and unpaid) labour in Sindh, by which canals had hitherto been kept in order. The rate taken was three annas per bíghá or six annas per acre[2].

The rate is called 'haq-ábo' ('water-right') commonly written as one word—hakábo.

It must be remembered that in Sindh canal-water is not only an advantage, but a necessity. In other provinces land may have a certain value as unirrigated. When a canal is dug, the land itself acquires a higher market value by reason of its being able to get water: hence, apart from the question of paying the price of the water, the estate itself pays a higher assessment ('water-advantage-rate,' or 'owner's rate,' of Canal Acts). But in Sindh, without the irrigation, the land would have no value; hence this principle does not apply: in fact, whatever land-revenue is assessed is so on the basis that the land has the advantage

[1] See also Government of India, Revenue and Agricultural Department, *Proceedings*, May 1883 (Nos. 46-48).

[2] The rates have now been fixed by Government Resolution, No. 142 A.I.—624, dated 22nd November, 1882—

	Maximum.	Minimum.	
Rice land	10 annas	7 annas	per acre.
Other land	8 annas	5 „	

of being irrigated. As therefore the jágírdár is the assignee of the Government revenue assessed on such an understanding, it has been ruled that he is not liable to be assessed to water-rate over and above the 'hakábo.'

The hakábo is, in fact, a commutation rate paid because the Government repairs, clears, and maintains, the canals, whereas in old days the jágírdár was bound to do the work at his own cost [1].

§ 9. *Minor Revenue-Free Grants.*

For the other grants of this class, I extract from the *Administration Report* of 1882–83 :—

'A distinct class of permanent alienations is found in the neighbourhood of Shikárpur, namely, what are termed "pattadárí" grants. These are said to have been originally grants under leases (patta) at a reduced assessment made by the Afghán Government to Pathán settlers in North Sindh. However this may be, they have since acquired the form of assignments of a fixed proportion of revenue on certain lands ; and as such, they have been recognized and confirmed by our Government. The revenue alienated under this head amounts to a few thousand rupees only.

'The khairát, or charitable grants, involve alienation of revenue of about R. 12,000. These also are permanent alienations, having been so recognized by the British "on the ground of length of enjoyment."

'*Frontier Grants.*—Besides these ordinary alienations there are large tracts of land in the Upper Sindh Frontier District granted rent-free to Bilúch chiefs and their tribesmen. Some of these grants are in perpetuity, others for life ; but all have been made subject to good behaviour and loyalty, also to the payment of hakábo or any other local cess legally imposed on them. The area thus granted amounts to 24,800 acres in round figures.

'*Garden Grants.*—Under both Afghán and Bilúch rule in Sindh much liberality was shown in the remission of revenue on land brought under "garden" cultivation. Garden grants

[1] This is as regards existing irrigation. If the Government makes new canals or new branches, it will, of course, be able to make any terms it pleases regarding them.

are found scattered all over the province and are not confined to any particular parts of the province. They are divided into two classes—

(1) wholly rent-free,
(2) paying reduced assessment.

'Subject to certain stipulations, these lands are transferable, and, being valuable property, are frequently sold and mortgaged. The extent of land thus alienated is 2500 acres.

'*Huri Grants.*—Owing to the treeless character of the country throughout the greater part of Sindh, Mr. Frere, Commissioner in 1858, in exercise of the authority then vested in the Commissioner, sanctioned the grant of lands free of revenue for the purpose of growing trees. This concession, which has since been continued, is not really of the nature of a land alienation. Only the revenue due on the lands is foregone so long as they are used for the purpose for which they are granted. If any land so granted is cultivated with crops, full assessment is levied at once. These grants are transferable, the transferee being bound down to the conditions of the grant. The area thus granted is about 2500 acres.

'*Seri or Village Service Grants.*—This grant is generally made for the promotion of cultivation and rendering service in the prevention and detection of crime, in the collection of Government demands, &c. These grants are for one life only, and will be gradually absorbed and utilized in the village service system which is now being organized under the Sindh Village Officers Act. The area granted is 2000 acres.'

SECTION IV.—THE SETTLEMENT.

§ 1. *General Description.*

I may first quote a general description of the history of the land-revenue Settlement as follows[1]:—

'Upon the introduction of civil administration, in 1847, a seven years' Settlement was made by measurement of crops

[1] Selections from Records of Government, No. xviii, pp. 8, 9,—papers relating to Revenue Survey in Sindh, 1875, p. 43. At the present time two tálukás of an exceptionally desert character remain unsettled in the Kurrachee Collectorate, and seven tálukás in the country called Thar and Párkar, chiefly the desert ones; also one táluká of the Sindh Frontier District. All the other tálukás have come under Settlement.

and commutation of the Government share at assumed prices, on *raiyatí* lands, and by leasing out the *zamindárí* estates at lump-rents. Prices subsequently fell, the assessments proved heavy, and the Settlement expired in 1853–54 amidst general demands for reversion to the old Native system of dividing the crop and taking revenue in kind. At the same time, the revenue records were exceedingly imperfect. There were no village maps, nor even any táluká lists of villages; boundaries were undefined, and land-registers were unknown, all existing information being exhibited under the name of the person by whom, not of the place for which, revenue was to be paid. It was therefore determined to institute a "rough survey and Settlement," as a preliminary to a complete revenue-survey and Settlement at some future time. Settlement Officers were to demarcate village-boundaries for the Topographical Survey then at work in Sindh, and were then to measure the fields, fill in the village-maps, classify the soils, and make the Settlement.

'This "rough survey and Settlement" went on till 1862. By that time about one-third of the province had been surveyed for Settlement purposes, at a cost of 8½ lakhs; but no Settlements had been made, the Settlement Officers having been fully occupied in demarcating boundaries for the Topographical Survey, and afterwards making their own interior survey of the villages. In the absence of precise rules, the system followed had more or less modelled itself upon the Dakhan revenue survey, and the assimilation was now made complete by the deputation, in 1862, of a Bombay Settlement Officer to draw up a scheme of classification [of soils] and Settlement. The rules then framed still form the basis of Settlement operations in Sindh, though in practice they have been subjected to great and material modification as regards details, so that the present form of Settlement differs largely from that adopted about 1864–65, the failure of which became more and more evident eight or ten years later. The organization of the department was completed by 1864–65, and regular survey and Settlement work has been going on ever since. At first there were two Superintendents, one upon the right bank, and the other on the left bank, of the Indus; but a single officer has had charge of the department since 1874.'

I have mentioned already that, except in a limited tract

below the hills on the frontier, cultivation is dependent on irrigation.

The soil is everywhere alluvial, of such uniformly great depth that the Dakhan plan of counting the cubits of depth need not be resorted to. The chief variety in the soil is the greater or less admixture of *sand*.

'The classification rules of 1862 divided this soil into four orders, differing from each other by their proportion of sand, and these again are liable to be degraded by 'faults,' viz. the presence of salt, a sandy substratum, or an uneven surface. The second stage of the classification process relates to the nature and quality of the water-supply. The greater part of Sindh is watered by canals filled by the rising of the Indus. They are constructed so as to receive water during the inundation season, and most of them lose their supply when the river falls to low-water mark. Some of them are under the Irrigation Department; others are managed by the zamíndárs. In the latter case, the zamíndárs are bound to do the annual cleaning out and repairs, and the expenses are recovered by a special cess if the Government has to step in and take the duty out of their hands. Irrigation from these canals is either by flow or by lift, that is, by the Persian wheel. Besides the canal-water area, a considerable extent of country, especially in the Shikárpur district, is rendered capable of cultivation by natural flooding. These floods are quite beyond control and often do more harm than good; but where they are tolerably certain, as is the case with the Manchar lake in the Kurrachee district, they are very favourable to the growth of rabi' or spring crops, especially wheat, on the land which has been temporarily submerged. Thus, in making the Settlement, water-supply has to be classed under one of three heads, viz. flow (*mok*), lift (*charkhi*), or flood (*sailábi*), and then further classified according to the sufficiency and constancy of the flow, the expense incurred in bringing the water by lift to the field, and the certainty and duration of the flooding.'

§ 2. *The different Settlements—First or Original Settlement.*

This general account requires to be supplemented by some further information, especially regarding the changes in the Settlement system.

It must be remarked that there are two circumstances, one natural, and the other arising from the land-tenures, which have made it difficult to adopt the Bombay system in its original form.

As regards the first, the soil is such that land cannot be properly cultivated year after year without fallow. This is said to be due partly to the absence of rainfall, partly to the abundance of waste, which renders it easy to adopt a kind of shifting cultivation. In the first, or 'original,' Settlement, the land was divided into rather large survey numbers; it was estimated what portion of the number could be cultivated annually, and the whole number was assessed on that basis only. This was what is known as the 'diffused rate' system. But the cultivators took an unintended advantage of it; they ploughed up the whole land in one year in a hasty and imperfect manner, and then, as the soil was exhausted, 'relinquished' the entire number and took up new land. The 'original' Settlement was also marked by the difficulty already indicated, about Zamíndárs' waste. It was at first proposed to include all waste that fairly belonged to the zamíndárí in the survey; but then the Zamíndárs as registered occupants would be liable to pay the whole assessment; and this they were unable to do. In 1875 a proposal for leases on a reduced lump-assessment was made, but this was apparently still too high, for no one availed himself of the permission. Then it was that the new system came into force, which allowed assessment to be paid only on cultivated lands, but a lien to be retained on fields that were by custom left fallow. The first, or original, Settlement was made for ten years only, and is now practically at an end[1].

§ 3. *Revision.*

The revision Settlement is based on a more minute survey, making the 'numbers' of a much smaller size. Each is regularly assessed; but the holder of land can register himself as occupant of as many numbers as are

[1] One táluká (Tándo Allayár) alone remained in 1888.

comprised in his holding, and can, under certain rules, allow some of the fields to lie fallow, retaining his lien on them (without payment) during the period allowed. If he chooses to cultivate, he pays full assessment. In 1888, eighteen tálukás had been put under revision Settlement.

§ 4. *'Irrigational Settlement' as a Transition Measure.*

Pending the introduction of the revision, the 'original' Settlement has been replaced by a kind of temporary intermediate system spoken of as the 'irrigational' Settlement, because the survey and classification of soil not being complete, attention was only paid to the different kinds of irrigation (already explained). Under these differences there is (1) greater or less security for a fair crop, and (2) greater or less cost and labour as, e.g. when the water has to be raised by lift, and by labour of men and cattle on the Persian wheel. Some twenty-five tálukás are under this transitional form of Settlement[1].

In Thar and Párkar it has been mentioned there are still seven tálukás unsettled, and there a sort of lease of a tract is granted on a cash payment, irrespective of what part is cultivated and what is not. This is known as the 'thalí' system. The cultivation takes place on the 'thal,' or low land, between the sand hills, where a little moisture collects. The area culturable varies with the rainfall. A rate is accordingly arranged which covers the average area culturable. Thus, a 'thalí' of from one to five acres pays a fixed rate of R. 1, a thalí of five to ten acres pays R. 2, and so on.

In one part, a system of payment on ploughs ('autbandí') is adopted as suitable to the sparse and almost casual cultivation, the area of which cannot be known or demarcated (Nagar-Párkar Táluká).

§ 5. *Alluvion and Diluvion.*

As might be expected, the changes in the river Indus make rules under this head, of importance[2]. Land sepa-

[1] It will be observed, that here Settlements are always by tálukás; in fact these large thinly-populated Collectorates were ill-adapted to any other territorial division of Settlement.

[2] See *Handbook*, Chap. viii. p. 181 (3rd edition).

rated from the main waters of the river or seashore, by a channel that contains water throughout its length the whole year through, is an island, and belongs to Government. The occupancy is sold annually. And newly thrown-up islands are dealt with in the same way. Land not separated by such a channel as that mentioned, is held to belong to the estate on the mainland, and subject to assessment under rules stated.

The alteration of the course of the stream which leaves a portion of the estate recognizable, but in a different position, does not alter the tenure.

As to small additions and losses to riverain holdings, the rule of one-tenth, already alluded to (p. 314), is followed, with the qualification that the assets of the *entire holding* are considered, and reduction is granted only if it appears that a loss of one tenth or more, on the whole, has occurred.

§ 6. *Form of Assessment—The Native Method.*

Under the Tálpur rulers, a complicated system of 'batái,' or sharing of grain, was the universal method of taking a land-revenue. The Zamíndár was responsible for the collection. In some cases, as a favour, he was allowed to take the batái himself and pay to the State Treasury a fixed sum in money. Cash rates (here called 'mahsúlí'—the zabtí of other parts) were also taken on certain crops, as cotton, indigo, sugarcane, or vegetables, which do not easily admit of division in kind. And in some places the division of crop was regulated (as in all Native States) by an estimate without measurement (the kankút of the Panjáb) called 'dánabandi,' or 'nazarandáz.' 'Khásgí,' meaning a contract for a specific amount of grain, was spoken of in certain parts of the country.

The batái was the commonest method, and was easily supervised. The country was divided into parganas and then into tappas, or circles. Each tappa was looked after by a 'kárdár.' And over the pargana was a 'sazáwalkár.'

The village had a 'dharwái,' or weighman, and a 'tappadár,' a sort of patwárí, whose duty it was to put a seal or

mark (tappa) on the grain-heaps when cleaned in the 'khára,' or threshing-floor, which was the scene of the 'batái'[1].

§ 7. *Modern Assessment.*

The principle of soil classification and assessment is in no way different from that of the Bombay system generally.

Soil classification disregards depth, for that is not of importance in an alluvial valley, as it is in the Dakhan. The degree of admixture of sand is the prominent feature, and then the means of irrigation are all important. Land is classified according as it is 'inundated' by the river ('sailáb') or is watered by canal. If there is a flow owing to the levels being favourable, the water is led on to the land by channels only, and this is called 'mok': if a lift is required, the canal being below the level of the fields, the

[1] There is a good account of the Tálpur administration at p. 46 of the *Gazetteer*. Under the head of 'Naushahro' also, a curious report by Lieutenant Jameson is summarized, which gives a vivid and detailed picture of the batái process in the villages. Here we see the Government divider (bataidár), with the obsequious dharwái, ever ready to make the measuring scales show just what is wanted, and the 'kárdár' and the 'tappadár' all assembled. The Government share, say, is one in three: and the grain will have been placed in three primary heaps: but already there are 'abwáb,' or extras to be provided; so, a fourth heap, smaller than the others, is made. When the Government has taken its share, then the zamíndár's 'haq' is taken; then the cultivators'; then the carpenter's — an important person, because he makes all the wheelwork for the irrigation —and the potter, who provides the pots that raise the water; lastly come the other village servants. What remains is again divided between the Government for 'expenses' and the cultivator. All the shares are estimated by the bataidár on the basis that the original heaps contained so much, and he puts down all the different shares on his khasra, or list. Then he discovers that some grain has been concealed or kept back (which is very likely); for this he takes a further share out of the poor cultivator's lot, under the title of 'kundi' and puts it down separately on his list. The dharwái now weighs out the shares, the patwári praying for full measure, the baitáidár ordering the reverse. It generally happened, however, that the actual quantity was in excess of the bataidár's estimate; so that when the weights were separated according to the list, the excess was redivided. There are other details for which the original must be consulted. At last the Government grain being again sealed by the 'tappadár' it had to be carried to the granary ('ambarkhána') by or at the cost of the cultivators. One only wonders how any country could subsist under such a system. But doubtless the people knew how to make the thing work—and concealment of grain and so forth were largely practised. And there was this advantage, that in bad years or when the crops failed, there was no wringing out of the people revenue rates which there was no crop to meet.

land is charkhí: the lift used in Sindh is a Persian wheel ('charkhá,' and if smaller, 'charkhí'); lastly, there are fields classified as 'perennial wheel' ('dáka'), because, though the water is lifted, there is a *constant* supply;—or a supply sufficient to water the wheat that will ripen in spring.

SECTION V.—THE OFFICIAL STAFF.

It may now be stated briefly that the Revenue Code (Bombay Act V of 1879) is enforced in the 'regular' Collectorates (Haidarabad, Shikárpur, and Karáchi) and in some tálukás of the Upper Sindh Frontier district, though not in all. It is not applied to Thar and Párkar. The whole of Sindh is a Scheduled District under Act XIV of 1874.

The province is under a Commissioner directly subordinate to the Government of Bombay. Bombay Act V of 1868 enables the Governor of Bombay to delegate to him certain functions of the Local Government, chiefly under the Criminal Procedure Code, the Forest Act, and certain other laws.

The very large Collectorates are divided into Deputy Collectorates[1], under Uncovenanted Deputy Collectors, and Covenanted (and military-commissioned) Assistant Collectors (described as Head, Second, and Third Assistant Collectors).

The Deputy Collectorates are again divided into tálukás; these are under Mukhtyárkárs (Tahsíldárs of other parts) with magisterial powers: they are aided in 'tappas' (the smallest subdivision of a táluká) by tappadárs, who have only revenue duties and may be compared to the mahálkári of Bombay. There are two or more 'supervising tappadárs,' who look after the others, like the 'general duty kárkun' of Bombay.

Village officials hardly existed in former days, but the

[1] Certain Deputy Collectors assist at the Huzúr or head-quarters and are called Huzúr Deputy Collectors. The Commissioner and the Collectors have also office assistants called Daftardárs, who are graded as Deputy Collectors.

Act of 1881, already alluded to, is designed to aid in their reconstruction as Settlements progress.

§ 1. *Revenue Business and Procedure.*

There is no occasion for any separate remarks under this head. Generally the rules and orders in the Bombay Handbook (already described) prevail. Where there are special local matters, they are regulated by local standing orders or circulars.

PART III. — BERÁR.

CHAPTER I.

THE SETTLEMENT.

SECTION I.—INTRODUCTORY.

§ 1. *Origin of the Province—not subject to the ordinary Law.*

THE province of Berár was, as explained in Vol. I (p. 49), assigned to the British Government by the Nizám of Hyderabad, to pay for the support of the military force called the 'Hyderabad Contingent,' and also to repay some accumulated arrears of debt.

There have been several treaties, which from time to time provided various changes owing to the increase of the debt and other circumstances. The treaty by which the present system was formulated was signed in 1853; and this, together with some supplemental agreements up to A.D. 1860, places the Berár districts, in their present extent, under the exclusive management of the British Government. The surplus revenues, after paying the cost of administration and the maintenance of the Contingent, are repaid to the Hyderabad Treasury.

Under these special circumstances, the districts are not British territory—ceded absolutely in such a form that

British law is necessarily in force—they are technically foreign territory made over to British management in perpetuity: their administration is consequently regulated by the will of the Governor-General in Council. No Act of the general Legislature has any force, *proprio vigore*; and when orders appear 'extending' Acts, that merely means that the Governor-General adopts such Acts as expressing his wishes on any subject to which they relate [1].

§ 2. *Form of Administration.*

The administration is carried on through a Commissioner of Berár [2], who is the chief revenue and administrative authority, in subordination to the Resident at Hyderabad. Under him are Deputy-Commissioners of districts, with their Assistants and Extra Assistants, as in a 'Non-Regulation Province.'

§ 3. *No regular Revenue Code.*

For regulating matters not requiring the orders of the highest authority, or for communicating and explaining such orders, 'Book Circulars' are issued both by the Resident and the Commissioner; these are now regularly printed, and are authoritative, since they are the orders of officers delegated to issue them (as part of their official duty) by the Governor-General. The matters which in another province the Board of Revenue or Financial Commissioner would regulate, are dealt with by the Resident; and the Commissioner's Circulars deal pretty much with the same subjects that a Commissioner in any other Province has power to regulate.

[1] As a matter of fact, all the general Criminal and Civil laws, the Stamp law, Land Acquisition Act, Registration Act, and so forth, are in force, with or without certain modifications, as the case may be; but their force is derived from the executive authority above described, not from their being Acts of the Indian Legislature.

On certain subjects, as forests, there are special rules; and there are many Acts not in force. But speaking generally, in the matter of law, Berár is administered very much like an ordinary Non-Regulation Province.

[2] Formerly there were two, one for East, and one for West Berár; and owing to this division of the Eastern and Western districts, the province was often spoken of as 'the Berárs.'

Many matters, especially in Land-Revenue business, with which alone we are concerned, still remain regulated by custom or by the practice of the Courts.

Though the Settlement was made under the Bombay system, the Bombay Revenue Code has not been introduced. Its introduction was at one time proposed, but now a special Code of Revenue Rules is under preparation[1]. In view of this Code being published before long, I shall not go into details as to the old or existing rules, but rather deal with the salient local features of Settlement and Revenue practice which are not likely to be altered, though they may be defined and regulated, by the new Code.

I propose, therefore, first to notice the Berár Settlement, which, as just stated, was made on the Bombay system, with some special modifications adopted to meet local requirements. I shall next proceed to discuss the land-tenures; after which the official staff and the revenue business of the district will be described, so far as their main features are concerned.

SECTION II.—THE SURVEY-SETTLEMENT.

§ 1. *Discussion as to the form to be adopted.*

I have already presented an outline of the 'raiyatwárí' Settlement system as developed in Bombay. In the course of this, allusion was made to the fact that in some parts of the Presidency, villages once existed in which a joint-landlord class had grown up, a circumstance which gave rise to the question whether a village Settlement on the North-Western Provinces' model could not be adopted. It is, then, not altogether surprising to learn that in South Berár some of the earliest of the short Settlements (I believe they were annual), made on our first assuming management in 1853, were actually made 'mauzawár,' i.e. by assessing a lump-sum on the whole village; and a Settlement on the

[1] At the time I am writing (in 1891) an officer was on special duty to prepare the Code; but it is not in a sufficiently forward condition for me to describe it.

North-Western Provinces' system was even ordered for the whole province[1].

§ 2. *The Raiyatwárí System adopted.*

But ultimately a Settlement on the Bombay principle was decided on.

It may be mentioned, however, that in Berár, at a later period, an attempt was again made to modify the Bombay system by grafting on to it a 'record of rights' on the North-West model. As the Bombay system neither requires such a record, nor possesses the requisite machinery for making it, some confusion naturally resulted, while the record itself, as far as it went, was useless. The demand for it is another instance of the curious influence which particular systems exercise over the minds of those who are accustomed to them. Seeing the prominent place that a record of rights has under the circumstances of a North-West Province Settlement[2], it was thought that a record of rights would be a useful corrective to the Bombay system, whereas it only proved a source of considerable correspondence at the time, and has now been forgotten.

§ 3. *Survey and Assessment on the Bombay System.*

At the time of Settlement, the rules of the Bombay Joint Report, with which the reader of the preceding pages is by this time familiar, were adopted (with certain modifications), and a Code of simple rules was drawn up, which was sanctioned by the Government of India[3].

[1] *Berár Gazetteer*, 1870 (Bombay Education Society's Press), pp. 94 and 96. It would appear that the plan was to make the headmen proprietors, as in the Central Provinces, unless there were surviving proprietary bodies, or lands were held by descendants of old families who could be settled with as joint pro prietors.

In speaking of the tenures, I shall again refer to the surviving traces of a former existence of landlord families in villages.

[2] The North-Western systems, allowing a middleman proprietor between the raiyat and the State, or else dealing with joint bodies of sharers, there being (often) a variety of other co-existing rights, have to guard carefully the rights of other landholders by inquiry and record.

[3] No. 407, dated 10th December, 1866, to the Resident at Hyderabad.

The principles of survey and assessment are not described in the rules: these operations were done by Bombay officers already familiar with the work under the Presidency rules in force at the time. The differences introduced by the local rules are chiefly in the matter of certain rights and duties of the occupants, which will be mentioned in their place.

This procedure was applied to the whole of Berár except to the táluká or hill tract of the Melghát in the north (Sátpúra Range); this is a vast tract of forest inhabited only by wandering jungle tribes of Gonds and Kurkús, to whom such a system was inapplicable.

For all details as to survey, demarcation of the fields, and method of assessment, the student must recur to the preceding chapter on the Bombay system. It may here, however, be noted, that the village maps were made on a scale of five inches to the mile. The survey was complete, combining the local accuracy of the topographical survey with the detail of the revenue survey. The boundaries of districts and parganas, tálukás, and other local divisions (for villages and territories belonging to different States were sometimes intermingled) were laid down. The position of towns and villages, as well as of buildings, tanks, and local objects throughout the country, was shown. The course of rivers and streams, as well as roads, was accurately given. A village map on so large a scale as five inches can show every detail of importance. At the time of survey, too, a census of population was taken, as well as of cattle, ploughs, and carts. 'Remark books' were provided for the villages, showing all local items of information; so that what with the registers of land, and accounts showing the assessment of each field, the detail of ináms and service-payments and of the village expenses, the most complete information exists regarding the condition and resources of every village.

The Berár Settlement was sanctioned for thirty years[1].

The assessment is stated (by Settlement Rule II) to have

[1] *Gazetteer*, p. 96, and Settlement Rules, I.

included all cesses, but that means cesses levied under the old Native Government on land, and it includes the road cess. The cesses for education (1 per cent.) and the 'jáglia' or watchmen's cess, are separate, and are levied in one sum at the rate of fifteen pies per rupee.

In Berár the jágír and inám (revenue-free) villages were surveyed with the object of being assessed for statistical and other purposes. But the order for assessment was afterwards cancelled.

At the close of the thirty years a 'revision' Settlement will be made, and is now in progress in some districts.

By the Berár rules, the *revised* assessment will be fixed—

'not with reference to improvements made by the owners or occupants from private capital and resources during the currency of any Settlement, but with reference to general considerations of the value of land, whether as to soil or situation, prices of produce, or facilities of communication[1].'

I may here call attention to the fact that, some years ago, the survey statistics were reviewed and 'compiled,' so as to bring out a number of data which were not separately on record. The results of this compilation will be found in Commissioner's Book Circular No. I of 1881.

I may also mention that it is the practice in returns, &c., shortly to indicate all land paying revenue to Government as 'khálsa' land, while 'alienated' land (as in Bombay) means jágir or inám land, the revenue of which is assigned or remitted, in perpetuity, or for a term, as the case may be.

When the survey was made, not only were the occupied cultivated fields surveyed and marked, but the 'gáoṅthán' or village site was allotted, and lands were reserved for free grazing to the villages. The Madras term 'purambok' was used for numbers that were unculturable (generally) by reason of having tombs, sites of wells, &c., on them. And the Bombay plan of allowing parts of numbers to be de-

[1] Settlement Rules, No. 11. This principle closely resembles what has been described in detail for Bombay.

ducted from the culturable area, as bad bits ('pot-kharáb') was followed.

§ 4. *Nature of the Survey-Settlement as regards landed-rights.*

The assessment is on the land not on the person; each survey unit, having been classified and valued and assessed accordingly, the rightful occupant may continue to hold it (at the rate in force for the period of Settlement) as long as he pleases; or he may relinquish it if he cannot afford to pay the assessment [1].

There is no *quasi* judicial, or actually judicial, inquiry by Settlement Officers into all classes of rights as under the North-West system. Nor is it necessary; for the survey system does not deal with joint villages, or with other forms of proprietary tenure in which the customs of sharing, and the distribution of the revenue-burden have to be decided on and recorded; nor is there any artificial creation of landlord-right, or decision between ancient and modern claims, resulting in *grades* of right. Actual occupation is the test. In all cases, or on the admission that the occupant is not the khátadár but only a tenant, the proper person will be entered. But all *disputed* cases as, e. g. what the extent of the share is, or whether the occupant claiming is a co-sharer or only a tenant under the other, and so forth, are disposed of on the merits by the Civil Courts. The result of the decree will, where necessary, be noted in the registers kept by the Revenue Officers.

§ 5. *Rules regarding Trees on the Land.*

The right to growing trees was regulated by Settlement Rules I, II, X, XI. These rules distinguish between trees on lands in occupancy, and those on waste, numbers.

The following classes of occupants own *all* trees on their land, and may, of course, cut and sell them at pleasure—

[1] Under the head of Tenures I shall revert to this subject, and explain it more fully. See Settlement Rule V, and compare B. Rev. Code, section 73.

(1) Inámdárs who are in actual possession, including holders in jágír and perpetual lessees (pálampatdár).

(2) Ordinary occupants who have been in occupation for a period anterior to the age of the trees, or for a period of twenty years.

(3) Other occupants who, under Settlement Rule VI, have purchased the trees.

In the case of waste or unoccupied numbers, applicants for the land have to buy the trees on it[1]. Practically, it comes to this, that Government retains a right over the trees on *waste* land; but disembarrasses itself of the right when the lands become occupied. The whole (rather complicated) history of rights in trees will be found reviewed in detail in Commissioner's Book Circular XIX of 1881, the outcome of which was the Resident's Book Circular X of 1882.

The Commissioner's Circular shows what the native customary principle was, and what the practice has been in districts during the progress of Settlement. All the difficulty arose out of the custom that the tree *did not* follow the soil, but that one man might own the tree independently of the occupancy of the land.

Circ. X of 1882. If a man relinquishes a number, he now relinquishes its trees, wells, buildings, and all.

In waste lands (not being forests or under special rules), if a person wants to cut wood for agricultural purposes, he must get permission from the village officers. The táhsíldár must be asked for timber for repairing buildings; but if the occupant wishes to cut any large number of trees, or to cut them for sale, he must apply to the Deputy-Commissioner, who can impose 'any conditions that may appear advisable.'

Sett. Rule X.

§ 6. *Shares in Holdings.*

The Register of 'survey numbers' shows, for convenience of administration, one occupant as *the* khátadár or occupant,

[1] See Resident's Circular X of 1882, abrogating the latter part of Rule II.

to whom the Government looks as responsible primarily for the revenue. But there may be several co-sharers in the field. These can protect their rights by getting their names and fractional or other shares noted in the register. In case of default by the principal occupant, the co-sharers can save the number from sale, by themselves paying up the arrears; and the Collector can also protect the interests of the co-sharers by transferring the defaulting interest to them (compare the Bombay rule on the subject). Co-sharers in Berár, however, can, under no circumstances, claim, under the revenue law, to have their shares demarcated or separately registered. If there is a dispute, and a decree of the Civil Court is obtained, a person decided to be a co-sharer can get the share decreed separately demarcated, provided the subdivision does not go below a certain minimum[1] area which is fixed for convenience at a different standard for lands above and below ghát, i. e. upland or lowland districts. Even when a registered occupant dies, only the eldest or principal heir is entered in his place. The co-sharers cannot get their shares separately registered as independent holdings, though their interests are noted in the record under the principal holder.

Comr.'s Book, Circ. XIX of 1879.

Bombay Rev. Code, sec. 81.

Res. B. Circ. XLV of 1877.

No inconvenience whatever has been felt in practice from this rule, which prevents joint holdings breaking up into severalty. The practice is therefore different from that of Bombay, where the modern rules provide for the separate demarcation, registration, and survey of almost every separate share, however small, at Settlement time, and allows the separate demarcation of shares afterwards, provided the operation will not reduce the several plots below the recognized *minimum* size[2].

It will be understood, that 'co-sharers' mean several persons whose rights are of the same class. In speaking of 'co-sharers' we do not refer to cases when there is an occupant and a *tenant* under him on the same land.

[1] Minimum.

	Above ghát.	Below ghát.
In districts above ghát. Below ghát.	Rice . . . 2 acres.	1 acre.
Dry . . . 6 acres. 5 acres.	Garden . 1 acre.	½ acre.

[2] See p. 220, ante.

§ 7. *Rights in alienated Villages.*

As regards the right which jágírdárs and other grantees have in land, I shall mention the subject under the head of Land Tenures. Here it will be enough to say that the Settlement Rules at first prescribed the survey and assessment of alienated villages just as if the revenue was payable to Government; but this order was subsequently modified[1]. The jágírdár makes his own arrangements as to the rents payable to him by the tenantry; and it is only in case the occupants have held from a period antecedent to the grant, that they are specially protected by the rule which declares that in that case the grantee cannot take more from them than what the Government assessment would be. The grantee is allowed to dispose of waste or unoccupied land as he pleases, and we have seen that he holds the right to trees on the estate. The rule goes on to provide that if the grantee can show that his grant gives him the 'proprietary' right, or that his estate was waste and uncultivated when granted, and that he has settled and cultivated it, then he is deemed *the proprietor* in set terms; and such right continues, even though the revenue-grant should, from any cause, lapse, and the lands become liable to pay revenue to Government. Thus, in principle, every grantee is owner of exactly what his grant gives him; each case on its own merits[2]—of the land if the grant proves it, or of the revenue only if it does not.

SECTION III.—THE LAND-RECORDS.

The only general record that the system requires, besides the village-map, is a detailed register of every field with the name of the 'khátadár,' or registered occupant; and admitted co-sharers may be recorded as such[3]. I have

[1] By Notification No. 118, 4th December, 1877.

[2] See Resident's Circular XXIII of 1879.

[3] My acknowledgments are due to Mr. A. J. Dunlop (then Assistant Commissioner of Akola), who kindly showed and explained to me some Settlement Records. The papers are prescribed in Commissioner's Book Circular XLIII of 1878.

already alluded to the attempt made to add a record of subordinate (tenant) rights. For the purpose of such a record rules were made called the 'Sub-tenancy rules,' but they were a dead letter from the first[1].

Land-records may be enumerated as follows:—

(1) The original village-map for record, and lithographed copies of it for reference.

(2) Pahani-Suḍ. A statement (like the 'khasra' of the North-Western Settlements) showing a list of the fields with serial numbers (as in the map) and the name of occupant at the time of survey.

(3) 'Akárband,' a statement of the assessment of fields shown in detail under three kinds of cultivation (dry, rice, and garden), and the rate per acre.

(4) The 'wásalbáki,' a comparative statement showing (1) the *old* village numbers, names of fields, areas in bíghás and old assessment as they were under the system antecedent to the survey; and (2) the same holdings as they appear under the new survey with the numbers, area, and assessment under the existing Settlement. Thus the statement forms a kind of 'balance-sheet' (whence the name) between the previous and the present order of things.

(5) The 'phesal-patrak[2],' showing the persons who were admitted and recorded at the time of Settlement-survey as 'the occupants' of land, with area and assessment.

(6) 'Phoḍ-patrak,' showing the area (with its share of assessment) held by each cultivator when there are more than one in a survey-number; (as e.g. where two small holdings have been clubbed under one number, or there are definite shares in

[1] The only rule of the series which is practically in force is rule 10, which refers to co-sharers (not tenants), and gives a right of pre-emption to the remaining sharers in case one sharer wishes to sell.

[2] The word is 'faisla' = decision; written in Maráthí it becomes 'phesal.'

a number held by a family, but in one name under the rules).

(7) The 'inám patrak,' a list of revenue-free or 'alienated' holdings.

(8) A statement of 'numbers' reserved as village grazing grounds, or for other village 'common' purposes.

(9) A record of forest tracts and 'bábul-ban' (waste numbers covered with *acacia* trees valuable as fuel) set apart by the survey.

CHAPTER II.

THE LAND-TENURES.

SECTION I.—INTRODUCTORY.

§ 1. *Present Features of Berár.*

THE 'khálsa' villages in Berár, at the date of survey-Settlement, were, speaking generally, found to be raiyatwárí villages, i.e. aggregates of individual holdings of land, there being no difference between one class of landholder and another as regards right. The village was, as usual, managed by a headman and accountant, and had its staff of menials and artisans: but this was all that bound it together. The cherished possession by these hereditary officials, of land held in virtue of office and family right, is here common. With this form of village 'community' the reader is already familiar. Much also of what has been said in the Chapter on the Central Provinces Tenures, regarding the pátel and his 'watan,' and of the other features of village constitution, is equally applicable here.

It was, as I then remarked, a distinctive feature of the (Maráthá) administration which preceded ours, that it always believed itself to be consulting its own interest when it dealt direct with the cultivators; wherever it was firmly established, so as to be able to carry out its own theory implicitly, it allowed no agents or middlemen (except on the smallest scale for single villages) to intercept the State revenues. Consequently, neither the revenue officials nor the headmen nor any others had that opportunity for developing, as they did in the Central Provinces,

and the Konkán of Bombay, into the position of proprietors of the whole village. At the same time a system of heavy assessments, levied on every one alike, must always have a tendency to obliterate any distinctions that may have come, at some former time, into existence, such as the claims of certain persons to be members of families who were landlords, or co-sharers, and superior to the other cultivators. In Berár, as elsewhere, the question was raised whether in some if not in all villages, a co-sharing form of tenure had not once existed.

§ 2. *The kinds of Tenure to be described.*

Naturally, in considering tenures we shall first deal with the *villages*, taking the opportunity to inquire into the existence of traces of landlord-right or claims, and then offering some remarks on the survey-tenure of the present day.

But besides that we have two other classes of tenures to consider, viz. tenures arising from hereditary village and pargana offices, and tenures arising from royal or service grants.

SECTION II.—VILLAGE TENURES.

§ 1. *Traces of the Joint-village.*

When the proposal to settle Berár on a 'village-system' was made, an inquiry was undertaken as to the real nature of the villages, and whether the joint or landlord-form did or did not prevail. Opinions differed and will doubtless continue to differ as to the result elicited. But it must certainly be admitted, that the evidence obtained was faint and doubtful, and that it certainly cannot be concluded that a landlord-class existed in all, or even a majority of the villages, although a hereditary right in individual cases, was certainly acknowledged. Two points were fairly established: (1) that in some instances—of larger 'towns' which it was supposed were better able to hold their own—relics of a former division appeared. Different families held certain portions of the land, and called those sections

'khel'; (2) there were certain distinctions between original hereditary land cultivators and those of later origin.

What seems to me the chief difficulty is this; that the *terms* used might indeed have suggested the existence of landlords (especially to those who were accustomed to the North-West Provinces' form of village, and were inclined to believe it to be an universal type), but on the other hand, those terms and distinctions are also quite consistent with the supposition that we have traces of the privileges of 'original settlers' under the Dravidian system, which must certainly at one time have prevailed, as Berár was the land of the Gond tribes.

As regards the case for the existence of joint-villages, it is especially urged that when Berár was under Muhammadan rule (the Dakhan kings), their minister Malik 'Ambar settled most of Berár, and was careful to retain hereditary rights, which are spoken of in reports as 'mirási,' though the term is not now known in Berár. 'It is even alleged,' says Sir A. Lyall[1], 'that the joint ownership of the lands by a village community was first declared and acted on by him.'

The country next fell under the Imperial rule, and then (for a long time) was held partly by the Nizám of the Dakhan and partly by the Maráthás. On the defeat of the latter in 1803, the province passed once more to the Nizám, who had for some years past set up as an independent ruler. Under him it remained till 1853. If we place the overthrow of the Dakhan kingdoms at the end of the seventeenth century, a period of more than 150 years elapsed before 1853, during which, it is said, there was ample time for the levelling down of rights and the breaking up of

[1] *Gazetteer* of Berár, Chap. VIII, p. 90. It will be observed that so competent an observer as the author does not express any opinion that joint villages were ever really prevalent. He gives the various reports and opinions for what they are worth. I cannot help thinking that too much is sometimes made of Malik 'Ambar's village Settlements. It was most natural for him to have settled the lump-assessment with the hereditary pátel, or even to have divided the responsibility among the heads of the pátel family, without one being obliged to infer, in any way, that there was a settlement with a 'pattidári,' or a 'bhaiáchárá' body such as we have studied in Vol. II.

joint bodies of landlords. As regards the effect of this changeful rule, the following picture is drawn, which no doubt justifies what is said about its levelling effect:—

'. . . . The proprietor's titles granted by Malik 'Ambar cannot have long outlasted the wear and tear of the disorders which followed his death. We may suppose that where tenants [occupants] managed to keep land for any long time in any one family, they acquired a sort of property adverse to all except the Government; that when the land changed often by the diverse accidents of an unsettled age, in such cases occupancy never hardened into proprietary right. Good land would have been carefully preserved, bad land would have been often thrown up; failure of crops or the exactions of farmers would ruin many holdings; and all rights cease with continuity of possession.' . . . . 'Under the Maráthás and the Nizám, the mass of cultivators held their fields on a yearly lease which was made out for them by the pátel at the beginning of each season: the land was acknowledged to belong to the State[1], and as a general rule no absolute right to hold any particular field, except by yearly permission of the officials, was urged or allowed. . . . . From the time when Berár fell under two masters—the Nizám and the Maráthás—all durable rights, say the Berár people, were gradually broken down. When the Maráthás had established themselves solidly and incontestably, they consulted the interests of the revenue in their treatment of the rent-payers, but upon debatable lands they had no reason to be considerate. Two necessitous governments rendered hungry and unsparing by long wars, competed with each other for the land-tax; and when, in 1803, one ruler was driven out, there ensued the usual evils which follow the cessation of protracted hostilities. The country was exhausted, and population scanty. That very year came a severe famine, remembered fifty years afterwards, when we took charge of the province; and the revenue collections were made over to farmers-general, who advanced the supplies of cash that could not be at once extracted from the soil. Yearly leases and unscrupulous rack-renting came more into fashion than ever; a man who had carefully farmed and prepared his fields saw them sold to the highest bidder[2]; whole taluks and

[1] This was the later claim of all Oriental rulers, and is still advanced by the Feudatory States in India, see Vol. I. pp. 230-4.

[2] Report of 1854, North Berár.

parganas were let and sublet to speculators for sums far above the ancient standard assessment. Under these fiscal conditions the exaction of revenue must have wrung nearly all value out of property in land.'

The author goes on to explain that if any one had a hereditary claim and therefore clung to his land, he was the more heavily taxed, and at last in a bad season would break down and be obliged to surrender his independent holding.

We may readily grant that the long duration of misgovernment of this kind was in itself a sufficient cause of the disappearance of hereditary rights; but still we have to look to the circumstances to see whether the hereditary rights spoken of were those which existed under the old Gond village-system, or whether there is any good evidence of a state of things under which landlord-villages held in shares arose—as a generally prevailing institution. Now Berár was part of Gondwáná. And we have some idea how the Gond kingdoms were organized, and what the Dravidian form of village-tenure was. No landlord-class claimed an entire and joint property over the whole village; but there were certain leading families whose hereditary right was recognized. In Chutiyá Nágpur (West Bengal), where the Dravidian village constitution can be traced to this day, there were 'bhúíñhár' families (as they were then called) who held in hereditary right a certain allotment of the village lands. Other cultivators, not apparently of equal rank, were still privileged as 'khúnt-kátí,' or original aiders in the clearing and founding. Out of the old families, the leading one held the headmanship and with it the allotment of land, which is evidently the parent of the 'watan.' It was the original founders who built the 'garhí' or mud-fort, which forms the centre of the residence, and while they alone would be entitled to occupy it, all the other settlers would build round it for protection. Probably also, the headman or his family would have sunk the wells, or made the tank and the grove, and so have a special right in them. The whole system was dependent on

the allotment of the land into blocks, one for the king's revenue, one for the hereditary headman, another for the founder's families, another for the king's accountant, and another for the priest and for religious purposes[1].

The Gond kings adopted Aryan (Bráhman) counsellors and became Hindus; subordinate chiefs held estates, as we know from the survival of them in the Central Provinces. It would therefore be quite natural to find that here and there, villages (or even groups of villages) were in the possession of the multiplied descendants, of a chief or other royal grantee, having become landlords; and that the several branches of the family held sections of the estate known as 'pattí' or 'khel' (to use the Berár term). There would be, or need be, no general growth of such estates all over the country, so as to produce a large percentage of 'zamíndárí' and 'pattídárí' villages, as we see in North-West India. I only call attention to the fact that all we know of the Gond organization is quite consistent with the claims of old hereditary cultivators called 'mundkárí,' who, as we shall see, are recognized, and who may, I think, represent the founder's families, and if so, would be called 'bhúiñhár' in the country to the east of Berár.

§ 2. *Quotations from Early Reports.*

I will now proceed to offer some quotations regarding villages, taken from the early reports, as found in the *Gazetteer*. It is of the more importance to preserve them, inasmuch as the *Gazetteer* itself is out of print and the original reports inaccessible.

Mr. Bullock, describing North Berár, writes:—

'There are no large classes of proprietors, and the tenure by which land is held is very vague. . . . No doubt a proprietary right might be established in numerous instances, though it does not seem to be asserted or recognized (except in the case

[1] And in these allotments outsiders obtaining land to cultivate, would pay rents to the old families, and would apply to them for permission to make a tank, or to plant trees, or take up additional waste.

of digging wells), nor does any class claim exclusive privileges; all appear to hold their fields as "tenants-at-will" (i. e. of the Government); neither were there any village "communities" in the sense in which the term is understood in the North-Western Provinces.'

Referring to South Berár, Major Johnston wrote:—

'In these districts there are three descriptions of cultivators; *first*, the "mundkárí," or resident cultivator[1], who has acquired prescriptive rights to certain fields and orchards, which have been held for ages by the family, and descend from father to son in hereditary succession—rights of which he cannot be deprived so long as he pays the usual rent [revenue]. *Secondly*, khúshbásh[2], or persons residing in villages at will, Bráhmáns, Mussulmáns, and other castes not cultivators, who rent land entering into agreement to renew the lease annually, and bring it under cultivation, by employing other persons for that purpose, obtaining those lands which are chiefly waste, or such as have been deserted by the raiyats, at easy terms. *Thirdly*, "walandwár" or payakárí: persons living in one village who cultivate lands of another from year to year, having only a contingent interest expiring with the harvest. . . . The mundkárí and resident raiyats have the choice of land in their own villages, selecting those nearest the village, unless other fields exist whose fertility will repay them for going to a greater distance.'

The author goes on to explain that the right was alienable till 1818, when Rájá Chándá Lál prohibited sales (with a view to exacting a heavy fee for permission). Sir A. Lyall remarks that the revenue farmers cared nothing for prescriptive rights to hold at a fixed rent.

Captain Campbell, writing in 1855–56, says:—

'The village communities are indeed changed from what they originally were, but they still exist, and proprietary rights are everywhere recognized; and claims are now asserted to what few cared to claim during the later years of the Native Government, when proprietary rights were often disregarded,

[1] 'Mund' refers to the stumps and roots in the uncleared soil, so that the term implies the first clearers of land.

[2] *lit.* dwellers at ease—or dwellers by invitation at the pleasure of the village.

were far from secure, and the possession of wealth often brought loss with it. That proprietary right exists and is recognized, is shown by the right of digging, or granting permission to dig wells and planting trees. The ancestors of the "proprietors" it was who built the "garhí," or small mud-walled fort, round which the huts of the villagers cluster [forming the village site or residence]. None but "proprietors" are now allowed to reside within the walls; and the proof of ownership of a house within them is, in disputed cases, an admission of proprietary rights.'

Mr. Bushby was Resident at Haidarábád in 1853–6, and evidently was misled by North-Western tradition; for he says, 'a system similar to what obtained in the North-Western Provinces appears to have been maintained in all its integrity until the decline of the Delhi power.' For this extensive assertion he does not, however, give any real evidence, as we shall see. If anything like a widespread resemblance to the landlord village of the North-West Provinces ever existed, there must be some historic evidence of circumstances which would account for it. However, let us hear Mr. Bushby:—

'In the smaller villages, owing to the extinction of other branches of the family, there is often only one proprietor; [i. e. I suppose, only one of the old leading family], in others, and particularly in the "kasba" towns or large villages, the land has been much subdivided. There the division of "dimats" is found[1], which would appear to correspond with the *thok* of the North-West, and these again are subdivided into "khel" (or pattí). In some villages the whole land is common to the different khels, and no doubt, in former days, all the proprietors shared equally the profits and losses. In others the land has been regularly parcelled out, and the asámís [cultivating tenants] shared with it—the members of each khel sharing the profits of it, which of late years amounted to little more than the *haqs* (customary dues).'

'The Report,' adds the author of the *Gazetteer*,

'next gives in detail the history of a village in which the Maráthá rulers had for many years fixed the assessments of

[1] The dimat is the major division or 'tarf,' or supposed to be so; when in Berár in 1879-80, I was unable to find any one who knew the word or could explain it.

each internal division of the land with the several branches of the original family that had settled in this township. These headmen of each *khel* or *dimat* agreed with the Maráthá officer for the rents to be paid upon the lands claimed by each *khel*. But when the country was transferred to the Nizám his Taluqdár farmed the whole estate to a stranger, who rack-rented it for seventeen years, breaking down all the twenty-two original headmen into mere cultivators and collecting direct from each holding. At last the Taluqdár took to squeezing his farmer, probably treating him as a full sponge, and wrung him dry in one season by raising the demand from R. 17,000 to R. 25,000. The farmer collapsed, and the village was afterwards given year by year to the highest bidder. Of course, when the estate came into our hands, no actual proprietary rights existed at all.'

§ 3. *Remarks on the Quotation.*

On this extract it is to be remarked that it only professes to describe a few special cases; most of it relates indeed to one particular group, which may very well have been the centre of some lordship or even a revenue-farming grant in past days. The case cited was of one of the larger villages, or 'kasba,' at which under the old system, a hereditary (watandár) official would be located. It is extremely likely that such a person—a desmukh or desái or déspánde, for example—had founded the place, and in virtue of his power and local influence had got the best land all round into his own hands. Long after his death his sons would succeed jointly to the family official position and would divide the lands—doubtless augmenting them in various ways, till there came to be 'twenty-two headmen'—elders of the different branches.

We know, from the case of the Guzarát estates (p. 267, ante), that every member of the old families gives himself the title of the ancestor—not only the eldest: *all* are 'pátel' or 'déspánde,' or whatever it is: and their shares in the dignity and family land, would be called by names indicating shares, as 'khel' or 'pattí.' Just as we have seen in the case of the Guzarát 'girásiyá' chiefs or the jágírdárs (so called) of Ambála in the Panjáb, the family division of

any privilege or profit is called by these names. However this may be, it is quite impossible to treat the evidence offered, as sufficient to show that joint or landlord-villages were really established as a *general* institution over the older villages replacing, i. e., the still earlier form of Dravidian times (when Gondwáná was a kingdom). I do not mean to imply that a pure Dravidian population survived down to modern times. As a matter of fact the Gonds now form a limited portion of the inhabitants of Berár. The Kunbí is the most numerous landholding caste; they are almost certainly a mixed race of Dravidian and Aryan blood. There is nothing historically to show that the Kunbís represent a race of overlords by conquest, or that joint-villages were formed by them over the whole country. On the contrary, the village formation of Berár was in all probability exactly the same as that of the Central Provinces. Ancient Berár may fairly be described as a Dravidian country leavened with an Aryan or Hindu admixture, and ruled over by Hinduized princes[1].

§ 4. *Actual State of Landed-Rights.*

Whatever the truth of the past history may be, the present condition of village tenures is beyond question; and it can hardly be doubted that a secure title for every actual occupant—with a just and practical settlement of disputes, where one claimed a certain privilege over another on any given holding,—was a better gift from Government than an attempt to reconstruct a ruined edifice of hypothetical joint-villages, where the 'proprietary body' would hardly be found without the most doubtful selection; while endless trouble would have been caused in attempting to allow for the claims of those now in possession.

The new title is as simple as possible. 'Subject to certain restrictions'—some intended to guard the rights of Government, and some to check excessive subdivision,

[1] See the note on Kunbís at p. 261, ante. The Chalukyá princes who reigned in Berár up to the thirteenth century or later, were most probably of the mixed stock —not pure Aryan.

is the chief defect of a peasant proprietary,—'the
nt is [practically] absolute proprietor of his holding;
ll, let, or mortgage it or any part of it; cultivate it
e it waste so long as he pays its assessment.'

§ 5. *Effects of British Rule.*

ecure title which the Berár raiyat now enjoys, was
immediate first-fruit of British government. As in
other provinces, early revenue-management was a
, and it was not till some years had passed that
lministration settled down into order. Sir A. Lyall's
eer contains some just reflections on the fact, that
h in the end we have given Berár prosperity and
, our own early management in the adjacent districts
he Dakhan was not such as to give us a standpoint 'of
al elevation from which to lecture the Nizám.' The
is, that the conscious maladministration of Native rule,
nevertheless both elastic, and in the end resistible by
ion or revolt; while—

the unconscious maladministration of the early English
ol was rigid, and practically irresistible. Even in 1853,
en the Nizám's taluqdárs had, in North Berár, made over
us a squeezed orange, we began by attempting to collect the
raordinary rates to which the land-revenue demand had been
n up by our predecessors; whence it may be guessed that
e agriculturists did not at once discover the blessings of
ritish rule.

'On the other hand, there are some reasons why cession to
he British should have been more popular in Berár than it is
sually found at first to be. Peaceful cultivating communities,
living at a dead level of humble equality under strong tax-collectors, got none of those compensations which indemnified the
Rájput clansmen of Oudh for chronic anarchy and complete
public insecurity. Rough independence, the ups and downs of
a stirring life, a skirmish over each revenue instalment, and
faction fights for land, affording a good working title to the
survivor—all these consolations were unknown to the Berár
"Kunbí," nor would they have been to his taste had they been
within his power. He had as much land as he wanted without

quarrelling with any one; all that he desired was secure possession of the fruits of his labour and a certain State demand[1].

'The classes which lost by the assignment of Berár to British administration, were those who had hitherto made their profit out of Native administration, the taluqdárs, the farmers of any kind of revenue, and the hereditary pargana officers.'

§ 6. *The Modern Survey-Tenure.*

We have seen that in adopting a raiyatwárí system, we recognize a practical simplicity of tenure, which is not necessarily uniformity. There are the individual occupants of land, or individual holdings in the hands of several members of the family; but one holding is in no way responsible for another. These are the elements with which we deal. The system does not theorize about the nature of the right, it practically describes and secures it. It does not speak of a 'proprietary title' in set terms, but practically the occupant of land is as well secured as if it did. We have first to consider the incidents of the occupancy-tenure itself and then to describe any customs which may be worthy of notice regarding methods of cultivating by the aid of tenants, or in partnership or otherwise. It does not follow that because a man is the occupant of land, that in all cases he must cultivate it with his own hands or those of his relatives. He may employ tenants, and provide for the cultivation in other ways.

§ 7. *Occupancy-Tenure defined.*

I have already in the Chapter on Bombay (pp. 269, 272, ante) so fully given the legal view of the tenure, that I need not repeat here what has been said. Though the Revenue Code quoted in that section, is not the law of Berár, yet the

[1] *Gazetteer*, p. 97. The lightly assessed 'Kunbi' now finds his consolation in driving his handsome cart, laden with cotton, over excellent roads to the market at Amraoti (for example), where I have seen him well-clothed and prosperous—fully posted up in the market rates of Bombay, and bargaining with German and English merchants over the price of his load of cotton, while steam and hydraulic presses in the back ground were rapidly preparing the abundant produce for transport to the sea-coast.

tenure is the same in all essentials, under the Berár rules and the recognized custom.

The holder on his own account, of a field or 'survey-number,' (whether an individual or a number of co-sharers or co-occupants), is called the 'registered occupant,' or 'khátadár.' He holds on condition of paying the assessed revenue and other dues[1]: being 'in arrears' at once renders liable to forfeiture, not only the right of occupancy, but all rights connected with it, viz. those over trees and buildings.

On the other hand, no occupant is bound to hold his land more than one year if he does not like it. As long as he gives notice according to law, i.e. in due form, and at a fixed season (so that the land may be available for cultivation to a successor), he is free to 'relinquish' his holding, or any part of it, comprising an entire survey-number, or part of a survey-number, his separate occupancy of which is recognized in the revenue accounts. But he must pay up the revenue for the year. This is only reasonable in the interests of the public treasury.

A transfer of occupancy by sale or otherwise is also subject to the same condition, for it is in effect a relinquishment by the registered holder, and an assent by a new-comer to take the holding in his place; the Government is not bound by the transfer till the current year's revenue is paid up.

Though the occupant is thus at liberty to diminish his holding according to his own pleasure, he is, nevertheless, free to maintain it for ever, if he chooses. At the close of the thirty years' Settlement he must accept the revised assessment (if any alteration happens to be made), just as in any other Indian Settlement; and if he does not approve of the revised assessment he may 'relinquish' the land: that is all.

The occupant of a field or number which is appropriated to agriculture (i.e. is not a plot of building land, or site in a village or town, &c.), may do anything he pleases in the

[1] See *Settlement Rule* V. and compare B. Rev. Code, section 73.

way of improvement, and may erect farm and agricultural buildings or plant fruit-trees. But he must not apply it to any other purpose than agriculture without the permission of the Deputy Commissioner.

§ 8. *Occupancy in Dwelling Sites.*

Under the head 'occupancy,' perhaps I ought to allude to the allotment of building sites in villages. For details I must refer the student to Resident's Book Circular VII of 1885 (cancelling VII of 1878) and to Commissioner's Book Circular XXIII and XXVI of 1879 and IX of 1880. These Circulars are, however, still under reference, and final orders have not yet been issued. It will be enough to say that the occupancy-right in sites is the same as an occupancy-right in agricultural holdings when properly acquired. Villages are everywhere expanding, and there is an increased demand for dwelling sites; but the rents that can be obtained will compensate existing occupants of the neighbouring cultivated numbers for giving them up for building; and this they can themselves arrange, first obtaining the Deputy Commissioner's permission (Circular IX of 1880), for diverting the land from agricultural purposes.

Assignments of sites in villages, if any such are still available for the purpose, are regulated by the village headman, or the village Committee where there is one, under rules[1] which were provisionally issued in Resident's Book Circular IX of 1882.

§ 9. *Cultivating Tenures.*

I have remarked that the 'occupant' does not always mean the actual cultivator. The *Gazetteer* has accordingly classified the forms in which land is actually worked or enjoyed, and I cannot do better than adopt the classification, re-arranging it, however, in form, so as to make it more easily understood. It will stand thus:—

[1] Village Panchâyats or Committees are appointed to do for villages what municipalities do for towns. See *Commissioner's Bk. Cir.* XIV of 1881.

(I) Simple occupancy, where the occupant cultivates personally, or by hired labour.

(II) Simple occupancy, where he joins with one or more co-cultivators on the joint-stock principle.

(III) Where the occupant makes over the land to a cultivator on 'batái,' i. e. *métairie*, or division of the *gross* produce.

(IV) The same where the *net* produce is divided.

(V) Where the occupant leases to tenants at money-rents.

As to (II) the 'joint-stock' plan, I cannot do better than quote Sir A. Lyall:—

'Land is now very commonly held on the joint-stock principle: certain persons agree to contribute shares of cultivating expenses, and to divide the profits in proportion to those shares, the proportion being usually determined by the number of plough-cattle employed by each partner. These shareholders have co-ordinate proprietary rights in the land. If you admit a partner without stipulation as to terms, you cannot turn him out when you wish to get rid of him, although you can dissolve the partnership by division of shares.'

It is not always easy to distinguish proprietary shareholders from tenants, but the precise facts of each case will determine the question. There is, for instance, in some places a kind of tenancy called 'áṅg-bail-kí,' which means that the kẖátadár (registered occupant) provides the 'pair of bullocks' for working the land, and the tenant then finds the labour and other expenses, and the produce is shared between them in an agreed proportion.

§ 10. *Métairie.*

'The *batái* sub-tenure (métairie),' says Sir A. Lyall, 'was formerly, and is still, very common in Berár. These are the ordinary terms of the batái contract: the registered occupant of the land pays the assessment on it, but makes it over entirely to the metayer, and receives as rent half the crop after it has been cleared and made ready for market. The proportion of half is invariable, but the

metayer sometimes deducts his seed before dividing the grain [i. e. the batái may be of the *gross* or of the *net* produce]. He (the sub-tenant) finds seed, labour, oxen, and all cultivating expenses. The period of lease is usually fixed, but it depends on the state of the land. If it is bad, the period may be long; but no term of métairie holding gives any right of occupancy.'

§ 11. *Tenants as Money-rents.*

'Métairies are going out of fashion[1]. As the country gets richer, the prosperous cultivator will not agree to pay a rent of half the produce, and demands admission to partnership. Money-rents are also coming into usage slowly,—I think, because the land now occasionally falls into the hands of classes who do not cultivate, and who are thus obliged to let to others. The money-lenders can now sell up a cultivator living on his field, and give a lease for it; formerly they could hardly have found a tenant.' The larger landholders naturally employ tenants to work their land. In the northern and central districts, money wages are often paid. Further south, the tenant on a produce rent is more common.

§ 12. *Local Nomenclature.*

The local names (now current) for the tenants above described, may be given. The 'batáidár' is the tenant paying a share of the produce; 'karárdár' is a tenant on specific agreement, as the name implies; 'pot-láonidár,' a tenant paying rent in money or kind, and holding from year to year.

SECTION III.—TENURE BY OFFICE.

§1. *The Watan.*

We now pass on to consider some cases where the origin of the land-tenure is known, and is to be found in institutions more or less peculiar.

[1] *Gazetteer*, p. 98. The practice of *batái* is, however, still very common, and doubts have been expressed to me whether it is really going out of fashion as stated.

Whatever doubts there may be as to the stages by which the modern village tenure has been reached, there is one class of holdings the origin of which has remained definite and universally recognized to this day. The Maráthá system, while it cared little for differences of right in the soil, could not work without the hereditary revenue officers, the pátel[1], or headman, and pándya, or village accountant; and as these officials always held certain lands in virtue of their office, the tenure of land on this basis has commonly survived. Not only these village officials, but also the staff of artizans and menials entertained for the service of the community were often remunerated by plots of land held in practically the same way. The officials, especially, are spoken of as 'watandár.' The Arabic term 'watan' seems to have come into use in the days of the Muhammadan kings of the Dakhan. It means 'native,' or 'home,' and was adopted to signify the local, ancient, and hereditary character of the families who held the privileged lands[2]. The 'watan,' as I have already said, includes the holding of land, but is not confined to it. The hereditary watan of a village or pargana officer, is the total of his official rights and perquisites;—the 'zirá'at,' or land which he formerly held rent-free, or at a quit-rent, the official precedence or 'mánpán' on ceremonial occasions, and the right to a building site inside the village fort or mud-walled 'garhí';—with perhaps some dues and fees on marriages or other occasions.

Under our Government, the headman who actually performs the duties of office is allowed a cash salary as remuneration, and therefore his 'watan' lands are assessed[3] like any others; but still his tenure of these

[1] The Maráthí form is pátíl (Wilson), the ordinary Hindí 'pátel,' as I use it throughout. The word is often incorrectly written 'potel' or 'potail.'

[2] There is an interesting note about the *Watan*, in Grant Duff. Vol. i. pp. 33-35 and *foot-note*.

[3] In Bombay, under Maráthá government, the lands very often were not held revenue-free, but bore a 'júḍi' or quit-rent (which was, sometimes, heavier than the British survey-assessment), and the lands have continued to pay this, or less if a reduction was desirable.

The Bombay 'watan' lands are assessed with a view to making up a fixed sum (calculated usually as a percentage of the revenue of

lands is dependent on the fact that he is a member of the family which got them originally in virtue of the office.

The succession to the hereditary lands is by the ordinary law of inheritance, so that all the heirs succeed together to the 'watan,' though only one can be selected to perform the actual duties of office. In this way the 'watan' lands have got to be held jointly by a number of relations, and may be divided out among them in recognized shares [1].

Though the pátel family have to pay revenue on their lands, and though only one is selected for the duties of office, 'the family is most tenacious of the dignities and small emoluments which pertain to the 'pátelgí,' of the 'mánpán,' or precedence in various ceremonies, and the possession of a site within the old village 'garhí.' . . . The title of pátel is jealously preserved, and pedigrees are tested when a marriage is under treaty.

the locality), and the sum is paid from the Government treasury to the person who actually does the work of the office. The 'watan' lands (subject to this assessment) are held by the watandárí family at arge.

[1] I have in Vol. I. p. 181 given an extract showing how tenaciously the holders of watans cling to them; how families that might, under other systems, have developed into great jágírdárs, and become the landlords of their estates, in Berár, let go their grants, but retained the 'watan' attached to numerous offices, which they managed to concentrate in their family. Great princes like Sindhia and Holkar retain the title of 'pátel.' See Malcolm, i. 60, and especially ii. 13 (and note). In other provinces we have seen how inevitable was the tendency of revenue officials and grantees of the State to become proprietors of the land. They first begin with their own holdings, then by sale or mortgage, and even by violent ousting, acquire other lands; then by having the power of settling the waste, they become the owners of still more (since the tenants they locate to clear waste look on them as their landlords). In this way they come gradually into such a position that they are recognized as proprietors. The Maráthás were too keen financiers to let the middleman acquire such a position, and intercept so much of the revenue, and hence these officials never developed into proprietors, at least not in Berár; for in the neighbouring Central Provinces, where circumstances were different, the revenue farmer, or málguzár *did*, as we have seen, grow into a proprietor, just as the Oudh Taluqdár or the Bengal Zamíndár did, only the nature of farm was such that the estate acquired was more limited in extent. The effect of the system on this growth of the proprietary claim, is very curious to observe. As long as the Maráthás have strong hold on the country, no such growth takes place; where they are weak, and their supremacy is contested, it does so, and results in the málguzár proprietors of the Central Provinces, or the khot proprietors of the Konkán districts of Bombay.

§ 2. *Pargana Officers.*

The hereditary pargana officers of the same class, performing on a larger scale for the 'district,' what the others did for the village, are by this time familiar to the student. They were retained and much employed under the Muhammadan governments, and some of them rose to considerable importance. For besides their 'watan,' and their percentage on the revenue collection, they sometimes received grants in 'jágír,' and gave military or police service. The 'deṣmukhs' of Sindkér and Básim were local magnates of this kind. When the Delhi empire in the south began to decline, they sometimes obtained their districts in farm; the title of Zamíndár was sometimes applied to them, and had circumstances been favourable they would in time have developed, like the Oudh Taluqdár or the Bengal Zamíndár. In 1856 it was found that some of them were holding what was called 'amlí,'—apparently on a permanent and hereditary contract to pay a certain sum of revenue for their district. In Raichur (a district of the Haidarábád State) they had become landed proprietors with a right to the villages so long as they paid the fixed tribute. Similar, but *not permanent*, was the 'mahita' contract given to deṣmukhs. In Berár these contracts, and therefore the opportunities for growth into landlords, were never given, and under Maráthá rule, the services of these hereditary official families were not employed[1].

The deṣmukhs and despándyas have now no official duties: their families enjoy certain allowances which are charged on the land-revenue.

The first Resident (in 1853) was able to report that nowhere had these officers become proprietors, but were still only hereditary pargana officers. Nor was this, apparently, owing to any want of capacity for progress in the officers themselves if they had had the chance: for it was observed that, besides their money dues, they had

[1] The Maráthás appointed kamavísdárs of parganas over the heads of the hereditary local officials.

obtained large quantities of 'inám land' and that the most boundless impositions had been thus committed on the State, and the most 'extravagant pretensions' advanced by members of the families who had got lands—whole villages sometimes—into their possession.

SECTION IV.—TENURE BY GRANT.

§ 1. *The Jágír.*

These were either large grants by the governing power on terms of military service, called (here as elsewhere) jágír, or else there were smaller grants spoken of as 'inám,' —the mu'áfí of other provinces. 'Originally it may be assumed that the *sanads* only conveyed the revenue on the area mentioned.' The jágír, in fact, was as the *Gazetteer* states:—

'an assignment of revenue for military service, and the maintenance of order by armed control of certain districts. In later times, the grant was occasionally made to civil officers for the maintenance of due state and dignity. The interest of the stipendiary did not ordinarily extend beyond his own life, and the jágír even determined at pleasure of the sovereign. . . . But some of these grants, when given to powerful families, acquired a hereditary character. The Basím 'deṣmukh' has held a village on this tenure for about 150 years. It would seem, nevertheless, that until recently, these estates very seldom shook off the condition under which they were created. The assignments were withdrawn when the service ceased; and they were considered a far inferior kind of *property* to that of hereditary office. For instance, the Sindkher deṣmukh, whose family held jágírs in the sixteenth century, possessed in the nineteenth only lands and dues attached to offices (watan). . . . The family had given up its jágírs, yet it seized on every sort of *watan* on which it could lay hands. . . . Probably the double government of the Maráthá and the Nizám kept this tenure weak and precarious. The Nizám would have insisted on service from his jágírdárs during his incessant wars. The Maráthás treated the Mughal jágírdárs very roughly, taking from them 60 per cent. of all the revenue assessed, wherever such demand could be enforced. To plunder an enemy's jágír

was much the same as to sack his military chest; it disordered the army estimates. When this province was made over in 1853 to the British, some villages were under assignment for the maintenance of troops, and these were given up by the holders.'

There are still, in Berár, several personal jágírs without condition of service which have been confirmed to the holders as a heritable possession. Originally, no jágírs were hereditary except grants made to pious and venerable persons, sayads, faqírs, and the like. But when Court favourites and members of high families got such grants, they were often continued to the next heir as a sort of pension, and thus gradually became regarded as in their nature heritable. Any right taken under a grant, provided it is of a whole village, or more than one, seems in Berár to be called by the name 'jágír.' Nearly all were given by the Delhi Emperor or the Nizám, and one or two by the Maráthá Peshwá.

In the case of small grants, often of waste land, it seems that they really were of the proprietary right in the land. 'These,' remarks Sir A. Lyall, 'are perhaps the oldest tenures by which specific properties in land are held in Berár[1].'

§ 2. *Modern View of the Right.*

These remarks will render intelligible the modern practice in dealing with jágírs and smaller grants, as to the question of right. The *Settlement Rules*[2] declare that when the land granted was waste and was settled and cultivated by the grantee, the *full proprietary right* is considered to have been granted. In other cases it depends on the terms of the grant. Naturally, in the case of a small plot of 'inám, the grantee would (himself alone or with his family) be the existing occupant, so there would be no question but that he was meant to receive the proprietary title: at least this would be true in most cases.

In large jágírs, however, there would be a number of

[1] *Gazetteer*, p. 101.

[2] See Rule XIX.

villages already held (as any other villages are), by the occupants of the land. In such cases the grant places the jágírdár over their head; and the question arises—was the jágírdár meant to be the owner, and the existing holders to be regarded as only his tenants? The question is not without importance, as obviously, if the jágírdár is practically the owner, he ought to be treated as the 'registered occupant' of every field in his estate, besides owning all the trees and all the waste. If he is not the owner, then he would only be a grantee of Government revenue of the whole, i. e. the villagers instead of paying the share of the rental or produce to the State, would pay it to the jágírdár. *They* would then be the registered occupants, and the grantee would only be the 'registered occupant' of just as many fields as he had in his own particular holding.

§ 3. *Question of the Jágírdár's Rights.*

It was originally a matter of some difficulty to determine this question. It was thought by some officers that the jágírdár was proprietor of all, and it was accordingly held that his estate should neither be assessed nor surveyed; that in fact it was a revenue-free estate, and that Government had no concern with anything within its limits. This proposition was not, however, accepted; and it was ultimately laid down in the *Settlement Rules*, that all such estates were at any rate to be surveyed. It was admitted that the jágírdár had the right to the waste numbers, and might locate cultivators on them as he pleased; and that he owned all the trees which would have belonged to Government had there been no grantee. All occupants of land, however, who had held from a period antecedent to the grant, were to be treated as occupants of their holdings, and from them the jágírdár could not take more than the revenue assessed on the holdings. The question still, however, was not settled whether the jágírdár could be regarded as the proprietor of *other* lands. If he was not, the occupants could only be charged with the fixed revenue, just such as Government would take, no matter

what was the date of their holding,—since the jágírdár was only in the place of Government, and had no greater rights than Government claimed. If he *was*, the occupants were his tenants, and he might take from them what was agreed to, provided they were not under the terms of the rule above alluded to.

The question has received its latest solution in the Resident's Circular, No. XXIII of 27th March, 1879. It is in fact left to the real circumstances of the case and the terms of the grant. If the jágírdár lived apart, and did nothing but receive the revenue of the estate (and in some cases he only got this paid, not to him direct by the occupants, but through the Government revenue officials), then, naturally, his claim would be limited. If the grant, however, gave him the whole right, or if his practical position was such that he directly managed every holding, perhaps advancing money for improvements and stock, and exercising a close supervision over the land, he might naturally be regarded as the immediate superior holder or 'landlord' of every field. Facts were to decide.

§ 4. *Ghátwálí Jágírs.*

In some of the hill districts, ghátwál jágírs, just like those we found in the south-western districts of Bengal, were granted to Hill chiefs on condition of keeping the passes safe and open.

'In Berár,' writes Sir A. Lyall, 'as all over the world, we find relics of the age when law and regular police were confined at least to the open country, and when Imperial governments paid a sort of black-mail to the pettiest highland chiefs. The little Rájás (Gond, Kurkú, and Bhíl), who still claim large tracts of the Gáwilgarh hills, have from time immemorial held lands and levied transit dues on conditions of moderate plundering, of keeping open the passes, and of maintaining hill posts constantly on the look-out towards the plains. And along the Ajanta hills, on the other side of the Berár Valley, is a tribe of Kolis who, under their náiks, had charge of the ghát s or *gates* of the ridge, and acted as a kind of local militia, paid by assignments of land in the villages. There

are also families of Banjáras and Maráthás, to whom the former governors of this country granted licenses to exact tolls from travellers and tribute from villagers, by way of regulating an evil which they were too weak or too careless to put down[1].'

In the Akola district, at the foot of the hill ranges, some lands are held on a 'metkári' grant, which means on condition of keeping posts to guard the plains against the descent of robbers from the heights above.

§ 5. *Charitable Grants.*

Of the smaller 'inám grants, many were made either for petty services or for support of religious persons or institutions; others (called dharmmál) were made on condition of repairing and maintaining tanks and reservoirs.

§ 6. *Waste Land Grants.*

There is another kind of grant which probably ought to be noticed here—the grant of lands on liberal terms to encourage reclamation of the waste. I do not here allude to ordinary applications for unoccupied land, but to those special arrangements which were made in certain (especially the southern) districts to bring under cultivation the large waste blocks,—it may be occupying whole 'villages,' which were not divided into the usual small survey-numbers or fields. In older times these leases were not unknown; for rulers in their anxiety to increase the revenue, were often prudent enough to make some effort to restore decayed villages, or found new ones; 'pálampat' tenures are still known, being in fact ancient grants for restoring villages thrown out of cultivation, and of course given on favourable terms. They are *perpetual* leases. The first grants of this kind under the British Government were certain long leases at a fixed and favourable rate made in 1865, and spoken of as 'ijára'[2] (ízára). They were leases for thirty, twenty or fifteen years, of waste or wholly or partly uncultivated 'villages,' beginning at a low rent, which was gradually to rise with spread of cultiva-

[1] *Gazetteer*, p. 103. [2] *Id.* p. 109.

tion. At the end of the term the grantee has the option of taking the whole village on certain terms, or of remaining as the headman, while the actual cultivators take the 'numbers' as registered occupants. If the lessee elects to take the village as the occupant, he will obtain a *sanad* (deed) granting him the village in 'perpetual hereditary and transferable right,' subject to the payment of the revenue assessment at one-half full rates upon the whole cultivated and cultivable area. He will then be styled owner (málik) of the village, which will be entirely his own to dispose of as he pleases. If he does not so elect, he can take the pátelship without any proprietary right, getting 25 per cent. on the collections from the cultivators, but this only on condition that one-third of the culturable land had been brought into cultivation on the expiry of the lease.

Upon the expiry of leases, a new assessment upon all the assets of the estate, is to be made; and the mainteance of an adequate staff of village officers will be stipulated for in all *sanads* finally issued[1].

Besides these grants of a special character, there are leases under 'Waste Land Rules' applicable to the only districts where there are still large tracts of available waste, viz. Wún and Básim (South Berár). The Rules in detail may be seen in the Resident's Book Circulars XXIII and XLVIII of 1880, superseding those of 1876. The waste available is shown in two classes, and the list excludes all such land as is permanently valuable as forest. In each class (according to the difficulty of reclamation and value of the soil), the proportion of assessment levied in the first three, the fourth and the fifth years of the lease, are different. The initial charge is from $\frac{1}{10}$th to $\frac{1}{5}$th of the full assessment and gradually rises till the full rate is reached. These rates are subject to the usual road and school 'cesses,' and the 'jágliá' (village police or watchman) cess of 1878. The lessee, during the currency of the lease, is 'pátel' and

[1] I am indebted for this information to Mr. E. A. Hobson, the Survey and Settlement Officer in Berár.

'patwárí' of the village. Lessees make their own arrangements with tenants. Certain valuable trees are reserved from being cut without permission of the Deputy Commissioner[1].

After expiry of the lease, the village will be liable to be surveyed and assessed; but the offices of pátel and patwárí will be offered to the lessee or to one of his assigns or representatives, and he or they will be recorded as occupants of all land then in their own cultivation.

Leases may be transferred with the sanction of the Deputy Commissioner.

As to penalties for breach of conditions and forfeiture for arrears of revenue, the Rules may be referred to.

[1] Quarries and mineral products —with the excellent addition of tombs, temples *or ancient remains*— are also reserved. (Resident's Circular, XLVIII, p. 80).

CHAPTER III.

THE LAND-REVENUE OFFICIALS AND REVENUE BUSINESS.

SECTION I.—THE OFFICIALS.

§ 1. *Organization of the Province.*

THIS chapter may be a very brief one, for the administration of Berár possesses no special features which call for detail. In form, the administration closely resembles that of the Panjáb or any other 'non-regulation' province. The Resident at Haidarábád being the head of the Government (as agent for the Governor-General), the districts are managed by Deputy Commissioners of whom there are six,—one to each district. There are also assistant and extra assistant Commissioners.

The District Officers are supervised by a Commissioner, who is over the whole six districts, and has revenue and administrative, but no judicial, duties.

The district is subdivided into tálukás[1], and over each is a tahsíldár.

Every village has its headman or pátel and accountant (kulkarní or pándya), and there is the usual staff of menials and artizans. In each village there is a sort of public office or place of assembly called 'chauṛí[2].'

[1] This is the usual and vernacular term: but they were often called 'pargana' from the days of the Muhammadan rule, when the officers naturally adopted the Persian term which was in general use in the Empire.

[2] The word is the same as the 'choultry' of Reports, and is equivalent to chávaḍi' in Madras.

§ 2. *Details already given.*

The remarks made in the chapter on Bombay regarding the importance of inspection by district officers, are equally applicable here; and the annual *jamabandí* is conducted in what is practically the same manner. No special description is therefore called for.

I have only to notice briefly the village officers and their duty.

§ 3. *The Kulkarni or Patwárí.*

The duties of patwárís and pátels are regulated by 'the Berár Pátels and Patwárís Law' (Notification 10-I, 1st January, 1886, Government of India, Foreign Department), republished in Resident's Book Circular V of 1886.

The hereditary or watandár patwárí may not be holding the office owing to personal unfitness or other cause; in that case a gomásta-pándya (taláti of Bombay) is employed. In any case a fixed percentage on the revenue is allowed the patwárí as remuneration for his duties.

I have before alluded to the ancient organization under which the pándyas of villages were supervised by the despándya[1] of a pargana or small district, just as the village pátel was by the deṣmukh.

Neither office now survives. In each táluká, a 'munsarim' has duties of inspection in circles of villages, like the *kánúngo* of North-Western India, or the Revenue Inspector of Madras.

§ 4. *The Village Headman.*

The pátel or village headman in Berár is usually hereditary; that is to say, the 'watan' descends by inheritance in the family to as many sharers as are entitled to succeed; and as only one of the family can be selected to do the actual duties of the office, it is one son or relative,—the fittest that can be found, that is appointed. It may occasionally happen that no one in the family is fit, and therefore that some one else has to be appointed.

[1] It has been explained that in Berár (as in Bombay) families which retain these titles are now *inám* holders, or pensioners without public functions.

I have already mentioned that 'watan' lands are not now left revenue-free as a remuneration for official work. The pátel's remuneration for this is a fixed cash percentage on the revenue, which is paid to him after the revenue of his village has been found accurately brought to book in the treasury records. The person who holds the office is alone entitled to the emoluments. And those emoluments are not (Rule 10) liable to attachment by a Civil or Revenue Court.

In small villages, the pátel has both revenue and police duties. He is agent for the collection of the State revenue, and is superintendent of the jáglias, who form in fact a sort of village police; they are not, however, organized under the police department, and they perform many duties as messengers, guardians of boundary-marks, &c., which the regular police do not.

The pátel must give information of all crimes, and, in cases of necessity, may arrest persons and enter houses for the purpose.

In some of the large villages a 'police pátel' is appointed separately from the 'revenue pátel.' In that case the former has charge of the village cattle-pound and gets certain allowances from the pound fees[1].

§ 5. *Village Accounts and Records.*

The system depends to a great extent for its working, on the efficiency of the village patwárís. The accounts and records maintained by the officials have as much importance here as they have under the system of North-Western India.

I shall therefore describe the records which the Berár patwárí is required to keep, as this will give some insight into his work. The 'patwárí's papers' are now reduced in number.

(1) The 'jamabandí patrak,' or statement showing the fields held by each raiyat, and the assess-

[1] There are subsidiary rules defining these duties, &c. See 21 of the Notification quoted.

ment payable for the year: this is most important in connection with the annual 'jamabandí' under the raiyatwárí system.

As the holdings change hands, and every change shown in the *patrak* should be accounted for, the patwárí has to keep (as vouchers) the different applications for land, and the 'rázinámas' giving up land or showing transfers, and the 'kábulaits' or acceptances of the other party: this document has, moreover, to give all details,—the area of each field; the assessment (or the fact of its being revenue-free); if there is any outstanding balance; the dues on account of the 'jáglia' (watchman), school, and road-cess; the name of the registered occupant; a list of trees over six hands high, growing on the land ('mangoes,' 'other fruit-trees,' 'máhwá-trees,' and 'sindhí' (date-palm), are shown in the columns); if there are wells, they are recorded, and their kind, i.e.—whether 'kachchá' or 'pakká' (lined with masonry), whether used for garden irrigation or for drinking,—whether good or brackish.

(2) To this is appended a supplementary register of fields lying 'parít,' or uncultivated. It shows the area culturable and unarable; the assessment, if any; the wells and trees (as before); it distinguishes which fields are kept for grazing and as special grass reserves ('ramná'), and what lands are occupied by village-sites, and so not available for cultivation. Against these, are three columns for the year's receipts under the head of—(*a*) income from grazing; (*b*) fruit, mangoes, &c.; (*c*) from máhwá-trees.

(3) The 'láoni kamjyásti tippan' shows changes in occupancy-right, viz. the rázinámas and kábulaits accepting occupation and relinquishing it.

(4) The 'péré-patrak[1],' or inspection report, gives the particulars of the *crop raised* on each field. It records the area of each field, deducting the parts that are waste or not under crop, and

[1] From the verb *pérné* 'to sow.'

showing the balance cultivated; cultivation is classified as wet, dry, garden, or rice. This information is entered in separate columns for each harvest, rabí', and kharíf (spring and autumn).

The patwárí has also the duty of seeing that every payment of revenue is duly written up in the receipt-book (pautia-bahí) which each registered land-occupant holds.

This is of great importance to protect the occupant from the exaction of double payments; and further on account of the danger that the occupant runs of losing his field if the revenue has not been duly paid.

Section II.—Revenue Business.

§ 1. *Taking up, relinquishing, and transferring Lands.*

In the earlier days of our Government (and it is so still, in a few less advanced districts) there were not only many numbers unoccupied though capable of cultivation, but many changes took place owing to people relinquishing land[1].

In long-settled and prosperous districts this is, of course, very much less the case; land has become valuable, and every 'number' that can possibly be cultivated has been long since occupied, and no one now thinks of relinquishment. Transfers by contract or on succession are practically the only changes that occur. I will, however, describe the rules which were laid down on the subject of unoccupied numbers, and on relinquishment and transfer. I have already remarked that the whole of the cultivated and culturable lands, not including intervening tracts of waste, were all divided out, on the principle described, into fields or numbers of a certain size, and were surveyed and

[1] The Wún district is still, I believe, an instance. The Gond cultivators are very superstitious, and the occurrence of anything which the village astrologer declares unlucky, or the appearance of some sickness, causes the people to throw up their land and decamp.

assessed or else left allotted for specific village purposes. But large tracts of waste (as in the Bâsim district) were only marked off into blocks, not divided into 'numbers' in the first instance. A number of these blocks have since been gradually cultivated, and now are divided into regular numbers permanently occupied. Rule XIII in the Settlement series provided for the procedure to be observed while such a course of gradual taking up of blocks bit by bit was in progress; but this procedure has now become obsolete, since the portions so taken have long since been brought on to the register.

When any person wishes to take up a survey-number which has been relinquished by some one else, or has been hitherto unoccupied, he must take the whole number; but several persons may combine to take a number between them [1].

As regards numbers that are not 'occupied' in the sense of being used for agriculture, such lands are no longer available to be ploughed up; the object being to keep a sufficiency of land as (1) grazing-ground, (2) 'ramná' or grass preserves, i. e. in fact 'hay-fields' which are *cut*, not grazed over, and (3) woods, 'bábul-ban,' &c. This reservation is practically permanent [2] and cannot be cancelled without special sanction. The produce of these lands is disposed of by the Deputy Commissioner according to convenience, e. g. grazing-land will be auctioned, or (as in Ellichpur) a group of grazing-numbers may be thrown together and cattle admitted on payment of so much *per* head. In 'ramnás' the right of cutting and removing the season's grass is auctioned. The woods are worked systematically, and their annual produce in firewood or timber, &c., realized accordingly.

Where any land becomes available, application for a number is made by filing what is called a kábulait, i. e. a document agreeing to take the number and pay the assessment. This is presented to the village officer, who

[1] *Settlement Rule*, XII. Compare the *Bombay Code*, sections 38, 39.
[2] *Settlement Rules*, XIV and XVII.

sends it to the tahsíldár[1], who satisfies himself that the application can be granted, and returns an order to that effect, so that the patwárí may make the needful entry in his village accounts. Relinquishment is effected in the same way by presenting a rázináma. It must be done before the 31st March in each year[2].

This is one of the subjects on which the Berár Rules differ from the law of Bombay. If one sharer wishes to relinquish, the Bombay Code makes it a condition that if no one will take the vacant share, the whole field must be given up. In Berár this was thought hard, and Rule VII merely provides that the share is first to be offered to the others; if it is not taken up (but it always is) by them, it remains unoccupied as a share, but the other sharers retain their shares. So, when a registered occupant dies, the name of the eldest or principal heir is entered, but the names of others succeeding with him (according to the law of inheritance) must be entered also; 'and if the family property is divided, each co-heir will have as full power over his share as the person whom he succeeded had over the original holding, and, if he wishes it, his name can be entered in the Government books as a separate sharer, and he may pay his rent (revenue, &c.) separately to Government.'

Transfers can be made by registered occupants by rázináma (the other party giving a kábulait) in a similar way to that above described. The transfer may be effected at any time, but Government will not recognize it, i. e. will still hold the originally registered occupant liable, till the current year's revenue is paid up[3].

A right of *pre-emption* is recognized to the co-sharers in a number, when a share lapses or is relinquished. If there are more than one co-sharer, the order in which they can claim is according to the size or extent of the share[4]. This applies to co-sharers having a joint right in a holding, as well as to those whose shares have been divided, so that

[1] See *Rev. Code*, section 60, for a similar provision in Bombay.

[2] *Settlement Rule*, XXI.

[3] *Id.*, IX, and see Circular (Commissioner's) IV of 1884.

[4] *Rules* VII, VIII, Resident's Book Circular XXVII of 1881.

each has a right over a known part. Should waste numbers or relinquished lands be available, people in the village have a claim to them before outsiders; a 'sub-tenant' (cultivating tenant) has also a claim before an outsider (*Settlement Rule* XXI).

§ 2. *Other Branches of Duty.*

I do not say anything about partition, alluvion and diluvion, or the recovery of arrears of revenue. These matters are regulated in Berár by circulars and local rules of practice: but in all essentials the rules are the same as under the Bombay Code.

Boundaries are preserved on the principles of the Bombay Act III of 1846 (still referred to, as the Code of 1879 has not been introduced)[1]. Where a State forest and a village-boundary are conterminous, the boundaries are preserved by the Forest Department under Resident's Circular VI of 1881 (see the whole Circular). If there is a dispute it must be settled by a law court[2].

In Berár the revenue becomes due in two instalments, on 15th February and 15th April[3].

The late date for the autumn harvest (February 15) was fixed so as to allow for the ripening of the sugar-cane. The spring harvest (April 15) comes sooner, so far south, than it does elsewhere.

The subject of instalments has been very carefully considered in Berár, in consequence of a very able minute on the subject by Mr. W. B. Jones. The above dates being fixed, it has still to be considered what revenue will be paid from each field at either date. This depends on the character of the cultivation. The village yearly *jamabandí* papers show, for each field, whether it is under a rabí' or a kharíf crop; and in the proper column will be entered at which of the above dates the revenue is payable. In the

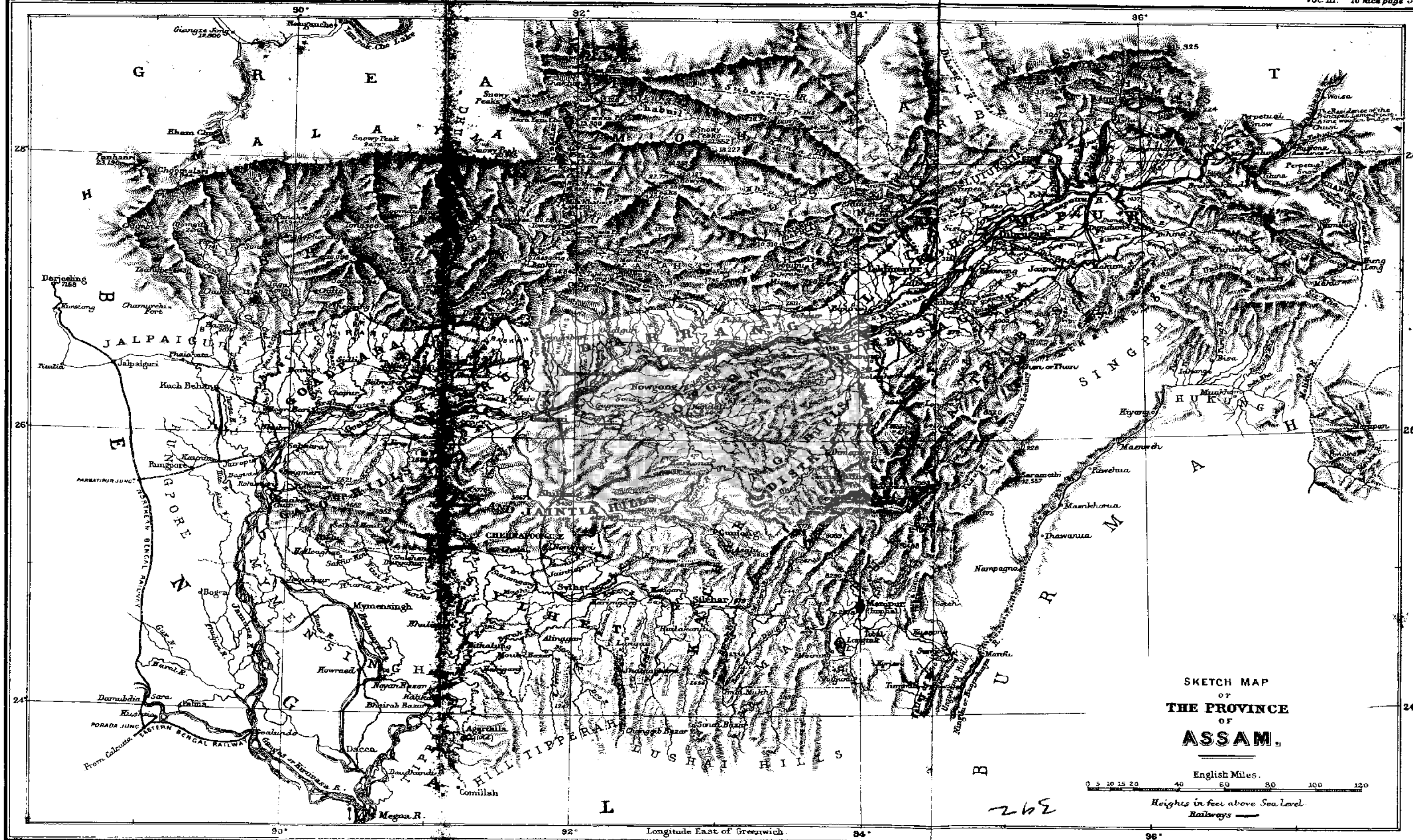
[1] See, for example, Commissioner's Book Circular II of 1883, and *Settlement Rules* XXIV, XXV.

[2] *Settlement Rule* VI.

[3] *Settlement Rule* XXIII has since been modified to the dates given in the text.

case of fields partly under one and partly under the other, there are simple rules for apportioning the payments.

This system is accompanied by a plan for suspending the demand in a bad year. When such an event occurs, the Deputy Commissioner has authority to apply the rule. If a field shown as having a kharíf crop is noted as 'nápiká' (withered) and the field is sown again for the rabí', there is no demand made on it till April 15th. In most cases the cultivator will have secured a spring crop, and will be in funds.



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Part IV.—ASSAM.

CHAPTER I.

INTRODUCTORY.

Section I.—The Local Features of Assam.

§ 1. *Nature of the Revenue-System.*

In this volume, up to the present chapter, we have been dealing with the Raiyatwárí systems—distinctively so called—as formulated for the great Presidencies of Western and Southern India. Having described the origin and growth of the administration in Bombay and Madras, we now turn to the remaining provinces of British India, each of which has a revenue-system peculiar to itself, and not directly derived or copied from any other. But inasmuch as these systems are all based on the same principle of direct dealing with the individual cultivator and his separate holding, without any middleman landlord, or joint responsibility of a group of landholdings, they are essentially 'raiyatwárí,' though they may not be officially so

designated. For this reason Book IV has been entitled 'Raiyatwárí *and allied* Systems.' Assam, Coorg, and Burma represent such allied systems. Each is, however, quite distinct, and was constructed solely on the lines of the provincial features and historical developments; in each it will be found that respect is had to customs and practices which have grown up in the course of time, and which it would have been impolitic to alter or ignore.

§ 2. *Constitution of the Province.*

The Assam province is made up of several elements:—(1) The Assam valley never subject to Regulation law. (2) The Goálpára district (really one of the Valley districts), part of which was old Bengal territory permanently settled and part acquired (as the Eastern Dwárs) after the Bhotan war in 1866. (3) The districts of Sylhet and Cachar (Káchár), the former being old Bengal territory, and in part permanently settled. (4) The hill districts in the centre of the province, and also on the frontiers, subject to special rules.

The old Bengal districts represent some curiosities in their land-tenures and will demand a separate notice; but the main object of the present chapters is to describe the special system on which land is managed in Assam Proper, and to explain the general law which governs the official appointments, and the duties and procedure of revenue-officers. This latter applies to the old Regulation districts, as well as to the rest of Assam.

The separation of the province (from Bengal) was ordered in 1874 under powers given by the Act 17 and 18 Vic. cap. 77[1]. The first notification was exclusive of Sylhet, but this district was added to Assam in the same year, only by a separate notification[2]. The whole province forms a

[1] See Notification No. 379, dated 7th February, 1874 (*Gazette of India*, part II. p. 53).

[2] Sylhet or Silhat is properly 'Srihaṭṭa.' See Notifications Nos. 1149, 2343, &c. (*Gazette of India*), dated 12th September, 1874. By these the district is brought under the 33 Vic. cap. 3, taken under the direct management of the Government of India, and then placed under the Chief Commissioner, to whom also certain

Scheduled District under Act XIV of 1874, and the Statute 33 Vic. cap. 3, applies to it.

An Act (VIII of 1874) was passed to vest in the Governor-General as Local Government all the various powers that had been given by law to the Lieutenant-Governor of Bengal, or to the Board of Revenue, as regards Assam, exclusive of Sylhet. The Act provides that all such powers shall be taken to be transferred to, and vested in, the Governor-General in Council; and then the Governor-General is empowered to delegate to the Chief Commissioner all or any of the powers so vested; and he may withdraw the same.

A similar Act (XII of 1874) was passed for Sylhet, which was on a somewhat different footing from the rest of Assam. It was not only (in part) permanently settled, but it had been an integral part of Bengal and not under any separate or special law.

By notification[1] the Governor-General delegated to the Chief Commissioner all the powers which were vested in the Lieutenant-Governor of Bengal by the direct operation of any Act of the Governor-General in Council, as well as the powers of the Board of Revenue.

By the effect of the General Clauses Act (I of 1868), Section 2, Clause 10, all powers vested in a 'Local Government' by any Act subsequent to the constitution of the Chief Commissionership, are exercisable by the Chief Commissioner.

§ 3. *Territorial Division of the Province.*

The districts of the Assam Valley (Valley of the Bráhmaputra River) are divided into 'Lower Assam,' i. e. the districts of Goálpára, Kámrúp, Darrang and Nowgong, and 'Upper Assam,' i. e. Sibságar and Lakhimpur. The Assam Hill range (in the centre of the province) includes i. e. the districts of the Gáro hills, the Khási and Jaintiyá hills, the

powers lately exercised by the Lieutenant-Governor of Bengal and the Board of Revenue are delegated.

[1] No. 522, dated 16th April, 1874, (*Gazette of India*, 18th April, 1874, p. 182), and for Sylhet a notification dated 12th September, 1874.

North Cachar hill subdivision, and the Nága (or Nogá) Hill district; beyond the last are the 'Independent' Nágás and the hills of Burma. Lastly, we distinguish the valley of the Surmá, comprising the district of Sylhet with the plain parganas of Jaintiyá and the plain portion of Cachar.

§ 4. *Arrangement of Subjects.*

I propose first of all to give an account of the Assam Valley, and to describe the law of the General Revenue Regulation (I of 1886, and Rules under it), which legalizes the system of Settlement and revenue.

That done, I shall devote separate sections to the notice of (1) Goálpára, (2) Cachar, (3) Sylhet (including the 'Jaintiyá parganas' at the foot of the hills of the same name), and (4) the Hill districts of the Central or 'Assam Range.'

The account will close with a brief chapter on Revenue officials and their official business, which is reserved to the last, as it applies, generally, to the whole province.

CHAPTER II.

THE ASSAM VALLEY OR ASSAM PROPER.

SECTION I.—DESCRIPTION AND HISTORY.

§ 1. *Features of the Country.*

FIRST, let us take a general glance at the physical conditions of Upper and Lower Assam or Assam proper, i. e. the districts—

Kámrúp, Darrang, Nowgong (Naugáoň)	Lower Assam	Sibságar, Lakhimpur	Upper Assam.

Goálpára also belongs, locally, to this group, but I have explained why it is not included in the present section.

The Bráhmaputra flows down the whole length of the valley, receiving as tributaries the Great Dihang river on the north, and many other streams from the hills both north and south.

'Except at the points where the hills impinge upon the Bráhmaputra, the river flows between sandy banks, which are subject to constant changes for a breadth of about six miles on either side of the stream. Within this belt there is no permanent cultivation, nor any habitation, but temporary huts erected by people who grow mustard on the *char* lands[1]

[1] Moist alluvial beds or islands emerging when the stream falls to its cold-weather level. The cultivation in this belt of river alluvium has thus been described:—

Along both banks of the Bráhmaputra (and the area is especially large in Kámrúp and Nowgong) are alluvial or *chápari* 'mauzas.' 'The precariousness of the cultivation in these tracts arises from their liability to untimely inundation by the great river, or by the innumerable creeks and channels with which its affluents intersect the alluvial country in all directions. The crops grown are broadcast summer rice (áhu) and Indian mustard: the former is harvested in July and August, and the latter is sown in October and November: if, therefore, the rainy season opens and closes with high floods, the rice crop may be lost, and the

during the cold weather. Beyond, the level of the alluvial land rises, and tillage and population take the place of sandy flats covered with long grass. Little of this is seen from the river, and the traveller up the Brahmaputra receives the impression that the country is a wilderness untenanted by man, except at the few points where, rock giving permanency to the channel, towns and villages have been established along the stream[1].'

East of the Goálpára boundary the language spoken is Assamese; west of the line it is Bengáli.

The climate is moist and the rainfall abundant. The area of forest is, of course, extensive, as every district has a background of hills which is the natural home of the forest. Famine from drought is practically impossible in Assam: but fevers and other diseases habitual to moist climates are prevalent.

§ 2. *Constitution and Law of the Districts.*

These districts became British in 1826 after the first Burmese war of 1824. For a long time hesitation was felt whether the province should be retained at all; and for some years only a general supervision over the practically native administration was maintained under the orders of the Bengal Government, by the Commissioner of North-East Rangpur. An assistant to the Commissioner was stationed in Lower Assam, and another in the Upper district.

Several chiefs were left in possession of these territories, and Civil and Criminal justice generally were administered by Councils of Assamese gentry known by the usual term—panchayat. Upper Assam was, in 1833, placed under the management of a Rájá named Purandar Singh, acting under the advice of a Political Agent and responsible for a revenue

ploughing for the mustard may be unseasonably deferred.' The rice crop is the more precarious of the two. 'Lands used for either crop are not, as a rule, retained longer than three years, after which the cultivators move their temporary homes to fresh clearings in the reed jungles with which these *chápari* tracts are densely covered.'—(*Agric. and Land-Revenue Report*, 1884, § 28.)

[1] *Administration Report*, 1882-83, § 3.

or tribute of R. 50,000 a year. The other districts (Lower Assam) were managed, in the way indicated, under British officers.

In 1835, Act II was passed with a view to placing the British districts under the supervision of the Sadr Court of Bengal (the principal Court of Justice was then so called)—as to judicial matters, and under the Board of Revenue for revenue matters, both subject to instructions from the Bengal Government.

In 1838 Rájá Purandar Singh, having fallen deeply into arrears with his tribute, declared himself unable to carry on the administration; and in 1839 a proclamation was issued formally annexing that part of the country to Bengal and dividing it into two districts—Sibságar and Lakhimpur. To the latter district two frontier tracts, Matak and Sadiyá, were added in 1842[1].

This country was then administered in the same way as Lower Assam, except that in Lakhimpur the panchayats were retained till 1860.

The fruits of Act II of 1835 were seen two years later, in the issue of a set of rules, sometimes alluded to as the 'Assam Code of 1837.' They were made by the Commissioner and the Sadr Court and approved by Government. They referred to judicial administration and made no allusion to 'Revenue.' The progress of the general law after this is clearly stated in the *Administration Report*, 1882–83 (paragraph 76, &c.). Here we are only concerned with the Land-Revenue Law. The first definite rules on revenue subjects were the *Settlement Rules* of 1870, which, however, had not the force of law. The Temporary Settlement Regulations (VII of 1822 and IX of 1833) of the time, were followed (in spirit) where required, to supplement the rules of 1870. In the same way the collection of the revenue and other revenue affairs, were long managed on the basis of custom and 'the spirit of the Regulations.' The law (Act XI of 1859 and Bengal Act VII of 1868) of sale for arrears

[1] Matak is now part of the Dibrugarh division of the Lakhimpur district—see *Administration Report*, 1882-83, § 75.

of revenue was regarded as so far in force that its general provisions were followed.

The Land-Revenue Law and Procedure is now contained in Regulation (under 33 Vic. cap. 3) I of 1886, and rules made pursuant to it[1].

This, by Notification No. 12 of 14th April, 1886, was extended, with effect from 1st July, 1886, to

Sylhet.	Kámrúp.
Cachar (except the North Cachar Hill Subdivision).	Darrang.
Goálpára.	Nowgong.
	Sibságar.
	Lakhimpur.

§ 3. *Early History—The Ahom State.*

The old Ahom (or Aham) Government, which preceded our own before the Burmese invasion, was established about the beginning of the thirteenth century of our era[2]. We find the State constituted by a Rájá at the head, and under him a hierarchy of nobles and officials bearing different titles (Phukán, Borwá, Bissoya, and many others). 'The Ruler,' says Mr. Mills[3], 'would appear to claim not only the

[1] The Regulation stands amended by Reg. II of 1889, which affects secs. 70, 72, 74, 75, 79, 81 and 85. The alterations are chiefly directed to getting rid of certain legal difficulties about the sale (for arrears of revenue) of certain lands in Sylhet, where, owing to the multitude of small estates and shares in estates, it might be difficult to prove service of notice on the right person as really the owner or share-owner in default.

[2] Report on the Province of Assam by A. J. Moffat Mills. Calcutta (printed at the *Calcutta Gazette* Office), 1854, 1 vol. fscap.

[3] The Ahom rulers were of Shán origin; the first prince came as an adventurer from an ancient Shán kingdom on the valley of the Irrawady (Burma) in 1228, A.D. The kingdom, beginning with a petty territory at the extreme end of the valley, was for some time confined to the north-east of Assam, but it gradually extended, overthrowing the kingdom of the Chutiyás and part of the Koch Rájá's. It maintained considerable stability, for though attacked in after years by the Mughal power, the dynasty was able to withstand the shock. Probably the country was too remote for the Mussalman power to have been really effectively exerted. In 1655 the reigning prince became converted to Hindúism, and his successors after that were all Hindú. From the end of the eighteenth century their power gradually declined. Feeble kings succeeded, and internecine quarrels and dissensions became the order of the day. The aid of the Burmese was then unfortunately invoked, and eventually (as might have been expected) the Burmese seized the country and committed great excesses. As one of the papers in Mr. Mills' Report says, 'the country fell into the hands of the Burmans, and the people into twelve kinds of fire.' The Burman invasion was, however, a short-lived calamity, for they were driven out before the outbreak of the first Burmese war in 1824.

soil but the subject, as his property.' However this might have been theoretically, the Rájá certainly levied a land-revenue, and grants of land were made in a way which showed a practical power of dealing with it at pleasure. And also a curious system existed under which the whole of the male inhabitants were bound to give personal labour or the fruit of their industry, by way of tax, to the king. For this purpose the entire population was formed into groups, so that the labour and services of each might be regulated, as the king required it himself, or assigned it to his officers, relatives, and nobles. And when a grant of land was made to a temple or to priests, the labour of so many 'paiks' (as the labourers were called) went with the land.

The groups spoken of were called 'khel';—all, says Mills, of 'one caste or calling.' There would be 1000 to 5000 men in the 'khel.' The khel was subdivided into 'gôt,' each containing three 'paik' or males available for service. Every twenty gôts had a headman called 'Bará'; over 100 gôts was a 'Saikyá,' and over 1000 a 'Hazári.' An officer of state called 'Phúkan' (or a Barúá) presided over the whole. One 'paik' in each gôt had to labour for the king or the king's grantee throughout the year, and that whether he was a cultivator or a craftsman; and so it came to pass that as special craftsmen were found in different groups, it became the practice to speak of the 'khel' for firewood, or betel-nuts, or fruits—meaning that there were certain groups in which the particular people whose duty it was to supply the different articles, were found. All kinds of industry were thus taxed—weaver's, goldsmith's, and the rest.

Every 'paik' was allowed for his support, a holding (called his bárí land) for a house and garden, besides two púrás[1] of 'rúpit,' i. e. land for rice-cultivation; this was called his 'goámatti' or body-land. For this no revenue was paid beyond the service mentioned above, and a poll-tax or house-tax as the case might be.

[1] The púrá equalled three bíghás or four bíghás of the Bengal size (14,400 square yards).

The 'goámatti' holding was said by Mills to be the property of the State, and was neither heritable nor transferable. Some indications, however, are given leading us strongly to suspect that in reality this absorption by the State of all rights in the land was the pretension of the Ahom ruler as a conqueror rather than the general custom of the country. Certainly in districts not far removed, it is clearly discernible that the land, as far at any rate as it was cultivated or appropriated by the first settlers, was considered the joint property of the group or *khel* who occupied it. This system we shall describe further in considering the tenures of Cachar, where it has survived to our own day. That the settlers of the *khels* in that district, were proprietors (in *some* sense) will, to Indian readers at any rate, be rendered probable by the fact of their being called 'mirásdár'—a name which, though obviously of foreign origin, expresses an essentially indigenous idea, and seems to have commended itself for adoption from one end of India to the other, to indicate the hereditary right which the settlers or conquerors and first clearers and founders of the villages felt themselves, and were felt by the people at large, to have, in the lands they occupied. I have not found any indication in the authorities, of this term or its equivalent, *now* surviving in the Assam districts as it does in Sylhet and Cachar; but we are everywhere familiar with the destruction or loss of such ideas and terms, as the natural effect of conquest and a new system. Mr. Mills, it should be noted, admits that the homestead—the bárí land—was heritable and transferable.

Land cultivated by agriculturists over and above the *bárí* and the *goámatti*, was paid for at the rate of one rupee per 'púrá.' Cold-weather cultivation (chiefly on lands available when the floods subsided) was principally carried on by 'emigrating ryots' who paid a plough-tax[1].

[1] To collect the land-revenue, there were various agents—'Chaudhari,' 'Kágoti,' and 'Mauzadár': the latter name has survived to our own time. Thus, in looking over an old revenue list of Nowgong in 1850, I find the subdivisions named, with so many 'circles' of three, four, or five villages in each. In charge of each circle, with a cul-

Besides receiving the grant of the labour of a certain number of 'paiks,' the richer men possessed bodies of actual *slaves*. We find notes in Mill's *Report* of the chiefs who had 'khats' or tracts of waste land of their own, reclaimed and cultivated by such slaves. They seem to have been well treated, as Mr. Mills mentions the fact of raiyats actually preferring to enroll themselves as slaves and settle on such estates. By this course they avoided the poll-tax and other incidents,—which must have been irksome enough,—of the (free) 'khelwári' system.

On annexation, the British Government gave up the claim to personal labour, produce, and presents: the garden and rice-land was left free, and a rate of nine rupees per 'gôt' (or about three rupees per holding) levied. Annual Settlements for the land actually held were made. The rates have since been modified, but the custom of annual Settlements has come down to our own times,—indeed, it lasted till quite lately, when ten-year Settlements were also provided, as will presently be described.

SECTION II.—THE MODERN LAND-TENURES.

§ 1. *Enumeration of Tenures.*

The history which I have briefly sketched, does not suggest the growth of any special tenures, beyond those of the revenue-free grantees. Cultivators were simply the holders of their own clearing, and a raiyatwárí tenure (as it would be called in revenue-language) was the natural result. But in certain districts there are proprietary tenures, where, under former arrangements, a permanent Settlement was made, or where the 'fee-simple' of waste land was acquired by purchase under the earlier rules.

Under the Regulation I of 1886 we have therefore the following general classes to consider:—

tivated area of say between 3000 and 4000 bighás and a population of 1000 or 1500 there would be an official with the title of Hazári or Saikiyá, Bará, Rájá, Baruá, Lashkar, or Bhúiyá, and under each such superior officer, one 'Cagotty' and two 'Teeklahs.'

I. Permanently settled estates (which however do not enter into our present consideration, as they occur in Goálpára and Sylhet, districts which are reserved for separate notice).

II. The common 'landholder's' tenure under the Regulation.

III. Revenue-free holdings.

IV. Proprietary holdings or other forms of tenure under 'Waste-Land Rules.'

And to this we may perhaps add,

V. Rights under sec. 6 (*d*) of the Regulation, viz. 'rights acquired by any person as tenant under the Rent-Law for the time being in force.'

§ 2. *The Landholder's Tenure.*

According to the Regulation, this tenure is acquired by any person who, before the coming into force of the Regulation, has held immediately under the Government, for ten years continuously, any land not included in a permanently-settled or a revenue-free estate, or who has during the period paid revenue to Government or been expressly exempted from payment.

The tenure includes the right acquired by grantees and lessees under waste land rules, supposing it is not an out-and-out purchase of the 'fee-simple,' and provided the term of lease is not less than ten years. Reg. I of 1886, sec. 8, 1 *b*.

Unauthorized occupation will not *now* give rise to any 'landholder's' right, because all land not being already properly held, is at the disposal of Government; and the Chief Commissioner can make rules for grant or lease of such land, for allotting it as grazing-ground, or for 'júm' (temporary hill) cultivation[1]; and if any person gets land not in one or other of the ways allowed by the rules, such taking possession will, in fact, be merely a trespass and will confer no right, however long it may continue. See sec. 6. Secs. 12 14.

[1] This exactly answers to the taungyá of Burma. It is fully described in the Chapter on Burma to which reference may be made. (See also Vol. I. p. 116.)

The 'landholder's' right is a 'permanent, heritable, and transferable right of use and occupancy, subject to payment of land-revenue, cesses, and legal taxes'; to the reservation by Government of the right to minerals, mineral-oil, and mines, and buried treasure [1]; as well as to any special conditions which the landholder undertakes in his engagement or lease with Government [2].

Sec. 9.

Land may be 'relinquished' (once for all—not temporarily as in Burma), and the landholder's right is lost unless, of course, the same land happens to be available for a re-application.

Sec. 10.

In some cases where there are special reasons for engaging for the revenue with some kind of agent, the person so engaged with may be the 'Settlement-holder,' when he is not the 'landholder.' As such, though the land is in a sense under his charge, and is not at the disposal of Government to lease or allot, he has no right in the land beyond what is expressed in his Settlement-lease. This will effectually prevent the growth of *middlemen* into *proprietors*.

Sec. 11.

Following the result of these considerations, the ordinary raiyat, the lessee for more than ten years, and the modern waste land lessee, were appropriately called 'landholders' by the Regulation.

Definition Clause, sec. 3.

A person who has a permanent-settlement, or a redeemed revenue-grant of waste-land (p. 413), or is on the Register of revenue-free estates, is a 'proprietor.'

Ibid.

The student will notice that Chapter II of the Regulation—relating to 'Rights over land'—is almost exactly the same in principle (though the terms are more simple) as the Burma Land-Act (II of 1876).

§ 3. *History of the 'Landholder's' Tenure.*

Originally the raiyat's tenure was always under an *annual* patta or lease; and this theoretically gave no right beyond the year, though in practice land continuously

[1] Compensation is claimable for surface damage, where Government searches for or works such mines, &c.

[2] Such land is also compensated for if taken up for public purposes.

held on annual pattas, was transferable and heritable. In 1870 the *Settlement Rules* for the first time proposed to recognize a tenure on a Settlement for ten years.

'These rules, however, remained practically inoperative till 1883, when they were recast and a general system of ten-years' Settlements was introduced in all parts of the Assam Valley, where the cultivation and occupation of land are of a permanent character: the large tracts of land, however, consisting chiefly of the "chápuri" or inundated tracts along the rivers, and the thinly-peopled country under the hills where only shifting cultivation is practised, were left to the system of *annual* Settlements as the only one adapted to their peculiar circumstances[1].'

Under the Regulation, therefore, the 'landholder's' right is acquired in the more permanently cultivated tracts, and not in the places where, owing to the instability of the soil, or its being easily exhausted and frequently changed, or from some other local cause, annual Settlements are still preferred[2]. Where cultivation under annual lease becomes permanent, there will be every facility for its conversion into the 'landholder's tenure.'

§ 4. *Chamúas and Khirájkhatdárs.*

These terms may be here explained, though they do not indicate what are properly separate 'tenures.' The terms merely mean ('Chamúa' in Kamrúp and Nowgong, 'Khi-

[1] *Ad. Report*, 1882-3, § 161. The holding of land on annual lease only, is still common, because so much of the cultivation is not permanent. In the *Administration Report* for 1886-7 (the latest figures I have) annual leases are stated to represent 409,659 acres against a 'landholders' tenure (with ten years' settlement) of 1,020,315 acres, —excluding land held on the 'nisf-khiráj' or half revenue rates tenure.

Much objection has been from time to time raised as to the fourth clause in the annual lease form, which (very properly) prevents the leaseholder from acquiring any heritable right (formally) in the land. But it is obvious that as long as the land is so held, there must be a marked distinction between the tenure and that of the regular 'landholder.' In Government of India Rev. Procs. Feb. 1887, No. 12, the whole history of the subject is given.

[2] In annually-settled land, if the area is required for public purposes, compensation would be paid for trees, houses, crops, &c., not for the land itself. The *land* is at the disposal of Government, because no right beyond the year is acquired over it.

rájkhatdár' in Darrang and Lakhimpur) that certain raiyats having large and important holdings are allowed the privilege or dignity of paying their revenue direct to the treasury, and not through a contractor or 'mauzadár' as usual.

In such large holdings, the 'landholder' usually cultivates by tenants who are metayers, giving half-produce (ádhyár); or where cash-rent is taken, paying only the Government rates (unless the land is specially valuable). When the Government assessment is the only rent paid, the landholder's profit consists in working his own home-farm lands and in the command of his tenant's services for supplies, carriage, and 'house-building,' and for repairing and harvesting crops on his home-farm, and in such occasional contributions as he is able to levy [1].

§ 5. *Lakhiráj and Nisf-khiráj.—Revenue-free Holdings.*

The student will observe that the *lákhirájdár*, or entirely revenue-free holder, is called the 'proprietor' in the Regulation: the definition does not extend to those assessed at half-rates and called 'nisf-khirájdár,' who are only 'landholders.' The term nisf-khirájdár was invented in 1871 by the Commissioner, for the sake of distinction. I cannot give a better description of the 'nisf-khiráj' than by quoting the *Administration Report* for 1882–3 (§ 163):—

'The history of the *nisf-khiráj* tenure in Assam is a curious example of the manner in which rights in land are sometimes allowed to grow up. Former rulers of the country had granted certain lands rent-free for religious and other purposes (that is, had assigned to the persons or institutions the Government right to the revenue, then taken mostly in labour, of these lands [2]). The last Ahom ruler, however, Chandrá Kantá Singh, imposed on these lands a tax called *kharikátána*, of six annas a *púra* (a measure of four *bighás*), which continued to be levied by the Burmese invaders after their conquest of the

[1] *Administration Report*, 1882–3, § 162.

[2] It is stated that when the Ahom rule was in its palmy days such grants were moderate; but when in the seventeenth century the princes became Hindu, they gave out, with the pious zeal of new converts, large grants as 'Debottar' and 'Brahmattar' to the Brahmans.

country. When Assam became British by conquest, all these grants were held to have lapsed; but Mr. Scott retained the moderate assessment which he found in force upon them, adding later on, two annas a *púra*, so that the whole assessment came, as left by him, to eight annas a *púra*. In 1834 the Government directed that a full inquiry should be made into all claims to hold land rent-free, as *debottar*, *dhármottar*, or on any other plea, throughout the districts of Assam; Captain Bogle was appointed to make this inquiry, subject to the control and orders of the Commissioner, Captain Jenkins. Another officer, Captain Matthie, was also similarly employed. At the same time the following principles were laid down for the guidance of these officers:—

'(1) All rights to hold land free of assessment founded on grants by any former Government were to be considered as cancelled; and it was pointed out that all claims for restoration to any such tenures could rest only on the indulgence of Government.

'(2) All lands found to be held in excess of what was held and possessed on *bonâ fide* grants prior to the Burmese conquest, or for services still performed, as well as all lands held for services no longer performed, were to be assessed at full rates.

'(3) All lands held on *bonâ fide* grants before the Burmese conquest, or for services still performed, were to be reported to Government: on receipt of the report special orders would be issued on each case.

'(4) Captain Jenkins might in his discretion, suspend the orders for bringing any particular land under full rates; but he was to submit his reasons for the consideration of Government.

'(5) Pending the "*lakhiráj* inquiry," Mr. Scott's moderate rates were to be levied as before on all lands claimed as *lakhiráj* (whether as *debottar*, *brahmottar*, *dharmottar*, or on whatever plea) until brought under assessment at full rates, or until orders to the contrary were received from Government.

'The work commenced in 1834 was not concluded till 1860; and in the lapse of time these orders were altogether forgotten. Instead of referring to the cases which came before him for the orders of Government, General Jenkins dealt with them in a manner which was not authorized by his instructions.

He drew a distinction between *debottar*, or temple lands, and other grants, such as *brahmottar* (personal grants to Brahmans for religious service), *dharmottar* (grants to religious communities other than temples, or for pious uses), &c. In the case of the first, when he found the grants to be *bonâ fide* and valid, he confirmed them as revenue-free, without, as he was ordered, referring the case to superior authority. In all other cases of *bonâ fide* and valid grants, he simply confirmed the grantee in possession, and directed that, as ordered in his instructions, the land should be assessed as before, i. e. at Mr. Scott's favourable rates of 8 annas a *púra*, pending the final orders of Government on the whole question. Where the land held was not found to be held under a *bonâ fide* and valid grant, it was resumed and settled at full rates, which in those days were R. 1 a *púra*. But no reference was ever made to Government on the conclusion of the proceedings; and thus until 1861, when the revenue rates were raised throughout Assam, the second class of lands continued to be assessed at rates which, though this was not expressly intended, were, as a matter of fact, half the rates prevailing for other lands.

'The question what was to be done with these lands was not again stirred till 1872, when a long correspondence began, which was not finally closed till 1879. It was considered by the Government of India that, the grantees having so long been suffered to hold at half rates, it would not be judicious to make any alteration in their status: and so General Jenkins' unauthorized action was condoned. These half-rate holders were at that time called, equally with the revenue-free holders, *lakhirájdárs;* the term *nisf-khirájdár* was adopted in 1871, as a more accurate description of their status as land-holders liable to be assessed at only half the current rates of revenue, whatever these may happen to be. A *nisf-khirájdár*, during the present Settlement, enjoys the further advantage of holding the waste lands of his estate, revenue-free. *Nisf-khiráj* estates generally throughout the Assam Valley have now been settled for a term of ten years, on the expiry of which a fresh Settlement is to be concluded, in which a light rate will be imposed on the waste lands, while the cultivated area will be assessed at half the current revenue-rates of the day.

'Three-fourths of the *nisf-khiráj* estates are situated in the district of Kamrúp, and date from the last period of Ahom rule, when the seat of Government had been transferred from

Garhgáon to Gauháti, and the Ahom kings gave away lands wholesale with all the zeal of recent converts to Hinduism. The *lakhiráj* or *debottar* grants, on the other hand, are usually of older date, the most ancient being ascribed to kings Dharmapal and Vanamala, who are said to have reigned between 1100 and 1200 A. D.

These estates are, like the *chamuás* and *khiráj-khats* already mentioned, ordinarily cultivated by sub-tenants, who, when their superior landlord is (as is generally the case) a religious institution, are known as *paiks* or *bhagats* of the temple or *shattra;* they usually pay only the Government rates as rent, but are in addition bound to do service for their superior landlord.'

It is said that the nisf-khiráj estate 'is the nearest thing in Assam to the temporarily-settled estate of Upper India: it includes both cultivation and waste, pays a lump-revenue assessment . . . and enjoys the privileges of a ten-years' Settlement, under which the *nisf-khirájdár* is at liberty to bring his waste into cultivation without any increase of assessment while the term endures[1].'

§ 6. *Difficulties in compacting the Holdings.*

In the process of settling the claims to revenue-free holding which resulted in the nisf-khiráj estates, the grantees were required to have the grants reasonably compact, and so to give up outlying plots and accept an equivalent of land in a suitable situation of which they would get half the revenue. Since then a question has arisen as to exactly what the intention was, and what the legal consequences are, in making such exchanges. Two views were possible: (1) It might be that no *land* was exchanged at all, the grantee simply submitted to full assessment on the detached blocks, and in return accepted 50 per cent. of the revenue on certain equivalent blocks contiguous to the main estate; (2) or it might be, that he gave up *landed* interests in the detached block and accepted a grant of *land* elsewhere. Which view was true does not

[1] *First Report*, Land Records and Agricultural Department, 1882–84, § 14.

exactly appear, but the second was certainly generally accepted. The case reported in *Calcutta Law Reports*, Vol. XI. 554, is one from the Darrang District, in which the Rájá had *rights* over tenants in the detached pieces given up, and claimed similar rights over the hitherto Government raiyats on the land taken in exchange. It was settled, so far, that the exchange between the grantee and the Government could not affect the rights or liabilities of the holders of the land whatever they were by law. The whole matter is too long for discussion in this place, but may be seen detailed in Mr. Ward's note on the Kámrup lakhiráj Settlement[1].

§ 7. *Waste Land Grants.*

In Assam, thinly peopled for the most part, and with a 'boundless extent' of waste, these grants have a peculiar importance. They form one of the principal sources of modern tenure. The discovery of indigenous tea in Assam gave a great impetus to the establishment of tea-gardens, and naturally the special rules for grant of considerable areas of waste to capitalists (as distinct from the ordinary rules for occupation of plots of agricultural land) had in view chiefly the extension of tea-cultivation.

In this section I do not speak of *ordinary* applications[2] for available plots of land; although an applicant for such may grow tea or any other crop he pleases. In point of fact, the ordinary rules, even though they involve full assessment, are acceptable, since something like 76,500 acres of land are held by planters (mostly for tea) on the ordinary tenure on annual, periodic, or decennial leases as the case may be. The grants spoken of in this section are grants in larger lots for tea, cinchona, coffee, and other cultivation, which involves capital expenditure, and are allowed certain exceptional privileges.

They are made under the 'Waste-Land Rules' which

[1] See the letter of the Commissioner to the Chief Commissioner, No. 1346, of 20th December, 1883.

[2] See the chapter on Revenue Business and Procedure: the application is to the local official for ten bighás or less, and to the Deputy Commissioner for larger areas; a patta is then granted on the usual terms.

from time to time have been issued, and which were specially reconsidered in 1861, when Lord Canning's minute on the subject was published. Accordingly there are grants subsisting on different terms—being those prescribed by the rules in force at the time.

The *Report* for 1882 may again be quoted[1]:—

'The following is an account of the special terms under which waste land grants are held from Government in the various districts of the Province. Only one of these systems, viz., the Lease Rules of 1876, is now actually in force for new applications; but grants made under all of the prior rules actually exist, and they are governed by the conditions in force at the time when they were given.

'I. The first special grant rules were those of the 6th March, 1838, and related to Assam Proper only. No grant was to be made of a less extent than 100 acres, or of a greater extent than 10,000 acres. One-fourth of the entire area was to be in cultivation by the expiration of the fifth year from the date of grant, on failure of which the whole grant was liable to resumption. One-fourth of the grant was to be held in perpetuity revenue-free. On the remaining three-fourths no revenue was to be assessed for the first five years if the land was under grass, ten years if under reeds and high grass, and twenty years if under forest; at the expiry of this term, revenue was to be assessed at nine annas per acre for the next three years, after which the rate was to be for twenty-two years R.1–2 an acre. At the close of this period (the thirtieth year in the case of grants of grass lands, thirty-fifth in the case of reed lands, and forty-fifth in the case of forest lands), the three-fourths liable to assessment were to be assessed, at the option of the grantee, either at the market value of one-fourth of the produce of the land, or at the average rate of revenue paid by rice lands in the district where the grant was situated; the revenue was thereafter to be adjusted in the same manner at the end of every term of twenty-one years.

'Very few grants under these rules now exist. There are two in Kámrúp and sixteen in Sibságar, with a total area of 5533 acres.

'II. The next rules were those for leasehold grants of the

[1] § 175, Special tenures.

23rd October, 1854, commonly called "the old Assam Rules." Under these rules no grant was to be less than 500 acres in extent (afterwards reduced to 200 acres, or even 100 acres in special cases). One-fourth of the grant was exempted from assessment in perpetuity, and the remaining three-fourths were granted revenue-free for fifteen years, to be assessed thereafter at three annas an acre for ten years, and at six annas an acre for seventy-four years more, making a whole term of ninety-nine years: after which the grant was to be subject to re-survey and Settlement "at such moderate assessment as might seem proper to the Government of the day, the proprietary right remaining with the grantee's representatives under the conditions generally applicable to the owners of the estates not permanently-settled." One-eighth of the grant was to be cleared and rendered fit for cultivation in five years, one-fourth in ten years, one-half in twenty years, and three-fourths by the expiration of the thirtieth year; and the entire grant was declared to be liable to resumption in case of the non-fulfilment of these conditions. The grants were transferable, subject to registration of transfer in the Deputy Commissioner's office. These rules were extended to Sylhet and Cachar in 1856, and were in force till 1861, when they were superseded by rules for grants in fee-simple, which at the same time allowed holders of leasehold grants under the prior rules to redeem their revenue payments, on condition that the stipulated area had been duly cleared, at twenty years' purchase of the revenue at the time payable. This permission is still in force, and has largely been taken advantage of: 262 grants, with an area of 282,758 acres, have thus been redeemed, and 52 grants, with an area of 45,673 acres (most of which are in Cachar) remain upon the original terms.

'III. To these succeeded a new policy, that of disposing of land in fee-simple. The first fee-simple rules were those issued by Lord Canning in October, 1861; the Secretary of State took objection to some of their provisions, and a fresh set of rules was issued on the 30th August, 1862. The rules issued by Lord Canning provided for the disposal of the land to the applicant at fixed rates, ranging from R. 2-8 to R. 5 the acre. The rules of August, 1862, provided that the lot should be put up to auction. Grants were to be limited, except under special circumstances, to an area of 3000 acres. In each case the grant was ordinarily to be compact, including no more

than one tract of land in a ring-fence. The upset price was to be not less than R. 2-8 an acre, and in exceptional localities it might be as high as R. 10. Provision was made for the survey of lands previous to sale, and for the demarcation of proper boundaries where applicants for unsurveyed lands were, for special reasons, put in possession prior to survey and also for the protection of proprietary or occupancy-rights in the lands applied for. The purchase-money was to be paid either at once or by instalments. In the latter case, a portion of the purchase-money, not less than 10 per cent., was to be paid at the time of sale, and the balance within ten years of that date, with interest at 10 per cent. per annum on the portion remaining unpaid. Default of payment of interest or purchase-money rendered the grant liable to re-sale.

'These rules were in force till August, 1872, when the Lieutenant-Governor of Bengal stopped further grants under them, pending revision of the rules.

'IV. Revised fee-simple rules were issued in February, 1874, just before the constitution of the Province as a separate Administration, which raised the upset price of land sold to R. 8 per acre, and made more careful provision for accurate identification of the land, and for consideration of existing rights and claims, before its disposal. These rules continued in force till April, 1876.

'There now exist in the Province 325 fee-simple grants (excluding redeemed leasehold grants already mentioned), covering an area of 201,831 acres[1].

'V. The existing special rules under which applications for waste land for the cultivation of tea, coffee, or timber-trees are dealt with are those of April, 1876. The land is leased for thirty years at progressive rates, and the lease is put up for auction sale, but only among applicants prior to its advertisement in the *Gazette*, at an upset price of R. 1 per acre, under the provisions of Act XXIII of 1863. The progressive rates are as follows:—

For the first 2 years	.	.	.	.	revenue free.
,, next 4 ,,	.	.	.	.	3 annas an acre.
,, ,, 4 ,,	.	.	.	.	6 ,, ,,
,, ,, 10 ,,	.	.	.	.	8 ,, ,,
,, ,, 10 ,,	.	.	.	.	1 rupee ,,

[1] And these would be under the Regulation 'proprietors' estates.

After the expiration of the term of lease, the land is to be assessed under the laws in force "provided that no portion of the land shall at any time be assessed at a rate higher than that then payable on the most highly-assessed lands in the district, cultivated with rice, pulses, or other ordinary agricultural produce." The grantee is required to pay the revenue punctually at the due date; to devote the land only to the special crops for cultivating which it is granted; to personally reside in the district, or have an agent residing there; to erect and maintain in repair proper boundary-marks; not voluntarily to alienate any portion of the land unless the estate is transferred as a whole; and to give notice to the Deputy Commissioner of all such transfers. On breach of any of these conditions, the concession of the favourable rates of assessment on which the land is held is liable to be withdrawn, and the estate to be assessed at the ordinary district rates. There were altogether at the end of 1882–83, 545 estates, covering 221,379 acres, held on this tenure in Assam[1].

'From the above summary it will be seen that from 1838 to 1861 the principle on which waste lands were granted for tea-cultivation was that they should be held on a leasehold tenure for long terms at low rates of assessment, the cultivation of the land being secured by stringent conditions as to clearance; from 1861 to 1876 the policy was to alienate land free of revenue demand, and without any clearance conditions; while from 1876 to date, the principle of leases has again been reverted to, but this time without any special stipulations as to the area to be brought under cultivation within the term of

[1] Though this chapter relates to Assam proper, it will be convenient to notice here a peculiarity in the Waste land grant of the Sylhet district. 'Mention should here be made of a special tenure, compounded of the lease under the rules of April 1876, and the terms on which *ilám* land is held in the Sylhet district, on which certain tea-planters have been allowed to hold land for tea in South Sylhet. When the *ilám* re-settlement was in progress in this district, it was found that several planters had recently acquired considerable areas of waste land held under *ilám pattas*. One of the rules of the *ilám* Settlement was that waste land within the boundaries of the *patta* which exceeded the proportion of one-fifth of the cultivated area, should be cut off and resumed by Government. But it was precisely in order to obtain this waste land that tea-planters had acquired the *ilám pattas*. A compromise was, therefore, made in 1879; the land already under tea was assessed at R. 1-8 per acre; of the waste, an area equal to one-fifth of the cultivated area was allowed at eight annas an acre; and the rest was permitted to be held on the terms and at the rates specified in the waste land rules of 1876. There are fifty-nine such estates in Sylhet, with an area of 29,536 acres.'

lease. The total area held on these special terms for tea-cultivation in the Province is no less than 786,710 acres, or 1229 square miles.'

For the last two or three years there has been a contraction in the demand for waste land. This is due not only to depression in trade and low prospects of tea, but also to the fact that many previous grants had not been fully cultivated, so that there was much room for extension without taking up more land.

The *Administration Report* for 1886–87 [1] states that the total area (of the entire province) taken up for tea-cultivation and purposes subsidiary thereto, now measures 961,643 acres.

§ 8. *Tenants.*

In all parts of India where the custom of landholding has remained simple—an individual right to the occupant, family, or individual—it is the natural consequence that there is, as a rule, little or no room for those—often burning—questions of tenant-right which arise when the proprietary right in estates has been granted to, or recognized as belonging to, some middleman whether a 'Zamíndár,' 'Taluqdár,' auction-purchaser, farmer, or a proprietary body, between the State and the actual cultivator.

In Assam, however, there are the permanently-settled districts in which the rights of the tenants may need protection by law, and the attention of the Administration being thus attracted, it is natural that notice should be taken of the larger estates of 'raiyats,' and especially of nisf-khiráj estates and revenue-free estates where tenants are employed, with reference to the relations of landlord and tenant generally.

The argument is that it is best to take the opportunity

[1] General Summary, § 16. From the *Agricultural and Land Records Report*, 1884-5, which contains maps showing the different percentages of cultivation of different kinds, I find the percentage of cultivation (generally) to total area of each district was thus given—

Goálpára . .	1 to 4 per cent.
Lakhimpur .	4 to 7 per cent.
Darrang . .	7 to 10 ,,
Nowgong . .	10 to 13 ,,
Sibságar . .	16 to 19 ,,
Kámrúp . .	22 to 25 ,,

The largest proportions of tea to other cultivation are shown in Upper Assam.

equitably to define relations before there is any embittered feeling between the two classes, and when the 'landlords' themselves have had the advantage of a tenure recently secured by legislation[1].

At present inquiries are being pursued, but it is hardly too much to say that there is no general demand for a tenant-law. At one time it was a question whether Act X of 1859, the then Bengal tenant-law, was in force in the Assam Districts or any of them. Reference may be made on this subject to the *Indian Law Reports*, Calcutta Series, Vol. IX (Full Bench), p. 330, where rent-suits or disputes with tenants are treated as ordinary Civil litigation. The Act of 1859 was never in force except in Goálpára, which was at the time an integral portion of Bengal and subject to the ordinary or 'Regulation law.'

SECTION III.—THE LAND-REVENUE SETTLEMENT.

§ 1. *Classification of Land for Assessment Purposes.*

For the purposes of Settlement, land in the Assam districts is naturally classified into (1) 'bastí' or 'bárí' land, the site for house and garden: (this land is manured and often highly cultivated); (2) 'rúpit'[2] or ordinary rice-land;

[1] A writer in the *Pioneer* (of October 27th, 1883) refers to the case of the nisf-khiráj settlements already referred to (see p. 406, ante) as cases where a tenant-law may be needed. Here the object was to settle estates in compact areas, and so exchanges were effected in some cases whereby a bit of land was left out of the estate and another bit—occupied by raiyats—included. It was not intended of course to alter any one's right; the free-tenure-holder would simply collect the revenue from the raiyat and retaining his own share, pay the rest into the treasury. But it was found—and said to have been decided by the High Courts,—that the raiyat so exchanged into the estate, became a *tenant* liable to enhancement of rent! It should be remembered that the lakhiráj and other such holders are men of a class privileged under the Ahom rule, who have not forgotten that in such estates the residents (or paiks) were bound to give them a certain portion of labour, free; and although no such thing was recognized by the British law, the tendency of the estate-holder to imagine his tenant to be still a 'serf,' was natural; and when a 'free' raiyat hitherto holding under Government found himself become (by the exchange spoken of) the tenant of such an estate, he would naturally desire some legal protection against 'enhancement' and ejectment.

[2] The name is by some derived from *rompná*, to root up, or transplant; because rice is often sown in nurseries and the seedlings transplanted (and then called sálí).

(3) 'faringatí'[1] which is a residuary class including tea-land, as well as 'chápar' (or char) alluvial islands; and dry-crop land on high ground, fluctuating or temporary cultivation, or in short, *any land that is not* 'bastí' or 'rúpit.'

§ 2. *Fluctuating Cultivation.*

I may mention that the physical conditions of the Assam climate, the changeful nature of the river-bed, and the habits of the people, all combine (in many places) to produce a system of temporary or fluctuating cultivation. In that case the land is held on annual lease.

To discourage the capricious relinquishment of land, the latest rules of Settlement require that if a man gives up a holding, and takes it up again the following year, he shall pay (for the year) 50 per cent. higher revenue. It is a common custom with the Káchárí tribe (who are only found where land is abundantly available) to throw up the whole of their holding, and during the following year to take up again that portion which they find themselves in a position to cultivate. When a Káchárí gives in a petition like this—resigning the entire holding, he has rarely the intention of giving it all up. He has perhaps lost some cattle, or his family is reduced in number, and he does not feel certain as to how much land he can cultivate. If he does not resign, he knows he will have to pay revenue whether he cultivates or not; and to save himself the cost, he makes sure by resigning all—meaning at once to apply for part of the land again.

This practice is common, for instance, in the Darrang District, where waste is abundant, and where (among the

But in Assamese 'rúa' means 'transplanted,' and this is the more probable origin. In the *Instructions to Mauzáls* of December, 1884, it is noted that rúpit is confined to this kind of rice-land; but the *Settlement Rules* (28th October, 1887), under the Regulation, now direct that *rúpit* is to mean any land growing *transplanted* rice—whether it is 'báo' (deep-flooded) or any other—as distinguished from the land that bears rice sown *broadcast* (Ahú), which is of a different character.

[1] I have adopted the ordinary official spelling—though it is difficult to account for the etymology of this term. I have not been able to trace either its origin or intrinsic meaning.

Káchárís) there is a 'brotherly feeling' which prevents one man from applying for a resigned holding which he knows his friend has relinquished with the intention of taking it again after a time. But sometimes the frequent resignation of land does indicate that cultivation is fluctuating. For example in some places, upland, out of the reach of flood, and covered with short grass, is selected (in the river belt before described). This land is soon exhausted—not being flooded, and is therefore soon abandoned.

In other parts there are lands that appear to require two years' fallow after two or three years' cultivation. In such a case the land is resigned, and if found available is taken up again. In Kámrúp I find notice of a third kind of fluctuating cultivation called '*pám*'; it consists of clearings effected by burning the tall 'elephant' grass, on low-lying tracts that are wholly or partly submerged in the flood season[1]. As these are at a distance from the permanent homesteads, winding paths are cut through the tall grass, and temporary huts (*pám basti*) are erected on the spot. Mustard chiefly is grown: the land gets exhausted after the third year and is exchanged for new. Mr. Darrah speaks of immense areas held on this form of tillage in Kámrúp, Nowgong, and North Lakhimpur[2]. Of course cultivation in general, undertaken on alluvial lands and *chars*, that are here one year and reformed somewhere else the next, is essentially fluctuating; this is very common in the valley.

§ 3. *Early Form of Settlement.*

The earliest form of Settlement has now no interest. Up to 1836, nothing was done except to realize the revenue as levied under the Native rule, only without making the

[1] Such lands are not necessarily in the river bed, but are mostly found near the river. In the Bharpeti subdivision, such cultivation is to be seen almost up to the slope of the Bhután hills.

[2] See Report of Department Agriculture and Land Records for 1886-87, §§ 13-17.

demand for personal labour, and produce which was part of the old 'khelwárí' system of taxation.

In 1836–42 a system was attempted, but hardly put into real practice, of making short Settlements for a circle of villages (called a *mauza*[1]) with a contractor or revenue-farmer called 'mauzadár.'

The system actually adopted in practice was (what it still remains in tracts where the population and style of cultivation would not be suited by a ten-years' Settlement) a system of annually measuring or verifying the raiyat's holding, and charging his actual cultivation with certain fixed rates of revenue, according as it was 'bárí,' 'rúpit,' or 'faringatí.'

§ 4. *Present System.*

The present Settlement system may be described under two divisions—

(1) tracts where the cultivation is fluctuating, or if permanent, where the general condition is backward: there are *annual measurements*, supported by two simple records on which *pattas* or leases for the year, or for periods under ten years, are issued;

(2) tracts more advanced, where the cultivation, having gone on for some years continuously, is presumably permanent, and ten years' Settlements are in force under rules made in 1883.

As the introduction of a Cadastral Survey, preceded by a notification under Section 18 of the Regulation, and the preparation of the (generally similar but more detailed) records of Settlement, is at present an exceptional proceeding, it will be best to describe, first, the general method, and then add an account of the cadastral work.

There are no village-boundaries in Assam except in the Kámrúp district and other places cadastrally surveyed, where the boundaries of villages are laid down and shown in the maps[2]. But separate groups of land having local names exist.

[1] The student will note that the mauza of Assam has nothing to do with the mauza of Upper India.

[2] This is true of the whole province. In Sylhet and Cachar, and probably in Assam in old days, the

§ 5. *The Assam 'Mauza.'—Amalgamated Lands.*

For ordinary purposes, however, the Assam 'mauza,' and not the village, is of importance.

A considerable area of cultivated and waste land (which may contain several villages) aggregated for the purposes of record and revenue collection, is indicated by the term 'mauza.' The revenue charge of a mauza, and the responsibility for the whole revenue of it in the first instance—rests with a contractor called mauzadár. But the mauzadárs are often poorly educated and inefficient, and a commencement has been made in the introduction of the 'tahsíl' system, whereby a regularly graded and paid tahsíldár is or will be appointed to a local area, instead of the more expensive and less efficient mauzadár.

Inside the 'mauza' are a number of circles, and each circle has a 'mandal' who does the measuring and recording: he, in some respects, represents the 'patwárí' of other parts. The arrangements made for the control and supervision of these officers is mentioned afterwards.

The mauza may include more than one kind of estate, or tenure; and as some of these lands are not within the scope of the mauzadár's revenue responsibility, such lands are said in technical language not to be 'amalgamated' with the mauza, though otherwise included in the area. Lands 'amalgamated' are those raiyatwárí lands, whether held on annual or periodic lease, which are subject to the measurement and revenue collection of the mauzadár. Lands in the mauza, which are not 'amalgamated,' will consist of—the large tracts of unoccupied waste frequently to be found; chamúa or other estates paying their revenue direct to the treasury; nisf-khiráj estates; and revenue-free estates[1]. None of these appear in the mauzadár's books

'Khel' was the analogue of the village—being a group of lands taken up by an associated body of cultivators or settlers. A number of khels or mahál were aggregated for Revenue purposes into mauzas or Parganas (or 'Zillas' in Sylhet).

[1] Small nisf-khiráj holdings of less than fifty bighás may, however, be 'amalgamated.'

or records, as far as measurements and revenue collecting responsibility are concerned.

§ 6. *Mauzadár's Registers.*

For all lands for which the mauzadár is responsible, he keeps two registers known as (1) dág-chiṭṭhá[1] and (2) jamabandí. The former shows the number borne by each field, its boundaries, measure of length and breadth, its area, class of soil, and the crop grown on it, as well as the name of the Settlement-holder. The second begins with the Settlement-holders, showing the fields each holds, the numbers which the fields bear in the dág-chiṭṭhá, the area of each, and the class—whether 'bastí,' 'rúpit,' or 'faringatí,' with the revenue assessed and the local rates. The jamabandí thus forms the revenue-roll of the *mauza*.

The *mandals* write up these records annually. A *mandal* numbers consecutively all the fields in his circle, because (as above remarked) village-boundaries do not exist. The numerical series may be disturbed from year to year, by the relinquishment of old fields and taking up new ones; and hence rules have been made to avoid the confusion that would ensue. Where there are permanent fields, annual remeasurement is not needed; the areas are simply copied from the last register to the new one, and the periodic leases are kept in a separate schedule: but other lands have to be measured annually, and these also are kept separate.

§ 7. *Method of Measurement and Assessment.*

Measurement is by a 30-feet chain, or with a rod according to local usage. The bíghá of 14,400 square feet (1600 square yards) is adopted[2]. The area is calculated by multiplying the average length and breadth on the assumption (generally true) that the field is rectangular; if it is irre-

[1] 'Dág' is the name for a field; indicating a plot marked by a *line* cut in the jungle or otherwise. Waste unoccupied fields are spoken of as sarkári dág.

[2] Sometimes a purá = four of such bíghás is spoken of. The bíghá is subdivided almost invariably into five kaṭhá (cottah); and the kaṭhá is divided into twenty 'lessa,' one 'lessa' being thus the hundredth part of the bíghá, i.e. 144 square feet.

gular, the rectangle is calculated, and corners separately calculated and added to get the total.

The fields being once classified, as the rates for rúpít, bastí, and faringatí are fixed[1], the assessment is a matter of arithmetical calculation. The whole process is gone through twice in the year; the main Settlement being that which includes all the lands occupied when the financial year begins (1st April) and up to the filing of the papers in July and August: while the supplementary Settlement, spoken of as '*daryábádí*' (cultivation of river-lands), takes in the new lands broken up after the floods subside, or in the cold season, for mustard, pulse, and other cold-season crops.

§ 8. *Additional Registers.*

In order that the mauzadár may be aware of the state of *all* lands in his mauza, whether 'amalgamated' or not, his jamabandí now has parts which show the estates and their revenue paying direct to the treasury, the nisf-khiráj holdings, and waste land grants. The particulars are furnished from the Deputy Commissioner's office.

The mauzadár keeps up certain other forms which may here be briefly alluded to; they are:—

(Form C.) A register of revenue-free lands: including modern grants of waste revenue-free; old revenue-free grants; and reserved or State forest lands.

(Form D.) A general abstract Statement of all lands in the mauza; including unappropriated land available for appropriation.

(Form E.) An annual statement of 'lands relinquished.'

(Form F) is a financial form, and shows the revenue demand of the year on each class of soil, with the area. It consists of a separate table for each kind of estate:—

[1] Bastí and garden lands growing fruit trees, betel palm, and vegetables, pay–1 R. per bígha.
Rúpit (rice land) 10 as. ,,
Faringatí . . 8 as. ,,
But no assessment can be less than eight annas. Fractions are disregarded if less than half an anna, and if half or more, the whole anna; is counted. Where the revenue of a holding is R. 100 or more, any fraction of a rupee less than eight annas is dropped, and if more is counted as a whole rupee (Rules 32-34).

Annual Settlements under the mauzadár.
Decennial Do. do.
Nisf-Khiráj estates and any special tenures.
Revenue-paying estates (chamuás, &c.) not paying through the mauzadár.
Revenue-free and forests.

§ 9. *Cadastrally-surveyed Tracts.*

It may be stated at once, that these tracts differ chiefly in the fact that there are *maps* showing village-boundaries and fields: and that the 'dágchiṭṭhá' or field-register, is replaced by a form somewhat more complete; but still called by the same name. It corresponds to the *khasra* of other provinces, and indeed is so called by foreign 'amíns' employed in the survey[1]. The Jamabandí is also more detailed.

The cadastral survey has been completed in the Kámrúp, Darrang and Nowgong districts, where there is the largest percentage of cultivation: at the time I am writing, Sibságar is approaching completion.

But under modern methods of procedure, it is recognized as of little use to make a complete survey, if the work is not thereafter maintained correct, changes being noted on the

[1] As a sample of the useful form adopted, I may give the columns of the dág-chiṭṭhá: 'Nature of tenure' in column 3 means a classification, thus:—
1. Khiráj (Revenue paying) on annual, ten year or five year lease.
2. Nisf-khiráj (half Revenue) and ten-year lease land also.
3. Lakhiráj (Revenue-free) waste land, 'fee simple' grants or *Bhogdáni*, i.e. native revenue-free grants.
4. Waste land grants under later rules.

Field number.	Holder's name and description.	Nature of tenure.	Area.		Uncultivable.				Culturable waste.	Cultivated.						Remarks.
			Acres.	Bighás.	Roads, embankments, &c.	Permanent water.	Waste.	Total.		Basti.	Rúpit.	Faringati.	Total.	New, old, or retaken.	Crop.	

maps and brought to book as the case may be, so that the work may not be lost or have to be done over again.

The orders for maintaining the work were contained in Circular No. 31, dated 28th June, 1887, which has been replaced by orders issued in the summer of 1889. These I have not been able to procure.

§ 10. *The Cadastral Survey System.*

For the purposes of the survey it is, of course, necessary that boundaries should be fixed, and the marks preserved when they are fixed [1].

Reg. I of 1886, secs. 21, 22. The Regulation gives power to the survey officer to require information and assistance, and that marks should be erected or repaired as the case may be.

If a dispute occurs, the survey officer will inform the Sec. 23. Settlement Officer, who is empowered to settle the matter.

The details of the process of survey would be foreign to my purpose; but I may mention that every field within the village-boundaries as laid down, received a separate number; and so every road, *bil* (a swampy place or deserted channel), river, public land, culturable and unculturable waste plot. The occupied land was divided into fields; as many of the old (separately numbered) *dágs* of the mauza as belonged to the same raiyat, were contiguous and of the same class, were made into one field or survey number. But if the area exceeded five acres, and was held partly or wholly by the landholder's tenants, then each tenant's holding was surveyed and numbered as a separate 'field.' This plan of following the *tenant's* holdings was adopted in revenue-free, chamuá and nisf-khiráj estates (where tenants are usual). Lands that had been relinquished, and new fields formed, were always made

[1] I find many of the reports speak of 'prism-planting,' which means that the demarcation is done by triangular prisms of stone (3′ × 1′ × 1′.) made of Chunár stone brought from Calcutta. These are sunk in the ground, making excellent marks which indicate the junction of three villages. To indicate theodolite stations it has been found useful to plant branches of the *semal* (*Bombax malabaricum*) which take root easily. They are planted exactly five feet to the north (magnetic) of a wooden peg driven into the ground. In other places earthen mounds (*ail*) are employed.

into separate numbers. Where a public *road* crossed a holding, the fields on either side would be separate numbers, but a mere path would only be shown by dotted lines and not necessitate such a separation.

§ 11. *Classification and Assessment.*

Both processes are extremely simple, being just the same as under the annual Settlements. Land is classified as already stated, and the assessment rates are fixed (vide Sec. III, § 1, and § 7 *note*, ante). Rules 31–34.

The rates, it should be remembered, do not apply to land which has an exceptional value, being within five miles of the boundary of any military cantonment or civil station. The Chief Commissioner will determine special rates for such land. Rule 33.

With a view to the encouragement of cultivation, the Deputy Commissioner, with the sanction of the Commissioner, may exempt land taken on periodic leases, from the assessment for three years. A further extension of the period of exemption requires the sanction of the Chief Commissioner. Rule 35.

For 'nisf-khiráj' lands there are special rules[1]. They are settled ordinarily for ten years. If less than fifty bíghás in extent, the land may be 'amalgamated' with the mauza; and the survey and measurement are done by the mauzadár or the tahsíldár. If larger, a Government survey party makes the measurement previous to resettlement, and prepares a map on the scale of sixteen inches to a mile. A separate 'chiṭṭhá' and a jamabandí are prepared for each larger estate. The rate of assessment per bíghá on cultivated *nisf-khiráj* land is half the rate specified in Rule 32. But waste land and land not under cultivation for three years prior to new settlement, is assessed at 1 *anna* 3 *pie* per bíghá. A separate report of the Settlement of each larger estate is submitted. The report contains the particulars specified in Rule 67, and a lease is given for each estate. Rules 59–64. Rule 67.

[1] The Rules are those under the Regulation.

§ 12. *Procedure in applying for Waste Land.*

I have already spoken of the tenure of existing grants of waste land; but in a country where the best cultivated district has only 25 per cent. of the whole area under cultivation, it follows that procedure for taking up of new land for cultivation is a matter of importance.

The rules contemplate waste being devoted to (1) special cultivation, (2) ordinary cultivation. 'Special cultivation' is tea, coffee, cinchona, timber, or other produce other than the ordinary agricultural staples of the Province, and which requires a considerable expenditure of capital.

When waste land is of such character or in such a position that it is not likely to be taken up for ordinary staples, it may be applied for for 'special cultivation,' provided that it does not bear valuable timber, nor is known or supposed to contain valuable minerals, nor is wanted for grazing or fuel supply, nor is subject to 'special privileges' of neighbouring villages, nor to claims by 'wild tribes.' It should be noted that no 'fee simple' land is now granted. The essence of the transaction is a *lease*, which after due observance for a term of years, ripens into the ordinary 'landholder's' tenure under the Regulation. The chief features of the procedure are the written application giving particulars; the limit of 600 acres, except under special sanction; the necessity of satisfying the Deputy Commissioner that if the applicant already holds a grant or lease, he really intends to cultivate or plant the area applied for[1]; the deposit of a sum to cover cost of survey, a survey and demarcation—a map being made (sixteen inches to a mile); the issue of a 'notice of sale'; the valuation of timber on the grant; and the execution of a lease and counterpart. When the preliminaries are all gone through, and no objection is found

[1] Great trouble has been experienced in many parts, by the habit of allowing land to be taken up by grantees who have no use for it, and who merely let it lie, and at some future time try to make profit out of it when land is in more demand, and sells at a higher price. During a course of years the boundaries have become uncertain, or squatters may have long occupied certain plots, giving rise to disputes and even litigation.

to the grant (under Act XXIII of 1863 or otherwise), a deposit of purchase money to the full amount of the 'upset price' has to be made, and the balance (if the land fetches more at sale) must be paid up in a month, the penalty being the cancelment of sale, and loss of the deposit as well as the survey deposit. Rules 8, 20, 21.

The rules must be consulted for further particulars as to the block being compact; public roads being reserved with a strip on each side; and so forth.

Under a lease bought at auction in this manner, rights to minerals and certain other rights are reserved to the State, and the land-revenue assessment is remitted for two years; after which it is levied at—

3 as.	per acre for	4 years.
6 as.	ditto	4 ,,
8 as.	ditto	10 ,,
1 Re.	ditto	10 ,,

and after that the land is liable to ordinary rates. The lessee becomes a 'landholder' with the usual permanent, heritable, and transferable right.

Waste land suitable for (2) *ordinary* cultivation *may* be utilized, of course, for special cultivation or building, as well, —but on the ordinary terms.

Here the land will be classified as *basti*, *rúpit* or *faringati* in the usual way.

It is taken up on periodic lease ordinarily not exceeding ten years, or twenty years by special sanction of the Chief Commissioner[1].

An application may be made stating whether the land is required on annual or periodic lease. If the application exceeds fifty bíghás, it must be to the Deputy Commissioner, or the sub-Divisional Officer, and there must be a survey and a map and a special Report. Rules 42, 43.

§ 13. *Resignation.*

Any Settlement-holder may give up the whole or part of his land, on tender of resignation on or before the 31st

[1] Periodic leases are not issued, —on taking up 'faringati' in ordinary cultivation; when a person is discovered in possession without a lease; or for land within certain distances of public roads.

Rule 52. December in each year. The Settlement officer may refuse an application. There is nothing to prevent a holder resigning land one year and then applying for it again;
Rule 46. except that already alluded to, viz. that if the person applies after having resigned the previous year, he will only get an annual lease, and he will be liable to be assessed at 50 per cent. above the ordinary rates for that year; after which subsequent re-Settlements will be at standard rates.

§ 14. *Re-Settlement.*

As no Settlement (except on auction lease of waste land for special cultivation) is ordinarily for more than ten years, and a number are on periodic leases for less than ten years, and a large number on annual leases, it follows that re-Settlement is always going on.

Re-Settlement is accompanied by a re-measurement[1], and preparation of the *dág-chiṭṭha* and *jamabandí* as already explained; except where there has been a regular or a cadastral survey which is intended to be made once for all.

See Regulation I of 1886, sec. 32, and Rule 47. If there is a 'landholder' in possession, he is entitled to the re-Settlement: if not, the lessee is ordinarily entitled to preference, but has no legal claim to a re-Settlement. If no one is found in possession immediately under Government, the Settlement may be offered to the actual cultivator.

But to prevent doubt, it is a rule that no one is entitled to a re-Settlement, unless his name is on the District General Register of revenue paying estates, as Settlement-holder of the land.

If the person entitled and offered, declines to accept a re-Settlement, there is a procedure for which the Rules may
Rule 51. be referred to.

[1] By the mauzadár and mandal in ordinary cases, unless it be known that there has been no material change. But in holdings exceeding fifty bighás a professional surveyor is employed (Rule 50), and in such cases a special Settlement report is submitted under Rule 43.

In the case of planters' grants there has been correspondence about the acceptance of *private* surveys made by the grantees, for Settlement purposes. I do not propose to go into the detail, but reference may be made, for the terms agreed to by the Chief Commissioner, to letter No. 4143, dated 22nd November, 1886.

§ 15. *Record of Rights.*

Allusion has already been made to the simple records made by the *mauzadárs*, and those prepared by the Settlement officer in a more detailed form in cadastrally-surveyed tracts. From their form and contents it will be seen that they furnish the *data* required regarding the land, and also sufficiently secure the rights of the different classes interested in the land. The legal basis on which they rest is to be found in the Regulation: and it is only necessary further to mention that the entries are made on the usual basis of possession, as admitted or as decided on inquiry by the Settlement officer, and that any dispute as to right is referred to the Civil Court. Reg. I of 1886, secs. 40-42.

In the case of *tenants*, the Settlement officer is exceptionally given power to decide their position or class under any Rent Law for the time being in force, as also the amount of *rent* payable; and subject to the appeal contemplated by the Regulation, the Settlement officer's decision is final. Sec. 151.

The Record of Rights is legally presumed to be correct till the contrary is shown.

CHAPTER III.

THE SPECIAL DISTRICTS OF ASSAM.

SECTION I.—GOÁLPÁRA.

§ 1. *History.*

WHEN Bengal was granted to the British Power in 1765, the great Collectorate of Rangpur included in its eastern and north-eastern portions a wild jungle country, mostly hilly, but with some considerable area of plain country on both sides of the Bráhmaputra river. The Mughal Government had done very little for this country[1]; but they had an officer with the title of *faujdár* stationed at Rangamati, midway between Goálpára and Dhubrí. At the foot of the Gáro Hills in the plain country on the north, and also in a wild and hilly tract to the west of the Gáro Hills certain local magnates had established themselves; they were called 'Chaudharí,' and were assessed to a certain 'mál' or revenue, which they paid to the Mughal officer (and after cession to the British '*Sazáwal*' or manager) not in cash but in elephant-tusks, cotton, and 'agar'[2]. They maintained a kind of border police to repress the raids which the Gáros made on the plains, and established 'hát' or markets at which the Gáros sold their produce and paid such trade duty or tribute as the Chaudharís were able to impose[3].

[1] It was inhabited by a 'Mech' or Káchárí population, and some of these had become Hindus under the name of Koch or Kúch. It had become part of the Rangpur kingdom of the Koch dynasty, which was overthrown in A.D. 1682 by the Mughal power under Mansúr Khán.

[2] A wood valued for the medicinal virtues of a peculiar scented resin produced in it under certain conditions of disease, and called Eagle-wood (*Aquilaria agallocha*).

[3] The Gáros were regarded as most troublesome marauders. Their raids were occasioned sometimes by the vexatious imposts of the Chaudharís and oftener still owing to the nature of wild tribes and their desire to obtain 'heads' and victims for sacrifice on occasion of funerals of their Chiefs (*Administration Report*, 1882-83, § 86, &c.).

In the course of time, and as the result of reprisals made by the Chaudharís on the Gáros after their raids, the Zamíndárís (estates of the Chaudharís) had been extended into the outer hills and the outer villages had been subjected to tribute, while the inner Gáros were 'independent.'

In 1816, attention was specially called to this state of things, and it was proposed to put the tract under a special law, removing it from the general Regulations; this was done by Regulation X of 1822.

The Zamíndárs were compensated for loss of tribute and for the lands held in the hills, and the Gáro hills were separated completely.

We are here concerned with the plains portion of Goálpára.

The Zamíndárí estates, which came under the decennial Settlement, made permanent by the proclamation of 1793, were the lands comprised in the 'thánas' of Dhubrí and Goálpára on the north, and the wilder and more hilly thána of Karáibári on the west of the hills. In 1788, cash rates had been substituted for the 'mál' hitherto paid in kind.

Twelve estates of Chaudharís were recognized as Zamíndárís, and almost nominal rates were accepted as the permanent revenue at the Settlement[1]. Seven other estates, claimed as revenue free, were found doubtful or invalid as to title, but were afterwards admitted to a permanent Settlement. Thus old Goálpára consists of nineteen estates permanently settled, to which must be added a few holdings temporarily settled.

In 1866 the Eastern Dwárs, between the northern estates just mentioned and the Bhútan hills, were annexed. The Dwárs are five in number, named Gumá, Rípuṅ, Chirang, Sidlí, and Bijní. In the two last, Rájás possess rights as Zamíndárs, though at present the estates are held 'direct' (or khás), owing to the refusal of the Rájás to engage for the revenue. In the others the Settlement is raiyatwárí, as

[1] It is in fact doubtful whether this assessment was ever formally accepted as the permanent revenue; but 'these estates have uniformly been treated as covered by the permanent Settlement of Bengal' (*Administration Report*, § 77).

in Assam Proper, only that there assessment rates are lower, the cultivation being extremely fluctuating in character.

§ 2. *The Law and Administration.*

As regards the administration and law of Goálpára, it should be noted that when Assam was annexed in 1826, the nineteen estates and the few holdings just alluded to were placed under the Commissioner of Assam. After the Dwárs were annexed, the district so extended was (in 1867) placed under the then newly-formed Bengal Division of Kúch Bihár. When the Regulation X of 1822 was replaced by Act XXII of 1869, and Act XVI of 1869 was passed for the regulation of the Dwárs, certain changes were made in the jurisdiction as regards Civil and Criminal Courts; but the general control remained under the (Bengal) Kúch Bihár Division till 1874, when the province of Assam was formed, in its present shape.

As regards the law in force, Act XXII of 1869 was repealed when the Scheduled Districts Act of 1874 came into force; and the general laws in force are regulated under that Act, and under the Local Laws Extent Act (XV) of the same year. Act XVI of 1869 still applies to the Eastern Dwárs. None of the Regulations of the Bengal Code are in force. The Revenue Law is Regulation I of 1886. The old Bengal Rent Law, Act X of 1859, has been decided to be in force in Goálpára but not in the rest of Assam[1].

§ 3. *Land Tenure of Goálpára.*

There is little that calls for special notice under this head. In the raiyatwárí portions the tenure is as in Assam. In the Zamíndárí estates, the Zamíndárs copy the Assam system as regards their tenants, except that they measure the occupied land more rarely, and the tenant reaps the benefit of his extension of cultivation meanwhile. Waste land is abundant, and is assessed at uniform rates, a little lower than those of Assam.

[1] See Full Bench decision reported in *Indian Law Reports*, Calcutta Series, vol. ix. p. 330.

Section II.—Cachar.

§ 1. *Origin and Constitution of the District.*

The district is part of the old Káchárí kingdom, various monuments of which may still be seen at the ruined capital at Dhimapur on the Dhansir River, beyond the Káchár Hills. This capital was deserted in the first half of the eighteenth century for another place in the plains; and the Rájá became a Hindu, and of course a Rájput with a genealogy from some hero of the Mahábháratá. In the early part of the present century, the Government had fallen into decline; the Burmese, who by that time were in Assam, and had overrun Manipur, threatened Cachar; but the British power came to the rescue, drove out the Burmese (just before the first Burmese war of 1824) and restored the Rájá who agreed to pay a moderate tribute. He was, however, assassinated in 1830, and leaving no heir of any kind, the district lapsed to the British Government as suzerain. It was annexed by proclamation on the 14th of August, 1832[1].

An Act, No. VI of 1835, was passed for to provide for the administration of the District, just as Act II of 1835 was for Assam Proper. But no rules were ever drawn up. A 'Superintendent' was appointed, with instructions to follow 'the spirit of the Regulations' in his management[2].

At the present day, the ordinary Civil and Criminal laws are in force as much as in the other regular districts of Assam. But a part of the district is managed on a separate system. This consists of the Káchár Hills to the north of the district, and naturally separated by the lofty Baráil Range. Mention of these hills and their management is more conveniently made in the section on the 'Assam Range' of Hills. The hills to the south of the district (where there is a large area of State forest) are separated from the plains district by

[1] Vide *Settlement Report and Review.*

[2] The Superintendent was at first under the Commissioner of Assam, but was afterwards placed under the supervision of the Commissioner of Dacca.

an 'inner line' under Regulation V of 1873. There are certain peculiarities in the revenue system of Cachar.

§ 2. *Land Tenures.*

The tenure of land, where it is not on the special terms of a *modern* or *recent* 'Waste land grant,' is called by the same name as in Sylhet, viz. mirásdárí; and here it exhibits a feature which the reader will remember to have met with in other parts of India. This feature, which survives only in Cachar, was probably common, in ancient times, throughout Assam. I refer to bodies of cultivators—of the same or different castes, going to a jungle country and founding villages on some form of joint-tenure; the whole being together liable for the revenue due to the Government.

In Cachar such bodies were often mere associations or partnerships;—sometimes Muhammadans, Hindus, and Hillmen, together: people, in short, with no other tie than this, that they joined in cultivating one place, and that they held under one lease. Such joint bodies exist both in old settled '*mahál*s' and in *old* grants known as 'jangalbúrí,' given out to encourage reclamation of waste on progressive assessments.

The Revenue-Settlement is temporary—the last (concluded in 1882-3) is for fifteen years. The land-groups are still jointly responsible to Government for their revenue[1].

[1] Cultivation in Cachar is carried on under some difficulties. The district is abundantly watered by the Surma or Barák river and its affluents. Winding about in all directions, the stream affords water carriage from all parts. There are low ranges of hills here and there, and occasional sandy 'tilá' or hillocks. These hills are either forest-clad or have been made into tea-gardens. The district is surrounded by hills; on the north by the great Baráil Range, on the east by the Manipur hills, and on the south by the Lushai country. It is free from the lasting and deep inundations that affect Sylhet. On the other hand, temporary floods are injurious. 'The difficulty,' writes the Settlement officer, 'is, that the (rice) crops cannot be sown when the fields are under water, or when sown they are destroyed by excess of water (in the rainy season); while in Sylhet, the (rice) crops sown before the rains set in, grow as the water rises, and stand above the water as long as the inundation lasts.'

Tea-gardens form an important item, as we find that out of 213,318

It is interesting to note that though these settlers would certainly be regarded as owners in some sense, the Káchárí Rájás assumed that 'the right of property in the soil existed in the ruler alone' (*Settlement Report*, 1884, § 13). But the holdings even then were heritable, and transfer was practised 'on sufferance.' The revenue was *at first* paid by labour and giving produce, as under the Ahom rulers in Assam proper.

§ 3. *The Right in Land.*

The 'joint-system,' however, deserves a little more detailed notice. In a jungle-covered country it was but natural that the settlers should have formed companies for mutual society, help, and protection. The individual settlers were called *mirásdár*, the universal name for a colonist or conqueror who clears the land and first settles, thereby (in the popular feeling) acquiring a strong right, heritable at any rate, and permanent, to his cultivation. It is to be remembered, however, that the Káchárí ruler's right was that of a conqueror, and that wherever the mirásidárs settled, they did so on the understanding that their rights were no greater than what the ruler recognized; indeed, the right acquired in former days can have been but limited, for in 1881 the Chief Commissioner wrote:—

'The tenure (of the mirásidárs) is not of great antiquity, but has grown up under our régime, almost the whole district having been uncultivated when we took possession of it in 1830. Rightly or wrongly, it has been consistently held from the first, that they had no rights except such as Government, the sole landlord, chose to confer on its lessees, or such as it allowed to grow up: and neither explicitly nor implicitly has any sanction been given to the notion that they could hold the land on any other terms except those of paying the revenue which Government may choose to demand.'

The right in land, when it does not depend on the ex-

permanently cultivated acres are rice and nearly (in round numbers); 147,000 49,000 tea sugar-cane, cotton, and chillies are sparingly grown, and mustard during the cold season.

press terms of a lease or grant, is now defined and governed by Regulation I of 1886.

§ 5. *The Khel.*

The mirásidár companies were called 'khel[1].' In the khel each mirásdár got as much land as he could cultivate. In every khel the leading men got various titles, and were rewarded with certain revenue-free holdings: thus the chaudharí or head of the khel got two 'hals[2]' of land free, the mazúmdar (or majúmdar, a corruption of majmú'adár) 1½, the lashkar 1¼, the barábhúiyá, and a májhar-bhúiyá six khiyárs.

The free holdings were afterwards abolished, and the titles became a source of revenue, as they were sold,—a chaudharí's title fetching R.100, and so on.

Each khel had an agent or representative (mukhtár). A number of khels formed a Ráij, or Rájya[3], and the Ráij had also its representative at court, called 'Ráijmukhtár.'

The khels were held jointly responsible for the revenue of every holding in their local limits; if a mirásdár failed to pay, the other members paid up and took his holding; if the khel failed to pay, the whole larger group or Ráij, became responsible, and took the land of the defaulting khel. No outsiders were admitted.

Under the system of the Káchárí Rájás, just as in Assam proper under the Ahom rulers, the settlers had to supply service to the Rájá; the inhabitants of a certain place had to supply betel-nuts, others firewood, and so on; and the group that supplied the particular article was also designated 'khel.'

In the same way the revenue receipts of the district were apportioned among the different members of the royal family, and the group of holdings the revenue of which was assigned was also called 'khel'; thus there were the 'khel-

[1] Which I suppose to be the Perso-Arabic term 'khel'—a company or tribe—a term introduced as it has been elsewhere.

[2] The local Káchárí land measure or hal is equal to 4·82 British acres; the khiyár is 2-5ths of an acre.

[3] The term Ráij is still a common Assamese name for any body of raiyats gathered for a common purpose.

má' or bará-khel, the entire revenue of which went to the Rájá; the Mahárání's khel, one-fourth of which went to the Rájá's chief wife, and three-fourths to the Rájá; the 'shang-járái,' or younger brother's khel; and so on. If the revenues of a tract were devoted to religious purposes, that was again 'khel'; thus there were the 'Bhisingsa khel,' devoted to the support of the worship of Káli; the Bishnughar khel, to that of Lakshmí-Narayan. These lands are still known, and now form 'mauzas[1].'

§ 4. *The Land-Revenue Settlement.*

Passing over the earlier revenue arrangements, the first important step was the survey of the district made under Lieutenant Thuillier in 1841. The survey only extended to the cultivated fields: and so much of the waste as seemed likely to be cultivated was surveyed and divided into numbered *dágs* or plots, the intention being that as cultivation extended, these plots should afford the means of determining its site and serve as a basis for a detailed map. But the plan led to some confusion when the jungle dágs began to be taken up and cultivated.

A Settlement was made in 1843-44 on the basis of this survey. It was followed by a Settlement in 1859 for twenty years. On the expiry of this in 1879, the Settlement completed in 1883 was made. 'The (cultivated) land was divided into two classes called "awwal" and "duam" (first and second) respectively; and within these classes it was rated according to situation, distance from navigable rivers, and exposure to the ravages of wild beasts, in four grades.' The rates imposed *per* 'hal' (or kulba)[2] were:—

	Awwal.	Duam.
1st grade . .	3-8 per hal.	3-0 per hal.
2nd ,, . .	3-0 ,,	2-8 ,,
3rd ,, . .	2-8 ,,	2-0 ,,
4th ,, . .	2-0 ,,	1-8 ,,

[1] McWilliam's Report, §§ 33, 34.

[2] The 'hal' = 4·82 acres. For the principle adopted in the survey which was professional, aided by amíns under a Deputy Collector for interior details, see *Administration Report*, 1882-83, paragraph 183.

This Settlement applied to the ordinary district cultivated lands, as well as to certain reclamation-leases given in former days, the latest of which terminated in 1879 (*Settlement Report*, § 22). There is a large area (technically the jangal-búrí maháls) held on leases under the waste land rules of 1864 and 1875-6, the thirty years' terms of which have not expired, and which are not yet liable to Settlement. So also there were some grants made for ninety-nine years under the oldest of the waste land rules, and some 'fee-simple' estates either commuted under the old system or bought as such when the rules allowed it. These are, of course, not included in the Settlement.

§ 5. *Revenue System and Procedure.*

The remarkable feature about the Cachar revenue is, as above noted, the survival of the joint responsibility. The old khel groups have, in the course of years, naturally been much altered by resignations of holdings, by additions, and so forth; but in some long-settled tracts the old khel group is still recognized. The land being held under the Assam principle of raiyati holdings under a 'patta' issued by Government, in Cachar, each 'mahál' is held under one pattá. The mahál is thus a tract held by a body of persons who are joint in interest, and this joint interest arises out of the old khel grouping. But the khel organization has been otherwise lost, since there is no system of mukhtárs and representatives of the community with the authorities, as in old days. The number of co-sharers and signatories is often as large as eighty or a hundred. All the sharers or mirásdárs are jointly liable for the revenue of the mahál specified in the patta. The sharers in the mahál are at present left entirely to themselves as to the apportionment of the revenue responsibility over individual holdings, but in the present Settlement a record-of-rights has been made[1].

[1] As everywhere else, the joint responsibility is disintegrating, by the effect of partitions which convert the holdings into severalties.

Perfect partition is not yet recognized, i. e. the power of partition which not only enables the holdings to be separately defined and enjoyed, but also the joint liability to be dissolved. Where, however, the

A discussion of the difficulties which arose in doing this will be found in the *Settlement Report*, §§ 57, 58, and also § 93. A complete register was not attempted; but in the field lists or 'Chiṭṭhá' mention was made of every field and its subdivision by means of letters, and the name of every occupant is shown.

The person settled with has the landholder's right and a right to a re-settlement at the close of the term.

§ 8. *The Custom of Ghasáwat.*

A good deal of discussion has taken place about the custom called 'ghasáwat.' The practice under the old Káchárí Ráj I have already described; if a man failed to pay the revenue due on his holding, the other sharers in the khel took up the land absolutely. This rule was early modified (in 1833), and it was held that, on default, the estate might be given to any one, but that two years' grace should be allowed, during which the mirásdár might obtain re-entry on paying up the revenue. But this was found not to work, and the 'ghasáwatdár' (as the temporary holder was termed) was again declared irremovable. In 1857 the question was again raised, and a long correspondence ensued. It was ultimately decided that on an estate falling into arrear, and an offer being made under the ghasáwat rule, the land should be put up to auction[1], and the title become absolute.

§ 9. *Pre-emption.*

As there is joint responsibility, the right of pre-emption has been held to exist both among Hindus and Musalmans. In fact, pre-emption in this case is not a peculiar right

revenue is slight, the joint responsibility is a very shadowy thing as it is so rarely enforced.

I may note that this Settlement first introduced the very obvious rule (universally adopted elsewhere), viz. that when the assessment was made and a *patta* issued to the person who was to hold the Settlement, the holder was not bound to attend and sign an acceptance or kabuliyat. The old rule was that if he did not, his name was struck out of the list of patta-holders. Now it has been determined, on the contrary, that his acceptance will be presumed unless he attends and formally refuses (*S. R.* § 77).

[1] Despatch of Secretary of State, No. 30, dated 22nd January, 1860. Bengal Government, to Board of Revenue, No. 2158, dated 22nd August, 1860.

derived from Muhammadan law, but is a purely customary or natural right, which exists in all joint communities ;—in Upper India for example; and is important to the joint body, as enabling it to keep together and resist the breaking up which would result from the intrusion of strangers.

§ 9. *Revenue-free Grants.*

There are a number of revenue-free grants, dating from the time of the native Rájás of Káchár, who made them for reward of service and for religious uses. They are locally called 'bakhshá' lands. They are inalienable, so that if the grantee transfers, the grant is resumed and the land is liable to assessment.

§ 10. *Revenue Collection and Law.*

In Cachar the Bengal Sale laws were never in force. The revenue collection of Cachar is not quite on the same plan—though under the same general law—as other parts of Assam.

The 'Cachar Tahsíl Rules'[1] in principle resemble those of the Jaintyá and Partábgarh tahsíls of Sylhet. The revenue-payer has to take his money with a chálán or invoice to the tahsíl, at which sit a number of muharrirs (or clerks), over each of whom is placed a placard showing which '*pargana*' he receives for. The muharrir examines, and if correct, signs, the 'cháláns'; payment is then made (at the Tahsíl Office) to the pótdár or cashier, who returns the duplicate chálán, which becomes the payer's receipt or voucher. A single chálán is allowed to contain entries for more than one 'mahál' or jointly-liable body, provided they are in the *same pargana*.

The district is divided into three collecting circles or tahsíls. Instalments of revenue fall due in the months of August, November, and March. On the first of the month succeeding that in which an instalment falls due, a notice

[1] *Volume of Circulars*, p. 185, as altered by letter to Deputy Commissioner, Cachar, No. 199, dated 26th January, 1886. The rules derive their authority from Chapter V of the Regulation I of 1886.

or 'dastak' is issued to the defaulter[1]. If this fails, a second is issued carrying with it attachment of moveable property. This is generally sufficient; if not, the property is sold; and if that fails, a third process is issued against the estate itself, and the estate is sold by the Deputy Commissioner. The Registers to be maintained at the Tahsíls are special in form according to the different classes of estates,—joint mahál, jangalbúrí leases with progressive revenue assessment, waste land grants, and so forth[2].

It will be observed that in the permanently settled estates it is not *necessary* that any process should be resorted to before sale. In non-permanently settled estates sale can only be ordered if the District Officer is satisfied that the minor processes are insufficient. The Regulation (as amended) may be consulted as to sale procedure; it being remarked that the alterations introduced in 1889, were intended to meet the difficulty, occurring in Sylhet, and perhaps elsewhere, of the immense number of petty estates and the difficulty of effecting a personal service of notice of sale on the actual owner. There are special 'Rules' issued under the Regulation II of 1889, which must be referred to.

Sec. 70, Reg. I of 1886 as amended in 1889.

§ 11. *Partition.*

Batwára or partition cases are, as may be expected, common in Cachar. It should be noted, however, that these divisions are, what in technical language called, imperfect, that is, while they define the several enjoyments, they do not dissolve the joint liability of the mahál or estate. I do not, however, understand that the severance of the joint responsibility is impossible.

[1] As the mahál are joint, a very large number of these dastaks has sometimes to issue, so that *all sharers* may have notice; and this may give rise to the impression that the revenue is got in with difficulty, and only by a copious use of coercive processes: this is not the case.

[2] Vide Section III of the Rules, Notification No. 31, dated 25th June, 1886.

§ 12. *Rent Cases.*

Rent cases were formerly decided in the spirit of Act X of 1859, though that Act was not formally in force in Cachar; and when, in 1869, Bengal Act VIII repealed Act X, and made over rent cases to the Civil Courts, it became the rule in Cachar to hear rent cases in the Civil Court also.

§ 13. *Waste Land Rules.*

I have already given some particulars about the waste lands held under leases. It may here be noted that these waste land leasing rules refer to large areas of waste suitable for tea and special cultivation, and not to every patch of jungle land that lies amidst the ordinary cultivation. As an instance of the latter, it should be noted in passing that waste covered with thatch grass and reeds for matting is valuable, and there is an export trade for these articles[1], and it is often retained (under assessment) for the sake of these products, as if it were cultivated land. The Cachar Waste land Rules have varied from period to period; those of 1876 (now in force) provide for an application being submitted, and for the survey and demarcation of the land. Notice is issued in case of any contrary claim or objection. The rules[2] provide for cases where the land was already under unauthorized cultivation, or is contiguous to another cultivated holding, which may equitably have a prior claim.

The assessment payable has also been recently the subject of orders. The rate of assessment was a progressive one, so that land taken up under earlier rules in 1864, 1865, and 1869, would now be paying somewhat excessive rates: arrangements are now allowed whereby the holder can relinquish and get a re-settlement at the rate of 12 annas an acre (R.3-10 per hal), thus equalizing the conditions of the older leases with those now issued. Under the present

[1] I believe that the excellent white matting for which Calcutta is celebrated is made of grass brought from all this part of the country as well as from Chittagong. For the waste land rules, see *Volume of Assam Circulars*, p. 162.

[2] See *Volume of Circulars*, p. 158, et seq.

rules the grantee executes a lease and becomes an ordinary 'landholder' under the Regulation, paying a progressive assessment beginning with two years revenue-free and then 3 annas for four years, 6 annas for four years more, and then 12 annas an acre for twenty years in all.

SECTION III.—SYLHET.

§ 1. *Origin and History.*

This curious district called Silhat (Srihatta) is one of the old Bengal acquisitions of 1765. It may be described as forming, with Cachar, the valley or alluvial plain of the Surma or Barák river—a sluggish stream with but slight fall, so that the banks of the river, accumulated out of the silt brought down, form the highest and best cultivated and populous part of the country, and slope off into hollow tracts often deeply flooded and traversed by a net-work of streams. The surface (except towards Mymensingh) is, however, diversified by isolated hills called 'tilá,' which are in fact outliers of the system of the Tipra and Lushai hills to the south-east.

Sylhet had come under Todar Mall's famous assessment in the reign of Akbar. Under British rule it came under the permanent Settlement, but in a peculiar form. Unlike the other districts of Bengal, a measurement preceded the Settlement, and instead of always selecting the chaudharís as Zamíndárs of estates vaguely known by name and including vast tracts of waste, the collector of the day (Mr. J. Willis) *settled only measured holdings with the actual occupants locally called* mirásdárs[1]. Consequently, all land not thus settled nor permanently settled by after-arrangements, is held on Temporary Settlement. The whole district is, in one aspect at any rate, 'raiyatwárí,' for the

[1] The Chaudharís of parganas managed, however, to secure fairly good estates for themselves: and their Zamíndáris are among the few good-sized estates in Sylhet. The name *mirásdár* will indicate the same original system of cultivation as survives in Cachar, but the joint organization of the mirásdárs in 'Khel' and 'Rájyá,' has not survived in Sylhet.

land is held by the cultivators or holders without any middleman; only that in the case of the old settled land, the revenue of the holdings is not liable to any revision, while in the rest it is. To this district were added, in 1835, the Jaintyá parganas which were taken from the Rájá of Jaintyá in consequence of gross and repeated misconduct[1]. These were also temporarily settled.

Sylhet was added to Assam in 1874, and the Act XII of that year enables the necessary arrangements to be made for the exercise of powers by the Chief Commissioner. A notification under the Scheduled Districts Act[2], declared various Acts and Regulations to be in force, and thus set at rest many questions. But the notification does not affect the force of any other Acts and Regulations that may be current owing to the former position of Sylhet as a Bengal district; it only puts an end to doubt as to enactments actually mentioned. The revenue law is now Regulation I of 1886 which repeals the older laws.

§ 2. *Constitution of Estates.*

The result of the original Permanent Settlement was to constitute, besides the few large estates already spoken of in the note to p. 443, a vast number of small estates. Of 50,437 such estates, only 470 paid a revenue exceeding R. 100; and 20,996 estates paid under one rupee each!

§ 3. *Ilám and Hál-ábádí Lands.*

In 1802, under the orders of the Board of Revenue, the patwáris were instructed to report what lands at that time under cultivation (hál-ábádí) were liable to Settlement as not having already come under Mr. Willis' Settlement. The Collector accordingly issued a proclamation calling for

[1] See *Administration Report*, 1882-3, Section 85.

[2] Notification No. 1152, dated October 3rd, 1879 (Government of India). Until 1874 Sylhet was like any other district of Bengal, but in that year it became a 'Scheduled district.' The Local Laws Extent Act of 1874 declared certain laws not to be in force, and a number of others (as regards revenue matters with which we are concerned) has been repealed by Regulation I of 1886 as stated in the text.

claims to these lands, and these amounted, according to the reports, to some 350,000 acres. This, however, was still exclusive of a large area of wholly unoccupied waste, which no one pretended to claim. These lands came to be called 'ilám' (proclamation) lands.

The authorities offered leases of the *ilám* lands; but one-eighth was taken up and settled in 1804 on no other terms as to duration. Holders were, however, deterred from applying for leases, because some of the old Settlement holders insisted that the *ilám* lands belonged to them. At length it was determined that they did *not* so belong, and special terms were then allowed for the ilám lands, and the Settlements became permanent (as recognized in 1869).

The results of various Settlements in the *hál-ábádí* lands have been to create the following classes of lands, of which the Settlement *became also permanent*:—

Ilám dáimí, only six estates; taken up on the original proclamation.

Hál-ábádí, 467 estates; subsequently confirmed.
Khás hál-ábádí (25 similar estates which reverted to Government, but were again permanently settled).

§ 4. *Permanently-settled Estates classified.*

It was not only the originally settled estates and those of the hál-ábádí class that have permanent Settlements; a few others fell in to Government and were permanently settled with the new holders as required by the law at the time.

Some estates claimed on invalid titles were also so settled under Regulation III of 1828, so that, taken altogether, there are—

(1) Dahsála (or Dahsana) lands, 26,147 estates,—those of the original Permanent Settlement.
(2) Dáimí, resumed and settled under Reg. III of 1828, 23,480 estates.
(3) Khás dáimí, lapsed estates, again permanently settled, 451 in number.
(4) Ilám dáimí, as above explained; 6 in number.

(5) Hál-ábádí, 467 in number.
(6) Khás hál-ábádí, similar estates which lapsed or became 'khás' and were again settled; 25 in number.

§ 5. *Temporarily-settled Lands.*

By far the greater part of these are lands not under cultivation at the time of the original Settlement, though there were some others that were permanently settled but have lapsed, or been lost by failure to pay, and so forth. The reports now seem *to use the term 'ilám' generally for all land that is not permanently settled.*

In 1869 a systematic re-survey and Settlement of *ilám* lands was begun, and a set of revised rules issued, with forms of *patta* or lease. Land that had been found waste at a previous survey in 1835, was put on the waste land register, and much of it has since been taken up by tea-planters and others[1].

The temporarily-settled lands then are divided into two main classes: (i) lands in which Settlement-holders are recognized as having what is a 'landholder's' title under the Regulation I of 1886, i.e. *a practically* proprietary right subject to payment of revenue, though they have no right to any allowance in case they refuse a Settlement; (ii) lands which are 'khás,' i.e. in which Government has not made over the holding to any 'landholder' on a Settlement for a term of years, but keeping the land itself, treats the cultivators as tenants under itself.

In the first class, are[2]:—

(1) Temporarily-settled ilám and hál-ábádí lands;
(2) Land that had been reserved for the maintenance of patwárís who were abolished in 1833 (Nánkár patwárgirí);

[1] Under the Settlement rules a certain area of waste, not exceeding one-fifth of the cultivated area, was allowed to each holding: the rest was held at the disposal of Government more than one rupee may redeem at twenty years' purchase of the revenue. (See p. 444, ante).

[2] See *Administration Report* for 1880-81, § 51, as regards the settle-

(3) Alluvial lands and silted-up lands, &c. (charbhart and bílbhart);

(4) Izád; or 'excess' lands not included in the permanently-settled measurements, but not included in the proclamation as ilám;

(5) Resumed revenue-free not permanently-settled; and

(6) 'khás' or lands once permanently-settled, which have been bought in by Government at sales for arrears of revenue.

In the second class are estates in the Karimganj Subdivision of Sylhet, being for the most part settled ilám estates which have broken down, lapsed, or fallen into arrears. The 'khás' management here is similar to that of the ordinary Assam system; the tenants are allowed fixed rates, and available holdings may be taken up by raiyats on application to the tahsíldár.

§ 6. *Jaintiyá parganas temporarily-settled Estates.*

These have also been temporarily settled. A new Settlement was begun in 1876 and was finished in 1882. The rights are just the same as in temporarily-settled estates in the east of Sylhet [1], except that transfers other than those caused by inheritance, require the approval of the Deputy-Commissioner [2].

'The existing Settlement of the seventeen Jaintiyá parganas [3] has unfortunately been the subject of a long correspondence,

[1] There is a curious case of an estate, or rather group of petty holdings, in Jaintiyá which may be alluded to. Sylhet lime is famous, and the trade in it is large; it is obtained in the outer hills along the borders of the district. It seems that in former years a person named Inglis got a valuable grant of the right to work the limestone. Another person (Sweetlands), desiring to thwart him, immediately obtained a grant of all the waste plots in the Jaintiyá parganas, his object being to have the command of the growth of *reeds* which were required to burn the lime. Inglis managed, however, to do without the reeds, or to get over the difficulty in some way; but there are still plots of ground over the parganas known as the 'Sweetlands mahál,' the land being afterwards sold in small lots.

[2] See *Administration Report*, 1881–82, § 63.

[3] See Government of India, No. $\frac{750}{1862}$R, dated 1st November, 1884 (to Chief Commissioner). I have found in the *Settlement Report* mention of local measures of land which are curious:—

which is scattered through several volumes of proceedings, &c. The former Settlement expired in 1877, and a new Settlement was made at a very considerable enhancement. This Settlement was not a success either as regards its records or the rates of assessment; hence a general reduction of assessments had to be made, and the Settlement so revised will last till 1894. The complete re-settlement of no less than 36,000 petty estates, of which these parganas consist, will then have to be undertaken.

'A cadastral survey is spoken of for Sylhet and including these parganas.

'In the plains the homestead and garden is called bhít: and here also account has to be taken of basins or depressions (often flooded by the network of streams which traverse the district) called "háor." The parganas close under the hills are extremely malarious and filled with dense jungle, as well as liable to flood from rain-swollen streams descending from the hills, while the crops suffer continually from the ravages of wild beasts: other parts are fertile, and 'ek-fasl,' and 'do-fasl' (one crop and two crops) is a common distinction of the land. As in the rest of Sylhet, the best land is the cleared higher land on the slopes forming the banks of the Surma river. Here betel palms abound in the homestead, and are proverbially said to "pay the revenue."

'There will probably be difficulties with tenants in these parganas, for it appears that the alleged occupants with whom the Settlements were made were in some cases not the persons really entitled.'

§ 7. *Revenue-free lakhiráj Estates.*

There are a large number of petty revenue-free holdings, 'debottar, brahmottar,' to Hindu religious *pujáris* and to Muhammadans under the name of 'madadmá'ash' and 'chirágḥi,' &c. They call for no special notice.

The old standard used to be a káhan = 576 square feet; seven such measures make one *poá*; four of the *poás* go to a khiyár, and twelve khiyárs to one 'hál' or 'kulba.'

In Jaintiyá the khiyár is to the bíghá as 1¼ : 1. The measurement now adopted is the bíghá (1600 square yards) divided into twenty 'dhar,' and the dhar into twenty kathás.

§ 8. *The 'Khás' Estates.*

These estates are lands that have become Government property and are not settled with any one, but Government deals with the cultivators as the tenants of the State; they are found in the Kanairghát tahsíl and in Partábgarh. The assessment, or rather rent-taking, is managed by rules prescribed in the Chief Commissioner's letter No. 101 T., dated 17th January, 1885. In effect, the plan consists of a simple annual inspection, the result of which is a 'jamabandí,' or list of rent-rates which are sanctioned for the year only. I mention this chiefly in order to emphasize the distinction, noticeable here and in Bengal, that Government 'khás' management is *not* the same thing as ordinary raiyatwár management. In neither, it is true, is there any middleman; but in the one case there is a Settlement (even though it be an annual one only), with a legally-recognized 'occupant' or 'raiyat'; in the other there is a dealing between Government as landowner and its tenant properly so called.

§ 9. *Revenue Management.*

The revenue-management of Sylhet, though generally governed by Regulation I of 1886, has some peculiar features maintained by the existing rules[1]. There are tahsíls in Sylhet, and the reader is aware that 'tahsíl' means a local revenue division of a district, under a Tahsíldár. In the Assam Valley the land is often grouped into 'mauzas,' under a mauzadár, directly under the district or subdivisional officer; the tahsíl system has only been partially introduced. In Sylhet, one system of management prevails in the head-quarters and subdivisional tahsíls, and another in the Jaintiyá tahsíls and in the Partábgarh tahsíl. As regards the first system, the *khels* or maháls (aggregates of revenue-paying holdings) are grouped into 'circles' locally called 'zillah[2].' Each zillah is represented

[1] See rules dated 29th April, 1887, and letter from Chief Commissioner, No. 197, dated 26th January, 1886, and the recent rules under Reg. II of 1889.

[2] Here another peculiar sense will be noted; for just as the mauza of other parts means the single village, so zillah (zila') in other parts means a whole district, and not, as in Sylhet, a fiscal grouping of several maháls or revenue-paying estates.

at the tahsíl office by a 'ziladár,' assisted by clerks and writers. There is also an official called a 'pôtdár[1],' who is a sort of cashier. One or more such 'zillahs' constitutes the jurisdiction of a tahsíl presided over by a tahsíldár.

All revenue from the numerous small estates has to be paid in by means of a duplicate invoice or 'chálán,' handed to the ziladár in the first instance[2]. On that officer signing it as correct (and for this purpose he has his 'tauzí' or revenue-roll to refer to), the revenue-payer carries his money with the *chálán* to the Tahsíldár. The pôtdár counts the money and examines the coins, &c., and makes an entry (if all is correct) in his day-book. A register of the cháláns is also kept up for each zillah. One of the copies of the chálán (signed) is returned to the payer and becomes his receipt or voucher. As the pôtdár and the ziladár and the tahsíldár all keep books, one is a check on the other. Arrears of revenue are recovered as described under Chapter V of the Regulation and Rules made pursuant to the amnesty Regulation II of 1889. Sale of the estate *may* be ordered at once, in the case of permanently-settled estates.

The rules also prescribe a number of registers, the object of which is to keep the Tahsíldár aware of the existence of all estates, whether permanently-settled, temporarily-settled, 'khás,' under waste land rules, &c., and the revenue to be accounted for, as well as to know the various instalments (*gistbandi*) in which different revenue-payments fall due, and any arrears and balances that accrue.

In the two tahsíls of the Jaintyá parganas and in Partábgarh, the 'pargana' or 'mauza' is spoken of instead of 'zillah'; but, except for this difference of name, the procedure is very much the same.

Payment is made (as before) by cháláns; and each *mahál* pays by a joint chálán (made out in duplicate[3]).

[1] More correctly pôtád ár—meaning literally a weigher and assayer of coins.

[2] The ziladárs all sit at fixed places, with placards, so that every person may know which is the ziladár of his zillah, to whom he must go.

[3] In all cases there are authorized 'chálán-writers,' who are entitled to a very small fee for making out the *chálán*.

There are some differences in the registers to be kept up, for which the rules must be consulted.

In Partábgarh are the 'khás' lands already spoken of, and in Jaintyá there are some house-tax-paying villages to be accounted for in appropriate forms. There is also a special form of making out and publishing a 'bákijái,' or list of arrears, and of recovering the money. Rules 23-5.

§ 10. *Revenue Settlements (temporary and for Khás Lands).*

I have read a series of papers separately describing recent Settlement operations for the temporarily-settled lands of Sylhet. The correspondence relates to (1) the 'ilám' lands, including all lands not permanently settled, and treated separately because settled under rules of 1876 and earlier years (spoken of as ilám rules); (2) to the 'jots' or groups of land held 'khás' (being lands on which Settlement had been refused by the holder, or which had been sold for arrears) in the Partábgarh tahsíl (see § 8, ante) and (3) for the 'miscellaneous estates,' meaning those called nánkár patwárgiri, charbhart, &c. There are some 2432 of these 'miscellaneous estates,' only 23 being over 100 acres, and only 203 being over 10 acres. They are scattered over a tract measuring more than 4000 square miles.

The outside reader feels the greatest difficulty (and one which I am unable to remove) in understanding why all these temporarily-settled estates should not be put on the same footing and settled on the same principles, all distinctions being allowed to drop into oblivion. At present the Settlements fall in at different dates: but that would very soon be equalized.

Section IV.—The Hill Districts.

§ 1. *The 'Inner Line.'*

It will be observed, on a glance at the map, that the Assam districts are all of them more or less in contact with

hills[1], inhabited by various tribes, more or less civilized or barbarous, on the north and north-east, as well as with the central hills of the Assam Range. On the south, too, Sylhet and Cachar are in contact with the hills of the Lushai country. Some of the tribes occupying the hills are independent, or in merely political relation with the Government; others are under British administration, but are not advanced enough to be under the same Civil, Criminal, and Revenue Laws as the older districts of the plains. It is, therefore, necessary (*a*) not only to provide a simple form of administration for such hill districts as are British, but also (*b*) in the case of the frontier and other hill tracts, to regulate the intercourse between the inhabitants of the plains and the hill tribes, whose country presents attractions in the shape of a trade in india-rubber and ivory. If landholding in these hills and the trade intercourse were not regulated, complications and quarrels would be sure to ensue. In 1873, therefore, by Regulation V (of that year), a law was made, the object of which was to enable an 'inner line' to be drawn between the hill tribes and their neighbours in the plains. The holding of land beyond this line by strangers, and the intercourse for trade purposes or collecting forest produce, is prohibited or regulated. The Regulation has ceased to apply to the Gáro hills[2], and no inner line has been found necessary in the Khási hills; but it is still in force on the northern frontier and to the south of Cachar.

§ 2. *Law for the Government of the Hill Districts.*

Besides this 'inner line' Regulation, the Regulation II of 1880, as extended by III of 1884, may be applied to all the hill districts directly under administration as British territory; it enables the boundaries of such districts in respect

[1] Of the 45,839 square miles of which Assam consists 17,698 are hilly country.

[2] Regulation I of 1882 for these hills now does all that is necessary for regulating the collection of timber, ivory, wax, india-rubber, &c., by persons not being natives of the hills. Power is given to extend such regulation when necessary, to the case of the people resident within the hills themselves.

of the adjoining territory under the regular law, to be fixed; and it also enables the Chief Commissioner to declare that any enactment not suited to the place, shall not be in force [1].

The *frontièr* hill-tracts, to the north and north-east, and at one point to the extreme south-east of the province, will not need further notice in these pages: but some details regarding the hill districts of the 'Assam Range' may be suitably included.

§ 3. *The Hills of the Central Range.*

There is no regular land-revenue system in these hills. A house-tax is levied, and not land-revenue. But in the Gáro hills and a small corner of the Nágá hills, and in the Jaintyá hills, there are tracts where a land-revenue is taken. The house-tax is, in the Gáro, Jaintyá, and Nágá hills, and such of the Khási villages as are British, collected and paid in by headmen, who, like the mauzadárs of the Assam Valley, are remunerated by a commission. These officers are called Lashkar and Lakma in the Gáro hills, 'Dolloi' (Dálái) and 'Sardár' in the Jaintyá and Khási hills, and 'Lambardár' in the Nágá hills. These hill districts, therefore, can only interest us, in this manual, from an administrative point of view, and a very brief account will be sufficient.

[1] Regulation II of 1880 originally applied to 'frontier' tracts, but the Gáro, Khási and Jaintyá hills, and those of Mikir or Nowgong, are not 'frontier' tracts, they are in the midst of the province; accordingly Regulation III of 1884 extended the application. The Regulations have been applied to—

The Nágá hills. Notification, Foreign Department . . . . 988E.	22nd April 1884.
North Cachar hills. Notification, Foreign Department. . . . 989E.	
Dibrugarh frontier tracts. Notification, Foreign Department. 990E.	
Khási and Jaintyá hills. Notification, Foreign Department. 2892.	5th November 1884.
Gáro hills. Notification Foreign Department. 2892.	
Nowgong (Mikir hills). Notification, Foreign Department. 2936.	12th November 1884.

The list of enactments excluded, chiefly refers to the Stamp, Court-fees and Registration laws, and the Transfer of Property Act, 1882. The Civil or the Criminal Procedure Code, or both, are also excluded, and replaced by simpler rules for the procedure in administering justice. See *Administration Report* for 1884-85, paragraph 75 (p. 31).

§ 4. *Gáro Hills.*

The Gáro hills—the first group in the range, beginning with its western extremity—have been already alluded to as surrounded on three sides by the estates of chaudharís who have become permanently-settled Zamíndárs. The Gáros, as already stated, used to give great trouble by raiding beyond the limits of their hills. For some years after the grant of Bengal in 1765, the *status quo* was maintained unaltered. But in 1816 the state of affairs attracted attention. The Gáro hills were then made a separate district, the interests acquired by Zamíndárs within the limits of the district having been compensated and extinguished.

A special commission was appointed, and Regulation X of 1822, already alluded to, legalized the arrangements made. But it was not till 1866 that an attempt was made to have an officer resident in the hills district during the healthier season of the year. In time the Regulation X of 1822 was superseded by Act XXII of 1869, under which simple rules were made for the general administration, a number of chiefs in the interior being left practically independent. This Act remained till the Scheduled Districts Act of 1874 was brought into force. In 1871, a murder in connection with survey operations resulted in measures the end of which was that the whole district was brought under administration, and Regulation V of 1873 was applied to regulate the intercourse of the people in the plains, who desire to collect timber, ivory, wax, and other forest produce. This Regulation is now superseded by Regulation I of 1882; and Regulation II of 1880 (as extended by III of 1884) settles the law to be enforced. The district is now traversed by excellent roads and is perfectly peaceable. Cultivation by 'júm' is practised, but valuable forests have been reserved as State forests.

The history of these hills, showing their transition, in the course of years, under suitable management, from being a nest of marauders to a peaceable territory, is instructive;

in all probability it is one that will repeat itself gradually in all those hills which once were really frontier districts, but are now hemmed in by British territory on both sides, since Burma was annexed.

§ 5. *The Khási Hills.*

In this next group the country is not under British law, but under general political control, and is so peaceable that no 'inner line' is needed. When Assam was annexed in 1826, it became an object to have a communication with the valley through these hills; some opposition was offered to this, and attacks on the road-making party resulted in murders, which led to coercive expeditions. But in 1833 all the chiefs submitted [1].

The greatest part of the hills consists of estates of the chiefs: they pay no tribute, but have resigned their mines, minerals, forests, elephants, and natural products, and receive half the profits from these sources. Justice is administered by the *darbárs*, or Courts of the States; but heinous offences, and those in which the subjects of other States are concerned, are dealt with by the British authorities. The people are extremely well-to-do, and make money by trade in the staples which the hills produce [2].

A few villages acquired in 1833, or since ceded, are British—chiefly in the neighbourhood of Chirapúnjí, Mylhim, and Shillong. The lands around the station of Shillong were acquired from the chief or 'Seim' of Mylhim in 1863, by purchase [3].

The cultivation is more elaborate than in some of the hill states, and in the hollows of the plateau rice is carefully grown on irrigated terraces [4].

[1] The Khásis were known in former days as troublesome marauders, whose incursions had to be checked by a line of forts along the edge of Sylhet. A Regulation (I of 1799) still stands on the Statute book prohibiting the supply of arms and ammunition to the hillmen, and forbidding any one to pass over the Company's frontier with arms in his hands.

[2] *Adm. Rep.* 1882-83, § 93.

[3] Aitchison's *Treaties*, vol. i. pp. 207-209. Shillong now forms the head-quarters of the Assam Administration.

[4] See *Statistical Account of Assam*, vol. ii. p. 223, for an account of the process; and see *Administration Report*, 1882-83, § 30.

§ 6. *Jaintyá Hills.*

These are British. The Rájá, having been deprived of the parganas in the plains, as already stated (*vide* section on Sylhet), refused to keep the hill tracts, and they thus lapsed to Government in 1835. The subdivision was in charge of an assistant, stationed at Jawái. The hills are divided into twenty-three petty districts, four of which are managed by 'Sardárs' or chiefs, and nineteen by headmen, called 'Dollois' (Dálái). They did not manage well, and outbreaks occurred in 1860 and 1862. Since the suppression of these, and the establishment of a British officer, and the reformation of the 'Dollois' management, there has been perfect peace. The Regulation II of 1880 applies, and simple rules for the administration of justice are in force. There are some ordinary plough-lands in this subdivision known as *ráj-háli* lands, and these are assessed at a revenue of ten annas per bighá of 1600 square yards, payable on or before the 30th June [1].

§ 7. *North Cachar Hills.*

It is convenient to include this portion of the British Cachar district in this notice, because it is administered separately. The tract is separated from the plains by the great Baráil Range, and consists of hills of low elevation. The district became British partly in 1839 and partly in 1854 [2]. After some changes, which it is not necessary to refer to, the station of the officer in charge of the subdivision was fixed at Gunjong.

§ 8. *Nágá Hills.*

This tract, as separate from that to the east, indicated on the maps as 'Independent Nágá tribes,' is now British territory, and was so proclaimed in July, 1882. The *district* as it now exists was formed in 1886, partly out of the

[1] For details see Chief Commissioner's letter to the Deputy Commissioner, Khási and Jaintyá Hills, No. 3436, dated 11th August, 1886.

[2] Under circumstances detailed at § 95 of the *Adm. Rep.*, 1882-83.

North Cachar hills, and partly out of the Nágá hills. A great forest area called Nambor has been taken in charge as a State forest in the uninhabited valley of the Dhánsiri river. The administration is like that of the other hill districts that are British territory.

The history of the Nágá expeditions, their causes and consequences, may be read in the *Administration Report* for 1882–83 (§§ 96–99). Samaguting, the former headquarters of the officer in charge, was given up, and it is now at Kohima.

CHAPTER IV.

REVENUE BUSINESS AND OFFICIALS (THE WHOLE PROVINCE).

SECTION I.—THE OFFICIAL STAFF.

§ 1. *The Chief Revenue Control.*

THE Chief Commissioner is, under the Regulation, the 'chief controlling authority' in the Province, subject to the orders of the Governor-General in Council.

Reg. I of 1886, sec. 122.

§ 2. *The Commissioner and Deputy Commissioner.*

Each district is presided over by a Deputy Commissioner, who is a 'Revenue Officer' (and so are his Assistants and Extra Assistants) under the Regulation.

Sec. 123.

The districts of Assam Proper and Goálpárá are united under the superintendence of a Commissioner (also a Revenue officer). But the districts of Sylhet and Cachar, and the Hill districts, are not under a separate Commissioner. In them the Chief Commissioner of Assam is himself the Divisional Officer or Commissioner[1].

Ibid.

§ 3. *Subordinate Officers.*

In each district, there are, or may be, *subdivisions* in charge of Assistant or Extra Assistant Commissioners. The officer so in charge has by law certain powers specified; and may be invested with further powers of a Deputy Commissioner. Under the Regulation (as already stated) the Commissioner, Deputy Commissioner, Assistant and Extra

Sec. 126.

[1] *Administration Report*, 1882-3, Part II *a*, § 102-4.

Assistant Commissioners are the Revenue Officers; but the Chief Commissioner is empowered to appoint other revenue officers. Under this provision, for each district (except Goálpárá) an officer called a Sub-Deputy Collector has been appointed: he is employed mainly on supervision of the revenue establishments, on looking after Settlement survey operations, and the compilation of revenue records and returns.

§ 4. *The Mauzadár.*

In the Assam Valley, including the Eastern Dwárs (but excluding the permanently-settled estates of Goálpárá, where there are no district revenue establishments) the revenue is collected by 'mauzadárs,' unless where they have been superseded by the agency of tahsíldárs.

The *mauzadár* is spoken of as a 'revenue contractor.' His functions in recording the lands in his mauza, and in measuring and assessing them by the aid of the 'mandals,' have already been described. The result of these measurement and assessment operations is to enable the mauzadár to submit to the district officer a statement showing the revenue. In the estates belonging to his mauza (technically spoken of as lands 'amalgamated' with the mauza) he is personally responsible for the revenue, and collects it. He is allowed a commission of 10 per cent. on the total up to R. 6000, and 5 per cent. on any amount above that sum.

§ 5. *The Tahsíl System.*

In the Kámrúp district tahsíls are already constituted, and some in Darrang. The area of the tahsíl is larger than a 'mauza,' and the agency is better conducted, while it is less costly, as it is a regular Government paid agency in lieu of the contract responsibility which necessitates a rather high rate of commission being paid[1].

The Tahsíldár is graded with the Sub-deputy Collectors.

[1] In a letter to the Government of India (No. 3532, dated 26th October, 1887) is enclosed an interesting memorandum by the Director of Land Records showing the defects of the mauzadárí system, the loss occasioned by errors in classification and measurement of lands under that system, and the advantages of the tahsíl system.

Under the same system, and indeed as a consequence of it, kánúngos have been introduced, on the North-Western Provinces' model; there being supervising kánúngos, for out-door inspection—to keep the 'mandals' up to their work; and a registrar-kánúngo at head-quarters to keep up the records.

The duties of Tahsíldárs, Sub-deputy Collectors and Kánúngos are explained fully in the Rules for Mandals, Supervisor-Kánúngos, Tahsíldárs, and Mauzadárs, Registrar-Kánúngos, and Sub-Deputy Collectors issued with Circular No. 31, dated 28th June, 1887. These apply to cadastrally-surveyed estates, which are naturally the parts of districts in which the 'improved' system is first developed[1].

6. *Powers of Revenue Officers.*

The powers of Revenue officers are so clearly explained in Chapter VII of the Regulation, that a reference to it is sufficient. It will be observed that where there is the intention to have a cadastral survey and Settlement, a Settlement officer and a Survey officer may be appointed. When the ordinary procedure is adopted, the Deputy Commissioner and subdivisional officers have the powers of a Settlement officer.

SECTION II.—LAND-REVENUE BUSINESS.

§ 1. *District Registration of Titles.*

Apart from the documents prepared at the annual or periodic Settlements, the Deputy Commissioner is bound to maintain—

(1) a General Register of revenue-paying estates;

(2) a General Register of revenue-free estates; and

[1] It will not be understood that Sub-Deputy Collectors are only concerned with cadastrally surveyed tracts; 'on the contrary his jurisdiction must be regarded as extending over all the *mauzas* of the subdivision to which he is appointed, whether brought under cadastral survey or not.' (Circular No. 31.) Indeed, the less perfect the system the greater is the need for the check of the measurements and records, simple as they are, which the *mandals* and *mauzadárs* are responsible for.

(3) any other Registers which the Chief Commissioner may direct.

Every 'proprietor' or 'landholder,' who succeeds by inheritance or transfer, and joint holders, managers, and mortgagees, *are bound* within six months from the date of getting possession, to apply to be registered. And all persons already in possession when the Regulation came into force, *may* apply for registration.

For the procedure, and consequences of non-registration, reference may be made to the Regulation; and for the forms of Registers and other details, to the Rules.

§ 2. *Collection of Revenue.*

This forms the subject of Chapter V of the Regulation, under which also Rules are issued relating to the collection of revenue and recovery of arrears [1].

The *general* rules fix the instalments; provide for the opening of separate accounts (where, in large holdings or permanently-settled estates, there are joint-owners); provide for the issue of 'notices of demand' after an arrear has accrued; regulate sales; and prescribe certain registers of sales and coercive action for recovery of arrears [2]. Reg. I of 1886, sec. 68.

The rules 20–24 apply only where there are no tahsíls, and where the old *mauzadár* system of collection is in force. Rules 20–4.

The rules 26 and 27 apply to the tahsíls in Cachar and Sylhet. Ib. 26, 27.

The rules 34–37 apply to permanently-settled estates in Goálpárá. Ib. 34–37.

There is nothing in these rules that calls for special remark; where they apply solely to the districts of Cachar, Sylhet, Jaintyá parganas, or Goálpárá, their effect has been noted in the sections devoted to these districts.

The Regulation provides generally, that joint-holders are

[1] The *general* rules are in Notification No. 31, dated 25th June, 1886, which came into force from 1st July, 1886.

[2] In Assam the 'arrears' process is technically spoken of as 'bákijái'; e. g. the 'báki-jái register' means a register of issue of processes against defaulters.

liable jointly and severally (this will find special exemplification in Cachar, but may apply anywhere); and so where a tax is imposed on a 'family' or a 'house,' the tax is due from all males above eighteen years of age, jointly and severally,—who took any part in the cultivation of the land.

Reg. sec. 65

Section 65 provides for the opening of 'separate accounts' in the case of co-sharers in permanently-settled estates.

The Regulation, it will be observed, does not leave payers of revenue to wait (as the Burma system does) till a notice or tax-ticket is served on them. They know the instalment dates and are bound to pay of their own accord (according to their lease or *patta* which leaves them in no doubt), and if they fail to pay by sunset (or the day being a Sunday or holiday, on the next day), they become *defaulters*.

On a defaulter, first, a notice of demand is served: on the expiry of the time allowed by this notice, and not before, further proceedings may be taken. These are (1) sale of moveable property by order of the Deputy Commissioner, in the manner provided in the Civil Procedure Code, and excepting artizan's tools and agriculturists' necessary cattle and seed-grain; (2) sale of the defaulting estate under provisos[1]; (3) sale of immoveable property other than the defaulting estate. This may be in the district; if not, a 'certificate of demand' is issued, and the sale will be made by the Deputy Commissioner of the district in which the property is situate.

Reg. I of 1886, sec. 69.

Sec. 70.

In certain places to be notified by Chief Commissioner (and not being permanently-settled estates), the law provides for the annulment of Settlement (which extinguishes the arrears) when sale of moveables under Section 69 is not sufficient.

Sec. 90.

§ 3. *Partition.*

The provisions of Chapter VI are general, i. e. for all Assam districts.

[1] An estate sold has a title free of encumbrances, except certain 'tenures' specified, and existing on the estate at time of sale. See secs. 70-77 of the Regulation of 1886 as amended by Reg. II of 1889.

There is the usual Indian distinction between 'perfect' and 'imperfect' partition. The latter (everywhere) implies that each sharer gets his several interest declared or demarcated on the ground, as the case may be, for separate enjoyment *without* dissolving any joint liability to the Government for the revenue on the whole estate. The former implies that the joint liability is also dissolved. Any one in actual possession (whether it is a permanently or temporarily-settled estate), may apply for either partition: provided that a separately liable estate—liable for less than R. 5, cannot be created: that is the limit to perfect partition.

The details of the Regulation do not require comment.

There may be, under Section 120, the reverse process, that is to say, a union of two or more estates held by recorded landholders or proprietors. Sec. 120.

§ 4. *Procedure.*

The eighth Chapter of the Regulation fixes the place at which Revenue-officers may hold their Court, within the Division (of a Commissioner) or within the district, as the case may be. Power is given to summon any one to give evidence for the purpose of any investigation or other business conducted under the Regulation. Power is given to refer disputes to arbitration by consent of the parties. Appeals are provided for, except in certain cases in which the orders originally passed are final. An order appealed against may be suspended pending the result of the appeal; and there is a general power of revision independent of appeal. The jurisdiction of the Civil Court is excluded in a number of matters which pertain to revenue administration, and in which it is desirable that the revenue authorities should have exclusive jurisdiction. Reg. I of 1886, sec. 147. Sec. 150. Sec. 151. Sec. 154.

The Regulation closes with provisions for the making of rules and imposing of penalties for breach of them. It is provided that at least once in three years, all the rules in force under the Regulation, and arranged in convenient order, shall be republished in the *Gazette*.

§ 5. *The Department of Land Records and Agriculture.*

The present Department of Land Records and Agriculture was created in May, 1882, under the title of Department of Agriculture. In January, 1887, the name was changed to that now borne. The object of the Department was declared by the Government of India to be threefold—

(*a*) the supervision of the annual Settlements of the Assam Valley Districts;

(*b*) the securing of uniformity in the compilation of the village papers;

(*c*) the investigation of the economic circumstances of the Province[1].

Shortly after the creation of the Department, a cadastral survey party was sent into the Province, and the task of supervising the Settlement operations that accompany a field-to-field survey, was entrusted to the Director. The cadastral party is steadily moving eastwards along the Assam Valley; it has completed the survey of 1,721·41 square miles in the two districts of Kámrúp and Darrang. The supervision of the maps and records thus produced is amongst the most important of the duties at present performed by the Department.

[1] In addition to keeping the above objects before him, the Director has in his hands the manipulation of all the trade statistics of the Province, and issues annual reports on the traffic carried on with the border tribes and on that borne by the Bráhmaputra and Surma rivers to Bengal.

PART V.—COORG.

CHAPTER I.

GENERAL HISTORY.

§ 1. *Early History.*

THIS little province, some 1583 square miles in extent, has a considerable interest, from the point of view of the student of land-tenures, because it affords another, and in some respects a peculiar, example of the results of conquest by a tribe which first established its system of rule by separate estates or unions of lands, over each of which a chief or head of a clan or other division presided. But in time these separate tribal or clan chiefships fell under the power of a Rájá or overlord, and then the 'Hindu' system of administration was followed. Lastly, Coorg was conquered by the Muhammadan Sultáns of Mysore. This historical condition of things has left its mark on the land-tenures. The history will prove specially instructive in connection with that of the neighbouring district of Malabár (page 151, ante), and the curious fallacy about there having been (exceptionally) no land-revenue in the country. Probably very similar stages were gone through in Coorg. The Haléri Rájás, when they gained the supreme power, adopted the usual Hindu form, took the central domain

under their own control, and left the outlying districts to be managed by the (now subordinate) chiefs. The Rájá collected revenue within his own domains only; but (as usual with the Southern kingdoms) he levied a general revenue-payment, and also had a special allotment of 'royal land'—the whole produce of which, raised by slave labour, was sent to the royal granary. In the outlying estates, the chiefs received the revenue; the Rájá took nothing from them beyond certain customary dues and fees. Very probably minor landholders of the superior race who were not important enough to rule territories or hold official posts, were allowed to hold land with the privilege of assessment at a lower rate of revenue than others. In later days, following the example of Mysore, the king assumed to take his land-revenue from *all* lands and estates, unless he expressly favoured some of his chiefs by giving them service-grants. In still later years, we find the general land-revenue a matter of settled custom, and a 'shisht' or record of assessment well known.

Colonel Wilks in his *History of Mysore*, says that the Coorgs[1] are descended from the conquering army of the Kadamba kings, dating about the sixth century of our era. The Kadamba kingdom, in the north-west of Mysore, appears to have embraced all the countries in the vicinity. It was the Kadamba race that afterwards founded the Vijáyanagar sovereignty; and at the end of the sixteenth century Coorg was still ruled by its own princes, as mentioned by Ferishta, though by that time it seems that the chiefships, into which the whole country was divided, acknowledged the suzerainty of Vijáyanagar.

The chiefs were called or entitled Náyaka. This is perhaps to be identified with the 'Náik' of the Maráthá territories of Southern India. In caste they were of a proud military order, probably of Dravidian or mixed origin. It seems possible that they may have been con-

[1] Coorg is an Anglicised form of Kodagu; the Coorg race proper are Kodagás. A long story about this—which does not bear upon our present subject—is to be found in Mr. Rice's *Gazetteer* of Mysore and Coorg (Bangalore Government Press, 1878), vol. iii. pp. 100-194.

nected with—at any rate they resembled closely—the Náyak of Canara and the Náyar of Malabár. The earliest form of government established in Coorg was, as I have stated, that of several tribal chiefships. It is matter of tradition—but tradition that is confirmed by all we know of early Dravidian institutions—that the country was formed into twelve 'kombu,' or 'districts[1],' each under a 'Náyaka.' Things went on for some time in this way, till certain of the Haléri pálegárs (it is supposed, from the neighbouring and already established kingdom of Ikkéri or Badnúr) found their way into Coorg. Whatever the truth may be, the Haléri Rájás who succeeded in intruding were not Koḍagas, but aliens, and of the Lingayat sect. They obtained the overlordship and gradually destroyed the original organization. In time, the descendants of the Koḍaga Náyaks, ceasing to be rulers of small territories, descended to the position of landholders; asserting—as usual—a strong proprietary and hereditary right, and being conciliated by a privilege of paying only half-revenue rates to the *de facto* sovereign.

After various fortunes, among which war and slaughter were the most common, and after being overrun by Haidar 'Ali and Tipú Sultán's armies, the Coorg state became the ally of the East India Company. Things seemed to promise well up to about 1811, when a chief, named Linga Rájá, obtained the government, having originally been appointed the guardian of the minor heiress of the former Rájá. After a reign of untold wickedness and cruelty he died in 1820, and was succeeded by his son Víra Rájá, who was, if possible, worse than his father. In 1833 these iniquities compelled the interference of the British Government; but

[1] Wherever we have any trace of the ancient Dravidian and also Kolarian tribal rule, we have the same thing: the Kolarians never reached any further stage. The Dravidian races very early had a centralized government, probably from the time of their amalgamation with the Aryan immigrants. The 'kombu' of Coorg was the 'nád' of Malabár and Mysore, and the 'parhá' of Chutiyá Nágpur;—a union or group of a number of villages or other family settlements, under one chief, who sat in council with the other chiefs, when affairs concerning the whole country required it.

all peaceful means having failed, it was at last necessary to send a force. The country was reduced and formally annexed by proclamation in May 1834.

§ 2. *Present Administration.*

Coorg is directly administered by a Commissioner, who is also District (Civil) and Sessions Judge. He is subordinate to a Chief Commissioner, who resides at Bangalore. The Resident for the Native State of Mysore is *ex-officio* the Chief Commissioner.

Coorg is a scheduled district under Act XIV of 1874, and is subject to the 33 Vic., cap. 3.

The civil and criminal courts were regulated by Act XXV of 1868. But this Act is now repealed. Civil jurisdiction is provided for by Regulation (33 Vic., cap. 3) No. II of 1881, amended by Regulation No. I of 1885. Criminal jurisdiction is under the Criminal Procedure Code.

The province is divided into six taluks comprising twenty-four náds. The 'nád' consists of a group of grámas, or hamlets, there being no 'villages.' The land-grouping resembles that of Kánara and Malabár, consisting of detached family holdings, farms, or 'wargas,' with houses on them. The term 'wargá' has the same origin and meaning as in Kánara (see page 147, ante).

Each taluk is in charge of a 'Súbadár' (or Subedár according to the local spelling). Each nád[1] has a headman called 'parpattegár,' who in several cases exercises both civil and criminal jurisdiction.

There are also in each nád two or three leading men known as 'Takká,' representing the old resident families[2].

[1] In Yélu-sávira-shímé and part of Nanjarájpatna the 'nád' is replaced by the Mysore (official) grouping of the 'hobalí.' This term also and the Persian 'Súbadár,' are relics of the Mysore occupation.

[2] And they held certain lands in virtue of their headship, a relic like the 'watan' of other parts, and once more suggesting the old Dravidian organization.

CHAPTER II.

THE LAND-TENURES.

§ 1. *Local Features.*

JUST as in Malabár, where we have noticed a traditional division of land between the priestly and the military castes, it is a tradition that Coorg was divided between the Koḍagas and their hereditary priesthood, the Ammá-Koḍagas. After the accession of the Haleri Rájás, the leading classes, as I said, though ceasing to be rulers, yet continued to hold land on a more favourable tenure than others.

From the census of 1871 it would appear that about 15 per cent. only of the population were Coorgs and 76 per cent. 'Hindus,' the small remainder being Muhammadans and others. To the privileged tenure of the Coorgs a few other castemen have been from time to time admitted[1]. Among the lower castes, a class of predial slaves formerly existed; perhaps representing the conquered aboriginal inhabitants: they cultivated the lands held by the Coorg chiefs.

Coorg lies along the summit of the Ghâts; and it is in 'Coorg proper' or 'inside the barrier' that the true Koḍagas live and have their lands. 'Outside the barrier' is the larger area to the north-east, and a narrow strip below Ghât on the east side, forming Yélu-sávira-shímé, and two 'hobalís' of the Nanjarájpatna taluk.

Naturally in such a country there are narrow wet valleys

[1] A detailed account will be found in Rice's *Gazetteer*, vol. iii. pp. 233 et seq.

all filled with rice-fields, and there are woodlands on the slopes above, which may or may not be suitable to the cultivation of vegetables, plantains, oranges, or coffee. On these slopes are the 'báné' lands attached to holdings, which will presently be described. In the outer drier parts, it is quite possible to raise millet and other dry crops on the slopes.

§ 2. *The Jamma Tenure.*

The Koḍagas having, as I said, ceased to be a ruling class, clung to their land as landlords, with the privilege of paying to the supreme ruler only half the full revenue. This tenure is now called the 'jamma' tenure. The name is supposed to be derived from the Sanskrit 'janmam' = birth; just as was the case with the Malabár landlord-tenure. But this derivation seems to me doubtful, for the Sanskrit word janmam means simply 'birth,' but does not include any notion of 'birth-*right*' or 'inheritance.' I cannot help thinking it more likely that the term originated when the Mysore conquest had made Persian terms more familiar; and the name is perhaps some corruption of 'jamín,' i. e. zamín = land, or (possibly) of 'zimma' (that which is held in charge or trust), or even connected with the term jama' or assessment total. However this may be, the 'jamma' is now a proprietary tenure distinguished by paying only half the ordinary assessment, or R. 5 per 100 battís of waste land[1].

Land held on this tenure cannot be sold, mortgaged, or alienated in any way, without the sanction of Government. The reason of this is that the land cannot be held on this tenure except by the privileged classes. A sanad is granted for every holding, and a succession fee, 'nazarána kánike,' is paid on receiving the sanad, in three yearly instalments; also a fee called 'ghattí-jamma' on taking possession. This is no doubt a relic of the quasi-feudal tenure which was introduced when the Coorg chiefs had to submit to a

[1] The battí is a very small land measure, of which 100 are equal to three acres (or according to another account, twenty-five battís = ¾ acre). See *Administration Report*, 1872-73, p. 19 et seq.

foreign Rájá [1]. The land is also held on condition of rendering service if required [2].

No remission of revenue can be asked by holders of land on this tenure.

The land was all divided into farms called 'warg' or 'wargá,' and each jamma landholder held one or more 'wargas,' according to the size of the family group.

Previous to Típú's invasion, divisions of property and separation of families were rare; large 'house-communions' existed, and it was not uncommon to find thirty-five or forty grown-up male relations, and many families consisting of upwards of one-hundred or even one-hundred-and-twenty members, living under the same roof [3]. Of late years a certain amount of internal division of holdings, as a matter of arrangement among the families, has taken place, but I am informed that actual partition is not officially recognized and is regarded as illegal and improper [4]. In any case it can only be effected if all consent; any one separating himself otherwise, is looked on as an outcast by the remainder, and can claim no share of the common stock, but must depend on his own resources.

The eldest member (yajmán) of the family group is the head of the house and holds the 'sanad,' and the property is registered in his name.

The warg always includes an area of 'báné' land—the term will be explained presently—and some low-lying barren land on which the cattle graze,' called 'bariké,'

[1] It is obvious to remark that this fee (kánike) recalls to mind the 'kánam' of Malabár, which has been suggested to be not originally (or really) a mortgage advance, but a fee paid in token of feudal allegiance by the holder of land to the superior; though in the course of time it came to be treated as a mortgage transaction.

[2] On which account formerly a *woman* could not hold 'jamma' land. It has now been held that she can (under inheritance or family settlement), provided she finds an efficient substitute among the male members of her family in case of service being required. (Chief Commissioner's No. 2266-923, dated 31st March, 1883.)

[3] *Gazetteer*, vol. iii. p. 329. It would seem that if a part of a 'wargá' was broken off, it ceased to be held under the privileged *jamma* tenure and could only be held on the common or ságu tenure.

[4] It is said that the Rájás encouraged division, because it caused more land to be taken up, and also discouraged the practice of polyandry.

besides the 'hiṭṭalu-manédalu'—a plot of land for garden, yard, cattle-sheds, &c., attached to every dwelling site.

§ 3. *Slaves or Serfs.*

As usual in conquered countries all over Southern India, the ruling classes employed the enslaved 'aborigines' to cultivate the jamma lands. This of course was not recognized by the British Government, and the slaves soon found no one could interfere with them if they left and went to cultivate coffee or other lands, where profitable wages were offered.

This was the source of much difficulty, since the jamma owners had no means of cultivating their lands, for they could not let or alienate them. It was ultimately determined that a portion of the holding, not exceeding one-fourth, might be sublet on the 'vára' plan (metayer, or paying half produce); this tenancy has to be offered to certain classes in order. The limitation is not, however, enforced in the case of widows, minors, and others incapable of cultivating land themselves.

New land can be acquired by 'Coorgs' on the 'jamma' tenure in certain cases; e.g. by conversion of ordinary or 'ságu' land into jamma; in the case of the restoration of old abandoned 'wargas,' and on application for conversion when there are special reasons accepted by the Chief Commissioner[1].

§ 4. *The Restriction on Alienation explained.*

The reason for the restrictions on alienation above alluded to, are thus explained in a note made in 1834 by the Commissioner (Colonel Fraser). After describing the rule made by Pírajendra Rájá, which entitles every Coorg to as much jamma land as he requires, on condition of the favourable revenue-payment of R. 5 for every 100 battís, and the fee on acquisition, and after remarking on the curious custom of giving the Coorg 'a handful of soil' in token of his owner-

[1] For the details see the Government of India letter (Revenue and Agricultural Department), No. 970 R., dated 12th October, 1883.

ship, and taking the same from him in case he voluntarily resigns a holding or exchanges it for another, the note goes on: 'The practice of subletting can never obtain in this country. If it could, we should soon have numbers of great Zamíndárs in the district. A whole nád might by degrees fall into the hands of an individual capitalist from Mysore perhaps, or the districts below the ghâts; and the lightness of his assessment would enable him to sublet it to others with personal advantage, though without personal care or labour. But this is effectually prevented by the usage of the country, which decidedly forbids it, and the principle that obtains of regarding the proprietary right to the soil as originally vested in the sovereign[1]. He grants a certain quantity of land to a raiyat at a certain annual rate, and for the time divests himself of his property. But the land has been granted to that particular individual and to no other; it has been let at a specific rate of tax, and no other[2]. Let another tenant be found there, paying to the actual lessee a higher rate than that fixed by the Sirkár, and the lease is *ipso facto* annulled; the land falls again into the possession of the sovereign power, and is again at its disposal.'

§ 5. *Ságu Tenure.—Umbali.*

The ordinary tenure of the country (i. e. of all land that is not 'jamma') is the 'ságu'; it is an occupant's or raiyatwárí tenure, with no condition of service, and it pays revenue at the rate of R. 10 per 100 battís. Remission of revenue is allowed for failure of crops[3]. Partition of jointly-held ságu land is not objected to. The holder of ságu land receives a ságavali-chitu, or lease from Government, signed by the Súbadár.

[1] It would be more correct to say not 'originally,' but in 'later times as an assumption resulting from conquest.' The earlier authorities both Hindu and Mussalmán are, as I have shown in vol. i. Chap. IV., distinctly against the general right of the sovereign to *occupied* or cultivated land.

[2] And subject to a claim of military service.

[3] There were formerly two classes of ságu tenure, which paid at different rates. This is still kept up, but transfers from one class to another do not now take place. It is not necessary to go into details on the subject.

Certain raiyatí lands were, in the Rájá's time, allowed a light assessment for certain services performed, and these are distinguished as 'umbali' lands.

A somewhat different system of tenure long prevailed in the Yélu-sávira-shímé country at the foot of the ghâts. Here the village pátels managed the revenue, each village being farmed to them. But this proved oppressive and inconvenient, and in 1801 the Rájá ordered the lands in the taluk to be measured just the same as the land within the Coorg barriers; consequently, the holdings became raiyatwár, and a 'beríz,' or account of the rates assessed on each field, was made out, and is still maintained.

§ 6. *Báné Lands.*

It has already been mentioned that with every holding of jamma land (and the same is true also of ságu land) in Coorg proper, the holder acquires the use of an appurtenant plot of 'báné' land—that is, a plot of forest land varying (and not always according to the size of the principal holding) from 4 or 5 to 300 acres. It is now, by rule, limited to double the area of the principal holding. The báné is located on the slopes above the valley where the rice-cultivation is, or somewhere near it, and it is destined to supply the *warg*-holder with grazing, timber, firewood, and above all with bamboos, branches, and herbage, which he burns on the rice-fields to give ash-manure to the soil. But the produce must be strictly used for the supply of the agricultural domestic wants of the holder; and if timber, &c., is sold, the tenure is infringed, and Government has a right to demand seignorage on the wood. Sandal-wood trees found in báné land are always reserved as the property of Government.

In the jamma tenure, as the báné is included in the sanad, it is virtually a part of the property. In the ságu tenure there is no sanad; but the attached area of báné must be held and used subject to the same conditions. Under these circumstances, the báné cannot be regarded as actually the property of the tenure-holder, nor, on the

other hand, as land at the disposal of Government. It is rather land which is held as an appendage to a warg or estate, or to a ságu holding, in a sort of trust, or on condition for a certain use[1].

Had the báné so remained, there would be nothing more to be said about it. In old days, in Central Coorg at any rate, no one wanted to cut trees for sale, for they had no market value; no one cultivated the báné, beyond raising a few orange or plantain-trees, or ploughing up parts where it was possible to raise a little dry cultivation which was not thought worthy of notice; hence the báné, as an appendage, did not subject the holding to any further revenue-assessment. But in time the land became more valuable, and people began to sell the trees, or what is more, to cultivate coffee. So long as this was done without general clearing, it did little harm; but in time, as larger clearances were made, the utility and natural purpose of the báné were threatened; and moreover the people soon attempted to alienate the land itself, selling or leasing it to coffee-planters; and when this was found profitable, fictitious 'wargs' were imagined and báné applied for under that pretence, and then used for coffee-planting.

The question of preventing these abuses soon arose, and 'báné' rules are now in force[2] as regards assessment. It has for some years been allowed, as a concession, to cultivate coffee on ten acres in the báné without charge; and in 1875 a further concession was made to 'jamma' báné, so

[1] The official definition is this:—'Báné is forest land granted for the service of the warg or holding of rice-fields to which it is allotted, to be held, free of revenue, for grazing, leaf manure, firewood, and for timber required in the warg.'

It will be observed that this plan of allotting an area of woodland to support the rice-cultivation is found in Kanáar and Malabár (kumbakí and parambi) and also in other parts—e. g. in Bombay (the 'warkas' numbers of the Konkán, and the ráb-lands elsewhere) and in Chutiyá Nágpur in S. W. Bengal. It marks a sort of natural stage in the progress of tillage from shifting cultivation by burning the forest, to permanent agriculture; the use of ash-manure is still considered necessary. Artificial manure is not available, and the dung of oxen is not used; it is dried for fuel, even where wood is abundant, because of its slow burning and smouldering.

[2] Vide Chief Commissioner's No. 960-328, dated 21st May, 1886, and No. 1293-328, dated 15th July, 1886.

that coffee might be cultivated even in excess of ten acres, provided that the bushes were planted under the natural forest without removing the large trees. All cultivation in excess of this is assessed[1].

§ 7. *Forest Cultivation.*

'Kúmri' cultivation (see Vol. I. p. 116) was extensively practised in former days in the forests on the slopes of the western ghâts, and in the forests of the south. It was for a time prohibited, but has again been allowed to a limited extent, and under proper conditions, in favour of certain jungle families who are accustomed to this mode of cultivation[2].

Cardamom cultivation—by protection of the seedlings which spring up spontaneously when small clearings are made in the evergreen forest—is also practised.

§ 8. *Royal Farms or 'Panniya.'*

As a curious relic of the distinctively Dravidian institutions of Coorg, I should mention that the Rájá not only took revenue from the demesne or territory directly under his own rule—as distinct from that held by his chiefs—but also had special allotments of land (=the majh-has of South-Western Bengal). These were called 'panniyá,' and consisted of farms and estates, scattered over the domain, the produce of which went entirely to the king. In some cases the lands were cultivated by metayer tenants, but ordinarily by a large body of slaves. The farms were exceedingly well cared for and highly cultivated[3].

The slave question gave rise to some difficulty on the annexation of the province, but it was ultimately settled.

[1] Bâné is not (by that name) allotted to holdings in the northern taluk (Yélu-sávira-shímé), nor in the 'hobalis' below ghât on the east, but smaller areas of forest called 'tharán' (or karáo?) and 'hankal' are given out.

[2] See the rules in Chief Commissioner's No. 659–44, dated 15th April, 1886. The concession is confined to the Karikè village, and the limit is to each cultivator to 'kúmri' ten acres in the year by written orders of the parpattagár.

[3] *Gazetteer*, vol. iii. p. 319. The Rájá generally took care to secure the best lands.

The farms themselves (which became the property of the State) were divided into the usual 'wargá,' and were disposed of like any other land held in ságu tenure.

§ 9. *Coffee-Land and 'Waste-Land' Tenure.*

There is or was, besides the timber or 'high' forest on the hill crests, and the báné lands on the lower slopes adjoining the valleys, a very large area of jungle or 'waste.' Much of this is suited to the cultivation of coffee. Where this waste is forest land (for coffee cultivation) it is applied for under 'Waste-land Rules.' Where it is ordinary measured land that happens to be available, it is (whether taken up for dry or for wet cultivation) held on the ordinary ságu tenure, but with a certain graduated scale of assessment, to encourage the cultivator and help him over the initial expense of clearing and establishing fields. When waste was taken up for *coffee cultivation*, it was formerly held revenue-free, but the produce was liable to an export duty (hálat) of four annas per maund of twenty-eight pounds, or one rupee per cwt., of clean coffee. In October, 1863, this duty was abolished and a uniform assessment of from one to two rupees per acre[1] for the whole area, was introduced from 1st May, 1864. The rules for the lease of waste lands were issued by *Notification* No. 6 (Bangalore, 3rd June, 1884).

The available waste does not include Reserved, i.e. State forest-lands, nor does it include tracts set apart for village use. Villages have often assigned to them certain tracts locally known as 'paisárí' or grazing-land, and 'urudvé' or village forest, for the supply (free) of local wants in fuel, small wood, and grazing[2].

[1] For the first four years assessment is not levied, then from five to twelve years R.1, and after that R.2 (*Administration Report*, 1872-73, § 32).

[2] There has been a good deal of correspondence about the prevalent practice of starting unauthorized cultivation (chiefly coffee) in lands allotted as village forest or grazing ground, as well as in Devarakádus afterwards described. To check this practice, 'if the Commissioner thinks it necessary' to compel the occupier to abandon the land, he is authorized to impose prohibitory assessment without limit, in preference to acting upon the former rules for exaction of penalties or sale of land by auction. Where

'Unallotted waste-land in Coorg is Government land, and the trees that grow upon it belong to Government. Raiyats can only cut timber on such land for their own use when permitted to do so by long-standing custom or by express rules[1].'

Sandal-wood trees (wherever grown) are by ancient undoubted custom 'Royal' trees, or in other words, State property[2]; and where a raiyat holds his land, it is 'subject to the servitude of the right of Government to the sandal-wood trees.' In land sold under the Waste-land Rules (1884), the rules about sandal-wood are special and must be referred to.

Teak is also a 'Royal' tree, wherever grown, but there is no objection to its being 'redeemed' by the landholder. No claim is made to tamarind trees or other minor produce on private lands[3].

§ 10. *Sacred Groves.*

Besides the many groves set apart in each 'nád' for some object of worship, there are sacred woods called Dévarakádu, which are superstitiously reserved as the abodes or hunting-grounds of deified heroic ancestors. Of late years, however, the feeling of reverence has given way to the love of profit; and the groves have been surreptitiously cultivated with coffee. It became necessary, after making surveys, to issue rules under which cultivation has been ordered to cease (in 1887), and these groves are absolutely reserved under Government care.

§ 11. *Joḍí Lands.*

Certain lands are held by grant of the soil on a fixed revenue, called joḍí. In other words, the land is not abso-

the prohibitory assessment is imposed, the price of the land must not be exacted, but the price of trees felled can be recovered summarily. (Chief Commissioner's No. 1918-3386, dated 25th October, 1886. For former rules see No. 1377-563, dated 18th October, 1882).

[1] Chief Commissioner's No. 1014-129, dated 5th November, 1880.

[2] Chief Commissioner's No. 920-L. M. 219, dated 10th October, 1884.

[3] See Chief Commissioner's No. 891-306, dated 12th May, 1886.

lutely revenue-free, but partly so, or on half-assessment. Such lands are held by the pátels, or heads of families, in Yélu-sávira-shímé (resembling the 'watan' of Western India) and by religious institutions all over Coorg. The tenure so far resembles the jamma tenure that it pays the same rate (R. 5 per 100 battís).

CHAPTER III.

REVENUE ADMINISTRATION.

§ 1. *Survey and Settlement.*

THE land-revenue Settlement is virtually permanent. The assessment is still, in fact, that introduced by Linga Rájá in 1812, when a careful register was prepared of all revenue-assessed lands in Coorg proper. Rice-land only was assessed; such other cultivation as was possible on the slopes was free, or subject only to certain offerings of the produce. It was supposed that one-tenth of the rice-produce was the standard Government share. There had been a prior Settlement effected by Dóda Víraj in 1806, but this was limited to the Yélu-sávira-shímé taluk and two 'hobalis' of the Nanjarájpatna taluk, below the (mountain) barriers. These 'shist' accounts (as they were called) give the particulars of every 'wargá' or holding, and of the position of lands attached to each, whether báné, bariké, or hittalmanédalu. Within the last twenty years a topographical survey, which included the coffee estates and reserved forests, but not the revenue-assessed lands, has been carried out. A revenue-survey of the province has recently been decided on, but this, it is understood, will not be accompanied by a fresh Settlement so as to disturb the old rates of assessment.

The jamma tenure is obviously a grant under sanad, and the assessment, at half the ságu rate on wet cultivation, is therefore absolute.

There has been no declaration that the ságu assessment will never be raised, but the rates of the old shist accounts

are maintained, and I have not heard of any suggestion for their re-assessment.

§ 2. *Other Taxes on Land.*

Besides the revenue, all rice-lands pay a cess called dhúli-batta, and there is a house-tax (muhtarafa); and there formerly was a tax levied to cover the State expenses of a festival (called huttári) at the beginning of the monsoon. This is abolished.

The dhúli-batta is curious: it indicates the 'dust of the threshing-floor'—the refuse paddy which was *accepted as a voluntary offering* by the first Haléri Chief, when warily assuming the dominion over Coorg. Of course in due time it became a regular tax, and no refuse paddy. In 1868–69 it was commuted into a money-payment.

A plough-tax is also levied to pay for the cost of education. It is levied both on jamma and ságu lands, being four annas per plough on jamma and three annas on ságu holdings.

The revenue is payable by certain instalments according to class of land. Rice- and rági- (millet) land pays by four instalments (in February, March, April, and May); coffee-lands the same, unless the produce is exported to England, when payment in one instalment, before 3rd May, is allowed. Cardamom-land pays in February.

Land on which an early cereal crop (called the Vaisákha crop) is reaped, pays in four instalments (from September to December [1]).

Remission of revenue is not allowed except on sanction of the Chief Commissioner; not on the ground of failure of a crop, but of real poverty and inability to pay. For any single crop-failure it is borne in mind that the assessment is far from heavy and was fixed on the average of good and bad years so as to allow for occasional bad seasons [2].

[1] See Chief Commissioner's No. 1212-498, dated 22nd September, 1882.

[2] Chief Commissioner's order as above, 1882.

§ 3. *Revenue Procedure.*

The revenue procedure is guided by 'The Coorg Revenue Regulation' (I) of 1889[1]. This is chiefly concerned with detailed provisions regarding the recovery of arrears[2] by distraint and sale of moveable property, or by attachment and management of any land or other immoveable property of the defaulters, or by its sale.

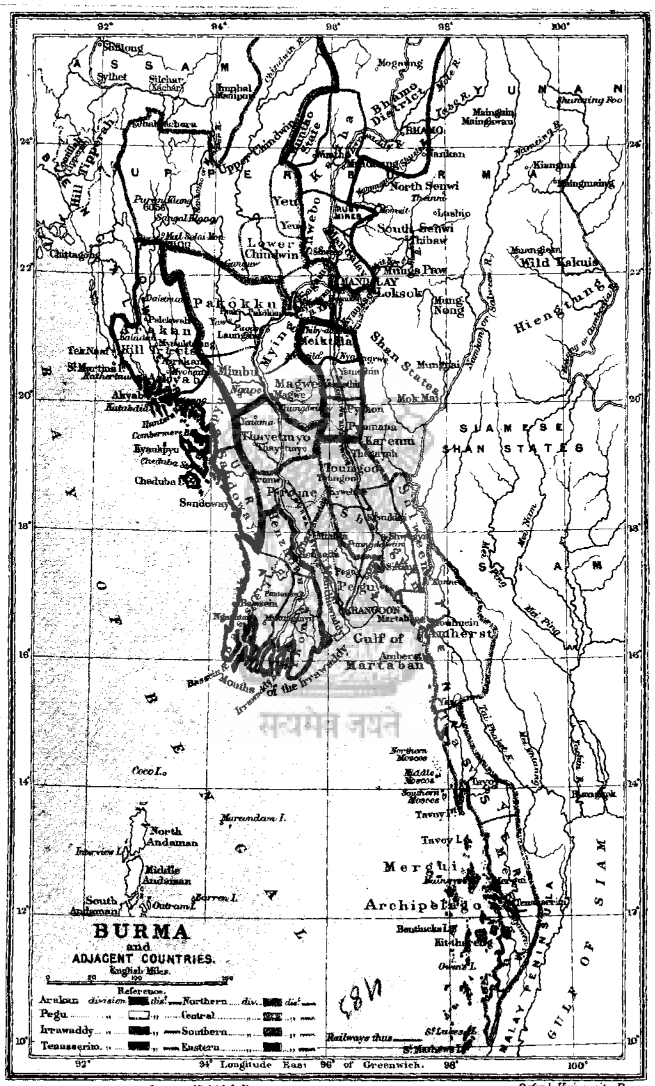
Sec. 63. The Civil Courts have no jurisdiction in any question as to the rate of land-revenue or amount of assessment; but redress may be had in the Civil Court by persons deeming themselves aggrieved by any proceedings under the Regulation, such suit being brought within six months from the time at which the cause of action arose.

Sec. 64. The parpattegárs or revenue officers of náds have to inspect the lands and the cultivation in the nád. This inspection is followed by that of the subedár of the taluk, and finally the Commissioner conducts the 'jamabandi' or annual settlement by which is determined what land has been held and what revenue is to be paid, for the year.

The 'village' officers are the result of the aggregation of *wargs* or holdings into 'grámam,' or something analogous to villages, for purely Government purposes. The headman and accountant over such groups are now to be found as elsewhere. The pátel or headman receives a sanad, specifying his duties, which, as usual, are not only confined to revenue matters, but extend to repressing crime, watching suspicious characters, and so forth. He is remunerated by a percentage on the collections, or partly by that and an unofficial jodí or umbali (revenue-free) holding.

[1] Repealing Reg. III of 1880.

[2] Revenue is in arrear when any 'kist' or instalment is not paid on the date fixed. By definition ('revenue') includes 'land-revenue, cesses and muhtarafa, and every other sum payable to Government in accordance with law, contract or local usage in respect of the occupancy of land or the supply of water to it for irrigation.'



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PART VI.—BURMA.

(With a note on the Andaman Islands).

CHAPTER I.

THE GENERAL FEATURES OF THE PROVINCE.

§ 1. *Division of the Subject.*

THIS province consists of two parts which must at present be distinguished. 'Lower Burma,' which has been under British rule, part of it since 1824, and the rest since 1852 (see Vol. I. p. 48), is under the general Indian Statute Law, including the several Acts (e. g. Act II of 1876 relating to Land) which have special application to Burma. 'Upper Burma,' divided at present into seventeen districts (with a number of feudatory States under political control only, and known as the Shán States), was formally annexed in 1886, and is not subject to the Indian Statute Law, but is governed by Regulations under the Statute 33 Vict. Cap. 3.

It will be convenient then to keep the two apart in our study, and the first four chapters deal only with Lower

Burma—which used to be called 'British Burma,' as distinguished from the northern country then under native rule.

When all relating to Lower Burma is disposed of, a separate Chapter (V) will give the outline of the Land Revenue administration followed in Upper Burma. The system described is not of course a final one; various features will in time disappear, and especially a regular land-revenue will take the place of the special taxes still maintained. But a sketch of the present system will not be unprofitable as showing how administration is made progressive, and how local customs and the old habits of the people are respected, while cautiously and gradually aiming at a better and more uniform system in the future.

§ 2. *Physical Divisions of Lower Burma—Arrakan.*

Looking at the province as it came under British rule after the war of 1852, there were certain divisions distinguished locally as 'provinces': and though these are not now made use of for administrative purposes—the Civil Divisions having been differently arranged—they are geographically convenient, and a brief notice of them will serve to give a general idea of the sort of country to which the Revenue law applies.

The province on the north-west was called 'Arrakan[1].' It lies all along the coast, extending as far as Chittagong, while inland it is separated from the rest of Burma by a long and broad range of hills. The Hill portion of Arrakan is excluded from the regular revenue law: it is occupied by tribes who adopt the practice of shifting cultivation, (already alluded to, and further described in the sequel), which, throughout Burma is called 'toung-yá[2].' In

[1] Nearly all these names are conventional or Anglicized: they have often but little resemblance to the Burmese words, which it is impossible to give, as I have no system of transliteration; even if I had, the real names would not be very useful, as the Anglicized forms have been officially adopted.

[2] 'Yá' means a garden or clearing, 'toung' = hill—so that the term implies cultivation in the hills, where indeed this form of agriculture is chiefly if not exclusively found.

the level country near the coast, the cultivation consists of rice, and there are mango gardens or orchards, as well as palm-groves; here the regular Revenue-law prevails.

§ 3. *Pegu.*

Beyond Arrakan, and occupying the central portion of the mainland, is the province called Pegu, extending north as far as the old frontier line, and eastwards across the Pegu 'Yoma'—the 'backbone,' or central range of hills, so as to include the valley of the Sittang on the other side of the Pegu Yoma.

The province so defined exhibits a succession of the same features. Descending from the slopes of the Arrakan Yoma, we come to the broad valley of the Irrawaddy with its fairly populous villages and its permanent cultivation, which almost entirely consists of rice. Wheat and barley are quite unknown, and bread consequently, in any form, is not an article of common consumption. This valley is again closed in by a lower central mountain range called the Pegu Yoma, where again we find shifting toungyá cultivation, and in part of it, at least, Karen tribes. This Yoma is the site of a number of valuable teak forests. Then, again, still going east, we have another valley, but far narrower than the Irrawaddy valley—that of the Sittang; followed again by a wider and much higher range of hills, also full of forests and toungyá cultivation, till once more we descend into the valley of the Salween. The river here, for a part of its course, forms the outer boundary of Burma. The hills beyond, rich in teak, are in foreign territory.

§ 4. *Tenasserim.*

The Tenasserim province (including the tract called Martaban to the north of the Amherst district) is a long narrow strip of country forming an appendage to the south-east of the Burmese mainland, as Arrakan forms a similar projection to the north-west. Extending along the coast line as far as Mergui, and including the group of islands known as the Mergui Archipelago, it overlooks the Bay of

Bengal along its whole length; the line of Andaman and Nicobar islands here forms a sort of outwork or barrier between the coast and the open bay. The country is somewhat unhealthy, especially to the south: it is hilly and covered with more or less tropical jungle. Nearly all but the level alluvial rice land on the coast, if inhabited at all, is cultivated by 'yá' clearings.

Thus we have, for the theatre of our revenue system, a country presenting alternate hill ranges in which Karen tribes have their shifting homes and temporary clearings, and rich alluvial valleys where the dense jungle has gradually been cleared away, and village cultivation has been established permanently; each little group of houses, usually placed on the bank of some river or creek, will be seen surrounded with a wide expanse of green rice fields, and occasionally diversified by groves of palm, orchards of fruit trees, and vegetable gardens [1].

§ 5. *Present Civil Divisions.*

The present division into Commissionerships for Revenue and Administrative control is somewhat different from the old provincial division. On the constitution of the province as a separate administration in 1862, three civil divisions were considered sufficient, under the Commissioners of Arrakan, Pegu, and Tenasserim respectively. The first controlled the Arrakan districts, the second all the valley of the Irrawaddy and a part of the Sittang valley beyond, and the third had the rest of the province,

[1] The principal cultivation in Lower Burma is rice, which is either sown broadcast or transplanted, the latter giving, it is said, the fullest crop. The soil is ploughed when first saturated by rain; though ploughing is rather an inappropriate term. The plough is a beam with a few stout spikes or teeth, which scratch and do not overturn the soil; it is taken across and across the field in different directions, and young buffaloes are turned into the field to knead the soil: the plough is again passed over it, and the whole process repeated several times. The ploughing season lasts sixty days, and they work six hours a day, so that a buffalo plough can work fifteen, and a bullock plough ten acres. On the laterite undulations, sesamum, millets, and pulses are occasionally grown, also cotton, tobacco, and sugarcane. In gardens we have the cocoa-palm, betel leaf plant, mango, jack, plantains, and pineapples, and further north the custard apple (*Annona* species), which may be

viz. the Sittang valley extending as far north as the then frontier district of Tounghoo, and down to the coast districts of Amherst, Tavoy, and Mergui. Now there are four divisions (see the Table in Vol. I. Chap. II). The Arrakan division includes the same districts as before (the Hill Tracts, Kyoukphyû, Sandoway, and Akyáb). The districts west of the Irrawaddy river (Bassein, Thoungwá, Henzadá, and Thayetmyo) form the Commissionership of Irrawaddy: those to the east (Prome, Tharrawady, Hanthawaddy, Rangoon, and Pegu) are under the Commissioner of Pegu. The Tenasserim Commissionership still includes Toungoo and Shwegyín, as well as the coast districts to the South-East.

§ 6. *The System of Revenue Administration.*

The notification of 31st January, 1862, which united the Provinces of Lower Burma into one Chief Commissionership, states that they are all 'non-regulation' provinces, and that their 'revenue system is in principle essentially the same. It is founded on the system which prevailed under the Burma Government, and the modifications adopted in each province from time to time since it came under British rule, are due less to any variety in the conditions of the three provinces[1] than to the differing views of the authorities by whom they have been successively administered.'

§ 7. *The Land Revenue Act.*

The Land Law of Lower Burma is Act II of 1876 and the rules made under it[2].

The 'Hill District' of Arrakan is not under the Act[3],

seen on terraces near Prome, fringing the banks of the Irrawaddy. (*Hanthawaddy S. R.*, p. 23 (1881-82), *Bassein Report*, 1879-80, p. 2.)

[1] i.e., (1) Arrakan, (2) Pegu, (3) the Martaban and Tenasserim Provinces taken as one, as they were (and are still), under one Commissioner.

[2] The Act was declared to come into force on 1st February, 1879, by a notification in the *British Burma Gazette* of that date. For the Rules, see Notification No. 23, dated 22nd April, 1886, and subsequent slight amendments.

[3] The Arrakan hills are entirely governed by Regulations VIII of 1874 (as amended by V of 1876) and IX of 1874, issued under the 33 Vict., Cap. 3. One of these provides for the administration of civil justice; the others called the 'District Laws Regulation,' declares

and the 'Karen hills' sub-division of the Tounghoo district has been also exempted by notification [1].

what Acts, &c., are in force, and disposes of the subject of land revenue in two sections. The revenue system is therefore easily explained. Measured land in the plains (rice, garden, and palm grove) pays a rate from one rupee down to eight annas an acre, according to the Deputy per Commissioner's assessment; 'toungyá' pays one rupee per *family*; one rupee is also levied per family on all who have paid either tribute or capitation tax, and the latter is abolished accordingly.

[1] No. 11, dated 1st February, 1879.

CHAPTER II.

THE LAND-TENURES.

§ 1. *General Idea of Right in Land.*

It will be most convenient to reverse the order in which I have hitherto described the revenue system of the provinces, and to describe, first, the way in which land is held. This subject is dealt with first in the Act, so that I am following the legal order. In pursuing this study we shall find no direct parallel to the case of land-tenures in India[1].

It is probable that in Burma the popular feeling or custom regarding proprietary right, as is so commonly the case in jungle countries, is connected with the fact of first clearance and subsequent occupation. The labour of clearing the fertile but densely overgrown land is so great, that the undertaking of the task fixes in the popular mind the feeling that permanent possession of the land is its natural result. At first, no doubt, when the several tribes of the Burmese and Talaing nations had settled in the Irrawaddy Valley, they lived in a state of society very similar to that still shown by the hill tribes. Cultivation was begun by the clearance of the forest by burning. But with settlements on the level alluvium of the great valleys there is this important difference: the land once prepared, the continuous cultivation of rice is possible, and therefore there is no occasion to abandon the spot after a crop has been taken

[1] I am indebted to Mr. G. D. Burgess for a pamphlet by General Sir A. Phayre (Rangoon, 1865, now scarce and out of print) called 'A few Words on the Tenure and Distribution of Landed Property in Burma,' and a Minute by the same author on the Land Assessment recommended for the Province of Pegu, dated June, 1858.

off and seek a new clearance, as is the case with the toungyá cultivation to be described presently. The hand-hoe used in the hill clearings necessarily gave way to the peculiar method of ploughing and working up the mud, required for rice cultivation; and permanent fields were thus established. The right which custom recognized in the man who first cleared the jungle, was naturally further strengthened when he continued to cultivate the same field. Among the tribes (Karens and others) who still practise shifting cultivation in the hills, the idea of right to the land is confined to the field as long as it lasts. But in some parts at least, there is a system practised by Karen tribes under which the roving cultivation is restricted to a limited and well-known tract of country: here probably there was always some general but indefinite feeling of tribal property in the particular area occupied[1]. It is portioned out according to established custom, the plots cultivated by toungyá, being cut and cleared in a known customary rotation.

It can hardly be doubted that the idea of proprietary right in land has long existed in Burma, and it is dependent on the fact of clearing the jungle.

The right of the sovereign to a tithe of the produce, is also recognized. General Phayre informs us, on the authority of the *Dhammathát*, or laws of Manu (a work which has nothing to do with the Hindu Institutes of Manu), that the people originally agreed to confer on their elected king a share of the produce. So that in Burma the Government revenue is dependent on the same principle as in India, namely, that the king has a right to a share in the produce of all cultivated land[2].

[1] And though the law in general does not recognize any right in the land to be acquired by toungyá cutting, still the Rules (61-76) enable allotments to be made in such cases.

[2] 'But the king, who is master, must abide by the ten laws for the guidance of kings; and although property which has an owner is called the property of the king, yet he has no right to take all. Rice fields, plantations, canals, *whatever is made (or produced) by man . . . . he has a right to.*' (Quoted by General Sir A. Phayre from the 6th book of the Code.)

§ 2. *The Burmese Village.*

The villages consist of groups of independent holdings and are called 'kwin'[1].

The kwin has been, as we shall see presently, adopted as the unit of revenue assessment.

The land-holdings in a kwin may, indeed, be connected in some way, because the Burmese law of inheritance gives rise (like that of India) to a joint succession. Not only the sons, but the widow and daughters are entitled to shares; and thus holdings become grouped. Besides this, persons undertaking agricultural clearings mutually settle together in more or less connected groups, being often bound by relationship, or associating together for mutual protection and society; it is said that in many places the feeling of the Burmese village is decidedly 'clannish'[2]. But the natural circumstances of relationship and cosharing are the only bond. In Lower Burma there is no joint liability for the revenue as in villages in Upper India[3].

In jointly-owned lands, actual division often does not take place for some years after the death of the common ancestor. In some cases one of the shareholders buys out the interest of the rest; in others the undivided holding is worked in turns by the different members of the joint family; or one of them works the whole for a series of years, paying rent to the other co-sharers. The number of

[1] Sometimes written 'Kweng' or 'queng.' I am informed that the word literally means a plain or level place, showing the idea of permanent occupation in the plain, as distinct from the temporary use of hill land. 'Inhabited tracts,' says Sir. A. Phayre, 'were found to contain natural or well-marked divisions of country, recognized by the inhabitants, generally having distinctive names, and called by them "kwin." These tracts were generally of convenient size, bounded by streams or other general objects, and sufficiently homogeneous in their soils to be fit and convenient "ring-fences" within which a separate rate of rent or tax might be taken.'

[2] For some curious customs regarding the position of fields, and the dislike to having a field between two owned by close relations, or one surrounded by another holding, and so forth, see the *Bassein S. R.*, 1880-81, p. 5.

[3] In some parts the attempt was made to introduce a lump assessment for a whole village or group of holdings, with a common responsibility for the whole; but the attempt failed and was abandoned. (Directions for Settlement Officers, Burma, p. 1. Revised Edition of 1885).

holdings jointly enjoyed is, however, comparatively small, and after four or five years division usually takes place or the sharers sell to one of their number.

It is the common practice amongst cultivators to dispose of their property before death, the landed property being given between one or more children according to its area, and the moveable estate being divided among the others.

There is a feeling in Burma against the permanent alienation of land; and mortgages, though worded so as to imply that redemption is not to be claimed, have been, even after many years, redeemed and given back to the original family.

§ 3. *Tenants.*

The landholding classes do not always cultivate the land themselves: the idea of renting land is familiar since Burmese times. Ten per cent. of the produce *plus* the Government revenue was the customary rate. The produce was divided on the threshing-floor. The tenant thus got paid according to the actual crop, and obtained relief when it was diminished by flood or other accident. The system is still common in the poorer or more remote parts; but near large towns, where the soil is rich and cultivation well developed, a rent is fixed in advance and has to be paid whether there is a full crop or not. Such a rent will represent one-tenth, or in some cases one-fourth, or one-fifth of the produce. Rent is also commonly paid in money, or is arranged so that the tenant pays a proportion (equalling the Government land revenue) in money and the rest in kind.

§ 4. *No Tribal Allotments.*

In these customs of landholding, at least in the plains where permanent rice cultivation is practised, we do not observe anything like village colonization and settlement by families of a tribe, or the allotment of the whole area in certain shares to that tribe, such as we have seen in parts of India.

§ 5. *Modern Origin of most Tenures.*

Title to land originating, as I described, in mere occupancy by clearing, and then descending by inheritance or transfer, the origin of most holdings is recent and very simple. In our own times a great deal of land has been simply 'occupied.' A lease or a grant may have been given, allowing the land to be held revenue-free for a term of years to encourage and help the settler; or it may have been held on yearly tenure, or by some verbal permission of the local revenue official. Still more land has been cleared and ploughed up without any formal permission from any one. In any case, the holding only extended to what was actually granted or occupied.

§ 6. *The Right to Waste Land.*

There is always a tendency, in Oriental countries, when a Government is established by conquest, for the Ruler to claim the ownership of the soil generally. This, however, is a sort of supremacy which does not ordinarily override the customary right of those who have occupied definite tracts—especially those permanently cultivated: hence the State right in the soil takes practical effect chiefly as regards the waste or unoccupied land. Indeed the State ownership of the unoccupied waste, and the right of the Ruler to make grants, or otherwise to reserve it for special uses, has never been questioned.

Instances are, indeed, not wanting where the king has violently taken possession of occupied land; but such an act is looked upon as an arbitrary exercise of power, and the extract from the Buddhist law already quoted in a note shows this to be the case in Burma [1].

The waste, though belonging to the State, was very little cared for. The modern uses—such as creating State forests or granting estates for tea and cinchona plantation, were

[1] See Directions to Settlement Officers, § 42: 'Under the Native Government the Sovereign was regarded as the proprietor of the land, and General Phayre states (Minute, p. 7) that the "right of subjects to land is always subordinate to the reservation of Government right."'

unknown. It seems to have been recognized that anybody might take possession of a piece of waste adjoining his holding and clear it, and so acquire the customary title,—and the king was probably only too glad to see this done, since his right to a revenue from the land then arose. But side by side with this practice, remained the right of the king to make gifts out of the waste, and of his officers to make special allotments of it. This appears clearly from the fact that of the seven ways of acquiring land, recognized by Burmese jurisprudence, 'allotments by Government officers' and 'gifts by the king' are two [1].

§ 7. *Modern Definition of Right in Land.*

When population increased and the settled order of British rule began, it became necessary, first, to define the right of a 'landholder' as regards occupied land; and, next, to assert the absence of any private right (which meant that the Government alone had the power of disposal) in the unoccupied or waste land.

The Land Act of Burma (Act II of 1876) deals with both these subjects.

The landholder's right is only recognized in permanently-occupied land. Where toungyá cutters are still found to practise their destructive method of shifting cultivation in the hill ranges, it is only on sufferance; they have no recognized right, and the practice is regulated by rules under the Act, and will be dealt with more in detail presently.

§ 8. *The Land Act.*

The right recognized by law refers, then, only to land permanently occupied. It may be regretted that the Act was not made more simple, as it undoubtedly might have been. As it stands, it is somewhat over-technical, and has made use of phraseology which must in most cases be un-

[1] The other five are—inheritance, gift, purchase, clearing the virgin forest, and ten years' unchallenged (as we should say 'adverse') possession, while the former owner knew the possessor was working the land (Minute, p. 7).

intelligible to the Burmese mind; though possibly by this time the nature of 'the landholder's right'—when it is acquired, and when it is not—has become practically understood[1]. I shall endeavour to state in plain language the main features of the Act where it defines the tenure of land; and points of detail may be followed out by a study of the Act itself, when its general purport has been apprehended.

§ 9. *General Status of the Land.*

The Act does not state, but it clearly implies (and the fact is quite beyond dispute) that at the present day, all land in Burma is the property of, or at any rate at the unfettered disposal of, the State, *unless* some private person has acquired a specific right to it, i. e. some kind of right recognized and defined by the Act.

§ 10. *Right in Occupied Land.*

The second part of the Act—'Of rights over land'—describes how such a right can be acquired. This part applies to all lands *except* those mentioned in section 4. The exceptions are lands which obviously do not require to be dealt with. They include land which has already by law been declared a forest estate; land dealt with under the Fisheries Act[2]; the land occupied by public roads, canals, drains or embankments; the land included in the limits of any town; the land actually occupied by dwelling places in towns or villages; lands within the limits of civil and military stations; and lands belonging (according to the custom of the

[1] I allow the remarks to stand as I wrote them: but the Director of Agriculture and Land Records remarked on them: that the theory was not at all understood, but that the fact of a few years' possession was practically sufficient. 'A person who has had such possession, whatever his theoretical disabilities, pays no higher revenue than any one else, he can sell or mortgage; and if his land is taken by the Department of Public Works for any purpose, he will probably get as full compensation as if he were a regular "landholder."'

[2] No one who has been in Burma even for a few days needs to be reminded how important is the fishery-right in a country which is intersected by rivers, streams, and creeks, where the population universally consume fish, especially in the form of salted and fermented fish—the well-known *gnà-pi* of Burma. The allotment of areas for fishery sites is provided in Act X of 1875.

country) to religious institutions and to schools. All these are naturally excluded from being interfered with; and the proprietary right in them vests in the State, the owners, or in the institution, as the case may be, without need for any new declaration or provision of law.

But *all other* land can only be subject—

(1) to rights created by grant or lease of the British Government;

(2) to rights or easements acquired by prescription;

(3) to rights created or originating in the modes prescribed by the Act.

The last named are rights over land which are practically proprietary, though they are called in the Act 'rights of a landholder.'

Of course any right lawfully *derived* from one of the three rights holds good also. If it is lawful to sell or otherwise transfer the right, or if by inheritance a man succeeds to it, the right holds good to him as it did to the person from whom it was lawfully acquired.

To sum up this shortly, it means that, generally speaking, as regards private rights, the land to which Part II applies is *primâ facie* subject to no rights of private persons; but the law is prepared to recognize (1) all rights which the Government has given by lease or grant; (2) rights, not being rights of ownership, but often necessary to the enjoyment of property, such as rights of way, use of water, right of lateral support, and so forth; and (3), all rights of 'landholders,' a term to which the law attaches a special meaning, of which hereafter; and all rights derived legally from these, e.g. by transfer or succession.

I may take the opportunity of mentioning that lands are found in the proprietary possession of monasteries (púngyí-kyoung) or institutions of the kind. For the Burmese religionist to build a pagoda, or a 'theing' (chapel) or a 'zayatt' (rest-house) or give land to priests or monasteries, is a duty or work of merit for all who can afford it. The holder of monastery land is then not only a donee from the original landholder, but a kind of trustee. The

endowment is indicated by certain terms (puggaliká, ganiká, sangiká, &c.), according as it is to an individual holy man, or a body, or is a life gift, or in perpetuity [1].

§ 11. *Examination of the Rights recognized:—Right by Grant or Lease.*

Let us proceed to notice more in detail those rights which are thus recognized.

The first needs but little remark. If a lease or a grant of land has been issued, it of course gives rise to a right exactly such as the terms of the document declare.

§ 12. *Rights to Surface Products and to Easements.*

The second has given rise to some discussion; the right was declared to be such a right as is described in sections 27 and 28 of the Limitation Act (IX of 1871) then in force.

These sections only contemplated such rights as are called in English law 'easements,' and these include rights of way; rights to use of water in streams flowing through the land; rights to use water in springs, pools, or tanks; rights to receive or not to receive drainage water off a neighbour's land, to have a passage for irrigation water across his land; right to lateral support of the soil, and so forth. But nothing else was included. These rights, whether called by the term 'easements' or not, and whether subject to technical rules or not, are natural rights, and often absolutely necessary to the enjoyment of a man's property. A man must have a way to get to his land, and be able to prevent a neighbour blocking up a stream which runs through both lands; he may also require the soil to be maintained as it is, and that his neighbour should not excavate his land so as to make a neighbouring wall or building fall down. But the Burma Act section is limited to these rights, and no such thing as a *right* to graze, to gather fruits, or get firewood or timber, was recognized *by the Act*.

But when the sections quoted from the Limitation Act of

[1] See *Bassein S. R.*, for 1879-80, p. 12.

1871 were superseded by the present Limitation Act (XV of 1877), the term 'easement' was extended to include rights to the produce of the soil—or, to use the words of the Act, to include the right to appropriate 'any part of the soil belonging to another, or anything growing on it, attached to it, or subsisting on it.'

Consequently, it is only since 1877 that a right to these products can have arisen. And it takes twenty years' adverse enjoyment for any such right to ripen into a prescriptive right, consequently no such rights can yet have grown up[1]. As regards land destined to be brought under the plough this is of no great importance; but it had a serious bearing on forest rights. As the question which might be raised in connection with such rights has since been set at rest by section 4 of the Burma Forest Act (XIX of 1881), it is unnecessary to pursue the subject here.

§ 13. *The Landholder's Right.*

But what is the third or 'landholder's' right? Practically, a proprietary right. If a person (not holding under a grant or order of Government which itself determines the extent of right) has continuously held *possession* of any culturable land[2] for twelve years, and has continuously paid the revenue due thereon, or held it exempt from revenue, by express grant, he is allowed to have acquired a permanent, heritable, and transferable title. It will not, however, do for a man to be able to assert former or ancient

[1] There have, however, been judicial decisions in India, to the effect that section 26 of the Limitation Act is not exhaustive and does not imply that rights of user *cannot* be acquired in any other way. How far these decisions would affect a claim to rights under the Burma Act of 1876, I am not prepared to say.

[2] Possession is elaborately defined by section 3. Possession may be by actual occupation by the person himself, or his agent, servant, tenant, or mortgagee; or there has been no such actual occupation, but still there may be constructive possession, viz., that the person or his agent, &c., paid the last preceding year's revenue; or if the land is now lying fallow in the ordinary course of agriculture, that it was last cultivated by the person and his agent, &c. These last grounds will not argue possession if the land is actually occupied by some one else, nor if the land has been relinquished by notice; a man might be out of possession, and yet try and oust an existing occupier, on the ground that he paid the last revenue.

possession if that possession was intermitted and came to an end twelve years before the Act came into force (1st February, 1879). Possession, on the other hand, is not broken by a succession or transfer. If A has held for seven years, and then sells to B, who has held for five, B can put in a twelve years' possession. So if B has inherited from A. In the same way as regards the condition of paying the revenue. The payment will hold good if it has been made by a tenant or other person holding under the person in possession.

A person who is legally a 'landholder,' if he happened to be out of possession when the Act came into force, might, within a limit fixed by section 9, recover possession; and so if he was in possession when the Act came into force, and then voluntarily abandoned the land, he could get it back within three years. After the limit passed in either case, the right became extinguished. After 1st February, 1882 [1], no one will be able to abandon his land voluntarily *for a time* (though he may do so *finally* if he likes)—unless he applies (under section 12) to the Revenue-officer to take over his land on special conditions.

The 'landholder's right' is not *called* proprietary, because it is restricted, not only by the duty of paying revenue, taxes, and cesses (which is the case with all property in land in India), but also by the fact that all mines and mineral products and buried treasure are reserved to Government, as also the right to work or search for those products on paying compensation for the surface damage.

§ 14. *Relinquishment of Land.*

The section 12 above alluded to is quite peculiar to Burma, and marks the relation of the Burma system to the formal 'raiyatwárí.' Under the latter, a man can always throw up any holding that he pleases; but he does so finally [2]. In Burma a man can permanently relinquish or

[1] i.e., after three years from the Act coming into force (section 11).

[2] Unless the land happens to remain unoccupied, in which case he can apply for it again; but that is a matter of chance. Neither in

he can temporarily relinquish. The procedure for temporary relinquishment consists in making an application to the revenue-officer and publishing a notice. When the original holder desires to return (which must be within twelve years), a new notice has to be published, and he can only re-enter at a convenient season as regards the crop, and on condition of paying for any improvements that may have been made. I am not aware why this provision was inserted, as I am told that it is practically a dead letter. Such applications are very rarely made.

Rules 82–85.

§ 15. *Declaration of Title.*

Any 'landholder' can obtain an authoritative declaration that he is such, by applying to have his right recorded in a register provided for the purpose, and getting a certificate of the record. There are provisions in the Act regarding the cancelment and calling in question of such record.

§ 16. *Disposal of Land by Government.*

Such being the recognised rights in land, the Chief Commissioner has power to make rules for the disposal of all lands to which this second part of the Act applies, and which are not either already the subject of a grant or lease, and which do not belong to landholders [1]. The existence of 'easements' does not, of course, prevent the land itself being granted, or leased, or disposed of, subject to such existing rights.

Act II of 1876, sec. 18.

The rules for the disposal of lands are found in the Revenue Rules, published in the *Gazette*, and by Notification No. 151, dated 4th Sept. 1890 (on the authority of section 61 of the Act). I do not propose to describe them in detail. No land that is, or is likely to be, wanted for any State purpose (e. g. land which the Forest Department

Bombay nor Madras has the relinquisher any lien on the land, nor any power of conditional abandonment.

[1] These rules deal with permanent disposal or temporary use, but have no reference to toungyá cutters: these are dealt with by special rules.

would desire to preserve as State forest) is to be disposed of, except by lease from year to year; and land within a radius of two miles from any town requires a special sanction for its disposal. The rules then contemplate (1) the grant of the status of landholder[1], (2) the grant of leases which are not ordinarily to exceed thirty years. They comprise (i) ordinary rules for the disposal of available land, with provision regarding the temporary exemption from land-revenue of lands leased or granted; and the recovery of arrears of rent, or other dues (including penalties); (ii) special rules regarding the grant of blocks (not exceeding 1200 acres) for planting tea, coffee, *cinchona*, or spices in Tavoy[2]; (iii) special rules for grant of land for religious purposes. Rule 1. Rule 11. Rules 1-12. Rules 13-21. Rules 21-28.

Grants and leases require the orders of different grades of revenue-officers according to their extent and the purpose for which the land is to be put. Thus the Thúgyí (Native revenue-officer of a 'circle') can make a grant or lease of five acres for cultivation or of half an acre to make a tank; a Deputy Commissioner can make such a grant or lease up to fifty acres. Leases may also be granted for brick-making ground and salt-pans, but only by Deputy Commissioners or officers in charge of sub-divisions. Leases or grants, in short, can only be made for the purposes noted below[3]. There are conditions that the grantee or lessee must be over eighteen years of age; that a certain portion of the land must be brought under cultivation (if granted or leased for that purpose) in a certain time. The right to minerals is reserved to the Government. Teak trees are also reserved; and any transfer of land or mortgage or partition must be reported to the Deputy Commissioner, under penalty in case of neglect. Rules 29-33. See Rules 34 5.

[1] The grantee will have all rights of landholder, but on conditions and subject to all limitations, that the Rules require.

[2] Here, as elsewhere, the rules distinguish between smaller grants (or leases) for ordinary cultivators, and undertakings by Companies or capitalists for commercial cultivation on the larger scale.

[3] Grant or lease: cultivation. tank. burial-ground. Leases only: brick-making. salt-making.

All grants exceeding fifty acres have to be sanctioned by the Financial Commissioner. The procedure in applying for and making grants, the disposal of objections, the form of deed, and other such particulars, must be learnt from the rules themselves.

§ 17. *Exemptions from Revenue.*

There are the usual exemptions from revenue for various periods in the case of grants or leases for garden-land and for fruit-tree or palm-groves, according to the time which different fruit-trees require before they yield a return; and in the case of land which will have to be cleared, according to the labour involved in clearing, and any special difficulties which attend reclamation.

This exemption is necessary to encourage settlers, as it is obvious that during the first few years there is little but outlay and expense, and the grantee may not have the means of paying the land-revenue till he reaps the first-fruits of his labour.

§ 18. *Temporary Occupation of Land.*

Where it is not desirable or possible to make either grants or long leases, *temporary or yearly licenses* (renewable at the end of the year) can be given out under the Act, and the Rules made under it. No one acquires any right beyond the year.

Act II of 1876, sec. 59, Rule 58.

A penalty is attached to the unlicensed occupation of waste for *cultivation*, in the shape of payment of an average rate which may equal the highest rate for similar land in the circle, and liability to eviction; but this is a very small penalty, and, in fact, is rarely exacted. A large amount of land is taken up every year for cultivation without license.

The temporary occupation of land for any *other purpose* than cultivation, without a license, is also specifically forbidden; and the penalty may be *double* the highest rate just mentioned, as well as 'summary' eviction; but this also is (at present at any rate) rarely enforced.

Rule 59.

§ 19. *Grazing Allotments.*

Section 20 of the Act contains a useful provision which somewhat resembles the rules in Berár and Bombay. If it is considered that existing villages would be hard-pressed by disposing of all the land under sections 18 or 19 of the Act, the Deputy Commissioner can allot suitable tracts to be kept (as still Government land) and used for village grazing. Notice of the intention to make such an allotment is given, the land is demarcated, and notified as about to be allotted for grazing; thenceforth it cannot be devoted to any other purpose; and a penalty for cutting trees (or grass during certain months) is imposed. When a Settlement is in progress, the Settlement Officer will indicate places which he thinks should be kept for grazing grounds, under these provisions.

Rules 76-79.

The Commissioner's sanction is required before a grazing allotment can be turned to any other use.

§ 20. *Toungyá cultivation.*

I have already remarked that permission to carry on toungyá cultivation is not treated as a question of leasing or disposing of land, and it is not therefore within the scope of the rules under section 18. It is to be dealt with by separate rules made under section 21 of the Act[1].

Act II of 1876, sec. 21.

In many cases it is absolutely impossible to ignore the practice of such cultivation; but it is wisely left to Government to determine by rule, what right, if any, shall be recognised, and how the cultivation is to be carried on. It will be desirable, therefore, to make some remarks on this system of toungyá cultivation.

§ 21. *No Right is Acquired.*

The important feature to be remembered is that the practice of toungyá cultivation is not held to give rise to any right whatever; unless, indeed, some right is expressly

[1] See Rules §§ 60 to 64; and for the 'Karen hills' sub-division of the Tounghoo District, Nos. 65 to 76.

conceded by the rules made under the Act on the subject. For ordinary toungyá cultivation shifts from place to place, so that no right in the soil grows up in the soil by *occupation*. Moreover, as the forest is burnt and destroyed, it is more than questionable, as a general principle of law, whether any *right* could exist[1].

Act II of 1876, secs. 7, 22.

§ 22. *Nature of Toungyá Cultivation.*

As before remarked, it is the original clearing of the land that, in the Burmese idea, gives rise to a proprietary right, but that clearing should be followed by continuous occupation. Now, in the hilly tracts of all the mountain-ranges, it is rarely that land once cleared is permanently occupied; it is sometimes the case, as will presently be noted. Speaking generally, the process is everywhere much the same. The smaller trees, bamboos, and underwood are cut in the dry season and heaped together, the larger trees are ringed or girdled and so left to die standing. At the end of the hot season and just before the rain falls (end of April and first half of May) the dry material is set on fire. The ashes mixed with the seed of the hill-rice, cotton, or other crop to be raised, are dibbled into the ground, and the rain, soon falling, enables a fair crop to be raised—with the aid only of repeated weeding.

Everything depends on the rain-water; so that it is essential that the toungyá should not be on too steep a slope, otherwise the drainage would be too rapid and the seed and soil carried away together.

When the crop has been gathered, the site is abandoned for another, which in its turn is treated in the same fashion. It entirely depends on the restriction which circumstances place on the migratory movement of the families or tribes, whether the land, once cleared, is again returned to after a long or short period. It is so returned to as a rule, but the period may vary.

[1] And see sec. 11 of the Forest Act, XIX of 1881. Because it is held that no right to do an act of mischief or injury can be acquired by prescription. A man could not acquire a right to clip the Queen's coin, however long he had practised it.

The chief factor is the greater or less density of the population in comparison to the area available. If there is abundant space, the same land may not be returned to for twenty, thirty, or forty years; but when the area is limited, as in the Prome hills, the rotation is much shorter: and then the jungle that is restored is poorer in character.

In these cases the mischief done is very great, and regulation is essential; otherwise the hills would become absolutely barren. But that is not the only reason, for ordinarily where toungyá fields are numerous, no effort is made to prevent the fire, which is kindled in order to burn the refuse, from spreading far and wide over the adjoining forest.

While, however, Government is in theory free to put a stop to this cultivation altogether, it is at the same time bound to exercise a wise discretion in the matter, and therefore the practice has not been suddenly stopped. In certain localities toungyá is still the only method of cultivation possible; and some of the Karen tribes are as yet not sufficiently advanced to do without it: nor can it do much harm in places where dry jungle is still superabundant, and there is neither local demand for, nor means of exporting, timber.

In the end, no doubt, what with the increase of population and the growth of a demand for forest produce, the practice will gradually cease as it has done elsewhere. And it is always an object to facilitate this result, by offering every encouragement to tribes to settle down, first, to certain definite limits for their 'yá' cutting, and in time, to permanent cultivation.

§ 23. *Demarcation of Toungyá Grounds.*

In a great many places the selection of State Forests has been made on the hill ranges where toungyá cultivation is practised. In these cases it has been the practice to demarcate certain areas for toungyá cultivation within the forest. As long as it is possible by 'fire-tracing,' i. e. keeping belts clear of vegetation, to avoid the spread of fire from these grounds to the forest, the existence of such

areas is no great disadvantage, while the presence of the Karens themselves, who follow this method of agriculture, is a positive advantage to the forests.

§ 24. *Custom of Toungyá in the hills between the Sittang and the Salween.* (*Karen hill Sub-division of Tounghoo district.*)

It has been stated that no *right* to toungyá is acknowledged except so far as the rules confer it. And, a right, or something very like it, including a transfer of lands within the tribe but not to outsiders, is recognised in the case of certain Karen tribal settlements in which this method of cultivation has been reduced to a system. This curious and interesting custom was first noticed and described by Mr. (now Sir D.) Brandis, late Inspector-General of Forests to the Government of India. The interesting point in this tenure is, that here we have a custom of toungyá cultivation which is confined to certain limits, which is based upon a permanent occupation of a definite area, although the people recognise that the State is still the ultimate proprietor of the soil. I shall give a description of this tenure in Sir D. Brandis' own words :—

'In certain districts on the hills between the Sittang and Salween rivers the population which subsists on toungyá cultivation is so dense that they are obliged to cut their toungyás on a short rotation, returning to the same piece of ground after a period of from three to seven years. As an instance, I may mention the hills on both sides of the Myit-ngán stream, a southern tributary of the Thouk-yé-gát river. These hills are inhabited by Karens, who live in large villages. The boundaries of each village are most distinctly defined and jealously guarded against encroachment. Twenty-two years ago I had known these hills well; and when I visited them again in February, 1880, I found the same system of cultivation and the same old customs regarding village boundaries and the occupancy of land.

'These Karens have two classes of cultivation. Along the valleys and ravines are extensive gardens of betel-palms, with oranges and other fruit trees, carefully irrigated and admirably

kept. These gardens are strictly private property; they are sold and bought, and on the death of the proprietor they are divided in equal shares among his children. Ascending the dry and sunny hill-sides from these cool and shady valleys—with their streams of clear water, the golden oranges half hid by the dark-green foliage, overtopped by dense forests of tall and graceful palms, from the tops of which hang down rich yellow bunches of betel-nuts—a picture altogether different presents itself.

'The slopes are clothed with a vast extent of dry jungle, of grass, brush-wood, young trees, and bamboos, all young, but of different ages. Old forest with large trees is only found on the crests of the ridges and lower down on steep rocky ground, where no toungyás are cut, and no crops can be grown. Outside these groups and belts of old growth, the forest over extensive areas consists of nothing but dense masses of bamboos; and where these prevail, toungyás may be cut and a good crop reaped once in seven years. In other places there is no bamboo, but only shrubs and tall grasses. This kind of growth is most commonly found where land is scarce, and the rotation is consequently short—from three to five years only. In such places a number of old, stunted, and gnarled trees are left standing on the ground, which are pollarded whenever a toungyá is cut. The branches and leaves are spread over the ground and burnt. In such places the people are most thankful if an abundant crop of tall reed (*Arundo* sp.) grows up, as the stalks of this grass yield a good supply of ashes. . . . The whole of this forest is most carefully protected from fire. In these hills, if any one sets fire to the forest through carelessness or mischief, the villages claim and enforce the payment of heavy damages. If this were not done, the forest would not grow up thick enough to furnish sufficient ashes for the crop.

'Another feature is, that the whole of the toungyá grounds of one village are divided into a large number of plots, each plot being owned by one of the proprietors of the village. Well-to-do people own from twenty to thirty plots situated in different parts of the village area. The boundaries of these plots are marked by trees, by stones, and sometimes by shallow furrows drawn along the slope. These plots are sold and bought, just as the plots of the betel-palm gardens; and when a proprietor dies, his toungyá grounds, like his gardens, are divided in equal shares among his children. I have here

spoken of the people as the proprietors of their toungyá grounds. They claim, however, only a kind of imperfect proprietary right. They hold these plots as against each other, but they recognize that the State has a superior right in the land.

'In the dry season, when the time for cutting the toungyá approaches, the headman of the village, after consulting the chief proprietors, determines the areas on which the forest is sufficiently advanced and on which the toungyás of the year are to be cut. The area selected for the toungyás of the year is not all in one block, but a village generally cuts four or five blocks a year, each belonging to a number of proprietors. It may thus happen that a proprietor owns no plot of toungyá land in the blocks selected during any one year for cutting and burning. If so, he makes an arrangement with other proprietors, and rents some of their plots for the year, the rent being generally paid in kind. There are also persons who, in consequence of the increase in the population, have become poor and own only a small number of plots. Many of them, if they cannot earn the means of subsistence in their own village, emigrate and settle in the plains, where they take to the cultivation of permanent fields.

'All persons who have shares in the block selected for the year, join in the cutting and burning; and the greatest care is taken to prevent the fire spreading into the adjoining forest. The only crop which is grown is rice. Cotton, which is an important crop on the hills of the Pegu Yoma, yields a poor return here, and is not much cultivated. The sites of villages in these hills are not absolutely permanent; they are shifted now and then, but never to any great distance. The larger villages, which have extensive areas, often consist of several separate hamlets.

'A similar state of things to that here described is found in other parts of the hills which separate the valleys of the Sittang and Salween rivers, where the population is dense and the area available for toungyá cultivation is limited. But throughout these hills all possible gradations may be observed between the system now described and the migratory system which prevails on the Pegu Yoma and in other parts of Burma.'

CHAPTER III.

THE LAND-REVENUE SETTLEMENT.

§ 1. *Revenue History.*

THE revenue history of Burma is brief and simple. Under the Native rule, as under ours, there were two kinds of cultivation to be dealt with—the permanent cultivation which is nearly all rice [1], and the orchards, palm groves, and gardens which everywhere diversify the country; the shifting cultivation or toungyá may be perhaps added as a third class. The latter is necessarily excluded from anything like a Settlement. The area of it is always altering, and cannot, therefore, be the subject of any field survey or record. A tax was usually imposed on the family cutting the yá or on the number of 'dáhs' or knives used in clearing (which means that a fee is payable by every member of the family able to wield the dáh). At the present day toungyá cultivation is similarly dealt with. There is no land-revenue levied; but every male person of 18 years of age and upwards in each family, which practises this cultivation, has to pay an annual tax. Act II of 1876, sec. 33.

Permanent cultivation in the plains (and elsewhere, where it has been established) need alone engage our attention.

I have already said that the State was entitled according to ancient Burman law to a share in the produce of land. The Burman Government levied what is called a 'rice-land

[1] In undulating country near the laterite ridges, &c., where the soil is drier or better drained, and on the islands and sandbanks of the Irrawaddy, miscellaneous spring crops, known as 'kaing' crops, are raised to a limited extent.

tax,' but it was not assessed on the land, but generally upon the number of cattle employed in working it. The revenue obtained was comparatively insignificant. The assessment was made by irresponsible subordinate officers, who, after paying a certain sum into the State treasury, were accustomed to levy such additional contributions as they pleased for their own benefit[1].

Sir Arthur Phayre[2] thus describes the Burmese system of assessment in the Arrakan and Tenasserim provinces first acquired in 1826.

After stating that the plan of taxation was different from any known in India, and that it partly consisted in a tax on families, assessed according to their reputed wealth, the minute proceeds:—'Land-revenue was not taken by the Burmese Government in all the districts, but where it was established, a fixed amount was put on each plough or yoke of oxen, which amount was paid in silver; or in some districts a rough calculation was every season made of the grain produce in each circle, and the cultivators were required to convey a proportion—generally 10 per cent.—of their crop to the Government granaries. It was seldom, however, that any records existed to show the method of assessing the family tax or the amount collected on that item or of the land tax.'

The English officers began, as usual, by following for a time the native method; but after a few years, a measurement of the land was found necessary, and the question arose how the rates on ploughs could be adjusted to the standard of land-measure adopted. In Arrakan (and also in the Tenasserim districts) a standard called a 'doon' was recognized (= $6\frac{1}{4}$ acres). That was supposed to be the area which answered to the possession of one yoke of oxen (or buffaloes). The thoogyees of village tracts were called on to state what rates per *doon* the village lands could bear, and the result was that large tracts of country had a certain

[1] Directions to Settlement Officers, 1885—Introduction.

[2] Minute on Pegu, June 1858, quoted in the Report on Settlements in Bassein and Henzada for 1883-84.

rate per *doon* imposed upon them as the rate for all cultivation. On this primitive principle, rates were obtained for large areas of country often fifty or sixty miles in length and from fifteen to twenty broad. If the rate was low (as it was in some parts) the inequalities that resulted from such wide generalization were not of any consequence. But when (as in Tenasserim) the rates were high and the soil variable, great inconvenience resulted. It was then proposed that there should be a survey, and that the 'kwin' (see p. 491, *ante*) should be adopted as the unit of assessment after a proper classification of soils.

The *kwin* formed a convenient unit, comparable in some respects with the 'village' of Indian Settlements. It consisted of a group of lands within known boundaries; and the dwellings of the cultivators were within it, or rather on the banks of the creek or river so often chosen as the natural boundary. Under the early system, for every *kwin* a uniform rate per acre[1] was fixed on all paddy land, no regard being paid to internal differences of fertility. Gardens and palm-groves were dealt with somewhat differently, and a rate per tree might be levied in the case of orchards or groves of palms, and especially on detached trees.

The right of the State was also then fixed at one-fifth of the gross produce valued in money.

§ 2. *Liability of Land to pay Revenue.*

The Act declares all previously-assessed and all culturable land to be liable to pay revenue, as well as land which, being culturable when the Act came into force[2], was rendered unculturable by the subsequent erection of buildings, or otherwise by the act of man. Act II of 1876, sec. 23.

This, however, does not apply to lands granted revenue-free by the *British* Government, nor to lands which pay by toungyá tax, nor to land appropriated to the dwelling-

[1] The British statute acre has been adopted, with a subdivision into decimals of the acre (Rule 86).

[2] i.e., 1st February, 1879.

places of any town or village, *and* exempted by order of the Chief Commissioner, nor to land belonging to the site of a monastery, pagoda, or sacred building or school (so long as it is used for these purposes). It may happen also that land on which no rights can be acquired may yet be liable to assessment. For instance, if in the dry season cultivation is undertaken within the limits of a fishery, or by encroachment on the side of a road, the area will be made to pay revenue, though no right to the land is acquired.

Act II of 1876, sec. 24. Rules, Chap. XIII. Rule 87.

Section 24 of the Act gives power to the Chief Commissioner to make rules regarding the rates per acre or the rates per tree growing on land, which are the forms in which assessment is recognized by the Act. It is by rule under this section, that the Government makes provision for lands being left fallow or uncultivated in the course of agriculture, by assessing them at the rate of only two annas an acre (subject to the exception stated in Rule 87).

§ 3. *The Right to a Settlement.*

The Act does not contemplate that in all cases a Settlement of the assessment, imposed according to sanctioned rates, should be made for a number of years. It supposes that the rates may be altered every year or otherwise according to circumstances: but it gives persons in possession of culturable land the option of asking for a Settlement. The person having a permanent right of occupancy has a right to such a Settlement; any one else can only get it at the option of the Settlement Officer. A Settlement being granted, the rates cannot be changed during the currency of the term.

Act II of 1876, secs. 25-6. Sec. 29.

A settlement-holder can, by giving proper notice, resign his Settlement.

These provisions were more required in the first days of our rule, when plots of cultivated land were often scattered, uncertain, and at wide distances apart; and when it was only in certain places that connected groups of cultivated land with large or permanent villages were to be found;

and annual assessment may still be the rule in cases where cultivation is scattered, and where the country is not sufficiently advanced to warrant the introduction of the regular Settlement.

Pursuant to the provisions of this law, notifications are issued in the *Gazette* (and will be found bound up with the Settlement Reports) declaring that for such and such 'circles' and *kwins*, certain rates are to be the full or maximum rates for a period of years—usually not more than fifteen.

§ 4. *Modern Practice of Settlement.*

There is now a regular Settlement Department and a Survey Department; each works separately. In all districts or parts of districts sufficiently advanced to be placed under Settlement, an accurate cadastral survey is being made, with a record-of-rights. The following is a brief description of the procedure of a regular Settlement.

The objects of the Settlement are declared in the 'Directions' to be—

(1) The complete survey of all lands;
(2) Registration of all cultivators of land, with specification of their various interests under the law;
(3) An equitable assessment of the land-revenue on sound principles and on a uniform system;
(4) Punctual registration of all transfers and of all changes in the occupation and use of land.

It will further appear that the Burma system, though adopting its own distinctive rules of practice, is virtually and in its principle raiyatwári, each holding in the *kwin* corresponding to the 'survey number' of the raiyatwári system of Bombay and Madras, and its holder being severally responsible for his own revenue. And there is something which practically takes the place of the 'relinquishment' privilege, in the shape of special rules as to fallow, and as to relinquishment with right to recover, which will appear further on.

§ 5. *Demarcation.*

The first step (as in other forms of Settlement) is to demarcate the areas that are to be dealt with.

Act V of 1880.

A special Act in Burma provides for demarcation.

The chief features of the Act are that a demarcation officer puts up the marks, and a boundary officer decides any question that may arise, with the aid of arbitration, if the parties consent; if not, by his own order, subject to appeal.

The rules made under the Act give a list of the separate properties requiring demarcation; such are the *kwins*; waste land grants under the old rules[1]; towns, cantonments, internal lots in stations, orchards, gardens, and so forth.

For some of these the boundary officer is himself the demarcation officer; for others (cantonment, town, suburban, and civil station lots and internal divisions) the cadastral survey officer is the responsible agent.

§ 6. *Estates to be demarcated permanently.*

Some of the demarcation is, under the rules, only temporary, by aid of wooden posts bearing distinguishing rings of white paint: the object is to indicate boundaries for survey purposes only. But all kwins, waste land grants, and land 'reserved' as State Forest, as well as *all boundary lines about which there has been a dispute*, require to be permanently demarcated. In ordinary cases this is done by sinking burnt clay drain-pipes, or otherwise as may be directed. Waste-land grants (those under the old rules) are demarcated by masonry pillars, because they were originally made without any accurate survey, and are therefore often the subject of uncertainty as to their real limits. In many of the *Settlement Reports* I find it often noticed that grantees had encroached and claimed much more than they were really entitled to.

[1] i. e. Arakan (1839-41), Pegu (1863-65), and Rules for sale of Waste Lands, 1863.

Rules are made for the inspection and preservation of all marks which require to be kept up permanently.

§ 7. *The Kwin.*

All the properties requiring to be demarcated and specified in Rule I of the *Rules under the Boundary Act* explain themselves, except the 'kwin.' This, as already stated, refers primarily to the local division or group of cultivated lands; but the name is also applied to all separate kinds of estate, and the rules speak of the State Forests as being each a separate 'kwin,' and they mention fishery-land kwins, grant-kwins, and so forth.

A kwin of cultivated land will often be a village,—that is, it will comprise a group of fields in one place with a village site in or near it. Recognized local divisions are always maintained; but subject to this, the aim is to have the kwin form a group of land of from 1200 to 1300 acres in extent, and to make use of conspicuous natural features for kwin boundaries wherever it is possible. Very often strips of uncleared jungle separate kwins, and sometimes a considerable extent of such jungle.

§ 8. *The Survey.*

When the boundaries are arranged, the survey is carried out. It is a professional one and under the superintendence of an officer directly subordinate to the Surveyor-General of India [1]. It results not only in field-maps which show the details of cultivation and occupation at the time [2], but

[1] 'At the same time there is necessarily a close connection between the Deputy Superintendent of Cadastral Survey and the Settlement Officer. Each naturally is interested in the operations of the other, and the interdependence of the two is highly important.' (See *Directions*, p. 30.)

[2] 'The area of the country to be surveyed is first divided into great blocks or main circuits, the limits of which are generally connected with Great Trigonometrical Survey stations. These main circuits are sub-divided into minor circuits formed on the same principle. The country having thus been divided into a series of larger and smaller polygons, the area of each larger polygon and the areas of its included smaller polygons, are independently calculated, and the results proved by the total area of the latter agreeing with that of the former. From the smaller polygons the Surveyor next proceeds to plot skeleton plans of the kwins. These

also in topographical maps on a scale of one or two inches to the mile. These field-maps are afterwards kept up to date by the thoogyees of circles, who, as we shall see, are bound to make additions and corrections which show newly-formed fields, and new internal divisions caused by transfer, succession, and partition.

§ 9. *Tract-classification and Soil-classification.*

As under other systems, a careful inspection of the land is of the first and most continuous necessity during the progress of the Settlement. *First*, tracts of country having the same general character and conditions are separated off. One, for example, will be marked out by the limits within which a railway affords an easy transport for its produce; another has no convenient market; one will embrace plain country fully cultivated; another is full of jungle, or has poor and hilly soil. This latter is a frequent feature, for beyond the deep clay of the river valleys, we often come, towards the foot of the hills (the Pegu-Yoma for instance) to undulating laterite ridges on which the 'eng' tree (*Dipterocarpus tuberculatus*) grows, and the generally reddish soil, sometimes mixed with sand towards the edge of the plain, is called 'Engdain.' In some places the population is abundant, and there is a surplus of produce for export; in others the country is malarious, and the little produce that is grown finds a sale to the non-agricultural population.

Secondly, there is the classification of *soils*; inside each tract there will be varieties of soil on the different 'kwins'; clay that is not exhausted by ever so many years' rice-cropping; clay that needs to lie fallow after ten or twelve years; laterite and sandy soil that is easily exhausted; ridge-soil on which 'dry' spring crops may be raised: there will be deep clay in the basin, and poorer clay on land rising toward a

plans are handed over to the field surveyors, who, with plane-table and chain, fill in all the interior details and turn out a plan of the kwin showing every existing boundary, natural and artificial.' (*Directions* (Settlement), Chap. II. § 11).

ridge, and so forth. One or two classes will probably be found sufficient. The object is that an uniform rate should be laid upon the same kind of soil in the kwin, just as it is desired that the same soil-rates should be adopted throughout the tract that has uniform general conditions[1].

The object of the first or *tract* classification is to ensure that the assessment shall be such that cultivators living

[1] The subject of inspection and classification is treated of in Chap. V of the Directions.

As an example from 'real life' I quote the following soil description of Thonzeh, which is part of the Tharrawaddy district, some forty or fifty miles above Rangoon (*S. R.* of 1881-82, pp. 17, 18):—

'The soils vary from stiff clay, which is the best, to sandy "*engdaing*," (i.e., laterite soil, where the *Dipterocarpus* tree grows) which is the worst. As regards lasting power, it appears that clayey soils last practically for ever. I have seen no instance of a good clay soil suffering from exhaustion. The cultivators in some parts of Kyaynee circle complain that owing to the richness of the soil, the crop comes up too rank for the first two years, and consequently is liable to be blown over and damaged. These people state that a rich clay attains its best state after ten years' cultivation, and thereafter shows no deterioration; sandy and *engdaing* soils, on the other hand, deteriorate rapidly. After five years' cultivation they will have been properly levelled and embanked, and will then give their best crop. But after other ten or twenty years a marked depreciation is visible.

'Taking the country as a whole, there is a great uniformity in soil. Though the extremes of first and second class are widely apart, there lies between, a great amount of land which is exceedingly difficult to class, as it would form either a good second or a bad first. It is also very hard to draw the line between first and second class when they gradually merge into each other, and the difference between them is not very great.

'There is in many cases more to be said for the old rule that land in the same kwin should bear the same rate that at first sight would appear. Kwins vary in physical features, but the typical kwin may be said to be a block of land lying between two streams. The cultivators' houses are on the banks of the streams. The best land is the lowest,—namely, that in the centre of the kwin; and the worst is the highest,—namely, that adjacent to the streams. Such a kwin would be divided into soil classes by lines parallel to the creeks, but this division is objectionable on three grounds—

(1) the land near the stream is close to the cultivator's dwelling, and he has not, like many of those in the interior, to bear the trouble and expense of a temporary hut during the ploughing season;

(2) though the land on the banks of the creek may yield a poor crop, it is very useful as a nursery;

(3) there is probably along the bank of the stream a certain amount of waste land on which the cultivators have been accustomed to tether their cattle during the rains, and which, being small in extent and in scattered patches, cannot be conveniently taken up as a grazing ground, but which may, nevertheless, be very useful: the lower rate on the banks of the stream is a direct inducement to the cultivator to extend his holding so as to include this land.'

under approximately equal conditions should be as equally taxed as possible; or as the 'Directions' (§ 102) put it—

(*a*) that each cultivator shall pay, approximately, an equal proportion of the produce of his cultivation;

(*b*) that each may enjoy approximately an equal rate of profit for his cultivation;

(*c*) that thereby the cultivation of both bad and good land may be rendered profitable;

(*d*) that in this way the land revenue may be rendered elastic and capable of steady growth with increasing prosperity.

The *tract* classification should have the following characteristics:—

(i) it should take account of all matters which affect the value of land;

(ii) it should, as far as possible, be in harmony with the ideas of the people;

(iii) it should be susceptible of application in all future revisions of assessment.

§ 10. *Assessment.—Half Assets.*

Act II of 1876, secs. 23, 24.

The general law under which (1) agricultural land, and (2) produce of trees or orchards, &c., are assessable, is found in sections 23 and 24 of the Act II of 1876.

The assessment on cultivated lands (rice and other crops) is made at an annual money rate, fixed per acre, and to continue unchanged for a stated period, ordinarily not less than ten or more than fifteen years. The older theory was that the State was entitled to 20 per cent. or one-fifth of the *gross* produce of land. The modern rule is that one-half the 'net profits' may be taken. It is said that there may be two kinds of 'net produce'—

Directions, § 139.

(*a*) balance of the gross produce after deducting the cost of cultivation only;

(*b*) balance of the gross produce after deducting the cost of cultivation and also the cost of living.

It is the 'net produce' under (*b*) that is selected as the

standard, the half of which may constitute the State share. In order to ascertain this net produce, we have to observe, by experiment, the gross produce actually reaped and threshed out, from sample areas selected so as adequately to represent the different soils in the kwin. Detailed instructions for this process are contained in Chapter III of the 'Directions.'

The object is to get a normal produce for the *kind* of land to which the selected area belongs, and also to get the produce of the same *kind* of land under *different conditions* of agriculture.

A normal limit of production, higher and lower, being ascertained, a mean between the two is accepted as approximate for the whole area represented by the sample.

This method is not applied to gardens or orchards, nor to miscellaneous cultivation known as 'kaing.' Here reliance must be placed on average rates deduced from produce statistics 'gathered from as wide and diversified areas as possible.'

The *value* of the produce is next ascertained by taking an average price of rice at the local rate during three months after harvest. This may be ascertained by taking the market or export rate and allowing for the cost of transport by cart or boat. As the tracts have been classified according to their similarity of position, one price will ordinarily represent a whole tract. Then the cost of production is calculated. This, as above stated, consists of the cost of living, *plus* the cost of ploughing, cattle, and the different operations up to the threshing of the crop[1].

Directions, § 123.

[1] The *Directions* may be quoted on the subject:—

'125. The inquiry regarding cost of cultivation is not so simple. The cost of cultivation is known to vary considerably in different parts of the country and among different classes of the people. Some cultivators work their land themselves with the aid of their families; others habitually employ hired labour. Some plough with their own cattle; others hire cattle. In some parts of the province the mortality of cattle, and therefore the risk incurred in cultivation, is greater than in others. Certain classes are frugal; others are improvident.

'126. In order to arrive at a fair average scale of cost of cultivation, it is necessary that the higher and lower limits of this cost, as well as the circumstances under which they are incurred, be ascertained. No effort should be spared to obtain

In the *Bassein Settlement Report* of 1879–80[1], there is an interesting calculation of the cost of clothes, food, &c., which gives a good idea of the Burmese cultivator's style of living—as far as the necessaries of life are concerned. Then the cost of cultivation includes the purchase of cattle; and as the cattle last for a certain number of years, the cost for one year is the whole price divided by that number. There is also the cost of reaping, weeding, threshing, &c. Deducting the cost of production from the gross outturn valued in money, we have the net profit, one half of which is the limit of the Government demand[2].

It is obvious that the average amount of produce may vary in the different classes of soil, if these have been correctly observed; and the cost of cultivation and cost of production will vary in the different assessment tracts.

§ 11. *Use made of the Calculation of Produce and Costs.*

This calculation is rather a theoretical basis or standard of comparison than a process which gives rates that can at once be adopted.

In all the recent *Settlement Reports* that I have examined, the calculation is made and reported; but I have not observed any case in which rates deduced have been actually proposed for assessment purposes. The theoretical rate invariably comes out too high, and the actually proposed rate is somewhat (occasionally a good deal) lower. The fact is that, as we have seen in other Settlements, no hard-and-fast rule of assessment is possible. There are (in all modern Settlements) previous rates and those in force in the Settlement just coming to an end, to be considered; and there is generally the probability that, the district

as large a number of cases as possible from among all classes of the people and over the entire area of the country under Settlement.' The information collected is put together in a tabular form.

[1] I should have noted before that the later Settlement Reports do not appear (as in some provinces) for whole districts, but they are issued for the 'circles' settled in each year.

[2] Miscellaneous crops like sesamum, &c., are not calculated in this way, nor gardens: these form but a small proportion of the cultivated area, and fair arbitrary rates are selected; single trees bearing fruit are assessed usually at four to six annas each.

having advanced and prices risen, the last rates may be fairly raised; but there is the question how any considerable rise will affect cultivation; how far prices are likely to rise or fall; how far former rates have been collected without difficulty, i.e. resort to coercive process; and finally, there is a comprehensive view to be taken of the circumstances and condition of the particular circle or tract under Settlement, based on a thousand facts and considerations which pass before the mind of an experienced officer familiar with the place; these produce in his mind a sense that certain rates will be too high or others too low: this he will endeavour to justify in his report, and he will probably be right even if he cannot explain himself fully in words.

In short, the full half will not always be taken. It is of no use to propose rates which would compel the people to lower their standard of living. Again, large families cultivating small holdings cannot usually pay as much as small families cultivating large holdings; and holdings containing no waste, and therefore incapable of expansion, cannot so easily bear a full charge as those in which there is room to extend cultivation[1].

[1] The text of the 'Directions' on this subject is as follows:—

'139. But before proposing rates for sanction, the Settlement Officer should consider the following points:—

(*a*) incidence of the present revenue;

(*b*) amount of the present revenue;

(*c*) probability, or the reverse, of continuance of the existing value of produce;

(*d*) average size of the holdings of the agricultural families;

(*e*) margin of waste left for increase of cultivation;

(*f*) general condition of the people;

(*g*) probable effects of increase of population, ascertained by consideration of the changes wrought by increase of population in the past.

'140. If, after considering the effect of an assessment at the full half-profit standard, the Settlement Officer has reason to think that a modification should be made in the rates, he should show, alongside of the full rates, those rates which he recommends, and should give a clear statement of his reasons.

'141. It is of primary importance that no such enhancement of rates should be made as will impose on the people the necessity of lowering their standard of living or curtailing their common comforts. No people can be expected to live contentedly under burdens which impose such a necessity.

'142. Large families cultivating small holdings cannot ordinarily afford to pay so much as small families cultivating large holdings; and under existing conditions, cultivators in tracts where the limit of cultivation has been

§ 12. *Cesses.*

Besides the rates assessed on the land, a cess (amounting to 10 per cent. on the land-revenue) has to be paid: (this is like the local rates of Indian Settlements). The object is to form a fund to provide for district roads, the district postal service, village police, sanitation, and education.

(Repealed) secs. 31, 32, Act II of 1876.

This cess was formerly levied (to the extent of 5 per cent.) under the Land Revenue Act; but sections 31 and 32 have been repealed, and the terms '5 per cent. cess' and 'cess' have been struck out of the Act wherever they occur; and a special Act now provides for the levy of the rate and for its application.

Act II of 1880. secs. 3. 4.

§ 13. *Capitation Tax.*

Again, besides the land revenue and 10 per cent. cess, a 'capitation tax' is paid by all males between the ages of 18 and 60 years. The rates are fixed by the Chief Commissioner within certain limits laid down by law. There are also certain towns specified in the Act, and certain others allowed by the Chief Commissioner, which, within defined limits, pay no capitation tax, but a rate on land within their limits, instead.

Act II of 1876, sec. 34.

§ 14. *Record of Rights in Land.*

The Settlement Officer has also, with the aid of his special staff, to make out a record of all rights.

The maps give him the area cultivated as divided into fields (each field being separately numbered), and the area unoccupied; the map also shows the grouping of land according to occupation,—whether it is a waste-land grant, an occupied village, a road, a village site, a monastery site, unoccupied waste, forest reserve, and so forth. The Settle-

reached, or nearly reached, run more risks than those cultivating in parts of the country where there is ample waste still available.

'143. Nowhere would the effects of any real disturbance of the equilibrium of taxation be felt more keenly or be more mischievous than in Burma. The stability of this equilibrium must depend in great measure upon the pressure of the land revenue. Due weight, therefore, to all the considerations above described is indispensable in order to secure a just assessment.'

ment Officer has to record the area of land held by each cultivator and the tenure by which it is held[1]. The two main classes of land tenures are the 'landholder's,' already described, and the 'grantee's' tenure. There may also be an occupation under a terminable lease, or under a temporary permission to cultivate; but these are non-proprietary. The leases here spoken of are leases by the State.

The following nine registers are kept up for each kwin: No. I (register of holdings), by whom and on what sort of tenure, the land is held; and what sort of cultivation there is, and if there are fruit trees[2]. No. II gives the abstract of unoccupied and excluded lands, such as grazing ground, village site, sacred places, road, canal, &c., bush and tree jungle, grass jungle and 'under water.' No. III is a record of declarations and decisions as to landholder's right. No. IV is a register of grants, with a reference to Register No. I, a detail of the part uncultivated, and the number of years' exemption from revenue. It refers only to grants under Act II of 1876. No. V is a register of leases, under the two heads of land leased under section 18 of the Act, and land leased because relinquished by some one else. No. VI is a register of tenants. Nos. VII and VIII show the grazing grounds and the garden and miscellaneous cultivation in the kwin, respectively. No. IX is the register of soil classification: it shows first class and second class land (see 'Directions,' § 115). The registers are kept in Burmese.

Act II of 1876, sec. 17.

Sec. 12.

'Holdings' are groups of land in a kwin, assessed to one sum of money, and may consist of several fields contained within a continuous boundary. Old waste-land 'grants'[3]

[1] If there is a dispute as to which of two persons is entitled, or what sort of right, if any, a claimant has, Settlement Officers are empowered (sections 15 to 17 of Act II of 1876, and Notification No. 5, dated 6th October 1879) to inquire and decide on evidence. A declaration of landholdership is then recorded in favour of the party entitled. Entries made in the register of such declarations are binding on the Civil Courts. (See further, sec. 17 cl. ii.)

[2] This is described as the principal register, which 'should be a faithful picture of the kwin for the year of Settlement.'

[3] i. e. under rules of 1839-41-65. It is a point of difference that the

are always reckoned as each a separate kwin, not as holdings.

Directions, § 65. The register of tenants is not a legal record of rights, but it is kept up for official and statistical purposes.

§ 15. *Tenant-Right.*

There has been no occasion yet for any law about tenant-right, but the progress of agriculture and the material wealth of the country naturally lead to the wealthier men abandoning cultivation themselves and giving over their land to tenants who cultivate for them, paying a rent which in some parts commonly consists partly of a cash payment, viz. the amount of the Government revenue, and the rest in kind,—a tenth of the gross produce, or, in other parts, of a cash rate agreed on (see p. 492, *ante*).

The land-system in Burma not having created any artificial landlord over the estates, but dealing with the individual holdings and their occupiers, there has been no occasion for sub-tenures representing natural rights in the soil in subordination to the superior title. Any tenancies that arise are therefore necessarily based on custom or on agreement between the tenant and the landholder or grantee [1].

'grant kwin' has always one 'proprietor'—the grantee—and all under him are tenants. In an ordinary kwin (or village) there may be many landholders, &c.

[1] On the subject of tenants, the following extract from a report on the well-to-do district of Tharrawaddy may be quoted, as explaining what is generally true:—

'It has been proposed to restrict by legislation the right of free contract between the landlord and tenant on the ground that it has been found necessary to do so in older countries. I am convinced that there is not in this district the slightest necessity for any legislation. The landlord and tenant classes differ from those in India and at home in the following respects:—

(1) They are members of one social class, and they are both accustomed to one standard of living.

(2) The land is let from year to year, and fixity of tenure is unknown.

(3) There is no necessity for expending capital on land after it has once been cleared, and consequently there are no questions of compensation.

'If the tenant-classes had from generation to generation become accustomed to look upon the landlord's property as their own natural home, there might be good reason for treating a tenancy contract in a different way from other contracts: but, in a system of peasant proprietors, where the customs that I

§ 16. *Joint Responsibility.*

In Lower Burma there is no such thing as a joint responsibility of a kwin for the entire revenue assessed on it. This was, as I before stated, attempted in some places, but was found a failure and was abandoned; every man is responsible for his own holding. A holding is, however, often held jointly by the heirs of an original deceased owner. As long as it remains joint, the names of all the owners are entered in the thúgyí's books. And when such persons have been jointly in occupation of land liable to land-revenue, cess, or tax in lieu of capitation, during the year, they are jointly and severally liable, and so are all joint tenants, mortgagees, or conditional vendees.

When partition takes place, and the shares are separated, the assessment is apportioned also, so that each share becomes a separate and independent holding.

There is also a joint and several liability on all males of the family who, at any time in the year (being then 18 years of age), took part in the cultivation, in cases where a tax is levied (as it may be in the case of toungyá cultivation) on the family. Act II of 1876, secs. 37-8.

have pointed out exist, it is difficult to see what grounds could be given for the interference of legislation, and to understand what form legislation could possibly take. There was not a single case of litigation between landlord and tenant in the Tharrawaddy district during the past year.'

In another report the same author writes (*Settlement Report*, 1880-81, p. 12):—

'A temporary sickness, a lawsuit, or the death of a wife, is considered by a Burman a sufficient reason for resting from labour for a year, provided he is able to find a substitute who will pay the revenue on the land and give him a share of the profits.

'There are few landlords who habitually lease out their land and have no connection themselves with the soil.

'The expression "tenant class" suggests that there is a landlord class—a class who have themselves no connection with the soil that belongs to them, further than that they habitually lease it out for the rent that can be drawn from it. This is not the case with the majority of the landlords in the tract under Settlement. In nine-tenths of the areas the owner has leased the land for one season, because for some reason he has been unable himself to cultivate it, and he has leased it, not to a man of a separate class and social standing from himself, but probably to the owner of adjacent land.'

§ 17. *Record of Customs.*

Directions, Chap. IV, § 98.

During the preparation of the record-of-rights, opportunity is taken to draw up a note of *village customs*, in regard to succession and transfer, in regard to managing joint holdings, partition of holdings, boundaries (e.g. who owns the strip between holdings), and who has the right to break up waste in the holding; also in regard to rights-of-way, cattle-paths, rights to jungle produce, fruit-trees; who is to be headman (Ywá-lú-gyí) in the Kwin, and how succession to the office is regulated; how pagodas, zayats or rest-houses and other public buildings are repaired and maintained, &c., &c.

A note should also be added giving the history of the kwin, especially noticing various revisions of revenue rates, chief varieties of produce, customary mode of selling produce, and current local price of chief products.

CHAPTER IV.

THE LAND-REVENUE OFFICIALS AND REVENUE BUSINESS.

§ 1. *Financial Commissioner and Commissioners.*

THE district organization is in many respects like that of any Indian Non-Regulation Province. First, and directly under the Chief Commissioner of the Province, there is a Financial Commissioner; and then Commissioners of Divisions. The powers of officers are declared and notified. The Financial Commissioner has the general control and may call for the proceedings of any subordinate Revenue Officer and review any order or decision therein. Commissioners have the same power within their divisions.

Act II of 1876, sec. 57.
Rule 159.
Act II of 1876, sec. 57 (*f*).

§ 2. *Deputy Commissioners.*

Under the Commissioners are the districts, each in charge of a Deputy Commissioner. As the districts are often large, there may be primary sub-divisions in charge of Assistant or Extra Assistant Commissioners [1]. Every district, however, is divided into 'townships,' and each township is presided over by an Extra Assistant Commissioner, or by a 'Myo-ok.' The township officer, like the Assistant and Deputy Commissioner, has civil, criminal, and revenue powers.

§ 3. *The Thúgyí.*

Every township again is made up of 'circles,' each presided over by a 'Thúgyí' as its local revenue official. The

[1] The sub-divisional officer may be invested with all or any of the powers of a Deputy Commissioner within his subdivision (Rules, 131, 2.)

duties of the thúgyí—in dealing with applications for land, or for relinquishment, preparing the annual rolls showing the land-revenue for the year due from each kwin in his circle, looking after the collections, and so forth,—will be found in the Rules, and in 'Directions to Revenue Officers concerning the Supplemental Survey,' Chapter IV. The Thúgyí may have an Assistant called Taik-Sayé. The remuneration of the Thúgyí by commission on his collections, is provided by the Rules, as also his liability to penalty for misconduct.

Rules 40–54, 82–3, 92 6. 116.

Rules 155–58.

§ 4. *Village Headmen.*

There are executive headmen of villages called 'Kyédángyí'[1], but they are chiefly the spokesmen of the villages in their dealings with the authorities. The kyédángyí has no revenue functions, nor has he any responsibility like the lambardárs of a North Indian village, nor consequently does he get any percentage on collections, though he may receive a small remuneration or a grant of land. But, as a matter of practice, he does give the Thúgyí of his circle considerable help in collecting the revenue of the kwin. The headman of a village is consequently not mentioned in the Revenue Rules. He is, however, an important functionary from a police point of view. He forms part of the rural police, and his duties are to report crime and the arrival of persons of suspicious character to the 'goung,' or headman over a 'circuit'[2] (Police administrative group). He has also to help public officers when in camp, and to keep up certain registers of births, deaths, and marriages, and to help when required in collecting and registering vital statistics. The headman is liable to certain penalties for neglect or misfeasance, but a prosecution cannot be instituted against him without the orders of the

Act III of 1889, sec. 4, and see sec. 18.

Act III of 1889, secs. 5–12.

[1] These are the official headmen; the 'local' or social headman is the 'Ywá-lú-gyí.'

[2] I have quoted Act III, 1889, as modifying Act II of 1880, but the principal sections of the former only come into force in such parts of the Province and at such dates as the Chief Commissioner notifies. Where this notification is not issued, secs. 12–14 of the Act II of 1880 still define the duties. (Act III of 1889, sec. 1 (*d*).)

Deputy Commissioner. There are also certain rules regarding the limit of time and giving notice in case a civil suit is filed against a headman regarding his official acts, for which the Act must be consulted. Act III of 1889.

§ 5. *Revenue Duties in Circles which are settled.*

One of the first objects is to keep up the Settlement survey maps up to date. The cadastral survey has furnished maps of each kwin (on a scale of sixteen inches to the mile) and the area statements (equivalent to the *shajra* and *khasra* of North Indian Settlements). There are also the Settlement records above described. Some of the facts recorded, e. g. the boundaries and total area of the kwin, do not change; but inside the kwin, the lines are altered continually. Jungle or waste land is brought under cultivation, boundaries of holdings alter by enlargement, transfer, partition, and so forth; and if the maps and records were not kept *au courant* with these changes, they would, in a few years, become so incorrect that when the time came round for a revision Settlement, the whole survey might have to be done over again[1]. Moreover, there would be a difficulty in correctly preparing the annual assessment lists.

In order thus to maintain the records, the 'Supplementary survey' is a recognized branch of Revenue business, under the supervision of the Director of Land Records and Agriculture.

The work consists in the annual correction of a copy of the original kwin map, and the maintenance of eight Registers, six of which are annual[2]. The chief of these is what I

[1] *Directions to Revenue Officers concerning the Supplementary Survey* (July 1885). *Inspection*, Chapter III.

[2] *Directions* (*Supplementary Survey*), pp. 3-5. The additions, &c., to the map consist of—

(*a*) Survey field by field of all extensions of cultivation.

(*b*) Delineation of new boundaries in fields which have been subdivided.

(*c*) Numbering new fields caused by (*a*) and (*b*).

(*d*) Lining off with coloured pencil the boundaries of any holding that has been changed.

(*e*) Delineation of new objects, houses, tanks, &c.

may call a Comparative Register of Holdings, as it shows on the left hand columns of the page, the *status quo* at the beginning of the year, and then on the other parts or groups of columns, the changes during the year, both as to area and assessment, under the heads 'Increase' and 'Decrease,' and the resulting state of things. A fourth set of columns shows the area occupied by tenants, agents, mortgagees, &c., and the revenue payable thereon.

The second Register shows grants made during the year; the third shows the leases: as these may consist of lands leased for a term or such as are temporarily relinquished by landholders, and may revert to them within twelve years, it is necessary to keep them separate from the grants.

The fourth Register (tenants) is important, because otherwise a tenant right would become confused with a landholder's. The Thú-gyí used generally to collect the revenue from the tenant direct, and therefore put him on his list as if he were the landholder; in this way confusion arose. It is to be remembered that the landholder is still in 'possession' under the Act, although his land is actually worked by a tenant. Agents not paying rent are not shown in the Register.

The fifth Register, showing transfers and partitions, needs no remark. The sixth is an annual area statement; it shows the fields which have been altered or newly formed during the year, with new numbers to replace the old ones in the original statement. Registers VII and VIII call for no special notice. These do not always alter, but as new persons acquire the status of landholder and new grazing grounds are allotted, additions may have to be made.

The Thú-gyí, or his assistant (whose appointment is so regulated that he may be a competent surveyor) carries out the supplementary survey and enters the necessary changes on copies of the Settlement maps; he also keeps up the first four of the registers. A 'Superintendent,' appointed under the orders of the Deputy Commissioner, checks the work

with the aid of 'Inspectors'[1]. The Superintendent of Land Records himself keeps the seventh and eighth Registers.

The Thú-gyí is furnished with what the 'Directions' call 'tax-tickets,' or counterparts of the roll for each holding, on the strength of which he makes the revenue collections.

§ 6. *The Agricultural Year.*

The agricultural year in Burma begins on the 1st July; but the date may be changed. Any increase in rates, &c., only takes effect from the 1st July following the date on which it may be ordered. Act II of 1876, sec. 41, and Rule 89.

§ 7. *Collection of Revenue.*

The revenue assessed on land is payable by instalments, which at present are due on the 15th February, and for 'kaing,' or miscellaneous cultivation, on 1st April. The Chief Commissioner is empowered to fix (in any district or part of a district) any date not later than the 15th March for payment of revenue on land other than 'kaing' cultivation. Revenue is payable to the Thú-gyí of the circle in which the land is situate. Rule 90. Rule 91.

The Thú-gyí has to prepare an annual roll, showing the changes during the year, and the resulting amount actually payable, allowing for fallow specially assessed at two annas an acre. On sanction by the Deputy Commissioner, 'tax-tickets' are prepared and served on the persons liable. No revenue is demanded except after the issue of a tax-ticket. For all revenue paid a receipt is given. Objections to pay must be filed within ten days, to the Township Officer, who reports to the Deputy Commissioner or to the officer in charge of the Subdivision. Act II of 1876, sec. 44, Rule 94.

For the rules about capitation tax, and the land rate imposed in lieu of it, and for other particulars regarding exemption from capitation tax in favour of certain classes and of immigrant settlers, the Rules must be consulted. Rules 109-117.

[1] *Directions, Supplementary Survey,* (Chap. III). This is in effect the same organization as we have found in so many provinces—the 'inspectors' are the 'Kanúngós' of Northern India and the 'Superintendent of Records' is the Head or District or Registrar Kanúngó.

§ 8. *Recovery of Arrears of Revenue.—'Defaulter.'*

Act II of 1876, secs. 43-51.

A person is in arrears and becomes a defaulter under the Act, when a written notice of demand having been served on him (or published under the rules if he cannot be found), the demand has remained uncomplied with for ten days.

Rules 100-104.

The ordinary process for recovery of arrears of revenue is that of the Civil Procedure Code for the execution of decrees, in which the Revenue-officer who has made an 'application' containing certain particulars, is the 'decree-holder,' and the defaulter is the judgment-debtor. If the amount does not exceed R. 1000, there may be an order for immediate execution[1], which will greatly facilitate collection of all petty sums of revenue; and the Revenue Act dispenses with a preliminary issue of notice in the case of a defaulter who has absconded or is about to abscond.

Act II of 1876, sec. 45.

Sec. 45.

Sec. 46.

Rule 103.

In addition to, or instead of, this procedure, the Chief Commissioner may empower any Revenue-officer to proceed against the land itself. By rule it is directed that recourse should be had to this section in case of 'contumacious default,' or where there is no likelihood of the amount being otherwise recovered. If there is a permanent heritable and transferable right in the land, it may be sold by the Township or the Subdivisional Officer, and the purchaser takes the land free of encumbrances. If there is no saleable right in the land, the Revenue-officer may take possession of the holding, which then vests in Government free of all rights.

Act, sec. 48.

Rules 104-106.

Rule 107.

§ 9. *Remission of Revenue.*

This may be granted, before a crop is reaped, when destruction has been caused by drought, inundation, blight, ravages of insects, or other cause not ordinarily preventible. Remission of the whole is granted for a total or nearly total loss of crop; and for a part, in proportion to the fraction of the crop lost: provided that no remission is given unless the loss exceeds one-third of the 'estimated ordinary full crop of the holding.' Remission must be applied for in

'Directions,' containing Revenue Notif. No. 152, 4 Sept. 1890.

[1] *Civil Procedure Code*, section 256.

writing to the Township officer direct (or through the Thú-gyí) by a certain date. An inspection is made, and the case reported to the Deputy Commissioner. If the remission is large, the Deputy Commissioner should himself inspect the land. The final sanction rests with the Commissioner, and in certain cases with the Financial Commissioner.

§ 10. *Procedure and Appeals in Revenue Cases.*

The Act[1] gives powers, similar to those found in other revenue laws, to cause the erection, maintenance, and repair of boundary-marks. Sec. 54.

Provision is made for advances to agriculturists, like the 'taqáví' in India. Rules 145-54.

All orders passed by revenue authorities below the Commissioner are appealable, and the Financial Commissioner has a general power of revision; the Act leaves it to the 'Rules' to decide details, but mentions a number of important revenue subjects on which final orders are not to be passed by an officer of lower grade than a Commissioner. Rule 144. Act, sec. 55.

These rules, regarding appeals and procedure generally, do not need any explanation. Rules 126-30, 141 144.

[1] See also Act V of 1880, sections 22-27, regarding the cost of boundary-marks, their repair and maintenance. As regards inspection of permanent marks twice a year, see rules under the Boundary Act.

CHAPTER V.

UPPER BURMA.

§ 1. *Annexation and Principles of Administration.*

We now leave the districts of Lower Burma, in order to notice the system adopted for the management of the large and important area of Upper Burma added to Her Majesty's dominions by the Governor-General's Proclamation of 3rd March, 1886[1].

It will be observed that the order simply annexes the country 'to the dominions of Her Majesty the Queen-Empress'; it does not unite them to any province or presidency previously existing. But they have been naturally placed under the administration of the Chief Commissioner of Burma.

In the official papers it is clearly indicated that the object is ultimately to assimilate the Law and the Government system with that of Lower Burma; but that under existing circumstances a simpler form of administration is indispensable. The annexation was therefore so ordered that the province does not come under the Indian Statute Law, but is subject to the Act 33 Vict. Cap. 3, under which 'Regulations' for its administration have been passed. As regards the Revenue administration, the local or native methods of revenue collection and assessment, and the local

[1] Published in the *Burma Gazette* of March 6th, 1886 (Part I. p. 89). A preliminary proclamation temporarily assuming the Government during Her Majesty's pleasure, had been issued on 1st January, 1886; but that quoted is definitive. Upper Burma has an *estimated* population of four millions. It is in great part covered with jungle, and is entirely without roads and undeveloped. But its resources are considerable, and what it wants above all are settled government, improved communications, and a larger population.

administrative divisions, were directed to be maintained in the first instance, and the native officials to be employed where possible. The 'Shán States' are under her Majesty's suzerainty, and 'will be treated as tributary or feudatory States, without attempting to bring them under any direct administrative control.'

As regards the British districts, it is probable, therefore, that, as time goes on, changes will take place, and especially in the Revenue administration.

§ 2. *Boundaries.*

At present the map which I have prepared does not show definitely the boundaries of the province nor of the districts. It must be a work of time and of the development of local conditions, to settle all these matters; any hasty or artificial delineation of external territorial boundaries, would be productive, in the future, of very great inconvenience. As to internal boundaries, they will settle themselves in time.

The country was already naturally divided into territories, which have become British districts, each under its 'Deputy Commissioner'—seventeen in number[1].

As each of these Deputy Commissionerships consists of a certain number of 'circles' (taik), aggregated again into a number of 'townships' (myo), and the limits of the circles and townships are traditionally well known, the question of boundary between district and district will in time be easily settled; and a survey will follow.

§ 3. *The Official Staff.*

The hierarchy of official orders may therefore be conveniently here summarized. It will be observed that, both

[1] At first fourteen were named: nor was it originally proposed to have Commissioners of Divisions. But this latter intention was, fortunately, not persisted in. Commissioners—especially where the Central Government is necessarily remote—are relatively more needed in the early years of an administration than at any subsequent time.

The Government issued in January, 1886, a detailed note of instructions as to the principles of Administration. This note together with a concise history of the annexation and its causes, will be found in the Governor-General's despatch (Public), No. 52, dated 19th Oct. 1886, to the Secretary of State, printed in the Parliamentary Blue book 'Burma,' No. 1 (1887).

as regards the division of districts into 'townships' and 'circles,' and as regards the titles in use, the general organization of Upper Burma closely resembles that of the older districts. The Chief Commissioner is the head of the administration, and the Financial Commissioner has the chief Revenue control. Under him are the four Commissioners of the Northern, Southern, Eastern, and Central Divisions, who divide among them the supervision of the (seventeen) districts.

Under the Deputy Commissioner of the district are the 'Myô-ôk,' or executive heads of 'townships'—resembling the 'tahsíldár' of India, and invested with judicial powers. Each township contains several 'taik' or circles (as above stated). For the Revenue collection of the circle, a 'thú-gyí' (having also minor magisterial powers) is responsible; and he receives a remuneration equal to 10 per cent. on his collections. Over the *thú-gyís* of the circles within a 'township,' is a Revenue Superintendent, called 'Myo-thú-gyí.'

The Revenue law is now contained in 'The Upper Burma Land and Revenue Regulation (No. III of) 1889.'

It is based on the principle of maintaining the old Burmese methods, though in an improved form.

Putting aside the Regulation for a moment, I may mention that the Burmese Revenue was derived from—

(1) Capitation tax—a 'tithe' levied on households (thathá-medá).

(2) A 'land-tax' on 'royal lands,' which amounted to 25 per cent. of the gross produce commuted into cash at current rates of the market, or on 'Royal gardens,' calculated in another way, by the number of fruit-trees grown.

(3 and 4) Royalties on Rubies and Jade, and on Petroleum.

(5) A 'water-rate' or irrigation-tax, supposed to represent the cost of maintaining and repairing canals or irrigation works.

(6) Fishing rights.

(7) Forests.

(8) Apparently some kind of Stamp duty had been copied from the British administration.

It will be observed that 'Excise' formed no part of the Revenue. The King allowed (ostensibly) no manufacture or sale of spirits [1].

The Land Revenue is what we are here concerned with. The Regulation (III of 1889) repeals the temporary provisions enacted by Regulation VII of 1887.

§ 4. *Regulation III of* 1889.

The Regulation recognizes the Financial Commissioner, the Commissioner, the Collector, and the Assistant Collector of the first and second grade respectively.

The 'Collector' is of course the Deputy Commissioner, and the title 'Assistant Collector' in fact represents two grades or degrees of powers, one or other of which (according to position, experience, &c.) can be conferred on any of the European or Burmese staff of Assistant or Extra-Assistant Commissioners, or the 'township' officers (Myôôk, Akunwún, and other native titles).

After determining the classes of Revenue officers and their powers, laying down the course of administrative control, and making the usual provisions about appeal and review of orders, and prescribing a simple procedure under which the employment of legal practitioners is somewhat restricted [2], the Regulation goes on (Chap. III) to deal with the various sources of State Revenue, following, it will be observed, the old native principle, but providing for rules to regulate, simplify, and render equitable the method of assessment and levy. The sources of Revenue are (1) the old customary 'thathá-medá' or capitation tax (meaning the tenth or tithe) levied according to rules to be framed, at

[1] It may be mentioned that this prohibition is maintained as regards all Burmese inhabitants. Shops are licensed strictly for European or Indian requirements. Sale and import of opium are also entirely forbidden, according to the desire of the leading men.

[2] They cannot appear without leave of the Revenue Officer (sec. 13 *b*), nor without holding a certificate from the Financial Commissioner authorizing them to practise (sec. 13, sub-sec. 3).

certain rates *per* household or family; (2) the Government rights in all State lands[1], provision being made for rules to regulate the occupation and grant of rights in such State lands as are 'waste'; (3) the land-revenue of all other lands; (4) State rights in minerals and earth-oil; (5) fisheries, and (6) salt. It will not be necessary to say anything about (4), (5), and (6); but some remarks may be made about the tithe and about State lands, and ordinary revenue-paying lands.

§ 5. *Thatha-medá.*

It is not necessary to do more than give a brief and summary account of this tax. It is probable that, before long, it will be abolished (at any rate, as far as all landholders are concerned) and a regular land-revenue substituted.

At present the Rules (in Chap. III) will provide for its levy, according to the old native custom.

It is enough to say that various persons are exempt from 'the tithe[2],' and that to encourage settlers, immigrants are exempted for two years; and this period may be extended, in the case of those who 'settle down and cultivate the land,' by the Local Government.

Its assessment is effected by the thú-gyí, who submits a census or roll showing all persons or households liable to pay. This roll is subject to being tested by the Assistant Collector. The Government fixes the rates (by notification) from time to time: these rates, multiplied by the number of tithe-paying households (or, locally, 'boat-holds,' for many reside on the river), give the total assessment of the

[1] From what was said about Lower Burma, the reader will have gathered that the 'land-revenue' under Burmese rulers was a partial and very imperfect levy. The chief source of revenue was the Capitation tax. Besides that, some areas of the best land were reserved as 'Royal lands' or farms, the whole produce of which went to the King. In *Upper* Burma in 1888-9, the revenue from the tithe was nearly thirty-six lákhs, while that from State lands was only six lákhs.

[2] i.e. the heads of households coming under a given description. Government servants, for example, are exempt; so are foreigners visiting Burma for trade, infirm persons and those who cannot earn a livelihood. 'Exemption tickets' are granted on application.

'village or other local area.' There are official persons called 'Thámadí' or assessors (appointed according to custom), who distribute the total 'over the families or households of the circle according to their circumstances and ability to pay'; and lists of the payments are afterwards published. Objections to this assessment list must be made within ten days of its publication.

§ 6. *State Lands.*

'State lands' are those defined in Section 26 of the Regulation. Throughout the country, certain lands were held as 'royal lands,' the rental going to support the king. Reg. III. of 188 sec. 26.

This form of raising revenue is, as we have seen, one of the old forms of the government of the early races which we call Dravidian, and it is found in various parts of Central and Southern India and in South-West Bengal,—wherever there were kingdoms of a pre-Aryan type.

But as a matter of fact, many Oriental Governments have adopted a similar plan, whether originally or by way of copying older institutions in Madras and elsewhere. Thus we find lands, under the name of 'hawéli,' reserved for the support of the Court, under the Mughal Empire: and the 'Ṭa'yyúl' villages of the Delhi territory, and the 'khás-mehál' of Bengal in Muhammadan times were similar.

The (Burmese) 'Royal' lands are State property, as are also lands held on condition of rendering public service, or as an appanage to some public office.

Custom has added a right of the State to certain other lands, which is a right universally found in India,—unconnected with any special custom of 'royal farms.' Thus the State is entitled (as 'royal lands') to islands and alluvial formations in rivers; to all forest and waste land, and land which has been abandoned, and to which (as the Regulation now adds) no claim has been, or is, preferred within two years (from the date of the Regulation). In any case of doubt, the Collector may make a declaration that land is State land, whereon a claimant to the contrary will have to prove his Reg. III. of 1889, sec. 24.

case. Subject of course to grants of the British Government, or to orders passed on claims just mentioned, tenants of State
Sec. 25. lands are only temporary holders; and their right is now defined. No heritable or transferable right, either of occupancy or use, can exist. Occupiers must pay such rent as they have agreed to pay, or in the absence of any agreement, such as the Collector decides to be fair and equitable. Ordinarily, the Collector commences by making a list of all existing tenants paying rent, or in actual possession. The list shows also the area (in acres) of each holding; the average annual produce for the last three years; the value of the same at the average of market rates for three years past; the customary share of the produce which the State takes. On these data he will find the money value of the rent-share. There are other matters of detail for which the Rules must be consulted. The rent is liable to revision from year to year, unless the Financial Commissioner otherwise directs.

A lawful occupier is not, however, a mere 'tenant at will' of the Crown. He is protected by Rules[1] which regulate ejectment at the end of the agricultural year—

(*a*) with three months' previous notice, in which case he is only entitled to compensation for improvements;

(*b*) without notice, in which case he will get besides compensation for improvements, an allowance of one year's rent, as a compensation for disturbance.

If, for any reason, ejectment is required before the close of the agricultural year, he gets both kinds of compensation alluded to, and also the value of the crops 'in or on the ground at the time of ejectment, less the rent payable for the year or harvest, as the case may be.'

A tenant who does not like the rent levied, may give notice three months before the end of the year, that he requires a reduction; if this is refused, he is at liberty to relinquish without further notice. He may relinquish (on any ground whatever) by giving three months' notice.

The Collector may also give three months' notice of an

[1] Chapter V. But the rules have not yet been finally passed.

intention to raise the rent; and if the tenant does not agree, he must relinquish, but can claim compensation for improvements.

An unauthorized occupier[1], or an authorized one who makes default in paying his rent, may be ejected at any time, by order of the Collector.

§ 7. *State Lands being Waste.*

Rules are provided to be made for the disposal of *waste* State land, for regulating the temporary occupation of such land, and for the allotment of it, where needed, for use as grazing ground to villages. The Rules include the important subject of the 'amount or kind of interest' created by the grant, as well as the exemption from rent, under certain circumstances. Land required (or likely to be required) for public purposes, is not to be leased except from year to year. Other waste land is leased for not exceeding thirty years, and with reservation to Government of mineral rights and teak trees. It is subject to paying revenue, taxes, or rates; but to enable the lessee to establish his cultivation, there are rules allowing exemption from revenue for a term of years, as well as conditions about bringing a certain proportion under cultivation in a certain time. The consequences of failure to act up to the lease are provided.

§ 8. *Ordinary Lands paying Revenue.*

State land, being the property of Government, pays *rent* to Government as its landlord or owner. All other land, which is private property (in some sense) pays *land-revenue*; but where the landholder already pays 'thatha-medá' tax, this latter is either forgiven or 'adjusted,' so that a double burden is not imposed.

§ 9. *Assessment of the Revenue.*

The land-revenue is to be assessed according to such method of assessment, on consideration of such sources of

[1] Unauthorized occupation is also punishable with fine or imprisonment, or with both.

income, with effect from such date and for such period, as the Revenue-officer may propose, subject to the approval of the Local Government and the sanction of the Governor-General in Council.

This provision allows latitude for a skilful officer to devise the best form of assessment, instead of being tied down by theoretical rules (of which no experience can have been had). In this way a workable theory and practice of assessment will gradually develop itself in a natural manner.

The Regulation provides (as does the Burma Land Act) for the exemption of monasteries, schools, and pagodas, and for land in towns, &c., from land-revenue assessment.

In these districts it will be observed that (unlike Lower Burma) there may be joint family holdings, or other special reason for holding a village group jointly and severally liable for the revenue.

Reg. III. of 1889, sec. 28.

§ 10. *Land Records and Rights in Land.*

Concurrently with the assessment of land-revenue, records of rights are to be prepared, and when prepared are to be maintained correct by the Collector. As usual, with this object, a simple 'register of mutations,'—that is a list of all changes by succession, agreement, &c.—is to be kept up as the main instrument.

It will be observed that this Regulation says nothing about defining the nature and extent of the right in land, as the (Lower) Burma Act II of 1876 does.

Reg. III. of 1889, sec. 29 (cl. 4).

The record of rights will simply set out the facts; and it is provided that every person whose rights or liabilities are required to be recorded, is bound to furnish all information necessary for the correct compilation of the record.

Sec. 30.

Section 30 further provides for the settlement of disputes as to right, adopting the usual plan of regarding the person in *bonâ fide* possession as entitled to be entered in the records, subject to any decision as to his right, by a competent Court or authority.

Practically therefore every one, though not legally defined as 'occupant' or 'owner' or anything else, has the enjoy-

ment of his land, according to the ordinary principles of law, on showing his possession and his right thereto, and on it appearing that the land is not State or Royal land.

§ 11. *Collection of the Land-Revenue.*

The legal procedure for collection applies not only to the land-revenue, but to all State revenue levied according to law or usage, including the rent of State-lands, the capitation tax, royalty on minerals, water-rate on irrigation works, and tolls on navigable canals, excise on liquors and drugs. Reg. III. of 1889, sec. 37.

The *instalments*, in which revenue is payable, are to be fixed by *rule*[1], and till such rules are issued, the existing practice as to payment is to be followed.

Land-revenue is declared (as usual) a first charge on the land, and must be satisfied before any other claim whatever. Sec. 39.

A certificate of a Collector or Assistant Collector is 'conclusive proof' of the existence of an arrear of revenue, both as to the amount and the person who is the defaulter. Sec. 40.

The processes of recovery are very like those in other laws; they consist—

(1) service of a notice to pay;
(2) attachment and sale of moveable property, excepting tools, seed grain, &c., for the use of artizans and agriculturists;
(3) arrest and detention in civil jail up to one month;
(4) attachment of immoveable property.

These processes may be used separately or simultaneously.

When immoveable property is sold, the vendee gets a clear title; and 'leases, liens and incumbrances,' as well as grants and contracts (except those made with a person who becomes purchaser) are void as against the purchaser. Sec. 42.

[1] The Rules (Chap. XVII) propose certain dates according to the nature of the crop:—
(*a*) for *mayin* or dryweather paddy, on or before 31st July.
(*b*) for *kank-kyi*, wet-season paddy, on or before 15th February.
(*c*) for garden or other cultivated land, on or before the 15th February.

The law allows the usual power of disputing an 'arrear.' The defaulter must pay up first, and then he may bring
Sec. 43. a regular suit to contest the certificate of arrear.

In order that inexperienced persons may not carry out these proceedings, the Financial Commissioner is to make rules as to the officer or class of officer by whom the process
Sec. 44. of recovery may be enforced.

§ 12. *Supplemental Provisions.*

The Regulation concludes with various supplementary matters. It will be observed that nearly all points of detail are settled by Rules to be issued by the Financial Commissioner. Such rules require to be published before coming into force, and to receive the sanction of the Chief Commmissioner subject to the control of the Governor-General in Council. Finally, there are the usual provisions barring the jurisdiction of the Civil Court in Revenue matters which are specially provided to be dealt with by Revenue-officers.

CHAPTER VI.

THE ANDAMAN AND NICOBAR ISLANDS.

§ 1. *Situation and History.*

THESE groups of islands are not connected with the Government of BURMA in any way; but their geographical position makes it suitable to place a brief note regarding them, after the Chapter on Burma.

They consist of a long stretch of islands, the Great and Little Cocos, and the North, Middle, and South Andamans, and the Little Andaman, a separate island some distance south. In the 'South Andaman' is PORT BLAIR (the capital with its splendid harbour). Further south again come the Nicobar Group, consisting, first, of the 'Car Nicobar,' Tillangchong, Terressa, Camorta, Trinkati, Katchall, and Nancoury (whence the name of the settlement); and still further south (beyond the Sombreiro Channel) are the Little and Great Nicobar Islands. The whole group is under the control of the 'Chief Commissioner and Superintendent, Andaman and Nicobar Islands,' residing at Port Blair. This official has a Deputy (periodically relieved) at Nancoury (Nicobars).

The Andaman group were first made use of by the Bengal Government in 1789 as a convict settlement and a harbour of refuge. The colony was abandoned owing to its unhealthiness in 1796. It was not re-established till 1858, and the islands were then formally annexed.

The Nicobars had been originally colonized and annexed by the Danish Government, but were given up in 1858. They were included in the Chief Commissionership of the Andamans in 1872.

§ 2. *The Law applicable.*

The law providing for the government of the whole group was at first contained in Act XXVII. of 1861, which was replaced by a Regulation (under 33 Vict., cap. 3) passed in 1874. This in its turn has been superseded by the amended Regulation No. III. of 1876.

Reg. III. of 1876, sec. 4.

'All the land comprised in any settlement in any of the said islands is vested absolutely in Her Majesty the Queen, and no person shall be deemed to have acquired any property therein or any right to or over the same by occupation, prescription, or conveyance, or in any other manner whatsoever, except by a conveyance executed by the Secretary to the Government of India by order of the Governor-General in Council.'

A proviso to this section saves rights created under Act XXVII. of 1861.

The Chief Commissioner sanctions the occupation of land by a license in writing, and such a license is not transferable either by contract or by inheritance, without the written

Sec. 6.

consent of the Chief Commissioner. The Chief Commissioner can also determine any license, by giving a year's notice and paying compensation for buildings or works

Sec. 7.

constructed pursuant to the terms of the license [1].

The 'limits of a settlement' may be at any time defined by an order of the Governor-General in Council. And the Chief Commissioner, with sanction of the Governor-General in Council, may appoint one or more officers to superintend the management of land of any settlement and the realization of rent, revenue, and other dues (which may be recovered summarily by distraint of property or personal imprisonment (simple) not exceeding six months).

§ 3. *The Occupation of Land.*

Rules regarding the grant of licenses to occupy land were

[1] In order to place a limit on such compensation, the license itself specifies a maximum value (not exceeding R. 25,000, without special sanction of the Governor-General), up to which value, buildings may be constructed or improvement works undertaken.

published in the local (Andaman and Nicobar) *Gazette* of 31st January, 1885.

A Revenue Officer is to fix the boundaries and demarcate the land of each 'village.' A 'khasra' survey is made, and a 'shajra,' or village map, is prepared 'in accordance with the system adopted in the North-Western Provinces,' and the *khasra*, or index-register of lands, which accompanies it, is made out in a simple form, prescribed in the rules.

From this khasra a 'khatauni,' or abstract of fields held by each person, is made out. A plan of the village site is also prepared and a register of the houses [1].

Provision is made for recording all changes in holdings of land and houses in a 'dákhil-khárij' register; such changes being reported to the head of the village—called 'Chaudhari.'

The licenses for land hold good for five years; and a rent is prescribed in the license, which ranges from R. 1-8 on low-land (rice land) per 'Bengal bighá [2],' and twelve annas on hill-land.

Conditions are endorsed on every license, as to payment of school cess, chaukidári (cess for support of watchmen), and grazing fees, &c. It is also a condition that the land must not be given up without three months' notice before the close of the year.

The license may be transferred only by permission as already stated, and on payment of a fee for registering the transfer.

There are taxes on all *house-sites* according to their class, ranging from R. 25 to R. 2 a year. But house-sites of 'revenue-paying cultivators' pay no tax.

Rules regarding the Nicobar settlement are to be found in the *Gazette* of 6th September, 1884.

[1] The Settlement Records of Port Blair thus consist of,—(Vernacular—in Urdu), (1) Boundary maps, (2) the Khasra, and (3) Shajra, or village map, (4) the Abstract of Holdings or Khatauni (kept in English also), (5) the plan of house-sites, (6) the house register, and (7) a general allotment of land and house-sites, comprised in a village (kept in English also). (*Rule XII, Gazette of 31st January*, 1885).

[2] Presumably that used in Bengal proper, which is = ⅓rd of an acre, nearly 1600 square yards. That originally adopted in the old North-Western Provinces survey is 3025 square yards.

These rules are framed to prevent the taking up of land, which properly is held or occupied by native Nicobarese. Registers are to be maintained—(1) of land within a two-miles radius from the jetty at Nancoury, (2) beyond that distance, and (3) register of transfers.

The conditions of licenses (endorsed on each license) vary according as the land is within the two-miles radius or beyond it.

In the latter case no rent or revenue is charged for fifteen years; after that one rupee per acre is payable annually[1].

[1] In the Nicobars the land measure used is the acre of 43,568 square feet, which is divided into fractions called 'one anna, or one pie' respectively. The 'anna' is the one-sixteenth part (2722 square feet) and the pie the twelfth of that (226·9 square feet).

INDEX OF SUBJECTS.

NOTICE.—*All* Indian words (including Anglicized forms, and names of provinces, mountains, rivers and places) are to be looked for in the second, or VERNACULAR Index (which is a combined Glossary and Index).

THROUGHOUT both Indices, the *Provinces* to which the reference belongs are indicated by *initials*, thus :—

(Ben.) = Bengal.
(Bo.) = Bombay.
(M.) = Madras.
(N.W.P.) = North-WesternProvinces.
(Pj.) = Panjáb.
(C.P.) = Central Provinces.
(L.U.B.) = Lower, Upper, Burma.

To save space, P. S. is used for 'Permanent Settlement'; S. for Settlement (i. e. of Land-Revenue); L. R. for Land-Revenue; I. for India; 'Adm.' for Administration; 'Govt.' for Government (with or without the capital initial).

In referring to compound words, like Land-Revenue-Settlement, Land-Revenue-Officer, Land-tenure, &c., look under Settlement, Revenue Officer, Tenure.

Only 'Land-Revenue,' and 'Land-Record,' have been used in full, to prevent the confusion that might be occasioned by there being Records and Revenue other than those connected with land.

B.

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सत्यमेव जयते

VERNACULAR INDEX AND GLOSSARY.

(See also note at beginning of the Eng. Index.) Dist.=District; 'Cult.'='cultivated,' or 'cultivation'; A.=Arabic; H.=Hindí; P.=Persian; S.=Sanskrit.

B.

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b) In Ben. (and parts of M.) the great land-agent, whose gradual growth in power and connection with the land, was held to necessitate his recognition as 'landlord' under the P.S. In this sense, the word is written *with* a *capital* Z; and so whenever any considerable overlord title or estate is implied.

c) In N.W.P., Pj., applied to *villages*, implying that there is a landlord class claiming the whole area, cult. and waste, and all managing rights and profits, either *jointly*, or wholly or partly in *severalty*, the shares being allotted in several distinct forms or on different principles, which give rise to *classes* or kinds of the 'landlord' or 'joint-village.'

(*d*) In parts of the Pj. and Sindh applied to certain families, descendants of tribal chiefs, &c., who still retain to a greater or less extent, a certain over-lordship in lands and villages, entitling them to take certain fees or rents.

(*e*) In parts of the N.W.P. and in Oudh generally, applied (in the adjective form zamíndárí) to the right of managing a village under the ruler, and later under the Taluqdár (e. g. birt-zamíndárí, = grant of the management, and collections, of a village or tract).

(*f*) In Maráthá, and especially in Rájput States, Z. was the title of a pargana officer who collected the revenues from the pátels of villages, under the supervision of a kamísdár (Maráthá). The old Hindu deṣmukh was in later times so called. (Rájput.)

(*g*) In the C. P. applied (formerly) to the assignee of a large tract of waste land, who was to promote cult. and arrange the L.-R.; (now) to holders of estates, which are surviving Gond chiefships.

References :—

THE END.