

**FINAL REPORT**  
**ON THE**  
**SURVEY AND SETTLEMENT**  
**OF**  
**PARGANA DANDRA**  
**IN THE**  
**DISTRICT OF NOAKHALI**  
**1911-1917**

by

**Khan Sahib A. K. Kabiruddin Ahmed,**  
***Assistant Settlement Officer.***



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FROM F. A. SACHSE, Esq., I.C.S.,

*Director of Land Records, Bengal,*

TO THE SECRETARY TO THE GOVERNMENT OF BENGAL,

REVENUE DEPARTMENT.

*Calcutta, the 3rd April, 1919.*

SIR,

I HAVE the honour to submit the Final Report on the Settlement Operations in Pargana Dandra in the Noakhali District, written by Khan Sahib A. K. Kabiruddin Ahmed and forwarded to this office with letter No. 426, dated the 27th May 1918, from Mr. W. H. Thompson, Settlement Officer of Tippera and Noakhali.

2. The pargana has lands in 101 villages in the Feni subdivision. The southern group of villages on the banks of the Chhota Feni river are mostly of alluvial formation. Another group hugs the boundary of the independent Hill State of Tippera and contains many of the characteristics of the Roshnabad villages for which a record-of-rights was prepared in 1906-1910. Since the operations under report were undertaken, the remainder of the Noakhali district has been subjected to the activities of a major settlement party working under the joint Settlement Officer of Tippera and Noakhali, and a record-of-rights has now been framed for the whole district. The writer of this report has collected some interesting information especially as regards the fiscal history of the pargana, which will be very useful to the Settlement Officer, when writing his report on the district as a whole.

3. The operations were initiated under section 101 (2) (a) of the Bengal Tenancy Act on the application of the Tippera Raj which is printed in Appendix E, not because of any ill-feeling between landlords and raiyats, but because the proprietors thought that a record-of-rights would be useful for purposes of management. Another motive was to have enhanced rents fixed for a large number of tenures which the holders claimed to be mokurari.

4. Though steps were taken to induce all the proprietors to follow the example of the 4-annas proprietor in applying for a record-of-rights and the second notification of 3rd December 1912 referred to the whole pargana, only 18 estates out of the 31 revenue-paying and 6 revenue-free estates, which constitute the pargana, were actually dealt with, and two of these estates contained lands in pargana Allahabad also. The estates omitted from the operations are all small and out of a total pargana area of 39.45 square miles, 38.90 square miles were dealt with by the operations under report.

5. The operations began early in 1911, Maulvi (now the Hon'ble Mr.) Saiyid Altaf Ali, Deputy Magistrate, being in charge under the general supervision of the Collector. Maulvi Muhammad Mahmud succeeded him in January 1914, and when the district operations began in the following September, the Settlement Officer, Mr. W. H. Thompson, I.C.S., took over the control from the Collector.

6. The writer of the report Khan Sahib Kabiruddin Ahmed only joined the settlement for case work in June 1917. The report must have required much tedious research among incomplete material, and great credit is due to the Khan Sahib for his sympathetic treatment of the subject. I had experience of the conscientious work of Maulvi Muhammad Mahmud in Mymensingh, and I agree with the remarks which the Settlement Officer has made about this officer.

7. Traverse was done by the petty settlement party without help from the Director of Surveys and on the whole the work fitted in well with the maps of the District Settlement.

8. The peculiarity of the area is that there are 10,135 tenure-holders, as opposed to 13,767 raiyats. The abnormal number of tenures is partly due to subinfeudations of a *benami* nature, but the main reason is that a large number

of the cultivating raiyats have paid *salami* to their landlords for recognition as *sikmidars*. No doubt they thought they were acquiring the rights of permanent tenure-holders with fixed rent, but in the suits under section 105 of the Tenancy Act the officer was obliged to hold in the face of various civil decrees that the tenancies, if they had once been of the description referred to in section 1 of Regulation 1 of 1793, or section 4 of Regulation VIII of 1793, had by course of subsequent dealing, lost that character. In effect tenancies that were raiyati in origin are now tenures by local custom, and as the holders themselves prefer this designation and their sub-lessees are recognised as having occupancy rights, the Settlement Officer, after weighing the arguments on both sides, thinks that the record is right in this respect.

9. Petty settlements, especially over a disconnected area, are always expensive and the net cost per square mile has been Rs. 1,064 in spite of the large realisations from court-fee stamps amounting to Rs. 216 per square mile. It nevertheless compares not unfavourably with the corresponding rate of Rs. 880 a square mile in the Roshnabad operations, where there was no field bujharat and copies of maps were not vandyked for all the villages.

10. The high rate is to some extent justified by the large number of plots (2,157) and interests (695) to the square mile. The figures given in section 139 of the report are somewhat misleading, as no separate figures were kept for supervision and contingencies. If the standard rate figures are given against these heads, and corresponding reduction is made from the main branches of work, the actual expenditure works out as follows against the standard rate adjusted to the large number of plots and interests per square mile.

Branch of work.			Standard cost rate per sq. mile.	Standard rate adjusted per sq. mile.	Actual rate per sq. mile.
Traverse	...	...	65	65	102
Cadastral	...	...	115	115	120
Khanapuri	...	...	39 + 23	62	62
Initial recess	...	...	18	18	24
Bujharat	...	...	94 + 15	109	116
Attestation	...	...	66 + 112	178	188
Objection	...	...	27	27	34
Janch	...	...	20	20	21
Statistics	...	...	10	10	2
16" Maps	...	...	6	6	9
Topo-maps	...	...	2	Nil	Nil
Printing	...	...	41	61	60
Reproduction	...	...	25	25	18
Recovery	...	...	29	29	39
Case-work	...	...	16	16	68
Supervision	...	...	179	179	179
Contingencies	...	...	97	97	97
Director of Land Records control	...	...	15	15	98

11. An interesting feature of the operations was the novel system on which the apportionment of costs was based. All classes of persons interested in the land including landlords were assessed at five times the cess paid out of their own pockets, according to the revaluation conducted by the Settlement Officer. It was expected that this would bring in Rs. 39,000 out of the Rs. 46,000, which was estimated as the cost of the whole operations and the remaining Rs. 7,000 was to be realised from the proprietors in addition to the sum fixed under the above rules. In the end the operations were completed for a net sum of Rs. 38,987 and the assessment actually realised was Rs. 42,741. Hence there was no need to collect the additional Rs. 7,000. The landlords' share worked out at 64 per cent. and that of the raiyats and other occupiers at 36 per cent. of the total cost of the operations.

I have the honour to be,

SIR,

Your most obedient servant,

F. A. SACHSE,

Director of Land Records, Bengal.

No. 426, dated Comilla, the 27th May 1918.

From—W. H. THOMPSON, Esq., I.C.S., Settlement Officer, Tippera-Noakhali,

To—The Director of Land Records, Bengal.

I HAVE the honour to forward to you herewith a Final Report of the Settlement Operations in Pargana Dandra in Noakhali written by Khan Sahib A. K. Kabiruddin Ahmed, Assistant Settlement Officer. The operations were begun under the Collector in the charge first of Saiyid Altaf Ali and afterwards Maulvi Mohammed Mahmud, Deputy Collectors. The record had been draft published when the operations came under my charge in September 1914, at the start of the Tippera-Noakhali District Operations. Maulvi Mohammed Mahmud still remained in immediate charge of all the Noakhali Petty Settlements including the Dandra operation for a year more, but Khan Sahib A. K. Kabiruddin the writer of the present report helped him through a considerable proportion of the objections under section 103A. He also disposed of the applications under section 105 and suits under section 106 which were filed after Final Publication and was thus the person with most first-hand knowledge of the operation left here after Maulvi Mohammed Mahmud had left, and that fact pointed to his being the man to write the report. He has laboured under considerable difficulties from not having had any hand in the preparation of the draft record and these have been enhanced by the incomplete reports and figures for the early stages. The Annual Reports of the officers who were in charge at the earlier stages should have been satisfactory basis for the Final Report but they were not. But I need not apologise for the writer further. He has overcome the difficulties he had to face and has given a very interesting and useful account especially of the fiscal history of the pargana and a valuable description of the pargana generally.

The record was not printed. It had taken a long time to prepare and the delay would have been increased if we had waited to print it with the District Settlement records. Moreover the mode of recording was somewhat different from that employed in the District Settlement, and I was, and still am, rather doubtful of the quality of the record especially in some matters, for instance the opening of separate khatians without rent for lands held by the tenants which the landlords said had not been included in their holdings as settled with them or were claimed on the basis of an old *chitta* to belong to a different estate, and did not wish the reputation of the District Settlement record to suffer in any way from the same form of final record being used for Dandra also. The main reason for not printing the record was not to have to wait for presses and delay final publication further.

The record has been a very expensive one especially in the early stages but not as expensive stage by stage as the table in paragraph 139 of the report shows, for the cost of supervision and contingencies had not been kept separately accounted for. This however does not affect the gross cost rate which is Rs. 1,248 per square mile.

Cess revaluation was done on the basis of the record and cess was made a basis of apportionment. The realizations amounted to Rs. 42,741 in place of an estimate of about Rs. 39,000 the increase being due to the realisation of costs from tenure-holders and raiyats (although Rs. 736 was remitted to the proprietors) in the permanently-settled estates of one mauza Char Shahabkhari which were not included in the estimate of realisations, and to a slight under-estimate of the yield from minimum charges. These realisations over the estimate and the abnormally large amount realised as court fees in case-work reduced the Rs. 7,000 estimated balance, to be met by the proprietors who had originally asked for the settlement, to Rs. 624-6-0.

The cess method of apportionment certainly proved a success, proved that it was not a method upon which the estimate of what the apportionment would afford was uncertain and that its simplicity was much appreciated by

those who had to pay. The same multiple of the cess was paid by the landlords and tenants. According to the figures occupiers paid about  $\frac{5}{14}$  had landlords about  $\frac{9}{14}$  of the apportionment, but they are misleading. Among the "landlords" are included many cultivators who had promoted themselves to the title of tenure-holder upon payment of *salami*. These men were not, as in the district operation record, distinguished from the true middlemen and the costs recovered from them are included among those of the "landlords".

Of the officers engaged in the work I am able to say but little, for, as I have already mentioned, the operations only came under my control after the record had been draft published. Maulvi Mohammed Mahmud was in charge under me for a year. His conscientious work seemed to be much appreciated by the public. The writer of the report worked very hard and did very well in case-work. His report recommends itself.

I notice that he has acknowledged with thanks assistance from Maulvi A. K. Mokarrambilla Choudhury who has property in the pargana and is a Sub-Registrar within its confines. His example in refusing to pay the settlement costs apportioned to his property and using every device to avoid payment, so that they had ultimately to be realised by attachment of his pay, was very unhelpful during the realisation of costs, and I cannot but think, from the light which his action throws on his attitude of mind as a Government servant, that it would be well if he were transferred to a Sub-Registry Office whose jurisdiction does not cover his private property.



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## PART I.

### General description of the Pargana and the Statistical results.

The Pargana of Dandra is situated on the North-East of District Noakhali and lies between the parallels of North Latitude 22°51 and 22°59, and Meridians East Longitude 91°26 and 91°29. It is bounded on the North by the district of Tippera and the Independent State of Hill Tippera, on the East by the parganas of Bedrabad and Amirabad, on the south by the Pargana of Jugdia and on the West by the Parganas of Jugdia and Bhulua.

The river Chhota Feni, once a powerful river which caused great havoc to the riparian mauzas of the Pargana, is now a little meandering stream, lying between this pargana and the parganas of Bhulua and Jugdia.

2. **Area.**—The total area of the Pargana is 39°45 square miles, and it is divided into 31 revenue-paying and 6 revenue-free estates. Of these only 12 revenue-paying and the 6 revenue-free estates with an area of 38°90 square miles or 24,901°41 acres were brought under survey and settlement operation. The Pargana is 17 miles from North to South and 6 miles East to West, where it is broadest.

3. Of the total area of 24,901°41 acres 19,682°37 acres are cultivated and 667°94 acres are culturable fallow. Of the balance 3,457°46 acres represent the village sites, tanks, roads, etc. The rest 1,093°64 acres are unculturable wastes, jhils, etc.

4. **Physical features and kinds of soil.**—Dandra contains tracts which illustrate all stages of formation commonly met with in this part of the world. On the extreme north some portions of two of the mauzas, viz., Saran Pahartali and Zer Kachhar (as the names indicate) are of hilly nature. These two villages lie contiguous to the Hills of the Independent Hill Tippera State. The soil of this portion of the two mauzas, for about half a mile from the boundary, is of a dull reddish colour with nodules containing a high percentage of iron in it. The surface is not dead level but undulating. On the extreme south and south-west, the villages clearly show traces of their recent formation. The lands on the extreme south-west are still sandy and below flood level. But on the whole the Pargana is in no way different from the ordinary tracts in East Bengal—village sites, with mango, jack fruits, betelnut, cocoanut, tamarind and other fruit-growing trees with clumps of bamboos and plantain groves interspersed with fields growing rice, jute and other crops. Cocoanut and betelnut trees are, however, much more uncommon than in the rest of Noakhali district. The multitude of tanks of every size with raised banks, clusters of fruit trees and palms and the numerous white plastered pucca mosques relieve the monotony of the landscape. The tin roofs of the houses of the well-to-do inhabitants peeping out of luxuriant orchards greatly add to picturesqueness of the village sites. The soil is clayey on the north and rather sandy on the south.

5. The local people divide the Pargana into 2 parts, viz., North Dandra and South Dandra. The divisions are not artificial. The two divisions join at a point south of mauza West Bejoysingh and north of mauza Madhuai. It is a fact that the lands in South Dandra are more fertile than in the North. The northern division seems to have been very densely populated in former times. Big tanks, sites of deserted homesteads, now covered with jungle, tall palm trees and various kinds of fruit trees, are its distinguishing feature. The percentage of cultivated lands is much less in this division than in the south.

Another noticeable point is that almost all the old respectable Mussalman families are residents of the north division. The former proprietors of Parganas Dandra and Allahabad also had their homestead in this part.

The southern division contains more cultivated lands, in fact it is a large rice-producing plain dotted over with village sites. Cocoanut and betelnut trees are more abundant in this division. The Hindu Bhadrak families of the Pargana are residents of this division.

6. Even to a casual observer it would be evident that this tract formed long after the northern division, probably by the gradual recess of the Bamni Channel lying between the main land of Noakhali and the Sandwip island. The soil is sandy. The villages in the extreme south-west are alluvial and were formed by the action of the river Chhota Feni. Char Hakdi, Char Huzuri, Char Badarpur, Char Majlispur, and Char Shahabdhikari were also formed by the gradual drying up of this river.

7. **Communication. Rivers.**—Besides the Chhota Feni there is no other river in this pargana. It rises in the hills of Tippera and flows south, fed by a number of streams from the north and west. It goes under a multitude of names in its upper reaches, such as the Dakatia, Sendurganga and the Silunia. The Chhota Feni is navigable for small boats throughout the year.

As stated above it was once a powerful river, but it is now a meandering stream. Some of the bends are almost like loops surrounding a tract of land. The neck of the land is in places only  $\frac{1}{8}$  of a mile, while the river winds as much as 8 miles before coming back to it. The water of this river in its upper reaches only is fresh. Deposit of salt is not unknown even now after a flood in the southernmost villages, rendering the lands less fertile. There are some khals which become navigable during the rains but completely dry up in the cold weather.

8. **Roads and Ferries.**—The district of Noakhali and specially the Subdivision of Feni is pre-eminently fortunate in possessing a large number of splendid roads. All these roads are bridged, and prompt and thorough actions are taken whenever any repair becomes necessary; so that all these roads are always in good order. The District Boards and the Local Boards are to be congratulated for the care they take for the roads. The arrangement for surface drainage is so excellent and the soil in this part of the country is such, that after an hour or so of a heavy shower during the rainy season, the roads become fit for light wheeled traffic.

A very large proportion of the population use bicycles in this locality.

(1) The Grand Trunk Road (Chittagong—Dacca Road) passes through the northern villages of the Pargana. A feeder road goes to the Sharishadi Railway Station.

(2) The road from Noakhali to Feni enters the pargana at Jalaskara crossing the Little Feni river at Silunia over a fine iron bridge recently built. The road bifurcates at Panchgachia, one branch going direct east to Feni meets the Trunk Road there and the other going northward meets the Trunk Road at Dewanganj (formerly the seat of the Munsiffi Chowki before Feni was made a subdivision).

(3) The Feni-Sonagazi Road passes through the south-eastern portion of the pargana.

(4) The road from Begumganj meets the Noakhali-Feni Road at Daganbhuya and proceeding eastward crosses the Chhota Feni river at Char Majlispur, where there is a ferry, and goes to Kuthirhat, near which Amirgaon (the former seat of Munsiffi and thana of the same name) lies; and then meets the Feni-Sonagazi Road at Dhalua.

(5) The road from Basur Hat crossing the river Chhota Feni by ferry at Char Shahabdhikari goes through Kazir Hât to Baktarmunshi and meets the Feni-Sonagazi Road. A branch road joins this road with the Kuthirhat Road. Another branch road from this road goes due south through Shahabdhikari towards Char Chandia.

(6) A branch road from the Noakhali-Feni Road starting in mauza Matiara goes westward and crosses the river Chhota Feni by ferry at Birali.

The Grand Trunk Road re-constructed about 1852 at the time of the second Burmese War is maintained by the Public Works Department and all the other roads by the District Board and Local Board.

9. Besides those mentioned above there are innumerable smaller roads in every village and many of them with pucca bridges constructed and maintained by the people. The remains of a high broad embanked road is in existence. It is locally known as "Haidin's Had". Some say that Fakharuddin, the ruler of Sonargaon built it. But more probably this was the road that was built by Furhad Khan who accompanied Buzurgomed Khan for the conquest of Chittagong in 1666.

10. **Railways.**—The Assam-Bengal Railway goes through the northern villages of the pargana and there is a station of the Railway at Sharshadi which is a village in mouza Khanebari in the Pargana Dandra.

11. **Dak Bungalow.**—There is an inspection bungalow of the District Board at Bakhtar Munshi within this Pargana on the Feni-Sonagazi Road.

12. **Towns, Markets and other places of interests.**—(a) There are no towns in the Pargana. The town of Feni is only about a mile and quarter from it.

There are many markets and *hâts* in the pargana. A complete list of these are given in the Appendix A with the names of the principal commodities ordinarily sold in them. Some of these markets are very important with permanent shops and *golas*, while a few are very small markets with no permanent shops. In these latter, on the *hât* days, the fishermen, milkmen and others bring their commodities for sale.

(b) **Post Office.**—There is only one Post Office in the Pargana, viz., at Kazirhat.

(c) **Registration Office.**—The jurisdiction of Thana Feni is very large. One of the Joint Sub-Registrars of Feni has his office at Matiganj on the Feni-Sonagazi Road.

(d) **Thanas, Munsifi and Chowki of Amirgaon.**—The Pargana now appertains to Thana Feni, which is also the headquarters of the subdivision of that name. Formerly the thana was at Amirgaon near Kuthirhat. The Munsifi also was there. The Munsifi was removed to Dewanganj in mauza Debipur on the Trunk Road, at its junction with the Noakhali Dewanganj Road. The Munsifi was situated on the banks of a very big tank. In 1875 the thana was removed to Farhadnagar on the Grand Trunk Road about 2 miles from the Bhurburia Ghat on the river Bara Feni and was renamed Feni. In 1876 the new subdivision of Feni was opened and later on the thana and the Munsifi were removed to Feni.

(e) **Shrines.**—There is only one shrine of a Musalman saint at Uttar Khanebari on the bank of one of the biggest tanks in the subdivision. It is known as Darga Baba Haji Shahid. The tank unlike other tanks is almost a square in shape. The ruins of a fine mosque with stone corners are near by. No authentic information about the saint, or the builder of the mosque is available now. The shrine is now venerated by both Hindus and Musalmans. There is another fine old mosque in mauza Uttar Khanebari built by Muhamed Ali Choudhuri in 1211 A. H. There are two stone inscriptions in this mosque, one outside the front door and the other in the interior. It is still in fairly good condition. It is situated on a tank with a masonry ghat and there are two towers in front of the mosque on the tank. In one the remains of Muhammad Ali lie buried. The other was meant for the use of the persons who read the Koran for the peace of the soul of the departed. Both these towers are in ruins now. This mosque is also venerated by the local people.

13. **Population.**—Dandra being a pargana in Thana Feni and having the lands of pargana Allahabad in many of the mauzas, it is not possible to give the total population of it. The density of population is much greater in the southern division than in the northern. Of the total number of inhabitants about 80 per cent. are Musalmans. As Islam does not recognise caste, no caste distribution can be shown. There are only a few families of Saiyids or Mirs, Sheiks, Khandakars and Pathans, and the rest are unspecified. There are a few families of Musalman goldsmiths in the pargana. The bulk of the Musalmans as everywhere else, are agriculturists. But unlike the majority of Moslem agriculturists of other districts who were to some extent converted Hindus, these men appear to be mostly descendants of Moslem soldiers who colonised these tracts.

14. **The Musalmans.**—For more reasons than one, I am inclined to hold that most of the ancestors of these Moslems were the soldiers, Moghuls, Pathans and other up-country men who accompanied the Moslem Generals in the several invasions and inroads to these parts of the country.

The first Moslem settlement in these parts of the world appears to have taken place in the 13th Century, when Muhammed Taghral came to Tippera to aid Ratnapa in 1279 A. D.

Since then till the end of the 17th Century, there had been successive flow of Moslems to these parts ; the chief among which were the invasion by Khaja Illias *alias* Shumsuddin in 1339 and the incursions of the Pathan refugees after their defeat by Khan Azam in 1583.

After the defeat of the Arakanese in 1610, this Pargana was granted to a Moslem General to guard the frontier against invasions. He settled with his followers in Dandra. These soldiers and their descendants finding the lands to be very fertile exchanged the sword for the plough as the Moghul soldiers were well known for "their avidity for fertile lands."

Besides the above a large number of the soldiers, who accompanied Buzurgomed Khan in his conquest of Chittagong in 1666, must have settled in these parts of the districts of Chittagong, Tippera and Noakhali. The route taken by the army was through Dandra as the road built by Farkad Khan is still in existence.

15. I would add a few more reasons for holding this view :—

- (1) The word Gazi, which denotes a Moslem who has fought against the infidels, used to be the surname of almost all the cultivators a generation ago. It is still in use, but not to any great extent. The cultivators are now adopting the title of Patari, Bhuya, etc.
- (2) Most of these agriculturists cultivate their own tenure lands. The *mudafat* of the old tenures gives us the names of the persons who were in possession a century or more ago. These names bear a close family resemblance to the Moghul and Pathan proper names.
- (3) The settlement records of 1845 show that these tenures were formerly held on almost pepper corn rents, and this clearly proves that the tenures were granted on special consideration.

For all these reasons I am inclined to hold that the ancestors of the bulk of the Moslems of Dandra were Moghuls and Pathans.

16. All the Musalmans belong to the Hanifi School of the Sunni Sect and are outwardly very religious. Every house with some pretensions to respectability, has a cutcha mosque with corrugated iron roofs attached to it. They are very punctual and ostentatious about the performance of their daily prayer and the Juma prayer on Friday. A very large proportion of the boys of school-going age and some bearded and grown up men too regularly attend the Madrasas and Maktabas, where along with Bengalee, the holy Koran and other religious books are taught. Though usury, according to the laws of Islam is considered as one of the deadly sins, most of these men are privately usurious, and the wealth acquired by them is chiefly through usury. As soon as they have acquired sufficient money (no matter by what means) they go to Mecca for Haj and return as Hajis. The upcountry Maulvies and local Maulvies and Mollas make periodical tours through the villages and earn a good deal of money.

Though on the whole the people are very shrewed and business like, they easily allow themselves to be fleeced by these so-called religious mendicants.

17. **The Hindus.**—The Hindus of the following principal caste are found in this Pargana.

Brahman, Baidyas, Kayasthas, Shahas. Barais, Naths or Jugis (weavers), Barbars, Jalias, Dhubies Namasudras. Bhuimalis (sweepers), Sutradhars (carpenters), Patni. Kumar (potter), Karmakar and Muchies.

18. There is nothing peculiar about these people in this pargana. The Brahmmins are mostly in humble circumstances. Neither wealth nor education has fallen to their lot and most of them live on what they can earn by performing Pujas, etc. Some of them possess some Brahmattar lands also. The Baidyas are the most influential in this pargana. Estates Nos. 12, 203 and 202 and many others belonged to them; and besides these, they have extensive taluks. Many of them also have money-lending business.

Almost all the members of this community are educated. Some follow their ancestral profession of medicine.

19. There is a curious custom prevalent amongst the Baidyas of this part of Bengal, *viz.*, inter-marriage between Baidyas and Kayasthas. The

custom is now dying out. The Kayasthas as everywhere else, are the Tahsildars, scribes etc., of the village.

20. The other caste people follow their ancestral professions with few exceptions. There is a widespread movement among the Naths or Jugis (weavers) and many of them have assumed the sacred thread of the "twice-born." These men style themselves as "Debnaths" and they insist on adding "Debi" after the names of their women folk.

21. The Hindus of this part of the country are looked down upon by their fellow caste men on the other side of the old Brahmaputra river, as these tracts are called "Pandab Barjit desh."

22. **Education.**—Primary education is advancing by giant strides in the pargana (as is the case with the whole of the district). After every two miles or so, one comes across the neat Board School, with its picturesque house and snug tiny garden on the bank of a large tank. Very few of the inhabitants are totally illiterate. There are in all 47 teaching institutions in this Pargana. The total number of pupils in 1917 was 2,173, of which 1,481 were Mussalmans and 692 Hindus. There are some girls' schools too and 209 girls, are being taught in these institutions. There is a High English School at Mangalkandi with 217 boys on the roll of which 150 are Hindus and 67 Musalmans. The town of Feni with its better educational institutions being very close, a large number of boys receive education there. Not an inconsiderable number of boys and youths receive their education at Noakhali, Chittagong, Dacca and Calcutta. Among these about 70 per cent. are studying in the Madrasas and the rest in the schools and colleges. It is gratifying to see that in this pargana at least the Musalmans are not much behind their Hindu brethren in the matter of education. Except in the High English School at Mangalkandi the Moslems greatly preponderate over the Hindu boys and girls.

A complete list of schools of all descriptions with the names of mauzas where situated, is given in Appendices B and B I.

23. **Condition of the people.**—The material condition of the people on the whole is good. Their wants are few and easily and cheaply satisfied. The lands are very fertile and yield a good crop. The standard of living is not at all high. A *lungi* (kilt) and a skull cap is the ordinary dress of persons both high and low. On ceremonial occasions, a *piran* (shirt) or a *chudder* is added and shoes worn.

24. It is a fact that though the standard of living has risen lately to an alarming extent among the lower classes in every part of Bengal, district of Noakhali is singularly free from it. The people are still content with their *lungi* and cap or *dhooti* and *chudder* (among Hindus). There are very few really indigent people here. The income they derive from the vegetable gardens and fruit trees, which surround every homestead, is considerable. It is true that the people are not free from indebtedness but it is not the overwhelming burden on the shoulders of the cultivators as it is in some other districts. On the whole the lot of the people of Dandra is a happy one.

25. **Climate.**—The climate is on the whole very good. The temperature is fairly equable. There is no malaria in this pargana. Outbreaks of cholera and small-pox occasionally occur but they are rather sporadic than epidemic.

26. **Rainfall.**—As there is no rainfall recording station in the pargana, it is not possible to give any exact figures. The normal rainfall for the 12 months for the whole district is 112·21 inches.

27. **Agriculture.**—Dandra is pre-eminently an agricultural tract and cultivation is gradually increasing. The people have reclaimed practically all the waste and marshy lands. From the Collectorate papers of 1845-47, it appears that the total area of Dandra by Ram Gopal Babu's measurement was found to be 547 *drones* and odd, and the area of the 6 annas share of pargana Allahabad incorporated with Dandra was 72 *drones* and odd, in all about 620 *drones* and odd by a *nal* of 28 feet. It equals to about 21,526 acres. Out of these, 18,360 acres were found to be cultivated and culturable and the balance 3,166 acres were homestead sites, tanks and lands not fit for cultivation. By the present measurement the total area is found to be 24,901·41 acres, and out of these 20,483·43 acres are cultivated and culturable. The increase of 3,375 acres appears to be due to the extension in size of the chars

by further silting up of the river Chhota Feni and also to the more accurate method of survey.

28. **Principal crops.**—The principal crop grown is undoubtedly the rice, 8,215·13 acres are recorded to be sown with *aus* paddy and 16,541·03 acres with *aman* paddy. Both *aus* and *aman* paddy are transplanted and sown broadcast. The total cultivated area in the pargana is 19,682·37 acres and 9,263·89 acres are twice cropped (*dofasali*). Jute is grown to a very small extent and 66·58 acres were recorded as under jute. Besides paddy various other kinds of crops and vegetables are regularly grown, and a complete list of these with the area covered is given in Appendix V. All these crops are grown mostly for home consumption and to a small extent for local consumption. No special or imported vegetables except tomatoes are grown. The pulses and chillies are grown for home consumption as well as for export.

29. **Fruit trees.**—Of fruit trees the following are the most important ones, viz. :—

Mango, jack-fruit, cocoanut, guava, plum (*barai*) palmyra, palm, date palm, *bail*, *kalaiam*, papiya, pomelow, lime, etc. A complete list of all fruit trees and other trees valuable as timber is given in the Appendix VI.

30. **Irrigation.**—There is no organized or systematic irrigation of the fields. Sometimes the garden crops are watered from the neighbouring tanks by the primitive methods:

31. **Alluvion and diluvion.**—As there is now no big river near by, the lands are not subject to alluvion or diluvion.

32. **Land tenures.**—Considering the size of the pargana the number of tenures is enormous. There are no records available now to show the total number of the tenures that existed in the whole of the pargana at the time of Permanent Settlement. In Mr. Wilkins letter No. 531 of 1847 we find that there were in all 46 taluks and a very large number of *tapas* (under-tenures) in 4 annas *khas* share (estate No. 209) at the time of Permanent Settlement. From this we can safely assume that the taluks within remaining 12 annas shares were also at this proportion. In the record-of-rights 10,135 tenures of all grades have been recorded. This enormous increase is due mainly to the partition of 12 annas share in 1800, and subdivision by the tenure-holders themselves, and partly to what Mr. (now Major) Jack in his Bakarganj Settlement Report calls (1) "Promotion" and (2) "Family arrangements."

33. (1) The tenures by promotion are the most numerous of the two classes. A raiyat by paying *salami* to his landlord converts his holding into a tenure.

(2) The local Zamindars and other superior tenure-holders are in the habit of creating under tenures in the names of their relatives and then take a lease from them. One example of this is given below.

Late Chandra Nath Gupta Chaudhury, a co-sharer proprietor in estate No. 203, created a big *mokarari* tenure in the name of his wife and then took an *Osat* Taluk under it. Such transactions are common among the respectable classes.

34. As stated before there were found 10,135 tenures of all grades in the pargana. This gives a density of 260 in every square mile. In Bakarganj there were 464,008 tenures of all grades and from the Settlement Report it appears that the density was 170 in every square mile. There is no doubt that most of the ancient tenures date from 1610, when the pargana was granted to the Moslem general and some are of the time of the conquest of Chittagong by Shaista Khan. I have shown under the head "The Mussulmans" in paragraph 14 that most of the Mossulmans are the descendants of the Pathan and Moghul soldiers. When these men settled here they got the lands as tenures. They held the tenures at pepper corn rent and mostly cultivated themselves as their descendants are still doing. Besides these, tenures both rent-paying and rent-free were granted to the respectable people and holy men, who came and settled in these tracts. The family history of the Kazis of Birali Choudhuries of Sharishadi and the Sens of Senerkhil, and the histories of the Lakhiraj grants and Brahmattors, show these. Many taluks still bear the names of the ancestors of their present possessors who lived at least 150 years ago.

There are not many kinds of tenures in this pargana, taluk is the most common designation: Then comes *Tapa*. Appendix VII will show the different names of tenures found in this Pargana.

35. **Subinfeudation.**—From the papers available it appears that subinfeudation to a certain extent existed before Permanent Settlement. The word *tapa* means an under-tenure in this pargana. It is permanent, heritable and transferable and mostly on fixed rate of rents. In 4 annas khas, estate No. 209, before permanent settlement, there existed a very large number of *tapas* under the *nij* taluk of Muhammed Ali.

36. As stated above subinfeudation existed to a small extent only, the prevailing feature is not subinfeudation but subdivision as will be shown later on. No tenure goes beyond the fourth grade. When these taluks were created the country was not developed at all. There were vast forests, *bhils*, etc., and the taluks were given for reclamation of these lands.

37. **Proprietary and cultivating classes.**—Except the few respectable Musalman families and the Hindu Bhadrak classes the bulk of the inhabitants belong to the cultivating classes.

38. **Classification of tenants.**—The following classes of tenants are found in the pargana. (1) tenure-holders, (2) under tenure-holders of various grades (3) raiyats of all classes (4) under-raiyats, and (5) occupants.

39. **Rights of tenure-holders.**—All the tenures and under tenures are permanent, heritable and transferable, but not always on fixed rents or fixed rates of rent. The creation leases of very few of the ancient tenures are in existence if they ever existed, but most of the modern tenures were created by registered deeds. All the tenures and under tenures created by registered deeds are on fixed rates of rent and not on fixed rents. The number of khanda khariddars is enormous. Most of them are in cultivating possession of the lands purchased.

40. The total number of pure middlemen is not much as all the proprietors and tenure-holders (except of course the absentee landlords) have khas lands which are cultivated by servants or hired labourer.

41. **Jote tenure.**—The term jote was applied and used by the Attestation Officers to describe a tenancy taken by a person of a non-agricultural class not for purpose of cultivation by himself or his servants but for the purpose of subletting. The landlords and others in the locality do not distinguish any such tenures from raiyati holdings but the Attestation Officers found that they were not raiyati holdings and looking for a term to describe them used the word jote. No one objected to this procedure.

42. **Rent-free tenures.**—There were 226 rent-free tenures, Cheragis, Brahmattars, etc. held by Motwallis and Brahmins, etc.

43. **Classes of raiyats.**—The raiyats hold 14,758·26 acres, or about 50 per cent. of the total area of the Pargana. The total number of raiyats of each class is as follows:—

1. Mokarari	...	...	...	1,109
2. Settled and occupancy raiyats on cash rent	...	...	...	11,749
3. Non-occupancy raiyats on cash rent	...	...	...	111
4. Raiyats on produce rent	...	...	...	85
5. Rent-free (service)	...	...	...	204
6. Raiyats liable to pay rent but no rent fixed	...	...	...	451
7. Occupants (non-agricultural)	...	...	...	58
8. Under raiyats with occupancy rights	...	...	...	235
9. Under raiyats with non-occupancy rights	...	...	...	1,151

44. **Mokarari raiyats.**—The number of raiyats at fixed rent or rate of rent was comparatively small. They hold 1,499·32 acres. There were many tenancies in which the raiyats got mokarari rights by paying high *salami*; the rest appeared to have been so recorded by one of the Attestation Officers on the strength of a clause in some of the *meadi* kabuliyats executed in favour of His Highness the Raja in which the words *করিপ আয়লে কমি বেশী হইলে উপরোক্ত হারে কম বেশী দিব, কম হইলে কম পাইব* appeared. It is rather surprising that in very few instances the Attestation Officers gave effect to the provisions of section 50. This was probably due to some extent to the ignorance of the tenants and to a great extent to the



indifference of the Attestation Officers, who in the words of the late Major Jack, "do not generally sympathise with the provisions of section 50 of the Bengal Tenancy Act". During the trial of the section 105 cases a very large number of tenants successfully contested the claim for enhancement, by producing 20 years rent receipts, and the proprietors, including the Raja of Hill Tippera, in most cases failed to rebut the presumption.

45. **Other raiyats.**—The settled and occupancy raiyats on cash rent hold about 12,972·82 acres. The non-occupancy raiyats on cash rent hold only 122·89 acres. The number of raiyats on produce rent is very limited. Under the local custom they are considered to be mere tenants at will. Out of a total of 85 such raiyats, 65 were recorded as raiyats with rights of occupancy under the provisions of the Act. They hold 50·78 acres.

46. **Rent-free chakran.**—The number of chakran or rent-free service holdings is 204. The washermen, barbers, malis, etc., possess them. They hold 109·76 acres.

47. **Raiyats liable to pay rent.**—There were 451 such raiyats, viz., raiyats liable to pay rent, and they held 230·16 acres. Of these 432 were recorded as settled or occupancy raiyats and the rest as non-occupancy raiyats.

48. **Occupants.**—The number of occupants is 58, and they hold 2·89 acres only. They are the shopkeepers and others occupying shops and homesteads in the bazars.

49. **Under-raiyat.**—There were 1,386 under-raiyats who held 679·32 acres. The under-raiyats having their homesteads are not liable to ejectment by local customs, but those who hold only cultivated lands appear to have no fixed rights. The under-raiyats with occupancy rights hold 111·74 acres.

50. **Transfer of occupancy right.**—The occupancy right is generally transferred, but the landlords realize a *salami* of 25 per cent on the purchase money. The proprietors and tenure-holders never trouble themselves about the transferee, the only thing they are keen about is the amount of *salami*.

51. **Rights to trees.**—Though in theory the raiyats have no rights to the timber of any fruit-bearing or other valuable trees, and have to take permission of their landlords before cutting them, in practice they appropriate all the proceeds to themselves.

52. **Rent of raiyats.**—The rate of rent for *karsha kani* of 1·22 acres varies from Rs. 4 to Rs. 12 according to the quality of land. The average rate per acre works up to Rs. 4-13-0.

53. **Price of land.**—The price of land varies according to the rights in the land as well as quality of the land. The value of a *kani* of 1·22 acres of *karsha* land is from Rs. 100 to Rs. 300 according to the rights and quality of the land.

54. **Abwabs.**—Abwabs are prevalent to a great extent in the pargana but they are not very high. The following are the abwabs ordinarily realized by landlords :—

- (1) Cesses at  $1\frac{1}{2}$  annas to 2 annas per rupee.
- (2) Tahuri at  $\frac{1}{2}$  anna to 1 anna per rupee.
- (3) Punya Nazar at 8 annas to Re. 1 per holding.
- (4) Bhet (present) of 100 mangoes, one jack fruit and one seer milk in the month of Jaistha.
- (5) Raj Dharti at the marriage of raiyats' daughters at Rs. 2 to Rs. 6.
- (6) Begar (compulsory free labour) in *Bhadra* and *Agrahayan* for planting and reaping of landlords paddy.
- (7) Dashara realization of goats, cocoanuts, *gur*, etc., by Hindu landlords at Puja time.

In estate No. 209 (belonging to His Highness the Raja of Hill Tippera) no abwabs of any kind except  $\frac{1}{2}$  anna tahuri per rupee for Tahasildars are realized.

In estate No. 13 (belonging to Nabendra Kishore Ray and others), besides the abwabs mentioned above Dak cessa equal to Road and Public works cesses,



and a hospital cess are realized. It may be mentioned here that there is no hospital in the locality. Petty criminal and civil cases are disposed of by the landlords or their agents and small fines are imposed on the guilt being proved. The money is ordinarily appropriated by the landlords, but in rare cases a portion is given to the injured party as compensation. The party losing the case has also to pay peons' fees at 8 annas to Re. 1 per case. The Raj estate officials do not try any criminal or civil cases. Some landlords openly realize cesses at higher rates and show them in rent receipts. No such cesses were entered in the record-of-rights.

55. **Kists.**—The recognized kists for payment of rent are 10 in 12 months. The tenants are supposed to pay at these kists. On default 4 annas per rupee or 25 per cent. on the rent is realized. In the Raj estate no interest or compensation is realized from raiyats for default (except when sued in court) but the tenure-holders are liable to pay for default at the legal rates. In practice the bulk of the amount of rent is realized in Ashar, Aswin, Pous and Chaitra, though Tahasildars usually collect whenever they can.

56. **System of Zamindars' Accounts.**—Regular Zamindari accounts are kept by all the respectable landlords. The accounts of the Raj Estate are very good. But as usual the accounts are unnecessarily complicated by too many entries of items and kists, etc. It is very difficult for ordinary people to understand them easily. The petty landlords do not appear to keep correct accounts. Rent receipts are not given in most cases by them. They are also in the habit of realization more by false or faulty accounts.

57. **Village customs, etc.**—There are no special village customs in this pargana. There are no special village officials to whom any thing is to be paid.

58. **Standard of measurement.**—The standard of measurement prevalent in the pargana is the *kani*. There are two kinds of standard *kanis*, viz., *shahi* and *karsha*. The *shahi kani* is by a *nal* of 28 feet, and the *karsha* by a *nal* of 14 cubits of 18 inches to the cubit. 10 × 12 *nals* make a *kani*. One *shahi kani* is equal to 2.17 acres and one *karsha kani* is equal to 1.22 acres. Besides these standard measurements, there are *kanis* by special *nals* introduced by some talukdars; for instance, one talukdar has a *nal* of 13 cubits of 18 inches to the cubit (as was found in a registered kabuliyat dated the 4th November 1889). Another, a *nal* of 14 cubits of 17½" to the cubit (*vide* a kabuliyat registered on 28th January 1875). But these *nals* are not generally in vogue. There is also a *nal* of 14 cubits of 17 inches to a cubit (*vide* a registered kabuliyat, dated the 3rd April 1897).

59. **Principal products.**—Undoubtedly rice is the principal product in the pargana. Various kinds of rice are grown and the surplus product is exported. Pulses, specially *khesari* (*Lathyrus sativas*), and chillis also are grown to some extent and the surplus after home consumption is sold in the markets for export. Betelnut may also be considered as one of the principal products. Large quantities of these are exported.

60. **Export and import trade.**—Dandra being a small pargana there cannot be any big export or import trade. The chief exports are rice, mats, *putis*, jute, betelnut, *khesari*, chillis, tishi and hide. To a certain extent, the country made cloths (woven by *jugis*) are also exported to the neighbouring places. The principal imports are Manchester cloths, salt, spices, cocoanut, musuri (lentils), gram, *gur* (molasses), dry fish, sugar, tobacco and cotton thread. The river Chhota Feni, the Assam-Bengal Railway and the numerous roads connecting Dandra with the big markets on all sides, and on which cart traffic goes on all the year round, afford the easiest means of export and import.

61. **Trade centres.**—The following markets and *hâts* may be considered to be big trade centres :—

- (1) Reazuddi Munshir Hât.
- (2) Bakter Munshir Hât.
- (3) Panchgachia Hât.
- (4) Kuthir Hât.

A complete list of markets has been given in Appendix A.

62. **Weights and measures.**—All commodities except paddy are sold by weight. A seer is equal to 82 tolas and 10 annas in weight. 40 seers make a maund. Paddy is sold by a measure called an *ari*, holding 13 seers.

63. **Industries.**—There are no industries of any great importance within the pargana and none carried on on any extensive scale. I give below a list of these :—

Pottery work, *pai* and mat (chatai) making, weaving, carpentry specially making of *palkies* (palankeen), and country shoe and slipper making. None of the above industries are of any special importance, nor are they much known outside the borders of the pargana. I would add a brief note about a few of these industries :—

(1) *Pai*, these are very fine mats made with a special kind of split reed. The best quality mats are expensive. These mats are very cool and are used as sleeping mats in hot weather by the rich and the poor.

(2) The carpenters in Dandra make very good palankeens. These are in great demand in all the country round.

(3) Shoe and slipper making. The *muchis* near Kuthir Hât make beautiful fancy slippers worked in different artistic patterns with many coloured threads. These slippers are lined with deer skin. The leather is tanned by them locally.

64. **Manufacture.** There are few manufactures in the pargana and none of any importance. The following may be mentioned as chief manufactures :—

*Gur* (unrefined sugar), molasses from sugar cane and date palm, *ghee*, *dahi*, *chhana* and oil. These preparations are mostly for local consumption.

65. **Arts.** Arts, strictly speaking, there are none unless the ordinary goldsmith's and silversmith's works be dignified with that name. The ornaments are primitive in pattern and the workmanship is crude. Potters also make the idols for the Pujahs. The figures are made of straw and bamboo, covered with a thick coating of mud mixed with chaff and then painted. Some of the idols are pretty.

## PART II.

### Fiscal History.

66. **General history, early and modern.**—The name of Dandra appears in the Ain-i-Akbari as the 25th pargana in the Sirkar of Sonargaon with a revenue of 4,21,380 dams. In 1722 the original Sarkar was formed into 13 chaklas, one of which, viz., Chakla Jehangirnagar contained this pargana. In 1728 Shujaud Doula formed a corrected rent roll by which the province of Bengal was divided into 25 *Ihtemams*, and Dandra was included in the *Ihtemam* of Jalalpur. In 1790 Tippera with the areas under the present district of Noakhali (which included Dandara) was constituted into a separate revenue division; and in 1829 Noakhali was created into a district under the charge of a Joint Magistrate and Deputy Collector.

After the defeat of the Arkanese in 1610 A.D., two generals, one Musalman and the other Hindu, were appointed to guard the frontiers against invasion. Grants of land were made to them. The Musalman general got Pargana Dandra and the Hindu General Pargana Jugdia, which lies south and west of Dandra. Tradition says that during the administration of the Nawab Murshed Kuli Khan, Pargana Allahabad was carved out of Dandra and given to one Kaderyar Khan. But there is no record to show why and when this division took place. Subsequently the 2 Parganas came into the possession of the same person by matrimonial alliances and began to be treated as one estate. In 1728 A. D. the two Parganas stood in the name of Muhammed Arifat Chowdhury with a revenue of Rs. 7,486. Sometime before 1778 A.D., these two Parganas became separate and Dandra was divided into two estates viz., Hissya 12 annas and Hissya 4 annas (12 annas share and 4 annas share).

67. **Estate Hissya 4 annas.** Hissya 4 annas with a revenue of sicca Rs. 2,012-1-6 belonged to one Mahamed Ali Chowdhury and he remained in possession till he was declared a rebel and imprisoned for life by order

of the Supreme Council, dated 7th December 1792. and the estate was confiscated by order, dated 8th February 1793. This 4 annas share subsequently became estate No. 209. This estate was for the first time permanently settled in 1869 with Asema Banu, the heiress, and Bharat Jamadar the successor in interest of the heirs of Muhammed Ali Chowdhury at a revenue of Rs. 3,927-7-0. Asema Banu sold her share to the Raja of Hill Tippera. Bharat Jamadar was Benamdar of the Raja. A detailed history of this estate and tenures under it is given in Appendix C.

**68. Estate Hissya 12 annas.**—From a *doul* of 1778 A.D. (1186 B.S.) for Hissya 12 annas estate it appears that 8 annas of this 12 annas share stood in the name of Muhammed Wasil and Muhammed Asad and 4 annas in the name of Arzoo Bibi.

In about 1790 this estate was taken under khas management as the Zamindars were a turbulent lot and the revenue fell into arrears; and the estate remained under khas management for some years. In 1791 A.D. (1199 B.S.) the Collector of Tippera took *douls* from all the talukdars of the estates. In 1203 B.S., 6 annas share of Allahabad was incorporated with this estate (Hissya 12 annas) and in 1204 B.S. (17th March 1798 A.D.) the estate was permanently settled at a revenue of sicca Rs. 5,358-8 or Company's Rs. 5,715-11-9. In 1800 A.D. (1208 B.S.) the estate was partitioned into 4 estates. The jama alone was partitioned and not the lands. The table in Appendix III will give the present tauzi numbers and the shares of each estate with the amount of revenue and the share of Paragana Allahabad incorporated in each. These 4 estates (formed out of Hissya 12 annas share) together with the Hissya 4 annas of Muhammed Ali Choudhury represent the 5 original estates for the whole of Dandra.

**69. Estates Nos. 202 and 203.**—On 8th July 1835, Government purchased 2 estates (present tauzi Nos. 202 and 203) out of the 4, formed by the partition of Hissya 12 annas, in auction sale for arrears of revenue. These 2 estates represented 4 annas 18 gandas 2 karas 10 tils share. The Hissya 4 annas share of Muhammed Ali Choudhury was already under Government management. The Government had thus acquired 8 annas 18 gandas 2 karas and 10 tils share of the whole pargana Dandra with 3 annas share of the pargana Allahabad (which was incorporated with estate No. 203). In 1845 the lands of the whole pargana were surveyed and the 3 Government estates assessed. A detail of the proceedings will be found in Appendix C.

Estate Nos. 202 and 203 remained in the possession of Government till 1864 when they were sold in Zamindary right. The estates changed many hands till they came into the hands of the present proprietors.

**70. Estate No. 12.**—Estate No. 12 after many changes became the property of Chandra Nath Gupta Choudhury of Dandra. His widow and 3 sons were possessing it as executors to the estate. Recently they have sold the estate to the Raja of Hill Tippera.

**71. Estate No. 13.**—Estate No. 13 was the property of Muhammad Arshad Choudhury. It was purchased by Monohar Ali Choudhury in auction sale for arrears of cesses. As he also failed to collect rent from tenureholders, revenue fell into arrears and the estate was put up for sale and purchased by Chandra Kumar Ray and others of Dalalbazar, whose heirs are still possessing the same. A large number of civil suits were instituted to annul the tenures, and he was successful to a great extent with the result that estate No. 13 is the most profitable of all the estates in Dandra. Originally the above 5 estates comprised the whole of pargana Dandra.

**72. New estates in Dandra.**—It appears that at present there are 31 revenue-paying and 6 revenue-free estates in Dandra, though originally the pargana comprised only 5 estates as shown above. Since the partition of 1800, there has not been any other partition of any estate in the pargana, except the partition of the lands of the *ijmali* estates Nos. 1505, 204 and 191. Thus 26 revenue-paying and 6 revenue-free estates appear to have been created since Permanent Settlement time. The tauzi numbers of the estates in Dandra are as follows :—

Nos. 12, 13, 191, 196, 202, 203, 204, 206, 209, 213, 214, 216, 1330, 1331, 1341, 1342, 1506, 1507, 1508, 1509, 1510, 1511, 1561, 1562, 1563, 1564, 1565,

1607, 1762, 1763, 1764 and 75 BI, 92 BI, 1 BII, 2 BII, 17 BII and 18 BII. Out of these, only 12 revenue-paying and 6 revenue-free estates were taken up for survey and settlement.

Appendix IV will show the revenue, area and the names of the present proprietors of each of these estates.

**73. History of the remaining estates.**—The history of estates Nos. 12, 13, 202, 203 and 209, the five original estates of Dandra, has been given above. The history of estates Nos. 191, 204 and 1565 is given in paragraph 120. There remain 4 estates, viz., 1330, 1331, 1341, and 1342. Estates Nos. 1330 and 1331 were resumed as lakhiraj *Bazepti* mahal under Regulation XIX of 1793 and settled on half rate as *kharija* taluks. There is a *doul*, dated the 22nd May 1849, for estate No. 1331. When the pargana was measured in 1845, it was found that accretions had taken place to the Government estates 202 and 203 by the action of river Chhota Feni. These accretions were recorded as "Elake Sarkar." The Government sold these lands on zamindari rights as separate estates. No further informations about these estates are available. Estate No. 1341 represents accretions to estate No. 202 and 1342 to estate No. 203.

**74. Reasons for change of hands.**—Most of these estates have changed hands many times. The chief reasons for this appears to be that there are a very large number of old tenures held on low rent and possessed by a very large number of co-sharers.

The number of co-sharers is increasing every day due partly to inheritance and partly to sale of specific plots (*khandu kharids*).

The share of rent from each co-sharer is small and as usual very difficult to collect. The landlords do not find it profitable to sue as it is difficult to trace all the co-sharers and their heirs, when one happens to die.

The tenure-holders also fully knowing these difficulties of the landlords take advantage of it and do not regularly pay. The result is that a large amount of rent always remains uncollected. The revenue was sure to fall into arrears and the estates were sold.

**75. Proprietors.**—With the exception of estates Nos. 12, 13, 202, and 209, all the other estates are held by resident proprietors and are managed direct. The present proprietors of the estates noted above have regular tahasil kutcheries and collecting agencies in the pargana. Part of estate No. 203 has been sold to a pleader of Noakhali, Babu Radha Kanta Aich; the other proprietors are residents of Dandra.

**76. Previous surveys and settlements.**—From the Collectorate papers it appears that in former times the inhabitants of Dandra had been singularly unfortunate in being subjected to a series of prolonged surveys and assessments of a very harassing nature. In 1847 Mr. H. Ricketts, the Commissioner and member of the Sadar Board, was constrained to say on Mr. Wilkins proposing a fresh measurement that " \* \* \* I would not for the sake of a much more considerable advantage prolong the settlement ordeal of this Pargana. The inhabitants have been continuously harassed for 14 or 15 years, and it is high time our inquisition should be brought to a close".

77. (1) The first measurement on record is the one conducted by Sajawal Rajib Lochan Mukhopadhyaya in 1199 B. S.

(2) The next measurement took place in 1824 by Mr. Donnithorne.

(3) Mr. Blgrave measured the lands again in 1829-30.

(4) Rai Nara Narayan measured the pargana in 1838-39.

(5) Babu Ram Gopal Ray Bahadur measured the pargana in 1844-45. He prepared a detailed *chitha* of the lands of all the estates in the pargana. The *chithas* of 1844-45 for the first time in the history of the pargana made a separate record of the lands of the different estates.

(6) The *thak* and revenue survey took place in the year 1862-65.

(7) Babu Nabendra Kumar Ray of Dalalbazar, proprietor of estate No. 13, had the record-of-rights under Chapter X prepared for some of the mauzas of this estate. These records were finally published in 1906. As that operation did not extend even to all the mauzas of estate No. 13 it is not necessary to give any further details about it.

78. **The importance of revenue and thak surveys.**—Mr. (now Major) Jack in his Bakarganj final report says "There can be no doubt that since the permanent settlement, no administrative measure has exercised so profound an influence upon the district as the revenue and thak surveys".

The remarks applicable to Bakarganj are equally applicable to Dandra.

79. As mentioned before, by the partition of 1800 the lands were not divided and there existed no authentic record of any kind in the shape of *chitha* or other documents to distinguish the lands of the five different estates of Dandra. It was the common practice of the talukdars, most of whom held lands under more than one estate, fraudulently to transfer the lands from one estate to another to suit their own convenience, when occasion required. This was one of the chief reasons for taking up the survey of the whole Pargana in 1844-45, though Government owned a little more than 8 annas share of it.

80. The *chitha* to some extent guarded against such unauthorised and fraudulent transfers. But in the course of time, for obvious reasons the relaying of the *chitha* became impracticable. Thak map alone could be a safe-guard against such frauds.

81. **Conflict between chithas and thak.**—The thak survey took place 17 years after Ram Gopal Babu's measurement. There were extensive changes in the meantime. In the course of the present operation it was found that great discrepancies existed between the *chitha* and the thak. It appears that the agents of the different proprietors entered into an informal agreement to abide by the *chitha* in preference to the thak, and the records to a great extent were prepared on the basis of that agreement. It seems the tenants were not given much opportunity to express their version of the case. Many khatians were opened for such lands and as no rent was paid, it was attested as "liable to pay rent".

82. It is clear that the principle was not a sound one, and as a matter of course, some of the proprietors filed objection cases under section 103A., to rectify the mistakes ignoring the agreement by their local agents who do not appear to have any authority to enter into the agreements mentioned above.

83. Though it is admitted that the thak maps are not always very accurate, still there cannot be a shadow of doubt that any reasonable man would much prefer the evidence of the thak to that of the *chitha* regarding the boundaries of the lands of the different estates.

84. The thak survey was naturally and necessarily more scientific and better supervised than the crude measurement of Ram Gopal Babu, by the primitive method of measuring plot after plot with a *nal* or pole, could have been. The people were intelligent and took keen interest in these proceedings and the proprietors or their agents had to sign the thak maps.

The thak survey being of a later date and having been conducted on better principles, must take precedence over *chitha* of 1844-45.

85. **Comparison of land revenue and rents.**—As everywhere in permanently settled Bengal the difference between land revenue and rent is very great the total land revenue of these 11 estates (except 1565 which is a temporarily settled one) is Rs. 16,116 and odd annas while the valuation comes up to Rs. 1,52,193.

86. **Value of property.**—The value of proprietary interest in Dandra is at about 15 years purchase. Estate No. 203 was sold for Rs. 7,680 and the gross profit is said to be Rs. 554.

87. **Important families.**—The following families are of importance in the pargana. A brief history of each of the families as gathered from the members, is given in Appendix D.

(1) The Choudhuries of Sarishadi.—This is one of the most important and much respected family not only in Dandra but in the whole division.

(2) The Kazis of Berali.

(3) The Kazis of Bagadana.

(4) The Shekhs of Jalaskara.

(5) The Gupta Choudhuries of Senerkhil.

### PART III.

#### Present Operation.

88. **Origin of operation.**—His Highness the Raja of Hill Tippera who owned estate No. 209 (which was really 4 annas share of pargana) made an application for a survey and record-of-rights of his own estate, on the 13th September 1910 through his Manager Babu P. K. Dass Gupta. A copy of the original petition is given in Appendix E. The Collector issued a notice on the tenants and the tenants objected.

The Collector after hearing both sides found that the objections were not cogent and forwarded the application to Government and it was sanctioned.

Notification for survey and record-of-rights of estate No. 209 was published in the East Bengal and Assam Gazette of 24th May 1911 (copy of Notification is given in Appendix I A).

The area was taken up by an Assistant Settlement Officer who was placed under the supervision of the Collector. Work had already been started in estate No. 1565, which is a temporarily settled private estate in mauza Shahabhikari in this Pargana by notification No. 160 R., dated 23rd January 1911, for the purpose of Jamabandi (copy of notification is given in Appendix I B).

89. In 1912 it appeared to the Director of Land Records that it would be better for all concerned if the whole pargana could be taken up and he requested the Collector to arrange with the proprietors of the remaining 12 annas share of the pargana. Some of the proprietors then made an application on the 29th May 1912, praying for the survey and record-of-rights of the whole pargana (a copy of the application is given in Appendix F).

The application was granted and Notification No. 2776 appeared in the Calcutta Gazette of 3rd December 1912, for the survey and record-of-rights of the whole of pargana Dandra. (Copy of the Notification is given in Appendix I C).

90. It appears that though the notification was in respect of all lands situated in pargana Dandra, which comprised 31 revenue paying estates, only 12 such estates were taken up and two of these estates contained lands of pargana Allahabad.

91. **Staff.**—Maulvi (now the Hon'ble Mr.) Saiyed Altaf Ali, Deputy Collector, was appointed Assistant Settlement Officer to conduct the operation under the supervision of the Collector. A staff of five Assistant Settlement Officers, three Revenue Officers and seven Kanungos, was employed from time to time.

On Maulvi Altaf Ali's going on leave Maulvi Muhammed Mahmud was placed in charge and he brought the operation to a successful close.

A complete list of the Assistant Settlement Officers and Revenue Officers and Kanungos who were employed with the period of their employment is given in Appendix II.

92. **The operation placed under the supervision of S. O., Noakhali.**—About this time (1914) the district operation began and the minor operation was placed under the supervision of the Settlement Officer of Tippera—Noakhali.

93. **Traverse.**—The traverse was done by theodolite departmentally, connection being made with the G. T. Pillar at Bijoyshing. During the District Operations the mauzas were re-traversed by the professional party and the boundaries etc., of all the mauzas were plotted and the roads, khals, etc., surveyed for the purpose of topographical mapping, for which details of boundaries of cultivation, tanks, and the like were taken from the maps prepared by the Petty Settlement staff. There was no boundary dispute. Mauza Shahabhikari was first traversed in 1911. The rest of the mauzas were completed by 1912-13.

In all 101 mauzas were surveyed cadastrally, some partly some wholly (their area, number, etc., are given in Appendix G).

94. **Cadastral Survey.**—The survey was made in 1912-13 under the Faridpur, Dacca rules. There was not much difficulty in survey as the country was in no way different from ordinary East Bengal tracts. There were in all 83,908 plots and the average came up to 2.13 plots per acre.

95. In many cases homestead plots held by different co-sharers having separate jamas were not surveyed according to possession but shares of the plots were entered in the different khatians.

96. Another noticeable point was that bits of land alleged by the landlord's agents to be outside the holding of the tenants were plotted separately and entered in separate khatians. In many cases the areas of such plots were as low as '01 acre.

97. **Khanapuri.**—Khanapuri or record writing was not difficult and it was completed in 1913-14. Tenure Trees were prepared by the kanungos. Co-sharers in separate possession were often given separate khatians though the rent was entered in the principal khatians. This was specially the case with the tenure-holders where the number of co-sharers in the original tenure with *khanda kharid-dars* was enormous.

98. **Field bujharat.**—Field *bujharat* was done by kanungos. A staff of 7 kanungos was employed from time to time. Field *bujharat* was also completed in 1913-14.

99. **Attestation.**—Attestation also was not difficult. The record of the status of tenure-holders, specially in estate No. 209, gave some trouble. The tenure-holders all claimed fixity of rent. The landlords, specially the agent of the Raja of Hill Tippera, asserted that it was not so. The attestation officer on the evidence then adduced recorded the tenure as on fixed rent. The *khatians* made for plots mentioned in paragraph 96 were attested as liable to assessment. The jote tenures described in paragraph 41 were attested as permanent and heritable but liable to enhancement. No case of illegal enhancement appears to have been dealt with. The cesses realized from raiyats at higher rates were cut down. Cesses at legal rates only were entered in the records.

100. **Draft Publication and objection under section 103 A.**—As soon as the mauzas were completed draft publication of the records was made. The parties appear to have taken lively interest in the operations. In all 3957 objections were filed. Most of the objections filed by the proprietors were regarding the following :—

- (1) That the lands appertained to a different tauzi.
- (2) That the tenancy was not *mokarari*.

Nabendra Babu, the proprietor of estate No. 13, filed a very large number of objections, praying that the lands recorded in possession of tenants and in respect of which he had obtained decrees, should be recorded in his khas possession. The result of the cases were not always favourable to him as in reality the tenants had all along been in possession, and the objector in most cases had taken neither symbolical possession nor even executed the decrees. The bulk of the objections were disposed of by Moulvi Muhamed Mahmud; about 1,000 cases were disposed of by me in 1915. All the objections were completely disposed of by the end of 1915.

101. **Final copies of maps.**—The original maps remained in the camp with the officers and the corrections at every stage were made on the maps.

After the disposal of all objections the reproduction of the maps was made by the vandyke process by the Survey Department. A large number of copies of the maps of each village was made as a copy was to be distributed to each tenant who had his homestead in the village.

102. **Final scrutiny or janch.**—After the disposal of all the objections the records were janchd in camp and all discrepancies reconciled. The most important point was to see that all disputes and objections were correctly *tamilled*, and the records were consistent and that there were no palpable mistakes or omissions. The final janch was completed in 1915-16.

103. **Statistics.**—The final statistics were prepared at once.

104. **District Register of tenures.**—A District Register of Tenures was prepared in 1915-16. It is a most valuable document and is expected to be of the greatest use to the proprietors and tenure-holders. It showed "the amount of land comprised village by village in each tenure of the estate, and further divided the land amongst the under tenure-holders and raiyats, rent-free and rent paying tenants, and displayed the amount of rent paid by each rent paying class."



105. **Copying.**—The records were then fair copied by hand. Three copies were prepared, two copies for distribution to landlords and tenants and the remaining one to be made over to the Collectorate as the public copy. The fair copy was again compared with the original.

106. **Binding.**—The public copy of the records was bound in three quarters leather bindings.

107. **Final Publication.**—The record-of-rights of all the mauzas except Shahabbikari were finally published under rule 61 by the end of March 1917. As the estate No. 1565 was taken up for partition the records of estates Nos. 1565, 191 and 204 were finally published after completing the partition on the 20th July 1917. Detailed information about this estate is given in paragraphs 120 to 127. The names of the mauzas with the date of their final publication is given in Appendix G. The finally published record-of-rights contain 83,908 plots and 27,047 *khatians*.

108. **Application under section 105 and suits under section 106.**—There were filed 930 applications under section 105 affecting 1,848 tenancies and 84 suits under section 106. In most of the 105 cases, issues under section 105A were raised. All these cases were disposed of by me at Feni. The first case was taken up on the 19th June 1917 and the judgment in the last group of cases was delivered on the 16th October 1917.

I am glad to mention that I found the members of the Feni Bar to be very willing workers. Some of them worked with me over 13 hours a day and the speedy disposal of the cases is due to a great extent to their willing co-operation.

109. **Section 105 cases.**—The late Major Jack in his Bakarganj Settlement Report says "it may be premised that although in theory section 105 applies equally to a landlord seeking enhancement, and a tenant seeking reduction of rent, in fact it is only employed for increase of rent." His conclusions are never wrong.

Out of these 930 applications there was only one application for the reduction of the rent of a holding. It appears to me that in filing applications for enhancement of rent no great discrimination was used. I shall mention the cases of His Highness the Raja of Hill Tippera as his estate is the best managed of all the estates. From the Chakla-Roshnabad Final Report it appears that the then Manager of the Raja, Mr. McMinn, laid down the following principles for filing cases against the raiyats :—(1) when the increase of area was not less than 20 per cent., (2) when the present rent was under Re. 1-8-0 per kani. and (3) when the increase asked for was not less than Rs. 3. The manager further directed that on an average 25 per cent. should be sued (though in reality it rose to 39·7 per cent.) In taluk cases 57 per cent. were sued.

In Dandra we find that none of the three conditions or anything like them were ever thought of. We find application for enhancement filed for tenancies paying only one anna as rent. Regarding tenures I find that applications were filed even for Lakheraj Bazeapti Taluks which were assessed at half rate and the rent of which under Regulation XIX was fixed for ever. As regards the cases between the big landlords and tenants I tried my best to have them compromised. There was some talk of compromise in the beginning but later on with the exception of a few cases no compromise took place. There were in all 15 compromises mostly between petty landlords and tenants and by compromise the rents were raised from a total of Rs. 490 to Rs. 689. The proprietors of estate No. 203 were quite willing to compromise, and a large number of compromises would have been effected had they not insisted on the tenants to compromise either on *Gar Mokarari* terms or on *Mokarari* terms by taking patni settlement under Regulation VIII of 1819 with provision for periodical sale under section 8. The tenants appeared very much afraid of this condition. All these cases fall under 2 classes, viz., tenure cases and raiyati cases.

110. **Tenure cases.**—There were 457 applications affecting 644 tenancies for enhancement of the rent of tenures.

The most interesting and important were the applications filed by the proprietors of estates Nos. 203 and 209. In Appendix C I have given a copy of the judgment in a group case regarding the tenures in estate No. 209.



The judgment contains the history of the pargana and the tenures. There is some difference between the tenures in estate No. 209 and estate No. 203.

*Douls* were taken in 1199 B. S. from all the tenure-holders in the pargana which consisted of two estates only, *viz.*, Hissya 4 annas and Hissya 12 annas. The estate 12 annas Hissya was partitioned into four estates in 1800 (the *jamas* and not the lands were partitioned) and thus most of the tenures in this Hissya were split up into four tenures. There were private partitions too of the tenures and sales of specific plots of land (the purchasers making it *kharij*) and abatement of rent for diluvion. Hence the Revenue Officers in 1845 found it very difficult to ascertain the decennial taluks in these estates as in many instances the rent and name of the taluks had changed. The tenures broadly speaking may be divided into two classes, the new tenures and the old tenures.

111. **Principles of the assessment of tenures.**—The following principles were adopted for the enhancement of the rent of both the classes of tenures :—

(1) In the case of new tenures created by registered deeds enhancement was allowed under sections 52 and 7 according to the terms of documents.

(2) The old tenures again may be divided into two classes “a” and “b”.

(a) Decennial tenures. Where the rent or rate of rent had not varied since permanent settlement the cases were dismissed. Where the rent had varied since permanent settlement no relief could be allowed as the conditions for enhancement under section 6 were not fulfilled.

(b) With regard to old tenures, about which direct evidence of their existence at permanent settlement was not forthcoming, enhancement under section 7, sub section (2) was allowed. As percentage on the assets was not considered fair and equitable, lump enhancement on original rent varying from two and a half times to a mere nominal fraction was allowed according to the circumstances of each case.

112. **Principles of raiyati assessment.**—There were 473 applications affecting 1,204 tenancies for enhancement of rent of holdings and also for settling fair rent in cases where no rent was recorded.

113. Prayer for enhancement of rent under section 30 “a” was not allowed in any case, as there was no evidence of prevailing rate in the locality. Enhancement under section 30 “b” was allowed in most cases. Additional rent under section 52 for excess area, where proved, was also allowed after making allowances for closeness of measurement, etc., under the Board’s instructions.

114. In 35 cases affecting 84 tenancies the existing rent was settled as fair rent. Only 71 cases were compromised.

115. There were 38 applications affecting 119 tenancies for settling fair and equitable rent in cases where no rent was previously recorded. There were *khatians* with only .01 acre of land in them. It appears to me that most of these *khatians* were opened unnecessarily at the importunity of the agents of the landlords.

It is a common practice of these agents to pester settlement staff with prayer for entering any bit of land that they (the agents) imagine to be outside the holding of the tenant, in a separate *khatian*. The officers seem to have indiscriminately allowed separate *khatians* to be opened in these cases. Some of the cases were also due to conflict between *chitta* of 1252 and the *thak* map as stated in paragraph 81.

In most of these latter cases the landlords could get no relief as no other evidence except that of the finally published *khatians* was in their favour, while the tenants adduced better and more convincing evidence in their favour.

Fair rents were invariably settled where the lands were admitted or proved to be *hebandobasti*, according to the quality of the soil and other circumstances. The quality of the soil was different in different localities.

But for the most part the lands were good, and the fair rents were assessed at Rs. 5 per acre.

116. **Result.**—As a result of these section 105 applications, the rents were enhanced as follows :—

				Old rent.			New rent.		
				Rs.	A.	P.	Rs.	A.	P.
Tenures	...	...	...	1,623	7	2	2,252	6	6
Holdings	...	...	...	2,077	1	2	2,460	5	8

117. **Suits under Section 106.**—Suits under section 106 were comparatively few. This is probably due to (1) shortness of time for filing and (2) to the knowledge that the relief would be only of a declaratory nature.

In all 84 suits under section 106 were instituted. Of these 54 suits were dismissed without trial or withdrawn. In most of these, the plaints were defective. Only 30 suits were decreed.

118. **Exparte cases.**—In the exparte cases, every precaution was taken for the service of notice on defendants and no order was passed till the court was satisfied that the notices were duly served. In some cases where it appeared to the court, that the notices were not duly served, processes were again issued at the instance of the court. In some cases summonses were also issued by Registered Post. In some of the cases instituted by Babu Nabendra Kishore Ray, the reason for non-attendance of the defendants, was that they had, after the preparation of record-of-rights, converted their tenancies into Patnies by registered documents; and these defendants did not appear as they had nothing to lose by a decree.

119. **Section 108 A.—Cases.**—In all 12 applications for correction under section 108 A have up to date been filled and all disposed of by the Settlement Officer.

120. **T. S. Estate.**—Estate No. 1565 is a temporarily settled private estate in the Pargana. The lands of this estate were joint, undivided with estates Nos. 191 and 204 with a total area of 3,207·07 acres. This char formed as an accretion to the Pargana Dandra by the recess of the Little Feni river and had been in possession of the Salt Department since its formation.

It was ordered by the Council on 3rd September 1819 that when the char would be released by the Salt Department, it would be settled with the proprietors according to their respective shares in the pargana.

121. The char appears to have been released by the Salt Department about 18 years after the order passed by the Council. In 1837, Mr. Cornwallis Tottenham measured the char with a *Nal* of 16 cubits and the lands were assessed at Rs. 4 per *kani* for *Hashil* (cultivated) and Rs. 3-8-0 per *kani* for *laikabad* (culturable fallow). Government owned 8 annas 18 gandas 2 karas 10 tils share of the Pargana by escheat and purchase and the remaining 7 annas 1 ganda 1 kara 2 kranti 10 tils belonged to private proprietors. The whole char was settled in *ijara* with one Muhammed Roushen as guardian of Akhtarennessa for a period of 20 years from 1839 to 1859 at a jama of Rs. 4,466-9-10, less deductions for malikana and collection expenses. The revenue appears to have been reduced at about 1849 on account of diluvion and a fresh kabuliyat was executed by Akhtarennessa for the remaining period of the term. Akhtarennessa was predecessor of Muhammed Arshed. On the expiry of the lease in 1859, the estate was allowed to remain in the hands of Muhammed Arshad and others, who agreed to retain possession at the former jama and abide by subsequent measurement to pay excess jama or otherwise.

122. In about 1860 the lands were measured by a Deputy Collector and he proposed resettlement with Arshed on revised terms. Mr. Pepper, the Collector, objected to the settlement with Arshed on the ground that the tenants had filed a petition alleging oppression and other malpractices.

Mr. Pepper proposed farming out to Arfan Nessa from year to year for 5 years from 1860. In 1862 settlement with Arfan Nessa was confirmed. Muhammed Arshad appealed to the Board of Revenue and Mr. Fergusson, the then Member in Charge, held that the ground for not settling with Arshad was not sufficient, and directed that the char should be settled with him at Rs. 4,253 for 5 years from 1270 B.S., with the proviso that

should the Government sell the Government's share of the char, viz., 8 annas and odd, within the 5 years, the lease would terminate. It was decided by letter No. 128 of 10th April 1863, to sell the Government's share of 8 annas and odd to the highest bidder over an up set price of double the jama. Arfan Nessa appealed to Government but to no purpose and Government sanctioned the Board's proposal by letter No. 1683 of 23rd April 1863. The char remained one *ijmali* estate till 1863, the settlement holder taking settlement by one kabuliyat. The last kabuliyat available is dated 18th September 1861 executed by Arfannessa.

123. From the *doul* dated 18th February 1864, executed by Arshed and Aminuddin Choudhuries, it appears that the Government's share of 8 annas odd was sold in 1863, and the 4 annas share settled in Zamindari right with proprietors Arshed and Aminuddin and the remaining 3 annas 1 gd. 1 kara 2 krantis 10 tils share was settled for a period of 10 years from 1864 to 1873 with the said Choudhuries as the proprietors of this share did not take settlement. On the expiry of the last settlement the estate No. 1565 was taken up (by Notification No. 160 R., dated 23rd January 1911) for the purpose of jamabandi. Traverse was done departmentally. Cadastral Survey, Khanapuri and Bujharat were completed in that year. Attestation was postponed. The whole of Dandra Pargana was taken up in 1913 and attestation of Char Shahabhikari was done along with the other mauzas of Dandra and completed in the year 1914-15. Objections also were disposed of along with the rest of the Dandra mauzas.

124. After the disposal of objections under section 103A, separation of the estates was effected by the Settlement Officer with the sanction of the Commissioner under Regulation VII of 1822 on the application of all the proprietors concerned. The proprietors had prayed for separative partition of the lands of estates Nos. 191 and 204 as well, and this was done at the same time, the whole proceeding being ratified by the registration of a partition deed signed by the Collector and all the proprietors concerned. Now the lands of all the three estates are separate. After partition jamabandi of the temporarily settled estate was done.

125. **Assessment of estate No 1565.** As a separate final report has been submitted for estate No. 1565, I shall deal very briefly with the salient features only.

The total area of the estate is 605.03 acres, classified as follows :—

Assessed area—					
Hashil	...	...	...	...	496.99 acres.
Laikabad	...	...	...	...	9.25 „
Unassessed area—					
Nalaik	...	...	...	...	95.56 „
Laikabad	...	...	...	...	3.23 „
Total					605.03

The Hashil and Laikabad lands were assessed at an all round rate of Rs. 4-8-0 per acre. Nalaik was left out of assessment as usual. The tenure-holders have been given an allowance of 30 per cent. and the proprietors 25 per cent. The tenure-holders filed 22 appeals under section 104 G, praying for more allowance.

At first 20 per cent. was allowed to tenure-holders and when they had filed 71 objections under section 104 E, the rate was raised to 30 per cent.

126. **Tenures in Estate No 1565.**—There are 151 tenures in this estate. All these are permanent, but liable to enhancement of rent. There is no other special feature in these tenures. There is not much subinfeudation in these tenures.

There are 129 raiyats and 6 under-raiyats in this estate.

127. **Final Publication.**—On account of the partition and jamabandi estates Nos. 191, 204 and 1565 could not be finally published with the other estates of the Pargana. These estates were finally published on 20th July 1917.

No applications under section 105 nor suits under section 106 have been filed in estates Nos. 191 and 204.

## PART IV.

### Financial Results.

128. **Estimates.**—As stated before, estate No. 1565 in mauza Shaha-bhikari was first taken up for the purpose of jamabandi, along with the other Government and temporarily-settled private estates. Therefore there was no separate budget estimate for the same.

In 1911 on the application of His Highness the Raja of Hill Tippera, estate No. 209, which represented 4 annas share of the pargana, was taken up for survey. The cost for this estate was estimated at Rs. 5,760, and the whole amount was deposited by the Raja. A year later the remaining 12 annas share of the pargana was taken up on the prayer of some of the proprietors. It was estimated that the cost for this 12 annas share would be only Rs. 7,000 as most of the mauzas were already traversed for the survey of estate No. 209; but there was no fresh budget submitted in that year. The rule about deposits of cost for 12 annas share was relaxed, as these proprietors were reported to be poor, and as they gave their estates as security for the costs. Towards the close of the year 1913-14 it was found that the work was more complicated and difficult than what was at first conjectured, and a revised budget for Rs. 27,095-12-11 was submitted. This was "based on a programme which contemplated that the work would be completed by September 1915." The budget was sanctioned by Government order No. 2308, dated 28th February 1914. When the operation reached the stage of objection under section 103A, it was found that the work was much more intricate, and the disputes and objections more numerous and contentious than what was at first anticipated. The actual area also came out to be much more than what it was estimated to be. The number of plots and interests per square mile also came out to be more than double the standard number. For all these reasons a revised estimate for Rs. 50,336 was submitted on the 4th March 1916. It was sanctioned by Government order No. 3715, dated 10th April 1916.

The actual gross expenditure till the close of the operation was Rs. 47,423-3-4 and the actual net expenditure Rs. 38,988-13-4.

129. **Apportionment proposal.**—The operation was placed under the supervision of Mr. Thompson, i.c.s., the Settlement Officer of Tippera-Noakhali, in 1914; and the recovery proposals were framed by him. When the apportionment proposals were framed in February 1916 it was estimated that the gross expenditure would be Rs. 47,513, and the net expenditure roughly Rs. 46,000. It was proposed that the "settlement costs should be realized from persons of all grades in proportion to the amounts which each person pays as road cess from his own pocket; i.e., the amounts which he pays to his immediate landlord, less the amount which he receives from his tenants." On the principles propounded it was found, on the figures then available, that each man would have to pay 6 times the amount (i.e., the co-efficient should be 6) calculated on the formula—

6 [valuation of his khas land at the local raiyati rate +  $\frac{1}{2}$  rent on sthit, -  $\frac{1}{2}$  his own rent] annas : to make up the total of Rs. 46,000.

130. The proposal was an ingenious one and unique of its kind. The incidence of assessment on all grades of landlords and occupiers is most equitable and just, as will be evident from the elaborately worked out example given by the Settlement Officer in the proposal. It has been found to be most useful and satisfactory in Dandra; and, I am sure, it will be equally satisfactory in all other settlements where the cess re-valuation is made by the Settlement Department. I give a copy of the proposal as an Appendix (Appendix H).

131. The Director of Land Records in submitting the proposal to Government for sanction suggested in paragraph 3 of his letter No. 5363, dated 26th May 1916, that it would be equitable that the general body of landlords and tenants should be relieved of a portion of "this swollen cost," specially in this case, as the India Government would not "pay the usual one-fourth of the expenditure as in District Operation."

It was accordingly proposed to distribute Rs. 7,000 of the cost amongst the proprietors, and to recover the remainder Rs. 39,000 from all the

occupants in the estate including the proprietors. To recover Rs. 39,000 in this way, the co-efficient should be 5.

This modified proposal, which was made with the approval of the Settlement Officer, was sanctioned by Government by order No. 1413 T.R., dated 14th August 1916. Copy of the apportionment order is given in Appendix ID. In view of the fact that the total net expenditure was so low as Rs. 38,988-13-4, it was not thought necessary to distribute the Rs. 7,000 amongst the proprietors, as was suggested by the Director of Land Records.

132. **Computation.**—The demand was worked out according to the apportionment order. The total amount came up to Rs. 43,577-12.

133. **Recoveries.**—Of the total amount of Rs. 43,577-12-0, Rs. 42,741-2-0 was recovered from occupants of all grades, to the extent of a little less than six-seventh voluntarily and a little over one-seventh by certificate, Rs. 624-6-0 was deducted from the deposit of Rs. 5,760 made by the proprietor of estate No. 209.

134. **Remission.**—Of the amount outstanding, Rs. 100-4-0 were remitted as the demand in each case was less than Re. 1. There still remained a balance of Rs. 736-6-0. This amount represented the cost payable by the proprietors of permanently settled estates Nos. 191 and 204. The lands of these two estates were joint with those of the temporarily settled estate No. 1565. On the prayer of all the proprietors of these three estates, the lands were partitioned and separate blocks assigned to each estate. A deed of partition was signed by all the proprietors concerned.

Some of the proprietors of the permanently settled estates applied for exemption from the costs and the Director of Land Records recommended that Rs. 550 and Rs. 186-6-0, being cost payable by proprietors of estates Nos. 191 and 204 respectively, may be remitted. The Government in letter No. 1878 T. R. of 13th October 1917, accepted the Director of Land Record's recommendation and remitted the amount.

The table below will show the total demand as well as the realization and remission :—

	Demand as calculated according to apportionment order.	REALIZATION.		
		Voluntarily.	By certificate.	Total.
	Rs. A.	Rs. A.	Rs. A.	Rs. A.
Landlords ...	28,037 5	21,817 9	5,592 10	27,410 3
Occupiers ...	15,540 7	14,142 7	1,188 8	15,330 15
Total ...	43,577 12	35,960 0	6,781 2	42,741 2
			Remitted as less than Re. 1 ...	100 4
			Remitted under Government order No. 1878 T. R.	736 6
		GRAND TOTAL	...	43,577 12

135. **Actual expenditure.**—It may be noted here that the actual gross expenditure up to the close of the operation (in 1918) came up to Rs. 47,433-3-4; that is, within a few rupees of the estimate made by the Settlement Officer in 1916. But the actual net expenditure was Rs. 38,988-13-4 as against Rs. 46,000 estimated by Settlement Officer. This was less than the estimated net expenditure by a little above Rs. 7,000. The reason was that the gross receipt under court-fee stamps and other heads, had swelled up to Rs. 8,444-6-0. The estimate for case work was only Rs. 1,478 but the actual receipt by way of court-fee stamps, etc., for cases under sections 105 and 106, was Rs. 5,425-14-0 and miscellaneous stamps Rs. 2,224-14-0, that is, Rs. 7,650-12-0 in all. But for this enormous increase in stamps the actual expenditure would have been well within a few hundred rupees of the estimate.

136. **Comparison with Roshnabad.**—The gross cost of survey and settlement proceedings is thus a little less than Re. 1-15-0 per acre and the

net cost a little over Re. 1-9-0 per acre. These rates compare very favourably with those in Roshnabad Settlement, where the gross costs and net cost were at Re. 1-8-0 and Re. 1-6-0 per acre respectively.

For, in this settlement some new items of expenditure were introduced such as—

- (1) Field bujharat, which was done by a staff of highly paid kanungos.
- (2) Reproduction of maps by the vandyke process.
- (3) Director of Land Records' control.

In Roshnabad Settlement these items of expenditure were not incurred as it appears from the Final Report. If the aggregate of these expenditures be deducted from the total cost, the rate per square mile in Dandra will fall below that in Roshnabad. In Roshnabad the gross expenditure per square mile was Rs. 954. In Dandra the gross expenditure per square mile is Rs. 1,248. But if the total cost under the above 3 heads be deducted, the rate would become a little over Rs. 940 per square mile. Dandra is just south of and contiguous to the central division of Roshnabad.

**137. Distribution of expenditure.**—It appears that no record of the distribution of expenditure under the various heads was kept till the year 1914-15, when the operation was placed under the supervision of the Settlement Officer, Tippera-Noakhali.

With great difficulty the material for showing the expenditure under the different heads, has been gathered from the Annual Reports, etc., but it is not possible to show separately the expenses on account of supervision, supplies and services, and contingencies. The expenses shown under the different heads in the table below therefore include the expenses on account of supervision, supplies and services and contingencies.

**138. Reasons for high rate.**—It will be seen that in most cases the cost rate is much higher than the standard rate.

The fact that expenditure under the three heads mentioned above was not shown separately is one of the chief reasons why the cost rate is so much higher than the standard rate. The other reasons are—

- (1) that the number of plots and interests per square mile was more than double the standard number ;
- (2) the number of disputes and objections was more numerous and contentious, the number of cases under sections 105 and 106 was also more numerous than in a normal area.
- (3) It is a well known fact that costs per square mile of a minor operation are invariably much higher than those of a district operation. Thus the higher cost rates are not in any way unusual.

**139.** The table below will show the cost rate per square mile as compared with the standard rate :—

				Rs.	AS.	P.	Cost rate.	Standard rate.
Traverse	...	...	...	3,891	7	10	102	65*
Cadastral	...	...	...	6,916	8	1	182	115
Khanapuri	...	...	...	2,925	0	0	77	39
Preliminary office work	...	...	...	1,302	8	3	34	18
Bujharat	...	...	...	7,059	0	0	186	94
Attestation	...	...	...	10,571	0	1	278	66
Objection under Section 103A	...	...	...	1,699	8	3	44	27
Janch	...	...	...	803	3	11	21	20
Statistics	...	...	...	89	1	0	2	10
Final Copy	...	...	...	2,260	13	5	60	54
16" maps	...	...	...	339	1	0	9	6
Recovery	...	...	...	1,620	11	7	43	29
Case-work	...	...	...	3,160	9	9	83	16
Director of Land Record's control	...	...	...	3,739	10	2	98	15
Maintenance of boundary marks	...	...	...	373	0	0	...	...
Reproduction	...	...	...	682	0	0	18	25*
Supervision	...	...	...	...	...	...	...	179
Contingencies	...	...	...	...	...	...	...	97
Total gross expenditure	...	...	...	47,433	3	4	1,237	885

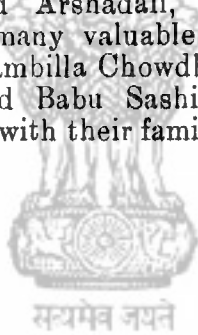
\* Including D. S.'s Control.

140. It will be seen that the cost rate under the heads (1) Attestation, (2) Case-work and (3) Director of Land Record's control is a little over four times, five times and six times respectively of the standard rate. These high cost rates require an explanation :—

- (1) *Attestation*.—Besides the reasons mentioned in paragraph 138 no other explanation is possible, as none of the officers who were through the work is now in this settlement, nor have they left any note from which information can be gathered.
- (2) *Case-work*.—Besides the reasons mentioned in paragraph 138, the high cost rate was mostly due to the employment of a Deputy Collector on Rs. 400 for disposal of the cases.
- (3) *Director of Land Record's control*.—The figure (Rs. 3,739-10-2) was supplied from the Director of Land Record's office and this gives a cost rate of 98. This was probably due to the fact that the total direct expenditure was much higher.

141. **Cess Revaluation.**—The revaluation of cesses was undertaken by the Settlement Officer of Noakhali under Government Notification No. 1679 T.—R., dated the 23rd October 1915. A copy of the notification is given in Appendix I. E. The result of revaluation is given in Appendix VIII. The total increase is Rs. 1,835-4-10. In only two petty estates, viz., Nos. 1330 and 1341, there has been a little decrease in the amount of cesses. In estates Nos. 202 and 1342 the increase is enormous. There were thirteen objections in all and in two only the valuations were modified.

142. **Conclusion.**—I have to thank Babu A. R. Bose, Sub-Divisional Officer, and Moulvi Mohamed Arshadali, Chowkidari Circle Officer of Feni, for supplying me with many valuable information. My thanks are also due to Maulvi A. K. Mokrambilla Chowdhury, Kazi Nural Amin, Maulvi Shekh Abdul Khaleq, B.L. and Babu Sashi Bhushan Gupta Choudhury, all of Dandra, for supplying me with their family histories.



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## APPENDIX IA.

No. 1087 R., dated the 24th May 1911.

Notification by—J. F. GRUNING, ESQ., Secretary to the Government of Eastern Bengal and Assam, Revenue Department.

In exercise of the powers conferred upon him by section 101 (2) (a) of the Bengal Tenancy Act, VIII of 1885, as amended to date, the Lieutenant-Governor of Eastern Bengal and Assam is pleased to direct that a survey shall be made and a record-of-rights prepared in respect of all the lands which are situated within the four annas share of pargana Dandra, bearing Tauzi No. 209, of the Noakhali Collectorate belonging to His Highness the Raja of Hill Tippera :—

The particulars to be recorded in the record-of-rights shall be the following :—

- (a) the name of each tenant or occupant ;
- (b) the class to which each tenant belongs, that is to say, whether he is a tenure-holder, raiyat holding at fixed rates, settled raiyat, occupancy raiyat, non-occupancy raiyat or under-raiyat, and, if he is a tenure-holder whether he is a permanent tenure-holder or not, whether his rent is liable to enhancement during the continuance of his tenure ;
- (c) the situation and quantity and one or more of the boundaries of the land by each tenant or occupier ;
- (d) the name of each tenant's landlord ;
- (e) the name of each proprietor, with the character and extent of his interest, and the situation, quantity, and one or more of the boundaries of the lands, if any, which are his private lands as defined in Chapter XI of the Act ;
- (f) The rent lawfully payable deliverable in money or kind by each tenant at the time the record-of-rights is being prepared ;
- (g) the mode in which that rent has been fixed, whether by contract, by order of court, or otherwise ;
- (h) if the rent is a gradually increasing rent, the time at which, and the steps by which, it increases ;
- (i) the cess lawfully payable by each tenant to his landlord at the time the record-of-rights is being prepared ;
- (j) the rights and obligations of each landlord and tenant in respect of—
  - (1) the use by tenants of water for agricultural purposes, whether obtained from a river, jhil, tank or well or any other source of supply, and
  - (2) the repair and maintenance of appliance for securing a supply of water for the cultivation of the land held by each tenant whether or not such appliances be situated within the boundaries of such land ;
- (k) the special conditions and incidents, if any, of the tenancy ;
- (l) any right-of-way or other easement attaching to any land for which the record-of-rights is being prepared ;
- (m) if the land is claimed to be held rent-free, whether or not rent is actually paid, if not paid, whether or not the occupant is entitled to hold the land without payment of rent, and if so entitled, under what authority.

## APPENDIX IB.

No. 160 R., dated the 23rd January 1911.

Notification by—J. F., GRUNING, ESQ., Secretary to the Government of Eastern Bengal and Assam, Revenue Department.

In exercise of the powers conferred on him by section 101 (2) (d) of the Bengal Tenancy Act, VIII of 1885, as amended to date, the Lieutenant-Governor of Eastern Bengal and Assam is pleased to direct that a survey shall be made and a record-of-rights prepared in respect of the lands of the following temporarily-settled private estates in the district of Noakhali :—

	Tauzi No.		Tauzi No.
Char Balammara	... 1553	Thak Darbesh (Halka 34)	... 1772
Char Palwan	... 1552	Thak Darbesh (Halka 35)	... 1585
Char Toom	... 1554	Thak Nij Kunjara	... 1785
Char Shahabhikari	... 1565		

The particulars to be recorded in the record-of-rights shall be the following :—

- (a) the name of each tenant or occupant ;
- (b) the class to which each tenant belongs, that is to say, whether he is a tenure-holder, raiyat holding at fixed rates, settled raiyat, occupancy raiyat, or under-raiyat, and, if he is a tenure-holder, whether he is a permanent tenure-holder or not, and whether his rent is liable to enhancement during the continuance of his tenure ;
- (c) the situation and quantity and one or more of the boundaries of the land held by each tenant or occupier ;
- (d) the name of each tenant's landlord ;

- (e) the name of each proprietor, with the character and extent of his interest, and the situation, quantity, and one or more of the boundaries of the lands, if any, which are his private lands as defined in Chapter XI of the Act ;
- (f) the rent lawfully payable or deliverable in money or kind by each tenant at the time the record-of-rights is being prepared ;
- (g) the mode in which that rent has been fixed, whether by contract, by order of court, or otherwise ;
- (h) if the rent is a gradually increasing rent, the time at which and the steps by which, it increases ;
- (i) the cess lawfully payable by each tenant to his landlord at the time the record-of-rights is being prepared ;
- (j) the rights and obligations of each landlord and tenant in respect of—
  - (1) the use by tenants of water for agricultural purpose whether obtained from a river, *jhil*, tank or well or any other source of supply, and
  - (2) the repair and maintenance of appliances for securing a supply of water for the cultivation of the land held by each tenant, whether or not such appliances be situated within the boundaries of such land ;
- (k) the special conditions and incidents, if any, of the tenancy ;
- (l) any right of way or other easement attaching to any land for which the record-of-rights is being prepared ;
- (m) if the land is claimed to be held rent-free, whether or not rent is actually paid, if not paid, whether or not the occupant is entitled to hold the land without payment of rent, and if so entitled, under what authority.

## APPENDIX IC.

### NOTIFICATION.

No. 2776.—*The 3rd December 1912.*—In exercise of the powers conferred upon him by section 101 (2) (a) of the Bengal Tenancy Act, 1885 (VIII of 1885), as amended up to date, the Governor in Council is pleased to direct that a survey shall be made and a record-of-rights prepared in respect of all lands situated in pargana Dandra within the jurisdiction of thana and subdivision Feni in the district of Noakhali. The particulars to be recorded in the record-of-rights shall be the following :—

- (a) the name of each tenant or occupant ;
- (b) the class to which each tenant belongs, that is to say, whether he is a tenure-holder, raiyat, holding at fixed rates, settled raiyat, occupancy raiyat, non-occupancy raiyat or under-raiyat, and if he is a tenure-holder, whether he is a permanent tenure-holder or not, and whether his rent is liable to enhancement during the continuance of his tenure ;
- (c) the situation and quantity, and one or more of the boundaries of the land held by each tenant or occupier ;
- (d) the name of each tenant's landlord ;
- (e) the name of each proprietor, with the character and extent of his interest, and the situation, quantity, and one or more of the boundaries of the lands, if any, which are his private lands as defined in Chapter XI of the Act ;
- (f) the rent lawfully payable or deliverable in money or kind by each tenant at the time the record-of-rights is being prepared ;
- (g) the mode in which that rent has been fixed, whether by contract, by order of a Court, or otherwise ;
- (h) if the rent is a gradually increasing rent, the time at which, and the steps by which, it increases ;
- (i) the cess lawfully payable by each tenant to his landlord at the time the record-of-rights is being prepared ;
- (j) the rights and obligations of each landlord and tenant in respect of—
  - (1) the use by tenants of water for agricultural purposes, whether obtained from a river, *jhil*, tank or well or any other source of supply, and
  - (2) the repair and maintenance of appliances for securing a supply of water for the cultivation of the land held by each tenant, whether or not such appliances be situated within the boundaries of such land ;
- (k) the special conditions and incidents, if any, of the tenancy ;
- (l) any right-of-way or other easement attaching to any land for which the record-of-rights is being prepared ;
- (m) if the land is claimed to be held rent-free, whether or not rent is actually paid ; if not paid, whether or not the occupant is entitled to hold the land without payment of rent, and if so entitled, under what authority.

J. H. KERR.

*Secy to the Govt. of Bengal.*

## APPENDIX ID.

No. 1413 T R., dated Ramna (Dacca), the 14th August 1916.

Order by—L. BIRLEY, ESQ., I.C.S., Secretary to the Government of Bengal, Revenue Department.

### *Apportionment order.*

Under section 114 of the Bengal Tenancy Act (Act VII of 1885) the Governor in Council has determined that the cost of the survey and record-of-rights in the marginally noted estates, Pargana Dandra in the district of Noakhali carried on under Notification No. 27761, dated the 3rd December 1912, shall be defrayed by the landlords, tenants and occupants of land in those estates according to the following rules, viz., at the rate of 5 times the difference between the cess paid and that received, if any, by each landlord, tenant or occupant, as calculated under Government Notification No. 1679-T. R., dated the 23rd October 1915, provided that in calculating cess for this purpose the cess of rent-free holder shall be calculated as if he were a rent-paying landlord, tenant or occupant, and provided as follows :—

- (1) the minimum charge for a tenancy, whether assessed for cess purposes or not shall be four annas, and fractional parts of an anna shall be treated as an anna, and
- (2) the balance of the total cost shall be paid by the proprietors of Tanzi Nos. 12, 202, 203, 209, who applied for the record-of-rights in addition to the amounts which may be payable under the above order, and in the same proportion.

No. 1414 T.—R., dated Ramna (Dacca), the 14th August 1916.

From—L. BIRLEY, ESQ., I.C.S., Secretary to the Government of Bengal, Revenue Department,

To—The Director of Land Records, Bengal.

I am directed to refer to your letter No. 5363, dated the 26th May 1916, and enclosures, regarding the apportionment and recovery of the costs of a survey and the preparation of a record-of-rights in respect of certain estates in pargana Dandra in the district of Noakhali.

2. The recoverable cost of the operations is estimated at Rs. 46,000 and it is proposed in accordance with the rules laid down in paragraph 7 of Government order No. 6350, dated the 6th July 1914, to distribute Rs. 7,000 and any further balance there may be, among the proprietors who applied for the record-of-rights, and to recover the remainder, viz., Rs. 39,000 from all the proprietors and occupants in the estates including the applicant proprietors. As regards the method of apportionment it is proposed that the costs should be realised from persons of all grades in proportion to the amount which each person pays as road-cess from his own pocket, i.e., the difference between the cess paid and that received (if any).

3. I am to say that the Governor in Council approves of these proposals. The necessary apportionment order under section 114 of the Bengal Tenancy Act is appended.

No. 670 T.—R., dated Darjeeling, the 1st June 1917.

Amending Order by—L. BIRLEY, ESQ., I.C.S., Secretary to the Government of Bengal, Revenue Department.

In exercise of the power conferred by section 114 of the Bengal Tenancy Act, 1885 (Act VIII of 1885), read with section 21 of the General Clauses Act, 1897 (X of 1897), the Governor in Council is pleased to direct that the following amendments be made in the Bengal Government order No. 1413 T.—R., dated the 14th August 1916, with regard to the apportionment of the cost of the survey and record-of-rights referred to in the said order, in pargana Dandra, in the district of Noakhali, namely :—

In the estates notes in the margin of the said order, after "13" insert "191" and after "203" insert "204."

## APPENDIX IE.

No. 1679 T.—R., dated Darjeeling, the 23rd October 1915.

Notification by—L. BIRLEY, ESQ., I.C.S., Secretary to the Government of Bengal Revenue Department.

In exercise of the power conferred by section 15 of the Cess Act, 1880 (Bengal Act IX of 1880), read with section 3 of the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), the Governor in Council is pleased to direct the revaluation under the

said section 15 of the Cess Act, 1880, of 2,822 estates and rent-free lands in the district of Noakhali, which are enumerated in the list annexed hereto.

2. The revaluation will take effect from the beginning of the financial year following that in which the work in each estate is complete.

List of estates and rent-free lands in Noakhali District to be revalued by the Settlement Department.

• • • • •  
• • • • •

*Pargana Dandra.*

12, 13, 191, 196, 202R, 202(1), 202(2), 202(3), 202(4), 203R, 203(3), 204, 206, 209, 213, 214, 216, 1330, 1331, 1341, 1342, 1506, 1507, 1508, 1509, 1510, 1511.

• • • • •

## APPENDIX II.

### List of officers employed.

Name,	Designation.	DATE.	
		From—	To—
Mr. W. H. Thompson, I.C.S., ...	Settlement Officer.	September 1914	March 1918.
Maulvi Saiyid Altaf Ali ...	Assistant Settlement Officer.	December 1910	July 1913.
„ Muhammed Amjad Ali ...	Ditto ...	July 1913 ...	August 1914.
Babu Uma Charan Barua ...	Ditto ...	July 1911 ...	September 1911.
Maulvi Muhammed Mahmud ...	Ditto ...	January 1914 ...	October 1915.
Khan Sahib A. K. Kabiruddin Ahmed.	Ditto ...	June 1917 ...	October 1917.
Babu Jaladhar Ghosh ...	Revenue Officer	July 1914 ...	October 1914,
„ Anath Bandhu Ray ...	Ditto ...	August 1912 ...	October 1912,
„ Rajendra Nath Banerjee ...	Ditto ...	December 1911 ...	March 1912.
„ Akshoy Kumar Mukherjee ...	Kanungo ...	December 1911 ...	October 1912.
Maulvi Samiruddin Kazi ...	Ditto ...	March 1912 ...	February 1914.
Maulvi Kazi Fazlal Karim ...	Ditto ...	October 1912 ...	March 1914.
Maulvi Kasem Ali Khan ...	Ditto ...	July 1914 ...	November 1914,
Babu Radha Charan Mandal ...	Ditto ...	October 1912 ...	November 1913.
„ Rajani Kanta Sen Gupta ...	Ditto ...	October 1912 ...	November 1913.
„ Manindra Nath Banerjee ...	Ditto ...	June 1913 ...	August 1913.

## APPENDIX III.

### Statement of area—general.

Name of mahal according to share after partition in 1800.	Present Tauzi No.	Share of Pargana Allahabad in the estate.	Revenue after partition.	Present revenue,
1	2	3	4	5
			Rs. A. P.	Rs. A. P.
1. Hissya, 4 annas, Bahali ...	13	Nil ...	1,547 10 4	1,547 10 4
2. Hissya, 3 as. 1 gd. 1 kr. 2 kts. 10 tila ...	12	3 annas ...	1,725 5 6	1,721 0 9
3. Hissya, 3 annas, khas ...	202	Nil ...	1,160 11 9	2,443 7 0
4. Hissya, 1 as. 18 gds. 2 krs. 10 tila ...	203	3 annas ...	1,282 0 2	3,298 11 3
5. Hissya, 4 annas of Muhammad Ali ...	209	Nil ...	...	3,928 7 0

## APPENDIX IV.

## Statement of area—detailed.

Serial No	Tauzi No.	Area in acres.	Revenue.			Name of present proprietors.
			Rs.	A.	P.	
1	12	4934.61	1,721	0	9	Dayamayee Chaudhurani, wife of late Chandra Nath Gupta Choudhury; Sashi Bhushan Gupta Choudhury, Sarada Chandra Gupta Choudhury, Gobinda Chandra Gupta Choudhury, sons of late Chandra Nath Gupta Choudhury of Senerkhil, police-station Feni.
2	13	3548.17	1,547	10	4	Nabendra Kesore Ray, son of Nabin Kisore Ray; Surendra Kumar Ray, Sachindra Kumar Ray, Satyendra Kumar Ray, sons of late Rai Chandra Kumar Ray Bahadur, of Dalalbazar, police-station Lakshmipur.
3	191	1789.05	2,523	0	0	Kazi Nural Haq, son of late Kazi Muhammed Amma of Bagadana, Executor to the Estate of Sabca Khattun.
4	202	2862.59	2,443	7	0	Wahidennesa Choudhurani, wife of Shaikh Abdul Sattar Choudhury, of Ahamadpur; Dayamayee Choudhurani, wife of late Chandra Nath Gupta Choudhury; Sarada Chandra Gupta Choudhury, Sashi Bhushan Gupta Choudhury, Gobinda Chandra Gupta Choudhury, sons of late Chandra Nath Gupta Choudhury of Senerkhil, police-station Feni.
5	203	4184.42	3,298	11	3	Executrix and Executors to the estate of late Chandra Nath Gupta Choudhury, of Senerkhil.
6	204	801.90	1,402	0	0	Dayamayee Choudhurani, wife of late Chandra Nath Gupta Choudhury; Sarada Chandra Gupta Choudhury, Sasi Bhushan Gupta Choudhury, Gobinda Chandra Gupta Choudhury, sons of late Chandra Nath Gupta Choudhury, of Senerkhil.
7	209	5656.53	3,928	7	0	Executrix and Executors to the estate of late Chandra Nath Gupta Choudhury of Senerkhil, police-station Feni.† Ditto ditto.
8	1330	29.83	36	7	4	His Highness Raja Birendra Kishore Manikya Bahadur, son of late Raja Radha Kishore Manikya Bahadur, of Agartala.
9	1331	17.73	19	13	8	Abul Khayer Muhamed Makrambilla Choudhury, son of late Muhamed Martuza Choudhury of South Khanebari; Abdul Kaddus Choudhury, Aminal Islam Choudhury, Nural Islam Choudhury, Hasneera Khatoon, sons and daughter of late Muhamed Martuza Choudhury; Abu Saiyid Muhamed Azimulla Choudhuri, son of Abul Khayer Muhamed Mokrambilla Choudhury; Tajenasa Choudhurani, wife of Muhamed Rashad Choudhury of South Khanebari, police-station Feni.
10	1341	81.80	19	15	4	Abul Khayer Muhamed Makrambilla Choudhury, son of late Mahammed Martuza Choudhury of South Khanebari; Abdul Kaddus Choudhury, Nural Islam Choudhury, Aminal Islam Choudhury, Hasenara Khatoon, sons and daughter of Muhamed Martuza Choudhury; Abu Saiyid Muhamed Azimullah Choudhury, son of Abul Khayer Muhamed Makrambilla Choudhury, of Dakhin Khanebari, police-station Feni.
11	1342	273.01	91	8	11	Dayamayee Choudhurani, wife of late Chandra Nath Gupta Choudhury; Sarada Chandra Gupta Choudhury, Sashi Bhushan Gupta Choudhury, Gobinda Chandra Gupta Choudhury, sons of late Chandra Nath Gupta Choudhury, of Senerkhil, police-station Feni.
12	1565	605.03	1,134	13	0	Majibal Haidar Choudhury, Sayedal Haidar Choudhury, sons of late Golam Haidar Choudhury; Umme Kuleum Banoo wife of Ali Haidar Choudhury; Lutfal Haidar Choudhury, Serajul Haidar Choudhury, Taffazal Haidar Choudhury, Mafizal Haidar Choudhury, Fazlal Haidar Choudhury, Rajjabal Haidar Choudhury, Hassenal Haidar Choudhury, Anwara Khatoon; sons and daughter of late Ali Haidar Choudhury; Raisal Haidar Choudhury, son of Sayedal Haidar Choudhury of Sahadapur, police-station Begumganj.
13	75 BI	4.67	Revenue free.			Mahim Chandra Ray, Girish Chandra Ray sons of late Madhab Chandra Ray of Karpura, police-station Ramganj.
14	92 BI	18.86	Do.			Amar Krishna Shaha Choudhury.
15	1 BII	40.55	Do.			Raja Birendra Kishore Manikya Bahadur.
16	2 BII	1.50	Do.			District Board.
17	17 BII	13.10	Do.			Do.
18	18 BII	38.06	Do.			Do.

## APPENDIX V.

## Statement of Crops.

## Garden Crops.

Bengali names of crops.			English or scientific names.			Area in acres.
1.	Tamaku	...	Tobacco	...	...	03
2.	Pân ...	...	Betel-leaves	...	...	27.09
3.	Haldi	...	Turmeric	...	...	73.00
4.	Methi	...	Fenugreek	...	...	8.85
5.	Jira ...	...	Cummin	...	...	6.15
6.	Guamouri (Guyamusuri)	...	Ani-seed	...	...	6.05
7.	Randhani	...	Wild-celery	...	...	4.90
8.	Begun	...	Brinjal	...	...	496.10
9.	Chhim (Chai, Chimra)	...	Country bean	...	...	125.90
10.	Shasha	...	Cucumber	...	...	22.80
11.	Kakral	...	(Momordica cochinchinensis)	...	...	47.20
12.	Ustha	...	.....	...	...	82.05
13.	Bilati Begun	...	Tomato	...	...	328.95
14.	Karala	...	(Momordica charantia)	...	...	38.95
15.	Dherash	...	Ladies-fingers	...	...	41.05
16.	Lau (Kadu)	...	Bottlegourd	...	...	37.90
17.	Jhinga	...	.....	...	...	22.70
18.	Data (Maira, Danga)	...	.....	...	...	37.31

## Field Crops.

1.	Aus dhan	...	Autumn rice	...	...	8,215.13
2.	Aman dhan	...	Winter rice	...	...	16,547.03
3.	Teuraira (Khesari)	...	(Lathyrus sativus)	...	...	1,029.03
4.	Musuri	...	Lentil	...	...	190.24
5.	Mug	...	(Phaseolus Murgu)	...	...	348.89
6.	But ...	...	Chick pea	...	...	7.84
7.	Maskalai (Thakura kalai)	...	(Phaseolus radiatus)	...	...	175.90
8.	Matar	...	Peas	...	...	97.10
9.	Arhar	...	Pigeon pea	...	...	38.92
10.	Tisi ...	...	Linseed	...	...	248.98
11.	Til ...	...	Sesamum	...	...	8.75
12.	Rai ...	...	Mustard	...	...	5.50
13.	Bheranda	...	Castor oil	...	...	1.09
14.	Kushair	...	Sugarcane	...	...	2.35
15.	Ganja	...	Hemp	...	...	.21
16.	Nalya, Pat	...	Jute	...	...	66.58
17.	Alu ...	...	Potato	...	...	11.91
18.	Bangi	...	Melon	...	...	1.94
19.	Khirai	...	Field cucumber	...	...	3.98
20.	Tormuj	...	Water melon	...	...	2.02
21.	Mula	...	Radish	...	...	13.90
22.	Kumra	...	Gourd	...	...	11.90
23.	Kachu	...	Arum	...	...	35.10
24.	Piyaz	...	Onion	...	...	150.78
25.	Rasun	...	Garlic	...	...	41.75
26.	Dhaniya	...	Coriander	...	...	71.95
27.	Marich	...	Long chili	...	...	218.00

## APPENDIX VI.

## Fruits and other trees.

Bengali names.					English or scientific names.
1.	Am	...	...	...	Mango.
2.	Kánthál	...	...	...	Jack fruit.
3.	Nárikal	...	...	...	Cocoanut.
4.	Tentul (Amlí)	...	...	...	Tamarind.
5.	Jalpai	...	...	...	Olive.
6.	Atá (Sarífa)	...	...	...	Custard apple.
7.	Lechi	...	...	...	Lechi.
8.	Kalá	...	...	...	Plaintain.
9.	Anáras	...	...	...	Pine-apple.
10.	Gaiyá	...	...	...	Guava.
11.	Supári	...	...	...	Betel-nut.
12.	Golápjám	...	...	...	Rose-apple.
13.	Kálájám	...	...	...	Indian black berry.
14.	Tál	...	...	...	Palmyra palm.
15.	Khejur	...	...	...	Date palm.
16.	Barai	...	...	...	Indian Plum.
17.	Amrá	...	...	...	Hogplum.
18.	Dálim	...	...	...	Pomegranate.
19.	Haritaki	...	...	...	Black myrobalan.
20.	Bádám	...	...	...	Indian almond.
21.	Gáb	...	...	...	(Diospyroseml Yopteris).
22.	Tulá (simul tree) <sup>1</sup>	...	...	...	.....
23.	Aswatha	...	...	...	Pipal tree.
24.	Shegun	...	...	...	Teak.
25.	Jháw	...	...	...	Jhowcedar, Causarina.
26.	Dumair	...	...	...	.....
27.	Bata	...	...	...	Banlian-tree.
28.	Nim	...	...	...	...
29.	Pithráj	...	...	...	.....
30.	Karamjá	...	...	...	.....
31.	Latká	...	...	...	.....
32.	Palásh	...	...	...	(Butealrondosa).
33.	Amlaki	...	...	...	Emblie-myrobalan (phyllanthus emblica).
34.	Jámrul	...	...	...	Star apple.
35.	Hijal	...	...	...	...
36.	Jamburá	...	...	...	Pomelow.
37.	Chálitá	...	...	...	.....
38.	Bael	...	...	...	.....
39.	Pauá	...	...	...	.....
40.	Karai	...	...	...	.....
41.	Mándár	...	...	...	.....
42.	Payalá Mándar	...	...	...	.....
43.	Jagyadumbar	...	...	...	.....
44.	Jámir	...	...	...	.....
45.	Pápaya	...	...	...	.....
46.	Lebu	...	...	...	Lemon.
47.	Sarputi lebu	...	...	...	.....
48.	Kamálá lebu	...	...	...	Orange.
49.	Dephal	...	...	...	.....
50.	Kadamba	...	...	...	.....
51.	Káu	...	...	...	.....
52.	Bakul	...	...	...	.....
53.	Kánehon phool	...	...	...	.....

**APPENDIX VI—concl'd.**

Bengali names.			English or scientific names.		
54.	Nāgeswar	...	...	...	.....
55.	Bāgichā Bahal	...	...	...	.....
56.	Shajnā	...	...	...	.....
57.	Pitkhirā	...	...	...	.....
58.	Nonāphal	...	...	Bullock's heart.	.....
59.	Uriām	...	...	.....	.....
60.	Shefālikā	...	...	.....	.....
61.	Sapetā	...	...	.....	.....
62.	Kāmraṅgā	...	...	.....	.....

**APPENDIX VII.****Statement of tenancies.**

Names of all kinds of tenures.

1. Taluk.
2. Dar Taluk.
3. Osat Taluk.
4. Pattani Taluk.
5. Sikimi Taluk.
6. Abadkari Taluk.
7. Dar Sikimi Taluk.
8. Tapa.
9. Dar Tapa.
10. Howla.
11. Nim Howla.

Names of all kinds of tenures.

12. Jote.
13. Dar Jote.
14. Kaimi Jote.
15. Mirash.
16. Brahmatra.
17. Bhogatra.
18. Cheragi.
19. Khayrat.
20. Lakheraj.
21. Wakfa Masjid.

**APPENDIX VIII.****Statement of Cess Revaluation.**

Serial No.	Tauzi number.	Revenue.	VALUATION.			
			Old.		New.	
			Valuation.	Cess.	Valuation.	Cess.
1	2	3	4	5	6	7
		Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
1	12	1,721 0 9	25,888 6 6	1,564 3 6	31,018 10 0	1,888 5 10
2	13	1,547 10 4	20,148 1 11	1,210 14 0	21,901 8 0	1,297 13 11
3	191	2,523 0 0	11,536 5 9	642 2 6	12,624 6 6	710 2 6
4	202	2,443 7 0	18,166 13 8	1,059 0 6	20,393 0 0	1,198 4 0
5	203	3,298 11 3	21,117 13 5	1,216 12 0	24,497 2 0	1,427 11 6
6	204	1,402 0 0	5,017 0 1	269 12 0	5,266 0 0	285 5 0
7	209	3,928 7 0	26,935 1 9	1,560 9 0	30,641 14 0	1,767 5 0
8	1330	36 7 4	189 4 8	10 11 0	163 11 0	9 0 3
9	1331	19 13 8	82 12 0	4 9 0	87 8 0	4 11 3
10	1341	19 15 4	463 2 4	28 5 0	435 12 0	26 6 8
11	1342	91 8 11	367 8 1	20 2 0	1,366 7 0	80 9 7
12	1565	1,291 9 0	2,290 4 2	111 14 6	3,791 1 0	196 9 0
	Total	...	...	7,057 0 0	...	8,892 4 10



**APPENDIX A.****List of markets and hats.**

Names of hâts and markets.				Principal commodities sold.		
1.	Baktârmunshir Hât	...	...	Jute, rice, pulses, chillis.		
2.	Kâzir Hât	...	...	Ditto	ditto.	
3.	Kutir Hât	...	...	Ditto	ditto	and mat export
4.	Reazaddi Munshir Hât	...	...	Ditto	ditto	ditto.
5.	Pânehgachiâ Hât	...	...	Betel-nut, rice and pulses and live-stock		
6.	Sundarpur Hât	...	...	.....		
7.	Sharishâdi Hât	...	...	.....		
8.	Mahammedalir Hât	...	...	.....		
9.	Bâligaon Hât	...	...	.....		
10.	Aftab Bibi Bazar	...	...	.....		
11.	Dewânjir Hât	...	...	.....		
12.	Elahiganj Hât	...	...	.....		

**APPENDIX B.****Schools and schoolgoing boys and girls.**

Class of schools.	Number of schools.	Number on the rolls in 1917.	Boys.	Girls.	Hindus.	Muham-madans.
1	2	3	4	5	6	7
High English ...	1	217	217	...	150	67
Middle English ...	2	147	147	...	49	98
Upper Primary ...	4	259	259	...	110	149
Lower Primary, Boys	24	938	931	7	254	684
Lower Primary, Girls	5	169	...	169	52	117
Maktab, Boys ...	10	415	410	5	77	338
Maktab, Girls ...	1	28	...	28	...	28
Total ...	47	2,173	1,964	209	692	1,481

## APPENDIX BI.

List of all classes of schools, within Dandra Pargana in thana Feni,  
District Noakhali.

Serial Number of schools.	NAME OF SCHOOL.	Class of School.	NAME OF MOUZA.	Number of pupils on rolls.	Boys.	Girls.	Hindus.	Muslims.
1	Maogal Kandi ... ..	High English ...	Maogalkandi ... ..	217	217	...	160	67
2	Reazuddi Munshirhat ... ..	Middle „ ...	Bhadadia ... ..	64	64	...	21	43
3	Sarishadi ... ..	Ditto ...	Sarishadi ... ..	83	83	...	28	55
4	Rajapur ... ..	Upper Primary ...	Rajapur ... ..	58	58	...	32	26
5	Paikpara ... ..	Ditto ...	Paikpara ... ..	54	54	...	21	33
6	Bishnupur ... ..	Ditto ...	Ditto ... ..	58	58	...	40	18
7	Dewanganj ... ..	Ditto ...	Devipur ... ..	89	89	...	17	72
8	Majlishpur Board ... ..	Lower Primary ...	Majlishpur ... ..	46	46	...	5	41
9	Char Shahabdhikari Board ... ..	Ditto ...	Char Shahabdhikari ... ..	43	43	...	36	7
10	Sharishadi Board ... ..	Ditto ...	Sharishadi ... ..	60	60	...	3	58
11	Mathiara „ ... ..	Ditto ...	Mathiara ... ..	51	49	2	16	35
12	Birali „ ... ..	Ditto ...	Birali ... ..	45	45	...	...	45
13	Aftab Bibirhat ... ..	Ditto ...	Ballgaon ... ..	62	62	...	11	51
14	Kazirhat ... ..	Ditto ...	Bagadana ... ..	45	45	...	21	14
15	Satbaria ... ..	Ditto ...	Satbaria ... ..	53	53	...	27	26
16	Arkaim ... ..	Ditto ...	Arkaim ... ..	45	45	...	3	42
17	Akilpur ... ..	Ditto ...	Akilpur ... ..	33	33	...	26	7
18	Maheshchar ... ..	Ditto ...	Mahesh char ... ..	31	31	...	27	4
19	Sundarpur ... ..	Ditto ...	Sundarpur ... ..	48	48	...	13	35
20	Palgiri ... ..	Ditto ...	Palgiri ... ..	40	40	...	14	26
21	Arwarkhil ... ..	Ditto ...	Arwarkhil ... ..	45	45	...	...	45
22	Mirzapur ... ..	Ditto ...	Mirzapur ... ..	51	51	...	25	26
23	Kasimour ... ..	Ditto ...	Kashimpur ... ..	48	48	...	13	35
24	Kasimpur, night... ..	Ditto ...	Ditto ... ..	22	17	5	...	22
25	Jalaskara „ ... ..	Ditto ...	Jalaskara ... ..	21	21	...	...	21
26	Abupur ... ..	Ditto ...	Abupur ... ..	23	23	...	3	20
27	Debipur night ... ..	Ditto ...	Debipur ... ..	21	21	...	2	19
28	North Jalaskar, night ... ..	Ditto ...	Jalaskara ... ..	24	24	...	...	24
29	Majlishpur ... ..	Moktab „ ...	Majlishpur ... ..	45	45	...	...	45
30	Kazirhat ... ..	Ditto ...	Bagadana ... ..	62	62	...	...	62
31	Char Shahabdhikari I ... ..	Ditto ...	Char Shahabdhikari ... ..	40	40	...	30	10
32	Ditto II ... ..	Ditto ...	Ditto ... ..	38	38	...	22	16
33	Kuthirhat ... ..	Ditto ...	Bishnupur ... ..	62	62	...	12	50
34	Bagari ... ..	Ditto ...	Bagari ... ..	38	35	3	4	34
35	North Jalaskara ... ..	Ditto ...	Jalaskara ... ..	27	27	...	...	27
36	Jogdirgaon ... ..	Lower Primary ...	Jogdirgaon ... ..	21	21	...	...	21
37	Chochna ... ..	Ditto ...	Chochna ... ..	22	22	...	...	22
38	Arwarkhil ... ..	Girls Lower Primary...	Arwarkhil ... ..	47	...	47	7	40
39	Arkaim ... ..	Ditto ...	Arkaim ... ..	45	...	45	5	40
40	Shenarkhil ... ..	Ditto ...	Shenarkhil ... ..	27	...	27	15	12
41	Bhoag ... ..	Ditto ...	Bhoag ... ..	25	...	25	25	...
42	Bishnupur ... ..	Ditto ...	Bishnupur ... ..	25	...	25	...	25
43	Lakhara Moktab ... ..	Ditto ...	Lakhara ... ..	28	...	28	...	28
44	Ditto Boys ... ..	Moktab ...	Ditto ... ..	47	45	2	5	42
45	Jahanpur „ ... ..	Ditto ...	Jahanpur ... ..	18	18	...	4	14
46	Panchgachhia ... ..	Ditto ...	Panchgachhia ... ..	38	38	...	...	38
47	Betagaoff ... ..	Lower Primary ...	Betagaon ... ..	28	28	...	...	28

## APPENDIX C.

## DISTRICT NOAKHALI.

In the Court of Assistant Settlement Officer at Feni.

THE 16TH DAY OF OCTOBER 1917.

Suit No. 190 and others of 1917, Section 105 of Bengal Tenancy Act.

RAJA BIRENDRA KISHORE MANIKYA BAHADUR

against.

ASHRAF ALI and OTHERS.

The following 81 suits are brought by the same plaintiff, viz., His Highness the Raja of Hill Tippera as proprietor of estate No. 209 against defendants who are tenure-holders under him, for enhancement of rent.

All these 81 suits are analogous and are taken up for trial together at the request of the parties.

For the sake of convenience, the suits are grouped into the following 5 classes according to the classes of the tenures. Exhibit 192 Goshwara shows as follows :—

(1) Doldari Mahal	...	...	...	1 to 42
(2) Benambari Talukdaran	...	...	...	43 to 53
(3) Mahal Hazira Tapadaran	...	...	...	54 to 117
(4) Lakheraj Bazeapti on half rate	...	...	...	118 to 135
(5) Najaiz Lakheraj on full rate, etc.	...	...	...	136 to 149

The number of the taluks as shown in the Goshwara Exhibit 192 is given below the suit Nos.

*Class A.—Decennial Taluks—*

Suits Nos. 470, 472, 490, 492, 494, 497, 498, 500, 506, 513, 542, 550, 555, 557, 558, 561, 562.

*Class B—Benambari Taluks—*

Suits Nos. 485, 489, 502, 503, 521.

*Class C Tapas—*

Suits Nos. 23, 27, 28, 29, 42, 92, 96, 106, 179, 180, 181, 186, 188, 191, 195, 197, 200, 246, 247, 257, 345, 346, 469, 479, 482, 483, 488, 493, 893, 899, 902, 904, 907, 908, 912, 915, 917, 919, 920, 923.

*Class D Bazeapti Lakheraj Taluks—*

Suits Nos. 125, 131, 135, 138, 139, 141, 143, 144, 145, 146.

*Class E Najaiz Lakheraj Bazeapti Taluks—*

Suits Nos. 141, 147, 148, 149, 150, 153, 155, 156, 157.

The Defendants contested the suits asserting mokarari rights and other privileges.

The following issues were framed :—

- (1) Is the rent of the defendants' tenures liable to enhancement?
- (2) Is there any land in excess of what the defendants are paying rent for; and is plaintiff entitled to get any additional rent on that ground?
- (3) What is the standard of measurement for the tenures in question in the pargana?
- (4) Is plaintiff entitled to get any enhancement by the terms of the lease granted to him?
- (5) For what quantity of land are defendants entitled to remission on account of *Mathan Minah*, patit, waste lands, and closeness of measurement?
- (6) Is there any customary rate prevailing in the pargana for tenures of similar description?
- (7) What are the total assets of the tenures?
- (8) What should be the fair percentage for collection charges and profit?
- (9) What would be the fair and equitable rent for the tenure in question under the circumstances of the case?
- (10) What other relief, if any, is plaintiff entitled to?
- (11) Is the suit maintainable for defect of parties (special issue).

Of these, the most important is Issue No. 1, and this issue is taken up first.

*Issue No. 1.*—Before entering into evidence, I think it necessary to give a brief history of the estate, the tenures, and of the assessments. Pargana Dandra was in 2 shares before decennial settlement, viz., 4 annas share and 12 annas share with separate lands. The 4 annas share is Estate No. 209. Estate No. 209 (known as 4 annas khas, *Mudafat Mahammed Ali Chondhuri*), was confiscated by order of the Supreme Council, dated the 8th

February 1793 and the proprietor Mahommed Ali Choudhury was imprisoned for life as a rebel by order dated the 7th December 1792.

Before the Permanent Settlement and while the property was still in the hands of Mahammed Ali Choudhury, the revenue paid for it to Government was sicca Rs. 2,013 and odd. Then the Sadar jama was fixed at sicca Rs. 3,515 and odd and for this amount a jamabandi was prepared; but the Collector, although giving each talukdar a separate *Dol* or agreement appears to have neglected to record in them the extent of lands composing each taluk. The Sadar jama of Rs. 3,515 odd comprised the following items :—

					Sicca Rs.	A.	P.
45 Talukdars	...	...	...	...	1,477	12	9
Nij Taluk split into Tapas	...	...	...	...	1,664	0	0
3 other items	...	...	...	...	273	7	0
Total				...	3,515	3	9

The jamabandi was prepared in 1199 B. S., after survey by Sajawal Rajib Lochan Mukhopadhaya. In 1199, Mr. Mc Guire, Collector of Tippera made *doul* bundbust with the Talukdars. From 1200 B. S., to 1227 B. S., the whole property was year by year let out in farm at jamas varying from Rs. 2,731 to 5,025; and the latter amount was the Sadar jama of the estate in 1847 also. In 1230 B. S., Mr. Donnithorne measured the lands and assessed the tappas but left the taluks unassessed as he proposed retention of their decennial jamas, up to his time never interfered with. He was much in favour of talukdars holding their old rates and he reported accordingly. Mr. Donnithorne's report to the Board was dated 24th August 1824. The Board did not reply. Mr. Blagrave the Collector in 1829 demanded a reply and the Board ordered a raiyatwari settlement *de novo*. Mr. Blagrave measured the whole of the lands but did not draw up any jamabandi or any other paper. Under his orders a *jotedari* tahsil was commenced and this lasted for 3 years from 1237 to 1240 B. S., realising an annual receipt of sicca Rs. 4,592 to Rs. 4,846. Mr. Halliday, on 22nd August 1834, reported on this Government share proposing the adoption, pending a final comprehensive settlement, of Mr. Donnithorne's jamabandi of 1824 for the tappas, and of that of the decennial settlement for the taluks, setting aside Mr. Blagrave's khas management retrospectively. Thus were the collections made from 1833 to 1846. The Board on 18th April 1837, sanctioned temporarily Mr. Halliday's propositions and approved Commissioner's proposal of managements and settlements. In 1835 two other estates, viz., 202 and 203 (partitioned out of the 12 annas share of the Pargana in 1208 B. S.) were purchased by Government for arrears of revenue. Government thus possessed 3 shares (3 estates, viz., 202, 203, 209). In 1836, these three estates were measured for assessment by Deputy Collector Babu Nar Narayan, who filed his papers in 1837. In 1838, the Commissioner rejected the work as worthless.

In 1843 (18th July), the Commissioner directed Mr. Abercrombie to remeasure and reassess all the Government lands comprised in the three shares, and in 1844-45, Mr. Abercrombie with Babu Ram Gopal entered upon this duty. On the 16th January 1844, the Commissioner had ordered the whole Pargana to be measured, as otherwise it would have been very difficult to separate the *Bahali* from the Government lands. It was decided to use a *Nal* of 28 feet. Commissioner also asked Mr. Abercrombie to enquire about the alleged talukdari *douls* and also about the validity of the rent-free holdings.

On 1st February 1844, the Commissioner ordered that the settlement should be made apportioning the quotas of taluki jamas of the permanent settlement according to the extent of land held by each talukdar and settling the remainder as ordinary taluks. (This procedure was followed in Pargana Sandwip also by Mr. Dampier). Mr. Abercrombie reported about the *douls*, settlement, etc. On the 21st March 1844, the Commissioner gave his opinion that none of the decennial taluks could stand the non-identification of the land composing them, but Commissioner was willing to grant in their favour as an indulgence to induce them to engage, a deduction of one-third.

On 23rd April 1844, in reply to Mr. Abercrombie's letter the Commissioner decided that the talukdari *douls* would hold good undoubtedly for ever, but for the omission in those documents of the areas. In this letter the Commissioner also discussed about the rate, as all the tenure-holders were very much complaining about the rate. The Commissioner said that aggregate rental received by the talukdars gave an average of Rs. 5 to Rs. 5-8 per *kani* for the proposed rate of Rs. 3-8 and Rs. 4 per *kani*. In the meantime, the talukdars were fraudulently transferring their lands from the Government to the Zamindari shares, and on 12th August 1845, Commissioner directed their present relinquishment, prior to a civil suit. The Commissioner also ordered that the new talukdari rates should be held in abeyance with regard to *Douldars* pending the decision of Sadar Dewani Adalat on the special appeal preferred by Government against the award of the local civil courts.

On 12th January 1846, the Commissioner ordered the rates to be reduced from Rs. 4-6 to Rs. 3-15 per *kani* as on personal inspection, the Commissioner was disappointed with the lands in the Pargana. He further ordered that the demand for increase should be stayed in cases of those talukdars who could not produce *Douls*, but could produce satisfactory evidence of the antiquity of their taluks. As the jamabandi by Babu Ram

Gopal, Deputy Collector, was completed now, the Commissioner wanted a report on the settlement (23rd February 1846). The then Collector, Mr. Dalrymple, having been transferred, the order was not carried out and on, 19th February 1847, the report was taken up by Mr. Wilkins. In the four annas share (estate No. 209) there were in all 164 odd drones of land, 142 odd drones were fit for imposition of rent. There were 42 Hazara taluks, in fact 41 of the old 45 decennial taluks, with one split up into two under Collector's sanction. The other four taluks could not be traced, but the Settlement Officer supposed and the parties interested stated that they exist in tact in the "12 new talukdari mahals" and one khas taluk (purchased by Government). Mr. Wilkins mentions in his report, Exhibit No. 189, that he was of opinion that the Doldar's rights to a settlement at the decennial rate would be maintained (as had already been done in the local courts) under Regulation VIII of 1793 section 51, and Regulation 44 of 1793, under which latter enactment the zamindars engagements of the same kind as those of Government in the present instance were declared fixed for ever. Government was the zamindar here at the decennial settlement, and would on the enforcement of a new assessment render itself liable to the penalties mentioned in clause 2 of section 51 of the first named statute. He further adds "the laxness of the Government Officers in 1792-93, in not defining the taluk areas, and of our tahsildars in not making full authorised collections, cannot now, I should say, be a reason for us to declare barred rights, which, it is acknowledged (Commissioner's letter No. 1841 of 23rd April 1844) the talukdars would otherwise undoubtedly possess." In paragraph 2 of that letter (No. 1841) the Commissioner said in reply to Mr. Abercrombie's letter that "there was no doubt that those Doldars who had *Dols* of decennial settlement would be entitled to hold for ever at the jama mentioned in those *douls*, had the quantity of land been mentioned as well as the amount of the jama; and whatever may be the light in which it appears to us, you may be sure they consider it a most serious grievance that we should make the laxness of our proceedings in 1870 (?) a source of advantage to ourselves at their cost". Mr. Wilkins was further of opinion that the 12 new talukdars, having as far as it could be found, no lands beyond those comprised in the four *Dol* Taluks from which they were derived, should also have their permanent settlement jama recognised.

The tapadars were assessed at the decennial settlement at 1664 sicca Rupees, and in 1824 Mr. Donnithorne enhanced the jama to 2,976 sicca. The tapadars have paid at this rate for 20 years without excuse or murmur. There were in all 43 lakheraj mahals in this 4 annas share, 8 were released as valid lakheraj, 2 left unassessed as waste land and 33 mahals resumed. Of these 33 mahals 18 mahals were assessed at half rate, as being of a date prior to 1790; and 12 on full rate as tapas, these being of a date subsequent to 1790. One more was released as valid lakheraj under Commissioner's order. Thus the five classes of tenures in suits came into existence. The Doldars were offered over 4 gandas mathan,  $\frac{1}{3}$ rd deductions, if they would agree to the jamabandi, but one and all of them refused to do so.

Ram Keshore Dutt, a talukdar, instituted a suit in the Civil Court for the retention of the *doul* jama. The Munsiff of Amirgaon decided in his favour. In appeal the Judge of Tippera accorded a modified decree, on the ground that the area in possession of the talukdar was the same as in the *chitta* of 1138 in the Collector's office and the names of mauzas agreed with the mauzawar papers of 1202 B.S. An appeal was filed before the Sadar Dewani Adalat, and the Judge held that Civil Courts had no jurisdiction, and the decrees of the Lower Courts were nullities, as Collector acted under section 5 of Regulation IX of 1825, and under clause 1, section 2 of Regulation III of 1828, cases so disposed of are appealable to the Special Commissioner only. The Judge annulled the decisions of the Lower Courts on 19th May 1847. Ram Kishore Dutt appealed before the Special Commissioner. The Special Commissioner dismissed the appeal on the following grounds:—

(1) The appellant had described his taluks as permanently-settled estates and thus protected under Regulations I and VIII of 1793. He produced a *doul* of 1199 B. S. in support. But from the Collectorate papers and letters of the Sadar Board it appeared that the tenure was held under the 4 annas share (No. 209) and was not *kharijed* under sections 5 and 11 of Regulation VIII, and that the 4 annas share itself was an unsettled estate from the time of permanent settlement.

(2) It also appeared that in 1199, the rent was settled without ascertaining the area. There was no such paper available by which the area could be ascertained. Though the rent had not varied, the Judge found that the quantity of land in possession of appellant had varied. The appellant could not produce any evidence to prove that his jama was mokarrari. The appeal was dismissed on 6th June 1848. The adjusted jama of the estate was sanctioned by the Revenue Commissioner and Sadar Board on 25th September 1848. The jamabandi shows that the term was for 30 years. The estate remained in khas management till 1869, when it was ordered to settle the estate on kaimi zamindari right with Asema Banu, an heir of Muhammad Ali and Bharat Chandra Deb who had acquired right to receive settlement from the other heirs of Muhammed Ali. The estate was thus settled as a daimi estate and later on the predecessor of the present plaintiff acquired the 16 annas share from Asema and Bharat. In 1880 five suits, two against taluks and three against tapas, were instituted in the Munsiff's Court for enhancement of rent. The Munsiff held that the taluks and tapas were governed by section 51, Regulation VIII of 1793, and that the rent was enhanceable under that section. The Munsiff decreed the suits allowing enhancement at prevailing raiyatwari rates, holding that as previously the revenue authorities also assessed at prevailing raiyatwari rates, this must be considered

as the custom, specially governing the taluks in plaintiff's estate, or the condition, within the meaning of section 51 of Regulation VIII, under which the defendants held the taluks!

The Judge in appeal upheld the decision of the Munsiff with slight modification about rent of tapas, remarking that "from time to time the tenures were assessed and settled for terms of years with the persons who held them". The Judge also held that the rents were enhancible by the conditions under which the tenures were held, section 51 of Regulation VIII.

There was an appeal to the High Court, and the appeal was dismissed, upholding the judgment of the Lower Courts. The Hon'ble Judges remarked, "These tenures were for many years held khas by Government as an escheat and were from time to time assessed and settled for terms of years with the talukdars and tapadars". It was further held that the principle on which the Government settled the rent was to see what the prajawari rate was and to allow certain deductions. The Judge could see no reason to hold that the principle was wrong and that the tenures were not originally held on this principle. (It may be noted here that the evidence on which the Judges came to the above conclusions, viz., that the tenures were "from time to time assessed and settled for terms of years with talukdars and tapadars" were not produced before this Court. The evidence now adduced shows that the taluks were only once assessed in 1848 and the tapas twice, viz., in 1824 and 1848, and settled in 1848 for 30 years (*vide* exhibits 189, 191, 204, 205, 192, 193 and N.).

On 13th September 1910 an application was filed on behalf of His Highness, by the Manager praying for a survey of the estate and the preparation of record-of-rights under section 101 of the Bengal Tenancy Act, and for the settlement of fair rent. Some of the tenants objected and the Collector overruled their objection on 23rd February 1911, and recommended for the preparation of record-of-rights of estate No. 209. The Government granted the prayer for survey and record-of-rights of estate No. 209 by notification No. 1087R. of the 4th May 1911 (*vide* order sheet in case No. 1 of 1910-1911).

When the work was progressing (1912) it was found necessary to have the whole of the Pargana surveyed. On 29th May 1912 the proprietors of estates Nos. 12, 202 and 203 owning 6 annas 10 gandas share of Pargana applied for a survey and record-of-rights of the whole Pargana. By Notification No. 2776 of 3rd December 1912, it was ordered under section 101 (2) that a survey shall be made and a record-of-rights prepared in respect of all lands situated in Pargana Dandra. It may be noted here that there is no mention of the lands in Pargana Allahabad though 6 annas share of that Pargana was incorporated in estates Nos. 203 and 202 of Pargana Dandra. The name of the Pargana alone is mentioned in the Notification and the name and number of the estates are not mentioned as was done in the previous Notification.

The operation was brought to a close and the records finally published in the year 1917.

The above is a brief history of estate No. 209 and the tenures under it and the different surveys, and settlements, from the years 1792 to 1917. The previous history of the estate has been taken mainly from Exhibits 189, 191 and N.

In support of issue No. 1, plaintiff examined 3 witnesses and defendant examined 27 witnesses; and 222 exhibits were filed by plaintiff and exhibits A. to P., by the defendants. I shall deal with the tenures, class by class.

Tenures in class A.

These are admittedly existing from before permanent settlement. The presumption of the finally published records is in favour of plaintiff; plaintiff's witnesses 1 and 2 deposed that the tenures were meadi Garmokarari. The chalans Exhibits 1 to 180 and 184 to 187 are contended to be admissions by defendants.

The learned pleader for the defendants submitted that these taluks were independent taluks falling under clause 3 of section 5 of Regulation VIII as the taluks of these talukdars were formed before the 4 annas share of the Pargana was permanently settled as a zamindari with the predecessor of the plaintiff (it was settled as a kaimi zamindari in 1869, *vide* Exhibit L). The talukdars were given a separate *doul* or agreement by the Collector after first assessment and the revenue used to be paid by the talukdars (paragraphs 3 and 4 Exhibit 189). The learned pleader adds that these talukdars were paying the revenue direct to the Collector's treasury as provided in section 14 of Regulation VIII and were given a number and they considered themselves to be independent talukdars. Under section 7 of the Regulation I of 1793, the amount of assessment made by the Collector (*vide* Exhibit P which is one of such *douls*) was fixed for ever. I find that there is considerable force in the argument of the learned pleader. I have carefully compared the *douls*, Exhibits P and L and found great similarity between them. In Exhibit P the description of the property is given in a few words but it contains all the facts that are given in exhibit L. For instance, for "মোতালকে কালেকট্রি.....তালুক" in Exhibit L, we find in Exhibit P "মহার.....তালুক". The word mahal *khalesa* "or Exchequer" means the same thing as "*Motalaki Collectri, etc*". Again in assessment of revenue I find an item "বাহর জমিদারী আখরা/জাত" in Exhibit L and in Exhibit P also there is "আখরা/জাত". The area or names of mouzas appear in none of the *douls*, though that was the chief ground for Revenue authorities in 1845 to disallow the claims of the *doul* talukdars. It is also very strange that in the whole of the Pargana Dandra, there is not a single kharija taluk, though in the neighbouring Parganas there are many. It is a fact that in Dandra there were many respectable families of both Hindus and Musalmans, who must have been of the class called "actual proprietors of the soil" in

section 4 of Regulation VIII of 1793. I also find that the then Revenue authorities Messrs. Donnithorne, Halliday, Abercrombie, Babu Ram Gopal, Mr. Wilkins and even Sir H. Ricketts thought that the jamas of those talukdars were not assessable under ordinary circumstances and the Civil Courts of the district thought so too. (*Vide* paragraphs 4, 6, 16, 19, 29, 45, 59, 81, 82 of exhibit 189, paragraph 6, 25, 50 and 64 of Exhibit N., paragraphs 3, 4, 55 and 62 of Exhibit 191). But for the non-identification of the lands of the *douls* (there was no area given in the *douls*) the decennial jamas would have been left unassessed. As stated before in paragraph 2 of letter No. 1841 of 3rd April 1844, the Special Commissioner and Sadar Board (Mr. Ricketts) said "there was no doubt that those douldars who had *douls* of decennial settlement, would be entitled to hold for ever at the jamas mentioned in those *douls* had the quantity of land been mentioned as well as the jamas; and whatever may be the light in which it appears to us, you may be sure they consider it a most serious grievance that we should make the laxness of our proceedings in 1870 (?) a source of advantage to us at their cost". This opinion would not have been expressed by such an authority on revenue matters, as Sir H. Ricketts, had it not been the fact that he and the other Revenue Officers considered the taluks as independent taluks; for, rents of no other class of taluks were to be considered fixed for ever. If they considered those to be dependent taluks, they could have enhanced them under section 51 of Regulation VIII. These facts go to a great deal to support the view of the learned pleader for defendants.

The next point urged by him is that even if these taluks be not independent taluks, but dependent taluks as mentioned in section 51 of Regulation VIII enhancement can only be made under section 6 of the Bengal Tenancy Act. I think the defendants are right in this. There cannot be a shadow of doubt that these are the taluks for which section 6 of the Bengal Tenancy Act was enacted. The plaintiff should prove that there is either a local custom or there is a condition, section 6 (a). There is no evidence on the record of either. It is also stated that even if a taluk be enhanced once, it will not follow that it will be enhancible for ever, and the ruling in 16 C. W. N., page 725 was cited in support. Rulings reported in 5 W. R., Act X, page 32, are also cited by defendants.

The learned vakil for the plaintiff submitted that the talukdars never asserted in 1845 or before or since that they were independent talukdars (I do not agree with this view, as otherwise why about the fixity of rent, etc., mentioned in all the documents mentioned above, viz., Exhibit 189, 191, etc.; and Exhibit 181 and 182 will show that Ram K. Dut explicitly claimed his taluk as permanently-settled estate). That there was no evidence to show that the jamas of these taluks were assessed in 1789 under the original regulations as is required by Article 1 of Regulation I of 1793, that the zamindari itself was not permanently settled in 1793, but was confiscated before Regulation I came into force, and therefore, the provisions of this Regulation are not applicable to these taluks. But I find in section 3, Article 2, "Jamas which have been or may be assessed upon their lands under the Regulation abovementioned, fixed for ever". Section 4, Article 3, is also in favour of these talukdars. It was further argued that as the zamindari was not a permanently settled one, the provisions of Regulation IX of 1825 were only applicable. Proceedings were appealable to Civil Courts. But by Regulation III of 1828, the Civil Courts were divested of all jurisdiction in all revenue matters in places where Special Commissioners were appointed and the provisions of the regulation were extended (*vide* section 2, clauses 1 and 2 and section 4). The judgment of Sadar Dewani Adalat, Exhibit 203, will show that the Civil Court had no jurisdiction and the civil court decrees were set aside and the parties referred to the special commissioner, the Judge holding that the Collector was acting under section 5 of Regulation IX of 1825 and section 2, clause 1 of Regulation III of 1828. The tenure-holder Ram Keshore Dutt appealed to the Special Commissioner.

The Special Commissioner held that the four-annas share of Dandra was not permanently settled in 1793 and that the claim of the appellant that his taluk was a permanently settled one and thus protected under Regulations I and VIII of 1793, was not tenable, that there was no area mentioned in the *douls* and there were no other papers available by which the area could be ascertained, and that the area had varied (though rent had not) as there were discrepancies about the names and numbers of mauzas in the mauzawar list of 1202 B.S., 1216 B.S., Patwari papers of 1226 B.S., and in the present settlement papers and also that appellant failed to adduce any evidence to show that his taluk was mokarari. The appeal was dismissed (*vide* Exhibit 182 and its translation Exhibit 181 and Exhibits 183 and 188). I find slight inaccuracies in the translations. The translator could not even read the name of the Special Commissioner.

The plaintiff also relied on the Exhibits 189 and 191 and argued that from all the documents it was clear that the taluks were not mokarari by contract and it was held that they did not become mokarari by operation of law. The preamble to Regulation III of 1828 shows that the Special Commissioner appointed under that Regulation had the power finally to determine all cases of the nature mentioned therein. The Commissioner determined that all these taluks were assessable, and assessed them at the Pargana rate which was alleged by the plaintiff to be the average of Prajawari rate.

It was further argued that Exhibits 207 to 209 will show that the tenures were enhancible.

Exhibit 209 is the judgment of the munsif. The suits were for enhancement of rent of 2 taluks and three tapas.

The munsif held that these tenures were governable by the provisions of section 51 of Regulation VIII of 1793 and decreed the suits allowing enhancement at prevailing raiyatwari rates after deductions for mathan *manha*. He came to this conclusion on the

following grounds; "It appears from the several proceedings of the revenue authorities that in all past dealings with these taluks and in the cases of all past assessment, the principle of assessment proposed by the plaintiff (rai-yatwari rate) was observed, and should therefore now be acted upon as the custom specially governing the taluks in the plaintiff's estate, or as the condition, within the meaning of section 51 of Regulation VIII, under which they have held them". The munsiff was satisfied on the evidence then adduced that the rate of Rs. 6 per shahi kani was the prevailing rate.

Exhibit 208, is the judgment in appeal. The Judge remarked that "from time to time the tenures were assessed and settled for terms of years with the persons who held them", and he upheld the judgment of the munsiff, holding that the plaintiff had complied with the provisions of section 51 of Regulation VIII. Exhibit 207 is the judgment in High Court. The Hon'ble Judges upheld the judgment of the lower courts, remarking that "these tenures were for many years held khas by Government as an escheat and were from time to time assessed and settled for terms of years with the talukdars and tapadars and it was quite clear that the principle on which Government settled the rent was to see what the prajawari rate was and to allow certain deductions. We see no reason for holding that the principle was wrong and that the tenures were not originally held on this principle."

The tenures which formed the subject matter in those suits must be liable to enhancement under section 51 of 1793, which is almost the same as section 6 of the Bengal Tenancy Act. Act VIII of 1885 was not passed when the above suits were decided. But as regards the applicability of the decisions in those suits to other taluks, I have some doubt. The evidence adduced in those cases are not adduced before this court, as the evidence now adduced proves only one assessment in 1845 for the taluks and two assessments, in 1824 and 1845, for the tapas, and settlement for 30 years only once. The quotations from the judgment will show that the evidence then adduced proved that the tenures were held khas and were from time to time assessed and settled for terms of years with the talukdars and tappadars. It was quite right on such evidence to hold that both "custom" and "conditions" within the meaning of section 51 of Regulation VIII (or section 6 of Bengal Tenancy Act) were proved.

There is another important point, viz., in 1824 and 1845, the taluks were assessed at a certain rate, by which in some cases the rent of the tenures increased and in some cases decreased. But enhancement as prayed for by the plaintiff now is quite different from assessment at a certain rate. The plaintiff also relies on the chalans, Exhibits 1 to 180 and 184 to 187, as admissions. I do not attach much importance to these documents. Most of these were written by the plaintiff's amlas. The defendants all denied these. Plaintiff's witness No. 2 admitted some of these to be in his amlas' hand writing. These only show that the tenures are garmokarari meadi. Plaintiff's witness No. 1 stated that the tenures were garmokarari meadi; that the lands in possession of the tenure-holders can be settled at Rs. 10 or 12 per shahi kani and that there was no customary rate in this estate. In cross-examination he admitted that he did not know the lands and that he never settled any land at Rs. 10 or 12 per kani. He admitted that Kali Kumar Chowdhuri was Ammoktear of plaintiff.

Plaintiff's witness No. 2 proved the chalans. He deposed that the rate for shahi kani for the lands in khas possession of tenure-holders would be Rs. 10 to 20, that there was no customary rate in the Pargana, that none of the tenure-holders had mokarari rights. In cross-examination he admitted that some of the chalans, Exhibits 1 to 180, 184 to 189 were written by the amlas of the plaintiff, that chalans are written according to instruction of the Tauszinavish, that he did not know the lands and that he had never settled lands at Rs. 10 to 20 per kani, that the tenure-holders were paying rent at Rs. 3-15 per shahi kani and that this rate had been in existence since the creation of the tenures, and that by customary rate he meant *বর্তমান প্রচলিত দর*. In re-examination he said that in some cases the tenure-holders wrote the chalans at their (the plaintiff's amlas') dictation.

All the defendants deposed that they held on kaimi mokarari rights and most of them denied signing any chalans. Only Defence witness No. 8 stated that he gave chalans against his will as otherwise rent would not be received by plaintiff's amlas; and that lands of the tenure were improved by opening a khal at the cost of the tenure-holders. Some of the Defence witnesses deposed that the rate for khas lands would be Rs. 3 to 4 per kani. Other Defence witnesses also deposed about reclaiming the lands at their cost and that formerly the lands were very bad. Defence witness No. 7 deposed that suit for enhancement was dismissed and filed Exhibit C, CI and D and proved documents C and CI. Defence witness 12 deposed that there was no custom by which the rent of the tenures could be enhanced, that the customary rate was Rs. 3-15, that a suit for enhancement by plaintiff's grandfather was dismissed and he filed Exhibit E, the decree, that lands in suit Nos. 23 and 24 could be settled at Rs. 1-12 to Rs. 2 per karsha kani, that lands were formerly bad and were reclaimed by tenure-holders. Some of the Defence witnesses deposed that in this pargana there was no custom to assess to rent road, khals, tanks, etc., etc., and that no custom existed by which the rent of tenures could be enhanced and that the plaintiff had shown wrong assets in the schedule attached to plaint.

These are the evidence adduced on either side and I have noted the arguments advanced by them.

After very carefully going through all the documents made exhibits and weighing the evidence adduced, I am of opinion that the taluks in class A, were of the description mentioned in section 1 of Regulation I of 1793 or section 4 of Regulation VIII of 1793 but that they now had lost that character. The learned pleader for defendants laid stress on the point that by giving enhancement once, the tenures, do not become enhancible for ever



(16 C. W. N. Page 725) I agree with him. But the proceedings of the revenue authorities\* were final under the law and they found that the tenures were assessable and in one case (I believe a test case) the decision was upheld by the highest revenue authority, the Special Commissioner, on appeal. The defendants have not been able to show how this fact can be overlooked. In Exhibit N, paragraph 22, which gives a list of all correspondences between the Collector and the Commissioner, about the rates, etc., shows that there was an order of the Commissioner, dated 28th May 1848 on the rubakari of Collector, dated 2nd May 1848, that the terms of the settlement would be for 30 years and that after the expiry of the term the rate would not be enhanced. If the defendants could have produced this rubakari and order, they would have been saved but in the absence of these I cannot hold that the rate was fixed for ever in 1845. Under ordinary circumstances, the assessment would not have made the tenures enhancible, as there is clear and uncontrovertible evidence that tenure-holders did not agree to this assessment, and lost the one-third deductions, they would otherwise have been entitled to; and even if they had agreed, that also would not have made it enhancible for ever (16 C. W. N.). But all the same they are decennial taluks and therefore the provisions of section 6 of the Bengal Tenancy Act only are applicable to them. The rent of such a tenure is enhancible only when it is proved that the landlord under whom it is held is entitled to enhance the rent thereof, either (1) by local custom, or (2) by the condition under which the tenure is held. Clause "b" of section 6 has no applicability to these cases. Has the plaintiff succeeded in proving either of the two? I say not. As far as I could see there has not been even an attempt on the plaintiff's part to adduce any evidence on the points. On the other hand many of the defence witnesses have sworn that there was no "custom" or "contract" to enhance the rent of these tenures. I am further of opinion that even in 1845 evidence to prove "special custom" and "conditions" as contemplated in section 51 of Regulation VIII were not available, for Mr. Wilkins in paragraph 29 of Exhibit 189 says that the douldars' rights to a settlement at decennial rates will be maintained under Regulation VIII of 1793, section 51. Had there been proof of these, they could easily increase the rent and save all those bothers. Though in the plaints the word *বর্তমান* is mentioned but no evidence in support has been adduced. As to "condition", the plaintiff should have proved this fact by *doul* or other documents. Section 6 is very clear without any ambiguity. Whenever it could be proved (by positive evidence and not by presumption) that the tenure had been held from the time of permanent settlement its rent should not be liable to enhancement except on proof of the facts mentioned in clauses "a" and "b". There is no question of variability of rent attached to this section. It would not matter whether the rent had varied or not. The legislature is silent on this point. It is evident that the framers of the Bengal Tenancy Act had in view tenures like those in suit. It may be noted here that section 50 provides for cases where the rent has not varied since permanent settlement, in such a case the rent shall not be liable to enhancement under any circumstances, including "local custom", etc. (except of course for increase of area). But where the rent or rate of rent may have been changed since permanent settlement, but there is proof of the tenure existing at the time of permanent settlement, the rent of the tenure in such a case would be only enhancible under the circumstances mentioned in clauses "a" and "b" of section 6. I hold the plaintiff has failed to prove the existence of "local custom" or the "condition" mentioned in clause "a". It may be urged that in the early eighties the Civil Courts decreed suits for enhancement for similar tenures as these on the ground that the "special custom" of the district and the "condition under which the tenures were held" as required by section 51 of Regulation VIII were proved (*vide* Exhibits 207 to 209). I have shown above that the evidence on which the courts arrived at those conclusions were not adduced before me, and I am unable to hold that the "custom" and "condition" have been proved, or that those decisions, especially the High Court judgment Exhibit 207, could be applied to the tenures in suits for want of evidence. Even if the principle of these decisions, exhibits 207 to 209, were applicable to these tenures (but I hold they are not) the plaintiff, I am afraid, would not be entitled to any relief. The Civil Courts had held that assessment at the prevailing prajawari rate was the custom specially governing the taluks in plaintiff's estate, or as the condition within meaning of section 51 of Regulation VIII under which they held them. The principle is that the tenures can be assessed at prevailing prajawari or raiyati rate after making certain deductions for mathan, etc., etc. In 1824 the assessment was made at Rs. 3-6 per kani and in 1845 at Rs. 3-15 per kani for all tenures (Exhibit 189). Has the plaintiff prayed for assessment of the tenures on those principles? or has there been adduced any evidence to prove the prevailing prajawari rate? It is true that in the plaint, all these terms have been used, but it is difficult to understand to what effect. Paragraph 6 of the plaint shows the prajawari rate, but these rates are almost different for each suit or to be more exact, there are 56 different rates in 81 suits! Again the amount shown as assets in paragraph 5 of plaint and column 7 of the schedule attached to plaint do not appear to be correct. The figures in column 7 of the schedule are the raiyati assets and on comparison it is found that in only 15 cases out of 81 they agree with the real raiyati assets. Schedule A attached to this judgment will show these figures, (Columns 5 and 6.) Columns 2 to 4 will show the different rates (supposed to be prajawari) in different suits. There is nothing in the records to show how these prajawari rates were discovered! It goes without saying that there could not be 56 different prevailing rates. I therefore hold that the tenures being in existence from permanent settlement are subject to enhancement of rent only under section 6 "a" of Bengal Tenancy Act, and that plaintiff has failed to prove the "local custom" and "condition" required by clause "a" of that section.

*Tenures in class B.*—These are described in the Goshwara as “benambari taluks.”

From paragraphs 26 and 30 of exhibit 189 and paragraph 28 of exhibit N, it is clear that these taluks were split up from the four old *doul* taluks. The Revenue Authorities treated these taluks just like those in class A. They were convinced that these taluks were formed by the subdivision of the old *doul* taluks. From paragraph four of Exhibit 191 it will appear that Sir H. Ricketts also agreed that these taluks were formed by the division of *doul* taluks and he ordered that those should be treated just as the other *doul* taluks. Division of decennial taluks does not make a new taluk (20 C. W. N., page 1002). I therefore find that these tenures also are governed by section 6 “a” of Bengal Tenancy Act and the rents of these taluks also cannot now be enhanced for plaintiff has failed to prove “custom” and “condition”. I have given my reasons for this in dealing with tenures in class A.

*Tenures in class C.*—These are tapas. From paragraphs 3 and 35 of exhibit 189 and paragraph 31 of Exhibit N, it is proved that these tapas also were in existence before permanent settlement. It is true the rent of these tapas were once assessed at Rs. 3-6 per kani in 1824 and for the second and last time in 1845. Tapas are tenures and being of the time of Permanent Settlement will be governed by the provisions of section 6 of the Bengal Tenancy Act. For reasons mentioned about tenures in class A, I hold that the rents of these tenures cannot be enhanced until “custom and conditions” be proved. In case No. 493, the presumption of *khatian* is against plaintiff. Exhibit C, CI show that plaintiff's Ammokhtear gave these receipts calling the tenure *kaimi mokurari*. Exhibit D shows that suit for enhancement by plaintiff was dismissed. Plaintiff tried to prove by Exhibit 222 that the suit was dismissed for defect of service of notice, the suit was dismissed and since then no attempt made for enhancement. In the face of C, CI and D, I hold that plaintiff's suit must be dismissed with proportionate cost. In suit No. 488 decree, Exhibit E, is filed which shows that the suit for enhancement was dismissed. Exhibit 222 shows that the suit was dismissed for non-proof of service of notice. This took place in 1883. There is no other evidence in favour of defendants. I think the decree, Exhibit E, cannot make the tenure not enhancible for ever.

*Tenures in class D*—These are *Bazeapti* Lakheraj tenures, assessed on half rent under the provisions of Regulation XIX of 1793. Exhibit 192, the Goshwara, Exhibit 194, the jamabandi, and paragraphs 36 and 37 of Ex. 189 will prove that these were created before 1790 and were assessed at half rate. The rent thus assessed is fixed forever under section 9 of the Regulation XIX of 1793.

The plaintiff has no case against these tenures and the agents of the plaintiff would have been well advised in not to have filed these applications. Suits dismissed with cost. Column. 15 of the *khatian* will be corrected.

*Tenures in class E.*—These are *Najaz Lakheraj Bazeapti* tenures assessed at full rates. From paragraphs 36 and 37 of Exhibit 189, it is proved that these had no sanad or register number and that these were granted after 1790. These were resumed in 1845 and made into taluks or tapas and therefore the rents are enhancible under section 7 of the Bengal Tenancy Act. Defendants have not been able to adduce any satisfactory evidence to show that they were not liable to pay enhancement.

There is no sufficient evidence to prove the existence of customary rate. The tenures are enhancible under section 7 subsection (2). Issue No. 1 is decided in favour of plaintiff with respect to tenures in class E and against plaintiff in the other cases except these in which petition of compromise has been filed.

*Issue No. 2.*—Plaintiff has adduced no evidence to prove excess in each particular case, nor demands excess rent under section 52. Thus this issue does not arise.

*Issue No. 3.*—Not pressed.

*Issue No. 4.*—There is nothing in the *doul* Exhibit L, which can stand in the way of plaintiffs getting enhancement. Issue No. 4 decided in plaintiff's favour.

*Issue No. 6.*—There is no satisfactory evidence of the existence of customary rate. I hold there is no such rate.

*Issue No. 7.*—The assets shown by plaintiff were in most cases wrong. Schedule A, and the Schedule attached to judgment will show the real assets.

*Issue No. 5.*—This is an important issue. The item *mathan minha* appears to exercise a sort of magical influence over some of the talukdars, as many of them declared that they could forego any other privilege but must have *mathan*. There is considerable force in this. It is seen from the documents that this *mathan* is of very ancient origin and I think it deserves fullest consideration. But as in the bulk of the suits, it has been held that plaintiff is not entitled to any relief, it will serve no useful purpose to deal at length with this point, specially as the tenures (class E) came into existence in 1845 and are thus governed by section 7 (2) of the Act. In settling fair rent, this point will be taken into consideration.

As to roads, tanks, paths and other unculturable lands, the matter is different. By immemorial custom of the country, these are never assessed to rents. There is enough oral evidence in support of this fact. Plaintiff has not rebutted this evidence. Besides, from the jamabandi, Exhibit 193, it will appear that roads, tanks grave-yards, etc were left out of assessment. I think defendants are entitled to some deductions on account of this in making valuation of their *nij dakhil* lands. It is a fact that in the present-day survey, small road, tanks, *garhs*, etc., are not separately plotted, and there is now no possibility of ascertaining the quantity of land of this nature. It is a well known fact that each homestead in this part of the world has got a small tank attached to it, and there are *garhs* and paths also. For these reasons I think 15 per cent. of the total area in khas possession

of the tenure holders should be left out of valuation. Column 5 of the Schedule attached to this judgment will show it.

*Issues Nos. 8, 9 and 10 are taken up together.* These tenure-holders deserve special consideration. For years they held the lands as lakheraj but in 1845 these were resumed and assessed at full rate as the owners could not prove that these were granted before 1790.

The defendants have proved that the lands in the pargana were formerly bad, and that defendants at their own cost reclaimed these lands. Paragraph 22 of Exhibit 189 will show that in those days the lands were not of good quality and the Special Commissioner reduced the rate from Rs. 4-6-0 to Rs. 3-15-0 on that count. The lands are now very fertile and covered with rich crops of various kinds. With the exception of a few mauzas in the north, which are bad, the whole of the Pargana Dandra is exceptionally fertile and rich. Even a casual observer will be charmed with the rich corn fields and luxuriant fruit gardens which cover the whole of the pargana except some mauzas in the north. This change has been due to the improvement effected by the tenure-holders. None of the Zamindars has spent a single pice for the improvement of the Pargana. Jungles were cleared, khals were opened by these tenure-holders at their own expense. Plaintiff has produced no evidence to rebut these. Plaintiff has also failed to prove the rate at which these lands can be settled. The defendants have deposed that the rate would be varying from Re. 1-8-0 to Rs. 4 per karsha kani. I do not also agree to this. I think Rs. 5 per acre would be the fair rate for such lands and the lands will be valued at that rate. I find from the petitions of compromise filed in this group that Rs. 6 and Rs. 6-3 for shahi kani has been considered as the fair rent. One shahi kani equals to over 2 acres. I should also note that plaintiff did not adduce any evidence to prove that any tenant, under the tenure-holders held on beneficial rent. In the case of these tenures, the fair rent cannot be settled by the method of allowing certain percentage, as the court is bound to take into consideration provisions of clauses "a" and "b" of sub-section 3 of section 7. Defendants have proved that they reclaimed the lands and made improvements at their own cost. They are in all fairness entitled to enjoy exclusively the fruits of their own industry and good management.

Considering all these facts very carefully, and also giving full consideration to the special circumstances of each of these tenures, I settle the rent as shown in column 16 of the schedule attached to this judgment as the fair and equitable rent under section 7, sub-section 2 of Bengal Tenancy Act.

*Issue No. 11.*—This issue was framed with respect to tenures in suits Nos. 470, 922, 407, 408, 191, 346 and 197. In suit No. 470, it is said that some persons were made parties who were not defendants in rent suits. I do not think this is such a defect as to warrant dismissal of suit.

In the remaining cases the defendants proved satisfactorily that some of the defendants died before the institution of the suit and all of the heirs were not made parties, and plaintiff produced no rebutting evidence. I do not think it will be of any use to come to a decision on these points, as all these suits are regarding tenures in classes A to C, and plaintiff has not been allowed any relief in those cases.

Both parties pressed for cost. Ordinarily no cost is allowed by this court in suits under section 105. But these suits are of a different nature and large number of certified copies of documents were filed and other expenses for pleaders, etc., incurred. I think cost should be allowed to both sides in these suits. I think proportionate cost should be paid by parties.

Suits regarding tenures in classes A to D are dismissed except those compromised with proportionate cost and suits regarding tenures in class E are decreed in part with proportionate cost. Parties to bear their own costs in suits compromised.

A. K. K. AHMED,

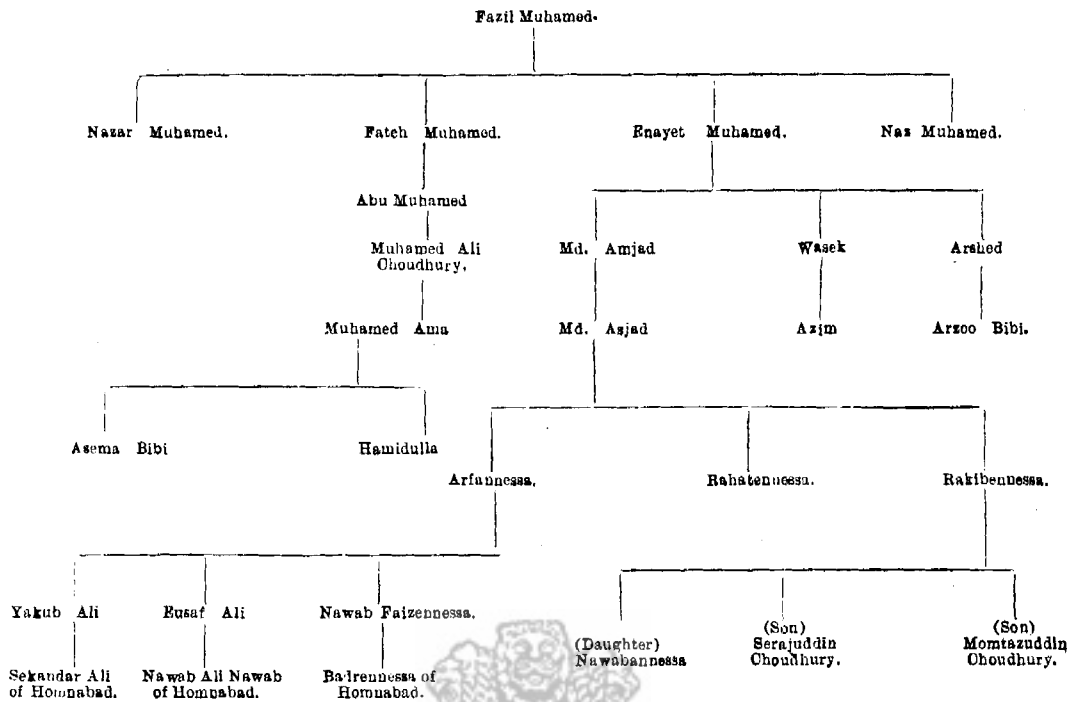
*Assistant Settlement Officer.*

*The 16th October 1917.*

## APPENDIX D.

The family of the Choudhuries of Sharishadi is the most important in the Pargana. There were 2 distinct families. The first claimed their descent from a renowned saint Fazil Muhamed Choudhury, who in company of a fugitive prince of the Pathan dynasty settled in Amrabad or Dandra about 1582 A.D. and colonised it. The other family claim their descent from a Pathan hero named Mohamed Kaim Khan. By marriage with the daughters of the first named family they acquired the Dandra and Allahabad Zamindaries and are still in possession of some share in them. Both these families are the most respectable, not only in the district, but in the division as well. The late Nawab Faizennessa Choudhurani Sahiba, and the present Nawab Ali Nawab Choudhury Khan Bahadur of Homnabad were descendants from the female lines of Fazil Muhammed Choudhury. Fazil Muhammed Choudhury was first buried at Kashidiya on the Bamni

Channel. Tradition says that 90 years after his death he appeared in dream to one of his descendants and enjoined him to remove his remains to the Hills, as the mauza was going to be washed away. It was done. The corpse was found to be as fresh as when first buried. His remains now rest in a Darga on the Hill in Independent Tippera about 1½ miles from Dandra and is venerated by both Hindus and Muhammadans. A shortened genealogical table is given below :—



Maulvi Serajuddin Ahmed Choudhury, Maulvi Rustam Ali Choudhury, Maulvi A. K. Mokrambilla Choudhury and their brothers are in easy circumstances though they have lost the bulk of their properties. The other descendants are in very poor circumstances.

2. The next in importance are the Kazis of Berali. They claim descent from Hazrat Abu Bakar Siddique the first khalifa after the Prophet. Shekh Abdullah Siddique left Irak and came to Delhi. He was appointed to a post at Bareilly in Oudh and settled there. His grandson Muhammed Hasan left Bareilly and came to Dacca towards the close of Aurangzeb's reign. He was appointed Shahar Kazi of Dacca and hence the title. He had 9 sons and one of them Kazi Hamiduddin came to Dandra and settled at a place on the Chhoto Feni River and named it Bareilly after the city in Oudh.

They are held in great respect and esteem in the district. Some of them held high posts under the Government and all of them are renowned for their piety and learning. They have lost most of their properties as is the case with most of the old respectable families. Some of them have married in the Choudhury family and acquired shares of zamindaries. Maulvi A. K. Mokrambilla Choudhury belongs to this family.

3. The Kazis of Bagadona are also a respectable family in the locality. They have extensive properties and are very well off.

4. There is a family of Shekhs at Jalaskara, who trace their descent from Ebeni Hossain, who accompanied the expeditionary force under Buzurg Omed Khan for the conquest of Chittagong in 1666. Maulvi Abdul Khalek, B.L., is eighth in descent from Ebeni Hossain. He is a lawyer of great promise practising at Feni.

5. The family of Gupta Choudhuries of Shenerkhil. The founder of the family in Dandra, Chandra Nath Gupta Choudhury, appears to have been a remarkable man. He began life as a petty officer on Rs. 3 a month under Nawab Sahiba Faizennessa Begum of Paschimgaon, Homnabad (a daughter of Dandra), but left at his death in 1304 B. S. a property yielding about Rs. 12,000 a year. These Choudhuries trace their descent from one Gupta (a Baidya or Kabiraj) who was physician of Bura Khan the Hindu General to whom pargana Jugdia was given as a grant to guard the frontiers in the 17th Century. The ancestral *bari* of the Guptas are still in Jugdia and they still possess some share in the estate. Chandra Nath acquired about 7 annas share of the whole pargana Dandra, besides a large number of taluks. His sons are now selling off these properties to clear the debt incurred by their father as well as by themselves.

## APPENDIX E.

To—The Government of Eastern Bengal and Assam.  
(Through the Collector of Noakhali).

I have the honour most respectfully to apply, under section 101 of the Bengal Tenancy Act VIII of 1885 as amended by the Act III B. C. of 1893 and Act I E. B. A. of 1908, on behalf of His Highness the Maharaja of Tippera as proprietor of the estate 4 annas khas of Pargana Dandra bearing Tauzi No. 209 of the Noakhali Collectorate, for a kind order of the Government, directing that a survey be made, a record-of-rights be prepared and fair rent be settled by a Revenue Officer in respect of the lands of the said estate.

The brief history of the estate is as follows :—

(a) The estate 4 annas khas is comprised in 33 villages and 9 kismats in Pargana Dandra.

(b) The total Government revenue of the estate is Rs. 3,932-4-5 with cesses Rs. 1,560-9.

(c) The Government made the estate khas in the year 1793 and managed the same as such up to the year 1868. In the year 1869 the proprietary right was granted to Asema Banu for self and to Bharat Chandra Dev on behalf of His Highness, who afterwards acquired the entire proprietary right of the estate.

(d) The estate in question was surveyed for the last time in 1845 on behalf of the Government when Chittas and Jamabandis were prepared which are at present, the only means of knowing the particulars of the tenancies of the estate.

(e) There are at present about 537 raiyati holdings under the khas management of His Highness and the rest of the raiyati holdings are all under the tenure-holders.

(f) The former proprietors created about 79 taluks and 64 tapas which are all intermediate tenures and are, according to the Government Jamabandis, liable to enhancement of rent.

(g) There are 4 other estates in Parganah Dandra, viz., (1) 4 annas Bahali, (2) 3 annas 1 ganda and odd, (3) 3 annas, (4) 1 anna 18 gandas and odd. These are all contiguous to the estate in question, and the first mentioned estate is at present held by Babu Nabendra Kishore Roy and others by virtue of auction purchase at revenue sale.

Reason for the intended Survey and Settlement are :—

(a) There are no registered leases (Douls) in respect of the tenures under the estate; the Government jamabandis shew that they are liable to enhancement of rent; so in order to know the real character of these tenures a Record-of-rights is unavoidably necessary.

(b) The old papers available shew that only the culturable lands were let out to the tenure-holders and the waste lands were kept in khas possession of the Zamindar; but the tenure-holders themselves and their tenants have gradually encroached upon the waste lands and have brought them under cultivation. So the areas of these tenures have now increased for which they are certainly liable to pay additional rent; Record-of-rights will shew these encroachments.

(c) As there was no other survey after 1845 it has become very difficult to find out and demarcate the specific and separate lands of each individual tenant; Record-of-rights will once for all remove this difficulty.

(d) By gradual devolutions and transfers the holders of most of the tenures have become so numerous that it is at present too difficult to collect rent from each and every tenure-holder, consequently rent suits are necessary in which also a good deal of inconvenience is felt in serving summonses upon each of a large number of persons and at the same time it is not practicable to realize the decretal money by putting the tenure to sale owing to the death of some one or other of the tenure-holders in course of the execution proceeding. So in the absence of any other better remedy distress warrants are generally taken against only some well-known tenure-holders who always become losers, while other less important persons enjoy their respective shares almost free. Record-of-Rights will specifically shew each holder's share, or particular lands held by him upon which these big tenures, may afterwards conveniently be divided into several smaller and independent tenures, granting full opportunity to the owners to pay their respective rents.

(e) The new proprietor of estate 4 annas Bahali, Babu Nabendra Kishore Roy and others, are reported to have encroached upon some of the lands of the estate in question which may at any time, result in some serious disputes and disturbances amongst the tenants of both the estates; to avoid these apprehended disturbances a Record-of-Rights is indispensably necessary.

(f) Some of the tenures have been auction purchased for their own arrears on behalf of His Highness; but for want of any valid and clear documents their possession of some cannot actually be obtained; consequently His Highness is going to be loser. Recently some attempt was made to take possession of some of the auction purchased tenures which actually gave rise to some criminal cases; Record-of-Rights is expected to avert that sort of difficulties.

Under the above mentioned circumstances I beg leave to hope and pray that the Government will be pleased to order and notify in the Provincial Gazette that a survey be made, Record-of-Rights be prepared and fair rent be settled in respect of the lands of the estate on behalf of its proprietor, His Highness, and that the order may specify that the particulars (a) to (j) mentioned in section 102 of the Bengal Tenancy Act VIII of 1885 as amended by Bengal Act III of 1898 and Eastern Bengal Act I of 1908 be recorded in the Record-of-Rights.

In conclusion I have the honour to state that His Highness is ready to pay the cost of, the operation prayed for, which will afterwards be borne proportionately by His Highness and the tenants as the Government kindly direct.

## APPENDIX F.

To—His Excellency the Governor in Council of Bengal.

(Through the Collector of Noakhali.)

The humble petition of 1. Srimati Dayamoyee Choudhurani, 2. Sarada Charan Gupta Chaudhuri, 3. Sashi Bhusan Gupta Chaudhury, 4. Gobinda Chandra Gupta Chaudhury, most respectfully sheweth :—

1. That Your Excellency's humble petitioners are owners of the following four Zemindaries of Pargana Dandra, Station Feni, District Noakhali, as executors to the Estate of late Babu Chandra Nath Gupta Chaudhury, while the 5th one of the same Pargana belongs to the 3rd petitioner Sashi Bhusan Gupta Chaudhury in his own right. These several Zamindaries represent nearly 6 annas 10 gandas share of the whole Pargana Dandra.

1. 3 annas 1 ganda 1 kara  $2\frac{1}{2}$  kranti bahali Hisya.
2.  $\frac{1}{8}$ th share of 3 annas khas.
3.  $\frac{3}{4}$ th share of 1 anna 18 gandas 2 karas  $\frac{1}{2}$  kranti khas.
4. 3 annas Elaki Sarker Zamindary.
5.  $\frac{1}{2}$ th share of 1 anna 18 gandas 2 karas  $\frac{1}{2}$  kranti khas.

2. That besides the four entire Hisya mentioned in paragraph 1 there are three other Hisyas, namely four annas khas owned by the Raja of Hill Tipperah and the 4 annas Bahali owned by Babu Nabendra Kishore Roy and others, 1 anna 18 gandas and odd Elaka Sarker owned by Maulavi Majibul Halder Chaudhury and others. These 7 Hisyas make up the entire Pargana Dandra including a part of Alahabad Pargana.

3. That under notification of 1911, issued by the Government of Eastern Bengal and Assam at the instance of the Raja of Hill Tipperah, 4 annas khas Zamindari is being surveyed under Chapter X of the Bengal Tenancy Act.

4. That the proprietors of one of the remaining Hisyas, namely 4 annas Bahali Zemindari, Babu Nabendra Kishore Roy and others being auction purchasers under Act XI of 1857 brought numerous suits against talukdars which has put them in a very difficult and helpless situation.

5. That in view of the fact that the lands of all the 7 zemindaries of the pargana are interspersed with one another, it is understood that much difficulty has been felt in the survey operations of the said 4 annas khas and hence it is apprehended that the record-of-rights of the said Hisya will not be accurate and will most likely be a fruitful source of litigation in future amongst the rival zeminders and the tenure-holders, cultivating tenants not being excepted.

6. That although the income of Your Excellency's petitioners in the zemindaries they own, is very small, still in order to avert disputes with the talukdars and to make the survey of the 4-annas khas zemindari as accurate as possible, and to avoid future litigations amongst the rival zeminders and the talukdars, it is desirable that an accurate survey of the zemindari shares owned by them be made and a true and a faithful record-of rights be prepared under Chapter X of the Bengal Tenancy Act.

7. That Your Excellency's humble petitioners are informed that certain tenure-holders and cultivating tenants of the pargannah and the 4 annas khas zemindar have either applied or are willing to apply for the survey of the whole pargannah. The said 4 annas khas share together with the zemindari shares of Your Excellency's petitioners represent more than half share of the zemindaries of the pargannah. Your Excellency may therefore, under the law, direct a survey and record-of-rights of the whole pargannah.

8. That Your Excellency's humble petitioners' income from the said five zemindary Hisyas are given below, which will go to show that they are, inspite of their very limited resources, inclined to think that a full, faithful and accurate record-of-rights of the whole pargannah should be prepared once for all in the interest of the tenure-holders under them and the cultivating raiyats as well, amongst whom many disputes and doubtful points will, it is hoped, be set at rest by the proposed survey operations.

Name of Zamindaries.	Gross collection of rent.	Government revenue.	Net income.
1. 3 as. 1 gd. 1 k. 2½ krts. ...	2,073 1 1 9	1,721 0 9	352 0 4 0
2. 1/8th share of 3 as. ...	1,052 12 4 0	916 9 10	136 2 6 0
3. 12½ as. share of 1 a. 18 gds. and odd.	3,011 1 11 6	2,578 2 8	432 15 3 6
4. 3 as. Elaka Sarker Zamindari	169 10 3 0	19 15 4	149 10 11 0
5. 3½ as. share of 1 as. 18 gds. and odd.	821 14 8 16	721 9 6	100 5 2 16
Total ...	7,128 8 4 11	5,957 6 1	1,171 2 3 11

9. That with all their best intentions Your Excellency's humble petitioners are no so circumstanced as to pay the probable cost at present in hard cash but that they are prepared to bear the expenses in proportion to their net income from the zamindaries which may fairly and equitably be ascertained and apportioned according to the net income of all classes of landholders and tenants interested in the lands and that their said zamindary Hissyas as mentioned in paragraph 1 may be taken as security for the due payment thereof under the provisions of section 101 of the Bengal Tenancy Act.

That under the circumstances set forth above, Your Excellency's humble petitioners most fervently pray that Your Excellency would be graciously pleased to direct that survey be made and record-of-rights prepared under Chapter X of the Bengal Tenancy Act for the said five Hissyas mentioned in paragraph 1 in continuation of the survey operations already undertaken for the lands of the 4 annas khas zamindari under a Notification of Eastern Bengal and Assam Government. And for this act of kindness and favour Your Excellency's humble petitioner as in duty bound shall ever pray.

### APPENDIX G.

A list of villages for which a record-of-rights has been prepared showing J.L. No. area and the date of final publications of the records of each village.

Serial No.	Name of Mouza.	J. L. No.	Area.		Date of final publication.
			Acre.	Dec.	1917.
1	Dumaria ...	29	176	96	31st January.
2	South Abupur ...	31	213	99	9th February.
3	Abupur ...	32	849	92	14th January.
4	North Khanabari ...	33	315	67	14th "
5	South Khanabari ...	34	279	...	9th February.
6	Sindhua ...	35	1	63	9th "
7	Kumira ...	36	158	25	14th January.
8	Jagirgaon ...	37	261	14	14th "
9	Dhalia ...	38	176	04	14th "
10	Bhagabanpur ...	39	37	91	9th February.
11	Birali ...	40	67	25	9th "
12	Ratanpur ...	41	39	97	9th "
13	Kasimpur ...	43	111	34	14th January.
14	Lakhiara ...	44	115	93	9th February.

APPENDIX G—*contd.*

Serial No.	Name of Mouza.				Area.		Date of final publication.
					Acre.	Dec.	
							1917.
15	Bagair ...	...	...	45	85	08	9th February.
16	Bhaskar ...	...	...	46	43	98	9th „
17	New Khanabari ...	...	...	48	75	86	9th „
18	Darki ...	...	...	49	33	11	9th „
19	Daripatta ...	...	...	50	110	72	14th January.
20	Sarishadi ...	...	...	51	36	...	9th February.
21	Gazariakandi ...	...	...	52	109	72	9th „
22	Safiabad ...	...	...	53	176	47	9th „
23	Ghagra ...	...	...	54	104	57	14th January.
24	Chochhna ...	...	...	55	146	51	9th February.
25	Zer Kachhar ...	...	...	56	192	07	9th „
26	Madhyam Kachhar ...	...	...	57	138	60	14th January.
27	Sundarpur ...	...	...	58	220	99	14th „
28	Noabad ...	...	...	59	179	78	14th „
29	Raster Khil ...	...	...	60	...	34	9th February.
30	Rampur ...	...	...	61	38	03	14th January.
31	Fatepur ...	...	...	62	27	34	14th „
32	Jahanpur ...	...	...	63	178	01	9th February.
33	Debipur ...	...	...	64	328	19	14th January.
34	Bathania ...	...	...	65	49	73	9th February.
35	Ilashpur ...	...	...	66	45	31	9th „
36	Panchgachhia ...	...	...	67	5	21	9th „
37	Bejoysing ...	...	...	69	308	26	14th January.
38	Padua ...	...	...	75	232	49	9th February.
39	East Kachhar ...	...	...	76	115	35	14th January.
40	Saran Pahartali ...	...	...	77	99	93	14th „
41	Joar Kachhar ...	...	...	78	1	12	9th February.
42	Maruar Char ...	...	...	126	448	72	28th „
43	Dumira ...	...	...	127	102	63	2nd March.
44	Sundarpur ...	...	...	128	341	09	4th „
45	Baligaon ...	...	...	129	354	56	27th February.
46	Akrampur ...	...	...	130	81	99	7th March.
47	Madhuai ...	...	...	131	702	02	21st February.



## APPENDIX G—contd.

Serial No.	Name of Mouza.			J. L. No.	Area.		Date of final publication.
					Acre.	Dec.	1917.
48	Kuruchia	...	...	132	34	14	7th March.
49	Hakdi	...	...	133	531	81	3rd "
50	Jalaskara	...	...	137	902	45	31st January.
51	Char Majlishpur	...	...	207	982	79	9th March.
52	Chandla	...	...	213	546	73	21st February.
53	Betagaon	...	...	214	229	64	1st March.
54	Bisnupur	...	...	216	359	94	21st February.
55	Durgapur	...	...	217	116	30	28th February.
56	Mandari	...	...	218	131	88	2nd March.
57	Paikpara	...	...	220	474	20	21st February.
58	Majlishpur	...	...	221	222	54	1st March.
59	Katakhali	...	...	222	108	44	7th "
60	South Alampur	...	...	223	372	87	3rd "
61	Aruarkhil	...	...	224	317	91	23rd "
62	Bagadana	...	...	225	296	06	13th "
63	Salpa Mandari	...	...	226	33	43	15th "
64	Senerkhil	...	...	227	377	16	23rd "
65	Bagishpur	...	...	228	25	74	15th "
66	Char Shahabhikari	...	...	229	3,195	98	20th July.
67	Satbaria	...	...	237	284	67	13th March.
68	Bakharia	...	...	238	234	33	23rd "
69	Char Mahish	...	...	239	364	66	18th "
70	Palgiri	...	...	240	648	29	13th "
71	Pania Malang	...	...	241	38	54	16th "
72	Bhoag	...	...	242	438	47	21st "
73	Sujapur	...	...	243	128	21	21st "
74	Saidpur	...	...	244	151	62	18th "
75	Khicharia	...	...	245	118	28	23rd "
76	Akilpur	...	...	246	309	64	13th "
77	Daspaia	...	...	247	54	47	15th "
78	Mangalkandi	...	...	248	795	77	22nd "
79	Brahmani Bazar	...	...	249	37	88	8th "
80	Nadona	...	...	250	114	99	8th "

## APPENDIX G—concl'd.

Serial No.	Name of Mouza.			J. L. No.	Area.		Date of final publication.
					Acre.	Dec.	1917.
81	Ichhapur	...	...	251	76	37	8th March.
82	Arkaim	...	...	252	349	39	4th "
83	Bara Haliq	...	...	253	158	26	9th "
84	Baduria	...	...	254	217	48	28th February.
85	Gunak	...	...	255	301	13	27th "
86	Khodainagar	...	...	256	21	85	8th March.
87	Gajaria	...	...	257	16	12	8th "
88	Sampur	...	...	261	403	98	19th "
89	South Rajapur	...	...	262	221	90	19th "
90	South Ramchandrapur	...	...	263	226	02	19th "
91	Doulatkandi	...	...	264	136	59	16th "
92	Ismailpur	...	...	265	118	88	18th "
93	Mrijapur	...	...	266	595	02	22nd "
94	Garmara	...	...	282	62	02	15th "
95	Sawrajpur	...	...	283	153	38	18th "
96	Paksia	...	...	284	110	58	16th "
97	Bhadadia	...	...	285	405	65	22nd "
98	Jitpur	...	...	287	197	74	21st "
99	Char Elahi	...	...	293	251	59	23rd "
100	Dhalpathar	...	...	268	16	49	7th "
101	Pim Char	...	...	267	12	36	16th "

## APPENDIX H.

## Preliminary Recovery proposals for Dandra Pargana.

(1) Although road cess is paid by all classes employed in cultivating or deriving their income from cultivated land the realization from every class is not done by Government. But realization is made from the landlord who realizes part of the amount from the tenure-holders immediately under him. They in their turn realize part of the latter sum from those in the next grade below them in the sequence of subinfeudation and so on. It is proposed that in the Dandra Pargana where cess revaluation is to be done at the hands of the Settlement Department the settlement costs shall be realized from persons in all grades in proportion to the amount which each man pays as road cess from his own pocket, i.e., the amount which he pays to his immediate landlord less the amount which he receives from his tenants.

(2) The incidence of such an assessment will be made clear by the following example (and by quoting an example in full I shall be able to make certain points clear later on).

In any estate let there be a landlord with raiyats immediately under him, some tenure-holders of the 1st grade with raiyats immediately under them and some tenure-holders of the 2nd grade with raiyats under them (those of course are raiyats as the Cess Act defines a raiyat).

Let the raiyats under the second grade tenure-holders pay a total rent  $X_2$ .

Ditto first grade ditto pay a total rent  $X_1$ .

Let the raiyats under the landlord pay a total rent of  $X$ .

Let the tenure-holders of the second grade hold land in their own possession valued  $Y_2$  and pay a total rent  $Z_2$ .

Let the tenure-holders of the 1st grade hold land in their own possession valued  $Y$  and pay a total rent  $Z_1$ .

Let the landlord hold land in his own possession valued at  $Y$  and pay a revenue  $Z$ .

Then raiyats under the second grade tenure-holders pay road cess at  $\frac{1}{2}$  anna on  $X_2$ .

Then raiyats under the first grade tenure-holders pay road cess at  $\frac{1}{2}$  anna on  $X_1$ .

Then raiyats under the landlord will pay road cess at  $\frac{1}{2}$  anna on  $X$ .

Tenure-holders of second grade pay road cess to tenure-holders of the first grade at 1 anna on  $X_1$ ,  $Y_1$  less  $\frac{1}{2}$  anna on  $Z_2$ .

Tenure-holders of first grade pay road cess to the landlords at 1 anna on  $X_2 + Y_2 + X_1 + Y_1$  less  $\frac{1}{2}$  anna on  $Z_1$ .

The landlord pays road cess to Government at 1 anna on  $X_2 + Y_2 + Y_1 + Y_1 + X + Y$  less  $\frac{1}{2}$  anna on  $Z$ .

Settlement costs will be realized ("C" being a co-efficient which will be determined from the total costs of the settlement and the total cess re-valuation of the estate) as follows:—

Raiyats under second grade tenure-holders will pay  $\frac{1}{2} C X_2$ .

" " first " " "  $\frac{1}{2} C X_1$ .

" " landlord " " "  $\frac{1}{2} C X$ .

Tenure-holders of the second grade will pay  $C (Y_2 + \frac{1}{2} Z_2 - \frac{1}{2} Z_2)$ .

" " first " " "  $C (Y_1 + \frac{1}{2} X_1 + \frac{1}{2} Z_1 - \frac{1}{2} Z_1)$ .

The landlord will pay.....  $C (Y + \frac{1}{2} X + \frac{1}{2} Z_1 - \frac{1}{2} Z)$ .

Total amount to be realized  $C (X + X_1 + X_2 + Y + Y_1 + Y_2 - \frac{1}{2} Z)$  i.e., total road-cess realized by Government multiplied by the co-efficient C.

(3) The first and most obvious justification for the proposal is that to make the realization in this way is consistent with what Government has laid down in passing the Cess Act as regards what is the incidence on the people of a district which it holds to be fair and just for a demand to pay for the communal benefit of improved communications. The publication of a record-of-rights is another communal benefit which falls to the people of a district and it falls to all very much as the benefit of improved communications. The usual form which proposals for realization of settlement costs take is that such and such part of the total costs shall be borne by the raiyats and the remaining part by the landlords and tenure-holders. The Settlement Officer who makes such proposals has presumably hit upon this apportionment from a consideration that such and such a part represents the work done and the expense incurred for the benefit which they will derive from the publication of the record and should be realized from those in actual possession of land; and that the remaining part similarly represents the work done and the expense incurred for their benefit and should be realized from those who make an income from land otherwise than by holding it in their own possession; in other words that the one part represents the expense of registering immediate possession and the other expense of registering the right of collecting rent. His apportionment may have been modified on the consideration of making the parts more nearly represent the actual benefit derived by the two classes.

(4) The second point in favour is that having completed the calculation of the road cess and chosen the co-efficient C the total amount which will be realized is known exactly. That this is not so when the costs for landlords and middlemen are assessed on profits is the main disadvantage of that method as compared with the area method. Even without waiting for the completion of cess calculation, having the figures for the last cess valuation and having done part of the revaluation from which it may be seen how the increase is going it is possible to foresee with fair accuracy what the recoveries will be.

(5) A third point in favour is that though some calculation remains to be done to find out the amount of cess paid by each person from his own pocket and to multiply it by the co-efficient chosen, the most troublesome parts of the work (I speak from Faridpur experience) and those where there is most liability of mistakes creeping in, that of putting an assessment on the land in the khas possession of landlords and middlemen and that of collecting the totalling the figures for parts of the same property recurring in more than one mauza, are avoided.

(6) In Dandra Pargana there are two 6-anna shares and one 4-anna share. The 4-anna sharer applied for the record-of-rights originally and deposited Rs. 5,760. It was inconvenient to prepare a record for that share only. Subsequently, those who hold one of the 6-anna shares were persuaded to apply and their application was accepted without their being required to make any deposit, nor do more than make their property surety for the costs. Finally, Government extended the notification to the other 6-anna share. The 4-anna sharer is the Maharaja of Hill Tippera, most of the rest of whose property in British India was the subject of the record-of-rights of Roshnanad. I think he asked for this record-of-rights mainly for the sake of convenience of management of his estate and only in a less degree to have the rent of a certain type of tenure in it declared not fixed in perpetuity. So it has been entered in the draft record and in the matter of this type of tenure he is the gainer, but too much should not be made of it for he only gained his rights and declaration of what was *res judicata* in a number of particular cases which

had already been before the courts. Both the 6-anna shares should, I think, be treated as is done in the case of operations undertaken under section 101 (b), and in the circumstances of the 4-anna share mentioned above, I would propose the extension of the same treatment to that share also. To justify this proposal I would urge the consideration that if the operation had been put off a few years it would have become part of the district operation for which recovery proposals suitable to the whole district without differential consideration of individual estates, will be made. For such operations the rule 568 of the Bengal Settlement Manual amended by the Government of Bengal Revenue Departments letter No. 6350, dated 6th July 1914, and addressed to the Director of Land Records leaves the apportionment open to general considerations.

(7) In Faridpur the assessment proposals were that the individual assessments on raiyats should be made upon the rents they paid and that on the landlords and tenure-holders on their profits. It was tried as an improvement on the method of assessment on areas, but had the great disadvantage that there was no possibility of discovering beforehand what the total amount, which would be recovered by adopting a given rate, would be.

I propose to show :—

(A) That when land is held by tenure-holders in their khas possession the present proposals give results more nearly apportioning to the ideal considerations which I have mentioned above at the end of paragraph 6 than the apportionment sanctioned for Faridpur.

(B) That the proposal affords automatically as do those sanctioned for Faridpur the adjustments, which are in fairness required, when Government takes a large proportion of the assets of a particular estate as revenue or tenure-holder in any-grade pays a rent above the average. The main argument for assessing individual landlords and tenure-holders on their profits and not on their rents or areas as in some districts which had been completed before Faridpur, was that the method automatically gave those adjustments while former methods had not done so.

(C) That the impossibility which appears to exist at first sight of discovering beforehand the proportion in which the two classes, those who hold land in their own possession and those who derive income from it otherwise will be made to pay, is not a real one, and that the proportion in the case of Dandra will be commensurable with that of other proposals which have been sanctioned in the case of other operations.

(D) That the proposal is peculiarly suited to the Dandra Pargana in particular and district of Noakhali in general.

A. In Faridpur khas lands of tenure-holders were valued at the raiyati rate of rent prevalent in the locality, and this valuation added to the annual rental of the land sublet before subtracting the rent paid in order to discover the profits of the tenure upon which the amount to be realized was to be completed. The share of the total costs to be realized from landlords and tenure-holders had been determined. The effect, then, of thus making the landlords' and tenure-holders' fixed share cover, besides the expenses of registering the right of collecting rents, the expense also of recording immediate possession in the khas lands of this class is to let that class off more lightly than the proposals actually intended when the khas land is very much. In Dandra Pargana, and in all the Eastern half of Noakhali District the amount of land held in their khas possession by tenure-holders is peculiarly high. There are large blocks where a half of the land is so held. To fix a proportion to be paid by raiyats equal or approaching that fixed for Faridpur would be throwing far too heavy a burden upon them and to let the tenure-holders off far too lightly. A peculiar practice sprang up years ago in Feni Subdivision and has spread elsewhere. It may have originated in the estate of Monsieur Courzon or may be older still. The raiyats being too strong for a landlord to raise money by an *abwab*, too strong often for him to hope to get an all-round enhancement of rent, he adopted the expedient of raising money by taking *salami* and agreeing to recognize the raiyats as "Sikimidars", with rent fixed in perpetuity and the right of transfer. As most of these "Sikimidars" still cultivate their lands they never had or are even likely to have any intention of becoming middlemen there is no doubt that the holdings are raiyati in origin but the Attestation Officers in Dandra recorded them as tenures. After a great deal of consideration of the matter I am inclined to think they were right and that there is a custom in this district which ought to be considered under section 5(4) of the Tenancy Act. Both landlord and tenant called the holdings tenures and the courts hold them so, and when a portion of a holding is sublet none denies the occupancy right of the sublessee. In the District Settlement we are recording tenure-holder by custom although raiyat in origin.

Now let me refer back to my example quoted above in paragraph 2. It will be seen that the figure Y occurs in the expression for the amounts of costs payable by the landlord and not in that for the amount payable by any other person; that the figure  $Y_1$  occurs only in the expression for the amount of costs payable by a tenure-holder of the 1st grade and so on. If the tenure-holder of the 1st grade had held that khas land of his as a raiyat under another tenure-holder he would have paid costs for it at  $\frac{1}{2}CY_1$  and other amount  $\frac{1}{2}CY_1$  would have been paid by the tenure-holder who receives the rent. Now he pays for it  $CY_1$ , i.e., he pays both amounts, that which he would pay for it as a raiyat and that which he could pay as being the collector of the raiyati rent for the land which is just, as no one has any separate collection expenses for the rent of those lands. This proves my first proposition that the present proposal allows for the correct and just apportionment of costs in reference to lands held by landlords

and tenure-holders an end which was not arrived at in former assessment proposal. Each tenure-holder pays the costs for his own khas land.

B. Referring again to the example it will be noticed that the figure Z does not occur in any of the expressions for the amount which raiyats and the tenure-holders have to pay. That is to say a change in the revenue for any particular estate would not affect the amount of costs which would be paid by a tenant of any grade, but only affects the amount which would have to be paid by the landlord. If Z the revenue were increased then the amount the landlord would have to pay would be diminished by an amount proportional to the increase; if Z the revenue were diminished the amount the landlord would have to pay would be increased by an amount proportional to the decrease. Similarly, if the rent of the 1st grade tenure-holder  $Z_1$  were increased the amount of costs that tenure-holder would have to pay would be diminished by an amount proportional to the increase in  $Z_1$  and *vice versa* while the amount payable by the persons would be unaffected. And so on for all the tenure-holders. Thus far the Faridpur proposals automatically afforded adjustments. But the present proposals go further. They afford some adjustment when the raiyati rates are exceptionally high or exceptionally low for any particular estate; for the proportion of the total costs payable for the estate which are payable by the raiyats is  $\frac{1}{2} \frac{(X + X_1 + X_2)}{X + X_1 + X_2 + Y + Y_1 + Y_2 - \frac{1}{2}Z}$  ( $Y + Y_1 + Y_2$  being valuations made at raiyati rates as is the rule in Faridpur and Rajshahi). And this expression diminishes somewhat if the raiyati rate increases and increases somewhat if the raiyati rate diminishes.

C. Referring again to my example stated above in paragraph 2, if the landlord and tenure-holders held no lands in their own possession the amount of costs to be paid by the cultivators would be  $\frac{1}{2} C(X + X_1 + X_2)$  and that by those who derived income from the land otherwise than by cultivating  $\frac{1}{2} C(X + X_1 + X_2 - Z)$ . But  $(X + X_1 + X_2 - \frac{1}{2}Z)$  annas is the road-cess demand from the estate while Z is the revenue in rupees, and in consequence the proportion in which payment would be made by the two classes is determinable beforehand being in fact in the proportion of road-cess +  $\frac{1}{2}$  revenue to road-cess -  $\frac{1}{2}$  revenue. Now let me refer to last few sentences of the argument in support of my proposition A. If the 1st grade tenure-holder held his khas land which is valued at the figure  $Y_1$  as a raiyat under any landlord or tenure-holder in the estate he would pay costs for it at  $\frac{1}{2} CY_1$  and his immediate landlord would pay an equal amount. As things are he pays the whole amount  $CY_1$  himself. We may take it then that of the amount  $CY_1$  to be paid  $\frac{1}{2} CY_1$  may be put down among the total costs of registering the immediate possession of cultivators in the land and the remaining amount  $\frac{1}{2} CY_1$  among the costs of preparing that part of the record which is for the benefit of those who derive income from the land of the estate otherwise than by cultivating themselves. [For justification; much of the khas land of tenure-holders will in fact consist of their homes, kacherries, etc.] Then in the estate of our example the total amount which we will put down as costs of recording immediate possession will be—

From the raiyats  $\frac{1}{2} C(X + X_1 + X_2)$

From the landlords and tenure-holders  $\frac{1}{2} C(Y + Y_1 + Y_2)$

in all  $\frac{1}{2} C(X + X_1 + X_2 + Y + Y_1 + Y_2)$

And the total settlement cost to be realized will be as shown in paragraph 2:—

C.  $[(X + X_1 + X_2 + Y + Y_1 + Y_2) - \frac{1}{2}Z]$

But the total road-cess =  $X + X_1 + X_2 + Y + Y_1 + Y_2 - \frac{1}{2}Z$  annas  
 $= \frac{1}{2} [X + X_1 + X_2 + Y + Y_1 + Y_2 - \frac{1}{2}Z]$

Therefore  $X + X_1 + X_2 + Y + Y_1 + Y_2 = 16 \times \text{road-cess} + \frac{1}{2} \text{revenue}$  and proportion of whole costs to be paid for recording immediate possession is  $\frac{16 \times \text{road-cess} + \frac{1}{2} \text{revenue}}{32 \times \text{road-cess}}$  i.e., the proportion in which costs are charged to cover two heads, expense of recording immediate possession and expense of recording right to derive income otherwise, is as road-cess  $\times \frac{1}{2}$  revenue is to road-cess -  $\frac{1}{2}$  revenue.

In the seven Dandra estates the revenue is low, altogether Rs. 13,050 and the road-cess at the last cess revaluation was Rs. 6,659. On these figures the proportion to be charged to cover the two heads works out at 52.7 per cent. to 47.3 per cent. The last revaluation is on an average 14 or 15 years old, but as much of the land is held at fixed rates and the raiyats are too strong to have submitted to enhancement of rent except in a few cases the increase in road-cess will not be very great. It will come mainly from rent-free lands which landlords and tenure-holders as a rule omit from their returns owing to their having nothing to gain by including them and their natural disinclination to make any admissions regarding rent-free holdings. An increase even of 20 per cent. in the road-cess would leave the proportion at 52 per cent. to 48 per cent.

D. The main point in my proposition D has already been dealt with in discussing A. It comes from the fact that so much land has been recorded in the record as khas land of tenure-holders. Another point is that in this district there is practically no *barga* so no serious complication will be brought in on that score.

(8) A reference to the example quoted in paragraph 2 will show that the following formula gives the amount of cess which a tenure-holder in any grade or landlord pays out of his own pocket.

$C [\text{Valuation of khas land} + \frac{1}{2} \text{total rent in sthit} - \frac{1}{2} \text{the rent of the tenure}]$  annas.

The working forms used for cess calculation are so arranged that the figures for this formula are at once obtainable, the collection of figures for land of the tenures in

different mauzas having been collected already for cess purposes the same troublesome business has not to be done over again.

(9) I have said nothing so far as to the assessment of the demand in the case of rent-free tenures and holdings. In preparing the cess rolls of estates containing rent-free tenures according to section 51 of the Cess Act the landlord of a rent-free tenure-holder pays road-cess at half an anna in the rupee on the valuation of the tenure, but the tenure-holder pays him as usual one anna in the rupee on his valuation unless he is a cultivating raiyat under the Cess Act when he will pay half an anna in the rupee. I propose in calculating the settlement demand to be paid by landlords having rent-free tenures under them to use the same formula as if there were no rent-free tenures.

C [Valuation of khas land +  $\frac{1}{2}$  total rent in sthit -  $\frac{1}{2}$  the rent].

In this way the landlord of a rent-free tenure will pay no settlement costs for that tenure which I consider is just and the rent-free tenure-holder will pay as an ordinary tenure-holder whose rent is a vanishing quantity the demand for the superior interest as well his own. The result of calculating the demand for rent-free tenure-holders in this way will be that the costs to be realized from the whole estate will be slightly more than C times the whole road-cess of the estate, but there are very few rent-free holdings in Dandra and the increase can be left out of our calculations.

(10) The total cost of the settlement up to 1914-15 after deducting cost of stamps and transfer to other settlements was Rs. 33,221. The expenditure for 1915-16 will be Rs. 3,760. The estimate for 1916-17 is Rs. 10,532. The estimated cost of case work Rs. 1,478 may be excluded as likely to be covered by the receipts by way of stamps. Out of the whole area of 42 square miles one square mile is covered by a Government estate for which no recoveries have to be made. The amount recoverable is therefore roughly Rs. 46,000. The cess at the last valuation was Rs. 6,659 and I do not estimate an increase of more than about 10 per cent. On this calculation therefore the co-efficient C to be used will be the figure 6. And the proposal for recovery in the Pargana is that every man shall be required to pay an amount calculated on the formula.

6 [Valuation of his khas land at the local raiyati rate +  $\frac{1}{2}$  rent in sthit -  $\frac{1}{2}$  his own rent] annas.

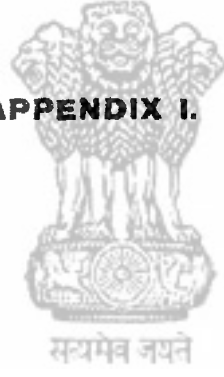
Where the man has not sublet any of his land the valuation of his khas land will be the rent he actually pays and he will therefore pay 3 annas in the rupee on his rent.

W. H. THOMPSON,

*Settlement Officer.*



**APPENDIX I.**



## APPEN

## Statistics of

Mauza No.	NAME OF MAUZA.	Total area of the Mauza.		IN THE DIRECT OCCUPATION OF—																	
				Proprietors.	TENURE HOLDERS.								Tenure by custom.								
					Rent free.		Permanent at fixed rent.		Permanent not at fixed rent.		Temporary.										
Acres.	Dec.	No.	Area in acres.	No.	Area in acres.	No.	Area in acres.	No.	Area in acres.	No.	Area in acres.	No.	Area in acres.								
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15							
101	Danra Mauza	24,901	41	321	326	89	226	134	43	8,388	7,051	37	1,508	1,991	97	15	45	08	...	...	...

Mauza No.	NAME OF MAUZA.	Settled and occupancy raiyats liable to rent but no rent fixed.		Non-occupancy raiyats on cash rent.						Non-occupancy raiyats liable to rent but no rent fixed.		Settled and occupancy raiyats on fixed produce rent.							
		No.	Area in acres.	No.	Area in acres.		Rent.	Rate of rent per acre.		No.	Area in acres.	No.	Area in acres.						
		26	27	28	29	30	31	32	33	34	35								
101	Danra Mausas	492	219	76	111	112	49	830	11	11	7	7	3	19	10	40	21	11	67

															UNDER	
Mauza No.	NAME OF MAUZA.	With rights of occupancy on cash rent.					With rights of occupancy liable to rent but no rent fixed.				Without rights of occupancy on cash rent.					
		No.	Area in acres.		Rent.		No.	Area in acres.		No.	Area in acres.		Rent.			
		47	48		49		50	51		52	53		54			
101	Danra Mauzas	196	104	08	724	...	7	39	7	66	1,052	519	97	3,844	4	7



## DIX I.

## tenancies and rent.

Raiyats (service).		Raiyats at fixed rent.				Settled and occupancy raiyats on cash rent.			
No.	Area in acres.	No.	Area in acres.	Rent.	Rate of rent per acre.	No.	Area in acres.	Rent.	Rate of rent per acre.
16	17	18	19	20	21	22	23	24	25
304	109 76	1,109	1,554 45	7,175 7 4	4 10 4	11,749	12,697 93	75,138 9 1	5 14 10

Settled and occupancy raiyats on share of produce rent.		Non-occupancy raiyats on fixed produce rent.		Non-occupancy raiyats on share of produce rent.		Other classes.		Occupants (i.e., if non-agricultural holdings.)		
No.	Area in acres.	No.	Area in acres.	No.	Area in acres.	No.	Area in acres.	No.	Area in acres.	Rent.
36	37	38	39	40	41	42	43	44	45	46
62	38 64	...	...	2	...	48 1	...	04	58 2 89	134 14 4

RAIYATS.											
Without rights of occupancy liable to rent but no rent fixed.		With rights of occupancy on fixed produce rent.		Without rights of occupancy on fixed produce rent.		Without rights of occupancy on share of produce rent.		Area outside the record.		Area occupied for public purposes.	
No.	Area in acres.	No.	Area in acres.	No.	Area in acres.	No.	Area in acres.	Acres.		Acres.	
56	58	57	58	59	60	61	62	63		64	
54	17 13	...	...	...	25 18 80	20	11 68	...	...	93	91

## APPENDIX J.

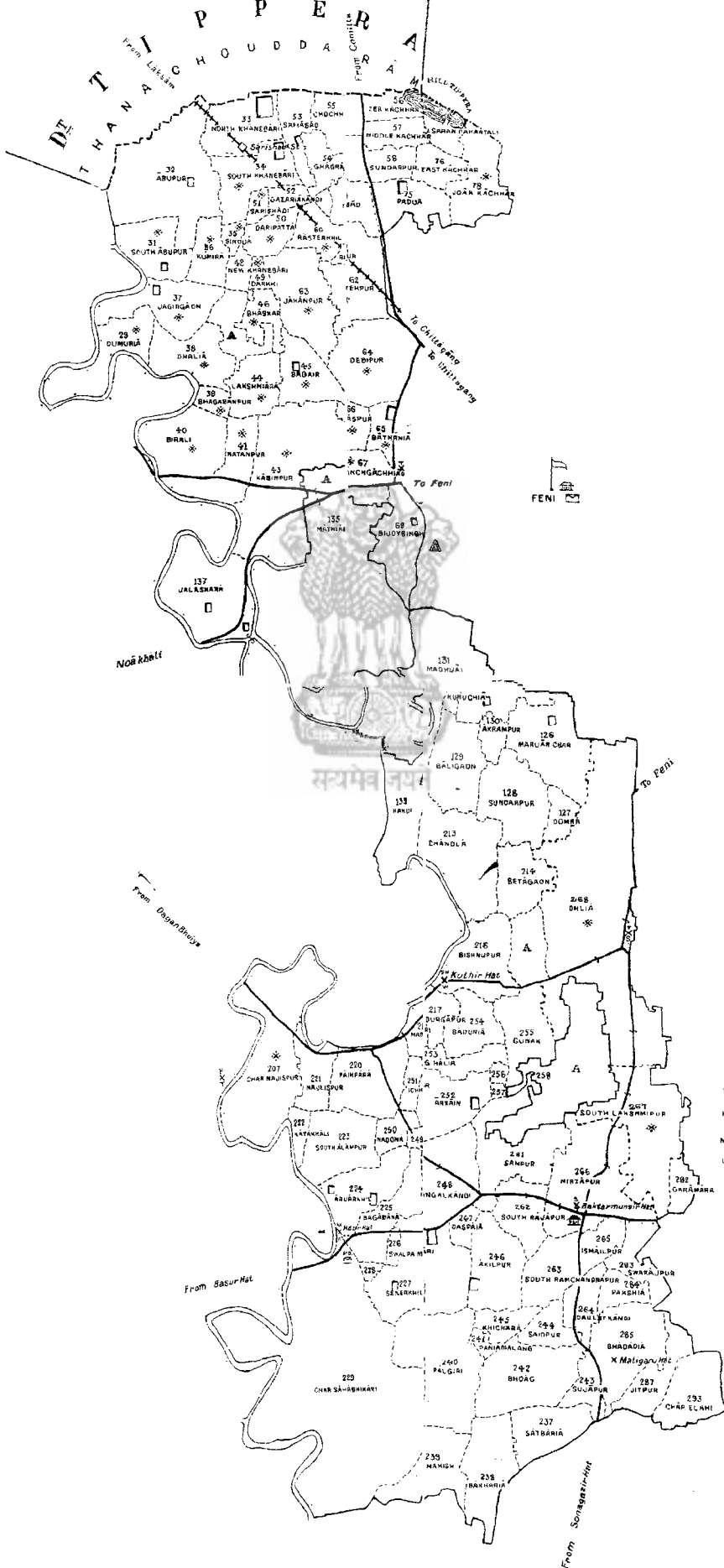
## Milan Khasra.

NAME OF VILLAGE.	CROPPED AREA.													
	Bhadol.		Aghani.		Babi.		Others.		Total.		Dofasali.		Net cropped area.	
	Acre.	Dec.	Acre.	Dec.	Acre.	Dec.	Acre.	Dec.	Acre.	Dec.	Acre.	Dec.	Acre.	Dec.
1	2		3		4		5		6		7		8	
Dandra Mauza ... (101)	8,281	92	16,555	24	2,722	51	1,398	45	28,958	12	9,263	89	19,694	33

NAME OF VILLAGE.	CULTURABLE AREA OTHER THAN CURRENT FALLOW.											
	Current fallow.		Old fallow.		Bamboos.		Jungle.		Other kinds.		Total.	
	Acre.	Dec.	Acre.	Dec.	Acre.	Dec.	Acre.	Dec.	Acre.	Dec.	Acre.	Dec.
	9		10		11		12		13		14	
Dandra Mauza ... (101)	80	35	1,69	07	133	12	270	77	247	75	720	71

NAME OF VILLAGE.	AREA NOT AVAILABLE FOR CULTIVATION.								Total uncultivated area, columns 9, 14 and 18.		Total area, columns 8 and 19.		REMARKS.
	House sites.		Water.		Other kinds.		Total.						
	Acre.	Dec.	Acre.	Dec.	Acre.	Dec.	Acre.	Dec.	Acre	Dec.	Acre.	Dec.	
	15		16		17		18		19		20		21
Dandra mauza ... (101).	1,184	78	2,553	99	687	35	4,406	12	5,207	18	24,901	41	There is no such area for the columns Nos. 21-33.

MUJMILI MAP  
OF  
PARGANA DĀNDRĀ  
THANA FENI  
D<sup>ST</sup> NOĀKHĀLI  
SCALE 1"=1 MILE  
SEASON 1911-15



- REFERENCES
- 228 - BASISPUR
  - 249 - BRAHMANIBAR
  - 256 - KUDUSNAGAR
  - 257 - JALALI

- REFERENCES
- MUZZA BOUNDARY
  - HILL TIPPERA DO
  - DISTRICT BD
  - RAILWAY LINE WITH STATION
  - POST OFFICE
  - DARSUNGLOW
  - MARKET
  - GREAT TRIGONOMETRICAL STATION
  - HILLOCK
  - MUZZAS PARTLY INCLUDED IN DANDRA
  - LAND NOT APPERTYING TO P.G. SANDRA