

CORRESPONDENCE

RELATING TO THE

RYOTWARI SETTLEMENT

OF THE

SAMBALPUR DISTRICT,

1872—1885.



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INDEX

Serial No. in Collection.	No. and date of letter.	From	To	Subject.	Page in Compilation.
1	No. ¹¹³ ₁₁₃ , dated 31st March 1870.	Secretary to Chief Commissioner, Central Provinces.	Commissioner, Chhattisgarh Division.	Issues instructions for the Summary Settlement of the Sambalpur District.	1
2	No. ²²⁷⁴ ₂₄₇ , dated 14th November 1870.	Do.	Government of India, Foreign Department.	Submits a memorandum by the Chief Commissioner and certain other papers connected with the Sambalpur Settlement.	3
3	No. O dated 18th January 1871, with enclosures.	Do.	To Government, Foreign Department.	Submits further papers connected with the Sambalpur Settlement.	32
4	No. 20 B., dated 1st February 1871.	Government, Foreign Department	Chief Commissioner, Central Provinces.	Asks for information on certain points connected with the Sambalpur Settlement.	35
5	No. ¹¹¹⁸ ₁₁₃ , dated 20th May 1871.	Secretary to Chief Commissioner, Central Provinces.	Government, Foreign Department.	Forwards replies to the questions put in the letter above quoted.	36
6	No. 487, dated 28th October 1871.	Government, Revenue and Agricultural Department	Chief Commissioner, Central Provinces.	Communicates orders regarding the principles to be followed in settling the Sambalpur district and calling for detailed proposals on certain points.	48
7	No. ⁴¹¹ ₄₁₁ , dated 26th February 1872.	Secretary to Chief Commissioner, Central Provinces.	Government, Agriculture, Revenue and Commerce.	Submits detailed proposals for the Settlement of Sambalpur.	52
8	No. 426, dated 1st May 1872.	Government, Revenue, Agriculture and Commerce.	Chief Commissioner, Central Provinces.	Sanctions the proposals	60
9	No. ¹⁸⁰⁵ ₁₈₀₅ , dated 15th May 1872.	Secretary to Chief Commissioner, Central Provinces.	Commissioner, Chhattisgarh Division.	Issues orders regarding the settlement of waste land villages.	62
10	No. ¹⁴⁴⁴ ₁₄₄₄ , dated 7th May 1874.	Secretary to Chief Commissioner, Central Provinces.	Commissioner Chhattisgarh Division.	Refuses sanction to the proposed assessment of the Uttarir Tahsil and points out certain errors of principle in the way in which this assessment had been arrived at	67
11	No. ⁴²³⁵ ₁₁₆ , dated 11th December 1874.	Commissioner, Chhattisgarh Division.	Secretary to Chief Commissioner, Central Provinces.	Communicates further instructions as to the interpretation to be put on the orders of Government as regards the position of Gaontias.	75
12	No. 404, dated 6th February 1875.	Secretary to Chief Commissioner, Central Provinces	Commissioner, Chhattisgarh Division.	Gives instructions regarding the partition of Sambalpur villages.	89
13	No. 1565, dated 7th May 1875.	Do.	Do.	With printed annexures conveying sanction to the proposed assessment of the Uttarir Tahsil.	98
14	No. 1690, dated 16th May 1875.	Do.	Government, Revenue, Agriculture and Commerce.	Asks for sanction to giving out the revised assessment of the Uttarir Tahsil.	113
15	No. 519, dated 18th June 1875.	Government, Agriculture, Revenue and Commerce.	Chief Commissioner, Central Provinces.	Sanctions the giving out of the revised assessment of the Uttarir Tahsil.	114

Serial No. in Collection.	No. and date of letter.	From	To	Subject.	Page in Compilation.
16	No. 1719, dated 15th May 1875.	Secretary to Chief Commissioner, Central Provinces.	Commissioner, Chhattisgarh Division.	Communicates orders regarding the assessment of Bhogria to cesses and as to the form of patta to be used.	114
17	No. 2897, dated 17th August 1875.	Do. ..	Do. ..	Communicates orders on the method in which Shikmi gaontias are to be dealt with.	116
18	No. 2243, dated 13th June 1876.	Secretary to Chief Commissioner, Central Provinces.	Commissioner, Chhattisgarh Division.	Communicates orders regarding the grant of a right of pre-emption to Gaontias.	124
19	No. 338, dated 22nd May 1877.	Secretary to Government of India, Department of Revenue, Agriculture and Commerce.	Secretary to Chief Commissioner, Central Provinces.	Communicates orders of the Government of India on a petition from the Gaontias of Sambalpur	126
20	No. 1640, dated 30th April 1877.	Secretary to Chief Commissioner, Central Provinces.	Commissioner, Chhattisgarh Division.	Communicates orders as to the disposal of groves.	128
21	No. 2418, dated 22nd June 1877.	Do. ..	Do. ..	Communicates orders on the subject of the petition of Gaontias' rights.	135
22	No. 1047, dated 22nd March 1878.	Do. ..	Do. ..	Directs that Chakari (service) land should be regarded as inalienable	140
23	No. 1668, dated 1st May 1878	Secretary to Chief Commissioner, Central Provinces.	Commissioner, Chhattisgarh Division.	Communicates orders regarding the appointment of hereditary Government Managers in jungle villages.	142
24	No. 226, dated 12th June 1884.	Junior Secretary to Chief Commissioner, Central Provinces.	Government of India, Revenue and Agricultural Department.	Submits the final report of the Sambalpur Settlement for the orders of Government	144
25	No. 554 R., dated 21st August 1884.	Secretary to Government of India, Department of Revenue and Agriculture.	Chief Commissioner, Central Provinces.	Sanctions Sambalpur Settlement for 12 years.	156

No. 1. *Letter from C. GRANT, Esq., C.S., Secretary to the CHIEF COMMISSIONER, Central Provinces, to the COMMISSIONER, Chhattisgarh Division, No 118 dated 31st March 1870.*

I am directed to forward to you copy of a letter No. 136, dated 24th March 1868, from the Settlement Officer of Bilaspur to the Settlement Commissioner, Central Provinces, on the subject of the Sambalpúr settlement.

2. The Chief Commissioner agrees with Mr. Chisholm that a summary settlement will sufficiently answer all necessary purposes, under present circumstances, in Sambalpúr. After the Pátna investigations are completed, he will therefore arrange to depute Mr. A. R. Russell to Sambalpúr for this purpose. Mr. Russell will be placed under the orders of the Deputy Commissioner and will undertake the ordinary duties of the Assistant Commissioner at Sambalpúr, in addition to those of the Settlement, but in consideration of the additional labour and responsibility which will thus be imposed upon him, the Chief Commissioner will grant him an extra allowance, the amount of which will be determined hereafter. By this arrangement the summary Settlement will be conducted under the direct supervision of Captain Bowie and yourself, and the local knowledge which both of you possess in so complete a degree will be thoroughly utilised.

The Chief Commissioner considers that Mr. Chisholm's proposals are generally sound, and may be adopted with a few exceptions; but to prevent misunderstanding I am briefly to sketch out the chief points of the system of Settlement which commends itself to him for Sambalpúr. Firstly, it is clear that the Gaontiyas are not landlords in the ordinary sense of the word, and that the cultivators in most cases possess rights co-ordinate with those of their headmen, though perhaps in an inferior degree. These rights must therefore be protected in some such way as that suggested by Mr. Chisholm. The cultivators whose position is really strong must be declared proprietors of their holdings; those who are of less standing and inferior position, but who are still something more than occasional tenants, must be declared to be "hereditary cultivators, with absolute rights of occupancy" and paying rents fixed for the term of Settlement. There will be a residuum of

cultivators with no claims beyond those accruing from a bare occupancy of 12 years' standing who may be left in the position of ordinary rayats with rights of occupancy as defined in Act X. of 1859. It will be for you to consider whether the periods of occupancy fixed by Mr. Chisholm as entitling cultivators to these classes of rights are suitable, but the Chief Commissioner thinks *prima facie* that they are fair enough, viz.—

18 years and upwards for the first class of "*Malik Makbuzas*."

12 years to 18 years for the second class of absolute occupancy tenants.

12 years with no extrinsic ground of claim, on the score of long family connection with the village, expenditure in improvements, &c., for the third class of ordinary occupancy tenants.

It would of course be understood that claims of the kind noticed in the last section might strengthen the position of a cultivator, and entitle him to be graded in a higher class than that which he could demand from mere length of possession.

4. There would only remain the tenants-at-will, and with regard to them a question arises, on which the Chief Commissioner would be glad to have your opinion. Would it be most in accordance with the usage of the country and the feelings of the people that they and their holdings should be placed in subordination to the headman—whether called proprietor or *Lambardár*, in his proprietary capacity, or that the *Gaontya* with the *Malik Makbuzas* should be considered a proprietary community and that all lands which are held by occupant proprietors should be considered to belong to the community, and not exclusively to the superior proprietor or headman?

5. With regard to the assessment Mr. Morris thinks that in such a constitution of society as that described by Mr. Chisholm, where there are no regular landlords or tenants, it will be useless to attempt a regular estimate of a non-existent rental for the purpose of taking a fixed percentage of it. It will be better at once to strike a revenue rate on the "*pooree*," or whatever may be the unit selected, without reference to the imaginary rent-rate. The remuneration of the headman or *Lambardár* offers

some difficulties, as, if it be allowed to retain its present form of an allowance of rent-free land, it will by degrees dwindle away by the natural process of multiplication and sub-division amongst his descendants, and the security for the realization of the Government revenue will be proportionately diminished. It will therefore be best to assess the proprietary rent-free plot, dividing it once for all among the claimants who may be adjudged to have established a claim to share in it, on the footing of ordinary **Malik Makbuzas**. The selected **Lambardár** or head proprietor can then receive the allowance made to him by the Government in the form of a drawback on the revenue of the village which will be distinctly attached to his office and indivisible. It will be necessary to fix the rates at which these drawbacks should be granted, but the Chief Commissioner is inclined to think that 5 per cent. may be suitable as the minimum and 10 per cent. as the maximum. / If any other points seem to you to need explanation, I am to request that you will specify them, and that you will be good enough to report fully on those raised by the Chief Commissioner.

No. 2. *Letter from W. B. JONES, Esq., C.S., Secretary to the Chief Commissioner, Central Provinces, to SECRETARY TO GOVERNMENT OF INDIA Foreign Department, No. 3448, dated 14th November 1870.*

I am directed to submit, for the consideration of His Excellency in Council, a memorandum on the Sambalpúr Settlement now about to commence under the sanction conveyed in your letter No. ¹⁴⁴³_{138 B.} of 19th July.

Memorandum by Lieutenant-Colonel R. H. KEATINGE, Officiating Chief Commissioner, Central Provinces, on the Sambalpúr Settlement.

On the 1st March 1870 Mr. Morris issued instructions regarding the Sambalpúr Settlement. Subsequent to his departure, a letter remonstrating against some portion of the orders issued has been written by Major Cumberlege, the Officiating Commissioner of Chhattisgarh,—an officer whose opinion carries much weight, and who has certainly the greatest local experience extant regarding this very remote and little-known district.

I do not at all agree with Major Cumberlege, but I consider the course about to be taken with the Sambalpúr villagers fraught with great present inconvenience and serious future danger. I cannot therefore consent to shelter myself under the inviting shade of

Mr. Morris's orders,—a course that would save me much thought and trouble. I am not free to carry out my own views; I therefore adopt the only other course remaining, namely, a reference to higher authority.

2. The headmen of the Sambalpúr villages, known as Gaontyas, are usually persons of high caste,—immigrants from other parts of India.

The cultivators are as a rule persons of low caste,—a mixture of several races. This is a feature of great importance in the discussion. It explains the great power hitherto wielded for good by the former over the latter, and at the same time it points to a future of unmingled evil if it should at any time occur that the Gaontyas obtain a complete proprietary right in the soil, whilst the mass of the cultivators become their tenants-at-will.

If the History of India has taught us anything we must foresee that under such circumstances the mass of the people will become little better than serfs, and that our legal system will only harden the position.

3. The course of events in the neighbouring district of Rájpúr shows that a Settlement, which confers material advantages on all persons who can prove long possession of a certain plot of land, is not in itself enough to stay the periodical exchanges which take place between the people, or to check their roving habits.

The Rájpúr Settlement is consequently not working well, and Government should pause before it proceeds to bind itself to more engagements of the same nature in places where fixity of tenure is so unpopular as it is in the eastern districts of the Central Provinces. Some information of recent date is appended, marked C, in illustration of what is here stated.

4. These Settlements contemplate the protection of tenants under Act X. of 1859. Was not this Act framed to defend actual cultivators in a country, where land was scarce, a sharp competition for it existed, and each man held permanently all he could secure? Can we expect that it will prove a valuable instrument for our purpose in a country where not one of these conditions obtain?

The cultivators have been further guarded by rules as wisely thought out and as carefully promulgated as was possible; but these rules will certainly prove inoperative because the people are too rude to take advantage of them.

If we adopt either of the courses now proposed, these rude and improvident cultivators will most certainly allow the more subtle and advanced Gaontyas to obtain complete mastery of the village lands. It is probable that no inconvenience will arise in the present generation; and of the two, Major Cumberlege's will prove the easier path during the next twenty years; but I am convinced that any declaration of proprietary right, no matter on whom conferred, will be practically a grant to the Gaontyas.

5. Major Cumberlege, whose local knowledge is, as I have above explained, the greatest available, has expressed his views to me verbally in many long conversations.

He has explained the facility with which a Sambalpûr cultivator writes over his rights for an advance of money or seed, and the state of perpetual indebtedness to the headman in which he lives. Considering any contest between these classes very much to be deprecated and certain to terminate in favour of the high caste Gaontya, Major Cumberlege would at once give him complete mastery of the position, and trust to his exercising in the future the good influences he has undoubtedly brought to bear in the past.

The course I would advocate is different; I would urge Government not to confer superior proprietary right on the Gaontyas, because they will most certainly, having once got it, have no difficulty in absorbing all the subordinate rights to the eventual detriment of the country.

I would equally entreat that subordinate proprietary rights may not, as ordered by Mr. Morris, be conferred on the old cultivators, as they at present are quite incapable of preserving such privileges, and will throw them away for a few seers of rice.

6. The only safe course that I can see is for Government for the present to reserve to itself the superior proprietary right:—

✓ to appoint the Gaontya hereditary manager with ample inducement to maintain the prosperity of the village by the grant of all the privileges which usually are held to be the perquisite of the proprietor;

to secure the cultivator against enhancement and ouster during the period of Settlement as long as he holds possession of the same plot of land, and pays the demand fixed at the time of Settlement.✓

7. I anticipate that before half the Settlement period has expired nearly all the cultivators will, by change of lands or otherwise, have forfeited this protection, and will be in the position of tenants-at-will to the Government, as represented by its manager. It has however been shown that the competition for cultivators is so great, that there is no chance of this leading to any widespread evil just now, and, at the close of the Settlement, Government will be in a position to restore to them the privileges they have thrown away, and to deal with their tenures as the signs of the time and our greater experience may show to be expedient.

To confer proprietary rights on any class in the present condition of Sambalpûr is simply to place the whole peasantry bound in the hands of the headmen as we have already done in Bengal.

8. Three papers are appended:—

A—Extracts from a Note by J. W. Neill, Esq., Officiating Secretary, giving a *résumé* of former correspondence.

B.—Extracts from Major Cumberlege's letter No. 3299 of 22nd August 1870.

C.—Extracts of correspondence regarding the working of the new Settlement in the Raipur District.

The matter eliminated from these papers has reference to minor arrangements, regarding which it is not necessary to trouble Government.

R. H KEATINGE,

Officiating Chief Commissioner.

NA'GPU'R :
The 4th November 1870. }

A.

Extracts from a Note by Mr. J. W. Neill, Officiating Secretary to the Chief Commissioner, Central Provinces.

Since the year 1862 this question has been under consideration, and since that time Settlement work of one kind or another has been going on in the district. Since 1865 it may be said that operations have practically ceased, and since 1867 the matter has remained partially in abeyance. In March of the present year, 1870, orders were issued for the prosecution of the Settlement, and certain principles were laid down, in accordance with which the Settlement was to be effected. To these principles Major Cumberlege, formerly Deputy Commissioner of Sambalpur, now Officiating Commissioner of the Division, in his present letter of the 22nd August, takes exception.

* * * * *

The question commences with Major Impey's (Deputy Commissioner of Sambalpur) proposals made in a Memo. dated 30th June 1862. From 1858 no change had been made in the Settlement, and things had been simply allowed to run on on the old arrangement.

* * * * *

Regarding the Gaontyas I extract the following para. from Major Impey's memo :—

“With respect to tenures of Gaontyas it was ruled on the first Revenue Settlement that Gaontyas had no prescriptive rights. On the other hand, however, it was decided that hereditary succession and long incumbency gave priority of claim, or say, right of occupancy. Thus every proved hereditary Gaontya and old incumbent, together with all the other then-existing incumbents against whom claims of precedence were not substantiated (such claims having retrospective limits), who consented to the Government terms of revenue, were continued in their charges. Furthermore, indulgence was so far extended to old and hereditary Gaontyas, that where such had been recusant at the first and afterwards repented, it was adjudged that on the next Settlement their claims should be re-admitted to prior force.”

Major Impey then goes on to say that—

“From the above it will be seen that the claims of old Gaontyas to their shares of village occupancy have already been decided and registered, and that therefore it will not be necessary or expedient to invite by a second proclamation a resuscitation of the same. Thus these and all Gaontyas who have since under authority been appointed should, I conceive, be accepted as farmers or proprietors of villages, provided always that they shall consent to pay the determined revenue.”

On this para. Mr. Temple remarks that these Gaontyas should be accepted not as farmers but as proprietors, “Maliks,” and that it might be well to verify that all Gaontyas regularly appointed are to be considered proprietors.

Major Impey proceeds in his Memo. as follows :—

“To arrive at a just determination of the mode of settlement to be adopted, it is important to consider the position which the Gaontya holds towards the Government and the relative position of the Gaontya and his rayats. A Gaontya possesses no permanent transferable interest in any portion of the village lands, and has no right to appropriate for his use any part of the revenue-paying rayati lands, except only when the rayats are insufficient for the cultivation.

“He makes himself by contract personally responsible to Government for the full collection and full payment of the revenue due from the rayati lands, and yet has not the power to exact a pice more from the rayats than the fixed jama. If a rayat should fail to pay his quota of Malgoozaree, the Gaontya himself must make good the default. If the Sadar jama should exceed the capabilities of the rayats with reference to the area of cultivation (a not unfrequent occurrence) he must meet the deficient balance from his own private resources. If the rayats are too few to work the revenue lands, he must assume the cultivation of the vacant plots to complete the figure of revenue, or else must make up the deficit from his own pocket.

“Furthermore, he is answerable for the respectability of his rayats. Lastly, he engages to do his best to bring waste lands into cultivation.

“Setting aside this last point, a Gaontya failing in his engagements on the others is liable to the penalty of ejection.

“In consideration of these responsibilities and other troubles entailed upon him, a Gaontya enjoys a certain portion of rice land revenue-free, and has the right to enhance his profits by clearing waste lands.”

On this description Mr. Temple notes that if the Gaontya is now declared landlord, his interest in the village lands will become permanent and transferable. That the inability of the Gaontya to take

from the rayats more than the fixed jama shows that these rayats are hereditary cultivators with right of occupancy and paying at fixed rates, in some respects approaching nearer to proprietors, as the quota levied from them is revenue rather than rent.

Major Impey next proceeds to state the position of the rayats—

“ The long-standing rayat on the one hand claims right of occupancy equally with the Gaontya. The land he ploughs has descended to him from his forefathers, or, dating during his life-time, he has held it through a succession of years. Yet still he is the Gaontya's tenant, for, on the other hand, the Gaontya has the right to eject him if he fails to pay his Malgoozaree.

“ The rayat of short occupancy is generally a time-server, enjoying an allotment at the will of the Gaontya.

“ Again, on the one side, the rayat feels himself at liberty to vacate his land and leave it in the hands of his Gaontya. On the other, the Gaontya must retain his village charge and village responsibility and bear the loss of the vacated land, unless he can find a new rayat or manager to cultivate it himself.

“ Add to the above argument the fact that the Gaontyas have felt themselves so bound up in the welfare of their villages that they have at their own expense promoted cultivation, and *ergo* the prosperity of their rayats, by digging and embanking tanks, and I think it will be granted that the Gaontyas may be fairly regarded as landholders, and the rayats as their tenants. This is the position I would place them in at the time of Settlement.”

Mr. Temple's remark is—“ Yes, the Gaontya is the landlord, the rayat is the tenant with right of occupancy and strictly defined liability.”

* * * * *

Major Impey apparently proceeded to act on the general instructions he had received, and Settlement operations progressed slowly. At the end of 1864 Major Impey died, and Major Cumberlege was appointed to Sambalpūr. There were disturbances in the district, and for more than a year after his arrival in Sambalpūr, it appears that Major Cumberlege was too busy with more immediately important matters to busy himself with the Settlement operations. In the middle of 1866 the Sambalpūr Settlement again began to attract attention, and at that time some correspondence on the subject of the principles which should guide the plan of operations took place between the Settlement Commissioner (Mr. Morris) and the Settlement Officer and Deputy Commissioner, Major Cumberlege. This correspondence was submitted for the Chief Commissioner's orders, and from the correspondence I will extract enough to show what Major Cumberlege's views were.

Up to this period Major Cumberlege had never seen or heard of Major Impey's memo., which was the basis of all that had been done and he was unaware of the orders passed by Mr. Temple.

In May 1866 Major Cumberlege wrote to the Settlement Commissioner—

“To effect a good regular Settlement in this district will, I think, be a very difficult undertaking, and I am by no means certain that under existing circumstances the elaborate and expensive system in force would answer. At present the Gaontya is remunerated by an assignment of “Bhogra,” or service land, on the condition of his collecting and being answerable for the Government demand. The extent and value of this land is supposed to be in proportion to the extent and value of the rayati land, but it is not so really, as the proportion varies in nearly every village; in some villages I believe the bhogra even exceeds the rayati land, while in others it is only one-third or one-fourth, or even less.

“The land which is assessed as rayati land is merely that which is suitable for rice cultivation; of this land there are three or four kinds, the most valuable being that which lies in hollows or under the tanks. The very high land with light red soil is used for growing cotton, oil-seeds, &c., but the rayats who cultivate it are not called upon to pay anything in excess of what they have been assessed at for the rice land which they hold.

“There is no regular assessment, however, made even on the rice land held by the rayats. The whole of it is taken in one lump, divided into so many shares, each of so much value, according to the amount of Government demand to be paid, and each rayat pays therefore according to the number of shares which he holds.

“There is another kind of tenure also which deserves to be mentioned, viz., that of “Bhritya” land. This land is generally held either by Brahmans or by relatives of the Gaontya at a much lower rate than the rayati land, and it is in fact excluded from the latter and held in a sort of quit-rent. It will be a question then at the Settlement whether the holders who have been in possession for many years should not be permitted to hold on somewhat similar terms under our Settlement. I mention this because it is a point which is looked upon with the greatest anxiety by the people, and in which the interests of many are involved. When the “Bhogra” system is abolished, the tenures will be all completely changed, for it may be expected that when the whole of the lands have been assessed, the rates fixed on each description, and the jama determined according to the assets, the Gaontyas will have to give up a portion of the bhogra land in favour of the rayats. The

high land also, which is now cultivated free, will have to be assessed likewise—in short, there will be a complete revolution.

* * * * *

Concerning the rights of rayats he writes :—

“ With regard to the rights of occupancy of the rayats, I do not mean to say that there are no rayats having such rights, but the manner in which they have held their tenures has been very peculiar, as I will here explain as clearly as I can. There being no Putwarees there has never been any registration of holdings, and though many rayats have for generations cultivated lands in certain villages, they have not held always the same quantity or the same plots. The system that has always prevailed has been for the rice land, exclusive of the bhogra, jhunkari, &c., to be divided into so many shares, according to the number of rayats and their ability to take them up; for instance, where the majority of the rayats were well-to-do, the shares would be fixed at a higher rate per share than where the majority of the rayats were poor. A rayat was considered entitled to hold *sikra* land or land for cultivating pulses, oil-seeds, &c., in proportion to the number of shares of rice land for which he paid rent, but the distribution of the *sikra* land was left almost entirely with the Gaontya, and the rayats very rarely got as much as they had a right to, and were dispossessed and reinstated at the will of the Gaontya. It follows then that it will be difficult to define precisely the holding to which any particular rayat might be considered to have a right of occupancy. * * * But if their rights are adjudicated with reference only to their former precarious tenures it will be found that many rayats of long standing will have no rights of occupancy within the meaning of the law, simply because of the chopping and changing system that has for so long been in force.”

* * * * *

It must be remembered that up to this time Major Cumberlege had never seen Major Impey's memo. On the 24th July 1866 the Settlement Commissioner sent him the memo. of Major Impey, and the orders which the Chief Commissioner had passed on it.

When returning the memo., on the second August, Major Cumberlege writes :—

“ The late Major Impey has clearly set forth in his memo. the relative position of the village Gaontya to the Government and to the rayats. * * *

“ I have also in my letter dated 13th ultimo remarked on the rights of the rayats. There is no doubt that the rayats of long standing claim rights of occupancy, but under the pe-

culiar system that has prevailed here, it will be difficult to determine rights of occupancy in any particular plot."

Major Cumberlege then again states his opinion as before regarding the manner in which rayats should be dealt with.

Some more correspondence took place between the Settlement Commissioner and the Settlement Officer, and eventually Mr. Morris as Officiating Chief Commissioner, in the latter part of 1867, desired to have the opinion of Mr. Chisholm before deciding finally on the principles on which the Settlement should be effected.

The opinion of Mr. Chisholm was conveyed in a report dated 24th March 1868, after he had visited the Sambalpūr District and inspected a certain number of villages. This report will be referred to immediately, but already, on the 2nd March 1868, Mr. George Campbell, Chief Commissioner, had recorded a Minute on the position of rayats in the Sambalpūr District.

Mr. Campbell wrote :—

" The tenures of Sambalpūr are described by Mr. H. Ricketts, of the Bengal Board of Revenue, in a paper published in No. XX of Selections of the Records of the Bengal Government. Mr. Ricketts describes the villages as managed by Gaontyas whose position mainly depends on the efficient performance of their duties, and who enjoy as their remuneration a portion rent-free of the best land of the villages. He adds, I can distinguish little if any difference between the Gaontya and the Padhans and Sarbarakars of Khurda and Cuttack. The position of these Padhans and Sarbarakars is that the settlement of villages is made with them ; but under them the old or Shanee rayats also have a settlement of fixed rates which cannot be altered during the term of the Settlement."

Mr. Campbell then refers in corroboration to Major Impey's opinion, as expressed in his note, and alludes to Mr. Temple's remarks, which I have already quoted in a former place.

Mr. George Campbell thus concludes his Minute :—

" It seems to me that there is a substantial agreement that the old rayats are to hold at rates fixed by the Settlement Officer either for each rayat or by distribution of a lump sum among the rayats under the superintendence of the Settlement Officer, and that the Malgoozar cannot raise the rates so fixed for the term of the Settlement. The only question is as to the title by which the rayats so holding are to be designated,—whether as ' Malik Makbuzas,' ' rayats holding at fixed rates of rent ' or occupancy rayats with a defined liability. I should myself prefer the latter

rayats holding at fixed rates. These rayats would then

[Not created. belong to one of the well-established classes recognized by Act X. of 1859. The only difference from those described in Section 3 of the Act would be, that as the Settlement is not fixed for ever, so also their payments would not be fixed for ever but for the term of Settlement, and would be liable to revision at each new Settlement. The whole question will be referred for the opinion of the Settlement Commissioner.]

The Settlement Commissioner was Mr. Morris, who, on Mr. Campbell's departure in April 1868, became Chief Commissioner. Mr. George Campbell's opinion is clear and distinct, and is quite in accordance with the instructions originally issued and the opinions expressed by Mr. Temple.

We now come to Mr. Chisholm's report, dated 24th March 1882, which was submitted to Mr. Morris as Settlement Commissioner.

* * * * *

Mr. Chisholm accepts the village system described by Major Impey and before him by Dr. Cadenhead as correct.

Briefly it is, the land revenue is assessed on the rayati lands alone, the Gaoutya enjoys his bhogra as his sole profit, and certain village officials, the jhankar, &c., enjoy their rent-free bhritya lands. The rayats cannot be called upon to pay more than the share of revenue proportionate to the land they cultivate.

Mr. Chisholm quotes Dr. Cadenhead as his authority, but he evidently is of opinion that the system still holds good. It is unnecessary to make quotations from Mr. Chisholm's report. There is one, however, which shows that Mr. Chisholm made independent inquiry. After referring to the last Settlement, in 1853, he writes :—

“There has been no subsequent Settlement, and the rayats have remained holders at fixed rates. When suits have been filed from time to time against rayats for default in our Revenue Courts all the Malgoozar has ever claimed is the quota of Government revenue falling on the rayats holding according to the recognized village division of the demand among the cultivators. It is therefore correct to say that these rayats have never hitherto paid any rent.”

I would ask attention to this distinct statement on the part of Mr. Chisholm.

* * * * *

Mr. Chisholm goes on to say that he thinks the present system should stand.

The Gaontyas have already been declared superior proprietors; but this does not militate against the admission of subordinate rights.

Mr. Chisholm accordingly proceeds to say that the rights of the rayats must be preserved, and he introduces the matter thus :—

“Tenant rights in Sambalpūr are so strong as in most cases to constitute the tenant a proprietor. In most other districts, as compared with the rights of the Malgoozars, they were weak. For instance, in Bilaspūr the Malgoozar having obtained the lease of his village, possessed and when expedient, exercised the power of raising the rent of his tenants or ejecting them, and there seems little doubt that the Native Government in Chhattisgarh acknowledged no tenant rights. In Sambalpūr the reverse was the case, and up to the present time the Malgoozars have little power of any kind. The rayats pay the revenue only, and they have a meeting once or twice a year, when the elders audit the items of village expenses which have been incurred by the Gaontyas, and then distribute this among themselves, according to the quota of revenue payable by each cultivator. In fact, in most respects the rayats occupy a position only enjoyed by proprietors elsewhere, and they should therefore be treated on quite different principles.”

This quotation is put in here because the Sambalpūr Deputy Commissioner takes exception to the statement it contains, or perhaps rather the conclusion come to.

Mr. Chisholm's actual proposals regarding the rayats are as follow :—

“All hereditary cultivators who for two generations or more have held land continuously in the village and paid their quota of revenue thereon, and all cultivators of 20 years' standing and upwards who have occupied land continuously and paid their quota thereon, to be recorded as Malik Makbuzas of the land they may occupy at the time of Settlement.

“All cultivators occupying land in the village for a period of 12 years continuously and less than 20 years, and paying thereon only the fixed quota of Government revenue, to be recorded as Mourusee tenants with absolute right of occupancy in respect to the field or fields in their possession at the time of Settlement.

“All cultivators holding land in the village for a less period than 12 years to be recorded as tenants-at-will.”

Mr. Chisholm goes on to say—

“The whole three classes would for the present pay revenue only (plus cesses and village expenses) the revised assessment being thrown proportionately over their holdings as the old assessment is. The Malik Makbuzas would continue to hold at fixed rates for the period of the Settlement. The Mourusees would hold similarly at fixed rates, unless by

law an increase could fairly be claimed from them. There would remain the tenants-at-will, whose payments the proprietor might increase. So strong, however, is custom that even these will be found continuing for many years in most villages simple revenue-payers."

* * * * *

Then in regard to shareholders in village Mr. Chisholm points out that in Kulta village a system of primogeniture holds, cadets of a family becoming merely rayats. This ancient custom Mr Chisholm thinks should be respected. In Brahman villages the usual Hindu law of inheritance prevails. In such cases shareholders would have to be admitted.

Blocks of waste land were to be reserved, and Mr. Chisholm recommended the summary Settlement to be for 10 years, though he thought that one for 20 years would be better for the district.

So far Mr. Chisholm.

It will be at once remarked that Mr. Chisholm's proposals are very like the original proposals of Major Impey. Mr. Chisholm suggests a better mode of carrying out assessment, but that is all. Where Mr. Chisholm differs from Major Impey, is in the matter of the rayats, and regarding them Major Impey had made no detailed proposals. They were, however, to be placed in a favourable position.

Mr. Chisholm's report remained some time with the Settlement Commissioner. There was no one to carry out the Settlement, and it was not till March of the present year that Mr. Morris, as Chief Commissioner, issued orders on the subject. These orders are contained in a letter No. 873-88, dated 31st March, to the address of the Commissioner of Chhattisgarh (Major Cumberlege).

A copy of Mr. Chisholm's report was then sent, a summary Settlement as proposed by Mr. Chisholm was agreed to, and Mr. A. M. Russell was to effect it.

The Chief Commissioner, Mr. Morris, considered Mr. Chisholm's proposals generally sound, and that they might be adopted with a few exceptions. The scheme approved by Mr. Morris was then sketched out.

1st.—It was clear the Gaontyas were not land-lords in the ordinary sense. The cultivators in most cases possessing rights co-ordinate with the Gaontyas, which must be protected in some such way as suggested by Mr. Chisholm. Cultivators whose position was really strong were to be made Malik Makbuzas or proprietors of their holdings; those of less standing and inferior position, but who were still something more than occasional tenants, were to be hereditary cultivators with absolute rights of occupancy, and paying rents fixed for the term of the Settlement.

Cultivators with no claims beyond those accruing from a 12-years' occupancy to be left in position of tenants with right of occupancy as defined in Act X. of 1859. Commissioner was to

consider whether the periods of time laid down by Mr. Chisholm for distinguishing between these grades were fair. There would remain then tenants-at-will, and with regard to them a question arises on which the Chief Commissioner would be glad to have Commissioner's opinion. Would it be most in accordance with the usage of the country and the feelings of the people that they and their holdings should be placed in subordination to the headman, whether called proprietor or Lambardár in his proprietary capacity, or that the Gaontya with the Malik Makboozas should be considered a proprietary community, and that all lands not held by occupant proprietors should be considered to belong to the community and not exclusively to the superior proprietor or headman?

Instead of attempting to estimate a non-existent rental for the purpose of taking a fixed percentage of it—

“It will be better at once to strike a revenue rate on the Pooree or whatever may be the unit selected, without reference to the imaginary rent-rate. The remuneration of the headman or Lambardár offers some difficulties, as if it be allowed to maintain its present form of an allowance of rent-free land, it will by degrees dwindle away by the natural process of multiplication and sub-division amongst his descendants and the security for the realization of the Government revenue will be proportionately diminished. It will therefore be best to assess the proprietary rent-free plot, dividing it once for all among the claimants who may be adjudged to have established claim to share in it on the footing of ordinary Malik Makbuzas. The selected Lambardár or head proprietor can then receive the allowance made to him by Government in the form of a drawback on the revenue of the village, which will be distinctly attached to his office, and indivisible 5 per cent as a minimum and 10 per cent as a maximum on the revenue was suggested as remuneration. The Commissioner was invited to communicate his opinion.”

* * * * *

The Chief Commissioner accepted Mr. Chisholm's theory of the position of the Gaontyas and rayats; he accepted Mr. Chisholm's proposals for the disposal of the rayats. He agreed to the nature of the Settlement proposed, and to the means of assessment. * * * I very much doubt if a drawback of 10 per cent on the revenue would secure punctual and safe payment of revenue.

* * * * *

This is indeed conjuring up a shadow in order to combat it. The Native Government might recognize as a fact that if they wanted their lands tilled and their revenue paid, they must foster their rayats or cultivators, and these might hold at excellent and fixed rates without any one dreaming of such an abstract thing as tenant right. It is we who have created landlord right—shall we not create tenant right?

* * * * *

“ The principle in force in this district, regarding tenant right, is simply that no tenant can be ousted so long as he pays his rent, and no great importance appears to be attached to holding a particular plot for a number of years.”

B.

Extract from a letter from the OFFICIATING COMMISSIONER, Chhattisgarh Division, to the SECRETARY to the CHIEF COMMISSIONER, Central Provinces,—No. 3229, dated 22nd August 1870.

- I have now the honour to submit, for the consideration of the Chief Commissioner my views on the subject of the summary Settlement, ordered in your office No. 873-88, dated 31st March last, to be effected in the Sambalpúr District of this Division. I beg also to forward in original a letter* from Captain Bowie, Deputy Commissioner of Sambalpúr, together with a Memorandum drawn up by Mr. Russell, Assistant Commissioner, —the officer nominated by Mr. Morris to conduct the Settlement in question.
- * No 1438, dated 30th July 1870.
2. I regret exceedingly that Mr. Morris did not see fit, before passing orders on Mr. Chisholm's report received with your office letter above quoted, to give me an opportunity of making a few observations thereon, but as I have been referred to on certain minor points I consider it my duty to take the opportunity of also remarking on all such points as appear to me to deserve further consideration. I would however, in the first instance, by way of apology for the apparent presumption on my part in commenting on a subject on which orders have been passed, and in order that Colonel Keatinge may be in a position to understand why I consider myself justified in so doing, give a brief account of all the proceedings that have been taken from the time that the question of the Settlement of the Sambalpúr District first came under consideration.
 3. As far back as June 1862 the late Major Impey, who was then Deputy Commissioner of Sambalpúr, drew up a Memorandum, embodying his views as to the nature of the Settlement which in his opinion should be effected; and the Chief Commissioner, Sir Richard Temple, in letter No. 385, dated the 2nd of July of the same year, communicated his approval of Major Impey's propositions generally, and issued his own instructions thereon. I shall probably have to allude to these documents further on, but in passing it may be noted that it was decided to effect what is known as a regular revenue Settlement for a term of 20 years,

and it was ordered that Gaontyas, or village headmen, should be declared proprietors* (Malik) with rights of transfer, &c., and that the rayats should be regarded as tenants and cultivators ("Kashthkar") with right of occupancy as defined in Act X. of 1859.

4. In accordance with these instructions regular Settlement operations were at once set on foot,—a Deputy Collector was appointed to superintend the field work, and the Deputy Commissioner commenced the enquiries into the proprietary rights; all Gaontyas of long standing being, as the cases were decided, declared proprietors.
5. These operations were continued all through the years 1863 and 1864, and by the close of the latter year the whole of the village boundaries had been demarcated. Thakbust maps and Khusrabs had been prepared for some 300 villages and the proprietary rights had also been awarded in as many villages. In the month of December 1864 Major Impey died very suddenly, and I was ordered down to Sambalpúr to take his place as Deputy Commissioner.
6. It should be here mentioned that for some months before Major Impey's death the Sambalpúr District had been in a very unsettled state, owing, as it was afterwards found, to the *quondam* rebel, Soorunder Sai, who surrendered under the amnesty in 1862, having set on foot intrigues in the hope of forcing the Government to restore Native rule at Sambalpúr and to make him Rája. This Soorunder Sai, who with his brother Oudunt Sai was set free by the mutineers in 1857 from the Hazareebagh jail where they were undergoing a life sentence for murder, raised the standard of revolt in Sambalpúr, and was joined by nearly the whole of the principal Zamindárs of the district. He set himself up as a pretender to the "Guddee" of Sambalpúr, and for five years, owing to the influence that he possessed amongst the most turbulent Zamindárs, and the fear that he created by his bloodthirsty acts, also to the impenetrable nature of the country, he successfully defied all attempts on the part of our troops to catch him, and kept the whole country in a perfect state of anarchy from the close of 1857 up to the commencement of 1862.
7. He refused for a long time to surrender when the amnesty was first proclaimed in 1859 I think, but at last in 1862 he with his brother and son gave themselves up, but several of his most trusted captains still remained in outlawry, and with bands of adherents infested the hills and defied all attempts to catch them. Soorunder Sai pretended at the time that he had no authority over them, and in fact stated that he has with great difficulty escaped from their

hands. This was afterwards all found to be false ; however, his assertions were fully believed at the time, and he and his relations were awarded handsome stipends and rent-free villages in the Sambalpúr District on his promising to abandon all pretention to rule in Sambalpúr.

8. Everything went on satisfactorily, until early in 1863 when petitions were set on foot purporting to be on the part of the Gaontyas and respectable inhabitants, to the effect that bands of rebels were still harassing the country, and that the British Government was unable to prevent their depredations, that all sorts of innovations had been introduced under British rule, which the people were unaccustomed to, and consequently viewed with apprehension, and that in fact it was quite apparent that unless the legitimate heir was placed on the throne (Soorunder Sai being implied) the people could have no hope of any peace or quiet, as he was the only person who could deal with the rebels, &c. Soorunder Sai of course denied all participation in these petitions, and Major Impey had for a long time the fullest confidence in his assertions. However, when the Chief Commissioner, Sir Richard Temple, visited the district in March 1863, on a similar petition being presented to him, he at once appreciated its importance and issued such orders as convinced the people that under no circumstances would Native rule be restored.
9. When it thus became quite evident that nothing could be got by mock petitions, more determined measures were commenced. Threatening letters were sent to the Deputy Commissioner by Kummul Sing, the principal robber chief, on whose head a heavy reward had been set. This man declared that if Native rule was not revived in the person of Soorunder Sai, he would devastate the whole country, and very shortly afterwards he commenced putting these threats into execution by burning and plundering villages, and murdering such Gaontyas and headmen as were known to be favourably disposed towards our Government. All attempts to put a stop to these violent acts failed, but the Police were very soon able to connect them with Soorunder Sai. At last matters reached such a pass that the most perfect reign of terror was established, no one dared give evidence against offenders, or to assist in their capture for fear of being the next victim. Meetings of malcontents were held in Sambalpúr, where the recovery of the "Ráj" by fair means or foul was openly discussed. Major Impey also heard with his own ears from the mouth of Kummul Sing's own uncle that they would not hesitate at murdering him when the proper time came for action. In short everything was in such a shaky state that it was impossible to say what might not next take place, so two companies of Madras Infantry were ordered up post haste

from Outtack, and Colonel Balmain, who was then Commissioner of Chhattisgarh, and Major Stuart, Deputy Inspector General of Police, were ordered to Sambalpúr, so that they might be at hand in case of emergency.

10. This was the state of affairs that I found on my arrival at Sambalpúr in January 1864, but a few days afterwards Soorunder Sai and his immediate adherents were arrested and sent out of the country, and though it was not proved against them that they were actually preparing to wage war against our Government, there was ample proof of their being in direct "rapport" with the unsundered rebel chiefs above referred to; and that they were, though pensioners of our Government, plotting and intriguing to subvert our authority and rule.
11. On Soorunder Sai being arrested, the rebel bands broke and dispersed in every direction, the principal chiefs were in a very short time hunted down and captured, and from that time up to the present, now more than six years, there has not been a single organized crime of violence, either in the Khálsa or in any of the Khálsa Zamindáris of the Sambalpúr District.
12. I have mentioned all these matters first in view to placing Colonel Keatinge in possession of as much information as possible as to the state of the country immediately preceding the period when Settlement operations were first set on foot, and secondly, because those operations were affected in the most important manner by the disturbed state of the country, as I will now go on to show.
13. During the first year of my incumbency at Sambalpúr, I was much engaged with political work, having had to visit several Feudatory States and Zamindáris in connection with reports that had been made by Major Impey, regarding their having harboured rebels, &c. In the meantime the Settlement field operations were being slowly carried on, under the superintendence of the Deputy Collector. As soon, however, as I had time to devote to the subject, I set to work to complete the enquiries into proprietary rights, and made a tour in the Mofassil to ascertain how matters were going on.
14. I soon found that the greatest aversion was felt by the people to the Settlement. Complaints of oppression and extortion were preferred on every side against the horde of foreign Ameens that were spread all over the country, and it further became apparent that the discontent which prevailed had been fostered by Soorunder Sai, and had been used by him as a powerful lever to gain over the landholders to his cause. The landholders implored me in a body to fix whatever extra demand I liked on them, provided I would relieve them of the incubus of the regular

Settlement operations, which, although they had been going on there for nearly two years, were still at the very earliest stage. They urged, as it appeared to me, with great force, that they were a primitive agricultural community, that the country having only since 1850 come under British rule, they were utterly unacquainted with our rules and regulations, and could not be expected to appreciate or understand them. They also pointed to the fact that from the mutiny year the country had been so disturbed by the rebels that they had become utterly impoverished owing to their property having been plundered, and their villages burnt, and to their having had to abandon their villages and take to the jungles, so that a large area of land had meanwhile become overrun with jungle.

15. I could not of course fail to perceive at once the force of these arguments; indeed without considering them at all, it was perfectly obvious to me that it was neither to the advantage of the Government to incur the heavy expenses of a regular Settlement and to conclude a Settlement for a long term in the unsatisfactory state of the country, nor fair to the people in their impoverished state to saddle them with the manifold expenses attendant on such a Settlement.
16. Viewing the matter also in its political aspect, I could not but see how desirable it was to remove the ill-feeling against us that had been fostered by the intriguers already mentioned, through the medium of the obnoxious Settlement. I looked forward hopefully also to a time, when by dint of kind and considerate measures, we should have succeeded in making our rule popular, so that in place of opposing us, the people should come to feel that our interests are to a great extent bound up with theirs. I had likewise hopes that in a few years I should be able to diffuse elementary education to such an extent amongst the masses, as to qualify the young men of the district for Putwarees or village accountants and Ameens, and thus obviate the necessity for carrying on the Settlement work with foreign officials, utterly ignorant of the language of the district.
17. Sir Richard Temple on my representing the matter to him at once ordered the suspension of the regular Settlement operations, but it was understood that they were to be commenced when the country became settled. I was ordered meanwhile to complete the enquiries into proprietary rights, which I did; but further insight into the details of the revenue system that had prevailed in these parts not only confirmed me in my first impression that a regular revenue Settlement was not suitable for the Sambalpúr District at that time, but convinced me that it would be many years before such a Settlement could be effected, either with advantage to the Government or to the people.

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18. In accordance with these views in May 1866, when submitting my report on the operations of the year 1865-66, I ventured to suggest that a summary Settlement for a period of twelve years should be effected, and I gave a brief sketch of how I would propose to effect such a Settlement. This proposition led to a long correspondence with Mr. Morris, who was then Settlement Commissioner for these Provinces. The correspondence extended over a period of nearly two years, and at last, in November 1867, Mr. Morris, who was then Officiating Chief Commissioner, addressed a letter through the Secretary to the Settlement Commissioner (Mr. Morris), setting forth that he was not altogether satisfied with the measures that had been proposed by me, and that he thought highly desirable that Mr. Chisholm's opinion should be obtained before issuing definite orders regarding the Sambalpúr Settlement.
19. Agreeably to these instructions Mr. Chisholm visited the Sambalpúr District in February 1868, and after an enquiry which occupied him for some six weeks, he embodied the result of his enquiries in the report which has now been forwarded with your letter under acknowledgment.
20. When Mr. Chisholm's report reached me, I saw at once that he had not appreciated the state of affairs in Sambalpúr in regard to the relative positions of the Gaontyas and rayats; but as Mr. Russell was at the time about to proceed to Sambalpúr, and as I knew that he had had considerable experience in Settlement matters, I requested him to take the opportunity of making independent enquiries, as to the tenures and rights of the cultivating community of Sambalpúr, as compared with those that existed in other parts of the Central Provinces. I further directed to Captain Bowie, who is thoroughly acquainted with the Uria language, to make full enquiries into all such matters in case anything might have escaped me or have been misunderstood by me. The reports of these officers, as submitted with this letter, however, completely confirm the conclusions which I had previously arrived at with regard to Mr. Chisholm's propositions, and I therefore with all due deference beg to explain in what respects I consider these propositions faulty.
21. In the first place I may remark that though perhaps I might have been inclined to consider it a slight on me sending an officer to my district, for a few weeks, to report on a subject with which I had, to say the least of it, been endeavouring to render myself familiar for a period of four years—the more especially as it had not been pointed out to me in what respects my proposed arrangements were not considered satisfactory—I had so great a regard for Mr. Chisholm personally, and such confidence in his

ability, that I hoped that good wood eventually come of his visit, and I accordingly sank my own feelings in the matter.

22. During the time, however, that Mr. Chisholm was in my district, I was myself employed in settling boundary disputes in the Gurjat States, so that I had no opportunity of ascertaining what he was doing, or what was the result of his enquiries, but after he returned to Biláspur he sent me, at my request, the draft of his report for perusal. As I fully expected that before passing orders on it Mr. Morris would have favoured me with a copy officially, I of course took no notice of the draft, but in returning it to Mr. Chisholm I observed that he had altogether underrated the position of the Gaontyas, as compared with that of the rayats, and that I should have to bring the matter to notice on an opportunity being afforded me of so doing. Mr. Chisholm's report was sent in in March 1868, and as two years rolled over without my hearing any more about it, I concluded that it also had not met with approval, and I was all the more surprised therefore when it reached me only the other day, with orders passed on it.

23. The several points of the scheme for a summary Settlement, sketched out by Mr. Morris, as based on Mr. Chisholm's report, may be thus particularised:—

First.—That the Sambalpúr Gaontyas are not landlords in the ordinary sense of the word.

Secondly.—That the cultivators in most cases possess rights co-ordinate with those of the headmen (Gaontyas).

Thirdly.—That the cultivators, in order to secure them in their rights, must be classed as follows:—Those whose position is really strong to be proprietors of their holdings (Malik Makbuzas). Those of less standing, but who are still something more than occasional tenants, to be “hereditary cultivators with absolute rights of occupancy,”* and paying at fixed rates; cultivators of 12 years' standing, without any other particular claim, to be cultivators with rights of occupancy as defined in Act X. of 1859. The periods of occupancy to qualify for the several classes, as proposed by Mr. Chisholm, are considered by Mr. Morris as fair enough, but I was called on to consider whether they are suitable, and also to state my opinion as to whether the ‘residuum’ of the cultivators, viz., the tenants-at-will, should be placed in subordination to the Gaontyas, or under a proprietary community of the Gaontyas and the Malik Makbuzas. Before noting the remaining points of Mr. Morris' scheme it will be as well that I should take up the above points, for as my main object is to show that the “status” of the Gaontyas of Sambalpúr has been alto-

* Under the rules contained in Circular G., I presume.

gether misunderstood and underrated, if that fact be established, it will be a simple business, comparatively, dealing with all other points.

24. I might, by noticing each para. of Mr. Chisholm's report, show in detail how I differ with him, but as this already long letter would thus be protracted to an inordinate extent, I will content myself with placing before the Chief Commissioner what I know to be facts, and considering that I was for six years Deputy Commissioner of Sambalpúr, I am sure Colonel Keatinge will allow my statements full weight.

25. First then I may repeat, for form's sake, as the word must be well known, that the term "Gaontya" signifies the head of a village, and the Gaontyas of Sambalpúr, taking them as a body, have for several generations been the headmen of the villages. I am certainly within the mark when I say that 60 per cent. of them are immigrants, belonging to the higher Hindu classes from other parts of India; consequently, without reference to their position as village headmen, they are, and always have been, socially speaking, superior to the indigenous element of the

cultivating community, and thus it happens that all the villages of any importance are held by Brahmins, Agurreahs*,
 * Supposed to be Rajputs from Agra.
 † These are also to be met with in Assam. Kultahs†, and Rajputs.

26. These people gradually settled down in these parts under the native rule that existed until the year 1850, when the country was held to have lapsed on the death of the last Rájah, Narrain Sing. They generally commenced by taking clearance leases of tracts of dense jungle, and the first lease was always rent-free for a certain term. As cultivation progressed and rayats were collected, a demand was fixed for a short term of generally from three to five years. This demand was often maintained at the same figure through several leases, but in such cases, at the expiration of each lease, the Gaontya would be called on to pay a "Nazarána," which however varied according to the power that the Government of the day had to levy it;—if, for instance, the village had really become prosperous, and there were other candidates looking out for it, the Government could press its demand; but if, on the other hand, the above features were not present, the Gaontyas could not be forced to pay up, as it was more advantageous to get them to remain on any terms especially as, owing to there being such a vast area of land in the surrounding Zamindáris available for cultivation, Gaontyas had no difficulty in getting villages elsewhere;

indeed, owing to the spirit of rivalry which existed between the several Chiefs, Gaontyas and cultivators from one State were joyfully welcomed when they emigrated to others. Thus it came to pass that Gaontyas, though occasionally squeezed, were rarely dispossessed, and the Gaontyas in like manner treated the cultivators with great consideration.

27. In course of time the whole of the country now known as the Sambalpúr Khálsa, with the exception of an inaccessible tract of hill and jungle called the 'Bara Pahár,' was cleared of jungle, and flourishing villages were established in every direction by these enterprising settlers, so that when the country lapsed to us in 1850, just 20 years ago, we found everything in a fairly prosperous and thriving condition.
28. Dr. Cadenhead of the Madras Army was the first officer appointed to Sambalpúr, and no matter what his ideas may have been in regard to the nature of the land tenures as a matter of fact the Gaontyas that he found in possession were maintained in possession. Mr. Chisholm has quoted freely from Dr. Cadenhead's reports in support of his theory that the rayats paid revenue and not rent; and Captain Bowie in his report has, I consider, clearly shown that Mr. Chisholm's deductions are inaccurate; and as Dr. Cadenhead had also only been a very short time at Sambalpúr when he submitted his views on the subject of the land tenures, it is not too much to say that he could hardly have been so well acquainted with the subject as to be taken as an infallible guide. In fact his subsequent letters show that he had a very great idea of the importance of the position of the Gaontyas, and most certainly did not long continue to look on them as mere revenue collectors with no other remuneration for their services than a piece of 'Bhogra' land and no other power over the cultivators than to collect the demand payable to Government.
29. The fact is, there is, I believe, no district in these Provinces where the village headmen have had more power and influence than those of Sambalpúr, and I entirely agree with what Captain Bowie has set forth, that most probably Dr. Cadenhead and Mr. Chisholm were misled by the Gaontyas themselves with regard to the nature of their functions and the extent of their realisations from the rayats, lest by their admissions they should bring on themselves a heavy increase in the demand of their villages. It is needless going over all this ground again, as it is an undoubted fact that in almost every village the Gaontyas always have from time immemorial levied sums in excess of the revenue payable to Government, also that

they got service on stated occasions from the rayats, that they had the distribution of the village lands almost entirely under their own control, all fresh land taken up within the term of each Settlement being added to their Bhogra, or rented by them sometimes to others, irrespective of the general distribution of the rice lands.

30. When we consider also that these Gaontyae tenures are for the most part hereditary, and that the present Gaontyas are the descendants of those who by their energy and industry have cleared the forests, dug tanks, planted groves, &c., it would seem that in common justice we should accord them the same rights as we have accorded to village headmen in other parts of these provinces, whose former functions were of the same nature. A glance at the description given of the Malguzars, Gaontyas, and Pátils by the several Settlement Officers in their published reports will at once convince the Chief Commissioner that practically the Gaontyas of Sambalpúr were just as important in their way as the headmen in the other districts, for in one district we find that previous to our rule the headmen were remunerated by so many ploughs rent-free, in others by a percentage on the Government demand, and so forth, while at Sambalpúr the remuneration was in land and other perquisites.

31. Further it must be borne in mind that these Gaontyas have been in undisturbed possession under our rule for the past 20 years, during which time we have raised the Government demand upwards of 50 per cent., yet there has scarcely been a single defaulter during the whole of that period. Moreover, as I have noted at the commencement of this report, when the Settlement operations were first set on foot, the Gaontyas were told that they would be recognized as proprietors, and though the exact nature of the proprietary rights was not defined, they were clearly given to understand that they would be treated as liberally as others had been treated under similar conditions elsewhere; and we also took credit to ourselves from time to time in that by conferring proprietary rights on the Gaontyas, we had done that which had tended in a great measure to restore peace and tranquillity in a district which had for so long been a prey to disturbances.

See Reports on Revenue Administration from 1864-65.

32. And as a matter of fact the hopes that were held out to the Gaontyas of a fair and equitable Settlement being effected with them, under which they would be confirmed in the full enjoyment of all their ancient rights and privileges, tended more than anything to bring about the satisfactory state of affairs that has existed in the Sambal-

púr district during the past few years, as compared with that which obtained formerly. It is not for me to point to what has been done,—the various published reports show everything clearly enough,—but I may repeat, what I have often said before, that whatever success has been achieved has been entirely owing to the cheerful and hearty co-operation of the village headmen, and to their influence with the village communities generally.

33. I trust that I have now shown that as a matter of right the Gaontyas of Sambalpúr are entitled to be declared proprietors with the same privileges as have been accorded to village headmen elsewhere; and when in addition to this the questions of policy and expediency are considered, the almost absolute necessity for confirming them in their rights becomes manifest.
34. The Khálsa of Sambalpúr is, as is well known, a comparatively small tract* hemmed in on every side by Zamindáris, which are again encircled by Feudatory States; and this being the case, as a matter of course there are in every direction vast tracts of country available for cultivation, and where cultivators will always be welcomed with open arms. If therefore by any sweeping measures on our part our Gaontyas were degraded, and their rayats exalted at their expense, there is every reason to fear that they would give up their villages and take themselves off elsewhere.
35. There can be no doubt also that what has in a great measure hitherto led to their having expended their capital on tanks, &c., has been the sense of security and immunity from exaction under our Government; for since we took over the country, a great number of new tanks have been dug, and nearly the whole of the land available for cultivation has been brought under the plough,—they have in fact made a perfect garden of the Khálsa, so that it contrasts most wonderfully with the neighbouring Zamindáris, but still the soil is the same, or rather the soil of most of the Zamindáris is far richer. And if the Gaontyas once feel that under our Government they are likely to be worse off than under the Native Chiefs, though it might cost them a bitter pang to leave their old homesteads, and to give up the fruits of their labour and energy, I am certain that they would not hesitate in the matter; and in whatsoever position we might have attempted to place the rayats, if the Gaontyas went, a very large proportion of the rayats would go with them, for, as I shall presently show, the bulk of them cannot

* 5,632 square miles.

stand by themselves, and are entirely dependent on their headmen for advances of grain, support in bad years, &c.

36. Again, a set of well-to-do influential headmen and well disposed towards our Government, as the Gaontyas have shown themselves to be, are as a tower of strength in an isolated place like Sambalpúr, and though everything is tranquil now, it is not so long ago that the contrary was the case, and it is certainly not impossible that the time may again come when we shall be glad of co-operation and assistance. I could go on giving illustrations *ad libitum* on these points, but I have perhaps said sufficient to show that it would be neither expedient nor politic to lower the 'status' of the Gaontyas, and that on the contrary we are so much indebted to them, that we ought, if possible, to honor them in every possible way.
37. I now come to the question of the rights of cultivators, and in dealing with this question I submit that all theories about middlemen, peasant proprietors, &c., should for a moment be set aside, until at all events the special circumstances connected with the nature and position of the rayats or cultivators of the Sambalpúr District shall have been considered. We are beginning gradually to see now that it is just possible that systems which are admirably adapted for one part of India may be unsuited for other parts, and that in fact it does not do to apply the same system to all.
38. The rayats of the Sambalpúr District then are a mixed class, made up from the lowest Hindu classes and the aboriginal tribes that formerly occupied the whole country; the villages are, with a few exceptions, small, and the cultivators are mostly poor. Although, from the very nature of the race to which they belong, the aboriginal cultivators are of ancient standing, the circumstances under which they have hitherto held their lands, and under which they must still continue to hold them, their generally low type and low social status, to say nothing of their poverty (and apart also from all questions of expediency already indicated with regard to the treatment of the Gaontyas)—make it in my opinion altogether undesirable that they should be declared either proprietors of their holdings (Malik Makbuzas) or hereditary cultivators with absolute rights of occupancy.
39. I have elsewhere reported on the system followed in Sambalpúr in apportioning the village lands to cultivators; and as Captain Bowie and Mr. Russell have also referred to it at some length, I need only say that by the system of constant redistribution of the rayatí lands, no

cultivator holds the same plot of land for any number of years consecutively ; consequently the area of his holding and the amount of rent leviable is constantly liable to fluctuation. This may or may not be a good system, but it is the system that has been in force for centuries, and it commends itself to the people, and to stop it would be to revolutionize the whole village economy.

40. It is quite evident, however, that so long as the system continues there can be no such thing as Malik Makbuzas and rayats with absolute rights, for the essence of the whole arrangement is changed and the recognition of all the rights of cultivators is equal.
41. In my letter No. 3119, dated the 5th instant, I brought to notice the difficulties that have been experienced in the Ráipúr District, consequent on a system of redistribution of village lands having also prevailed there, so that we have practical experience of the impossibility of working such a system in harmony with our Settlement arrangements. I would, of course, be only too glad to see some arrangements made, under which, if possible, the condition of the rayats could be improved ; but I am convinced that the very worst thing that we can do is to create a spirit of antagonism between them and their headmen. In my letter above quoted I have shown how fatal have been the effects of such antagonism in Ráipúr, and it would be even worse in Sambalpúr.
42. It is all very well to aim at securing well-to-do rayats in valuable lands which they have long held, and to give them heritable and transferable rights therein, but where, as in these parts, the land is of no great value, and fixity of tenure not appreciated, such arrangements are of no use whatever, and any measures we may wish to take to improve the condition of the cultivators must be gradual and in keeping with the existing state of society and village economy.
43. The great security that the rayats have against oppression and exaction is, that they are themselves so valuable, owing to the demand for cultivators in every direction ; and it seems to me that if we declare that they shall only be called on to pay such rents as may be fixed at the time of Settlement, or as may be afterwards fixed on a redistribution, absolving them also from extrinsic payments, we shall have done everything that is necessary for them, at all events with regard to the summary Settlement about to be undertaken.

53. I sincerely trust that exception will not be taken at my having perhaps recorded somewhat freely my views and opinions. I can safely say, however, that I have only done what I consider it was my duty to do, and I feel sure that if Mr. Morris had for a moment supposed that there were any grounds for questioning the facts given in Mr. Chisholm's report, he would not have passed his orders until all doubts had been satisfactorily cleared up. Mr. Chisholm also, I am certain, would gladly admit that, even with his general knowledge as a Settlement Officer, he might have been misled by interested parties, and been consequently induced to accept what was apparent in the revenue system of the Sambalpúr District, rather than what was real. His stay also in the district was so short as to preclude the possibility of his checking by further enquiry any of the information that had been given him. As for myself, my immediate connection with Sambalpúr has most probably now ceased for ever; but I should have been wanting in consideration for the simple people of that district, amongst whom I dwelt so long, if I had not pleaded their cause to the best of my ability, especially as in a purely agricultural community the Settlement of the land is the question of all others which affects the welfare of all, high and low."

C.

Extract from letter No. 3119, dated 5th August 1870, from the Commissioner, Chhattisgarh Division, to the Secretary to the Chief Commissioner, Central Provinces.

* * * * *

- "16. These arrangements have naturally been a good deal interfered with under our system, and the creation of "Malik Makbuzas" and "Mouroosee" tenants of various kinds and classes naturally induced an antagonistic feeling between the Malgoozars and rayats. In creating these rights, or rather in declaring them to have been acquired, we of course, as we always do, acted with the very best intentions, but we had apparently not quite contemplated what the result would be.

- "17. At first it was understood that Chhattisgarh rayats, in consequence of the redistribution of the field system, were not to have occupancy rights, and I believe that the assessment was almost completed and rent-rolls made out on this understanding. The late
1. From Secretary to the Chief Commissioner, Central Provinces, to the Settlement Commissioner, Central Provinces, No. 258-13, dated 19th January 1865, with enclosures, viz. :—
 - 1.—No. 3313, dated 18th July 1864, from the Secretary to Chief Commissioner, to the Government of India.
 - 2.—Government reply No. 310, dated 22nd December 1864.

Commissioner, however, who by the way wished to make every rayat a "Malik Mukbooza," re-opened the question, and hence arose the correspondence to which I have alluded in the opening portion of the letter, and which resulted in cultivators being declared entitled to rights of occupancy under Circular G.

"18. The consequence of this was that rents which had before been fixed were reduced in cases of rayats who were found under the new orders to be entitled to rights of occupancy, but the Government demand which had been also fixed was maintained at the same figure; so that in a village where many Mouroosee rayats were declared the Malgoozars' rent-rolls were considerably decreased at once, and in fact all the old village arrangements were completely upset. As before shown, however, up to that time the great bulk of cultivators had been entirely dependent on the Malgoozar, and though under our system their position had apparently been improved, they were still not able to carry on without the customary assistance of the Malgoozar. If the Malgoozar withheld that assistance or attempted to recover his outstandings of grain advances, the cultivators were at his mercy, and thus the Malgoozars have in many instances again become masters of the situation in spite of all our benevolent intentions.

"19. In reporting in my letter No. 2750 of the 11th ultimo on Takávi advances, I brought to notice how a certain Tahootdar had in a similar manner recovered the proprietorship of a large number of villages in which we refused to recognise him as proprietor, and if this could be brought about in the case of proprietors of whole villages, it is not to be wondered at that the rayats have had to relinquish rights."

Extract from letter No. 2680, dated 22nd July 1870, from the Deputy Commissioner of Raipur, to the Commissioner of the Chhattisgarh Division:—

"Everything being now ready for the preparation of the Annual Putwarees' papers, I have the honour to request your instructions on one or two points before commencing operations:—

"1st.—As regards the practice of partition of village lands, commonly called 'laka,' paras. 170, 171, 172, 173, 174, 234 and 235 of Mr. Hewitt's Settlement Report fully detail the system of 'laka' in vogue, and the difficulties which even during the currency of the Settlement were experienced in consequence. Partition in this manner has taken place in 55 villages in Raipur Tahsil alone, to say nothing of the other three Tahsils; and the result is that

in these villages not one single field is held by the same man as in the preceding year ; fields are sub-divided and cut up into infinitesimal pieces, and it is impossible without re-measurement to ascertain the actual area or position on the map of any one man's holding. Measurement would cost too much to be contemplated, and in fact it could not be done in time to admit of the papers being filed within the year, so I beg you will give me instructions how to proceed. Am I to file papers for those villages only in which "batta" has not taken place ? And how am I to manage for others ? The column of remarks could not contain the changes that would be required, and, as stated above, the information regarding the area could not be got at all.

- "2nd.—As regards 'Mouroosee' tenants, many Mouroosee tenants are paying much more than the rent fixed on them at Settlement of their own free will. What rate is to be entered opposite their names ? the rent they actually pay or what ?
- "Many 'Mouroosee' tenants have handed over their lands to the Malgoozars, saying that they don't wish to be 'Mouroosees' any longer. Are these lands to be recorded in the name of the Malgoozar or tenant ? And are the tenants to be entered as Mouroosee or Gair-Mouroosee according to their own wish ?
- "Many Mouroosee tenants have left their lands and gone to other villages, where they don't hold the invidious position of being 'Mouroosee.' How are their names to be recorded in the new village to which they have gone ? And are they to be left out of the list of the village in which they were declared 'Mouroosee' ? And is the name of the man to whom their 'Mouroosee' land has been given to be entered as tenant ?
- "Many Mouroosees have come to terms with their Malgoozars, agreeing to give up their rights for a consideration, and have filed Rázinámas to that effect. Are they to be entered as 'Gair-Mouroosee' or how ?
- "When a Mouroosee tenant wants to get rid of the distinction of being a Mouroosee, how is he to proceed to get his name removed from the record ? Is there no way but for him to leave the village ?"
-

No. O., dated Calcutta, 18th January 1871.

No. 3.

From—J. F. MUIR, Esq., Offg. Asstt. Secy. to the
Chief Commr., Central Provinces;

To—C. U. AITCHISON, Esq., C.S.I., Secretary to the
Govt. of India, Foreign Dept.

THE question of the Sambalpúr Settlement is now under the consideration of the Government of India.

Subsequent to the submission by the Officiating Chief Commissioner to the Government of India of the papers in the case, a report No. 4792, dated 27th December 1870, from the Commissioner, Chhattisgarh, has been received. This report, as it contains further valuable information on the subject, I am now directed to submit.

No. 4792, dated 27th December 1870.

From—CHARLES GRANT, Esq., Commissioner, Chhattisgarh
Division;

To—Secretary to Chief Commissioner, Central Provinces.

YOUR letter No. 3031-319, dated 25th November, reached me in camp, at a considerable distance from head-quarters, and as the information which is required by the Chief Commissioner had to be obtained from the Deputy Commissioner of Sambalpúr, who was also on tour, my reply has been unavoidably delayed.

2. I am now, however, in a position to answer fully the questions put in the 2nd paragraph of your letter, *viz.*, "whether any intimation was conveyed to the Gaontyas that all Gaontyas regularly appointed should be considered *proprietors*, and also whether any notification to the above effect was ever issued."

3. On the 13th October 1862 a proclamation was issued, in which it was notified that a new settlement would be effected, and that, whereas all former settlements having been made for short terms, without enquiry as to the rights of the Gaontyas, their minds were unsettled, and they had not been in a position to do justice to their villages; the coming Settlement would hold good for 20 or 30 years, and the proprietary right (*milkiyat*) would be conferred on all Gaontyas who might be found, on enquiry, to be entitled thereto. Further, all Gaontyas on whom such proprietary rights might be conferred would be proprietors (*malik*) of their villages, and would have an heritable and transferable right thereto.

4. The terms held out by this proclamation were repeated and confirmed by the Chief Commissioner (Mr. Temple) in public *Darbár* held at Sambalpúr on the 9th March 1863. In his address to the Gaontyas on that occasion he fully explained to them the nature of the privileges which had been conferred upon them by the grant of proprietary right in their villages.

5. Shortly after this Darbár, the formal investigation of the rights of claimants to proprietorship in the various villages commenced, but the mass of the cases were decided in 1864 and 1865. In making the awards occasion was taken afresh to explain to the grantees the nature and extent of the privileges which had been conferred upon them.

6. It will be seen, therefore, that the administration lost no opportunity of impressing on the Gaontyas that they were to obtain a right of proprietorship with all its incidents and privileges in contradistinction to a mere right of farm or management. That this pledge was thoroughly understood and accepted by the people themselves is abundantly clear from the course of after-events. The district, which had for many years back been in a chronically troubled state, has for the last few years been peaceful and prosperous; there has been a great extension of cultivation, and from 200 to 300 new tanks have been constructed. The first signs of these practical good effects of the proprietary grants were noticed in the Administration Report of 1864-65, and since then repeated testimony has been borne to the hearty and loyal spirit with which the Gaontyas have met Major Cumberlege's most successful efforts for the introduction of education, vaccination, and other measures, which, however advantageous to the people, are seldom greeted with anything warmer than passive consent.

7. Having thus supplied full materials for replying to the only question put to me, I am not sure whether anything further is required from me at present. But as my enquiries during my recent tour in the Sambalpúr District enable me to throw some light on two or three of the points discussed by the Chief Commissioner, it may, perhaps, be useful if I note here what I have been able to gather with regard to them.

8. First, as regards the relative *social* position of the Gaontyas and cultivators (Section 2 of Chief Commissioner's Minute). It seems a mistake to suppose either that the Gaontya and his cultivators are, as a rule, of one stock, and form cultivating communities headed by a chief of their own blood, which is the view I should take from Mr. Chisholm's report; or, on the other hand, to infer that the Gaontyas are invariably separated from their tenants by a wide interval in means, station, and position. The last of these views is, perhaps, the more generally true of the two, and the majority of the cultivators undoubtedly appear to belong to the aboriginal or semi-aboriginal classes, which are at present hopelessly inferior to the more highly developed immigrant castes. But there is one numerous tribe, the Koltas, who contribute largely to the cultivating body as well as to the proprietary class; and there are several artisan cultivators and others of isolated castes scattered throughout the district, who do not depend on the Gaontyas for support. Altogether it is estimated that about one-fifth of the cultivating body is fairly independent and substantial. On the whole, it seems to me that the cultivators of Sambalpúr are little, if at all, more depressed as a body than those of Narsingpur (a district which I re-

settled) prior to the 20 years' settlement in 1836. The effects of that Settlement certainly were to raise the cultivating body from a very poor position to a very strong one, and yet I do not think it afforded a greater measure of protection to them than the safeguards by which it is proposed to secure the position of the Sambalpûr tenants. The risk (in either case), as Colonel Keatinge points out, would be that ignorant cultivators should not sufficiently prize and guard the new rights conferred upon them; and the case of Raipur is taken by the Chief Commissioner as an example. But though the changes

*Accompaniment to the Chief Commissioner's memorandum received with the letter now under reply, being extract from Commissioner Chhattisgarh Division's letter No. 3119, dated 5th August 1870, and Deputy Commissioner Raipur's No. 2680, dated 22nd July 1870.

described in paper C.* undoubtedly give ground for reflection, it must be remembered that nothing is so trying to a new Settlement as to be followed by a famine, without even a year's breathing time, and that we should probably have heard little of resignation of rights had the rainy season of 1868 been up to the average. As it was, the malgoozars gave a way nearly as much as the hereditary cultivators in the worst part of the affected tract (Lon), and there is so far no reason for supposing that the former would generally either try to shake off tenant-right, or would succeed in doing so, if all went well. Until the village papers for 1869-70 have been filed, it will be impossible to say how the lower classes of tenant-right have fared during the year succeeding that of the great distress; but all my enquiries tend to show that the peasant proprietary (malik makbuza) tenures are now standing very well, and are fully appreciated by their possessors.

9. If, however, Colonel Keatinge is not inclined to give these considerations the weight which they have with me, might not the future position of the Sambalpûr tenants be still further guaranteed by telling the Gaontyas that the Government confirmed their proprietary rights on the condition, or rather with the limitation that the question of tenant-right should be left open for decision at the close of the coming Settlement? If they accepted this condition,—and I am inclined to think that, confiding in the justice of the Government, they would accept it,—the cultivators would gain twenty years' breathing time to settle down and learn the value of occupancy rights, while it is not likely that the growth of cultivating rights would be so strong as to overshadow and render valueless the gift, now made, of proprietary right. There are some obvious objections to this plan, but it seems to me to give almost the only possible means of prolonging our support to the cultivators, while respecting our solemn pledge to the landlords.

10. There remains to be noticed a minor point, which, however, may be useful in estimating the mutual position of the Gaontyas and the cultivators. It seems to have been generally understood that the former only levied from the latter the amount of the Government revenue; but this, I am informed, is not the case. In the majority of villages, the amount of the rents levied from the cultivators is

in excess of the Government revenue, and until within the last few years, the Deputy Commissioner informs me, no objection was ever offered by the tenants to paying more than their quota of the Government revenue. The cause of enhancement of rent was in nearly all of the cases into which I enquired the construction of a tank by the Gaontya, and the consequent increase in value of the lands irrigable from it; but there seems to be even yet no strong public feeling against a Gaontya's raising his rents simply for his own convenience.

Letter from C. U. AITCHISON, Esquire, C.S.I., Secretary to the Government of India, to Lieut.-Col. R. H. KEATINGE, C.S.I., and V.C., Offg. Chief Commissioner of the Central Provinces, No. 20-R., dated Fort William, the 1st February 1871.

No. 2936-241, dated 14th November 1870.

No. O, dated 18th January 1871.

I have received and laid before the Viceroy and Governor General in Council your Secretary's letters noted on the margin,* regarding the settlement of the district of Sambalpúr.

2. In reply, I am directed to request your consideration of the following important points, on which, after instituting a careful enquiry, His Excellency in Council would be glad to receive a report.

I. It is stated in Mr. Ricketts' report and also by Major Impey that the Gaontya was originally a lessee of the village, holding generally on a five-years' lease; and that the renewal of his lease mainly depended on the due and able performance of his duties, and on his regularity in paying the revenue. Is this a correct description of the Gaontya's original tenure before 1862?

II. These officers together with Dr. Cadenhead and Mr. Chisholm also held that the Gaontya had not the power to take from the cultivators anything more than the Government demand. On the other hand, Major Cumberlege, and Mr. Grant, the present Commissioner, hold that the Gaontya had the right to take rent over and above the Government revenue, and did as a matter of fact take it.

Which of these statements is in accordance with fact?

III. If Major Cumberlege's statement is correct that the Gaontyas have always from time immemorial levied sums in excess of the revenue payable to Government, did these payments differ in any essential respect from miscel-

laneous dues usually levied by farmers of revenue, or at any rate by village managers possessing a hereditary right to the management?

IV. Mr. Chisholm states "that tenant-rights in Sambalpúr are so strong as in most cases to constitute the tenant a proprietor." On the other hand Major Cumberlege says: "There is, I believe, no district in these provinces where the village headmen have had more power and influence than those of Sambalpúr."

Which of these statements is correct?

V. In what respect precisely were the relations of the Gaontiyas to the cultivators and the land, as they previously stood, affected or altered by the Settlement which was commenced in 1862?

Did that settlement give the Gaontyas any powers over the cultivators and the land which they did not formerly possess? and if so, what?

VI. Do the Gaontyas and cultivators fully understand and realize the effect of that Settlement on their relations as formerly existing? And what change do they suppose it to have made?

VII. If the Sanads given to the Gaontyas be confirmed, what is the least that would satisfy the Gaontyas as fulfilling the declaration made to them?

No 5. *Letter from the SECRETARY to the CHIEF COMMISSIONER, Central Provinces, to the SECRETARY to the GOVERNMENT of INDIA, Foreign Department, No. $\frac{1118}{81}$, dated Nágpúr, the 29th May 1871.*

I am directed to submit, for the information of His Excellency in Council, replies to the seven questions put in your letter No. 20-R, dated 1st February, in connection with the Land Revenue Settlement of Sambalpúr.

2. In order to obtain the very best and most trustworthy information, Colonel Keatinge desired the Commissioner of Chhattísgarh to obtain from the Deputy Commissioner and Settlement Officer of Sambalpúr distinct answers to the various questions, and to submit also his own views on each point separately.

3. The answers received from these officers to the various questions have been extracted from their reports and placed together, and Colonel Keatinge's remarks on each answer have been added. The Officiating Chief Commissioner believes that these extracts will enable His Excellency in Council to appreciate the various points on which information was desired; but copies of the full reports of the Deputy Commissioner and the Settlement Officer of Sambalpúr, and likewise of the Commissioner of Chhattisgarh, are also forwarded in manuscript.

4. Colonel Keatinge only desires to remark on these reports that he is disappointed that the various local officers have not taken a broader view of the question by carrying back their enquiries into the condition of these agricultural communities as they existed prior to 1850. Not one of them has endeavoured to realize the state of affairs as it then was, or seen that it was necessary to go back to the relative positions of Gaontya and cultivators, under native rule, before the administration of the country by British officers had imported change into the relationship which subsisted between the village head and the body of cultivators.

5. Instead of carrying back their inquiry so far they have contented themselves with describing the communities, as they became when their old customs were already struggling with our foreign system; and it is this, which has imparted to the whole correspondence the contradictions which have made it so unsatisfactory.

Extracts of opinions expressed in reply to the questions put in Foreign Secretary's letter No. 20 R, dated 1st February 1871, regarding tenures in Sambalpúr.

Question I.—It is stated in Mr. Ricketts' report, and also by Major Impey, that the Gaontya was originally a lessee of the village, holding generally on a five-years lease; and that the renewal of his lease mainly depended on the due and able performance of his duties, and on his regularity in paying the revenue. Is this a correct description of the Gaontya's original tenure before 1862?

Mr. A. M. Russell, Settlement Officer.—No.: this is not a correct description of the Gaontya's original tenure before 1862. On the contrary [a hereditary title to the Gaontyaship was both respected and maintained prior to 1850, when the country belonged to the Rája, and after 1850, when it lapsed to the British Government,] whatever theories may have been entertained on the subject by Mr. Ricketts and Major Impey. Of course there was a renewal of

leases, if short-term re-settlements common to all Native States must be called by that name, after every three or five years during the Rájá's time. The re-settlement was a nominal measure, the principal object being to exact a "Nazarána" at each new Settlement, and those who could not sometimes give the excessive "Nazarána" demanded, were ousted by the Rájá. In none of the Garhjáts States I have mentioned does the position of the Gaontya, in the present day, seem to be that which Mr. Ricketts and Major Impey have mentioned. On the contrary old and hereditary Gaontyas is the rule. Even in our Khálsa Zamindáris at Kolabira, Barpáli and Phuljhir, all the villages, with the exception of a few which the Zamindárs keep Khálsa and sometimes lease out for short terms, are held by Gaontyas whose families have had the Gaontyaship for generations, and in many cases have founded the villages. A very large proportion of the villages of this district are held by families who claim to have founded them and are generally admitted to be the "Khuntkutti" Gaontyas, that is, those whose ancestors reclaimed the land from jungle: Are these men "lessees" because the Rájá, and after him for some time the British Government, chose to make short-term Settlements with them?

Captain M. M. Bowie, Deputy Commissioner.—I do not consider that the description given by Mr. Ricketts and Major Impey of the tenures of the Gaontyas of this district is a true one, for in my opinion they were never held to be mere lessees of their villages, holding on terminable leases. The great majority of our Gaontyas are the direct descendants of the founders of the villages they now hold, and from time immemorial the idea of hereditary right to a village, founded by an ancestor, appears to have prevailed among the people. It is true also that sometimes exorbitant Nazaránás were demanded by the Rájás, and that Gaontyas were turned out because they were unable to pay these Nazaránás, but when this happened it was always considered a piece of gross injustice.

I have already mentioned that a large majority of the villages of the district are held by the descendants of the original founders: and I may here add that, even in those instances where this is not the case, the present holder can always point to a tank, a grove, or some other material improvement, which has been effected in the village by himself or his forefathers, and on which he can base a claim to be considered something better than a mere lessee of the village. The most noticeable features of the Sambalpúr District are the fine tanks and magnificent mango groves which are everywhere to be met with, and nearly all of these owe their existence to former or present Gaontyas of the villages near which they are situated.

Major A. B. Cumberlande, Commissioner.—Mr. Russell has shown pretty clearly, I think, that the renewal of leases by the Native Government, every five years or so, was a mere formality, and that with all old Gaontyas the leases were renewed as a matter of course. If, however, any Gaontya had systematically withheld the demand leviable by the Government of the day, he would doubtless have been turned out summarily, quite independent of any lease.

As to the "due and able performance of duties" on the part of Gaontyas, so long as they were submissive towards their Chiefs and paid their revenue, their general proceedings, in connection with village management, were never called into question.

Officiating Chief Commissioner's Review.—Everything in these replies indicates that the Gaontya was an hereditary lessee according to the rude system of these wilds. His office was hereditary subject to good conduct, just as was the Court-barber's and the Court-cook's; but there is nothing to show that the Gaontya could alienate his village without express permission of the Chief, or that by forcing a cultivator to abandon his field, he could obtain any rights over it greater than he possessed over the land of the oldest cultivator in the community.

There is no use in looking for more definite rules, because they do not exist; and it is abundantly evident that if we make the Gaontya "Proprietor" and maintain Act X. of 1859, we shall place him in a position of power he could not possibly have aspired to before 1850.

Question II.—These officers, together with Dr. Cadenhead and Mr. Chisholm, also held that the Gaontya had not the power to take from the cultivators anything more than the Government demand; on the other hand, Major Cumberlege and Mr. Grant, the present Commissioner, hold that the Gaontya had the right to take rent over and above the Government revenue, and did, as a matter of fact, take it. Which of these statements is in accordance with fact?

Mr A. M. Russell, Settlement Officer.—In theory perhaps the opinions held by Messrs. Ricketts and Chisholm, Major Impey and Dr. Cadenhead are correct; but in practice the opinions held by Major Cumberlege and Mr. Grant have been the rule. As the Gaontya's share of the profits of the village consisted of a certain portion of the lands held by him rent-free, the rent fixed on the village was supposed to be spread over the holdings of cultivators, and the Gaontya was supposed not to exact more from them beyond

ordinary village expenses; but the Gaontya had to pay the Rája a heavy Nazarána on getting a fresh patta, and must needs recoup himself by taking enhanced rents from the cultivators over and above what they should properly pay, and did so without any questions being asked.

Captain M. M. Bowie, Deputy Commissioner.—My reasons for considering that Dr. Cadenhead was wrong were given fully in my No. 1438, dated the 30th July 1870; and as the result of all further enquiries which I have made and of my continued experience in the district has been to confirm me in the views then expressed, I would here simply repeat in substance what I said in that letter. To my mind it seems impossible for any one, who has any knowledge of the village system prevailing in the Sambalpúr District and in the surrounding Garhjat States, to hold the opinion that there ever has been a rule limiting the amount of the Gaontyas' demands against

the rayats. It is true, as has been stated by Dr. Cadenhead and also by Mr. Chisholm, that the lands of a village are divided into "Service" and "Rayati" lands; but it is most essential to remember by whom this division was effected. These officers would seem to hold that the division was effected by the Ruling Powers, and that the Gaontya was allowed a share of the "Service" lands as remuneration for his trouble in collecting the revenue payable on the "Rayati" lands; but such was never the case. The Gaontya was absolute master of all the lands in the village; it was he who made the division into "Rayati" and "Service" lands, and he retained to himself the right of, at any time, altering or revising this division.

I have over and over again made enquiries as to the system followed, both in Sambalpúr and the surrounding Native States, when a new village has been founded; and I have found it to be everywhere the same. A grant of jungle land having been made by the Rája, part of this was cleared and, as a rule, a tank constructed; the nucleus of a village having thus been formed rayats were collected, and year by year more land was cleared and brought under cultivation. As a rule the land immediately under the tank was retained by the Gaontya as being the best, while the remainder he distributed among the rayats according to their capabilities and requirements, and the amount of land available. In the first instance these grants of jungle land were always given by the Rájas rent-free for a term of 3 or 10 years, but at the end of this term some small rent was demanded, and as the village increased in size and importance this rent was raised either by an actual increase in the annual jama or by the levy of heavier Nazaránas when a fresh patta was granted, but no interference whatever was exercised in respect of the distribution of the lands by the Gaontya, and no enquiries as to the proportion that had been given over to the rayats were ever even thought of. It is also, it would seem to me, utterly impossible that the idea of limiting the Gaontya's power, in regard to what he levied from the rayats, could spring up under the system which prevailed here of levying a Nazarána every five years from the Gaontyas.

The Gaontya always had to pay this Nazarána to the Rája in a lump sum, but it was in the nature of things impossible for him to recover it at once from the rayats, and he accordingly must have been forced to do the best he could to reimburse himself before the next demand came upon him, getting probably in one year more and in another year less, and being either a gainer or a loser according to what he had succeeded in exacting from the rayats. How then is it possible to suppose that any restriction could have been placed upon him as to the amount that he was to levy from the rayats in any one year, or during the whole period of the 5 years which he had to reimburse himself in?

No answer by Major Cumberlege.

Officiating Chief Commissioner's Review.—Under the system of constant re-settlements and heavy Nazaránas, describe dby the local officers in reply to Question I, it is obvious that the main check on

the amount of rent taken by the lessee was the facility with which the cultivators, when over-burthened, went off in search of other lands. This remedy will fail them when cultivation extends and the excess wastes are reserved, and we may then find that we have made a few score rich zamindárs and a population of agricultural serfs.

Question III.—If Major Cumberlege's statement is correct, that the Gaontyas have always from time immemorial levied sums in excess of the revenue payable to Government, did these payments differ in any essential respect from miscellaneous dues usually levied by farmers of revenue, or at any rate by village managers possessing a hereditary right to the management?

Mr. A. M. Russell, Settlement Officer.—It is shown that enhanced rent plus Government rent, besides "miscellaneous dues" here called "abwab" is generally levied by the Gaontyas and paid by the tenants without any objection.

Captain M. M. Bowie, Deputy Commissioner.—The sums levied by the Gaontyas from the rayats in excess of the revenue payable to Government cannot, for a moment, be considered as miscellaneous dues usually levied by farmers of revenue; such dues are levied separately in every village and from each rayat in proportion to the amount of malgúzari which he pays, while the rent, levied by Gaontyas in excess of the Government demand, forms an integral portion of each malgúzari.

In my enquiries regarding the 56 villages, above referred to, I found that the almost invariable rule had been that the rent payable by the rayats was raised on a tank being constructed or some other improvement being effected by the Gaontya, whereby the value of the land had been increased; so that there can be no question that the rayats pay the increased rent, knowing it to be rent and nothing else.

Major A. B. Cumberlege, Commissioner.—In many villages it has been found that the rent or amount payable by each rayat on the "kut" or share held by him was increased, the Government getting the original sum and the Gaontya all over and above that amount. It is plain that a collection of this nature is quite different from the levy of miscellaneous dues usually collected by farmers; such dues as these were invariably collected by the Gaontyas.

Officiating Chief Commissioner's Review.—The sums levied by the lessees were no doubt rent,—rent collected to enable them to pay the Chief's varying demands, and to give them a profit to live upon.

Question IV.—Mr. Chisholm states "that tenant rights in Sambalpúr are so strong as in most cases to constitute the tenant a proprietor." On the other hand Major Cumberlege says:—"There is, I believe, no district in these Provinces where the village headmen have had more power and influence

Mr. A. M. Russell, Settlement Officer.—Unquestionably Major Cumberlege's Statement is the correct one, and any officer of the least experience would come to the same conclusion after a three months' residence in the district. My experience of tenant rights and proprietary rights extends over a vast and varied tract, and

"than those of Sambalpúr." nowhere have I seen the tenant Which of these statements is more subservient to the Gaontya than here. It is he who distributes the village lands, not only correct?

when there is a re-distribution on account of the admission into the body of cultivators of a newly arrived tenant, but as each cultivator pays a certain "kut" (a fraction of the village unit by which the rent is apportioned) he is entitled to an equitable share of good and bad land in proper proportions. No one but the Gaontya can do this, and his decision is final. In a large portion of the district the Gaontya supplies seed-grain to the bulk of his cultivators. He incurs all village expenses in the first instance and then realises the amount from his tenants in proportion to their rents. This has been called "auditing of village accounts" to show that the tenants possess an equal voice in the matter with the Gaontya; but in point of fact such is not the case, and very few complaints regarding this matter come before the Courts except when the Gaontya's demands assume exorbitant proportions. * * * * *

Again, if a tenant possessing the means wishes to dig a tank in his own lands he has to ask the Gaontya to turn the first sod, a symbol indicating that he is the real owner of that tank, to prevent the tenants putting forward a claim to the tank hereafter in the event of his giving up his holding or leaving the village.

Captain M. M. Bowie, Deputy Commissioner.—Mr. Chisholm also illustrates the power of the rayats by stating that they have a meeting once or twice a year, when the elders audit the items of village expenses which have been incurred by the Gaontya. But what really happens is this: the Gaontya in the first instance pays all the village expenses himself, and at the end of the year calls a meeting of the rayats at which he informs them what he has spent and assesses what each rayat has to pay in accordance with the value of his holding. * * * * * I have myself known the expenses of a Gaontya when he went to attend the marriage of a relative at a neighbouring village to be thus included, and paid by the rayats without the slightest question. The fact is that in this, as in all other matters of village management, the rayats dare not as a rule question the will of the Gaontya; and it is altogether incorrect to say that they have ever exercised the power of auditing the accounts submitted by the Gaontyas.

Mr. Chisholm further in his remarks implies that under the Native Government in Sambalpúr, tenant-rights were acknowledged; but surely this is contrary to all our experience of what Native rule really is; and if tenant-rights were acknowledged under Native rule in Sambalpúr, we might naturally expect to see such rights still existing in the neighbouring Garhjat States. The very reverse of this, however, is the case, and in all these States the power of the Gaontyas over their rayats is, in all matters connected with their lands, absolute; the Native rulers, so long as their own demands are satisfied, troubling themselves very little with what a Gaontya does in his village; and the only way in which

the rayats appear to be able to resent oppression on the part of the Gaontya is by leaving the village in a body and going somewhere else. Even in Sambalpúr this method is still sometimes adopted by the rayats. * * * * * On the other hand, a mere enumeration of the powers and privileges of the Gaontyas will show that Major Cumberlege's view as to their position is correct. As a rule they are the only men of substance in their villages, and the majority of the rayats are dependents on them for assistance in times of trouble or distress; the annual distribution and allotment of the village lands is entirely in their hands; they have absolute control over the "Barcha" or sugarcane lands; they regulate the supply of water from the village tanks.

Major A. B. Cumberlege, Commissioner.—The details entered into by Mr. Russell will, I think, be found quite sufficient to prove that what I have elsewhere set forth in regard to the subordinate position of the rayats of Sambalpúr, and the great power and influence of the village Gaontyas or headmen, may be relied on.

Officiating Chief Commissioner's Review.—I have long held that the *raison d'être* of the Indian village system was a necessary combination of the cultivating classes against the tyranny of the rulers, and that its decline is the inevitable consequence of any good Government which makes the combination no longer necessary.

The history of the Sambalpúr village community, as given in this correspondence, shows that the Gaontya was not a member of the community but a middleman employed by the Chief to extract revenue from it. It is shown that the community knew no distinction between old and new cultivators, but when recruits joined they redistributed their lands so as to give the new man an equal share with the others of the good and bad soil, and in all their dealings they acted as a body, dealing with the Gaontya as with the agent of the Chief, not as individual men settling with their own master. As a separate person each Sambalpúr cultivator had undoubtedly no tenant-right or individual right in the soil of any other description. But as a member of a community which had it always in its power to make a noisy demonstration and to ultimately ruin the Gaontya by deserting *en masse* and leaving him without means of meeting the Chief's demand, the cultivator enjoyed the most undoubted power of resisting undue taxation. It cannot perhaps be called tenant-right, because the individual relation of landlord and tenant never existed between the parties.

Question V.—In what respect precisely were the relations of the Gaontyas to the cultivators and the land as they previously stood, affected or altered by the Settlement which was commenced in 1862? Did that Settlement give the Gaontyas any

Mr. A. M. Russell, Settlement Officer.—It is not very clear what is the meaning of this question. The Government are doubtless aware that all that has been done since 1862 is to award proprietary rights to the Gaontyas best entitled to them and there the

powers over the cultivators and the land which they did not formerly possess ; and, if so, what ? matter stopped. The Gaontyas and their co-sharers were made to understand that, by the award of the Settlement Officer conferring the proprietary rights of the village upon them, they became absolute proprietors, acquiring all the rights of property in the land, such as the power to sell, mortgage, or alienate it as they pleased. But they were also given to understand that, as has been done elsewhere, all subordinate rights, such as of inferior proprietors, of proprietors of holdings, and tenant-rights of various shades, would be hereafter conferred and defined. For this they are still waiting, as nothing has yet been done. To the second clause of the question I may reply that the only Settlement operation yet performed, namely, the conferring of proprietary rights on Gaontyas, did not give them any power over the cultivators which they did not possess before, nor over the land in addition to what they already had ; but the Government unwittingly introduced one measure which certainly *did* make an important change, if the theory about equality of tenant-rights with Gaontya tenures was correct, and that was the extension to this district of Act X. of 1859, by Section 25 of which with increasing demand for land owing to the produce of the district being now more largely exported, the Gaontyas might have turned out half of their tenants and taken their lands under their own cultivation. But happily they did not think of availing themselves of the new powers conferred upon them ; on the contrary, the cultivators have taken more advantage of the provisions of the Act, clause 6, Section 23, whenever the slightest attempt was made by the Gaontya to deprive them of any portion of their holdings.

Captain M. M. Bowie, Deputy Commissioner.—This question would appear to have been put under a mis-apprehension as to the stage to which Settlement operations in this district have been carried. Except that proprietary rights have been conferred on the Gaontyas, nothing has yet been done ; and the relations between the Gaontyas and rayats have consequently not in any way been affected by the Settlement which was commenced in 1862. I may add, however, that the introduction of Act X. of 1859 threatened to work a complete change in the relation between the Gaontyas and the cultivators, and if its provisions had been fully enforced, no doubt would have done so ; but under the peculiar circumstances of this district this could not be done, and all our endeavours have been directed towards keeping matters in *statu quo* until the Settlement should be completed, and thus the relations of all parties may be said to be just the same as they were before 1862.

Major A. B. Cumberlege, Commissioner.—The regular Settlement operations commenced in 1862, having been suddenly stopped shortly after the declaration of the Gaontyas as proprietors ; the Gaontyas were quite contented to hold in abeyance the rights and prerogatives appertaining to proprietors under our system until the subordinate tenures had been settled.

Act X. of 1859 had however been introduced into the Sambalpúr District in 1861-62; and from that time the Gaontyas have been supposed to conform to that law in their dealings with their tenants. Thus they could have enhanced rents, or have dispossessed under the said law all rayats not having rights of occupancy. As a matter of fact, however, the Ggontyas did not take advantage of the law; and indeed, as I pointed out on several occasions, the introduction of Act X. of 1859 into Sambalpúr was premature to say the least of it. It may be noted, however, that the rayats to some extent endeavoured to take advantage of the Act to recover possession of land from which they alleged that they had been unjustly ousted; but, as far as my memory serves me, such claims were seldom found to be valid, but were generally on the part of the rayats who had absconded or had voluntarily given up their land and gone to other villages, but who having returned sought to be restored on the plea of former occupancy of long standing. I recollect perfectly some correspondence taking place in 1866, regarding certain suits of ouster that had been filed by rayats. I mentioned that the *custom* that prevailed in Sambalpúr was that rayats were not dispossessed so long as they paid their rent; but Sir Richard Temple, assuming therefrom that the rent laws were not properly administered, caused my special attention to be drawn to the fact that nothing short of 12 years constituted a right of occupancy, &c., and that the law should be strictly adhered to. Therefore, no matter how far the law has been taken advantage of, the Sambalpúr Gaontyas, apart from having been declared proprietors (Málik) have been recognised as landlords under our rent-laws for the last 10 years.

Officiating Chief Commissioner's Review.—The Settlement of 1862 converted the land-agent into the land-lord, and by our whole system of Government and specially by Act X. of 1859, we broke up the village system, leaving the individuals who composed it with no defined position at the mercy of the new proprietor. This was not done in set terms, or by any executive order, but by the natural result of our system which always deals with individuals. It would have been a more thoughtful course to have retained, in the hands of Government, the proprietary right which it undoubtedly possessed, whilst the peasantry were undergoing the trying social changes which necessarily resulted from their transfer from members of a closely combined community to individual agents. In fact, however, Government divested itself of authority at the very time when every condition of the people called for its most watchful care of their interests.

Question VI.—Do the Gaontyas and cultivators fully understand and realise the effect of that Settlement on their relations as formerly existing? and what change do they suppose it to have made?

Mr. A. M. Russell, Settlement Officer.—The manner in which the Gaontyas understand the effect of the only Settlement operations yet effected has already been stated in reply to Question V. The cultivators have not ap-

preciated the effect of what has already been done, as it does not concern them in any way. Their turn is to come afterwards when the Government shall have made up its mind about defining their status. At present they are all old and new tenants on one common level, as they always have been, except that in theory Section 6 of Act X. of 1859 has drawn a line between tenants possessing rights of occupancy and those not having such rights.

Captain M. M. Bowie, Deputy Commissioner.—The Gaontyas certainly fully understand that they have now obtained full rights of property over their villages; but there has as yet been no change in the relations between them and their tenants, nor have they been led in any way to understand that the fact of their being declared proprietors would effect any such change.

Major A. B. Cumberlege, Commissioner.—The Gaontyas do fully understand the effect of a Settlement under our system, they know perfectly well the meaning of the term (Málik) proprietor, as it was fully explained to them, as has already been shown both by proclamation and in open Darbár; they also know that some change is contemplated with regard to the position of the rayats, but they understand that it is still an open question what that change is to be. The cultivators have rather vague notions on the subject; but the various Sections of Act X. of 1859 have given them some idea of the nature of rayati tenures under our system. It has, however, been explained to them that the exact relations that they will henceforth bear towards the Gaontya has yet to be determined. Certainly neither the Gaontyas nor the rayats for an instant contemplated that the result of our arrangements would be to constitute the bulk of the rayats "Málik Makbuzas" or proprietors of their holdings, with rights of transfer, &c.

The Gaontyas have been recognised as landlords under Act X. for the last 10 years, but as a rule have not taken advantage of the provisions of that Act, though in many cases the rayats have. The custom of the country being that so long as a rayat paid the rent demandable from him, he was not dispossessed, the Gaontyas have all along adhered to this custom. As I was advocating a simpler form of Settlement I gave the Gaontyas to understand that, though they had been declared proprietors, the future powers that they would exercise over the rayats would be determined by Government possibly with reference to my proposal, and that under the Settlement which might be ordered it did not follow that all the clauses of Act X. would apply. They were quite satisfied with this, and therefore we are quite at liberty to prescribe such future relations between the Gaontyas as shall seem best for all parties.

Officiating Chief Commissioner's Review.—I have nothing to add here to Major Cumberlege's description of what is understood locally to be the meaning of the new arrangements; his knowledge on this point is by far the best available. Mr. Russell's statement regarding the cultivators that "their turn is to come afterwards" is, I fear, but too true.

Question VII.—If the sanads given to the Gaontyas be confirmed, what is the least that would satisfy the Gaontyas as fulfilling the declaration made to them?

Mr. A. M. Russell, Settlement Officer.—In that case the following conditions are the best that would satisfy the Gaontyas:—
I.—Absolute right to alienate their villages by sale, gift, or mortgage.

II.—Retention of their “Bhogra” land as at present.

III.—Fixity of tenure and of rent in respect to present cultivators, whether of old standing or new incumbents, for the term of Settlement; but only as tenants, not as Málík Makbuzas.

IV.—All cultivators taking up new lands or settling in the village after the Settlement, to be tenants-at-will in respect to the new lands or holdings.

V.—All increased rents derived after the Settlement to be the Gaontyas’ perquisites.

Captain M. M. Bowie, Deputy Commissioner.—I do not quite understand the purport of this question. Having been already declared proprietors of their villages, the Gaontyas would certainly object to any thing which interfered with the absolute rights of property therein, and would look upon any measure, involving such interference, as a distinct breach of faith. Perhaps, however, the question has reference rather to the terms upon which they would expect to hold their villages and the nature of what might be held to be subordinate rights in the village lands, and I would mention, with reference to these points, that the Gaontyas have all along been led to expect that they would be treated, in all essential particulars, in precisely the same manner as the landlords have been treated in other parts of the Central Provinces. They are, however, quite contented with the present “Bhogra” system, and if allowed to remain in possession of their bhogra and all their present privileges, they will be quite satisfied on the score of profits. As regards the rights of the rayats the theory here, since the country was annexed in 1850, has been that the Gaontyas should not oust any tenant so long as he continued to pay his rent, and I think that the Gaontyas would be quite willing that all rayats, holding at present an actual share in the village lands, should be declared occupancy tenants holding at fixed rents for the term of Settlement; but the creation of a number of Málík Makbuzas in each village would certainly lead to the greatest dissatisfaction.

Major A. B. Cumberlege, Commissioner.—The question is a very difficult one for me to answer, as it seems to imply that I have consulted the Gaontyas on the subject, which of course I have not. Mr. Russell’s reply also on this point is, I take it, more his own idea of what would be a fair way of dealing with the Gaontyas, rather than the expression of their views. I myself consider that the Government could not well avoid confirming proprietary rights to such an extent as will give the Gaontyas the main advantages, at all events that they were informed, attended the position of pro-