

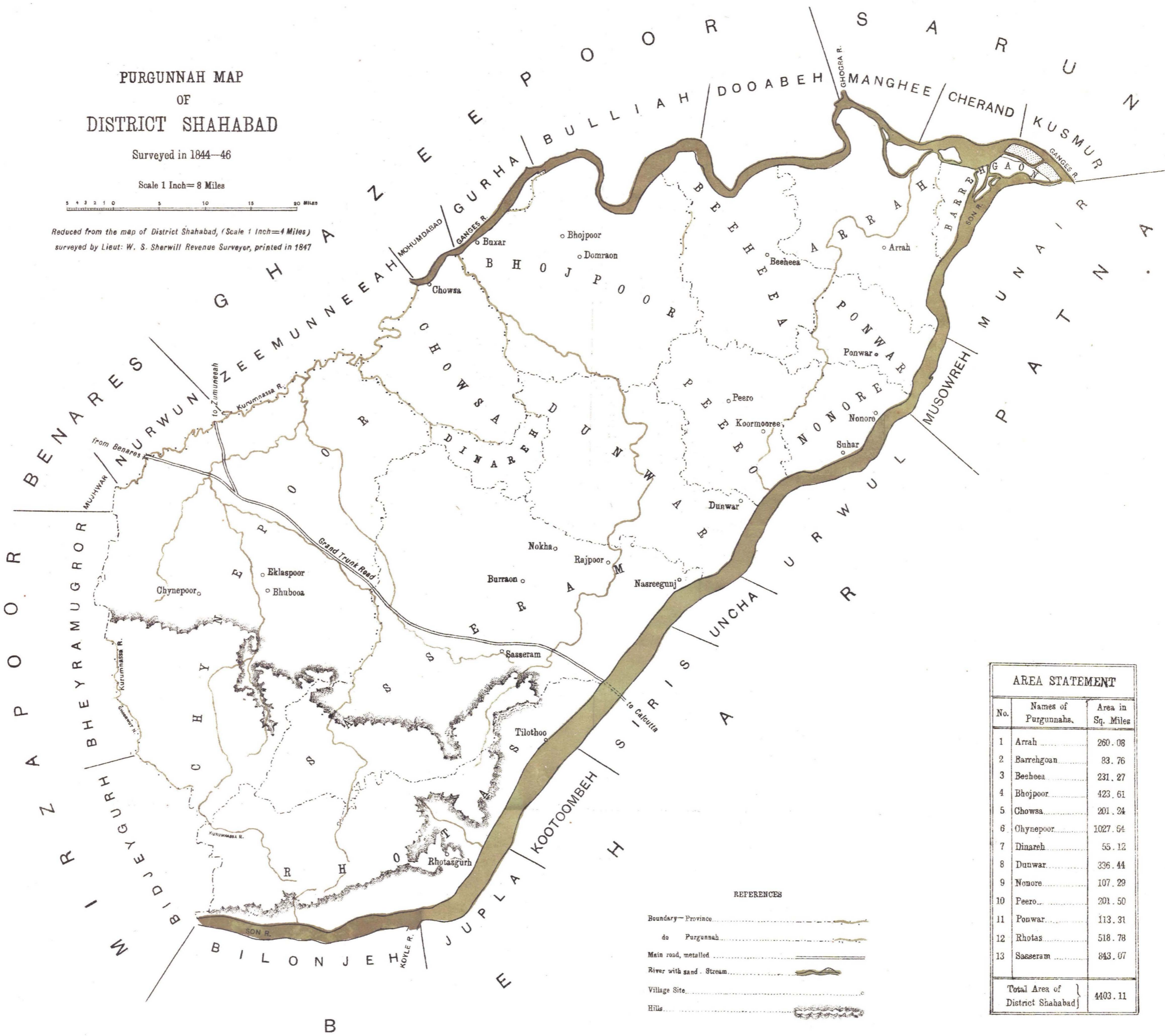
PURGUNNAH MAP
OF
DISTRICT SHAHABAD

Surveyed in 1844-46

Scale 1 Inch = 8 Miles



Reduced from the map of District Shahabad, (Scale 1 Inch = 4 Miles)
surveyed by Lieut. W. S. Sherwill Revenue Surveyor, printed in 1847



AREA STATEMENT		
No.	Names of Purgunnahs.	Area in Sq. Miles
1	Arrah	260.08
2	Barreghoan	83.76
3	Beeheea	231.27
4	Bhojpoor	423.61
5	Chowsa	201.24
6	Chyneepoor	1027.64
7	Dinareh	55.12
8	Duuwar	336.44
9	Nonore	107.29
10	Peero	201.50
11	Ponwar	113.31
12	Rhotas	518.78
13	Sasseram	843.07
Total Area of District Shahabad		4403.11

- REFERENCES
- Boundary—Province
 - do Purgunnah
 - Main road, metalled
 - River with sand. Stream
 - Village Site
 - Hills

FINAL REPORT
ON THE
REVENUE AND SETTLEMENT OPERATIONS
IN THE
DISTRICT OF SHAHABAD
1907—1916

121

BY

J. A. HUBBACK, I.C.S.,
Late Settlement Officer, Bihar.



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TABLE OF CONTENTS.

PART I.				EARLY BRITISH PERIOD— <i>concl'd.</i>				
GENERAL DESCRIPTION.				PARA.				PAGE.
PARA.				PAGE.				
1.	Extent of operations	...	...	1	43.	Shore's deputation	...	10
2.	Boundaries of the district	...	...	1	44.	Proposals of a <i>Mukarrari</i> Settlement	...	11
3.	Variations of Criminal jurisdiction	...	...	1	45.	Brooke as first Collector of Shahabad	...	11
4.	Subdivisions and thanas	...	...	1	46.	Shore's minute regarding the Khas Settlement	...	12
5.	Explanation of the table	...	...	2	47.	Board's orders regarding the Decennial Settlement	...	12
6.	The Ganges <i>diara</i> tract	...	...	2	48.	Brooke's enquiries and views	...	12
7.	The Central plain	...	...	2	THE DECENNIAL SETTLEMENT.			
8.	The Katmur Hills	...	...	2	49.	Brooke's proposals for the Decennial Settlement	...	13
9.	The Upper Sone Valley	...	...	3	50.	Details of the Decennial Settlement	...	14
10.	Thana Characteristics	...	...	3	51.	The fortunes of the larger estates	...	15
11.	Soils	...	...	3	52.	Sasaram Pargana	...	15
12.	Rivers	...	...	3	53.	Chainpur Pargana	...	15
13.	Rainfall	...	...	3	54.	Haveli Rohtas	...	15
14.	Health	...	...	4	55.	Vanderheyden's report on the Decennial Settlement	...	15
15.	Health in the Katmur Hills	...	...	4	56.	The Settlement severely tested	...	16
16.	Natural Calamities	...	...	4	57.	Pargana Pawarah	...	16
17.	Communications, Railways and Canals	...	...	4	58.	Nurul Husain's zamindari	...	16
18.	Roads	...	...	4	59.	Haveli Rohtas	...	16
19.	Postal and Telegraph facilities	...	...	5	60.	Assessment of Parganas...	...	17
20.	Population and occupations	...	...	5	CHAUSA PARGANA.			
21.	Manufactures and castes	...	...	5	61.	Early History	...	17
22.	Origin of the Kharwars	...	...	5	62.	First British Settlement	...	17
23.	Separation from the Mundas	...	...	5	63.	Dunsmure's Settlement	...	18
24.	Language	...	...	5	64.	Result of Dunsmure's Settlement	...	18
25.	Sutris	...	...	5	65.	Settlement not made permanent	...	18
26.	Present social status of Kharwars	...	...	5	66.	Abortive re-settlement in 1833-34	...	19
27.	Points of similarity with Mundas	...	...	6	EFFECTS OF THE PERMANENT SETTLEMENT.			
28.	Grouping of villages	...	...	6	67.	Aims of the Permanent Settlement	...	19
29.	The headman and the <i>Baiga</i>	...	...	6	68.	The rights of the raiyat	...	19
30.	Burial and marriage customs	...	...	6	69.	Shore's proposals for the protection of the raiyat	...	19
31.	Rent customs	...	...	6	70.	Shore's minute regarding the position of samin-dars	...	20
PART II.					71.	Lord Cornwallis' reply	...	20
LAND REVENUE ADMINISTRATION.					72.	The actual Regulations	...	21
32.	Variation in the constitution of the district	...	...	7	73.	Intention of Government to fix raiyats' rents	...	21
THE MUHAMMADAN PERIOD.					74.	Some evidence in support of the theory that raiyats' rents were to be fixed	...	21
33.	The parganas	...	...	7	75.	<i>Pattas</i> and <i>Kabuliyats</i>	...	22
34.	The assessment	...	...	7	76.	The raiyats' real objections to <i>pattas</i>	...	22
35.	Re-assessment in 1685 and 1750	...	...	7	77.	Buchanan's views about <i>pattas</i>	...	22
36.	Kasim Ali's assessment	...	...	8	78.	The judicial decisions regarding enhancement of rent	...	23
EARLY BRITISH PERIOD.					79.	A suggested explanation of Buchanan's information	...	23
37.	The assessment of 1766	...	...	8	80.	" <i>Hastobandi</i> " rents	...	24
38.	The Revenue Council	...	...	8	RESUMPTION.			
39.	The assumption of the full powers of Dewan	...	...	9	81.	Resumption before the Permanent Settlement	...	24
40.	Abolition of Provincial Councils	...	...	9	82.	Deane's Resumptions	...	25
41.	Farming Settlements	...	...	9	83.	Twining's estimates of lands liable to resumption	...	25
42.	Brooke's proposals for farming	...	...	10				

RESUMPTION—concl'd.

PARA.	PAGE.
84. The <i>Seh Salah</i> Register ...	25
85. Organized resumption ...	25
86. Illegal resumptions of small <i>Hukumi</i> grants ...	25
87. The Board's orders on pending cases ...	25 & 26
88. Financial result of resumption ...	27
THE REVENUE AND <i>DIARA</i> SURVEYS.	
89. The Procedure of the Revenue Survey ...	27
90. Defects of the Survey ...	27
91. Resumption resulting from the Revenue Survey ...	27
92. "Unsettled" land in village Hariharpur ...	27
93. "Unsettled" land in village Mahran ...	28
94. <i>Diara</i> survey of 1863-4 ...	28
95. Agreement between Government and the Dumraon Raj ...	28
96. Turk Ballia and the law of alluvion and diluvion ...	28
97. <i>Diara</i> Survey of 1881-3 ...	28

MODERN PERIOD.

98. Partitions ...	29
99. Revenue sales ...	29
100. Incidence of Land Revenue ...	29
101. Land Revenue and the annual income of the district ...	30

PART III.

THE PRESENT OPERATIONS.

CHAPTER I.

SURVEY AND PRELIMINARY RECORD-WRITING.

102. Order in which the thanas of the district were taken up ...	31
103. Control ...	31
104. Traverse Survey ...	32
105. Amalgamation of Revenue Survey villages ...	32
106. Traverse Survey carried to northern high bank of Ganges ...	32
107. Traverse Survey in Kaimur Hills ...	32
CADASTRAL SURVEY AND KHANAPURI.	
108. Control ...	32
109. Progress ...	33
110. Area covered by the operations ...	33
111. Previously surveyed area ...	34
112. "Abadi Municipality" ...	34
113. Survey of Jagdishpur ...	34
114. Topographically surveyed areas ...	34
115. "Nadi Sone" ...	34
116. Ganges <i>diara</i> ...	35
117. Previous surveys of Ganges <i>diara</i> ...	35
118. Financial prospects of a <i>diara</i> survey ...	35
119. Administrative arguments for a <i>diara</i> survey ...	35 & 36
120. Decision of the Board of Revenue ...	36
121. The Thana Maps ...	36
122. The Board's orders regarding the maps ...	36

CADASTRAL SURVEY AND KHANAPURI—concl'd.

PARA.	PAGE.
123. Interpretation of the orders ...	36
124. Further orders by the Board ...	37
125. Umarpur <i>diara</i> ...	38
126. Previous disputes ...	38
127. Reason for original inclusion in the operations ...	38
128. Attestation difficulties ...	38
129. The preparation of a record-of-rights abandoned ...	39
130. Areas according to criminal jurisdiction ...	39
131. Number of plots and <i>khattians</i> ...	40
132. Village unit ...	40
133. Jagdishpur Jungle mahal ...	40 & 41
134. Units adopted in Ganges <i>diara</i> ...	41
135. Payment of <i>Amins</i> in hill area ...	41
136. Standard of check of survey ...	41
137. Boundary Comparison ...	42
138. Boundary disputes ...	42
139. Reasons for infrequency of boundary disputes ...	42
140. Some important boundary disputes ...	43
141. The Sheopur <i>diara</i> disputes ...	43
142. Special form of boundary pillars used in <i>diara</i> ...	43
143. Preservation of marks in the <i>diaras</i> ...	43
144. Boundary disputes in Kaimur Hills ...	43
145. Defects of the Revenue survey in the Kaimur Hills ...	44
146. Mapping of <i>tuddas</i> and erection of trijunction cairns ...	44
147. Dispute in the southern edge of the Kaimur Plateau ...	44
148. Verification of the boundary with Mirzapur District ...	45
149. Check of boundary marks ...	45
150. Boundary mark maps and register ...	45
151. Boundary marks in the <i>diara</i> ...	46
KHANAPURI.	
152. Comparison of size of plot and holding with other districts ...	46
153. Check of Khanapuri ...	47
154. Khewat writing ...	47
155. Identification of Estates ...	47
156. Proposal to empower Collector to amalgamate estates ...	47
157. <i>Waguzasht</i> estates ...	47
158. Railway B class land ...	47
159. Some canals and village irrigation channels ...	48
160. <i>Pakrohi Jagirs</i> ...	48
161. Previous discussion of <i>Pakrohi Jagirs</i> ...	48
162. <i>Chaukidari Chakran</i> ...	48
163. The various kinds of <i>Chaukidari chakran</i> found in Shahabad ...	49
164. <i>Chaukidari chakran</i> in the Kaimur Hills ...	49
165. Internal disputes ...	50
166. Nature of disputes in Arrah thana ...	50
167. Tree disputes in the Dumraon Raj ...	50
168. Rent-free claims in the Dumraon Raj ...	50
169. District Board trees ...	51
170. The rights in jungle ...	51

KHANAPURI—*concl.*

PARA.	PAGE
171. <i>Bakasht</i> claims	52
172. The Dariapur case	52
173. Murder of Basudeo Narain Singh	53
174. The Khajura case	53
175. The Daridih case	53
176. The disadvantages of section 145, proceedings during settlement operations	54
177. Origin of these disputes	54

CHAPTER II.

ATTESTATION.

178. Progress	55
179. Money rent disputes	55
180. Khirawan rent disputes	55
181. Bliars rent disputes	56
182. Section 109C, Settlements	56
183. Hardeasara rent disputes	56
184. Criminal prosecution for forged rent-receipt counterfoils in Hardeasara	56
185. Cash and produce rent disputes in Mathurapur	57
186. Proposal to empower attestation officers to settle fair rents on application of one party	57
187. Mr. Shettle's comments on the Chakwath disputes	57
188. Enhancements under the Court of Wards (Patapur)	58
189. Attestation officers not encouraged to disentangle <i>abwab</i> from rent	59
190. The Maharaja of Benares' produce rent claims	59
191. Proposal to require courts to scrutinize private commutations of produce-rent	59
192. Rent-receipts in the Maharaja of Benares' villages	59
193. The value of the record-of-rights in regard to rent	59
194. Mr. Monahan's criticism of Munsifs' work under the Bengal Tenancy Act	60
195. Possible remedies	61
196. The improvement noticed in the work of the present staff of Munsifs	61
197. The Banskati Mahal	61
198. The record of the Banskati Mahal in Bhabhua thana	61
199. The record in Sasaram thana	62
200. J. Banskoh	62
201. The jungle rights of raiyats in Kachuhar and the neighbouring villages	62
202. Mr. Murphy's decision under section 103A	62
203. The decision of the Special Judge	63
204. Produce-rent questions	63
205. The landlord's real share	63
206. The produce-rent record	63
207. <i>Sanjhia</i> Tenancies	64
208. A tenancy of doubtful legality	64
209. <i>Sambharu</i> Tenancies	64
210. Mortgages of <i>Bikasht</i> lands	64
211. Homestead lands	64
212. Buchanan on homestead lands	64
213. Homestead lands probably not liable to execution sales	65
214. Homestead lands of under-tenants	65
215. " <i>Hawalgi</i> " <i>lugan</i> entries	65

GUZASHTA TENANCIES.

PARA.	PAGE.
216. Enquiries at Khanapuri	66
217. Attestation in Arrah thana	66
218. Admission of landlords	66
219. and } Mr. Philip's circular	66 & 67
220. }	
221. Criticism of the circular	68
222. The objections of the Dumraon Raj	68
223. Mr. McPherson's views	68
224. Mr. Maude's views	68
225. The instructions issued in the Dumraon Raj	69
226. Newspaper criticisms	69
227. Opportunities given to landlords to put in fresh objections under section 103A, free of cost	69
228. Question in the Legislative Council	70
229. The result of the special section 103A objections	71
230. The problem in the second year's attestation area	71
231. My inspection note and instructions for enquiry by attestation officers	71-74
232. The boundary of the true <i>Guzashta</i> area	74
233. The Bihar Land-holders' Association's Memorial 74 & 75	75
234. Government's reply to the Memorial	75
235. The answers to the points of criticism	75
236. Opinions of non-official members of the Bihar Rent Committee	75 & 76
237. Practices at re-settlement and commutation of produce-rents	76
238. Evidence of landlords' papers	76
239. Mr. Nolan's views	76
240. Buchanan's reference to fixity of cash-rents	76 & 77
241. The evidence that in a particular village " <i>Guzashta</i> " custom existed, and that a particular holding was <i>Guzashta</i>	77
242. " <i>Gorabandi</i> " in bhagalpur	77 & 78
243. The treatment of the question in previously settled Hathwa and Dumraon villages	78 & 79
244. Necessity for seeking all available evidence in Settlement Operations	79
245. Rebutting evidence	79 & 80
246. Mr. Maude's views	81
247. The reply of Government to the Memorial as regards <i>Guzashta</i>	81

OTHER STATUS QUESTIONS.

248. Holdings purchased by landlords at auction sales still held by the judgment-debtors	81
249. Settlement by the <i>thikadars</i>	81 & 82
250. Mrs. Fox's raiyati claims	82
251. Mr. Solano's raiyati claims	83

DRAFT PUBLICATION.

252. Improved method of publication	83
253. Objections under section 103A	83

FINAL CHECK AND FAIR COPYING.

254. Reason for delay	83
255. Correction of plot boundaries	83
256. Improved method of final publication	84

CASE WORK.		PART IV	
PARA.	PAGE.	PARA.	PAGE.
257. Results of section 105, applications ...	84	STATISTICS.	
258. Burden of the work and dearth of competent officers ...	85	298. The statistical statements ...	99
259. Increase of rent decreed ...	85	299. The object of the statistics ...	99
260. Enhancement for rise in prices insignificant in Bhabhua and Mohanea thanas ...	85	300. Area covered by statistics ...	99
261. Proof of measurement... ..	85	301. Statistics of the Kaimur Hills ...	100
262. High Court decision on the right of applicants under section 105 to dispute the record-of-rights ...	85	302. Culturable and unculturable areas ...	100 & 101
263. The views of the Board of Revenue ...	86	303. Adequacy of pasturage for the support of agricultural stock ...	101
264. Suits under section 106 ...	86	304. Comparison with Buchanan's estimate ...	101
265. The Special Judge's criticisms ...	87	305. The effects of canal irrigation ...	101 & 102
266. Question of title in section 106 suits ...	87	306. Buchanan's ideas about extension of cultivation in the Kaimur Hills ...	102
267. Appeals against orders under section 105 and section 106 ...	87	307. Comparison with other Bihar districts ...	102
268. Reasons for unsatisfactory work by Case officers...	88	308. Thana statistics ...	103
269. The powers of an officer trying a section 105 application to consider the plea of inclusion of <i>abwab</i> ...	88	309. The principal crops ...	103
270. Director of Land Records' opinion as to the powers of Revenue officers to reduce rents ...	88	310. Non-food crops, sugarcane ...	104
271. Comparison of the powers to reduce rent under section 105 and under section 104 ...	89	311. Oil-seeds and gardens ...	104
272. Section 35 deals only with enhancement and does not touch reduction of rent ...	89	312. Principal food-crops in the Bihar districts ...	104
273. The principle of "non-economic" holdings ...	89	313. Irrigation ...	105
274. Arguments in favour of discrimination ...	89	314. Defects of the irrigation statistics ...	105 & 106
275. Arguments against discrimination ...	89 & 90	315. Possible extensions of irrigation ...	103
276. The effect of enhancement of rent on the ground of rise in prices on the real surplus of the raiyat ...	90	316. Principal crops irrigated ...	106
277. The effect on the real surplus of the landlord ...	91	317. Canal irrigation rates and receipts ...	106
278. The equity of the rule embodied in section 12 ...	91	318. Well irrigation maps ...	107
279. The principle of one-fifth of gross produce as a test of fairness of rent... ..	91	319. Cost of construction of wells ...	107
280. The complication caused by canal water-rate ...	91	320. Agricultural stock ...	107 & 108
281. Enhancement within 15 years of private commutation of produce-rent ...	92	STATISTICS OF STATUS AND RENT.	
282. The Special Judge's view regarding evidence to rebut the presumption of fixity of rent ...	92	321. Manner in which land is held ...	103 & 109
COMMUTATION OF PRODUCE-RENT.		322. <i>Bakshi</i> land ...	109
283. Statistics of commutation ...	92	323. Baiyats at fixed rent ...	109
284. Appeals ...	92	324. Under-raiyat ...	110
285. Difficulties of estimating the landlords' realizations	93	325. Area held on produce-rent ...	110
286. Guidance in future cases in Gaya district ...	94	326. Produce-rent unnecessary in Shahabad ...	110
EXPENDITURE AND RECOVERY OF COSTS.		327. Buchanan's references to produce-rent	110 & 111
287. Expenditure on the separate items of the work ...	94	328. Reasons for lower landlords' share in Shahabad ...	111
288. Comparison with other districts ...	95	329. Actual and nominal share ...	111
289. Cadastral survey and Khanapuri costs ...	95	330. Cash-rent ...	112 & 113
290. Settlement costs ...	96	331. High rate of fixed rent raiyats ...	113
291. Costs of case work ...	96	332. Comparison of rent incidence with other districts	114
292. Cost of computation and recovery ...	96	333. Calculating of the probable relation of rent to value of the gross produce throughout the district	114
293. Receipts ...	96	334. Bhabhua Hill tract rent ...	115
294. Recovery rates ...	96 & 97	335. Statistics of transfers ...	115
295. Progress of recovery ...	97	336. Transfer of proprietary right ...	115
296. Amount recoverable from Government ...	97	337. Mortgages ...	115
297. Cost of rent and revenue settlement in Government and temporarily-settled estates ...	97 & 98	338. Sale of occupancy rights ...	115
		339. Custom of transferability ...	116
		340. General conclusion from the reports regarding transferability ...	117
		341. Price obtained for sale and mortgages ...	117
		342. Classification of purchases ...	117

PART V.

POPULATION AND MATERIAL CONDITON.

PARA.	PAGE.
343. Comparative estimates of population ...	118
344. Causes of fluctuation ...	118
345. Average density ...	118
346. Religions ...	118
347. Education ...	118
348. Occupations ...	118
349. Occupation figures compared with the average for Patna Division...	119
350. Explanation of variations ...	119
351. Emigration and immigration ...	119
MATERIAL CONDITION.	
352. Crop cutting experiments ...	120
353. Advantages of the triangle method ...	120
354. Results ...	120
355. Meaning of <i>rabi</i> outturn ...	121
356. Modification of results of experiments from other data ...	121
357. Reasons for estimates falling below usual estimates	121
358. No necessity for seasonal adjustment ...	122
359. Comparison with Buchanan's estimate ...	122
360. Difficulty of calculating the value of the crop...	122
361. Plan adopted ...	122
362. The value of the annual crop for the district including the extra statistical area ..	123
363. Sir D. J. Macpherson's estimate in 1884 ...	123
364. Paddy outturn ...	123
365. The <i>rabi</i> and <i>bhada'i</i> outturns ...	123
366. General comparison derived from money value of the crop per acre ...	123
367. Estimates of Assistant Settlement Officers ...	124 & 125
368. Agricultural population ...	125 & 126
369. Demands on the annual income ...	128
370. The position of the ordinary cultivator ...	128
371. Value of <i>Babashi</i> lands ...	127
372. Landlords' share of the annual income ...	127
373. Agricultural population of the statistical area	127
374. The canal rate ...	128
375. The economic position of landlords ...	128
376. Dividend for cultivators, agricultural labourers, etc.	128

PART VI.

THE GOVERNMENT AND TEMPORARILY-SETTLED ESTATES.

CHAPTER I.

CLASSIFICATION, VARIATIONS IN DEMAND AND ORIGIN.

377. Importance of Government and Temporarily-settled estates in Shahabad ...	129
378. Classification of estates...	129
379. The statistics of Land Revenue Administration Reports ...	129
380. The effect of the confiscations after the mutiny	129
381. Reclassification of estates ...	129
382. Fuller details ...	130
383. A simplified classification ...	130
384. The present classification ...	131
385. Causes of fluctuation of demand ...	131

CLASSIFICATION, VARIATIONS IN DEMAND AND ORIGIN—*concl'd.*

PARA.	PAGE.
386. The demand in 1849 ...	132
387. The effect of the Revenue Survey ...	132
388. The result of the confiscation ...	132
389. The Gangetic Survey of 1863-4 ...	132
390. Resettlement of Chausa Pargana in 1870 ...	132
391. Transfers to Ballia and Saran ...	132
392. Resettlement of Chausa Pargana in 1890 ...	132
393. Purchase of permanently-settled estates ...	132
394. Summary settlement of Mr. Mylne's estates...	132
395. Resettlement in Government and Temporarily-settled estates in 1807-09 ...	132
396. The previous revision settlements...	132
397. The distribution of the Government and the temporarily-settled estates ...	133
398. Origin of the estates in Chausa Pargana ...	133
399. Mr. Mylne's estates ...	133
400. The estates on the banks of the Ganges and the Sons ...	133
401. The Kaimur Hill estates ...	134
402. The other estates ...	134

CHAPTER II.

PRESENT OPERATIONS PRIOR TO RENT SETTLEMENT.

403. The question of notification ...	134
404. The orders of the Board ...	134
405. Preparation of lists ...	134
406. Government order on the lists ...	135
407. The Cadastral survey and record-writing ...	135
408. The question of fixed rents ...	135
409. The question of fixed rent in 1861 ...	135
410. The preliminary enquiries regarding enhancement ...	136

CHAPTER III.

FAIR RENT SETTLEMENTS.

411. Inception of section 104 work ...	136
412. Staff ...	136
413. The principles of settlement ...	137
414. Discrimination usually applied in private estates ...	137
415. Proposals for tests of fairness ...	137
416. The detailed defence of the proposals ...	137-140
417. Criticisms of the Director of Land Records ...	140
418. The treatment of the canal rate ...	141
419. Is canal irrigation "fluvial action" ? ...	141
420. The division of the profits of fluvial action ...	141
421. The work of section 104 officers ...	141
422. The allowance for errors of survey and area extraction ...	141
423. Procedure in settling rents ...	142
424. Objections under section 104E ...	142
425. Appeals ...	142
426. Use of the Table of Bates procedure ...	142
427. Commutation of produce rents ...	142
428. Produce-rents in Government Estates ...	143
429. Rent enhancement ...	143
430. Rent incidence ...	143-144

CHAPTER IV.

REVENUE SETTLEMENT.

PARA.	PAGE.
431. Classes of estates in which Revenue Settlement was required	144
432. Powers of the Settlement Officers	144
433. Notices of Revenue Settlement	144
434. The confirming authority	144
435. Procedure	145
CALCULATION OF ASSETS.	
436. Produce rents	145
437. "Bakasht" lands	145 & 146
438. Meaning of "Landlord's private land"	146
439. Reason for altering the proportion of the value of gross produce	146
440. Incidence of assumed assets compared	146
441. The Orissa rule	146
442. The profits of khas cultivation and of produce-rents	146 & 147
443. The petty proprietors' position compared with the raiyats' position	147
444. The profits of "Bakasht" throughout the district	147
445. The sugarcane rate in Mr. Mylne's estates	147 & 148
446. <i>Sair</i> collection	148
447. The proportion of assets to be taken as Government Revenue	148
448. Cases where less than 70 per cent. of assets were taken referred to the Board	149
449. A proposal for decentralization	149
450. Proportion of assets taken in Mr. Mylne's estates	149 & 150
451. The selection of the Settlement-holder	150
452. Period of Settlement	150
453. Final Results of Settlement of Revenue	150
454. Percentages of assets taken	150 & 151
455. Result of Revenue Settlement in Chausa Pargana	151 & 152
456. Comparison with previous Settlement	152

CHAPTER V.

MISCELLANEOUS.

457. Exempted estates	152
458. Cost of Survey and Settlement in exempted estates	152
459. Distribution of copies... ..	152
460. The Government Estates and the Estates managed by Government distinguished in the record-of-rights	153
461. Some typical difficulties	153

MISCELLANEOUS—concl'd.

PARA.	PAGE.
462. Bhilampur	153
463. Bajidpur	153 & 154
464. Alawalpur... ..	154
465. Itarhia	154 & 155
466. Taurir Bhedia	155
467. Lain	155
468. Keotia	156
469. Need of collection of material for resettlement in the intervals between settlements	156

PART VII.

EFFECTS OF THE SETTLEMENT OPERATIONS.

470. Unrest caused by the operations	157
471. Effect on crimes of violence	157
472. Increase of civil litigation	157
473. Inclusion of <i>abwabs</i> in landlords' demands	157
474. Rent suits in the Bhahhua Subdivision	157
475. Status of Kharwar headmen	157 & 158
476. Resemblance to South Monghyr " <i>Chakbandars</i> "	158
477. Points of difference	158
478. Liability of uplands to assessment	158
479. Produce-rent entries	159
480. <i>Kabilagan</i> entry	159
481. The Board's order of 1888	159 & 160
482. Rent suits throughout the districts	160
483. Noting of results of case work on the certified copies of the record distributed to landlords and tenants	160
484. Munsifs' opinions on the value of the record	160 & 161
485. Meaning of <i>Kaemi</i>	161

PART VIII.

CONCLUSION.

VILLAGE OFFICIALS.

486. <i>Patwaris</i>	162
487. <i>Gorais</i>	162
488. <i>Abwab</i>	162-164
489. Weights and measures	164
490. Notice of officers	164 & 165

MAPS.

1. Shahabad District, present time.
2. Ditto showing pargana boundaries as found at the Revenue Survey 1814-5.

APPENDICES.

	PAGE.
A. List of Officers who worked in Shahabad	166—168
B. List of Notifications issued in connection with Survey and Settlement of Shahabad District	169—171
C. Abstract of statistics (<i>Milan Khasra</i>)	172—173
D. Crop statement	174—177
E. List of Tenants' Agricultural Stock	178
F. Abstract of record-of-rights	179—181
G. Statistics of sale of occupancy rights	182
H. Statistics of sale of proprietary rights	183—185
I. Statistics of mortgages with possession	186—187
K. Statement of section 108A objections	188—189
L. Result of settlement of fair rents under section 105	190—191
M. Classification and result of suits under section 106	192—193
N. Statement of appeals in cases under section 105	194
O. Statement of appeals in suits under section 106	195
P. Results of section 40 cases	196
Q.(i) List of villages containing Government or temporarily-settled estates in which fair rents were settled in the present operations	197—208
Q.(ii) Enhancement in section 104 cases in Government and temporarily-settled estates	209
Q.(iii) Assets and Revenue in Government and temporarily-settled estates	210—211
R. A note on the cultivation of sugarcane by Babu B. B. Mukharji	212—215
S. A note by Mr. E. L. Tanner on the effect of rise in prices and consequent rent enhancement on the tenant's real surplus	216
Index	i—xx

GLOSSARY.

Of technical and vernacular terms used in this report, which have not been invariably explained in the text.

[I have borrowed freely from the Glossary in Mr. James' Patna Final Report, to whom I make my acknowledgments.]

Abkari.—Excise Revenue.

Abwab.—Literally " Heads of account " cesses levied in addition to the rent, declared illegal by Regulation VII of 1793 and numerous subsequent enactments.

Aghani.—The winter harvest.

Ahar.—A reservoir for storing water for irrigation.

All.—A small ridge between fields to mark boundaries or to retain water in the field.

Asal.—As an early Revenue settlement term used to denote the gross assets of an Estate or number of Estates.

Also used from early times onwards to denote the actual rent payable in contradistinction to *abwab*.

Baharsi.—Exterior. A term applied in particular to the villages of Mr. Mylne's Estate, which lie outside the tract covered with jungle at the time of the mutiny.

Balga.—The village priest of the Kharwars in the Kaimur Hill tract.

Bakasht.—In the record-of-rights the term *bakasht malik* (*mukarridar*, etc.) is used for land in cultivating possession of a landlord, which is not the proprietor's private land, as defined in Chapter XI of the Bengal Tenancy Act (see *sirat*).

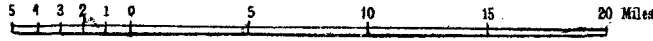
- Banskati mahal**—Incorporal rights to certain spontaneous products, fuel, grass, minerals and the like held by Government in a large part of the Kaimur Hill tract.
- Batal**.—The system of produce-rent under which the actual crop is divided between landlord and tenant.
- Belagan**.—Used technically in the record-of-rights to mean that certain land is held, as a matter of fact, without payment of rent. It does not necessarily connote a valid title to hold rent-free, and is in fact used in combination with *kabil lagan* q. v.
- Bhadal**.—The autumn harvest.
- Bhaoli**.—Used technically in the record-of-rights to denote land held on produce-rent, where neither of the alternative customs of *batai* or *dana-bandi* is exclusively established. Commonly used to denote any system of produce-rent.
- Bhit**.—Land cropped with crops other than rice.
- Chakbanddar**.—The holder of a tenancy found in South Monghyr. For full details see Appendix Y of the Final Report of South Monghyr.
- Chakaran**.—Service tenancies of all kinds.
- Char**.—A sand bank formed in a river or which has accreted to its bank.
- Dakhilkar**.—Used technically in the record-of-rights to denote an occupancy raiyat.
- Danabandi**.—The system of produce-rent under which the crop is appraised before harvest.
- Dhanhar**.—Land cropped with rice.
- Fasli**.—The Hindu Era prevalent in Bihar, 1917 A. D. = 1324-5 Fasli.
- Gair Mazrua Am**.—Public waste land.
- Gair Mazrua Malik**.—Waste land in possession of the landlord.
- Gair Mustakil Topo**.—Land surveyed topographically only, for which no record-of-rights is prepared.
- Gang Baramad**.—The technical word in early Revenue Settlements for alluvion.
- Gang Shikast**.—The technical word in early Revenue Settlements for diluvion.
- Gilandazi**.—The general term for work done for private irrigation.
- Gorabandi**.—A tenancy on fixed rent or rate of rent found in Bhagalpur and Monghyr Districts. For its relation to *Guzashta* see paragraph 242.
- Guzashta**.—A tenancy on fixed rent or rate of rent found very generally in Northern Shahabad. In Southern Shahabad the term is often used to denote a tenancy with a right of occupancy, but without fixity of rent. In the record-of-rights the true *guzashta* tenancy has been described by the technical true *shara muaiyan* used throughout Bihar record-of-rights for a raiyat at fixed rent or rate of rent.
- Hastobudi**.—The system under which fields, which ordinarily pay produce-rents, are assessed to cash-rents when certain crops, particularly sugarcane, are grown on them. In Patna the word is used in a number of senses to denote systems of rent, which are intermediate between cash and produce-rents, but it is not, I believe, so used in Shahabad.
- Hawalgi lagan**.—Cross references in the record-of-rights regarding entries of rents, see paragraph 215.
- Jaglr**.—The technical term in Moghul times for land assigned for the upkeep of the local administration, as opposed to *khalas*, the land set apart for contribution to the Imperial Treasury. Now used generally for rent-free lands.
- Jiwan**.—The description of area in use in the Kaimur Hill tract. It is not an exact measure at all.
- Kabil lagan**.—Used technically in the record-of-rights to denote liability to assessment to rent of land actually held rent free.

- Kaomi.**—Used technically in the record-of-rights as a translation of “settled raiyat.”
- Khalsa.**—See *Jagir*.
- Malik.**—Used in early Revenue literature for the traditional proprietor of the village, to whom *malikana* was paid by the person who collected rent from the raiyats (farmer, Zamindar or Amil). In the record-of-rights the word is used for the proprietor of an estate in the modern sense.
- Malikana.**—Allowance of a dispossessed proprietor. The word is also used to describe lands retained by ex-proprietors for their subsistence, when parting with an estate.
- Miadi Bandobast.**—Temporary settlement, used in the record-of-rights to describe the status of a proprietor, whose revenue is liable to alteration at the end of the period of Settlement.
- Milkiat.**—The right of a *malik*, used in the strict and also in the colloquial sense of that word (see *malik*).
- Mutassal jama.**—Gross assets of an estate before deduction on account of local expenses of collection, i.e., allowance to Zamindars and village servants, both in actual cash and in maintenance (*nankar*) lands and service (*chakran*) lands.
- Mutfarkat.**—Properly *mutfarkat* means “various”, and is the word used in the Decennial Settlement roll for settlements made with other than the territorial magnates and amils.
- Nagdi.**—Cash rents as opposed to *bhaoli* produce-rent.
- Nazrana.**—The present or “fine” paid on taking settlement of land, or in order to secure recognition of a transfer.
- Palra.**—Catch crops sown in after the rice has been transplanted.
- Pakrohi jagirs.**—Rent-free tenancies granted to persons appointed to watch the roads at every half mile, or quarter of a *kos*. See paragraphs 160 and 161.
- Rabi.**—The spring harvest.
- Salr.**—Miscellaneous collections of proprietors such as *phalkar* (levied on trees), *jalkar* (rent of fishing rights), etc.
- Salami.**—Identical with *nasarana*.
- Sanbharhu.**—A kind of tenancy, see paragraph 209.
- Sanjhia.**—A kind of tenancy, see paragraph 207.
- Sehsalah.**—A Register compiled in 1817 by the Board of Commissioners for the Central Provinces, showing the villages comprising estates, so-called, presumably, from being compiled from the accounts of the previous three years.
- Shara Muar, an.**—Used in the record-of-rights to signify a raiyat at fixed rent or rate of rent.
- Taur.**—High land unsuitable for growing rice. Mainly confined to hilly tracts, where rice-fields are terraced along the bed of a stream.
- Taufir.**—An estate formed by accretion to another estate.
- Thakbast.**—The preliminary rough survey of villages carried out by the Collector’s staff before the professional Revenue Survey of 1844-5.
- Waguzasht.**—Literally “exempted.” Estates of less than 100 acres held revenue-free, which were not assessed to revenue during the Resumption proceedings.
- Witrani.**—Land, waste and unoccupied, at the time of the Decennial Settlement, which was consequently left outside the estates then formed.
- Zirat.**—Used technically in the record-of-rights for proprietor’s private land within the meaning of Chapter XI of the Bengal Tenancy Act.

BIHAR & ORISSA

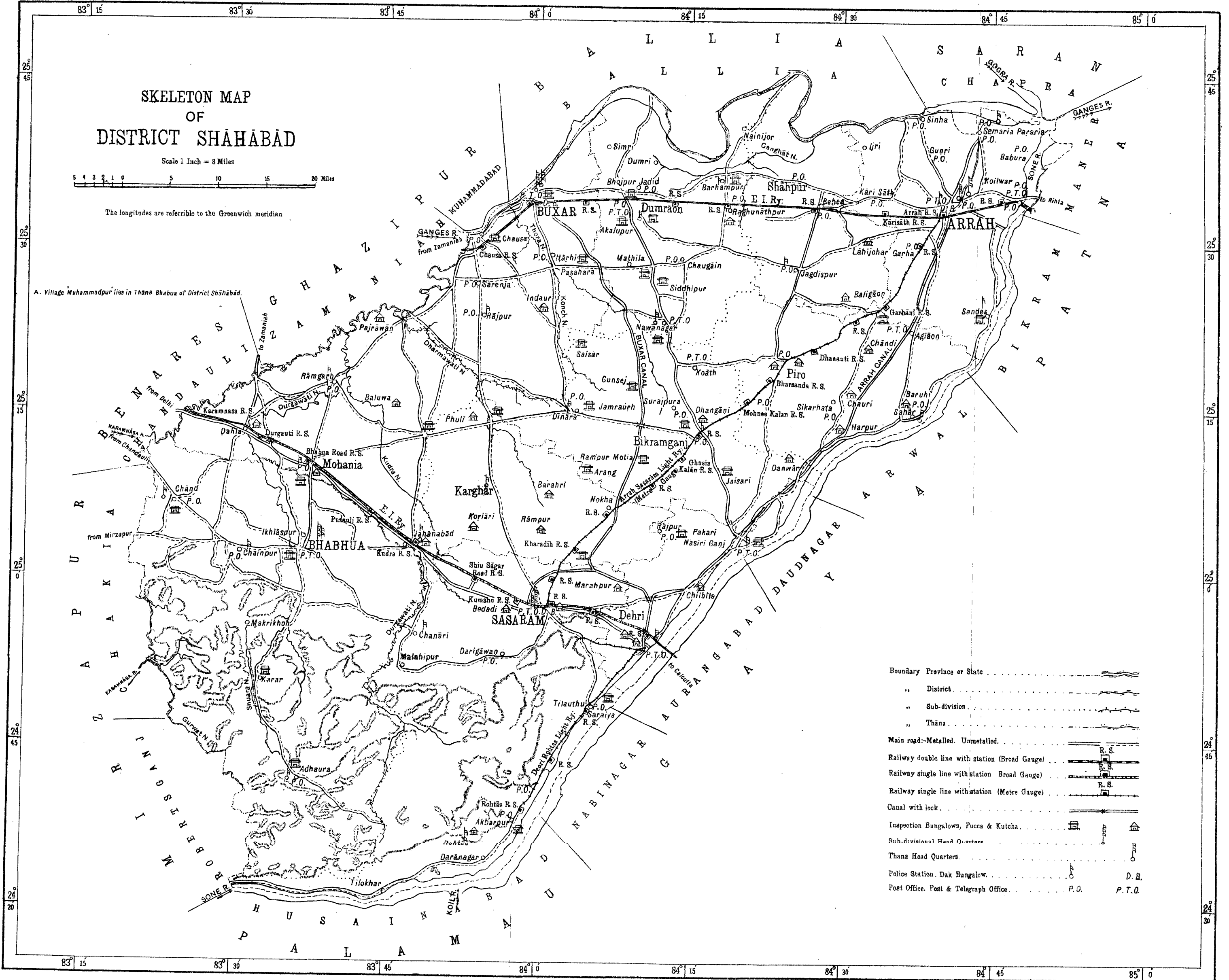
SKELETON MAP OF DISTRICT SHAHABAD

Scale 1 Inch = 8 Miles



The longitudes are referrible to the Greenwich meridian

A. Village Muhammadpur lies in Thana Bhabua of District Shahabad.



Boundary Province or State	-----
.. District	-----
.. Sub-division	-----
.. Thana	-----
Main road-Metalled	=====
Unmetalled	-----
Railway double line with station (Broad Gauge)	====+====
Railway single line with station Broad Gauge	====+====
Railway single line with station (Metre Gauge)	====+====
Canal with lock	=====
Inspection Bungalows, Pucca & Kutcha	⌂
Sub-divisional Head Quarters	⌂
Thana Head Quarters	⌂
Police Station, Dak Bungalow	⌂
Post Office, Post & Telegraph Office	P.O. P.T.O.

FINAL REPORT

ON THE

SURVEY AND SETTLEMENT OPERATIONS

IN THE

DISTRICT OF SHAHABAD

1907—1916.

PART I.

GENERAL DESCRIPTION.

1. *Extent of operations.*—The present report deals with the operations in the whole of the district of Shahabad, except in so far as portions of the district were excluded from some or all of the operations by notification or by rules applicable to such operations. These excluded portions are made up of (1) area included in the administrative district of Shahabad lying below the southern high bank of the Ganges, (2) area for which a record-of-rights had been previously prepared under Chapter X of the Bengal Tenancy Act, (3) congested urban area in Arrah, Dumraon, Buxar and Sasaram Municipalities. On the other hand it relates to a small area adjoining the district but actually lying for administrative purposes in the district of Saran.

2. *Boundaries of the district.*—The district of Shahabad is bounded on the north by the river Ganges, on the east and south by the river Sone, and for the most part on the north-west and west by the river Karamnasa. It is thus much more closely defined by natural boundaries than most districts of the province. The only boundary which is artificial is that portion of the western boundary which is not defined by the Karamnasa. This boundary runs for the most part through the jungle area of the Kaimur hills, and there has consequently been no occasion for the readjustments of the boundary from time to time, which confuse the statistics of other districts.

3. *Variations of Criminal jurisdiction.*—On the other hand the constant fluctuations of the midstream of the Ganges and to a lesser extent the fluctuations of the course of the Sone near its confluence with the Ganges affect very considerably the area included in the criminal jurisdiction of the district and the area of its component subdivisions.

4. *Subdivisions and thanas.*—The district is divided into four Subdivisions, Sadr, Buxar, Bhabhua and Sasaram. The following table shows the area of the thanas and subdivisions and the number of villages in each :—

Subdivision.	Thana.	Area in square miles.	Number of villages.	Police-stations (exclu- ding thana head- quarters).
1	2	3	4	5
1. Sadr	Arrah	352	446	Barahra, Sandes,
	Piro	318	449	Behar.
	Shahpur	249	297	Jagdishpur.
		917	1,192	

Subdivision.	Thana.	Area in square miles.	Number of villages.	Police-stations (excluding thana headquarters).
1	2	3	4	5
2. Buxar	Buxar	344	614	Rajpur.
	Dumraon	315	470	Barahpur, Nawanganar.
		659	1,084	
3. Bhabhua	Bhabhua	910	1,037	Chand, Chainpur, Adhaura.
	Mohanea	386	677	Ramgarh, Dargauti, Kudia.
		1,296	1,714	
4. Sasaram	Sasaram	684	704	Chenari, Akbarpur.
	Bikramganj	365	693	Dinara.
	Karghar	265	502	Nokha.
	Dehri	167	189	Nasriganj.
		1,481	2,088	
	District Totals	4,358	6,078	

5. *Explanation of the table.*—The areas shown in this table include the tract lying between the northern limit of cadastral survey and the middle of the deep stream of the Ganges, as surveyed topographically in the course of the operations. The number of villages, however, is the number shown on the thana maps, and no account of villages lying in that tract has been taken, as village boundaries were not defined in it.

6. *The Ganges diara tract.*—The district falls naturally into four main distinctive tracts. The first is the *diara* and semi-*diara* tract lying between the Ganges and the main line of the East Indian Railway. It is an exceptionally fertile area, yielding large outturns of all the ordinary *rabi* crops, which are produced at small cost of cultivation on soil fertilized with Ganges silt.

7. *The central plain.*—The second forms the bulk of the district and consists of a plain extending south from the main line of the East Indian Railway as far as the Kaimur hills. It is made up, for the most part, of a series of fertile depressions alternating with sandy ridges (which Buchanan* calls "poor swells"). Towards the west, as the Benares and Mirzapur boundaries are approached the soil becomes generally poorer and contains a large proportion of *kankar* nodules. Towards the south in the neighbourhood of the Grand Trunk Road much of the lower lying land is swampy and inclined to the waterlogged, while the higher land in the north of Mohanea thana and the west of Karghar includes a considerable proportion of *rehra*, i.e., soil impregnated with carbonate of soda, which renders it of very little value. The rivers flow through the whole tract in deep beds, with clayey banks, and the water consequently cannot be extensively utilized for irrigation. This tract is generally saved from infertility by the Sone Canal system, but the extreme west and north-west of the tract are beyond the scope of its protection and consequently bear very poor crops.

8. *The Kaimur Hills.*—The third division of the district is the tract of the Kaimur hills in the south. These hills rise abruptly from the plain with a rampart of 400 to 500 feet crowned by a sheer precipice of 100 feet or so. The rampart is almost unbroken and there are no outlying spurs with a gentler ascent except between Sasaram and Dehri. Above is a plateau of about 850 square miles in extent rising up to eminences of about 1,200 feet above sea level, and consisting of rolling country covered with scrub jungle and some larger trees. The rivers that flow down from the plateau have made but little impression on the solid rock of the plateau itself, but they fall from it in waterfalls of considerable height into

* Dr. Buchanan's report of 1814 Selections from the manuscript were published by Montgomery Martin in 1388 under the title "History, Antiquities, Topography and Statistics of Eastern India." I have used both this and also the original manuscript which is in the India Office Library.

deep canons, cut back into the plateau, which again open out into wider valleys still walled in with the steep slopes that are characteristic of the rampart described above. The waterfall of the Karamnasa called "Chhanpathar" on the extreme west of the district, and that near Karar are both very fine, but perhaps the most striking of all is the much smaller fall on the boundary between Dahar and Manradag with its steep plunge down a spiral stairway of a rock into a gloomy ravine full of thick jungle. The valleys of the plateau are cultivated and support a sparse population, while the higher ground is almost entirely left under scrub jungle, where cattle from the plains below are grazed during the dry months. On the eastern edge of the plateau a deep incision is made by Kuriari Koh, forming a broad flat valley of some square miles in extent. This separates off from the main plateau the small plateau of Rohtas, which is bounded on the south and east by the precipices overlooking the Sone valley, and on the north and west by Kuriari Koh, and is joined to the main plateau by a narrow neck on the west.

9. *The Upper Sone Valley.*—The only other tract of importance in the district is the narrow strip of the Sone valley between the plateau and the Sone. This is composed mainly of sandy soil but with the help of irrigation from several small hill streams is cultivated with fair results to a considerable extent.

10. *Thana Characteristics.*—The northern tract comprises about a half of Arrah thana, about one-third of Dumraon and Shahpur thanas, and one-tenth of Buxar thana. The central tract comprises the rest of these thanas and the whole of the Mohanea, Karghar, Bikramganj, Piro and Dehri thanas as well as about half Bhabhua thana and one-third of Sasaram thana. The Kaimur hills comprises half Bhabhua thana and one-third of Sasaram, about 850 square miles, while the remaining third of Sasaram thana consists of the narrow strip of the Sone valley.

11. *Soils.*—The soils of the district are described on page 50 of Mr. O'Malley's Gazetteer. He has omitted to mention the local name of *Sigta* used in the south of the district for loam in which sand predominates. The prevalence of *kankar* in the west of the district and the occurrence of stretches of valueless sandy ridges, too high for canal irrigation, also deserve mention.

12. *Rivers.*—The rivers of the district have been exhaustively described on pages 4 to 11 of the Gazetteer.

13. *Rainfall.*—The following table shows the average rainfall at the recording stations of the district, as revised by the Director-General of Observatories in 1913 :—

Recording Stations.	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.	Annual.
1	2	3	4	5	6	7	8	9	10	11	12	13	14
1. Buxar ...	0.74	0.64	0.52	0.19	0.71	5.23	11.37	11.30	6.95	2.83	0.34	0.16	40.03
2. Dehri ...	0.63	0.76	0.48	0.20	0.73	6.21	10.93	13.33	6.94	2.04	0.34	0.23	41.80
3. Bhabhua ...	0.70	0.85	0.48	0.16	0.71	5.23	11.42	12.09	7.48	2.57	0.48	0.23	43.33
4. Sasaram ...	0.60	0.73	0.35	0.21	0.85	6.74	11.43	13.99	7.59	2.54	0.28	0.19	43.23
5. Arrah ...	0.77	0.68	0.40	0.28	1.28	6.37	12.13	11.37	6.96	2.60	0.17	0.14	43.14
6. Mohanea ...	0.80	0.75	0.11	0.29	0.32	5.60	11.67	13.29	6.86	2.24	0.23	0.29	41.35
7. Aglaon ...	0.70	0.66	0.23	0.26	0.60	7.06	11.83	10.06	7.34	2.20	0.26	0.07	41.40
8. Bamnagar ...	0.74	0.65	0.19	0.20	0.70	6.01	11.54	10.00	6.52	1.55	0.15	0.08	38.51
9. Koath ...	0.68	1.03	0.27	0.25	0.50	5.36	11.90	11.63	6.69	1.64	0.25	0.18	40.77
10. Sitraul ...	0.71	0.86	0.24	0.17	0.69	5.27	11.05	11.21	6.51	2.81	0.27	0.11	38.93
11. Bassawan ...	0.62	1.14	0.26	0.18	0.30	5.79	11.92	13.26	7.71	2.71	0.17	0.25	43.30
12. Manoharper ...	0.71	1.16	0.25	0.25	0.57	5.77	11.29	13.03	7.08	2.37	0.15	0.11	41.73
13. Akbarpur ...	1.04	1.83	0.33	1.25	0.40	6.45	6.62	13.59	9.43	0.62	0.10	0.07	46.71
District Average ...	0.71	0.68	0.30	0.30	0.68	6.06	11.23	11.78	7.24	2.14	0.26	0.16	41.33

The first six stations have been established for 25 years or more, the next six for nearly 20 years, but Akbarpur had been a recording station for less than ten years in 1913, and hence no great importance can be attached to the figures for it. Generally the averages are slightly higher in the south of the district, but Dehri is about normal, while Arrah itself is distinctly above normal.

14. *Health*.—The health of the district is discussed at length in Chapter IV of the Gazetteer, and no new facts have, as far as I know, been brought to light. It is very generally believed that the advent of the Canals increased the prevalence of malaria as practically all officers who worked in the district report this belief. But it appears that as far as researches have been pursued the belief is ill-founded. Plague was raging in the northern thanas during the operations, and the villagers had become thoroughly accustomed to spending a good part of the cold weather in temporary huts outside their villages.

15. *Health in the Kaimur Hills*.—The Kaimur hills have the reputation of being very unhealthy for foreigners, accordingly arrangements were made for a Civil Hospital Assistant to be stationed at Adhaura during the Cadastral Survey and Khanapuri season of 1910-11. But it was not found that his services were required to any considerable extent. It is probable that the tract is healthy enough for any one, natives or foreigners, except during the rains when the drinking water is apt to get polluted with the decoctions of jungle products in various stages of decomposition. Fortunately field work in the hills was carried through promptly and there was consequently no opportunity to investigate the climate at that period of the year. At the same time it was found desirable to engage a house in Akbarpur during the field season of 1911-12 to be used by inspectors, amins and tindals convalescing from fever contracted during their work in the eastern portion of the hills.

16. *Natural calamities*.—The subject of natural calamities in Shahabad district has been adequately dealt with in chapter VI of the Gazetteer and nothing worthy of note has occurred since that was written. The district may be regarded as practically immune from famine except for the south-western and western portion of the central plain, where the facilities for irrigation are either wanting or inadequately utilized. There is a scheme now before the local Governments of Bihar and Orissa and the United Provinces for irrigation from the Karamnasa, a project which has been considered more than once before, and should that prove practicable the whole district will be protected, except the Kaimur hills. There the people have the numerous jungle products as a food reserve and even in the famine years of 1896-7, these afforded an important alleviation of the distress.

17. *Communications, Railways and Canals*.—Communications have been distinctly improved since the Gazetteer was written. Besides the main line of the East Indian Railway and the Moghalsarai-Gaya portion of the Grand Chord, there is now a Light Railway from Arrah to Sasaram along the District Board road, and another from Dehri-on-Sone to Akbarpur, near to the *ghat* which leads up to Rohtasgarh. The latter is largely used for transport of limestone quarried on the slope of the hills. The Canal Steamer service is still kept up on the Dehri-Arrah Canal, and the main canals are still used to some extent for traffic by country boats. The revenue derived from tolls in 1914-15 was Rs. 13,656 and in 1915-16 Rs. 10,536 as against an average of Rs. 87,000 for the four years preceding 1900, Rs. 36,507 in 1900-1 and Rs. 22,708 in 1903-4. Nearly Rs. 67,00,000 was spent in making the canals first-class navigation lines.

18. *Roads*.—Two hundred and fifteen miles of metalled road and 548 miles of unmetalled road are maintained by the District Board, while 1,254 miles of unmetalled road are maintained by the Local Boards. The Grand Trunk Road, which is maintained by the Public Works Department, runs through the district for a length of 58 miles. A considerable length of Canal service roads is also maintained by that Department, but it is not available for public traffic without the permission of the Superintending

Engineer. Details of the principal roads may be found in the District Gazetteer. The policy of the District Board has been to concentrate rather on maintaining in good condition the metalled roads than on improving the less important highways. As a result anything except a metalled road is usually very indifferent for the first two months of the cold weather, i.e., until the insufficient culverts, which have been washed out in the rains, have been repaired.

19. *Postal and Telegraph facilities.*—The district contains 103 Post Offices and 25 Telegraph Offices.

20. *Population and occupations.*—I have discussed these subjects in Part V in connection with the material condition of the agriculturists.

21. *Manufactures.*—The manufactures of the district are described at some length in Chapter IX of the Gazetteer. The only industry that has made much progress in recent years is the quarrying of limestone from the precipices of the Kaimur hills. This has been developed considerably by the opening of the Dehri-Rohtas Light Railway, and important works for burning the lime have been erected at Dehri. There is a small industry consisting of the manufacture of cups, etc., by Gonds at Khajipur Paturia in Bhabhua thana from a brown stone of low specific gravity. This stone when treated with oil turns a fine black colour.

Castes.—The account of the principal castes found in the district, which is given in the Gazetteer, is generally adequate. But the references to the Kharwar, who form the most important element in the population of the Kaimur hills, are somewhat scanty. It may be of interest to supplement these references from an account given by Mr. H. D. Christian, the Subdivisional Officer of Bhabhua.

22. *Origin of the Kharwars.*—The Kharwars are a Kolarian cultivating tribe occupying the tableland to the south of the district. They are unmixed with any other tribe and are some of the purest aborigines to be found in India. They are allied to the Kharwars of Palamau. There is little doubt that they are the original inhabitants of the plateau and congeners of the Mundas and Cheros who were the first occupiers of Shahabad and the neighbouring districts. At the time of their immigration into the district in pre-Buddhistic times, the Mundas, Cheros, Kharwars, Bharwars and others were probably much more closely allied than they are now and consisted of sub-tribes of which the Chero seems to have been the chief.

23. *Separation from the Mundas.*—Some time before the commencement of the Christian era the Mundas and some other sub-tribes moved to Chota Nagpur, probably owing to economic causes, followed at a much later date (about the 6th century A.D.) by the bulk of the Cheros and Kharwars of the plains on the decline of the Chero power. The latter had by now adopted in turn Buddhism and Hinduism.

24. *Language.*—The language spoken by these sub-tribes prior to their emigration was similar to that still spoken by the Mundas in Chota Nagpur though at the present day there is no trace of it among the Kharwars and Cheros who seem to have abandoned it with their old beliefs.

25. *Suiris.*—The Suiris, whom tradition in Shahabad says, were the former occupiers of the district, were the same people, Suiri being the general name applied by the Aryans to all the sub-tribes above mentioned and being derived apparently from Asur. The remnants of these people are to be found in the Mushars, Bindas, Rajwars, Bhogtas, Bhuinhas and others. The Kharwars alone in the hills remained on comparatively unmolested.

26. *Present Social Status of Kharwars.*—The Kharwars have to a certain extent become Hinduized, claim to be Surajbans and Sombans Rajputs and generally wear the sacred thread. Their social status is good as water is taken at their hands. Beef is forbidden them but not pig's flesh and intoxicating liquors are never drunk. There are several endogamous divisions among them of which the most clearly defined are the Bhogta and Raut. The Manjhi is also a division but none of the other Kharwars marry or eat with a large

proportion of them. Throughout the tribe the form of exogamy practised is the usual one prohibiting intermarriage within certain degrees of collateral relationship. Infant and adult marriage are both admitted but the former is considered more respectable. A widow is permitted to marry again by the Sagai form. Indiscretions within the caste are generally leniently dealt with but not so with persons outside the caste in which case the woman is turned adrift. Instances of intermarriage with the Kharwars of Palamau are fairly common.

27. *Points of similarity with Mundas.*—Very distinct traces exist of the original identity of the Kharwars with the Mundas, notably with regard to certain animistic beliefs, the existence of the *baiga* or village priest and their dances of which practically the only one left is the Karam. Women join in these dances but are grouped separately from the men. Throughout the plateau will be found villages bearing such distinctive Mundari names as Diridag, Darihara, Sarodag, Sarawandag, Oldag, Kuba, Okhargara, etc.

28. *Grouping of villages.*—All villages in the hills are in groups of from four or five to twenty, termed *mahals* or *talukas*; there is a chief village in each group, of which the headman, or *chaudhri*, as he is termed, is the headman of the group or *taluka*, and within living memory, in the case of some of the *talukas* the rent of each village in the *taluka* was realized by this headman from the village headmen and paid to the landlord. This proves the existence till quite recently of the Mundari *parha* system as regards rent. Even to the present matters of importance are referred to the *parha* headman and *panchayat* of village headmen and others, minor affairs being settled by the village headman and *panchayat*.

29. *The headman and the baiga.*—Again in each village of the *taluka* or *parha* there is a headman and priest, the *baiga*. The offices are frequently vested in the same man. The office of "*baiga*" is governed invariably by the law of primogeniture but that of headman is not; theoretically it should pass to the most intelligent and go-ahead person in the village, though generally it goes to the most intelligent of the late headman's sons. His principal function is religious. He worships the forest deities in *Chait* towards the east of the village, in *Sawan* towards the west, and in *Aghan* at the threshing floor, called locally *pithar*. No raiyat will sow his lands, or plant out his paddy seedlings, or cut the crop, until the *baiga* goes to the raiyat's lands and starts the work. The crops are not removed from the *pithar* until the *baiga* has completed the *Aghani* worship. The *baiga* is also consulted as to the auspicious day, *dahi*, for cutting wood from the jungle for wood ashes which are used as manure. He is also called upon for special ceremonies in case of epidemics or attacks of tigers and leopards. He is paid by a bundle of paddy from each raiyat's fields which he cuts himself, locally known as *Alo* or *Panch Ansi*. He also gets a portion of the threshed grain from the *pithar* and about five seers of *Mahua* flowers from each raiyat. Besides this he holds half a *jiwan* as a *jagir* from the landlord, and is provided by the village with goats, pigs, fowls, or sheep, required for his sacrifices. The office is hereditary by the law of primogeniture and the emblem of office, the sacrificial knife, is passed on from father to son. The *baigai jagir* is of course impartible.

30. *Burial and marriage customs.*—The present burial and marriage customs of the Kharwars are of no particular interest as they have been comparatively recently borrowed from Hinduism and do not materially differ from those of the lower castes of Hindus.

31. *Rent customs.*—Mr. Christian is of opinion that in a large number of villages at the present day what is termed the Mundari *khuntkatti* system is still in force. Here the cultivation and forest are divided up among the descendants of the original settlers and each man pays a fixed sum, according to his share, to the headman who adds his own share and pays the whole to the landlord. This they term the *nazar*, the Mundas call it *chanda*. This question will be found discussed in paragraph 475.

PART II.

LAND REVENUE ADMINISTRATION.

32. *Variation in the constitution of the district.*—It might perhaps have been expected that a tract like the district of Shahabad bounded as it is for the most part by rivers, two great and one considerable, would, except for the alteration of the courses of those rivers, have preserved its entity as a revenue unit from the earliest period of organized revenue administration without material variation. This is not, however, the case, and I propose to describe briefly the changes that have taken place. A *parganawar* map of the district reduced from a map founded on the Revenue Survey of 1844-5 and placed at the end of this report, should be consulted in connection with this chapter.

THE MUHAMMADAN PERIOD.

33. *The parganas.*—According to Akbar's assessment of 1582 the Sarkar of Rohtas comprised seven *parganas* in the division of Sasaram and eleven in the division of Bhojpur. The same specification of *parganas* was preserved in the assessment of 1685, and in Ali Vardi Khan's assessment of 1750, although by the time of the 1685 assessment the two divisions had been constituted Sarkars under the names of Rohtas and Shahabad. Rohtas contained the *parganas* Haveli Rohtas, Chainpur, Sasaram, Siris, Kutumba, Chipla (Japla) and Palauncha (Belaunja). The first three are now part of the district and cover approximately the modern thanas of Mohanea, Bhabhua and Sasaram. Siris and Kutumba are now included in Gaya district, while Japla and Belaunja are now in Palamau district. The eleven *parganas* of Shahabad Sarkar were apparently Bhojpur, Bihia, Piro, Nonaur, Arrah, Danwar, Pawarah, Barahgaon, with Ratanpur, Kotah and Mangror. The first eight are still part of the district and a ninth was added between 1750 and 1765 by the revival of Dinarah *pargana*, which is mentioned in the Ain Akbari, but had been united to Danwar. The last three were dismembered from Subah Bihar and acquired by Balwant Singh, father of Chait Singh of Benares, and annexed to Sarkar Chunar between the same dates. Finally *pargana* Chausa, which was formerly a part of Sarkar Ghazipur, was added to the district of Shahabad in 1818. The above information is derived principally from Grant's analysis printed with the "Fifth Report."* I do not think it worth while to give his figures for areas, as I have no means of checking his calculations of bighas.

34. *The assessment.*—The total assessment of 1582 on the Sarkar of Rohtas as then constituted was Rs. 4,03,765 for division Sasaram, and Rs. 6,18,221 for division Bhojpur, or Rs. 10,21,986 for the whole Sarkar. This would be the complete "*mufassal jama*", within which undoubtedly was included a mere estimate of the potential value of unmeasured land particularly in the hilly tracts lying in division Sasaram. The gross *mufassal jama* included the allowance for *mufassal* expenses of collection, i.e., allowances to zamindars and village servants, both in actual cash and in maintenance (*nankar*) lands and service (*chakaran*) lands. Even after making this reduction, it should be remembered that the net *Sadr jama* was divided between *khalsa*, the revenue payable to the Imperial Exchequer, and *jagir*, the income of which was assigned for the support of the local superior administration. Mr. Grant suggested for the whole of Subah Bihar—that the *khalsa* absorbed one-third and the assignments in *jagir* two-thirds of the *Sadr jama*. As a rough guess it may be put down that the actual collection from Sarkar Rohtas for the Imperial Exchequer was in 1582 Rs. 2,50,000 while Rs. 5,00,000 was assigned to the local administration in *jagir*.

35. *Reassessment in 1685 and 1750.*—The effect of the revision in 1635 was to raise the gross assessment of Sarkar Rohtas, formerly the division of Sasaram, from Rs. 4,03,765 to Rs. 4,55,538 and that of Sarkar Shahabad, formerly the division of Bhojpur, from Rs. 6,18,221 to Rs. 7,77,295 (I have transposed Grant's figures which are almost certainly inverted). The total gross assessment was therefore Rs. 12,32,833. The next revision of 1750 raised the assessments again to Rs. 5,39,565 for Sarkar Rohtas and to Rs. 8,26,845 for Sarkar Shahabad, or Rs. 13,66,410.

* Fifth Report of the Select Committee of the House of Commons on the affairs of the East India Company (1812).

Those increases were to a large extent brought about as in the rest of Bihar by the salutary practice of resuming *jagirs* from time to time and granting other tracts in *jagir* for the support of the local administration, thus gradually obtaining for the Imperial Exchequer the advantage of the increase of cultivation brought about by the care bestowed on the *jagir* lands by the local officer who derived their support from them.

36. *Kasim Ali's assessment.*—Kasim Ali between 1750 and 1765 forced up the assessment enormously. Sarkar Rohtas was assessed by him at a total of Rs. 13,94,213 and Sarkar Shahabad at a total of Rs. 15,47,055, thus more than doubling the total assessment of the two Sarkars, although by the time of his assessment the *parganas* of Ratanpur, Kotah and Mangror, valued gross in the 1750 assessment at Rs. 1,17,634 had been dismembered. At the same time, it may be remarked that in 1812, Buchanan estimated the gross value of the produce of the Shahabad district at about Rs. 1,20,00,000. The fourth part of this, which on the theory of Akbar's assessment was payable by the cultivator to the State, whether to be absorbed as mufassal zamindari charges or as *jagir* for the support of the local administration, or to be actually credited to the Khalsa, would be Rs. 30,00,000. The district had between 1763 and 1812 lost Siris, Kutumba, Japla and Belauncha *parganas* of which the *asal* fixed by Kasim Ali appears to have been Rs. 5,74,607. Hence his assessment for the district as constituted in 1812 was probably Rs. 23,66,666 inclusive of zamindari and *jagir* allowances. No doubt in the intervening 50 years there was a considerable extension of cultivation and the value of produce rose in terms of silver. But it is open to doubt, whether Kasim Ali's assessment, in this district at any rate, was so grossly excessive, as it is usually supposed to have been; assuming that he was aiming at recovering for the State the traditional share of the gross produce of the land. It may too be observed that even now 20 per cent. of the total cultivated land held by raiyats is held on produce-rent and in Buchanan's time, according to a rough calculation from one of his tables, it may be taken that 70 per cent. was so held. Further, from passages in his account, it appears that cash-rents had been recently introduced in various places, so that in Kasim Ali's time it may be safely assumed that at least 75 per cent. of the land was held on produce-rent. For such lands even under the comparatively lenient systems of produce-rent found in Shahabad, it is probable that at least 30 per cent. of the gross produce is paid as rent and this would naturally cause the collections of the zamindars throughout the district to average considerably more than the one-fourth of the gross produce actually due to them on the original theory of assessment.

EARLY BRITISH PERIOD.

37. *The assessment of 1766.*—Be this as it may, in actual fact the assessment of Kasim Ali was for the most part rejected by Muhammad Reza Khan in 1766 and the assessment of 1750 taken by him as the basis of his net assessment. The details for the *parganas*, which now fall within the district are given in the table in paragraph 60 below. It may be interesting to show how the various *parganas* were treated. Haveli Rohtas, which was rated at Rs. 50,882 in 1750, was divided amongst the *mokaddims* or head raiyats, no doubt the Kharwar Chaudhris, and all collections absorbed in 1766 by them. Chainpur of which the *asal* in 1750 was Rs. 96,161 was settled principally with Arimerdan Singh while Sasaram (*asal* in 1750, Rs. 2,40,000), was settled with Babu Jagarnath Singh and his brother Sinaut Singh, whose relations with the proprietors of many villages of the *pargana* caused so much trouble during the decennial settlement (*vide* pages 626 to 630 of the "Fifth Report"). It is evident that Muhammad Reza Khan here distrusted the assessment of 1750, for he settled the two *parganas* at a net *jama* of Rs. 3,94,973, i.e., after making allowances for zamindari charges, as against the total *asal jama* in 1750 of Rs. 3,39,101. Kasim Ali had fixed the *asal* for these *parganas* at Rs. 7,58,729.

In Sarkar Shahabad the *asal* of the nine *parganas* now included within the district was, in 1750, Rs. 7,09,211. and this Muhammad Reza Khan reduced by deductions on account of zamindari charges to a net *jama* of Rs. 6,09,268.

38. *The Revenue Council.*—The finances of the district were left entirely to the charge of the native agency from 1765 to 1769, although the Chief of Patna

controlled the collections made under the immediate management of Sitab Rai, Dewan of Bihar. In the latter year supervisors were appointed and in 1772 the Revenue Council at Patna was constituted. The supervisors were directed among other matters to obtain "a summary history of the provinces; the state, produce and capacity of the lands; the amount of the revenues; the cesses or arbitrary taxes; and of all demands whatsoever which are made on the cultivators, the manner of collecting them; and the gradual rise of every new impost."

39. *The assumption of the full powers of Dewan.*—The reports derived from the Supervisors revealed such confusion and oppression that the Court of Directors resolved in 1772 "to stand forth as Dewan, and by the agency of the Company's servants, to take upon themselves the entire care and management of the revenues." Under this resolution the Supervisors became Collectors and with the help of native officers, styled Dewans, chosen by the Board of Revenue, now constituted at Calcutta, proceeded to carry out a farming settlement of five years. The renters in Shahabad appear to have been as ignorant of the actual resources of the tracts for which they bid, as in other parts of Bihar, and the result of their speculations and consequent oppression was disastrous alike to the cultivators and to the public revenues. The system of farming the revenues throughout the provinces of Bengal and Bihar having failed, the European Collectors were recalled in 1774 and native *amils* substituted. The six provincial councils for the superintendence of the Revenue were constituted, Shahabad of course falling within the jurisdiction of the Patna Council.

40. *Abolition of Provincial Councils.*—This arrangement continued till 1781, when the provincial councils were abolished and Subah Bihar, except for Saran, was placed under the charge of Mr. Maxwell as Revenue Chief, subject to the supervision of the newly-constituted Committee of Revenue at Calcutta. In the meantime in view of the expiry of the quinquennial settlement in 1777 a temporary commission of three of the most experienced Civil servants had been appointed to collect the most exact information of the real produce or value of the lands. The information was collected through native Amins and on their reports annual settlements were made for 1778, 1779 and 1780. These settlements were made with the "Zamindars" of the time prior to 1765 for the most part, viz., as Mr. James in his Patna Final Report describes them "the territorial magnates and the more or less permanent farmers of the later years of the Mughal rule."

41. *Farming Settlements.*—On the abolition of the provincial councils, Kallian Singh obtained the farm of the whole of the Subah Bihar, except Sarkar Saran, and divided it with his Naib Dewan, Raja Khiali Ram. The result of this arrangement is fully described by Mr. James in his Patna Report and I need only detail how it affected Shahabad.

Sarkar Shahabad fell partly to the share of Kallian Singh and partly to Khiali Ram, while Sarkar Rohtas went to Khiali Ram. However in both Sarkars mismanagement was rife, and in February 1782 Samuel Charters, the Patna Chief, submitted proposals for the farming of *pargana* Pawarah and the settlement of Chainpur and Sasaram with Mustafa Kuli Khan, minor son of Reza Kuli Khan, a former renter of these *parganas*. As regards the latter he noted that they were in better condition than any others held by Khiali Ram, but that "he had already seized upon all the free lands of every denomination, the first step towards the introduction of his system of ruin in that quarter". By June 1782 Charters had been succeeded by Mr. W. A. Brooke as Patna Chief. He proposed five years' farming leases for Arrah, Bihia, Bhojpur and Barahgaon, on the ground that the present farmers, who were Raja Bikramajit Singh and Babu Bhupnarain Singh were incapable of managing so large a property and were being oppressive to the raiyats. He visited Shahabad in July of that year and dispossessed the two principal farmers and records that the petty farmers and raiyats were highly pleased and started cultivation, which had been neglected up to that date. Dinarah and Danwar were settled with Santoki Rai for five years, part of Bihia with his son Silat Ram for

three years, Piro, Nonaur and Pawarah continued with Bhupnarain for three years, Bhojpur, part of Bihia, Arrah and Barahgaon were kept *khas*, i.e., let out to raiyats or petty farmers.

42. *Brooke's proposals for farming.*—The arrangement of holding the last named *parganas khas* was not much better than the previous one for the interests of Government, and in July 1783 Mr. Brooke submitted fresh proposals for the farming of these *parganas* for five years, 1191 to 1195. He proposed to let Bhojpur to Mustafa Kuli Khan at a revenue rising gradually from Rs. 1,00,000 to Rs. 1,34,227, Arrah and Barahgaon to Baijnath Singh on revenue from Rs. 1,11,000 to Rs. 1,19,600 and Rs. 15,000 to Rs. 17,811 respectively, and the portion of Bihia to Sheikh Wali Muhammad on revenue from Rs. 43,000 to Rs. 54,378. The average collections of *sadr jama* from 1187 to 1190 had been, Bhojpur Rs. 1,11,551, Arrah and Barahgaon Rs. 1,13,998 and Bihia Rs. 42,773. Mr. Brooke said that he had so many instances of bad management of *Amani Amils* (i.e., *tuhsildars* of Government Estate, in modern parlance) that he was now induced to recommend the acceptance of the enclosed proposals, being confident that should the *parganas* remain *Amani*, it would be a loss to Government. He asked, however, that if *Amani* management was to be continued, he might have authority to sign *pattas*, "as the raiyats have been so constantly deceived by the *Amils* that they have not the least trust or confidence in them."

At the request of the Revenue Committee he submitted a detailed account of the demand in Sarkar Shahabad which was as follows:—

	<i>Amani.</i>	Farmed.
	Rs.	Rs.
Bhojpur	1,34,227	...
Mofarakat Bihia	54,378	...
Taluka Bihia ... ..	...	42,578
Arrah	1,19,601	...
Barahgaon	17,811	...
Danwar ... ..	...	40,751
Dinarah ... ..	...	11,457
	3,26,017	94,786
	4,20,803	
Firo and Nonaur	71,000	} Farmed with Bhupnarain.
Pawarah	32,405	
Total	5,24,208	

This may be compared with the net *jama* stated by Grant to be Rs. 6,09,268 in 1766.

43. *Shore's deputation.*—The Revenue Committee were, however, by now not content to leave the local officers with nothing but the control they could exercise from Calcutta, and so when Shore offered his services to form a new settlement for Bihar Province and to effect as far as possible a recovery of the balances, they were gladly accepted. The balances of the collections in Mr. Brooke's charge, roughly the present Patna Commissionership, were in 1783 no less than Rs. 4,59,000.

Shore reported on 18th December 1783, and his solution for Shahabad was to lease the whole of the two Sarkars, to Ahmad Ali Khan, who was already the lessee of Rohtas Sarkar, i.e., Chainpur and Sasaram *parganas*.

The total *jama* was fixed at Rs. 9,10,208, i.e., Rs. 5,24,208 for Sarkar Shahabad and Rs. 3,86,000* for Rohtas.

However, in November 1785, Ahmad Ali Khan petitioned to be allowed to relinquish the settlement of Sarkar Shahabad "owing to the notorious refractoriness of the Shahabad raiyats and the want of support from the Huzzoori to assist me in the losses which I have sustained by the Faujedarry Adawlat," and also complained of the interference in his collection of *Sair* by the establishment of the custom house at Chausa.

44. *Proposals of a mukarrari settlement.*—Thomas Law, who was then Collector of Rohtas, had in March of that year recommended that Ahmad Ali Khan should be granted a *mukarrari* settlement of the two Sarkars for his lifetime. This the Board of Revenue had refused as "an unwarrantable supersession of the hereditary rights of the zamindars and a direct violation of the orders of the Governor General in Council." Already the idea of a Permanent Settlement was in Law's mind, and the Board had already made up their minds that the real *maliks* should get the benefit of any such arrangement. Both Brooke as Patna Chief and Law supported Ahmad Ali Khan's petition to relinquish Shahabad and this was agreed to, on fairly generous terms as regards balances. Sarkar Shahabad was then farmed for one year with Dast Dewan Singh, brother of Raja Bikramajit Singh

45. *Brooke as first Collector of Shahabad.*—In 1787 Brooke, who had been Collector of Patna for a short time, was appointed the first Collector of Shahabad as a new revenue and administrative unit. Rohtas was annexed to Shahabad to form his charge in accordance with the rearrangement of charges throughout Bihar and Bengal, which was carried through by Shore at the request of the Governor General in April 1787. Brooke took over charge on the 21st September 1787. It was decided to hold Sarkar Shahabad *khas* as the country had suffered very considerably during the management of Dast Dewan Singh; Chainpur, Sasaram and Haveli Rohtas were to continue to be farmed by Ahmad Ali Khan and others. Dast Dewan Singh was the nominal farmer, but no doubt Raja Bikramajit Singh, his brother, was actually so regarded in the *mufassal*, as appears from Brooke's letter of 15th October 1787 in which he announces his intentions regarding the Settlement.†

"I have been favoured with your letter of the 21st ultimo intimating to me your instructions of keeping this district *khas* for this year, with instructions for forming a *mufassal* Settlement accordingly. It has ever been my wish to have a Settlement made on these terms, and it is particularly fortunate for this country that you have been pleased to adopt this mode, by which the raiyat may depend on receiving a proper recompense for his labour. The raiyats of this Sarkar were so much oppressed in the course of last year by Raja Bikramajit Singh's *Amia*, notwithstanding all my endeavours to prevent it that they have scarcely recovered themselves yet and there has been little or no cultivation for the *bhadai* and *khariif* harvests; my time has therefore been necessarily employed since my arrival here, in promising the raiyats their just shares of grain by which alone substantial justice can be done and without which it would be impossible to induce them to cultivate for the *rabi* harvest, the heaviest in this district. They are now satisfied and I have the pleasure to hear that raiyats who had run off on account of the apprehension of the Raja's *Amia*, are daily returning. This will, I trust, insure plentiful crops, but it will be impossible to form a Settlement till I have properly ascertained the *quads* ‡ of each pargana and this cannot be as yet done as the waters are not sufficiently run off from the lower grounds to admit of ploughing. I intend to make a Settlement of every village in such a manner as to secure the raiyat his just share. By observing this rule the raiyats will all be happy and for the next year a great increase of cultivation may be expected and of course an addition to the *jama*."

This experience of *khas* management was clearly of immense value to Brooke, and perhaps the partial failure of the permanent settlement in Rohtas may be ascribed to the fact that he had not the same experience there.

* The copy of Shore's Report in the Bengal Revenue Consultations gives Rs. 2,86,000 which is a clerical error.

† Consultation 37 of 26th October 1787.

‡ i. e. Area under cultivation.

46. *Shore's minutes regarding the khas Settlement.*—Brooke had received specific instructions from the Board for the settlement of Sarkar Shahabad on the basis of Shore's minute of September 20th, 1787, which ran as follows :—

“ Notwithstanding the ill-success which has generally attended a *khas* Settlement, although thought to be the most advantageous for Government, yet considering the present circumstances of Shahabad I am induced to recommend this mode in preference to any other and that the Collector should be immediately ordered to commence it. The instructions for this purpose, may be strict and comprise the following objects :—

Revenue Consultation, 20th September 1787.

That the taxes asserted to be levied by the *Amils* in defiance of public prohibitions be abolished.

That the terms of the *pattas* of whatever nature be precise and not discretionary.

That the *Mufassal* charge be precisely determined according to the established rates whenever they can be satisfactorily ascertained or that where that is not the case, they be fixed from the average of a number of years, allowing even a diminution when they are heavy and oppressive, and that the rates be published.

That the *kistlandis* be regulated according to the season of the harvests.

That in the formation of the *jama*, the *halkasil* and *jama wasil iaki* of the preceding year be made the ground work.

That the charges of the *Amens* and *Sezawals* whom it may be necessary to employ be fixed at moderate rates and the amount thereof deducted from the gross *mufassal jama*.

That having completed the settlement the Collector be directed to communicate to the Board a particular account of the formation thereof, stating in the fullest manner his reasons for any deductions from the '*jama*.' ”

Of course, Shore meant this '*khas*' management to be a preparation for the Decennial Settlement, for which active measures were already being taken.

47. *Board's orders regarding the Decennial Settlement.*—Brooke's administration of Sarkar Shahabad held *khas* during 1787-88 was a great success and earned the encomium of Government. He was apparently equally well satisfied with Ahmad Ali Khan's behaviour in Sasaram and Chainpur as he recommended in September 1788 that he should retain the farm of these two parganas for the next year and also that the Decennial Settlement should be made with him. To the latter proposal the Board demurred until they should be satisfied that settlement with the village *maliks* was impracticable. In August 1788 Brooke received the instructions of the Board with regard to the formation of the Decennial Settlement. With respect to Shahabad Sarkar, these were that the settlement might be made with Raja Bikramajit Singh for the estates of which he was proprietor provided he liquidated the balances for 1194 *Fasli* for which he was under restraint. But the settlement for estates of which the Raja was not proprietor, although included in his Raj, was to be made with the actual Zamindars, as far as possible, except those held by a *mukarrari* tenure, (i. e., Pargana Pawarah). The decision was left to Brooke according to the judgment which he might form of the success and practicability of the measure, “ in doing which, the questions which occur for your consideration are these : whether the security to Government for the rents will be as substantial as under the farming system, whether the multiplication of renters will be too great to admit of the requisite attention to the Settlement and collections, and whether the whole business upon the proposed plan may not be too detailed to admit of a sufficient degree of attention to the due conduct of it. ” The question of any increase or decrease in the amount of the *jama* was left to Brooke's experience, subject to the order that any final deduction required the Board's sanction and on the other hand to Lord Cornwallis' refusal to recommend “ an augmentation of the rental, distressful to the zamindars and renters or such as shall occasion the necessity of remissions at the end of the year. ”

48. *Brook's inquiries and views.*—In April 1789, Brooke sought further guidance about the Decennial Settlement in particular whether Raja Bikramajit Singh's *malikana* villages should be re-united to the *khalsa*, whether other holders of *Malikana* land should receive settlement for the nine-tenths of their zamindaris renounced, whether the settlement should be on

the highest or the average *jama* of the last few years, and whether an increase was expected, and if so whether immediate or progressive. As regards the last point he strongly advised against basing a settlement on the produce of the ensuing year, in view of the fact that for the fear of such a policy the zamindars "might submit to a temporary loss by purposed neglect in order to gain a low assessment." He reported the general prevalence of an idea that a settlement of the Land Revenue in perpetuity was then in deliberation, and expressed himself warmly in favour of "Mr. Law's benevolent plan, a plan which, with a few subsidiary emendations, will insure the relief of anxious millions, diffuse universal satisfaction through every subordination of landholders, and extend the fame of our justice throughout the remotest kingdoms of the East." He reported again in June that he had formed the settlement of Sarkar Shahabad for 1196 *Fasli* with the zamindars except for a very few instances and in November 1789 expressed his intention of forming the Decennial Settlement of the district "by making a circuit of the different parganas composing it and remaining in each till the *bandobast* be completed." The Board highly approved of his intention.

THE DECENNIAL SETTLEMENT.

49. *Brooke's proposals for the Decennial Settlement.*—By November 1790, Brooke had completed his inquiries and submitted his proposals for the Decennial Settlement of the district. He wrote :—

"I have the honour to forward to you my proposed settlement of this district, for ten year's formed on the principles of the Resolutions of the Right Hon'ble the Governor General in Revenue Consultation 8th November 1790. Council of the 18th September last. I have not only attended to the capability of each zemindari but the ability of the proprietor. The Southern parts of Shahabad, as well as large tracts of parganas Chainpur and Sasaram, are mostly *kharef*. Scarcely recovered from the memorable famine of 1770, they suffered again, considerably by that of 1784. The produce depends entirely on a regular and timely supply of rain, the least failure of which reduces the revenue, and occasions the greatest distress to the inhabitants, whose poverty loads the calamity with the most trying aggravation.

"You may possibly, Gentlemen, feel a momentary surprise, at seeing so very small a *jama*, in some places attached to so very great a *rakba*. I may venture to assert with confidence, that those places are the most heavily taxed in this district. The proprietors, in hopes of improving some of these waste tracts, during the course of their lease have agreed to pay more than they could possibly have consented to, on one year's settlement. Many of these people are so poor, that they have not the means of suddenly benefiting themselves by any great extension or improvement. The gradual operation of unharassed industry will, however, in a few years, raise the rents and supply an increasing fund for profitable speculation. The annual overflow of the Ganges secures a never-failing harvest to the northern parts of Shahabad, and the vicinity of that river affords an easy mode of disposing of it. In these tracts, contrary to what I have observed of the southern parts, the rents are high, compared with the '*rakba*.' In years of scarcity, the proprietors and farmers of such spots are considerably gainers. This, however, rarely happens and the reverse is by no means infrequent. I have, therefore, endeavoured to adopt a medium, advantageous not only to Government, but the farmer. As for the raiyat, he is sure of his share, without which no reliance could be placed on any Settlement. To the above remarks regarding the apparent disproportion between the quantities of land and the specified assessment, I may add, that little dependence can be placed on the Kanungos' recorded measurements which includes mountains, forests, rivers and tanks. When the rent is great, compared with the quantity of land, it is an almost invariable criterion, that the soil of such villages is remarkably good, and that it is filled with industrious raiyats who cultivate the *nagdi* * articles.

"I have been utterly unable in many instances to procure security. I have, however, to the utmost of my power, endeavoured to settle with the most responsible persons in each pargana. It is to be hoped that the certainty and advantage of the decennial tenure will ensure the greatest punctuality in the discharge of the *kists* when due and we found superior to any securities hitherto taken.

"Raja Bikramajit Singh, having given the security of respectable *makajans* for the balance of 1194, payable in year by monthly instalments, I have put him in possession of his zamindari and settled with him for the revenue of it. Those, who have claims on him, must prefer them in the Adalat (if a private adjustment cannot take place) and the Raja must satisfy them or liquidate their demands by selling a part of his zamindari. In settling with him, I

*i.e., grow such crops as sugarcane which are not divided on the produce-rent system but for which the raiyat pays a definite rate of cash-rent per bigha for the area grown with every such crop in each year. The system is usually called *hashtobedi* in Shahabad.

have been obliged to make some allowances for his situation, and his want of capacity properly to manage his extensive estate.

" Rai Bakshi Ram enjoys pargana Pawarah in mukarrari, by virtue of a Sanad, granted by the Patna Council. Your letter of the 2nd ultimo contains specific directions to settle with the zamindars in mukarrari Mahals of this description. I shall therefore without delay proceed to form an equitable *bandobast* with the proprietors in pargana Pawarah.

" The small pargana of Haveli Rohtas was granted to Harbansi Rai's father, Raja Shah Mal, and has been confirmed by the Supreme Government to the son, in consequence of the assistance the Raja afforded our troops, in acquiring possession of the fort at Rohtas, in the war with Kasim Ali Khan. He has settled with his zamindars on long leases, indeed many of them enjoy mukarrari tenures under him. These are the only parganas in mukarrari in the district.

" Previous to making the Settlement of Nur-ul-Husain Khan's zamindari, I observed a cautious delay. I wrote repeatedly on the subject to your Board, stating every circumstances relative to it in the most particular manner and requesting the most explicit instruction in your reply. Indeed, I was at last apprehensive that my frequent reiterations of the subject might really be troublesome. After postponing the assessment of this estate to the very last, I received from your Board the most clear and decisive directions how to proceed. I, then with confidence, made the best settlement in my power of these lands, giving the most unequivocal assurances to the different renters of stability and security during the term of their respective leases. This being promised, I venture to give my opinion, that not a single renter of this *taluga* will agree, on any account whatever, much less be desirous to pay through Nur-ul-Husain Khan. On these grounds I have thought it highly inadvisable to re-annex Nur-ul-Husain Khan's *malikana*. The measure would, in my opinion be deemed by the Benares bankers, and others who are in possession, by sale or mortgage, a violation of a tenure confirmed by the Supreme Government of the country, would be totally repugnant to the inclination of the present renters, who would never voluntarily consent to intermediate payment, would create confusion in the allotment of the different villages, by fierce contests for the more eligible tracts, and intricate Adalat discussions to determine the several pretensions and in the end produce no one advantage to the State. The present renters will pay with punctuality, and many will be excited to double attention and caution by the hopes of purchasing on some future day, the proprietary right of the lands they now held in farm. In this mode therefore, Government may expect, hereafter, a handsome profit as the value of land will gradually rise by the extension of improvement.

" Babu Bhupnarin Singh, the Zamindar of Piro and Nansur, etc., etc., has sustained a considerable loss this year. This was occasioned partly by the very great fall in the price of grain, and partly by his keeping *sir* a greater extent of country than he could well manage. I have not, however, thought it expedient to give him any deduction, convinced that his zamindari is easily assessed on the ten years' lease, though he may have temporarily suffered from the causes above mentioned.

" It is satisfaction to me to be able confidently to assert my conviction that I have not over-rated any man's estate throughout my whole district. When Government's avowed right to so great a proportion as nine-tenths of the rent, or in other words to nine-tenths of the net receipts, after deducting the cultivator's share, be considered, it would forcibly strike that mistakes here and there in the assessment can only be avoided by extreme caution and scrutiny. But notwithstanding the equity of my Settlement, sales will most likely be not infrequent in order to liquidate the company's balances. They will however be occasioned by the common contingencies of human life. Some will be careless, and manage ill, and some will be prodigal and idly dissipate. Some will discharge private debts instead of the public revenue and some will lavish immense sums on the marriage of a child or the celebration of a religious festival. You may however depend, Gentlemen, on my vigilance and superintending care to prevent, or alleviate, to the utmost of my power, the frequent occurrence of such disagreeable circumstances.

" The *Sair* and *Abkari* make no part of my Settlement."

50. *Details of the Decennial Settlement.*—How far the settlement was made with the old village "*maliks*" and how far with territorial magnates or with *amilis* may be seen from an analysis of the "Account Settlement" submitted by Brooke to the Board.

Excluding pargana Pawarah, which was in mukarrari and was not permanently settled till 1795-96, the parganas of Sarkar Shahabad were settled at a revenue of about Rs. 5,00,000. Of this nearly 30 per cent. was payable by Raja Bikramajit Singh of Dumraon, 20 per cent. by Babu Bhupnarin Singh, and another 20 per cent. was assessed on the Zamindari of Nur-ul-Husain Khan, settled with renters (farmers) to whom Brooke had practically promised a permanent settlement, a promise redeemed in 1799. About 10 per cent. was assessed on settlement-holders of six estates, among whom was

Raja Bhagwat Singh of Buxar, whose revenue ranged between Rs. 14,000 and Rs. 1,500. The remaining 20 per cent. described as *mutfarkta*, was assessed on smaller settlement-holders, who may no doubt be taken to be village *maliks*.

Brooke did not anticipate much stability among the large estates. He writes of the Dumraon estate: "Notwithstanding I have assessed the Raja on terms extremely easy in order to obviate in some measure the fatal consequences to him of any bad management, yet I do not expect that degree of future improvement in this zamindari which I promise myself in the rest of Shahabad.

"However, I think it not improbable that his estate will shortly be split into a variety of petty zamindaris in order to liquidate the various heavy and just claims for the payment of which his creditors will most probably prosecute him in the Dewani adalat."

51. *The fortunes of the larger estates.*—Events, however, proved Brooke's expectations to be wrong, and the Dumraon estate has expanded rather than contracted since the Permanent Settlement. Babu Bhupnarain's estates, however, descended to the notorious Kuar Singh, and after confiscation became divided up, though Messrs. Thomson and Mylne received a considerable portion of them, and the present proprietor, Mr. E. Mylne, has added to them. Raja Bhagwat Singh of Buxar, the third branch of the Bhojpur family, lost his estates by revenue sales within a few years of the Permanent Settlement.

52. *Sasaram Pargana.*—The Settlement of Sasaram pargana was complicated by the claims of Babus Jagarnath Singh and Sinnaut Singh, who had in 1771 obtained some recognition of their *milkiat* over 874 villages in this pargana from the Patna Council. They had actually got possession of 29 villages, as *malikana*. The problem is set forth at length in Brooke's letter of 29th September 1769 printed on pages 626-628 of the Fifth Report. Brooke's solution was to settle the remaining villages with people, who put forth the best claims to be *malik* getting an agreement from them to relinquish if other persons proved their rights in a court of law. These he called *Urf maliks*, i.e., "so-called proprietors." Government confirmed this arrangement and also, after some hesitation, confirmed the *sanad* of the Patna Council granting the 29 villages to the two Babus.

53. *Chainpur Pargana.*—In Chainpur the settlement was concluded with the village *maliks* except in a few cases. Arimardan Singh, who had held settlement of a considerable tract in this pargana, was dispossessed as having been implicated in the murder of Nazimuddin Ali Khan, another zamindar of Chainpur, in 1785, and his estates were held *khas* and most of them now constitute the Government estates in Bhabhua thana. They were let at the time to certain Brahmins and Rajputs called *jowars*, who claimed a transferable right in the land and also claimed 20 *bighas* in each hundred or the equivalent in money, presumably as a rent-free tenancy. Brooke stated that their privileges had obtained for centuries, but that the lands rented by them were for the greatest part in a very wild state and from their situation likely to continue.

54. *Haveli Rohtas.*—Haveli Rohtas was still left in *mukarrari* to Harbansi Rai, whose father had obtained the grant as reward for his help in the capture of Rohtas fort by Major Crawford in 1782, and was not permanently settled till 1813.

55. *Vanderheyden's report on the Decennial Settlement.*—The information about the southern parganas is mostly derived from the report of Mr. D. Vanderheyden of 7th October, 1793. He was deputed as Commissioner in Bihar to inquire into the state of the Decennial Settlement in Shahabad as in other districts. As regards Shahabad he reported most favourably except for a few minor criticisms of the failure to take security from farmers. He wrote:—

"Mr. Brooke has performed the most essential parts of his duty with great zeal and diligence and much to the advantage of the district under his superintendence.

"The point to which I principally allude is his constant care to secure the raiyats against all undue exactions. In a letter of May 1789 I observe he mentions to the Board: that with respect to the abolition of taxes, it is with particular pleasure he can inform them that no such thing exists in Shahabad and that they have not been heard of in that Sarkar during the last two years. From all the enquiries I have made, upon this subject, I have the greatest reason to believe the information he communicated was perfectly consistent with truth, and that by his constant attention to this point he procured the abolition of taxes throughout every part of his district. To do this was to do a most essential good to the country and the very great extension of cultivation, which is universally admitted to have taken place in this district during the last four or five years is, I think, chiefly ascribable to that measure."

56. *The Settlement severely tested.*—Law in February 1791, in his letter of resignation from the Board of Revenue, had already remarked that "from visits to Shahabad he had ocular proof of the rapid increase of cultivation under Mr. Brooke." Mr. W. A. Brooke was transferred from Shahabad to Burdwan at the end of 1791. His settlement of Shahabad was at that moment being severely tested. The two preceding years had been years of low prices which naturally made a fixed assessment somewhat difficult to collect. But the summer of 1791 was marked by a bad failure of the rains. Just before he left Shahabad, Brooke reported that "he was very apprehensive that the most unremitting attention of the Collector would not be adequate to the prevention of a diminution in the collections." His fears were soon realized. In August 1792 his successor, Mr. T. Brooke, made a strong recommendation for permanent reduction of the assessment particularly in parganas Chainpur and Sasaram. In Chainpur he reported there was a balance of Rs. 34,142 on a total assessment of Rs. 2,98,593 and that in the two years, 1197 and 1198 *Fasli* 312 villages had been transferred by privats sale, representing a revenue demand of Rs. 69,290. In Sasaram there was a balance of Rs. 16,485 on a total assessment of Rs. 1,55,662, while considerable balances were also due from other parganas. He expressed the opinion that the assessments of Chainpur and Sasaram were pitched too high, pointing out that in 1196, the assessment had been only Rs. 8,69,361 and even then there had been a balance of Rs. 15,000, while now the assessment was Rs. 4,54,255. His proposals were referred to Mr. W. A. Brooke, who opposed permanent reduction, but recommended a remission of Rs. 15,800 in Chainpur and Sasaram for three years and easy terms for the settlement of Pabu Bhupnarain Singh's balance in Piro and Nonaur. The Board accepted these proposals.

57. *Pargana Pawarah.*—The Permanent Settlement of pargana Pawarah was sanctioned by Government in June 1795. This pargana had been in *mukarrari*, i.e., settlement for the life of the settlement-holder on fixed revenues with Rai Bakhshi Ram, son of Raja Khiali Ram. He had fallen in balance in 1199 *Fasli* mainly no doubt as the result of the drought and had been confined by T. Brooke's order. The *mukarrari* was declared forfeit, and after the pargana had been kept *khas* for two years it was settled principally with village *maliks* at a revenue of Rs. 43,701 in lieu of the *mukarrari jama* of Rs. 32,142, the *mukarraridar* getting a pension of Rs. 3,000 per annum for life.

58. *Nur-ul-Husain's zamindari.*—The zamindari of Nur-ul-Husain Khan, lying principally in Arrah pargana, but extending also over Barahgaon, Bihia, Danwar and Dinarah, was permanently settled under the orders of Government of the 21st November 1799. The zamindari, for which Nur-ul-Husain Khan had got certain villages as *malikana* had remained in *khas* management since 1786. It was decided to settle permanently with the farmers in redemption of Mr. W. A. Brooke's promise of 1790 after a calculation of the assets, which resulted in an increase of Rs. 19,018, over the revenue obtained under *khas* management.

59. *Haveli Rohtas.*—The only pargana of the district, as it then was which still remained outside the Permanent Settlement, was Haveli Rohtas, which was in *mukarrari* to Harbansi Rai. He died in 1803, but Mr. Collector Twining continued the *mukarrari* with his widow and mother. The Boards' proposals for resumption and Permanent Settlement with the village *maliks* were

finally accepted by Government in March 1813, and the revenue was raised from Rs. 11,119 to Rs. 19,166, the two Ranis getting pensions for life in addition to obtaining the settlement of some villages in which they held the *milkiat*.

60. *Assessment of parganas*.—The following statements shows the assessment of the parganas of the district, excluding Chausa, in 1766, in 1791 and in 1815 :—

Comparison of assessments on the pargana (Chausa pargana is omitted).

Sarkar.	Pargana.	Area in sq. miles according to Revenue Survey of 1841-5.	Assessment of 1766 according to Grant.		Decennial Settlement Assessment. 1791.	Revenue in 1815.
			Ass.	Net.		
1	2	3	4	5	6	7
		Rs.	Rs.	Rs.	Rs.	Rs.
Rohtas	Rohtas ...	519	30,882	Nil	11,119	19,166
	Chainpur... ..	1,028	96,161	3,94,973	2,95,517	2,94,914
	Sasaram	843	2,48,000		1,55,664	1,61,136
Shahabad.	Bhojpur	424	1,73,220	6,08,268	1,38,521	1,42,771
	Bibia	231	1,25,000		1,22,766	1,40,663
	Piro	202	40,341		43,318	45,449
	Nonsar	107	33,691	1,25,502	21,909	22,149
	Arrah	230	1,46,663		45,581	51,847
	Danwar	336	1,36,804		13,025	17,021
	Dinarah	55			32,141	44,594
	Pawarah	113	22,226	25,073	28,487	
	Barahgaon	84	31,226			
	TOTAL	4,202	10,79,214	10,04,211	10,30,639	11,94,003

In addition to Rs. 14,58,260 from permanently-settled estates in the original parganas of the district, Chausa pargana contributed in 1903 Rs. 42,092 from permanently-settled estates, and Rs. 79,871 from temporarily settled estates while the rest of the district contributed Rs. 57,110 from temporarily-settled and farmed estates. Finally from estates held *khas* by Government in Chausa pargana and elsewhere the revenue demand was Rs. 1,20,870 making a grand total of Rs. 17,58,204. No later details for parganas are available, as the tauzi roll is no longer kept by parganas.

CHAUSA PARGANA.

61. *Early history*.—Chausa pargana deserves special treatment, as its revenue history, reflecting its political history, has proceeded on different lines from the rest of the district. This pargana formed part of Sarkar Ghazipur, in Akbar's time. It is described in Grant's Analysis as one of the districts of Tokrai Bakht Singh. The Sarkar was however acquired by Balwant Singh, the father of Chait Singh, between 1740 and 1770 and formed part of the great zamindari of Benares, which fell to the Company in 1775. The zamindari was left by the Company with Chait Singh, until his rebellion in 1781.

62. *First British Settlement*.—Thereafter it was resumed and settled in farm with Raja Mahipnarain in 1783 together with the other parganas of the zamindari. It was settled for four years by Mr. Duncan, in 1790, as a preparation for a Permanent Settlement, with the *zamindars* or village *maliks*, and

would in ordinary course have become a permanently-settled tract under Regulations I and V of 1795. But in 1794, when the settlement was about to expire, the zamindars threw up their engagements. In the following year, however, they accepted the new settlements except for Taluqa Indapur, and these settlements were made permanent. Taluqa Indapur remained in farm till 1812, when a fresh settlement of it was effected for ten years.

63. *Dunsmure's Settlement.*—In 1822 Mr. Dunsmure, the Collector of Shahabad, to which district the pargana was annexed in 1818,* was deputed by the Board of Revenue, or Board of Commissioners of the Central Provinces comprising Bihar, Ramgarh (i.e., Chota Nagpur) and the Benares Province to form a fresh settlement. He not only revised the assessment of Taluqa Indapur but succeeded in bringing on to the revenue roll a considerable amount of land which had escaped assessment either as having been waste or for other reasons. The Board in reporting to Government on the 29th July 1823 wrote: "After a very laborious research Mr. Dunsmure, was able to consider, as authentic, information and accounts, showing the pargana Chausa to have been divided into nine *tappas* containing in the aggregate 535 villages *asali* and *dakhili*. The accounts under *tappas* directed him, as supposed by the Board to the sites of the lost villages. The same principle and method appear quite applicable to Bihar generally where the Register of Hoshyar Jang or Mr. Vansittart shows in a year of British Government the ancient rent-roll in totals of villages, in Zillahs or Sarkars, Parganas, Tappas, etc. A comparison of this rent-roll with the present rent-roll of the Collector's books, would, we think show many thousand villages in precisely the same situation and condition as these lately recovered in Chausa."

How far the Board was correct in their view must be judged in conjunction with the principles laid down in the Bengal Board's letter no. 266, dated the 21st August 1838, which is quoted in paragraph 57. The resumption proceedings throughout Bihar carried out for the most part between 1835 and 1846 certainly yielded a considerable increase of revenue. Whether it was all legitimate is an interesting but somewhat academic question. However this may be, the actual results of Mr. Dunsmure's settlement, as proposed were to raise the revenue very considerably, results not perhaps altogether surprising when it is remembered that the Settlement Officer of those days drew a handsome percentage on the additions that he made to the demand.

64. *Results of Dunsmure's Settlement.*—In this case it appears that in 1822 the demand from the permanently-settled portions of Chausa pargana was Rs. 40,548 and for the rest Rs. 23,650. Mr. Dunsmure succeeded in raising the latter to Rs. 50,487. The bulk of the settlements were accepted by the zamindars both in Indapur Taluqa and in the *wirani* villages, and it was proposed to make these permanent. Other portions were to be leased to farmers, but the farmers failed to keep their engagements and the estates became *khas* again.

Dunsmure's settlement is of particular interest as being the first attempt at a detailed investigation of *mufassal* assets in Bihar. He was directed to carry it out on the lines of Regulation of 1822, which was then being promulgated, and though he did not follow the procedure laid down there strictly, he made very detailed inquiries, both into the accounts of *patwaris* and into the actual capacity of the land. He even made crop-cutting experiments, and deduced the productivity of the land therefrom. It is perhaps worthy of note that in village Shahipur, he found the best land only gave 4½ maunds a *bigha* and the worst two maunds. This strikingly illustrates the infertility of the pargana, which was of course as well known to all officers, who had concern with it, as it is now.

65. *Settlement not made permanent.*—The Government showed great interest in the details of this settlement, and correspondence went on up to 1828, as there was grave doubt whether the assessment which was about 75 per cent.

* *Vide* the letter of the Board of Bihar and Benares, dated 26th June 1815, to the Collector of Shahabad. This Board was appointed by Regulation I of 1816 and was finally replaced by Commissioners in 1829. (See Field's Introduction to the Regulations, pages 166-8).

of the *mufassal* assets was not too high. In the end it was left as a temporary settlement for ten years with those zamindars, who accepted it, while elsewhere the estates were taken in *khas* management. The reason for not making it permanent was that Government was not altogether satisfied that the full inquiries prescribed by Regulation VII of 1822 had been made.

66. *Abortive resettlement in 1833-4.*—In 1833-4, Mr. Mackenzie, Collector of Shahabad, began to revise the settlement then expiring. But he fell ill before the settlement was completed and most of his proceedings were lost. The settlement was therefore left to be completed by the special Deputy Collectors, employed from 1835 to revise settlements and carry out resump-tions throughout Bihar.

EFFECTS OF THE PERMANENT SETTLEMENT.

67. *Aims of the Permanent Settlement.*—The principal aim of the permanent settlement was no doubt to secure a moderate assessment regularly and punctually collected and at the same time to restore to their proper rights and privileges the zamindars and other landholders. How far in actual facts these rights and privileges were restored to the ancient class of village zamindars, is a question that has often been debated. In Shahabad it seems probable, thanks to the zeal and ability of Mr. Brooke, that these rights were restored as far as it was possible to do so, and that where the rights had been long ago absorbed by Feudatory Chiefs such as the Rajas of Dumraon and Buxar, it was evidently impossible to do anything except to recognize the existing facts.

68. *The rights of the raiyat.*—But the rights and privileges to be restored were not only those of the zamindars, and it was clearly recognized by the principal authors of the permanent settlement that the actual cultivators as well as intermediate tenure-holders had rights which it was the duty of Government to protect. From Shore's minute of June 1789 it appears that Sir Philip Francis had (probably in 1776, when he first suggested the idea of a permanent settlement in opposition to Warren Hastings' proposals for a searching inquiry) proposed that it should be made an indispensable "condition with the zamindar, that, in the course of a stated time, he shall grant new *pattas* to his tenants, either on the same footing with his own quit-rents, that is, as long as the zamindar's quit-rent remains the same or for a term of years, as they may agree." Shore, commenting on this, says: "The former (i. e., in modern terms, the fixity of rent as long as revenue is fixed) is the custom of the country. This will become a new *asal jama* for each raiyat, and ought to be as sacred as the zamindar's quit-rent. The *patta* should be expressed in the simplest terms possible, without a single *abwab* or *muthot*; so much per bigha of land which he cultivates varying only according to the articles of produce or quality of the soil."

69. *Shore's proposals for the protection of the raiyat.*—Shore's proposals in his minute of June 1789, for the protection of the raiyats, were briefly these:—

- (1) Compulsory grant of *pattas*, by zamindars and their servants to all raiyats at their ascertained *jamas*.
- (2) Compulsory delivery of rent-receipts.
- (3) Prohibition against realization of losses caused by abandonment of holdings from the remaining raiyats.
- (4) Prohibition against the imposition of new *abwab* or *muthot* on any pretence whatever.
- (5) Simplification of demand into no more heads than *asal*, *abwab* and *kharcha*. The simplified account to be submitted to the Collector for inspection, after which it is to be enforced by the authority of Government, and any enhancement of the *abwab* or *kharcha* to be punished as an extortion. (No one would of course think of enhancing the *asal* without the sanction of Government.)

(6) If possible the whole demand to be consolidated by mutual consent. This minute, of course, applied primarily to Bengal, and in his minute of September 1789, Shore does not discuss in detail how his proposal for the

protection of raiyats should be modified for Bihar. The first four proposals are practically repeated in the Resolutions proposed by Shore and accepted by the Governor General in Council. To them are added rules which may be summarized as follows:—

- (1) Rents paid by raiyats to be specific, if the *patta* contains *asal* and *abwab* both to be specified, and the raiyat is not to be liable to pay anything more on account of *kharcha 'salami'*, etc.
- (2) Where rents are adjusted on the land cultivated the rates and terms of payment to be expressed in the *patta*.
- (3) Where rents are paid in kind the proportion to be specified either in account (? *jamabandi*) or written agreement.
- (4) *Nirakhbandi* of rates payable for *nagdi* lands to be publicly recorded in every *mufassal kachari*.

70. *Shore's minute regarding the position of zamindars*.—Shore recorded a further minute on the 8th December 1789 on the Resolutions proposed for the Decennial Settlement. He had by this time conceived grave doubts whether the Settlement ought to be made permanent.

One of his main objections is expressed as follows:—

“The relation of a zamindar to Government and of a raiyat to a zamindar is neither that of a proprietor nor a vassal, but a compound of both. The former perform acts of authority, unconnected with the proprietary right, the latter has rights without real property; and the property of one, and the rights of the other are, in a great measure, held at discretion. Such was the system which we found, and which we have been under the necessity of adopting. Much time will, I fear, elapse, before we can establish a system, perfectly consistent in all its parts.” He proceeds to criticize the proposals of Collectors, for correcting the prevailing abuses, as defective and the regulations of Government as indefinite. He instances the repeated prohibitions of new taxes and says “the idea of the imposition of taxes, by a landlord upon his tenant, implies an inconsistency and the prohibition in spirit is an encroachment upon proprietary right; for it is saying to the landlord, you shall not raise the rents of your estate.”

71. *Lord Cornwallis' reply*.—On this Lord Cornwallis minuted on the 3rd February 1790:—

“Mr. Shore observes, that this interference is inconsistent with proprietary right; that it is an encroachment upon it, to prohibit a landlord from imposing taxes upon his tenant; for it is saying to him, that he shall not raise the rents of his estates; and that if the land is the zamindar's it will only be partially his property, whilst we prescribe the quantum which he is to collect, or the mode by which the adjustment is to take place between the parties concerned. If Mr. Shore means, that after having declared the zamindar proprietor of the soil, in order to be consistent we have no right to prevent his imposing new *abwabs* or taxes on the lands in cultivation, I must differ with him in opinion, unless we suppose the raiyats to be absolute slaves of the zamindars: every *bigha* of land possessed by them must have been cultivated under an expressed or implied agreement, that a certain sum should be paid for each *bigha* of produce, and no more. Every *'abwab'* or tax, imposed by the zamindar over and above that sum is not only a breach of that agreement, but a direct violation of the established laws of the country. The cultivator, therefore, has in such case, an unbounded right to apply to Government for the protection of his property; and Government is at all times bound to afford him redress. I do not hesitate therefore to give it as my opinion, that the zamindars, neither now nor ever could possess a right to impose taxes or *abwabs* upon the raiyats; and if from the confusions which prevailed towards the close of the Mughal Government, or neglect or want of information, since we have had the possession of the country, new *abwabs* have been imposed by the zamindars or farmers, that Government has an undoubted right to abolish such as are oppressive and have never been confirmed by a competent authority; and to establish such regulations as may prevent the practice of like abuses in future.

“Neither is the privilege which the raiyats in many parts of Bengal enjoy of holding possession of the spots of land which they cultivate, so long as they pay the revenue assessed upon them, by any means incompatible with the proprietary rights of the zamindars. Whoever cultivates the land, the zamindars can receive no more than the established rent, which in most places is fully equal to what the cultivator can afford to pay. Neither is prohibiting the landholder to impose new *abwabs* or taxes on the lands in cultivation, tantamount to saying to him, that he shall not raise the rents of his estates. No zamindar claims a right to impose new taxes on the land in cultivation although it is obvious that they have clandestinely levied them, when pressed to answer the demands upon themselves, and that these taxes have, from various causes, been perpetuated to the ultimate detriment of the proprietor who imposed them. The rents of an estate can only be raised, by inducing the raiyats to cultivate the more valuable articles of produce and to clear the extensive tracts of waste land, which are to be found in almost every zamindari in Bengal.”

72. *The actual regulations.*—The actual regulations, which were promulgated, failed to make clear without possible question, that the proprietors had not been given the right to enhance rents, chiefly, I believe, because the idea was so foreign to the scheme of the Permanent Settlement.

73. *Intention of Government to fix raiyats' rents.*—But I venture to express, what has been a very gradually formed opinion, that a study of the papers regarding the Permanent Settlement will convince any fair-minded man that it was the intention of Government to render the rents payable by the raiyats precisely as stable as the revenue payable by the zamindars. I am myself of the opinion that the provisions regarding *nirkhbandi*, *parganawar* rates, etc., were intended to operate so that even land brought under cultivation subsequently should not be rented at higher rates than old-established cultivation. Of regard it as practically certain that the authors of the Permanent Settlement would regard the provisions of the Bengal Tenancy Act in restriction of enhancement of cash-rents by contract with bewilderment, while they would learn of enhancement of the landlord's share under produce-rent systems from the comparatively mild demand of nine-sixteenths, which was the utmost taken in their time, to the iniquitous extortion of 27 seers out of 40, found in some villages of Patna district, with unassumed horror. But I think the evidence is overwhelming that they intended that the cash rents paid, by raiyats for lands an actual cultivation, under the cash-rents system at the time of the Permanent Settlement, could not by any means be enhanced, though the total income of a zamindari would naturally grow with extension of cultivation, by the substitution of valuable crops to which the *hastobudi* system applied for cheap crops subject to produce-rents, or by the substitution of more valuable for less valuable crops of which both were by custom subject either to the *hastobudi* or to the produce-rent system of rent. No doubt the legislature has recognized this last fact in some degree by the definite enactments culminating in section 50 of the Bengal Tenancy Act. But I think that substantial justice would have been done, if in each district, as it came under Settlement operations, inquiries had been instituted to discover, as far as possible, the tracts in which cultivation had been established at the time of the Permanent Settlement, and if in such tracts the burden of proving that the raiyats were not entitled to hold at fixed rates had been put upon the landlords. This burden they could have discharged either by showing that the rents had actually been enhanced (no doubt *fieri non debuit sed factum valet*) or that they were commuted produce-rents.

This principle has been practically applied in the *guzashta* area of Shahabad, and it may not be too late to apply it in some districts of Bengal. It is too late to apply it to the rest of Bihar.

74. *Some evidence in support of the theory that raiyats' rents were to be fixed.*—I may, however, quote some interesting facts which came to light in village Duil, thana no. 279, thana Shapur, a village, which is some eight miles south of the East Indian Railway line, and so outside what was considered to be the true *guzashta* area. This village was resumed in 1826 under regulation VII of 1822. In the Settlement *rubakar* it was laid down that the tenants who would agree to pay rent at the rates found then, were to continue to pay rent at that rate in perpetuity, and further that tenants who were then holding *bhaoli* should they choose to pay cash-rent in future, should be entitled to have their rents commuted at the rates then laid down and the landlords would not be entitled in either case to alter or enhance the rates. This was part of the conditions of a Permanent Settlement made in 1826, and it certainly lends considerable support to the theory expressed above, and helps to explain the fact that in northern Shahabad enhancements of cash-rents have been very rare and that it has been frequently stated by raiyats and sometimes admitted by landlords that even commuted *bhaoli* rents are not liable to enhancement.

NOTE.—Par graph 73 was written before Mr. Tauner directed my attention to the discussion printed in the Appendix to the report of the Rent Law Commission, 1879-80. I find that my point has been put at much greater length in Mr. O'Keealy's note of the 18th June 1880, pages 418 to 454, Volume II. Supported by the weight that Mr. O'Keealy's immense learning and research lends to his opinion, which was backed by Sir A. Mackenzie, I feel that I have wasted some expressions of diffidence in putting forward the view above. It is also Lord MacDonnell's view, see paragraphs 12 to 14 of his minute of 20th September 1893. Dr. Field in Chapter XXII of his "Land-holding" argues vehemently against this view.

75. *Pattas and Kabuliyats*.—The chief means, on which Government relied for the protection of the interests of the raiyats, was the exchange of *pattas* and *kabuliyats*. This was very nearly a complete failure in Shahabad as elsewhere. Mr. T. Brooke, the Collector, was called on to report on the progress made in 1793 and censured for his slackness in the matter. In excusing himself in his letter of June 1793, he writes :—

“ It appears that the obstacle to the distribution of *pattas* arises more in the disinclination of the raiyats to receive them, than in the landholders to grant them. For their general distribution the interest of the latter is materially concerned, but the objections of the former to receive them are such as can not readily be got over. For in entering into engagements for the cultivation of a specific quantity of land, they are subject to the payment of the rent though the land should be uncultivated or though an unfavourable season should have destroyed the crop. The usual mode observed here is for the farmer to encourage raiyats to cultivate any quantity of ground that suits them without either written or even verbal engagement and the produce is then divided. Thus a raiyat one year may have 30 or 50 *bighas* in cultivation and from the casual losses either of cattle or from the badness of the season may not choose to have a fourth of that quantity the next. I have even known the same land cultivated by one man for the *kharif* harvest and by another for the *rabi*. The raiyats likewise prefer cultivating on the *bhaoli* tenure, paying their rents by a division of the crops, and at the commencement of the year they cannot be induced to cultivate on any other condition. Should the season afterwards turn out favourable it is not unfrequent for them to assemble in a body and to insist upon the landholders granting them *pattas* at the rate which they themselves may dictate and when the landholders are asked why they do not on such occasions prefer their complaints for such a manifest outrage, they have assured me the consequence would be the desertion of all their raiyats and that they submit to the trifling loss that may occur rather than risk the ruin of their estates.

“ Thus circumstanced I see not how a general distribution of *pattas* can be effected. The Board, however, may be assured that it shall be my strenuous endeavour to remove as far as possible the obstacles that oppose it, for could it be once accomplished the business of the Mal Cutcherry would be most light and easy. But with raiyats who go to their cultivation armed with matchlocks and *talwars* persuasion has little effect.”

76. *The raiyats, real objections to Pattas*.—I venture on the opinion that Mr. T. Brooke was not a very competent officer and was inclined to derive his information of revenue problems from landlords only. The letter certainly reads like a rechauffé, of landlords' excuses for not delivering *pattas*, with no perceptible seasoning of information derived from local inquiries among the raiyats regarding their real grievances.

These grievances were, I have little doubt that they were afraid that the *pattas* would be taken as meaning that they held their lands at the discretion of the landlord, and that a renewal of the *pattas*, which, under regulation VIII of 1793, were for ten years only would be seized on by the landlords as an occasion for enhancement of rates. Their fears were not ill-grounded. It is needless now to point out that generally in Bihar the raiyat who, before the Permanent Settlement, had in theory at least his definite right to cultivate and a definite share in the produce of the land became in the course of the next hundred years for the most part no more than a mere tenant at will and was only restored partially to his old position by the Bengal Tenancy Act.

77. *Buchanan's views about Pattas*.—As regards the fear of enhancement and the establishment of *pattas*, Buchanan's remarks are of much interest :—

“ Near the Ganges all the land is let by regular lease (*zabta*) and each tenant gives an (*kabuliyat*) agreement to pay the amount ; but in the valuable pargana of Chainpur, the tenants are not willing to give such agreements, nor the landlords to grant specific leases. This circumstance on the part of the landlords arises from the fear, that the leases, in the event of a new settlement, would show their real profits ; * and on the part of the tenants to a fear, that these leases might be interpreted as an acknowledgment of a right in the landlord to exact a new rate of rents, when the lease expired. A decision of the Judge at Arrah, to be afterwards mentioned, seems to have quieted the minds of the people in the vicinity of the Ganges, and has induced them to accept of leases, and to grant stipulations for the payment of a certain rent ; and such well-specified agreements are so highly advantageous in preventing oppression or litigation, that I cannot too eagerly recommend it to Government

* Does this really mean that the proprietors had not yet in 1812 credited the assurances of the permanency of the settlement ? Or had Buchanan in mind the *shikadars* ?

to enforce such being universally formed, first by ordering that no new lease without such stipulation should be valid, and secondly by ordering, wherever old rates are considered as good in perpetuity, that the Collector should fix the actual rate due and a new *patta* and *kabuliyat* to that amount, but in perpetuity should be granted."

78. *The judicial decisions regarding enhancement of rent.*—The reference to a decision of the Judge at Arrah is very interesting, and one could wish for fuller details. The matter is much confused, for in his account of pargana Arrah, Buchanan writes :—

"When Mr. W. A. Brooke made the settlement for Lord Cornwallis' $\frac{1}{8}$ ths of this estate are said to have been cultivated, and the assessment must have then been exceedingly high, owing to the low price of grain and to there being no money rent paid, except for poppy. Now everything pays a money rent except rice, which may form $\frac{1}{8}$ ths of the whole crop. Formerly the tenants contended, that, after they had cultivated for five years, the master had no right to raise the rent; and no one would take a lease; but Mr. Turner having decided that, whenever a lease expired, the owner might take what rent he could procure, the tenants are all eager for leases (*patta*) and give in return an agreement (*kabuliyat*) to pay a certain sum."

From this one would naturally conclude that the decision was adverse to the tenant's claim to hold at fixed rates, but it is difficult to see why such a decision should make the tenants eager for leases or why it should "have quieted the minds of the people in the vicinity of the Ganges." Further in his Survey of Bihar district (page 306 of Volume I, Eastern India) Buchanan writes :—

"Some attempts have been made to raise the money rent and it is said that two opposite decisions have been given, the Judge at Gaya having declared that the landlords might let such lands as were out of lease in whatever manner they pleased; while the Judge at Arrah declared that only the old rates could be demanded, and the landlords have found it imprudent to insist on the demand."

79. *A suggested explanation of Buchanan's information.*—I can only hazard the suggestion that there were two decisions at Arrah, one that raiyats who held lands before the Permanent Settlement were entitled to hold on at the old rates, even at the expiry of a lease which was terminable in form; and another that raiyats taking up fresh land were only entitled at the expiry of their first agreement to get a lease at rates agreed on between themselves and the landlord. The former would be the true *guzashtadars* situated in that part of pargana Arrah, which no doubt was fully cultivated, viz., the *rabi* area. The latter would be the new occupants of the *aghani* area, who first took land on the system of *sanbarhu* still found in South Shahabad (vide paragraph 209) under which the rent is progressive for the first five years. I take it "a certain sum" and "a certain rent" in the two first passages I have quoted means "a fixed rent." The adjective had not become colourless by 1812. If this is so it would seem that even in the *aghani* area raiyats who obtained *pattas* would become in modern parlance "fixed rate raiyats," as was undoubtedly the intention of the framers of the Permanent Settlement. I have not been able to trace the decision or decisions to which Buchanan refers, nor have I been able to find any early use of the word *guzashta*. I suggest that the word simply means "past" or "carried over", i.e., in existence prior to the

Meaning of *guzashta*.

Permanent Settlement.*

I cannot find either confirmation or contradiction of Buchanan's statement that in pargana Arrah there were no cash-rents at the time of the Permanent Settlement except for poppy. At any rate, if his statement is correct,

*Mr. Collector Nolan in his letter no. 929-3, dated the 25th July 1883, submitting Mr. (now Sir, D. J. Macpherson's report on the Narairganj Estates to the Commissioner wrote "*Guzashta* simply means old and applies to the old tenants whose right to hold at fixed rents was secured by the early Regulations." There is nothing that I have been able to find in the old papers about Shahabad including the unpublished portions of Buchanan's Map, to support Sir D. J. Macpherson's theories about *guzashtadars* being village maliks or military feudatories. The explanation is repeated in the Gazetteer but it is mere guessing. Mr. Nolan was asked by the Board of Revenue to inquire when *guzashta* was first used. In his letter no. 2630-G., dated the 29th February 1884, he stated that the earliest use he could find was in a decision of a rent suit dated 19th November 1837, in which occurred the words "*Hassat akarah guzashta paiswasta*" meaning "according to the past and by-gone rates." He considered "*guzashta*" was convenient abbreviation of this phrase. Many early papers were destroyed in the Mutiny and the records of the Permanent Settlement give no information as to descriptions of land tenures. On receipt of this letter, Sir Henry Cotton, the Secretary of the Board, did not submit it to the Members but merely remarked that he adhered to his previous opinion which was that it meant that the holdings had been passed over so long (as regards change of rent) that right of enhancement had died out by relinquishment. The opinion is worthy neither of a scholar nor of a Revenue authority.

immediately after the Permanent Settlement the produce-rents were commuted for all the *rabi* area along the Ganges, as it appears from his accounts of Bhojpur and Bihar as well as Arrah, that in 1812 it was all held on cash-rents estimated by him at about Rs. 5 per acre.

80. *Hastobudi rents*.—Buchanan's remarks about the raiyats of Shahabad and the prevalence of *hastobudi* rents are also of interest :—

"In this district I heard of few or no illegal exactions, a great proportion of the tenantry being too high-spirited to submit to the most trifling abuse, and being willing to fight with anyone for a *cowrie*. Some litigious fellows are however a nuisance, the present constitution of our courts, and the delays of justice opening a road for the operations of such pests of society, which they are now beginning to discover and in all probability will soon pursue with a very destructive success.

"Tenants are not afraid of their landlords, nor are they attached to their interests, except when connected by caste or blood : but where these ties exist, I observed several very honourable instances of affection and regard from the subordinate branches of families towards their common head.

"Most of the *nagdi* or money rent, that is paid for the lands near the Ganges and in gardens and fields carefully watered near the villages, as I have said, is in general levied by leases stipulating a certain rent to be paid for a certain extent of land, managed as the tenants please. This I have often mentioned as the best kind of tenure ; and here extraordinary care is bestowed on all lands so let. In the interior however a good deal of land is let on *hastobudi* leases, that is it pays a certain sum of money for each *bigha*, according to the kind of crop with which it is cultivated and of course an annual survey is required. In this district the lands so let are chiefly, although not entirely, such as are some years cultivated with sugarcane or cotton, and in other years with much less valuable crops ; and the great difference in the value of the crops on the same land, in different years seems to have been the reason that has induced the people here to make an exception in the general rule. This reason should not, however, in my opinion, have led to the infringement of such an excellent form of lease. All that is necessary in such cases, is for the tenant, before he enters into a lease, to consider how much of his farm can with propriety be annually cultivated with such valuable crops, and to offer a rent in proportion."

RESUMPTION.

81. *Resumption before the Permanent Settlement*.—Government called on 16th February 1783 for an account of all *jagirs* in Bihar Province. It was reported in April that the only *jagir* in Shahabad was Khaje Muhammad Khan's in Sasaram Pargana of value of Rs. 7,055 and that this had been resumed on the death of the grantee. In April 1787, Law as Collector of Rohtas proposed that this resumed *jagir* should be sold as a *mukarrari* tenure. However the question was held up while the claims of Khaje Muhammad Khan's son to the *jagir* were considered but were finally decided against him in December of that year. But by that time Rohtas had become part of Shahabad district and the question of *mukarrari* tenures had merged into the larger one of a Decennial Settlement with a view to permanency, but Law's letter is of much interest as a contribution to the discussion of methods of Settlement :—

"The *jagir* of Mir Bachu in Sasaram having fallen in to Government on the demise of his father was resumed by me almost immediately after my appointment. The measurement of cultivated and uncultivated is 216,613 *bighas* including Bishenpreet, etc., but the collections are almost all absorbed in salaries and charges and the net revenue amounted by the Treasury account in 1192 to Rs. 1,554 and in 1193 to Rs. 476. The diminution in the second year is attributed to *gilandasi* and the cheapness of grain, and I have called upon the *amin* particularly to account for it. If however the revenue is not affixed, temporary servants will endeavour to avail themselves of the inability in the Collector to pay attention to such trivial concerns. I have written for a particular statement of this year's produce, and with your permission by way of experiment I will put up this small estate to sale on the part of the Company as an hereditary *mukarrari* paying Rs. 2,000 or whatever may appear a proper revenue per annum. The prime cost will be so much net profit to Government, its future rents will be regular being liable only to any general increase. Many wealthy persons, now war is spreading terror all round us, would be induced to settle in the Company's territories could they purchase landed property ; and I will not fail to explain that such tenures will not be exposed to the vexations of future investigation as the King's *sanads*, etc., because the title deeds will be granted under the Company's seal. Permit me to solicit your particular consideration of this subject, which offers a timely supply of specie exclusive of a future revenue. Every novelty is apt to create a distrust, and at first the land will not sell at its proper value but by this instance I shall be enabled to form an idea of the effect of such a measure to a large extent on the mind of the natives."

82. *Deane's resumptions.*—Apart from this isolated instance of resumption prior to the Decennial Settlement, resumption, in its modern sense of bringing of lands, which had escaped assessment at the Decennial Settlement, on to the revenue roll, first started in Shahabad in about 1799, when Mr. Deane, Collector of the district succeeded in tracing out 453 villages out of 907 which he believed not to be on the roll of the Decennial Settlement. He reported in 1801 to this effect but had, as a matter of fact, already increased the revenue roll from Rs. 10,33,942 in 1206 *Fasli* to Rs. 11,02,726 in 1207 *Fasli*, of which Rs. 59,018 represents increase on account of the Settlement of Nur-ul-Hussain Khan's zamindari and the balance the assessment of alluvial accretions (*gangbaramad*) and unassessed lands (*taufir*).

83. *Twining's estimates of lands liable to resumption.*—Mr. Collector Twining followed up this work and reported on October 15th, 1804, that he estimated the resources of unassessed lands (*taufir*) and villages waste at the time of the Decennial Settlement (*wyrani*) at Rs. 1,62,555.*

Some action was taken on this in 1810-11 as the demand rose from Rs. 10,97,977 to Rs. 11,16,200. But no steps were taken to assess the 454 *wyrani* villages found by Mr. Deane, but not assessed by him, as Mr. Collector Carter reported that nothing had been done by 18th June 1814. He also reported a large tract of *gangbaramad* land in Bhojpur as in possession of Raja Bikramajit Singh, without payment of revenue. The Board ordered assessment and reports of progress. Something was done as about Rs. 10,000 was added to the revenue roll between 1220 and 1222 besides the increase due to the Settlement of Haveli Rohtas.

84. *The Seh Salah Register.*—In 1816 the district with the rest of Bihar, Ramgarh and Benares, was placed under the charge of the Board of Commissioners for the Central Provinces, afterwards called the Board of Revenue, Central Provinces, which was in direct communication with Government. Mr. Dean, who as Collector of Shahabad in 1801, had been very active about resumptions, was one of the Board and he compiled in 1817 a register called the *seh salah* showing the villages comprising each estate with their areas, from the accounts of persons, who were candidates for the office of Kanungo, then about to be revived. No doubt he intended to use this for the purpose of tracing further lands liable to resumption. However, very little was done before Government called for a special report in December 1828 when it was found that the progress of resumption in Shahabad between 1819 and 1829 had resulted in an increase of revenue amounting to Rs. 7,807.

85. *Organized resumptions.*—The Government was generally dissatisfied with the progress made and at last in 1833 realized the necessity for a special staff of Deputy Collectors for resumption and assessment of resumed lands. The work was carried out with more promptness in Shahabad than in some other districts and was practically finished by 1837, when the Board reported that 1,025 estates had been resumed yielding a total revenue of Rs. 1,80,950.

86. *Illegal resumptions of small "Hukumi" grants.*—This was however slightly reduced as the result of the discovery that many *hukumi* grants of less than 100 *bighas* had been illegally resumed, a fact which the Board reported to Government in their almost tearful letter no. 120, dated 9th January 1838, deploring the sad lack of knowledge of revenue law among their subordinate officers.

87. *The Board's orders on pending cases.*—The remaining cases on the Special Deputy Collector's file (Mr. Lushington) were struck off under the orders of the Board conveyed in their letter no. 266, dated the 21st August 1838. Mr. Lushington had reported that the cases left on the file had all arisen from the fact that certain villages or parts of villages or shares in villages which were found as appertaining to certain estates in Mr. Deane's *seh salah* register of 1817 were not found in Hoshiar Jang's Register of 1773 or in the Register

*He incidentally remarks with apparently little hope that the Board will take any notice that he has spent about Rs. 2,900 out of his private purse in wages to extra *muharrirs* presents to old Kanungoes, etc.

of estates settled in 1790, or that the areas in the *sek sala* were more than the areas in the earlier registers. The Board's reply is of such importance that I give it in full:—

"*Second.*—The Board remark that Mr. Lushington distinguishes the *tafsir* cases under four heads or classes: the fourth of which must, they are of opinion, at once be rejected.

"*Third.*—For (the Board observe) the Permanent Settlement of these Zillahs was not based on the *rakba* of the several villages, but each person engaged for his estate in the gross without any condition or even specification of *rakba*. The *rakba* (called *kilabi* from being recorded in a book or register) is they are informed derived from the most ancient records of the Kanungos' office under the Muhammadan Government now denominated *duster pareena* and again from a register compiled under the orders and superintendence of Mr. Deane in 1817, when Commissioner in Bihar and Benares, who preparatory to the re-establishment of the office of Kanungo (directed by Regulation II of 1816) invited every person having accounts in his possession and desirous of being appointed to the office of Kanungo to come forward as a candidate.

"*Fourth.*—By this means a number of people were collected and from their joint contributions and labour the book or register alluded to by Mr. Lushington as the *sek sala* Register was prepared.

"*Fifth.*—It thus appears that in the one case the *rakba* shown is that of half a century or more before the Permanent Settlement and in the other an account furnished from miscellaneous sources 25 years after that event and that neither of them guided or controlled the settlement in any degree.

"*Sixth.*—This recorded *rakba* moreover is not at all to be depended upon. Experience has shown it to be frequently as much above the actual area as it is sometimes found to be below it. Further, in the lapse of time, it cannot with certainty be known what was the measurement on which the recorded *rakba* was grounded, whether the *lodikhani* or the *sikandari* which differ materially.

"*Seventh.*—Under these circumstances, the Board consider a claim on the part of Government to assess lands in a village included in a permanently settled estate, merely because the existing actual *rakba* is found to exceed that on record in the Collector's register to be untenable and that it would not be upheld by the higher court or sanctioned by the supreme authority.

"*Eighth.*—The first, second and third classes on Mr. Lushington's file are substantially the same, that is the claim on the part of Government rests on one and the same ground, viz., that villages or portions of villages are said to exist of which no trace can be discovered in the Register of 1197 *Kashi* the year of the Permanent Settlement.

"*Ninth.*—On this point the Board would observe that Settlement was not of villages or as it is called *mauzawari* but of estates, composed of one or more villages, called *taluq-wari* and that the engagements executed by the proprietors contain no mention of villages but merely guarantee the payment of one net sum for the entire estate.

"*Tenth.*—But what is the evidence that these villages were not included in the Settlement? The question has been raised by persons who are ignorant of the principle on which the Permanent Settlement was formed, who consider that every *bigha* of land not actually assessed or contributing to the general assets of the estate at the time of Settlement, must necessarily have been excluded from it.

"*Eleventh.*—This is a very common error amongst the native officers of account, who conceive exclusion from assessment and from Settlement to be synonymous terms. These were the people who drew up the Registers after the Settlement. The proprietors themselves did not file any list of the villages comprised in their estates, or if there be any exceptions they are very rare.

"*Twelfth.*—It will therefore always, at the best, be doubtful whether any particular village not recorded in the Collector's register was included on the Permanent Settlement or excluded from it and it is evident that the *onus probandi* must in all fairness rest with the Government.

"*Thirteenth.*—The Settlement was general and comprehensive and on this the proprietors rest their claims. If exceptions exist it is for the officers of Government to point them out and to prove that the lands were excluded from the Settlement. This the Board apprehend cannot be done. Indeed it appears from Mr. Lushington's letter that the attempt has been made and that it proved fruitless; the evidence in support of the Government claim having been rejected by the Special Commissioners. One case in this instance would rule all.

"*Fourteenth.*—Under these circumstances and with advertance to the principles set forth in the orders of Government, dated the 2nd May 1837, the Board are of opinion that no claim to additional revenue should be preferred on behalf of Government on the several cases noted

by Mr. Lushington and if you concur in this view of the subject, you are requested to address that officer, communicating to him a copy of this letter and authorising him to strike all the above mentioned *taufir* cases off his file."

88. *Financial result of resumption.*—The financial result of the resumptions has already been stated in paragraph 85 to have been an increase of the total revenue by Rs. 1,80,950. The total land revenue demand of the district rose as a result of the resumptions and of the inclusion of Chausa Pargana from Rs. 11,34,003 in 1815 to Rs. 13,55,282 in 1843.

THE REVENUE AND DIARA SURVEYS.

89. *The Procedure of the Revenue Survey.*—The revenue survey was carried out in Shahabad district in the years 1844-6. It was, as elsewhere, preceded by a *thakbast* survey, by an unprofessional staff working under a Deputy Collector who prepared rough sketch maps of the villages adopted as units, to afford a guide as regards boundaries to the professional revenue surveyors. Where two or more estates fell in one village a *khetbat* map was also prepared either at the time or later, which is also a rough sketch map, but shows the blocks of land appertaining to each estate.

90. *Defects of the survey.*—There is no doubt that the survey was distinctly inferior in this district, particularly in the Kaimur Hill area, where boundaries were merely sketched in and even physical features were surveyed incorrectly. There was also very indifferent comparison of boundaries between this district and the neighbouring districts of Patna, Gaya and Palamau lying across the Sone, and obviously no clear orders were sought or at least obtained as to how the Sone bed was to be treated. The Revenue Survey Report on the district, which I saw in 1915 in the India Office, is meagre and practically useless and though I believe the annual reports usually give some interesting details, I have not been able to get hold of them.

91. *Resumption resulting from the revenue survey.*—The revenue surveyors discovered a certain amount of land liable to pay revenue for which no revenue was paid, and the land revenue demand expanded from Rs. 13,55,282 in 1843 to Rs. 14,09,708 in 1853. In some other cases notes, that villages were unassessed, were left recorded in the revenue Survey Registers and two such notes gave rise to interesting questions of Revenue law in connection with the present operations.

92. "Unsettled" land in village Hariharpur.—Revenue survey village Hariharpur no. 473 of Pargana Bhojpur was cadastrally surveyed together with village Gopnuawan, thana no. 318 of thana Buxar. It was reported to be unsettled, i.e., held without payment of land revenue and this fact was found to have been noted in the *mahalwar* and *mauzawar* registers of the revenue survey, while in the *thakbast* records it was shown to be a separate village not included in any mahal. In 1846 the Collector took up resumption proceedings, but by a *rubakari*, dated the 2nd November 1847 he struck the case off his file, acting as he said in accordance with the orders of the Board of Revenue, dated the 21st August 1838. These orders have already been quoted in paragraph 87. In spite of this the village continued to be recorded as unsettled in the Land Registers. The Board of Revenue, Bihar and Orissa, by Resolution no. 242, dated the 17th November 1913, held that the Collector's order of 1847 was final under section 21 of Regulation II of 1819 having been passed in accordance with the Board's order. It was subsequently ordered by the Board that the record-of-rights should be corrected and the land in question recorded as a rent-free tenure formed out of the estate Pandey Patti to which it appertains.

93. "Unsettled", land in village Mahran.—The other case was that of village Mahran, revenue survey number 1952, Pargana Chainpur and thana number 407 Bhabhua. The land of this village was found at the time of the present operations to be held by the proprietor of the estates called Manikpur bearing *tauzi* numbers 2758 and 2759 which lie in the neighbouring village of the same name. It was noted by the revenue surveyors as "unsettled". In this case no attempt appears to have been made as was made in the case of

Hariharpur to assess it to revenue, and on the facts being represented to the Collector in 1912 by the Settlement Officer, South Bihar, inquiries were made and a proposal to resume was made to the Board of Revenue. The Board, however, considered that in view of the statement in the Lower Provinces Board's letter of 21st August 1838, that the Permanent Settlement in Shahabad was *talukdari* and not *mauzadari*, i.e., without any specification of the villages comprising each estate, it was most unlikely that Government would by any possible means be able to prove that the village Mahran was not covered by the settlement made with the proprietors of Manikpur, more particularly in view of the facts that the village Mahran is held and was, as early as 1844, held by those proprietors, and that in December 1846 the Collector was definitely informed that in the opinion of the revenue surveyors the village was unsettled and yet took no steps to assess it to revenue. The Board, therefore, in letter no. 17-111-8, dated the 6th May 1914, held that the village should be taken as a part of the permanently-settled estates, Manikpur and the Settlement Officer was directed under section 104 G (2), Bengal Tenancy Act, to make the necessary corrections.

94. *Diara Survey of 1863-4.*—A *diara* survey under the provisions of Act IX of 1848 was carried out in the Gangetic *diara* in 1863-4.

95. *Result of the Diara Survey.*—As much of the land on both sides of the Ganges, i.e., the Shahabad side and the Ballia side, belonged at the time to the Dumraon Raj, it was found that no considerable adjustments of revenue on account of alluvion and diluvion were required. Hence no very great change occurred in the total revenue demand as the result of this survey. The *diara* survey considerably modified the villages as demarcated by the revenue survey, and gave rise to some very hotly contested Civil suits in which the Dumraon Raj was interested, particularly as regards village Chaki Naranga, thana no. 28, Shahpur and other villages lying to the south and east of it. The Dumraon Raj was confirmed in possession of large tracts of land, which had oscillated between Shahabad and Ballia districts.

96. *Turk Ballia and the law of alluvion and diluvion.*—A question of great importance is now being raised, as the result of the present operations, in the matter of a tract of land called Turk Ballia. This constitutes an estate previously borne on the Ballia *tauzi* roll, but transferred to the Shahabad *tauzi* roll, and recently purchased by Government for one rupee in the absence of other bidders at a revenue sale. The actual site of the estate or some part of it is believed to be in the possession of the Dumraon Raj. As the matter is likely to come before the Courts, it is inadvisable to discuss it at length, but it may be noted that the principal question will probably be how far the right created by accretion applies to land not originally in the public domain but previously in the possession of private individuals paying Government revenue.

97. *Diara Survey of 1881-3.*—The Gangetic *diara* was again surveyed under Act V (B. C.) of 1875 in the years 1881-3 when the adjoining district of Ballia was under Survey and Settlement. A large area was reported by the survey staff to be accretions to estates, and probably liable to assessment, but for the causes indicated in paragraph 95 above very little of it was ultimately found to be assessable. This survey again altered the boundaries of villages according to possession and hence there are three official surveys covering the same tract but showing materially different units in that tract. In the present operations the difficulty has to some extent been avoided by excluding from the operations the unstable land. But it would be very desirable if the law were amended so as to secure geographical stability in *diara* tracts, even where physical stability is wanting. The units of administration both in

dias and elsewhere ought to be as far as possible perfectly definite geographical areas, preferably demarcated by permanent marks, but at any rate capable of being demarcated at any time as required and not dependent on the rights or power of the owner of the unit to encroach on the land surrounding it. Of course there are cases, in which administrative convenience requires for administrative purposes a boundary, which fluctuates geographically. But there seems to be no reason why the unit of survey should continue to depend on the capricious basis of possession.

MODERN PERIOD.

98. *Partitions*.—There is not a great deal to be said regarding the land revenue history of Shahabad district in recent years beyond what will be found in the Chapters on Government and temporarily-settled estates. Partitions have been numerous as the following table shows :—

Year.	Total number of estates of all kinds.	Percentage of increase.
1859	8,500	...
1872	4,907	40
1892	7,260	48
1912	10,724	48

Roughly speaking the number of estates on the *tauzi* roll will double itself in something less than 40 years.

99. *Revenue sales*.—Figures for revenue sales of whole and part estates for the 20 years 1895 to 1915 have been examined with the following result :—

Average yearly figures for the period.	Number sold.	Government Revenue.	Price realized.	Proportion of price to Revenue.
1895—1905	131	Rs. 17,189	Rs. 1,59,144	9.3
1905—1915	43	6,248	27,813	4.5
1895—1915	87	11,719	93,479	8.0

Thus it appears that the demand is becoming more and more easy to collect without recourse to the extreme measure of a revenue sale, and it is now only the estates, where for some reason the demand reaches the comparatively high proportion of one-quarter of the value of the property that come up for sale. In the period 58 estates in all have been bought in by Government for lack of bidders.

100. *Incidence of Land Revenue*.—I have shown in paragraph 375 below that the total land revenue demand of the district was in 1912 about 17.8 per cent. of the assets after deducting cost of irrigation in produce-rent lands and of cultivation in the lands held by landlords, and about 19.8 per cent. of the landlord's income after deducting collection charges. Considering how much of the district is either temporarily-settled or Government estates, this is distinctly

below the figure for Patna. The incidence of land revenue on total and on net cropped area in certain districts of Bihar is shown in the following table :—

District.	Incidence of Land Revenue in rupees per 100 acres.	
	On total area.	On net-cropped area.
	Rs.	Rs.
Shahabad	65	102
Patna	115	152
Saran	77	98
Monghyr	81	52
Bhagalpur	23	33

These figures ignore small portions of the districts not included in the statistics, but are probably quite accurate enough for comparison. The incidence on total area affords no very useful comparison as districts vary so much in the proportion of unculturable land to total area. The incidence on net-cropped area after making allowance for difference in average fertility, is a fair guide to the pitch of the assessment. From this it appears that Shahabad is heavily assessed as Bihar assessments go. Saran is almost certainly more fertile, while Monghyr and Bhagalpur are certainly not only one-half and one-third as fertile as Shahabad. Buchanan estimated in 1812 that the cultivated area was 2,294 square miles or 1,466,160 acres. The land revenue demand in 1815 was Rs. 11,34,003 or Rs. 77 per hundred acres of net-cropped area. Hence the demand has probably increased on the whole faster than the actual extension of cultivation, that is to say Government by resumption and other means has been able to secure some portion of the increased money value of the crops due to rise in prices. Prices of staple food-crops have risen in the proportion of 100 : 263 according to Buchanan's figures.

101. *Land revenue and the annual income of the district.*—Another comparison which may be of interest is between the value of the gross produce and the revenue at the two periods. For crops alone, i.e., excluding fruit, etc., Buchanan's estimate for the district in 1812 was Rs. 1,16,14,181 while the land revenue demand in 1815 was Rs. 11,34,003 or 9.78 per cent. of the value of the gross produce. I have calculated elsewhere that the value of the gross produce of crops for the whole district was in 1952 Rs. 4,75,47,284 while the land revenue demand was Rs. 17,78,578 or 3.74 per cent. of the value of the gross produce.

PART III.
THE PRESENT OPERATIONS.

CHAPTER I.

SURVEY AND PRELIMINARY RECORD-WRITING.

102. *Order in which the thanas of the district were taken up.*—For the purposes of the Survey and Settlement operations the district of Shahabad was divided into four portions, which were taken up in successive years. These portions were as follows :—

Thana.	Season of Traverse Survey.	Season of Cadastral Survey and Khanapuri.	Season of Attestation.
1	2	3	4
Arrah	1907-8	1908-9	1909-10
Dumraon	} 1908-9	} 1909-10	} 1910-11
Buzar			
Piro			
Shahpur	} 1909-10	} 1910-11	} 1911-12
Bikramganj			
Mobanea			
Karghar	} 1910-11	} 1911-12	} 1912-13
Bhabhua			
Dehri			
Sasaram			

103. *Control.*—Work began in November 1907. At that time Mr. P. W. Murphy, I.C.S., was Settlement Officer of Bihar. I acted for him from May 17, 1909 to October 11, 1909, and again from April 29, 1910 to November 9, 1910, from which date the charge of Shahabad was separated from the charge of the districts under completion, viz., Patna and Monghyr, and I was in charge of the Shahabad Settlement until December 8, 1911, with the exception of the period March 29, 1911 to October 9, 1911, during which time the late Mr. P. S. Shettle, I.C.S., acted for me. On December 8th, 1912, Mr. Murphy relieved me, and remained in charge till September 13, 1913. Mr. E. L. Tanner, I.C.S., then succeeded Mr. Murphy and has remained in charge up to the close of the operations, except for the period April 14, 1914 to September 1914 during which time Mr. A. B. Duncan, I.C.S., acted for him. Mr. J. F. W. James, I.C.S., Mr. O. L. Philip, I.C.S., the late Mr. P. S. Shettle, I.C.S., Mr. E. L. Tanner, I.C.S., Mr. F. G. Rowland, I.C.S., Mr. A. B. Duncan, I.C.S., and Rai Sahib Nilmani De, were in subordinate charge of the work for various periods.

The headquarters of the Settlement were at Bhagalpur until October 1910, when the old Civil Courts at Arrah became available. The headquarters were again moved to Gaya in March 1912, and located in the abandoned Opium offices, a new building being erected to provide additional accommodation. Rai Sahib Nilmani De was Assistant Settlement Officer, Headquarters, till October 1910, Maulavi Shamsuddin Haidar from that date to May 1914, and Babu Sudhanshu Bhushan Mitra to the close of the operations.

104. *Traverse survey.*—The traverse operations were carried out by no. IV Traverse Party of the Survey of India under the control of Lieutenant-Colonel Crichton and Major Hirst. The area traversed in each season was as follows:—

Season.	Area in square miles.	Name of thanas traversed.
1	2	3
1907-8	346.07	Arrah.
1908-9	1529.65	Dumraon, Buxar, Piro, Shahpur and Bikramganj.
1909-10	1560.99	Mohanes, Karghar, and Bhabhua.
1910-11	851.07	Dehri and Sasaram.
Total	4287.78	

105. *Amalgamation of revenue survey villages.*—The Traverse Survey programme was carried out punctually and accurately as usual, and the defects which came to light at cadastral survey were few. In the season of 1908-9 some difficulty was found in locating the large number of minute revenue survey villages. This was obviated in later years by the use of the jurisdiction maps which were available before Survey and Settlement operations in this district for the first time in the history of the Bihar Settlement. With the help of these maps provisional amalgamations of small revenue survey villages were made and communicated to the Traverse Party, who prepared a single plot for each village as provisionally adopted under section 3 (10) (b) of the Bengal Tenancy Act, leaving the boundaries of the revenue survey villages included therein to be surveyed by the cadastral staff. There were some complaints, especially in the last year of survey, that the traverse stations were insufficiently marked, and this is a matter which, it is understood, has received special attention since the control of the traverse survey has been vested in the Director of Land Records and Surveys.

106. *Traverse survey carried to northern high bank of Ganges.*—The traverse in the north of the district was carried right across the Ganges and connected with permanent stations on the Ballia and Ghazipur high bank.

107. *Traverse survey in Kaimur hills.*—In the difficult area of the Kaimur hills the traverse was particularly well done, and the subsequent difficulties of deciding village boundaries in that area were very much minimized by the care which the sub-surveyors had taken to have the boundaries pointed out by the *baigas*, and to run traverse lines in close proximity to these boundaries. The only serious defect was found in the southern boundaries of eight villages situated in the south-west corner of Bhabhua thana, adjoining the long, narrow tongue of Sasaram thana, where the traverse stations had not been placed near enough to the top of the precipice which overhangs the Sone valley, to allow of an accurate survey of the cadastral boundaries, without additional traverse.

CADASTRAL SURVEY AND KHANAPURI.

108. *Control.*—The operations of Cadastral Survey and Khanapuri were, in accordance with the practice adopted in the season of 1907-8, carried out under the sole control of the Settlement Officer. Mr. Philip, was in subordinate charge during the field seasons 1908-9 and 1909-10. I was also in subordinate charge in 1909-10, Messrs. James and Rowland in 1910-11, and the late Mr. Shettle in 1911-12. Mr. J. H. Murphy was Professional Adviser throughout.

109. *Progress.*—From the records of the area and *khasra* sections of the Survey branch, it appears that the progress of the work was as shown in the following statement:—

Season-	Survey, square miles.	Record-writing, square miles.	Names of thanas.
1	2	3	4
1908-9	340.61	829.17	Arrah.
1909-10	1504.62	1493.70	Dumraon, Buxar, Piro, Shahpur and Bikramganj.
1910-11	1566.78	1560.78	Mohanea, Bhabhua and Karghar.
1911-12	650.60	848.73	Dehri and Sasaram.
Total	4256.61	4232.38	

110. *Area covered by the operations.*—It is not worth while to spend time in explaining precisely why the area surveyed comes out greater than the area for which records have been written. The precise area covered by the operations and the area treated exceptionally or excluded from the operations altogether is set forth in the following table, which is taken from the statistical registers deposited with the Collector of Shahabad. The area of each village in these registers has been carefully agreed with the area entered in the thana lists and the areas in the second column will be found to agree with the areas in the third column of statement above:—

Thana.	Area for which records have been prepared in present operation.		Previously surveyed area for which statistics are available.	Total of 3 and 3.		Previously surveyed area for which statistics are not available.	Topographically surveyed in present operation.	Area of congested town sites surveyed in blocks in present operation.	Grand Total.	
	1	2		3	4				5	6	7	8
	Acre.	Sqr. miles.	Acre.	Acre.	Sqr. miles.	Acre.	Acre.	Acre.	Acre.	Sqr. miles.
<i>Buxar Sub-division.</i>										
Buxar	191,564	299.34	1,717	193,301	302.08	...	...	111	193,412	3 2.20
Dumraon	191,510	299.23	4,303	196,813	308.95	5,900	...	210	201,023	316.53
Total	383,074	598.57	6,020	390,114	607.99	5,900	...	321	395,335	617.70
<i>Sadar Sub-division.</i>										
Arrah	2,0,074	299.17	2,065	212,729	322.38	...	7,316	1,448	221,447	346.57
Piro	191,559	299.31	9, 82	201,841	314.49	1,079	...	...	202,914	316.11
Shahpur	147,787	230.91	...	147,787	230.91	...	...	...	147,787	230.91
Total	550,420	859.39	11,737	551,757	877.79	1,078	7,316	1,448	571,589	1 033.59
<i>Sasaram Sub-division.</i>										
Bikramganj	333,643	504.91	...	333,643	504.91	...	...	...	333,643	504.91
Karghar	109,663	164.94	...	109,663	164.94	...	...	...	109,663	164.94
Sasaram	437,424	683.47	...	437,424	683.47	...	...	303	437,727	683.91
Dehri	105,749	165.26	...	105,769	165.26	...	1,199	...	106,969	167.12
Total	986,489	1478.58	...	986,489	1478.58	...	1,199	303	987,792	1480.91
<i>Bhabhua Sub-division.</i>										
Bhabhua	552,599	810.31	...	552,599	810.31	...	...	135	553,734	811.50
Mohanea	248,743	385.53	...	248,743	385.53	...	...	...	248,743	385.53
Total	801,342	1195.84	...	801,342	1195.84	...	...	135	802,477	1197.03
Grand Total for District	3,707,753	4933.58	17,767	3,725,512	4260.12	8,973	8,546	2,191	3,734,183	4268.23

This statement requires some explanation.

111. *Previously surveyed area*.—The area shown in column 3 was previously surveyed and a record-of-rights prepared under Chapter X of the Bengal Tenancy Act in the years shown in the following statement:—

Buxar	...	...	...	...	1901, 1903-4 and 1907
Dumraon	...			...	1900
Arrah	...	...	...	...	1901-2
Piro	...	...	...	...	1901-2 and 1907-8

These operations include the surveys of some villages of the Dumraon and Hathwa Estates completed under the supervision of Mr. Coupland, and petty surveys carried out under the control of the Collector. It should be noted that irrigation statistics are wanting for the 4,303 acres dealt with in Dumraon thana, and for 3,496 acres out of 9,682 acres dealt with in Piro thana. The area shown in column 5 was also previously surveyed and a record-of-rights prepared under Chapter X of the Bengal Tenancy Act, that in Dumraon thana in 1893, and that in Piro thana in 1890-1. In these operations no statistics were collected, or at least none are now to be found in the Arrah Collectorate. All this area was necessarily excluded from the present operations by virtue of the notifications of which details are given in Appendix B. In some cases where the maps were old or lacking in accuracy, a topographical survey was made for the purpose of completing the standard 1" maps of the district.

112. "*Abadi municipality*".—The area in column 7 consists of congested urban site lying within the municipalities of Buxar, Dumraon, Arrah, Sasaram and Bhabhua. On the 16" cadastral maps these areas were merely surveyed in blocks to show roads and lanes and entered in the record-of-rights in a separate *khewat* and *khatian* under the heading *abadi* municipality in manner described in paragraph 209 of Mr. James' Patna Final Report. The municipalities of Dumraon and Sasaram were surveyed in detail at the request and at the cost of the municipal authorities, and a *khassra* showing the owners and occupiers of the houses prepared. The congested urban area of these municipalities was surveyed on the 64"=1 mile scale and a wall map on the 16" scale prepared for the whole area within the municipal boundaries.

113. *Survey of Jagdishpur*.—Some area in the village Jagdishpur of Shahpur thana was also treated as *abadi* municipality, but as it formed part of Mr. Mylne's temporarily-settled estate which was under revenue settlement, it was found necessary at a later stage to prepare a detailed record and map, and hence the area appears in column 2 of the statement above.

There remains the explanation of the figures in column 7.

114. *Topographically-surveyed areas*.—The figure against thana Dehri represents two villages, Kaithi Mahazi and Kachhawa Mahazi, lying within the district boundary, but wholly below the high bank of the Sone.

115. "*Nadi Sone*".—Elsewhere the bed of the Sone as far as it lies in Shahabad district has been included in some village of which a record-of-rights has been prepared, but has been shown without any definition of the rights of landlords or tenants in it under the entry "*Nadi Sone*". This practice was adopted for the portions of the Sone which lie in Arrah, Piro and Bikramganj thanas without serious objection. When however, thanas Dehri and Sasaram were taken up, some objections were raised both by the Collectors concerned on behalf of Government and by private proprietors. Several test cases were heard at length by Mr. Duncan. There was clear evidence that in some cases the bed of the Sone had not been included in the Permanent Settlement of the land above the high bank, but in other cases the evidence was defective. The net result was to induce the conclusion that the question could not be decided without investigating the case of each village separately, and as the Settlement Officer is not given powers to indentify estates according to title or assess land held in excess of the settlement, the representatives of Government and the private proprietors were both agreed that the expenses of the inquiry would not be justified and that this area should be shown in the records as "*Nadi Sone*" without

specification of any proprietary right. The only other difficulty arose from the fact that a comparison of the Shahabad and Patna Revenue Surveys and to a lesser extent the Shahabad and Gaya and the Shahabad and Palamau Revenue Surveys revealed gaps and overlaps. These gaps and overlaps were divided between the two contiguous districts.

116. *Ganges diara*.—The problem of the Ganges was much more thorny, and gave a great deal of trouble at all stages. The Sone, except for a few miles near its confluence with the Ganges, is a remarkably stable river, and neither alters the position of its high banks nor permits the formation of culturable "*chars*" in its bed to any considerable extent. The Ganges, however, in Shahabad district, after it has passed Buxar, is subject to constant changes of course, and at some places is subject to fluctuations which cover a breadth of upwards of eight miles, while at the extreme eastern end of its course along the boundary of the district its vagaries are further complicated by its junctions with Gogra from the north and the Sone from the south.

117. *Previous surveys of Ganges diara*.—The major portion of the tract which is subject to the fluctuations of the Ganges had already been surveyed on three occasions, viz., in 1844-5 in the course of the Revenue survey, in 1863-4 in the course of the *diara* survey, and in 1882-3 in the course of the Ballia district and *diara* survey. In all these three surveys village boundaries were laid down on the maps, though not of course on the ground, and in each survey the boundaries differed and entire villages disappeared and were replaced by new and differently bounded villages. The maps of the 1882-3 survey, which show in faint lines the boundaries of the villages of the previous surveys, as far as they could be accurately put on, are exceedingly complicated as might be expected. In view of these circumstances it was a matter for consideration whether a detailed survey of the tract was desirable.

118. *Financial prospects of a diara survey*.—Mr. W. A. Marr, who was Collector of Shahabad when the operations began, had pressed for a fresh *diara* survey under Act IX, of 1847. He represented that at the previous *diara* survey of 1882-3 a large area outside permanently-settled estates had been found. He was also anxious for a detailed survey for administrative reasons. An examination, however, of the papers relating to the previous *diara* surveys showed that for the reasons indicated in paragraph 95 above, no very material increase of revenue had resulted from those surveys. For instance only an insignificant portion of the 18,000 odd acres reported by the officers of the *diara* survey of 1882-3 as being accretions to privately-owned estates in Shahabad had actually been assessed to revenue after that survey. These facts naturally put an entirely different complexion on the financial arguments in favour of a detailed survey. It was also found that all the Government and temporarily-settled estates in the district except one Government estate village in thana Arrah, and a group of four small Government estates in thana Dumraon, lay south of the traverse line. If cadastral survey were carried up to that line they would all be taken up in ordinary course, except those five estates.

119. *Administrative arguments for a diara survey*.—As regards the administrative arguments in favour of a detailed survey, the chief trouble of the local authorities was the difficulty of laying down boundaries of the revenue or *diara* surveys in cases that came up either on the revenue or criminal side. This difficulty of course arises from the absence of fixed marks and is inherent in *diara* areas. It was finally agreed as the result of a conference between the Director of Land Records, Mr. McPherson, the Director of Surveys, Lieutenant-Colonel Crichton, and Mr. Marr and Mr. Johnston, who were making over and taking over charge as Collector at Arrah, that the administrative difficulties would probably be fully met by the scheme proposed by Major Hirst of preparing congregated maps showing the relative positions of the boundaries of all surveys in the *diara* with fixed marks on the ground shown on the maps. The subsequent history of this scheme as far as it affects Shahabad district will be discussed later, but it may be noted here that as far as relaying a particular

boundary is concerned, the most profitable course for the Collector of Shahabad to follow is no doubt to apply for the services of the Survey Department as soon as possible after the river has receded at the beginning of the cold weather. The Survey Department will not even require fixed marks near the boundary to be relaid, but will be able to work from fixed marks at a distance on the stable ground beyond the *diara*.

120. *Decision of the Board of Revenue.*—The decision that was arrived at and subsequently approved by the Board of Revenue, was that the instructions laid down in Government Resolution no. 914-T.R., dated the 12th October 1896 (printed as Appendix G-10 of the Bengal Settlement Manual), should be followed. In effect this meant (1) that the cadastral survey and record-writing should be carried up to the line already adopted by the Traverse party with such modifications as the Settlement Officer thought necessary; (2) that the *diara* area, lying north of the line adopted as the limit of cadastral survey with the exception noted in (4) below should be surveyed topographically on the 4" = 1 mile scale as far as the permanent stations on the Ballia high bank without any attempt to map village boundaries; (3) that the area topographically surveyed with the exception noted in (4) below should be withdrawn from the scope of the district notifications under section 101(1) of the Bengal Tenancy Act and section 3 of the Survey Act. (The amendment of the latter notification was necessary because that section directs that the boundaries of estates, tenures, mauza or field shall be demarcated.) (4) That the five Government Estate villages, viz., Mahedewa *diara* thana no. 3, Revenue Survey no. I and Jurisdiction list no. 2 (2) in thana Arrah, and Bisupur Revenue Survey nos. 45, 43 and 48 and Jurisdiction list nos. 393, 394 and 395 and Bisupur Milik Revenue Survey no. 47 and Jurisdiction list no. 391 in thana Dumraon should be cadastrally surveyed and a *khasra* only written for them, which should be made over to the Collector for revision of revenue settlement, if and when found necessary. Further, that these villages should be withdrawn from the notifications under section 101(1) of the Bengal Tenancy Act, but not withdrawn from the notifications under section 3 of the Survey Act. The notifications required were published as nos. 1860-1863-T.R., dated the 3rd October 1910.

121. *The thana maps.*—The question, however, remained how the one-inch thana jurisdiction maps should be completed. Mr. H. McPherson, as Director of Land Records, proposed to the Board to show the whole of the area between what may be conveniently called the southern high bank, though it is strictly speaking merely the limit of record-writing, and the mid-stream as "river blocks" on the thana maps, and, on receipt of the congregated maps, under preparation by the Director of Surveys showing for the whole Ganges bed the boundaries of villages at different surveys, to reduce these maps to the one-inch scale and file them with the thana maps.

122. *The Board's orders regarding the maps.*—Sir D. J. McPherson, the Member of the Board, on 13th September 1911, declined to sanction this course on the ground that any map prepared by Government for whatever purposes might be regarded by the Courts as an admission against Government, and that the proposal of the Director of Land Records might prejudicially affect the interests of Government, as indicating that portions of the river bed, which as a navigable river is the property of the State, are actually included in villages and implicitly in the estates, of which such villages form a part.

123. *Interpretation of the orders.*—Sir D. J. McPherson's orders were communicated to me, as Settlement Officer. I took them to mean that no portion of the bed of the Ganges was to be included in any village map or any record-of-rights, and proceeded to exclude all such areas from the maps and records. In some cases the records had already been finally published and in these cases I instituted proceedings under section 108A for the correction of the records, and in the case of two villages, Nagpur and Sanjoel in thana Arrah, completed the proceedings. In other cases the section 108A proceedings

were left pending until the notifications excluding these portions from the scope of our operations should have been published. In other cases again the records had not been finally published, and here I merely struck out the river area without recourse to section 108A. This work required my personal attention to a great deal of somewhat difficult detail, and could only command it when I could spare the time from the more important work of the field season. It was not, therefore, till June 1912 that I was in a position to submit draft notifications for the corrections of the notifications in accordance with the Board's orders as I interpreted them. The Director of Land Records, Mr. J. Reid, questioned the need for these notifications and was inclined to doubt my interpretation of Sir Duncan Macpherson's order, though he admitted that it was the logical outcome of the opinion expressed by the Board. A further detailed examination of the records and maps was made, and it was found that as far as they related to privately-held and permanently-settled estates the area which it was proposed to exclude from the operations was for the most part merely described as "*Nadi Ganges (River Ganges)*" or "*gairmustakil topo*" (shifting area surveyed topographically) and in neither case was the area included within the *khewat* entry of any particular estate.

124. *Further orders by the Board.*—The Board held that in view of these entries there was no danger of prejudicing Government's future claims in the bed of the river, and in the few cases where the definite possession of landlord or tenant had been recorded as the result of the enquiries of the Settlement Department that it was not proper to cancel such entries by the executive action of excluding the area from the notification under the Bengal Tenancy Act. The Board accordingly ordered that the record-of-rights and cadastral maps should be restored to their condition at final publication or as on the eve of final publication, as the case might be, except where the Settlement Officer had actually passed orders under section 108A, which cannot be set aside except by the Special Judge.

The case of Government and temporarily-settled estates, however, was different. Here the orders of Government expressed in the letter of the Bengal Government no. 914-T.R., dated the 12th October 1890, are definite, that such villages should be excluded from the notification and these orders were confirmed by Government order no. 1449, dated the 4th April 1910. For the villages containing such estates a notification was submitted to Government excluding villages Shankarpur, thana no. 441, Arrah and Rajapur Taufir, thana no. 63, Dumraon, from the notification under the Bengal Tenancy Act.

It had also been discovered in the course of the re-examination of the question that a strict interpretation of the somewhat complicated notifications no. 1860-T.R., and no. 1862-T.R., of the 3rd October 1910 involved the exclusion of the small village Molna Chak, thana no. 437, Arrah, from the operations. This had never been intended and accordingly the Board submitted to Government notifications reviving the original notifications with regard to this village, which were published as notifications nos. 5951-5952-R., dated the 27th August 1913.

The Board also passed orders in the same letter no. 17-47-4, dated the 19th August 1913, regarding the final form of the thana maps. The thana maps of Arrah and Dumraon thanas had been corrected to agree with the purport of Sir Duncan Macpherson's order as I understood it, and notes had been put on the maps to the effect that "the black single dot and stroke line along the north is the line adopted as the limit of the area for which a record-of-rights should be prepared and finally published. Where this line coincides with the high bank it is shown by the high bank symbol with dots below it. The boundary of criminal jurisdiction extends to the middle of the deep stream of the Ganges." The Board's orders now were to restore the villages and their boundaries shown in the *diara* areas in the draft thana map of Arrah thana, and to expunge the note of the 5th June 1912 on that map and the dots placed along the high bank symbol. It was also ordered that a note should be put on that map to the effect that in the *diara* area the boundaries of

villages are for the most part merely approximate plotting from the revenue survey maps. In the Dumraon thana map it was ordered that the villages Bisupur, Bisupur Milk and Rajapur Taufir should be marked as was originally done, while the boundary of Dobha Taufir should be corrected to agree with the cadastral map. It was also directed by the Board that in the thana lists notes should be made against certain villages that no record-of-rights has been finally published and against others that a record-of-rights has been finally published for a portion of the village only with a specification of the area so treated.

125. *Umarpur diara*—The treatment of Umarpur *diara*, deserves special mention. This tract of land lies in the extreme north-east of Buxar thana adjoining Dumraon thana and extends from the actual bank of the Ganges eastwards for a distance of nearly two miles, and has a length north and south of about three miles. It is made up of two revenue survey villages, *viz.*, a portion of the village of the same name, and a portion of Keshopur otherwise known as Sora Tanr. Other portions of these villages lie respectively south and east of the tract, and comprise stable land. It is separated for the most part from these two portions of villages and from the other villages, which bound it on the east, Mangrail and Misrauliya, by a sandy trench which was at one time the main stream of the Ganges.

126. *Previous disputes*.—The proprietor of the tract is Maharaja Kesava Prashad Singh of Dumraon, whose predecessor purchased it at a Civil Court sale in 1880. The tenants are the original proprietors or their representatives. The relations between the Raj and these persons have been very strained for a long time and have given rise to litigation extending over a period of fifty years. In 1907 an agreement was entered into between the Secretary of State in Council, the Maharani of Dumraon and the tenants, who are generally known as the Narhi Babus. The important terms of this agreement were that the Narhi Babus agreed to pay certain rents for the lands in Umarpur *diara*, and were in turn recognized by the Maharani as having occupancy-rights. A map and record of tenancies was prepared at the time much in the same forms as that generally used in Settlement operations under the Bengal Tenancy Act. This map covered practically the whole tract, except the more pronounced portion of the old bed of the Ganges referred to above.

127. *Reason for original inclusion in the operations*.—The area, though of course of the nature of a *diara*, has acquired a certain degree of stability and it was possible to make a cadastral survey of it, though ordinarily it would have been decided to exclude it from the Survey and Settlement operations in accordance with the orders of Government contained in Resolution no. 914-T.-R., dated the 12th October 1896. It was in fact so treated at the beginning, but in the field season of 1909-10, when cadastral survey and *khanapuri* were going on in Buxar and Dumraon thanas, the Manager of the Dumraon Estate, then under the Court of Wards, requested that it should be included in the operations. His chief ground for this request was that it was hoped that difficulties about collection of rents, which were very serious, would be minimized by the use of the Certificate procedure. The request was granted. It was found that additional traverse survey was necessary, and owing to a mistake in chaining the traverse plots were received too late to complete the cadastral survey and *khanapuri* in that season. The traverse points were accordingly carefully marked in view of the probability that the tract would be submerged during the rains, and in the following season, 1910-11, cadastral survey and *khanapuri* were carried through, and attestation was taken up.

128. *Attestation difficulties*.—Here fresh difficulties arose. The Narhi Babus had executed *kabuliya's*, as the result of the agreement of 1907, agreeing to pay certain rents for certain holdings which were made up of plots covering certain field numbers in the map of 1907. The Raj *jamabandi* was also based on the same map. It was, however, discovered at attestation that our map did not correspond with the map of 1907, and further that our preliminary record of tenancies differed very considerably from the Raj *jamabandi*. In view of the existence of the *kabuliyats* and the very short time that had elapsed since 1907, no record-of-rights that did not agree practically in all details with the

papers of 1907 would be of any use to the Raj or acceptable to the tenants. It was clear, therefore, that an entirely fresh survey and *khanapuri* would be required in the course of which the papers of 1907 would have to be referred to for every plot and every entry in the record. The reasons for the failure of the first attempt at survey and record-writing were, in the first place, that the estate management were at no pains to secure any agreement with the papers of the 1907 survey, that is to say, they neglected the ordinary duty of the landlord which is to have *khanapuri* done according to his *jamabandi*. In the second place the tenants, in some cases intentionally, in others through ignorance, made statements which were at variance with the facts recorded in 1907. A further difficulty arose from the fact that the map of 1907 had not been prepared on the basis of a traverse survey nor under professional or trained supervision, and what was of almost equal importance the original map, in spite of an energetic search, could not be found, and all we had got was a trace in by no means perfect condition.

129. *The preparation of a record-of-rights abandoned.*—In the meantime the Dumraon Estate had been released from the Court of Wards' management, and the chance of the private management obtaining sanction for the use of the certificate procedure was not very great. It was, therefore, proposed that the attempt to prepare a record-of-rights under the Tenancy Act should be abandoned and the tract withdrawn from the notifications under the Bengal Tenancy Act. This proposal was accepted by Government and the necessary notification was published as no. 993-R., of the 18th February 1913.

130. *Areas according to criminal jurisdiction.*—It will appear from the foregoing remarks that the total area of the district and the areas of the individual thanas which are bounded by the Ganges are not capable of easy determination. The boundary of the criminal jurisdiction is the middle of the deep stream of the Ganges, and this varies materially from year to year. I have had the area, which lies between the limit of cadastral survey and the middle of the deep stream as topographically surveyed in the course of these operations, calculated by Mr. J. H. Murphy, the Deputy Director of Surveys, and it is given in the following statement :—

Thana.	Area of thana as given in col. 8 of statement in paragraph above.	Add area excluded from the record-of-rights, but lying south of the Ganges deep stream.	Deduct area included in the record-of-rights, but lying north of the Ganges deep stream.	Area of thana according to criminal jurisdiction in square miles.
1	2	3	4	5
Buxar	3 2·20	12·23	...	314·48
Dumraon	315 50	29·69	0·18	345·01
Total Buxar Subdivision ...	617·70	41·92	0·18	669·44
Arrah	346 57	13·45	7 62	352·40
Piro	316·11	...	...	316·11
Shahpur	230·91	17·78	...	248·69
Total Sadr Subdivision ...	893 59	31·23	7·62	917·20

Thana.	Area of thana as given in col. 8 of statement in paragraph above.	Add area exclu'd from the record-of-rights, but lying south of the Ganges deep stream.	Deduct area included in the record-of-rights, but lying north of the Ganges deep stream.	Area of thana according to original jurisdiction in square miles.
1	2	3	4	5
Bikramganj	564-91	...	...	564-91
Karghar	264-94	...	...	264-94
Sasaram	653-94	...	...	653-94
Dehri	167-12	...	...	167-12
Total Sasaram Subdivision ...	1480-91	...	...	1480-91
Bhabhua	910-50	...	...	910-50
Mohanea	385-53	...	...	385-53
Total Bhabhua Subdivision ...	1296-03	...	...	1296-03
Grand Total Shahabad District	4288-23	73-15	7-80	4358-58

Within this area lies the village of Sheopur *diara* in thana Dumraon which is administered for revenue purposes from Ballia.

131. *Number of plots and khatians.*—The magnitude of the work of cadastral survey and *khanapuri* may be judged from the following statement:—

Season.	Number of villages.	Area in square miles.	Number of plots.	Total No. of khatians.	No. of plots per square mile.	No. of plots per khatian.
1	2	3	4	5	6	7
1909-10	421	329-17	498,726	118,864	1,516	4-19
1910-11	2,492	1493-70	1,857,367	316,621	1,243	5-86
1911-12	2,216	1560-78	915,635	166,325	586	5-51
1912-13	889	848-73	446,695	81,776	526	2-46
Total	6,018	4232-38	3,718,423	683,586	878	5-43

132. *Village unit.*—The village adopted as the unit for the record-of-rights was generally the revenue survey mauza. In a considerable number of cases, however, advantage was taken of the provisions of section 3 (10) (6) of the Bengal Tenancy Act, and minute revenue survey villages were amalgamated. The amalgamations were reported to the Board of Revenue for approval in accordance with the instructions contained in the Settlement Manual, and the survey has been "adopted" by Government as defining villages for the purpose of the Bengal Tenancy Act.

133. *Jagdishpur Jungle Mahal.*—One set of cases deserves especial mention. The Jagdishpur Jungle, in which Kuar Singh held out for many months after the relief of Arrah, had been surveyed during the revenue survey of 1844-45 as being composed of portions of a number of villages, other portions of

which lay entirely outside the jungle. When the tract was leased to Messrs. Thomson, Burrows and Mylne, together with the confiscated villages outside the jungle, though on somewhat different terms, one of the stipulations was that they should dig a ditch round the jungle to define it. This was done, and from that time forward the area inside the ditch known as the "*jungle mahal*" was treated entirely separately from the "*baharsi*" or outside villages belonging to the same grantees. To restore the old revenue survey villages would have caused an immense amount of trouble both to Mr. Mylne, who is now the temporary settlement holder, and to his tenants, and would have done no good to anyone. It was therefore decided to subdivide the "*jungle mahal*" into villages of convenient sizes according to the areas treated as units for collection purposes by Mr. Mylne, and to treat the resultant fragments of revenue survey villages lying outside the "*jungle mahal*" as villages for the purpose of the Bengal Tenancy Act. The Traverse party had been to the trouble of traversing the boundaries of the old-revenue survey villages, but by replotting the traverse stations on fresh sheets it was found possible to carry out the cadastral survey successfully without requiring a fresh traverse survey.

134. *Units adopted in Ganges diara.*—In the tract adjoining the Ganges the villages of the Ballia survey of 1882-3 were generally adopted as units in lieu of the villages of the revenue survey, which had lost their identity. Lists, showing precisely what changes of unit have been made, were prepared and made over to the Collector.

135. *Payment of amins in hill area.*—The cadastral survey itself presented hardly any problems of interest. In the hill area of thanas Bhabhua and Sasaram, the amins instead of being paid by outturn were paid at fixed rates subject to deductions if their outturn was found abnormally low. This was necessary, as in many villages there was little or no cultivation, and the only work required was the survey of the boundary and an occasional hill stream.

136. *Standard of check of survey.*—The amount of check applied to the survey was as follows :—

Season.	Check in linear miles per square mile of survey.				
	By Assistant Settlement Officers.	By Kanungoes and Head Inspectors.	By Inspectors.	Independent.	Total.
1	2	3	4	5	6
1908-09 ...	.20	.52	1.66	1.32	3.70
1909-10 ...	.21	.62	1.91	1.53	4.27
1910-11 ...	.19	.55	1.51	1.19	3.44
1911-12 ...	.18	.54	1.35	.97	3.04

On the total area there was a check of 3.52 linear miles per square mile of survey and of that 2.24 was personal and 1.28 independent. The reason for the apparent falling off in the standard of check in the last two seasons was that of the tracts under cadastral survey in these two seasons about 500 and 300 square miles, respectively, were hilly area, in which check of detailed survey was not required to the same extent as in closely cultivated areas. Further, the staff required for the supervision of survey in those seasons was naturally not as large proportionately to the area surveyed as in ordinary seasons. Besides the check mentioned above some re-survey of blocks in village sites was done as a test of the accuracy of that work, and a considerable amount of line check was applied to the areas in the Ganges and Sone *djaras* under topographical survey.

137. *Boundary comparison.*—A minor innovation was introduced in the season 1909-10 relating to the comparison of boundaries of adjoining villages. In order to ensure that Inspectors did not shirk the trouble of going to the spot to adjust discrepancies between the boundaries surveyed by the two amins, each Assistant Settlement Officer and each Kanungo was directed personally to re-survey two common boundaries in each Inspector's "halka" of their circle, and compare the results with the Inspector's boundary comparison books. No serious discrepancies were discovered, but it is a useful precaution against fudging, and as a result discrepancies found in recess were materially diminished.

138. *Boundary disputes.*—The following statement shows the number of boundary disputes instituted and decided:—

Name of the a.	Villages surveyed.	Disputes instituted.	Number of appeals.	No. of appeals in which the original decision was—			Percentage of boundary disputes to total no. of villages.
				Upheld.	Modified.	Reversed.	
1	2	3	4	5	6	7	8
<i>Sadar Subdivision.</i>							
Arrah	481	158	55	46	7	...	36
Piro	428	116	36	35	...	1	24
habpur	397	96	47	45	2	...	23
Total	1,156	397	138	126	9	1	31
<i>Buxar Subdivision.</i>							
Buxar	614	82	35	36	2	...	13
Dumraon	451	66	47	39	8	...	18
Total	1,064	166	82	75	10	...	15
<i>Sasaram Subdivision.</i>							
Bikramganj	668	133	72	64	9	...	19
Karghar	502	87	13	10	3	...	11
Sasaram	704	167	64	49	4	1	22
Dehri	186	65	18	15	...	...	35
Total	2,064	411	164	138	15	1	19
<i>Bhojpur Subdivision.</i>							
Bhabhua	1,087	102	26	23	3	...	9
Mohauca	677	76	23	16	6	...	11
Total	1,716	178	49	39	9	...	10
GRAND TOTAL	6,118	1,299	473	419	52	2	31

139. *Reasons for infrequency of boundary disputes.*—The number of disputes per 100 villages surveyed was thus slightly under 22. This is an exceptionally low figure for Bihar, the previous lowest being 32 in South Monghyr while in Darbhanga there were as many as 65. The principal reason for the low figure was probably the prevalence of landlords holding large and fairly compact estates, such as Maharaja Keshav Prashad Singh of Dumraon, Mr. Mylne and others, but some credit is perhaps due to the supervising staff for insisting that disputes should be instituted and submitted for decision at the earliest possible date, thus minimizing the opportunities for fomenting frivolous disputes.

140. *Some important boundary disputes.*—The most difficult and important disputes occurred in the north. In particular, a dispute in the tangle of the north-east corner of Arrah thana, where the branches of the Sone find their way to the Ganges, gave considerable trouble. The Government estate village of Suarmarwa was involved, as well as a Patna district village, and trouble had been going on for a number of years. In 1895 Mr. Foley, I.C.S., then Assistant Collector at Bankipore, and Maulavi Sher Ali, Deputy Collector at Arrah, had jointly decided the boundary, and a somewhat dilapidated copy of their map was found in the Patna Collectorate. On the basis of this with the help of their judgment and the few features of the ground that had remained unchanged a decision was reached and boundary pillars were erected. I was somewhat astonished to receive from the Arrah Collectorate a year or so later a request to revise my decision on the ground that it did not give Government as much as had been claimed, and I find that more recently my successor has been informed by the Khas Mahal Deputy Collector that the pillars are no longer in existence. This has been found by enquiry not to be the case, but what the Khas Mahal Deputy Collector meant to say was that the pillars were not where he thought they ought to be. Mr. Murphy rightly declined to take any further action. I mention this as illustrating a lack of appreciation of the position of a Survey or Settlement Officer when deciding judicially on the claims of Government, which is sometimes to be met with among Government servants. In this particular case the Khas Mahal Deputy Collector of the time had appeared for Government in the appeal, and the case of Government was adequately put. No one could reasonably question that it is the duty of Revenue Officers in such cases to abide by the decision given and carefully maintain the boundary marks erected, unless and until the decision is modified in the Civil Courts on the ground of title.

141. *The Sheopur diara disputes.*—Another important dispute, or rather group of disputes, occurred between the village of Sheopur *diara* which, while lying south of the main channel of the Ganges, is treated for revenue purposes as being in Ballia district, and the Shahabad villages belonging to the Dumraon estate immediately to the south. Here, after careful enquiry, the boundary adopted in the Ballia Survey of 1882-3 was accepted and demarcated by 20 pillars.

142. *Special form of boundary pillars used in diaras.*—These pillars consist of lengths of old railway line embedded in masonry bases, and it was hoped, that as they present a smaller superficial area to the floods of the Ganges, they would be more likely to stand than solid masonry pillars. I believe they have lasted for the six years since they were erected, as the Collector of Ballia has recently referred to them, in forwarding a claim of the Sheopur *diara* landlords to possession beyond them.

143. *Preservation of marks in the diaras.*—But it would be desirable if the Collector of Shahabad could arrange to have these and other important marks (as, for example, the 16 pillars erected to mark the boundaries between Raipur-Bargaon in Saran district, and Rampur *diara* and Makdumpur in Arrah thana) inspected by a responsible officer from time to time. They have all been marked on the village maps and also on the boundary mark *mujmilis*. There is no doubt that the vagaries of the Ganges in the portion of the district which lies beyond the limit of cadastral survey will continue to provide plenty of occupation for the Criminal and Revenue Courts, so that wherever definite boundaries have been clearly marked on the ground, it is most advisable to see that they are preserved. In all cases in which pillars were erected as the result of a boundary dispute, they have been formally assigned to the landlords concerned under the provisions of the Bengal Survey Act, and any failure to preserve the marks for which they are responsible should be severely visited upon them.

144. *Boundary disputes in the Kaimur hills.*—The boundary disputes in the Kaimur hills in the south, though not very numerous, were of considerable importance. Before traverse survey was begun in this tract, it was decided that it would be a great advantage if the landlords of villages there could be got to agree beforehand that in uncultivated lands the revenue survey boundaries should be followed. The principal landlords of the tract were

accordingly asked to appear in person or to send representatives to Bhagalpur which was then the headquarters of the Settlement, in October 1909. This the majority of them did, and expressed themselves agreeable to the proposals. The Traverse party was accordingly asked to traverse as near to the revenue survey boundaries as possible. Fortunately, as it turned out, the sub-surveyors were unable to carry out this instruction very completely. For when cadastral survey began, it was found that the village "*Baigas*" (who combine to some extent the characters of priest and headman) had pointed out in the majority of cases the actual boundaries, which were generally undisputed as between the adjacent villages, and often marked at frequent intervals by small piles of stones, or single upright stones called "*tuddas*". These marks were evidently of considerable antiquity and may have been in existence at least as far back as the *thakbast* survey which immediately preceded the revenue survey. At any rate it was found that in most cases the boundaries thus locally known and marked differed widely from the revenue survey boundaries, and that the sub-surveyors had actually, as a rule, run their traverses close to the boundaries pointed out on the ground.

145. *Defects of the revenue survey in the Kaimur hills.*—It was further found by an examination of the revenue survey maps and a comparison of them with the ground that the boundaries thereon could not in many cases have been actually surveyed, but must have been merely sketched in. They lay frequently more than a mile away from the traverse of the revenue survey, sometimes with one or more hill ridges intervening, and could not have been measured and drawn in with any approach to accuracy by any known method of survey. The inaccuracy of the revenue survey in this tract was further exemplified by the fact that the channel of the river Lursi, a tributary of the Karamnasa, into which it runs through a deep gorge cut out of solid rock, was shown as a straight line in place of an almost semi-circular curve. In the face of these facts the proposal to accept the revenue survey boundaries throughout was of course dropped and where disputes occurred they were generally decided without a great deal of difficulty on trustworthy local evidence or in accordance with the natural features of the country, with the revenue survey boundary as a last resource only.

146. *Mapping of tuddas and erection of trijunction cairns.*—The "*tuddas*" have as far as possible been shown on the village maps, and the trijunctions of villages were carefully marked on the ground with cairns, placed either over the ordinary trijunction stone embedded in the earth, or, where the points fall on solid slabs of rocks, over triangular marks chiselled on the rocks themselves. Two or more upright stones, on which square marks have been cut, have been erected to mark traverse stations, in each patch of cultivation.

147. *Disputes in the southern edge of the Kaimur plateau.*—A very important disputes occurred on the southern edge of the plateau, between villages lying in the tract between the Sone and the plateau and villages lying on the plateau itself. The former were owned by the Sonapura Estate, an estate administered under the Encumbered Estates Act in Palamau district while the latter were principally Government Estate villages. The whole question was whether the slopes of the plateau below the precipice belonged to the hill villages or to the plains villages. The revenue surveyors had in many cases included the whole or portions of these slopes in the plateau villages. The question was considerably complicated by the fact that the incorporeal right of the Panskati Mahal originally extended over the plains villages, but was specifically given up as regards the Sonapura Estate villages in 1813. In so far as the dispute was between Sonapura and other private proprietors the decision, in the absence of clear evidence of possession by Sonapura, followed the revenue survey boundary and this decision has stood on appeal. But in the case of Government Estate villages the original decision of the Assistant Superintendent of Survey has been set aside by the Commissioner in exercise of his powers of supervision and control under section 58 of the Bengal Survey Act.

When the case came before me as Superintendent of Survey, I held that in the first place no possession had been clearly proved as against Government by the Sonapura Estate. Secondly, I had before

me a letter from the Government of Bengal, no. 659-T., dated the 28th July 1879 in which the following passage occurred :—“ Turnings to the question of the territorial right of Government in the land on the slopes of the hills, the Lieutenant-Governor accepts the Board’s conclusion that such right must stand on some other basis than the mere fact of the State being the proprietor of the Banskati Mahal. It is shown that the revenue survey assigned almost the whole of the slopes either to the villages below on the plains or to the villages above on the plateau, and that the Government can maintain no proprietary right whatever in by far the greater part of the slopes. Sir S. Bayley is decidedly of opinion that Government is bound to respect the boundaries defined by the survey, which however inaccurate it may be, was made by Government itself through its officers and publicly confirmed.” With the whole correspondence before him the Commissioner has shown clearly that the meaning of this passage is not as I supposed that Government was then prepared to stand to the revenue survey boundary at all points, but merely that where the boundary was adverse to the claims of Government, such claims must be withdrawn. Thirdly, I had before me the definite admissions of the *mukarraridars*, to whom all the Sonepura villages have been let for sixty years or so, that they did not claim the slopes. But before the Commissioner the Sonepura Estate was able to produce the original leases of these *mukarrari* settlements, from which it appeared that the right to collect “ *banskati* ” dues on the slopes had been definitely reserved to the proprietor. As these dues are the only source of revenue derivable from these slopes, except mineral rights, which also rest in the proprietor, the *mukarraridars* had nothing to lose by the admissions, which are therefore of no evidential value. In view of these facts there is no doubt that the original decision was wrong.

148. *Verification of the boundary with Mirzapur district.*—The boundary of the district where it marches with Mirzapur district in the United Provinces was very carefully verified with the report of Mr. (now Sir) D. J. Macpherson, Joint Magistrate, Bengal, and Mr. Grierson Jackson, Deputy Superintendent of the Family Domains of the Maharaja of Benares, January 27th, 1885, and where the Karamnasa river does not form the boundary, cairns were erected at intervals of about one mile.

149. *Check of boundary marks.*—In the areas dealt with in the first three years of the operations, boundary marks, of which the majority were stones placed at the trijunction of three villages, were erected by the Traverse party and checked by the Cadas’ral amins. About one half of them were checked by the Cadastral Inspectors, who also, if necessary, moved them to their correct positions, when not already found there, and a certain proportion again were checked by the Assistant Settlement Officers. In the following year at attestation all the marks were again checked by special amins deputed to the attestation camps for this purpose, while the attestation officers themselves checked something over 10 per cent. It was found in the season 1910-11, that over 12 per cent. of the marks put down had disappeared by the time of attestation, most of which had no doubt been removed during the previous year. It was accordingly decided that the marks should be made over by the Cadastral staff to the *dafadars* and *chaukidars* of the villages concerned, and receipts for them were taken. The marks were still checked, as before, during attestation.

150. *Boundary mark maps and register.*—Boundary mark maps on the scale of 2" = 1 mile have been prepared for all thanas, together with registers showing each mark, and have been made over to the Collector. The marks have been serially numbered in the register and on the maps for each thana. In the plains tracts the ordinary triangular stone has been used to mark trijunctions of villages and is shown in the maps as an open triangle. Other boundary marks in the plains area have been shown on the maps as open squares. In the hilly tracts cairns erected on the trijunction points have been shown on the maps as triangles inked in, while, where cairns have been erected not on the trijunction points, but as close to them as the nature of the country permits, these have been shown as squares subdivided by a cross. Wherever

old marks have been adopted as trijunction or boundary marks in the present survey, they are indicated by squares, inked in, on the 16" maps and on the 2" boundary mark *mujmilis*.

151. *Boundary marks in the diara.*—Reference has been made in paragraph 119 above to the special Ganges *diara* survey proposed originally by Major Hirst. The object of this scheme is the provision of a special set of maps showing permanent marks and other prominent points in the *diara* tracts, to facilitate the relaying of boundaries as required. Work has been in progress since 1908, and though the operations have been completed for most of the district of the Province concerned, there remains a considerable tract in the district of Shahabad. This extends from the point where the Ganges is joined by the Karamnasa near Chausa to about the western boundary of Arrah thana. In Arrah thana the permanent marks have been erected and are shown on the thana 1" and boundary mark 2" maps. It would certainly be desirable to have them erected for the rest of the district, as it is possible that from a revenue point of view it will be in future of increasing importance for the Collector of Shahabad to watch the fluctuation of the Ganges. The result of the Turk Ballia case to which I have referred in paragraph 96 will, if favourable to Government, make it imperative to have a simple means of examining the position of the Ganges at frequent intervals. To secure this, I would suggest that from about 5 miles below Buxar, where the river begins to fluctuate, not only should the permanent marks be put down, as has already been done, in furtherance of Major Hirst's scheme, but also a second row of marks half a mile precisely south of the first row should be put down. If the river cuts in anywhere the first row of marks will go, but the second row will enable the Collector to know accurately how far diluvion has proceeded. If the river recedes at any place a fresh mark or row of marks should be put down half a mile north again.

KHANAPURI.

152. *Comparison of size of plot and holding with other districts.*—As may be seen from the statement in paragraph 131 above the numbers of plots found in the area was 3,718,423 and the number of *khatians* (representing holdings) 683,586.

The average sizes of the plot and of the holding in the districts of Bihar are shown in the following statement:—

	Champanan.	Muzaffarpur.	Saran.	Darbhanga.	North Monghyr.	North Bhagalpur
1	2	3	4	5	6	7
Average size of plot ...	0.74	0.40	0.35	0.38	0.70	0.64
Average size of holding	5.19	2.00	1.82	2.06	2.90	4.65

	Purnea.	South Bhagalpur.	South Monghyr.	Patna.	Shahabad.
1	2	3	4	5	6
Average size of plot ...	0.81	0.90	0.73	0.36	0.73
Average size of holding ...	4.72	6.41	4.80	1.96	5.43

153. *Check of khamapuri.*—The percentage of *khamapuri* check attained in each year was as follows :—

	Check by Assistant Settlement Officers.	By Kanungos and Head Inspectors.	By Inspectors.	Total.
1	2	3	4	5
1908-09	0.5	1.9	10.9	13.30
1909-10	1.13	3.25	12.00	16.38
1910-11	1.21	3.99	12.74	17.94
1911-12	1.77	3.54	13.12	18.43

In the whole area 614,677 plots were fully checked during *khamapuri* out of a total of 3,718,423 plots, or 16.53 per cent. Besides these some 10,000 plots were checked by Assistant Settlement Officers by comparison of the maps and the *khasras* only. The check, on the whole, was more adequate than in Patna (14.9 per cent.) and South Monghyr, second season (15.5 per cent.), the other tracts in which *khamapuri* has been carried out under the single control of the Settlement Officer. For the reasons given in paragraph 59 of Mr. Murphy's South Monghyr Final Report a comparison with the standard of check maintained by the Survey Department is unprofitable.

154. *Khowat-writing.*—*Khowat-writing* was done by Inspectors under the close supervision of Assistant Settlement Officer and Kanungos. On the whole, the work was easier than in most other districts, partly owing to the prevalence of large estates, and partly to the greater ease with which Collectorate villages were identified as the result of the preparation of the jurisdiction list and maps before the present operations.

155. *Identification of Estates.*—In many cases two or more estates held by the same proprietors in one village were found to be indistinguishable on the ground, but with the help of the records of the *thakbast* survey and other old papers in the Collectorate, in the majority of cases the different estates were identified. In no case was the attempt to distinguish the estates abandoned except under the definite orders of the Settlement Officer.

156. *Proposal to empower Collector to amalgamate estates.*—In Bhirari, Shahpur thana no. 291, it was found that two estates had been indistinguishable at the time of the *thakbast* survey, and other cases of the same kind were found, in all of which the shares of the proprietors concerned were precisely the same in each estate. Section 100 of the Estates Partition Act provides that the Collector may amalgamate estates on the application of the proprietor, but there is no means of doing so, unless such an application is made. It would seem to be desirable to empower the Collector to call upon proprietors, in cases of this kind, to demarcate their estates, and failing a demarcation to his satisfaction, to amalgamate the land-revenue demand.

157. *Waguzasht Estates.*—It was found that many small revenue-free estates, of area less than 100 acres, known as "*waguzasht*" had not been entered in the Collector's Register B. These were traced and should be entered up in the process of the correction of the Collector's Land Revenue Registers on the basis of settlement *khowats*.

158. *Railway B class land.*—Railway B class lands, sold out revenue-free when no longer required for railway purposes, were identified with the help of the land acquisition plans. At the instance of the Board of Revenue a very careful comparison of the lands still in possession of the East Indian Railway along the Moghalsarai-Gaya line was made in 1913-14 with the help of the land acquisition plans filed in the Board's Office.

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159. *Sone canals and village irrigation channels.*—The record of land occupied by the Sone canals and village channels issuing therefrom caused some difficulty. It was ultimately decided that the canals and their distributaries as well as the canal side and canal road land being entirely owned and managed by Government should be entered under a separate Khewat, Part I entry as "Kaisar-i-Hind *nahar* A". The village channels, however, run on land which was acquired by Government, but of which the management was handed over by Government to the persons who applied for their construction. These persons are called "registered proprietors" or "owners" of such channels. The entry in the record necessarily varied according as these "registered proprietors" were or were not landlords or tenants of the estates or "*patti*" within which the channel lay. In the former case so much of the village channel as lay within the estate or "*patti*" in which the registered proprietors were interested was recorded in the *khatian* for uncultivated land in general possession of the inhabitants (*gairmazrua am*), and the names of the registered proprietors entered in the remarks column with a reference to section 58 of the Canal Act (III of 1876). Where the "registered proprietors" had no interest in the estate or "*patti*" through which the channel ran, a separate entry in Khewat, Part I, was made in the name of "Kaisar-i-Hind *nahar* B" with a reference in the remarks column to chapter V of the Canal Act. Under this an entry was made in Khewat, Part III, in the names of the "registered proprietors" of the channel and in the status column a reference to section 58 of the Canal Act was made. The channel and its banks were then recorded in a *khatian* under the khewat entry.

160. *Pakrohi jagirs.*—A large number of small blocks of land were found to have been allotted as "*pakrohi jagirs*" to chaukidars appointed to keep watch over the principal roads, particularly the road from Koelwar through Arrah and Buxar to Chaussa and the Grand Trunk Road. Many of these were found to have been entered as revenue-free in the Collector's Register B. It was decided to enter all as "*pakrohi jagirs*" under the khewat entry of Kaisar-i-Hind, as no evidence was forthcoming at the time that like the ordinary "*Chaukidari Chakaran*," they formed part of the proprietor's estates. This decision has been recently challenged by the Collector, and the matter is under discussion. It is further under consideration whether the grants can be, and should be resumed, where it is found that the services of the holders are no longer required, or where they have illegally alienated the lands.

161. *Previous discussion of "pakrohi jagirs."*—The question of "*pakrohi chaukidars*" was considered by Government and the Board in 1904-6. It appeared then that some of the grants of land were "*Badshahi*", i.e., grant under the authority of the Mughal Emperor, others were of comparatively recent date, given by zamindars since the Permanent Settlement, some even as late as 1874, when the Mathunrie mail robbery occurred. These latter appear to have been granted at the request of the Collector-Magistrate by the zamindars, who were required by the terms of their settlements to provide for the safety of the roads. Government in 1906 passed no final orders, but it was merely suggested that the matter might be taken up during the Survey and Settlement of the district. I suggest that in so far as the grants are "*Badshahi*," they cannot be resumed. In so far as they were made by the zamindars since the Permanent Settlement, they are, is capable of resumption at all, only to be resumed by the zamindars, who may be left to look after their own interests. It would appear that the "*Badshahi*" grants were correctly entered in Register B, and if they have been removed therefrom in the course of the revision of the registers on the basis of Settlement Khewats, they should be restored. Mr. Harris in his letter no. 688-J., of March 1905, reported that Mr. Power, Collector in 1886, had prepared a list of these tenures and had them measured and mapped out, and that the maps and measurement papers had been preserved.

162. *Chaukidari chakaran.*—The treatment of "*chaukidari chakaran*" lands may be conveniently dealt with here, although the greater part of the work was done at attestation. The existing lists of such land, which were supplied

by the Collector, were somewhat defective and also lacking in definiteness. Enquiries were made during *khanapuri*, the Attestation Officers were all appointed Commissioners under section 58 of the Chaukidari Act (Bengal Act VI of 1870) to ascertain "what lands, if any, were assigned for the maintenance of the officer who was bound to keep watch in any village and report crime to the police, and in respect of which such officer was at the time of the passing of the Act liable to render service to a zamindar." Enquiries were made in each village, and a considerable number of blocks were found, both those which had been actually "transferred" under the provisions of section 50 by the Collector to the zamindar, subject to an assessment payable to the village chaukidari fund, and those that had not been so transferred. From the reports and proceedings of the Attestation Officers, *thanawar* registers were compiled and made over to the Collector, who is now in a position to resume and "transfer" all the lands not hitberto "transferred," and to keep a watch on the contributions payable by zamindars to the chaukidari fund.

163. *The various kinds of "chaukidari chakaran" found in Shahabad.*—The following different cases of unresumed "*chaukidari chakaran*" lands were actually met with in Shahabad :—

1. Land in possession of the chaukidar for which he pays no rent. The chaukidar receives no pay.
2. (a) Land in possession of the chaukidar. The chaukidar pays rent to the *sarpanch*, which is credited to the chaukidari fund.
- (b) Lands in possession of the chaukidar. The chaukidar pays no rent, but suffers a reduction of his pay in lieu of rent.
3. Facts as in (2) but the amount paid by the chaukidar is credited against the total chaukidari assessment of the zamindar in whose estate the land lies.
4. Land in possession of the chaukidar who pays rent partly to the *sarpanch* and partly to the zamindar.
5. Land in possession of a person other than the chaukidar, who pays rent to the *sarpanch*.

As was pointed out to the Collector of Shahabad in my letter no. 1242-S.H., dated the 26th April 1912, in respect of types 2(a) and 2(b) it is questionable whether any benefit would be derived from transferring the lands, as the chaukidari fund at present receives the full rent paid for such lands. In respect of type 5, the chaukidari fund appears to be regarded as the proper rent receiver and transfer proceedings would entail a loss to the fund.

164. "*Chaukidari chakaran*" in the *Kaimur hills*.—In the Kaimur hills where type 1 is almost universal, no "*chaukidari chakaran*" land had been resumed and transferred, and it is certainly undesirable that the Act should be put into operation in that tract. The chaukidars have little to do, and so can afford the time to cultivate their *chakaran* lands adequately. Over and above the profits of their *chakaran* lands they get from each raiyat of their village one bundle of his crop once a year and also 25 to 30 seers of the crop at harvest time. The former contribution is locally known as "*puri*" and the latter as "*kharwan*." From Aghan to Magh, *i.e.*, while the paddy harvest is usually stored in the houses, the chaukidar is expected to go to each house every night and gets $\frac{1}{2}$ to $\frac{1}{3}$ seer of cooked food from each villager, which maintains him and his family for about three months in the year in the average village. This is called "*bhatia*." The villagers also make small contributions to the chaukidar for clothing, etc. In view of this primitive arrangement for the support of chaukidars it would clearly be a matter of great difficulty to introduce the regulation methods of pay, and to resume and "transfer" the *chakidari chakaran* land.

165. *Internal disputes.*—The number of internal disputes in each season is shown in the following table:—

The disputes in the hill area are separately shown.

Season.	Area in square miles.	Number of disputes.
1908-09 ...	329.17	13,350
1909-10 ...	1493.70	60,530
1910-11, plains	1035.68	28,107
1910-11, hills	525.10	1,270
1911-12, plains	552.86	13,558
1911-12, hills	295.87	1,149
Total	4232.88	117,964

This gives the comparatively low average of 28 disputes per square mile, whereas in Patna the average was 49, and in South Monghyr 32. Excluding the hill area, however, where disputes averaged less than 8 to the square mile, the average for the rest of the district is nearly 34.

166. *Nature of disputes in Arrah thana.*—The most troublesome difficulties of the first seasons, *khanapuri* in Arrah thana, were those common to all Bihar, *viz.*, disputes between co-sharer proprietors as to lands in separate possession (*patti* disputes) and the suppression of low caste raiyats and landlords' claims to hold land in their cultivating possession. The features of these disputes are well-known from the reports of other Bihar District Settlements, and I do not propose to dwell on them. The only exceptional class of dispute in this thana arose from the prevalence of mortgage of raiyati rights. In some cases more than one mortgage with possession had been effected for the same piece of land, and as mortgagees had frequently succeeded in getting their names substituted in the landlords' paper for the names of the original raiyats, much difficulty was experienced in ascertaining the facts.

167. *Tree disputes in the Dumraon Raj.*—In the season of 1909-10 the principal sources of dispute were the claims of the Dumraon Estate to half rights in timber on the cash-paying holdings of their tenants, and the claims of tenants to hold land rent-free. As regards the former claims the Khanapuri officers were directed to collect the evidence offered by the raiyats that they had exercised full rights over the timber of such trees. A large body of such evidence was collected. I then called on the Dumraon Estate authorities to rebut the evidence and arranged to inspect all the evidence they could collect. I found that except for some indications that, on special occasions, such as the "*saradh*" of the late Maharaja, there had been a few instances of trees being obtained without full payment, there was absolutely nothing to support the claim. It might have been expected that in a large estate like this, a regular income from timber would be obtained. Further the construction of the East Indian Railway, the Sone Canals, and the numerous roads, would have supplied opportunities for the establishment of the claim in Land Acquisition Courts. But in fact as I have said there was no such evidence forthcoming and accordingly the raiyats were recorded as having full rights in the trees on their cash rent-paying holdings.

168. *Rent-free claims in the Dumraon Raj.*—The rent-free claims were mainly troublesome, because the Dumraon Estate contested all of them. The management could hardly do otherwise as their agents in the Khanapuri Officer's Circles were not competent to discriminate, and the papers of the estate, which had only recently been taken over by the Court of Wards and was involved in the well-known litigation on the subject, were in confusion. Fortunately the claimants usually had good evidence in favour of their claims, which were not supported, as such claims were in Purnea district, with masses of forged documents.

Other difficulties about the tree entries may be briefly referred to here though they were not confined to the Khanapuri area of 1909-10, nor indeed wholly to Khanapuri.

169. *District Board trees.*—The District Board and the Dumraon Estate made overlapping claims as to the possession of trees lying along the District Board roads. It was ultimately ascertained that the trees in the avenue from Buxar to Bhojpur did belong to the Dumraon Raj. The District Board also admitted that the trees along the Koilwar-Chausa Road, excluding this portion, had been generally planted by villagers, but it was found that the Board has for a long time exercised control over the cutting of them. This fact was recorded in the Khatians, while the right of private individuals to enjoy the fruits was also recorded. As regards the trees in avenues along the other District Board roads the full rights in fruit and timber were generally found to belong to the Board. Along the Grand Trunk Road, which is kept up by the Public Works Department, full rights were found to be with Government. In the case of some Local Board roads the right of the Local Board to control cutting was recorded, but generally it was found that the trees had been planted by villagers and no such control had ever been exercised.

170. *The rights in jungle.*—The customary rights connected with grazing cattle, cutting timber and collecting forest produce in the Kaimur Hills were recorded in a special Khatian called the "*fard rewaz jungle*" which was attested, draft and finally published as part of record-of-rights. The instructions issued in connection with the record enjoined enquiry into the following points :—

- (1) Of what Mahal does this village form a part ?
- (2) Are the forest rights of this village peculiar or common to the whole Mahal ?
- (3) If common, do the villagers exercise these rights over the whole Mahal ?
- (4) Is the jungle in the village a protected forest under the Forest Act ?
- (5) Have any of these rights and customs the sanction of law or of Government, e.g., are the conditions laid down in the lease of these villages, if so, under what sanction and of what rights ?
- (6) Has a system of passes been instituted in the village, and if so, is there any distinction between a general pass and a special pass ?
- (7) Do the raiyats of the village appropriate the fruits of all the jungle trees ?
- (8) Do they pay anything for this right ?
- (9) Do the raiyats of the village collect dry wood for their own purposes, e.g., for fuel and making wood-ash manure, without restriction ?
- (10) Do the raiyats cut green wood for any purpose without permission ?
- (11) Do the raiyats of the village cut green wood or timber for their domestic use, e.g., for roofing their houses or making their own ploughs and yokes ? Is there any restriction on the sale of such wood, e.g., that only such amount may be taken as a man can carry down to the plains with him ?
- (12) Do the villagers cut green wood for sale, and, if so, what tariff is imposed ?
- (13) Have the villagers any right to quarry stones and, if so, what right ?
- (14) Have the villagers any right to collect lac or other jungle products ? If so, what right ?
- (15) Do the raiyats of the village graze their cattle in the jungle without payment ? Is any distinction made between buffaloes and other cattle ?

- (16) Do outsiders graze cattle in the village, if so, what they pay and to whom? Is the right limited to the inhabitants of certain villages?
- (17) Do outsiders exercise any other rights in the village, and, if so, what do they pay for such rights and to whom?

171. *Bakasht claims.*—The chief disputes during the Khanapuri seasons of 1910-11 and 1911-12 were those between landlords claiming land as *bakasht* and tenants claiming occupancy rights. The very serious disputes between Babu Chandrika Prasad Singh and his raiyats in a group of villages lying about 10 miles south-west of Sasaram deserve special mention. In these villages the landlord or rather his son, Babu Basudeo Narain Singh, was trying his best to secure all the best lands as his own cultivation, and to reduce the tenants who actually cultivated the bulk of them to mere tenants-at-will.

172. *The Dariapur case.*—As an illustration of his methods the case of Autar Singh of Dariapur may be quoted. This case was investigated with great care by Mr. Shettle and I derive the information from a note which he wrote for the information of the District Magistrate in 1912.

In this village the landlord regarded about 400 to 500 bighas as his *zirat*, although on investigation of his claim at Attestation it was proved to be baseless and he was unwilling that any raiyat should be regarded as having a right of occupancy in any of it. Undoubtedly from the landlord's own papers practically all the land has been actually let out to various tenants at one time or another within the last few years. In 1312 *Fasli* Autar Singh executed a registered deed of surrender of his holding of 29 *bighas* in favour of the landlord. In the *jamabandi* written at the end of that year he was shown as holding 29 *bighas* on produce rent and 14 *bighas* on cash rent. No papers of the three following years were forthcoming, but in 1316 he was shown in the landlord's papers as holding 29 *bighas* on produce rent and 24 *bighas* on cash rent. It is the reasonable conclusion that the deed of surrender was never acted upon. In the papers of 1317 and 1318 his name does not appear as a tenant, but there is good reason for doubting the value of these papers. For on 15th September 1911 the landlord filed a Civil Suit in the Subordinate Judge's Court at Arrah against Autar Singh. The plaint set forth that after surrendering the 29 *bighas* in 1312 and allowing the landlord to be in possession for 1313-16, Autar Singh forcibly resumed possession in 1317 and had wrongfully remained in possession for that year and 1318. It also stated that Autar Singh cultivated lands other than the 29 *bighas* for which the landlord intended to sue him for arrears of rent. This must be for the *Fasli* years 1317 or 1318, because the *jamabandi* of 1316 which shows Autar Singh as a tenant shows no arrears. Clearly then in the first place the *jamabandis* of 1317 and 1318 are incorrect in not showing Autar Singh as a tenant and further Autar Singh was in possession for 1317 and 1318. On the 3rd July 1911 Bhagwat Lal, servant of the landlord, put in a petition to the Subdivisional Officer, Sasaram, that Autar Singh and others were threatening to prevent him from cultivating 500 *bighas* of *zirat*, which had some time or other been in their temporary possession, and the Subdivisional Officer was asked to institute proceedings under section 107, Criminal Procedure Code, against them. On the 13th July 1911 the Subdivisional Officer issued a notice on the raiyats stating that they were adopting a truculent behaviour with regard to *zirat* land in connection with which the period of their *kabuliyats* had expired and warning them to commit no breach of the peace. On a further application by another servant of the landlord the Subdivisional Officer ordered the police to see that no breach of the peace took place and constables should be posted in the village at the time of the cutting of the crop. On the 30th November 1911 the raiyats protested in the Subdivisional Officer's Court that they had grown the crops, but the landlord with the help of the police was cutting and carrying the crops. They stated that the cause of the quarrel was that the landlord demanded that in view of the approach of survey (the cadastral survey in the tract was then being carried out) they should execute *kabuliyats* for terms of years for lands in which they had occupancy rights. It appears from enquiry made at the time that this was true. The

Subdivisional Officer took no action and referred the parties to the Civil Courts. It may be noted that in August 1911, Autar Singh and others were tried in the Sub-Deputy Magistrate's Court at Sasaram and convicted of assault on one Gajadhar, with whom the landlord had settled some other so-called *ziraf* land. The cause of the assault was alleged to be that they resented the settlement of the land with Gajadhar. This case certainly bore the closest resemblance to the ordinary false case, which is so much dreaded by tenants in this part of the district, and elsewhere as a potent weapon in the hands of a landlord against refractory tenants.

It is perfectly clear from the landlord's own admissions in his *jamabandi* and Civil Court plaint that Autar Singh was in possession of the 29 bighas in dispute in 1312 and in 1316, in spite of the alleged surrender in 1312, and it is also exceedingly probable that he was continuously in possession right up to November 1911, when the landlord having successfully misled the Subdivisional Officer cut the crops with the help of the Police, while Autar Singh was in jail. Even if the surrender in 1312 was genuine, Autar Singh resumed occupancy right in the land as soon as he resumed tenancy, as he was a settled raiyat of the village, unless the landlord could prove that the lands were true *ziraf*, which he was quite unable to do. The whole case is typical of the case with which well-to-do and influential landlords (Basudeo Narain Singh was an Honorary Magistrate at Sasaram) can defy the other provisions of the Bengal Tenancy Act for the protection of raiyats as long as they are permitted to defy the provisions, which direct that proper rent receipts should be given.

173. *Murder of Basudeo Narain Singh.*—The upshot of all this trouble was that Basudeo Narain Singh was murdered in April 1912, and Autar Singh and four others were tried and sentenced to death, but ultimately the sentence was commuted to one of transportation for life. Such crimes are to be expected when tenants are exasperated in this way by a long period of hopeless fighting in Civil and Criminal Courts, in which their right are too often not properly represented by the bar or understood by the bench. This case is typical of a large number of similar encroachments on the occupancy rights of raiyats in Bhabhua and Sasaram Subdivisions.

174. *The Khajura case.*—In Khajura, thana no. 778, thana Bhabhua, there was a dispute at Khanapuri regarding a large area which was claimed by the landlord as his *bakashi* land and by the tenants as their raiyati lands. Most of it was decided to be in the possession of tenants. The landlord on learning the decision, applied to the Subdivisional Officer, Bhabhua, in the course of the summer of 1911, under section 145, Criminal Procedure Code, and the Second Officer, without holding a local enquiry or in any way discriminating between the evidence offered as regards each individual field, found possession of the whole tract with the landlord, mainly on the ground that the Khanapuri Officer had stated that there was reason to believe that the landlord had forcibly dispossessed the raiyats from some plots just before Khanapuri. The Attestation Officer (a Munsif) who subsequently made a very thorough enquiry came to the conclusion, that part of the land had originally been in possession of the landlord, but that the greater part of it had for a long time been in possession of the raiyats, and showed conclusively that the landlord's papers on which the Magistrate had relied as proving the landlord's expenditure in *khas* cultivation were unworthy of credit. Here the section 145 order tied our hands completely and though the Attestation Officer did his best to obtain a compromise, no satisfactory solution was reached.

175. *The Daridih case.*—Again in Daridih, thana no. 511, thana Bhabhua, the raiyats were found to be in possession by the Khanapuri Officer, and again the landlord succeeded in getting the Subdivisional Officer, Bhabhua, to take proceedings under section 145, Criminal Procedure Code. These were kept pending from March 1911, till after the Attestation Officer had, in the following field season, decided the re-opened dispute and upheld the finding of the Khanapuri Officer. In the meantime the Inspector of Police had made an enquiry and come to the same conclusion.

The section 145 case was then taken up and sent for enquiry to an Honorary Magistrate who happened to be a landlord in a neighbouring village. He disagreed with all previous findings and the Subdivisional Officer accepted his opinion that the landlord was in possession.

176. *The disadvantages of section 145 proceedings during settlement operations.*—Besides illustrating the kind of dispute that occurred in this part of the district, these cases also illustrate the way in which Settlement operations may be stultified even while they are actually going on. The Settlement procedure provides for the investigation of such disputes at 3 stages, before the record is finally framed, viz., at Khanapuri, Attestation and hearing of section 103-A objections. It seems unnecessary that the parties should be encouraged to seek for a simultaneous investigation by another authority. The Magistrate is only concerned with preserving the peace and that can be effectively done by binding down the person against whose possession the Settlement Officers have found, until he has established his claim at a later stage of the Settlement operations or his title in the Civil Courts.

177. *Origin of these disputes.*—No doubt these disputes arise first from the ignorance of raiyats in the past regarding the provisions of law with respect to occupancy rights. They know well enough, as a rule, that they cannot be turned out of their ancestral holdings. But besides these there is usually in a village a considerable portion of land made up from three sources, viz., the proprietors' old *zirat* land, probably of small extent, the area recently brought under cultivation, and the land abandoned by raiyats or purchased by the landlords at auction sale. The landlord sometimes cultivates a portion of this himself but more frequently has let out the bulk of it to raiyats, who hitherto have not regarded themselves as possessing any occupancy rights in this class of land. It is only when the Settlement operations are about to begin that the landlords and raiyats wake up to the situation. If the raiyats are weak the landlord often succeeds in persuading, "peacefully," or otherwise, the raiyats to surrender their tenancies for a year or two, promising to give the land back later. When they are stronger, the raiyats have kept possession. I have little doubt that the landlords as a class have lost as the result of our operations a very considerable amount of land in Bihar, which, if they had ever taken the trouble to keep accurate and detailed accounts, would have been recorded as true "*zirat*." They have lost it in many cases by their persistent policy of confusing with true "*zirat*" all the land from the raiyati stock that has ever come into their possession. It is to be hoped that the Settlement operations will educate the raiyats to an appreciation of their rights in all land which they hold.

CHAPTER II.

ATTESTATION.

178. *Progress.*—Attestation of the records-of-rights of the district was carried out in accordance with the following programme :—

Season.	Number of camps.	Area in square miles.	Number of plots.	Number of holdings.	Officers in subordinate charge.	Thanas.
1	2	3	4	5	6	7
1909-10	8	829.17	416,726	118,864	Mr. C. L. Philip ...	Arrah.
1910-11	19	1493.70	1,857,387	316,621	" P. S. Shettle ... " F. G. Rowland ... " Rai Sahab Nilmam De.	Dumraon, Huzar, Piro, Shahpur, Bikramganj.
1911-12	10	1560.73	615,835	160,325	Mr. P. S. Shettle ... " A. B. Duncan ...	Mohania, Bhabhua, Karghar.
1912-13	8	845.75	446,695	81,775	Mr. E. L. Tauner ... " A. B. Duncan ...	Dehri, Sasaram.

Work was particularly heavy in the first two seasons, chiefly on account of the *Guzashta* question. In 1910-11 attestation continued till well into April, and in some camps till May or even June in spite of the deputation of additional officers to assist. In the last two years work was comparatively light.

179. *Money rent disputes.*—Money rent disputes were not of great importance in the first two seasons as even where the *Guzashta* right was not established, it was found that few enhancements had been made since the Bengal Tenancy Act, and there was consequently seldom need to determine how far they had been legal. In the south of the District, however, disputes of this kind were more frequent. In some cases it was found that raiyats were deliberately understating their rents, and pleaded that they could not pay the old rents, now that they could no longer grow opium. This is unusual, as in South Monghyr, and I believe in Patna, raiyats were generally not particularly anxious to grow opium of recent years, as the level of rates paid by the Opium Department had remained stationary for about 25 years before the cultivation in Bihar was abandoned, while the prices of other crops had risen materially. Consequently raiyats quickly took to growing other crops, when the inducements to grow opium, of which the advances were the chief, were withdrawn.

Some typical cases of rent disputes may be of interest.

180. *Khirawan rent disputes.*—In Khirawan no. 55, thana Dehri was given in *thika* by the proprietor to a pleader in Sasaram from 1315 to 1321. In 1315 a measurement was made, and the rents of the raiyats were enhanced on the ground of excess area. By the lease it was agreed that the *thikadar* would only realize the old rents, and any enhancement obtained would be appropriated by the proprietor. The papers of the landlord showed that the assessment of excess area was really an enhancement in disguise, as in many cases an additional rent had been placed on holdings whose areas had decreased. It was therefore decided to treat the case as an ordinary enhancement case and to examine whether the legal limit of 2 annas in the rupee had been exceeded and where it had to cut down the enhancement. It may be mentioned that in this village there was evidence to show that recourse had been had to the practice of harassing tenants by bringing Small Cause Court cases against them in other districts. It is not very pleasant to think that a member of the Sasaram Bar should take up a *thika* of a village for the purpose of illegally enhancing rents on a fictitious measurement and impose the new rents by utilizing this disreputable method of oppression.

Note.—In village Kudwa, thana Karghar, no. 411, where the landlord had been trying to introduce *danabandi* instead of *batai* a refractory raiyat was charged with a criminal offence in the Chapra Magistrate's Court. The prosecutor was a man of straw. The raiyat spent the best part of Rs. 500 in defending the case, which was found to be false and to have been probably instigated by the landlord. The raiyat received Rs. 50 as compensation which is the maximum the law allows.

181. *Baliara rent disputes.*—In village Baliara, no. 153, thana Arrah, there had been constant quarrels between the landlord and his tenants, of which the last had occasioned a serious riot in the year before attestation. At attestation the landlord claimed a large part of the village as his *zirat*, whereupon the raiyats retaliated by disputing the rents. The Attestation Officer found the *zirat* claim to be unfounded and using this as a lever persuaded the landlord to withdraw this claim if the raiyats could be persuaded to accept the rents claimed by him for the lands. The Attestation Officer, Mr. N. R. Mukharji, succeeded in bringing the parties to an agreement, and the lands were recorded as occupancy holdings and the rents claimed by the landlord settled as fair under section 109-C., Bengal Tenancy Act. Mr. Mukharji deserved great credit for his tactful handling of this dispute.

182. *Section 109-C., Settlements.*—In the whole district 2,361 cash rent tenancies and 26 produce rent tenancies were dealt with under section 109-C., the total rent settled for the cash rent tenancies being Rs. 35,366 as against Rs. 37,294 claimed by the landlords, while Rs. 619 was settled as the rent for the 26 produce rent tenancies. Naturally not so much use was made of this section as in South Monghyr or even in Patna, where rent disputes were much more prevalent.

183. *Hardeesarae rent disputes.*—In the village Hardeesarae, thana no. 226, Karghar, the raiyats claimed to hold at rents lower than those claimed by the landlord, Hara Prasad Das, a man of some wealth and influence in Arrah town. The raiyats produced a number of "*kacha*" receipts, for several years signed by one Mahadeo Upadhyas and for the last year 1319 *Fasli* by one Sheodhari Singh. The latter was tahsildar at the time of attestation and according to his statement had been tahsildar since 1312. According to the raiyats he had been tahsildar only for a few months, and prior to that Mahadeo Upadhyas had been tahsildar. On behalf of the landlord Sheodhari Singh filed books of counterfoil printed receipts from 1313 to 1318, books of accounts and *Jamabandis* from 1313 to 1318. The question of course was whether the raiyats' receipts or the landlord's papers were the forgeries. The Assistant Settlement Officer, Babu Bijoy Behari Mukharji, held a very careful enquiry. In the course of it Sheodhari Singh admitted that *kacha* receipts had been given in 1319 and offered as the reason that the printed receipt books had not come out in time. It was clear, however, that if the receipt books were genuine at all the receipt book of one year had been used frequently for the following year, so this excuse was of the flimsiest.

Mahadeo Upadhyas, who was a resident of a village 10 or 12 miles away, was summoned and he denied that he had ever been *tahsildar* or even in the village, except for one night, five years ago on his way through to Sasaram. (This is of course the usual story to account for the raiyats knowing his name.) However when the Attestation Officer asked him to write his name, he first put up a childish scribble and on being told that would not do, proceeded to write it in as shaky a hand as possible. Finally after some delay the *patwari* of the village, Suraj Lal, who had been keeping out of the way, appeared before the Attestation Officer. Sheodhari Singh had named him as the writer of the accounts filed on behalf of the landlord. Suraj Lal made a clean breast of the whole business, and stated that *kacha* receipts had all along been given, and that those produced by the tenants had been written either by himself or by his nephew or by his father and signed by Mahadeo Upadhyas or recently by Sheodhari Singh. He stated further that he had been called in to Arrah by Hara Prasad Das, and the papers produced had been prepared in Hara Prasad Das's house in order to support the enhancement claimed. The nephew and father corroborated the evidence regarding the writing of the *kacha* receipts.

184. *Criminal prosecution for forged rent receipt counterfoils in Hardeesarae.*—On this evidence coupled with the internal evidence of the papers themselves criminal proceedings were instituted against Sheodhari Singh and against Hara Prasad Das, who was clearly implicated both by Suraj Lal's statements and also by the fact that the books bore his private seal. The Assistant Settlement Officer sent the case to the District Magistrate under

Section 476 of the Criminal Procedure Code on the 3rd April 1912, and it was taken on the 12th April. On the 9th May a rule was issued by the High Court. The case was then considered first by a bench of two Judges and finally by a Full Bench. The questions considered were (1) whether Section 439, Criminal Procedure Code, applied to orders passed under section 476 by a Revenue Court; (2) whether such orders are capable of being revised by the High Court under any other provision of law; (3) whether if they are, the Bench of Criminal Jurisdiction is authorized to deal with them. The Full Bench ruling is given in Calcutta Weekly Notes, Volume XVII, page 647. The decision was that section 439 did not apply, but that the orders were subject to revision by reason of Section 115 of the Civil Procedure Code and of Section 15 of the High Court Act, and that the Bench of Criminal Jurisdiction had no inherent jurisdiction but could be specially authorized by the Chief Justice under Section 14 of the High Court Act. That Bench was accordingly authorized and finally discharged the rule in March 1913, and the record was returned for hearing on 11th April 1913. The two accused were committed to the Court of Sessions on 8th July 1913. A fresh rule was obtained against the commitment order, which was quashed as regards Hara Prasad Das on the ground of insufficiency of the evidence as the patwari Suraj Lal, had of course by this time given an entirely different story from the confession he had made to the Attestation Officer. The case against Sheodhari Singh was tried by the Additional Sessions Judge and he was acquitted. I do not think that any blame can attach to the Settlement Department for the failure to secure a conviction in these circumstances. It is regrettable both on account of public justice and the private interest of accused persons that it should be found necessary to delay the trial of such a case for a year, while questions of the power of the High Court to interfere are being considered by that Court.

185. *Cash and produce rent disputes in Mathurapur.*—In village Mathurapur, thana Piro, no. 378, there were wholesale disputes, the landlord claiming all the land as held on produce-rent (*batai*) with cash rents only for special crops (*hastobudi*) while, practically all the raiyats claimed to hold on cash rents. The landlord's papers showed only a small portion of the raiyats' land as *nagdi* (i.e. the land in which special crops had been grown) and that at very high rates, but for three years 1305, 1306 and 1307 they showed a much larger area and that at an average rate of Rs. 4 per bigha (Rs. 5-8-0 of an acre). These were the years for which road cess returns had been filed, and the jamabandis for those years agreed with those returns. Further, the *nagdi* areas for each of those years for each raiyat were the same, which was an inconceivable coincidence if those areas were simply the areas on which special crops were grown. But while it was apparent that the landlord's papers of other years were false, there was no satisfactory evidence to show what was the actual amount of land now held on cash and on produce rent or what was the actual cash rent paid. It was finally decided to accept the raiyat's statements as to the land held on cash and on produce rent, and on the cash rent area to record a rent based on the average incidence for each raiyat shown in the road cess returns. Where a raiyat was now recorded as holding at cash rents, but no average incidence was deducible for his land from the road cess returns, the average incidence of the whole body of cash rent land in those returns was applied to his holding.

186. *Proposal to empower Attestation Officers to settle fair rents on application of one party.*—Whether this decision has been attacked in the Civil Courts, I do not know. But it is clear that in a case like this the Revenue Officer should have power to settle at once and finally or subject only to an appeal to the Special Judge, the rents of all tenants on their application, a power given to him by section 85 (3), (5) of the Chota Nagpur Tenancy Act.

187. *Mr. Shettle's comments on the Chakwath disputes.*—With regard to a somewhat similar case in village Chakwath, thana no. 215, Shabpur, the late Mr. Shettle wrote:—

"It certainly is a remarkable country where this sort of thing can go on. Here have the lives of a large number of persons been embittered, their worst passions roused and a large part of their savings dissipated, simply and solely because one man wanted to exploit

a village. This has gone on for half a century during all of which time there has been administrative headquarters at Arrah about 20 miles away. It is probably true that in cases like this the Courts have done as much to foment disputes as to settle them. Moreover, when one considers what it is all about one finds that the questions are absurdly simple.

In the first place, how much money have wretched peasant farmers to pay yearly to the landlord? In the second place, who has cultivated a certain piece of land? These are questions that one would think should hardly ever arise, and whenever they did they ought to be capable of solution in five minutes. Yet, as I say, the ordinary administration of a district is not able to prevent these questions being continually raised in Courts nor yet to secure their decision with the celerity and inexpensiveness, that they merit. The Courts are so distant and their procedure so dilatory and expensive that a resort to them virtually means a denial of justice to poor litigants. I do not mean that wrong decisions are given. That is far from being the case, but I mean to say that justice which is very costly and justice which is delayed is really no justice at all.

Had there been an officer of Government living a few miles from this village Chakwath whose Court was not hedged in by Amlas and Mukhtars and who was himself well aware of the state of affairs in the village, I think this state of affairs could never have been reached. There could not be a greater reflection upon the value of our Criminal Courts than the fact that the ordinary reply to any question as to why a raiyat has submitted to illegal conduct on the part of his landlord is that had he resisted the landlord would have brought a false case against him. Now to defend a case however false would probably cost at least thirty rupees. How, is a wretched peasant with a holding whose annual rent is Rs. 5 to defend such a case? My point is that if justice were obtainable locally the landlord would not dream of bringing a false case."

188. *Enhancements under the Court of Wards (Partappur).*—A case of enhancement which is of some interest occurred in Partappur, thana no. 62, thana Dumraon, in season 1910-11. The village belongs to the Dumraon Raj, but was in thika to Babu Harihar Prashad Singh from 1295 *Fasli* to 1316, which corresponds to 1909 A. D. It borders on the Ganges. The land, regarding which the question of enhancement arose, had accreted on the Shahabad bank of the river some time before 1286, and first came under cultivation in that and the following year. Up to 1290 yearly leases were given at rents mutually agreed upon, but from 1290 in some cases or 1292 in others, registered leases for terms of 7, 9 or 10 years were given to the tenants. The rate of rent then adopted was Rs. 6-3-0 per bigha (five-eighths of an acre). When the leases came to be renewed by the thikadar they were renewed, some at this rate and some at Rs. 8 per bigha. In 1316 *Fasli*, when the Dumraon Estate, then under Court of Wards, resumed *khas* management, the 1st Assistant Manager, Mr. Bignold, was deputed to resettle the lands at the tenants' request. He invited bids for the lands, and the first block was settled at the highest bid of Rs. 18 per bigha. The bidder appears to have been a raiyat, who had not held the land before. Mr. Bignold felt that this method was likely to be harsh, and proposed to the remaining tenants actually in possession that they should accept a reasonable enhancement. The rate actually agreed on was Rs. 10-3-0 for the most part, though in some cases the rate went up to Rs. 15. The sanction of the Collector and Commissioner was obtained for the resettlement.

At attestation the raiyats who appear to have agreed to the enhancement at the time, contested the settlement and claimed to hold at Rs. 6-3-0 or Rs. 8 as before. The contention of Dumraon authorities was, in the first instance that the lands were *diara* lands in which the tenants could not obtain a right of occupancy, except by 12 years' continuous occupation as provided in section 180, Bengal Tenancy Act. As a second line of defence it was asserted that the lands were *zirat* in the sense of Chapter XI of that Act. As regards the first point it was decided that land which has been under continuous cultivation for 30 years cannot be regarded as *diara* within the meaning of section 180, even though, as was alleged on behalf of the Raj, the thikadar may have taken care in most cases to shift the tenants from one block to another. Nor is it possible for land, which was first cultivated, according to the evidence, in or about 1880 to be true *zirat*, as it was neither cultivated by the proprietor for twelve continuous years before 1885, the date of the passing of the Bengal Tenancy Act, nor could it be alleged that it was recognized by village usage as *zirat*. When these facts were pointed out to the Manager through the Collector, his reply was that the lands had steadily improved owing to the deposit of Ganges silt, and that the raiyats had agreed to

the enhancements. These contentions are, no doubt, perfectly true, but neither will legalize the enhancements as they were made under contract, and hence must be limited by section 29 of the Bengal Tenancy Act. It was decided after reference to the Director of Land Records that the enhancement must be cut down and the Dumraon estate left to apply under section 105 for enhancement, if the authorities thought fit to do so. This case illustrates the necessity for a constant watch on enhancements in Court of Wards Estates. It is possible that the rates, to which the Assistant Manager secured the raiyat's agreement in the first instance, were by no means harsh in view of the exceptional productiveness of the lands. But they were as a matter of fact illegal, and it is incumbent on the management of these estates to set the example of strict, and even meticulous observance of the Tenancy Law.

189. *Attestation Officers not encouraged to disentangle abwab from rent.*—The cases quoted above which are of course merely typical, will show that attempts, successful or otherwise, to enhance rents above legal limits are not unknown in Shahabad. Still as might be expected, where the custom of fixity of rent has been firmly established in one part of the district, while in others the population is still sparse enough to create some demand for tenants, the principal energies of Attestation Officers were not, as in some other districts, devoted to the discovery of illegal enhancements. In fact they were definitely instructed that it was not necessary in every village to scrutinize landlords' *jamabandis* for several years with this object in view. They were also told that it was unnecessary, where there was no dispute, to try to disentangle *abwab* from the rents now paid. Where, however, the raiyat contested the rent claimed by the landlord on the ground that it included *abwab*, and the Attestation Officer had before him evidence which clearly proved that certain *abwab* had been included in the rent paid, he had no option but to cut out the *abwab*. It was of course also held that proof of amalgamation of *abwab* with rent was not sufficient to rebut a claim to hold at fixed rent which would otherwise be substantiated.

190. *The Maharaja of Benares' produce rent claims.*—In some villages of Chainpur pargana belonging to the Maharaja of Benares claims were put forward that certain lands were held on the *batai* system of produce rent. It was found that a measurement had been made in 1316 Fasli and all lands found in excess of the area previously shown in the landlord's *jamabandis* as cash rent paying, were recorded in the measurement papers as held on produce rent. Needless to say, these claims were not accepted by the Attestation Officers, and the Maharaja was referred to the provisions of section 52 of the Bengal Tenancy Act, if he wished to obtain additional rent for area really held in excess of that actually settled with a raiyat. In order to prove realizations payments for current rent were credited to arrears and payments for two or more holdings in different villages to one holding only. In other villages the same landlord had arbitrarily fixed high cash rents in lieu of produce rents, but there was no evidence as a rule that these cash rents had been paid by the raiyats and the holdings were recorded as under produce rent.

191. *Proposal to require courts to scrutinize private commutations of produce rent.*—The matter, however, brought to notice the fact that there is no provision of law by which a Revenue Officer or a Civil Court can scrutinize an agreement or compromise by which a raiyat agrees to pay a cash rent in lieu of produce rent. This is evidently quite as dangerous a method of obtaining rack rents as enhancement of cash rent pure and simple and a provision similar to section 109-B and section 147-A should be enacted when the Bengal Tenancy Act is next amended.

192. *Rent receipts in the Maharaja of Benares' villages.*—It is important that the control over the subordinate staff in the Maharaja's villages should be improved and that the distribution of proper rent receipts enforced. It should, I think, be brought to the Maharaja's notice that rent receipts should be written in Kaithi and not in Urdu as they were in 1912.

193. *The value of the record-of-rights in regard to rent.*—It is reasonable to hope that as a result of the preparation of the record-of-rights the provisions of the Bengal Tenancy Act will operate to prevent further illegal enhancements,

and the record-of-rights itself will provide a satisfactory guide to Court before whom the rent legally payable is in dispute. In Shahabad, as in other districts recently dealt with, a rent note is written for every village, whether cash rents have been disputed or not, and is bound up with the Collectorate copy of the record-of-rights. It is therefore quite possible to see precisely how the officers of the Settlement have arrived at the rents which appear in the record. But there is no doubt much room for improvement in the knowledge of the officers of Government, especially Munsifs, regarding the Bengal Tenancy Act itself.

194. *Mr. Monahan's criticisms of Munsifs' work under the Bengal Tenancy Act.*—The law regarding the acceptance by courts of compromises, which are not in accordance with the Bengal Tenancy Act, was considerably strengthened in 1907, but the law is of little use if the courts ignore it. Regarding this point Mr. G. J. Monahan, I.C.S., when District Judge of Shahabad, wrote in his Annual Administration Reports of 1911 and 1912, regarding the effect of recent legislation on the workings of the courts :—

" I do not think that the new provisions of the Bengal Tenancy Act are fully understood or followed by all courts. I came across a case recently in which a landlord had obtained a compromised decree at a rate much higher than that originally stated in the tenant's written statement or than that entered in the record-of-rights. No evidence had been recorded as is required by section 147-A. I directed a further enquiry to be held. This was done and the compromise was once more accepted by the Court upon verbal evidence which, to my mind was unsatisfactory and insufficient. The working of this section undoubtedly presents some difficulties in areas in which no record-of-rights has been prepared. However, once this record is completed it is easy for the Civil Court by comparison of the rent entered in the record-of-rights with that stated in the compromise petition to determine summarily whether the latter is legal or not. In my opinion no compromise in a rent suit by which a tenant agrees to pay a larger rent than that entered in the record-of-rights should be accepted by any Court unless the landlord proves by the production of reliable papers that the entry in the record-of-rights is wrong. I recently came across some other cases in which the provisions of section 111, Bengal Tenancy Act, had been disregarded. This is not a new section but its application is new in this district as the record-of-rights is only now being prepared. Decrees for enhancement of rent had been passed in these suits regardless of the fact that section 111, Bengal Tenancy Act, was an absolute bar. I have directed the Court concerned to inform the parties that all the proceedings were illegal and invalid, and to record an order to this effect on the record.

* * * * *

" The most striking feature of the year under report was the large increase in institution of suits which, as I have already said, was probably due to the fact that Survey and Settlement proceedings are in progress in the district. It is usual for a party dissatisfied by a decision of the Settlement authorities to endeavour to snatch a decision from the Civil Courts before the record-of-rights is finally published. This is especially true with regard to rent suits when a landlord whose illegally enhanced rents have been disallowed at attestation endeavours to get *ex parte* or compromised Civil Court decrees for rent at the rates claimed by him, before the final publication. In this connection it may not be out of place to remark that there is still a certain amount of want of co-operation between subordinate Civil Courts and Settlement Courts, although the employment of Munsifs on Settlement work is gradually improving matters. However some subordinate Civil Courts are still too apt to grant decrees against entries in finally published record-of-rights on insufficient grounds. They do not seem to realize sufficiently the care with which these records are prepared and the precautions which are taken to eliminate errors. I find I have to repeat most of my remarks of last year about the way in which the new provisions of the Bengal Tenancy Act are ignored by the Civil Courts of this district. I have looked into a good many compromised and *ex parte* cases and I regret to say that the result of my investigation is that I find that the provisions of sections 147-A, 147b, 148b (I), Bengal Tenancy Act, and order VII, Rule 3, Civil Procedure Code, have been scarcely ever complied with. That is to say, when rent decrees are passed on compromise there is generally nothing to show that the Court has satisfied itself by any enquiry that the compromise is legal. Also in areas in which the record-of-rights has been finally published plaintiffs have generally been filed without the particulars required by the sections of law above mentioned. Moreover, generally, *ex parte* or compromised suits have been decreed without any reference to record-of-rights. In order to see if the law was yet being obeyed I called for and examined a number of plaintiffs recently filed in the subordinate courts in Sadr and found that even then in spite of my express orders the law was not being followed and necessary particulars for identifying the lands in dispute according to the recent survey (or particulars about the survey jama) were not being given in the plaint. This persistent disregard of the record-of-rights by subordinate Civil Courts and omission to make legitimate use of these records is most extraordinary. Whatever else may be the result of

the record-of-rights, it at least enables one to identify accurately the land in dispute and thereby is of the greatest assistance to litigants and to the courts if properly used. Again in *ex parte* rent decrees in some instances I have found that the Court has made no attempt to discover what was the rent entered in the finally published record. Here again an intelligent use of the record-of-rights might prevent injustice being done. Just at present owing to the stringent orders passed by me matters have improved somewhat and more attention is being paid to the record-of-rights. However, the individual efforts of District Judges can have but little effect on a matter of this kind. I therefore venture to point out that unless the High Court itself takes action in the matter and let it be known that the promotion and prospects of Subordinate Judicial Officers will depend to some degree at least, on the extent to which they make intelligent use of these records, there is not likely to be any permanent improvement. These record-of-rights are prepared at great expense by one Department of Government and the utmost care is taken to secure their accuracy. It is therefore most undesirable that another Government Department (the Subordinate Civil Courts) should ignore these records or should reverse the entries therein without due inquiry and without considering what were the reasons for the decision of the Revenue Courts, which led to the entries being made, and whether these reasons were wrong."

195. *Possible remedies.*—Two remedies to this state of things are suggested. In the first place, it is worthy of very great consideration, whether when the Bengal Tenancy Act is next amended, the provisions of the section of the Chota Nagpur Tenancy Act should not be adopted, which make the entry of rent in the record-of-rights final, unless contested at the time by the procedure which corresponds to that of Section 106, Bengal Tenancy Act. At any rate the present practice of contesting the Settlement record of rent in the Civil Court by means of rent suits at higher rates, as described in paragraph 278 of Mr. James's Patna Report, should be repressed. The question of the rent payable is too important to be decided as a side issue in what is in fact a money suit.

Secondly, it is certainly the opinion of many officers who have had experience of Settlement operations in Bihar, that the Subordinate Civil Courts are not altogether a suitable agency for the decision of most suits under the Bengal Tenancy Act. On this point it is difficult to give an opinion without considerable experience of the work of Munsifs when they have a record-of-rights to help them. The chief defect that strikes one in the trial of Tenancy Act cases, is the absence of grasp of the salient facts of rural economy which is only obtained by frequent local enquiries. How far local enquiries are to be encouraged in the trial of Civil suits is perhaps a difficult question, but there is no doubt that they supply an ingredient for the feast of justice, which it is difficult to get by any other means.

196. *The improvement noticed in the work of the present staff of Munsifs.*—At the same time many of the Munsifs, who have worked in Settlement, have done admirably, and their legal training has been most beneficial, when they have also gained an adequate knowledge of the rural conditions, which form the background of the provisions of the Tenancy Act. As far as Shahabad is concerned, from a perusal of various notes by Munsifs which a subsequent District Judge, Mr. T. S. Macpherson, has collected, I am well satisfied that the present staff, which fortunately numbers several Munsifs, who have worked as Assistant Settlement Officers in the district or elsewhere, fully realizes the value of the record-of-rights and gives adequate consideration to the legal presumption of correctness attaching to it.

197. *The Banskati Mahal.*—Another subject, which was dealt with principally at attestation, although it also affected the earlier stages, was the rights of Government in the Banskati Mahal. A description of this estate which consists not of proprietary rights in land, but of "incorporeal rights to certain spontaneous products, fuel, grass, minerals and the like," is given with an account of its history on pages 108—10 of Mr. O'Malley's Gazetteer.

198. *The record of the Banskati Mahal in Bhabhua Thana.*—In thana Bhabhua it was found and admitted on behalf of Government that the rights that had originally extended over certain villages in that thana had not recently been exercised by Government, and all that was done in the records of that thana was to refer to the rights claimed by Government in the "*Fard Rewaz Jangal*" or record of forest rights. The entry in each village referred to the

petition for permanent settlement, in which the rights of Government excluded from the permanent settlement of proprietary right are set forth at length and it was stated that these rights had not recently been exercised by Government. How far any action can be taken to revive rights which have been in abeyance is a question for the local officers.

199. *The record in Sasaram Thana.*—In thana Sasaram, however, it was found that the rights of Government had been, on the whole, carefully maintained, and in the records of this thana a special entry in Khewat, Part I, was made in each village in which the right existed. No one was entered under this khewat number, but a reference was made to "*Fard Rewaz Jangal*" where the rights of Government were described in full.

200. *Bansikoh.*—The Collector Mr. J. F. Gruning, I.C.S., C.I.E., deputed a Sub-Deputy Collector, Babu Jadubans Sahay, to examine the records after draft publication, in order to see that the rights of Government had been correctly entered. He reported that everything was in order except as regards the rights exercised with respect to Bansikoh, tanzi no. 4770, and Katra. As regards the former it was subsequently found that Bansikoh itself was an incorporeal estate, similar to the Banskati Mahal, from which, according to Sir D. J. Macpherson's statistical account of the Government Estates in Shahabad district, dated July 17th, 1884, it had never been separated before 1874. It was in fact the right to collect the Banskati dues in the portion of the slopes of the main plateau between the two portions of the exempted Khendaul Estate, which throws two arms up on to the slopes. The rights of Government, therefore, were recorded for the villages concerned in the same way as they were recorded in thana Bhabhua, except that it was not stated that the rights had not been exercised. The Subdivisional Officer, Sasaram, applied to have the usual Sasaram procedure adopted, and a correction made under section 108-A., but as the matter was not pressed and it was doubtful if it was a *bona fide* mistake, Mr. Tanner as Settlement Officer, declined to correct. As regards Katra it was found that this village bearing Revenue Survey no. 105 and Jurisdiction List no. 730, had been amalgamated with Kaskudar, thana no. 613.

201. *The jungle rights of raiyats in Kachuhar and the neighbouring villages.*—There was one case arising from the Banskati Mahal that give a considerable amount of trouble. The plateau village of Kachuhar, which originally was subject to the Banskati Mahal, was given in 1860 to Mr. Bingham from whom Messrs. Octavius Steel & Co. derive their right. At the time of the Revenue Survey of 1844-45, Kachuhar was still subject to the Banskati Mahal, as well as the villages lying below the slopes of the plateau. As no one then took any interest in the slopes, except the person to whom the Banskati Mahal was in farm at the time, the slopes of the plateau, which are unculturable, were included in the plateau village of Kachuhar. It appears to have been certainly the intention of Government at the time of the grant to Mr. Bingham to allow him merely the proprietary rights in Kachuhar reserving to themselves the Banskati rights on the plateau as well as on the slopes. These slopes are of great importance to the villagers of the plains as they collect wood for their domestic and agricultural uses and graze their cattle there. As inhabitants of the villages covered by the Banskati Mahal they have always possessed the right to do so but the proprietors of Kachuhar have consistently endeavoured to deprive them of these rights. Fruitless attempts have been made by former Collectors to have the disputes settled amicably, and an endeavour was made to effect a compromise between all parties in the course of the Settlement operations.

202. *Mr. Murphy's decision under section 103-A.*—Negotiations, however, fell through and Mr. Murphy himself took up the section 103-A objections filed in respect of these disputes. The point at issue was this.

The inhabitants of Kachuhar and of 18 other villages in the neighbourhood claimed that they had the right to graze all their cattle except buffaloes and pack bullocks free of charge, and the right to take bamboos, certain kinds of wood, thatching grass and fuel also without payment. For buffaloes they

claimed that the rate is four annas per annum for each beast and for pack bullocks one anna, assessable on the number of beasts possessed by each man. The rights are claimed as exercisable over the whole 19 villages by the inhabitants of each and every village. The proprietors of Kachuhar, however, have endeavoured to levy from all the inhabitants of the 19 villages the same fees that were being paid to Government as proprietor of the Banskati Mahal, and hence the latter were threatened with a double demand. This they refused to pay, and numerous cases in the Civil and Criminal courts have resulted. The point at issue was never fully understood in these courts and was frequently confused with the question of the boundary of Kachuhar village. The proprietors of Kachuhar also claimed to be able to raise and lower the fees at will and to impose fees on the rights exercised without payment. Mr. Murphy decided that the rights of the inhabitants of the 19 villages could not have been affected by any arrangement between Government and the proprietors of Kachuhar by which the latter acquired the proprietary right in that village and also the Banskati right in that village. He left open for a settlement between Government and the proprietors of Kachuhar the question of the division of the customary fees paid by the inhabitants of the 19 villages but decided in favour of those inhabitants their claims to exercise their rights throughout the whole of the area covered by the 19 villages.

203. *The decision of the Special Judge.*—The matter formed the subject of a section 106 case, and an appeal was presented against the order of the officer who tried that case to Mr. James, as Special Judge, who delivered judgment in special appeal no. 285 of 1924, on the 30th November 1915. The result of the section 106 case and the appeal was to uphold Mr. Murphy's decision in the main, though a few minor alterations reducing the extent of the rights claimed by the tenants were made.

204. *Produce rent questions.*—Although the area in the district held on produce rent is 20 per cent. of the total area held by settled occupancy and non-occupancy raiyat, yet the problems of produce rent are of nothing like so great importance as in South Monghyr, Patna and Gaya. To the best of my belief not a single instance of any claim for the landlord's share, exceeding one-half was met with, and frequently the landlord's share is nominally only seven-sixteenths, two-fifths or even one-third. The share frequently varies according to the crop sown on the land in a particular year, or according to the number of waterings the crop has required.

205. *The landlord's real share.*—The nominal share of the landlord is further decreased both under the *danabandi* and the *batai* systems by the fact that it is calculated not on the gross produce, as is often assumed by persons unacquainted with *mufassal* conditions, but on the balance of produce after the customary deduction for harvesting expenses, village menials allowances, and "*tari agwar*" or allowance to the raiyat of the grain left mixed with the dust and chaff on the threshing-floor. These allowances altogether amount as detailed on pages 82-83 of Mr. O'Malley's Gazetteer to something like 20 per cent. of the total gross produce of grain. The straw, etc., is of course the property of the raiyat.

206. *The produce rent record.*—As produce rent problems in Shahabad were not complicated it was decided, mainly in view of the great labour which the *guzashta* question entailed on Attestation Officers, to drop the preparation of the "*fard rewaz bhaoli*" introduced in South Monghyr and Patna. This record of the system of produce rent was accordingly only prepared where special complications were found. I must frankly own that I think that this decision, for which I was largely responsible, was a mistake, as however well known the customs regarding the division or appraisal of the crops may be in the villages themselves, the courts will neither know them, nor in keenly contested case obtain undisputed evidence with regard to them. I strongly recommend that in future wherever produce rents are found, detailed descriptions of the system should be made for each village and estate and should form part of the record-of-rights as finally published.

207. *Sanjhia Tenancies.*—“*Sanjhia*” holdings were found fairly common in the southern thanas. In these the landlord and tenant work jointly on the fields and divide the produce. Generally, the tenant is an under-raiyat and the landlord a raiyat, but occasionally the system is in vogue with a small proprietor as landlord.

208. *A tenancy of doubtful legality.*—A curious form of double tenancy which is, I believe, new to Bihar, was found in T. k. ia, thana no. 151, Thana Sasaram. In all about 9 acres of land were let out about 20 years before to raiyats on condition that the landlords could grow and harvest the paddy crop, the raiyats merely growing and harvesting the subsidiary rabi crop. For this land the raiyats paid at the rate of Rs. 5 per bigha, a very high rate in the circumstances. The arrangement was allowed to stand, but it seems to me that it contravenes section 23 of the Bengal Tenancy Act. It certainly would be dangerous, if it became a common method of settling lands, which fall back into the hands of the landlords.

209. *Sanbharhu Tenancies.*—In the southern thanas also a form of tenancy known as “*Sanbharhu*” was found. A tenant takes up waste land to bring it under cultivation and has only to pay low cash rents for the first few years. At the expiry of the term agreed upon, either a cash rent equal to the village rate for the class of land or a produce rent of the same kind as prevails in the village is fixed for the land. The rents for the first few years generally increase year by year. It was found that the tenant was admitted to have occupancy rights from the beginning of his tenancy, and that status or the status of settled raiyat was accordingly recorded as well as the details of the rent payable. It was not thought reasonable to interfere with the rents, although possibly the arrangement was not precisely contemplated by section 29 of the Bengal Tenancy Act.

210. *Mortgages of Bakasht lands.*—Careful enquiries were made at attestation to distinguish between real mortgages with possession of lands previously held by landlords in cultivating possession, and transactions which were actually in effect settlements of the lands with cultivating tenants, and merely called mortgages in order to evade the provisions of the Bengal Tenancy Act, regarding the rights of settled raiyats. Many cases were found in which the so-called mortgagee actually pays annual rent for the lands. Wherever it was clear that the transaction was really of the nature of a settlement of land on payment of “*Salami*”, the occupier was recorded as a raiyat, and his status determined according to the ordinary rules.

211. *Homestead lands.*—The question of homestead lands was not a burning one in Shahabad, but as there is reason to believe that the Civil Courts are sometimes in doubt as to the meaning of the entries made, it is as well to discuss it. As a general rule homestead lands, which include both the actual house site and the small enclosure attached to it, as well as in some cases small plots of garden and bamboo plantation adjoining it, have been entered in the raiyat's *khutian* but against the plot numbers the word “*belagan*” is written. This signifies that the plots form a part of the raiyat's agricultural holding, but that they are not assessed to rent. I should add that in my opinion they are not liable to assessment.

212. *Buchanan on homestead lands.*—I find that Buchanan wrote in 1812 with regard to Shahabad that ground rent for houses is on the same footing as in Bihar (*i.e.*, modern Patna and Gaya).

As regards Bihar he wrote :—

“Except for the cities of Patna and Gaya or in large market places, the “*Ashraf*” or high ranks pay no rent for the ground occupied by their house nor can a landlord refuse to allot land for the purpose to any *Ashraf* who requires it. The exemption in favour of the *Ashraf* is in fact of no great value, as almost every one of them who resides in the country and who has not free land, rents a farm, and no person who rents a farm (*Ashami*) pays for his house. The houses, however, having little or no garden annexed, occupy very little space as merely the yard (*Angana*) is exempted. Artificers, traders and labourers, pay a heavy ground rent either in money or work.”

213. *Homestead lands probably not liable to execution sales.*—As to whether homestead lands are liable to be sold in execution of a decree along with the rest of the holding, I should certainly say that they are not, by reason of section 60 (1) (c) of the Civil Procedure Code. For where the homestead land is recorded "*belagan*," the proviso under section 60 (2) (a) does not apply, even when there is a rent decree for the holding. It is a little difficult to see what action the landlord could take against a man whose agricultural land had been sold, but who retains his homestead. Perhaps in that case a suit might be brought for assessment to non-agricultural rent on the ground that the right to hold rent-free was conditional on the possession of agricultural land as a raiyat. But generally the landlord finds it convenient not to disturb such persons, at any rate if they are of the labouring classes.

214. *Homestead lands of under-tenants.*—As I have said homestead lands on the old village sites were generally recorded as *belagan*. Where, however, it appeared that tenants had built dwelling-houses or had settled under-tenants (*parjas*) on portions of their agricultural holdings which are quite separate from old village sites, the claims of the tenants to hold these lands as part of their agricultural holdings were allowed. The practice of settling low caste men in this way was fairly common in the north. The *parjas* render "*begari*" to the substantial tenants who have settled them and the latter have *hukumat* over them, *i.e.*, a right to demand their services. In village Murar, thana no. 328, Dumraon, some influential Kayasths are found who have the right to re-occupy the houses of such *parjas* when they leave the village or die without leaving any heirs. They are called *Mokaddams* and their rights has been upheld by the High Court.

215. "*Hawalgi lagan*" entries.—The form of entry known as *hawalgi lagan* occasionally presents difficulties to the Civil Courts, and may well be explained.

This is an entry of two or more *khatians*, in one of which only is the rent payable recorded, while cross references are made to the other *khatians*, in which no rent is recorded but merely cross references to the *khatian*, in which the rent is recorded.

These unfortunately complicated entries are required principally—

- (1) when in the landlord's *jamabandi* holdings are found which lie in more than one village ;
- (2) when in the landlord's *jamabandi* holdings are found which lie in more than one estate in the same village ;
- (3) when an estate has been subdivided by the landlords into separate parcels (*pattis*) but some lands have been left in joint possession of all or some of the landlords ;
- (4) when an estate is held jointly by two or more co-sharer landlords, of whom one has recognized transfers of part holdings while the other has not ;
- (5) when a holding is held by two or more raiyats, who have with the landlord's consent divided a portion of the holding between them and pay specific portions of the total rent, but retained the remainder of the holding in joint tenancy, subject to the payment of the rents specified for each co-sharer.

The reasons for any particular "*hawalgi lagan*" entry are not easy to discover for any one unaccustomed to the record but usually a reference to the landlord's *jamabandis* and examination of the *patwari* should make them clear. In any case it may be generally presumed that all *khatians* connected by such entries are still for most purposes at single holding though no doubt cases might arise in which they are not for the purposes of the suit. A still further complication may of course arise where co-sharer raiyats have assigned to each of themselves some specific land. In the case of a holding so treated which is recorded in a single *khatian*, the separate possession is noted in the remarks column, but where the holding is spread over several *khatians* linked up by "*hawalgi lagan*" entries it is usual to show in each *khatian* the names of those raiyats only, who have possession of the lands included therein.

GUZASHTA TENANCIES.

The question, however, that overshadowed all other Attestation problems, and during the first two seasons took up a large part of the time of Attestation Officers and the supervising staff was the treatment of claims of raiyats to be *Guzashtadars* in the sense of raiyats at fixed rent.

216. *Enquires at Khanapuri.*—During the field season of 1908-09 when the Cadastral Survey and Khanapuri of Arrah thana was in progress, the officers of the Settlement came across areas where the raiyats called themselves *Guzashtadars* and said that their rents had never been and could not be altered by their landlords. So far as could be gleaned at this stage, the history of rents showed that there had not been any general enhancement, as far back as memory went.

217. *Attestation in Arrah Thana.*—When Attestation was taken up in this thana in 1909-10, the first question to decide was how far the existence of the well recognized status of *Guzashtadar* was to modify the ordinary practice of the Bihar Settlement in other districts of requiring strict proof from the raiyats in accordance with the provisions of section 50 of the Bengal Tenancy Act before they could be recorded as "*Sharah Muaiyan*," i.e., raiyats holding at fixed rents or fixed rates of rent. Mr. Philip, the Assistant Settlement Officer in charge, conducted very careful enquiries into the prevalence of the *Guzashta* holding. He found even in Arrah thana, as had been recognized in the High Court rulings which are quoted on page 82 of Rampini's Edition of the Bengal Tenancy Act (4th Edition), that, while in some parts a *Guzashta* holding was undoubtedly a holding at fixed rents, in others the term was used loosely to denote the holding of an occupancy raiyat. At the same time he was able to form the opinion that, roughly speaking the tract in which *Guzashta* had its full meaning was that which lay north of the East Indian Railway Main Line.

218. *Admission of landlords.*—In this area he was able to obtain a practically universal admission from all resident and a large number of non-resident landlords that the rents of *Guzashta* holdings could not be enhanced, except on the ground of landlord's improvements, and he found that with the exception of the officials of the Dumraon estate then under the Court of Wards, practically all landlords in this area admitted which holdings were *Guzashta* in that sense. For example, he noted that Babu Kisori Sahay Singh, landlord of Jamira, who owned land scattered throughout the district, stated independently, without Mr. Philip having made any suggestion on this subject, that the term *Guzashta* meant generally merely a right of a raiyat to hold land permanently and to do as he liked with it, sell or mortgage it without the landlord's consent, but that in the "*rabi*" area it meant also that the rents and rates of rent had come by custom to be non-enhanceable by the malik, save and except on the ground of malik's improvements; that, as a matter of fact, the rents in that area had never been enhanced, and no malik wanted to enhance them, and that the Railway line might be taken as roughly the southern limits of this kind of *Guzashta*. He further said that he had no objection whatever to the recording of *Guzashtadars* as *Sarah Muaiyan* as he had no desire to apply for an enhancement of rent on these holdings; but that he wanted to apply for an enhancement on the rent of those who had taken settlement within the last 20 years.

219. *Mr. Philip's Circular.*—This admission is typical of a large number which are on record, and on the evidence before him, Mr. Murphy, the Settlement Officer, issued instructions that in Attestation Camps I, II and III which comprised the area defined above by Mr. Philip, *Guzashtadars* were to be given the status of "*Sharah Muaiyan*," which is the vernacular phrase used in Bihar records-of-rights to denote fixed rent holdings within the meaning of the Bengal Tenancy Act. There remained the difficulty of deciding who were *Guzashtadars*. As I have said above this difficulty was minimized to a great extent, in villages not belonging to the Dumraon Estate by the readiness of landlords to admit that the bulk of their raiyats were *Guzashtadars*. But as general instructions were required Mr. Philip made a rough draft of a circular, to be issued to

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the three camps mentioned above, and this circular was issued with the authority of Mr. Murphy over the signature of Mr. Philip, as it stood without revision by a somewhat unfortunate oversight.

220. " All raiyats who claim to have *guzashta* holding should be recorded as *sharah muaiyan* unless the *landlord* can prove that the rents of these holdings have ever been enhanced, or have been converted [*from bhaoli into nagdi or that the holdings have been created*] since the date of the Permanent Settlement.

Where entries of *sharah muaiyan* are numerous in any village the Assistant Settlement Officer must prepare a schedule of the raiyats who claim this status, and attach a note to this schedule stating fully his reasons for recording or disallowing it in each case. In this note the entry must be explained (*and the evidence of the landlord discussed*) or* the fact, that he was asked to produce rebutting evidence but failed to do so.

If the raiyats can raise the presumption required by section 50, Bengal Tenancy Act, by producing rent receipts showing that the same rent has been paid for 20 years or more, they should be allowed to do so; and the dates of the rent receipts noted against each in the schedule.

The following cases will arise:—

(1) A *guzashta* holding has come down unchanged in the same family for generations.

(2) A *guzashta* holding has been split up among different descendants of the same family, and the division has been allowed by the malik and entered by him in his *jamabandi*.

(3) An entire *guzashta* holding has been purchased by a new raiyat from the original raiyat.

(4) Portions of a *guzashta* holding have been purchased from the original *Guzashtadar* by different raiyats.

(5) A *guzashta* holding has been purchased by a raiyat in execution of a decree.

(6) A *guzashta* holding has been purchased by the malik in execution of a decree for rent and resettled—

(a) on an increased rent;

(b) on the old rent, on payment of a large sum as *nazarana* to the malik.

(7) A *guzashta* holding has come into the hands of the malik either by extinction or exile of the original raiyat's family and been settled by him with a new raiyat.

(8) Lands may be claimed by raiyats as *guzashta* which have been recently brought under cultivation by him:

Provided always that the malik cannot prove any of the three facts mentioned in the first paragraph, in cases (1), (2), (3) and (4), the raiyats who held the *guzashta* lands will be recorded as *sharah muaiyan*.

(5) The raiyat will be entered as *sharah muaiyan*.

(6) (a) The raiyat will not be recorded as *sharah muaiyan*. (6) (b) see note above. There is an implied *mukarrari* but the facts will not strictly come under section 50 I think.

(7) and (8) The raiyat will not be recorded as *sharah muaiyan*, but must be treated as to status in the ordinary way.

The malik must be given full opportunity of proving that in any case a holding is not *sharah muaiyan*. If he succeeds in doing so, the manner of his doing so must be noted in the schedule.

" If a malik admits that the raiyats recorded as such in the schedule and recorded as *sharah muaiyan*,* he should be asked to sign the schedule in token of his admission, or even if he merely admits that the rents have never been enhanced and does not care to disprove the fact that the holdings have been in existence from before the Permanent Settlement. But a *patwari* or *Tahsildar's* admission to the above effect is of no value, unless he has proper authority from the malik to make it. If he has authority, its nature must be noted on the schedule."

221. *Criticism of the Circular.*—The opening † sentence of this circular was hotly criticized later on as meaning that the mere assertion of "*guzashta*" rights by the raiyats was enough to justify their record as raiyats at fixed rates, unless evidence to the contrary was produced by the landlord. But, as Mr. McPherson subsequently pointed out, the illustrations given in the body of the circular show that a mere claim was not enough. The orders regarding cases (7) and (8) clearly show this. The Attestation Officers concerned fully carried out the spirit of the circular, but did not in all cases as fully record the reasons for their decisions, of which more hereafter. There was no objection at the time to the procedure of the attestation camps in this matter from any other landlords except on behalf of the Dumraon Estate.

222. *The objections of the Dumraon Raj.*—The 2nd Assistant Manager, Babu Baij Nath Sabai, however, submitted to his superior officers a strong note of protest, which was supported by the opinion of the Government Pleader. The grounds of protest were :—

- (1) That the procedure reversed the whole law of evidence as to onus, the onus being on the raiyat to prove the fact of uniformity of rents.
- (2) That it is clearly laid down in section 50 of the Bengal Tenancy Act that presumption as fixity of rent arises on the tenant producing the last 20 years' receipts showing unchanged rent; and that this proof of uniformity of rent should not be decided in his favour on mere inference.
- (3) That *guzashta* holdings are not necessarily, and as a matter of fact, holdings at fixed rent.

223. *Mr. McPherson's views.*—The Manager, Mr. Wilson, and the Collector, Mr. Johnson, were inclined to support the Assistant Manager in his contentions. Mr. McPherson, the Director of Land Records, discussed the subject in March 1910 with the officers of the Estate, Mr. Murphy, Mr. Philip and myself, and on a consideration of the evidence held that the officers of the Settlement were fully justified in the conclusion that they had come to, that in certain areas of Shahabad, mostly lying north of the Railway line, the "*guzashta*" right was synonymous with the right to hold at fixed rent or rates of rent. He approved of the circular and merely stipulated that as full a record as possible should be prepared of the evidence which rendered the general instruction applicable in a given area. A copy of Mr. McPherson's inspection note was sent to the Commissioner of the Patna Division, Mr. Maude, by the Board of Revenue, who asked him to state what instructions he proposed to issue to the Collector and the Manager of the Dumraon Court of Wards Estate. Mr. Maude replied in his letter no. 123-2, dated the 4th May 1910.

224. *Mr. Maude's views.*—His opinion was that in view of evidence collected, including the admissions of landlords that a number of their tenants were *guzashtadars* and that *guzashta* right carried with it fixity of rent rate, the procedure to be adopted by Assistant Settlement Officers was correct and unobjectionable, namely, that they should make a full examination of the receipts and village papers of each particular village and thereafter record for that

* *Sic.* Probably the sentence should read: " If a malik admits that the raiyats recorded as such in the Schedule and record are *sharah muaiyan*."

† The Circular is quoted as printed in the *Calcutta Gazette* in the proceedings of the Legislative Council. I have not been able to obtain the original document, but I suspect two omissions though as the Circular was itself merely a rough draft it is possible that the incompleteness of these portions is due to that fact. I have put in two conjectural emendations in bracketted italics. On seeing the Circular, as issued, Mr. Philip at once visited the camps concerned and supplemented the opening sentence with verbal instructions as to its proper interpretation.

village, after reference to its own papers and the custom of neighbouring village whether the *guzashta* right does in fact carry with it in that village the *sharah muaiyan* right. He pointed out that the Assistant Manager had confused two completely separate issues, viz.—(1) is the tenant a *guzashtadar*, and (2) does the *guzashta* right carry with it a fixed rate of rent? He explained that the Assistant Manager had entirely misunderstood the orders in saying that all “*guzashta*” holdings would be recorded on the mere statement of the tenant as “*sharah muaiyan*.” He proceeds:—

“It is not proposed to accept a mere *ipse dixit* of the tenant that his tenancy in *guzashta*, unless it is admitted, which, however, it nearly always has been when claimed. Nor again is it intended that when the tenancy has been accepted as *Guzashta* the mere statement of the raiyat that it is also *sharah muaiyan* will be sufficient. The condition and history of the village must be such as to show that in the village *guzashta* right does include fixed rates. When this has been shown and noted in the record, it will be for the zamindar to show that in any case in that village the rent is not at a fixed rate, as, for instance, by proving that at any particular time it was actually altered either as a cash rent or at time of conversion from “*bhaoli*” to “*naqdi*.” What is intended (and rightly intended) is that the mere fact that the tenant is unable to prove, by producing 20 years’ rent receipts or otherwise, that he has held all along at fixed rate should not operate against him. What Babu Baij Nath Sahai wants to do is to pin the tenant down to section 50 of the Tenancy Act and say to him, “Prove the fact which is sufficient under section 50 to establish a presumption of fixed rate? If you can’t do that you can’t claim a fixed rate at all?” This is neither law nor justice. It may be good enough in an area where there is no trace of any special class of tenancy carrying with it fixity of rate, but it is certainly not good enough where there is found a class of tenancy which admittedly in the vast majority of cases and in a particular area does carry with it such a fixed rate attribute.

The instructions therefore that I should propose to lay down for the guidance of the Raj officers would be:—

(1) That when a raiyat claims to be a *guzashtadar* in a village where *guzashtas* exist the claim should not be disputed, unless it can be shown that he is not a *guzashtadar*. There must surely be Raj papers which will show who are *guzashtadars* and who are not, even if the road-cess and *teikhana* papers do not show this.

(2) That where the Attestation Officer has found for a village that the *guzashta* right carries with it, as a rule, the right to hold at fixed rate, the right should not be disputed where it is claimed, unless the Raj officers can show that, as a matter of fact, in that particular case the rate can be or has been altered. In other words, they should accept the burden of proof on this issue.

225. *The instructions issued in the Dumraon Raj.*—The Collector, Mr. Johnston, to whom the matter was referred, before final orders were issued, accepted the views expressed above and the Board of Revenue approved and instructions were ultimately issued by the Manager to his subordinate officers for the next attestation season in the following terms:—

“Under orders of the Board and in consultation with the Settlement authorities it has been settled that in the matter of *guzashta sharah muaiyan* claims and other disputes, all papers (old or new) which are calculated to throw light on rent or status (irrespective of whether they support the claim or not) should be produced for the inspection of the Assistant Settlement Officers. It is not necessary for us to await a specific requisition for a particular document or class of documents. On the contrary, we should spontaneously examine all the records in our possession and voluntarily produce all papers likely to prove of use in deciding the real facts about any case or class of cases. If any paper particularly required by any Assistant Settlement Officer be not available, a statement must be made to that effect. It must be remembered that this statement must be absolutely correct.

“Similarly no objection under Section 103-A., Bengal Tenancy Act, with regard to any entry need, be filed, or if filed, should be withdrawn, if it is found on examination of all available papers and other evidence that there is no proof in support of it.”

226. *Newspaper criticism.*—It was after all this consideration of the case that three articles appeared during June 1910 in the *Amrita Bazar Patrika*, complaining of the action taken in the matter and criticizing Mr. Philip’s circular.

227. *Opportunities given to landlords to put in fresh objections under section 103-A., free of cost.*—The Board, on re-examination of the circular, thought that its opening sentence was open to objection. After consultation with the Officiating Director of Land Records, Mr. J. Reid, I directed with the approval of the Board, that to remedy any injustice that might have been done by an

over-literal interpretation of the first sentence of the original circular, throughout the area affected, landlords who had not already filed objections to status entries under section 103-A of the Bengal Tenancy Act, should be allowed to file objections free of cost, and that those objections to status that had been previously heard should be re-heard. At the same time a revised circular was drawn up by me and issued for the guidance of the officers who heard these objections, in the following terms :—

“ Landlords have been permitted to file section 103-A, objections, free of cost, objecting to the entry of *sharah muaiyan* in the records of Attestation Camps I, II and III in Arrah thana. They have also been permitted to file review petitions where section 103-A objections have already been filed and disposed of. These review petitions will also be on plain paper, and no copy of the original case record is required. All objections and review petitions must be filed within one month of the date of the service of notices.

“ The objections and review petitions will be examined with the schedules already prepared at attestation or section 103-A stage, and in all cases in which it is found from the schedule that the entry of *sharah muaiyan* is based on the production of rent receipts by the raiyats the objection or review petition will be put up to me for summary disposal.

“ The remaining objections and review petitions will be made over to an Assistant Settlement Officer for enquiry. He will have regard to the following points :—

- (1) Whether the landlord or a responsible agent admitted before, or now admits, that there is a custom of *guzashta* holding in the village.
- (2) Whether there is any other evidence to establish the existence of such a custom.
- (3) Whether it is admitted, or has been admitted, that in the village *Guzashta* signifies fixity of rent.
- (4) Whether there is any other evidence to establish the significance of the word ‘ *guzashta* ’ in the village.
- (5) What proportion of the raiyats of the village or locality have been recorded without objection as *Sharah Muaiyan*, or have been able to establish their status by the method indicated in Section 50, Bengal Tenancy Act, and whether there is sufficient reason for holding that the raiyats against whom objections have been filed are raiyats of the same class as the bulk of the raiyats of the village or locality.
- (6) The Assistant Settlement Officer will also inspect any other evidence offered by the raiyat in the first instance or by the landlords with a view to answering such evidence. He should particularly enquire of the raiyat whether he has rent receipts and will of course scrutinize receipts now offered for the first time with great care.
- (7) The Assistant Settlement Officer will not be influenced by the conclusions arrived at by the Attestation Officer or the section 103-A Officer, but will consider the case *de novo*. At the same time he will read the notes of his predecessors in order to find out what evidence was available before them.”

228. *Question in the Legislative Council.*—After the issue of these instructions and the invitation to landlords to revive or file their objections, the following questions were asked and answers given in the Provincial Legislative Council on 30th August 1910 :—

The Hon'ble Babu Braja Kishor Prasad asked :—

- III.—(a) Has the attention of the Government been drawn to a circular issued over the signature of Mr. C. L. Philip, Assistant Settlement Officer, headed “ Instructions regarding the status of *guzashtadars*,” the first paragraph of which is :—

“ All raiyats who claim to have *guzashta* holdings should be recorded as ‘ *sharah muaiyan*,’ unless the landlord can prove that the rent of these holdings has ever been enhanced or has been converted from *bhaoli* into *naqdi*, or that the holdings have been created since the date of the Permanent Settlement ?”

- (b) Will the Government be pleased to state if it is a fact that, in numerous instances, simply because the zamindars of the district of Shahabad have admitted their tenants to be *guzashtadars*, such tenants have, on the basis of the said circular, been recorded as “ *sharah muaiyan* ” tenants as a matter of course ?
- (c) Will the Government be pleased to withdraw the said circular ?
- (d) Will the Government be pleased to direct the Survey authorities to reconsider in the light of section 50, sub-section (2), of the Bengal Tenancy Act, the cases of those tenancies which have been recorded as *sharah muaiyan* simply on the basis of the said circular ?

The Hon'ble Mr. Gourlay replied :—

- (a) " Yes.
- (b) " From inquiries made by the Director of Land Records it appears that there have been some cases where the claim to the status of a raiyat holding at fixed rates has been admitted, in his opinion, without adequate proof.
- (c) " The circular has been withdrawn and replaced by another, of which a copy is laid on the table.
- (d) " Instructions to give landlords special facilities to obtain a reconsideration of such cases have been issued by the Settlement Officer."

229. *The result of the special section 103-A objections.*—How far the campaign against the action of the Settlement Officers was justified may be gathered from the figures for the disposal of section 103-A objections and the trial of section 106 suits. In Arrah thana there were 49,841 holdings recorded at Attestation as holdings at fixed rates of rent. In the ordinary course 3,748 objections were filed by landlords on the subject of status, which would mostly be regarding fixed rates, and of these 583 were allowed, while 1,430 objections were filed by tenants, of which 598 were allowed. As a result of the revised circular 12,398 objections were filed free of cost, and of these 1,414 were successful. By the orders passed on all the objections both on behalf of landlords and tenants the number of holdings recorded at fixed rates was reduced from 49,841 to 49,597 in the whole thana. In case it might be urged that the officers who re-heard the objections filed, free of cost, did not decide them with due consideration. I may note here that only 54 suits under section 106 were instituted by landlords in this thana on the subject of status and of these 18 were decreed in the landlord's favour and 36 against, while out of 116 appeals in this thana against the orders of section 106 officers on all subjects, in 84 their orders were fully upheld in the Court of the Special Judge.

230. *The problem in the second year's attestation area.*—The difficulties of the subject did not, however, end with the season of 1909-10. As soon as the field season of 1910-11 began, I visited several Attestation camps together with Mr. Shettle, and examined the position in the northern part of Dumraon, Buxar and Shahpur thanas. We found there that the question was just as acute as in Arrah thana, while owing to the fact that the majority of villages belonged to the Dumraon estate, whose subordinate officers had not received, or not fully understood the orders referred to above, and still disputed the facts, it was not quite so easy as in the previous year to get evidence.

231. *My inspection note and instructions for enquiry by Attestation Officers.*—As an illustration of the necessity for controlling to some extent the "judicial discretion" of Attestation Officers, I quote in full my inspection note of one of the camps in the area that is certainly mainly a true *guzashta* tract, together with the instructions issued to the Attestation Officers of the season 1910-11 :—

" I have inspected Camp IV now at Dhakaich about 2 miles north-east of Dumraon. From the Assistant Settlement Officer's Rent Notes of villages, he has already attested, it appears that raiyats have generally claimed to be *guzashtadars* and consider that one of the incidents of *guzashti* tenancy is a right to hold at fixed rates. The Assistant Settlement Officer has so far insisted on the production of rent receipts to prove fixity of rent. In the nine villages already attested only 10 raiyats have been recorded as *sharak muaiyan* as against 579 raiyats recorded as *kasmi*. Only a few raiyats of these villages produced rent receipts and of these some had their claims disallowed. In several villages the Assistant Settlement Officer has had before him the *jamabandis* of the Dumraon Raj of years earlier than 1299 *Fasli*, but has not investigated the cases of individual tenants to see whether the demand in those years was the same as it is now. He has simply ignored all other evidence except documentary evidence produced by the raiyats themselves.

" The Assistant Settlement Officer says that it is admitted on all sides that the rents have not been enhanced within the last 20 years. He has not recorded any statements regarding this point. Where the raiyats have produced 20 years' rent receipts, they have succeeded in all cases except in the case of 3 raiyats in Kharajpur. In these cases the Assistant Settlement Officer notes :—'The malik, on the other hand produced *jamabandis* from 1276 to 1316. These showed that both the areas and rents of the above three raiyats' holdings varied between 1276 to 1288. The claim of these tenants to be recorded as *guzashtadars* with status *sharak muaiyan* was therefore not allowed, specially as they neither pleaded nor could show, though asked to do so, that the malik's *jamabandis* were not genuine,"

This note does not show what the variations of rent and area were, it is by no means unlikely that they could be explained by the fact that these raiyats' predecessors in interest had sold or bought other lands and had them included in their holdings. (The one case of which the Assistant Settlement Officer has kept a note appears to support the contention that there has been an enhancement.)

In this same village the Assistant Settlement Officer notes that during the *thikas* of Mr. P. W. Carter, Indigo Planter, from 1286 onwards, the receipts granted show the term "*guzashta*" instead of the usual term *kashikar* on the Raj receipts. The Assistant Settlement Officer says this cannot be taken as evidence against the Raj, but I see no reason why it should not be good evidence of the existence of the term *guzashta* in this village at that time, although it does not help us to determine the precise significance of the term. The Assistant Settlement Officer also notes that the raiyats generally lay stress on the incidents of *guzashta* which give the right to sell or mortgage without permission of the landlord, and that only the more clever ones lay stress on the incidents of fixity of rent, and that these go so far as to say that no enhancement or reduction can be made even on proof of alteration of area. The experience of last year, however, goes to show that this may be due to the fact that the idea of enhancement of rent is so alien to the minds of the raiyats that they do not consider it a point of importance until it is pressed on their notice. The raiyats are constantly selling and mortgaging their lands, and each transaction of this kind reminds them of their right in the matter, but until the landlord wishes to enhance, the question of fixity of rent does not present itself to them.

In the villages now under attestation the raiyats are producing rent receipts for 20 years in much greater numbers. In Dhakaich where there are about 400 raiyats, 103 have already produced their receipts, and probably more will produce them. Schedules have been prepared for 25 raiyats, who have produced receipts up to the date of my inspection. Out of these I would allow the presumption under section 50 without any hesitation in the case of 18. The other seven are doubtful cases, but chiefly for this reason that the Raj has not granted receipts showing total demand, but merely receipts for payments made at the separate eight *kists*. In many cases the payment of rent has been made at five *kists*, and the non-production of a single one of these five receipts will make it impossible to determine from receipts alone the actual demand in that year. It is at least likely in other cases that the variation in the demand is due to purchase or sale of land. No enquiry into these seven doubtful cases has yet been made as the village has not yet been attested.

I questioned some of the raiyats of Dhakaich who all claimed to be *guzastadars*, and though they laid particular stress on their right to sell or mortgage without consent of *malik*, they also said that their rents had not been enhanced and could not be enhanced. They drew a distinction between their *guzashta* lands and the lands in the *diara* villages where adjustment of rent is made according to area.

I also questioned the Patwari, Raj Kumar Lal, who said that there was a measurement by the *thikadar* in 1247 *faski* and that rents were then adjusted according to increase or decrease of area, but that the rates were not altered at that time, and that since that adjustment no alteration of rent or rate had occurred. He says that a *sharahwar jama-bandi* was prepared in that year, but he has never seen that document. This statement if supported by other evidence might be enough to dispose of the raiyats' claim that in *guzashta* holdings no alteration of rent even on proof of alteration of area can be made, a claim I am not disposed to regard seriously, but it cannot be taken to dispose of the raiyat's contention that *guzashta* holdings are holdings at fixed rents. It is necessary for the Attestation Officer to make a detailed enquiry in each village on the particular point of status. Whether this will be necessary in all the attestation camps this year I am at present unable to say.

The circular issued on 5th August 1910 to the officer deputed to make a fresh enquiry under section 103-A, in cases of Arrah thana, where the landlord availed himself of the opportunity given to him to file a fresh objection to the status as draft published, must be issued to attestation camps in which this question arises. The Assistant Settlement Officers concerned should generally follow the instructions issued to that officer given in paragraph 3 of that circular. It is, however, necessary to prescribe some procedure which will ensure that a proper enquiry is made at attestation in each village and that a clear note of the way in which the matter has been decided is left on record for the use of officers who may have to deal with the question later.

I therefore issue the instructions below :—

In each village the Attestation Officer must make particular enquiries regarding status and must have a record of his enquiries and their results :—

- (1) He should first make general enquiries whether there exists a custom of *guzashta* in the village.
- (2) Secondly, he should enquire whether the existing cash rent holdings have always been cash rent-paying or were previously held on produce rents.
- (3) If it is asserted that they were always cash rent-paying, he should then enquire whether there has ever been any enhancement of rent.

The statements of at least ten of the principal raiyats should ordinarily be recorded on these three points.

- (4) The raiyats should then be invited to file 20 years' rent receipts or any other evidence likely to throw light on their status, e.g., copies of the road-cess *Jamabandis* of 1285 Fasli, copies of *tes-khana* papers filed by the patwari under Regulation XII of 1817, for years previous to 1299, rent decrees, etc.
- (5) The landlord or his agent should then be asked whether he admits that the tenancy, known as *gusashita* occurs in the village, whether he admits, that *gusashitadars'* cash rents are not liable to enhancement and whether any enhancement of rent has taken place. The statements of the landlord or his agent should be recorded.
- (6) If a general claim to the status of *gusashitadar* in the sense of a raiyat holding at fixed rent or rate of rent is put forward in the village, a schedule should now be prepared giving the names of all raiyats in the village, with their *khalian* numbers. The Attestation Officer will have the schedule by him when attesting. He will not record the status of any raiyat during attestation but will work on this schedule as far as status is concerned.
- (7) As each holding comes up for attestation questions (1), (2) and (3) will be put to each raiyat and the purport of his answers noted in the schedule. Rent receipts will also be examined whenever produced, and the evidence to be derived from them noted in the schedule, as well as any other evidence produced on behalf of individual raiyats. If it is more convenient, separate schedules should be prepared for showing the evidence to be derived from rent receipts.
- (8) If the Attestation Officer is satisfied that the oral evidence of the raiyats, either with or without support from documentary evidence, if unrebutted is sufficient to establish that all or any of the raiyats are *gusashitadars* in the sense of raiyats holding at fixed rent or rate of rent, he should then call upon the landlord to produce rebutting evidence either generally or in particular cases.
- (9) The oral evidence then offered by the landlord should be either recorded or noted in brief on the schedules according as it is general or particular. The nature of the documentary evidence should ordinarily be noted on the schedules. The landlord should also be given an opportunity to cross-examine the persons whose statements have been recorded, and the raiyats should be given an opportunity to cross-examine the landlord or his agent.
- (10) Conversion of produce rents into cash rents should ordinarily be taken as evidence against fixity of cash rents, unless evidence of some understanding that the cash rents adopted were meant to be permanent is forthcoming.
- (11) The prevalence of *gusashita* status in adjoining estates or villages may be considered, when assigning value to the evidence offered by either side for or against the existence of this status in the estate or village under attestation.
- (12) If the rent receipts produced by the raiyats and admittedly issued by the landlord do not show the details prescribed by the Bengal Tenancy Act the Attestation Officer should consider whether the other evidence, oral or documentary, is sufficiently strong to justify him in calling on the landlord to produce his papers for the last 20 years, with a view to supplying the information which he was bound by law to give in his receipts.
- (13) In examining evidence offered by the landlord to show that the rent or rate of rent has varied Attestation Officers must be careful to distinguish true enhancements from amalgamation of illegal demands with the rent, i.e., *meg*, *aurak*, etc.
- (14) Where increases or decreases of rent are found, the Attestation Officer should be careful to see whether they can be explained by increases or decreases of area occurring in the same year. The schedule and evidence recorded for each village will be sent to the Settlement Officer through the Assistant Settlement Officer in charge until further orders, with a note by the Attestation Officer explaining how he proposes to deal with the case of each raiyat.
- (15) Granted that the *gusashita* nature of the original tenancy is established, the following cases may arise:—
 - (i) a *gusashita* holding has come down unchanged in the same family for generations;
 - (ii) a *gusashita* holding has been split up among different descendants of the same family;
 - (iii) an entire *gusashita* holding has been purchased by a new raiyat from the original raiyat;

- (iv) portions of a *guzashta* holding have been purchased from the original *guzashtadar* by different raiyats ;
- (v) a *guzashta* holding has been purchased by a raiyat in execution of a decree ;
- (vi) a *guzashta* holding has been purchased by the landlord in execution of a decree for rent and resettled—
 - (a) on an increased rent ;
 - (b) on the old rent, on payment of *nazarana* to the landlord.
 - (c) on the old rent without payment of *nazarana*.
- (vii) A *guzashta* holding has come into the hands of the landlord either by extinction or exile of the original raiyat's family and has been settled by him with a new raiyat ;

In cases (i), (iii) and (v) the status of the raiyat will be recorded as *sharah muaiyan*.

In case (ii) if the division has been recognized in the landlord's rent roll the portions of the holding will be entered on separate *khatians* and the status of *sharah muaiyan* recorded on each. If it has not been recognized the holding will be recorded on a single *khatian* with the separate possession of the various co-sharers recorded in the remarks column and the status of *sharah muaiyan* in the status column.

(iv) if the names of the purchaser have been shown in the landlord's rent-roll as raiyats for the separate *khatians* each portion will get a separate *khatian* with status *Sharah Muaiyan*. If the sales have not been recognised the holding will be shown on one *khatian* with the names of the purchasers in the remarks column and the status *sharah muaiyan*.

In case (vi) (a), the raiyat will not be recorded as *sharah muaiyan*.

In case (vi) (b), the status must depend on whether there is evidence of a contract expressed or implied that the rent will not be enhanced in consideration of the *nazarana* paid.

In case (vi) (c) the raiyat will not be recorded as *sharah muaiyan*.

In case (vii) the raiyat will not be recorded as *sharah muaiyan*, unless it can be proved that there was a contract expressed or implied that the rent will not be enhanced.

"If it is found that a holding is made up partly of land, to which a *guzashta* right is attached, and partly of newly-acquired land, to which no such right is attached, two *khatians*, should be prepared, with status *sharah muaiyan* on one and *kaemi* on the other, the rent being recorded in the *sharah muaiyan khatian* with the usual *hawals lagan* entries."

232. *The boundary of the true guzashta area.*—It was not found necessary to direct that these elaborate enquiries should be made in all the Attestation Camps of the season 1910-11. In thanas B.kramganj and Piro there was found to be practically no true "*guzashta*" tenancies, while in Buxar, Dumraon and Shahpur the area of "*true guzashta*" was found to be mainly north of the East Indian Railway main line. The reason why this apparently irrelevant boundary was found to be so generally correct, is no doubt that the railway line has been placed as close to the Ganges as the nature of the country permitted, and it is in fact very approximately the boundary between the rabi-growing tract, whose plentiful harvests and simple cultivation have enabled the settlers to thrive and grow strong for many hundreds of years, and the poorer land to the south, which until the advent of Canal irrigation supported a sparse and depressed population.

233. *The Bihar Landholders' Association's memorial.*—The treatment of the "*guzashta*" problem in the attestation season of 1910-11 escaped public criticism no more than the treatment of the previous year. In April 1911 a memorial was presented by the Bihar Landholders' Association to the Lieutenant-Governor of Bengal, in which the action of the Settlement Department in the districts of Patna and Shahabad was vigorously attacked on several counts. One of the principal heads of our offending was the "*guzashta*" matter. The objections taken to our action were briefly as follows:—

1. That as the result of Mr. Philip's circular of the field season 1909-10 the onus of proving that he was holding at a fixed rate had not been placed on the tenant, as it should have been according to the decisions of the Calcutta High Court.

2. That the revised circular of the 5th August has been amplified by a series of instructions, oral and in writing, to Attestation Officers in the season of 1910-11, which defeated more or less the spirit and good effect of the order.

3. That the so-called "*guzashta*" area had been extended southwards outside the rabi-growing tract lying north of the East Indian Railway.

4. That there was no sufficient evidence to support a "custom" of "*guzashta*" in the strict legal sense of "custom".

5. That the treatment of "*guzashta*" in Shahabad should logically have been applied equally to the "*gorabandi*" holdings of Bhagalpur, whereas the latter were not recorded as fixed rent holdings except on proof of 20 years' unchanged rent under section 50 of the Bengal Tenancy Act, and that this procedure had been generally adopted in the Bihar Settlement.

6. That in the Settlement operations of Dumraon and Hathwa villages in 1901-03, under the supervision of Mr. Coupland no raiyats were recorded as raiyats at fixed rates.

7. That claims to hold at fixed rents can only be decided on documentary evidence, and each claim is separate and must stand or fall on the evidence which the tenant produces.

8. That the rebutting evidence of landlords was not thoroughly examined and sifted.

9. Finally, that the presumption in favour of "*guzashtadars*" as tenants at fixed rents or rates of rent is opposed to the spirit and language of section 50 of the Bengal Tenancy Act; and that the presumption of fixity of rent can only be raised on a very strict proof of the payment at a uniform rental for 20 years preceding the period in suit.

234. *Government's reply to the memorial.*—The memorial was dealt with by Government in Mr. Kerr's letter no. 1126, Revenue Department, Land Revenue Branch, dated 12th March 1912, to the Board of Revenue, after a report had been submitted by the Board based on the reports of Mr. Shettle, officiating Settlement Officer of Shahabad, and Mr. Murphy, then Settlement Officer of Bihar, and forwarded with comments by Mr. McPherson, Director of Land Records, and Mr. Maude, Commissioner of the Patna Division. The whole subject is exhaustively treated in Mr. McPherson's letter with its annexures, from which I have already derived most of the material given above.

235. *The answers to the points of criticism.*—The answers to the points, put forward above, are very briefly as follows:—

1. Mr. Philip's circular, in so far as it might have been misinterpreted by the Attestation and section 103-A. Officers, can have had no injurious effects, as landlords were given full opportunities to have their objections re-heard or to file fresh objections.

2. The instructions issued by me to Attestation Camps in November 1910 were clearly necessary, as the circular of August 1910 only applied to the re-hearing of section 103A objections and the hearing of fresh objections in the previous season's attestation area. They were entirely in the spirit of that circular.

3. The railway line was merely taken as a convenient rough guide in describing the "*true guzashta*" area and enquiries had necessarily to be made in villages immediately to the south of it. As a matter of fact, "*true guzashta*" conditions were not found to prevail in more than a few villages south of the railway line.

4. The evidence in favour of a custom of "*guzashta*" in the sense of a holding at fixed rent was firstly general for the tract, and secondly, particular for the village. As regards the former there were the opinions recorded by the members of the Bihar Rent Committee, which sat in 1875-79.

236. *Opinions of non-official members of the Bihar Rent Committee.*—Baby Harbans Sahai, a pleader of Arrah, and a member of that Committee, wrote that "*a guzashta* tenure means a hereditary tenure held by *khud-kasht* resident raiyats from the time of the Permanent Settlement, or at least from

a very ancient date at a fixed uniform rate." Babu Joy Prakash Lal, the then Manager of the Dumraon Raj, wrote: "A misunderstanding of the character of the *guzashta* tenures of Shahabad seems the cause of many influential authorities recommending the transferability of occupancy rights in Bihar. The *guzashta* tenure had been recognized by custom and local usage in Northern Shahabad long before the date of Act X of 1859 came into operation, while the right of occupancy came to exist with the promulgation of the Act. The mere right of occupancy is not thus possessed of the necessary substance that enable *guzashta* tenure to find a consideration and regard with the landlords of higher rank. Inheritance of tenures held by '*khudkasht*' (resident raiyats) from a very ancient date contemporary with the commencement of the Permanent Settlement at a fixed uniform rate, is a qualification wanting in the mere right of occupancy, at the present day. All attempts at the promotion of occupancy right to the rank of *guzashtadar* tenure have met with failures wherever judicial courts have taken up the careful sifting of the question on proper objections advanced against such an undue recognition."

These opinions of persons who were particularly qualified to know the facts, and who were clearly not biassed in favour of tenants, would seem to be enough to establish the fact that in Northern Shahabad there existed in 1879 a custom of "*guzashta*" in the sense of holdings at fixed rent.

237. *Practices at re-settlement and commutation of produce rents.*—Apart from the admissions obtained by Mr. Philip from landlords in Arrah thana, there was further the evidence that when "*guzashta*" holdings were purchased by landlords they were almost universally resettled at the old rates, and that even when produce rents were commuted into cash rents, it was not infrequently agreed that those rents should not be enhanced.

238. *Evidence of landlords' papers.*—Again there was evidence derived from landlords' papers, as, for instance, the papers of Nachap, thana no. 272, Dumraon thana, where the raiyats were divided into three classes, (1) *guzashta*, (2) *kasht akhtiari malik*, and (3) *zirat*. In a Dumraon Estate village an old patwari said that up to the year 1287 Falsi=1800 A. D. the word "*guzashtadar*" used to be written on the receipts, but that in that year it was changed to "*kashtkar*" by the order of Babu Joy Prakash Lal, the Manager. It was also stated that the raiyats objected strongly, and the Collector had to intervene and explain that the change of name did not affect their rights.

239. *Mr. Nolan's views.*—In this connection the Land Revenue and General Administration Reports of 1881-2 are of interest. Mr. Nolan, the Collector, quotes the Subdivisional Officer of Buxar, Mr. Staley, to the following effect:—

"There has been a constant struggle between the raiyats and zamindars, the former attempting to avoid enhancement and ejection and the latter to enhance rents and break down the tenants, *guzashta* rights, which certainly prevail in a large part of this subdivision. In the Dumraon Raj a determined and prolonged effort has been made and is being made to break down the *guzashta* rights and the receipts which were given entitling tenants '*guzashtadars*' are now refused. In consequence of this measure many tenants have either refused to pay any rent or pay their customary rents into Court; while on the other hand, suits are brought against them for the rents claimed and it is hoped that by harassing the tenants they may be prevailed upon to admit themselves tenants-at-will. The tenants are quite ignorant of the rent law but steadily hold to their land and an attempt to interfere with the possession of a tenant of a bigha is resisted by the whole village as one man."

Mr. Nolan comments on this:—

"I have never thought that the refusal of Maharaja of Dumraon to allow those who collect rent on his behalf to continue the practice of inserting *guzashtadar* (*i. e.*, holder at fixed rates) on the receipt was otherwise than necessary. The writers of the receipts are not fit to be trusted with such power. But it is a fact that there has existed for years a desire among land-owners to break down that right when it exists, and that this has led to a prolonged struggle in the Civil and Criminal Courts, though generally in the former."

240. *Buchanan's reference to fixity of cash rents.*—If the antiquity of this evidence be considered insufficient to establish the custom, I may add certain extracts partly from the unpublished portion of Buchanan's statistical account:—

"Except for the rich inundated land near the Ganges, the fields and gardens around the villages, that are carefully watered, sugarcane and cotton, almost the whole rent is paid by a division of the crop, and the result is

abundantly obvious; the lands which pay a money rent are those alone that are cultivated with care. On the bank of the Ganges, where alone all the rents are paid in money, and *where the rent is fixed*, and totally unconnected with the nature of the crop, the tenants are by far the most industrious, and the least necessitous, although the rent is very high." (He estimates it at Rs. 5 per acre). Again :—"Near the Ganges all the land is let by regular lease (*patta*) and each tenant gives an (*kabuliyat*) agreement to pay the amount; but in the valuable pargana of Chayanpur, the tenants are not willing to give such agreements nor the landlords to grant specific leases. This circumstance on the part of the landlords arises from the fear, that the leases, in the event of a new settlement, would show their real profits; and on the part of the tenant to a fear, that these leases might be interpreted as acknowledgment of a right in the landlord to exact a new rate of rents, when the lease expired. A decision * of the Judge at Arrah, to be afterwards mentioned, seems to have quieted the minds of the people in the vicinity of the Ganges, and has induced them to accept of leases and to grant stipulation for the payment of a certain rent; and such well specified agreements are so highly advantageous in preventing oppression or litigation, that I cannot too eagerly recommend it to Government to enforce such being universally formed, first by ordering that no new leases without such stipulations should be valid, and secondly, by ordering, wherever old rates are considered as good in perpetuity, that the Collector should fix the actual rate due, and a new *patta* and *kabuliyat* to that amount, but in perpetuity, should be granted."

The area to which he refers is clearly that which he describes earlier. "North from the old bank of the Ganges, which would appear to have formerly run close to Bhojpur, Biloti and Arrah, and nearly bounded on the south by the great road from Patna to Vagsar (Buxar) which runs along the same bank, the whole country near the Ganges is regularly flooded. . . . This fertility, together with a ready market, the fondness of the Hindus for the sacred stream, a high assessment † and money rent have, notwithstanding its want of salubrity, rendered this the most populous and thriving part of the district. This favoured portion is called *Hetha* or low lands, while the plains above the old bank of the Gangas are called *Uparar* or uplands."

All this evidence, quite apart from numerous High Court rulings, certainly establishes the first point that a general custom of land being held on a fixed rate of rent, by tenants who called themselves and were commonly called "*guzashtadar*" does actually exist in northern Shahabad.

241. *The evidence that in a particular village "guzashta" custom existed and that a particular holding was "guzashta".*—There remained the particular questions (1) whether the custom could be rightly held to exist in a particular village, and (2) whether a particular raiyat of that village was a *guzashtadar*. As to (1) the nature of the evidence examined is indicated in the Circular issued in November 1910, quoted in paragraph 231. It would have been obviously improper to reject among other things the evidence afforded by the geographical situation of the particular village, when the existence of the custom in a reasonably definite tract of country had already been established.

As to (2) the only possible method of deciding whether a particular raiyat of a village was a *guzashtadar*, when the custom of "true *guzashtadar*" was established as existing in the village, was to presume that every raiyat, who claimed that status, was speaking the truth, and to call on the landlord, who was ordinarily alone able to show the real facts, to prove that he was not.

242. "*Gorabandi*" in *Bhagalpur*.—The criticism that the principles adopted in Shahabad might have also been applied in Bhagalpur in regard to *gorabandi* tenancies has a modicum of truth in it. But it is nonsense to say that they should either have been applied throughout the whole of Bihar, or else not in Shahabad. The answer is supplied in the words of Mr. Murphy :

* I have discussed the problem of this decision in paragraphs 78 and 79.

† He is always fond of dwelling on this somewhat fly-b'own principle of the early political economists.

“ Some years before the framing of the Tenancy Act *gorabandi* raiyats possessing similar rights to those of the Shahabad *guzashta* raiyats were numerous in North Bhagalpur. So far the case of the two districts as pointed out by the memorialists is similar, but here the similarity ends. In Shahabad the raiyats have been strong enough to maintain these rights to the present day. In North Bhagalpur landlords in spite of the law succeeded in breaking these rights and enhanced rents all round. Only here and there a few individuals managed to hold out or were allowed for special reasons to continue holding at the old rates. These individuals did not form a well recognized and distinct class ; they were not described as *gorabandi* raiyats in any documents nor had they in most cases any rent receipts. I was in charge of the attestation of the area in which they were found. It was my first attestation season, and I did not recognize the full bearing of the case. Had I done so, I would have made special efforts to protect these raiyats, but, as it was, I treated their claims to hold at a fixed rate just as claims of that sort are ordinarily treated, and put the burden of proof on the raiyats. Naturally, they nearly all failed to establish their claim, and I expect that by this time their rents have been enhanced. It would, however, have been very difficult to help them for the reasons that they were very few in number, and that it was impossible to say if any particular claimant belonged to the class. The case was altogether different from that of Shahabad where the natural and ordinary presumption in certain areas to any Settlement Officer who knows the area is that the rent of any particular raiyat has never been enhanced.”

243. *The treatment of the question in previously settled Hathwa and Dumraon villages.*—The next criticism is that no tenants were recorded as holding on fixed rents in the Settlement operations of a few Hathwa and Dumraon villages in 1901-03.

Mr. Shettle dealt with it as follows :—“ It is stated by the memorialists that in 1901 when a record-of-rights was framed for certain villages in this district belonging to the Dumraon and Hathwa Estates, no raiyats were recorded as fixed raiyats, and the reason is said to be this, that all raiyats who claimed the status were called upon to prove their claim by the production of receipts showing uniform payment of rent for 20 years. It is true that no raiyats were recorded at fixed rates. But this is due not, as the memorialists contend, to the inability of raiyats to prove their claims, but to their failure to put them forward. This will appear from the following considerations. The final report nowhere mentions that any such claims were made, but it is stated in this report that rents had not changed in the Dumraon villages for 20, and in the Hathwa villages for 40 years ; the report does not state that the rents were ever changed even before that period. Receipts were given to tenants in both estates during the 20 years before the operations. Now had the raiyats been aware of the benefits they were entitled to under the provisions of section 50, and had they been directed to produce 20 years' receipts, it is certain that a number of them would have been able at least to put upon the landlord the burden of rebutting their claims. More than this, the officer who attested their rents presumably had before him the evidence that rents in the villages had not changed within the statutory period, and even without the production of receipts might have considered raiyats entitled to benefit by the provisions of the section. Further this year, in some villages where this question of fixity of rent had not been dealt with thoroughly at first, a further enquiry was ordered after rent and status had already been dealt with once. In most such cases it was found that, when the importance of the issue and the provisions of section 50 were explained to raiyats at the second enquiry, considerable numbers of them produced rent receipts for 20 years and were recorded as at fixed rates, though they had before been recorded as having merely occupancy rights. In one such village at the first enquiry one raiyat only produced 20 years' rent receipts and was recorded as a raiyat at fixed rates, but at the second enquiry 53 other raiyats produced such receipts. This is by no means an exceptional case. The fact is that whatever may be the case in Bengal, the raiyats of Shahabad were completely ignorant of the provisions of section 50 of the Bengal Tenancy Act. Neither were they aware of the exact legal significance for the word *kaeni*, which is used by Settlement Officers to record the status of settled raiyat and not that of a raiyat at fixed rates. Add to this the fact that, certainly in what has been described as the *guzashta* area, enhancement of rent is an idea totally foreign to the conception of the ordinary raiyat, and it will be recognized that unless officers engaged in framing a record-of-rights are at great pains to ascertain the true state of affairs nothing is more likely than that raiyats will be in danger of losing their rights merely from not asserting them. Of this a perusal of records in connection with the Settlement operations of 1901 in these very Hathwa villages affords a most opposite example. When these villages were permanently settled with the Hathwa Raj in 1861, it was expressly stipulated that the Raj should preserve the rates and rents of holdings then in existence. The Raj sued certain of the tenants for enhancement in a suit in 1874, which went up to the High Court where it was held that the rent of the holdings could not be enhanced. It is clear, therefore, that a considerable number of the tenants in these Hathwa villages would

have had a good case had they claimed to be recorded as at fixed rates. Yet all of them were recorded as having merely occupancy rights. This is a sufficient answer to the allegations of the memorialists that all claims to fixity of rent failed, because strict proof under section 50 was demanded from each claimant. The truth is that no such claims were made at the time. Had they been made, they must have been successful in many cases; and this will appear from the following:—

“ In village Kurmuri of the Hathwa Raj, after all the tenants had been recorded as having merely occupancy rights, the proprietor sued certain of them for an enhancement of rent on the ground of rise in prices, and failed in all cases except one where the holding was not shown to have existed in 1861. The Court found that the rents of the other tenants were not liable to be enhanced. Thus, where the question of the enhancibility or fixity of rent was raised as a definite issue, raiyats who were raiyats at fixed rates at once asserted and successfully established claims which they had not preferred while the record-of-rights was being prepared.

The above will, I think, be sufficient to show generally that the methods of enquiry into fixity of rents adopted in 1901 were neither so adequate nor attended by results so satisfactory as to justify a criticism of the present procedure on the ground that it differs from the former. But in particular a study of the records of 1901 affords light upon the *guzashta* question. The final report, in what is almost an aside, mentions *guzashtadars* only to describe them as raiyats whose rents were fixed or at most only liable to be enhanced at intervals of 20 years. But more than this in the record of the suit for enhancement in Kurmuri, a High Court judgment is quoted which declares that certain holdings in that village were protected from enhancement by the *guzashta* tenure. No mention is made in the final report of any claims to hold at fixed rents by virtue of the *guzashta* tenure. The inference, therefore, is not that there were no true *guzashta* tenancies in the villages, but that no claims to be *guzashtadars* in the sense of raiyats at fixed rates were made. *

The Survey and Settlement operations in the Dumraon villages were, as far as the work in the field was concerned, begun and completed by the Collector. Work in the 15 villages of the Hathwa estate was done by the Settlement Department. But the main work of that Department lay then in a district remote from Shahabad, and operations on a small scale in the latter district could hardly have had any claim to special attention. It is to be considered that visits of superior officers must have been few and far between, that the officers actually engaged in the work, so far from being able to benefit by the results of general enquiries into the special conditions of Shahabad, had to rely upon experience gained in districts where this particular form of tenancy did not exist and fixity of rents was far from being a noticeable feature. Under these circumstances when raiyats did not prefer claims to fixity of rent, it need not be a matter for surprise that the record of 1901 contains no indication of conditions to the existence of which such claims would have afforded the most valuable clue.”

244. *Necessity for seeking all available evidence in settlement operations.*—The assertion, that claims to hold at fixed rent can only be decided on documentary evidence, only needs to be made to be condemned. That each claim is separate is perfectly true, and each claim was separately considered, but that “ it must stand or fall on the evidence which the tenant produces ” is nonsense. A settlement of a district is not a mere game, in which landlords and tenants are provided with certain cards to be played by certain rules. The duty of the Settlement Department is to come to definite decisions on facts, which are of the utmost importance to the bulk of the population of a district, landlords and tenants alike. Any evidence, that is relevant, must be sought for and accepted before coming to a decision, and surely the testimony of other persons, who are in a position to know the facts, even though it may be under suspicion of bias is relevant to the case of an individual raiyat, as is also the documentary evidence obtained from the landlord and elsewhere.

245. *Rebutting evidence.*—As regards the rebutting evidence offered by the landlords, the criticism was no doubt founded particularly on the action taken in the season of 1910-11. I quote from the Annual Report for that year submitted to the Director of Land Records. The line taken as regards the interpretation of section 50 was adopted after very full discussion with Mr. McPherson and the submission of two notes which will be found in the papers dealing with the memorial. As has been stated above, the Attestation Officer had in the area, in which it was found that “ true *guzashta* ” prevailed, to hold a detailed enquiry in each village to determine whether the custom of ‘*guzashta*,’ in the full sense, actually existed in the particular village or not.

* I may note that though the Dumraon Raj brought several section 105 cases against the tenants, in the course of this settlement for the enhancement of rent, the case were compromised on the withdrawal of all claims for alteration of all rent except on the ground of excess area.

Evidence was in all cases recorded and every effort was made to secure that the raiyats substantiated their claims to 'guzashta' status as far as possible by the production of rent receipts.

"The Attestation Officer took into consideration the verbal evidence of the raiyats, the rent receipts of the raiyats as far as they were produced, the past history of the village, and the existence or non-existence of the custom in adjoining villages. The past history of the village was often of the greatest importance. Thus in some villages in the extreme north it was found that the river Ganges had entirely submerged the land for a number of years, and it was held that, in the absence of clear evidence that the custom existed after inundation as before, the *guzashta* tenancy could not be customary in such a tract. Again in the area directly affected by the confusion consequent on the rebellion of Kuar Singh, it was found that entirely fresh settlements were made after order was restored even where the old tenants returned, and there too it was held that no *guzashta* right existed. But, generally speaking, in the tract between the East Indian Railway and the actual *diara* area the evidence in favour of the custom was considerable. All the old raiyats asserted strongly that their rents had never been enhanced, and a large number of them were able to back up their verbal evidence with rent receipts covering upwards of 20 years. In such cases the landlord was called on to disprove the custom. This he was generally quite unable to do. Either he was unable to produce regularly kept papers at all, or his papers, when produced, showed that no variation in rent rates had taken place. The custom was then held to prevail in the village, and it was presumed that all raiyats who claimed *guzashta* rights were really *guzashtadars* until the contrary was proved, whether or not they could individually produce documentary evidence, covering 20 years, to the effect that their own rents had not varied. It may be noted here that the rent rates and not the lump rentals are the important matters for consideration. For there is hardly any question that holdings and even parts of holdings have been freely transferred in this tract from time immemorial. Hence, a tenant's lump rental may easily be very different from that of his principal predecessors in interest, and as rent rates are often numerous, his average rent per bigha may also differ widely from that of his predecessors in interest, on account of sales of low rented land and purchase of high rented land, or *vice versa*. In examining the evidence offered on behalf of the Dumraon Raj, some other considerations had to be taken into account. In the first place, it was found that attempts had in a few cases been made to enhance rents which had been successfully resisted by the tenants in the courts. The Raj papers, however, often showed the rent claimed in a suit, which ended unsuccessfully some 15 or 20 years ago, as the rent now payable, although it had never been realized at all. Another difficulty was that in some villages whereas old *jamabandis* showed practically the same rent incidence for the last 50 or 60 years, an isolated *jamabandi* of 10 or 15 years earlier showed a different incidence altogether. No evidence of realization on the basis of such a *jamabandi* was forthcoming and it was not thought safe in general to accept it as establishing a variation in the rent rates, especially in view of the fact already noted that the recent *jamabandis* frequently show rents which agree rather with the wishes of the landlord than with the facts of realization. As regards the *guzashta* custom, however, where it was proved that there had been a general variation of rent, the presumption in favour of a customary fixity of rent was of course entirely given up.

The meaning of section 50 (3).—There remained, still, the cases of individual raiyats who had been able to raise the presumption under section 50, that their rents were fixed by the production of rent receipts covering a period of 20 years. Unless there was clear evidence of a change from produce rents to cash rents or of a wholesale re-settlement as in the case of some *diara* villages and villages affected by the disorders of the time of Kuar Singh, it was held that the landlord was obliged to prove that the raiyat and his predecessors in interest had not held at a uniform rent or rate of rent since the time of the Permanent Settlement. In fact, what the landlord had to do was to show that the existing holding contained land which had at some time borne a different rent or rate of rent from that which it bears at the present time. Even so, the provisions of section 50 (3) in the case of a raiyat protects from enhancement all other pieces of land than those for which it can be specifically proved that there has already been a variation in the rent or rate of rent. In fact, the section when carefully read and applied to the facts must be construed as applying the incident of fixity of rent to the actual land and not to the person who may happen to hold the land. It would appear that provided the raiyat can make good his case that his present rent or rate of rent is the same as it was 20 years ago, it is the business of the landlord to show with regard to each parcel of land now included in his holding that it does not bear the incident of fixity of rent, and to do this he must show a variation in rent or rate of rent prior to the beginning of the period of 20 years and subsequent to the Permanent Settlement.

This principle was applied generally wherever the raiyats were able to prove uniformity of rent or rate of rent for the last 20 years. But as it is deduced from section 50, Bengal Tenancy Act, it was not applied to the *guzashta* custom. There, if there was evidence of a general nature tending to render the existence of the custom uncertain, it was applied to the particular raiyats who claimed fixity of rent on the basis of the custom, and the landlord was not called on to disprove the case of each raiyat individually. At the same time raiyats, who could prove by rent receipts uniformity of rent or rate of rent for 20 years, were allowed the full protection of section 50 even in the case of villages where the custom of *guzashta* tenancies was claimed and disproved.

The alternative that the landlords would have preferred, was that when an old *jamabandi* was produced, which showed the area and rent held by an ancestor of a present raiyat to be different to that now held by him, the Attestation Officer should be required with the help of the raiyat to explain from the *jamabandis* how the present holding had been made up, and, if it could not be shown to be made up of portions of holdings at fixed rent, to disallow the claim. This would make section 50 (3) a dead letter.

246. *Mr. Maude's views.*—The final criticism is of course at the root of the whole objection by the landlords to our procedure. As Mr. Maude pertinently remarked in his letter no. 440-2, dated the 4th September 1911, to the Board: "The object is to establish in Shahabad the interpretation of section 50 of the Bengal Tenancy Act, which it appears they succeeded in establishing in the Bhagalpur District, namely, that if a tenant fails to produce 20 years' rent receipts there is a legal presumption against him that he does not hold at fixed rates '.....', section 50, while it creates a very important presumption in favour of the tenant, creates no sort of presumption under any conditions in favour of the landlords."

247. *The reply of Government to the Memorial as regards guzashta.*—The Government of Bengal in Mr. Kerr's letter quoted above, replied to the Memorial as follows:—

"The Committee next complains of the action of the Settlement Department in Shahabad relating to '*guzashta*' holdings. As the Committee points out, the whole question of the treatment of '*guzashta*' holdings was brought to the notice of Government in 1910 in connection with a circular, which had been issued on the subject by the Settlement authorities. The original circular was modified, and any landlords who might have been prejudiced by its application were permitted to file, free of costs objections under section 103-A, of the Bengal Tenancy Act or petitions of review of orders and section 103-A. At the same time, instructions were laid down as to the points to which Assistant Settlement Officers should have regard in deciding questions relating to the fixity of rent of '*guzashta*' holdings. It is understood that a large number of landlords took advantage of the opportunities thus afforded them of re-opening the matter, and the Lieutenant-Governor in Council does not think that any objection can be taken to the revised instructions, under which the work has been carried out, nor does it appear that the Committee raise any such objection. The various technical points relating to the law of evidence, which are discussed in the Memorial, are matters for the courts to decide in individual cases which may be brought before them, and are not questions on which it would be possible or desirable for Government to issue any general orders or instructions."

OTHER STATUS QUESTIONS.

248. *Holdings purchased by landlords at auction sales still held by the judgment-debtors.*—A status question, of minor but still of considerable importance, arose principally in the second season's area. In certain estates, mainly in the Dumraon Estate, a number of holdings had been purchased at various times in Court auction sales. In the majority of these no practical steps to oust the defaulting tenant had been taken, and at the time of the Settlement operations he or his heirs were still in possession. After careful consideration, it was decided that in such cases a *khatian*, separate from any which might record land which had not been so purchased, should be prepared for the occupier. If more than 12 years had elapsed since the date of the auction sale he was given the status of a settled raiyat, and it was noted that the holding was liable to rent (*kabilagan*), unless rent was settled before the Attestation Officer under section 109-O, Bengal Tenancy Act. If less than 12 years had elapsed since the date of the auction sale, it was noted that this was a holding without settlement in possession of the occupier, who had no legal rights in it; if, however, rent had been accepted since the sale by the landlord, the occupier was treated as an ordinary raiyat.

249. *Settlement by the thikadars.*—A question of some interest arose with regard to certain villages held in thika lease by Mrs. Fox and Mr. A. Fox of Kuttea from the Dumraon Raj. In paragraph 13 of the lease it was agreed that if the lease-holders happen to purchase transferable rights in land from raiyats at public or private sale they will make over the same to the Manager of the Dumraon Estate on expiration of the lease after taking from the Estate a fair price. In some cases it was found that the *thikadars* had sold away the rights so acquired to raiyats from whom rent was now realized. In other cases the *thikadars* had settled the land so acquired with new raiyats, usually on temporary leases. It was argued on behalf of the Dumraon Estate that the *thikadars* were bound by their lease to return the purchased rights to that estate after the expiration of the lease, and that they could not transfer the rights acquired to

any other person by sale, and that hence the raiyat who had purchased could not be given occupancy rights, but should be recorded as persons in possession of the lands till the term of the lease. This view I declined to accept for the following reasons:—

The obvious construction of the paragraph referred to was that it was (a) a safeguard against any claim of the *thikadars* to hold on as a raiyat any lands included in holdings purchased by public or private sale, and (b) a safeguard for the *thikadars* that they would get a fair price at the expiry of the *thika* to recoup them for the money spent in purchasing these holdings. The *thikadars* were 16 annas *thikadars* and by reason of section 22 (3), Bengal Tenancy Act, were precluded from acquiring by purchase or otherwise any right of occupancy in lands comprised in their *athia*. Hence, strictly speaking, the paragraph was meaningless, as if there could be no purchase there could be no making over of the rights. But it was clear from the rest of the lease that the *thikadars* could make settlements, provided they did not "break the *jamabandi*," i.e., lower rates of rent. These so-called sales of purchased tenancies were in effect re-settlements on acceptance of *nazarana*. And hence the Dumraon Estate could have no case against the raiyats. It is possible, though I do not think it likely, that the estate has a case against the *thikadars*.

What was done was that the tenancies sold out to raiyats, or, strictly speaking, settled with *nazarana*, were treated as ordinary holdings. Where resettlements had been made each holding purchased was treated as a separate sub-tenure in the names of the *thikadars* and the rent payable by the old raiyat was recorded as payable to the *thikadars* by themselves. In the status column of the *khewat* it was recorded that the tenure was an old raiyati holding purchased at private or public sale as the case might be and that on the expiration of the lease and the payment of a fair price, the sub-tenure would cease to exist. Under this *khewat* entry the actual raiyat was recorded in the *khatian*, and his status determined according to the ordinary rules.

250. *Mrs. Fox's raiyati claims*.—Two more questions of status are worthy of mention. Mrs. Fox of Kuttea is now in the position of a rent receiver with regard to a considerable quantity of land, for which she claimed to be treated as a raiyat in our records. These claims were scrutinized carefully in the light of documentary evidence, showing the origin of the tenancy and the use to which the land was put, when indigo was grown more extensively than at present. Thanks to satisfactory papers of accounts, Mrs. Fox was able to substantiate a considerable number of such claims.

251. *Mr. Solano's raiyati claims*.—Mr. L. B. Solano's claims were also carefully scrutinised, but were not found to be equally well substantiated. One branch of the family now represented by Mr. E. Solano succeeded by will to the estate of Mr. R. Solano, who had acquired a large property either as proprietor or permanent tenure-holder, mostly in thana Bikramganj. In this property were situated certain indigo factories, which also belonged to him, but were sold up in 1882 in execution of a decree and purchased by Mr. L. B. Solano's father, Mr. G. L. Solano, who had acquired no rights under the will of Mr. R. Solano. With these factories certain lands also passed. It was contended that Mr. R. Solano had raiyati rights in these lands and that those rights had never merged, during the time that he was also 16 annas proprietor or permanent tenure-holder. In support of this view the High Court judgment (*Lal Bahadur versus Solano*) was quoted. This case decided that no merger would necessarily occur when a person holding a right of occupancy in land not accruing by the ordinary process of 12 years' occupation, subsequently becomes 16 annas proprietor or permanent tenure-holder. The case was decided before the passing of the Bengal Tenancy Act, and appears to be the law, governing transactions of the kind before that date. Mr. Solano's contention was that the rights of Mr. R. Solano in these lands were those of a *guzashta* raiyat and not of the ordinary occupancy raiyat. But it is obvious that some evidence that Mr. R. Solano was in possession of these lands in the capacity of a *guzashta* raiyat prior to his purchase of the superior right was required, and as no such evidence was forthcoming, it was decided that Mr. G. L. Solano had not purchased raiyati rights. He had, however, been always treated as a tenant for certain lands by the other branch of the family, and

there was evidence that it was intended that the tenancy should be permanent. Mr. L. B. Solano was therefore recorded as a permanent tenure-holder in respect of these lands.

DRAFT PUBLICATION.

252. *Improved method of publication.*—In Arrah thana the records were draft published by Kanungos in the villages concerned. But in the rest of the district the method initiated by Mr. Reid in Chota Nagpur in 1910 was adopted, according to which the draft publication is carried out in the Attestation Camp itself. There is no doubt that it is very much better done and the villagers are quite content to attend the camp for one more day in order that the work may be done under the constant supervision of a responsible officer.

OBJECTIONS UNDER SECTION 103-A.

253. The following statement shows the number of 103-A objections filed in each thana of Shahabad district :—

Thana.	No. of objections filed.	Area in sq. miles.	No. per sq. mile.	Remarks.
1	2	3	4	5
Arrah	14,121	329	81	These 12,398 objections were filed, free of cost, regarding fixed rent status, 1,414 were allowed.
Do.	12,398			
Piro	8,250	299	27	
Shahpur	14,147	231	61	
Buzar	18,301	299	44	
Dumraon	23,767	299	79	
Bhabhua	5,034	910	6	
Mohanea	6,890	356	18	
Sasaram	2,592	684	4	
Bikramganj	7,159	365	20	
Karghar	48	265	16	
Dehri	2,884	165	17	
TOTAL	114,857	4,232	27	

The figures for each thana of the objections under each class and the number allowed and disallowed are given in Appendix K. In all of the 114,857 objections filed, 19,796, or about 17.2 per cent. were allowed, a proportion which is creditable to the Attestation Officers, but at the same time shows that the objections are fully considered.

FINAL CHECK AND FAIR COPYING.

254. *Reason for delay.*—Settlement recess work was not begun till the cold weather of 1910-11 as the enormous mass of work in Patna required all the staff available. As a result of this the work of 1911 was heavy, about 2,300,000 plots being dealt with, but after that year there was a very welcome relief from the exceptionally heavy programmes of this necessary but tedious work, which had burdened the Bihar Settlement staff for several years.

255. *Correction of plot boundaries.*—The only point of special interest that the work presented was the organization of a staff to correct the plot boundaries given in the *khatians*, in accordance with orders passed after Khanapuri. I made the suggestion that since plots are fully identified by plot numbers, the work of fair copying could be slightly reduced by omitting field boundaries,

and I pointed out that as these were not corrected in accordance with orders affecting the possession of neighbouring fields, they were not altogether trustworthy. The Board, however, thought that the boundaries should be retained and ordered their correction.*

256. *Improved method of final publication.*—Final publication of Arrah thana was carried out by the old method of deputing Kanungos on Rs. 25 per mensem to the villages. The records of the rest of the district were finally published under the supervision of an Assistant Settlement Officer at central camps. The change has resulted in a great improvement in this branch of the work, and does not cause any appreciable hardship to the landlords and tenants.

CASE WORK.

257. *Results of section 105, applications.*—The following table shows the result of the Settlement of fair rents made on receipt of applications under section 105, and is supplementary to Appendix L.

Thana.	Total number of raiyati holdings excluding rent free holdings.	Number of holdings for which applications under section 105 were received.	Number of holdings for which fair rents were settled.	Percentage of column 3 to column 2.	Percentage of column 4 to column 2.	Total rentals of thana before settlement of fair rents.	Total previous rental of holding for which fair rents were settled.	Total enhancement of rent given.	Percentage by which rents of holdings shown in columns 4 were enhanced (9 to 8).	Percentage by which total rental of thana was enhanced (9 to 7).
1	2	3	4	5	6	7	8	9	10	11
Arrah ...	104,237	6,497	5,200	6.22	4.98	Rs. 7,28,998	Rs. 76,440	Rs. 8,872	8.06	0.53
Firo ...	69,736	8,307	7,397	11.91	10.60	7,06,658	1,51,517	9,521	6.28	1.34
Shahpur ...	48,453	8,355	7,512	17.98	16.17	5,09,770	1,31,640	9,059	8.88	1.71
Buxar ...	45,389	5,259	4,830	11.58	10.20	4,15,830	77,222	7,071	9.15	1.70
Dumraon ...	56,827	13,569	12,213	23.87	21.49	5,69,131	1,65,731	17,798	10.73	3.12
Bhabhua ...	46,915	1,471	860	3.13	0.83	4,21,414	6,163	511	8.29	0.12
Mohanea ...	48,269	2,613	792	5.41	1.64	3,47,897	12,244	940	7.67	0.27
Sasaram ...	43,976	1,352	875	3.07	1.98	2,66,850	9,627	811	8.42	0.30
Bikramganj ...	51,705	13,851	10,500	25.82	20.30	6,14,675	1,05,968	10,394	9.80	1.68
Karghar ...	31,574	1,209	849	3.82	2.68	2,73,439	17,140	874	6.09	0.31
Dehri ...	22,419	1,944	1,548	8.67	6.90	2,14,166	32,220	1,596	4.95	0.74
Total ...	567,560	63,927	51,906	11.26	9.14	50,88,368	7,75,913	€2,437	8.04	1.21

* A witty Assistant Settlement Officer on receipt of this order told me the story of "ulta bujhile Ram." A raiyat was going along a road and being very tired uttered the wish that Ram would send him a horse. At that moment his landlord came along with a mare ready to foal. The foal safely arrived and the landlord seeing his raiyat at hand ordered him to carry the new-born foal the rest of the way.

258. *Burden of the work and dearth of competent officers.*—The bulk of the work as this statement shows came from the two northern subdivisions and Bikramganj thana. The work was heavy and has only been exceeded in Purnea and Saran. It was particularly unfortunate that it had to be disposed of, after the new arrangement of Provinces had deprived the Bihar Settlement of many of the most experienced officers and further that three of the best officers had to be employed in the settlement of fair rents in Government and temporarily-settled estates, and not, as in ordinary case they would have been, on this work. These facts will explain to some extent the somewhat unfavourable comments, which I will quote later, of the Special Judge, Mr. T. S. Macpherson, on some of the work which he has seen on appeal.

259. *Increase of rent decreed.*—The increases decreed were as follows :—

	Rs.
Alteration of rent under section 52 for excess area ...	15,337
Enhancement of rent under section 30, chiefly on the ground of rise in prices ...	44,858
Other enhancements principally of tenure-holders' rents under section 7 ...	2,242
Total enhancements ...	62,437
Rent settled for lands held without payment of rent, which are liable to pay rent ...	24,117
Total ...	86,554

The percentage of increase of rent decreed on the previous rent of the holdings concerned was 8.04 of which about one-quarter was on account of excess area. Thus enhancement pure and simple was scarcely more than 6 per cent. or rather less than one anna in the rupee.

260. *Enhancement for rise in prices insignificant in Bhabhua and Mohanea thanas.*—The enhancement, which from a consideration of section 32 above might have been given on the ground of rise in prices, varied considerably from thana to thana, and was so low in Bhabhua and Mohanea thanas that many applications were withdrawn as not worth pursuing. Before decreeing enhancement on this or other grounds the trying officers considered to the best of their ability the proportion which the rent bore to the probable average value of the gross produce, and did not usually allow the full enhancement permissible, if the result would be to raise that proportion above one-fifth. This criterion was accepted by the Special Judges on appeal.

261. *Proof of measurement.*—A question of some importance was the value of the evidence produced for some estates, particularly for the Dumraon Raj, regarding measurement, and specially the application of section 52(6) which was added in 1908 to the Act, and allows a custom of settlement on measurement to be proved. No landlord succeeded in proving a general custom under that section. But actual measurements were proved in a number of cases. The Special Judge, Mr. T. S. Macpherson, tells me that he found that the Lower Courts were generally inclined to insist on an unfairly high standard of evidence to prove measurements. The main portion of the cases for settlement of rent for lands previously held without payment of rent came from thanas Shahpur, Buxar, Dumraon and Bikramganj, and the principal item consisted of the 'nilami' lands of the Dumraon Estate, to which I have referred in paragraph 248.

262. *High Court decision on the right of applicant under section 105 to dispute the record-of-rights.*—A comparatively recent decision of the Calcutta High Court relating to section 105 cases was brought to light during the trial of these cases in Shahabad, which if it is accepted as good law would materially add to the labour of deciding such cases and incidentally seriously complicate the question of court-fees to be paid. This is the *ex-parte* decision in Upendra Nath Ghosh *versus* Jamuni Mohan Pal reported on page 268 of Volume XVIII of Calcutta Weekly Notes, but not reported in the Indian Law Reports. The Settlement Officer and the Special Judge of Faridpur had decided that in a section 105 application the plaintiff was not at liberty to impugn the

correctness of the record-of-rights. The High Court, however, over-ruled them on two grounds. The first was that if a party dissatisfied with any entry in the record-of-rights proceeded under section 106 it is practically impossible for him to avail himself of the provisions of section 105. It would appear that the Honourable Judges entirely over-looked the provisions of section 111B(3) which provides that the decision of a section 105 case shall be held over till a section 106 case dealing with matters that would affect the decision of the section 105 case has been decided. There is, therefore, nothing to prevent the filing of simultaneous applications under both sections. The second ground was that the Honourable Judges did not see any reason for holding that an issue under section 105A can be raised only by the tenant. The point really is whether it can only be raised by the defendant, who may very well be the landlord. The wording of section 105A is "any of the following issues arise" and an issue can scarcely be said to "arise" when it is definitely raised as an essential preliminary to the application by the plaintiff.

263. *The views of the Board of Revenue.*—The view held by the Board of Revenue, the Director of Land Records, and the Legal Remembrancer in 1908, that the plaintiff, who obtains his opportunity of applying under section 105, from the preparation of the record-of-rights, must apply on the basis of that record, is preferable, but as unreported rulings of the High Court are frequently treated as binding case law, it would be desirable to have the point cleared up when the Act is next amended. A still more recent decision not yet officially reported is that in *Jnanada Sundari Chaudhurani versus Anaidi Sarkar and others*. The specific point of the right of the plaintiff to question the record-of-rights was not raised, but from the arguments used by at least one of the Judges it seems likely that the right would have been established, had it been in question.

264. *Suits under section 106.*—Suits under section 106 also are more numerous than usual. A detailed statement of them is given in Appendix M, while a statement of the number in each thana and the percentage to the total number of holdings is given here.

Thana.						Number of suits.	Percentage to total number of holdings.
1						2	3
Arrah	...	...	...	...	...	583	0.51
Piro	...	...	...	...	...	325	0.48
Shahpur	...	...	...	...	...	504	0.96
Buxar	...	...	...	...	...	594	1.17
Dumraon	...	...	...	...	...	1,505	2.41
Bhabhua	...	...	...	...	...	62	0.10
Mohanea	...	...	...	...	...	272	0.48
Sasaram	...	...	...	...	...	65	0.13
Bikramganj	...	...	...	...	...	398	0.69
Karghar	...	...	...	...	...	59	0.16
Dehri	...	...	...	...	...	193	0.76
Total						4,560	0.71

Out of the 4,560 cases 2,029 related to money rent, of which 808 came from Dumraon thana, 353 from Shahpur and 210 from Bikramganj.

Nine hundred fifty-nine cases related to status, mostly from the northern thanas. The bulk of the rest were possession disputes.

265. *The Special Judge's criticisms.*—Mr. Macpherson is of opinion that generally speaking such of the work of the Revenue Officers as has come up in an appeal was not very efficiently performed even by the best of the officers. The following are the chief objections to their work:—The pace was too great; too many holdings were grouped together in one proceeding with the result that the cases of individual raiyats failed to receive the requisite separate treatment: Vernacular papers had not been perused (the *patwari's* extracts being accepted instead) nor their value nor genuineness considered though hundreds of them bear forged signatures to make them admissible under section 90 of the Evidence Act: most of the officers did not realise until too late that they were settling fair and equitable rents and not determining enhancement suits: only in rare instances did they inspect the lands and frequently they had little or no local knowledge even of the area, still less of the village; they imagined they were bound by particular provisions of the Bengal Tenancy Act to the exclusion of other, and often not less important, considerations, and did not realise that the statute merely directs them to have regard to the said provisions; finally, they frequently failed to interpret the law correctly and were not sound in decisions as to status of raiyats. In suits under section 106, Bengal Tenancy Act, they had actually less regard for the entry in the record-of-rights than Civil Courts have under section 147B, and sometimes strangely regarded themselves as deciding merely the question of possession.

266. *Question of title in section 106 suits.*—As to the last remark, I venture to express the opinion that the attitude of the trying officer was not so strange as Mr. Macpherson thinks. It is a view that several Special Judges have held that section 106 does not contemplate the consideration of title, and further it is a view that can be plausibly supported by the decisions of the Calcutta High Court, in *Mohant Padmalar Ramanuja Das versus Lakmi Rani* (C. W. N. XII, 8-16) and in the more recent case of *Kali Sundari Debya versus Girija Sankar Sanyal* (C. W. N. XV, 974-976) which was decided in August 1911, shortly before case work began in Shahabad. Mr. H. McPherson discussed the question in full in his printed note written in June 1911, and showed good reason for the view that the question of title can be considered in section 106 suits, and it is certainly arguable that the two decisions quoted to the contrary were not intended to lay down the general principle that it cannot be considered. But while there remains this uncertainty it is quite excusable in case work officers that some of them adopted the view which the Special Judge condemns.

267. *Appeals against orders under section 105 and section 106.*—In Appendix N will be found a statement showing the number of appeals filed in section 105 cases and the result of the appeals already decided by the Special Judges, Mr. Monahan, Mr. T. S. Macpherson and Mr. James. Out of the 7,521 cases covering 63,927 tenancies which were decided appeals were preferred in 1,585 or a little over 21 per cent. In South Monghyr appeals were preferred in about 22 per cent. of cases and in Bhagalpur in about 17 per cent. In South Monghyr, however, 73 per cent. of the decisions were completely upheld and in Bhagalpur 67 per cent., while in Shahabad only 53 per cent.

In Appendix O will be found a statement showing the number of appeals filed in section 106 suits and the results of the appeals already decided. Out of the 4,560 suits tried appeals have been filed in 969 or rather more than 21 per cent. In South Monghyr only 8 per cent. of the orders were appealed against and in Bhagalpur only 7 per cent. In South Monghyr only in 10 cases out of the total number of 594 was the original order modified or reversed, or 1·7 per cent. In Bhagalpur out of 3,385 original cases the order of the Lower Court was modified, reversed or required remand in 146 or 4·4 per cent. In Shahabad, however the original orders have already failed to stand good in 241 cases out of a total of 4,530, and 159 appeals are still pending. If the remaining appeals give no better results, something like 7·4 per cent. of the original decisions will have been found erroneous or defective.

268. *Reasons for unsatisfactory work by Case Officers.*—These figures taken with the figures for section 105 work clearly point to work that is not quite up to standard of the Bihar Settlement. The principal reason appears to be that in order to get through the work, without hampering the field season's work in the very heavy areas of Gaya, officers were employed who were not fully qualified. The Bihar Settlement had suffered badly in losing to Bengal in 1912 many of the best officers and a further depletion of experienced officers occurred after 1913, when officers were required for North Bihar Revision work. In nearly all districts case work has in my opinion suffered from necessity of doing the bulk of it during recess, because officers are not available in the field season. The section 106 work can usually be adequately performed by sedentary officers, but settlement of fair rents, if it is to be anything more than mere arithmetical calculation, requires local knowledge, which it is well nigh impossible to obtain from the notoriously untrustworthy evidence of land lord and tenant given in the Court itself, as far as it relates to the capabilities of the land.

269. *The powers of an officer trying a section 105 application to consider plea of inclusion of abwab.*—Some very important questions came before the Special Judges. In an appeal against orders in a section 105 application in village Baligaon number 284, Shahpur, the question was raised whether a plea of the defendant-tenants that the attested rent included abwab could be considered. It was argued that it was only on an application by the tenants under section 105 that the attested rent can be reduced. Mr. Macpherson held that "as soon as an application is filed under section 105 by either landlord or tenant the Revenue Officer is bound to settle a fair and equitable rent for the holding apart from any consideration of which side is applicant. That is to say, the whole matter opens out before him and he is not precluded from reducing the rent when the landlord is the applicant or from enhancing it when the raiyat is the applicant. No doubt the Revenue Officer is enjoined by section 105 (4) to have regard to the rules laid down in the Bengal Tenancy Act for the guidance of the Civil Court in increasing or reducing rents. The expression "shall have regard to", however, is nowhere employed to signify that the Court is limited to the considerations to which it is directed to have regard. It enjoins consideration of certain matters but does not contemplate them as the only matters to be considered." In the particular case before him he held that a rent that is proved to include illegal abwab is *prima facie* unfair and inequitable, and that the Revenue Officer was not only authorized but was bound to determine the plea of the raiyats that the attested rent included illegal abwab, since he could not settle a fair and equitable rent before he had done so.

270. *Director of Land Records opinion as to the powers of Revenue Officers to reduce rents.*—This is of particular importance as the Special Judge's view appears to conflict with an opinion expressed in his letter no. 2183, dated the 30th July 1912, by the Director of Land Records (Mr. J. Reid). The question was referred to him whether a Revenue Officer settling rents under section 104 has power to reduce rents on grounds other than those specifically laid down in the Bengal Tenancy Act. In the particular case the existing rents appeared to be very much in excess of the standard of one-fifth of the value of the gross produce, which was adopted as a rough test of fairness in Shahabad. Reductions of rent can only be made without the consent of both parties either under section 104A (d) or by the method of a Table of Rates under section 104A (c). Section 104A (d) directs that regard shall be had to the principles laid down in various sections of which the only sections that deal with reduction of rent are section 38, which allows reduction on the ground of permanent deterioration or fall in food crop prices, and section 52 which provides for the case of diminished areas. Section 104A (c) read by itself appears to allow greater discretion to the Revenue Officer, but Government Rule 67 practically imposes the same check on alteration of rent by means of a Table of Rates as section 104 (d) does when a Table of Rates is not framed.

Mr. Reid consulted the Legal Remembrancer, whose opinion was that a Revenue Officer settling rents under the provisions of section 104A (d) can not disregard but must be guided by provisions of the act regarding enhance

and reduction of rent, and after some hesitation the Legal Remembrancer further accepted Mr. Reid's opinion that the same provisions of law are applicable to proceedings by Table of Rates under section 104A (c).

271. *Comparison of the powers to reduce rents under section 105 and under section 104.*—If both the view of the Special Judge and the view of the Director of Land Records are correct, then the Revenue Officer has less power to interfere with existing rents under section 104 in temporarily-settled estates than he has under section 105 in permanently-settled estates, which is certainly an anomalous position. I venture to express my own opinion, which is in agreement with Mr. Macpherson's. A particular instance of the inequity of the limitation of Revenue Officer's powers under section 104 may be put forward. In Shahabad temporarily-settled estates revenue has been settled for 20 years, mainly because it is unlikely that the revision of the record-of-rights will be taken up before the expiry of that period. Rents, however, have been settled for 15 years only by the provisions of section 113. In the last 5 years of his settlement a proprietor might, if he chose take agreements from his raiyats to an enhancement not exceeding two annas in the rupee. But it might very well happen that no such enhancement was justifiable under the provisions of the Act, in fact that food prices had actually fallen. If the rent so enhanced was manifestly an unfair proportion of the value of the gross produce, it would be an absurdity to settle it as fair and equitable, at the next Settlement, merely because the proprietor had induced the raiyats to agree to it.

272. *Section 35 deals only with enhancements and does not touch reductions of rent.*—There is one point in this connection which deserves notice and that is that section 35 lays down that notwithstanding anything in the foregoing sections the Court shall not in any case decree any enhancement which is under the circumstances of the case unfair or inequitable. This certainly gives to the Court discretion to go outside the specific provisions of the Act and to refuse enhancement. But it does not cover the case of reduction of rent. If the distinction is unintentional, it should be considered whether it can be properly maintained and whether it should not be clearly stated both in section 105 and section 104A what is meant by "having regard to the provisions of the Act".

273. *The principle of "non-economic" holdings.*—In this particular case of Baligaon the Special Judge also adopted a principle, which has again been the subject of considerable difference of opinion. He ultimately allowed an enhancement of Rs. 0-1-10 for all holdings of 10 bighas Survey area or more, but of only Rs. 0-1-6 for holdings of smaller size. The ground for discrimination was that rise in prices advantaged the tenants of large holdings more than the tenants of small holdings, who had less or even nothing to sell of the crops after providing for the food of themselves and their families. This particular point was raised generally for the Province by Mr. B. A. Collins in June 1912, and opinions of Settlement Officers were invited and considered by the Board of Revenue in the course of 1913. The decision was adverse to the discrimination between "economic" and "non-economic" holdings. The subject is a difficult one and cannot be adequately discussed within the limits of this report, but some of the main points may be put very briefly.

274. *Arguments in favour of discrimination.*—The arguments for the discrimination are—

- (1) that the tenant of a non-economic holding obtains no benefit from rise in prices, because he and his family consume all the produce of his fields and indeed have to supplement it by the wages of their labour;
- (2) that even if rural labour wages have also risen, it is inequitable to draw on them for rent;
- (3) that similar discrimination is shown in the incidence of income-tax in the United Kingdom, in India and elsewhere, by admitting the principles of exemption and graduation;

275. *Arguments against discrimination.*—Against these it may be urged

- (1) that as a matter of fact all tenants of land, the income of which either only just supported them at the beginning of the period under

consideration, or did not support them but had to be supplemented by rural labour derive a benefit from the rise in prices during the period exactly proportional to the rent paid, provided that the wages of rural labour increase at the same rate as the rise in prices ;

- (2) that generally in this Province rural labour wages do so increase, as they are largely paid in grain and grain wages dominate money wages ;*
- (3) that as between the tenant who has a holding with an income precisely equal to his outgoings at the beginning of the period, and a tenant who has to supplement his income by labour, the working of the enhancement law is equitable, as in each case the benefit is proportional to the rent paid, which is roughly according to their investment in land ;
- (4) that the analogy of income-tax is fallacious as income-tax is supposed to be imposed on all sources of income (except of course in India on income from land), while to exempt from rent enhancement small tenancies unfairly discriminates between different kinds of income ;
- (5) that to refuse enhancements in the case of small tenancies is unfair to the landlord, unless the large tenancies pay a larger enhancement than at present, and at present the enhancements in large tenancies already seriously diminish the benefit the tenant got from the rise in prices during the currency of the old rent, and sharply lower his standard of living ;
- (6) that the principle is unhistorical and contrary to any previous practice of the country ;
- (7) that in so far as it might, if applied, tend to encourage the increase of non-economic holdings, and discourage the emigration of surplus agricultural population to undeveloped tracts or industrial centres, it is contrary to public policy ;
- (8) that, as a practical test of fairness of rent, the economic condition of the tenant is impossible without detailed enquiries into the size of the family, the productivity of the holding, and the cost of cultivation, which would be almost infinitely laborious and expensive. The substitution of a rough and ready criterion of mere area disregards these factors, and is liable to serious error unless great care is taken to see that the tenant has no other holding, a task of no mean magnitude, where as in Bihar, proprietary rights are minutely divided.

276. *The effect of enhancement of rent on the ground of rise in prices on the real surplus of the raiyat.*—In this connection it is of interest to consider what effect giving the full enhancement on the ground of rise in prices under section 32 has on what is the real matter of importance to the raiyat, viz., the surplus he has over after paying rent and cultivation charges and providing for the bare necessities of his family. Mr. Lanner has worked out the problem, and his analysis is given in Appendix S.

The interesting features of his result are that—

- (1) the increase in the real surplus is independent of the provision of bare necessities, i.e., is not affected by the question of the "economic" nature of the holding ;
- (2) when prices are continuously rising the increase is greater, if the cost of cultivation is greater ;
- (3) when prices are rising at an accelerated rate the increase is greater, if the rent is greater ;

* Mr. Datta estimates that in the rural area of Bihar and Chota Nagpur, real wages (i.e., nominal wages reduced by making allowance for the rise in retail prices) have risen in the following proportion :

	1895-99.	1900-04.	1905-07.	1910.	1912.
Bihar	98	112	104	124	135
Chota Nagpur	101	120	123	146	149

It is clear also from the result that a period of falling or even stationary price, following on an enhancement, will encroach with more or less severity on the surplus of a raiyat.

277. *The effect on the real surplus of the landlord.*—The position of the landlord is of course different. For him a continuous steady rise in prices causes a reduction in his real surplus, though if the rate of the rise in prices slacks off by one-third in each successive period of 15 years, it can be shown that the landlord's real surplus increases in proportion to his Government Revenue, and, provided his cost of collection does not increase as fast as prices rise, in proportion also to the cost of collection. Further, if a period of stationary prices or falling prices succeeds an enhancement evidently the landlord's real surplus increases. It should also be remembered that all landlords, except the owners of big estates, keep land in their own cultivation, and in respect of that land their real surplus increases with a steady rise in prices even more than a raiyat's surplus. The owners of big estates have other opportunities of getting their share from the increasing prosperity of the country of which a rise in the price of food crops is generally supposed to be a symptom. In any case it is in accordance with all modern financial legislation to require such citizens to make increasing sacrifices for the general welfare of the community.

278. *The equity of the rule embodied in section 32.*—This leads me to the discussion of the equity of the rule laid down in section 32 for calculating the amount of enhancement permissible on the ground of rise in prices. This question was specifically raised by Mr. H. McPherson when Director of Land Records, in his letter no. 107-T., dated the 14th June 1911, to the Board of Revenue. He pointed out that the Select Committee on the Bengal Tenancy Act had in 1885 adopted the present rule of deducting one-third as an arbitrary calculation of increased cost of cultivation. But the Government of Bengal had recommended a deduction of one-half rather on the ground of the growing wants of the raiyat than of the increased cost of production. Mr. McPherson recommended that the deduction, as then proposed by the Government of Bengal, should now be applied in Government and temporarily-settled estates. He wrote, "Its acceptance by the State would no doubt pave the way for a modification of the Bengal Tenancy Act, which, in my opinion, is essential and inevitable. Settlement Courts as a matter of practice have rarely been able to allow the full enhancement which might be justified under the rule of proportion laid down in section 32(b) for the simple reason that, whether acting under section 104 or section 105 they are bound to settle fair and equitable rents, and section 35 releases them from any obligation of slavish adherence to the principles stated in the enhancement sections of the Act. Proprietors, as a whole, would therefore not suffer from a frank recognition of the half and half principle and the chief effect of an alteration of the section would be to prevent isolated courts from causing hardship to individual raiyats.

279. *The principle of one-fifth of gross produce as a test of fairness of rent.*—The Special Judges generally accepted the principle that cash rents should not exceed one-fifth of the value of the gross produce, and upheld the Revenue Officers when they refused to allow enhancements which raised the rent above that proportion. Thus in Karisath thana number 327 Arrah, Mr. Macpherson accepted the Lower Court's estimate of the value of the produce as Rs. 12-8-0 per bigha and, finding the existing rent was Rs. 3-5-9 per bigha, refused an enhancement. In this case the rent had been raised in 1866 by Re. 1 per bigha on the ground that it was below the prevailing rate. But it was found now that the rate was distinctly higher than in five out of six adjoining villages. At the same time the Special Judges in several cases differed from the Lower Courts in their estimate of the value of the gross produce.

280. *The complication caused by canal water rate.*—Another point arose in village Koriar, thana number 405, Piro. Here the Lower Court had declined to allow an enhancement because when the cost of canal irrigation was taken into account the proportion of rent to value of gross produce exceeded one-fifth. Here Mr. Macpherson held that the cost of canal water must go down to cost of cultivation which is already allowed for in the calculation of rise in prices under section 32. He added "Even if one were to deduct

the cost of irrigation and to adopt the standard of one-fifth of the gross produce as a maximum, the holdings could bear enhancement of one anna per rupee." I shall discuss the bearing of the cost of canal water on the principle of the one-fifth standard in the chapter on Government and temporarily-settled estates. I need here only say that the rough and ready estimate, that the cost of cultivation is one-third of the value of the gross produce, on which section 32 is founded, appears to me to be wholly unsuited to a tract where the raiyat has to pay Rs. 3-8-0 per acre for canal irrigation.

281. *Enhancement within 15 years of private commutation of produce rent.*—Another case of interest in regard to the question of enhancement was decided by Mr. James in Urwa, thana no. 290, Bikramganj, where he held that it was within the spirit of the Bengal Tenancy Act to decline to allow the full enhancement derivable from section 32 on holdings, of which the rent had been commuted from produce rent by private contract only 13 years ago.

282. *The Special Judge's view regarding evidence to rebut the presumption of fixity of rent.*—As regards status Special Judges generally took the view that to rebut a presumption of fixity of rent raised under section 50(2) very strong evidence was required. Thus in Lathan, thana no. 48, Piro, Mr. McPherson held that "the landlord must show that either the rate of rent has changed or that land within the holding was "*bhaoli*" at one time. To effect that, it is not enough to prove the descent of one of the raiyats from some one who held at a different rate of rent or who held "*bhaoli*." Again in Hatpokhar, thana no. 179, Shahpur, Mr. James held that the Lower Court was wrong in accepting the evidence of a *jamabandi* of a *thikadar* dated 1246 Faslī as rebutting the presumption, without any corroborating evidence. Mr. Monahan in many cases detected that *jamabandis* on which landlords relied to rebut the presumption had never been signed by the *patwari* at the time, and some bore signatures which were evidently of recent manufacture.

COMMUTATION OF PRODUCE RENT.

The figures for commutation under section 40 are given in Appendix P.

283. *Statistics of Commutation.*—In the whole district 4,613 applications were filed of which 1,031 were rejected and 171 withdrawn. The relatively large number rejected were as a matter of fact principally dismissed for lack of prosecution and are not really distinguishable from the cases withdrawn. The area covered by the applications allowed is 7.15 per cent. of the total area entered in the finally published records as held by settled or occupancy raiyats on produce rents. The average rates fixed in the different thanas as well as the average rates of existing cash rents of all occupancy holdings in those thanas are given in the statement. Nothing much can be said of the thana variations, but the general averages throughout the district are based on a sufficient number of cases to be of value. I have estimated in paragraph 370 that the realizations of landlords in produce rent lands do not in all probability exceed Rs. 8-11-0 per acre, when allowance has been made for the payment of the canal water rate. The landlords will now get Rs. 5-1-7 per acre for these lands, and their loss in actual cash income may be reasonably considered to be made up, by the advantage of regularity and by some saving in collecting expenses. Another way of looking at the question is this: produce rent paying lands throughout the district are distinctly inferior to the cash rent lands of the district, and it may therefore be fairly said that the landlords have not been harshly treated in being awarded on the average a rent 25 per cent. larger than the average cash rent for those lands. In fact, I understand that the commuted rents in South Shahabad were so favourably received by the landlords, that some of them applied for commutation, a very rare action in other districts of South Bihar, if not absolutely unprecedented.

284. *Appeals.*—Appeals were presented to the Settlement Officer in 333 cases which concerned 2,530 tenancies out of the 3,411 tenancies in which applications had been allowed. The Settlement Officer upheld the Lower Court's decision in nearly 70 per cent. of the cases. Second appeals were preferred to the Commissioner in 107 cases of which all but one have now been disposed of. He upheld the Settlement Officer's decision in 55 per cent. of

the cases. The result of appeals to the Settlement Officer was that in one case in which Rs. 174 in all had been fixed as cash rent, the applications for commutation were rejected, and in other cases a total net reduction of Rs. 1,023 in the rents fixed was made. This brings the average rent fixed down to very slightly below Rs. 5 per acre. On the other hand, the Commissioner, besides upholding the order rejecting the applications referred to above, increased rent fixed in a number of cases, adding in all Rs. 2,206 to the rents as fixed by the Settlement Officer. This figure is for the appeals heard to date. The rents fixed after allowing for the modifications made by the Commissioner and the Settlement Officer gives an average of Rs. 5-1-7 per acre.

285. *Difficulties of estimating the landlords' realizations.*—The principal difficulties of the section 40 work arose from the neglect of the landlords to file trustworthy collection papers in order to prove their actual realizations of produce rent. The raiyats were unable to help the Court, because the landlords had previously infringed the provisions of the law, which enjoin the grant of proper rent receipts. The trying officers at first in such cases based the commuted rent on the existing cash rents only, making usually a substantial allowance for the fact that cash rents had as a general rule remained unaltered for many years. The Commissioner (Mr. Oldham), however, on second appeal, held that it was obligatory on the Court to arrive at an estimate of the landlord's actual realizations. For this purpose the Revenue Officer had as a rule to depend on the results of one or more crop-cutting experiments, which being usually made in a single year* do not afford a very satisfactory basis. After calculating as best he could the probable outturn of the holdings in question, the trying officer had to make a further calculation to ascertain the landlord's realizations in cash, and this calculation is full of pit-falls.

In the first place, it has to be decided what is the actual share of the grain due to the landlord under the custom of division or appraisement. As I have noted in paragraph 206 the record of produce rent customs was not generally prepared in Shahabad, because as a rule there was no dispute about it. But the entry "*batai nisf*" or "*danabandi nisf*" does not mean that the landlord actually gets one-half of the grain outturn. As is clear from pages 82 and 83 of the *District Gazetteer* † the usual shares of the landlord is only 80 per cent. of his nominal share. Yet in many instances the commuted rent has been based on the assumption that the landlord has realized his full nominal share, while in others it has been assumed that he realizes 90 per cent. of it. Cess is often included in the landlord's share, and almost always some allowance is made under the local term of "*mafi*", "*bakhra*", etc. Next comes the question of the money-value of the produce. The only unprejudiced evidence as to price comes from the price returns of the Subdivisional headquarters. But before applying these it must be remembered that they are retail prices, and thus include middlemen's profits. Further, they are certainly higher than village prices because of the cost of cartage. And, too, what the landlord gets is either the grain or the value of it *at harvest time* which is when its value is lowest. Lastly, the price of the time of commutation must not be taken, but the average price over the statutory period of ten years.

Some further difficulties, which also led to conflict of opinion between the original and appellate courts, arose from the allowance for dryage that might be made in the case of crop-cutting experiments, the exclusion of "*ails*" from these experiments, the probable average area of a holding actually under cultivation, the ordinary ratio between unhusked paddy and cleaned rice the cost of husking paddy, and by no means least the allowance to be made for the canal rate and other irrigation charges. If all these pit-falls were successfully avoided, it might still be said that at the best the Court had only arrived

*NOTE.—The nature of the season in which the experiment is made is perhaps the most difficult factor to calculate. The figure given in final for casts for the district is most unsafe as a guide. The average figure for the 11 years 1900-1910 was nowhere higher than 79.5 (Buxar, while it was 65.5 in Bhabha subdivision. It should of course be nearly if not quite 100. Other factors are frequently disregarded or wrongly estimated, such as allowances for "*ails*" (field ridges) and for dryage.

†The information in the *Gazetteer* is evidently derived from a very thorough investigation made by Mr. (now Sir) P. J. Macpherson in 1868 and embodied in his report on the Government Estates in Shahabad.

at what the landlord might reasonably have demanded in view of the customs of the "bhaoli" system, and not what the Court is bound by law to consider, viz., what he has actually realized.

296. *Guidance in future cases in Gaya district.*—In view of the multiplicity, and in some cases the novelty of these difficulties, it is not surprising that the decisions of the original courts were somewhat frequently modified by the Settlement Officer on first appeal and that some of his decisions in turn failed to commend themselves to the Commissioner. The experience gained in trying these cases in South Bhagalpur, South Monghyr and Patna, though very useful in many ways, failed to give much guide in cases, where landlord's papers were not forthcoming or could not be trusted. It is perhaps fortunate that the questions involved were fully considered in Shahabad, where commutation was not after all of the utmost importance, before they had to be faced in Gaya.

EXPENDITURE AND RECOVERY OF COSTS.

287. *Expenditure on the separate items of the work.*—The statement below shows the expenditure under each head of work, and also the total receipts in cash and Court-fee stamps which were adjusted as a set-off against the total expenditure before calculating the amount recoverable from landlords and tenants:—

Serial no.	Branch of work.	Total area square miles.	Total cost.	Rate per square mile.
1	2	3	4	5
	A.—Survey.		Rs.	
1	Traverse survey	4,232	1,75,423	41.45
2	Cadastral survey and preliminary record-writing.	4,232	7,11,194	168.05
	Total on area of ...	4,232	8,86,617	209.50
	B.—Settlement.			
3	Attestation	4,232	1,54,292	36.46
4	Section 103A, Objection	4,232	57,164	13.51
5	Office work	4,232	1,59,664	37.73
6	Final publication	4,232	4,684	1.10
7	Case work, sections 105, 106 and 40 ...	4,232	93,117	22.00
8	Section 104 work	4,232	30,357	7.17
9	Computation and recovery of cost ...	4,232	26,412	6.24
10	Control (D. L. R.'s and Local)	4,232	1,26,019	29.78
11	Supplies and contingencies and miscellaneous	4,232	1,03,480	24.45
	Total ...	4,232	7,55,189	178.45
12	Final reproduction of maps	4,232	78,764	18.61
13	Contribution towards pension and leave allowances.	4,232	53,352	12.61
	Total Gross expenditure ...	4,232	17,73,922	419.17
	Receipts in cash and stamps ...	4,232	2,95,338	69.79
	Net cost ...	4,232	14,78,584	349.38

236. *Comparison with other districts.*—Excluding final reproduction of maps and contribution towards pension and leave allowances, the cost in Shahabad and in other districts has been as follows :—

District.	Survey.	Settlement.	Receipts.	Net cost.
1	2	3	4	5
	Rs.	Rs.	Rs.	Rs.
Champanan	140	147	30	256
Saran	217	234	62	439
Muzaffarpur	163	211	27	347
Darbhanga	236	254	62	428
Purnea	183	194	71	306
North Bhagalpur ..	175	197	64	308
North Monghyr ...	186	262	34	413
South Bhagalpur ...	194	216	51	358
South Monghyr ...	207	204	50	361
Patna	282	310	55	537
Shahabad	210	178	70	318

For all operations earlier than South Monghyr, the cost of *khanapuri* supervision, which was about Rs. 20 per square mile, should be added to Survey and deducted from Settlement.

219. *Cadastral survey and khanapuri cost.*—The cost of cadastral survey and *khanapuri* mainly depends on three factors, viz., number of plots per square mile, number of plots per *khatian* and number of internal disputes per square mile. The first directly affects the cost rate of contract work, while the two latter naturally affect the cost of supervision which is about half the total cost. I therefore give these figures for the other tracts of South Bihar.

	Number of plots per square mile.	Number of plots per <i>khatian</i> .	Number of internal disputes per square mile.
1	2	3	4
South Bhagalpur	777	7.12	31
South Monghyr	856	6.54	32
Patna	1,761	5.38	49
Shahabad	878	5.43	28

A comparison with Patna is not very fruitful, but South Bhagalpur and South Monghyr show great similarity, though, except in the matter of internal disputes, the figures of Shahabad would justify higher cost rate. It is therefore satisfactory to find that the cost rate in Shahabad is lower than in South Bhagalpur after making allowance for *khanapuri* supervision and only slightly higher than in South Monghyr.

The normal rate for survey after adding Rs. 20 for *khanapuri* supervision is Rs. 213.

290. *Settlement costs.*—The Settlement cost compares favourably with that of other districts. The attestation cost was 36 per square mile which was much below the normal rate of 50. In South Monghyr it was 86 per square mile. This low rate in Shahabad was due first to the simplicity of the work in the Kaimur Hills, and secondly, to the absence of illegal enhancement and complicated cash and produce-rent disputes. The status question in the north swelled cost rates, but even that was not a difficulty general to the district. The section 103A cost was 13 per square mile against the normal rate of 17 and 12 of South Monghyr. The large number of section 103A objections regarding fixed rent or rent-free status in the Northern thanas were counter-balanced by the comparatively small number in the Southern thanas. In the villages situate on the hills the number of section 103A objections was insignificant. Office work and final publication cost 39 against the normal rate of 33 and 62 of South Monghyr and 102 of Patna

291. *Costs of case work.*—The cost rate for sections 105-106 and 40 cases is of course dependent on the amount of work under those sections. In Shahabad, it may be reckoned from the percentage of holdings affected by these cases on the total number of holdings in the district that the area to which one or other of these sections was applied, was about 10 per cent. of the total area on 423 square miles. The cost on the area affected was 220 per square mile. The area affected in South Monghyr was on the same basis, about 122 square miles, and the total cost was Rs. 67,530 or Rs. 554 per square mile. In North and South Bhagalpur about 402 square miles were affected and the total cost was Rs. 1,04,943 or Rs. 261 per square mile. In Purnea 420 square miles were affected and the cost was Rs. 1,00,702 or Rs. 240 per square mile. The Shahabad work thus appears to have been done cheaply, and the only question is whether efficiency was not sacrificed to economy.

292. *Cost of computation and recovery.*—Computation and recovery of cost contributed 6 per square mile against the normal rate of 11. The cost in South Monghyr was 7, while in Patna it was 20 per square mile. This was no doubt due to minute subdivision of fields and proprietary rights. Supplies and contingencies cost 24 per square mile against the normal rate of 25, while cost of control was normal.

293. *Receipts.*—The receipts in Shahabad were 70 per square mile, being higher than all other districts, except Purnea, where they were 71 per square mile. The receipts were largely responsible for reducing the cost rate in Shahabad.

294. *Recovery rates.*—The amount recoverable from the landlords and tenants was calculated in the following manner :—

	Rs.
Total cost excluding cost of reproduction of maps ...	16,95,158
Deduct receipts in cash and Court-fees ...	2,95,338
Net cost ...	13,99,820
Deduct ½th borne by Government ...	3,49,955
Balance ...	10,49,865
Add—Cost of maintenance of boundary marks ...	15,764
Add—Cost of reproducing maps distributed to landlords and tenants	78,764
Total ...	11,44,393
Deduct—Amount due on account of Government and temporarily-settled estates.	94,889
Balance ...	10,49,504

The cost of the six Northern thanas being heavier than in the Southern thanas, the rate for the former was fixed at 9 annas per acre (5 annas for landlord and 4 annas for tenant), while in the latter it was 7 annas per acre (*i.e.*, 4 annas for landlord and 3 annas for tenant). The hilly area in the Southern thanas required a special rate, and it was fixed at 2 annas per acre (1 anna for landlord and 1 anna for tenant).

The total amount calculated at these rates was—

				Landlords.	Tenants.	Total.
				Rs.	Rs.	Rs.
Northern thanas	...	...	...	3,77,853	2,39,083	6,16,936
Southern thanas	...	...	...	3,46,915	1,16,593	4,63,508
Total			...	7,24,768	3,55,676	10,80,444

295. *Progress of recovery.*—Recovery of cost in the Northern thanas was begun on 1st November 1912 by Maulavi Anwar Karim, whose camp closed on the 5th April of the following year. That in the Southern thanas was begun by Babu Sant Bilas Singh on the 19th November 1913, and his camp closed on 15th April 1914. The balance which these officers had not been able to realize was collected by certificate. Of the total demand Rs. 10,20,895 or 94 per cent. was paid voluntarily and the rest by certificate. Pandit Lakshmi Misra, Maulavi A. K. Muhammad Ishaq and Babu S. B. Mitra were successively in charge of the work while the certificate office was at Arrah, Sasaram and Gaya. The whole amount was collected by 27th August 1915.

The cost of computation and recovery was Rs. 26,412, a sum which represents 2½ per cent. of the sum collected.

This cost was slightly increased by an unfortunate mistake in interpreting the orders of Government regarding apportionment in the hilly tract. The rate of 2 annas per acre was at first only applied to actual hills and jungles, while the cultivated land of the hill villages and the old and recent fallow were assessed at 9 annas per acre. The mistake was, however, found out before long, and a sum of Rs. 23,117 collected from landlords and tenants in excess was refunded.

296. *Amount recoverable from Government.*—The amount charged to Government requires a short explanation. The sum of Rs. 3,49,955 is the usual contribution from Imperial resources. The sum of Rs. 94,889 is chargeable to Government, partly on 63·85 square miles of Government and temporarily-settled estates not under settlement of revenue and partly on 179·53 square miles of such estates under settlement of revenue. For the former the ordinary cost rates have been applied, but for the latter, besides the ordinary cost rates, the cost of section 104 work, Rs. 30,357, with the cost of supervision, supplies, services, contingencies, etc., rateably calculated thereon, or Rs. 39,888 in all has to be paid.

297. *Cost of rent and revenue settlement in Government and temporarily-settled estates.*—The actual cost of section 104 work is therefore Rs. 169 per square mile. In connection with the North Monghyr operations settlement of rent was carried out in 152 square miles of Government Estates at an average cost for section 104 work of Rs. 52 per square mile.

The figures for Monghyr and Shahabad are compared in the following tables:—

			Area in square miles.	Number of case units.	Number of holdings in which fair rents were settled.	Custom of section 104 work.
						Rs.
Monghyr	...	...	152	79	11,758	8,096
Shahabad	...	...	180	301	23,029	30,357

The "case unit" is the principal factor in the cost rate. By that phrase I mean in Shahabad a separate estate lying in a separate village. Thus if an estate under one tauzi number lay in three settlement villages, it would contribute three "case units"; similarly five estates lying in one settlement village would contribute five "case units." The necessity for this unit is obvious. For each such unit the section 104 Officer had to submit a separate rent note and a separate fair rent proceeding had to be drawn up. The work of preparing the notes and proceedings was the principal work of the camps, and hence primarily affected the cost rate. It may also be pointed out that section 104 work practically takes the place of sections 105 and 106, and 40, work, in other areas. The cost rate for the latter on the area affected was Rs. 220 per square mile, while section 104 work cost Rs. 169 per square mile. The section 104 Officer, besides, has not only to fill the position of Judge in the cases before him, but also to a very considerable extent that of counsel both for Government and for the tenants.

In consideration of these facts and the introduction of the novel principle of judging the fairness of the rent by comparison with the value of the gross produce, it can hardly be urged that the cost rate for this work was unduly high.

PART IV.

STATISTICS.

298. *The Statistical Statements.*—The usual seven main statistical statements were compiled, viz. :—

- (1) The *milan khasra* or “*khasra*” abstract, given details of the cultivated and uncultivated area.
- (2) The *jinswar* or crop statement also compiled from the “*khasra*.”
- (3) The *fard hawala* or list of agricultural stock.
- (4) The *terij goshwara* or abstract of *khatians*, showing the manner in which the land of the district is held, and the rents paid thereon.
- (5) Statistics of transfers of occupancy-rights by sale for the preceding ten years.
- (6) Statistics of transfers of proprietary-rights by private sale.
- (7) Statistics of transfers by mortgage of actual land held in cultivation by proprietors, tenure-holders or raiyats.

299. *The objects of Statistics.*—Sir Robert Giffen in his book on statistics published in 1913, lays down that “the object of any particular statistical record is the first thing about it to be studied and both the Government in making the records and the students who come to use them afterwards should have the most distinct ideas upon this point.” It would perhaps, therefore, be as well to describe briefly the object of these statistical statements. The objects of statements nos. (1), (2) and (3) are evidently the preparation of a complete record at a particular time of the economic condition of the district, which by comparison with past or future records will reveal the progress or regress of cultivation, the alteration of the areas devoted to particular crops, and the increased or diminished resources of the cultivators in the matter of agricultural stock. Combined with such material as may exist, or within a reasonable time be compiled, regarding the productivity of the lands, they will afford some indication of the probable total of the agricultural resources of the district; while the details for different harvest will supply to the authorities a reasonably accurate guide as to the locality which is likely to suffer particularly in any exceptional variation of the seasons from the normal. Statement no. (4) has for its object the accurate presentment of the status of the agricultural population, which forms the bulk of the population of the district, and is designed to indicate the average property in land of the various classes of cultivators, how far the land is reserved to the proprietors and tenure-holders for their private cultivation and what the burden of rent on each class of cultivator may be. The objects of statements (5), (6) and (7) are, I believe, to obtain a record which will indicate the extent to which the most important rights in lands are transferred by sale or mortgage, and incidentally to supply some indication of the value of those rights in actual cash.

300. *Area covered by Statistics.*—The total area of the district to which these statistics refer is 4,260 square miles, and for all but 28 square miles the statistics have been collected during the present operations. These 28 square miles were previously surveyed at varying dates about ten years before, and the statistics for them have been amalgamated with those for the area now under report. Another 28 square miles of the district have been excluded from these operations or treated in such a way that no statistics are available, as detailed in the table in paragraph 110. Further, some 73 square miles lying within the administrative boundaries of the district have been also excluded from statistical record, while finally some 8 square miles, which are actually beyond the administrative boundaries of the district, have been included in the statistical record (*vide* table in paragraph 130). These last areas consist, I estimate roughly, of one-quarter the bed of the Ganges, one-quarter sandy

tracts lying close to the Ganges, and one-half of actual cultivated land sown with *rabi* crops.

301. *Statistics of the Kaimur Hills.*—In addition to the figure for thanas and subdivisions, the figures for all statements except number (6) (transfer of proprietary rights) have been compiled for 157 villages in Bhabua thana, which lie almost entirely in the Kaimur Hills. These cover an area of 500 square miles, and the figures for them may be taken as representing the conditions in those hills. They are of course also included in the figure for Bhabua thana as a whole.

302. *Culturable and unculturable areas.*—The percentage to the total area of cultivated, culturable and unculturable land is shown in the following table:—

Percentage to total area of—

Name of thana	Net-cropped area.	Current fallow.	Area culturable but uncultivated.					Uncultivated area.				Total uncultivated area.	Area of the thanas in square miles (statistical area only).
			Old fallow.	Groves not fruit bearing and bamboo.	Culturable jungle.	Other kind.	Total.	House sites.	Water.	Other kind.	Total.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14
<i>Buxar Subdivision.</i>													
Buxar ...	80'02	8'68	0'94	'17	'18	'25	7'44	1'11	3'06	4'19	8'35	19'38	808
Dumraon ...	84'82	3'18	3'65	'46	'59	'18	4'06	1'50	2'63	3'84	7'17	15'18	318
Total ...	82'73	3'35	5'29	'82	'84	'21	6'15	1'31	2'94	3'51	7'76	17'27	617
<i>Fateh Subdivision.</i>													
Arrah ...	65'47	'96	2'31	'31	'13	'53	3'2	1'73	4'08	4'49	10'80	14'53	317
Piro ...	82'93	1'34	2'87	'10	'08	'63	3'68	1'22	4'63	6'20	13'05	17'07	316
Shahpur ...	66'13	3'61	4'63	'33	'07	'29	5'20	1'61	2'35	2'30	6'16	13'97	231
Total ...	64'74	1'50	3'13	'22	'09	'50	3'98	1'51	3'63	4'50	9'68	15'36	894
<i>Sasaram Subdivision.</i>													
Bikramganj ...	82'54	2'37	5'25	'07	'13	'14	5'59	1'02	3'69	4'79	9'50	17'40	365
Karghar ...	62'02	1'72	5'94	'09	'03	'20	6'26	'85	2'65	6'33	10'00	17'98	365
Sasaram ...	33'87	1'99	4'16	'03	10'61	'20	15'20	'43	6'95	39'06	49'04	66'13	624
Dehri ...	63'99	1'54	7'41	'22	1'95	'66	10'24	1'1	20'29	3'80	25'24	37'02	167
Total ...	57'76	1'94	5'23	'07	5'15	'28	10'67	'71	7'80	21'17	39'68	42'24	1,481
<i>Bhabua Subdivision.</i>													
Bhabua ...	35'09	1'17	2'99	'03	5'19	'13	6'33	'38	3'44	51'09	51'91	61'81	919
Mobania ...	79'34	2'46	9'50	'09	'43	'19	10'20	'77	3'43	4'80	9'00	21'00	366
Total ...	46'38	1'55	4'93	'05	3'76	'14	6'88	'50	2'73	37'96	41'10	51'63	1,766
District ...	61'03	1'83	4'70	'13	3'00	'20	6'09	'91	4'75	20'29	35'95	35'07	4,235
Blabna Hill tract ...	5'31	0'59	1'20	'	8'07	'02	9'08	'05	1'41	62'76	64'23	94'30	503

The chief point of interest is the high percentage of cultivated area in the two northern subdivisions. In the two southern subdivisions the percentages are depressed chiefly by the large amount of unculturable jungle in the Kaimur Hills. The high percentage of water area in Dehri is partly due to its long frontage on the Sone, and partly to the fact that the two main canals start from the headquarters of the thana. Current fallow is about 3 per cent. on the cultivated or net-cropped area which indicates that the land get little rest from cropping. The percentage in Patna is 4 per cent. and in South Monghyr as much as 7½ per cent., where the figures for the Jamui subdivision are abnormally high for South Bhagalpur. In South Bhagalpur the percentage was less 2½ per cent.

303. *Adequacy of pasturage for the support of agricultural stock.*—Old fallow area is also comparatively insignificant, and the figures of culturable jungle do not suggest that any considerable extension of cultivation is possible, except perhaps in Sasaram thana. Indeed, it is to be considered whether the uncultivated area now existing in the northern thana is sufficient for the provision of an adequate number of plough and milch cattle and other live-stock. I do not remember to have seen any discussion of the average area required for the maintenance of such stock, and of course the question would be complicated by the extent of stall-feeding. But it occurs to me that it is worth the attention of the Agricultural Department, if no such investigation has already been made.

304. *Comparison with Buchanan's estimate.*—It is interesting to compare the figures given above with the estimate of Buchanan in 1812. This can be done with a fair degree of accuracy for three modern thanas, which roughly cover the same area as three of the thanas for which he gives estimates. As these thanas are those which have been particularly benefited by the opening of the Sone canals, the comparison throws considerable light on the economic development of the district which may be fairly attributed to that undertaking.

Buchanan's Estimate, 1812.

Corresponding modern thana.	Thana of 1812.	Total area in square miles.	Percentage of—			
			Unculturable area.	Culturable but uncultivated area.	Current fallow.	Cultivated area.
1	2	3	4	5	6	7
Piro	Ehwal	380	8'3	25'4	6'3	63'0
Bikramganj	Karanja	393	6'6	26'5	5'3	53'6
Karghar	Barsong	351	6'3	20'2	2'8	70'6

Modern Statistics, 1909-11.

Thana.	Total area in square miles.	Percentage of—			
		Unculturable area.	Culturable but uncultivated area.	Current fall w.	Cultivated area.
1	2	3	4	5	6
Piro	315	12'05	3'08	1'34	83'53
Bikramganj	304	9'50	5'59	2'37	82'54
Karghar	268	10'00	6'26	1'73	82'03

305 *The effects of canal irrigation.*—It is true that the whole of the increase of cultivated area cannot be ascribed to the introduction of canals. A large tract of Piro thana was cleared by Mr. Mylne's predecessors before the canals were made. But at any rate the high state of cultivation even there

would hardly have been possible without canal irrigation. The increase in unculturable area is of course principally due to the area taken up by the canals themselves.

306. *Buchanan's ideas about extension of cultivation in the Kaimur Hills.*—It may be noticed that only 5.21 per cent. of the hill tract is cultivated. Buchanan thought that cultivation there might be considerably extended under the stimulus of a high assessment, an instance of very pure economic theory, which is somewhat reminiscent of William Blood's ideas in "The Modern Traveller" for the employment of missionaries for agricultural development.

"I'd have the missionary lent
Upon a plot of land,
A sum at twenty-five per cent.;
And (if I understand
The kind of people I should get)
An ever-present fear of debt
Would make them work like horses,
And form the spur, or motive spring,
In what I call 'developing
-The Natural resources'".

Buchanan gives an estimate for the amount of cultivation in his time. He puts down the whole area of the table-land as 776 square miles, of which he says 12 square miles are actually cultivated and another 329 square miles were capable of cultivation. Thus he reckoned that only 1.55 per cent. of the whole tract was cultivated, and hence cultivation has extended appreciably in the 10 years. But whether the drastic measure of a high assessment would have brought under the plough anything like the area that Buchanan thought to be culturable is a matter on which it is fair to allow doubts. Personally I have none.

307. *Comparison with other Bihar districts.*—The following table will enable comparison to be made with other districts of Bihar in the matter of the distribution of the cultivated area amongst the three principal harvests of the year:—

District.	Total area dealt with statistically.	Percentage of net-cropped to total area.	Percentage to the net-cropped area of the areas under—					
			Bhadai.	Aghani	Rabi.	Other cropped areas.	Twice cropped.	Irrigated area.
1	2	3	4	5	6	7	8	9
	Acres.							
South Monghyr	1,492,903	53	19	54	50	1	34	48
North Monghyr	974,670	69	43	29	66	...	33	3
Saran	1,633,435	79	41	34	63	...	37	15
Champaran	2,079,315	70	46	36	55	...	39	3
Muzaffarpur	1,941,354	60	38	46	60	...	45	3
Da: bhanga	2,116,390	60	36	66	47	...	36	6
Furnea	2,671,679	61	34	56	39	...	39	1
Bhagalpur	2,405,011	70	27	64	41	3	34	17
North Bhagalpur	1,263,904	27	34	60	36	3	63	45
South Bhagalpur	1,141,017	56	18	69	48	1	36	39
Patna	1,322,117	61	13	41	75	3	31	66
Shahabad	2,726,512	64	10	48	78	3	33	48

The chief interest of the comparison is the insignificance of the *bhadai* and the exceptionally high importance of the *rabi* harvest in Shahabad. As the bulk of the *aghani* harvest and a considerable part of the *rabi* is secured by irrigation facilities, while another large part of the *rabi* is raised on the northern tract which is annually moistened and fertilized by the inundation of the Ganges, the district may be taken to be practically immune from famine on a considerable scale. -

308. *Thana Statistics.*—The detail of the same distribution for the thanas is interesting.

Thana.	PERCENTAGE TO NET-CROPPED AREA OF—				Twice-cropped.
	<i>Bhadai.</i>	<i>Aghani.</i>	<i>Rabi.</i>	Other crops.	
1	2	3	4	5	6
Buxar	6	53	81	2	41
Dumraon	16	84	70	5	25
Buxar Subdivision	11	43	75	3	33
Arrah	15	26	74	5	29
Piro	9	64	74	2	48
Shahpur	13	84	71	4	22
Sadr Subdivision	12	41	78	4	31
Bikramganj	8	52	78	2	41
Karghar	7	41	90	1	38
Sasaram	8	43	79	1	31
Dehri	8	60	68	3	40
Sasaram Subdivision	8	43	80	2	37
Bhabua	8	43	81	1	32
Mohania	8	31	87	1	26
Bhabua Subdivision	8	37	84	1	29
Bhabua Hill tract	32	48	32	0	12

309. *The principal crops.*—The areas cultivated with the principal crops will be found in Appendix D. Of the *bhadai* crops the principal are rice and *makai*. Rice forms about 80 per cent. of the *aghani* crop in most thanas. The crop which contributes most largely to the statistics of area cropped for the *rabi* harvest is undoubtedly *khesari* or *latari*, which is sown down after the rice has been transplanted and is reaped at the beginning of the year. It is, however, of no great importance economically, and the statistics are somewhat vitiated by the fact that areas so treated are recorded as twice-cropped, and these areas go to swell the total for *rabi*.

The most prevalent crop of the *rabi* harvest apart from *khesari* is gram, particularly in Arrah thana, where covers nearly 40 per cent. of the *rabi* area. Wheat is of considerable importance in all thanas. In Karghar it covers 28 per cent of the *rabi* area, and in the Bhabua Subdivision about 20 per cent. Barley is largely sown in with wheat in the northern thanas and is of some importance also in Dehri. Other food-grains including pulses, in which *khesari* appears, are of great importance in all thanas comprising from 30 to 45 per cent. of the net-cropped area.

310. *Non-food crops, Sugarcane.*—Non-food crops occupy about 10 per cent. of the net-cropped area and vary from 17½ per cent. in Dehri and 16 per cent. in Sasaram to 7½ per cent. in Arrah. Of these sugarcane is of the greatest importance economically and occupies more than 2½ per cent. of the net-cropped area throughout the district, and over 3 per cent. in Sasaram Subdivision. A note on the importance of this crop, giving some historical information and an estimate of the value and cost of cultivation, is printed as Appendix R. It is taken from Babu Bijay Bihari Mukharji's circle note.

311. *Oil-seeds and gardens.*—The area occupied by linseed amounts to 7½ per cent. of the net-cropped area, but much of the linseed is grown as a catch crop (" *paira* "), being sown in with the *aghani* rice, after the latter has been transplanted, and its economic value is not very great. Still it is the most important oil-seed crop in the district, the area under mustard being insignificant. Mango gardens are of some importance in the northern subdivision and in Bikramganj thana.

312. *Principal food crops in the Bihar districts.*—I attach a statement which shows the relative importance of the principal food-crops in all the districts of Bihar except Gaya and Santal Parganas.

Percentage to net-cropped area of area under—

Serial No.	District.	Bisc.	Wheat.	Barley.	Maize.	Maize.	Gram.	Other food grain, etc.
1	2	3	4	5	6	7	8	9
1	Patna ...	38	5	7	2	8	24	34
2	Shahabad ...	39	13	6	1	3	19	38
3	Saran ...	34	6	20	3	17	5	29
4	Champanan ...	54	7	15	1	8	3	25
5	Muzaffarpur ...	49	4	19	5	11	3	33
6	Darbhanga ...	61	3	9	13	5	2	20
7	North Monghyr ...	21	15	9	6	21	10	57
8	South Monghyr ...	43	6	3	2	12	19	24
9	Bhagalpur ...	59	6	4	13	7	6	26
10	Perne ...	73	4	1	1	2	1	29

313. *Irrigation.*—The following statement shows the extent to which the cropped area is irrigated :—

	Net-cropped area.	IRRIGATED FROM WELLS.		IRRIGATED FROM GOVERNMENT CANALS.		IRRIGATED FROM PRIVATE CANALS.		IRRIGATED FROM TAXES AND <i>ASHAS</i> .		IRRIGATED FROM OTHER SOURCES.		TOTAL.	
		Area in acres.	Percentage to net cropped area.	Area in acres.	Percentage to net cropped area.	Area in acres.	Percentage to net cropped area.	Area in acres.	Percentage to net cropped area.	Area in acres.	Percentage to net cropped area.	Area in acres.	Percentage to net cropped area.
1	2	3	4	5	6	7	8	9	10	11	12	13	14
<i>Duxar Subdivision.</i>													
Duxar ...	155,835	3,463	2'22	59,363	38'00	462	'81	2,354	1'51	340	'16	65,900	42'30
Dumraon ...	160,084	9,673	5'97	44,467	26'77	3,126	1'9	7,973	4'74	514	'31	65,743	39'58
Total ...	321,919	13,135	4'08	103,830	32'26	3,609	1'12	10,327	3'21	754	'23	131,643	40'59
<i>Bohr Subdivision.</i>													
Arrah ...	161,631	5,119	2'91	4,004	2'20	19,283	10'60	9,237	5'68	1,043	'59	38,606	21'28
Piro ...	166,694	8,007	4'30	77,599	46'50	10,374	6'21	23,788	14'27	968	'50	120,761	72'38
Shahpur ...	127,289	13,119	10'32	31,461	24'73	2,800	2'04	9,110	7'16	1,099	'86	57,606	45'41
Total ...	475,013	26,244	5'50	113,064	23'76	32,357	6'77	42,135	8'86	3,145	'66	217,365	45'65
<i>Sasaram Subdivision.</i>													
Dikranjanj ...	193,774	8,800	4'57	86,819	45'08	4,507	2'34	15,139	7'85	543	'28	115,816	60'07
Karghar ...	189,071	3,738	1'98	37,945	20'08	2,872	1'52	11,959	6'30	678	'36	57,100	30'18
Sasaram ...	148,151	10,967	7'43	7,933	5'35	4,039	2'73	41,054	27'71	2,019	'14	66,622	44'97
Dehri ...	86,613	5,547	6'40	27,112	31'30	1,043	1'20	4,175	4'82	589	'68	38,465	44'41
Total ...	546,613	29,079	5'32	159,819	29'24	12,469	2'28	73,327	13'42	4,418	'81	278,004	50'69
<i>Bhabua Subdivision.</i>													
Bhabua ...	297,969	5,841	1'96	150	0'05	14,313	4'80	43,393	14'56	2,759	'92	66,456	22'30
Mohanla ...	103,295	9,063	8'77	12,067	11'68	4,199	4'06	10,859	10'50	1,251	'12	38,348	37'16
Total ...	401,264	16,799	4'17	15,167	3'77	18,512	4'62	54,252	13'53	4,010	'99	104,804	26'12
GRAND TOTAL ...	1,745,910	64,651	3'70	389,950	22'38	65,437	3'74	179,041	10'26	12,337	'70	731,906	41'92

314. *Defects of the irrigation statistics.*—I regret that implicit trust cannot be put in these figures in respect of the area irrigated by private canals. It was found in the course of the second season of *khanapuri* that amins were omitting in many cases to note that the source of irrigation was ultimately the Government canal, and treating the immediate source, the village channel as a private canal. This error was largely eliminated in the southern thanas, and I do not think it is important except in Arrah and Piro thanas. In Arrah, which was taken up by itself in the first year of *khanapuri*, it is undoubtedly important, and I believe that two-thirds of the area shown as irrigated by private canals is really irrigated from Government canals.

If this figure, 12,855 acres, be added to the total in column 5, the total area irrigated from Government canal would be 401,805 acres. The average area irrigated in the three seasons 1910-11, 1911-12, 1912-13 as reported by the Irrigation staff was 398,868 acres. These were the three main seasons of *khanapuri*. I have not got the figure of 1909-10, but only Arrah thana was under *khanapuri* in that year, and the variation in that thana would not be important. The average for the five years 1910—1915 is 413,812, but there was an exceptionally large area irrigated in 1913-14, mainly *rabi*.

Private canals are of no real importance in Shahabad, except for Bhabua thana and the strip of Sasaram thana between the Kaimur Hills and the Sone. Even there they are usually very short and do not serve more than one or two villages. Irrigation records have been prepared and finally published, where the importance of irrigation from sources other than Government canals required them.

315. *Possible extensions of irrigation.*—Bhabua thana is the only thana which lies wholly beyond the scope of the Sone canals. The problem of irrigation in that tract has been frequently considered, and a scheme for utilizing the water of the Karamnasa is now before the local Governments of this province and the United Provinces. Should this scheme be found impracticable, the proposal of Mr. G. Milne, Director of Agriculture, to engage an engineer to advise the agricultural community in the matter of construction and upkeep of private irrigation works might well be considered. I understand that Mr. H. D. Christian, the Subdivisional Officer at Bhabua, has done a good deal in the last few years to improve irrigation facilities by means of *takavi* advances.

There was no irrigation recorded in the Bhabua Hill tract, except 34 acres irrigated for wells. The rice-fields are, however, equally secured from drought by the system of terracing along the valleys which practically makes each field or group of fields an "ahar" for the next below it.

316. *Principal crops irrigated.*—Some details of the extent to which irrigation is applied to rice and wheat and other crops will be found in the Milan Khasra statement, Appendix C. Other interesting facts about the Sone Canal system and other irrigation facilities may be found in Chapter VI of Mr. O'Malley's *District Gazetteer*, but it is convenient to give here the most recent information regarding the canal rates, the extent of irrigation and the revenue derived from it.

317. *Canal irrigation rates and receipts.*—The rate for canal irrigation for long leases was originally fixed in 1876 at Re. 1-4-0 per bigha (five-eighths of an acre). It was increased to Re. 1-9-0 in 1890 and to Re. 1-14-0 in 1905. Finally it has again been increased to Rs. 2-3-0 with effect from 1915. The rates now levied are as follows :—

Kind of lease.	Rate per bigha.			Rate per acre.		
	Rs.	a.	p.	Rs.	a.	p.
Long lease (seven years) ...	2	3	0	3	8	0
Hot weather ...	3	2	0	5	0	0
Do. single watering only	1	9	0	2	8	0
<i>Kharif</i> ...	2	13	0	4	8	0
Do. single watering only ...	1	9	0	2	8	0
<i>Rabi</i> ...	1	9	0	2	8	0

All these rates except that for *rabi* were enhanced from 1915 by 5 annas per bigha or 8 annas per acre. The average area under irrigation during the five years 1910-1915 was 413,812 acres and the average amount realized as water-rate in those years was Rs. 12,50,725. If the increase in rates does not cause a diminution of area irrigated, it may be expected that the amount realized as water-rate will increase by at least Rs. 1,50,000. The figure for 1915-16, which is mainly based on actuals, is Rs. 14,66,828, but *rabi* irrigation was exceptionally large in that year. As the net-cropped area is 1,745,810 acres, the average rate of canal cost on the net-cropped area is a little less than 12 annas an acre.

318. *Well irrigation maps.*—Special *mujmili* maps showing the number of wells in each village were prepared for the Director of Agriculture, with a view to seeing in what tracts it might be advantageous to introduce improved methods of well-boring. I am informed by Mr. Milne that little use of these has been made so far owing to lack of staff and money for the work.

319. *Cost of construction of wells.*—Several attestation officers made some enquiries regarding the cost of well-boring as at present practised. I summarize from a note by Babu B. B. Mukharji, who worked in the south of Shahpur thana. The cost of constructing a well varies considerably, and there is a wide difference in the water-levels in the different parts of the circle. In Issudi, thana no. 177, Shahpur, for example, the water-level is reached at a depth of about 24 cubits (or seven "harsa" i.e., the height of a man reckoned at 5½ feet). This is a maximum for the circle. The minimum is 7 to 10 cubits at Ayer, thana no. 290, Shahpur. The cost varies with the kind of soil, but in soft soil, though the cost is small, the well lasts for a short time only. A "kacha" well costs Rs. 30 in Issudi, but will last 20 to 25 years, while in Ayer it costs only Rs. 4 to Rs. 5, but only lasts two years. A cylindrical wattle of split bamboo is often put in for the lowest 3 cubits of a kacha well with good result. A masonry well costs about Rs. 120. The "moth," i.e., the skin by which water is drawn up, costs Rs. 5-12-0 and lasts two or three years and there is also the expense of an iron ring, 12 annas, and pulleys, etc. A "moth" worked by two pairs of bullocks, each working half a day will irrigate about 12 kathas of land or 37 of an acre. It is of interest to note that in village Akhuri, thana no. 235, Mohania, artesian wells with pumps are in use. I do not know whether these have been bored by the Agricultural Department or not.

The following statement compares the irrigation figures for the district of Bihar. The Champaran figures will no doubt be considerably modified, as a result of the opening of the Tribeni Canal.

Serial number.	Name of district.	IRRIGATED FROM WELLS.	IRRIGATED FROM GOVERNMENT CANALS.	IRRIGATED FROM PRIVATE CANALS.	IRRIGATED FROM TAKES AND AHARS.	IRRIGATED FROM OTHER SOURCES.	TOTAL.	Remarks.
		Percentage to net-cropped area.	Percentage to net-cropped area.	Percentage to net-cropped area.	Percentage to net-cropped area.	Percentage to net-cropped area.	Percentage to net-cropped area.	
1	2	3	4	5	6	7	8	9
1	Patna ...	6.8	3.2	23.0	26.0	4.0	62.8	
2	Bahabad ...	6.0	23.8	3.8	10.3	7	46.0	
3	Saran ...	10.8	4	4	2.8	1.1	15.2	
4	Champaran ...	1	...	5	4	1.0	2.0	
5	Muzaffarpur ...	1.2	...	1	2	4	1.0	
6	Darbhanga ...	4	...	2	2.8	3.1	6.5	
7	North Monghyr ...	3	...	...	3	3.1	2.6	
8	South Monghyr ...	3.8	...	6.7	10.3	12.3	41.0	
9	North Bhagalpur ...	3	...	...	6	3.8	4.5	
10	South Bhagalpur ...	1.2	...	16.5	5.6	12.8	26.0	
11	Purnea ...	Details are not given as the total is insignificant.						

320. *Agricultural stock.*—Details of the agricultural stock of the district are given in Appendix E.

The figures include stock held by proprietors and intermediate tenure-holders. Throughout the district there is about one pair of bullocks for every 10 acres of net-cropped area which is much the same as in Patna. This average is maintained in thanas Piro, Bikramganj, Karghar and Mohania, but in the northern thanas the average falls as low as one pair for every 11 acres, while in Sasaram, Dehri and Bhabua it rises to one pair

for every 8 acres. The reasons for the variations are primarily that for the three last-named thanas, the grazing ground of the Kaimur Hills is available and to a less extent that the *rabi* areas in the semi-diara tracts of the northern thanas do not require as much ploughing nor tax the strength of the plough-cattle as much as the stiffer land of the centre and south of the district. In the Bhabua Hill tract there is a pair of bullocks for every seven acres of net-cropped area and cows and cow-buffaloes are very numerous as might be expected. But the figures are for animals owned by persons who hold agricultural land, and do not include cattle brought up to the hills for pasturage. The averages, as calculated, are merely approximate, as no allowance has been made for the number of bulls included in the total of bulls and bullocks, nor for the bullocks used principally for carts or as pack-bullocks, nor on the other hand for the use of buffaloes as plough-cattle. In Karghar thana, where the male buffaloes number 7,221 and female only 209, it is clear that extensive use is made of them. The plough-cattle are generally strong and fairly well nourished. The number of cows, cow-buffaloes, calves, sheep and goats is distinctly above the average for South Bihar, and in Shahabad the importance of the pastoral community is considerable. Carts in Shahabad barely exceed one per square mile—a remarkably low figure. Anyone, however, who has attempted to move along the unmetalled roads of the district much before the end of the year, will appreciate the good sense of the Shahabad raiyat in not investing much of his capital in carts.

STATISTICS OF STATUS AND RENT.

321. *Manner in which land is held.*—The following statement shows the manner in which the land of the district and of the four Subdivisions is held:—

Serial number.	Name of status.	Buxar.					Arrah.					Sasaram.				
		Number of holdings.	Percentage of total number of holdings.	Area.	Percentage of total occupied area.	Average size of holdings.	Number of holdings.	Percentage of total number of holdings.	Area.	Percentage of total occupied area.	Average size of holdings.	Number of holdings.	Percentage of total number of holdings.	Area.	Percentage of total occupied area.	Average size of holdings.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
1	<i>Zirat</i> ...	104	'00	1,808	'38	12'51	211	'00	1,140	'28	5'38	2	'00	20	'00	12'70
2	Held by proprietor but not <i>sirat</i> .	4,427	3'82	31,495	0'13	7'11	6,004	2'87	37,320	7'54	5'40	7,598	4'83	68,451	11'08	9'01
3	In cultivating possession of tenure-holders.	1,570	1'40	11,811	3'45	7'49	2,230	'02	8,239	1'87	4'14	2,693	1'60	20,027	3'51	7'47
4	Raiyats at fixed rent or rates.	28,390	25'12	99,672	28'90	8'51	87,138	27'90	136,520	27'60	3'03	937	'56	6,699	1'17	7'15
5	Settled or occupancy raiyat.	73,051	64'64	19,776	55'46	3'61	162,596	62'51	300,324	60'72	1'95	146,757	87'32	461,168	80'70	3'14
6	Non-occupancy raiyat.	775	'09	2,931	'87	8'77	451	'19	1,152	'23	3'85	1,080	1'18	5,309	'08	2'68
7	Rent-free holders	4,878	4'14	5,919	1'73	1'26	10,506	4'40	6,717	1'76	'80	8,104	4'62	9,762	1'71	1'20
	Total ...	113,005	...	843,856	...	...	241,827	...	404,591	...	...	168,060	...	571,445	...	...
8	Unoccupied or <i>Gairmasrui</i> .	7,753	...	36,764	...	...	12,515	...	49,081	...	...	15,315	...	243,006	...	...
	Total ...	120,758	...	380,620	...	...	253,162	...	519,922	...	...	183,275	...	814,451	...	...
9	Kaisar-I-Hind ...	...	...	6,494	...	...	...	...	17,635	...	...	...	...	31,845	...	...
	Total ...	120,758	...	380,114	...	...	253,162	...	501,757	...	...	183,275	...	846,296	...	...
10	Under-raiyat ...	5,081	...	5,604	...	...	4,081	...	4,194	...	...	3,726	...	4,300	...	...

Serial number.	Name of status.	Bhabhua.					Total.				
		Number of holdings.	Percentage of total number of holdings.	Area.	Percentage of total occupied area.	Average size of holdings.	Number of holdings.	Percentage of total number of the holdings.	Area.	Percentage of total occupied area.	Average size of holding.
1	2	18	19	20	21	22	23	24	25	26	27
1	<i>Zirat</i> ...	2	'00	270	'06	00'04	380	'00	2,008	'16	8'40
2	Held by proprietor but not <i>ziraf</i> .	6,413	5'04	74,797	17'73	11'19	26,341	4'06	212,082	11'57	8'37
3	In cultivating possession of tenure-holder.	8,130	3'78	38,260	8'09	12'25	9,632	1'52	79,467	4'24	8'98
4	Raiyats at fixed rent or rates.	1,059	'83	7,322	1'74	6'01	97,524	15'36	250,212	13'06	2'55
5	Settled or occupancy raiyat.	92,215	81'14	294,073	67'23	3'08	461,919	73'18	1,226,476	67'49	2'66
6	Non-occupancy raiyat	1,910	1'69	6,957	1'65	3'64	5,117	'61	16,822	'90	3'19
7	Rent-free holders ...	8,918	7'65	10,126	2'40	1'13	22,506	3'13	24,524	1'28	1'05
	Total ...	118,647	...	421,926	...	...	635,940	...	1,632,112	...	...
8	Un-occupied or <i>Gir-mans</i> .	12,754	...	402,742	...	...	46,237	...	631,544	...	...
	Total ...	129,401	...	824,668	...	...	682,177	...	2,263,656	...	...
9	Kaimur-i-Hind ...	..	...	4,671	...	...	...	...	62,956	...	...
	Total ...	129,401	...	829,339	...	...	682,177	...	2,726,612	...	...
10	Under-raiyat ...	2,282	...	4,129	...	...	16,272	...	16,727	...	...

The unoccupied area is of course very considerable in Sasaram and Bhabhua subdivisions, including as it does the jungle area of the Kaimur Hills.

True *ziraf* is of no importance, the proprietors having long since lost their "*nankar*" land by the attempt to treat any land which came temporarily into their possession, as "*ziraf*."

322. "*Bakasht*" land.—The land in cultivating possession of landlords other than "*ziraf*" is 16 per cent. of the whole occupied area, which is a distinctly high proportion for South Bihar. In South Monghyr it was 11'7 and in Patna 13'7. Apart, however, from a few big estates like the Dumraon and Bihia estates, proprietors are mostly small men, who naturally cultivate considerable areas themselves. I do not think that successful suppression of raiyats was more frequently practised than in other districts. Tenure-holders are not of great importance except in the Bhabhua subdivision, where in the plains area thikadars are frequent, and in the hills area the headman has usually been treated as a tenure-holder.

323. *Raiyats at fixed rent*.—Raiyats at fixed rent or rates hold 13'66 per cent. of the total occupied area. This is of course quite abnormal, the highest percentage found in any other Bihar district being 5'1 in Purnea. The reasons for this abnormal figure are fully discussed in connection with the "*Guzashta*" tenancy in Chapter II, Part III. Buxar subdivision leads the way with nearly 29 per cent. of the occupied area, while in Arrah subdivision the percentage is 27'6. In Sasaram and Bhabhua the percentage is insignificant. In the whole district raiyats with occupancy-rights, including fixed rent and rent-free-holders

occupy 83 per cent. of the total occupied area, non-occupancy raiyats being practically negligible in all the subdivisions.

324. *Under-raiyats.*—Under-raiyats hold about one per cent. of the total occupied area. This is distinctly lower than is usual in Bihar. In Muzaffarpore the percentage was as much as 4·1 and in most districts it is at least as high as to 2. There seems at present no ground for the theory that fixity of rent demand induces the raiyat to sublet, and so become a mere annuitant on the land. The areas held by under-raiyats in Buxar and Arrah are just as insignificant as in the southern subdivisions. Under-raiyats having occupancy-rights are exceedingly rare in Shahabad.

325. *Area held on produce-rent.*—The proportion of the area held by settled and occupancy-raiyats on produce-rent is shown in the following table which also gives figures for non-occupancy and under-raiyats in the whole district :—

Thana.	Total area held by settled and occupancy-raiyats.	Area held on produce-rent.	Percentage of area held on produce rent.
1	2	3	4
Buxar	94,619	15,332	16·20
Dumraon	96,087	5,569	5·80
Total	190,706	20,901	10·96
Arrah	81,889	15,348	18·74
Piro	150,730	17,819	11·49
Shahpur	67,905	2,830	4·18
Total	300,524	35,495	11·81
Bikramganj	174,388	23,048	13·22
Karghar	109,803	40,783	37·14
Sasaram	122,433	48,642	39·73
Dehri	54,544	6,200	11·36
Total	461,168	118,673	25·73
Bhabhua	139,647	38,137	27·81
Mohanea	144,431	42,644	29·52
Total	284,078	80,781	28·44
Grand Total	1,236,476	255,850	20·69
Non-occupancy-raiyats	16,333	2,965	18·15
Under-raiyats	18,738	7,903	42·20

326. *Produce-rent unnecessary in Shahabad.*—There is little justification for the continuance of the produce-rent system for the bulk of the area so held, except in Bhabhua, Sasaram and Mohanea thanas, which are mainly irrigated by *ahars* and private canals. Even there it would be comparatively simple to provide by legislation for the proper upkeep of irrigation works as these do not, as a rule, serve more than one village. At the time of the Permanent Settlement probably about 90 per cent. of the total cultivated area was held on produce-rent and in 1812 about 75 per cent. The introduction of irrigation from Government canals is of course largely responsible for the change and it is certainly not the least of the boons that they have conferred on the district. Where produce-rents still remain, the system is much more lenient or perhaps it would be more correct to say less offensively oppressive than in Patna or even in South Monghyr and South Bhagalpur. The nominal share of the landlord is scarcely ever more than one-half, while two-fifths and even one-third is a very common share.

327. *Buchanan's references to produce-rent.*—Buchanan's statements about produce-rents are of great interest. He notes that by far the greater part of produce-rent lands are held on the *Danubandi* or "*Kankut*" system (appraisal), but in some the crop is actually divided (*Agor batai*).

The landlord, in the division of the crop nowhere here, except in Arrah, takes more than one-half of the net produce, and in some places is content with much less.

" I have only to mention that a custom in the division prevails in some parts of this district, which tends in some measure to diminish the evils of the practice. The share of the owner of the land diminishes in proportion to the number of waterings given, which induces the tenant to exert himself in applying this most valuable industry to the mutual advantage of both parties, one-third of the crop on a well-watered field being generally of more value than half of what is produced without manure. "

By net produce Buchanan evidently means the produce after the customary deductions. The practice of reducing the landlord's share according to the number of waterings still prevails widely in South and Central Shahabad. In his account of *pargana* Arrah, Buchanan writes :—

" Rice, after deducting the harvest, pays in some villages half of the produce and in other $\frac{2}{40}$ ths; but the division is seldom made, a compensation (*Danabandi*) settled by a survey is generally accepted in its stead. "

Of *pargana* Bihia he writes :—

" In the $\frac{1}{8}$ th (i.e., of the total cultivated area of the *pargana*) where the rent is ascertained from the value of the crop, the harvest being deducted, the master in some mauzas is entitled to half and in others only $\frac{1}{40}$ ths of the remainder, all other charges but the harvest falling on the tenant. "

Here again he notes *danabandi* as the usual custom.

" In *pargana* Bhojpur the land of which the rent is determined by a division of the crop, in some places pays half, in others $\frac{2}{40}$ ths and the tenant from his share gives $\frac{1}{8}$ th to the *Patwaris*.

This is in direct variance with his statement above that the landlord never gets more than half, except in Arrah, and throws some doubt on the value of his statements.

328. *Reasons for lower landlord's share in Shahabad.*—At any rate now $\frac{2}{40}$ th or $\frac{2}{40}$ ths is very uncommon in Shahabad, as it apparently was in 1812, although by that date it was well established in many parts of Bihar district. The principal reasons for the difference seem to be that the raiyats of Shahabad were and are much more able to take care of themselves than the raiyats of Patna, and probably obtained more help from early Collectors, such as Brooke and Deane, than in Patna, both of whom appear to have really tackled the problem of abolishing "*Abwab*". In Patna no doubt the raiyats' difficulties were increased by the fact that most of their natural leaders had retained or secured the position of "*Malik*" and naturally became no less eager to encroach on the raiyats' share than the big zamindars themselves.

329. *Actual and nominal share.*—The working of the produce-rent system of the present day is admirably described on pages 81-84 of Mr. O'Malley's *District Gazetteer*. It will be seen from that account that where the landlord's nominal share is one-half, the actual proportion of the gross yield of grain realized by him scarcely exceeds 40 per cent., whether *batai* or *danabandi* is done. Considering the prevalence of more lenient rates of division, and also the fact that for canal irrigated lands the landlord pays canal rate in proportion to his nominal share, it is clear that the average amount of the gross produce, including straw, etc., which the landlord actually enjoys, is not above one-third, and I doubt if when allowance is made for lenient appraisement or for speculation before division, it is more than one-fourth. For example, second class paddy land will yield a crop worth about Rs. 23 per acre.

	Rs.
Value of paddy crop	23
Deduct value of straw, etc., 7 per cent.	1.61
	21.39
Deduct 20 per cent. for harvesting charges and customary allowance	4.278
	17.112
Landlord gets $\frac{2}{3}$ of this	6.8448
Landlord pays $\frac{2}{3}$ of canal rate at Rs. 3-8 per acre ...	1.4
Landlord enjoys	5.4448

which is distinctly less than one-fourth of the gross produce.

The proportion of the area held by settled and occupancy raiyats which is held on produce-rent, viz., 20·7 per cent. is, however, higher than any other tract hitherto surveyed in Bihar, except Patna, 44 per cent., and South Monghyr 32 per cent., though no doubt Gaya will yield a higher figure. In South Bhagalpur, which is in many respects not unlike Shahabad, only 16 per cent. was so held. There is no doubt that commutation under section 40, Bengal Tenancy Act, would be a great advantage in most cases, though care will have to be taken that cash rents are not fixed too high on the basis of exaggerated realizations put forward by landlords or in the absence of any evidence from that side on the basis of rule-of-thumb calculations of the normal share of a roughly estimated value of the crop. The latter are full of particularly dangerous pitfalls, as there is little doubt that only the customary allowances with lenient appraisalment, or so-called pecculation by the tenants in the case of division of the crops, have made the produce-rent system endurable.

330. *Cash rent.*—However, in Shahabad, fortunately, it is the cash-rents that are of prime importance. The following table gives the details according to classes of raiyats in the several thanas :—

Name of thana.	Raiyats at fixed rent.			Occupancy and settled raiyats.			Non-occupancy raiyats.		
	Total area.	Total rent.	Average per acre.	Total area.	Total rent.	Average per acre.	Total area.	Total rent.	Average per acre.
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.
<i>Buxar Subdivision.</i>									
Buxar	39,107	1,29,537	3 4 3	79,296	2,81,990	3 3 11	1,456	5,404	3 11 6
Dumraon	60,565	2,12,436	3 3 3	90,518	2,51,594	3 12 2	1,283	4,811	3 14 7
Total	99,672	3,42,073	3 3 3	169,814	5,33,584	3 11 9	2,739	10,215	3 12 10
<i>Sadar Subdivision.</i>									
Arrah	64,961	4,19,793	4 14 6	63,543	3,07,531	4 10 0	304	2,070	6 13 6
Piro	3,613	19,624	5 0 2	133,431	6,86,732	5 2 4	73	279	4 2 0
Shahpur	47,631	1,97,374	4 1 0	65,075	3,19,296	4 12 3	720	3,200	3 0 10
Total	116,205	6,37,091	4 10 6	362,049	12,04,559	4 14 10	1,097	5,169	4 11 3
<i>Sasaram Subdivision.</i>									
Mikranganj	3,366	11,027	3 3 0	151,340	6,00,027	3 15 4	1,436	3,621	3 8 2
Karghar	2,453	6,432	2 6 6	69,021	2,46,243	3 5 1	835	2,099	3 5 0
Sasaram	213	474	2 2 2	73,791	2,87,436	3 8 10	1,615	3,443	2 2 0
Debri	717	2,544	4 15 3	46,344	2,08,775	4 5 0	477	1,828	3 12 9
Total	6,749	21,487	3 3 5	340,496	12,17,465	4 3 3	4,363	10,990	3 3 2
<i>Bhabhua Subdivision.</i>									
Bhabhua	1,988	5,527	2 2 6	101,509	4,04,606	3 15 9	2,629	11,282	3 15 7
Moharua	5,234	16,049	3 0 2	101,737	3,36,013	3 3 2	2,334	5,826	2 7 2
Total	7,222	21,576	3 15 2	203,246	7,40,619	3 9 7	4,963	17,108	3 4 6
Grand total	250,213	10,19,735	4 1 3	960,625	37,66,437	4 1 0	12,396	43,490	3 4 0
Bhabhua Hill Villages.	N/A	N/A	N/A	14,598	14,216	0 15 6	296	240	0 13 0

Name of Thana.	Total of all cases of raiyats.			Under-raiyats.			Remarks.
	Total area.	Total rent.	Average per acre.	Total area.	Total rent.	Average per acre.	
1	11	12	13	14	15	16	17
<i>Buxar Subdivision.</i>	Acres.	Rs.	Rs. a. p.	Acres.	Rs.	Rs. a. p.	
Buxar	119,848	4,15,831	3 7 6	588	8,099	5 4 5	
Dumraon	162,815	5,69,781	3 11 9	2,328	13,028	5 9 2	
Total	272,663	9,84,969	3 9 11	2,916	16,127	5 8 3	
<i>Sadar Subdivision.</i>							
Arrah	181,828	7,29,993	4 12 10	894	10,114	11 4 1	
Piro	137,401	7,00,653	5 2 3	381	1,951	5 2 0	
Shahpur	118,416	5,09,770	4 3 0	1,852	11,246	6 12 11	
Total	408,645	19,46,416	4 13 4	2,927	23,311	7 15 7	
<i>Sasaram Subdivision.</i>							
Bikramganj	166,064	6,14,675	3 16 0	886	4,044	4 9 0	
Karghar	72,337	2,64,770	3 8 4	918	3,127	3 6 6	
Sasaram	75,619	2,66,851	3 8 5	581	1,999	3 3 8	
Dehri	49,537	2,14,196	4 5 3	238	1,000	4 9 6	
Total	363,557	18,49,992	3 13 1	2,663	10,260	3 15 0	
<i>Bhabhua Subdivision.</i>							
Bhabhua	106,536	4,21,414	3 16 8	1,309	4,633	4 0 0	
Mohanesa	169,805	2,47,897	3 3 0	1,162	4,522	3 14 3	
Total	276,341	6,69,311	3 9 0	2,471	9,155	3 15 3	
Grand Total	1,244,208	59,49,651	4 0 10	10,829	59,953	5 7 3	
Bhabua Hill Villages	14,891	14,566	0 16 8	833	356	1 1 0	

331. *High rate of fixed rent raiyats.*—The most striking feature of this statement is the practical equality of the rates per acre of fixed rent and occupancy raiyats. This is, however, easily explained: 232,274 acres of land held by fixed rent raiyats lies in Buxar subdivision and Arrah and Shahpur thanas, out of a total area of 250,213 acres for the district, *i.e.*, about 93 per cent. Most of this is the fertile *rabi* tract lying between the Ganges and the East Indian Railway. Buchanan in 1812 estimated that it then paid rent at about Rs. 5 per acre, which, allowing for the usual tendency of general enquiries to over-estimate rents, was probably not far wrong, it is not surprising then that the average rate throughout the district is Rs. 4-1-3. The rates of "*Guzashtadars*" were not as is often supposed, specially privileged rates, but were probably not much below, if not actually above, the legal assessment of one-fourth of the value of the gross produce. This was not such an oppressive rate as it sounds in a tract, which was, as it still is, inexpensive to cultivate. I am inclined to think that it is not improbable that many of the "*Guzashtadars*" actually held on produce-rent of the time at the decennial settlement, and only obtained cash rents immediately afterwards, as indeed Buchanan says was the case in pargana Arrah. This, however, in no way compromises their rights to hold at fixed rent as at that time no other form of cash rent except *hastobudi*, was recognized by law or custom. The cash rents of settled and occupancy raiyats were no doubt originally settled mostly after commutation, on the basis of produce, and no doubt before the advent of the canals the value of the produce was exceedingly small. Canal irrigation was rightly or wrongly seized on by some landlords as a reason for enhancement but the "*Guzashta*" tradition, which, while well established in the north, has all along been dimly remembered throughout the district, has certainly acted as a slight break on rapid enhancement.*

* Buchanan writing of Sasaram pargana says: "In some places there are no leases, in others, each village has one lease mentioning the rates of rent, which are supposed to be fixed in perpetuity." Again of Chainpur pargana: "very few of the farmers of land will accept of leases; but those who do require one for each individual. The rates however, are supposed to be fixed by custom, and it is thought that more cannot be exacted."

332. *Comparison of rent incidence with other districts*—At the same time the average incidence of rent of settled and occupancy raiyats is distinctly high in Shahabad as may be seen from the following statement :—

District.	Average rent per acre.		
	Rs.	a.	p.
Chamjaraa	1	15	0
Saran	4	5	0
Muzaffarpur	8	12	0
Darbhanga	8	12	0
North Monghyr... ..	2	15	0
Purnea	1	15	0
Bhagalpur	2	10	0
South Monghyr	8	8	0
Patna	7	8	0
Shahabad	4	1	0

333. *Calculation of the probable relation of rent to value of the gross produce throughout the district.*—The total occupied area may be subdivided as follows. It is in excess of the net cropped area in the proportion of 100 to 95.29. I have therefore shown in the third column approximately the cropped area in each class :—

	Area in acres.	Net cropped area in acres.
1	2	3
Zirat and Bakasht	294,556	250,683
Fixed rent raiyats	250,218	238,429
Settled occupancy and non-occupancy raiyats	Cash rent	993,993
	Produce rent	258,815
Rent-free tenants	34,535	32,908
Total	1,832,112	1,745,810

The annual value of the produce-rent paying area is about Rs. 20 per acre (gross produce including straw, etc.) This area, therefore, contributes Rs. 49,32,200 to the total annual value of the gross produce of agricultural land in the statistical area, viz., Rs. 4,67,43,764.

The balance of Rs. 4,18,11,564 gives an average annual value of Rs. 27.9 on the remaining area of 1,499,200 acres. The value of the fixed rent raiyat's land, which is mostly good *rabi*, giving a crop of 12 maunds an acre of wheat, or equally valuable crops of other kinds of *rabi*, is probably something more than Rs. 30 per acre. Even assuming the cash rents in 1812 were one-third of the gross produce, on which basis the gross produce would then have been Rs. 12, the same gross produce would now be worth $247/100 \times$ Rs. 12 or Rs. 29.6, on account of the rise in prices of *rabi* crops. I think I can assume that fixed rent land, rent-free land and land in cultivation of landlords is worth Rs. 30 per acre per annum. The total area of these classes is 552,020 acres, which would therefore yield Rs. 1,65,60,600 leaving Rs. 2,52,50,964 as the value of the cash paying area of settled, occupancy and non-occupancy raiyats, 993,993 acres. This gives an average value of Rs. 25-4-0 per acre.

The ordinary raiyat of the district therefore pays about 16 per cent. of the value of the gross produce of his land in rent. It would seem that the cash rents in Shahabad have not reached the level of one-fifth of the gross produce on the average, but there is but a narrow margin particularly having regard to the expense of irrigation, which is mainly borne by

the raiyat in cash rent holdings. The figures seem to me to justify in every way very careful scrutiny of applications for enhancement of rent in Shahabad. To decree enhancements merely on the ground of rise in prices by a rule-of-thumb method, is not in accordance with the law which enjoins the Court to fix a fair and equitable rent.

334. *Bhabhua hill tract rents.*—The figures for the Bhabhua hill tract are of special interest. As a general rule the only land which is assessed to rent in that area, is the rice land. The other land which is mostly poor stony soil capable of bearing scanty crops of the inferior *rabi* and *bhadai* staples in one year out of three, is held with a piece of rice land without payment of rent. Hence the figures for rent averages are misleading by themselves. However, it may be seen from Appendix D, that in this tract the area under rice is 5,621 acres. Hence the incidence of rent on rice land is about Rs. 2-9-5 per acre assuming which I believe to be the fact that none of the rice land is held as produce rent. This is a higher rate than is usual in Chota Nagpur, but not nearly so high as rents found in Palamau. It is not a rent which is in any way beyond the capacity of the land to bear.

335. *Statistics of transfers.*—I come now to the discussion of the statistics of transfers by sale of proprietary and occupancy rights, and by mortgage of land in cultivation by proprietors, tenure-holders and raiyats (Appendices G. H. and I.)

336. *Transfer of proprietary rights.*—As regards the statistics of proprietary rights, I have little to say. I regard them as quite valueless either for the purpose of discovering how rapidly such rights change hands or for estimating their cash value. In the first place, though they are supposed to be collected for the ten years prior to the year of attestation, I doubt if they are complete. Secondly, the unit of record-writing, the village has no relation to the unit of proprietary right, the estate. Thirdly, there is no means of saying how far the value of estates sold is typical of the value of all estates, except that it is certain that only the least valuable estates are sold as a general rule. The proper place for the collection of statistics on this subject, if they are required at all, is the Land Registration Office.

337. *Mortgages.*—The statistics of mortgages are of more value. Shahabad shows exceptionally high figures for mortgages, no less than 5·5 per cent. of the total occupied area being under mortgage. In Buxar Subdivision the percentage is as much as 9·6 and in Arrah Subdivision 9·2. It is still more noteworthy that in these two subdivisions the fixed rent raiyats have mortgaged nearly 14 per cent. of the land in their occupation. About 83·5 per cent. of the area mortgaged in these two subdivisions is held by raiyats. So the land is not to any considerable extent falling into the hands of the professional money lending class, except in Arrah thana itself where that class holds more than 25 per cent. of the mortgaged area. There is, I believe, only one co-operative credit society in the district, *viz.*, at Buxar. It would seem that the north of the district and especially Arrah thana is likely to be particularly fruitful field for the operations of the Registrar, though no doubt the Bhojpuri raiyat will require some patient instruction before he realises the benefits of the movement.

In the Bhabhua hill tract only 187 acres have been mortgaged, but if, as is most likely, this is all rice land, then the not inappreciable proportion of 3·3 per cent. has been mortgaged.

The figures for the mortgage value of land in the different subdivisions are interesting, varying from Rs. 195 per acre in the Arrah Subdivision to Rs. 40 in Bhabhua. It is clear that the greater the value of the land the more ready the occupier is to mortgage it. It would be interesting to know what percentage a mortgage with possession expects to get for his money.

338. *Sale of occupancy rights.*—The statistics for sales, which refer only to sales of the lands of settled and occupancy raiyats, are also of interest in Shahabad. The area occupied by these raiyats is 1,236,476 acres. Of this according to the statistics 13,074 acres have been sold during the last ten years, or rather more than 1 per cent. But unfortunately statistics of sales are not

nearly as trustworthy as statistics of mortgages. For the latter are entered in the record-of-rights very nearly as a matter of course. Since the mortgagees who has, and the mortgagor who hopes to regain possession, are equally interested to see that the entry is made. It is, however, of no particular interest for a raiyat who has bought a holding several years ago to disclose the fact, and unless he has not yet succeeded in getting his name entered in the landlord's office in place of the old raiyat, no one else is likely to disclose it. It is quite likely that as many sales in the last ten years are left unrecorded as are recorded. However, in Shahabad, even if this is so, sales of occupancy rights have not been very common, in spite of the fact that they are as a rule recognised without much demur by the landlord on receipt of a "*Salami*" of comparatively moderate amount.

339. *Custom of transferability.*—There is a little doubt that even outside the area, where the term "*guzashta*" carries the connotation of fixity of rent, it is common for holdings locally known as "*guzashta*" to be transferred without the consent of the landlord. Thus one Attestation Officer, who worked in the south of Shahpur thana, notes that mostly transfers are recorded without the payment of any regular fee or *nazarana*, but that in villages held by Mr. Solano a fee of 10 per cent. of the purchase money is demanded from the purchaser. Mr. Solano's *tahsildar* was unable to show an instance of realization or of a refusal to record the purchaser's name, when payment was not made, nor did there appear to have been any suit on the subject. In a village of Mr. Mylne's a fee of Rs. 2 per bigha was said to be ordinarily paid by the purchaser before his name is entered in the *jamabandi*. But these were exceptional cases.

Another Attestation Officer writes of Chausa pargana that the occupancy right is generally transferable, but the purchaser has to get his name entered in the landlord's books, and the amount of "*salami*" paid for the mutation is variable.

Again in South Bikramganj it is noted that the petty landlords do not oppose transfers, but derive a certain income from them, realizing Re. 1 per bigha for mutation from the purchasers, but sometimes a percentage of the purchase money. The Dumraon Raj does not object to transfers here, but the Surajpura estates (under Court of Wards) objected in some villages. Mr. Solano in Dumraon Raj villages in *thika* to him, takes $12\frac{1}{2}\%$ of the purchase money, of which $2\frac{1}{2}\%$ per cent. goes to the *amla*, before doing mutation.

Of villages in thana Mohanea it is noted that in some estates no *salami* is ever taken, but that the Maharaja of Benares takes 25 per cent. of the purchase money though this is not generally admitted by raiyats, who say the rate is 10 per cent. only. Mr. Mylne gets Rs. 2 per *bigha* (here the small *bigha* is one-fourth of an acre), while other landlords apparently take what they can squeeze out of the purchaser.

In the east of thana Bhabhua another officer notes that sales of occupancy rights were infrequent, and the purchaser had as a rule to pay *salami*, though even here one instance of a sale being recognized without payment of *salami* was found.

Sales in the north-west corner of Bhabhua thana are also reported as very rare, and the *salami* taken sometimes as high as one-fourth of the purchase money. The Surajpura estate is reported to refuse to recognize sales.

In Sasaram thana it is also reported that sales are infrequent and not recognized unless *salami* is paid, but no details regarding the amount of *salami* are available. In that thana a case had been decided just before attestation, in which it was held that the custom of transferability was not proved. An appeal to the High Court was then pending, but as no details of the case were given, I have not been able to trace it.

From Arrah thana, however, it is reported that occupancy raiyats have by custom full right to transfer their holdings. The landlords claim *salami* before making mutation. The Dumraon Raj, while under the Court of Wards, charged Rs. 2 per holding, but before took 2 per cent. in the purchase money. Other landlords take from Rs. 5 to Rs. 20 per *bigha* according to the class of land.

40. *General conclusion from the reports regarding transferability.*—The conclusion that may be drawn from these reports is that transfers of occupancy right are made in North Shahabad with practically no interference from the landlords except the demand for a fee before mutation is done, and that demand is by no means universal. The fee varies, but in no case exceeds 10 per cent. of the purchase money. Probably if that amount were fixed as a maximum fee no serious justice would be done. Further south in Bikramganj thana 12 per cent. of the purchase money is reported as the fee for mutation. In South Shahabad, i.e., Bhabhua and Sasaram subdivisions, transfers of occupancy rights are much rarer, mainly I think because the influence of the true "*guzashta*" tenancy is much less, but partly because of the poorness of the land, and the depression of the tenants, who have only recently come to regard themselves as having a permanent interest in their holdings. Where transfers occur the fee for mutation is reported to be distinctly higher and much as one-quarter of the purchase money is reported as claimed. My own view is that no appreciable use is made of the restrictions by landlords on the transfer of occupancy rights in the district, to secure the retention of land in the hand of those who will cultivate it themselves. They use the restrictions merely to obtain for themselves a portion of the purchase money and so depress the money value of the occupancy right. I do not see that it would be in any way against public policy to legislate in favour of free transfers.

341. *Price obtained for sale and mortgages.*—Figures for sales of the rights of fixed rent raiyats have not been collected, and of course those rights are transferable without the landlord's consent. The prices paid for land sold and land mortgaged derived from these statements are comparable, although the latter cover lands held otherwise than by settled and occupancy raiyats. It is somewhat curious that the rate for the land under mortgages, which not only includes fixed rent and *bakasht* land, usually supposed to be the best of the occupied area, but is also generally believed to be specially selected by the mortgagee, is not noticeably higher than the rate for land sold.

342. *Classification of purchases*—Nearly 85 per cent. of the purchasers are classed as raiyats, while rather more than 10 per cent. are money-lenders. This means that a little more than 1,300 acres of lands held by settled and occupancy raiyats has passed permanently into the lands of money-lenders in the last ten years, and does not suggest any immediate danger. In Arrah thana, however, they have secured about 250 acres, and this is evidently the part of the district in which they are most active.

PART V.

POPULATION AND MATERIAL CONDITION.

343. *Comparative estimates of population.*—The earliest estimate of the population of Shahabad district is Buchanan's in 1812. He estimated the population as 1,419,520 on an area of 4,087 square miles, giving an average density of 347 to the square mile. The estimate of the Revenue Survey in 1814-46 was 1,602,274 for 4,404 square miles, or 364 per square mile. At the first regular census of 1872 the population was proved to be 1,723,974 on an area of 4,385* square miles or 393 per square mile. The population of the district as at present constituted was then 1,710,471. By the census of 1881 it had risen to 1,949,900 and by 1891, 2,060,579.

344. *Causes of fluctuation.*—The increase between 1872 and 1891 must have been principally due, as Mr. O'Malley in his Gazetteer points out, to the effects of the Sone Canals. By 1901, the population had, however, fallen to 1,962,698 and again in 1911 to 1,865,660. The average density has, therefore, fallen from 471 per square mile in 1891 to 449 in 1901 and again to 427 in 1911. The main cause of the decline in the population between 1891 and 1911 appears to have been the high mortality from fever and plague. The ravages caused by these two diseases are described in the Gazetteer.

345. *Average density.*—The average density of the population varies very considerably among the thanas. Thus the density of Arrah (excluding Arrah town), Shahpur, Piro and Dumraon is round about 650, per square mile. Bikramganj, Dehri and Buxar round about 500, Karghar and Mohanea between 350 and 400 while Sasaram is only 233 and Bhabhua only 187. Sasaram is the only subdivision that has shown any signs of development in the last 20 years. In all the others the decline of population has been marked.

346. *Religions.*—Of the total population of 1,865,660 not less than 1,730,563 were returned in the census of 1911 as Hindus while of the remainder 131,189 were recorded as Musalmans. The proportion of Hindus, 92·7 per cent., is the highest for any district in Bihar, while the percentage of Musalmans is the lowest. The only place where Musalmans are in any strength is Sasaram town, no doubt as a result of the influence of Sher Shah and his father.

347. *Education.*—About 4·6 per cent. of the population can read and write their own names. This proportion does not vary much throughout the district though it rises to slightly over 6 per cent. in the Sadr subdivision and falls as low as 3 per cent. in the Bhabhua subdivision.

348. *Occupations.*—Principal occupations of the population are shown in the following table taken from Table XV, Part A, II, Volume V, Part III of the 1911 Census Report. The figures include both workers and dependants :—

Income from rent of agricultural land	...	...	85,716
Ordinary cultivation	...	...	923,581
Agents, Managers of landed property, clerks, rent-collectors, etc	...	...	13,540
Farm servants and field labourers	...	...	368,125
Raising of farm stock	...	...	46,555
Textile industries	...	...	32,535
Wood industries	...	...	15,300
Metal industries	...	...	15,945
Ceramics	...	...	18,688
Chemical products, including vegetable oils	...	...	23,325
Food industries (largely grain parchers)	...	...	37,143
Industries of dress and toilet (mainly tailors, shoemakers, washermen and barbers)	...	...	53,428

*The total area of the district as ascertained in the operations under report is 4,353 square miles.

Industries of luxury and those pertaining to literature and the arts and sciences (chiefly workers in precious stones and metals)	17,597
Transport by road	11,555
Trade in textiles	10,185
Other trade in food-stuffs (chiefly grocers, sellers of vegetable oils, etc., vegetable sellers and grain and pulse dealers) ...	64,909
Religion	15,502
Domestic service	81,336

349. *Occupation figures compared with the average for Patna Division.*—The figures for Shahabad are materially above the average for the Patna Division in the following principal occupations:—Raising of farm stock, metal industries, chemical products, food industries, industries of luxury, etc. They are materially below that average in the following occupations:—Agents, rent-collectors, etc., farm servants and field labourers, transport by road, religion and domestic service. Of the other occupations medicine with 8,217 and letters, arts and sciences with 8,766 are of much greater importance in Shahabad than in Patna or Gaya.

350. *Explanation of variations.*—Some of these figures are explicable by known facts about the district and the division. Thus farm stock is important in Shahabad owing to the extent of pasturage in the Kaimur Hills. Chemical products include vegetable oils and linseed is a crop largely grown in the district. Agents, rent-collectors, etc., are fewer in Shahabad than in Patna or Gaya because produce rents are less common. As regards farm servants and labourers the variation from the divisional average is not very great, but the Gaya figure is high, owing to the prevalence of the *Kamiya* system which is comparatively rare in Shahabad. Gaya also naturally raises the divisional average of persons whose livelihood is derived from religion. The prevalence of the occupations and industries of luxury and letters, arts and sciences, seems to be mainly due to a taste for music and dancing.

351. *Emigration and immigration.*—The total population of Shahabad enumerated in the district in 1911 was 1,865,660 of whom 1,805,053 were born in the district. In all 1,854,915 natives of Shahabad were enumerated in the province of Bihar and Orissa. The population of the Patna district was 1,609,631 of whom 1,517,525 were born in the district while 7,597,730 natives of Patna were enumerated in the province. For Gaya the figures were 2,159,498, 2,098,104 and 2,204,000. Thus the percentages in the three districts are as follows:—

District.	Percentage of native born enumerated in the district to total population.	Percentage of natives of the district enumerated throughout the province to total population.
1	2	3
Shahabad	96.7	99.4
Patna	91.3	99.3
Gaya	97.6	102.1
Medial average	96.2	100.3

This would seem to show that the native-born population of Shahabad is not more inclined than the population of the other districts of the division to emigrate to other parts of the province. The figures, however, throw no light on the question of emigration outside the province, and it is known that emigration from Shahabad to Bengal and to Burmah is considerable. Mr. O'Malley gives some interesting figures on page 33 of his Gazetteer, which I have not been able to supplement.

MATERIAL CONDITION.

In this discussion of the material condition of the agricultural population of Shahabad, the calculations regarding prices, rents, cost of living, cost of canal irrigation, etc., are based as far as possible on the state of things existing about the year 1912. Thus no allowance has been made for subsequent rise in prices nor for enhancement of cash rents, commutation of produce-rents and increase of the canal rates.

352. *Crop-cutting experiments.*—Crop-cutting experiments were carried out in the seasons 1911-12, 1912-13 and 1913-14, chiefly in connection with the settlement of fair rents and calculation of assets in Government and temporarily-settled estates. In the northern thanas most of these were conducted on the old system under which an area of one-tenth of an acre was cut and the crop threshed and dried and then weighed. In 1912-13 I introduced the system of cutting the crop inside an equilateral triangle giving an area of $\frac{1}{1000}$ of an acre. The produce of the crop can be easily kept in a sealed envelope until absolutely dry, and triangular cutting is an advantage, where crops are sown or planted in lines, as the variation arising from the omission or inclusion of a whole line in square cutting is appreciable. The principal idea of this system is, however, that an officer can conduct experiments in large numbers in a spare hour or two, instead of having to arrange beforehand to camp in a certain place long enough to allow the crop to dry.

353. *Advantages of the triangle method.*—There is also no doubt that an officer can more easily obtain a just approximation to crop outturns by a number of experiments on a small scale in each of which he aims at an average crop for the tract he is considering than by a single experiment on a large scale in a particular field of that tract. Further from a consideration of his actual results in a number of experiments an officer can more easily judge of and correct his personal tendency to over or under estimate. As to the accuracy of the new system, it may be interesting to give the results of certain experiments made under Mr. Tanner's direction in Sasaram and Dehri Thanas in 1913. There 17 experiments were made on the old system and also 17 experiments within the tenths of an acre selected were made with the triangle. The crop cut was paddy. The average yield per acre arrived at by the old method was 10·8 maunds per acre, while the average arrived at by the new method was 11·9 maunds per acre. Under the old method "Ails" are included, but not under the new. Hence a deduction of 5 per cent. should be made from the results of the latter before applying the results to survey areas. This would reduce the latter average to 11·3 maunds per acre. The difference is mainly due to three or four poor experiments by the new system and in the majority of the 17 experiments very close approximation was obtained. I understand that Mr. Tanner has got even better results in Gaya owing chiefly to increased experience of the staff employed.

354. *Results.*—In view of these facts I think it is reasonable to give to each experiment under the new system one-third of the weight given to each under the old. The figures of the experiments made are as follows:—

—	Paddy.				Rabi.			
	Old method.		New method.		Old method.		New method.	
	No. of experiments.	Total crop in Mds.	No. of experiments.	Total crop in Mds.	No. of experiments.	Total crop in Mds.	No. of experiments.	Total crop in Mds.
1	2	3	4	5	6	7	8	9
Northern thanas chiefly Buxar, but also Shahpur, Arrah, Dumraon.	51	617	29	322	21	174	...	...
Southern thanas Mohanua, Karghar, Bhabhua, Sasaram, Dehri.	26	316	55	766	19	126	62	911
Total ...	77	933	76	1,018	40	300	62	911

(The results of the new method have been reduced by 5 per cent.)

Assuming the results of the new method to have a weight of one-third of the results of the old, we can deduce as a rough approximation from this statement that the average outturn of paddy is about 11·5 maunds per acre, and of the *rabi* crops about 9 maunds per acre.

355. *Meaning of rabi outturn.*—A word of explanation is required regarding the latter. In Shahabad as elsewhere in Bihar the *rabi* crops are more often than not sown mixed together. In the experiments made I find for instance wheat and gram, barley, gram and mustard, barley, *khesari* and gram, barley, mustard and wheat, wheat and linseed, wheat, barley and linseed, *khesari* and linseed and other combinations. In accordance with the usual practice of the accounts of produce-rent, I have lumped together the weight of each crop, and called the result a weight of *rabi* crops. The probable value in money for these mixtures will be calculated later.

356. *Modification of results of experiments from other data.*—The experiments, however, were mostly carried out in Government and temporarily-settled estates and do not cover the fertile estate of Mr. Mylne. The bulk of these lie in tracts, such as Chausa pargana, beyond the full influence of the Sone Canals, and for this reason I do not consider that these experiments alone give a fair average of the outturn of paddy. For Mr. Mylne's estate, a separate estimate was formed on the basis of very careful and detailed enquiries and examination of the standing crops by Babu Surendra Nath Banarji, an experienced Assistant Settlement Officer of marked ability. He arrived at the conclusion that the average outturn was about 13 local maunds of paddy per bigha, which is equivalent to 15·89 standard maunds per acre. To this should be added 5 per cent. as he has excluded the share taken by the actual harvesters, before making his estimate of total outturn. Hence the outturn would be 16·68 standard maunds to the acre.

In this estate practically all the rice land is irrigated from Government canals. Now in the whole district about 42 per cent. of the rice land is so irrigated. Taking into account that the figure of 11·5 maunds per acre does refer to some canal irrigated land, I think that a fair estimate of the average produce of all rice-land throughout the district would be 13 maunds of paddy per acre.

I do not think any modification of the average of 9 maunds per acre for *rabi* crops is required. Crops in the semi-*diara* area are of course very much better than this, but much of the *rabi* is poor land in Chausa and Chainpur parganas.

357. *Reasons for estimates falling below usual estimates.*—I am perfectly aware that my estimate of the outturn of paddy is much below estimates prepared in other districts such as Saran and Muzaffarpur, and that the estimates in Shahabad itself obtained from Canal Officers' experiments are much higher. But I am strongly of opinion that there is an almost irresistible tendency of experimenting officers to select fields above the average and to make insufficient allowance for dryage. Further, hardly any experimenting officer, when he is attempting to ascertain what a tract will produce, considers the fields which are planted or sown with paddy and bear no crop at all, *i. e.*, are left to be grazed down. Any one who has experience of South Monghyr, Patna, Shahabad or Gaya will know that if statistics are compiled, as they are, for the area planted or sown with paddy they must include in average years a considerable proportion of such fields.

The estimate of crop outturns on which the scheme for export of Indian wheat in 1915 was based, give food for thought to anyone interested in improving the accuracy of agricultural statistics. The wheat crop for India in that year as given in the final forecast could scarcely have been less than 10 per cent. above the actual. If that amount for error be possible in a crop largely grown in provinces possessing a numerous and well-trained revenue agency, it is perhaps permissible to view with some scepticism estimates in Bihar, not excepting my own.

358. *No necessity for seasonal adjustment.*—The seasons of 1911-1914 were normal, and indeed where, as in Shahabad, 42 per cent. of the net cropped area is irrigated the outturn cannot vary enormously, except when the rains fail very badly.

359. *Comparison with Buchanan's estimate.*—Buchanan's estimate of the total money value of the annual crop was Rs. 1,20,03,417. Deducting the value he assigns for fruit, vegetables and bamboos Rs. 3,92,236, his estimate for crops proper would be Rs. 1,16,14,181. The area of the district, as he gives it, was 4,087 square miles, as against the present area for which statistics have been compiled of 4,260 square miles. His estimate may therefore be raised by 4.2 per cent. to Rs. 12,101,977. The value of paddy in his time was about Rs. .64 per maund and of wheat and barley together about Rs. .81 per maund. The value of paddy at the time of these operations was Rs. 1.82 per maund while the value of wheat and barley together about Rs. 2 per maund. The index number of the price of food-stuffs may thus be taken as 263, taking the price in 1812 as 100. At present values, therefore, the money value of the annual crop as it was in 1812 would be Rs. 31,828,650.

360. *Difficulty of calculating the value of the crop.*—I do not propose to make detailed calculations of the amount derivable from each separate crop. For one thing the question of the twice cropped area presents particular difficulties in Shahabad. There is no doubt that a very large part of the area, shown as twice cropped in our statistics, is land on which *aghani* paddy is followed by a "*paira*" crop, that is a crop usually of *khesari* and linseed sown in after the paddy has started to grow and reaped in January. Naturally this is a poor crop and its value is probably not more than about Rs. 8 per acre. But I have no means of telling how much of the total "*khesari*" and linseed crops are thus grown, nor how much of the twice cropped area is grown with *bhadai* and *rabi* crops, but my knowledge of the district leads me to the conclusion that the latter is not very great. I have therefore adopted as a rough estimate the following plan.

361. *Plan adopted.*—I have calculated the value of the paddy crop, *aghani* and *bhadai* on the basis of 13 maunds of paddy per acre at 22 seers per rupee together with straw, etc., which is about 7 per cent. of the value of the crop.

I have taken the *rabi* and *bhadai* area, excluding the *bhadai* paddy together on the basis of 9 maunds of crop per acre at 20 seers per rupee, together with straw, etc., which is worth about Rs. 2-4-0 per acre.

Of the rest of the *aghani* area, I have taken the sugar-cane area separately and valued it at Rs. 102 per acre. This is two-thirds of the value of the produce, as the crop occupies the land for a year and a half. The balance, which is inconsiderable, I have treated on the same basis as *rabi*.

The result of this calculation would be practically to count the twice cropped area as bearing full crops at each harvest, whereas a great deal of it is merely "*paira*" worth about Rs. 8 per acre. I reckon that in actual fact the second crop only adds about Rs. 11 per acre to the value of the produce of the land instead of Rs. 20-4-0 to Rs. 25-4-0, I have therefore deducted Rs. 12 per acre on the twice cropped area on this account.

The calculation is therefore as follows :—

—	Area in acres.	Value per acre.	Total value.
1	2	3	4
		Rs. s. p.	Rs.
Paddy <i>aghani</i> and <i>bhadai</i> ..	684,889	25 4 0	1,72,94,448
Sugar cane ...	39,564	102 0 0	40,35,528
Balance of <i>aghani</i> and <i>bhadai</i> areas and all the <i>rabi</i> area.	1,594,849	20 4 0	3,22,95,692
Gross cropped area ...	2,819,302	...	5,36,25,668
Deduct for over-estimation of second crop of twice cropped area.	573,492	12 0 0	68,81,904
Net cropped area ...	1,745,810	...	4,67,43,764

If this is compared with the figure Rs. 3,18,28,650 in paragraph 359 of the value of the crop in 1812, after allowing for rise in prices, it will be seen that the value of the produce of the area under consideration has increased by about 50 per cent. This is of course principally due to the effect of the Sone Canals both in enlarging the cultivated area and in increasing the outturn per acre. The average value of the gross produce of an acre is Rs. 26·73.

362. *The value of the annual crop for the district including the extra statistical area.*—The crop of the area under statistics together with an area of 93 square miles which has for various reasons been excluded from the statistics has to support the agricultural population of the district. I reckon roughly that two-thirds of this area of 93 square miles is cropped, and treating this as *rabi* land, which it mostly is, I would add another Rs. 8,03,520 to the annual value of the crop of the district on this account getting a grand total of Rs. 4,75,47,284.

363. *Sir D. J. Macpherson's estimate in 1884.*—After forming my estimate, I consulted Mr. (now Sir) D. J. Macpherson's report on the Government estates in Shahabad written in 1884. In that report he gives a considerable amount of space to a discussion of the probable outturn of the various harvests not merely of the Government estates but for the whole district.

364. *Paddy outturn.*—On page 27 he gives a table from which it appears that he calculated the outturn of winter rice at 7·72 maunds of paddy per *bigha*, or 12 maunds per acre. This is for land not irrigated from Government canals. He also calculated that for lands irrigated by Government canals the effect of canal irrigation was to raise the outturn by 23 per cent.—(vide page 30). This would give a yield of, 14·76 maunds per acre on canal irrigated lands. He points out, however, that the effect of canal irrigation cannot be simply estimated by comparing the results of the application of canal water, with the results of other water, whether artificially applied or not, but that the great advantage of the canals is that they secure a crop even in a year of drought on lands irrigated by their means. He proceeds to calculate afresh, and on grounds that are, to my mind, of somewhat doubtful solidity concludes that the increased outturn of winter rice in canal lands is $4\frac{2}{3}$ maunds of paddy per acre. Even this would only bring the estimate up to $16\frac{2}{3}$ maunds, which is very close to Babu S. N. Banarji's estimate. But it may of course be said that if Sir D. J. Macpherson's estimate is accepted, then as 42 per cent. of the rice area is irrigated from canals, the average for the district should be $\frac{12 \times 58 + 16\frac{2}{3} \times 42}{100} = 13\cdot92$ maunds per acre. But the average area irrigated during the five years 1878-1883 was only 151,560 acres in all, while during the five years 1910-1915 the average area has been 4,13,812. It is surely reasonable to assume that according to the law of diminishing returns the average increase of outturn consequent on the use of canal water is not so great as in 1884. I think, therefore, that as far as the outturn of paddy is concerned Sir D. J. Macpherson's estimates are in close accord with my own.

365. *The rabi and bhadai outturns.*—A comparison between my estimates of the outturn of *rabi* and *bhadai* crops with Sir D. J. Macpherson's estimates is practically impossible. So much depends on the estimate of the effect of including lands cropped with *paira* crops in the twice cropped area. Besides this there are several other hypotheses on both sides, which would require very detailed examination, and would in the end remain uncertain. I need only say that on the whole his estimates of outturn are probably higher than mine, as far as I have been able to compare them.

366. *General comparison derived from money value of the crop per acre.*—But there is one general method of comparison which may be used. Sir D. J. Macpherson, in paragraph 51 of his report, estimates the value of the outturn for all lands at Rs. 11 per *bigha*, i. e., Rs. 17-6-0 per acre. He modifies this estimate later on the basis of some calculations of the total amount of cleaned grain, the quantity required for food and seed, and the exports. I must say I see no greater reason for relying on his revised estimate which is Rs. 12-12-0 per *bigha* than on his original estimate which is Rs. 11 per *bigha*.

Now the price of paddy has risen between 1884 and 1912 in the proportion of 100 : 145, and the price of *rabi* crops in the proportion of 100 : 133. It will not be very far wrong to take the present index number of price at 140. Thus Sir D. J. Macpherson's estimate of produce would now be worth Rs. 24.64. But he expressly says that his estimate excludes from consideration (1) the canal irrigated land, (2) the *diara* areas, (3) areas grown with special crops. These together make up now about one-third of the net cropped area. My estimate of average value throughout the whole statistical area is Rs. 26.78, i. e., Rs. 2.14 above Sir D. J. Macpherson's estimate raised proportionately to the rise in prices. Hence, if both estimates are correct the extra value derivable from the one-third of the net cropped area, which is abnormally productive would be Rs. 6.42 or 26 per cent. of the value of the normal area. It must be remembered that though Sir D. J. Macpherson's estimate excluded canal irrigated land, it did not exclude land irrigated otherwise of which at that time there was considerably more than there is now, since canal irrigation in many places merely replaced other slightly less efficient supplies of water. I am not therefore concerned here merely with the difference of outturn between canal irrigated and unirrigated land. It might, however, be argued that the effect of the extension of canal irrigation since 1884 has been to increase the proportion of land under rice at the expense of the *rabi* area. This is probably true but Sir D. J. Macpherson apparently over-estimated (he had no detailed figures to rely on) the proportion of rice land showing it as 44 per cent. of the net cropped area, whereas it is even now not quite 40 per cent. Hence, in so far as rice land is more profitable than *rabi* land, his estimate was too high. Lastly it may be fairly argued that, in so far as cultivation has actually extended, the average outturn, had other things been equal, would have tended to decrease, by the law of diminishing returns. All these points being considered I think Sir D. J. Macpherson's estimates may be taken as confirming the accuracy of mine.*

367. *Estimate of Assistant Settlement Officer.*—I gave some estimate made by various Attestation Officers in different parts of the district.

An experienced Assistant Settlement Officer who worked in Mohanea thana, Chainpur pargana, estimated that the average yield in his circle for paddy was 6.6, *pakka* maunds per acre, and for *rabi* crops, such as wheat, barley, gram or peas, 6.05 maunds. This was without canal irrigation. Estimates by Mr. N. R. Mukharji, who did attestation and section 104 work in Chausa pargana, were for three villages with canal irrigation 9.06 maunds, 10.4 maunds and 12.8 maunds per acre for paddy.

Another officer in the north of Mohanea thana writes that the soil is not very fertile and but for the canals the outturn would have been very poor indeed. He made a crop cutting experiment and got 10 maunds of paddy per acre, and gives his opinion that this would be average outturn.

Another estimate, by an officer who worked in the extreme south-west corner of the plains area of Bhabhua thana, was 20 maunds of paddy per acre. This is for land which is irrigated but not from the Sone canals. He does not state that he considers this as typical, and as he puts the average rent per acre at Rs. 8 and the cost of cultivation omitting upkeep and feed of stock and harvesting charges at Rs. 13 per acre, I conclude he was thinking of first class land only.

*It should be noted that Mr. Nolan, Collector of Shahabad, who knew the district well, thought the estimate too high. In a lengthy criticism of this report (letter no. 2023-G, dated 19th November 1894, to the Commissioner of the Patna Division) he stated that in 1870, seven most competent Zamindars of the district were asked to state for the information of the Irrigation Department what was the ordinary yield of crops on land not irrigated and again on land irrigated from wells or reservoirs. The medial average of the amounts stated in maunds per acre were:—

Paddy irrigated 11.04, wheat unirrigated 5.5, wheat irrigated 12.1, barley unirrigated 5.5, barley irrigated 12.5.

These figures are distinctly lower than Sir D. J. Macpherson's. It may perhaps also be mentioned that that gentleman had at the time only 4 or 5 year's service, and he does not give in his report the evidence on which he based his estimates.

I have not thought it necessary to extend still further this somewhat lengthy discussion by utilizing the results of Lord Macdonnell's investigations contained in "Food-grain Supply and Famine Relief in Bihar and Bengal" [Calcutta, 1876.]

Just to the north of this area, an estimate of 4 to 8 *kacha* maunds per *bigha* ($\frac{1}{2}$ of an acre) is given for paddy. This means 8.8 to 17.6 *pakka* maunds per acre. The Assistant Settlement Officer, however, notes that paddy land is inconsiderable in his camp and chiefly the coarser kinds are cultivated.

His estimate for *rabi* is from 3 to 6 maunds per *bigha* or 6.6 to 13.2 *pakka* maunds per acre.

In the extreme east of Karghar thana which is very well served by canals the Attestation Officer's estimate for paddy was from 5 to 15 maunds per *bigha*. The maund here is equal to $\frac{42}{55}$ of a *pakka* maund and the *bigha* $\frac{2}{3}$ of an acre. Hence this estimate means 6.15 to 18.45 maunds per acre. If the mean be taken 12.3 maunds per acre, I should say it was rather low for a canal irrigated tract. The same officer puts *rabi* outturn at from 3.69 to 9.84 maunds per acre which is also probably below the mark.

For the tract just north of the Kaimur hills in Sasaram thana I find an estimate of not more than 7.38 *pakka* maunds per acre for *bhadai* crops, 7.38 to 9.84 for *rabi* and for paddy, 12.3 to 14.76 maunds per acre, though for exceptionally fertile land the estimate is 24.6 maunds or more.

In Dehri thana the estimate is from 3.69 to 6.3 *pakka* maund per acre for *bhadai* paddy, from 12.3 to 24.6 for *aghani* paddy, and from 3.69 to 9.84 for *rabi*.

Around Sasaram itself, the estimate is for *bhadai* paddy 1.23 to 8.61 *pakka* maunds per acre, for *aghani* 1.23 to 24.6 maunds for *rabi* as a " *paira* " crop, 1.23 to 6.15 maunds and by itself 1.23 to 14.76 maunds, *makai* 1.23 to 12.3 and other *bhadai* crops 1.23 to 6.15. These are of course very wide estimates, of which it is difficult to make much use.

An estimate of the northern part of Arrah thana is specially interesting as giving information regarding the fertile *rabi* area near the Ganges. It is for *aghani* crops 8 to 10 maunds per *bigha*, for *bhadai* chiefly *makai* 10 to 15 maunds, and for *rabi* 15 to 20 maunds.

The estimate for *aghani* is unimportant, as there is little *aghani* there. *Bhadai* is also uncertain as late heavy rains are apt to ruin it. The *rabi* outturn per acre, assuming that the maund and the *bigha* are the ordinary local standards, would be 18.45 to 24.6 *pakka* maunds per acre. But this estimate can hardly be taken, without confirmation from other and more experienced officers, as applying universally to the whole of the *rabi* tract along the north of the district.

Pandit Lakshmi Misra, who did rent settlement in several estates in area, put the yield in Bhadia Taufir Estate at 14 maunds per acre for *rabi*, and that is probably about right for the area as a whole.

These estimates are of unequal value, and some give such wide limits as to be almost useless but a study of them confirms my own estimate given above, which is based primarily on the crop cutting experiments and on Babu S. N. Banarji's estimates for good canal irrigated land.

368. *Agricultural population*.—According to the census figures of 1911, the agricultural population including dependents was found to be as follows:—

Rent receivers	...	...	...	...	35,716
Ordinary cultivators	...	...	...	...	923,581
Agents, clerks, rent-collectors	...	...	...	...	12,540
Agricultural labourers	...	...	...	...	368,125

			Total	...	1,840,962

Besides these there are about 30,000 actual workers, who returned agriculture as their secondary occupation. Their dependents will be about as many again. Hence, assuming that on the average one-third of the income of

these people is derived from agriculture, it may be reckoned that another 20,000 in all are dependent on the annual income from the land throughout the district. Further, there are about 60,000 potters, blacksmiths, *Domes*, carpenters, priests, etc., including their dependents, who all receive the bulk at least of their means of livelihood in kind. It may thus fairly be reckoned that the annual income derived from the land has to support one way or another about 1,420,000 souls. If my estimate of that annual income is reasonably correct, it would appear that the average annual income per head of the agricultural population is about Rs. 33-8-0. But of this annual income a certain amount is absorbed in other ways than in the support of the population directly.

369. *Demands on the annual income.*—Thus a portion of the crop of grain must be reserved for seed for the next year. I reckon this at about Rs. 2 per acre for all kinds of crops, on the net cropped area. Another portion has to be converted into cash to pay the canal water rate on land irrigated by Government canals. (Other irrigation charges may be taken as supporting agricultural labourers and need not be deducted.) Further of the straw, which I have reckoned as contributing to the annual income, some part is required for feeding the agricultural stock, and the agricultural stock itself has to be kept up by payments to cattle raisers whom I have not included in the agricultural population. Finally, the Government Revenue and Road and Public Works Cesses have to be met out of the annual income.

The deductions from the annual income of the statistical area on these accounts are as follows:—

	Rs.
1. Seed Rs. 2 per acre on 1,745,810 acres	34,91,620
2. Canal rate average of the years 1910-1915	12,50,725
3. Plough cattle*—	
(a) Feeding 331,364 bullocks at Rs. 9 per annum	29,82,276
(b) Replacing stock at Re 1 per acre per annum on net cropped area of 1,745,810 acres	17,45,810
4. Government Revenue in 1911-1912	17,78,578
Road and Public Works Cess	8,32,000
Total	1,15,81,015
Deduct for Government Revenue and Cesses paid on extra statistical area	44,099
Grand Total	11,537,004

Thus from the annual income of Rs. 4,67,43,764 the balance left to be divided among the agricultural population of the statistical area is Rs. 3,52,06,760.

The position of the ordinary cultivator suggests an analysis of at least equal interest.

370. *The position of the ordinary cultivator.*—Rent receivers of whom according to the census figures, there are 35,716 including dependents† take their share (a) in cash rent, (b) in produce rent, (c) in produce of lands in their own cultivation. There is no difficulty about calculating the cash rent. I have reckoned that the value of the average gross produce of produce-rent paying land is about Rs. 20 per acre of which about Rs. 2 is the value of bye-products. Under the lenient system of produce-rent in Shahabad together with low appraisements, the landlords will scarcely get more than one-third of the gross produce of grain. The produce-rent paying lands are decidedly worse than the average and of course do not include any sugarcane which materially swells the value of the average gross produce. All things considered Rs. 6 per acre is probably about right. The commutation rate in the district, which is of course modified by consideration of cash rents for similar lands, has been about Rs. 5 per acre. Out of Rs. 6 the landlord pays about 5 annas per acre for canal rate.

*Bulls are classed with bullocks, but on the other hand buffaloes used as plough cattle are excluded.

†This seems to me much too low a figure and a consideration of the number of separate accounts for payment of cess, including tenure-holders under the Cess Act, would seem to indicate that there are at least 100,000 people, including dependents, who are principally rent receivers.

The area taken as under produce-rent is the net cropped area as calculated in paragraph 333.

371. *Value of bakasht lands.*—The value of the “*bakasht*” lands presents great difficulties. In paragraph 333 I have assumed that the value of the gross produce on “*bakasht*” rent free and fixed rent land is Rs. 30 per acre. In view of the fact that much of the “*bakasht*” area is in Bhabhua and Sasaram Subdivisions, and in the Chausa pargana of Buxar Subdivision, where yields are low, I do not think that the “*bakasht*” land alone yields more than Rs. 25 per acre. Even to get that value of produce comparatively expensive cultivation including canal irrigation where available is required.

In Saran it was calculated that the cost of cultivation of *aghani* rice, which is not irrigated, was slightly more than one-third of the gross produce, of *bhadai* rice nearly 40 per cent., of wheat nearly 45 per cent. I believe no allowance was made for replacement of stock. In view of the extra expenses of irrigation and the lesser fertility of the soil in Shahabad, it is probable that the cost of cultivation is fully one-half of the value of the gross produce. I have therefore taken the net value of *bakasht* lands at Rs. 12-8-0 per acre. I reckon that labour absorbs Rs. 8 per acre of the balance.

372. *Landlords' share of the annual income.*—The landlords' share would thus be—

	Rs.
(a) Cast rent	50,49,652
(b) Produce rent after deduction of canal rates, Rs. 5 as 11 per acre on 246,610 acres	14,02,594
(c) Value of lands in landlord's cultivation after deduction for all costs of cultivation, Rs. 12-8-0 per acre on 280,683 acres	35,08,537
Total	99,61,773

Landlords' agents, clerks, etc., are paid out of the landlord's share as calculated above, and so need not be separately reckoned.

As a matter of interest, however, their share may be calculated. Assuming the average remuneration of each worker is Rs. 15 per mensem, there are 6,138 workers in the district or 6,047 in the statistical area. This would give the total annual remuneration as Rs. 10,88,460. On the other hand if it is assumed that the cost of management is 10 cent. on the total income of landlords, the share of this class will be Rs. 9,93,177. It may perhaps be taken that their share is about Rs. 10,00,000. The balance of the annual value of the gross produce of the statistical area after deducting the landlords' share is Rs. 36,782,981.

373. *Agricultural population of the statistical area.*—In order to allow for the agricultural population dependent on the extra-statistical area the figures in paragraph 348 would be reduced in the proportion of 4,260 to 4,353. As; however, much of the extra-statistical area is either congested urban area or the Ganges bed, I think a reduction of $1\frac{1}{2}$ per cent. on this account will be sufficient.

The agricultural population of the statistical area may thus be taken to be :—

Rent receivers	35,181
Agents' clerks, etc.	18,337
Ordinary cultivators	909,727
Agricultural labourers	362,604
Secondary cultivators	19,700
Village artisans, etc.	59,100
Total	1,399,649

Out of the sum Rs. 36,782,981 left after deducting the landlord's share the cultivators have to meet charges for (a) seed, (b) canal rate, (c) plough cattle (d) Road and Public Works Cesses.

374. *The canal rate.*—Of the total canal rate paid throughout the district, which is Rs. 12,50,725, I have reckoned that the landlords pay 5 annas per acre on the produce rent paying land or Rs. 77,066 and they will also pay the whole rate on the “*bakasht*” land. This latter item is about 12 annas per acre and hence the landlords will pay about Rs. 2,10,512 for their “*bakasht*” lands.

The rest comes from the raiyats and will be Rs. 9,63,147. Feeding and upkeep of cattle for the whole net cropped area was reckoned in paragraph 369 to cost Rs. 47,28,086. Exclusive of the *bakasht* area it would cost Rs. 39,67,810. Cess at half an anna in the rupee on the rental of Rs. 64,52,246 will be Rs. 2,01,633.

	Rs.
Seed at Rs. 2 per acre on net cropped raiyati area of 1,465,127 acres	29,30,254
Canal rate	9,63,147
Plough cattle	39,67,810
Cess	2,01,633
Total	80,62,844

Hence the net annual income of the agricultural population of the statistical area excluding landlords and agents, clerks, etc., will be:—

Rs. 86,782,981, less Rs. 80,62,844, or Rs. 2,87,20,137.

375. *The economic position of landlords.*—The landlord's net income from the land after payment of cultivation charges for lands in their own cultivation and irrigation charges on produce-rent lands has been calculated as Rs. 99,61,773. Out of this what used to be called *mufassal* or zamindari charges, i. e., charges for agents, clerks, etc., may be taken to be Rs. 10,00,000, leaving Rs. 89,61,773. Government revenue is now Rs. 17,78,578, or 17·8 per cent. of the net income, and 19·8 per cent. of the income after deducting collection charges. Some of this income is absorbed by tenure-holders, but still there is no doubt whatever of the value of proprietary rights in the permanently-settled areas of this district.

376. *Dividend for cultivators, agricultural labourers, etc.*—The ordinary cultivators, agricultural labourers, secondary cultivators and village artisans, etc., have to divide the net income from raiyati lands, *viz.*, Rs. 28,720,137 and the labour share from the landlord's “*bakasht*” lands. This latter has been calculated in paragraph 371 to be Rs. 8 per acre on an area of 280,683 acres, or Rs. 22,45,464. Hence their total share is Rs. 30,965,601 among 1,351,131 persons or slightly under Rs. 22 per head per annum. Mr. Stevenson Moore in his Report on the Material Condition of small agriculturists and labourers in Gaya, states that an income of Rs. 15 per head per annum would amply cover the cost of living in comfort. The report was based on the results of the Survey and Settlement operations of 1893-98. From pages 40-41 of volume I of Mr. Datta's “*Enquiry into the rise of prices in India*” it appears that the quinquennial average index number of wholesale general prices in Bihar for 1894-98 was 110, 1890-94 being taken as 100, while for 1908-12 it was 139. Thus the rise in the cost of living between the date of Mr. Stevenson Moore's Report and 1912 may be taken as 26 per cent. and consequently it may be reckoned that an income of Rs. 19 per head per annum will now amply cover the cost of living in comfort. There is then in Shahabad a margin of Rs. 3 per head to be distributed among the well-to-do agriculturists and labourers while still leaving the rest with something more than a bare livelihood. There is also for division a fairly considerable income derived from trees in the raiyat's partial or complete possession, from milch cattle kept by persons who are primarily agriculturists, from jungle products in the important area of the Kaimur Hills, and no doubt from other less important sources.

All things considered the Shahabad raiyats and agricultural labourers are fairly well off, at any rate compared with the same classes in other districts of Bihar, though in Chausa and Chainpur pargana they are certainly less well off than in other parts of the district.

PART VI.

THE GOVERNMENT AND TEMPORARILY-SETTLED ESTATES.

CHAPTER I.

CLASSIFICATION, VARIATIONS IN DEMAND AND ORIGIN.

377. *Importance of Government and temporarily-settled estates in Shahabad.*—The district of Shahabad is peculiar among the districts of Bihar in having both an abnormal number of Government estates and also a large area for which the proprietors pay revenue which is liable to alteration.

378. *Classification of estates.*—The distinction between a Government and a temporarily-settled estate has not always been very carefully observed in the past and it may be useful to define and classify the various estates included under these denominations.

A.—Government estates are estates in which the proprietary right is vested in Government, and are of two kinds according to the system of management—

- (1) Estates leased out for periods to farmers who have no statutory right of resettlement.
- (2) Estates managed direct, *i.e.*, in which the rent is collected by Government servants from the raiyats or statutory tenure-holders.

B.—Temporarily-settled estates are estates in which the proprietary right is vested in private persons, and are of three kinds, *i.e.*—

- (1) Estates settled with the proprietors for periods, during which the revenue demand remains constant, and the proprietor enjoys the proceeds of the estate.
- (2) Estates, for which the proprietors have declined to engage at the revenue proposed by Government and which have therefore to be managed in one or two ways—
 - (a) leased out for periods to farmers, who have no statutory right of resettlement, or (b) managed by Government direct, *i.e.*, the rent is collected by Government servants from the raiyats or statutory tenure-holders.

The classification given above is important for the purposes of revision of settlements, but it has not been uniformly observed, and for administrative convenience is not followed in the statistics of collection supplied annually by the Board of Revenue in the Land Revenue Administration Report.

379. *The Statistics of the Land Revenue Administration Reports.*—It is of some interest to show how those statistics have been treated, as it might be assumed that from them a general survey of the fluctuations in the demand from each class of estate might be obtained.

In 1852-53 the land revenue demand was Rs. 14,09,708 derivable from 3,500 estates, of which Rs. 49,852 derivable from 98 estates is shown as the demand from Government estates. There is no definition of a Government estate, but from the comparatively small demand I conclude that only estates of my classification A(2) and B(2) (b) were included.

380. *The effect of the confiscations after the Mutiny.*—In 1857-53 the demand from "Government estates" had increased to Rs. 4,30,434 from 869 estates, primarily no doubt from the confiscations of the estates of rebels, it being stated that a positive increase in the total land revenue demand of Rs. 1,75,000 had accrued from the confiscation of Kuar Singh's estates. The total demand was Rs. 15,81,241.

By the process of settlement of estates with proprietors either on fixed revenue or revenue liable to enhancement, the demand from "Government estates" had sunk to Rs. 97,677 due from 151 estates by 1871-72.

381. *Re-classification of estates.*—In 1874-75 the demand was re-classified and had become Rs. 15,47,890 from 4,735 permanently-settled estates, Rs. 1,00,388 from 239 estates of class A and Rs. 89,908 from 160 estates of class B.

382. *Fuller details.*—In 1889-90 the demand was shown in even greater details, thus:—

			Demand.	
			No.	Rs.
Permanently-settled estates	...	...	6,480	15,62,753
(a) Settled with proprietors for definite periods			274	69,765
(b) Farmed owing to recusancy	...		6	447
Government estates—				
(a) Managed direct	...	...	91	58,353
(b) Farmed	...	...	92	50,302

It is fairly clear that "Government estates managed direct" included temporarily-settled estates managed direct by Government on the recusancy of the proprietors, as in 1891-92 these are shown separately as 12 estates while Government estates managed direct are reduced to 85 estates.

The demand for that year is classified as follows:—

			Demand.	
			No.	Rs.
Permanently-settled estates	...	...	6,785	14,84,745
Temporarily-settled estates—				
(a) Settled with proprietors for definite periods			274	66,803
(b) Farmed owing to recusancy	...		6	447
(c) Managed direct by Government	...		12	9,194
Government estates—				
(a) Managed direct	...	...	85	61,874
(b) Farmed	...	...	98	54,972

In 1893-94 simplification was made and the figures are—

			Demand.	
			No.	Rs.
Permanently-settled estates	...	...	7,487	15,07,472
Temporarily-settled estates—				
(a) Settled with proprietors for definite periods			271	70,633
(b) Farmed owing to recusancy	...	...	6	447
Government estates—				
(a) Managed direct	...	...	85	65,348
(b) Farmed	...	...	99	52,954

It is something of a problem where the temporarily-settled estates managed direct by Government have gone, but I conclude that they were treated as Government estates, while other Government estates were sold out as permanently-settled thereby increasing the demand of permanently-settled estates by Rs. 22,727.

383. *A simplified classification.*—In 1896-97 the classification was further simplified thus—

			Demand.	
			No.	Rs.
Permanently-settled estates	...	...	8,422	15,07,472
Temporarily-settled estates	...	...	367	77,723
Government estates—				
(a) Leased	...	...	84	54,981
(b) Held direct	...	...	104	73,869

384. *The present classification.*—In 1905-06 the classification now in use was adopted, viz :—

	No.	Demand. Rs.
A.—Permanently-settled estates ...	9,529	14,94,770
B.—Temporarily-settled estates (i.e. estates settled for periods with proprietors). (2) Private estates leased to farmers for periods. (3) Government estates leased to farmers for periods.	545	1,31,427
C.—Government estates, i.e., (1) estates managed by Government for proprietor. (2) Estates owned by Government as proprietors and held direct.	145	96,853

According to the same classification the demand was in 1911-12 :—

	No.	Demand. Rs.
A	10,137	15,03,104
B	503	1,41,000
C	72	1,34,474

It will be seen then that it is exceedingly difficult from these statistics to estimate the effect of previous revenue settlements in the district, in view of the fact that the classification has not been uniform. Some indication may, however, be obtained from a consideration of the progress of the total demand.

385. *Causes of fluctuation of demand.*—The demand from each class of estates may be affected by the following causes :—

- (1) Increase or decrease of the demand of estates, whose status is unchanged, by the process of resettlement.
- (2) Transfer of estates from one class to another by—
 - (a) Permanent settlement of Government or temporarily-settled estates.
 - (b) Purchase by Government at revenue sales of permanently or temporarily-settled estates.
 - (c) Recusancy of proprietors of temporarily-settled estates, resulting in the estates becoming either estates held direct by Government or farmed.
 - (d) Change of system of management of Government estates or private estates managed by Government from farming to raiyatwari settlement or *vice versa*.
 - (e) Acceptance of proprietors of the new demand on revision of settlement in estates previously managed by Government.
- (3) Resumptions of land previously held revenue-free, or not included in the decennial settlement.
- (4) Settlement of alluvial accretions.
- (5) Confiscations.
- (6) Settlement of confiscated estates.
- (7) Permanent remission of revenue in permanently-settled estates on account of diluvion or as the result of Land Acquisition proceedings.
- (8) Remissions for the period of settlement in Government or temporarily-settled estates on the ground of diluvion or other grounds.
- (9) Sales of Government estates revenue free.
- (10) Transfer of estates with their demands from or to adjoining districts.

All these causes have at one time or another operated in Shahabad to vary the demand from each class, and most of them operate to vary the total demand. However, when it is understood that it is impossible to assign the alteration of the demand between one year and another entirely to any one

cause it is useful to examine the actual alterations that have occurred during periods in which certain causes are known to have been the most important.

386. *The demand in 1843.*—The earlier fluctuations of the demand are given in the Chapter on Revenue history. In 1843 the total land revenue demand was Rs. 13,55,282. By this time the general resumption operations had come to an end and the temporarily-settled estates of Chausa Pargana had been recently resettled in 1840 for 30 years.

387. *The effect of the revenue survey.*—In 1852-53 the demand was Rs. 14,09,708 the difference of about Rs. 55,000 being mainly due to the settlement of *taufir* lands discovered at the Revenue Survey of 1844-45.

388. *The result of the confiscation.*—In 1860-61 it had risen to Rs. 16,50,075 as a result of the confiscation of the estates of rebels.

389. *The Gangetic Survey of 1863-64.*—In 1869-70 the demand was Rs. 17,10,445 the principal cause of increase being the settlement of alluvial accretions discovered in the course of the Gangetic Diara Survey of 1863-64.

390. *Resettlement of Chausa Pargana in 1870.*—By 1874-75 it was Rs. 17,38,186. I attribute this increase mainly to the resettlement of temporarily-settled estates in Chausa Pargana in 1870.

391. *Transfers to Ballia and Saran.*—In 1889-90 the total demand was Rs. 17,41,620 of which Rs. 15,62,753 was from permanently-settled estates. In 1891-92 the total demand had fallen to Rs. 16,78,95 of which Rs. 14,84,745 was from permanently-settled estates. The principal reason for the decrease in the demand from the permanently-settled estates was the transfer of several estates, in particular Sheopur Diara and Sitab Diara to the Revenue rolls of Ballia and Saran.

392. *Resettlement of Chausa Pargana in 1890.*—Apart from the permanently-settled estates the demand rose from Rs. 1,78,867 in 1889-90 to Rs. 2,06,304 in 1898-99 or by Rs. 27,437 which was mainly due to the resettlements of Chausa Pargana in 1890 and of other estates in the succeeding years.

393. *Purchase of permanently-settled estates.*—By 1905-06 the total demand was Rs. 17,23,050, the permanently-settled demand having decreased by about Rs. 12,000 while the temporarily-settled demand had increased by Rs. 22,000. The increase in the latter demand was partly due to the purchase by Government at revenue sale of some permanently-settled estates, which being settled raiyatwari show much larger revenue than before, and partly to the resettlement during the period of several *diaras* estates at enhanced revenue.

394. *Summary settlement of Mr. Mylne's estates.*—Between 1905-06 and 1911-12 the total demand increased to Rs. 17,78,578 an increase of Rs. 55,528 of which only Rs. 8,334 was on account of permanently-settled estates. The balance of Rs. 47,144 was on account of temporarily-settled and Government estates, the demand from which rose from Rs. 2,28,280 to Rs. 2,75,474. A contributory cause was the summarily resettlement on progressive revenue of Mr. Mylne's extensive estate. Mr. Mylne's revenue was raised from Rs. 32,726 in 1905-06 to Rs. 53,781 in 1911-12.

395. *Resettlement in Government and temporarily-settled estates in 1907-09.*—Omitting these figures for both years the demand from Government and the other temporarily-settled estates was raised in this period from Rs. 1,88,554 to Rs. 2,21,693 or rather more than 18 per cent. This increase may be ascribed almost entirely to resettlement operations which were extensively carried out throughout the district. Unfortunately there is no comprehensive report of these operations and hence it is impossible to do anything more than form a rough estimate of the financial effect of them as I have done here. No doubt some of the increase obtained may have been due to increase of cultivated area but as nearly all the estates had been settled in 1830 or later, long after the introduction of the Sone canals, the effect of that will have been small if not negligible. Even allowing it was 3 per cent., which I much doubt, I venture to express the opinion that an enhancement due to revision of the assets of land already in full cultivation, which averages 15 per cent. over estates scattered throughout a district previously settled within a period of 20 years, must

result in grave over-assessment in many cases. This opinion is shared by practically all the officers who have been engaged in the administration of the revenue since the last settlement as well as by the officers employed in the resettlement of those of the estates which were dealt with in course of the operations under report.

396. *The previous revision settlements.*—What I have written above indicates the difficulty of estimating the general results of previous settlements from the statistics easily available. The principal operations were carried out about 1840, about 1870, about 1890, and about 1907. But in no case was the area dealt with precisely the same nor was any general comprehensive report of the operations made or at least preserved. The only report relating to the subject is Mr. (now Sir D. J.) Macpherson's report on Government estates, dated the 18th July 1884. This, while full of intricate calculations and interesting information, is not a report on a settlement, but a report of the condition of the estates at that date, and of course only covers those estates which at that date were known to be the property of Government. I have attempted to utilize that report in the chapter on material conditions.

397. *The distribution of the Government and Temporarily-settled estates.*—The Government and temporarily-settled estates are distributed throughout the district. They fall into five main classes:—

1. Estates in Chausa pargana.
2. Mr. Mylne's temporarily-settled estates.
3. Estates lying on the banks of the Ganges and the Sone.
4. Estates on the Kaimur hills.
5. Miscellaneous estates.

398. *Origin of the estates in Chausa Pargana.*—The origin of the estates in Chausa Pargana in Thana Buxar is given in the chapter on Revenue History. The bulk of them were originally temporarily settled with proprietors. In some the proprietary rights have passed to Government by revenue sale, in others the proprietors have refused settlement and they are managed by Government, while the remainder are still held by the proprietors.

399. *Mr. Mylne's estates.*—Mr. Mylne's estates formerly belonged to Kuar Singh and were confiscated after the Mutiny. The "*Jungle Mahal*" with four "*Baharsi*" villages (*i.e.*, villages lying outside the area under jungle) were settled with Mr. Burrows in 1861 as a reward for service rendered to the troops acting against Kuar Singh. Mr. Burrows had held some of the area from 1857 onwards. He was promised a right to resettlement of the *Jungle Mahal* at the expiry of the settlement in 1908 on such terms as may then be in force for the settlement of Government Khas Mahals.

The other "*Baharsi*" villages were settled summarily with Mr. Burrows for 1859 and 1860 and in 1861 regularly settled with him for a period to expire in 1908. No formal lease was given and no promise of a renewal of the settlement was then held out. The lessees of 1880, *viz.*, Mr. Burrows and his partners, Messrs. Thompson and Mylne (the present proprietor's father) applied in that year for a right of renewal of the settlement of these "*Baharsi*" villages. This was granted in consideration of an increased *jama*. It was then clearly laid down that no proprietary right had been granted either for the *Jungle Mahal* or the *Baharsi* villages. But in 1906 when the term of the leases was about to expire the Government sanctioned the recognition of Mr. Mylne as a temporarily-settled proprietor. It was arranged that settlement should be summary from 1908-09 onwards until a regular settlement of revenue had been concluded on the basis of record-of-rights, and the revenue was fixed at an increasing proportion of the assets as stated by Mr. Mylne, which were accepted after a check by Mr. Maude, Commissioner of the Patna Division. These estates lie in a compact block, with two outlying villages to the south, partly in Shahpur but mainly in Piro Thana.

400. *The estates on the banks of the Ganges and the Sone.*—The estate on the banks of the Ganges and the Sone are mainly Government estates

purchased at revenue sales, but some are alluvial accretions to permanently-settled estates temporarily settled with the proprietors of those estates. They lie principally in Arrah Thana, but some are found in Shahpur and Dumraon Thanas.

401. *The Kaimur Hill estates.*—The estates on the Kaimur hills in Thana Bhabhua were acquired on the outlawry of Ari Mardan Singh in 1784. Rehal in Sasaram Thana was confiscated from Kuar Singh, while Rohtas was peaceably surrendered by Shah Mal with the fort after the battle of Buxar.

402. *The other estates.*—The other estates are nearly all Government Estates and are scattered throughout the district having been acquired in numerous ways, which, in the case of estates of which the revenue has been settled in the course of the present operations, can be ascertained from the volumes into which the historical portion of the final report of each estate has been copied.

CHAPTER II.

PRESENT OPERATIONS PRIOR TO RENT SETTLEMENT.

403. *The question of notification.*—The first question with regard to the present operations in these estates was whether it was necessary to notify them under section 101 (2) (c) or 101 (2) (d) before settlement of fair rents under Chapter X, Part II, could be carried out. This had previously been done for such estates in other districts. The Board of Revenue was, however, advised that, by virtue of section 104 of the Bengal Tenancy Act, Part II of Chapter X, applies automatically to temporarily-settled and Government estates lying within an area covered by notification under section 101 (1) of the Act.

404. *The orders of the Board.*—The orders of the Board, therefore, were that the supplementary notifications were unnecessary, but the Collector in consultation with the Settlement Officer should proceed without delay to compile a list of all temporarily-settled estates and Government estates within the notified area, and the Director of Land Records should be moved to obtain the orders of Government whether, in the circumstance of each estate included in the list, a settlement of land revenue is necessary or desirable. (The orders have now been embodied in rule 8 of the Settlement Manual.)

405. *Preparation of lists.*—The preparation of the lists was no easy matter, as the information in the Collector's registers 32 and 32A besides being frequently inaccurate was also defective in that the Revenue Survey villages in which the estates lay were not recorded. It was, therefore, necessary to extract the information gathered from the draft records-of-rights prepared during the Cadastral Khanapuri season and compare that estate by estate with the Collector's registers. Where areas tallied within reasonable limits it was assumed that the estate had been properly located. In other cases special enquiries were instituted either in the Collectorate, *e.g.*, by perusal of the records of previous settlements, or in the field. In the end all the estates of which the Collector had any knowledge were successfully identified, while some that had been lost sight of were brought to light.

The list were divided into four parts, of which the last two were again subdivided into three parts each as follows:—

- I.—Estates which it is proposed to exclude altogether from the operations because they have been recently surveyed and settled or because for any other reason it is not expedient to survey and settle them.
- II.—Diara estates of a fluctuating character, of which the cadastral maps and draft records have been prepared by the Settlement Department, but in which the settlement proceedings should be undertaken by the district staff under Regulation VII of 1822.
- III.—(a) Estates temporarily settled with proprietors in which the term of settlement expires after 31st March 1914.
(b) Estates temporarily settled with *mustajirs* (farmers) in which the term of settlement expires after 31st March 1914.

(c) Estates under khas management of Government in which the term of settlement expires after 31st March 1914.

IV.—(a), (b) and (c) estates of the same classes as the corresponding sub-head of III, but in which the term of settlement expires on or before 31st March 1914.

406. *Government order on the lists.*—These lists were duly drawn up and the proposals embodied in them accepted by Government, who merely expressed their intention of settling revenue in the case of the estates included in IV. As the enquiries into the circumstances of individual estates were pursued it was sometimes found necessary to recommend the exclusion of certain estates from list IV and the inclusion in other lists and these recommendations received the sanction of Government.

407. *The Cadastral survey and record-writing.*—The operations of survey and preliminary record-writing in these estates did not differ from and were carried on *pari passu* with the operations in permanently-settled estates. The general features of attestation were also the same, except for one particular question that deserves comment.

408. *The question of fixed rents.*—Few temporarily-settled or Government estates fell within the area in which the special enquiries described in paragraphs 216 *et seq* regarding the *guzashta* custom were required, and in those that did it was found generally that the estates were alluvial accretions in which the "*guzashta*" right if it had ever existed had long since disappeared when the land had been submerged, or were lands in which all rights had been acquired for railway construction and had been subsequently sold out or settled free of all encumbrances. But the question remained whether a raiyat could establish a right to hold at fixed rates in any estates under the provisions of section 50 of the Bengal Tenancy Act. The discussion is contained in the printed correspondence submitted to the Board of Revenue by Mr. H. McPherson as Director of Land Records with his letter No. 3801, dated the 20th September 1911. The arguments are too long to give here, but it was finally accepted by the Board that no raiyats in temporarily-settled or Government estates in Shahabad should be recorded as holding at fixed rent or rates of rent unless their right to do so had been specifically recorded in previous settlement proceedings.

409. *The question of fixed rent in 1861.*—In this connection it is of interest to note that the Settlement Officer Mr. Swinton, employed on the settlement of the confiscated estates of Kuar Singh, referred to the Commissioner in his letter No. 421, dated the 21st January 1861, the question whether he was empowered to enhance the rents of tenants, who had held lands for a number of years without any alteration in the assessment and who are denominated "*guzashtadars*". The village in question was Karisath in Arrah thana, which is within the "*true guzashta*" area. The Commissioner in his reply No. 117, dated the 31st January 1861, said that the Settlement Officer must be guided by the board rule that such tenures as the late zamindar could not have resumed or the rent which he could not have raised had he remained the owner cannot now be resumed or raised by Government under the forfeiture. He doubted whether Kuar Singh could have enhanced the rent of these "*guzashta*" tenures, and if he could not have legally done so the Settlement Officer could not.

This is, of course, an entirely different question. Here the estate had been permanently-settled and hence there was no presumption, such as there should undoubtedly be in the case of estates never permanently-settled, that rents had been generally enhanced. This estate, like many of the estates then confiscated, was again permanently-settled in 1861, and so did not come within the purview of the orders quoted in paragraph 403. The estates, which are now held by Mr. Mylne, were of course permanently-settled in Kuar Singh's time, but in the first place they lie outside the true *guzashta* area, and what is even more important the rents of the raiyats have certainly been enhanced since 1861 very considerably. Hence there was no breach of the principle laid down in the Commissioner's letter, in declining at the present settlement to reopen

the question of fixed rent status in Mr. Mylne's estate. As a matter of fact, 65 raiyats holding 30 acres were so recorded as their status had been so determined by Mr. Swinton in 1861.

410. *Preliminary enquiries regarding enhancements.*—The attestation officers were directed to make preliminary enquiries with regard to each temporarily-settled and Government estate with a view to ascertaining what increase in rents would result from settlement of fair rents under section 104, and on what grounds existing rents could be enhanced.

The result of these enquiries in the northern subdivisions where the bulk of the estates lie and which were taken up first, was—

- (1) that no great increase of rent on the ground of increase in area could be expected as the estates had already been surveyed with considerable accuracy ;
- (2) that generally landlords had made no improvements and that generally there was no increased productivity due to fluvial action ;
- (3) that a detailed comparison of average rent rates in these estates with the rates in adjoining permanently-settled estates showed some cases of abnormally low rents in the former, but that this was not by any means the case in the majority of estates ;
- (4) that a study of prices during the statutory periods indicated that an enhancement of about two annas in the rupee might be taken on the ground of their rise. It was, therefore, recommended by the late Mr. Shettle, in his letter no. 1369-Sh., dated the 14th August 1911, that generally enhancements should only be made on the ground of rise in prices and that section 31-A, which enables the Local Government to introduce a rapid and comprehensive method of ascertaining prevailing rates, should not be applied to the district. The recommendations were accepted.

CHAPTER III.

FAIR RENT SETTLEMENT.

411. *Inception of section 104 work.*—Three officers were deputed at the beginning of the cold weather of 1911-12 for the settlement of fair rents under section 104 and the framing of proposals for settlement of land revenue in estates where the rent of the raiyats is not paid direct to Government.

412. *Staff.*—Mr. Nirsingha Ranjan Mukharji was employed in the estates of Ohausia pargana, Babu Surendra Nath Banarji in Mr. Mylne's estates, and Pandit Lakshmi Misra in the estates, along the banks of the Ganges and the Sone and in miscellaneous estates. The first named officer fell ill at the beginning of the hot weather, and was replaced by Babu Sudhanshu Bhusan Mitra, not however before he had done much valuable work. It was, nevertheless, particularly unfortunate, as he had done attestation in most of the villages in the previous season, and thus had an exceptional knowledge of the area, and though his successor made the best possible use of the valuable notes he had left, naturally such local knowledge cannot be completely communicated. The other two officers carried through their programmes to the end, and as the entire process of rent settlement alone usually occupied some six months before the rent-roll was finally confirmed, full opportunity was given to them to correct first impressions by experience gained in the course of the work.

The work of course presented many novel problems, as nothing of the same magnitude had been undertaken in Bihar except the settlements in the Government estates of Gaya, Patna and Monghyr. Much guidance was obtained from the Final Reports of those operations, but none of the officers who had conducted them were still employed on settlement and the lack of personal experience cannot be supplied by even the fullest records of past operations. It was particularly fortunate that on my departure to become Secretary of the Board of Revenue, Mr. Murphy was available to continue the close control

which the work required, as, besides his intimate knowledge of the general problem of rents in Bihar, he had during the six months that he was acting as Collector of Shahabad kept in very close touch with the work and was in full sympathy with my ideas about it.

413. *The principles of Settlement.*—The chief question for consideration at the outset of the work was how far the settlement of fair rent was to be a mere mechanical process of adding to the existing rents as definite fraction derived from a calculation of the rise in prices and based on the rule laid down in section 32, or how far discrimination was to be applied and on what principles. I may note as illustrating the nebulousness of ideas on the subject of fair rents that one very able Assistant Settlement Officer seriously suggested that it would be fair if the raiyat was allowed to keep one-fourth of the net produce of his fields. Assuming cost of cultivation to be one-third of the gross produce, this would have meant a rent of half the gross produce or if cost of cultivation were one-half a rent of three-eighths of the gross produce.

414. *Discrimination usually applied in private estates.*—That some discrimination was required appeared to be clear from the consideration of the facts that in permanently-settled estates, it is the experience of the Bihar settlement that private landlords by no means invariably apply for enhancement of rent even when they would probably be entitled to it under section 30 (b) on the ground of rise in prices and further that even when applications are put in they are frequently compromised as much below the full rate permissible under section 32. It would therefore be unsound to argue that there is no reason why Government should not take the full enhancement as private landlords are in the habit of doing. Private landlords usually know to some extent at least where it is inequitable or at any rate impolitic to press for an enhancement and a failure to know this usually reacts upon them in the noticeable form of strained relations with their tenancy. The soul and body of Government is, however, notoriously impervious to such impressions.

415. *Proposals for tests of fairness.*—In view of these facts and the constant reiteration in the Bengal Tenancy Act of the injunction that settled rents must be fair and equitable, it was evident to me that some principles must be worked out. I certainly could not claim to—

“ Suffice by instinct or by tact
To thread the mazes of the Squatter's Act,
Neglect “ demand ” and overlook “ supply ”,
Gaze on pure equity with heaven-lit eye,
And without line or plummet, rule or square,
Evolve the only rent precisely fair.”

I therefore submitted to the Director of Land Records at the end of November 1911 proposals for applying tests of fairness. These tests were somewhat elaborated but not essentially changed in the course of discussion and proposals were formally communicated to the Collector of Shahabad in the following July in order to have on record the fact that he has accepted them.

416. *The detailed defence of the proposals.*—I quote from my letter No. 1685-Sh., dated the 24th July 1912, to the Collector Mr. P. W. Murphy :—

The starting point in the matter of the settlement of rents under section 104 appears to me to be the general principle, which is constantly repeated throughout the Tenancy Act, that rents settled by Courts must be fair and equitable. This is emphasized by the provisions that a Court must be satisfied that the new rent is fair and equitable even when it is accepted by the parties, e.g., under section 104-A (I) (a). It therefore appears to be the duty of the Settlement Officer to put forward some test of fairness of rents. It might of course be argued that where, as is the fact in many of the estates in Shahabad now under settlement, the existing rents have been paid for 20 years and more, they must necessarily be considered fair, and it would be also fair to add on to the rents such enhancement as may be allowable under section 30 (b) on the ground of rise in prices. That, however, is a contention which I find it difficult to accept without qualification. There is a great difference between the rent a tenant can pay and the rent which considering the general history of land-holding in the country and the efforts of the legislature to prevent rack-renting, he may be reasonably expected to pay. If a tenant's rent in the past has been or has approached a rack-rent it is surely not settling a fair rent to tack on to that rent an additional sum to be taken out of the slight relief which the rise in the price of staple crops may have afforded him. If any attempt at all can be made to ease off rents that approach rack-rents, surely a beginning should be made in the Government and temporarily-settled estates.

Comparison with value of gross produce.—I have therefore after some consideration decided to apply the test that seems to be at once the fairest and the simplest, *vis.*, a comparison of the rent with the value of the gross produce. It is obviously impossible to estimate the

value of the gross produce of every holding without incurring prohibitive expense. I have therefore limited my test to a comparison of the average incidence of the rent in the estate or that portion of the estate which falls within a particular village with average value of the gross produce of the principal staple crops per unit of area. The question of course remains of the proportion of the gross produce that may fairly be taken as rent. The whole question was considered in *extenso* during the discussions that preceded the passing of the Bengal Tenancy Act. Mr. Worsley in his draft bill proposed that cash rents of occupancy raiyats should not be enhanced beyond one-sixth of the value of the gross produce. Other authorities proposed one-fourth. Finally one-fifth was adopted in the draft bill of 1883.

The limitation proposed in the Tenancy Bill of 1883.—This limit was supported with vehemence by the Lieutenant-Governor Sir Rivers Thomson, and was only at the last thrown over by a majority of the Select Committee. It will be seen that the limit was strongly supported not only by Sir Rivers Thomson but also by Mr. Amir Ali, Mr. Hunter and Mr. Reynolds. It was discarded finally for four reasons :—

Reasons why the limitation was discarded in the Act.—(1) That it was unworkable by the Courts.

(2) That it was unfair because it neglected the factor of the cost of cultivation.

(3) That it was unfair because it neglected the factor of the area of the holding.

(4) That as population advances, the average area of the holding must diminish and a larger proportion of the gross produce will be required for the support of the raiyat and his family. Hence a gradually decreasing proportion will be left as rent.

Examination of the applicability of these reasons to the present operations.—As regards the first objection I am inclined to agree that it would have been impracticable for the ordinary Civil Courts to ascertain in each enhancement suit the value of the gross produce. But, though I would not claim scientific accuracy for the estimates of my section 10⁺ officers I consider that, as they are all officers of considerable experience in settlement, it is not impossible for them to form fair estimate by detailed inspection of the standing crops of the fields, which they have carried out, and with the guidance of several crop-cutting experiments and of the evidence of landlord and tenants on the spot.

The second objection would be no doubt a serious one if an attempt was made to estimate precisely what is the money value of the produce of each field and to assess rent accordingly on that. But all that is proposed is to estimate the value of the produce of a few staples and for them the cost of cultivation does not vary greatly except as between *diara* and upland, and as regards the cost of irrigation, which I will deal with later. I am simply comparing the general average of the values of the gross produce with the average incidence of rent.

As to the third objection, it may perhaps be argued that rise in price is no ground for enhancement of rent of non-economical holdings, but the determination of the economic nature of each holding is to my mind far too difficult to attempt, and it is further an entirely new principle unknown to Bihar. I do not see that it is a proper ground for rejecting the one-fifth limit, that it would be unfair to enhance the rents of small holdings up to that limit.

The last objection appears to be that whatever limit is fixed a lower limit should be fixed hereafter, if population increases. That again does not seem to me to be an argument applicable to the present case. If one-fifth was a fair limit to be fixed in 1885, it is at least not too low a limit for Government to put on its demands and the demands of temporarily-settled proprietors in 1912.

As a result of studying the opinions recorded I hold strongly that the only sound reason urged against the adoption of this limit were the difficulty of working it and the fear that what was meant as a maximum should come to be a standard. I have already remarked on the first reason, and the second has no force in the circumstances of the present case.

The views of the Government of India in 1902.—It is true that when Mr. R. C. Dutt urged that in raiyatwari settlement the maximum of one-fifth produce should not be exceeded in the case of any single holding, and that the average land revenue for a whole district (under raiyatwari settlement) should be limited to one-tenth, the Government of India deprecated the use of these fractional standards, and refused in any way to lay down a general rule. But a perusal of paragraphs 14 to 17 of the Land Revenue Policy of the Indian Government (pages 16 to 21) will show that while the Government of India did not spare to point out the practical difficulties of adopting such arithmetical limits and the possible inequities of basing the demand on the gross produce, the argument against the proposal that was reserved for its final demolition was that the standard recommended, if systematically applied, would lead to an increase of assessments all round. It was urged that the Bengal Report gave statistical reasons for believing that rents are generally much below one-fifth of the gross produce and finally the conclusion is as follows :—“ Since then it has been conclusively established that, under the existing practice, the Government is already taking much less than it is now invited to exact, and since the average rate, so far from showing an inclination to enhancement, is everywhere on the downward grade, the Governor General in Council is unable to accept a proposal which could only have consequences the very opposite to those which are anticipated by its authors.”

The instructions issued to section 104 officers.—After this pronouncement emphasized by such remarks as “every natural instinct and every recent injunction of the Supreme Government urge a Settlement Officer to reasonableness and moderation” which are sown thick in this defence of the Land Revenue Policy, I submit that it is difficult for Government to insist on taking an enhancement on the plea of rise in prices where its officers find that the existing rent incidence already reaches or exceeds the one-fifth standard. I have therefore instructed the three section 104 officers to form an estimate of the average value of the gross produce in each village of an estate and of each estate in a village. For three weeks in the end of November and beginning of December they did little else but go over the land and see the standing crops questioning landlord and tenant as to outturn and making crop-cutting experiments. I also attempted to supply them with additional information from the results of crop-cutting experiments made by the district staff and by the Public Works Department officers employed in irrigation, though I am afraid that little guidance can be obtained therefrom as the plots selected do not often fall in the estates under settlement, and in some cases are reported by the section 104 officers to be anything but typical of the land, whose produce should have been tested. Again in March and April further local inspection of the *rabi*-growing areas was made and two additional officers were deputed temporarily to help in conducting crop-cutting experiments.

On the evidence thus collected the section 104 officers have given me an opinion in each case as regards the value of the gross produce and the fifth of this has been adopted as a guiding rate against which has been compared the incidence of rent in the same tract. If it is found that the rent incidence already exceeds or equals the guiding rate no enhancement has been allowed, but if it falls below it, enhancements have been allowed in all cases, up to the guiding rate, provided of course that the enhancement which raises the present incidence to the guiding rate is justified on the ground of rise in prices. I should here note that when I find an enhancement is justified, it is applied uniformly and it is accordingly assumed that the differences of incidence found between the individual holdings are due to actual differences of soil or are the result of differences in the past history of the tenancies which it is inequitable to ignore.

Canal rate.—This is the general principle on which I have been working. I now go on to discuss a further point, which has had considerable bearing on the rent settlement. As is well known much of the land of Shahabad district is irrigated from Government canals, and the raiyat, who holds a cash rent tenancy, can secure water on payment of a fixed sum per bigha. The most usual course is to take a seven years' lease known as *satsala*, which ensures water at certain seasons on certain conditions on the annual payment of Rs. 3 per acre or Rs. 114 per local bigha which is precisely equal to $\frac{1}{4}$ of an acre. If the *satsala* arrangement is not adopted, the raiyat can get water, if there is any to spare at certain seasons, by a seasonal agreement, which is of course more expensive if invariably entered into than the *satsala* agreement. The *satsala* agreement is so much the most common that it can be fairly taken as standard.

The question at once arises in what way this considerable annual payment required from the tenant for the water necessary to secure the present average of produce is to be taken into account. At the first I was inclined to treat it as part of the rent, remembering that in South Bhagalpur the tenants usually pay a consolidated rent which includes payment for irrigation facilities. I put this view to the Director of Land Records Mr. H. McPherson, and he accepted it. On the other hand it, might be argued that this payment was merely additional cost of cultivation and should not be taken into account at all or at most simply deducted from the value of the gross produce before the one-fifth is calculated. On closer examination, however I am inclined to hold that neither of these views is tenable. The water rate is not as in South Bhagalpur paid to the landlord, but to the Public Works Department, and so it is impossible to regard it as rent. It might perhaps be regarded as extra cost of cultivation, but if the principle of the relation of the rent to the gross produce is accepted, it is clear that exceptional cost of cultivation must be taken into account. Thus if it costs Rs. 5 to raise a crop worth Rs. 30 on an acre and it is accepted that Rs. 6 is the maximum rent fairly payable, it will not be readily accepted that land giving a crop worth Rs. 35 at cost of Rs. 10 can pay a rent of Rs. 7. Indeed, it may be fairly argued that all exceptional cost of cultivation is of the nature of a temporary improvement made by the tenant and that he is entitled to the whole of the additional profit. In this particular case Government has put facilities in the way of the tenants to effect an improvement in their lands and the tenants have availed themselves of the facilities, much in the same way as they might if Government had opened a factory for the supply of artificial manure. I should perhaps note here in parenthesis that it is desirable to keep the functions of Government as a purveyor of water for irrigation, and as landlord or superior landholder above temporarily settled proprietors, entirely distinct. It would seem then that the tenants are entitled to all or at least the greater part of the increase in produce resulting from irrigation for which they pay. It is however, obviously impossible to estimate with any degree of accuracy what the value of this increase is. I have therefore proceeded on a different plan. It may be allowed that the tenant expects to get back not only the annual amount paid for irrigation but also the cost to himself in additional labour for utilizing the water to its full extent, the payments to the superior landlord for upkeep of the village channels or the cost of his own labour in keeping them in repair, additional labour or cost in harvesting the extra produce, etc., and I do not think I am underestimating all this, if I calculate that it is at

least as great as the amount paid to the Public Works Department. Further, no tenant, will continue to incur a cost of Rs. 6 per acre unless he makes a profit over and above the return of his outlay, and I reckon that this profit would ordinarily be not less than 50 per cent. I have therefore adopted the working rule that where lands are irrigated from Government canals three times the canal rate or Rs. 9 per acre should be reckoned as exempt from rent, i.e., it is deducted from the value of the gross produce before the calculation of one-fifth is made. I may note further that there seems to be every likelihood that the canal water rate will shortly be raised from Rs. 3 to Rs. 3-8-0 per acre, if this takes place,* I do not think that my calculation will err on the side of leniency to the tenant.

Summary to proposals—Thus I may sum up as follows my general principles for determining whether the existing rent is already so high as to justify me in refusing to allow an enhancement on the ground of rise in prices:—

1. The average value per unit of area of the gross produce of the principal staple crops in the village or estate is calculated after personal inspection of the crops shortly before harvest, crop-cutting experiments and the taking of evidence of persons interested.

2. If the tract is irrigated from Government canals or by expensive methods of irrigation provided by the raiyats themselves a deduction of Rs. 9 per acre is made from the average value of the gross produce. If only part of the tract is irrigated a proportional reduction is made.

3. One-fifth of the resulting figure for the value of the gross produce is taken as a guiding rate, and compared with the rent incidence of the tract. If the guiding rate does not exceed the rent incidence no enhancement is allowed. If it exceeds the rent incidence an enhancement is allowed subject to the conditions that the enhancement does not exceed the limit set by section 30 (b) and that the enhanced rent incidence does not exceed the guiding rate. It may be noted that barring one or two very exceptional cases I have not proposed to reduce rents even where the rent incidence considerably exceeds the guiding rate.

4. If an enhancement is allowed it is applied uniformly, it being presumed that the existing rents for the different holdings are fair *inter se*.

Difficulties of determining value of gross produce.—I of course admit at once that the determination of the value of the gross produce is not an easy task and that it may be difficult to defend in detail on the evidence on record in each case the estimate which the section 104 officer has given. They have, however, done their best and they are all three experienced Assistant Settlement Officers and two of them worked as attestation officers in a large part of the areas now under settlement by them and have therefore had the opportunity of seeing the crops in two seasons. The great variety of their estimates in different estates and the considerable variation between the results of the comparison between the rent incidence and the guiding rate impress me with the honesty of their estimates.

¶17. *Criticisms of the Director of Land Records.*—The letter also contained some discussion of commutation of produce rents to which I shall refer later. A copy of this letter was sent to the Director of Land Records. The Collector accepted the proposals in his letter no. 1281-R.-XIV-4, dated the 5th August 1912. The Director of Land Records, Mr. J. Reid, wrote to the Commissioner of Patna his letter no. 2531, dated the 28th August 1912, in which he said that he was of opinion that there ought to be some limitation on enhancement of rent on the ground of rise in prices, and that the criterion of one-fifth of the gross produce appeared to be the best available. He added that "It must be distinctly understood that the one-fifth of the gross produce is not a standard to which all rents should tend to approximate, but only a rough guide for the fixation of rents. There are several cases no doubt in which owing to the excessive fertility of the soil or simplicity on the methods of cultivation, the cultivator might reasonably be expected to pay as rent a greater proportion of the produce than one-fifth of the gross value of the produce of his holding, whereas, in other cases where the land is poor and the cost of cultivation heavy, this charge would be considered exorbitant. The one-fifth criterion should therefore not be pressed too rigidly, in the vast majority of cases it will be found a safe guide, but where exceptional circumstances exist, there should be no hesitation about disregarding it."

Mr. Reid also expressed himself adverse to the proposal to reduce existing rents on the ground that they exceed 20 per cent. of the value of the gross produce. He held that in temporarily-settled estates the rents could not be legally reduced, unless the proprietors themselves agreed. I have discussed this point in paragraph 271 above. The Commissioner did not reply formally, but I understand that he raised no objection to the application of the principles. Government and the Board of Revenue were also, I believe, unofficially consulted and accepted the views of the Director of Land Records.

*The rate was so raised with effect from 1915.

418. *The treatment of the canal rate.*—The question of the treatment of tracts largely irrigated from Government canals is probably the most vulnerable point in this analysis. To regard the canal rate, for the purpose of applying the one-fifth test as a part of the rent is not, by any means an outrageous proposition. It can be easily shown that if (1) the cost of cultivation excluding canal rate is directly proportional to the value of the gross produce, and if (2) the raiyat should get a yearly profit from his field directly proportional to his yearly outlay, then the sum of his fair rent and his canal rate will be equal to the fair rent payable on the land prior to canal irrigation, multiplied by the proportion which represents the increase in the value of the gross produce due to canal irrigation.

The first assumption is approximately correct, since for staple crops prior to the introduction of canal irrigation, the irrigation charges, if any, fell principally on the landlord, while canal irrigation undoubtedly means additional labour in cultivation, and the increased outturn additional cost in harvesting.

The second assumption appears moderately just on the face of it. On the other hand, if the canal rate is regarded as extra cost of cultivation, the whole question of the fair share to take as rent when cost of cultivation is particularly heavy is opened up.

419. *Is canal irrigation "fluvial action"?*—Another possible way of looking at the matter is to regard the increased produce as to result of fluvial action and the explanation to section 30 of the Bengal Tenancy Act certainly lends colour to this point of view. But it is very doubtful if the framers of the Act would have considered the utilization of canal irrigation as a case of "fluvial action". The "fluvial action" sections were intended to replace and make definite the old law, which provided for enhancement on the ground that "the productive powers of the land had increased by an improvement effected otherwise than by the agency or at the expense of the raiyat" (a phrase which is still retained in the Chota Nagpur Tenancy Act). But no such increase results from the mere construction of a canal unless and until the raiyat actually contracts for the water, and thus the improvement is not without expense to the raiyat.

420. *The division of the profits of fluvial action.*—Even if the increase were ascribed to "fluvial action" the question of the share which might equitably be given to the landlord remains. Section 34 (b) lays down a maximum of one-half of the value of the net increase in the produce of the land. This may possibly be fair in the case of *diara* lands, though I personally do not think it is, except in cases where the landlord previously got one-half of the value of the net produce. But it would certainly be most unfair to apply the maximum in the case of canal irrigated land where the increased produce is partly due not only to the extra labour of the raiyat but also to his enterprise in taking the water. The criterion I laid down is admittedly a rough one, and I have not been entirely satisfied with it. But in view of the fact that canal rates have already been raised by eight annas per acre in all cases except "rabi" waterings, I do not think the raiyat has been treated too leniently.*

421. *The work of section 104 officers.*—The principal work therefore of the section 104 officers was to determine whether in view of the present proportion of rent to gross produce there was room for an enhancement on the ground of rise in prices. They had also to adjust rents on the ground of excess or defect of area compared with the area recorded at the last settlement.

422. *The allowance for errors of survey and area extraction.*—As the last settlement was as a rule based on a survey very nearly as accurate as our own, which included in the holdings of the tenants the "ails" or divisions between the fields, an allowance of only 5 per cent. instead of the usual 10 per cent. was made in comparing areas. This allowance was intended to cover possible errors in area extraction and represents the sum of the maximum error to be expected in the extraction of area from the maps of each survey. In Mr. Mylne's estates it was found that the *jamabandi* areas were based on the

* Mr. Nelson commenting on Mr. (now Sir) D. J. Macpherson's Report no. 12, dated the 8th August 1883 wrote "Mr. Edgar made a marginal note in a report." "This ridiculous settlement deprives us of the profit we might have had from irrigation". He was probably not aware at the time that the Board of Revenue had ruled that the supply canal water being at the expense of the tenant is not a ground for enhancing the rent of occupancy raiyats."

It would be interesting if this ruling could be traced.

Cadastral Survey made in 1875-78 of land irrigable from the Sone canals, and the same allowance of 5 per cent. was therefore applied in those estates also.

423. *Procedure in settling rents.*—The section 104 officers submitted their proposals for rent settlement in each case to the Settlement Officer, and when his approval had been obtained the rent-roll was framed, and draft published. It was arranged that copies of the Rent Roll as draft published should be sent to the Collector, or in the case of estates not in the Sadr Subdivision to the Subdivisional Officer, in case those officers wished to object to any entry under section 104E. The rent-roll also remained in camp for objections under section 104E from the proprietors or their tenants for a minimum period of one month. After any objections, which were filed, had been heard and decided, the rent-roll was submitted with a final report to the Settlement Officer for confirmation under section 104F. The Settlement Officer was always of the rank of a Collector and consequently was empowered to confirm the rent-rolls by Government Rule 72(b) (i). The rents as confirmed were then entered in the record-of-rights and that record finally published. Appeals under section 104 (G) (1) against the orders of the Assistant Settlement Officers on section 104E objections were heard by the Settlement Officer under Government Rule 76.

424. *Objections under section 104E.*—There thousand eight hundred and seventeen objections under section 104E to the draft settlement rent-roll were filed. These were dealt with as a rule by the Assistant Settlement Officer who had framed the rent-roll.

425. *Appeals.*—Fifty-six appeals to the Settlement Officer against the orders passed on these objections were presented under section 104G. In 42 of these the Lower Court's order was completely upheld. Of the total number of appeals no fewer than 34 came from comparatively unimportant estates near Nasrganj in Dehri thana, and of these 12 were allowed. The 12 appeals that were allowed were with regard to the status of certain tenants who had been recorded as tenure-holders but claimed to be raiyats. They were found to have been so recorded at the last settlement, which was made under the Bengal Tenancy Act, and there was no sufficient reason to regard them as tenure-holders in the face of the presumption of correctness attaching to the previous record-of-rights. No second appeals to the Commissioner against the orders of the Settlement Officer were presented.

426. *Use of the table of rates procedure.*—In one estate, *viz.*, Salempur, *tauzi* number 992, lying in the village of that name, thana number 11, Arrah, the procedure of a table of rates was followed. The reason for the application of this method was that the value of the lands had considerably altered as the result of fluvial action since the last Settlement of 1901 which had been revised under the orders of the Commissioner in 1904. Some land had much increased in value and others had deteriorated. The section 104 officers reclassified the lands and fixed new rates in consideration of the outturn of the crops. The rate for the best land was fixed at slightly above one-fifth of the value of the gross produce, on a very moderate estimate. In view of the fact that the cost of cultivation in these lands lying near the Ganges is very low, the rate was fair. No objections were filed under section 104B(3), and on the table of rates being submitted to him under Government Rule 72(a) (ii), the Commissioner confirmed it.

427. *Commutation of produce-rents.*—In all Government estates as well as in temporarily-settled estates held by proprietors, attempts were made to convert produce-rents into cash rents as directed by rule 437 of the Settlement Manual. The general practice was to propose as a cash rent the mean between the average cash rent for similar lands and the average realizations of produce-rent for the last 10 years. Where as was often the case no satisfactory evidence of realizations was available it was assumed that the realizations amounted to two-fifths of the value of the gross produce of grain. In many cases, however, either the raiyats or in the case of temporarily-settled estates the proprietor refused the proposals, which were in such cases dropped.

428. *Produce rents in Government estates.*—It seems likely that in Government estates held *khas*, realizations of produce-rents are much below the real share which Government might claim. If any further attempts to commute are made this should be taken into accounts. But at the same time the considerations, which I have put forward in paragraphs 285-6 when dealing with the general question of commutation should be borne in mind, and in particular the probable true value of the landlord's share should not be swelled as it was in many cases in 1907 when assets of temporarily-settled estates were being calculated, by taking current gazette prices at Buxar or other such places instead of the prices of the locality itself at harvest time.

429. *Rent enhancement.*—The general results of rent settlement may be seen in Appendix Q (ii). The increase in cash-rent demand on all accounts is about 99 per cent. on the previous demand, but of that only 7½ per cent. is actual enhancement, while the rest is alteration of rent on the ground of alteration of area, or assessment to rent of land previously held without payment of rent. The rate of enhancement pure and simple was thus slightly higher than that obtained by private landlords, as stated in paragraph 259. But it must be remembered that the bulk of the Government and temporarily-settled estates lie in the northern thanas, and very little in Bhabhua and Mohanea thanas, where the enhancement allowable on the ground of rise in prices was insignificant. It may be remarked that although it had been decided that there was no ground for the general application of section 30(a) by which rents can be raised on the ground, that they are below the prevailing rates, and that consequently the whole district should not be brought under the operation of section 31A, which provides a special method for determining such prevailing rates, yet in particular estates and villages the principle of the prevailing rate was applied. Most of these cases were those in which the settlement-holder had come to some agreement with his tenants as regard rents, which operated to deprive Government of a fair share of the value of the crop.

430. *Rent incidence.*—A useful comparison may also be made between the rent incidence of the fair rents settled for occupancy and settled raiyats in these estates and the rent incidence of the same classes in all estates in the several thanas.

Serial No.	Thana	Incidence of fair rents per acre in Government and temporarily-settled estates for occupancy and settled raiyats	Incidence of attached rents for same classes in all estates.
1	2	3	4
		Rs. a. p.	Rs. a. p.
1	Arrah	4 5 8	4 10 0
2	Shahpur	4 4 0	4 12 3
3	Piro	2 13 6	5 2 4
4	Mr. Mylne's Estates	6 1 5	...
5	Dumraon	7 9 0	3 12 2
6	Buxar	3 8 10	3 8 11
7	Bikramganj	3 9 0	3 15 4
8	Sasaram	3 4 7	3 8 10
9	Dehri	3 11 0	4 5 0
10	Karghar	3 5 8	3 9 1
11	Mohanea	1 12 7	3 3 3
12	Bhabhua	3 3 4	3 15 9

It will be seen from the comparison that generally the rents settled in Government and temporarily-settled estates are slightly lower than the rents attested in all estates, except in Dumraon, Mohanea, and Mr. Mylne's estates. As regards Dumraon the area held by occupancy and settled raiyats in Government or temporarily-settled estates is only 591 acres, and most of that is in the fertile semi-diara tract. In Mohanea the fair rent incidence is very low, but most of the Government estates in that thana contain little good land. Mr. Mylne's estates comprise the best of the canal irrigated land in Piro and Shahpur thanas, and the proprietor enhanced rents very considerably, on the introduction of the canal irrigation. Babu Surendra Nath Banarji calculated that the incidence was even now more than 21 per cent. of the value of the gross produce. It is not surprising that only 3 per cent. enhancement was given, on the average throughout these estates.

CHAPTER IV.

REVENUE SETTLEMENT.

431. *Classes of estates in which revenue settlement was required.*—In estates, which are the property of Government, and held *khas*, that is settled direct with statutory tenure-holders and raiyats, no further action, after the settlement of fair rents, was required except to have the record-of-rights finally published. The remaining estates belonged to three classes—

- (1) Estates for which there is a proprietor who is in possession.
- (2) Estates for which there is a proprietor who has refused the previous settlement, and is in receipt of malikana and not in possession
- (3) Estates, which are the property of Government, but which have been farmed.

In all these cases proposals for revenue settlement were required. For it was decided that even in cases falling under class 2 it was proper to give the proprietor an opportunity of engaging at a revenue to be determined on a recalculation of the assets in accordance with the principles of section 3 of Regulation VII of 1822, while, in cases falling under class 3, it had to be considered whether the estates should be again farmed or held *khas*, and in the former event what the revenue to be paid by the farmer should be.

432. *Powers of the Settlement Officer.*—The Settlement Officers was vested with the powers of a Collector under Regulations VII of 1822 and IX of 1825 as amended by Regulations III of 1828, and IX of 1833 and he authorized the Assistant Settlement Officers subordinate to him to make enquiries preparatory to Settlement under section 24 of Regulation VII of 1822. The Settlement Officer was also empowered as a Collector under Regulation II of 1819 in order to deal with resumptions, of which one case occurred which will be mentioned below.

433. *Notices of revenue settlement.*—Before revenue settlement was taken up the notices required by section 2 of Regulation VII of 1822 were served on all proprietors still in possession of their estates, but not on recusant proprietors or on farmers, as the law does not require them to be notified. Rule 758 of the Settlement Manual is incorrect in regard to this point and should be amended.

434. *The confirming authority.*—The question of the confirming authority in the case of revenue settlements had to be considered. In estates owned and held *khas* by Government, the settlement of fair rents is technically a settlement of revenue, but no further confirmation is required beyond the confirmation of the rent-roll by the authority laid down in Government Rule 72(b). Other cases are governed by Rule 707 of the Settlement Manual, and it was decided that settlements with a "rental" that it is to say "revenue" exceeding Rs. 500 but not exceeding Rs. 10,000 should be confirmed by the Commissioner and not by the Director of Land Records.

435. *Procedure.*—The procedure adopted was that with his final report of rent settlement, the Assistant Settlement Officer submitted proposals for revenue settlement. These the Settlement Officer forwarded to the Collector with his own proposals on the following points:—

- (1) The assets to be adopted as a basis of revenue settlement.
- (2) The proportion of the assets fairly to be demanded as revenue.
- (3) The selection of the settlement-holder.
- (4) The period of the settlement.

The Collector where the revenue proposed did not exceed Rs. 500 dealt finally with the case, and where it exceeded that sum submitted it to the Commissioner with his proposals. There was some discussion as to the course to be adopted, when the Collector was not prepared to accept the Settlement Officer's proposals. The Director of Land Records recommended in his letter no. 2199, dated the 1st August 1912, to the Commissioner of Patna that in such cases the Collector should return the record to the Settlement Officer to give him a chance of discussing any additional points or objections that might have been raised, before final orders of confirmation be passed.

The Collectors of Shahabad during the progress of this part of the operation did, I believe, invariably follow this course. But, I think, that it should be specifically laid down in the Settlement Manual as the proper course to follow. A busy or inexperienced Collector, who has to rely largely on his Khas Mahal Deputy Collector might otherwise overrule the Settlement Officer on an important point without full consideration, as it is impossible for the Settlement Officer to defend his proposals at length in every single case.

The points enumerated above and the problems arising from them may be conveniently discussed separately in detail.

CALCULATION OF ASSETS.

Apart from the cash-rents, which presented no difficulties, the assets usually contained the value of the produce-rents collected and the value of the lands in the settlement holder's own cultivation.

436. *Produce-rents.*—The small proprietors as a rule kept no trustworthy papers of their realizations of produce-rent. It was therefore taken as a general rule that the value of the landlord's realizations was two-fifths of the value of the gross outturn of grain. But this rule was a first approximation only and each individual estate was separately treated.

437. "*Bakshat*" lands.—The value of the lands in the Settlement-holder's own cultivation were generally taken to be one-third of the value of the gross outturn including bye-products. The method of assessment was accepted by the Collector as fair, and it was also reported to the Director of Land Records. It has, however, been questioned by the Board of Revenue in letter no. 17-15-1, dated the 28th January 1915, to the Commissioner of the Patna Division. I venture to submit a defence of it.

The Board was replying to a proposal by the Commissioner that the standard of 55 per cent. may be fixed as the percentage of the assets to be taken in future temporary settlements in Shahabad. In the course of the letter quoted above the Board wrote:—"The fact that a large proportion of the land in the Shahabad temporarily-settled estates is held as landlords' private land coupled with the very lenient method of assessing those lands which was adopted for the last settlement furnishes a further reason against the adoption of any fixed standard of revenue.

The method of assessment of these lands originally contemplated by the Settlement Officer was one-fifth of the gross produce, that being the standard conceived by the Government of India in their Resolution of January, 1902, as the highest which can be taken as rent in *vaiyatwari* tracts. Subsequently, however, a standard of one-third of the gross produce was adopted as the standard assetical value on which the assessment should be based.

In the opinion of the Board the method of fixing the valuation of the *nij-jote* lands or *bakshat* lands might well be and probably will be reconsidered at the next settlement.

It is no doubt a good enough method when dealing with rents in *raiya* areas, but it ignores the existing rates of rent for similar lands in the locality, and it is at those rates that the zamindars would settle the lands if they settled them with raiyats, if, indeed they did not succeed in securing higher rates for their *bakashi* lands. Even if they were content to merely give out the lands in "*batai*" they would almost certainly secure to themselves a net half of the produce, and the fact that they do not give them out and thereby save themselves the trouble of *khas* cultivation goes to indicate that the retention of the lands in their own cultivation pays them better.

The assetical value to the landlord of these lands is not therefore a closely guarded minimum rent, but something much greater and there seems to be no reason why Government should not have a fair and reasonable share of the real assetical value.

If the valuations in future were to continue to be made on the same very lenient system, it is by no means certain that even the old recognized percentage of 70 per cent. of the assets could not with safety be demanded in many cases. But, be this as it may, it is certainly necessary, as the Government of India have repeatedly pointed out, to take each case on its own merits and submit it to a thorough examination especially as regards the effect of the proposed percentage on the income of the landlords."

438. *Meaning of "landlords private land."*—In the first place, it should be noted that the phrase "landlord's private land" must not be construed as true "*zirat*." There is, I believe, no such land in any temporarily-settled estate in Shahabad. The land in question is part of the raiyati stock held and cultivated by the proprietors themselves or by hired servants working under their supervision.

439. *Reason for altering the proportion of the value of gross produce.*—In the second place, my original proposal was to value these lands at two-fifths of the value of the gross produce. I then thought it probable that one-half only of the assets would be fixed as Government revenue. I found, however, that there was not likely to be any adequate reason for taking less than 55 per cent. which was the general standard adopted in Orissa in 1898. My original proposal would have secured that for these lands the petty proprietors did not pay more than one-fifth the value of the gross produce, as revenue, which was the maximum already accepted for the district as a fair rent for raiyats. When I found that the proportion of assets to be taken as revenue was likely to be at least 55 per cent., I proposed to alter the method of valuing these lands, and to base it on one-third of the value of the gross produce, instead of two-fifths, aiming at still retaining on the average about one-fifth of the value of the gross produce as the standard of revenue. The Board's account perhaps requires this explanation, lest it should be hastily assumed that the original proposal was to take one-fifth and that subsequently this was increased to one-third.

440. *Incidence of assumed assets compared.*—It may be seen from Appendix Q (*iii*) that the question of the valuation of proprietor's *bakashi* lands is of little importance in Shahabad outside thana Buxar, which practically means Chausa pargana. There 6,437 acres of such land were assessed at Rs. 34,670 giving an average incidence of about Rs. 5-6-0 per acre. The incidence of cash-rent of occupancy and settled raiyats in that thana for Government and temporarily-settled estates is Rs. 8-8-10. That of non-occupancy raiyats is slightly less. Produce-rent lands have been assessed at about Rs. 4-15-0 per acre. I submit that on these figures there is no ground for supposing that the *bakashi* lands have been seriously under-assessed as a whole.

441. *The Orissa rule.*—It was generally laid down in Orissa that the lands held in a proprietor's own cultivation should be valued at their letting value. That may be a good rule where such lands are inconsiderable compared with the land let out to raiyats, of which some has been recently settled. But in many of the estates in Chausa pargana the bulk of the land was in the proprietor's own cultivation, and the cash-rents paid by raiyats offered no satisfactory guide by themselves. As a matter of fact the cash-rents were almost always considerably below the valuation arrived at by taking one-third of the value of the gross produce.

442. *The profits of khas cultivation and of produce-rents.*—The Board also considered that if the proprietors "were content to merely give out the lands in *batai* they would almost certainly secure to themselves a net half

of the produce, and the fact that they do not give them out and thereby save themselves the trouble of *khas* cultivation goes to indicate that the retention of the lands in their own cultivation pays them better".

If by a net half of the produce is meant one-half of the gross produce, I submit that this is not correct. As I have shown elsewhere the landlord of a produce-rent holding in Shahabad practically never gets more than ± 0 per cent. of the gross product of grain. Now the value of bye-products is about 10 per cent. of the value of the gross produce. Thus at the best the landlord will scarcely get more than 36 per cent. of the total value of the gross produce on the *batai* system, which is not widely different from the one-third which was the basis of my proposals. Further, in Chausa pargana it is not very easy to get raiyats for inferior lands, and the result is that the proprietors as a matter of fact do keep in their own cultivation much inferior land merely because otherwise it would go out of cultivation altogether.

443. *The petty proprietors position compared with the raiyats' position.*—It is also arguable that it is scarcely equitable to treat these proprietors who are as a matter of fact little more than ordinary cultivators more harshly than Government estate raiyats. They have no greater security of tenure and are subject to a more summary process of ejection on failure to fulfil their engagements. The only advantage they possess is that if at a settlement they decline to enter into engagements they are entitled to a mere pittance as *malikana*. I am somewhat at a loss to understand why a standard which is adopted as a maximum for raiyats' rents should be exceeded when the rent becomes revenue. It may be considered whether anything is gained by using the freedom which Government has reserved for itself in the matter of revenue settlement, to encourage petty proprietors to let out all their land to raiyats, and so to become mere annuitants on the land.

444. *The profits of "bakasht" throughout the district.*—It may be argued against me that I have in paragraph 371 assumed that the landlord gets as profit from lands in his own cultivation one-half of the value of the gross produce. I think he does as a general rule, throughout the district, but cost of cultivation in Chausa pargana is higher than elsewhere in proportion to the value of the gross produce owing to the pooriness of the soil. The canal rate, for instance, is exactly the same for that soil, full as it is with *kankar* nodules as it is for the rich soils of Piro thana. But even waiving this point, I should be prepared to maintain that it is not fair to take, say, 60 per cent. of one-half of the value of the gross produce of lands cultivated by petty proprietors, as long as it is admitted that the rents of raiyats in Government estates held *khas* should not ordinarily exceed one-fifth of the gross produce.

445. *The sugarcane rate in Mr. Mylne's estates.*—A question of some importance in the calculation of assets in Mr. Mylne's estates was the legality of the demand for a special rate for growing sugarcane. It was found at attestation that such rates were frequently paid, and had been paid for a great number of years, certainly before the passing of the Bengal Tenancy Act. The contention of some raiyats was that they were not legally bound to pay the special rate, because, by section 23 of the Bengal Tenancy Act, they were entitled to use their land in any manner which does not materially impair the value of the land or render it unfit for the purposes of the tenancy, while by section 178 (3) (a) it is provided that nothing in any contract made between a landlord and a tenant after the passing of the Bengal Tenancy Act shall take away or limit the right of an occupancy raiyat to use land as provided by section 23. I, however, held that, in the case of tenancies dating from before the passing of the Bengal Tenancy Act, the special sugarcane rate was part of the original contract and so section 178 (3) did not apply, while for new tenancies it might be presumed that the rate was part of the contract under which settlement was made, and was therefore no restriction on the right to use the land as provided by section 23. I was prepared to consider any cases in which it was shown that the sugarcane rate was imposed some time after the creation of the tenancy but no such case was found. The sugarcane rate was therefore attested as part of the legal rent and was taken into consideration in

determining the assets. The average amount of the excess over the normal rent during the last 15 years, as far as it could be ascertained, was taken for the purposes of calculation.

I understand, however, that Mr. Mylne had difficulty in realizing these special rates after settlement of fair rents, and sued some raiyats. The District Judge held in appeal that they did not constitute legal rent, on the ground that they were restrictions on the free use of the land according to section 23.

The Calcutta High Court on second* appeal reversed this decision and decreed the special rates. In doing so the Honourable Judges, distinguished the decision in *Prabat versus Chirag* (I.L.R. 33, Calc. ; 607), where it was held that landlords were not entitled to get enhanced rent in consideration of allowing the tenant to grow sugarcane. In the present case it was held that there is nothing in the Tenancy Act, which invalidates a custom or contract under which differential rates are payable for different crops. It would be advisable to clear up the question thoroughly when the Act is next revised.

446. *Sair collection*.—Some sair collections were included in assets wherever found. They were unimportant except in Mr. Mylne's estates. There "phalkar" (collection for fruit of trees), "jalkar" (collection for fishery rights), "motarfa" (house-rent for non-agricultural tenants), realizations for sale of timber on the landlord's own land and on those lands of tenants, where he happened to have a right in timber, were all collected. A considerable revenue was also derived from rent of houses in Jagdishpur and other bazars, "tarpin" a tax on machines used for crushing sugarcane, "Shorabhati," a tax on brick-kilns and the manufacture of saltpetre, "Chauthmakan," a realization of one-fourth of the sale price of houses, including non-rent-paying homestead land for recognizing sales, "beai" a charge on all grain weighed in the markets on the estate, and others. Only "phalkar," "jalkar," timber proceeds, and "motarfa" were included in the assets, and these were calculated on the average shown in the *Jamabandis* for the last 15 years. It was, however, necessary to calculate the value of bazar lands, that is to say, the ground rent, not the rent of houses constructed by the landlord, which has been mentioned above. Mr. Mylne did not offer much evidence on this point, and the estimated rental value was based principally on some deeds granting land rent-free for the purpose of building house or shops. A detailed account of other points of interest in the assessment of these estates is given in Babu Surendra Nath Banarji's report which has been printed.†

THE PROPORTION OF ASSETS TO BE TAKEN AS GOVERNMENT REVENUE.

447. In Chausa pargana the proportion taken had been 70 per cent. up to the settlement by Babu Rai Krishna Bahadur in 1906-07. That officer very materially increased the estimate of the assets made by previous Settlement Officers, and as a result it was found that the proprietors declined settlement. In some cases, therefore, the Collector with the sanction of the Board of Revenue offered settlement at 50 per cent. of the assets. At the present settlement the original aim was to reduce the proportion of the assets taken down to 55 per cent., the proportion generally adopted in Orissa. It was found, however, that frequently that would result in an actual diminution of Government revenue paid in the past few years, which there was no sufficient reason for reducing. In some cases, however, where the estimate of assets at the last settlement was excessive, Government revenue was actually reduced and the proportion of assets taken was fixed rather as a result of the determination of a fair Government revenue in view of existing assets and the revenue paid in the past than on any hard-and-fast principle. In fact, generally it may be said that the aim was to fix a revenue fair both to Government and to the proprietor rather than to work on mere arithmetical

* *Mylne versus Tulsi Koeri* and others, decided on 11th August 1915.

† Land Revenue printed proceedings, nos. 1-5, November 1913, and nos. 6-8, September 1915.

proportions, subject only to the general principle that the revenue did not exceed 70 per cent. or fall below 50 per cent. of the assets, except in very special cases.

448. *Cases where less than 70 per cent. of assets were taken referred to the Board.*—All cases in which the proportion of assets to be taken as revenue was less than 70 per cent. were referred to the Board for final sanction under the latter half of rule 667 of the Settlement Manual. It should be noticed that the orders of Government quoted therein refer only to Government estates settled with one or more of the principal raiyats' estates let in farm owing to the refusal of the proprietors to accept settlement, and to resumed estates settled with the proprietors. In Chausa pargana it is certain that some of the estates do not fall under these classes, though most of them are, I believe within the last class. The remainder, *viz.*, most of the estates in Taluka Indapur are estates, which are temporarily settled because they have never been permanently settled. It is, I imagine, impossible now to distinguish these, nor it is a very practical matter, as the proportion of assets to be taken in these cases is, under rule 667, to be such as Government may from time to time direct.

449. *A proposal for decentralization.*—At the same time it might perhaps now be considered whether it is still necessary to centralize the control of this matter as closely as this rule prescribes. The power might, for instance, be left to the Commissioner or even to the Collector to resettle at a proportion not less than that adopted at the previous settlement or the Commissioner might be empowered to sanction all settlements in which not less than 60 per cent. of the assets are taken. What I have written above refers primarily to the revenue settlements in Chausa pargana. In the case of settlements of alluvial accretions rule 677 of the Settlement Manual was strictly followed and 70 per cent. of the assets were taken as revenue.

450. *Proportion of assets taken in Mr. Mylne's estates.*—In Mr. Mylne's estates the question was considerably complicated by the past history. The full discussion of the treatment of these estates has already been printed for Government and for the local officers concerned, and I need not, therefore, do more than briefly refer to a few points.

The assets and Government revenue at various times are shown in the following table :—

Year.					Assets.	Government revenue.	Percentage.
1					2	3	4
					Rs.	Rs.	
1861-1876	...	...	...	...	65,578	35,712	54.5
1876-1883	...	...	...	...	93,998	35,712	38
1883-1907	...	...	...	...	1,24,008	39,726	32
1908-1909	...	...	...	...	1,41,528	49,535	35
1909-1910	...	...	...	...	1,41,528	50,990	36
1910-1911	...	...	...	...	1,41,528	52,865	37
1912-1913	...	...	...	...	1,41,528	53,780	38
1913-1914 to 31st October	...	...	...	...	1,41,528	55,195	39
1913-1914 (from 1st November)	...	...	...	...	1,54,141	77,070	50

For both the *jungle mahal* and for the *Baharsi* villages Mr. Mylne's predecessors in interest were given leases to expire in 1908, with the right to resettlement on such terms as to assessment and period of resettlement as may be in force in Government Khasmahals. In 1908 a summary settlement was

made, until such time as the survey and preparation of a record-of-rights under Chapter X of the Bengal Tenancy Act should have been completed. Immediately after the summary settlement have been made, it was decided to admit Mr. Mylne's claim to be a temporarily-settled proprietor, but there was no alteration in the terms of resettlement. There was, therefore, no reason to repeat in the regular settlement of 1914 the very lenient proportion of assets given in the summary settlement of 1908, and indeed the proportion taken now is distinctly below the normal proportion taken from other temporarily-settled proprietors in Shahabad. The terms of the settlement were approved by the Government of India to whom Mr. Mylne presented a memorial.

THE SELECTION OF THE SETTLEMENT-HOLDER.

451. There was no very great difficulty about this part of the work. As I have already said, where a temporarily-settled proprietor had refused the last settlement, he was generally offered settlement on the basis of the newly-calculated assets. In 24 cases in Chausa pargana the proprietor accepted the new terms, and estates, which had been held *khas*, were restored to the proprietors. But where the proprietor had accepted the last settlement, and had subsequently defaulted and the estate had been purchased at a revenue sale by Government, the option of resettlement was not given. I am not sure that the distinction was a sound one. It appears to penalize the proprietor, who at least made an attempt to meet the demands of the last settlement. At the same time it would probably be an unsafe policy to ignore the penalties attaching to failure to meet a demand which has been definitely accepted. The selection of Settlement-holders was made by the Collector and the Settlement Officer did no more than place before him the facts, which had come to light during the operations. Naturally it was for the Collector to decide whether estates for which there was no proprietor or for which the proprietor declined to engage were to be held *khas* or let in farm. In Appendix Q (i) it will be seen how each estate was finally treated by the Collector in respect of the selection of the Settlement-holder.

PERIOD OF SETTLEMENT.

452. The standard period of settlement adopted was 20 years, in order that the estates might again be taken up when the general operation for the revision of the record-of-rights throughout the district are undertaken. It is probable that the revision programme will reach Shahabad by about 1933-34. Should the programme be delayed, it would be advisable to continue the settlement summarily. In a few cases where special reasons existed, such as the probability of diluvion or material increase in fertility due to fluvial action, a shorter period was adopted. These cases will require the attention of the Collector.

FINAL RESULTS OF SETTLEMENT OF REVENUE.

453. The total land revenue demand for all the estates, which came under land revenue settlement is now Rs. 2,46,550 against Rs. 2,12,105 the demand of the last settlement. The increase is a little more than 16 per cent. Most of the increase comes from Mr. Mylne's estates and from the Nasriganj estate in Dehri thana. Full details are given in Appendix Q (iii).

The demand, however, taken by itself is of little use for judging of the equity of the settlement, and comparison with the previous demand is misleading, where, as in Buxar thana, estates have changed from proprietors' estates to raiyatwari estates or *vice versa*. The first point to be looked to is the proportion of the assets taken. After discussing that point, the particular case of Chausa pargana in Buxar thana will be considered.

454. *Percentage of assets taken.*—The following table shows the percentage of assets taken at the present settlement and at the previous settlement. As some estates in Buxar thana which were previously settled with proprietors have

now become Government estates and *vice versa*, the figure in the first and in the second half of the statement do not refer to precisely the same estates.

Thana.	Estate temporarily settled with proprietors in the present operations. Figures for present operations.			Estates found temporarily settled with proprietors at the inception of the present operation. Figures for the last settlement.		
	Assets.	Government revenue.	Percentage of revenue on assets.	Assets.	Government revenue.	Percentage of revenue on assets.
1	2	3	4	5	6	7
	Rs.	Rs.		Rs.	Rs.	
Arrah... ..	2,506	1,299	51.8	2,272	1,309	52.8
Shahpur excluding Mr. Mylne's estates.	1,581	1,107	70	1,820	1,219	67
Mr. Mylne's estate	1,54,141	77,070	50	1,41,528	55,195	39
Dumraon	4,317	2,952	70	5,873	4,111	70
Buxar	1,07,575	58,683	54.5	86,435	50,129	57
Dehri	163	107	70	163	114	70
Karghar	776	194	25	411	103	25

It will be seen that the proportion of assets taken has been preserved generally, except in Mr. Mylne's estate and in Buxar. As regards Mr. Mylne's estate the explanation has already been given in paragraph 450. In Dumraon the proportion of assets has been preserved, but the actual assets have been reduced by reason of diluvion.

455. *Result of revenue settlement in Chausa Pargana.*—In Buxar the assets have generally been increased but not to the extent that the table shows as more estates have been settled with proprietors than were so settled at the inception of the operations.

The detailed figures for Buxar thana are as follows :—

	Present settlement.		Immediately prior to present settlement.	
	Assets.	Revenue.	Assets.	Revenue.
1	2	3	4	5
	Rs.	Rs.	Rs.	Rs.
Temporarily-settled with proprietors ...	1,07,575	58,683	86,435	50,129
Government estates held <i>khas</i> ...	13,650	13,650	31,144	31,144
Government estates farmed ...	13,253	7,282	395	293
Total ...	1,34,478	79,565	1,17,974	81,566

It appears, therefore, that in spite of a substantial increase of assets the total revenue has diminished. But assuming that Government estates held *khas* cost $12\frac{1}{2}$ per cent. of the revenue to manage there will be a net saving of Rs. 2,189 as against the cost of management prior to the present settlement. Adding this to the new revenue the figure becomes Rs. 81,754 against Rs. 81,560. Hence the effective revenue has remained about stationary.

The real aim of the settlement was to make the demand more equitable. That this has been accomplished may be fairly deduced from the fact that a considerably larger proportion of the revenue is now derived from temporarily settled proprietors, who have been restored to their estates which they had been forced to relinquish owing to over assessment in 1907. The Collector has found it desirable, on the other hand, to settle a considerable number of estates in farm. I believe this action has been taken principally where *khas* management was found to be a failure and the demand from the raiyats never realized in full. If so, there should be a distinct improvement in the collections even though the demand has been reduced by the present operations.

556. *Comparison with the previous settlement.*—Estates, which were held by temporarily-settled proprietors at the inception of the operations, and for which the proprietors accepted the new settlement, may be regarded as having been moderately assessed at the last settlement. The previous revenue for such estates was Rs. 46,041. This has now been raised to Rs. 52,458, an increase of 14 per cent. As some of these were certainly let off too lightly in 1907, the increase is not excessive, in view of the fact that raiyati rents have been enhanced in many cases and are now legally payable, while the value of the produce of land in the proprietor's own cultivation has very considerably increased. The revenue of the same estates when settled in or about 1890 was Rs. 32,539 which was in all probability very light, although nominally 70 per cent. of the assets were taken.

CHAPTER V.

MISCELLANEOUS.

I have given the Appendix Q (i) a list of the Government and temporarily settled estates, in which settlement of rent under section 104 and, where required, of revenue was carried out during the operations under report.

457. *Exempted estates.*—The estates exempted for various reasons can be ascertained by a comparison of this list with the lists supplied to the Collector which are described in paragraph 405. With regard to the estates for which the current settlement expired later than the 31st March 1914, the Board of Revenue in letter no. 17-30-4, dated the 7th March 1913, to the Director of Land Records, decided that the existing settlement may be renewed yearly or for a fixed period of 20 years from 1912. In the case of estates let in farm it has to be considered, as each farming lease expires, whether the estate shall be held *khas* or again leased to a farmer. If the latter course is adopted, the same principles regarding revenue demand and the period of resettlement will be followed.

458. *Cost of survey and settlement in exempted estates.*—As a result of this order the costs of the operations were, in the case of estates not under Revenue Settlement, recovered from the proprietors, tenure-holders, farmers and raiyats in the usual proportions according to their respective classes, precisely in the same way as for the bulk of the district.

459. *Distribution of copies.*—The following orders were passed regarding the distribution of copies of the record-of-rights in Government and temporarily settled estates both those dealt with under section 104 and those not so dealt with—

In addition to the finally published record which is made over to the Collector, the following copies will be prepared:—

1. For Government estates held *khas*, one copy on the Collectorate form and one on the *raiya* form will be prepared. The former should be made over to the Collector and the latter to the raiyats.

2. For Government estates leased to farmers and for temporarily-settled estates one extra copy in the Collectorate form, one on the *maliki* and one on the *raiya* form should be prepared. The Collectorate copy will be given to the Collector and the *raiya* copy to the raiyats. If rents have not been settled under section 104, the *maliki* copy will in Government estates be given to the farmer and in temporarily-settled estate to the proprietor. If rents have been settled under section 104 the *maliki* copy will be given to the Collector to be given by him after settlement of revenue to the person with whom settlement has been made.

460. *The Government estates and the estates managed by Government distinguished in the record-of-rights.*—For estates belonging to temporarily-settled proprietors, but actually in possession of Government, the entry in Khewat Part I of the names of the proprietors was made, with a note in the remarks column that the estate has since a certain year been in the direct possession of Government. Government, however, has been recorded as the landlord of tenure-holders entered in Khewat Part III and of raiyats in their khatians. The note "*miadi bandabast*" (temporary settlement) was made in Khewat Part I for these estates as for those still in possession of the proprietor. Estates, which are the property of Government, were distinguished by the words "*khas mahal*".

461. *Some typical difficulties.*—Some few examples of the difficulties met with may be of interest. It is impossible within the space allotted for this report to deal adequately with any considerable proportion of the individual estates.

462. *Bhilampur.*—Bhilampur, tauzi no. 1671, Chausa pargana, lies in the village of the same name, thana no. 81, Buxar. It was settled for Rs. 181 in 1840, for Rs. 270 in 1870 and for Rs. 292 in 1892. Practically all the land is now and always has been either in the cultivation of the proprietor or settled with raiyats on produce-rent. In 1892 the assets were calculated by classifying the soil and attaching nominal rates to each class ranging from Re. 1-8-0 to 0-4-0, with the result that 422 bighas were assessed at Rs. 417-8-0 or roughly Re. 1 per bigha. The revenue was then fixed at 70 per cent. of assets. In 1908 the same practice was followed, but the Settlement Officer had much greater ideas of the capacity of the land and assessed at rates of Rs. 2-8-0 to Re. 1 the total assets reaching Rs. 852 on 436 bighas or 1.95 per bigha. He had first submitted a rent rate report which gave total assets of Rs. 1,033. This he based principally on the assertion that, for the best class of land, Rs. 3 per bigha was paid in Isapur. As a matter of fact, Isapur which is also entirely a temporarily-settled estate, is also entirely held on produce-rent except for one minute *nagdi* holding. Mr. Marr, the Collector, directed a reduction, which, however, still left the assets at twice the assets of the previous settlement. In spite of a reduction of the proportion of assets from the usual 70 per cent. to 50 per cent. the proprietors declined the settlement offered to them at Rs. 426, and were given *malikana* of Rs. 14-8-0 or so, being 5 per cent. of the revenue of Rs. 292 in force before 1908. I have not been able to ascertain whether the proprietors were called on to state at what revenue they would engage. If they were presumably they would have offered at least Rs. 292, and would have been entitled under rule 677-III of the Settlement Manual to Rs. 29 as *malikana*.

The estate was held *khas*, but as one-third of the cultivated area was in cultivating possession of the proprietors, collections were not very successful. The Khas Mahal Office at Buxar failed to give a very clear account of the actual average collections, but it was estimated that these did not exceed Rs. 337 and were probably not above Rs. 300. In view of these circumstances and the trouble and expense of *khas* management in *bhaoli* villages, I suggested that a resettlement might be made on the old revenue of Rs. 292 and this was accepted by the Collector, after it had been ascertained that there was no chance of an amicable commutation of produce-rents.

However, I am inclined to think the settled revenue too low, and consider that if this case had not come up as almost the first case for revenue settlement, it would not have been either proposed or accepted. After the settlement was concluded practically on a basis of 55 per cent. of assets calculated at Re. 1 per bigha, the proprietors and raiyats were asked if they would commute. The raiyats accepted Re. 1 per bigha as a fair rate, but the proprietors would not accept anything lower than Rs. 2 per bigha. If this latter rate were accepted as the value of the land, the total assets would be about Rs. 800 or not much less than the previous assets. I am not, however, prepared to admit the proposition that the amount at which proprietors desire commutation to be made is necessarily the real value of their share of produce-rent.

463. *Bazidpur.*—Bazidpur, tauzi no. 2706 (formerly 2198), lies in the village of that name, no. 841, Bhabhua. It became a Government estate in

1903 by purchase at a revenue sale, after several persons had previously bought it and failed to identify the lands. It was found in 1903 that the Revenue Surveyors had recorded the lands of this estate as the estate of the same name but of *tauzi* no. 2197 while the real lands of *tauzi* no. 2197 had been swallowed up by the proprietor of Baghi, *tauzi* no. 2129, who was also the proprietor of 2197 but not of 2198. The mistake was discovered and the estate settled as a Government estate in 1905, on a total rent-roll of Rs. 176 which was arrived at apparently after full consideration of all available documents and accepted by the raiyats, of whom some were the ex-proprietors. However, by 1911, all the original raiyats had abandoned their holdings and at the present settlement only three non-occupancy raiyats were found, of whom one, a rich man from a neighbouring village, holds almost all the land, and is keeping it as an experiment in which he is being helped by the Subdivisional Officer of Bhabhua with agricultural improvement loans. The rent fixed at the last settlement was estimated by the section 104 officer to be above one-fourth of the gross produce, and has of course not been enhanced. The case is interesting as showing how difficult rent assessment is, and illustrating the necessity for accurate estimates of produce as a basis of new settlements.

464. *Alawalpur*.—Alawalpur, *tauzi* no. 1526, lying in the village of that name, thana number 85, Buxar, was settled in 1840 on a revenue of Rs. 91-2-0. It was resettled in 1870 at a revenue of Rs. 217-2-5, and again in 1890 at revenue of Rs. 231-10-6. In 1908 the assets were calculated at Rs. 1,088 and settlement was offered at a revenue of Rs. 544. The proprietors declined settlement and the estate was held *khas*. During three years' *khas* management the average collection was Rs. 129 per annum.

The total area of the estate is 207 acres of which 171 acres are liable to assessment, of these 148 acres were at the time of settlement in cultivating possession of the recusant proprietors. It is obvious, therefore, that the pitch of the assessment depended largely on the value put on these lands. The estate has no canal irrigation and only grows *bhadai* and *rabi* of poor outturn, mainly of the cheaper crops. The Assistant Settlement Officer estimated the value of the gross produce at Rs. 5-9-4 per bigha. I proposed in this case to assess the lands in cultivation of the proprietors at Rs. 2 per bigha, which is more than one-third and less than two-fifths of the value of the gross produce. As a result the assets were calculated at Rs. 522, and ultimately the proprietors agreed to take settlement at Rs. 275, i.e., at 52.7 per cent. of the assets. To this the Collectors Mr. Gruning and Mr. Murphy both agreed. The result is that in lieu of a realization of Rs. 129 from which *malikana* and cost of management had to be paid, the revenue is now Rs. 275. Compared with the settlement of 1890 the revenue has been increased by 18.5 per cent. The cultivated area in 1890 was 195 acres. It is now 171 acres. There has been a rise of prices of food staples between 1883 (Sir D. J. Macpherson's report) and 1912 of about 40 per cent. As the cost of cultivation in these poor lands is proportionately high and is likely to be very nearly half the value of the gross produce, it would hardly be fair to take an enhancement of revenue of more than 20 per cent. between those dates. I therefore maintain that an enhancement of 18.5 per cent. between 1890 and 1912 is quite as much as Government has any right to expect.

465. *Itarhia*.—Itarhia, *tauzi* no. 1716, lies in the village of that name, thana no. 569, Buxar. It was settled in 1842 at revenue of Rs. 8 0, in 1872 at revenue of Rs. 996, and in 1892 at revenue of Rs. 1,057. By 1907 three other estates 9887, 9888 and 9889 had been formed out of it by partition.

The revenue settled in 1907 was as follows :—

<i>Tauzi</i> no.	Revenue.	Area in acres.
1716	676	330
9887	452	226
9888	428	204
9889	8	3

Thus in that year the revenue incidence was about Rs. 2 per acre as against Re. 1-5-0 in the previous settlement. The assets of the 1907 settlement were Rs. 996 and the revenue 70 per cent. of this. At the present Settlement the assets were calculated as follows:—

	Rs.	Rate per acre.
3 acres of <i>nagdi</i> land (<i>dih</i>) ...	25	Rs. 8-5-4
134 acres of produce-rent lands ...	777	„ 5-12 9
85 acres of <i>bakshi</i> lands ...	232	„ 6-5-6
Miscellaneous assets ...	2	
Total ...	1,036	

On the basis of these assets my successor, who thought the existing revenue too high, proposed to fix the revenue at Rs. 570 or 55 per cent. of the assets. Even this was not accepted by the proprietors, and the estate is now held *khas*. The collections in 1913-14 and 1914-15 have been nil and Rs. 25 respectively. It is to be hoped that they will improve.

466. *Taufir Bhedia*.—The Settlement of *Taufir Bhedia*, *tauzi* no. 1298, lying in villages Dobha *Taufir* no. 64, Gangali no. 72, Mohanpur no. 73 and Kharba Tanr no. 74, all in thana Dumraon, presented some circumstances of interest. The estate is an alluvial accretion to the permanently-settled estate, *tauzi* no. 1292, belonging to the Dumraon Raj. It was one of the comparatively few temporarily-settled estates created as the result of the Diara Survey of 1863-64. It was settled in 1869 for Rs. 3,649, in 1882 for Rs. 2,414, in 1892 for Rs. 5,472. But as the area of the estate naturally changes from year to year owing to alluvion or diluvion comparisons between settlements are not profitable, unless the areas are considered. The settlement of 1892 was based on an area of 2,441 bighas giving an incidence of Rs. 2.24 per *bigha*, but was subsequently reduced to Rs. 4,922 on an area of 2,254 *bighas* or Rs. 2.15 per *bigha* and again from 1904 onward to Rs. 4,752 on an area of 2,223 *bighas* or Rs. 2.14 per *bigha*. Lastly, in 1908, a demarcation of the boundary between the permanently and temporarily-settled estates was made and pillars erected. The area of the temporarily-settled estate was then determined to be 1,941 *bighas* and the revenue was reduced to Rs. 4,111 or Rs. 2.13 per *bigha*.

At the present settlement it was found that the Dumraon Raj had only one *jamabandi* for the permanently and temporarily-settled estates. It was therefore, in the first place, necessary to separate the rents paid for lands lying in the two estates, before settlement of rent could be carried out in the temporarily-settled estates. It was also found that a portion of the temporarily-settled estates, as surveyed at the last settlement had been decided by the Criminal Courts to be in possession of the tenants of the Sheopur Diara estate, which pays revenue in Ballia District. This was accordingly excluded from *Taufir Bhedia* and the Collector of Ballia has undertaken the settlement of it.

As a result only 875 bighas are left in this estate, but owing to an increase of assets consequent on an enhancement of attested rents by two annas one pie per rupee, the revenue was determined at Rs. 2,952 or Rs. 3.26 per *bigha*. The substantial rise in the rate of revenue assessment is due not only to the enhancement of rent but also to the fact that the land lost to the Ballia estate is inferior to the bulk of the land of the estate. Maharaja Keshav Prasad Singh has accepted the settlement, including the condition that in the event of any land accruing to the estate by alluvion or by order of Civil or Criminal courts additional revenue will be demanded.

467. *Lain*.—A few estates of which the settlement expired on or before the 31st March 1914 were not settled for various reasons. Among these the case of the estate bearing *tauzi* no. 2707, in village *Lain*, thana no. 154, Mohanea is of special interest.

This settlement village comprises 23 revenue survey mauzas, all surveyed on the same revenue survey plan. The lands of the village had been originally given as *jagir* to the invalid sepoys, on whose death they were resumed and settled permanently with their descendants. Twenty-two estates were so formed, of which 21 were surveyed as separate revenue survey mauzas, while one was surveyed as two mauzas. It is interesting as showing the disregard of the collectorate mauzas by the Revenue Surveyors to remark that before the

revenue survey the 23 *jagirs* were reckoned to form part of the two neighbouring mauzas Maniarpur and Dumar Pokhar, and hence 16 of them are known as "*as rakbe Maniarpur*" and 7 as "*as rakbe Dumar Pokhar*".

The cultivation of the estates was neglected and all were at various times sold up for arrears of Government revenue. Eight of them, *viz.*, *tauzis* 2847, 2849, 2854, 2845, 2850, 2379, 2380 and 2381 were purchased by Government in the absence of private bidders and amalgamated to form *tauzi* number 2707. The remaining 14 estates, *viz.*, *tauzis* 2377, 2378, 2848, 2843, 2844, 2846, 2851, 2852, 2855, 2375, 2376, 2858, 2853 and 2856 were purchased by private persons. Owing to the facts that the lands were all uncultivated the separate estates were not properly located after the revenue sales. During the preparation of the record-of-rights Government was recorded as proprietor not only of the estates amalgamated as *tauzi* 2707, but also of four other estates 2848, 2851, 2852 and 2855. The lands of these estates are for the most part actually cultivated, but though Government has claimed the lands, actually no rent had been paid to any one. Again of the lands of *tauzi* 2707 some portions have been held by tenants paying rent to private proprietors. Further, it was found that of the eight estates which were amalgamated to form *tauzi* no. 2707, five had been settled for terms extending beyond 1914. On these facts being represented to the Collector, he agreed to extend the term of all settlements up to 1920, with a view to straightening out the tangle of possession in the meantime. It is important that this work should be taken up in good time.

468. *Keotia*.—In village Keotia, thana no. 24, Arrah, there is a temporarily-settled estate, *tauzi* no. 349. It was found that the temporarily-settled proprietor had lost possession of a considerable block of the estate as surveyed and settled in 1907, which was now held by permanently-settled proprietors of an adjoining estate. The action prescribed by Rule 206 of the Survey Manual was adopted, *viz.*, the sanction of the Commissioner was obtained under the proviso to clause 9, section 10 of Regulation VII of 1922, to making a separate settlement of this block with the party occupying it and constituting it a separate estate to which *tauzi* no. 11124 was given. The person found in occupation have, however, declined settlement, and the new estate is now let in farm, though those persons have attempted to establish their possession against Government by means of a proceeding under section 145 of the Criminal Procedure Code. The temporarily-settled proprietor who had lost possession has also given notice of a suit against Government. There should be no difficulty about defending the suit if it is prosecuted, as the provisions of the law were carefully observed at the time of the settlement.

469. *Need of collection of material for resettlement in the intervals between settlements*.—In spite of the very considerable amount of care that was taken to avoid inequitable enhancements of tenants' rents and to treat proprietors of temporarily-settled estates with the liberty which Government constantly enjoined, I have no doubt that some cases of failure have occurred. Although the experience gained throughout the permanently-settled parts of a district does materially help a Settlement Officer in charge of major operations to form general views regarding principles of assessment, yet the burden of conducting such operations leaves him too little leisure for the consideration of the individual cases and the acquisition of detailed local knowledge.

For these he has to trust to the Assistant Settlement Officers actually engaged on the work, and though I and, I believe, my successors had every reason to be satisfied with the energy and ability of those officers, yet I confess myself to a feeling of some anxiety when I consider on what slender evidence of the actual value of the products of the land some of the data of the settlement area based. At the same time I do not for one moment admit that the time and trouble taken has been thrown away, because our results were merely approximations. What I do urge is that more may be done in the interval between this and the next settlement to gather year by year really adequate estimates. This can only be done by trained and competent officers of the district staff. The estimates to be of any use must be widespread, regular and independent, and most of all must be tabulated after they have been accepted as worthy of credit, and not huddled away in dusty and oblivious almirahs.

PART VII.

EFFECTS OF THE SETTLEMENT OPERATIONS.

470. *Unrest caused by the operations.*—That survey and settlement operations throughout a district create a very considerable amount of unrest is a common place. In Shahabad it was anticipated that the unrest would at least reach the normal, and I remember being warned, before the operations began, of the terrors of the Bhojpuri raiyat and his *lathi* from which it appeared unlikely that the Settlement Officer and his subordinates would escape unscathed. It is gratifying to be able to say that all classes accepted and most welcomed the operations. But while the actual operations may go reasonably smoothly it is always a matter of concern whether the results of them are really commensurate with the money spent and the trouble involved. For information on this point I am mainly dependent on the help of Mr. T. S. Macpherson, who, while District Judge, kindly collected the opinions of the Judicial officers, serving under him, and has also allowed me to quote from his annual reports on Criminal and Civil Administration for the year 1915. The opinions of the Judiciary on the value of the record-of-rights are of first class importance, as they see far more of the record after it is finally published than any other officers.

471. *Effect on crimes of violence.*—With regard to the crime of the district the District Judge wrote :—

“It is remarkable that in the District of Shahabad there should have been only one Sessions trial on charges of rioting with culpable homicide and it would seem that the record-of-rights which has been finally published throughout the non-diara area of the district and the absence in jail of certain notorious diara maliks have brought unaccustomed peace to the district”.

It is probably too early to discuss statistically the effect of the record-of-rights in diminishing certain forms of crime, but the passage quoted above is a hopeful indication of a decided improvement in that respect.

472. *Increase of Civil litigation.*—In his Annual Administration Report of Civil Justice Mr. Macpherson wrote :—

“The pressure of work experienced in the Civil Courts of Shahabad in 1913 and 1914 as the after-math of the survey and settlement operations did not sensibly diminish in the year under report. Though the pending file at the end of the year seems high, it includes a large number of rent suits which will be decided *ex parte*, and it is possible to say that though for some years the new institutions will be heavy and the file will tax the energy of the district staff to the utmost, the worst is over and there are signs that the flood of litigation is tending to subside and certainly the proportion of rent suits in which a strenuous contest is to be expected is diminishing.”

473. *Inclusion of abwabs in landlord's demands.*—In rent suits many landlords aggrieved by the excision of illegal abwabs and illegal enhancements from the rents recorded in the record-of-rights still sue for the amount of rent shown in their *jamabandis*. With such a claim is frequently combined a prayer for settlement of fair and equitable rent which renders necessary a local enquiry. The enquiry was sometimes made personally by the Munsifs of Buxar and Sasaram who have had training under the Settlement Department and sometimes by Revenue officers as Commissioners. On the other hand, the raiyats have in some cases secured proof generally from the landlord's books produced during settlement operations that their recorded rents include illegal *abwabs* and they contest on this ground his claim for rent at the rate shown in the record-of-rights.

474. *Rent suits in the Bhabhua Subdivision.*—There has been a great increase in rent suits from the Bhabhua Subdivision. There is some reason to apprehend that the settlement operations were least successful in that area, and in any case it is clear that there has been a serious disturbance of the relations between landlord and tenant, probably because they were interpreted for the first time in the light of the Bengal Tenancy Act. It is said further that the rights of the aboriginal tenants of the Rohtas plateau were not understood.

As to the defects of the record-of-rights in the Kaimur hills, I understand that two particular points are the subject of criticism.

475. *Status of Kharwar headmen.*—The first point is the record of Kharwar headmen as tenure-holders having permanent rights but not holding at fixed rents. Mr. Sifton, the present Collector, is inclined to doubt whether they should have been recorded as tenure-holders at all. As a general rule, where the Kharwar headman remains he merely pays over to the landlord the rents he receives from the village and makes no profit at all. In fact as he has also to pay for his own lands, he usually pays more than he receives. It is argued that as he has not taken land to make a profit by sub-letting to tenant he is not a tenure-holder. But the definition of tenure-holder in section 5 is not exhaustive as I read it, for the word "primarily" seems to indicate that other kinds of tenure-holders may exist. The fact of the matter is that the classification of tenants in the Bengal Tenancy Act does not absolutely fit the conditions of all the areas to which it applies. But it has to be followed and in cases like this we are on the horns of a dilemma. If the headman is merely recorded as a raiyat, either the other tenants must be recorded as under-raiyats, or if they also are recorded as raiyats he has no power to collect the rents from them, although he is usually bound to do so by his agreement with the proprietor. It is obviously unjust to record the other tenants as under-raiyats.

476. *Resemblance to South Monghyr "Chakbanddars."*—It was suggested that the procedure adopted in South Monghyr as regards *Chakbanddars* which is explained in Appendix Y of the South Monghyr Final Report might be applied here. That was to record the *Chakbanddar* as a tenure-holder with regard to the whole "*chak*" and to note that he possessed occupancy right with respect to the land in his own cultivation. In other cases where *Chakbanddars* had not sub-let the lands originally brought under cultivation by themselves or their predecessors, they were recorded as raiyats, while the other tenants were also recorded as raiyats, with a note that they paid the rents through the *Chakbanddars*. As regards the first kind of entry, I am inclined to agree with Mr. J. Reid's opinion expressed in paragraph 5 of his letter no. 2504, dated the 28th April 1914, submitting the South Monghyr Final Report, that its legality is questionable in view of the provisions of section 22, Bengal Tenancy Act. As to the alternative it has to be considered whether the circumstances are the same. The *Chakbanddar* in South Monghyr was, I believe, definitely introduced by the proprietor in historical times. The Kharwar headman, however, is generally the descendant of the actual proprietor himself, who has been ousted from that position and degraded to his present position.

477. *Points of difference.*—Further, it is quite clear that in 1880 and in subsequent years these headmen definitely claimed the right to receive rents and to collect jungle fees, and in the present settlement those of them who had not been defeated in the Civil Courts, and some who had, still pressed for that position. I do not think they would have been satisfied to be placed on the same level as the ordinary raiyat. Neither do I see that any harm has been done, provided of course that they are supported in their resistance to demands from proprietors for enhanced rent, unless such enhancements have been decreed in Court, and provided that enhancement suits are tried by competent officers who are careful to take all the circumstances of each particular case into consideration, as they are bound to do under section 7. If, as Mr. Sifton reports, the superior landlords refuse to take the recorded rent the Kharwars should be induced to pay it into Court. In any case it is useless to discuss what might have been their status if the Chota Nagpur and not the Bengal Tenancy Act had been in force in the Kaimur Hills.

478. *Liability of uplands to assessment.*—The second point of criticism is less easy to answer. It is that contrary to the usual custom of hilly tracts, the *tanr* (upland) has in some cases been recorded either as *batai* or as "*kabilagan*" (liable to pay rent). As to the entry of *batai* I find that it has been made in twelve villages lying in the extreme north-west corner of the hilly tract of Bhabhua thana and covers a total area of 425 acres. Besides this there is an entry of about $2\frac{1}{2}$ acres in one village and of less than 1 acre in another village, somewhat detached from this block. There are no other entries of this kind in any hill village of Bhabhua thana except those which extend down into the plains from the plateau. I cannot without a disproportionate amount of labour give the figures for Sasaram thana.

479. *Produce rent entries.*—I quite agree that it is contrary to the general custom of the tract that anything should be paid as rent for “*tanr*” lands held in conjunction with “*dhanhar*” (rice) lands. Whether these are so held, I cannot say, but presumably they are. Some of them have been entered as “*batai*” on the admission of low-caste raiyats, and I think that the entries regarding them should be treated with some reserve in the event of the raiyats denying that they have ever paid a portion of the crop. In such cases it might reasonably be enquired whether rent receipts are given, and if not the landlord should, I think, be called on to show that he has actually realized any thing. In some cases there is clear evidence from the attestation rent notes that the entries are due to a mistake. Commutation might also be freely made where the produce-rent system is really found to be established, as there is absolutely no justification for its existence in that country. In so far as it encourages a few low-caste raiyats introduced by the landlord into the villages to cultivate poor lands badly, it is distinctly uneconomic and is probably an encroachment in the rights of the established cultivators to take up fresh land without payment of additional rent, unless and until they convert it into “*dhanhar*”.

480. *Kabil lagan entry.*—As regards the “*kabil lagan*” entry I do not remember the question coming up in 1912, when Bhabhua was attested. I was myself satisfied that the general custom was that “*tanr*” lands are held along with “*dhanhar*” lands and are not liable to pay separate rents. In March 1913 certain references on the point were made by one of the two attestation officers engaged in the hilly tract of Sasaram. On one of these Mr. Duncan noted, “It is the general custom in the Kaimur hills that the ‘*bhit*’ land is unassessed with rent. This is a concession on the part of the malik, and the Khas Mahal authorities, for instance, have reserved the right to assess such land in future. Where no such reservation is made these lands should, I think, be recorded ‘*Mafi*’ and where the reservation is made we should note in column 19 that no rent is realized from the raiyat for any ‘*bhit*’ lands which form part of his holding”.

On this Mr. Murphy, who was then Settlement Officer, noted that he had discussed the matter with Mr. Duncan, and thought the records might be left as they were. The entry in this village was—(1) where the holdings consist of only “*bhit*” lands and no rent is paid, the word “*belagan*” in column 8, and (2) where the holdings consist of both “*dhanhar*” and “*bhit*” lands, the “*bhit*” plots have been recorded as rent-paying along with the “*dhanhar*” plots, *i.e.*, no entry of “*belagan*” has been made in column 8 against the “*bhit*” plots. This order, therefore, in no way recognized “*kabil lagan*” as a suitable entry for “*bhit*” plots.

481. *The Boards order of 1883.*—In 1914, however, Babu Ramu Lal Varma, who had attested the hill tract of Bhabhua in 1912, was settling fair rents in Rohtas Government estate. He pointed out that the Board of Revenue in sanctioning the settlement of Pipra Izad Thakbast, a hill estate, temporarily settled with proprietors, had ruled that the occupation of *rabi* land (*i.e.*, “*bhit*” land) rent-free must not be recorded or recognized as right of any raiyat (letter no. 856-A., dated the 11th June 1883, to the Commissioner of Patna). This letter is quoted in paragraph 17(d) of Mr. (now Sir) D. J. Macpherson’s report on Shahabad Government estates. The “*bhit*” lands were not, however, assessed in any Government estate either at previous settlements or in this settlement. Mr. Duncan, however, as Settlement Officer, ordered that the entry “*belagan*” should be changed to “*kabil lagan*” in order that there should be no question that the land was not absolutely unassessable but only unassessed.

The entry appears to have been adopted in private estates, too, though by no means uniformly. I think that it was a mistake to make it without qualification. In Government estates it is probable, though, in view of certain disquieting features which have been observed in Shahabad and elsewhere, by no means certain that no advantage will be taken of the entry unless and until the conditions of agriculture in the tract have changed very materially, as they might conceivably do with the progress of science. But in private estates there

is no guarantee at all that landlords will not harass their raiyats until they agree to an assessment out of Court, or succeed in gaining from an officer unacquainted with the conditions of the tract an assessment which any well-informed officer would at once see is unfair and inequitable. At the same time, I ought to point out that Mr. Craven when settling the Kolhan in 1895-97, preserved the old rate for rice lands and imposed a new assessment of two annas per acre on upland cultivation and this was accepted without any opposition. It would therefore seem that there is good ground for holding that upland cultivation should not be recorded as not liable to assessment.

(*Vide* paragraph 11 of Mr. H. McPherson's letter no. 107-T., dated the 14th June 1912, to the Board of Revenue.)

482. *Rent suits throughout the districts.*—Institutions of rent suits in 1914 were 11,114 and in 1915, 11,409. Regarding these the District Judge writes :—

“The actual variation is small. The increase would, however, have been a decrease except for a rise in institutions at Sasaram from the Chainpur Pargana. Prior to settlement operations that area was largely oblivious of the provisions of the Bengal Tenancy Act or the Law of Limitation. In future, however, the relations of landlords and tenants will doubtless be governed by the statute rather than by custom as heretofore. The normal pre-settlement institution of rent suit was some 7,000 to 8,000. The tendency to a decrease in institutions is already observable in the areas where settlement operations were first completed, because the raiyats of the lower castes pay the ascertained rent without demur. But the raiyats of the higher castes from long habit systematically default cynically hoping that as in the past some accident of limitation or mistake in execution proceedings will relieve them of part at least of their liability, or that as in the past in the Dumraon Raj, their holding may be sold up, and they will be able to sit rent-free for years until the landlord awakes. In respect of this class of raiyat, the record-of-rights is the Magna Charta of the larger landlords, who will not hesitate to bring rent suits at the recorded rent. It is not expected, therefore, that institutions will, at any rate for several years, fall to the pre-settlement level, but the great majority of suits will be decreed *ex-parte* at the rent shown in the settlement record or the fair and equitable rent settled under section 106, Bengal Tenancy Act.”

Only 49 in 1914 and 73 in 1915 of the suits under the rent law were for enhancement or abatement of rent. As regards this the District Judge writes “suits for enhancement of rent are wonderfully few considering how sore landlords are over the cutting out of illegal enhancement and illegal abwabs by the settlement authorities.”

483. *Noting of results of case work on the certified copies of the record distributed to landlords and tenants.*—What is, I think, a definite defect, in the existing practice of district settlement operations has been noted by Mr. Macpherson in the following terms :—

“Certified copies of the record-of-rights were issued to raiyats and to the sole or chief co-sharer landlord shortly after final publication of the record. But in consequence of orders upon applications under section 105 and in suits under section 106, Bengal Tenancy Act, which have probably effected lakhs of entries in the record (there have been over 2,544 appeals to the Special Judge under section 109 of the Bengal Tenancy Act) which under section 109-D have to be entered in the record-of-rights and which are under the statute part of the record-of-rights, such certified copies have become incomplete copies of the record-of-rights, and it is unsafe to rely upon them. Both the District Judge and the Collector drew the attention of the revenue authorities to the matter. It is clearly impossible for the Munsifs in (to take one example out of many) 5,000 to 7,000 *ex-parte* rent suits, many of them at Buzar or at Sasaram to consult the record in the Collector's record room or to ask the Collector to supply certified copies.

This matter is of the utmost importance to the Civil Courts in Shahabad where the number of entries under section 109-D has attained dimensions beyond anything experienced in any other district.”

The matter is engaging the attention of the Settlement Officer in consultation with the District Judge and the Collector.

484. *Munsifs' opinions on the value of the record.*—I have elsewhere referred to the very interesting notes given by Munsifs on the result of the operations. They are all agreed that the disposal of rent suits has been vastly simplified. “Contests now are mostly trivial and flimsy and there is no need of filing and proving heaps of ‘*sahas*’ and ‘*jamabandi*’ papers, as of old.” “Most of the rent suits are disposed of ‘*ex-parte*’

and a large number of them are satisfied shortly after they are filed." "Disputes have been settled once for all in rent suits and unsettled state of affairs will no longer be seen in respect of rents of lands which hitherto have been in chaotic confusion." "Now-a-days the entries in the record-of-rights are rarely assailed. The record-of-rights has been a great boon to many of the petty landlords who had not proper collection papers." "Comparatively few (rent suits) are contested. The tenants seem to have realized that frivolous objections against the record-of-rights only serve to increase costs of the suits." The Munsifs of Shahabad, it is evident both from their own notes as well as from the experience of the District Judge, are generally well aware of the legal presumption of correctness attaching to the entries in the record, and are at considerable pains to observe the provisions of section 147-A and 147-B. Thus one Munsif writes "In deciding *ex parte* rent suits I frequently find on comparing survey khatians with the plaints that the landlords claim rents at rental higher than that of the survey records by a few annas or a few pies. When it is detected they do not press the claim at the higher rental." As regards the general value of the operations another Munsif has a very interesting note—

"People appear to have fully realized the benefits of the settlement operations and landlords and tenants have come fully to understand their respective rights. The landlords and their agents attend Court with their big volumes of village *Khatians* and the tenants with their Khanapuri *parchas*, area slips and maps tied in a roll at one end of their wrapper (Dohar). No sooner is the tenant asked, he will tell his *khata* number and the yearly rental. It is a pleasing sight to one who had seen these tenants in the pre-settlement days and in the earlier period of the operations when put to a question what is the yearly rental he would most perplexingly look to the *Tahsildar* or *Patwari* standing opposite the attestation table. Whenever a tenant is asked what is the amount of his mortgage debt and date of its execution he has no longer to appeal to the creditor who never gave out the true figures on purpose, but the tenant at once tells the real figures. Each tenant has got a map and this is a boon inestimable to him."

I have besides had a number of special questions put by the Munsifs as to the interpretation of various entries, which, at the suggestion of the District Judge, I have endeavoured to answer as far as I could in the body of this report.

485. *Meaning of "Kaemi."*—One that is of prime importance I have not dealt with elsewhere, viz., meaning of the word "*Kaemi*." One Munsif thinks it is the term used for occupancy status and suggests that we should differentiate between that and the status of a settled raiyat. The answer is that we do and that "*Kaemi*" is the translation of "settled raiyati" status, not of the status of an occupancy raiyat which is translated "*dakhilkar*." If other difficulties arise of this kind I would refer any body interested to the "Guide and Glossary to the Survey and Settlement Operation in the Patna and Bhagalpur Divisions" published at Calcutta by the Bengal Secretariat Book Depot in 1907. If this is now out of print, it should certainly be brought up to date and re-printed without delay. Mr. James has given explanations of several words in his Patna Final Report and some will be found in the Glossary at the beginning of this report.

PART VIII.

CONCLUSION.

VILLAGE OFFICIAL.

486. *Patwaris*.—The *Patwari* is no doubt in Shahabad more nearly a Government official than in any other district of Bihar. But even there he is, as a rule, much more a servant of the landlord than he is a Government official, though he is often able to hold his own, and play for his own hand against both Government and the landlord. He is still liable to be dismissed by the Collector, and he has in the past had to file in the Collectorate at certain intervals extracts from the village accounts known as "*teiskhana*" papers from the fact that the form contains 23 columns. He is generally paid from the "*neg*" realized at $\frac{1}{2}$ anna in the rupee on the rent, though occasionally he is paid in cash or by a percentage of the collections as elsewhere. The "*neg*," is, I believe, a legal demand under section 18 of Regulation XII of 1817. But as it has generally been attested as part of the rent in the absence of any protest from the raiyats, it should not be separately realized over and above the rent, unless the landlord can show, that it has been definitely cut out from the total demand in the course of the present operations. There was a proposal a few years ago to repeal the *Patwari* Regulations throughout the province and now that there is a record-of-rights in Shahabad there would, I think, be no objection in that district to the final abolition of *patwaris* as quasi-Government servants.

487. *Goraitis*.—The landlords maintain a "*gorait*" in nearly every village, who is supported, as a rule, by means of land on a service tenure. He is liable to his landlord for various services, such as the supply of "*rasad*" calling up raiyats, carrying messages, etc. One attestation officer notes that he found *goraitis* of much assistance, when deciding possession disputes between two raiyats and probably they would be found useful by any officer holding local enquiries provided the landlord himself had no interest in the case.

488. *Abwab*.—The following list of *abwab* found in Shahabad has been compiled from attestation officer's notes. Generally the *abwab* were amalgamated with the rent a comparatively short time ago, but some are still realized :—

Name of <i>abwab</i> .	Usual rate.	Appropriated to—	Explanation.
1	2	3	4
CASH-RENTS.			
<i>Bata</i> ...	1 anna per rupee of rent.	Landlord ...	Presumably for difference between <i>sicca</i> rupees and Company's rupees. But it has been found before 1836, when Company's rupees were first declared sole legal tender. Its legality is doubtful.
<i>Sarak</i> ...	$\frac{1}{2}$ anna per rupee ...	Ditto ...	For upkeep and protection of roads.
<i>Neg</i> ...	$\frac{1}{2}$ anna per rupee but sometimes 1 anna and sometimes only $\frac{1}{4}$ anna.	<i>Patwari</i> ...	The ordinary manner in which <i>patwaris</i> are paid. Probably a legal demand though not rent, by reason of section 18, Regulation XII of 1817. Also known as " <i>Rasum</i> ", " <i>Marsum</i> " (Chainpur Pargana) and " <i>Takahi</i> " (Kaimur bills).

Name of <i>abuab.</i>	Usual rate.	Appropriated to—	Explanation.
1	2	3	4
CASH-RENTS—			
<i>concl'd.</i>			
<i>Kharcha</i> ...	½ anna per rupee ...	Landlord's <i>amla</i> and peons.	For their expenses.
<i>Chanda</i> ...	Indefinite ...	Landlord	Intended for gifts to Brahmans.
<i>Darmokaka</i>	½ anna per rupee ...	Ditto	Meaning unknown. Found in Chainpur Pargana.
<i>Mohrana</i> ...	½ anna per rupee ...	Ditto	Found in one village of the Kaimur Hills. Intended as payment for stamping rent receipts which are, however, no longer given.
<i>Kathmari</i> ...	Ditto ...	Ditto	Found in Kaimur Hills. Originally meant for an <i>amin</i> . It means "moving wood", i.e., surveying by pole. But no <i>amin</i> is now employed.
PRODUCE-RENT.			
<i>Berhi</i> ...	¼ to ½ seer per maund of landlord's share.	<i>Patwari</i>	It is not usually claimed except when the landlord's nominal share is less than one-half.
<i>Dhari</i> ...	½ to 1 seer per maund of landlord's share Elsewhere 10 seers, wherever the total outturn exceeds 10 maunds or sometimes 5 maunds.	Landlord	The explanation given by one officer is that originally "dhari" was 10 seers weight of grain put in one pan of the scales used for weighing and kept there throughout the weighing and then given to the weighman. I admit I do not see the force of this arrangement.
<i>Supahi</i> ...	½ to 1 seer per maund of total produce.	Landlord's <i>amla</i> ...	Means relating to the "sup", i.e., the winnowing fan or basket. Sometimes merely one "sup" full of grain is taken from the total produce. Found in Kaimur hills.
<i>Amlakarcha</i>	½ seer per maund of total produce.	Ditto	For their expenses.
<i>Pachhua</i> ...	5 seers ...	Landlord	Taken only from non-resident raiyats whose produce exceeds 5 maunds. Means "afterwards" because it is taken after division is completed from the raiyat's share. Kaimur hills.
<i>Ramdani or Machuber.</i>	½ seer per maund of total produce.	...	For religious purposes. Kaimur hills.
<i>Kannawa</i> ...	Ditto ...	Landlord's servant	This is for the "Kandu" who works for the landlord's <i>amla</i> when they go to the village. Kaimur hills.
<i>Pawai</i> ...	½ seer per maund on total produce.	Weighman	Kaimur hills.

As regards the produce-rent *abwab*, where I have noted "Kaimur hills," it is really rather the tract of the plains below and to the north of the hills, where these *abwab* are found. Though the list is a considerable one, yet it may fairly be said that except for *bata*, *sarak*, *neg* and *kharcha* in cash rents, and *serhi* and *dhari* in produce rents, the others are mere curiosities. W. A. Brooke rooted out *abwab* in 1789 so thoroughly that all attempts to reintroduce them on a considerable scale have failed.

489. *Weights and measures*.—The district of Shahabad is fortunate in having only two standards of measurements in general use, *viz*, the $5\frac{1}{2}$ *kath bigha*, which is almost exactly five-eighths of an acre, and the $3\frac{1}{2}$ *kath bigha*, which is almost exactly one quarter of an acre. The former is universal over the Sadr and Buzar Subdivisions, and general in Sasaram Subdivision. The latter is found particularly in Chainpur Pargana which covers most of the Bhabhua Subdivision. In the Kaimur hills land measurement is scarcely understood, and the only approximate measure is the "Jiwan" which is perhaps a term like the old English "plough gate" denoting an area capable of being ploughed in about eight days or requiring a certain amount of seed reckoned as $4\frac{1}{2}$ local maunds to 6 local maunds according to the quality of the soil. It is usually taken as equal to four *bighas* or $2\frac{1}{2}$ acres, but it is not a term of precision at all. In three villages of Mohanea thana the landlord claimed that the *bigha* only contained 16 kathas, a reminiscence painful to me of the "kamarband" controversy in Bhagalpur. The claim was disallowed. Weights are much more confusing. One weight is the *kacha* maund of 10 seers each equal to 44 tolas or $\frac{11}{10}$ of the *pakka* maund (Chainpur Pargana). The most common, however, which is generally in use outside Chainpur pargana consists of 8 *paseris* of 6 seers each which again contain 14 *gandas*, and is equal to $\frac{42}{5}$ of the *pakka* maund. The *ganda* is thus $\frac{7}{5}$ tolas. The variations are partially explained by the use of Gorakpuri pice instead of rupees as the lowest unit of weight. The village measures of area and weight are given in the village note which, though not part of the record-of-rights, is a useful guide and generally trustworthy on such points.

NOTICE OF OFFICERS.

490. A list of the officers who were employed on these operations is given in Appendix A.

I wish to express my great appreciation of the value of the work done by practically all of these officers, and I am sure that the other officers who have held the post of Settlement Officers in Shahabad would be ready to join me in this appreciation.

The outstanding difficulty of the work, the treatment of "*guzashta*" tenancies, was courageously tackled by Mr. Murphy and Mr. Philip, and I had little to do but to elaborate their ideas. For the detail of that work, as well as for much valuable help in working out principles for fair rent settlement in Government and temporarily-settled estates, I was very much indebted to the late Mr. Shettle whose premature death was a great loss. Mr. James' wide experience of survey and settlement was most valuable in South Shahabad, while Mr. Rowland during his unfortunately short association with the operations did much useful work. Messrs. Tanner and Duncan lost no time in acquiring an intimate knowledge of the details of the work and established reputations for thoroughness, which their subsequent work in Gaya has further enhanced. I am particularly indebted to Mr. Tanner for much help in writing this report.

Rai Sahib Nilmani Dey made an excellent Assistant Settlement Officer in charge. He has been associated with settlement operations in every district of Bihar and has very fully earned the title conferred upon him. Maulavi Shamsuddin Haidar, as Assistant Settlement Officers at Head-quarters for the Settlement Branch, filled that difficult and laborious position with great success, while Mr. J. H. Murphy, who was Professional Adviser and in general charge of the Cadastral Branch, worked most loyally and well. I am much indebted to Mr. Murphy for the excellent maps he has provided for the report.

Of the other officers, who nearly all worked well, it is somewhat invidious to make a selection. The following deserve special mention :—

Maulavi Abul Khair Mubammad Ishaq, Mr. Nrisinha Ranjan Mukharji, Babu Bijay Bihari Mukharji, Babu Sudhanshu Bhushan Mitra, Pandit Lakshmi Misra, Babu Satamanya Mukharji, Babu Surendra Nath Banarji II of Deputy Collectors, and Babu Surendra Nath Mukharji and Babu Sachindra Kumar Sen of Munsifs. I am particularly obliged to Babu Sudhanshu Bhushan Mitra and Pandit Lakshmi Misra for much help with this report.

I should also like to echo the appreciation, given by Mr. James in his Patna Final Report, of the services of the subordinate staff of Khanapuri Kanungos, Inspectors, Amins and Settlement clerks of all grades.

My thanks are due to Mr. H. McPherson and Mr. J. Reid, the two Directors of Land Records under whom I served, and also to the various officers who were Collectors of Shahabad during the operations.

While the Report was passing through the Press, Mr. Duncan's death from wounds received in action was announced. Government has lost in him an officer of marked ability, fine character and extensive knowledge of agrarian conditions. His death and that of Mr. H. T. Cullis, who was killed in the trenches in Flanders in December, 1915, are matters of personal grief to the large staff of the Bihar Settlement, with whom they had been closely associated.

APPENDIX A.

List of Officers who worked in the Shahabad District.

Name of Officer.	Designation.	Nature of employment.	Period of employment.	Remarks.
1	2	3	4	5
			Y. M. D.	
P. W. Murphy, Esquire, I.C.S. ...	Settlement Officer ...	General control and supervision.	1 9 12	
J. A. Hubback, Esquire, I.C.S. ...	Settlement Officer and Assistant Settlement Officer in charge.	Ditto ...	2 10 10	
P. S. Shettle, Esquire, I.C.S. ...	Ditto ...	Ditto ...	1 5 15	Deceased.
E. L. Tanner, Esquire, I.C.S. ...	Settlement Officer ...	Ditto ...	2 1 15	
A. B. Duncan, Esquire, I.C.S. ...	Settlement Officer and Assistant Settlement Officer in charge.	Ditto ...	2 8 22	Died of wounds received in action.
J. F. W. James, Esquire, I.C.S. ...	Assistant Settlement Officer in charge.	Ditto ...	0 5 17	
C. L. Philip, Esquire, I.C.S. ...	Ditto ...	Ditto ...	1 4 23	
F. G. Rowland, Esquire, I.C.S. ...	Assistant Settlement Officer in charge.	Ditto ...	0 9 4	
Rai Sahib Nilmani Dey	Deputy Collector and Assistant Settlement Officer in charge.	Ditto ..	0 4 7	
Maulavi Shamsuddin Haidar	Deputy Collector and Assistant Settlement Officer at headquarters.	In charge of headquarters and Case work.	3 0 0	
Maulavi Abul Khair Muhammad Ishaq.	Ditto ...	Ditto ...	2 7 26	
Mr. Nrisinha Ranjan Mukharji ...	Deputy Collector and Assistant Settlement Officer.	Attestation and Case work, Section 104 work.	2 3 22	Transferred Bengal.
Babu Ramapada Chatarji	Ditto ...	In charge of headquarters.	0 3 9	Ditto.
Babu Bijay Bihari Mukharji	Ditto ...	Attestation and Case work.	1 6 29	Ditto.
Mr. C. St. J. Howe ...	Ditto ...	Khanapuri ...	0 6 19	
Babu Sudhanshu Bhushan Mitra ...	Ditto ...	In charge of headquarters, Attestation, Case work and Section 104.	4 9 10	
Mr. I. Y. Downing ...	Ditto ...	Khanapuri ...	0 6 4	Left service.
Mr. Kenneth Raha ...	Ditto ...	Ditto ...	0 5 24	
Babu Jiban Chandra Chstarji ...	Ditto ...	Attestation and Case work	1 10 2	Transferred Bengal.
Babu Phani Bhushan Mitra ...	Ditto ...	Ditto ...	2 2 24	Ditto.
Babu Sharat Chandra Mukharji ...	Ditto ...	Ditto ...	0 8 25	
Babu Ramu Lal Varma	Ditto ...	Ditto ...	1 9 22	
Maulavi Abdul Qadir Khan	Ditto ...	Ditto ...	0 4 27	
Babu Chandra Kumar Mathur ...	Sub-Deputy Collector and Assistant Settlement Officer.	Khanapuri, Attestation, Case work and Office work.	3 1 6.	
Munshi Shamsbir Jang Bahadar...	Ditto ...	Attestation and Case work.	1 3 9	

APPENDIX A—continued.

List of Officers who worked in the Shahabad District.

Name of Officer.	Designation.	Nature of employment.	Period of employment.	Remarks.
1	2	3	4	5
			Y. M. D.	
Pandit Lakshmi Misra ...	Sub-Deputy Collector and Assistant Settlement Officer.	In charge of headquarters, Case work, Attestation and Section 104 work.	3 1 0	
Maulavi Anwar Karim ...	Ditto ...	Khanapuri, Case work and Recovery.	1 5 19	
Babu Madhab Chandra Misra ...	Ditto ...	Case work ...	0 10 18	
Babu Kshetra Mohan Mukharji ...	Ditto ...	Attestation and Case work	0 9 11	Transferred to Bengal.
Maulavi Muhammad Sahab Uddin Khan.	Ditto ...	Khanapuri ...	0 5 2	
Babu Fatamanya Mukharji ...	Ditto ...	Khanapuri and Office work.	1 0 16	Ditto.
Mr. Dharendra Lal Day ...	Ditto ...	Khanapuri ...	0 6 9	Ditto.
Babu Bhupendra Nath Ghoshal ...	Ditto ...	Ditto ...	0 8 27	
Babu Sati Prasad Ganguli ...	Ditto ...	Khanapuri and Case work	1 1 15	Ditto.
Babu Srimohan Das Gupta ...	Ditto ...	Attestation and Case work	0 8 0	Deceased.
Babu Lalit Kumar Sen ...	Ditto ...	Ditto ...	2 9 13	
Babu Surendra Nath Banarji, II ...	Ditto ...	Attestation, Case work, Section 104 work and Office work.	1 10 24	Transferred to Bengal.
Babu Haripada Ray ...	Ditto ...	Attestation and Case work	0 9 17	Ditto.
Babu Surendra Nath Bhattacharji	Ditto ...	Ditto ...	0 9 10	
Babu Nalinindra Lal Bose ...	Ditto ...	Khanapuri ...	0 5 26	
Babu Abizash Chandra Banarji ...	Ditto ...	Attestation and Case work	0 10 24	Transferred to Bengal.
Babu Jug Dutt ...	Ditto ...	Case work ...	0 7 23	
Babu Chandra Madhab Prasad ...	Ditto ...	Attestation and Case work	0 9 23	
Babu Atul Chandra Som ...	Ditto ...	Khanapuri ...	0 6 8	
Maulavi Saiyid Muhammad Abjullah.	Ditto ...	Ditto ...	0 5 9	
Maulavi Saiyid Amanat Hussain ...	Ditto ...	Case work ...	0 0 15	
Maulavi Safdar Husain ...	Ditto ...	Attestation ...	0 6 23	
Babu Jahnabi Prasad Singh ...	Ditto ...	Khanapuri ...	0 4 23	
Babu Bishun Lal ...	Ditto ...	Khanapuri and Office work. Final publication.	8 0 0	Dismissed.
Babu Sant Bilas Singh ...	Ditto ...	Khanapuri, Attestation, Recovery and Office work.	2 10 0	
Babu Atul Gopal Ray ...	Ditto ...	Attestation and Case work	0 9 14	Transferred to Bengal.
Babu Pashupati Ghose ...	Ditto ...	Ditto ...	0 11 24	
Babu Sakhdeo Narain ...	Ditto ...	Office work and Final publication.	0 10 0	
Mr. H. J. B. LePatourel ...	Ditto ...	Khanapuri ...	0 7 5	
Babu Shashi Bhushan Ghosh ...	Ditto ...	Khanapuri and Office work.	1 4 0	Transferred to Bengal.

APPENDIX A—concluded.

List of Officers who worked in the Shahabad District.

Name of Officer.	Designation.	Nature of employment.	Period of employment.	Remarks.
1	2	3	4	5
			Y. M. D.	
S. Hafiz-ud-din Balkhi ...	Assistant Settlement Officer.	Khanapuri and Office work.	1 10 10	Resigned.
Mr. Ibtisam Ali Khan ...	Munsif and Assistant Settlement Officer.	Khanapuri, Attestation and Case work.	1 8 1	
Babu Narendra Nath Chakravarti	Ditto ...	Khanapuri and Attestation.	1 0 0	
Babu Surendra Nath Mukharji ...	Ditto ...	Khanapuri, Attestation and Case work.	1 8 0	
Babu Sarada Prasad Datta ...	Ditto ...	Ditto ...	1 0 12	Transferred to Bengal.
Babu Sachindra Kumar Sen ...	Ditto ...	Ditto ...	1 1 25	Ditto.
Babu Sheonandan Prasad ...	Ditto ...	Ditto ...	1 4 8	
Babu Ram Chandra Ghose ...	Ditto ...	Ditto ...	1 8 8	Transferred to Bengal.
Maulavi Usman Ali ...	Ditto ...	Attestation ...	0 5 8	
Babu Amarnath Chattarji ...	Ditto ...	Attestation and Khanapuri.	0 8 2	
Babu Brajendra Kumar Biswas ...	Ditto ...	Khanapuri, Attestation and Case work.	1 8 1	
Babu Raj Narayan ...	Ditto ...	Ditto ...	1 6 0	
Pandit Ram Chandra Chaddhuri ...	Ditto ...	Ditto ...	1 6 1	
Maulavi Abdush Shakur ...	Ditto ...	Case work ...	0 5 0	
Maulavi Muhammad Ab Barkat	Ditto ...	Ditto ...	0 8 0	
Babu Harihar Prasad ...	Ditto ...	Ditto ...	0 4 0	
Babu Muneshwari Prasad ...	Ditto ...	Ditto ...	0 2 28	

APPENDIX B.

List of Notifications issued in connection with Survey and Settlement of Shahabad District.

Serial no.	Notification no.	Date.	Brief of notification.
1	2	3	4
1	424-L.R. ...	20th January 1908 ...	Authorizing under section 3 of the Bengal Survey Act, the survey of thana Arrah.
2	2315-T.R. ...	27th October 1908 ...	Authorizing under section 101 (i) of the Bengal Tenancy Act, the survey and preparation of a record-of-rights in thana Arrah with the exception of those lands for which a record-of-rights has already been prepared in connection with the Survey and Settlement of Government estates, temporarily-titled estates and zamindari estates.
3	4237-L.R. ...	7th November 1908 ...	Authorizing under section 3 of the Bengal Survey Act, the survey of thanas Shahpur, Piro, Dumraon, Buxar and Bikramganj.
4	2445-L.R. ...	25th July 1909 ...	Authorizing under section 3 of the Bengal Survey Act, the survey of thanas Mohania, Karghar and Bhabhua.
5	1792-T.R. ...	7th September 1909 ...	Authorizing under section 101 (i) of the Bengal Tenancy Act, the survey and preparation of a record-of-rights in thanas Shahpur, Piro, Bikramganj, Buxar and Dumraon with the exception of those lands for which a record-of-rights has already been prepared under Chapter X of the Bengal Tenancy Act in connection with the Survey and Settlement of Government estates, temporarily-settled estates and zamindari estates.
6	1791-T.R. ...	7th September 1909 ...	Amending the exceptions in serial 2 in agreement with serial 5.
7	868-T.R. ...	13th June 1910 ...	Authorizing under section 3 of the Bengal Survey Act, the survey of thanas Sasaram and Dehri.
8	1486-T.R. ...	9th September 1910 ...	Authorizing under section 101 (1) of the Bengal Tenancy Act, the survey and preparation of a record-of-rights in thanas Karghar, Mohania and Bhabhua with exceptions as in serial 5.
9	1860-T.R. ...	3rd October 1910 ...	Cancelling serial 1 so far as it concerns the area lying betw. on the middle of the deep stream of the river Ganges and the outer boundaries of certain villages specified in the notification.

APPENDIX B—continued.

List of Notifications issued in connection with Survey and Settlement of Shahabad District.

Serial no.	Notification no.	Date.	Brief of notification.
1	2	3	4
10	1861-T.R. ...	3rd October 1910 ...	Cancelling serial 3 in a similar manner.
11	1862-T.R. ...	Ditto ...	Cancelling serial 2 in a similar manner.
12	63-T. ...	Ditto ...	Cancelling serial 5 in a similar manner.
13	778-T.R. ...	7th June 1911 ...	Authorizing under section 101 (1) of the Bengal Tenancy Act, the survey and preparation of a record-of-rights in certain Government estates for which a record-of-rights had been previously dealt with under Chapter X of the Bengal Tenancy Act.
14	1386-T.R. ...	15th September 1911...	Authorizing under section 101 (1) of the Bengal Tenancy Act, the survey and the preparation of a record-of-rights in thanas Sasaram and Dehri with exceptions as in serial 5.
15	5951-R. ...	27th August 1913 ...	Reviving notification no. 424-L.R., dated the 20th January 1908, subsequently cancelled by notification no. 1860-T.R., dated the 3rd October 1910, so far as it concerns Molna Chak, thana no. 437, thana Arrah.
16	5952-R. ...	Ditto ...	Reviving notification no. 2315, dated the 27th October 1908, subsequently cancelled by notification no. 1862-T.R., dated the 3rd October 1910, so far as it concerns village Molna Chak.
17	5953-R. S-136 ...	Ditto ...	Cancelling notification no. 2315-T.R., dated the 27th October 1908, so far as it concerns Shankarpur, no. 441, thana Arrah.
18	5954-R. S-136 ...	Ditto ...	Cancelling notification no. 1792-T.R., dated the 7th September 1909, so far as it concerns Rajapur Tausir, no. 63, thana Dumraon.
19	1934-R. S-68 ...	16th March 1914 ...	Cancelling notification no. 2315-T.R., dated the 27th October 1908, so far as it concerns the northern portions of Mahadewa, no. 4, thana Arrah and Shankarpur, no. 11, thana Arrah.

APPENDIX B—concluded.

Final Publication Notifications.

Serial no.	Notification no.	Date?	Brief of notification.
1	2	3	4
1	<u>7171</u> S-223 ...	30th October 1913 ...	Declaring that under section 103(A), sub-section (2) of Bengal Tenancy Act, record-of-rights have been finally published in every village included in thana Bikramganj.
2	<u>3000</u> S-125 ...	22nd April 1914 ...	Declaring that under section 103(A), sub-section (2) of Bengal Tenancy Act, record-of-rights have been finally published in every village included in thanas Piro and Dumraon with the exception of certain villages in thana Dumraon.
3	<u>609</u> S-53 ...	28th January 1915 ..	Declaring that under section 103(A), sub-section (2) of Bengal Tenancy Act, record-of-rights have been finally published in every village included in thanas Mohania, Karghar and Bhabhua.
4	<u>5080</u> S-170 ...	26th July 1915 ...	Declaring that under section 103(A), sub-section (2) of Bengal Tenancy Act, record-of-rights have been finally published in every village included in thanas Arrah, Shahpur, Buxar, Sasaram, Dumraon and Dehri with exception of certain villages of thanas Dumraon, Dehri and Arrah. It also cancels notification no. $\frac{3000}{S-125}$, dated the 22nd April 1914, so far as it relates to thana Dumraon.

1	Cropped area.							9	Culturable area other than current fallow.					
	Bhadri.	Agbani.	Babi.	Other cropped area.	Total.	Dofgali.	Net cropped area.		Current fallow.	Old fallow.	Groves not fruit-bearing and bamboos.	Culturable jungle.	Other kinds.	Total.
2	3	4	5	6	7	8	9	10	11	12	13	14	15	
BUXAR SUBDIVISION.														
Buxar	9,174	8,848	126,100	2,917	219,064	64,129	18,836	6,631	13,410	329	161	480	14,378	
Dumraon	27,105	55,906	116,543	7,733	207,285	4,501	166,784	6,124	7,144	910	1,158	345	8,547	
Total	36,279	134,754	242,643	10,650	426,349	108,630	355,620	12,755	20,554	1,239	1,319	825	22,925	
SADH SUBDIVISION.														
Arrah	27,651	47,851	134,909	8,432	218,843	97,012	181,331	2,044	4,916	667	251	1,123	6,948	
Piro	14,940	106,229	122,910	3,530	247,608	6,715	161,604	2,667	5,770	906	179	1,373	7,423	
Shahjpur	16,872	48,251	90,609	5,180	165,912	28,634	137,283	3,725	6,850	320	85	415	7,063	
Total	59,463	192,331	348,428	17,142	632,363	132,361	479,618	8,436	17,536	1,993	515	1,913	21,434	
SASARAM SUBDIVISION.														
Bikramganj	18,145	100,322	150,500	4,014	271,071	78,297	192,774	5,519	12,248	172	299	324	13,048	
Karghar	10,049	56,446	125,418	694	192,607	53,533	139,074	2,924	10,072	166	48	323	10,615	
Sasaram	12,273	68,384	116,163	1,144	193,363	45,311	148,052	3,240	19,064	129	46,411	635	68,499	
Dehri	5,481	40,191	45,405	2,823	93,100	28,547	64,553	1,734	7,835	327	2,069	696	10,817	
Total	45,948	265,343	437,586	7,675	750,141	205,688	544,453	13,417	49,220	794	48,823	2,388	100,980	
BHABHUA SUBDIVISION.														
Bhabhua	16,743	88,235	109,238	782	274,998	67,023	207,975	6,814	17,448	178	30,120	700	48,504	
Mohanla	14,562	60,662	167,724	1,348	244,496	61,201	93,295	6,072	23,428	315	44	459	25,157	
Total	31,305	148,897	276,962	2,130	519,494	128,224	301,270	12,886	40,876	593	31,164	1,159	73,661	
GRAND TOTAL ..	170,995	744,519	1,868,008	37,785	2,319,303	573,493	1,745,809	52,694	124,203	3,523	61,825	7,091	230,548	
Hill villages in Bhabhua thans nos. 831 to 1037.	5,294	9,022	5,378	14	19,708	2,043	16,665	1,337	4,144	—	27,701	58	51,926	

DIX C.

KHASRA.

Area not available for cultivation.				Total uncultivated, columns 9, 16 and 18.	Total area, columns 8 and 19.	Irrigated area.	Irrigated area and how irrigated.					Details of Irrigated area as regards Crops.					Number of Wells.	
House sites.	Water.	Other kinds.	Total.				Irrigated from Wells.	Irrigated from Government Canals.	Irrigated from private Canals.	Irrigated from Tanks and Abans.	Irrigated from other sources.	Rice.	Wheat.	Other cereals and pulses.	Other food crops.	Non-food crops.	Masonry.	Earthen.
15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33
Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.
2,180	5,910	8,108	16,198	37,488	195,301	65,000	8,482	59,362	483	2,354	240	49,948	4,559	7,041	2,744	1,608	1,961	82
2,045	5,548	8,555	14,048	29,729	195,818	65,743	9,073	44,457	3,126	7,978	514	32,816	6,593	18,074	6,438	1,642	2,790	640
5,095	11,459	13,637	30,210	67,195	389,114	131,043	12,185	108,810	3,608	10,327	754	82,704	11,142	25,115	9,173	3,460	4,751	722
8,686	8,070	9,543	21,899	50,898	312,720	38,006	5,119	4,004	19,268	9,237	1,053	23,930	1,874	6,864	1,375	1,753	3,516	261
2,459	9,319	12,480	24,358	34,347	301,241	120,761	6,007	77,599	10,374	23,788	993	66,977	6,247	17,676	7,515	2,346	3,318	464
2,279	8,468	9,247	9,004	30,409	147,787	57,806	13,518	31,481	2,600	9,110	1,009	26,977	5,049	18,874	4,545	1,400	2,778	552
6,534	21,457	25,269	55,250	85,744	561,757	217,295	26,644	113,064	32,257	42,135	3,145	137,864	14,070	46,414	13,338	5,559	9,614	1,207
2,489	6,523	11,196	22,197	40,769	233,543	116,816	9,807	66,919	4,507	15,139	543	74,463	10,359	19,366	9,130	2,408	3,932	653
1,407	4,823	10,730	16,060	30,480	169,593	57,100	3,736	37,045	2,872	11,059	678	29,658	10,544	11,069	3,439	2,480	1,768	203
1,897	39,143	173,504	214,534	280,273	437,424	66,622	10,967	7,933	4,039	41,054	2,609	39,278	7,787	10,429	4,544	4,586	1,979	450
1,912	21,401	4,022	20,695	39,166	105,789	38,465	5,547	27,112	1,042	4,175	569	24,746	3,005	5,756	3,600	1,208	973	628
6,984	73,950	100,432	280,370	399,687	640,399	278,093	29,077	159,809	12,460	35,378	4,418	168,143	31,695	49,620	20,893	10,632	7,652	1,964
2,200	14,188	302,923	319,311	374,029	582,599	66,456	5,541	150	14,313	43,393	2,759	46,044	6,026	9,099	2,429	2,556	3,067	302
1,912	8,455	11,851	22,319	53,446	246,743	36,348	9,953	12,067	4,199	10,659	1,251	15,643	5,716	11,687	2,456	2,667	2,000	56
4,118	22,642	314,774	341,530	428,077	629,342	104,804	15,789	12,237	18,512	54,252	4,010	61,688	11,741	20,786	4,865	5,723	4,167	258
24,725	129,508	553,132	707,366	960,703	2,729,512	731,806	64,649	388,949	60,637	142,002	12,227	450,477	68,651	138,935	49,178	25,544	26,204	4,241
172	4,517	264,893	269,451	308,265	320,091	34	34	...	...	...	...	...	1	4	14	15	44	3

APPEN
CROP STATE

Thana.	BHADAI.												
	CEREALS AND PULSES.						FIBRE.			DYER.	MISCELLANEOUS CROPS.	Total.	
	Rice.	Jowar (millet), Javara, masurda.	Mandua.	Maize.	Kodo.	Other food-grains, including pulses.	Jute.	Sunnamp.	Others (mulberry, etc.).	Indigo.	Vegetables.		
1	2	3	4	5	6	7	8	9	10	11	12	13	
	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.
BUKAR SUBDIVISION.													
Bukar	5,419	119	259	1,893	813	1,135	10	15	...	...	10	0,173
Dumraon	10,530	408	607	11,166	1,973	3,248	12	162	...	...	5	27,107
Total	15,955	527	866	13,059	2,786	3,383	22	167	...	...	15	26,280
SADB SUBDIVISION.													
Arrah	8,324	738	400	12,179	4,819	1,162	2	163	1	...	5	27,651	
Piro	7,202	275	1,581	3,255	1,889	489	...	1	...	243	5	14,040	
Shahpur	5,974	551	1,174	5,829	2,380	819	2	217	...	...	7	16,872
Total	21,470	1,572	3,155	21,263	8,897	2,470	4	371	1	243	17	50,468	
SASARAM SUBDIVISION.													
Bikramganj	11,437	162	753	763	1,737	971	1	...	...	290	31	16,145
Karghar	3,729	57	310	419	2,512	2,990	18	...	...	...	14	10,049
Sasaram	3,030	80	1,932	2,966	1,463	2,732	84	13	...	...	21	12,271
Dehri	3,899	20	547	89	597	782	...	...	...	31	16	5,451
Total	21,595	269	3,542	4,237	6,309	7,475	103	13	...	321	69	43,945	
BHABHUA SUBDIVISION.													
Blabhua	1,304	317	2,155	2,154	1,294	3,406	80	14	...	...	38	16,742
Mohanla	2,371	189	524	1,910	2,479	7,029	23	13	...	...	14	14,562
Total	3,675	506	2,679	4,064	3,773	10,435	93	27	...	...	52	31,304
GRAND TOTAL	62,695	2,874	10,242	42,123	21,735	26,768	222	578	1	564	165	170,993	
Hill villages in Bhabhua, thana nos. 881 to 1037.	328	29	766	301	401	2,547	6	5	...	...	...	5,208

DIX D.
MENT.

AGANI.																			
CEREALS AND PULSES.				OIL-SEEDS.		SUGAR.		FIBRES.	MISCELLANEOUS CROPS.					CEREALS AND PULSES.					
Blac.	Jowar (millet), Jachra, ghu-wan.	Bajra (millet).	Other food-grains, including pulses.	Til or linjil.	Condiments and spices.	Sugarcane.	Others.	Cotton.	Vegetables.	Yam.	Other food crops.	Others.	Total.	Bisc (boro).	Wheat.	Barley.	Gram.	Arhar.	Others food-grains, including pulses.
14.	15.	16.	17.	18.	19.	20.	21.	22.	23.	24.	25.	26.	27.	28.	29.	30.	31.	32.	33.
Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.
73,008	3,039	3,031	1,761	22	6	2,117	...	1	9	250	25	...	81,843	19	11,327	8,024	5,723	3,931	58,361
47,181	3,827	2,700	3,181	2	1	5,979	...	...	9	257	27	...	55,904	238	15,485	13,301	87,504	7,320	75,038
115,133	4,558	5,411	3,943	24	7	8,096	...	1	18	507	53	...	137,747	251	26,713	20,325	63,327	11,151	93,319
38,440	8,506	1,330	3,999	17	2	445	2	...	1	30	4	1	47,851	1	21,318	15,548	50,388	10,423	28,570
98,511	397	81	1,267	1	4	7,870	...	...	4	221	13	...	106,329	8	12,373	13,886	25,728	2,691	83,874
38,092	2,718	168	3,126	27	8	4,198	2	1	3	299	15	1	48,261	30	11,813	10,673	31,337	8,600	31,831
163,089	13,432	1,576	6,792	45	14	72,311	4	1	8	558	32	2	197,331	24	45,406	40,007	108,431	21,719	104,025
88,187	70	45	3,063	23	6	8,750	...	...	4	207	31	...	100,923	1	23,271	10,990	81,336	2,575	65,597
48,061	882	87	11,318	30	2	1,234	...	1	1	133	7	...	56,446	3	35,375	3,345	21,913	1,119	44,482
54,067	368	17	4,971	747	27	3,603	...	...	3	169	15	...	68,334	11	21,968	7,383	17,036	2,783	36,683
31,281	90	23	3,783	251	18	4,559	...	...	7	125	13	...	40,101	...	6,525	5,593	5,597	1,688	18,131
317,269	1,114	122	33,675	1,041	51	17,326	...	1	15	664	66	...	300,343	14	67,137	27,321	79,782	8,165	160,083
78,468	2,170	618	3,712	608	2	1,003	...	...	14	600	31	1	86,235	...	25,430	8,120	35,939	5,148	62,082
45,044	1,675	3,783	2,373	29	3	883	...	...	2	531	28	...	60,863	1	33,013	8,659	50,203	4,373	53,320
136,112	3,840	3,401	11,005	685	5	1,958	...	...	18	1,131	89	1	149,007	1	68,423	16,787	96,323	9,519	115,412
622,173	21,918	10,800	47,304	1,745	77	22,583	4	3	57	2,988	219	3	744,518	300	227,689	104,340	337,673	50,554	472,998
8,365	1,171	18	1,341	231	...	...	...	...	5	...	...	...	8,031	...	315	1,976	1,639	878	731

APPEN
CROP STATE

Thana.	BASK												
	OIL-SEEDS.			Condiments and spices.	FIBRE.			Dyng.	DRUGS AND				
	Linseed.	Mustard.	Others.		Cotton.	Munje.	Others.		Kusum.	Opium.	Coffee.	Tea.	Tobacco.
1	24	25	26	27	28	29	30	31	32	33	34	35	
	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.
BUKAR SUBDIVISION.													
Buxar	16,876	255	3	425	3	58	..	311	527	...	...	...	11
Dumraon	5,112	700	354	193	10	679	1	693	504	...	...	...	1
Total	21,788	955	357	617	13	537	1	904	1,031	...	...	...	12
SADE SUBDIVISION.													
Arrah	3,368	1,533	614	134	24	303	1	369	723	...	...	...	..
Piro	12,241	1,027	68	121	...	4	..	59	745	...	...	...	1
Shabpur	3,296	1,060	78	109	23	450	2	305	225	...	...	...	...
Total	16,902	3,620	750	364	27	816	3	713	1,753	...	...	...	1
SASABAM SUBDIVISION.													
Bikramganj	14,951	389	32	655	...	4	...	62	492	...	...	...	...
Karghar	15,570	327	20	2,459	1	...	10	76	168	...	...	...	...
Sasarang	22,508	2,925	309	2,650	2	10	...	484	15	...	...	...	2
Dehri	6,003	942	197	176	...	...	...	273	3	...	...	...	43
Total	61,027	4,598	558	5,940	3	14	10	840	666	...	...	...	45
BHABHUA SUBDIVISION.													
Bhabhua	16,090	1,696	96	1,726	4	37	2	476	1,076	...	...	...	19
Mohanis	12,060	1,144	40	1,501	2	29	...	453	1,644	...	...	...	23
Total	28,740	2,730	136	3,229	6	65	2	929	2,322	...	...	...	41
GRAND TOTAL	131,457	12,196	1,631	10,156	79	1,432	16	3,266	7,072	...	...	...	90
Hill villages in Bhabua, thana nos. 961 to 1037.	149	363	28	9	1	...	...	6	15	...	...	...	...

DIX D—concluded.

MENT.

BANYANS.					MISCELLANEOUS CROPS.				ORCHARDS AND GARDEN PRODUCE (INCLUDING PALS).		Total of columns 13, 14, 15 and 16.	Area cropped more than once.	Net area cropped.	Tea (palm tree).	Kajur (date tree).
Cinchona.	Indian hemp.	Others.	Fodder crops.	Kharai.	Garden produce other than mango groves.	Potatoes.	Non-food.	Total.	Mango gardens.	Others.					
46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61
Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.
...	148	247	...	126,099	2,816	1	219,063	64,129	166,835	2,625	312
...	237	478	1	116,643	7,724	8	207,245	41,201	166,044	7,519	558
...	368	725	1	272,641	10,570	9	427,247	105,830	321,417	10,844	870
...	1	211	663	10	184,909	7,893	529	216,648	37,012	181,631	45,567	12,245
...	216	98	...	122,910	2,517	13	247,609	60,715	186,894	42,922	1,653
...	182	180	2	60,809	2,177	3	185,912	28,694	157,218	27,169	4,792
...	1	569	870	28	248,428	16,587	555	422,262	146,251	276,011	115,978	23,629
...	274	101	...	150,860	4,010	4	271,071	78,297	192,774	22,201	1,663
...	...	460	...	...	87	19	...	125,416	698	1	195,607	52,633	142,974	2,717	226
...	...	128	...	...	264	204	...	118,663	1,098	45	199,268	45,211	154,057	26,772	80,928
...	120	99	...	45,408	2,080	3	92,180	26,547	65,633	15,400	4,102
...	...	523	...	...	905	422	...	457,975	7,682	53	750,200	202,568	547,632	69,160	54,850
...	...	3	...	...	171	67	...	169,222	780	22	274,901	67,023	207,878	12,029	17,510
...	...	1	...	...	92	67	...	167,724	1,228	12	244,496	81,201	163,295	2,461	2,722
...	...	6	...	...	292	104	...	226,950	2,086	14	319,427	118,722	200,705	16,400	20,241
...	...	569	...	1	2,112	2,122	29	1,206,001	27,125	681	2,219,226	572,492	1,646,734	211,722	99,260
...	2	...	...	2,270	14	...	12,707	2,042	10,665	12	2

APPENDIX E.

LIST OF TENANTS' AGRICULTURAL STOCK.

Subdivision.	Thana.	Cows.	Bulls and bullocks.	Male Buffaloes.	Cow-buffaloes.	Horses and ponies.	Calves, including buffalo calves.	Sheep.	Goats.	Mules and donkeys.	Ploughs.	Carts.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12	13	14
Buxar	Buxar ...	15,554	27,142	271	6,024	289	15,677	5,674	2,066	242	12,440	469	
	Dumraon ...	11,749	29,221	289	8,728	314	18,874	4,902	2,282	224	14,810	684	
	Total ...	27,303	56,363	560	14,752	603	34,551	10,576	4,348	476	27,250	1,153	
Sadr	Arrah ...												
	Piro ...	11,777	33,933	357	8,814	801	17,655	4,631	5,606	255	16,485	571	
	Shahpur ...	9,674	28,141	350	12,127	684	17,022	6,227	4,902	205	14,611	400	
	Total ...	21,451	62,074	707	20,941	1,485	34,677	10,858	10,508	460	31,096	971	
Sasaram	Bikramganj ...	14,202	37,440	422	12,947	756	20,078	4,742	4,650	278	17,617	412	
	Karghar ...	12,716	26,266	7,221	209	264	14,297	2,005	2,012	166	12,145	212	
	Sasaram ...	25,016	29,271	690	17,220	527	26,982	9,555	7,500	222	15,197	601	
	Dehri ...	8,680	17,761	90	6,214	221	10,224	9,552	6,122	164	6,151	608	
	Total ...	60,614	121,338	8,323	36,590	1,528	71,581	26,854	18,672	622	51,160	1,833	
Bhabua	Bhabua ...	28,172	49,504	1,242	17,021	611	21,229	2,195	4,042	275	16,265	212	
	Mohanis ...	26,148	29,106	268	7,521	422	22,196	9,568	2,026	207	15,641	252	
	Total ...	54,320	78,610	1,510	24,542	1,033	43,425	11,763	6,068	482	31,906	464	
GRAND TOTAL ...		181,402	364,029	11,502	104,022	5,222	208,429	62,689	44,677	2,622	186,561	4,000	
Hill villages in Bhabua, thana nos. 881 to 1037.		5,422	4,649	210	5,251	112	5,906	107	1,262	10	2,017	51	

APPENDIX F.

Abstract of

Subdivision.	Thans.	Proprietors' sirsat.		Held by proprietors but not sirsat.		In cultivating possession of tenure-holders.		Rajyats at fixed rents or rates.				Bottled or occupancy			
		No. of holdings.	Total area.	No. of holdings.	Total area.	No. of holdings.	Total area.	No. of holdings.	Total area.	Total of existing rent.	Average rate per acre of total area.	Number of holdings.	Area on cash-rent.	Area on produce-rent.	Total of existing rent.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Buzar.	Buzar	98	788	2,025	23,261	602	6,089	10,211	29,107	1,23,637	3 4 6	24,654	79,298	12,223	2,31,600
	Dumraon	11	519	1,402	8,214	978	8,908	12,179	60,868	2,12,426	3 8 2	26,227	90,812	5,529	2,51,984
	Total	109	1,307	3,427	31,475	1,580	14,997	22,390	90,075	3,36,063	3 6 8	50,881	170,110	17,752	4,83,584
Badr.	Arrah	47	407	289	14,463	778	2,244	49,577	84,981	4,18,728	4 14 8	54,607	68,843	15,246	2,07,541
	Piro	9	64	1,783	11,734	508	2,705	968	2,918	19,634	5 0 2	68,709	183,411	27,319	6,98,723
	Shahpur	151	849	2,022	11,122	954	4,190	16,598	47,631	1,97,274	4 1 9	29,560	65,073	2,630	2,10,296
	Total	207	1,320	4,094	27,319	2,240	7,139	67,143	135,530	6,35,636	4 10 9	152,876	217,327	25,495	2,86,560
Sasaram.	Bikramganj... ..	1	15	1,974	12,429	752	5,514	272	2,228	11,027	2 5 0	50,850	151,240	22,049	6,00,027
	Karghar ... ..	...	...	2,291	28,696	476	2,620	276	2,482	6,452	2 9 6	20,915	69,091	40,789	2,44,248
	Sasaram	1	10	2,144	22,579	979	2,379	51	212	474	2 2 9	42,982	73,791	48,642	2,02,428
	Dehri ... ..	...	...	1,190	9,267	475	2,225	128	717	2,552	4 15 2	22,110	46,244	6,200	2, 8,778
	Total	2	25	7,598	62,901	2,682	20,227	427	6,699	21,486	2 2 2	146,757	242,466	114,178	12,17,465
Bhabha.	Bhabha	1	200	2,510	40,965	1,941	24,908	244	1,988	5,527	2 12 6	45,473	101,510	29,127	4,04,608
	Mohania	2	70	3,602	33,212	1,189	12,552	615	5,324	16,048	2 0 2	46,749	101,787	42,644	2,26,012
	Total	3	270	6,112	74,177	3,130	37,460	1,059	7,312	21,575	2 12 1	92,222	203,297	71,771	6,30,620
GRAND TOTAL		320	3,007	22,641	212,083	9,622	79,467	97,824	220,212	10,19,724	4 1 2	464,919	960,626	251,260	29,85,447
Hill villages in Bhabha thana nos. 881 to 1037.		...	...	28	41	87	1,268	...	...	...	...	2,57	14,598	2,180	19,216

DIX P.

Record-of-rights.

Raiyats.	Non-occupancy Raiyats including Diara Raiyats.					Rent-free hold-ers.		Unoccupied.		Kafear-i-Hind.	Total area.	Under-raiyats. [The figures below the lines refer to unde-raiyats with occupancy rights.]				
	Average rate per acre of area on cash-rent.	Number of holdings.	Area on cash-rent.	Area on produce-rent.	Total of existing rent.	Average rate per acre of area on cash-rent.	Number of holdings.	Total area.	Number of holdings.			Total area.	Total area.	Number of holdings.	Area on cash-rent.	Area on produce-rent.
17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33
Rs. a. p.		Acres.	Acres.	Rs.	Rs. a. p.	Acres.		Acres.	Acres.	Acres.	Acres.		Acres.	Acres.	Rs.	Rs. a. p.
8 8 11	524	1,454	281	5,404	8 11 6	1,520	1,786	4,641	21,320	4,687	193,301	1,062	588	741	3,000	5 4 5
8 14 6	261	1,232	4	4,811	8 14 6	2,162	4,184	8,112	15,443	8,813	195,813	4,019 5	2,328 3	1,938 1	13, 25 10	5 9 2
8 11 8	475	2,680	285	10,215	8 12 10	4,678	5,020	7,763	80,763	8,435	380,114	5,081 5	2,946 3	2,670 1	10,127 10	5 8 2 3 5 4
4 10 8	113	804	8	2,670	8 13 6	5,074	2,640	5,684	10,727	5,175	212,720	1,759	891	406	10,114	11 6 0
8 2 8	59	73	19	207	4 2 0	8,061	2,475	3,930	10,701	10,728	202,314	903	361	374	1,931	6 1 11
4 12 3	380	720	24	2,200	8 0 10	2,641	2,390	2,985	11,013	1,137	147,767	1,300 153	1,052 173	467	11,246 1,324	6 12 11 7 10 5
4 14 0	453	1,096	66	5,167	4 6 9	10,806	8,717	12,515	40,031	17,835	562,830	4,031 163	2,927 170	1,267	23,311 1,324	7 15 5 7 10 5
8 12 4	482	1,430	307	2,021	2 8 3	2,167	2,690	3,970	27,022	5,245	233,543	1,309 2	686 1	860	4,014 2	4 8 0 2 0 0
8 9 1	284	935	179	2,069	2 9 0	1,698	2,179	3,896	22,369	3,002	169,663	892	918	428	3,120	3 6 5
3 8 10	1,043	1,615	630	3,443	2 2 0	2,141	2,530	4,884	267,934	11,443	437,424	1,147	866	609	1,900	3 3 8
4 5 0	171	477	15	1,938	8 12 9	1,098	1,264	2,480	25,203	11,090	105,760	438 1	238 3	223	1,001 34	4 9 6 11 11 9
3 12 0	1,080	4,363	630	10,000	2 8 3	6,104	9,762	16,215	343,907	31,948	946,280	3,783 3	2,617 4	2,194	1,500 86	3 14 11 9 2 0
8 15 9	1,198	2,830	1,308	11,281	3 15 7	5,580	6,449	6,772	363,208	1,170	593,599	1,511	1,208	617	4,673	4 0 0
3 3 2	712	2,894	430	5,890	2 7 2	3,338	3,487	6,981	30,632	3,508	246,743	1,819 21	1,162 5	1,152 18	4,621 40	3 14 3 8 0 0
3 9 6	1,910	6,223	1,735	17,117	3 4 5	8,016	648,682	12,764	402,742	4,078	629,742	3,380 21	2,371 5	1,769 19	9,54 40	3 15 1 8 0 0
4 1 0	4,817	16,348	2,065	42,489	3 4 0	32,500	672,981	48,237	631,443	62,666	2,727,565	16,278 183	10,431 155	7,907 10	50,052 1,410	5 7 3 7 9 11
0 12 8	90	295	26	240	0 12 0	492	1,135	473	3,00,066	113	330,081	236	232	47	356	1 1 0

APPENDIX G.

SALE OF OCCUPANCY RIGHTS.

Subdivision.	Thana.	Total area in acres.	Total area held by occup any raiyats in acres.	Total number of Khattians of occupancy raiyats.	NUMBER OF SALES.		Area sold in acres.	NUMBER OF SALES TO—				Amount paid.	Rate per acre for land sold.	No. of vendors still holding an under-raliyat.	
					Whole holding.	Part holding.		Landlords.	Lawyers.	Money-lenders.	Raiyats.			On each rest.	On produce rest.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Buxar.	Buxar ...	Acres. 191,684	Acres. 93,351	34,330	290	630	1,630	4	8	150	690	2,04,450	111 11 5	...	11
	Dumraon ...	191,510	92,104	37,201	280	1,908	2,304	20	15	200	1,630	6,30,064	180 11 5	3	2
	Total ...	383,094	185,455	71,531	610	2,432	5,134	24	23	440	2,527	6,34,514	163 0 0	3	2
Sadr.	Arrah ...	217,674	90,021	54,011	508	1,167	1,614	66	88	254	1,289	4,06,136	236 3 0	16	4
	Piro ...	191,559	142,259	67,035	340	801	1,928	25	8	10	1,110	2,11,194	151 10 9	...	...
	Shahpur ...	147,797	67,905	29,580	212	406	1,061	25	12	63	588	2,04,953	189 0 0	...	11
	Total ...	556,029	300,184	150,626	1,060	2,484	4,117	146	70	317	2,987	9,01,184	219 14 3	16	4
Sasaram.	Bikramganj ...	233,543	174,288	80,850	227	727	1,755	22	10	20	683	1,45,000	61 18 0	6	2
	Karghar ...	169,563	109,804	30,915	56	105	308	21	...	7	134	14,912	27 0 0	...	...
	Sasaram ...	437,424	122,433	43,862	72	121	426	7	2	20	125	14,741	34 0 1	...	...
	Dehri ...	105,709	54,544	22,110	45	109	216	8	2	25	116	20,548	141 7 7	...	...
	Total ...	946,239	461,169	146,737	402	1,073	2,705	60	12	60	1,000	2,09,206	72 14 11	6	1
Bhabhua.	Bhabhua ...	538,599	139,647	45,473	30	45	187	9	...	5	89	9,112	48 10 11	...	11
	Mohans ...	216,742	144,431	46,742	132	291	341	25	...	20	262	29,070	45 4 9	...	11
	Total ...	899,341	284,078	92,215	162	336	1,028	24	...	41	42	47,182	46 14 6	...	...
GRAND TOTAL ...		2,706,756	1,200,885	461,120	2,242	6,262	12,074	284	108	627	7,215	19,66,746	151 15 4	25	7
111 villages in Bhabhua Thana nos. 881-1037.		320,681	16,786	3,517	6	8	45	...	...	2	12	570	12 4 1	...	21

APPENDIX H.

Transfer of Pro

Subdivision.	Thana.	Total area.	Total number of lowest entries.	Number of transfers.	Area transferred.	Percentage of columns 7 to 4.	Percentage of columns 8 to 4.
1	2	3	4	5	6	7	8
		Acres.			Acres.		
Buxar	Buxar	8,640	147	58	1,602	18'81	30'4
	Dumraon	19,276	260	13	631	3'75	7'20
	Total	27,916	307	71	2,233	7'95	17'08
Badr	Arrah	20,636	393	49	5,604	27'44	13'28
	Piro	17,753	268	63	3,421	19'04	19'50
	Shahpur	14,182	283	34	1,578	11'11	11'77
	Total	52,571	953	146	10,603	20'27	15'31
Sasaram	Bikramganj	17,627	331	63	1,401	11'64	16'55
	Karghar	16,658	371	86	1,776	11'24	22'70
	Sasaram	20,438	367	107	2,000	9'79	40'08
	Dehri	19,471	307	64	2,045	10'50	20'55
	Total	68,193	1,177	303	7,312	10'72	28'31
Bhabhua	Bhabhua	76,415	731	179	21,067	28'73	24'49
	Mohansa	57,299	1,339	196	14,969	26'13	14'79
	Total	133,714	2,070	375	36,036	27'61	18'71
	GRAND TOTAL	232,298	4,597	891	57,116	20'23	15'29

DIX H.

proprietary Rights.

Number of transfers to—				Share of land revenue transferred in rupees, if given.	Price paid.	Average rate per acre of land transferred.	Highest rate per acre.	Lowest rate per acre.	Remarks.
Landlords.	Lawyer class.	Money-lenders.	Rajputs.						
9	10	11	12	13	14	15	16	17	18
				Rs.	Rs.	Rs. a. p.	Rs. a. p.	Rs. a. p.	
30	5	3	9	1,005	48,444	28 9 10	323 9 3	0 9 3	
15	...	1	2	914	45,448	108 8 3	573 5 4	12 14 3	
51	5	4	11	2,570	93,872	42 6 8	.....	.....
25	..	14	9	7,005	2,78,742	49 3 4	630 13 4	30 7 4	
19	1	6	37	5,113	1,71,121	50 0 3	262 9 5	9 14 3	
24	...	6	4	1,461	1,38,338	87 13 0	402 4 4	7 15 11	
68	1	20	50	14,170	6,88,201	55 2 10	.....	.....
24	3	10	6	890	1,25,191	85 13 3	378 2 5	4 0 6	
40	...	5	39	970	1,09,369	53 7 11	479 0 8	13 2 5	
97	...	1	9	1,616	1,70,509	64 12 0	433 11 8	4 13 7	
81	...	6	27	1,232	1,50,254	73 7 6	1,094 15 6	11 0 6	
192	3	22	61	4,717	5,08,943	69 7 8	.....	.....
119	4	21	35	5,025	2,42,411	11 0 7	101 15 6	1 0 2	
125	15	10	39	51,021	3 83,628	25 10 3	900 0 0	2 8 11	
24	10	40	74	59,043	6,30,229	16 15 3	.....	.....
555	23	92	316	77,521	18,16,648	31 13 10	.....	.....

Mortgages with

Subdivision.	Thana.	Total number of Mortgages.	Total area of thana etc.	Area in acres held by			
				From proprietors.	From tenure-holders.	From raiyat as fixed rent.	From settled raiyat.
				a	b	c	d
1	2	3	4	5			
Buxar	Buxar	7,547	191,524	1,330	58	4,936	8,008
	Dumraon	18,164	291,510	1,007	209	8,018	10,356
	Total	25,711	388,034	2,337	267	12,954	18,364
Sadr	Arrah	19,906	310,074	898	70	8,914	4,629
	Piro	10,387	194,659	687	37	71	9,704
	Siachpur	18,703	147,767	1,118	234	8,158	7,958
Total	48,996	550,000	2,603	341	17,043	22,291	
Sasaram	Bikramganj	4,020	238,543	680	66	140	7,668
	Karghar	1,085	169,563	884	17	61	1,087
	Sasaram	986	437,434	6,645	176	3	1,367
Dehri	1,796	108,769	551	117	18	2,084	
Total	8,887	944,309	6,710	576	241	10,177	
Bhabhua	Bhabhua	667	562,599	433	76	26	861
	Mohanca	7,846	246,743	928	91	187	7,960
	Total	8,513	809,342	1,361	167	213	2,821
Grand total		96,656	2,708,755	13,879	1,153	31,349	53,049
Hill villages in Bhabhua Thana Nos. 881 to 1057.		136	330,081	...	...	...	187

DIX I.

possession.

mortgagee.		Total area (in acres) mortgaged.	Area held by Mortgagees of different classes.				Total amount advanced in rupees.	Rate per acre.	Remarks.
From occupancy raiyat.	From non-occupancy raiyat.		Landlord class.	Lawyer class or class of those in service.	Money-lending class.	Raiyat class.			
a	b									c	d
		e	f				g	h	i
							Rs.	Rs. a. p.	
91	8	12,086	468	84	1,807	10,177	14,57,910	121 3 8	
8	1	21,004	476	86	2,386	18,147	49,93,968	208 4 1	
94	9	83,120	942	170	3,693	29,324	58,50,878	178 9 6	
2,056	1	27,385	745	239	4,016	13,384	41,65,124	241 7 7	
...	...	10,761	389	40	218	10,104	13,13,969	123 1 7	
18	10	17,487	776	121	3,634	13,957	24,06,280	194 15 3	
2,874	11	45,613	1,910	409	3,652	24,001	88,85,245	125 3 7	
4	12	6,518	201	15	277	5,865	5,35,993	89 14 8	
...	...	2,039	364	12	78	1,686	99,086	49 0 9	
5	...	6,194	4,211	273	202	1,446	98,514	15 13 11	
5	...	2,775	144	39	603	1,099	2,50,791	104 7 0	
14	13	17,529	4,860	320	1,330	10,099	10,74,224	61 4 8	
125	...	1,220	246	6	160	808	39,072	31 15 0	
9	...	4,190	876	2	176	3,137	1,77,198	42 4 7	
134	...	5,410	1,133	8	836	3,945	2,10,270	39 15 7	
3,116	32	101,578	2,654	918	3,201	67,329	1,60,26,677	157 10 10	
...	...	187	8	...	75	109	4,245	22 11 2	

APPEN-
Statement of the

Thana.	Total number of cases.			Zirat vs. Bakast.		Possession.								Money Rent dispute.			
						Landlord vs. Landlord.		Landlord vs. Tenant.		Tenant vs. Tenant.		Tenant vs. Landlord.		Landlord vs. Tenant.		Tenant vs. Landlord.	
	Allowed.	Disallowed.	Total.	Allowed.	Disallowed.	Allowed.	Disallowed.	Allowed.	Disallowed.	Allowed.	Disallowed.	Allowed.	Disallowed.	Allowed.	Disallowed.		
1	2			3	4	5	6	7	8	9	10	11	12	13	14	15	16
	a	b	c														
Arrah	2,927	11,104	14,131	9	116	237	796	239	1,066	300	1,622	111	43	453	1,011	146	706
Piro	1,674	6,576	8,250	3	4	127	341	105	956	155	695	112	349	275	1,163	108	1,006
Shahpur	1,566	12,579	14,147	2	29	95	307	173	876	135	636	40	267	159	550	25	430
Duxar	2,051	10,350	12,401	21	109	133	278	267	1,380	300	759	163	463	209	640	73	251
Dumraon	4,076	19,091	23,767	3	25	116	419	291	1,067	474	2,306	134	473	776	1,423	130	274
Bhabhua	655	4,379	5,034	...	7	41	213	69	872	55	319	53	258	121	1,236	73	109
Mohanea	1,213	5,077	6,990	...	7	112	278	110	660	74	208	51	265	219	967	69	467
Sasaram	340	2,216	2,556	...	4	29	167	56	162	26	192	9	73	43	483	33	334
Bikramganj	1,955	5,234	7,189	...	3	122	178	160	841	207	591	58	317	249	651	103	233
Karghar	767	3,527	4,314	...	...	51	210	92	524	103	345	52	169	100	913	66	237
Dehri	227	2,657	2,884	...	7	23	121	23	381	32	233	7	143	16	625	13	106
Arrah (Revision cases)	1,417	10,991	12,398	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Total	19,796	96,061	114,667	37	400	1,025	3,525	1,597	6,925	1,927	8,161	761	2,111	2,600	10,072	660	4,6

DIX K.

results of section 103A objections.

Cash rent vs. Produce rent.				Batal vs. Danabandi.				About shares of produce.				Status.				Title.		Trees.		Miscellaneous.	
Landlord vs. Tenant.		Tenant vs. Landlord.		Landlord vs. Tenant.		Tenant vs. Landlord.		Landlord vs. Tenant.		Tenant vs. Landlord.		Landlord vs. Tenant.		Tenant vs. Landlord.		Allowed.	Disallowed.	Allowed.	Disallowed.	Allowed.	Disallowed.
Allowed.	Disallowed.	Allowed.	Disallowed.	Allowed.	Disallowed.	Allowed.	Disallowed.	Allowed.	Disallowed.	Allowed.	Disallowed.	Allowed.	Disallowed.	Allowed.	Disallowed.						
17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38
35	208	21	100	7	10	2	32	...	33	7	7	593	2,165	508	632	45	308	93	208	43	220
30	159	15	34	1	6	...	...	...	...	1	3	46	190	108	793	72	134	101	308	431	433
6	99	...	14	...	...	...	...	...	33	...	33	457	6,155	225	3,084	27	344	52	166	173	306
25	119	21	114	7	2	...	2	1	3	...	8	735	3,306	699	1,778	87	220	69	197	31	116
54	130	12	45	...	...	...	3	...	37	1	4	837	2,969	594	1,663	332	948	61	131	278	614
13	297	4	48	...	...	...	...	3	28	1	2	53	334	61	360	25	202	25	70	61	75
54	299	8	72	10	119	...	8	25	129	1	23	135	537	182	708	49	167	88	200	45	278
1	24	7	33	...	14	...	23	1	22	1	17	3	27	7	28	48	177	131	63	50	183
34	101	54	45	4	1	1	6	...	2	1	2	395	388	120	512	213	663	110	231	110	248
77	549	10	124	10	13	...	31	20	22	...	2	16	117	51	76	27	69	18	35	28	42
5	125	1	67	...	3	...	...	...	1	...	1	3	81	39	168	18	163	30	253	22	153
...	...	...	...	...	...	...	...	...	...	...	...	1,47	10,981	...	...	...	...	...	...	...	...
354	2,080	159	668	45	187	8	100	60	309	13	102	4,659	35,700	3,676	8,971	943	3,654	657	1,926	1,272	2,694

Classification and results of suit

Serial number.	Name of thana.	Number of objection.	Zirat vs. Bakasht.		Possession.								Money rent	
			Landlord vs. Landlord.		Landlord vs. Raiyat.		Raiyat vs. Landlord.		Raiyat vs. Raiyat.		Landlord vs. Raiyat.			
			Allowed.	Disallowed.	Allowed.	Disallowed.	Allowed.	Disallowed.	Allowed.	Disallowed.	Allowed.	Disallowed.	Allowed.	Disallowed.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
1	Arrah ...	583	1	...	8	27	36	81	18	18	21	9	90	40
2	Piro ...	325	1	...	19	6	7	52	4	5	8	9	23	42
3	Shahpur ...	504	...	...	2	2	6	22	12	10	7	12	140	210
4	Buxar ...	594	...	1	13	16	8	102	4	17	3	11	61	61
5	Damraon ...	1,505	...	1	...	47	19	56	11	26	12	75	260	490
6	Bhabhua ...	62	...	1	...	6	...	2	...	3	1	4	9	8
7	Mohanea ...	272	...	...	1	1	10	13	2	3	1	10	24	34
8	Sasaram ...	65	...	...	...	5	2	3	1	1	2	8	4	30
9	Bikramganj ..	398	...	...	...	9	12	42	1	3	21	9	126	80
10	Karghar ...	59	...	...	3	3	...	2	1	5	1	...	1	6
11	Dehri ...	193	...	...	1	...	1	15	2	...	7	20	64	81
	Total ...	4,560	2	3	47	122	101	340	56	86	79	167	802	1,032

M.

under section 106.

Dispute.		Produce rent dispute.				Status.				Title.		Trees.		Miscellaneous.	
Raiyat vs. Landlord.		Landlord vs. Raiyat.		Raiyat vs. Landlord.		Landlord vs. Raiyat.		Raiyat vs. Landlord.		Allowed.	Disallowed.	Allowed.	Disallowed.	Allowed.	Disallowed.
Allowed.	Disallowed.	Allowed.	Disallowed.	Allowed.	Disallowed.	Allowed.	Disallowed.	Allowed.	Disallowed.	Allowed.	Disallowed.	Allowed.	Disallowed.	Allowed.	Disallowed.
16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
24	24	9	...	...	1	15	36	6	95	9	14	10	20	8	15
5	46	...	2	...	...	6	7	32	42	...	...	2	8	1	3
1	2	7	...	...	1	15	3	2	15	3	...	3	...	3	26
15	5	1	...	...	...	56	48	13	79	10	1	3	14	5	47
43	15	...	24	...	88	9	88	15	90	21	15	...	9	26	65
3	...	2	...	...	...	...	2	...	1	1	13	...	...	1	5
3	1	...	...	2	1	46	16	24	71	3	1	2	1	...	2
...	...	...	...	...	...	...	...	7	...	...	...	...	2	...	...
2	2	...	4	...	...	2	36	1	24	...	2	3	2	9	6
...	2	...	...	...	1	...	81	...	...	...	...	...	2	...	1
1	1	24	...	...	...	5	...	...	16	...	2	1	2	...	...
97	98	43	30	2	92	157	269	100	433	47	48	24	60	53	170

APPENDIX N.

Statement of appeals in cases under section 105, Bengal Tenancy Act, up to August 1915.

Serial no.	Name of thana.	Total number of appeals instituted	Total number of appeals decided.	Upheld.	Modified.	Reversed.	Remanded.
1	2	3	4	5	6	7	8
1	Arrah	152	148	78	55	11	4
2	Piro	201	201	101	79	20	1
3	Shahpur	258	244	134	60	44	6
4	Buxar	149	149	105	30	12	2
5	Dumraon	485	483	227	160	86	10
6	Bhabhua	3	1	1	...	...	...
7	Mohanea	17	5	2	2	...	1
8	Sasaram	27	10	4	2	1	3
9	Bikramganj	235	215	130	75	6	4
10	Karghar	24	6	1	5	...	...
11	Dehri	34	5	...	5	...	...
	Total	1,585	1,467	783	473	180	81

APPENDIX O.

Statement of appeals in suits under section 106, Bengal Tenancy Act, up to August 1915.

Serial no.	Name of thana.	Total number of appeals instituted.	Total number of appeals decided.	Upheld.	Modified.	Reversed.	Remanded.
1	2	3	4	5	6	7	8
1	Arrah	116	116	84	13	15	4
2	Piro	105	79	49	6	19	5
3	Shahpur	195	186	171	2	10	3
4	Buxar	92	84	46	4	24	10
5	Dumraon	319	275	163	28	71	15
6	Bhabhua	2	1	1	...	...	...
7	Mohanea	45	5	2	2	1	...
8	Sasaram	2	...	...	...	...	...
9	Bikramganj	74	64	53	4	2	5
10	Karghar	7	...	...	...	...	...
11	Dehri	12	...	...	...	...	...
	Total	969	810	569	57	142	42

APPENDIX P.

Results of section 40 cases in the original courts.

Serial number.	Name of thana.	Total number of cases instituted.	Total number of cases decided.				Area in acres for column 4.	Rent commuted for column 4.	Average rate of rent per acre.	Average rate of rent of occupancy Rajrat as per Coohara.	Remarks.
			Allowed.	Rejected.	Withdrawn.	Total.					
1	2	3	4	5	6	7	8	9	10	11	12
								Rs.	Rs. s. p.	Rs. s. p.	
1	Arrah	319	239	28	7	319	99	6,956	5 15 10	4 19 0	
2	Piro	333	306	7	...	333	90	6,121	6 10 0	5 2 8	
3	Shahpur	20	10	3	7	20	88	808	3 8 0	4 13 8	
4	Buvar	268	171	69	6	268	728	3,086	4 8 9	3 9 9	
5	Dumraon	20	18	2	...	20	76	288	3 2 1	3 11 6	
6	Bhabhua	398	215	167	16	398	1,750	8,834	5 1 3	3 15 9	
7	Mohanea	685	416	250	20	680	2,564	10,898	4 3 9	3 8 2	
8	Sasaram	756	524	160	72	756	3,252	14,178	4 5 8	3 8 10	
9	Bikramganj	622	474	145	3	622	2,909	11,073	3 12 9	3 15 4	
10	Karghar	919	757	132	40	919	4,504	28,312	6 4 6	3 9 1	
11	Dehri	274	211	63	...	274	479	3,087	6 6 6	4 5 0	
	Total	4,613	3,411	1,081	171	4,613	18,272	91,966	5 0 6	4 1 0	

APPENDIX Q (i).

List of villages containing Government or Temporarily-settled estates in which fair rents were settled in the present operations. *

Serial No.	Thana number of villages containing Government and Temporarily-settled estate.	Name of villages.	Tauzi number of estates.	Total area in acres found during present survey.	Nature of present settlement.
1	2	3	4	5	6
THANA ARRAH.					
1	11	Salempur	992	307.50	G. E. R.
2	24	Keotia	349	30.64	T. S.
3	24	Do.	11124	11.81	G. E. R.
4	102	Rampur Diara	*815	397.69	T. S.
5	102	Do.	8198	3.16	G. E. R.
6	103	Rambad	8198	690.12	Do.
7	104	Patila	8198	64.49	Do.
8	105	Suarmarwa	8198	1,455.29	Do.
9	110	Mahadi Chak	8198	16.18	Do.
10	183	Sarimpur Bachri	8198	43.71	Do.
THANA SHAMPUR.					
1	19	Baherwar	873	122.42	T. S.
2	19	Do.	10785	31.90	G. E. F.
3	19	Do.	10786	31.86	T. S.
4	23	Ram Chander Semaria	1232	57.56	Do.
5	30	Subia	1233	988.75	G. E. R.
6	31	Hirkhi Pipra	992	138.76	Do.
7	35	Salijauli	992	405.79	Do.
8	62	Baharapur Dakhinwar	872	21.49	T. S.
9	78	Karja	992	581.37	G. E. R.
10	79	Pararia	992	264.22	Do.
11	188	Barod Parwa	871	3.47	T. S.
MR. MYLNE'S VILLAGES.					
12	187	Mungaul	1101	110.03	T. S.*
13	188	Baradparwa	876	816.88	Do.
14	239	Utawari Jungle	983	1,244.98	Do.
15	240	Kanghusara	1015	160.91	Do.
16	241	Jagdishpur	982	3,253.98	Do.
17	241	Do.	985	12.26	Do.
18	241	Do.	1203	47.23	Do.
19	242	Bara Pokhar	874	99.19	Do.
20	243	Souharsa (Rupa Dehri)	1201	153.29	Do.
21	244	Dehri	984	406.86	Do.
22	245	Sispur	1204	1,507.27	Do.
23	252	Kanae	1046	213.18	Do.
24	257	Mahurabi	1102	414.23	Do.
25	260	Bachari	875	104.90	Do.
26	261	Basauna	877	37.62	Do.
27	262	Baluahi	878	29.10	Do.
28	263	Bichla Jungle	983	1,454.73	Do.
29	264	Tendnoi	1252	343.86	Do.
30	265	Bharsara	886	556.62	Do.

*In column 6 of the statement G. E. R. means "Government Estate settled with raiyats"; G. E. F., "Government Estate farmed", and T. S. "Temporarily settled estate".

APPENDIX Q (i)—continued.

Serial No.	Thana number of villages containing Government and Temporarily-settled estate.	Name of villages.	Tausi number of estates.	Total area in acres found during present survey.	Nature of present settlement.
1	2	3	4	5	6
THANA PIRO.					
1	159	Tarari	4726	970.89	G. E. F.
2	176	Bhulkua	3748	371.72	G. E. R.
3	248	Charpakhri	3748	98.39	Do.
4	344	Megharua	3748	15.14	Do.
5	367	Ekwari	3748	159.81	Do.
6	396	Garpa	3748	57.47	Do.
7	444	Warsi	4627	736.60	Do.
MR. MYLNE'S VILLAGES.					
8	12	Jamuaon	4160	52.35	T. S.
9	12	Do.	4883	1,051.82	Do.
10	13	Saneya	4709	175.90	Do.
11	14	Bambur	4160	490.22	Do.
12	15	Chowbeypur	4234	153.14	Do.
13	16	Marahi	4500	150.04	Do.
14	17	Chhourahi Jungle	983	1,849.91	Do.
15	18	Keswa	4483	680.22	Do.
16	19	Bisumbarpur	4163	39.53	Do.
17	20	Haswadehri	4341	325.81	Do.
18	22	Akarna	4188	956.62	Do.
19	23	Kasair	4484	300.70	Do.
20	24	Baraon	4158	1,531.27	Do.
21	25	Hatpokhar	4339	185.40	Do.
22	26	Jitaura Jungle Mahal	983	2,350.76	Do.
23	27	Rajea	4657	361.89	Do.
24	60	Mathi	4499	415.33	Do.
25	61	Mothiwal Jungle	983	76.48	Do.
26	62	Jagdishpur Patak	4382	234.78	Do.
27	63	Bahari Mahadeo	4159	64.19	Do.
28	64	Naek Tola Jungle	983	1,536.98	Do.
29	65	Barouli	4137	431.19	Do.
30	66	Tiwaridih	4340	164.88	Do.
31	67	Ranglal Tola Jungle	983	116.13	Do.
32	66	Rasuli	4658	297.76	Do.
33	77	Jamnipur	4384	253.68	Do.
34	86	Lahrabad	4343	31.36	Do.
35	86	Do.	4488	37.97	Do.
36	87	Ibrahimpur	4343	79.66	Do.
37	88	Piro	4235	16.95	Do.
38	88	Do.	4236	273.71	Do.
39	88	Do.	4340	58.97	Do.
40	88	Do.	4580	26.51	Do.
41	88	Do.	4628	729.12	Do.
42	89	Gajradih	4330	96.90	Do.
43	90	Deo Chanda	4255	417.50	Do.
44	95	Piro Chak	4580	182.10	Do.
THANA BIKRAMGANJ.					
1	238	Kharwath	5075	844.81	G. E. R.
2	538	Punaidih	5676	75.73	Do.
3	544	Jaisri English	5676	10.26	Do.
4	546	Jaisri	5676	120.92	Do.
5	548	Atma	5676	29.56	Do.
6	584	Padumanpur	5676	11.71	Do.
7	586	Jaisri English	5676	41.32	Do.

APPENDIX Q (i)—continued.

Serial No.	Thana number of villages containing Government and Temporarily-settled estate.	Name of villages.	Tauzi number of estates.	Total area in acres found during present survey.	Nature of present settlement.
1	2	3	4	5	6
THANA DUMBAON.					
1	64	Duma Taufir	1298	22.66	T. S.
2	72	Gangauli	1298	104.79	Do.
3	73	Mohanpur	1298	8.85	Do.
4	74	Kharha Tanr	1298	415.45	Do.
5	149	Chausalpur	1334	4.45	G. E. P.
6	154	Mhojpur Kadim	1334	37.22	Do.
7	161	Dhakaich	1297	8.72	G. E. R.
8	164	Rampur	1297	3.90	Do.
9	165	Rasulpur	1297	17.66	Do.
THANA BUXAR.					
1	3	Salarpur	2018	39.85	T. S.
2	3	Do.	8036	9.00	Do.
3	3	Do.	8037	14.12	Do.
4	3	Do.	8038	7.91	Do.
5	3	Do.	8039	10.67	Do.
6	3	Do.	8040	10.55	Do.
7	3	Do.	8041	4.09	Do.
8	3	Do.	8042	6.49	Do.
9	3	Do.	8043	2.22	Do.
10	3	Do.	8044	15.69	Do.
11	3	Do.	8045	15.89	Do.
12	3	Do.	8046	35.60	Do.
13	4	Chuni	1617	202.44	Do.
14	4	Do.	1618	512.87	G. E. R.
15	4	Do.	1619	143.13	Do.
16	4	Do.	1627	156.55	Do.
17	4	Do.	1629	75.37	T. S.
18	4	Do.	1629	77.03	G. E. R.
19	4	Do.	1630	34.70	Do.
20	4	Do.	10763	76.82	Do.
21	5	Kashipur	1783	65.79	T. S.
22	5	Do.	8432	30.80	Do.
23	5	Do.	8433	38.10	Do.
24	5	Do.	8434	15.66	Do.
25	5	Do.	8435	20.15	Do.
26	5	Do.	8436	17.57	Do.
27	5	Do.	8437	68.12	Do.
28	8	Gehuana	1688	23.21	Do.
29	8	Do.	10171	15.26	Do.
30	8	Do.	10172	15.02	G. E. R.
31	8	Do.	10173	8.24	T. S.
32	10	Atrauna	1519	207.04	Do.
33	10	Do.	1520	273.44	Do.
34	10	Do.	1521	117.95	Do.
35	10	Do.	1522	68.41	Do.
36	10	Do.	1523	140.28	Do.
37	10	Do.	1524	117.55	Do.
38	10	Do.	9155	82.00	G. E. R.
39	12	Sahipur	2037	163.77	Do.
40	12	Do.	10184	64.66	Do.
41	12	Do.	10185	81.43	T. S.

APPENDIX Q (i)—continued.

Serial No.	Thana number of villages containing Government and Temporarily-settled estate.	Name of villages.	Tauzi number of estates.	Total area in acres found during present survey.	Nature of present settlement.
1	2	3	4	5	6
THANA BUKAR—contd.					
42	14	Gobindpur	1694	111.39	T. S.
43	15	Bhitihara	1599	271.65	Do.
44	15	Do.	9709	161.55	Do.
45	15	Do.	9710	134.91	Do.
46	15	Do.	9711	197.21	Do.
47	15	Do.	9712	149.97	Do.
48	16	Mitanpura	9712	209.92	Do.
49	19	Murtazapur	1894	46.83	Do.
50	19	Do.	1895	28.29	Do.
51	19	Do.	1896	11.80	Do.
52	19	Do.	1897	28.48	Do.
53	19	Do.	1898	7.87	Do.
54	19	Do.	1899	7.57	Do.
55	19	Do.	1900	8.58	Do.
56	19	Do.	1901	4.73	Do.
57	21	Khokrabi	1832	103.11	Do.
58	21	Do.	6006	60.20	Do.
59	21	Do.	6007	21.09	Do.
60	21	Do.	6008	100.96	Do.
61	27	Reka Khurd	1989	79.03	Do.
62	28	Beehanpurwa	1577	348.45	Do.
63	28	Do.	1578	124.62	G. E. F.
64	28	Do.	9581	193.52	Do.
65	30	Maladewa	1885	82.13	Do.
66	30	Do.	7928	80.76	T. S.
67	30	Do.	7929	60.74	Do.
68	30	Do.	7930	21.42	Do.
69	30	Do.	7981	18.69	G. E. R.
70	30	Do.	7932	19.09	Do.
71	34	Kanak Narayanpur	1577	157.68	T. S.
72	34	Do.	1578	32.40	G. E. F.
73	34	Do.	1810	92.27	T. S.
74	36	Akhanpur	1578	137.67	G. E. F.
75	36	Do.	9582	76.58	Do.
76	38	Khelafatpur	1577	24.45	T. S.
77	39	Konia	9582	35.46	G. E. F.
78	40	Banarpur	1577	375.39	T. S.
79	40	Do.	1578	49.48	G. E. F.
80	40	Do.	9581	93.75	Do.
81	40	Do.	9582	169.63	Do.
82	43	Mahanpurwa	1577	101.62	T. S.
83	43	Do.	9581	89.23	G. E. F.
84	45	Jagdeshpur	1737	29.00	T. S.
85	45	Do.	1738	125.16	Do.
86	45	Do.	1739	66.85	Do.
87	45	Do.	9543	32.19	Do.
88	46	Sarainja	2020	116.83	Do.
89	46	Do.	2021	494.17	Do.
90	46	Do.	2022	259.03	Do.
91	46	Do.	9713	128.46	Do.
92	47	Kusrupa	1798	283.52	Do.
93	47	Tekaitpur	1798	103.45	Do.
94	49	Babhani	1573	97.82	Do.

APPENDIX Q (i)—continued.

Serial No.	Thana number of villages containing Government and Temporarily-settled estate.	Name of villages.	Taxi number of estates.	Total area in acres found during present survey.	Nature of present settlement.
1	2	3	4	5	6
THANA BUKAR—contd.					
95	49	Babhani	10050	53.64	T. S.
96	49	Do.	10051	42.87	Do.
97	49	Do.	10052	46.28	Do.
98	49	Do.	10053	49.84	Do.
99	49	Do.	10054	22.63	Do.
100	51	Masarhia	1798	414.97	Do.
101	67	Hafizua	1297	117.56	G. E.
102	70	Kathlar	1786	248.25	Do.
103	70	Do.	10658	28.91	T. S.
104	70	Do.	10659	205.63	Do.
105	70	Do.	10660	123.69	Do.
106	70	Do.	10661	58.51	Do.
107	70	Do.	10662	40.13	Do.
108	70	Do.	10663	26.50	Do.
109	70	Do.	10664	17.77	Do.
110	70	Do.	10665	81.41	Do.
111	70	Do.	10666	110.25	Do.
112	70	Do.	10667	69.12	Do.
113	70	Do.	10668	24.24	Do.
114	70	Do.	10669	13.22	Do.
115	70	Do.	10670	8.92	Do.
116	70	Do.	10671	23.52	Do.
117	74	Isarpur	1949	129.45	Do.
118	79	Hingui	1277	40.40	G. E. R.
119	81	Lhilampur	1671	276.97	T. S.
120	85	Alawalpur	1526	207.50	
121	86	Balbhadarpur	1584	17.84	
122	86	Do.	1585	20.15	Do.
123	86	Do.	1586	43.30	Do.
124	86	Do.	1587	2.98	Do.
125	86	Do.	1588	63.06	Do.
126	87	Rampur Khurd	1981	27.79	Do.
127	87	Do.	10055	7.51	Do.
128	87	Do.	10056	22.32	Do.
129	87	Do.	10057	17.92	Do.
130	87	Do.	10058	18.09	Do.
131	87	Do.	10059	17.64	Do.
132	87	Do.	10060	18.45	Do.
133	87	Do.	10061	11.65	Do.
134	87	Do.	10062	7.89	Do.
135	89	Bairampur	1580	127.12	Do.
136	90	Mianpur	1888	25.54	Do.
137	90	Do.	10547	13.56	Do.
138	90	Do.	10548	29.62	Do.
139	90	Do.	10549	48.77	Do.
140	90	Do.	10550	15.50	Do.
141	90	Do.	10551	15.66	Do.
142	90	Do.	10552	25.46	Do.
143	90	Do.	10553	26.18	Do.
144	90	Do.	10554	11.82	Do.
145	90	Do.	10555	14.41	Do.
146	93	Dharampura	1670	38.14	Do.
147	93	Do.	9159	6.59	Do.

APPENDIX Q (i)—continued.

Serial No.	Thana number of villages containing Government and Temporarily settled estate.	Name of villages.	Tauzi number of estates.	Total area in acres found during present survey.	Nature of present settlement.
1	2	3	4	5	6
THANA BUXAR—contd.					
148	93	Dharampura	9160	25.56	T. S.
149	93	Do.	9161	2.00	Do.
150	93	Do.	9162	20.31	Do.
151	93	Do.	9163	15.19	Do.
152	95	Alawalpur	1527	48.33	Do.
153	95	Do.	10091	27.00	Do.
154	95	Do.	10092	12.37	Do.
155	95	Do.	10093	13.93	Do.
156	95	Do.	10094	13.49	Do.
157	95	Do.	10095	9.04	Do.
158	96	Gopalpur	1687	70.52	Do.
159	99	Bhadua	1601	16.47	Do.
160	99	Do.	1602	16.61	Do.
161	99	Do.	1603	50.37	Do.
162	99	Do.	1604	3.51	Do.
163	99	Do.	1605	49.52	Do.
164	111	Jairampur	1746	82.28	Do.
165	115	Ismailpur	1717	113.04	Do.
166	117	Sansarpur	2041	79.06	Do.
167	133	Lagra Sagra	2031	92.90	Do.
168	133	Do.	2042	60.03	Do.
169	133	Do.	2043	20.17	Do.
170	140	Jagopur	1748	66.24	Do.
171	141	Saithu	2034	144.53	Do.
172	141	Do.	2035	28.03	Do.
173	141	Do.	6896	39.04	Do.
174	141	Do.	6897	9.18	Do.
175	141	Do.	9777	4.72	Do.
176	141	Do.	9778	27.30	Do.
177	141	Do.	9779	8.36	Do.
178	147	Konhauli	1796	588.98	Do.
179	152	Sirikantpur	1741	224.17	Do.
180	155	Dharmagatpur	1672	83.10	Do.
181	155	Do.	9727	21.80	Do.
182	155	Do.	9728	16.72	Do.
183	156	Sugbar	2044	80.61	Do.
184	162	Kishanipur	1791	133.22	G. E. F.
185	164	Chaubepur	1626	48.62	T. S.
186	165	Ahiapur	1983	215.48	Do.
187	167	Jalahra Talao	1741	207.07	Do.
188	169	Narainpur	1917	59.32	Do.
189	170	Tirkalpur	2059	129.23	Do.
190	171	Tiara	2059	627.50	Do.
191	174	Dastejpur	2059	75.10	Do.
192	178	Chandpur	2059	42.79	Do.
193	181	Mabes Pihra	1983	148.60	Do.
194	182	Rasen Khurd	1983	55.89	Do.
195	182	Do.	1984	53.73	Do.
196	182	Do.	9992	32.71	Do.
197	182	Do.	9993	9.07	Do.
198	182	Do.	9994	16.16	Do.
199	182	Do.	9995	31.29	Do.
200	183	Chandpur	1613	214.63	Do.

APPENDIX Q (i)—continued.

Serial no.	Thana number of villages containing Government and Temporarily-settled estate.	Name of villages.	Tansi number of estates.	Total area in acres found during present survey.	Nature of present settlement.
1	2	3	4	5	6
THANA BUXAR—contd.					
201	184	Hinganpur Etgharwa ...	1712	44.84	T. S.
202	188	Khempur ...	1834	89.63	Do.
203	188	Do. ...	9852	27.46	Do.
204	188	Do. ...	9853	25.11	Do.
205	188	Do. ...	9854	15.93	Do.
206	188	Do. ...	9855	17.27	Do.
207	190	Panapur ...	1954	22.74	G. E. R.
208	194	Parbat Chak ...	1854	22.32	T. S.
209	194	Do. ...	7031	14.07	Do.
210	194	Do. ...	7032	4.82	G. E. R.
211	194	Do. ...	7033	6.08	T. S.
212	194	Do. ...	7034	5.50	Do.
213	194	Do. ...	7035	6.31	Do.
214	194	Do. ...	7036	9.79	Do.
215	194	Do. ...	7037	9.48	Do.
216	194	Do. ...	7038	17.32	Do.
217	198	Chintamanpur ...	1616	40.00	Do.
218	198	Do. ...	6898	35.55	G. E. R.
219	198	Do. ...	6899	26.01	T. S.
220	198	Do. ...	6900	16.71	Do.
221	198	Do. ...	6901	16.89	Do.
222	198	Do. ...	6902	13.49	Do.
223	198	Do. ...	6903	1.02	Do.
224	200	Ismailpur ...	1798	134.92	Do.
225	200	Do. ...	7880	99.41	G. E. R.
226	200	Do. ...	7834	53.26	T. S.
227	201	Kanheri ...	1793	191.20	Do.
228	201	Do. ...	7879	133.43	G. E. R.
229	201	Do. ...	7380	191.94	Do.
230	201	Do. ...	7881	99.55	Do.
231	201	Do. ...	7882	78.43	T. S.
232	201	Do. ...	7883	177.37	Do.
233	201	Do. ...	7884	113.85	Do.
234	202	Manipur ...	1880	18.14	Do.
235	202	Do. ...	1903	19.70	Do.
236	203	Piprah ...	1946	187.25	G. E. R.
237	203	Do. ...	1948	638.51	Do.
238	203	Do. ...	1963	16.43	Do.
239	204	Lodipur ...	1839	178.09	T. S.
240	206	Khaupur ...	1793	173.69	Do.
241	215	Mianpur ...	1598	106.33	Do.
242	217	Kat ria ...	17.5	706.65	Do.
243	219	Kishunipur ...	1809	53.55	Do.
244	227	Sidbbandh ...	2033	177.56	Do.
245	227	Do. ...	2046	27.82	Do.
246	227	Do. ...	2047	27.21	Do.
247	227	Do. ...	2048	17.79	Do.
248	227	Do. ...	2049	35.69	Do.
249	227	Do. ...	2050	4.14	Do.
250	227	Do. ...	2051	28.11	Do.
251	227	Do. ...	2052	7.95	Do.
252	227	Do. ...	2053	31.76	Do.
253	227	Do. ...	10235	19.52	Do.

APPENDIX Q (i)—continued.

Serial No.	Thana number of villages containing Government and Temporarily-settled estate.	Name of villages.	Tausi number of estates.	Total area in acres found during present survey.	Nature of present settlement.
1	2	3	4	5	6
THANA BUXAR—contd.					
254	227	Sidhbandh ...	10228	10.45	T. S.
255	227	Do. ...	10227	9.14	Do.
256	227	Do. ...	10411	19.24	Do.
257	227	Do. ...	10412	9.16	Do.
258	229	Kadirpur Khurd ...	1784	72.04	Do.
259	233	Kusahi ...	1797	127.45	G. E. R.
260	234	Baniapatpur ...	1583	171.50	Do.
261	235	Ujiarpur ...	1925	249.63	Do.
262	237	Labandi ...	1840	138.28	T. S.
263	237	Do. ...	6242	13.58	Do.
264	237	Do. ...	6243	16.84	Do.
265	237	Do. ...	6244	9.67	Do.
266	237	Do. ...	6245	22.84	Do.
267	237	Do. ...	6246	29.33	Do.
268	237	Do. ...	6247	52.50	Do.
269	237	Do. ...	6248	11.88	Do.
270	238	Jamuawan ...	8755	51.28	G. E. R.
271	245	Kharahua ...	1747	13.28	Do.
272	245	Do. ...	1831	141.30	T. S.
273	246	Gunj Shakri ...	1691	118.04	G. E. R.
274	243	Kalyanpur ...	1792	504.58	G. E. F.
275	253	Chilhar ...	1620	113.13	T. S.
276	253	Do. ...	1621	115.27	Do.
277	253	Do. ...	9366	120.80	Do.
278	253	Do. ...	9368	46.53	Do.
279	253	Do. ...	9370	26.03	Do.
280	253	Do. ...	9372	56.26	Do.
281	253	Do. ...	9547	45.89	Do.
282	253	Do. ...	9548	31.41	Do.
283	253	Do. ...	9549	14.05	Do.
284	253	Do. ...	9550	49.19	Do.
285	253	Do. ...	9552	64.15	Do.
286	254	Girdharpur ...	1914	208.87	G. E. F.
287	255	Unwas ...	1914	954.43	Do.
288	256	Parasi ...	1953	543.82	T. S.
289	259	Mahomadpur ...	1297	25.51	Do.
290	260	Bharchakia ...	1914	37.57	G. E. F.
291	263	Raghopur ...	1922	33.81	T. S.
292	263	Do. ...	1993	7.76	Do.
293	263	Do. ...	1994	14.35	Do.
294	264	Koch ...	1795	160.03	Do.
295	264	Do. ...	10096	78.35	Do.
296	264	Do. ...	10097	27.15	Do.
297	264	Do. ...	10098	33.49	Do.
298	264	Do. ...	10099	17.78	Do.
299	265	Mustafapur ...	1297	78.58	G. E. R.
300	269	Siktouaa ...	2026	206.57	T. S.
301	269	Do. ...	2027	194.62	Do.
302	269	Do. ...	2040	51.72	G. E. F.
303	270	Johanpur ...	1749	11.29	G. E. R.
304	270	Do. ...	1750	53.56	T. S.
305	270	Do. ...	1751	46.00	Do.
306	279	Pirtampur ...	1957	113.16	Do.

APPENDIX Q (i)—continued.

Serial no.	Thana number of villages containing Government and temporarily-settled estate.	Names of village.	Tauzi number of estates.	Total area in acres found during present survey.	Nature of present settlement.
1	2	3	4	5	6
THANA BUXAR—contd.					
307	279	Pirtampur ...	1961	61-21	T. S.
308	279	Do. ...	1962	42-62	G. E. R.
309	283	Kudratipur ...	1-00	40-20	T. S.
310	258	Do. ...	1801	23-90	Do.
311	283	Do. ...	1-02	33-29	Do.
312	283	Do. ...	1803	10-21	Do.
313	283	Do. ...	1807	6-26	Do.
314	287	Sharifpur ...	2039	197-24	Do.
315	288	Nawagaon ...	1790	115-33	Do.
316	314	Mahamadpur ...	1892	35-77	G. E. F.
317	322	Tharaganj Bazar ...	2063	51-48	G. E. R.
318	323	Bibiganj ...	1297	168-73	Do.
319	342	Rhotaulia ...	1335	1-6	G. E. F.
320	343	Parsia ...	1335	7-02	Do.
321	401	Khadra ...	1335	11-50	Do.
322	402	Baruna ...	1935	29-31	Do.
323	478	Ugrasonda ...	1914	56-38	Do.
324	480	Harpur ...	1710	53-68	T. S.
325	482	Fatehpur ...	1674	129-41	Do.
326	483	Indore ...	1719	48-31	Do.
327	483	Do. ...	8582	24-35	Do.
328	483	Do. ...	8583	70-03	Do.
329	483	Do. ...	8584	42-21	Do.
330	483	Do. ...	8585	40-40	Do.
331	483	Do. ...	8586	7-43	Do.
332	483	Do. ...	8587	119-72	Do.
333	486	Dasrat Lal ...	1653	39-10	Do.
334	487	Pithani ...	1951	93-13	Do.
335	487	Do. ...	10174	89-45	Do.
336	487	Do. ...	10175	24-85	Do.
337	487	Do. ...	10176	17-98	G. E. R.
338	487	Do. ...	10177	18-48	T. S.
339	487	Do. ...	10178	24-57	Do.
340	488	Jamupur ...	1743	249-64	Do.
341	495	Ramrepur ...	1995	35-21	Do.
342	496	Chihili ...	1615	220-87	Do.
343	498	Joh ...	1719	7-51	Do.
344	498	Do. ...	8582	3-41	Do.
345	498	Do. ...	8583	5-91	Do.
346	498	Do. ...	8584	5-75	Do.
347	498	Do. ...	8587	5-70	Do.
348	498	Do. ...	7259	28-10	Do.
349	501	Kemrajpur ...	1835	109-75	Do.
350	502	Alampur ...	1719	27-53	Do.
351	502	Do. ...	8582	21-83	Do.
352	502	Do. ...	8583	31-21	Do.
353	502	Do. ...	8584	16-80	Do.
354	502	Do. ...	8585	0-70	Do.
355	502	Do. ...	8586	7-24	Do.
356	502	Do. ...	8587	1-49	Do.
357	503	Indore ...	7259	9-96	Do.
358	528	Koitakh ...	1799	390-31	Do.
359	528	Do. ...	9827	74-22	Do.

APPENDIX Q (c)—continued.

Serial No.	Thana number of villages containing Government and Temporarily-settled estate.	Name of villages.	Tauzi number of estates.	Total area in acres found during present survey.	Nature of present settlement.
1	2	3	4	5	6
THANA BUXAR—contd.					
360	528	Koilakh	9828	10.88	G. E. R.
361	528	Do.	9829	27.56	T. S.
362	528	Do.	9830	23.27	Do.
363	531	Mohanpur	1884	203.34	Do.
364	532	Karails	9128	146.03	Do.
365	533	Chakia	9427	214.08	Do.
366	534	Ramdhanpur	9429	112.36	Do.
367	535	Si-aundha	1623	37.06	Do.
368	536	Katharain	1982	159.63	Do.
369	537	Jalalpur	1742	197.03	Do.
370	538	Gadaipur	1690	74.48	G. E. F.
371	538	Do.	1692	60.26	T. S.
372	538	Do.	1693	12.67	Do.
373	538	Do.	8427	5.46	G. E. R.
374	538	Do.	8428	2.14	T. S.
375	538	Do.	8429	5.49	G. E. R.
376	538	Do.	8430	2.85	G. E. F.
377	538	Do.	8431	12.46	Do.
378	538	Do.	10855	12.48	T. S.
379	541	Deokali Dharampur	1651	282.20	Do.
380	541	Do.	9692	122.05	G. E. F.
381	541	Do.	9693	116.01	T. S.
382	550	Dyalpur	1650	106.45	Do.
383	550	Do.	9617	71.54	Do.
384	550	Do.	9618	37.73	Do.
385	550	Do.	9619	20.88	Do.
386	550	Do.	9620	15.07	Do.
387	555	Jangal Chak	1623	56.75	Do.
388	557	Bhagwanpur	1600	118.23	Do.
389	559	Gagohi	1689	338.81	Do.
390	569	Chhatapur	1297	152.10	G. E. R.
391	562	Sarai Khan	2019	99.73	T. S.
392	562	Do.	9997	21.42	Do.
393	562	Do.	9998	76.33	Do.
394	568	Atroulia	1518	251.63	Do.
395	569	Itarhia	1716	333.92	G. E. R.
396	569	Do.	9887	215.52	T. S.
397	569	Do.	9888	208.36	Do.
398	569	Do.	9889	8.47	G. E. R.
399	570	Karma	1789	405.03	G. E. F.
400	574	Andapur	1718	151.83	G. E. R.
401	576	Bansi Chak	1579	103.77	T. S.
402	577	Jagmanpur	1740	180.53	Do.
403	580	Khacharhia	1833	123.26	Do.
404	580	Do.	6140	43.12	Do.
405	580	Do.	6141	171.27	Do.
406	580	Do.	6442	4.14	Do.
407	595	Bawanbandh Gauri	1287	201.16	G. E. R.
408	602	Atroulia	9616	7.19	Do.
409	607	Dulpha	1648	442.39	T. S.
410	608	Madan Chaura	1893	57.58	Do.
411	609	Saukerpur	2055	28.41	Do.
412	610	Dulphi	1649	106.05	Do.

APPENDIX Q (i)—continued.

Serial No.	Thana number of villages containing Government and Temporarily-settled estate.	Name of villages.	Tauzi number of estates.	Total area in acres found during present survey.	Nature of present settlement.
1	2	3	4	5	6
THANA BUXAR—concl'd.					
413	611	Sujaitpur	2038	151·81	G. E. F.
414	611	Do.	6375	61·35	T. S.
415	611	Do.	9422	124·09	Do.
416	611	Do.	9423	78·97	Do.
417	611	Do.	9424	38·80	G. E. F.
418	611	Do.	9425	16·59	T. S.
419	611	Do.	9811	39·78	G. E. F.
420	611	Do.	9812	42·90	T. S.
421	611	Do.	9813	31·75	Do.
422	611	Do.	9814	13·82	G. E. F.
423	612	Sigti	2023	221·13	T. S.
424	612	Do.	2024	113·68	Do.
425	612	Do.	2025	498·21	Do.
426	612	Do.	2024	175·01	Do.
427	612	Do.	9193	80·84	Do.
428	612	Do.	9494	20·68	Do.
429	612	Do.	9495	89·63	Do.
430	612	Do.	9496	8·65	Do.
431	612	Do.	10413	36·05	Do.
THANA SABARAM.					
1	2	Silari	5075	1,300·84	G. E. R.
2	4	Bankat	5075	149·51	Do.
3	45	Chamarha	5075	432·57	Do.
4	159	Katra	5075	346·81	Do.
5	185	Bhainsahi	5073	3·923	Do.
6	200	Sewahi	4849	200·50	Do.
7	273	Chemni Chak	4769	77·22	Do.
8	280	Bhadwa	4849	454·36	Do.
9	281	Pararia	4849	118·83	Do.
10	408	Chandar Kaithi	5075	398·93	Do.
11	614	Amra	4849	300·14	Do.
12	660	Nehal	4849	8,383·78	Do.
13	661	Anandi Chak	4849	191·75	Do.
14	680	Rohtas	4849	10,393·49	Do.
THANA DEHRI.					
1	28	Taraon	5676	728·23	Do.
2	34	Gamheria	5676	147·54	Do.
3	63	Nasrigunj	5676	865·01	Do.
4	67	Amiawar	5676	907·13	Do.
5	69	Sabadia	5676	422·52	Do.
6	99	Champ	5118	413·17	Do.
7	151	Diaria	5676	701·83	Do.
8	154	Charmara	5117	168·93	Do.
THANA KARGHAR.					
1	7	Dharampura	5075	191·38	Do.
2	28	Kkauni	5241	200·01	Do.
3	65	Bariarpati	5076	76·40	Do.

APPENDIX Q (i)—concluded.

Serial No.	Thana number of villages containing Government and Temporarily-settled estate.	Name of villages.	Tauzi number of estates.	Total area in acres found during present survey.	Nature of present settlement.
1	2	3	4	5	6
THANA KARGHAR—concl'd.					
4	130	Checharia	5075	152.23	G. E. R.
5	156	Kharahana	5075	774.30	Do.
6	302	Damadar Dihra	5075	213.36	Do.
7	306	Nimia	5075	411.77	Do.
8	352	Pauni	5212	236.46	Do.
9	360	Chakardharpur	5111	98.59	Do.
10	376	Chanderbhanpur	5075	363.12	Do.
11	398	Babhani	5075	695.23	Do.
12	417	Chonka	5110	212.80	Do.
13	433	Dudbar	9776	232.59	T. S.
14	457	Ghardiha	5306	557.78	Do.
15	460	Chhatauna	5119	297.66	Do.
16	485	Chauki	5109	442.86	Do.
17	487	Karmahi	5109	26.23	Do.
THANA MOHANA.					
1	276	Jarman English	2707	69.32	G. E. R.
2	277	Sonbarsa	2707	326.05	Do.
3	283	Rampur	2707	189.72	Do.
4	303	Chatra Pachimwari	2707	450.60	Do.
5	313	Chatra Purubwari	2707	599.16	Do.
6	314	Kuchila	2707	1,527.88	Do.
7	406	Dhananterpur	2706	113.81	Do.
8	407	Lakharpati	2706	508.16	Do.
9	408	Barkakatra	2706	513.54	Do.
10	533	Bhundi Tekari	2706	59.84	Do.
11	575	Katra Irazi English	2706	283.30	Do.
12	576	Barhulia	2706	515.20	Do.
13	577	Sagarpur	2706	276.50	Do.
14	580	Pachra	2706	141.81	Do.
15	584	Turha	2706	7.32	Do.
16	585	Hasanpura	2706	168.66	Do.
17	630	Itali	2706	59.98	Do.
THANA BHABHUA.					
1	380	Nimia	2706	28.67	G. E. R.
2	841	Bazidpur	2706	42.00	Do.
3	988	Pipra	2706	3,322.10	Do.

APPENDIX Q(ii).

Enhancement in Section 104 cases in Government and Temporarily-settled Estates.

Serial number.	Name of Thana.	Increase of rent under section 88(a).	Decrease of rent under section 88(b).	Enhancement—					Reduction under section 88.	Fair rent settled for Kabil Lagan lands.	Fair rent settled for resumed rent-free lands.	Attended rent.	Fair rent settled by Revenue Officers.	Computed produce rent.
				Under section 80(a).	Under section 80(b).	Under section 80(c).	Under section 102.	In case of Tenare-holder.						
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
SADR SUBDIVISION.														
1	Araah	22	137	3,389	349	...	...	51	...	...	...	9,686	12,509	...
2	Shahpur	429	168	...	528	...	...	4	...	168	37	9,143	10,121	158
3	Piro	126	75	...	96	...	...	...	...	1	1	6,176	6,325	36
	Mr. Mylne's Estates lying in Shahpur and Piro Thanas.	1,167	626	...	3,455	...	39	132	168	...	70	1,36,773	1,43,606	2
	Total	1,731	1,226	2,330	4,427	...	96	187	168	169	108	1,64,978	1,72,561	194
BUXAR SUBDIVISION.														
4	Dumraon	448	40	...	486	...	...	...	5	...	...	3,567	4,467	...
5	Buzar	1,381	407	577	5,312	...	304	87	...	2,620	1,007	59,650	70,661	9,529
	Total	1,829	466	577	5,808	...	304	87	5	2,620	1,007	63,417	75,128	9,529
SASARAM SUBDIVISION.														
6	Sasaram	223	55	257	659	46	...	20	...	16	...	10,176	11,354	11
7	Dehri	94	77	...	1,374	...	...	290	...	1,386	...	1,0,752	12,718	...
8	Bikramganj	24	10	...	150	...	...	11	...	...	...	3,041	3,326	...
9	Karghar	56	40	1,339	1,302	...	...	52	...	11	10	13,187	15,947	...
	Total	447	182	1,496	3,385	46	...	373	...	1,413	10	37,159	44,145	11
BHASHUA SUBDIVISION.														
10	Bhashua	17	2	...	9	...	...	...	...	1	...	666	394	...
11	Mohania	36	51	36	392	...	...	562	...	...	...	9,579	10,571	...
	Total	53	53	36	401	...	...	562	...	1	...	9,948	10,965	...
	Grand Total	3,912	1,929	4,448	13,011	46	349	1,329	188	4,402	1,125	2,75,801	3,02,799	...

APPENDIX

Assets and Revenue in Government

Serial number.	Name of Thana.	Total area in acres found during the present survey.	Assessed					
			In occupation of tenure-holder.		In occupation of nagdi settled occupancy raiyats.		In occupation or non-occupancy raiyats.	
			Area.	Assets.	Area.	Assets.	Area.	Assets.
1	2	3	4	5	6	7	8	9
<i>Sadr Subdivision.</i>								
1	Arrah	808	...	...	2,598	12,836	1	4
2	Shahpur	2,848	...	...	2,377	10,118	20	308
3	Piro	2,409	...	...	2,000	7,684	4	6
	Mr. Mylne's Estate lying in Shahpur and Piro Thanas.	27,451	58	897	28,556 *351	143,378† 147	11	See foot-note to col. 7.
	
	Total ...	32,810	58	897	30,530	173,511	35	318
		...	...	...	351	147	...	...
<i>Buzar Subdivision.</i>								
4	Dumraon	619	...	...	591	4,438	...	...
5	Buzar	36,854	233	941	21,842	77,621	501	1,789
	Total ...	37,473	233	941	22,433	82,059	501	1,789
<i>Sasaram Subdivision.</i>								
6	Bikramganj	1,134	69	94	905	3,221	...	2
7	Sasaram	23,147	106	248	3,445	11,341	2	6
8	Dehri	4,854	266	870	2,997	11,051	246	1,417
9	Karghar	5,233	172	472	4,551	15,252	66	122
	Total ...	33,869	613	1,684	11,898	40,865	314	1,547
<i>Bhabhua Subdivision.</i>								
10	Mohanea	5,811	1,155	2,204	4,641	8,298	39	69
11	Bhabhua	3,393	...	...	72	331	39	162
	Total ...	9,204	1,155	2,204	4,713	8,629	77	231
	Grand Total ...	113,356	2,060	5,226	69,574	304,994	923	3,385
		...	...	...	351	147	...	...

* Fixed Raiyati

† This includes an insignificant amount

Q (iii).

and temporarily-settled Estates.

area.				Total assessed area.	Sair.	Others.	Total assets.	Government revenue as now determined.	Assets of last settlement.	Government revenue of last settlement.
In occupation of raiyats on produce-rents.		In the possession of the proprietors or farmers.								
Area.	Assets.	Area.	Assets.	14	15	16	17	18	19	20.
...	...	12	85	2,610	...	...	12,425	11,218	10,715	9,652
...	...	26	50	2,423	4	16	10,496	9,976	10,219	8,879
...	...	121	623	2,125	55	12	8,380	7,691	7,200	6,166
54	302	472	2,180	24,520	5,925	2,148	154,141	77,070	141,528	55,195
...	Jagir land.	11	70	...	...	...	...	...	...	...
54	802	631	2,928	81,678	5,984	2,171	185,402	105,955	169,671	79,892
...	Jagir land.	11	70	...	...	...	...	...	...	...
...	...	10	61	601	...	...	4,529	3,197	6,128	4,285
3,812	18,727	6,437	34,870	92,825	618	112	134,478	79,555	117,974	81,556
3,812	18,727	6,447	34,731	93,428	618	112	139,007	82,762	134,102	85,831
...	...	...	...	974	2	...	3,319	3,319	3,001	3,001
...	...	...	...	3,553	70	...	11,665	11,665	9,992	9,992
...	...	113	45	3,821	310	2,728	16,421	16,875	10,989	10,789
18	70	...	...	4,801	94	62	16,072	15,489	12,773	12,465
18	70	113	45	12,950	476	2,790	47,477	48,848	36,754	36,197
...	...	...	...	5,395	21	...	10,592	10,592	9,324	9,324
...	...	...	...	110	...	...	393	393	361	361
...	...	...	...	5,945	21	...	10,985	10,985	10,185	10,185
3,878	19,099	7,191	37,714	84,000	7,099	5,078	372,901	246,550	340,712	2,12,105
...	Jagir land.	11	70	...	...	...	...	...	...	...

area and rent.

paid by non-occupancy raiyats.

APPENDIX R.

NOTE ON THE CULTIVATION OF SUGARCANE IN PIRO THANA BY BABU

B. B. MUKHARJI, ASSISTANT SETTLEMENT OFFICER.

Sugarcane though valued is not liked by tenants; first because it requires a good deal of labour, the weeding has to be done frequently, land will have to be irrigated, the crop has to be watched against jackals and insect-pests. It is very trying to keep the crop in good condition in the hot summer months. Secondly, it is deemed exhausting for the soil and destroys three crops the *rabi* of the year in which the twigs are planted, the *bhadai* or *aghani* of the next season and again the *rabi* of the season in which sugarcane is harvested. Thirdly, they urge that they do not get sufficient profit chiefly because the demand for "gur" has decreased:—(this is likely due to the larger imports of foreign sugar since I believe 1890 from Germany); next because they allege that for sugarcane grown in lands irrigated with canal water the yield of "gur" is less than when well water used to irrigate the tracts (this is possibly due to the absorption of moisture from the over moist soil due to over supply of canal water rendering the juice watery and hence for the same quantity poorer in saccharine properties as we ordinarily find that the more watery juice of sugarcane pressed in *Pous* yields less "gur" than the juice pressed in *Fagun* when it is rendered thicker by longer exposure in the approaching summer sun). But as yet the area under sugarcane has not actually undergone any appreciable change. On the other hand though people do not now take to it to have a large profit by trade in "gur," etc., a larger number of people now grow it only for household uses. In some of the villages I could get exact figures showing areas under sugarcane 20 years ago (as measurements for reasons noted below used to be made) to make the comparison, and I found that there was not much appreciable decrease in the total area; e.g., in village Narayanpur the average area under sugarcane for three years 1888 to 1890 was 28 acres while in 1910 it was 24.78 acres.

Higher rates for land yielding sugarcane.—In some of the villages held specially by the Dumraon Raj in my circle a higher rate of rent is realised for any land growing sugarcane in any particular year. There are two classes of such land, viz., (a) lands held on produce rent, (b) lands held on money rent. In Siut for example the lands pay cash rent at a very high rate when sugarcane is grown in them, while for all other crops produce-rent is payable. In villages Hatpokhar, Narayanpur and Sondhi, where cash rent is paid rent for lands growing sugarcane in any particular year had to be paid at rates which are nearly double of those payable ordinarily for the very same lands when all other crops are grown in them:—thus lands growing sugarcane had to be measured annually to be assessed at the extra rate for sugarcane. About 20 years ago a compromise was effected to avoid the vexatious measurements, by which the average of the amount paid at the extra rate for sugarcane for the last three years was permanently added to the total *jama* with liberty to tenants to grow all crops. The tenants who did not agree to this still pay extra rate for sugarcane assessed after measurement annually. One can understand the reason for the high rate of cash rent payable for lands ordinarily paying produce rent when sugarcane is grown. The rate is high partly because the value of the proportionate share of the commodity of the rent had it been paid in kind would have been high, and partly because as stated above the sugarcane lasts nearly a year on the land and destroys 3 to 4 crops, and thus the landlord when he has to be paid in cash takes this as well into consideration. But for lands held on cash rent the extra rate of rent realised over and above the ordinary rate for any particular land when growing sugarcane is rather peculiar. Even the old papers however prove the existence of the custom and the oldest tenant cannot say as to the origin of the system.

It seems however probable that this system of asking for increased rate originated in the increased demand for sugarcane for exports out of India in about 1792, when the zamindars did in fact levy high rates of rent for lands

growing sugarcane. This is apparent from a letter addressed by the Government to the Board of Revenue in that year which runs thus :—

“ Being desirous of extending the cultivation of the sugarcane, not only with a view to contribute to the supply of the present demand for sugar in England, but also to increase the general export trade of Bengal we direct that you order the Collectors to make it an object of their particular attention to promote the cultivation of sugarcane and to acquaint the cultivators and dealers in sugar in their respective districts that there is every ground to believe that in future the demand for this commodity will be such as to yield to them an ample profit on any quantity that may be brought to market.

* * * * *

It is to be apprehended that many of the landholders who are unacquainted with their real interests may be tempted by the higher price of sugar to endeavour to derive an advantage by raising the rates of the *pattas* of the sugarcane lands instead of looking to the extension of the sugarcane plantations for an increase of the rents of the estates. Such exactions would not only be unjust as well as repugnant to established usage and existing regulations but will entirely counteract the effects which a rise in the prices of sugar must infallibly produce.”

However unjust and repugnant the exaction might have been pointed out to be, it is apparent, that it would be levied and Shahabad as one of the few districts given to the cultivation of sugarcane was subjected to it. It was this which seems to me to have been the origin of the practice which has come down to the present day.

I have enquired minutely into the approximate profit which the cultivation of sugarcane on a piece of land of average quality yields to the cultivator and I have found that the profit yet is not less than double the amount which a “Dofasli” land yielding two crops can fetch to him. I note below the details of expenditure incurred in and value realised by the cultivation of one *katha* of land with sugarcane.

(I) Expenditure incurred in growing sugarcane :—

(a) Requires ploughing about 6 times before the twigs are planted, cost per *katha* as per details below annas 2.

One man with a pair of bullocks can plough up a *bigha* of land per day, the ordinary wages for a labourer are annas 2-3 per day—a bullock, if it is to be brought on hire, generally costs a labourer's wages—

$0-2-3 \times 3 = \text{as. } 6-9 \text{ per day.}$

$0-6-9 \times 6 = \text{Rs. } 2-8-6 \text{ for six times.}$

Hence for 1 *katha* the cost is—

$\frac{1}{10}$ of Rs. 2-8-0 = annas 2.

(b) Twigs.....(cost per *katha*) annas 3-2, the number required for planting a *katha* of land is 400 ; the average price of twigs is 2,000 per rupee, hence the price for 400 = $\frac{1}{5}$ of one rupee.
= 0-3-2.

(c) Irrigation.....(cost per *katha*) 0-6-3. Requires to be irrigated on average about 4 times. Taking the case of irrigation with well water we find that at least 4 bullocks with 3 men can irrigate 10 *kathas* of land per day.

The cost thus is :—

$7 \times \text{annas } 2-3 = \text{annas } 15-9 \text{ per day.}$

$4 \times \text{annas } 15-9 = \text{Rs. } 3-15-0 \text{ for irrigating for 4 days.}$

Cost per *katha* is—

= $\frac{1}{10}$ of Rs. 3-15-0.

= annas 6-3

* The cost, if the land were under “Satsal” Canal irrigation, would not be much more than half this figure, even allowing as much again as the canal rate for labour in bringing the water to the fields.

(d) Cost for weeding per katha, requires weeding for not less than 6 times, one man can do the weeding for 4 kathas per day. Hence the cost is—

$6 \times \text{as. } 2-3 = \text{as. } 13-6$ for six days.

Cost per katha = $\frac{1}{4}$ of as. 13-6.
= as. 3-4.

(e) Rent.....(per katha) as. 3-3.

From enquiries it appears that the average rate for land growing sugarcane may be taken at Rs. 4 per bigha, hence the rent per katha is $\frac{1}{10}$ of Rs. 4 = as. 3-3.

Total Re. 1-2-0.

II. Cost of converting sugarcane to gur (molasses).

N. B.—In these parts it costs almost nothing to cut the sugarcane and carry it to where the mill is erected. The green twigs called "angri" are used as fodder for cattle, a large number of boys and females come up to cut and carry the sugarcane to be rewarded only with the green twigs.

1 katha of sugarcane yields on average—

4 taos or pans of gur,

1 katha yields 4 taos of gur,

= 4×3 passeris.

= 12×6 seers.

= 72 seers. ⁽¹⁾

The average price of "gur" is 15 seers to a rupee ⁽²⁾ hence the price realised = Rs. 4-12-9.

(a) Costs for boiling and pressing sugarcane (per katha).....
as. 11-3.

Three men are employed—one to drive the bullock, another to press the sugarcane into the mill and the third to boil the juice. The average wages thus come up to as. $2-3 \times 3 = \text{as. } 6-9$.

A pair of bullocks will be required to obtain juice sufficient for 4 taos, hence the cost is $2 \times \text{as. } 2-3 = \text{as. } 4-6$.

(b) Hire of mill and pan = as. 5.

The mill and a pan can be had on hire at the rate of as. 1-3 per tao of juice pressed and boiled, hence for 4 taos = $4 \times \text{as. } 1-3$.

Total Re. 1-0-3.

Total of I and II (cost per katha) Re. 1-2-0 + Re. 1-0-3 = Rs. 2-2-3. Value realised as shown above by sale of "gur" obtained from 1 katha of average land = Rs. 4-12-9. Hence the net profit is—

(Rs. 4-12-9 — Rs. 2-2-3) = Rs. 2-10-6. If from this we leave aside a margin of as. 6-9 as price for fuel used for boiling, deterioration in value of ploughs and other instruments and the little manuring that is done, etc., the net profit comes up to—

Rs. 2-4-0 per cottah.

or Rs. 45 per bigha.

The average value realised by sale of crops from *Dofasli* land of similar class hardly exceeds Rs. 20 per bigha.

⁽¹⁾ Another officer in Mohanesa thana states that the yield of "gur" will be from 22 to 44 pakka maunds per acre, valued at Rs. 92 to Rs. 164. In Sasaram thana, I find an estimate that the average yield is worth Rs. 160 to 150 per bigha, or Rs. 160 to Rs. 240 per acre. In Dehri thana the yield is only estimated at Rs. 32 to Rs. 128 per acre. Close to Sasaram the estimate of Rs. 64 to Rs. 160 is found.

⁽²⁾ i.e. kacha seers. 15 kacha seers are equal to—pakka maunds.

The question naturally arises as to why should not the cultivation of sugarcane increase. To me it seems that it is not so much to the importation of foreign sugar or diminution in profit that this is due but to the nature of the cultivators primarily. The cultivators are ordinarily very conservative in their habits and ideas, undoubtedly the cultivation of sugarcane is attended with some risks. A hot sun for a number of days, or an insect-pest may destroy the labour of months. The tenants in consequence prefer to grow less tender crops on the successful outturn of which they can place greater reliance than sugarcane. By nature they are contented with a certain prospect of a steady crop rather than take to the cultivation of an uncertain one. Secondly, I believe that mostly indolence is at the root of much of their conservativeness. As sugarcane puts a great strain on their industry they prefer to give it up for other crops the cultivation of which taxes them less. Canal irrigation moreover by a steady supply of water has rendered the prospects of other crops more certain and cultivation far easier than when they had to trust to rainwater.

APPENDIX S.

NOTE BY MR. E. L. TANNER ON THE EFFECT OF RISE IN PRICES AND
CONSEQUENT RENT ENHANCEMENT ON THE TENANT'S REAL SURPLUS.

In the 15 years' period 1901-1915 suppose that a tenant pays a rent R and that his average gross produce is P in value.

There are f members of his family including himself, each requiring during the years 1901-15 an annual sum of m for bare necessities. Suppose the cost of cultivation is $\frac{1}{3}$ th gross produce.

Annual surplus for luxuries and investment

$$= P \frac{n-1}{n} - R - fm.$$

Now in 15 years 1901-15 suppose prices have altered in the proportion of $1 : p_1$ compared to the prices of preceding 15 years and again alter in 1916-1930 in the proportion of $1 : p_2$ compared to the prices of 1901-1915. If rent is settled in 1915 the rent for 1916-1930 will be $R \times \frac{2p_1+1}{3}$ the cost of cultivation will be p_2/n of the gross produce and price of necessities for each member of the family will be $p_2 m$ and value of gross produce will be $P p_2$ annual surplus for luxuries, etc.

$$= P p_2 (n-p_2)/n - (1 + 2 p_1) R/3 - f p_2 m.$$

Assuming that price of luxuries has altered in the same rates as the price of staple crops the actual value of this in terms of 1901-15 prices will be—

$$P (n-p_2)/n - (1 + 2 p_1) R/3 p_1 - f m.$$

The increase will therefore be—

$$P (1-p_2)/n - R(1 + 2 p_1 - 3 p_2)/3 p_1.$$

Pursuing this into a 3rd period of 15 years with an alteration in prices of $1 : p_3$ compared to 1916-30 we get annual surplus for luxuries—

$$P p_2 p_3 (n-p_2 p_3)/n - R(2 p_1 + 1) (2 p_2 + 1)/9 - f p_2 p_3 m \text{ or reducing it to the 1901-15 standard on the same assumption as above.}$$

$$P (n-p_2 p_3)/n - R (2 p_1 + 1) (2 p_2 + 1)/9 p_2 p_3 - f m.$$

The excess will be over 1901-15—

$$P (1-p_2 p_3)/n - R[(1+2 p_1) (1 + 2 p_2) - 9 p_2 p_3] / 9 p_2 p_3.$$

The general formula after r periods of 15 years is easily seen to be—

$$P (1 - \prod_{i=1}^{r+1} p_i)/n - R_i [\prod_{i=1}^r (1 + 2 p_i) - 3^{\prod_{i=1}^{r+1} p_i}] / 3 \prod_{i=1}^{r+1} p_i.$$

INDEX.

Subject.	Paragraph.	Page.
A		
<i>Abadi Municipality</i>	112	34
<i>Abwabs</i> List of — found in the Shahabad District ...	488	162
" Attestation officers not encouraged to disentangle — from rent.	169	59
" Inclusion of — in landlord's demands ...	473	157
Agricultural population. Material condition of landlords and —.	352—376	120—123
Agricultural population. Demands on the annual income of the —.	369	126
Agricultural population. — of the Statistical area ...	373	127
Agricultural stock. Adequacy of pasturage for the — ...	303	101
" Details of the —	320	107
Appendix E.		
Alawalpur	464	154
Alluvion and diluvion question of Turk Ballia ...	96	28
Amalgamation of estates. Proposal to empower Collector to order—.	156	47
Amalgamation of Revenue Survey villages	105, 132	32, 40
Amendment of the Bengal Tenancy Act. Proposal to require courts to scrutinize private commutation of produce rent.	191	59
Amils	39, 46	9, 12
Amins. Payment of — in hill areas	135	41
Appeals against orders under section 105 and section 106. Percentage of —.	267	87
Areas covered by the operations	110—114	33-34
" previously surveyed	110—114	33-34
" topographically surveyed	110—114	33-34
" according to Criminal jurisdiction	130	39
" cultivated, culturable and unculturable. Percent- age of — to the total area and comparison with Buchanan's estimate.	302—304	100-101
" of District, subdivisions and thanas	4, 5	1, 2
" under cultivation. Distribution of— among the three principal harvests of the year.	307-308	102-103
" Comparison with other Bihar districts, and thana statistics.	307-309	102-103
Assets. Percentage of—taken in Land Revenue Settlement	454	151
" Proportion of — taken in Mr. Mylne's estates ...	450	149
" Calculation of — in Land Revenue Settlement ...	436—446	145—148
" The proportion of — to be taken as Government revenue.	447—450	148—150
" Incidence of assumed — compared	440	146
Attestation. Programme of —	178	55

Subject.	Paragraph.	Page.
B		
Baiga (village priest). Functions of — ...	27, 29	61
<i>Bakasht</i> .—Khajura case regarding — ...	174	53
„ Profits of — throughout the district ...	444	147
„ claims ...	171	52
<i>Bakasht</i> lands. Percentage of — in some districts ...	822	109
„ Value of the gross produce on — ...	371	127
„ Mortgages of — ...	210	64
„ Value of the — in calculation of assets in Land Revenue Settlement. ...	437	145
„ Value of — in Orissa ...	441	146
Baliara rent disputes ...	181	56
Bansi Koh. Jungle rights of Government in — ...	200	62
<i>Banskati</i> Mahal. Boundary dispute between the Sonapura estate and Government—. ...	147	44
„ Government claim of jungle and mineral rights in the —. ...	197, 198	61, 62
Bazidpur case ...	463	153
B class railway lands ...	153	47
Bhimalpur case ...	462	153
Boundaries of plots. Correction of — in accordance with orders passed after <i>Khanapuri</i>	255	83
Boundaries of the district ...	2	1
Boundary. Verification of — with Mirzapur district ...	148	45
Boundary disputes. Sheopur Diara ...	141	43
„ between Sonapur estate and <i>Banskati</i> Mahal. ...	147	44
„ in the Kaimur Hills ...	144	43
Boundary marks. Preservation of — in the diaras ...	149, 151	43, 46
„ Maps and registers of — ...	149, 150	46
Boundary pillars used in diaras. Special form of — ...	142	43
Brooke, W. A.—Patna Chief ...	41, 42	9, 10
„ His proposal for farming and his statement of the demands in Sarkar Shahabad. ...	42	10
„ as first Collector of Shahabad ...	45, 56	11, 16
„ His enquiries and views regarding the Decennial Settlement with proposals. ...	43, 49	12, 13
„ Details of his Settlement ...	56	16
Brooke, T., second Collector of Shahabad ...	56, 75, 76	16, 22
Buchanan's estimate:—of the value of the gross produce of the district. ...	86	8
„ Comparison with — of cultivated, culturable and unculturable area. ...	304	101
„ of the rent per acre of <i>rabi</i> tract ...	331	113
„ of population in 1812 ...	343	118
„ of the total value of the annual crop. ...	359	122

Subject.	Paragraph.	Page.
Buchanan's notes on homestead lands ...	211	65
Buchanan's reference to fixity of cash rent ...	240	76
"Kankat" to produce rent and <i>Danabandi</i> or <i>Kankat</i> system.	327	110
Buchanan's report ...	7	2
Buchanan's views about <i>pattas</i> and prevalence of <i>hastabudi</i> rents.	77-80	22-24

C

Canal irrigation. Effect of — on increase of cultivation	305	102
Canal rate	374	128
Canal, Sone. Irrigation from—	7	2
Canals, private. Irrigation from—	314	105-106
Canal water rate.—The bearing of the—on the princi- ple of one-fifth of the gross produce as standard of rent.	280	91
Cash rents.—Table showing the details of—according to classes of raiyats in several thanas.	330	112
Chakwath disputes.—Mr. Shettle's comments on the—	133	57
Chaukidari Chakran lands.—Enquiries regarding— and the various kinds of —in the Kaimur Hills.	162-164	49
Chausa Pargana. History of its Settlement and re- settlement in 1933-34.	61-66	17-19
" Origin of Government and tempora- rily-settled estates in —	398	133
" Effect of resettlement of—on the revenue demand of Government and temporarily-settled estates.	390-392	132
" Result of Land Revenue Settlement in—.	455	151
Communications	17-18	4
Commutation of produce rent and re-settlement of <i>Gusakhta</i> holdings. Practices at—.	237	76
" Private. Proposal (to require Courts to scrutinize—.	191	59
" Private enhancement of rent within 15 years of—.	281	92
" Statistics of cases and appeals in—	283-284	92-93
" Crop cutting experiments as basis of—	285	93
" In Government and temporarily-settled estates.	427-428	142-143
Congregated maps. Scheme by Major Hirst of—	119	86
Copies of records. Distribution of—in Government and temporarily-settled estates.	459	152
Cost of Cadastral Survey and <i>Khasarpuri</i>	289	95
" of Settlement...	290	96
" of Case work ...	291	96
" of Computation and recovery	292	96
" of rent and revenue-settlement in Government and temporarily-settled estates.	297	97-98
Cost rates	289-292	95-96

Subject.	Paragraph.	Page.
Court of wards. Enhancements under the—in Partapur Diara.	188	58
Criminal jurisdiction. Variation of—	8	1
Criminal Procedure Code. Proceedings under section 145 of the —.	174—176	53-54
Crop (annual). Buchanan's estimate of the total value of the —.	359	123
" Difficulty of calculating the value of the —.	360	123
" Plan adopted in calculating the value of the —.	361	123
" The value of the—for the district including the extra statistical area.	362	123
" Sir D. J. Macpherson's estimate of probable outturn of — of various harvests.	363—366	123, 124
" Paddy outturn	364	123
" <i>Rali</i> and <i>Bhadai</i> outturns	365	123
" General comparison derived from money value of the—per acre.	366	123
" Estimate of — per acre by the Assistant Settlement Officers.	367	124
Crops (principal)—Food crops. Statement showing the percentage of—in different Bihar districts.	312	104
" Non-food crops and sugarcane—	310	104
" Oil-seeds and garden—	311	104
Crop-cutting experiments.— <i>ss</i> basis of commutation of produce rent.	285	93
" Triangle for — ; advantages of the method and results.	352—354	120
" Modification of results of — from other data.	356	121
" Separate estimate of crop for Mr. Mylne's estate.	358	121
" Reasons for estimates falling below usual estimates.	357	121
" No necessity for seasonal adjustment of —.	358	123
" By Mr. Danemure in Chausa Pargana.	64	18
Cultivated area. Distribution of—among the three principal harvests of the year. Comparison with other Bihar Districts and other statistics.	307, 308	102, 103
Cultivated, culturable and unculturable areas. Percentage of—to the total area; comparison with Buchanan's estimate.	302, 304	100, 101
Cultivation. Effect of Canal irrigation on—	305	102
Cultivation in the Kaimur hills. Percentage of —. Buchanan's ideas about the extension of—.	306	102
Cultivators, agricultural labourers and artisans. Dividend for —.	376	129
D		
<i>Dakhilkar</i> . Meaning of—	485	161
Darlapur case re. <i>sirat</i>	172	52

V

Subject.	Paragraph.	Page.
D		
Daridih case <i>re.</i> raiyat's possession	175	53
Deane's resumption before the Permanent Settlement	82	25
Decennial Settlement	49	13
" Details of the —	50	14
" Vanderhayden's report on the —	55	15
" Board's orders regarding the —	47	12
" Brooke's enquiries and views and proposals for the —. 48, 49		12, 13
Diara, Ganges	8	2
" Survey of —	<i>See Ganges diara.</i>	
" Sheopur boundary disputes	141	43
" Special form of boundary pillars used in—	142	43
" Boundary marks in the —	151	46
" Village units adopted in Ganges—	134	41
" Preservation of boundary marks in the—	143	43
" Ganges. Conference regarding Major Hirst's scheme for preparation of congregated maps. 119		35, 36
" of Umarpur; disputes in —	125, 129	38
Diara Survey of 1863-4 and 1881-3	94, 97	28
Diluvion and alluvion question in Turk Ballia	96	28
Disputes, Internal	<i>See Internal disputes.</i>	
" Tree—in the Dumraon Estates.	<i>See Tree disputes.</i>	
" Money rent	179	55
Dispute regarding <i>shraf</i> and raiyat's possession. Origin of —	177	54
District. Boundaries of the—		1
" Area of—	4	3
District Board trees. Claims to possession of—	169	51
Draft publication in Attestation camps. Introduction of the method of—	252	83
Dumraon and Hatwa villages (previously settled). Treatment of the <i>guzashta</i> question in—	243	78, 71
Dumraon Estate. Expansion of — since the permanent settlement. 51		15
" Settlement by <i>thikadars</i> of raiyats' lands purchased at public or private sale in the —. 249		81, 81
" Tree disputes in the —	167	50
" Rent-free claims in the —	168	50
" Instruction issued in the — regarding production of papers throwing light on <i>guzashta</i> status. 225		69
Dumraon Raj. Objections of the — to "Mr. Philip's <i>guzashta</i> circular. 222		68

E

East Indian Railway	17	4
Economic and non-economic holdings. Discrimination between —, in suits for enhancement of rent. 273—275		89, 90

	Subject.	Paragraph.	Page.
Education	...	317	118
Emigration and immigration of population — comparison with other districts.		361	119
Enhancement of rent.	Judicial decisions about —	78—80	21—24
„	Under the Court of Wards in Partappur diara.	188	68
„	Statement showing the total, percentage, and various grounds of —.	269	85
„	On the ground of rise in prices full enhancement not allowed, if the result would be to raise the rent above one-fifth of the value of the gross produce.	260	85
„	Effect of section 85 on —	272	89
„	Discrimination between economic and non-economic holdings in suits for —.	278—276	89, 90
„	On the ground of rise in prices the effect of — on the real surplus of the raiyat and of the landlord.	276, Appendix S	90
„	Within 15 years of private commutation of produce-rent.	281	92
„	Preliminary enquiries regarding — in Government and temporarily-settled estates.	410	136
„	In Government and temporarily-settled estates.	429	143
Estates.—exempted from Land Revenue Settlement	...	457	152
„	Identification of — with the help of the record of <i>thakbust</i> survey.	155	47
„	managed by Government and Government—. Distinction between — and some typical cases of difficulties.	460—466	153—156
„	Proposal to empower Collector to amalgamate —	156	47
„	<i>Waguzash</i>	157	47
Expenditure. Table showing the — on separate items of work	...	287	94
„	Comparison with other districts	288	95
Extent of operations	...	1	I
F			
Fairness of rent.	The principle of one-fifth of gross produce as a test of —.	279	91
Fair rent—Settlement before final publication. Proposal to empower Attestation Officers to do — on application of one party.		186	57
„	Settlement in Government and temporarily-settled estates. Inception of —, staff employed and principles and procedure adopted.	411—423	136—142
Fallow. Percentage of —	...	302	100, 101
Famine. Scheme for protection against —	...	18	4
<i>Fard Rewaz Bhaoli</i> . Preparation of — dropped	...	206	68
<i>Fard Rewaz jungle</i> ...	...	170	61

	Subject.	Paragraph.	Page.
Final publication.	Introduction of the method of — under the supervision of Assistant Settlement Officers at Central Camps.	256	84
Fixed rents.	Claims of raiyats to be <i>Gusashadars</i> in the sense of raiyats at —	247	81
„	Causes of large number of raiyats on —	331	113
„	Question of — in Government and temporarily-settled estates.	408, 409	135
Fixity of cash rents.	Buchanan's reference to —	240	76, 77
Fixity of rent.	Special Judge's view on evidence to rebut the presumption of —.	282	92
Food crops.	Statement showing the percentage of — in different Bihar districts.	312	104
Food Reserve.	Jungle products as a —	16	4
Fox (Mrs.).	Raiyati claims of —	250	82
G			
Ganges and Sone banks.	Origin of Government and temporarily-settled estates on —.	400	133
Ganges Diara.	Units adopted in —	134	41
Ganges Diara Survey	...	116	35
Ganges Diara tract	...	6	2
Gangetic Survey.	Effect on the revenue demand of Government and temporarily-settled estates.	389	132
Gonds at Khajipur Paturia.	Manufacture of cups by—	21	5
<i>Gorabandi</i> in Bhagalpur	...	242	77, 78
<i>Gorais</i> .	Duties of—	487	162
Government and temporarily-settled estates.	Cost of rent and revenue settlement in —.	297	97, 98
„	Importance of — in Shahabad	377	129
„	Classification of —	378	129
„	Statistics of collections in — as treated in the Land Revenue Administration Report.	379	129
„	The effect of confiscations of Kuar Singh's estates after the Mutiny, on the Revenue demand of —.	380, 338	129, 132
„	Re-classifications of — and the revenue demand of —.	381—384	129
„	Causes of fluctuations of the revenue demand of —.	385	131
„	Effect of Revenue Survey on the revenue demand of —.	387	132
„	Effect of the Gangetic Survey, resettlements of Chausa Pargana, transfer of several estates to Ballia and Saran, purchase of permanently-settled estates, summary settlement of Mr. Mylne's estates and re-settlement on the revenue demand of —.	389, 395	132, 133
„	Present operations in — prior to rent settlement, viz., the question of notification, preparation of lists, Cadastral Survey and record writing, the question of fixed rent or <i>Gusashis</i> question and preliminary enquiries regarding enhancements.	408, 410	134, 136

Subject.	Paragraph.	Page.
Government and temporarily-settled estates. Previous revision settlements of—	396	133
„ The distribution of —	397	133
„ Fair rent settlement in — and inception and staff employed and principles and procedure adopted.	411, 423	136, 149
„ Commutation of produce rent in —	427, 428	142, 143
„ Enhancement of rent in—	429	143
„ Incidence of rent in — as compared with that in all estates.	430	143
„ Distribution of copies of records in —	459	153
Government estates and estates managed by Government. Distinction between — and some typical cases of difficulties.	460, 468	155, 156
Gross produce. The principle of one-fifth of — as a test of fairness of rent.	279	91
„ As standard of rent ; the bearing of the Canal water-rate on the principle of one-fifth of the —.	280	91
„ Calculation of the relation of rent to value of the —.	333	114
„ Value of the — on <i>bakashi</i> lands	371	127
<i>Guzashta</i> . Meaning of—	79	23
<i>Guzashta</i> question.— in Government and temporarily-settled estates.	408, 409	135
<i>Guzashta</i> tenancies.— Claims of raiyats to be <i>Guzashtadars</i> in the sense of raiyats at fixed rent. Enquiries at Khanapuri.	216, 247	66—81
„ <i>Guzashta</i> status. Meaning of —	217, 219, 223	66—68
Mr. Philip's Circular to record <i>Guzashta</i> raiyats as <i>Sharah Muaiyan</i> .	219, 220	67, 68
„ Criticism of —	221	68
„ The objections of the Dumraon Raj to —.	222	68
„ Mr. McPherson's views	223	68
„ Mr. Maude's views	224	68
<i>Guzashta</i> tenancies.— Instructions in the Dumraon Raj regarding production of papers throwing light on status.	225	69
„ Newspaper criticism of the <i>Guzashta</i> Circular.	226	69
„ Opportunities given to landlords to put in fresh objections under section 103A, free of cost.	227	69, 70
„ Question in Legislative Council regarding Mr. Philip's <i>Guzashta</i> Circular.	228	70

Subject.	Paragraph.	Page.
<i>Guzashta</i> tenancies—The result of the special 103A objections.	229	71
„ Mr. Hubback's inspection note regarding <i>Guzashta</i> status, and his instructions for enquiry by Attestation Officers.	231, 232	71-74
„ True <i>Guzashta</i> area—Boundary of the —.	232	74
„ The Bihar Landlords' Association's Memorial regarding <i>Guzashta</i> tenancies.	233	74, 75
„ Government's reply to the Memorial.	234	75
„ Opinion of Babu Harbans Sahai, a pleader of Arrah as to —.	236	75
„ Bihar Rent Committee. Opinions of the non-official members of the — as to <i>Guzashta</i> tenure.	236	75, 76
„ Opinion of Babu Joy Prakash Lal as to —.	236	76
„ Re-settlement and commutation of produce-rent of <i>Guzashta</i> holdings. Practices at —.	237	76
„ Evidence of landlord's papers as to <i>Guzashta</i> .	238	76
„ Mr. Nolan's views ...	239	76
„ Mr. Staley's note ...	239	76
„ Buchanan's reference to fixity of cash rents.	240	76, 77
„ "Gorabandi" in Bhagalpur ...	242	77
„ The treatment of the <i>Guzashta</i> question in previously-settled Hathwa and Dumraon villages.	243	78
„ Evidence as to <i>Guzashta</i> in Settlement operations.	244, 245	79
„ Section 50 (3) of the Bengal Tenancy Act. Meaning of — and Mr. Meade's views about —.	245, 246	80, 81
Hardesarae rent disputes and criminal prosecution for forged rent-receipt counterfoils.	183, 184	56
Harvests of the year (three principal). Distribution of cultivated area among the —.	307, 308	102, 103
Comparison with other Bihar districts, and thana statistics.	307, 308	102, 103
<i>Hastobudi</i> system ...	73	21
„ Buchanan's remarks about the —	80	24
Hathwa and Dumraon villages (previously settled). Treatment of the <i>Guzashta</i> question in —.	243	78
Haveli Rohtas—Settlement of — with Harbansai Bai ...	54	15
„ Permanent settlement of —	59	16
<i>Hawalgi</i> <i>lagan</i> entries ...	215	65
Health. Effect of Canal system on —	12	

K

Subject.	Paragraph.	Page.
Holdings—Comparison of the size of plot and — with other districts.	152 ...	... 46
„ Status of — purchased by landlords at auction sales still held by the judgment-debtors.	248 ...	... 81
„ Economic and non-economic — Discrimination between — in suits for enhancement of rent.	273—275 ...	... 82—90
Homestead lands—Liability to assessment of Buchanan's note on liability to execution sale of — of under-tenants.	211—214 ...	... 64, 65
Hukumi grants.—Illegal resumption of —	... 83 ...	... 25

I

Incidence of assumed assets in Land Revenue Settlement compared.	440 ...	... 146
Incidence of rent in Bhabhua hill tracts	... 354 ...	... 115
„ in Government and temporarily-settled estates as compared with that in all estates.	430 ...	... 143
Income (Annual).—Demands on the — of the agriculture population.	369 ...	... 126
„ Landlord's share of the —	... 372 ...	... 127
„ of the district and the land revenue	... 101 ...	... 80
Internal disputes.—Table showing the No. of —	... 165 ...	... 50
„ Incidence per square mile	... 165 ...	... 50
„ Nature of — in Arrah thana	... 166 ...	... 50
„ No. of — per square mile in different tracts of South Bihar.	289 ...	... 95
Irrigation—from the Karamnasa river.—Proposed scheme for —	16 ...	... 4
„ From Sone Canal ...	... 7 ...	... 2
„ Statement showing the extent of —	... 313 ...	... 105
„ Defect of the statistics of — from private Canals.	314 ...	... 105
„ Possible extension of —	... 315 ...	... 106
„ Principal crops under —	... 316 ...	... 106
„ Canal — rates and receipts	... 317 ...	... 106
„ — from wells — <i>Mujmili</i> -maps	... 318 ...	... 107
„ Statement showing the percentage of — from different sources in the different districts of Bihar.	319 ...	... 107
Irrigation Channels and Sone Canal.—Record of —	... 159 ...	... 48
Irrigation from Canal.—Effect of — on increase of cultivation.	305 ...	... 191, 102
Itarhia case	... 465 ...	... 154, 155

J

Jagdishpur.—Survey of —	... 113 ...	... 34
„ <i>Jungle Mahal</i> . Survey of —	... 133 ...	... 40, 41
<i>Jagirs</i> or assignments for the support of local superior administration.	34 ...	... 7
„ —Resumption of—before the Permanent Settlement,	81—88 ...	... 24—27
„ <i>Pakrohi</i> —record of —	... 160, 161 ...	... 48

xi

Subject.	Paragraph.	Page.
<i>Jalkar.</i> Meaning of — ...	... 446	... 148
Jungle rights in the Kaimur Hills ...	... 170	... 51
" " of Government in Sasarem thana ...	... 199	... 62
" " of Government in Bansikoh ...	... 200	... 62
" " of raiyats in Kaohuhar and the neighbouring villages.	201, 203	... 62, 63
Jurisdiction, criminal. Variation of— ...	... 8	... 1
" " Areas according to — ...	... 130	... 39
K		
<i>Kabil lagan</i> —Entries regarding uplands in Kaimur Hills Mr. Duncan's and Mr. Murphy's views and Board's orders.	480	... 159
Kaohuhar and the neighbouring villages. Jungle rights of raiyats in —	201—203	... 62, 63
<i>Kaemi</i> .—Meaning of — ...	... 485	... 161
Kaimur Hills Description of — ...	... 8	... 2
" " Health in the — ...	... 15	... 4
" " Traverse Survey in the — ...	... 107	... 32
" " Quarrying of limestone from the — ...	... 21	... 5
" " Boundary disputes in the — ...	... 144	... 43
" " Defects of Revenue Survey in the — ...	... 145	... 44
" " <i>Chaukidari Chakras</i> lands in the — ...	... 164	... 49
" " Jungle rights in the — ...	... 170	... 51
" " Statistics of villages in the — ...	... 301	... 100
" " Percentage of cultivation in the — Buchanan's ideas about the extension of cultivation in the—	306	... 102
" " Origin of Government and temporarily-settled estates in the —	401	... 134
" " Defects of record-of-rights in the — ...	474—481	... 157—159
" " <i>Abwab</i> in the — ...	... 488	... 162
Kaimur Plateau. Boundary disputes in the southern edge of the —.	147	... 44
Kanungos ...	... 49	... 13
Karamnasa. Proposed scheme for irrigation from the — as protection against famine.	16	... 4
Keotia case ...	... 466	... 156
Khajopur Pataria. Manufacture of cups by Gondas at —	21	... 5
Khajura case regarding <i>Bakasht</i> ...	... 174	... 53
<i>Khalsa</i> or the revenue payable to the Imperial Exchequer.	34	... 7
<i>Khanapuri</i> —Percentage of the check of — ...	152, 153	... 46, 47
<i>Khas</i> cultivation—Profits of — ...	... 442	... 146
<i>Khatians</i> . Preparation of — for holdings purchased by landlords at auction sales still held by the judgment-debtor.	248	... 81
<i>Khatians</i> and plots. Number of — ...	... 191	... 40]
Kharwar headmen. Status of —. Mr. Sifton's viewson —	475	... 157, 158

xii

Subject.	Paragraph.	Pages.
Kharwar headmen. Resemblance of — to Chakbanddars of South Moughyr, and points of difference.	476, 477 ...	... 168
Kharwars. Their origin, language, social status, burial and marriage customs, and points of similarity with the Mundas.	22, 21 ...	... 5, 6
<i>Kheswat</i> —Writing by Inspectors	154 ...	... 47
Khirawan rent disputes	180 ...	... 55
Kuar Singh's estates. Confiscation of —	51 ...	... 16
" Effect of confiscation of — after Mutiny on the revenue demand of Government and temporarily-settled estates.	380, 388 ...	... 129, 132

L

Lain case	467 ...	... 155
Landlords—Material condition of — and agricultural population.	362-376 ...	... 120-128
Landlords' papers—Evidence of — as to <i>Gusaskta</i>	238 ...	... 76
Landlord's private land. Meaning of — in temporarily-settled estates.	438 ...	... 146
Landlord's realizations of produce rent. Difficulties of estimating —	285 ...	... 93
Landlord's share. Reasons for lower — in produce-rent in Shahabad.	328 ...	... 111
" —Actual and nominal — in produce-rent.	329 ...	... 111
Landlord's share of the annual income	372 ...	... 127
Land Revenue and the annual income of the district	101 ...	... 30
Land Revenue—Incidence of —	100 ...	... 29, 30
Land Revenue Settlement. Period and final results of —	459 ...	... 150
" Percentage of assets taken in —	454 ...	... 150
" Result of — in Chausa Pargana	455 ...	... 151
" Comparison of — with previous settlements.	456 ...	... 152
" Estates exempted from —	457 ...	... 152
Light Railway. Arrah-Sasaram	17 ...	... 4
Limestone. Quarrying of — from the Kaimur Hills	21 ...	... 5
List of Government and temporarily-settled estates.— Preparation of —	405, 406 ...	... 134, 135

M

Macpherson (Mr. T. S.) Special Judge. Criticism of the work of Revenue Officers by —.	265 ...	... 87
Macpherson (Sir D. J.). Estimate of — of probable outturn of crop of various harvests.	363, 366 ...	... 122, 124
Macpherson (Sir D. J.) Report of — on Government and temporarily-settled estates.	396 ...	... 133
Maharaja of Benares. Produce-rent claims over the excess area by the —	190 ...	... 59
" Rent receipts in the villages of — to be written in Kaithi and not in Urdu.	192 ...	... 59

Subject.	Paragraph.	Page.
Material condition of landlords and agricultural population.	352-376 ...	... 120-128
Mathurapur cash and produce-rent disputes	... 186 ...	... 57
Measurements. Standard of evidence to prove —. Views of Mr. T. S. Macpherson, Special Judge on —	261 ...	... 85
Memorial of the Bihar Landlords' Association regarding <i>Guzashta</i> tenancies and Government reply to it.	233 ...	... 74
Mirzapur district.—Verification of boundary with the —.	148 ...	... 45
Money rent disputes	... 179 ...	... 55
Mortgages.—Percentage of —	... 337 ...	... 115
" and sales.—Price obtained for —	... 341 ...	... 117
" — of <i>bakasht</i> lands	... 210 ...	... 64
<i>Motarfa</i> .—Meaning of —	... 416 ...	... 148
Munsifs' work. Improvements in — by Settlement training.	196 ...	... 61
Mutation fee for transfer of occupancy rights	... 340 ...	... 117
Myline (Mr.).—Origin of temporarily-settled estates owned by —	399 ...	... 133
" Estate of —. Separate estimate of crops for —	356 ...	... 121
" Effect of Revenue Settlement of —'s estates.	394 ...	... 132
" Sugarcane rate in estates of —	... 445 ...	... 147
" <i>Sair</i> collection in estate of —	... 446 ...	... 148
" Proportion of assets taken in estates of —	450 ...	... 149

N

<i>Nankar</i> (maintenance) lands	... 34 ...	... 7
<i>Neg</i> .—Meaning of — and payment of the Patwari from —.	426 ...	... 162
Notice of officers employed in operations	... 490 ...	... 164, 165
Notification.—Question of — in Government and temporarily-settled estates.	403, 404 ...	... 134

O

Objections under section 103-A. of the Bengal Tenancy Act. Opportunities given to landlords to put in, free of cost, on account of the <i>Guzashta</i> Circular. Its result.	227 ...	... 69, 70
" Number of — by thanas	... 253 ...	... 83
Occupancy rights. Sale of —	... 338 ...	... 115
" Custom of transferability of — with and without the consent of the landlord.	... 339 ...	... 116
Occupations of the population (Principal) Table showing the —	348 ...	... 118
" Comparison with Patna Division	... 349 ...	... 119
Oil-seeds. Cultivation of —	... 311 ...	... 104

Subject.	Paragraph.	Page.
P		
<i>Pakrohi jagira</i> .—Record of —	180, 161	48
<i>Parganas</i> .—Comprising the district —	33	7
(1) According to Akbar's assessment of 1683		
(2) According to Ali Verdi Khan's assessment of 1750.		
Assessment of —	60	17
<i>Parganaswar rates</i>	73	21
<i>Pertappur Diara</i> .—Enhancements under the Court of Wards in —.	188	68
<i>Partitions</i> .—Table showing —	98	29
<i>Pasturage</i> .—Adequacy of — for the support of agricultural stock.	308	101
<i>Patwari</i> as a <i>guzri</i> -Government Official. Submission of <i>teiskhana</i> papers by the —. Payment of the — from <i>neg.</i>	486	162
<i>Pawara Pargana</i> .—Forfeiture of — from Bai Bakshi Ram	57	16
<i>Permanent Settlement</i> .—Intention of Government to fix <i>raiya</i> 's rents by the —	73, 74	21
„ resumption of <i>Jagira</i> before —	81—88	24—27
„ of <i>Haveli Rohtas</i>	59	16
„ —Effect and aims of —	67	19
<i>Phalkar</i> .—Meaning of —	446	148
<i>Plot and holding</i> .—Size of — and comparison with other districts.	152	46
<i>Plot boundaries</i> .—Correction of — in accordance with orders passed after <i>Khanapuri</i> .	255	83
<i>Plots</i> .—No. of — per square mile in different tracts of South Bihar.	289	95
<i>Plots and Khatisans</i> .—Number of —	131	40
<i>Population</i> . Comparative estimates of —. Buchanan's estimate of — in 1812.	343	118
„ Causes of fluctuation of —. Effect of — Sone Canal on —.	344	118
„ Average density of —	345	119
„ According to religion. Percentage of —	346	118
„ According to education percentage of —	347	118
„ Table showing the principal occupations of the —.	348	118
„ Comparison with Patna Division	349	119
„ Emigration and immigration of — comparison with other districts.	351	119
„ (Agricultural).—Material condition of landlords and —.	352—376	120—129
„ of the statistical area	373	127
„ and occupations	20	5
<i>Postal facilities</i>	19	5
<i>Powers of an officer trying a section 105 application to consider the plea of inclusion of <i>alwab</i>.</i>	269	89
<i>Powers of Revenue Officer to allow reduction of rent —. Director of Land Records' opinion as to —.</i>	270	88

XV

Subject.	Paragraph.	P. ge.
Powers of Revenue Officer. Comparison of—to reduce rents under sections 105 and 104 of the Bengal Tenancy Act.	271	89
Power of Attestation Officers to settle fair rents before final publication on application of one party.	186	57
Presumption of fixity of rent.* Special Judge's view on evidence to rebut the —	382	92
Private Canals. Irrigation from — ..	314	106, 108
Produce. Buchanan's estimate of the gross value of the — of the district.	26	8
Produce (gross) Value of the — on <i>hakmât</i> lands	371	127
Produce-rent. Percentage of land held on —	325	110
„ Unnecessary in Shahabad ...	326	110
„ Buchanan's references to —	327	110
„ <i>Danabandî or Kankut</i> system of —	327	110
„ Reasons for lower landlord's share in — in Shahabad.	328	111
„ Actual and nominal landlord's share in —	329	111
„ Private commutation of —. Proposal to require courts to scrutinize —.	91	59
„ Enhancement of rent within 15 years of private commutation of —.	281	92
„ Commutation of — and statistics of cases and appeals.	283, 284	92, 93
„ Difficulties of estimating landlord's realizations of — and his share.	286	93
„ Commutation of — in Government and temporarily-settled estates.	427, 428	142, 143
„ Value of the — in calculation of assets Land Revenue Settlement.	436	145
„ Profits of —	442	146
„ Entries regarding uplands in Kaimur hills.	479	159
Produce-rent and cash rent disputes in Mathurapur	185	57
Produce-rent claims over excess area by the Maharaja of Benares.	180	59
Produce-rent questions. Landlord's share and the produce-rent record.	204—206	63
Programme of attestation	178	55

R

<i>Rabi</i> outturn (annual)	365	123
<i>Rabi</i> outturn. Meaning of —	855	121
<i>Rabi</i> tract. Buchanan's estimate of rent per acre of —	831	113
Railway lands. B class —	158	47
Raiyati claims of Mr. Solano	251	82
Raiyati claims of Mrs. Fox	250	82
Record-of-rights. Value of the — in regard to rent	193—195	59—61
Record-of-rights. The Magaa Charta of landlords —	482	160

XVI

Subject.	Paragraph.	Page.
Record-of-rights--Munsifs' opinions on the value of the —	434	160
Recovery—Rate and progress of —	294, 295	96, 97
Reduction of rent. Powers of Revenue Officer to allow — Director of Land Records' opinion as to —	270	88
Section 85 does not cover the case of—	272	89
'Registered proprietors' of village irrigation channels. Record of interest of —	159	48
Religion. Distribution of population according to —	346	118
Rents. Attestation Officers not encouraged to disentangle <i>abwab</i> from —	189	59
„ Value of the record-of-rights in regard to —	193	59
„ Statement showing the total percentage, and various grounds of enhancement of —	259	85
Rent.—Powers of Revenue Officer to allow reduction of — Director of Land Records' opinion as to —	270	88
„ Comparison of powers of Revenue Officers to reduce — under sections 105 and 104 of the Bengal Tenancy Act.	271	89
„ The principle of one-fifth of gross produce as a test of fairness of —	279	91
„ The bearing of the Canal Water rate on the principle of one-fifth of the gross produce as standard of —	230	91
„ Special Judge's view on evidence to rebut the presumption of fixity of —.	282	92
„ Table showing the details of cash according to classes of raiyats in several thanas.	330	112
„ Calculation of the relation of — to value of the gross produce.	333	114
„ Incidence of — in Bhabhua hill tracts.	334	115
„ Enhancement of — preliminary enquiries regarding — in Government and temporarily-settled estates.	410	136
„ Enhancement of — in Government and temporarily-settled estates.	429	143
„ Incidence of — in Government and temporarily-settled estates as compared with that in all estates.	430	143
Rent disputes. Money —	179, 180	55
Rent-free claims in the Dumraon Raj	168	50
Rent incidence. Comparison of — with other districts	332	114
Rent receipt counterfoils. Criminal prosecution for forged — in Hardeesarae.	183, 184	56
Rent receipts in the Maharaja of Benares' villages to be written in Kaithi and not in Urdu.	192	59
Rent suits in the Bhabhua Subdivision. Increase of —.	474	157
„ Institution of — throughout the district	482	160
Resettlements. Need of collection of material for — in the intervals between Settlements.	469	156

Subject.	Paragraph.	Page.
Resettlement and commutation of produce rent of <i>Guzashts</i> holdings.—Practices of —	237	76
" Effect of — on the revenue demand of Government and temporarily-settled estates.	395	132
Revenue demand of Government and temporarily-settled estates.—Various changes in the —	377—395	129—132
Revenue officers.—Powers of — to allow reduction of rent.—Director of Land Records' opinion as to —	270	88
" Comparison of powers of — to reduce rents under sections 105 and 104 of the Bengal Tenancy Act.	271	89
Revenue Settlement.—Classes of estates in which — was required.	431	144
" Powers of the Settlement Officer for —	432	144
" Notices of —	433	144
" Confirming authority in the case of —	434	144
" Procedure adopted for —	435—452	145—150
Revenue Survey.—Defects of — in the Kaimur Hills	145	44
" Effect of — on the Revenue demand of Government and temporarily-settled estates.	387	132
Rise in prices.—Enhancement of rent on the ground of —	269	85
" The effect of enhancement of rent on the ground of — on the real surplus of the raiyat and of the landlord.	276—277 Appendix S.	90, 91
S		
<i>Sair</i>	43	10, 11
<i>Sair</i> collections in Mr. Mylne's and other estates	446	148
Sales.—Revenue. Table showing —	99	29
Sales and mortgages.—Price obtained for —	341	117
<i>Sanbarhu</i> tenancy	209	64
<i>Sanjha</i> tenancy	207	64
Sasaram Pergana.—Settlement of —	52	15
Sasaram thana.—Jungle rights of Government in —	199	62
Section 32 of the Bengal Tenancy Act.—Equity of the rule embodied in —. Mr. McPherson's views on —	278	91
Section 35 of the Bengal Tenancy Act.—Effect of — on enhancement and reduction of rent.	272	89
Section 50 (3) of the Bengal Tenancy Act.—Meaning of — and Mr. Maude's views about —	245, 246	80, 81
Section 109A objections.—Number of — by thanas	259	83
Section 104 work.—Inspection of — in Government and temporarily-settled estates.	411	136
Sections 105 and 104 of the Bengal Tenancy Act.—Comparison of powers of Revenue Officers to reduce rents under —	271	89
Section 105 applications.—Powers of an Officer trying — to consider the plea of inclusion of <i>stabs</i> .	269	88

xviii

Subject.	Paragraph.	Page.
Section 150 of the Bengal Tenancy Act.—High Court decision on the right of applicant under — to dispute the correctness of the record-of-rights.	262, 263 ...	... 85, 86
Section 106 of the Bengal Tenancy Act.—Table showing the number of suits under —	264 ...	... 86
Section 109C of the Bengal Tenancy Act—Settlement under —	182 ...	... 56
<i>Sah Sahak</i> Register	84, 87 ...	... 25, 26
Settlement holders. The selection of the — in temporarily-settled estates.	451 ...	... 150
Settlement of fair rents under section 105 of the Bengal Tenancy Act.—Table showing results of applications for —	257 ...	... 84
Settlement operations—Unrest caused by the —	... 470 ...	... 157
„ Effect of — on crimes of violence	... 471 ...	... 157
„ Increase of Civil litigation due to —	... 472—474 ...	... 157
Settlement under section 109C of the Bengal Tenancy Act.	182 ...	... 56
Settlement training.—Improvement in Munsifs' work by —	196 ...	... 61
Sheopur Diara Boundary dispute ... ..	... 141 ...	... 43
Shore.—Sir John (Lord Teignmouth) deputation of — to form a new Settlement for Bihar Province in 1783.	43 ...	... 10
„ His minute regarding the Khas Settlement	44 ...	... 12
„ His minutes of June and December 1789 regarding protection of the raiyats and position of Zamindars.	68—70 ...	... 19, 20
„ Lord Cornwallis' reply to above ... ..	... 71 ...	... 20
Soils.—Description of — ... ..	... 11 ...	... 3
Solano (Mr.)—Raiyati claims of — ... ..	... 251 ...	... 82
Sone Canal.—Irrigation from — ... ..	... 7 ...	... 2
„ and village irrigation channels—record of —	159 ...	... 48
„ Effect of — on fluctuation of population	... 344 ...	... 118
Sone <i>nadi</i> — shown in the records without specification of any proprietary right.	115 ...	... 34
Sonepara Estate.—Boundary dispute between the — and Banskati Mahal.	147 ...	... 41
Statistical area.—Agricultural population of the —	... 373 ...	... 127
Statistics.—Area covered by — ... ..	... 300 ...	... 99, 100
„ Object of — ... ..	... 299 ...	... 99
Statistics of villages in the Kaimur Hills ... ..	... 301 ...	... 100
„ of status, rent and transfers ... ..	... 321—342 ...	... 108—117
Status of holdings purchased by landlords at auction sales still held by the judgment-debtors.	248 ...	... 81
Subdivisions.—Area of — ... ..	... 4, 5 ...	... 1, 2
Sugarcane —Cultivation of — ... ..	... 310 Appendix B	... 104
Sugarcane rate in Mr. Mylne's estates ... ..	... 445 ...	... 14
Suits under section 106 of the Bengal Tenancy Act.—Table showing number of —	264 ...	... ..

Subject.	Paragraph.	Page.
Sub-section 106 of the Bengal Tenancy Act. Question of title in —	266	87
Surplus of the raiyat and the landlord (real). The effect of enhancement of rent on the ground of rise in prices on the —	276 Appendix B	90
T		
Taluk.—Grouping of villages into —	28	6
Tarpla.—Meaning of.—	446	148
Taufir Bhedia case	466	155
Tesakhana papers.—Submission of — by the Patwari	486	162
Temporarily-settled estates	See Government estates.	
Thakbast Survey.—Identification of estates with the help of —	155	47
Thanas.—Areas of —	4, 5	1, 2
Thana characteristics	10	3
Thana jurisdiction maps. Question of completion of — in connection with diara Survey, Board's orders and their interpretation.	121—124	36—37
Thikadars. Settlement by — of raiyat's lands purchased at public or private sale in the Dumraon Estate.	249	81, 82
Title. Question of — in section 106 suits	266	87
Topographically surveyed area	114	24
Transferability of occupancy rights with and without the consent of the landlord. Custom of —	339	116
Transfer of estates to Ballia and Saran.—Effect of — on the revenue demand of Government and temporarily-settled estates.	391	132
Transfer of occupancy rights. Fee for mutation of —	340	117
Transfers of proprietary and occupancy rights by sales and mortgages. Statistics of —	336—342	115—117
Traverse stations. Marks of —	146	44
Traverse Survey. Programme of —	104	32
" — in Kaimur Hills	107	32
Tree disputes in the Dumraon Estate	167	50
Trees. District Board claims to possession of —	169	51
Trijunction cairns. Erection of — and mapping of suddas	146	44
"Suddas". Mapping of — in Kaimur Hills	143	44
Turk Ballia and the law of alluvion and diluvion	98	28
U		
Umarpur diara.—Survey of and disputes in —	125—129	33, 39
Under-raiyats. Percentage of land held by —	324	110
Unit of villages for the record-of-rights	132	40
Units adopted in Ganges diara	134	41
Uplands in Kaimur Hills. Liability of — to assessment	478	158
" Produce-rent entries regarding —	479	159
" Kabiligan entries regarding — Mr. Duncan's and Mr. Murphy's views, and Board's orders.	490	159

XXI

Subject.	Paragraph.	Page.
V		
Village officials. <i>Pastoris</i> and <i>Garatts</i> ...	... 486, 487	... 163
Villages. Grouping of — into Mahals and Taluks ...	... 28	... 6
Village unit for the record-of-rights ...	... 123	... 40
W		
<i>Waguarli</i> estates ...	... 157	... 47
Warren Hastings ...	... 68	... 19
Weights and measures. Standards of — ...	... 489	... 164
Wells—irrigation from —. <i>Majmili</i> maps of — ...	... 318	... 107
" Cost of construction of —. Note by Babu B. B. Mukharji on —	319	... 107
Z		
<i>Zirat</i> . Darispar case regarding — ...	... 173	... 52
" Origin of disputes regarding — ...	... 177	... 54

No. 219.

DEPARTMENT OF LAND RECORDS AND SURVEYS,
BIHAR AND ORISSA.

FROM

P. W. MURPHY, Esq., I.C.S.,
DIRECTOR OF LAND RECORDS AND SURVEYS,
BIHAR AND ORISSA,

To

THE SECRETARY TO THE BOARD OF REVENUE,
BIHAR AND ORISSA.

Dated Patna, the 21st January 1919.

SIR,

I HAVE the honour to submit the report on the Survey and Settlement operations in the Shahabad District written by Mr. J. A. Hubback, I.C.S. The northern boundary of the criminal jurisdiction of the district is the deep stream of the Ganges and the area lying south of this line measures 4,353 square miles. The revenue and criminal jurisdictions do not, however, agree, and an area measuring 7.8 square miles lying to the north of the deep stream was in consequence included in the survey. Records-of-rights and statistics were prepared during the recent operations for 4,232 square miles, and the statistics given in the report include those relating to an additional area of 28 square miles for which records were previously in existence. The tracts for which no statistics are available, including certain previously surveyed areas, town sites and *diara* lands topographically surveyed, cover 101 square miles.

The operations began in thana Arrah in 1907 and finished in 1916.

2. The district is naturally divided into five distinctive tracts which are described in paragraphs 6 to 9 of the report. These tracts differ from each other so much in such features as fertility of soil, density and character of population, as to reduce considerably the value of any deductions based on a consideration of the averages obtained by totalling the statistics for the whole district. The population per square mile varies from 650 in the north to 200 in the south, the average being 427 as against 758 in Patna. As in Patna, there has been a considerable decrease of population since 1891, which is partly attributed to plague, and, in the area served by the Sone canals, to malaria.

Of the 4,260 square miles for which statistics are given in the report 64 per cent. are cultivated, 8 per cent. uncultivated but culturable, and 26 per cent. unculturable. Were it not for the large area of unculturable land in thanas Sasaram, Dehri and Mohania, the proportion of cultivated area to total area would be much higher, the percentage in the remaining thanas being, as in Patna, over 80. The twice cropped area is 33 per cent. of the net cropped area as against 31 per cent. in Patna. This figure, however, gives an incorrect idea of the fertility of the soil, for a large proportion of the lands classed as twice cropped are merely sown with *khesari* after the *aghani* rice has been reaped. The popularity of this comparatively unimportant crop also explains the high percentage, 78, borne by the area under *rabi* to the net cropped area. The principal crops are, as in Patna, rice, *makai*, gram, wheat and barley. Wheat is grown on 15 per cent. of the net cropped area, the only district comparable with Shahabad in this respect being North Monghyr where the percentage is 15.

3. From a comparison with some figures collected for three of the northern thanas by Buchanan in 1812, Mr. Hubback estimates that the cultivated area in these thanas has since increased by about 33½ per cent. From an examination of other figures, also collected by Buchanan, showing the value at that time of the total crops annually grown in the district, he estimates that the annual crop has increased by 50 per cent., the increase of population during the same period being about 25 per cent. This result is principally attributable to the extension of cultivation and the increase of productivity caused by the Sone canals. Taking into account the rise in prices, the value of the annual crop has grown from 121 lakhs of rupees to 467 lakhs, an increase of nearly 300 per cent. Over 730,000 acres or about 42 per cent. of the net cropped area are artificially irrigated, half from the Sone canals and half from private canals, tanks, *ahars* and wells. Compared to Patna where 62 per cent. of the cropped area is irrigated, private canals and *ahars* are comparatively unimportant.

4. In part V of the report Mr. Hubback has given in detail the results of his investigations into the question of average outturn and has compared his estimates with those made by Sir D. J. Macpherson in 1834 and by canal officers in recent years. The question is one which, in the absence of a detailed classification of fields and of experiments repeated year after year in the same field or in similar fields, is always likely to evoke marked differences of opinion. Mr. Hubback's long experience of Bihar and the attention which he has evidently given to the subject in Shahabad entitle his views to considerable weight. Recent discussions on the commutation of produce rents in South Bihar and on the fairness or unfairness of the cash rents prevalent in Palamau district have focussed attention on the subject of outturn of crops. Mr. Hubback believes, and his belief is shared by most of the officers who have personally supervised large numbers of crop-cutting experiments, that the officers usually employed to make these experiments are inclined, in selecting individual fields typical of a large area, to choose plots representative only of the lands on which the crop under experiment has been grown with a certain amount of success, and to leave out of account the area, not inconsiderable even in normal years, on which the crop has been a complete or almost complete failure. His estimates of an average outturn of 11·5 maunds of paddy and 9 maunds of *rabi* per acre are therefore considerably below the estimates made in Saran and Muzaffarpur, and below those made by canal officers in Shahabad and Gaya. It must be remembered, however, that these figures are an average for all the lands of the district, for irrigated and unirrigated rice lands, for the rich *rabi* land in the area bordering on the Ganges, and for the poor lands in Chausa and Chainpur. On the basis of these figures he calculates the average annual value of the agricultural produce of the district and the surplus left for distribution after providing seed and feeding and placing plough cattle. The gross annual value of the crops comes to 467 lakhs of rupees and the surplus to 352 lakhs. Of the gross annual value 100 lakhs are appropriated by landlords, 65 lakhs by way of rent and 35 lakhs as the produce of lands in their own cultivation. The 367 lakhs left to the cultivators together with the wages paid to labourers cultivating the landlord's *bakashi* lands (estimated at 22 lakhs of rupees), go to support the tenants themselves, their agricultural labourers, under-tenants and village artizans. After providing for seed, for the maintenance and replacement of plough cattle, and for the payment of cess and canal rates, this gives an average share of Rs. 22 per head of the population, a figure which after providing each individual with a subsistence allowance of Rs. 19 per year leaves a surplus of over 40 lakhs of rupees to be divided among the well-to-do agriculturists.

5. In part II of his report Mr. Hubback gives a history of the revenue administration of the district. His account of the assessments made by the Muhammadan rulers and of the difficulties experienced by the early British administrators in making a permanent settlement of the revenue is particularly interesting.

In this chapter he discusses at some length the intentions of the authors of the Permanent Settlement on the subject of future enhancements of the rates of rent then paid by raiyats. After reading the extracts from the notes

of Shore and Lord Cornwallis quoted in paragraphs 70 and 71 of the report it is impossible to avoid sharing Mr. Hubback's conclusion that the enactment which forbade the imposition of new *abwabs* was meant to operate as an absolute bar to the enhancement of the existing rates of rent. Shore in his controversy with Lord Cornwallis pointed out that the possession of rights of occupancy in their lands by the tenants in many parts of Bengal, was incompatible with the theory that the zamindars were absolute proprietors. Lord Cornwallis answered that the existence of occupancy rights did not affect the proprietary right of the zamindars since the latter, no matter who might cultivate the land, were entitled to receive no more than the established rent. He pointed out that the zamindars could obtain an increase of income by encouraging the raiyats to cultivate the more valuable crops and to clear the waste lands of their estates. The suggestion that the cultivation of more valuable crops would increase the landlord's income is an obvious reference to the prevalence of produce-rents and of the *hastobudi* system of rent. Under the latter system which was then common in many districts the rate of rent paid for any field varied with the crop grown, the highest rates being paid for the most valuable crops. Nowhere throughout the discussion is there any indication that the enhancement of the existing rent or *asal* was ever contemplated as a possibility, and the omission definitely to forbid such enhancement in 1795 was undoubtedly due to this cause. The consequences of this omission are well known, and it is clear that even twenty years later attempts made to enhance rents in Shahabad and Gaya had led to disputes in which contradictory decisions were given by the courts. The feeling that enhancement of the established rates of rent is an inequitable proceeding has not yet been completely eradicated in spite of the encouragement to landlords to violate the tradition, given by legislation, by the practice of the courts and by the omission for over a hundred years to ascertain or record the established rents. The disinclination of landlords, even of those who might be expected to be aware of their legal rights, to admit when confronted with their raiyats, having ever enhanced the rate of rent, was noticeable during the settlement proceedings in all the Bihar districts of which I have been Settlement Officer. Such admissions were usually only made with reluctance after every attempt to explain the increase of the rent-roll as due to other causes, such as assessment of new cultivation, had failed.

The question whether the zamindars of the province were entitled under the provisions of the Permanent Settlement to enhance their raiyats' rents is now of academic interest as regards most districts, although the recent discussions on the fairness of imposing fresh taxation on land to defray the expenditure necessitated by modern demands for education and sanitation have once more drawn attention to the subject. In Shahabad, however, a practical interest attaches to the question. In that district alone there has long been known to exist a large body of raiyats, known as *guzashadars*, inhabiting a fairly well defined area in the north of the district, of sturdy and independent character, who have consistently and, so far as is known, successfully resisted all attempts to enhance their rents. Very few of these were in possession of the twenty years' receipts showing payment of rent at a uniform rate, the production of which is sufficient to entitle any raiyat to the benefit of the presumption of fixity of rent conferred by section 50(2) of the Bengal Tenancy Act. It was nevertheless felt that it could fairly be presumed that the rents of *guzashla* raiyats in certain areas had not been enhanced, and that the burden of proving in any particular case that the rent had been enhanced and is therefore enhancible, ought to be placed on the landlord. The decision to adopt this course aroused great opposition. The principle, however, received the approval of Government, and its application, subject to the limitations mentioned in paragraphs 216 to 248 of the report, has resulted in 29 per cent. of the raiyats of Buxar Subdivision and 27 per cent. of those of Arrah being recorded as entitled to hold their lands on fixed rents.

Although the propriety, from a legal point of view, of the procedure followed has been questioned, it cannot be seriously contended that the result has been other than equitable. Had the landlords' view of the law been adopted

the great majority of the *guzashtadars* would have been recorded as occupancy raiyats holding on rents liable to enhancement. The settlement operations would then have effected what the landlords have so long worked for without success, viz., the obliteration of all distinction between *guzashtadars* and ordinary raiyats, and the enhancement of the rents of the former.

Of the land cultivated by raiyats 17 per cent. is now held by raiyats at fixed rates of rent, 82 per cent. by settled and occupancy raiyats, and less than one per cent. by raiyats without rights of occupancy. The average rate of rent paid by each of the two former is Rs. 4-1-0 per acre and by the latter (non-occupancy raiyats) Rs. 3-1-0 per acre. The equality of the rates paid by the raiyats holding at fixed rates of rent with those paid by occupancy raiyats is due to the fact that the former undoubtedly hold the best lands in the district viz., the fertile tract lying between the Ganges and the East Indian Railway, the average rate of rent in which was estimated by Buchanan in 1812 to be as high as Rs. 5 per acre. In the case of the settled and occupancy raiyats Mr. Hubback calculates that the average cash-rent paid represents 16 per cent. of the gross produce.

In no districts except Patna and Saran does the average incidence of rent exceed that of Shahabad. In Saran the incidence is Rs. 4-5-0 per acre and in Patna Rs. 7-8-0. A comparison of the average incidence of rent per acre between districts in which there is no recognized system of classifying lands, and in which the existing rentals are merely lump rentals conveys little information. It is clear, however, that in Shahabad the tradition of the permanence of the established rates of rent, fostered by the action of the early Collectors Brooke and Deane in enforcing the prohibition against the imposition of *abwabs*, and perpetuated by the successful resistance to enhancement offered by the *guzashtadars* in the north of the district, has acted to some extent as a check on enhancements. These moderating influences have been altogether wanting in Patna where the predominance of produce-rents swollen to an inordinate extent by the unchecked inclusion of *abwabs* has created a standard towards which cash-rents inevitably tend to approximate.

6. In accordance with the principles laid down by the Government of Bengal in 1896, no records-of-rights under the Tenancy Act were prepared for *diara* lands in Shahabad. The Collector suggested that advantage should be taken of the settlement operations to make a revenue survey of the Ganges *diara* tract with a view to a readjustment under Act IX of 1847 of the revenue of those estates in which changes of area had taken place since the last *diara* survey. As it was apparent that the readjustment would probably effect no increase in the total revenue of the tract this suggestion was not adopted. Few people will be disposed to question the wisdom of the decision not to prepare a detailed record of tenants' rights or to settle fair rents under the Bengal Tenancy Act in villages where the area under cultivation is liable to yearly fluctuations. On the other hand it is clearly desirable that an attempt should be made to put an end to the present condition of uncertainty which exists both as to title and possession in regard to *diara* lands. The rights of riparian proprietors to the newly-formed lands created by the frequent changes in the course of the river are generally supposed to be regulated by the system popularly known as the *dhardhura* system, the main principles of which have been expanded and incorporated in the Alluvion and Diluvion Acts. This system, while it provides a simple method of settling boundary disputes between estates situated on opposite sides of a small river whose course is liable to a moderate degree of fluctuation, is ill-suited to the conditions prevailing in the Ganges *diara*, where the complexity of the river channels, the frequency of their variation, and the extent of the area affected render its application to specific instances a matter of extreme difficulty. The decision of the Privy Council in the case of *Lopez versus Madan Mohan Thakur*, which declares that the principle of the Act applies only to lands gained from the public domain and does not govern cases in which the newly-formed lands occupy a site identifiable as having been at some previous period the property of a private individual, considerably limits its application. The fixity of estate boundaries which

this decision apparently substitutes for the old system of fluctuating boundaries is, however, altogether illusory, for the difficulties of identification of sites arising from the want of landmarks in the area are such as to render the settlement of claims almost as difficult under the new system as under the old. In these circumstances it is not surprising that rival claimants to rich lands awaiting cultivation should ordinarily settle their disputes by the rough and ready method of force in preference to submitting their claims to the arbitration of the Civil Courts, whose decisions are usually delayed and are not infrequently given after the land in dispute has again been swallowed up by the river. The result is that the title to newly-formed *diara* lands is usually decided, not in accordance with the statute law or the interpretation put on it by the Privy Council but by the law of the *lathi*.

The provisions of Act IX of 1847 were designed to enable Collector to make the adjustments of revenue necessitated by the frequent changes in the areas of *diara* estates. The only general attempt made to apply these provisions took place after the Ganges *diara* survey of 1863 when the areas of estates as ascertained by that survey were compared with their areas at the time of the Revenue Survey. The revenue of those estates which had gained in area either from the river or by encroachment on neighbouring estates, was raised, the enhancement being proportional to the increase in area. The proprietors of the equally numerous estates which had diminished in area from similar causes were left to apply for reduction of revenue. Very few did so, the great majority preferring to pay revenue for areas not in their possession rather than prejudice their chances in future scrambles for land by admitting any diminution of title. The adjustment of revenue made on that occasion was therefore of a partial and, as it left a considerable area of land doubly assessed to revenue, of an unsatisfactory nature. The changes which have taken place under the policy of land grabbing which has since gone on unchecked for nearly fifty years have further complicated matters, with the result that the areas now in possession of proprietors bear, in many cases, no relation to the areas for which they pay revenue. The maps of the Revenue and *Diara* Surveys are, in consequence, of little value to the Courts in ascertaining present possession. The question is what steps should be taken to put a stop to the present condition of affairs, approaching anarchy, which prevails in the *diaras*? The difficulties of the problem are enormous. The first necessity is an adjustment of revenue in accordance with present possession, any attempt to ascertain and record which will inevitably bring to a head all existing and dormant disputes, and may lead to increased disorder. If it be decided to face this prospect in the hope that the measures taken will ultimately produce the desired effect of reducing disputes, I submit that it will be necessary, after allowing a reasonable time for appeals and title suits, to give some measure of finality to any maps and records that may be prepared, and to provide a speedy and summary method of settling future disputes by reference to them. The difficulties experienced by the courts in dealing with disputes have been aggravated by the fact that the maps of the Ganges *Diara* Survey, although prepared at a later date than those of the Revenue Survey, and used, in the manner already described, for the purpose of adjusting the revenue demand, have never been declared to supersede the latter. In consequence, when a dispute comes before a court, each party, besides producing a mass of evidence, generally unreliable, as to recent possession, is usually able to support his claim by one or other of these maps, and the courts when electing to decide in accordance with one of them have sometimes chosen one and sometimes the other. Whatever course be adopted to secure that rival claims to newly-formed lands which are submitted to the courts are in future dealt with by reference to the latest map, it is hopeless to expect that all claims will be so submitted, and that the boundaries of *diara* estates will cease altogether to undergo alteration. Revisions of the maps at moderate intervals are therefore indicated as necessary.

7. The ordinary difficulties of record-writing were such as have been experienced in every district of Bihar, and were chiefly connected with disputes between landlord and tenant as to the areas of holdings and the

rents payable for them. As usual, the Settlement staff, in deciding these disputes rarely obtained any help from entries in rent-receipts granted before the dispute arose, or from decisions on the points at issue given by the Civil Courts. The case of village Chakwath referred to in paragraph 187 shows how a dispute between landlords and tenants about matters which ought not, and in other provinces, are not allowed, to remain long in dispute can, under the system hitherto prevalent in this province, continue for half a century to embitter the lives of both parties and to dissipate their savings in a course of fruitless litigation. Incredible as it may appear, such a state of affairs is by no means uncommon, and every Settlement Officer can call to mind numerous instances of the same nature. The failure of the Civil Courts in dealing with agrarian disputes is indeed lamentable. It has in the past compelled the criminal courts to devote a considerable portion of their time to the investigation of charges of murder, assault and crop-stealing, the permanent causes of which they were incompetent to deal with. The decrease in criminal suits arising out of such disputes which followed the completion of the settlement operations, added to the increase in rent suits and the testimony of the Munsifs (vide Part VII of the report) to the case with which, thanks to the assistance of the record-of-rights, the latter are now dealt with, is evidence of the revolution effected by the settlement proceedings. In regard to rent suits, however, a word of warning is necessary. Of those which are now being instituted a large number have been brought to compel payment of the rents ascertained by the settlement courts. Many of the landlords who instituted these were previously in possession of no reliable evidence of the rents payable by their raiyats and were in consequence unable to have recourse to the Civil Courts for their realization. In many cases, however, rent suits are now being instituted with the object of procuring decrees for rentals exceeding those shown in the settlement records. The fitness of the Civil Courts for revising the record of rents is *prima facie* open to doubt. The doubt is strengthened by the facts brought to light by Mr. G. J. Monahan, I.C.S., District Judge of Shahabad, in his Annual Administration Reports for 1911 and 1912. His remarks, which are quoted in paragraph 194 of the present report, indicate the small regard paid by some Munsifs to the settlement record, and the extent to which advantage is being taken of this fact to procure, without sufficient investigation, the alteration of entries of rent made after careful inquiry. Despite the improvement in this respect which may be effected by the continuance of the present system of training annually in settlement work a number of Munsifs, I am convinced that the adoption of the proposal to give finality to the entries of rent in the record-of-rights, which was made by Mr. Reid when forwarding the report on the Patna Settlement operations, is the only effective remedy.

8. As regards the failure to give rent-receipts it would appear that these are not so generally withheld from raiyats as in Patna where, as Mr. James reports, proper receipts are practically unknown outside the Government and Wards' Estates. The trouble which the want of them causes to revenue officers preparing a record-of-rights and to Civil Courts trying rent suits is such as to justify a rigorous enforcement of the provisions of the Tenancy Act on the subject in order to compel universal compliance with the law, particularly on the part of those who now withhold them from dishonest motives.

9. The area held on produce-rents by occupancy raiyats is 255,850 acres or over 20 per cent. of the total area held by such raiyats. In Patna the corresponding percentage is 44 per cent. The difference is doubtless chiefly due to the circumstance that in the greater part of Shahabad the facilities for irrigation are supplied, not by the landlords as they are in Patna, but by Government. The fact that half the area held on produce-rents lies in thanas where irrigation is almost exclusively carried out from the Sone canals shows, however, that produce-rents still survive after the chief justification for their continuance has ceased to exist. The share of the produce nominally taken by the landlords is less oppressive than in Patna. It rarely exceeds one-half, and not infrequently is as low as two-fifths or even one-third. The question of the difference between the share nominally due to the landlord and the share

actually received by him has recently assumed a special importance in consequence of the allegations made by some landlords in Gaya that commutations of produce-rents under the Bengal Tenancy Act are seriously reducing their incomes, allegations which have not been supported by reliable accounts of the amount of produce received by them in the past. Mr. Hubback's investigations in Shahabad have led him to the conclusion that even where the landlord's nominal share is one-half he receives, on the average, not more than one-fourth of the gross produce. Mr. Tanner's enquiries in Gaya, where commutation of produce-rents has been carried out on a much more extended scale—than in Shahabad, confirm this conclusion. In Shahabad the lands held on produce-rent are on the whole markedly inferior to those held on cash-rent. The average rate fixed in commutation cases, Rs. 5-1-7 per acre, exceeds by 25 per cent. the average rate paid for lands held on cash-rent. This fact alone is sufficient to show that the landlords have not been unfairly treated, and a comparison of the rate fixed with Mr. Hubback's estimate of the actual average value of the produce-rents hitherto collected, viz., Rs. 5-11-0 per acre, indicates that making allowance for the increased ease and cheapness of collection the commutation proceedings have not seriously affected the landlords' net incomes.

10. Fair rent settlement was carried out on an extensive scale. Rents were settled under section 105 on applications, mostly received from landlords, for 51,906 holdings situated in permanently-settled estates. In addition rents were settled under section 104, with a view to a re-settlement of revenue, in nearly all of the Government and temporarily-settled estates. These estates which number 580 pay a revenue of Rs. 2 75,474, or over one-sixth of the total land revenue of the district. The account of the fair rent settlement under section 105 is given in paragraphs 257 to 287 and that of the rent settlement in the Government and temporarily-settled estates in Part VI of the report which contains an interesting account of the estates themselves. For these estates Government accepted beforehand the suggestion of the Settlement Officer that the standard of one-fifth of the gross produce should be regarded as a maximum beyond which existing rents ought not ordinarily to be enhanced either on the ground of the rise in prices or on any other ground. The same principle was applied in settling fair rents under section 105 in the permanently-settled estates and was accepted by the Special Judges Messrs. Macpherson, Monahan and James who tried the appeals from orders under that section. Shahabad is the first district in Bihar in which by the application of such a standard the settlement of a fair rent under section 105 on the application of the landlord was definitely differentiated from the trial of an enhancement suit. The validity of this distinction has been upheld in Gaya by the Special Judge, Mr. Foster, and to some extent by Mr. Sheepshanks in Champaran. Opinions, however, are divided as to its legality. In Champaran an unsuccessful attempt was made by the Bettiah estate to procure an expression of opinion on the subject from the High Court. The proviso that a Revenue Officer settling a fair rent under section 105 "shall presume that the existing rents is fair and equitable, and shall have regard to the rules laid down in the Act for the guidance of the Civil Court in increasing or reducing rent" is interpreted by some authorities as meaning that he is in the same position as a Civil Court dealing with an application for enhancement or reduction of rent. If this be so the Act altogether fails to provide any means of lowering such rents as are and always have been too high, and a Revenue Officer is bound not only to refrain from reducing such rents but even to enhance them on proof of the existence of a ground for enhancement, e.g., on proof that prices have risen since the rents were fixed. The Legal Remembrancer when consulted was of opinion that even when settling fair rents by the application of a table of rates under section 104 a Revenue Officer cannot reduce existing rents. It is hardly conceivable that the framers of the Bengal Tenancy Act, an Act designed to limit the rents which inevitably result from a system of competition for land between tenants without rights of occupancy, contemplated that a settlement of fair rents should bring no relief to those who most need it. Mr. T. S. Macpherson in trying appeals against orders fixing fair rents in Shahabad expressed very strong opinions (vide paragraph 269 of the report) as to

the power of reducing rents or of refusing enhancement of existing rent possessed by a Revenue Officer. It appears unlikely judging from the Bettiah case that the views of the High Court on this interpretation of the section will ever be obtained, and I therefore recommend that when the Tenancy Act is being revised section 105 should be amended so as to leave no room for doubt on the subject.

11. In paragraph 278 Mr. Hubback suggests that section 3 of the Tenancy Act should be amended as to provide that the percentage by which rent shall be increased on the ground of a rise in prices shall be one-half instead of, as at present, two-thirds of the percentage by which prices have increased. As enhancement of the rates of rent on the ground of rise in prices has now become such a common feature of settlement operations—most of the enhancements in the permanently-settled estates and nearly all of those in the Government and temporarily-settled estates in Shahabad were granted on this account—the question is one of vital importance. If, however, a rent was fair at the time it was fixed its enhancement in accordance with the existing provisions of section 32 would not I think be inequitable, and I am of opinion that the prevention of hardship in individual cases will be ensured by making it clear that in applying those provisions an officer settling fair rents has power to scrutinize the incidence of rents and to refuse the full enhancement or even to reduce rents if he finds it equitable to do so.

12. In paragraphs 273 to 276 Mr. Hubback has discussed the question of "non-economic" holdings. It is difficult to justify special treatment for these in the matter of rent so long as they constitute only a small fraction of the tenancies of district. In areas where a large proportion of the raiyats' holdings are "non-economic" it is probable that competition for land has reached such a pitch that the operation of the ordinary tenancy law is powerless to limit the rents which landlords may obtain.

13. The Settlement Department in Shahabad was fortunate in having most of the appeals against orders under section 105 tried by Special Judges who had themselves been Settlement Officer, viz., Messrs. Macpherson, Monahan and James. The general sympathy of these officers with the views of the Settlement Officer prevented any serious difference of opinion, while their experience of settlement work enabled them to offer valuable advice and made them, as the results of the appeals show, more than ordinarily critical of the work of the Revenue Officers. As I have already stated no authoritative expression of opinion is likely to be obtained from the High Court on the most important questions, whether of general or local interest, which arise during fair rent settlement, and under ordinary circumstances there is no guarantee that the Special Judge, in an appeal heard at a comparatively late stage of the operations, will not take a totally different view, on a question of law or equity, to that adopted by the Settlement Officer. The inconvenience caused by having to revise, in accordance with such a decision, judgments previously delivered and not appealed against, and the uncertainty as to the attitude which a particular Special Judge may take up on any point, are serious defects of the present system which have recently made themselves felt in the Champaran Settlement. These defects can be lessened, if not removed, by amending the law so as to give Government an extended power of regulating by rules under the Act, the exercise in each district of the powers of discretion which are possessed, or ought to be possessed, by officers settling fair rents. To attempt to regulate this in the Act itself, without reference to the conditions prevailing in particular areas, is impracticable, and to leave its regulation to Special Judges many of whom have no experience of fair rent settlement is equally unsatisfactory.

14. The settlement of land revenue made in the temporarily-settled estates and in the Government estates leased to farmers was based on a calculation of the assets in which the fair rents settled for raiyats were naturally the chief ingredient. In Chausa pargana, however, which contains a large number of temporarily-settled estates owned by petty landowners who cultivate a large proportion of their own lands, the valuation to be assigned to the lands cultivated

by proprietors was an important question. It has been suggested that the valuation placed on them by the Settlement Officer, viz., one-third of the gross value of the average annual produce, was too lenient. Calculated at 55 per cent. of the valuation the Government revenue assessed on these lands comes to nearly one-fifth of the gross produce. Seeing that the latter figure was adopted as a maximum standard for raiyat's rents, and that the average cash-rent paid by raiyats in the estates under discussion is considerably lower, it would be difficult to justify a higher assessment. As Mr. Hubback justly remarks it is scarcely equitable to treat these proprietors, who are in fact little more than ordinary cultivators, more harshly than Government Estate raiyats.

The proportion of the assets fixed as Government revenue varied from 50 to 70 per cent. Each case was dealt with on its merits, the sanction of the Board being obtained in accordance with rule 667 of the Settlement Manual, to every proposal to fix a lower proportion than 70 per cent. I recommend for favourable consideration the suggestion made in paragraph 449 of the report that, subject to certain restrictions, the power of sanctioning settlements of revenue should be given to the Commissioner and Collector.

15. The financial results of the resettlement of revenue are given in Appendix Q (iii) and are referred to in paragraphs 454 and 455 of the report. Its real effect is disguised by the fact that the proprietors of a large number of estates in Pargana Chausa who had refused settlement in 1907, accepted the revenue now proposed and have been put in possession of their estates. As Government now receives on an average only 55 per cent. of the assets of these estates, the revenue, although the assets have considerably increased, is less than was received when the estates were under direct Government management. A further apparent reduction of revenue is due to the farming out of Government estates in this pargana previously managed by Government. Making allowance for future savings in the cost of collection the effective revenue of the Chausa estates has undergone little change. In Mr. Mylne's temporarily-settled estate, the largest in the district, the revenue has been increased by nearly 50 per cent. an increase which, however, only brings the revenue up to half the assets.

16. The net cost rate of the operations comes to Rs. 318 per square mile, a rate which compares satisfactorily with the cost in districts like South Bhagalpur and South Monghyr, where the factors which chiefly affect it, viz., the number of plots, holdings and disputes to the square mile are similar to those in Shahabad. It is practically the same as the cost rates of Purnea and North Bhagalpur and, as might be expected, is less by 40 per cent. than that of Patna. The total net cost of the operations came to slightly under 14 lakhs of rupees. The share recoverable from private landlords and tenants, added to the charges for the copies of the village maps distributed to them, and the estimated cost of maintenance of boundary marks came to Rs. 10,49,504. The sum actually recovered from them as a result of the application of the rates sanctioned by Government was Rs. 10,80,444.

17. In paragraph 486 of the report Mr. Hubback recommends that the Patwari Regulations be repealed. Even in Shahabad the Regulations are for all useful purposes obsolete, and the Patwari, though in theory a Government official, is usually in practice the landlord's private servant. The applications occasionally made to the Collector for enforcement of its provisions are invariably due to private squabbles between the parties concerned, an adjudication on which furthers in no way the objects for which the Regulation was originally enacted. Its retention, in these circumstances, serves no useful purpose.

18. I recommend to the notice of the Board the appreciation by Mr. Hubback, in paragraph 490 of the report, of the services rendered by the officers who worked under him during the settlement operations, an appreciation which my personal acquaintance with most of those referred to enables me thoroughly to endorse. By the death of Messrs. Cullis, Shettle and Duncan, Government has lost three officers of exceptional ability and character. Since

the report was written another officer named in it, viz., Maulavi Abul Khair Muhammad Ishaq, Deputy Collector, whose work in fair rent settlement was specially commended by the Judges of the Patna High Court, has died. The Board is already aware of the excellence of the work done by Mr. Hubback himself not only in Shahabad but in other districts during the time he was connected with the Bihar Settlement and further testimony from me is unnecessary. The present report contains an exceptionally full and interesting account of Shahabad district and of its agrarian problems past and present, and must, in consequence, be of permanent value, as a work of reference, to all connected with the district administration.

I have the honour to be,

SIR,

Your most obedient servant,

P. W. MURPHY,

Director of Land Records and Surveys,

Bihar and Orissa.

No. 17-10—2.

FROM

J. A. SWEENEY, Esq., I.C.S.,
OFFG. SECRETARY TO THE BOARD OF REVENUE,
BIHAR AND ORISSA,

TO

THE SECRETARY TO THE GOVERNMENT OF
BIHAR AND ORISSA, REVENUE DEPARTMENT.

Dated Bankipur, the 22nd April 1919.

SIR,

UNDER rule 615, Part II, Chapter XVI, page 162 of the Settlement Manual, 1908, I am directed to forward for the information and orders of Government the final report on the Survey and Settlement operations in the Shahabad District prepared by Mr. J. A. Hubback, I.C.S., late Settlement Officer, Bihar, together with a copy of covering letter no. 219, dated the 21st January 1919, from the Director of Land Records and Surveys, Bihar and Orissa, reviewing the report.

2. The report has, with Board's permission, exceeded the prescribed length, but in view of the great care with which it has been compiled, and the interest and usefulness of the matter recorded, it cannot be said that this is a disadvantage.

3. The Director of Land Records and Surveys who was himself in charge of the operations for a period and whose knowledge of agrarian conditions in Bihar is probably unique has contributed an able review and it is not, therefore, necessary for the Board to do more than comment on salient features.

4. The operations extended from 1907 to 1916, and maps and records were prepared for 4,232 square miles, statistics for an additional area of 28 square miles of which records were already in existence being incorporated with the statistics of the area now settled for the first time.

5. The area now dealt with for the first time yielded 683,586 holdings comprising 8,718,423 plots. The check (in survey 3.52 linear miles per square mile, and in record-writing 16.53 per cent. of the plots) was more than adequate.

6. The net cost incidence, Rs. 318 per square mile, compares favourably with the costs in other Bihar districts. As Mr. Hubback has rightly observed, it is not area alone that must be considered in a just estimate of cost incidence, the numbers of plots and holdings and of disputes per square mile being factors of equal importance. In revision operations where payments are made for plots and not for areas it is only these latter factors that can be considered and this fact should be borne in mind in the framing of future estimates. In the result some Rs. 30,000 were recovered from landlords and tenants in excess of the sum recoverable.

7. Paragraphs 22 to 31 give an interesting account of the aboriginal Kharwars who inhabit the Kaimur hills. Their racial affinity with the Mundas of Chota Nagpur may be accepted. It appears from a later portion of the report (paragraphs 475—481) that the Bengal Tenancy Act does not furnish a suitable medium for the preparation of a record-of-rights of such communities, as their land system, especially in regard to headmen, no less than their social polity, is evidently akin to the Mundari system.

8. There are two matters in which the local officers should see that the Kharwars are not injured by the legal form of the entries in the record :—

- (i) the status of the headmen, who have been recorded as tenure-holders and not as raiyats. In Chota Nagpur they would be recorded as raiyats in respect of their own land;
- (ii) the record of upland as *Kabil lagan* (liable to assessment), which is liable to mislead any judicial officers who are uninformed as to the true position of such land with reference to the raiyat's holding. It is by custom complementary to the rice land which alone is assessed to rent. In this, however, as in many other questions that may arise, the present report will be of the greatest assistance to officers engaged in the administration of the district.

9. In part II of the report Mr. Hubback has given an uncommonly full and careful history of the Land Revenue Administration. The question whether it was the intention of Lord Cornwallis' Government, when permanently settling the revenue, to fix raiyats' rents also for ever, is of considerable though purely academic interest. Mr. Hubback's view finds support in settlement *rubakars* of the Resumption period elsewhere as well as in Shahabad, and in a curious item of evidence from a Mughal source. About 34 years after the Company acquired its first Zamindari in the "Three Towns" (Calcutta, Sutanuti, Govindpur) from the Subahdar of Bengal, the Subahdar peremptorily forbade the raising of rents in the Zamindari of Calcutta which the Governor and Council were considering. "The Subah told them that they were presuming to do a thing which he had not power to do; and that if they persisted they would by the laws of the Empire, forfeit their lands." (Page lxix, Firminger's Introduction to the Fifth Report, Volume I).

It must be admitted, however, that Justice Field's arguments on the other side have force as well as ingenuity, and it is probable that the question will never be definitely settled.

10. A question of practical importance is the mapping and identification of diara areas.

The Board is in complete agreement with Mr. Hubback's opinion (paragraph 97 of the report), that the units of administration both in diaras and elsewhere ought to be as far as possible perfectly definite geographical areas, preferably demarcated by permanent marks, but at any rate capable of being demarcated at any time as required, and not dependant on the rights or power of the owner of the unit to encroach on the land surrounding it.

11. It is unnecessary here to discuss the law of alluvion and diluvion, now *sub judice* in the Turkbalia case, which is certain to go to the Privy Council.

12. In Shahabad however as elsewhere the administration of the diara area, the adjustment of claims and the maintenance of law and order in the riparian area, have always been extremely difficult, and it seems as if no solution to these administrative difficulties will be found until the heroic measures recommended by the late Major Jack are adopted. In the North Bihar Revision it has been found that the maintenance of exact geographical identity with the last settlement villages in the Gandak diara has saved an infinity of trouble.

13. The suggestion in paragraph 151 about further demarcation near the diara area will be considered in connection with the utility of the existing marks.

14. Inquiries will be made as to whether any further progress has been made in the settlement of the disputed question of *Pakrohi jagirs* (paragraph 160).

15. The Board accepts the recommendation made in paragraph 164 that in view of the primitive arrangements prevailing among the aboriginals in the Kaimur hills for the support of *chaukidars*, it is not desirable to resume and transfer the Chakran land in that area.

16. The evils resulting from magisterial orders under section 145, Criminal Procedure Code, upsetting settlement decisions during the operations, are too well known to need comment. The cases treated in this report resulted in the issue of definite instructions as to how Magistrates should proceed in such cases (vide Government Resolution on Report on Survey and Settlement operations for the year ending 30th September 1912).

17. The Board agrees that proprietors in Bihar have probably lost a considerable area of *zirat* by neglecting to keep accounts and by confusing other lands with 'proprietors' private land'. On the other hand, the definition in section 120 of the Bengal Tenancy Act is not free from difficulty and it is doubtful whether clause (1) (b) of that section has ever been either interpreted or applied in settlement proceedings. From pages 189 and 210 of the "Selections from the papers relating to the Bengal Tenancy Act" it appears clear that the intention was to limit *zirat* for ever to the area so held in 1885. The question however has been set at rest by the settlement record, and disputes on this score are no longer probable.

18. The most important question dealt with in the Shahabad settlement is the status of the so-called *guzashtadars* in the north of the district. The whole subject and its treatment are exhaustively set forth in paragraphs 216 to 247.

The Director in paragraph 5 of his letter has discussed the procedure adopted in deciding these claims.

19. The record has placed it beyond doubt (a) that there is a very large percentage of *guzashta* tenancies in this area and (b) that the term *guzashta* here connotes fixity of rent. Whatever objections may have been raised as to the technical location of the onus of proof, it is sufficiently clear that in actual practice the fullest inquiries were made, and that the result which was established by clear evidence, is equitable and correct.

20. The Board agrees with the Settlement Officer—

- (i) that enhancements in Wards estates should be subjected to most careful scrutiny (paragraph 188) to ensure that they are in accordance with the provisions of the Bengal Tenancy Act;
- (ii) that some finality should be given to the record-of-rents, which, under the present system, is liable to be undermined in Civil Court cases without proper investigation. This is the subject of comment in the proposals submitted for amending the Bengal Tenancy Act, paragraph 195;
- (iii) That the Subordinate Civil Courts are not altogether a suitable agency for the decision of most suits under the Bengal Tenancy Act (paragraph 195). The Settlement training of Munsifs however has effected an improvement already, and will doubtless make them more conversant with the facts of rural economy and the practical working of the rent law.

21. Paragraphs 257 to 286 on the case work contain discussions of considerable importance. In the opinion of the Board so long as a Revenue officer is a 'fair rent' Court, and not a mere machine for calculating and applying enhancements, some comparison between rent incidence and gross produce, and some working limit to enhancements, are essential to the fixation of rents.

22. There are difficulties in adopting the Settlement Officer's view (paragraph 262), that in proceedings under section 105 the applicant should not be allowed to contest the record under section 105-A, but should be compelled to file a suit at the same time under section 106. For reasons more fully stated in connection with the amendment of the Bengal Tenancy Act it would appear very desirable that so long as the proper court-fees for such 'issues' are taken all matters relevant to the settlement of a fair rent should be considered in the same case or proceeding.

23. Paragraphs 265 to 268.—The Special Judge's comments on the case work should be helpful in future proceedings. The necessity for frequent local inquiries in rent settlement and the employment of capable officers only in such cases scarcely needs affirmation, as these operations affect rural economy in a very vital manner.

The powers of Revenue officers, specially with regard to the reduction of rents are the subject of definite proposals with reference to the amendment of the law.

24. *Paragraphs 283 to 286.*—The whole subject of produce-rents and commutation is elaborately discussed in the Gaya Report, which the Board now awaits.

The features of the produce-rent system in Shahabad are that the present incidence of such rents is comparatively lenient, that there has been an enormous decrease in the produce-rented area since the Permanent Settlement, that the area still so held is considerable (20 per cent. of the area held by occupancy raiyats, 18 per cent. of the area held by non-occupancy raiyats and 42 per cent. of the area held by under-raiyats).

25. Part V of the report gives a careful analysis of the material condition of the people. It is satisfactory that on the average the agricultural population has a margin of income above the standard of comfortable existence (paragraph 376), and that the district is practically immune from famine on a considerable scale (paragraph 307).

26. In paragraph 377 to 469 the operations in the temporarily-settled and Government estates have been exhaustively described. The general result of the rent settlements though it resulted in the considerable increase of 9.9 per cent. (paragraph 429), must be accepted as equitable when the produce of the lands and the rent incidence in the permanently-settled area are considered.

27. The suggestion in paragraph 435 that when a Collector is not inclined to accept the Settlement Officer's proposal for revenue settlement he should, before a final decision, give the latter officer an opportunity of further developing his views, is accepted and steps will be taken to amplify the existing rule in the Settlement Manual.

28. The chapter on revenue settlement contains useful discussions on the valuing of landlords khas land, and on the question of the legality of special rent rates for special crops. With regard to the latter there would not appear to be anything illegal in such rents, if they are specifically contracted for at the origin of the tenancy (paragraph 415).

29. In paragraph 449 the Settlement Officer makes a proposal for decentralizing the control of fixing the proportion of assets to be adopted in Revenue Settlements, but the subject is so important that very strong reasons would have to be shown for altering the safe procedure prescribed in rule 667 of the Settlement Manual.

30. The net result of the revenue settlement is an increase of Rs. 34,000 or 16 per cent.

31. Mr. Hubback has suggested in paragraph 486 the final abolition of patwaris as quasi-Government servants. The whole question of the repeal of the Patwaris Regulation was elaborately considered in 1914, when it was definitely decided that it would be inopportune to move the Government of India for the repeal of the Regulation before they have arrived at a final decision on the question of the policy to be followed in the maintenance of the land-records of the province.

32. The Board fully agrees with the Director of Land Records as to the excellence of the work done by Mr. Hubback, both in the Settlement, and in the very valuable and interesting Report, and would bring it to the special notice of Government; and endorses the Director of Land Records' remarks as to the loss which the service has sustained by the death of Messrs. Cullis, Shettle and Duncan. The Board also endorses Mr. Hubback's remarks in paragraph 490 of the Report regarding the work done by the officers therein mentioned.

I have the honour to be,

SIR,

Your most obedient servant,

J. A. SWEENEY,

Offg. Secretary.

No. ⁵⁹³⁶₈₋₇₄ R.

GOVERNMENT OF BIHAR AND ORISSA.

REVENUE DEPARTMENT.

FROM

W. H. LEWIS, Esq., I.C.S.,
UNDER-SECRETARY TO GOVERNMENT,

TO

THE SECRETARY TO THE GOVERNMENT OF INDIA,
DEPARTMENT OF REVENUE AND AGRICULTURE.

Ranchi, the 24th June 1919.

SIR,

I AM directed to forward, for the information of the Government of India, a copy of the final report on the survey and settlement operations in the Shahabad District prepared by Mr. J. A. Hubback, I.C.S., late Settlement Officer, Bihar, together with copies of the covering letters of the Director of Land Records and Surveys and the Board of Revenue, Bihar and Orissa.

2. The report has been very fully reviewed both by the Director of Land Records and Surveys, who was for some time himself in direct charge of the operations as Settlement Officer, and by the Board of Revenue; and it is not necessary to do more than touch very briefly on one or two of the more prominent points in the report. Under the rules of the Settlement Manual the final report of settlement operations is ordinarily limited to 120 pages excluding the appendices. The present report has, with the permission of the Board of Revenue, been allowed to exceed that limit.

3. The report deals with operations in the whole of the district of Shahabad; and maps and records were prepared for 4,232 sq. miles, statistics for an additional area of 28 sq. miles, of which records were already available being incorporated with the figures of the report. The net cost of the operations worked out to Rs. 318 a square mile which compares favourably with other Bihar districts, but the fallacy of basing comparisons of cost on a simple computation of area has frequently been recognized. The actual attestation costs in Shahabad were particularly low, owing partly to the character of the work in the Kaimur Hills and to the absence of illegal enhancement or complicated rent disputes.

4. One of the most important and most interesting issues in Shahabad was the position of the large body of raiyats known as *guzashtadars* who are congregated in a well defined area in the north of the district and remarkable for the fact that they have hitherto successfully resisted any attempt on the part of the landlords to increase their rents. It was without doubt a cherished hope of the landlords in that area that one result of the settlement operations would be to eliminate the existing distinction between *guzashtadars* and ordinary occupancy raiyats whose holdings are liable to enhancement. The treatment of these *guzashtadars* tenancies was given the most careful consideration and the steps finally taken in dealing with them are narrated in paragraphs 213—247 of the report. The principles applied were approved by Government with the result that the distinction between the genuine *guzashtadar* and the ordinary occupancy raiyat has been maintained. The report and its covering letters contain an interesting discussion on the belief which is held as strongly by some as it is contested by others that the authors of the permanent settlement contemplated permanency of rent when

they abolished payments of *abwab* and fixed in perpetuity the revenue payable by the landlords. It is, however, an indisputable fact that at the time of the permanent settlement rents were for the most part paid in produce, and that this system is obviously incompatible with the fixation of rents, since the landlord automatically receives his share of the increased value due to rise in the price of agricultural produce. It has not been possible to trace with certainty the genesis of the fixed money rents in north Shahabad. The common explanation is that the lands being of exceptional quality were usurped by a truculent class of tenant who simply refused enhancement and was strong enough to maintain his position. The explanation is not altogether convincing. But it is worth noting that in the whole of South Bihar claims to hold at fixed rents were more prevalent in the river side area than elsewhere.

5. The report contains a number of criticisms on the working of the Bengal Tenancy Act. Proposals for the amendment of that Act are at present under the consideration of the Local Government who have already consulted and received the opinions of their local officers and these criticisms will be dealt with in that connection.

6. The Shahabad operations were concluded in 1916 and the Lieutenant-Governor in Council regrets to notice the inordinate delay which has occurred in the publication of the Final Report. The attention of the Board of Revenue has again been drawn to the importance of publishing final reports as soon as possible after the conclusion of the operations.

7. The present report is not merely a valuable contribution to the agrarian history of the Shahabad District but contains matter of general revenue interest which will be of great use in the elucidation of agrarian problems arising in other parts of the province. The Lieutenant-Governor in Council has much pleasure in acknowledging the services of Mr. J. A. Hubback, I.C.S., and of those officers who were associated with him in the course of the operations, and in recognizing the high quality of their work and the successful results which have been obtained.

I have the honour to be,

SIR,

Your most obedient servant,

W. H. LEWIS,

Under-Secretary to Government.