

GOVERNMENT OF THE
CENTRAL PROVINCES AND BERAR



INTRODUCTION TO THE
LAND REVENUE & SETTLEMENT SYSTEM
OF THE
CENTRAL PROVINCES

•
THIRD EDITION

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PREFACE

This Introduction to the Revenue and Settlement System of the Central Provinces is based on Sir J. B. Fuller's "Note on the Land Revenue Settlements of the Central Provinces" published in 1886, when he was Commissioner of Settlements and Agriculture, and in many places follows the actual wording used by him. Original authorities have so far as possible been quoted *verbatim* and an endeavour has been made to make each chapter self-contained. Marginal references have been given to all the authorities quoted. While the method of compilation involves a certain degree of repetition, it is hoped that it will help towards the clearer understanding of a subject which, owing to differences in the past history of the many component parts of the province, is not free from difficulty. A glossary of the vernacular terms used in the text and a table of the references quoted are appended.

J. F. DYER,

*Revenue Secretary to Government,
Central Provinces.*

PACHMARHI :

The 20th May 1921.

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AITCHISON ..	A collection of Treaties, Engagements and Sanads relating to India and neighbouring countries by C. U. Aitchison, B.C.S.
BADEN POWELL ..	The land systems of British India by B. H. Baden Powell, C.I.E., 1892 (3 Vols.).
BIRD ..	Note on the Saugor and Nerbudda Territories by R. M. Bird, 31st October 1834. ✓
CHANDA SETTLEMENT CORRESPONDENCE.	Correspondence relating to the modifications introduced into the Chanda Settlement subsequent to the preparation of the Settlement Report (Central Provinces Secretariat 1886). ✓
CRADDOCK ..	Note on the status of the Zamindars of the Central Provinces by R. H. Craddock, 1889. ✓
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DAMOH SETTLEMENT ..	Report on the Land Revenue Settlement of the Damoh District, Central Provinces, effected by A. M. Russell, Esq., 1866. ✕
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JENKINS ..	Report on the Territories of the Raja of Nagpur, 1827, by Richard Jenkins (Central Provinces Secretariat, 1901). ✓
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INTRODUCTION TO THE LAND REVENUE AND SETTLEMENT SYSTEM OF THE CENTRAL PROVINCES

CHAPTER I.—THE MAKING OF THE CENTRAL PROVINCES

In the following chapters of this introduction to the revenue and settlement system of the Central Provinces an account is given of the principal stages by which the system has reached its present development, and as the course of this development was determined in a large measure by the previous history of the territories included in the province, it is convenient to commence with an account of the manner in which the province was formed, and of the origin of the several territories included in it. To illustrate this history a map is prefixed to the volume, which distinguishes the various territories now united in the Central Provinces.

2. The Central Provinces, as a distinct administrative unit, came into existence in 1861 when to secure, as was said in the Government resolution, "the greatest advantage to the management of the resources and to the development of the capabilities of the whole area," the tracts known as the Nagpur Province and the Saugor-Nerbudda Territories were constituted into the Chief Commissionership of the Central Provinces. Within the next three years the important additions of Sambalpur, with its dependencies, and Nimar were included in the new province, and with the exception of the transfer of the southern half of the Upper Godavary district to Madras in 1874 and a few minor adjustments, the territorial limits of the province remained unaltered till the transfer of the bulk of Sambalpur to Bengal in 1905 and the exchange with Bengal of certain Feudatory States. So far as changes within the province are concerned, in 1861 the Chhattisgarh district was partitioned into the Raipur and Bilaspur districts, and the Balaghat district was constituted during the years 1867—1873 by the amalgamation of the upland parts of the Bhandara district with parts of the Seoni district. In 1874 the Chanda district was increased by the amalgamation with it of the northern half of the Upper Godavary district, which was formed into the Sironcha tahsil. The Drug district was formed in 1906 out of certain portions of the Raipur district, which was of unwieldy dimensions, and of Bilaspur, to which were subsequently added the zamindaris of Panabaras, Ambagarh Chauki, Aundhi and Koracha from Chanda.

Resolution
dated the 2nd
November 1861
(Nicholls, p. 2
of Preface).

In the language of Sir Bampfylde Fuller, by the formation of the Central Provinces a veritable territorial puzzle was pieced together, for the tracts which were united differed widely from each other in circumstances, people and language, and had been acquired by the British Government at various times and in different ways. The great bulk of the territories included in the province had been under Maratha domination since about the middle of the 18th century, and they included the whole of the Bhonsla kingdom of Nagpur, as it stood after the peace of Deogaon (1803), though the northern and southern portions of the kingdom were acquired at different periods.

Fuller, p. I.

THE SAUGOR-NERBUDDA TERRITORIES

3. The area included in the Saugor-Nerbudda Territories was acquired for the most part in 1818. The greater part of this area consisted of the territory gained from the Bhonsla Raj by cession consequent on the treachery and defeat of Appaji Bhonsla (also known as Madhoji) at the battle of Sitabuldi towards the close of 1817. By an agreement made in January 1818 Appaji agreed to cede, in the words of the agreement, "his territories north of the Nerbudda as well as those on the southern bank", these including the districts of Jubbulpore (*less* the Bijeragogarh pargana), Mandla, Seoni, Balaghat (northern part), Narsinghpur (*less* the Chawarpatha and Tendukhera parganas), Hoshangabad (*less* the Handia-Harda pargana), Betul and the Dhamoni pargana of Saugor. The cession of these territories was confirmed by his successor, Raghoji III, in the treaty of 1826. At the same period the Peshwa, Baji Rao, as the result of the discovery of his breach of faith in making preparations for war against the British Government and negotiating with Holkar, the Bhonsla and the Pindaris, was compelled by the treaty of 1817 to cede the province of Bundelkhand, a tract which included the Saugor and Damoh districts with the exception of the parganas mentioned elsewhere in this chapter. Patches of territory in Saugor, Narsinghpur and Hoshangabad, as well as the whole of the Nimar district, were obtained by treaty from Sindhia, but the transfer in most cases was complicated by the fact that though the management of these areas had been previously assumed in the period from 1820 to 1825 as security for payments due to the British Government, full sovereignty was not obtained till 1860, when some of the tracts had been under British rule for 35 years. The tracts originally made over by Sindhia for management in 1820—25, the sovereignty of which was acquired in 1860, included the parganas of Rahatgarh, Garhakota, Deori, Gaurjhamar and Naharmau of the Saugor district, and the parganas of Chawarpatha and Tendukhera in the Narsinghpur district, while the Harda-Handia tract of the Hoshangabad district was made over for management in 1844 and ceded with full sovereignty in 1860. Of the remainder of these territories the Shahgarh pargana of the Saugor district and the Bijeragogarh pargana of Jubbulpore were forfeited for rebellion in the Mutiny in 1857, while the Kanjia pargana of Saugor was acquired from Sindhia by treaty in 1860. The Mariadoh and Fatehpur parganas of the Damoh district (1857) and the Bhera and Hirapur parganas of Saugor (1861) were acquired by transfer from the Bundelkhand States.

4. The Saugor-Nerbudda Territories under British rule were administered by different authorities at different times. First of all the Saugor Territory was placed under the Superintendent of Political Affairs of Bundelkhand, while the districts on the Nerbudda, under the charge of a Commissioner on the Nerbudda, were controlled by the Resident at Nagpur. In 1820 these territories were combined and placed under an Agent to the Governor-General for the Saugor-Nerbudda Territories, but subsequently they were placed under the general supervision of the Lieutenant-Governor of the North-Western Provinces, and so continued till 1842, when in consequence of their disturbed state the general control of them was vested in a Commissioner

Aitchison, I, pp. 385 and 424.

Fuller, p. I.

Nicholls, p. 7 of preface.
Aitchison, VI, pp. 8 and 68.
Aitchison, VI, p. 68.

Aitchison, IV, 64, sq.

Fuller, pp. 1 and 2.

Nicholls, p. 7 of preface.

and Governor-General's Agent in direct communication with the Supreme Government, while the supervision of fiscal and judicial affairs remained with the Sadar Board and Sadar Court at Agra. In 1852 the general management was once more entrusted to the Government of the North-Western Provinces, under which it continued up to the time of the amalgamation with the Nagpur Province.

THE NAGPUR PROVINCE

5. The Nagpur Province was acquired in 1853, when the Nagpur State escheated on the death of Raja Raghoji III without an heir. This lapse brought under direct British administration the remainder of the old Bhonsla Kingdom, including the present districts of Nagpur, Wardha, Chhindwara, Chanda (except the khalsa portion of the Sironcha tahsil), Bhandara, Balaghat (the southern part), Raipur, Drug and Bilaspur, with the dependencies of Nagpur, *viz.*, Baster, Kanker, Kalahandi (also known as Karond), etc. These territories were formed into a province administered by a Commissioner at Nagpur in direct communication with the Supreme Government. In 1860 certain taluqs on the Godavary River, *viz.*, Rakapilly, Badrachellum, Cherla, Albaka, Nugur and Sironcha, were obtained from the Nizam by exchange and formed into the Upper Godavary district.

Nicholls, p. 7,
of preface.

Nicholls, p.
97.

SAMBALPUR

6. The territories above described formed the original Central Provinces. To these were added shortly afterwards the districts of Sambalpur and Nimar. Sambalpur, with its dependencies, had been ceded by the Nagpur State in 1818, and restored to a representative of the old Rajput ruling family; but in 1849, owing to the absence of any male heir in the family, the country lapsed to the British Government and was first managed by an Assistant to the Agent to the Governor-General at Hazaribagh and then from 1861 by a Deputy Commissioner under the Commissioner of Orissa. In 1862, however, Sambalpur with its dependencies of Patna, Nawagarh, Khariar, Borasambar, Phuljhar, Sarangarh, Sakti, Raigarh, Rehrakhol, Sonpur and Bamra was transferred to the Central Provinces.

Nicholls, p.
9 of preface.

NIMAR

7. The area that went to form the district of Nimar was acquired piecemeal from Sindhia, beginning from 1818, when he surrendered the commanding fortress of Asirgarh and the surrounding villages, together with the parganas of Kanhapur and Beria. The greater part of the district was acquired between 1820 and 1860. The parganas of Sailani, Punasa, Khandwa, Bhamgarh, Asir, Mundi, Bilora, Atud and Piplod were taken over for management between 1820 and 1825 as security for the payment of Sindhia's contingent, and the sovereignty of these tracts, and of the parganas of Zainabad and Manjrod, was acquired by treaty in 1860.

Fuller, p. 2.

SUBSEQUENT TERRITORIAL CHANGES

8. With the exception of the partition of the Upper Godavary district between the Central Provinces and the Madras Presidency in 1874 and the re-adjustment of district and tahsil boundaries, the constitution of the province remained unchanged till 1905. In that year the district of Sambalpur, with the exception of the Chandarpur-Padampur and Malkharoda estates, the Phuljhar zamindari and a few villages, was transferred to Bengal along with the feudatory states of Patna, Sonpur, Rehrakhol, Kalahandi and Bamra, while the five Chota-Nagpur states of Sirguja, Udaipur, Jashpur, Korea and Changbhakhar were transferred from Bengal to the Central Provinces. In 1909 the southern Godavary taluqs, Nugur, Albaka and Cherla were transferred to Madras. In 1903 the Assigned Districts of Hyderabad were placed under the administration of the Chief Commissioner and became the Berar division, but they are not a part of British India and the history of their revenue settlements and the system of land tenure in force are entirely distinct from those of the Central Provinces and therefore fall outside the scope of this historical survey.

G. I. No.
2833, dated the
1st September
1905.

G. I. No.
545, dated the
15th April
1909.

CHAPTER II.—THE SYSTEMS OF LAND REVENUE ADMINISTRATION BEFORE THE ESTABLISHMENT OF BRITISH RULE

9. Though practically the whole of the territories comprised in the Central Provinces had been under the rule of Maratha States for two generations or more before they passed into the hands of the British Government, the system of land revenue administration obtaining in the different parts of the province at the time of their cession manifested important variations which require examination. The character of the administration of the land was determined partly by the nature of the circumstances of the different parts of the country and by the character of the previous Government which the Maratha power had succeeded, and partly by variations in the fortunes of the rulers.

Fuller p. 2.

10. In the consideration of the pre-British revenue systems, it is convenient to group the districts under the following headings:—

- (A) The districts of Saugor, Damoh, Jubbulpore, Mandla, Narsinghpur, Hoshangabad, Betul and Seoni (including the northern half of what is now the Balaghat district), which, as stated above, were known as the Saugor-Nerbudda Territories.
- (B) The districts of Chhindwara, Wardha, Chanda, Nagpur and Bhandara (including the southern half of the Balaghat district), which form what is called the "Nagpur Country".
- (C) The Raipur, Drug and Bilaspur districts, which form the Chhattisgarh plain.
- (D) The Sambalpur district.
- (E) The Nimar district.
- (F) Feudatory states, zamindaris and jagirs.

The remaining country consisting of the Godavary tract, though distinct in revenue system and history from the rest of the province, need not be considered here, inasmuch as it had no appreciable effect on the development of the present system of revenue administration, and in 1874 and 1909 the greater portion of this territory was transferred to Madras.

These groups comprise territories more or less homogeneous in their conditions and past history, and the revenue history of each group will now be described in turn.

A.—THE SAUGOR-NERBUDDA TERRITORIES

Fuller, P. 3.

11. The manner in which the districts included under this head were acquired by the British has been set forth in the previous chapter and is illustrated by the map. The greater portion of the territory included in them consists of the area ceded by the Bhonsla Raja of Nagpur in 1818. By its acquisition the British Government came into the possession of an extensive tract of country which had been harassed by constant war and had been ground down by exceedingly heavy taxation. The land revenue of the Bhonsla Kingdom before the peace of Deogaon (1803) amounted to about 100 lakhs of Nagpur rupees, equal to about 83 lakhs of British money. By the treaty of Deogaon, the Bhonsla ceded Berar to the Nizam and Cuttack to the British and the revenue of the Nagpur Kingdom was thereby reduced to 60 lakhs or about 50 lakhs of British money. Strenuous exertions, however, were made to recover this loss by an enhancement of revenue in the tract which remained, and its revenue was actually raised from 60 to 76 lakhs of Nagpur rupees, notwithstanding a decrease in various quarters from the deprivations of the Pindaris. The result was that the revenue of the Bhonsla Kingdom in 1818, was only two lakhs short of that of the Central Provinces in 1886, although the province at that date included considerable other territory besides the whole of that kingdom. Such results, it is clear, could only have been possible under a system of thorough-going rack-renting, under which any rights or customs which had grown up were set aside, if they stood in the way of the state demand. The decline to a similar state of things in the Saugor territories of the Peshwa is described by Mr. Fraser, Settlement Officer of the district in 1835, in the following words:—

Saugor Settlement, 1835, p. 3.

“The Marathas, for many years after the introduction of their authority, contributed very largely to the improvement of this territory, and their earlier mild and moderate principles of government augmented its population and enhanced the value of its lands by an accession of emigrants from less favoured provinces, which in the pargana of Saugor led to the excavation of a vast number of wells, since mostly filled up, for purposes of irrigation, but at the commencement of this century a sad change took place in consequence of the appearance of the Pindaris, and from that time till the year 1226 Fusly (1818), when we acquired this territory, there was no quiet or security for life and prosperity, and mistrust and want of confidence had spread through all ranks and classes. The annual incursions and ravages of the Pindaris and the hostile designs of Sindhia and the Raja of Nagpur compelled the late Government to entertain large bodies

of troops, and while the disbursements were thus necessarily increased, the desolation and desertion of villages in all exposed situations diminished the public resources; no exertions were however spared to supply such deficiency of assets by loans and ill-advised exactions and the demands upon those tracts which remained under tillage were enhanced in a most immoderate degree. At length the credit of Government having become shaken and exhausted, its creditors demanded security for their claims, and their clamours importunity having given rise to the alienation of several villages, the reserved territory was more severely taxed than before, and a general feeling of insecurity having withdrawn the funds usually advanced by capitalists for cultivation, both malguzars and cultivators abandoned the most remunerative crops, and irrigation fell almost entirely into disuse."

Fuller, p. 3.

12. The revenue system which the British Government found in operation in the tracts acquired from the Bhonsla and the Peshwa was one under which villages were farmed out to the highest bidder, and whatever rights or consideration the village headmen (or patels) might have enjoyed in the past, and it is clear from Mr. Fraser's report on Saugor referred to above that many had been regarded as occupying a hereditary position, they had been almost entirely effaced. The position is clearly described in the words of the Settlement Officers who conducted the thirty years settlement in the years between 1863 and 1867, which are quoted below. Thus the Settlement Officer, Damoh, writes (paragraph 50) :—

"The revenue system of the Marathas was to keep as many villages as possible under khaisa management, collecting direct from the cultivators. Leases were, however, frequently given for short terms—from one to three years. The terms on which these leases were given left but a very small margin of profit to the lessees, seldom more than one-tenth of the rental assets, and very often the demand exceeded the estimated assets of the village. The profits left to village lessees was called "*dupasi*" which would appear to be a corruption of the words *do-biswi*, or two-twentieths (of an acre), one-tenth of the whole income constituting the lessee's profits and nine-tenths being appropriated by the State."

Again in the Narsinghpur Settlement Report of the same period it is stated (paragraph 46) that "when extortion by main force failed, other lewices were not wanting. Patels were tempted by titles and dresses of honour to bid against each other and were alternately coaxed and squeezed till they had nothing left to make them worth attention. The law itself was made the instrument of illegal exaction from merchants and others not ostensibly connected with land. Courts of justice were created, whose whole staff consisted of a guard of soldiers and a few ready witnesses."

The Settlement Officer of Hoshangabad writes (page 39) :—
"The settlements were all annual and the Amil appears to have had full power to assess each village as he chose," and again on page 150 "Under the Maratha rule it is well known that the position of a malguzar was one which conferred no rights and

had no stability. Whether under the Bhonslas in Hoshangabad or under Sindhia in Harda, when the Amil made his yearly settlement, there was no reason whatever why he should make it for any given village with the same man with whom he made it last year. The patel had not only no legal right of renewal, but the custom of renewing the lease was not even sufficiently prevalent or universal to create a quasi-right or to enlist public opinion strongly on the side of renewal." He quotes the history of a sample village to show the frequency with which patels were changed. In 58 years there had been eight mutations of malguzars, no one of whom was connected with the others.

The circumstances of Betul were similar. In paragraph 97 of the Settlement Report allusion is made to the system of over-exaction which commenced after the Peace of Deogaon, and it is stated that during that period the majority of the old patels had to "make way for a race of speculating farmers, who agreed to any conditions the revenue authorities might make in the hopes of securing a footing in the village for better times to come."

The districts which suffered least were Mandla and Seoni, owing to their inaccessibility and their distance from military headquarters; for a system such as that described above was only workable when backed up by the troops with which the Nerbudda valley swarmed at the time of cession. Yet the Settlement Officer of Seoni writes that "during the Maratha wars the country would seem to have been nearly deserted."

When the situation of the patel had become so precarious, it may be imagined that the position of the raiyat was far from secure, and no claims of occupancy were recognized, "Village lessees had the option of making what they could out of the cultivators, who had no redress at all, as cultivating rights were not recognized." (Damoh Settlement Report, paragraph 50.) "There was no distinction between a new and old cultivator, but any one was entitled to hold till some one outbid him, and outbidding was the only recognized ground for ouster." (Hoshangabad Settlement Report, page 170.) "The details of collection were left to the patel, who let out lands and made his terms with the tenants each year. Such distinctions, as hereditary tenants and tenants-at-will were unknown, but in the cases of the more substantial tenants, lands were held on from year to year and from father to son so long as the rent demanded was paid, but no right of holding on certain terms independent of the will of the patel seems to have accrued from such continuous possession. * * . As a rule, fresh engagements for the land were entered into every year, even when no change in occupancy took place. The fluctuations of the Government demand and the necessity on the part of the patel to meet the requirements made on him rendered it necessary also to assimilate the demand on each particular field to meet the land revenue estimate of the current year, and as the patel received only a percentage on the amount he collected, he would have no object but to equalize the pressure as far as possible upon the tenants, as he would be more likely in that way to realize his rents. * * . When the time of indiscriminate and unlimited exaction came,

the patel had no option but to rack-rent the tenantry to the utmost in his own defence." (Betul Settlement Report, paragraph 102.)

13. These reports represent the conclusion of the early Settlement Officers whose duty it was to establish a regular and permanent system of land tenure in the ceded territories. Though they are no doubt true so far as they go, they do not sufficiently bring to notice the fact that, amidst all the exactions and arbitrary rule that had prevailed, there were in each district a number of estates which had, as a matter of fact, been held by the same family for several generations. These landholders, however, were only isolated instances who had weathered the storm and survived the common fate, and there was nothing to guarantee that, if the old system had continued indefinitely, they would not also have gone under like the rest.

B.—THE NAGPUR COUNTRY

14. The sovereignty of the districts included in this head and those of Chhattisgarh was not acquired by the British till 1853, when the remainder of the Bhonsla Kingdom escheated to the paramount power on failure of an heir to the throne. But 35 years before, in 1818, owing to the minority of Raghoji III Bhonsla, the newly acknowledged Raja, these districts had come under British management, when the Saugor-Nerbudda Territories were ceded, and had continued to be managed by British officers till 1830.

The report on the territories of the Nagpur Raja by Sir Richard Jenkins, Resident at Nagpur, written in 1827, fortunately contains a full and interesting account of the districts when their management was assumed and includes detailed information regarding the revenue system found in operation. The following description is drawn from the report. In by far the largest part of this country by Marathas had succeeded the Gond rulers of the Kingdoms of Chanda and Deogarh and the petty Gond Chiefs who had risen upon the ruins of the Gond Kingdom of Garha Mandla. The system found in this territory which, Sir R. Jenkins says, was certainly that of the Gonds, and which had been essentially preserved by their conquerors, in most respects resembles that outlined in the settlement reports of the Saugor-Nerbudda Territories. The assessment was made annually, and its amount was fixed in the first place in the aggregate for the pargana this assessment being based on previous assessments but affected in a great degree by the character and circumstances of the existing Government. It was then distributed among the villages by the pargana officer, or *kamavishdar*, in consultation with the patels, the agents of the Government for the apportionment and collection of the revenue of the village. It is a curious fact to modern notions that, though engagements for the Government demand on the village were taken from the patels at the commencement of the agricultural year, the amount for which they were to be responsible was not fixed and communicated to them until some months later, when the character of the season had become pretty well known. This practice undoubtedly enabled the Government to extract a great deal of

Jenkins, p. 6.

Fuller, p. 9.

revenue from the people, as each person was fully rated according to his ability to pay in each year. At the time when the patels concluded formal engagement for the revenue of the year (*istimalat*), they were actually in ignorance of the exact amount for which they engaged. No traces of fixed assessments or of assessment rates, either general or for the village, existed, and the jama of villages constantly fluctuated. Consequently at the annual settlements concluded at the beginning of the agricultural year between the raiyats on the one part and the patel on the other it was not possible at this stage to fix the amount to be paid for each portion of land. This led to a curious device for apportioning the responsibility for the revenue amongst the raiyats. For the main portion of the village lands, technically called the *chal* lands, no rental was fixed, but each field was given a value to express its revenue-paying capacity in relation to the other *chal* fields of the village. This value was termed the *ain* of a field and was ordinarily expressed in annas, pies or cowries per rupee. The revenue assessed was apportioned amongst the raiyats according to the *ains* of the field held by them. Thus the raiyat who held a field the *ain* of which was 6 pies would pay half the revenue which was payable by a raiyat holding a field the *ain* of which was 12 pies, and in this way it was possible to settle at the commencement of each year the proportion of revenue payable by each man although the amount of the revenue demand was unknown. There was, however, nothing permanent in the *ain* valuation of a field, which might differ year by year and render its holder liable to pay a different share of the village revenue.

A further complication was introduced by the fact that this system did not apply to all the village lands, but that a certain area was commonly let each year on fixed money rents. The fields so let were termed *thok* fields. They usually included the poorer land, for which the patel was unable to conclude engagements on the *ain* system, the raiyats being unwilling to cultivate them except on a fixed sum subject to no alteration. When the revenue assessed on the village for the year was given out, the rent of the *thok* fields was first deducted from it and the balance was distributed over the *chal* fields in proportion to their *ains*.

The division into *chal* and *thok* fields was, however, by no means a permanent one, and fields annually passed from one category to the other in conformity with changes in the engagements between the raiyats and patels. The lands let under the *thok* engagements bore but a small proportion to the others, and as the *chal* fields paid the highest rent, lands in progress of deterioration passed from *chal* to *thok* and when improving from *thok* to *chal*.

Each year a record was prepared called the *lagwan*. It answered to the jamabandi of Upper India and gave the details of the engagements concluded at the commencement of each season between the patel and the raiyats. It showed the name of each raiyat, the name of each *chal* field held by him and the *ain* of the fields as settled in the preceding year; also the same particulars for the current year, noting all changes whether arising from the transfer of fields from one raiyat to another or from the transfer of a *chal* field to the *thok* class, or *vice versa*, or

from variations in the *ains* of any of the *chal* fields. As soon as the amount of the revenue assessed was known, the rate of its assessment on each unit of the *ain*, called the *dhara*, was also inserted. (Sir R. Jenkins' Report, section VI.)

15. Neither patels nor raiyats were allowed any hereditary rights which might clash with the efficiency of this system, and their position as regards their liabilities towards the Government and their relations towards one another are thus described :—

Jenkins,
71.

p. "The patel is the agent of Government for apportioning and collecting the rent of his village, for which his responsibility is absolute, and he possesses a subordinate and rather undefined magisterial and judicial authority. The remuneration for agency or responsibility, which is paid either in money or rent-free land, besides certain trifling dues and privileges, is commonly one-fourth of the Government share, subject to various deduction which reduce it to about one-sixth. The office is held at the pleasure of Government, being neither hereditary nor saleable, and on the ejection or resignation of the incumbent no *mali-kana* is allowed. It is true that patels are frequently succeeded by their sons or other members of their family; not, however, by virtue of any hereditary right but by sufferance or a new appointment by Government, and whoever the incumbent may be, he is charged with the full exercise of all the duties and entitled to all the privileges of the office unencumbered with any interference or claims on the part of his predecessor or family."

The raiyats held their lands on yearly leases granted them by the patel, and Sir R. Jenkins expressly states that "none of them are entitled to cultivate the same fields in perpetuity, nor is it the practice to grant leases to them for more than one year. No class has a right to hold their fields on more favourable terms than others; every field liable to assessment being subject to the payment of its full proportion of the whole *jama*, which, as well as the proportionate share of each separate field or parcel, is open to yearly variation."

16. The system above described prevailed in by far the greater portion of the Nagpur country. There was, however, a limited area in the Wardha and Nagpur districts which the Marathas had acquired from the Nizam's Dominions and not from the Gond Kingdoms. In this tract, which was known as the *do-amli*, because sovereignty in it was for a long time uncertain, a different system had existed similar to that which, as will be seen later in this chapter, prevailed in Nimar. Special features of this area are, on the one hand, the existence of villages purchased by the Bhonsla Raja from the Nawab of Ellichpur, the Muhammadan place-names and the sub-division of *mahals* found at the 30 years settlement and, on the other hand, the absence of grants by the Nagpur Rajas, this being explained by the fact that the Bhonslas had no power to give villages in these parts which, in accordance with Muhammadan custom, were in the possession of hereditary patels.

The principles followed by the Nizam's Government in the assessment of land revenue were those of Todar Mal's system. Land was assessed by its area and classification and the rate of

assessment was intended to be a fixed and permanent one. But as a matter of fact this principle had been abandoned, and Sir R. Jenkins writes that "the statement of the area of each field which is inserted in the village papers is now used to express the changes in its relative value, the proportional value of a field being increased or diminished by augmenting or deducting its 'area' ". In other words the area was used merely as a term for expressing the *ain*. There was, however, a great difference between this tract and that acquired from the Gonds in that, though the rights of the actual cultivators in relation to the soil were on the same footing as those in the other parts of the Nagpur Country, "the office of patel was hereditary and saleable," and if a patel was ousted for non-payment of revenue and a farmer appointed in his place, he possessed a right to resume his position as patel whenever he chose and was in a position to discharge the duties of the office. The creation of hereditary office-bearers is one of the chief characteristics of the Muhammadan system as opposed to that which the Marathas inherited from the Gonds and Hindus. This system of land tenure will be noticed at greater length in treating of the Nimar district.

17. To the period of British management, though only of 12 years duration, the districts owed some modifications in this revenue system, which were of the highest importance. These were the substitution of triennial for annual settlements and the limitation of the authority of the patel over the raiyat, the policy in either course following the system adopted in the ceded districts of the Saugor-Nerbudda Territories. The policy of Government officers interfering between the patel and raiyats was opposed to the personal convictions of Sir R. Jenkins, but the protection of the raiyat against the patel represented a tendency on the part of British officers which was too strong to counteract.

Though Sir R. Jenkins' administration reduced the rate of the revenue demand and extended the period of village settlements from one year to three years, the State revenue increased. The benefits of ordered government and public security encouraged the expansion of cultivation and the re-occupation of villages which had become deserted owing to the exactions which had followed the contraction of the sources of the Raja's revenues after the Treaty of Deogaon (1803), so that, despite the reduction in the rate of demand, the State was restored to the Raja with a greater revenue than when it was taken over.

The remaining period of the Raja's own rule from 1830 to 1853 was characterized by great laxity of administration. The policy of the period of British management was adhered to, but without the vigilance which had contributed to its satisfactory working, and there was a decrease in revenue from 25 to 22 lakhs, and the summary settlements of those districts effected in 1854 after the escheat showed a revenue of only 19½ lakhs.

C.—THE CHHATTISGARH PLAIN

18. Though the Raipur, Drug and Bilaspur districts, which constitute this head, formed part of the territory left to the Bhonsla Kingdom in 1818, which was managed by British officers

Fuller, p. 13.

for the next 12 years and finally escheated to the British Government in 1853, they are here treated separately from the rest of the Bhonsla Territories, because they are in many respects peculiar and differ in their revenue history and conditions from all other parts of the province. As stated above, the greater part of the Bhonsla Territories which are included in the province was wrested by them from Gond rulers. But these remote Chhattisgarh districts had been ruled by a Hindu dynasty known as the Hai Hai Bansis for many centuries when they were annexed by the Bhonslas in 1741, and under that régime had enjoyed comparative immunity from foreign invasion and imposts and consequently a low land revenue.

19. When British officers undertook the management of Chhattisgarh in 1818, it had been under Maratha rule for about 80 years, the latter of which are stated to have presented "an uniform scene of plunder and oppression uninfluenced by any consideration but that of collecting, by whatever means, the largest amount possible." Fortunately for Chhattisgarh, as for Nagpur, there is a full report on the history and circumstances of the districts written in 1820 by Major P. Vans Agnew, Superintendent of Affairs in those parts during the period of British management. The revenue system was very like that of the Nagpur country. The village headman was the gaontia, though the term patel was often loosely and erroneously applied to him by analogy with the rest of the Nagpur country, the patel being in reality the superior of several villages or of a taluq. The settlement was by the assessment of each village made annually, but the precise amount of land revenue fixed upon the village for the year was not determined and made known till several months of the year had passed and until one out of three instalments of revenue—the amount of which was based on that of the preceding year—had been actually paid. Sir R. Jenkins reported thus: "The lands have never been measured and the apportionment of the assessment was altogether left to gaontias and raiyats, of whose engagements no records could be kept for want of village registers. The pargana assessment was apportioned on the different villages comprising it by the *kamavishdar*, guided by former practice and the information he could obtain respecting the actual state of the villages." Here then, as in Nagpur, a process was required by which the relative responsibility of each raiyat for the payment of the revenue could be fixed irrespective of the actual amount of such payment and a system existed which attained the same result as in Nagpur but by directly contrary means. In Nagpur a man paid according to the *ain* of his fields; in Chhattisgarh he held fields according to the *ain* of himself. The revenue was assessed by the plough and each raiyat paid the sum, or a multiple or simple fraction of the sum, which was fixed as the value of a plough in his village for the year. In Nagpur inequality of assessment was corrected by raising or lowering the *ains* of certain fields, but in Chhattisgarh it was corrected by increasing or diminishing the area of certain holdings. For the land revenue to be equally distributed it was necessary that the village should be divided into as many plots of exactly similar land as there were ploughs in the assessment, and that these plots should be distributed amongst the raiyats according to the number of ploughs for which each

Vans Agnew,
p. 11

Jenkins p. 93.

Fuller, p. 14.

was responsible. Owing to the undulating character of the country there was a considerable diversity of soils, and in most villages at least four were found, merging into one another by almost imperceptible gradations. It was necessary that each "plough" of land should include some of each soil in proper proportion, and hence it consisted not in a compact block of land but in a great number of small, often tiny, plots scattered about all over the village. This system had its origin in the curious and ancient tribal custom of *lakhabatta* or periodical redistribution of land. This was a device for re-adjusting the distribution of land when it had become unequal by increases either in cultivation or in the number of raiyats. If the raiyats of a village complained to the gaontia that the existing distribution of the land was unfair, he assembled them and a new division took place which satisfied all parties. The village land was first divided off into "moras" of equal value, each "mora," if possible, being allotted to a number of fellow-castemen, and the "moras" were then sub-divided into "ploughs". The custom of *lakhabatta*, though becoming much rarer, had not passed into desuetude at the time of the cession and was occasionally resorted to even after the regular settlement of the sixties.

Vans Agnew
p. 10

20. The connection of patels and gaontias with their villages had very little of permanence, and Sir R. Jenkins writes that "throughout Chhattisgarh there are no watandars, either patels or raiyats, and the people seem to be less attached to the soil and more migratory than is commonly the case in most other parts of India." Major Vans Agnew writes of the position of gaontia. "The office is not hereditary or saleable, but, as observed in regard to the patel, the son of a gaontia has that kind of claim to succeed which may be attended to as a matter of favour, but is not one of right," and of the cultivators, "According to the present universal understanding and practice the *hisans* have no rights in the land they cultivate, nor can I hear that an order of things ever existed on which such a claim could be founded." In these districts the policy of substituting triennial for annual settlements was not adopted during the period of British management on the ground that the general poverty and fluctuating state of the country seemed to render annual assessment necessary and to oppose any more permanent settlement. But in the important matter of raiyats' payments Major Vans Agnew followed the same course as was adopted in the rest of the province. "Forms were established for recording the details of the agreements entered into between the gaontias and raiyats" and the innovation was introduced of "restricting the patels to collecting the assessment of their villages in conformity with an apportionment of it laid down by the Superintendent." (Sir R. Jenkins' Report.) It should be added, however, that as *lakhabatta* was not prohibited, this measure had less effect in bringing about inequality of rents than in any other part of the province. The payments of the Chhattisgarh raiyat did not depend on his land, but his land depended on his payments. So long as it remained possible to re-adjust the land, any fixity in payments would not necessarily involve inequality.

Vans Agnew,
p. 32.

Vans Agnew,
p. 33.

Fuller, p. 14.

Fuller, p. 14.

21. Under British management there was a steady increase in revenue, and at the restoration of the country to the Bhonsla Raja in 1830 its land revenue had risen from Rs. 3,63,200 to

Rs. 3,85,800. Thereafter the country seemed to have fared pretty well and would have greatly improved but for scarcities in 1835 and 1844, which ruined a large number of villages. Nevertheless the revenue continued to increase, and at the escheat of the Bhonsla dominions in 1853 it was over Rs. 4 lakhs.

D.—SAMBALPUR DISTRICT

22. Most of this tract has been transferred to Bengal, and it is necessary therefore in this place only to describe its pre-British revenue system in sufficient detail as to bring out the peculiar nature of the local revenue system which caused the proposed general grant of proprietary right at the regular 30 years settlement to be reconsidered and a final decision to be made in 1872 to restrict the grant of proprietary rights to much narrower limits than in the rest of the province. This tract was under Maratha rule for shorter period than the other parts of the Bhonsla Kingdom. It was conquered and annexed by them in 1797, but restored to the former Rajput dynasty in 1817 at the instance of the British Government and escheated to the British Government in 1849. The revenue system of the district, however, was akin to that found in the Nagpur country. The villages were held on short leases by headmen (gaontias), whose position closely resembled that of the patel. Though the gaontia might have improved or even founded the village which he held, he was regarded by the Raja merely as a lessee, who could be ejected, if necessary, without violating either custom or public feeling.

Fuller, p. 15.

The amount of land revenue, when once fixed for the village, seems to have been rarely directly enhanced, but indirectly it was commonly increased very considerably. The method by which this was usually effected was by the levy of *nazarana* or a fine on the renewal of a lease, the amount of which depended roughly on the degree by which the revenue of the village fell short of its real paying capacity. Some portion of the *nazarana* payable by a gaontia was collected by him from his raiyats, but the greater part was as a rule paid by himself and represented practically an assessment on the land held by him as *sir* or *bhogra*, as his home-farm was called, which in distributing the responsibility for the regular assessment was invariably left revenue free.

The responsibility for the payment of the revenue assessed on the village also was distributed by a system not unlike that which prevailed in the Nagpur country. Each holding paid according to its *ain*. The assessment was decided by the gaontia and raiyats, having regard to the quality of the land in each man's holding and to the amount of seed which was sown in it,—the only method then known of expressing area—and the relative values of all the holdings in the village were then expressed as fractions of a rice measure or of a rupee. It seems that in making this valuation only rice land was taken into account, and the unembanked land, known as *at* was left out of reckoning.

The Sambalpur system for fixing raiyats' payments differed, however, from that of the Nagpur districts in the very important point that a valuation of holdings was not annually effected, but

once concluded, appears to have held good for years. The difference is attributable to a difference in the incidence of the assessments. In the Nagpur country the assessment was so heavy as to be unrealizable unless every man paid his full share, whereas in Sambalpur it was extraordinarily light, falling at less than two annas per cultivated acre.

F.—THE NIMAR DISTRICT

23. This district differs from almost the whole of the rest of the Central Provinces in that, with the exception of the country on the Wardha-Nagpur boundary already noticed, it is the only tract which was regularly under a Muhammadan government. This regime, first under the Moghal Empire and then under the independent kingdoms which rose on the decline of the Delhi power, lasted till the middle of the eighteenth century. The effect of this difference in history is seen in several peculiarities in its revenue system, especially in the existence of hereditary village and pargana officers, who claimed to hold their offices and their emoluments in *watan* or hereditary right. The establishment of local officers with hereditary claims to office was characteristic of the Muhammadan system of government. By it was secured the collection of the revenue assessment without the loss which would result from the intervention of a farmer or intermediary or the risk of dishonesty which would attach to a system of regular salaried tax collectors.

Fuller, p. 16.

The most notable feature in the revenue system of the Muhammadans was the introduction of the *tankhabandi* assessment of Todar Mal. The cultivable and cultivated area of each village was carefully appraised, and in the Zainabad pargana actually measured, and fixed area rates imposed which were supposed to represent the value of one-third of the produce. "The *tankha* was assessed in detail on the whole culturable land of each village and the total of the village assessments formed the *tankha* of the pargana." (Nimar Settlement Report, paragraph 126.) Again, "one thing seems clear that the assessment on cultivating holdings was fixed and that no extra cesses were levied on them by the State; if so, they did not pass through the accounts." (*Loc. cit.*, paragraph 130.) The system of assessment was then from detail to aggregate and was precisely the opposite to that adopted by the Marathas, which was from aggregate to detail. The cultivable area of the village multiplied by the area rates yielded its *tankha*, but it must not be supposed that this was collected in full. The sum assessed on the cultivable but uncultivated area was regularly remitted. The *tankha* settlement was then a permanent settlement based on the assumption that the whole of the cultivable land was cultivated and annual drawbacks were given until this assumption was realized. A statement of the total *tankha* of a tract gives then no clear indication of the amount actually collected, and this no doubt to some extent explains the enormous difference between the Moghal *tankha* of the parganas now included in the Nimar district (Rs. 4½ lakhs) and the assessment (Rs. 1½ lakhs) after the first regular settlement.

Fuller, p. 17.

The Muhammadan government was succeeded by that of the Peshwa, who in 1778 bestowed the bulk of the district in jagir on the Maratha leaders Sindhia, Holkar and the Powar. From

Fuller, p. 16.

that time till the capture of Asirgarh by the British in 1819, the district was the scene of almost continuous warfare and plunder, forming the theatre of Sindhia's and Holkar's attempts to fight out their jealousies, and of the constant depredations of the Pindari leader Chitu.

Fuller, p. 17. 24. The history of the Maratha occupation of Nimar has been described by Sir Bampfylde Fuller as the prostitution of government to purposes of mere spoliation. During the earlier years of the occupation, it is true, the Muhammadan revenue system appears to have been adhered to, the only change being the imposition of an all-round enhancement of 10 per cent under the name of *sardeshmukhi*. But cesses under the name of *pattis* were gradually superadded, until at the commencement of the present century "the Moghal assessment was a mere name swamped amongst a multiplicity of additional cesses that formed the total of the land revenue demand." (Settlement Report, paragraph 153.)

The Maratha system of assessing a lump sum on the pargana and holding *kamavishdars* responsible for its collection was introduced, and so long as the *kamavishdar* rendered the sum for which he was answerable, he was apparently allowed uncontrolled powers of extortion, which he used to the full. To this were added the depredations of the Pindaris, and the condition of the people became wretched in the extreme. A petition which was presented to Sindhia from the Khandwa pargana about 1803 or 1804 sets forth that the "Kamavishdar, pargana officers, patels, patwaris, karkuns, havildars and other officials are pleased and thriving, but the raiyats are plundered. Robbers and Pindaris oppress the district and levy blackmail, which the pargana officers share with them. The patels bribe the kamavishdar to let them appropriate the raiyats' fields, and cultivate much land without paying rent for it. Many of the raiyats have deserted the pargana and the rest are preparing to follow. * *. Last year Holkar's army came, and the kamavishdar arranged with the raiyats that they should abscond for a few days and return after its departure. This they were ready to do, but the pargana officers prevented them. Then the robbers from the Asir hills looted two villages, and Holkar's troops came and surrounded Khandwa and exacted a contribution of Rs. 30,000. The last kamavishdar levied a third instalment of revenue after the two regular ones had been collected. The pargana is deserted and has been reduced to half its former revenue." (Settlement Report, paragraph 155.) The revenue of the Khandwa pargana, which had been Rs. 1½ lakhs in 1760, had dwindled by 1822 to Rs. 53,000.

Fuller, p. 18. 25. One of Sindhia's parganas, however, Zainabad, was assigned by him in jagir to one of his relations and so escaped the evils of the time of trouble, except those occasioned by the ravages of war. In this area the Moghal forms of assessment were maintained and the revenue demand was restricted in order to induce cultivators to resort to it from other tracts. "The result of this has been the preservation in an extraordinary degree of the ancient Mogal institutions. The establishment of hereditary pargana and village officers is nearly complete, the raiyats have a firm and undisputed hereditary title in their holdings and the

pargana has prospered under an assessment which until the recent rise in prices was undoubtedly a heavy one." (Settlement Report, paragraph 160.) But the assessment, though heavy for the time, was light compared with that of former days. The Rs. 60,000 of 1803 had been reduced to Rs. 35,000.

F.—FEUDATORY STATES, ZAMINDARIS AND JAGIRS

26. The systems above described, which may be summarized by saying that most villages were left in the hands of lessees (patels, gaontias, malguzars or thekadars, as they were variously described), who held leases on farm of the village land revenue from the Government, prevailed in the open country of the khalsa—the area with which the modern system of land revenue settlement is primarily concerned. But a very large area (over two-fifths of the whole, including a larger proportion of the wilder portions of the province) was held by persons whose status was of a more substantial character, and who, by grant or long prescription, were possessed of groups of villages or tracts over which they claimed rights approaching in many respects to the proprietary status of English law. The states of this class were called talukdaris or jagirs in the north of the province and zamindaris in the south. These tracts, which stand outside the ordinary settlement procedure, are dealt with in the subsequent chapter on the feudatory states, zamindaris and jagirs.

CHAPTER III.—THE BRITISH PERIOD, THE GROWTH OF PROPRIETARY RIGHTS AND THE CREATION OF TENANCY TENURES

27. In this chapter tenancy tenures are dealt with along with proprietary rights, as the course of development of the former is bound up with the creation of the latter. The creation of malguzars with proprietary rights revolutionized the landholders customary position and relations with the Government on the one hand and with the cultivators on the other, and the vesting in the landholders of full rights of ownership, subject only to the payment of the Government revenue demand, put the cultivators holding lands from them into their hands and necessitated the prescription of the rights of the raiyats in the interests of the latter. The grant of proprietary rights made at the regular 30 years settlements of the sixties is the most important landmark in the revenue history of the Central Provinces. But the decision to adopt this change had already been taken separately in the two main tracts out of which the new province was constituted before their amalgamation was contemplated, and the course of development by which this policy was arrived at in each part was distinct, though no doubt affected in both parts by the policy prevailing elsewhere in India and especially in the North-Western Provinces, by the Government of which the Saugor-Nerbudda Territories and the Nimar district had been administered. For this reason it is convenient to trace the development of the land revenue system separately in the different territories combined in the province.

THE SAUGOR-NERBUDDA TERRITORIES

28. The Saugor-Nerbudda Territories may be considered first, as in that part a regular British administration had been longest established and the detailed system adopted there was applied to the whole of the newly formed province. The period between the cession of these districts and the beginning of the operations for the 30 years malguzari settlement may be divided into two periods of 20 years. During the first period a policy of short-term settlements was followed, while the second period was covered by the 20 years settlement adopted in 1836-37. The early British administrators followed their predecessors in effecting the settlement of the villages with lessees, but with this radical difference that whereas the latter allowed the revenue to vary from year to year according to the nature of the harvests and the necessities of the Government and left it unadjusted till the close of each year, the British system fixed the demand for the year and left it invariable for a term of years. This term was fixed at five years. In the words of the report on the Saugor Settlement in 1835, "the suddenness of this change not only made it difficult for our Government at once to regulate its demand within sure and certain limits, but also rendered it generally so for farmers and cultivators unaccustomed to a fixed and invariable settlement to form sound and correct calculations or to foresee whether the contracts they subscribed to would ultimately turn out profitable or the reverse." Apart from the abandonment of annual settlements, the salient feature of this first period was the abortive attempt made to maintain and even to increase the revenue of the time of Bhonsla Government. The Settlement Officer commonly held the opinion that "the benefits of peace and security conferred by our rule would at once commend themselves to native feeling and would attract capital and population so as to cause a complete revolution in the state of things." The Settlement Officer of the Saugor district in 1835 describes how his predecessors in their first assessments, although they were fixing the demand during a series of years, allowed themselves to be guided by the highest collections realized during the last ten years of Maratha rule, *i.e.*, the highest amount realized by the former Government with all its various imposts during one favourable year. In the settlement of the second quinquennial period also, he states, sanguine expectations of revenue were still held, and Settlement Officers acted upon the rule of accepting the highest offer made for villages, thus opening a field for speculation at the expense of the old established malguzars. The result of these methods was that for the first fifteen years of British rule the administration was engrossed in a continued struggle to keep together and support the agricultural community under the heavy pressure of the land revenue. The situation in any case was difficult one owing to circumstances other than those arising out of the land revenue system. The earlier British administrators of this tract did not always recognize the effect of a change in economic conditions. They did not, for instance, realize that the establishment of peace and security did not compensate all classes of the people for the great reduction in direct Government expenditure in the districts affected thereby and that most important changes had taken place in the tract and the surrounding area. How great this reduction was may be gathered

Saugor Settlement, 1835, p. 6.

Hoshangabad Settlement, 1869, p. 45.

Saugor Settlement, 1835, p. 4.

Ibid., p. 7.

Fuller, p. 4.

Narsinghpur Settlement paragraph 55.

Fuller, p. 5.

Saugor Settlement Report, 1835, p. 5.

from the report of the Settlement Officer of Narsinghpur in the sixties, who describes the great decrease in local expenditure which followed the pacification of the country and the disbandment of the troops which under the Bhonslas, had been quartered in the Nerbudda valley. In 1816 the Marathas drew Rs. 6,57,000 from the Narsinghpur district, but their military expenditure in the district amounted to Rs. 6,37,000, so that nearly the whole of the revenue was spent in the district. Under British rule local expenditure steadily declined till in 1823 it was under Rs. 2 lakhs. Sir William Sleeman, who served in the Saugor-Nerbudda Territories from 1820 to 1839, in his memoirs written in 1835, refers to the subject and observes: "The settlements of the land revenue in all the territories acquired in Central India during the Maratha war, which ended in 1817, were made upon the supposition that the lands would continue to pay the same rate of rent under the new as they had paid under the old Government, uninfluenced by the diminution of all local establishments, civil and military, to one-tenth of what they had been; that, under the new order of things, all the waste lands must be brought into tillage, and be able to pay as high a rate of rent as before tillage and consequently that the aggregate available net revenue must greatly and rapidly increase. Those who had the making of the settlements and the governing of these new territories did not consider that the diminution of every establishment was the removal of a market of an effectual demand for land produce; and that, when all the waste lands should be brought into tillage, the whole would deteriorate in fertility, from the want of fallows, under the prevailing system of agriculture, which afforded the lands no other means of renovation from overcropping. The settlements of land which were made throughout our new land acquisitions upon these fallacious assumptions of course failed. During a series of quinquennial settlements the assessment has been everywhere gradually reduced to about two-thirds of what it was when our rule began." Another most powerful factor was the extraordinary fluctuation and decline in prices which marked the early days of British rule and which were more than enough to disturb any assessment except an exceedingly mild one. To add to the already great difficulty of the situation, the close of the period was marked by an extraordinary succession of seasons of great calamity, which defeated the labours of the Settlement Officers and made heavy remissions of revenue inevitable. Apart from the heavy assessments and the special economic complexities of the time, another reason for the decline—which though not brought forward prominently in the settlement reports is nevertheless a weighty one—is the change of policy of the new régime in the direction of interfering in the relations of the patel and his raiyats, a fact which brings out clearly the difference between the British and the Maratha system. The Marathas were able to realize their high demand by systematically putting aside all rights and claims which operated to save any one from paying to his full ability. Nothing availed to secure the patel from enhancement to the last pie possible, but he was given a free hand in the distribution of each year's demand over the raiyats of his village, and in self-preservation he screwed out all he could. The new policy continued to place a heavy demand on the patel, but at the same time prevented him from carrying the demand on to the raiyats. The position

Fuller, p. 5.

Sleeman,
p. 229.Saugor Settlement,
1835 p. 8.

Hoshangabad
Settlement,
p. 50.

is described in the Hoshangabad Settlement Report of 1867 thus :
"The settlement, though called malguzari, was to all intents and purposes a raiyatwari one. The raiyat's rent was fixed as completely as the revenue of the village and the malguzar could not raise or alter it. He only got an inconsiderable allowance (15 per cent) in return for trouble of collecting, the risk of the cultivator's departing and the duty of giving him seed-grain. The margin of profit was so small that the departure of one or two cultivators was enough to ruin the malguzar and break down the settlement. So long as the patel could make annual changes in the revenue payable by each raiyat, he could provide for the realization of the demand, heavy though it was; but with the discontinuance of the annual rent adjustment, inequality in individual assessments became inevitable and the satisfaction of the demand impracticable."

Fuller, pp. 6
and 7; and Bird,
p. 1 *seq.*

29. In these conditions deterioration set in. Considerable remissions had to be granted regularly, and during the first 20 years following the cession of the districts, the revenue demand fell from nearly Rs. 28½ lakhs to a little over Rs. 24 lakhs. The breakdown of the system was the subject of a report in 1833-34 by Mr. R. M. Bird, of the North-Western Provinces Board of Revenue, who was deputed to examine the conditions of the districts on behalf of that Government. He gave the following description of the situation which he found there :—"The system which has hitherto prevailed is no other than an attempt to prop up by temporary expedients a revenue confessedly excessive. These have consisted in yearly remissions and a constant interference between the agriculturists and capitalists. The district officers have been allowed, when the season appeared to be unfavourable, to estimate the productiveness of the crops, and then fix the amount that should be collected, and this not once or at distant intervals on the occurrence of an overwhelming calamity, but as a regular practice. The result was that an extensive system of fraud and speculation is said to have been introduced, which, by destroying all confidence, has driven away capital from the land. The stores of merchants have been opened, and grain forcibly taken out and given to the cultivators as seed, without any payment being made to the merchant or any assistance afforded him for the subsequent recovery of the property of which he has been despoiled. This spoliation is stated to have occurred in favour of cultivators to whom the bankers has refused to make advances from past experience of their fraud and faithlessness. Capitalists having obtained decrees against agriculturists were not permitted to sell their cattle or imprison their persons, because it was supposed that either of these measures would leave the land uncultivated. In short, an ample collection of facts openly stated by the native, and which could not be denied by the European officers, afforded abundant proof that in the vain hope of propping up an exorbitant assessment, and under the mistaken notion of practical skill in the management of details, a system of mischievous interference in the private arrangements and concerns of individuals had almost universally prevailed. Again, the degree to which the mischievous mistake of interference in those respects has been carried by every officer at his own mere pleasure is scarcely credible, and the tendency to preserve in the practice, on the erroneous notion of protecting

the poor, is as strong as ever, and will yield to nothing but direct and positive prohibition. I have already referred to some instances as seizing and distributing seed-grain fixing the price of grain, both for food and seed, prohibiting exportation, obliging capitalists to surrender their profits on receipt of the principal, on the notion of an equitable adjustment, obliging capitalists to make advances to insolvent cultivators, fixing rates of interest, etc. The effects in driving capital away from the land may be found stated in all the reports of local officers." The tendency of officers of the time to interfere in the economic relations of the people is also deplored in Sir W. Sleeman's "Rambles and Recollections" referred to above, which is almost contemporary with Mr. Bird's report; in his account of the Bundelkhand famine of 1833, the author emphasizes the harm done by such injudicious interference in disturbing the economic forces of self-interest, which ultimately work for the people's good. The ameliorative measures which Mr. Bird proposed were designed "to give all concerned an interest in improving the land." It is worth noticing that proprietary rights were being recognized in zamindars at the settlement of the North-Western Provinces, which had begun in 1833, the year before this report was written, but Mr. Bird did not go so far as to propose this measure in these districts. He did, however, record that "it is admitted on all hands that with the exception of a part of the district of Hatta (i.e., Damoh), there exists no proprietary right in malguzari land in any part of the territory," and he thus felt himself free to create new interests and to make the contracts for the new settlement with the patels who happened to be in possession at the time. And this settlement, as will be seen hereafter, paved the way for the adoption of the proprietary principle at the regular settlement carried out in the sixties. The measures he proposed were the reduction of the revenue to an amount which could be collected over an average of years, a long-term settlement and the discontinuance of all unnecessary interference with village economy. These recommendations were adopted, and in 1835 orders were issued for the making of a 20 years settlement. As this is the first systematic settlement of these districts under British administration the rules laid down for it may be reproduced in full. They were as follows:—

Sleeman, p
152.

Fuller, pp. 7
and 8.

- (1) That a settlement of the whole territory be made at such a jama as the local officers may show to be fair and equal for 20 years.
- (2) That the settlement be made with the patels in possession; that parties engaging be not liable to be removed during the term of the settlement except for default, and that assurance be given of renewal of the lease on such terms as may be agreed upon, on condition of good management; and that for cancelling an existing lease or displacing a patel on a new settlement the sanction of the Sadar Board be necessary.
- (3) That the lessees be allowed to make their own terms with the raiyats, furnishing a jamabandi for record, as is now done in the other provinces subject to the authority of the Board; and filing a fresh jamabandi yearly or whenever any change in the conditions on

which the raiyats cultivate be made, on pain of being cast in any suit for rent in which the sum demanded may exceed the rate of jamabandi last recorded.

- (4) That the standing crops and personal property of the cultivators, except cattle and implements of husbandry and grain, may be distrained for arrears of rent by the patel; and that an unsatisfied decree for arrears of rent entitles a patel to remove the raiyat and dispose of his fields at pleasure; and that all property without exception be liable to sale in execution of decrees for rent.
- (5) That patels be permitted to dispose of the terms of their lease with consent of the Collector but not to under-let.
- (6) That the Tahsildars be allowed to aid distraint, and sell distrained goods on application, for arrears of rent between patel and cultivator, under the same rules as the regulations prescribe, so far as they may be applicable; that they may be allowed a limited power of issuing *dastaks* for arrears of revenue, but that they be not allowed to set aside or control the management of the patel without the orders of the District Officer, and that they be strictly prohibited from all interference with the interior management of the village as regards the course of crops, the distribution of lands, the mode of payment, the enforcement or remission of demands of rent or interest, the supply of advances of money, food or seed and in short all the other details of daily occurrence.
- (7) That both Tahsildars and District Officers be strictly prohibited from interfering in their revenue capacity with private money or banking transactions, or in any way fixing or limiting the amount of profit or interest or the market rate of money or grain.
- (8) That it be explained to the people, and the declaration be steadily acted on, that the jama which is to be agreed to is to be collected without remission, and that no remissions be allowed except in cases altogether beyond the rule of ordinary calculations.
- (9) That in the district of Hatta, where a village community may exist, willing to engage as a community, through an agent or agents chosen by themselves, for the jama agreed upon, the lease should be granted to the community on penalty of annulment in case of default; that where the community cannot make their own arrangements to engage for the mauza, it should be farmed in the usual manner, leaving it to the farmer to make his own bargain with the cultivators, either as individuals or as a body, with the proviso that until the compact with the farmer be completed no one should be entitled to cultivate; that where the mauza shall be leased to the community and they shall not fulfil their engagements, the District Officer

shall be at liberty with the sanction of the Commissioner and the Board to annual leases and relet the mauza to a farmer for the remainder of the term on the same footing as if it had been leased to a farmer originally.

- (10) That the wild hill and forest tracts, stated to be still inhabited and possessed by aboriginal Gonds under chief of their own, be let on long leases and on very low terms to the chiefs themselves or to some person who is acceptable to the local chief, and that no attempt at mauzawar administration be made in those tracts.

The net reduction in revenue effected by this settlement was from Rs. 24 to Rs. 22½ lakhs, and in Jubbulpore, Narsinghpur, Hoshangabad and Betul, where reductions were made some improvement resulted. In Saugor and Damoh, where enhancements were made, there was little improvement over the state of affairs under the short-term settlements, and a reduction had to be made, while in the remaining districts the full revenue fixed could not be realized.

Fuller, p. 8.

30. Though this settlement marked a great advance on its predecessors in securing interests in the land, it did not go far enough to satisfy the school of administrators in Northern India which had already in 1833 established proprietary rights in land in the North-Western Provinces.

The results of the 20 years settlement came under review by the Lieutenant-Governor of the North-Western Provinces when its term was half expired and the minute, dated the 25th March 1847, recorded by the Deputy Secretary (Mr. Thomason), perceived that the logical outcome of the tendencies of the 20 years settlement was the recognition and declaration of proprietary rights in the land and recommended the introduction into the Saugor-Nerbudda territories of the North-Western Provinces system of survey and record of rights as the best method of effecting this policy. This was a pronouncement fraught with the most important consequences to the development of the system of land revenue administration in the Central Provinces and the substance of it is reproduced in the following extracts. The minute begins:—

Nicholls, p
337.

“1. The settlement of the Saugor and Nerbudda Territories has been made for the twenty years on easy terms. During this period the Government has bound itself not to demand more than a stipulated sum from the persons who took the leases of each mauza or township in the Territory. The sum thus stipulated for was moderate, leaving a fair average profit on the estate as it then stood, and allowing the Lessee all the further profits which might arise from improved and extended cultivation during the lease.

“2. This was the state of things which had never existed before. It is a mode of administration which Native States do not adopt. If they were to adopt it, the confidence in their good faith is not such as would lead to the full development of the advantages which it is calculated to produce.

"3. It is necessary then carefully to consider the change in the position and circumstances of the agricultural population which the introduction of this new mode of administration produces.

"4. The Government ceases to have that immediate and evident interest in the advancement of cultivation which stimulates a good Native Government to cause the extension of cultivation by the expenditure of its own capital and the exertion of its own agents. The people are expected from a sense of their own interest to do that which a good Native Government ordinarily does for them.

"5. In order to induce the people to spend their own capital and to put forth their own strength in the cultivation of the land, it is necessary that they feel assured of reaping the full benefits of their enterprise, not only during the full period of the settlement but beyond that, and so long as they, or their posterity, may have any connection with the land. In other words, it is necessary to give a good title so that each person might know the exact extent of his proprietary interest in the land or its produce, the mode in which he can transmit it to his heirs, and the terms on which he will be allowed to hold it after the expiration of the settlement. It is also necessary that he has full power to transfer the land by sale or mortgage, so that he may, at will, raise money upon the property for such purposes as he may require.

"6. Now these conditions which are essential to the success of the system introduced into the Saugor and Nerbudda Territories, have been altogether neglected. The leases of the several mauzas were given to persons who were called farmers, but the extent of their rights under that denomination was left very indefinite. No right of property in the land was recognized. The farmer was not informed what discretion he had as to the cultivation of new land. He did not know on what terms he could obtain a renewal of his lease, or even whether he could expect a renewal at all. He was left in doubt on whom his rights would devolve after his death. He was debarred from freely transferring his right in the mode which might appear most advantageous. All that he did know was that he might collect the value of a certain part of the produce from the cultivators, that he was bound to pay to Government a fixed portion of the amount thus collected, and that he might keep the surplus for his own use.

"7. Such a state of things is fatal to the prosperity of the country, and imperatively requires remedy."

* * * *

The minute concludes—

"19. I am then of opinion that the introduction into the Saugor and Nerbudda Territories of the system of survey and record of rights which has prevailed in the North-Western Provinces is the best, if not only, way of providing an effectual remedy for the evils which at present affect the civil administration."

* * * *

"24. The Government should lay down the principles on which the operations are to be conducted, such as the criteria of proprietary right, the course to be pursued when there is no sufficient proof of proprietary right, the relations which are to exist between the several parties, when there are many co-existent rights of the same or a different kind."

* * * *

"28. A minute revenue survey, according to both the European and native methods, must precede the formation of this record.

"29. The magnitude and expense of this operation may give rise to some hesitation in adopting it. Both are no doubt considerable, but they are necessary to the right administration of the country and to the improvement of the social condition of the people, which is the first duty of every Government. The measure may be put off, and the Government may go on blindly in its present course without being charged with great and evident dereliction of duty. It may also be impossible to prove that the great outlay which the measure involves will certainly be made good to the public treasury. But if there is any truth in the general principles on which the recommendation is founded, and if there is any reason to believe that the welfare and prosperity of the State is bound up in the wealth of the people and the increased resources of the country, then most certainly will the returns be ample.

31. Half way through the nineteenth century, then the stage had been reached in the Saugor-Nerbudda Territories at which it was to be decided whether the system of recognizing proprietary rights in the village landholders was to be adopted or not. The question was not a new one for the North-Western Provinces Government, which at that time administered these districts, for it had already been threshed out and settled in those provinces by the recognition of zamindars with proprietary rights so early as in the settlement of 1833. The local officers also, who were recruited from the North-Western Provinces, were familiar with the main schools of opinion on the subject, which may be noticed shortly here before stating how the matter was dealt with in these districts. The English administrators approached the problem of the land settlement of India with preconceived ideas of land ownership based on the English system, which were alien to the traditions of the country; and the question was debated in turn in all parts of India under British sovereignty whether the right of ownership in the land vested or should be recognized in the zamindars or landholders, who were responsible for the collection of the Government revenue, or in the raiyats of cultivators, who tilled the soil from the fruits of which the revenue is paid. The discussion was not confined to the question of legal rights, if any, and it necessarily involved political considerations. The school which maintained the ownership of the cultivators dwelt on the great social and political advantages to be derived from a hardy yeomanry holding its land direct from the Government without the intervention of zamindars or malguzars. The other urged the benefits which the country would receive from an enlightened landed aristocracy

or middle class with a stake in the country, whose interests would necessarily keep them loyal to the established Government and who would develop their property to the advantage of the State, the cultivators and themselves. In Bengal, where the question was first dealt with, it was settled by recognizing the proprietary right in the large zamindar. This settlement conferred the hereditary right of property over areas sometimes larger than English countries on individuals, subject only to a permanent revenue, and left the immediate cultivators mere tenants-at-will. From Bengal the permanent settlement was extended to the Province of Benares and also to parts of the Madras Presidency. This system failed to realize the anticipations formed of it owing to the sub-division of estates and the growth of a succession of middlemen and of a system of rack-renting, and before the form of settlement in Madras was finally determined upon in the years between 1812 and 1818, the pendulum had swung in the opposite direction and the settlements in that presidency associated with the name of Sir Thomas Monro, whose exposition of the raiyatwari system profoundly impressed the Court of Directors, were made on the raiyatwari principle, the land being settled with the immediate cultivators holding direct from the Government and paying the Government demand without the intervention of an estate-holder responsible for its collection.

The raiyatwari system was extended from Madras to Bombay, the territories of which were acquired about the time when the system was being finally established in Madras, and to the local conditions of which it was best suited. In the meantime when the settlement of the land in the newly ceded districts of the North-Western Provinces was taken up, opinion took the other direction, and, as stated above, the settlement in these provinces was a zamindari one. The views which were entertained on the subject by contemporary administrators may be illustrated from the following passage in the Memoirs of Sir William Sleeman. Writing of the raiyatwari settlement he observes: "In the other extreme, Government has constituted the immediate cultivators the proprietors, thereby preventing any one who is supported upon the rent of land, or the profits of agricultural stock from rising above the grade of a peasant, and so depriving society of one of its best and most essential elements. The remedy of both is in village settlements, in which the estate shall be of moderate size, and the hereditary property of the holder, descending on the principle of a principality, by the right of primogeniture, unaffected by the common law. This is the system which has been adopted in the Nerbudda Territory, and which, I trust, will be always adhered to." It was natural that the system in the Saugor-Nerbudda Territories should approximate to that of the North-Western Provinces, of which they formed an appendage. The result of the deliberations on the question of land revenue policy raised by Mr. Thomason's minute was a decision in favour of a settlement "on the basis of proprietary right", and the problem of how to apply the policy was solved by the decision formally to confer the proprietary title as the creation or free gift of the Government, future litigation on the basis of previously existing rights being thus obviated.

32. The twenty years settlement expired in most districts in 1853, and the decision was communicated in the directions issued in that year regarding the preparations to be made for the ensuing re-settlement of the territory. The orders then issued constitute the outstanding landmark in the history of the land revenue administration of the Central Provinces. The directions regarding the conferment of proprietary rights were conveyed in the following terms:—

No. 173-A,
dated the 30th
April 1853,
from Secretary
to Government
N. W. P., to
Secretary
Sadar Board
of Revenue,
N. W. P.

“12. Regarding the general principles of the settlement, I am directed to intimate that His Honour has resolved that it shall be concluded on the basis of an apparent or approximate proprietary right in so far as that right can with any approach to certainty or confidence be traced, and that the leading object in so doing shall be to recognize fixed rights or claims and interests, in whatever form they may have already grown up, and to avoid an interference with them by any speculative acts or views of the officers of Government.

Nicholls, pp.
344—346.

“13. Though existing claims of an established nature will thus be carefully regarded, yet, as the subject is one of much admitted obscurity and doubt, it will be expedient (in order to avoid future contest or litigation with respect to the rights declared in the settlement proceedings) formally to *confer* in every case the proprietary title as the creation or free gift of the Government. This course will be consistent with the previous repeated acts and declarations of the British authorities in these territories as to the withholding any recognition of positive rights of ownership.

“14. Where there may be contending claims and the choice lies between conferring the proprietary right on a malguzar who has possessed only an occasional and interrupted interest in the village and the old cultivators (*kadim kashtkars*), then the proprietary right, as respects their several holdings should be conferred on the latter, and with it will follow all the incidents of property, such as the free right of transfer or division, so long as the fixed amount of revenue is duly paid for their lands. All cultivators who have been in possession of their holdings since 1840 (a date which is adopted, as it has already been named by Colonel Sleeman, as that from which continuous possession would constitute an hereditary cultivator) shall be deemed to be, in the absence of other and stronger claims, entitled to such full proprietary rights.

“15. When this title has been secured in these cases, at a certain and stated jama, to each of such cultivators over his own holding together with such sufficient and liberal portion of adjoining waste land as the Settlement Officer may deem right to give over along with such holding for the term of settlement, His Honour would not object to the malguzar, selected to engage for the general management of the village, being allowed to exercise a proprietary right over the rest of it, and he might have the right of collection of their fixed rents or revenue due from the smaller cultivating proprietors above referred to, on a suitable allowance for the charges of collection.

"16. The Board will understand that the observations in the two last paragraphs apply only to cases where there is no third party, besides the former malguzar and the cultivators, possessed of what may fairly bear the character of the proprietary interest in the whole soil of an entire village. Where, for example, the right of occupancy, and general management and enjoyment, is found to exist in the hands of an agricultural brotherhood or community bound together by a joint association, this existing form of subsisting or preferable right will, under the principle laid down in paragraph 11, be confirmed, and the proprietary title conferred upon such community.

"17. Where, however, the proprietary right and the title to engage with the Government are conferred on a party who, having in himself or from his ancestors, a fixed claim or usage of management and collection in a village, has yet held such a connection with the village rather from an hereditary tenure of service than from any exclusive right of ownership or occupancy over the whole village lands, then the admission of the general proprietary right in such party should be accompanied with a concomitant admission and perfect protection of the separate ownership in their several holdings of the cultivators who are to be acknowledged as proprietors, on the ground of their continued occupancy of their lands for a number of years according to the rule laid down in paragraph 14.

"18. The admission of a general proprietary right, and title of engagement with the Government, as regards an entire village or tract, will also be accompanied by a careful ascertainment, record and declaration of incidents and conditions, whenever subordinate tenures or interests, with whatever qualified privileges, are found now to co-exist with the superior right of management and collection in the party who pays the revenue directly to the public officers.

"19. In the admission of the proprietary title, where there are various shades of right or conflicting claims, the Lieutenant-Governor vests a large discretion in the Settlement Officer in sub-ordination to the Commissioner and your Board, requiring only that the principles above enumerated be constantly kept in view.

"20. It is understood by the Lieutenant-Governor that the parties styled Elakadars, many of them of the Gond tribes, although holding that common origin, have yet been connected in very different ways with the tracts of which they have possessed the management. Some are entitled to advance a claim which would closely approach to a fixed proprietary interest, while others have held only a temporary and fluctuating share in the management of the villages placed under them. The character and position of each of these persons will, therefore, in the new settlement, require careful discrimination. In regard to the rude Gond tracts, in which any interference with the connection of the Chiefs with their lands might be likely to affect the public peace, caution will be especially necessary."

"24. The property in quarries and mineral products will remain vested in the Government, and a right of access to any spot, with a right to all aids and incidents necessary to working, where the Government may desire to open a mine or quarry, will form an express reservation in all engagements.

"25. Where forest and jungle tracts are extensive they will be excepted from the settlement, and special arrangements, where necessary, made for the preservation of valuable timber. The clearance and cultivation of large masses of waste land, especially in the south of the Nerbudda territories, may call for peculiar arrangements. Many of these wastes are understood to be held in extensive untilled tracts for the purpose only of the pasturage of cattle. It is obviously desirable that these portions of the territory should be settled and brought into cultivation under terms of suitable indulgence, the details of which may be proposed by the District Officers."

33. The intentions of Government were announced by a formal proclamation in June 1854. The main provisions of the proclamations are reproduced below :—

Nicholls, pp.
344—348.

"1. The Government have in these territories never acknowledged any proprietary right in the soil. All settlements have as yet been made with malguzars as farmers in estates which are subject to increase or decrease of rent at the time of each settlement.

"2. It is now the intention of Government to make another 20 years settlement and to confer the zamindari right on such persons as may appear to have the best right to such a gift, either from their having long held possession, or from their having, since the cession, brought estates in their possession into cultivation and regularly paid the Government demand on them.

"3. In some of these estates there may be many shareholders, in some only one, or a few persons.

"4. Previous to the new settlement a survey of the whole country will take place and each person's possession and length of time of possession will be enquired into and recorded.

"5. The extent of cultivation, the nature of crops and of cultivation, the nature and the capability of the soil, the extent of land fit for cultivation but not yet cultivated, the extent of jungle and unculturable land, the number of inhabitants, cultivators and non-cultivators, the number of wells, tanks, ploughs, etc., etc., will all be enquired into and recorded.

"6. The Settlement Officer will then fix what he thinks to be a fair jama with reference to the cultivated and culturable land, and after this has been done, he will confer the zamindari right upon such person or persons as he may believe to have the best claims to such, agreeably to orders and rules sent to him for his guidance.

"7. In some cases the proprietary right will be joint, and in some separate.

"8. Where it is separate, the right of each person, both in extent of land and of jama, will be fixed and recorded; but where there may have before been a common responsibility for the payment to the Government of the whole jama of an entire

village or mahal, such joint responsibility will be maintained until a complete division of the mahal, when the assessment of the distinct jama upon each portion of it has been approved by the Government.

"9. Every proprietor will enjoy the free right of transfer or division, but the purchaser will be bound in like manner, as was the party from whom he purchased, for the due payment of the Government jama; therefore the purchaser of only part of a mahal or portion of land on which a distinct assessment was fixed, either at the time of settlement or upon a partition subsequently, will be under a joint responsibility, with the other sharers, for the payment of that assessment.

"10. When no person can prove a prior right to the soil and the cultivator has had uninterrupted possession at a fixed jama, since A. D. year 1840 (St. 1896) and has regularly paid such jama, he shall be considered the proprietor, and he shall be entitled to transfer his holding, and the Settlement Officer may award him a sufficient and liberal portion of adjoining waste land to be held by him as his property in addition to his original land, and to be free from rent for the term of settlement. The Settlement Officer will determine in each case whether such owners of land shall pay their jama direct to the Government, or through a party engaging for the whole mahal in which the land is situated.

"11. In estates where there may be several proprietors, the Settlement Officer may appoint a lambardar, who shall engage for the general management of the mauza and who, for the trouble of management and collecting the jama from the other shareholders, may receive 5 per cent and the jama over and above the profits of his share, but this allowance shall be paid to him only from the Treasury, when the full revenue of each instalment has been paid up in full."

* * * *

"15. All the demands on commission of lambardars, patwaris, kotwals, kotwars, roads, schools and dâks, must be taken into consideration at the time the jama is fixed, and not be in addition to what the Settlement Officer may believe to be the fair two-thirds of the rental which an estate fairly managed can produce, and it is the wish of Government to leave the proprietors in no case less than one clear third of the rental of jamabandi.

"16. The Government reserves to itself the right to all quarries and mineral products, and the right of access to any spot, also with right to all aids and incidents, necessary to working existing or thereafter discovered quarries and mines.

"17. The Government also reserves to itself the right to all large forests where valuable timber exists, and these forests will be excluded from the settlement.

"18. Where large tracts of land, either forests or unculturable, exist, the Government also reserves a right to dispose of such as it may think proper, but it is not intended by this, that where small portions of uncultivated land or jungle or hills not of much value exist, these should be separated from their mauzas or excluded from the settlement; all this will be arranged according to the result of the survey.

“19. This proclamation is intended for malguzari estates only.

“20. Ubari and muafi estates will be included in the general measurement and survey, but such tenures will be dealt with according to separate rules providing for a just and careful enquiry and report in regard to the merits and circumstances of the several kinds of cases.”

34. The question of the calculation of assets at settlement is dealt with later, but it may be stated here in passing that by the application of the Saharanpur Settlement Rules to these districts in 1855, the demand of the State upon the new proprietors was limited to one half of the average net assets instead of two-thirds as before, a limitation which protected them against the excessive assessment that had been a feature of the administration of these districts. While the proclamation conferred proprietary rights on the malguzars, and in the absence of prior rights existing in the malguzar upon old established cultivators—thus constituting the malik-makbuza tenure—it did not deal with the position of the remaining cultivators and made no provision for occupancy rights. The omission of any prescription of tenancy right left room for misunderstanding, but in 1856 the somewhat indefinite and misleading instruction was given that when the proprietary interest was recognized in the malguzar, the *kadim kashthkar*, or old cultivator, should remain on the same hereditary footing as before—for hereditary holdings had certainly not been formally recognized in the past, when the patel had the power to dispose of the village holdings as he wished. It was also laid down that for cultivators possessing prescriptive rights of occupancy, where their present rents were ascertained to be too high, the Settlement Officer might fix the rent they should pay; but this course was only to be resorted to in extreme cases, where such cultivators were ground down by extortionate demands. Rents were left to adjust themselves between the landlord and tenants-at-will.

1863 Settlement Code Extracts nos. LIX and LX.

1863 Settlement Code. Extract no. LXI.

This was the stage reached when the outbreak of the mutiny interrupted the preparations for the new settlement. In 1861, shortly after order was restored and the work resumed, the amalgamation of the Saugor-Nerbudda Territories with the Nagpur Province to form the Central Provinces took place, and the system of settlement was elaborated for the province as a whole. But the principles prescribed for the Saugor-Nerbudda districts were laid down as common for the guidance of the Settlement Officers throughout the new province and formed the substance of the order and instructions which constituted the so-called Settlement Code of 1863.

THE NAGPUR PROVINCE

35. In the Nagpur Province during the period between the escheat of the kingdom towards the close of 1853 and its incorporation in the new province in 1861, the administration continued on the lines of the old regime. Sir R. Jenkins' system and what he declared to be the *lex loci* as obtaining in his time formed the groundwork of the revenue administration. The

Nicholls, 5. paragraph 20.

G. I., For.
 Department
 no. 2862,
 dated the 30th
 June 1854.
 Nicholls, p.
 38, paragraph
 27.

Government of India's orders were that "as a general measure, a summary settlement of the land revenue should be made for the next three years, and that during its currency the Deputy Commissioners should direct their enquiries to the system of village management prevailing in the different sections of the country, and should be required within a reasonable period to submit their opinions as to the practicability and expediency of hereafter effecting a regular settlement and survey on the principles which have been elsewhere acted upon with advantage alike to the Government and the people." In this period the policy of interference between raiyats and patels was reaffirmed, and in rules issued by Col. Elliot, Commissioner of Nagpur in 1855, it was laid down that when a cultivator was a *kadim jotdar*, corresponding to the *kadim kashthkar* of the north, and had made a well in his field or had embanked or manured it, or was of long standing, he would hold it at the same rate as heretofore; he could not be turned out, and the *malguzar* had no power to increase his rent. Even the rent of new cultivators could not be fixed by the *malguzar* without reference to a *panchayat*. In 1860 the Commissioner made his report to the Government of India, proposing permanent arrangements for the administration of the province. His recommendation for the conferment of proprietary rights received the modified approval of the Government, and a long-term settlement for 30 years on this basis was sanctioned in June 1860. As in the Saugor-Nerbudda Territories, preliminaries for the survey for this settlement had been already arranged when the Central Provinces were constituted. The principles laid down with reference to the Nagpur province settlement became part of the Settlement Code of the province and regulated the action of Settlement Officers in the districts of the Nagpur country. These are stated in letter no. 60, dated the 12th May 1860, from the Commissioner and in the Government of India's reply thereto in their letter no. 2279, dated the 28th June 1860, the substance of which is reproduced below:—

Nicholls, p.
 93.

Nagpur Com-
 missioners'
 letter no. 60,
 dated the 12th
 May 1860.

"17. The instructions to be issued to Mr. Ross (Settlement Officer, Nagpur) in regard to the question of proprietary right and other matters connected with a settlement for a term of years will be submitted for sanction in due course. In the meantime I may observe that the system obtaining hitherto in the Nagpur district is the village system, the settlement being made *mauza-war* with the *malguzars* or heads of villages, the leases since the time of Sir Richard Jenkins having ordinarily been of a duration varying from three to five years, the shorter period being the one most in use. I am strongly in favour of long leases and hope that the new settlement may be for at least 20, if not for 30, years. In this part of India a long lease and a light assessment are more likely to ensure a peaceful and a prosperous future than any other policy.

"18. In this province may be found the village tenure in every form, estates being settled with one or more parties belonging to the same or different families. Those admitted to engagements are responsible for the payment of the Government demand, making their own engagements with their tenantry and collecting from them their rents. The tenantry again are either

resident or non-resident, that is, they may till the lands of one village and reside in another, or they may reside in the village where their lands are situated; many of them are of long incumbency and have their rights as well as the malguzars. One of the objects of the present settlement will be to record and respect their rights, whatever they may be. There are again tenants-at-will, who enter into engagements year by year.

"19. Though no proprietary right has ever been admitted, there can be no doubt that the incumbency of many of the malguzars has been sufficiently long to have established that right. Families, there are in all parts of the province, who have been in possession for generations, and it would be the soundest policy to protect and improve the interests of their class. It will further be politic, when disposing of the question of proprietary right to restore possession to those who may, under the former Government, have lost their incumbency simply from the avarice of the ruler or the caprice of his officers.

"20. It was not unusual for an old incumbent to be bought out, for villages were disposed of at the periodical settlements not for what they were worth but for what they would fetch. There were moreover so many perquisites not admissible with us that whatever the malguzar may have failed to obtain from the produce of the land, he was enabled to make good from the tenantry in other ways, either by fines, cess, or exaction, and such being the case, the assessment borne on the books was often far above what could have been legitimately obtained directly from the land itself.

"21. Indebtedness obtains throughout the province, and though I advocate the admittance of a proprietary right, it should be given conditionally. The sale of estates in satisfaction of decrees of court should on no account be allowed. I would allow a malguzar to mortgage his property for a term of years under restrictions, or I would allow him to sublet it with the sanction of the District Officer, but I would not permit him to sell it, at any rate for the present. Twenty or 30 years hence the landlord-proprietors may learn more practically the real value of the landed property, and may become as averse to parting with it as can be desired, but the effect of giving them an unconditional proprietary right at present would be to transfer the land to capitalists among the mercantile community. The malguzars would release themselves from their pecuniary difficulties by selling their estate to the mahajans and this is an evil I would avoid. The object to be aimed at, in this part of India, is to improve the condition of the heads of villages, re-establish old families, encourage them to take an interest in local improvements, and associate them with ourselves in the repression of crime, make them solvent, raise their status, shew them practically the value of their estates, and give them inducements for improving the capabilities of the land they hold.

"22. The interests of the mercantile class again are distinct, and should be separately cared for—each class has its separate interests and each its duties. Properly fostered, each contains elements of strength to be turned to account in the hour of emergency, and I would avoid a course that would tend to place the land almost exclusively in the hands of the capitalist.

"23. The ordinary margin I would recommend for the malguzar is 30 to 35 out of 100, thus leaving about 20 per cent as profit, after paying the cost of collection, etc., etc. This would suffice to meet all calamities of the seasons. This margin might be extended to 40 out of 100 in estates which may have been greatly impoverished or too highly assessed during past years. There is nothing that will give such general satisfaction as a liberal settlement, and there can be no doubt we shall be the eventual gainers. The results of the revenue administration of the Saugor and Nerbudda Territories during the past 30 years will amply illustrate the correctness of this view of the case."

To these proposals the Government of India replied:—

"10. The revenue system prevailing in Nagpur you describe as the village or mauzawar, not the raiyatwar, system, the settlement being made with the malguzars or heads of villages. Generally speaking, the assessment is at so much a bigah on the quantity of land cultivated, but in the Raipur district the settlement is based on the number of ploughs in use, the assessment being so much per plough, and the area being estimated, not measured. This exceptional state of things will cease under the new settlement. Under the native rule the new settlement was made for a period varying from three to five years. The late ruler died in 1263 Fasli (1855-56 A. D.) and most of the leases expired either at the close of that year or of 1264 (1856-57 A. D.). Since then there have been two summary settlements of three years each, so that most of the leases either have expired with the year now closed or will expire with the current year. Until the regular settlement is completed, there is no other course but periodically to renew the summary settlement year by year, and this course is approved.

"11. In paragraph 17 of your letter of the 12th May you express yourself in favour of long leases and light assessments, and hope the settlement will be for 20, if not for 30, years. In this the Governor-General in Council entirely concurs with you, and desires that in all cases in which the proportion of cultivable waste to cultivated land in any village is not excessive, or in which the malguzars do not desire a shorter term, engagements may be taken for 30 years, and that the people may be assured that all settlements made for that period will be confirmed by the Government.

"12. You state that instructions to the Settlement Officer regarding this proprietary right will be submitted for the sanction of Government at a future date. Meanwhile you observe that no proprietary right in the soil has ever been admitted, though the incumbency of many of the malguzars has been long enough to establish it. You propose now formally to admit this right and even to restore possession to those who under the former Government have lost their incumbency from the avarice of the ruler or the caprice of his officers. You would, however, admit the proprietary right subject to certain conditions. You would allow the holder to mortgage his property for a term of years under restrictions and to sublet it, but not to sell it, at least for the present, nor would you make the land liable to sale in satisfaction of decrees of the Civil Courts. You would lend your efforts to improve the position of the village headmen to

G. of I., For.
Departm e n t
no. 2279,
dated the 28th
June 1860.

Nicholls, p.
93.

re-establish old families, and associate them with the Government in the suppression of crime and the improvement of the country, and you would leave the malguzar from 30 to 35 per cent of the gross rental and in some cases 40 per cent.

"13. In regard to the admission or creation of a proprietary right in malguzars I am desired to state that the Governor-General in Council is strongly in favour of the measure, so far as it can be carried out without prejudice to the rights of others. But His Excellency in Council is in favour of giving the proprietors thus created as large and absolute a control over the property vested in them as is consistent with local usage and feeling. When such usage and feeling are not opposed to the measure, it can only tend to the prosperity of the province to confer on every landholder, as nearly as possible, a fee simple in his estate, subject only to the payment of revenue of the Government, and to put it in his power to dispose of his interests in the land as he pleases by sale, gift, mortgage, and bequest or otherwise; and though it is not desired that this policy should be pushed so far as to do violence to the feelings of the agricultural community, or to interfere with vested interests, yet His Excellency in Council wishes you to bear in mind that it is not the wish of the Government to limit the proprietary right any further than a due respect for such feeling and interests requires.

"14. The Governor-General in Council, however, agrees with you in thinking that land ought not to be made saleable for arrears of revenue, except as a last resort when all other means have failed, and that it ought not under any circumstances to be liable to sale for simple debt.

"15. With regard to your proposal to restore to their rights malguzars who have been ousted by the Native Government, the Governor-General in Council desires me to remark that extreme caution is required in attempting such a measure, lest the rights of others be infringed, or expectations raised which it may be found impossible to realize. As a rule it is best to accept the status of things as we found it at the death of the late ruler and not to enter upon the endless and hopeless task of remedying the injustice done by the previous administration, and under no circumstances should a malguzar, dispossessed under the former rule, be restored to his position, without the full unanimous consent of the village community.

"16. The true gross rental of each estate having been ascertained by careful enquiry, the Governor-General in Council would be disposed to allow the malguzars in all cases at least 40 per cent for expenses of management and proprietary profits, and to extend the limit in special cases even to 50 per cent. But, on the other hand, the malguzars should be charged in addition to what they pay as land revenue, with the 2 per cent which you propose to levy as a road cess, and which His Excellency in Council fully approves of. This cess must be levied on the malguzars in addition to the proportion of the gross rental taken as land revenue, and its proceeds will be held available for keeping up existing lines of road and opening new ones from Nagpur and other central marts into the interior of the province. The Governor-General in Council would be

glad to receive from you a scheme of the district roads to the construction and maintenance of which the funds derived from this source are to be applied.

"17. I am desired to request that when submitting your draft of instructions to Settlement Officers on the subject of proprietary rights, you will put the Government in possession of full and accurate information in regard to the nature of all existing land tenures in the province, and the relative position of all classes of the agricultural community, from the malguzar to the actual tiller of the soil. You will explain clearly what rights in the soil and its products are possessed by each of these classes, and how they will be affected by the measures you propose to introduce."

"18. The Governor-General in Council highly approves of your intention to associate the representatives of old families in the administration of the province. You can scarcely go too far in doing so, provided that the dispensation of justice and the integrity of the acts of Government are in no way sacrificed to it."

THE NIMAR DISTRICT

36. Although the Nimar district did not become part of the province till 1864, it is appropriate at this point to sketch the progress of the land settlement system of the district, inasmuch as the conferment of proprietary rights in that area was suggested by the Supreme Government as far back as 1847, though effect was not given to the suggestion in the settlement that followed. For the first 20 years of British administration, the system followed was one of farming the villages to the highest bidder, and the patel, the hereditary revenue and village officer, was in many cases set aside for a lease-holder or farmer. There were two quinquennial settlements, followed by a settlement for 15 years in the bulk of the district, and they were marked by large remissions. The attitude of the administration in Nimar was in line with the ideas prevalent at the time as to the admissibility and necessity of government interference in the relations of the patel with the cultivator. In spite of the villages being leased out, the first settlement was virtually a raiyatwari one. The Government had to assist the farmers in keeping their villages together and in recovering their rents, the cultivators looked to the Government for help when distressed in bad seasons. At the later settlements the raiyats were fully protected against ouster or enhancement by the farmers.

Fuller p 18 ;
and Nicholls, p.
130, paragraph
54.

Nicholls, p.
133, xiii.

The farming system failed entirely to improve the condition of the district, and its failure was attributed by the local officers to "the shortness of the leases and the absence on the part of the lessees of any permanent interest in the soil." This led to a complete reversal of policy, and villages instead of being leased out were held direct by the Government and managed on what was called the "khalsa system", the patels being reinstated as village managers. The condition of the district is said to have improved, but the system was open to the great objection that it gave too much power to the subordinate officials who had a hand in the assessment of newly cultivated land, and corrupt practices supervened.

37. When sanctioning the introduction of the khalsa system, the North-Western Provinces Government was by no means satisfied with it as a permanent arrangement, and in 1847 orders were issued for its discontinuance. In its place it was proposed, as a recommendation rather than as a direction, to make a settlement on the North-Western Provinces or mauzawar system, and a scheme was propounded which is interesting as foreshadowing the grant of proprietary right to malguzars, which was the ultimate result of the connection of these provinces with the North-Western Provinces. It was proposed to "create a property in the soil which should be declared to be heritable and transferable at the will of the owner and without reference to Government." But this proprietary right was only to be awarded on the condition that its recipient undertook responsibility for the revenue of the land for the period of 20 years. In contrast with the decision taken six years later in the Saugor-Nerbudda Territories, the claims of the patels were not discussed, and the opinion was given that "the persons best entitled to be recognized as proprietors are the old resident cultivators or *junadars*." Every attempt was to be made to induce the *junadars* to form themselves into communities on the pattern of North-Western Provinces pattendars and to accept joint responsibility for the whole land revenue of their village with the patel as lambardar. If they declined to do so, each of them was to be offered proprietary right in his holding, provided that he would agree to pay the revenue assessed upon it, and in this case the patel was to be declared the superior proprietor of the village, or if the cultivators consented, this position might be conferred on an outsider. The settlement was to be "for 20 or 30 years and renewable on similar terms upon the then assets of the village" and was to be based on the two-thirds assets principle.

Fuller, p. 20.

There can be no doubt that real effect was never given to these orders, either from a failure on the part of the District Officers to comprehend them or from a conviction that they were unworkable. The establishment of committees of cultivating proprietors was found impracticable, as the raiyats almost universally refused to accept the terms. In the six parganas settled, the engagements made either with patels or cultivators under these orders only conferred proprietary rights for the term of settlement, and the record of these rights in the settlement papers was studiously avoided. For all practical purposes, so far as the record and the realization by the malguzars of their rights went, the 20 years settlement was effected on the same principles as the old farming settlements, though with a more liberal margin of profit.

The way was thus left open for the conferment of proprietary right on the principles laid down for the Saugor-Nerbudda districts, the orders regarding which were extended to the Nimar district at the close of 1864.

Fuller, p. 22.

THE GROWTH OF TENANCY TENURES

38. The course of development of tenancy tenures must now be resumed where it was left at the constitution of the Central Provinces in 1861. The evolution of the status of

Speech of
Sir C. Ilbert.
1883, Council
proceedings,
dated the 20th
June 1883.

proprietary malguzar from the village office-holder, the patel or the revenue farmer, has been traced in the preceding paragraphs, and the change in the status of the cultivators from village raiyats into the malguzar's tenants followed as a necessary consequence. With the introduction of long-term settlements—the turning point in the revenue history of the province—the amount of the cultivators' payments ceased to correspond necessarily with the Government demand, and these payments began to represent rent and not merely the share of the Government revenue demand apportioned to them. The cultivators' relations with the malguzar were becoming those of tenant with landlord, and the question arose whether malguzars could not enhance payments during the currency of a settlement and eject in their own interest tenants who refused to pay the rent demanded of them, and out of this discussion arose a new distinction between old and new cultivators.

Settlement
Code, 1863,
Extract No.
LIX.

39. The position of cultivators had rested in the past largely on the common sentiment of the community and on the influence exerted by District Officers in the protection of their interests, when necessary; but when proprietary rights were conferred upon the malguzars, it became necessary, in recording the incidents of these rights at settlement, to define the rights and liabilities of the tenantry. The grant of proprietary right, as carried out in the settlement, was by no means an unconditional one, and care was taken to protect the interests of both the government and the cultivators. The rights of the former in respect of mines and quarries and large tracts of forest and waste were expressly reserved in the proclamations of 1854, and about these more will be said hereafter in the chapter regarding Government forests and waste lands. The method in which the rights of cultivators were dealt with will be set forth here. The policy was first announced in paragraphs 13 to 16 of the North-Western Provinces Government letter No. 173-A, dated the 30th November 1853, and paragraph 1 of the proclamation of the 24th June 1854, which have been reproduced above. In the absence of a prior adverse right, the old cultivators (*kadim kashtkars*) who had been in uninterrupted possession of their holdings since 1840 were to be given full proprietary rights, with other proprietary privileges in their holdings; this is the class which came to be known as *malik-malguzars*. A year later the period of uninterrupted possession to entitle a cultivator to be considered a *kadim kashtkar* was fixed at 12 years. Nothing was said in these orders about the non-proprietary cultivator, whose position might be identical with that of the old cultivator who obtained proprietary rights, except in respect of what was called the absence of "prior claims" by the malguzar. It must have been intended that such tenants, who are referred to variously as *kadim kashtkars*, *kadim jotdars*, *junadars*, hereditary cultivators, cultivators possessed of prescriptive right of occupancy, but whose one qualification was to have had possession of their holding for 12 years should retain the rights which were commonly regarded as pertaining to them. Questions, however, were raised regarding the fixation of their rents, and it was definitely laid down that the non-proprietary

Settlement
Code, 1863,
Extract No.
LXI.

kadim kashitkar would "remain on the same footing as he occupies at present". It was declared to be permissible to lower the rate of rent of such a tenant and to declare the rent so fixed as the highest which could be demanded from him so long as the circumstances of the holding remained the same, but this was only to be done in extreme circumstances, where the hereditary cultivators were ground down by extortionate demands. On the other hand these rents were liable to be enhanced on suit in the "regular revenue court". Tenants who did not fulfil either of these descriptions were to be "tenants-at-will", and it was laid down that ordinarily their rents should be left to adjust themselves between the landlord and tenant; the landlord had recognized authority for demanding as high a rent as he could obtain and of ousting the cultivator at the close of the year, if he could obtain better terms from somebody else. The stipulations quoted were contained in orders passed for the Saugor-Nerbudda territories shortly after the proclamation of proprietary right, but the letters containing these orders were included in the collection compiled in 1863 that passed for a code for Settlement Officers of all districts of the Central Provinces during the 30 years settlement.

P. extract
No. LV.

Settlement
Code, 1863,
Extract No.
LIX.

Do. No. LV

In making proposals to grant proprietary rights in the Nagpur Province the Commissioner, as quoted above, stated that "many of the tenants are of long incumbency and have their rights as well as the *malguzars*. One of the objects of the present settlement will be to record and respect their rights, whatever they may be. There are again tenants-at-will, who enter into engagements year by year". In sanctioning the measure, the Government of India were careful to make it clear that it was to be without prejudice to existing rights and usage. They were in favour of it "so far as it can be carried out without prejudice to the rights of others". The proprietors' control over their property was to be as large and absolute as was consistent "with local usage and feeling", and due respect was to be shown "to the feeling of the agricultural community and vested interests". The Government of India asked also for information regarding the tenures and relative position of all classes of the agricultural community, and how those would be affected by the measures proposed.

40. In his letter no. 1636, dated the 29th April 1863, regarding the rules and principles to be observed in the ensuing settlements of the Nagpur country, Sir Richard Temple proposed to adopt the instructions laid down for the Saugor-Nerbudda territories and thus have a uniform method throughout the province. But a change being then contemplated in the North-Western Provinces on the question of the period that should confer a right to permanent occupation, a full report was called for by the Government of India regarding the existence and conditions of such tenures in the Central Provinces.

In the meantime, Act X of 1859 was extended to the Central Provinces on the 2nd March 1864. It was applied, because a law of some kind was required to regulate matters of procedure rather than to settle questions of right, and it was the only law ready to hand. It was thus a temporary makeshift and was never intended to remain in permanent operation.

Council
proceedings,
dated the 20th
June 1883, as
above.

Nic h o l l s'
Digest, p. 431.

This Act laid down that every raiyat who had cultivated or held land for a period of 12 years had a right of occupancy. This period agreed with the term of continuous possession laid down in the Saugor-Nerbudda orders previously referred to as constituting a hereditary cultivator, and thus the question put by the Government of India largely solved itself. But Sir R. Temple's conclusions regarding the existence of tenant right, apart from their affirmation in this law, may be quoted, as the caution with which they were expressed no doubt reflected the uncertainty of the facts on which they are based. It was stated in his letter no. 3313, dated 18th July 1864, that "Sir R. Temple is not prepared to affirm that tenant right was, prior to British rule, altogether unknown to these provinces. There was no declared law or unvarying custom. But still a certain sort of occupancy right would be usually conceded. It was probably the case here, as in most other parts of India, that so long as a tenant paid his rent, the sense of the community was generally against his ejection; and the position of some tenants became so strong as virtually to involve a right of continued occupancy." Sir R. Temple further proposed that "the advantages of a tenant having a right of occupancy as regards his rate of rent should be more exactly defined". The orders of the Government of India on the subject, contained in their letter no. 310, dated the 22nd December 1864, were as follows:—

Nic h o l l s'
Digest, p. 436.

"I am now directed by the Governor-General in Council to communicate the observations and orders of Government on your Secretary's letter no. 3313, dated 18th July, on the subject of the term which shall be held to confer a right to the permanent occupation of land by tenant cultivators.

"2. Regulation X of 1859 having been introduced into the Central Provinces, its provisions should be enforced until they are formally modified or repealed. In like manner, and subject to the same condition, the clauses under which a right of occupancy may grow up should be maintained.

"3. As regards the proposed modification of the conditions by which a right of occupancy may be created, the Governor-General in Council quite agrees that the term ought to be increased. And looking to the probability of an early modification of section 6, Act X of 1859, the Settlement Officers in the Central Provinces should be directed, when recording rights of under-tenants at the time of settlement, to let it be distinctly understood that the record of a right of occupancy in a raiyat or cultivating tenant, based solely upon continued possession for 12 years under the section above quoted, is made subject to any future alteration of the law enlarging the period required to give a title by prescription.

"4. On the question of tenant right in the Central Provinces, the Governor-General in Council quite concurs in your views. His Excellency in Council believes that such rights did exist, and were recognized, though often overborne and violated. No doubt there was no law, nor any never varying rule, whereby such rights could be maintained; but neither was there any such law or custom upholding even proprietary rights. The will of the ruler of the day, so long as he could enforce it, was the only law of the land. The *malguzar*, that is, the party

who engaged to pay the Government revenue on the land, did very much what he liked with all the tenures in the land, so far as he had the powers to do so. In defining and securing the just rights of the proprietors of the land for the future, it is proper to look also to the interests of the ancient occupier. No time for doing so can be better than the present one.

"5. As to the rents which the cultivator shall pay, this, as far as possible, had better be arranged at the time of settlement by the two parties interested, the proprietor and the occupier; when they cannot agree, the Settlement Officer should step in and mediate: he has ample means and opportunity of so doing. The records of settlement should show the ancient or hereditary cultivator where such exists, as also the cultivator with the rights of occupancy, with the rates or proportion of crop which he has to make good, and the term for which the agreement is to be."

41. The effect of these orders was to make a distinction between those tenants who were entitled to occupancy rights merely on the ground of 12 years continuous possession under section 6 of Act X of 1859 and those who possessed something beyond this minimum qualification. The object of the distinction was to leave the way open to the change in the law then contemplated that might require a longer period of continuous possession to give occupancy title by mere prescription. The directions to Settlement Officers issued in accordance with these orders were known as Circular G, which was appended to the collection of orders contained in the Settlement Code of 1863. It was decided that "the class of raiyats whose record of occupancy right is only provisional should be narrowed as much as possible", and "the occupancy right of the other classes of raiyats were to be recorded as absolute and not as subject to a future change of law". It is in these orders that the technical description of absolute occupancy and (conditional) occupancy tenants was first embodied. The classes to be recorded as having absolute right of occupancy were—

Nic h o l l s
Digest, p. 437.

- (i) Raiyats whose possession had carried with it something of an hereditary character.
- (ii) Raiyats who had expended such capital on their fields as to give them some special title to occupancy right.
- (iii) Raiyats who were relatives of present or former proprietors, and whose occupancy right might be considered to some extent as a substitute for a share in the proprietary right.
- (iv) Raiyats of new villages who had held their fields since the village was founded, or since the fields were reclaimed from the jungle.
- (v) Raiyats who had held their fields from a date antecedent to the proprietor's connection with the village as its landlord.
- (vi) Raiyats whose claim to occupancy right rested on bare possession of twenty-five years or upwards.

Nic h o l l s
Digest, p. 437.

The last clause was subsequently modified and the following substituted for it :—

“Raiyats cultivating lands, which have descended to them by inheritance, provided that the possession either by themselves or by themselves and some other persons from whom they have inherited, shall have lasted continuously for not less than twenty years.”

42. To carry these orders into effect an engagement was taken from proprietors in the form of a clause in the wajib-ul-arz, or village administration paper, binding themselves to accept the rights secured to absolute occupancy tenants, these records of village customs being used as a substitute for legislation, imposing duties and limitations on the newly granted rights of property. The rights recorded briefly were fixity of rent for the period of the current and every succeeding settlement, subject only to revision at the time of settlement, and a modified right of transfer, subject to the proprietor's option of pre-emption.

In the settlements which followed, the percentage of the classes recorded as malik-makbuzas, absolute occupancy tenants and occupancy tenants to the total number of raiyats shows that the extent to which rights were granted under these orders varied from district to district, but the percentage of absolute occupancy tenants was the largest by a wide margin in practically every district.

Such was the process by which the tenures of malguzar, malik-makbuza, absolute occupancy tenant, and occupancy tenant and tenant-at-will came to be recognized, and the records of the regular settlements proceeded on the lines of these tenures in all districts save Sambalpur, Nimar and Chanda, the special circumstances of which have now to be dealt with. In the settlement of these districts the discussion which is described below arose and led to the modification of the principles which had been laid down, but proprietary rights were actually conferred in accordance with the policy originally declared on the malguzars in all districts save Sambalpur.

43. As the settlements proceeded, doubts arose whether the necessity for protecting the cultivating class had been sufficiently attended to, and the correspondence that ensued contains some indications of the reaction against the purely malguzari system which was to follow. In 1863 the Chief Commissioner, Mr. George Campbell, called attention to the manner in which the rights of proprietors and cultivators were being conceded and complained that, despite the orders of 1853 regarding the grant of proprietary rights to cultivators, the former were having it all their own way. He pressed for a greater consideration of the claims of the ancient cultivator class, so that, while the proprietor gained something which had not existed before the old The Government of India, after deprecating the re-opening of questions connected with the settlement, which had already been concluded and confirmed in some districts, agreed, as has been stated above, that the non-proprietary ancient cultivator should hold on a fixed rent for each period of settlement, so

that, but for the absence of a free right of transferability, the absolute-occupancy tenant's status approximated to that of the malik-makbuza. Mr. Campbell specially referred to the position of the *junadars* in Nimar, on whom it had originally been intended to confer proprietary rights and of the raiyats in Sambalpur, whose position as against the patel had been a strong one in the past. He dealt with the application of the orders of 1853, but the correspondence shows that competent opinion was not by any means unanimous regarding the blessings of the malguzari system of settlement. The reaction went further when the settlements of the districts mentioned and of Chanda were under consideration, and the advisability of making a malguzari settlement in these districts was called in question. The Settlement Officers' reports on the settlements of the Nimar and Chanda districts were not submitted to the Government of India with the recommendations of the officiating Chief Commissioner; Sir John Morris, till 1870, while in Sambalpur the progress of the settlement was delayed at the start by the disturbed condition of the district following on the Mutiny and then by a lengthy discussion regarding the principles on which the settlement was to be carried out, which was still undecided in 1870.

44. It thus came about that final orders had not been passed on the two former settlements or on the policy to be observed in the Sambalpur settlement when Lt.-Col. R. H. Keatinge, v.c., began to officiate as Chief Commissioner in 1870. Colonel Keatinge, who had served for many years in Nimar, beginning almost from the commencement of the last settlement operations in that district, and had thus real experience of the local conditions such as few of the officers of the time possessed, was entirely opposed to the policy of a proprietary right settlement in the districts of the Central Provinces; because in his view it had little foundation in the pre-existing state of things and was unsuited to the local circumstances. In his memorandum, dated the 2nd November 1870, which was written with special reference to the Nimar district, but which also concerned Chanda and Sambalpur, he wrote in paragraphs 22 and 23 as follows:—

"22. The Government had before it the condition of the peasantry of both Eastern and Western India, and on its decision of this question of 'superior proprietary right' will rest whether in future the cultivators of Chanda, Nimar and Sambalpur are to share in the prosperity of the Maratha Kunbis, or to swell the wealth of a class which will in many respects resemble the zamindars of Bengal. The Nagpur districts have been settled for 30 years, and we already have the spectacle of an emigration from them into the raiyatwari districts of Berar. This fact may well make Government pause before going further.

"23. The policy I now ask Government to pursue is simply a policy of caution. No one, as far as my information goes, has clamoured for the vital change now about to be consummated; no one certainly has any right to demand it. I cannot perceive any single circumstance which makes it necessary that at this particular juncture Government should sign away its functions of superior proprietor and place its peasantry beyond the reach of its protection. It can do so at any future period, if it thinks fit.

Settlement
Department
Compilation
No. 230 (b) of
1870—74.

“Were the peasants aware of what is passing and were they capable of joint action and combined remonstrance, they could, I believe, show strong cause against the contemplated change; but they think of nothing beyond their immediate wants and occupations. When they awake to a knowledge of their loss, it may be too late to help them.

“If I am asked why the village managers in Nimar are now to be converted into landlords, and why Government is to be subjected to the difficulties and inconveniences which the change will occasion, I can only reply that it is because it is the system of the North-West Provinces and because the Settlement Officers deputed to the Central Provinces originally came from the North-West and brought their system with them.”

The remedial measures which he recommended marked a complete departure from the principles of the settlements originally proposed for these districts and of those already confirmed in the other districts of the province.

C h a n d a
Settlement
Correspondence,
p. 68.

45. To take first the Nimar and Chanda districts, in which the settlement operations had reached their final stage before Colonel Keatinge's objections were made. In the former he proposed the extreme course that all past proceedings should be cancelled and a settlement commenced *de novo* on the principles of the raiyatwari system prevailing in the adjoining districts of the Bombay Presidency.

C h a n d a
Settlement
Correspondence,
pp. 3 and 4.

In Chanda he agreed that the time had passed when it would have been possible to withdraw the proprietary rights already granted to the malguzars, but he proposed that the settlement should be confirmed only on the condition that the malguzars should not take from any cultivator (old or new), except on the *mukadami* or home-farm lands or their own private holdings, more than the assessment fixed on the land, they should oust no cultivator except for non-payment of the assessment, and on new land new cultivators should not be required to pay more than the average rates of the pargana, *i.e.*, he desired to secure to the great body of cultivators rights as nearly equivalent as was possible under a malguzari system to those they enjoyed under their old tenures, which was something approaching a raiyatwari system. Before matters were settled, however, Colonel Keatinge was relieved as Chief Commissioner by Sir John Morris, for whom he was officiating, and the latter favoured less drastic measures for remedying the defects in the settlement of the two districts, as he considered the Government bound in good faith by the promises already given. The Government of India did not pass orders until 1875, when their resolution no. 526, dated the 21st June, was issued, which dealt with both districts at once. It contains the following among other conclusions:—

“2. It is clear that a serious mistake was made in applying to these districts a system of settlement foreign to the tenures of the country and unsuitable to the people. The only point now remaining for consideration is how far it is possible to remedy the mistake.

* * * * *

"8. The first broad principle which should be thus asserted is that the tenure of all cultivators should be a fixed and permanent one so long as the revenue or rent is paid, and that the payments should, as a general rule, not be liable to enhancement, except at the time of settlement.

"9. This general principle will, according to the custom of the country, be applicable to all alike, except to the holders of the *mukadami* and *patelki* lands, who are the tenants-at-will of the mukadams of Chanda and the patels of Nimar.

* * * * *

"18. Absolute-occupancy tenants shall continue for the term of the settlement to pay rent at the rates specified in the settlement record, and shall not, during the currency of such settlement, be liable to enhancement of rent, or to payment of any cesses or fees other than those leviable by common consent and village custom from all cultivators and authorized by the Chief Commissioner.

"19. In order to give effect to the orders of Government contained in this resolution, the rents of all cultivators (not being tenants on *sir* lands) whom the Settlement Officer recorded as Act X tenants, or tenants-at-will and of all cultivators whose occupation began after the settlement operations terminated, should now be fixed once for all for the term of settlement. But in consideration of the inconveniences which would attend so large an operation, if carried out in minute detail in each instance, the rents will be fixed at the present settlement only in the manner suggested by Mr. Pedder in paragraph 46 of his report on the Chanda Settlement, no. 293, dated 6th April 1872, noted below. Maximum rates for each quality of soil having been determined in this manner and entered in the record of rights of each village, *malguzars* will be permitted to enhance (by suit, if necessary) the rents of all Act X tenants and tenants-at-will up to those rates, but (except in the case of uncultivated lands broken up during the term of the settlement) only one suit for enhancement will be permitted, and the rent which may be fixed in such suit will, subject to the provisions of the second of the incidents of the tenure mentioned in the following paragraph, hold good for the term of settlement, and this whether it be equal to the maximum rent calculated as above or not. Notwithstanding anything contained in this paragraph, existing rents which exceed the proposed maximum rents should not be reduced, unless special grounds for reduction shall appear.

"46. I proposed, therefore, to record in the village administration paper maximum rent-rates for each quality of land (say '*Awal, Doyam and Kanisht*'). These rates will be based on the settlement 'assumed rent-rates' for the circle to which the village belongs, but those rates will be carefully revised by Major Lucie Smith, by a comparison of the actual rent-rates now paid in the circle (the principle being thus analogous to that laid down in section 17, Act X of 1859). In case of a dispute between the mukaddam and a '*raiyyat* on conditional rates, the Deputy Commissioner will ascertain, by the agency of a '*panchayat* of cultivators and landholders, to what class the field in

dispute belongs, all its circumstances, soil, situation, water-supply, etc., being of course taken into consideration. The maximum rate for the class determined by the panchayat will then be applied, and the raiyat, as far as that field is concerned, will become a 'raiyat at fixed rates'. The mukadam will be required to report to the Tahsildar each instance in which he enhances existing rates, the fields on which enhancement is demanded, and the amount in order that the Deputy Commissioner may be able to judge whether the raiyats are treated fairly and understand their rights."

"20. The cultivators referred to in the preceding paragraph will be liable to be ousted only in execution of a decree for arrears, or for ejection on account of a breach of the conditions of the tenure; and the incidents of their tenure will be as stated below:—

- (1) Fixity of rent for term of settlement, liable only to revision at recurrence of regular settlement from time to time hereafter, is to be a permanent incident, and a perpetual characteristic of the tenure of the said cultivators, provided that rents fixed in the manner proposed in paragraph 19 shall be liable to alteration—
 - (a) if the area of the holding becomes or is found to be greater or less than the area on which rent is so fixed;
 - (b) if the productive power of the land increases or decreases otherwise than by the agency or at the expense of the cultivator.
- (2) The said tenure shall be regarded as entirely heritable, not only from father to son lineally, but collaterally also to the nearest of kin.
- (3) Except as provided in the succeeding clause, these cultivators shall not have power to transfer or mortgage their holdings, and only those of them who were in possession of their lands at the time of the attestation of rents shall have power to sublet.
- (4) These cultivators shall have power to transfer their occupancy rights with all their privileges without obtaining the consent of their landlords—
 - (a) to any person who has become by inheritance a co-sharer with them in their holding;
 - (b) to any person to whom their holdings would descend on their death.
- (5) The said cultivators shall have the power to improve their holdings, sink wells therein, and use thereon water from canals, tanks or *jhils*, without paying the landlord any higher rent than may have been fixed as above.

"21. The tenure described in paragraphs 19 and 20 will be the customary tenure of the Chanda and Nimar districts, and all persons hereafter becoming tenants in those districts will be deemed, unless they hold under a written lease, to hold on the

terms there laid down; but nothing in those paragraphs or in this paragraph applies to *sir* land. Tenants of *sir* will have no greater rights than they have in other districts of the Central Provinces.

“When lands held on the customary tenure become tenantless, the malguzar may dispose of them to whom he pleases, but will not be allowed to realize more than the recorded maximum rent.”

The Secretary of State (the Marquis of Salisbury in Mr. Disraeli's administration) concurred in this view of the grievous mistake of the past proceedings and in the arrangements proposed, and the words used in his despatch No. 11, dated the 6th April 1876, with reference to the Government of India's resolution, show how far the reaction against the malguzari system of settlement had gone. He stated, while approving the orders passed, that “it is matter of regret that it is now too late to cancel entirely what had been done”; and he desired it to be clearly understood that “the existing principle of settlement is maintained by Government only on account of the pledges that have been given, and not from any conviction of its expediency; that every opportunity should be taken, consistently with good faith, of diminishing the area over which it operates; and that so far from throwing obstacles in the way of any malguzars who may wish to resign their tenure, it will be right and proper to give them every facility for reverting to a *patelki*; and I would add, that it may be deserving of your consideration whether you cannot, by authorizing an offer of pecuniary compensation, from time to time induce malguzars especially those who are non-resident, to accept a commutation of their proprietary rights”.

C h a n d a
S e t t l e m e n t
C o r r e s p o n d e n c e,
p. 84.

C h a n d a
S e t t l e m e n t
C o r r e s p o n d e n c e,
pp. 85 and 86.

46. No time was lost in giving effect to the change of policy where possible, and 24 villages in the Chanda district which remained unsettled were ordered to be settled on the ordinary Bombay raiyatwari system.

Thus in Chanda and Nimar the position of tenants as a whole was put on a different footing from the rest of the province and the status of the whole class of cultivators, except those on privileged lands, was protected—a difference that was embodied in subsequent tenancy legislation. The effects of the orders of the 21st June 1875 are summed up in the speech of Sir C. Ilbert on the Central Provinces Tenancy Bill :

C o u n c i l
p r o c e e d i n g s,
d a t e d t h e 20^{t h}
J u n e 1883.

“All tenants who held land (other than *sir* land) on that date and all tenants who might take up land after that date without a written lease, became occupancy tenants, and were declared to hold on a tenure which was described as the ‘customary tenure’ and the main incidents of which are as follows:—

- (i) It is heritable both lineally and collaterally.
- (ii) The right is transferable to a co-sharer by inheritance or to an heir-expectant.
- (iii) If the rent was fixed by a Settlement Officer before the date of the resolution, it is to remain fixed during the term of settlement. Otherwise the landlord can apply once and once only, during the term

of settlement, to enhance the rent up to the maximum rate recorded for the class of soil held by the tenant.

(iv) The tenant has the right to improve.

(v) The power of subletting is restricted."

And he stated the result to be that "all the land in Nimar and practically all the land in Chanda appears, from recent returns, to be held by tenants who are described either as absolute or as conditional occupancy tenants".

SAMBALPUR RAIYATWARI SETTLEMENT

Russell's
Settlement,
pp. 4-7 of
letter from
Chief Com-
missioner,
Central
Provinces,
to Government
of India, No.
226-S, d. 1884.

In Sambalpur, owing to the delay in the proceedings explained above, the Government had not been committed, as in Nimar and Chanda, by the actual conferment or recognition of proprietary rights as existing in any person between the State and the cultivator. More drastic remedies were therefore still possible. Orders had been given in 1862 by Sir R. Temple for the gaontias to be constituted proprietors of their villages and for the raiyats to be given rights of occupancy, and for an assessment of the revenue on the system followed in other districts. It was however made plain by the local officers that neither was the status of the gaontia akin to that of a proprietor nor was the status of the raiyats that of tenants. The inexpediency of extending the malguzari system to the district was recognized by the Government, and the final decision taken in 1871 went back on the proclamation of 1862. What was in substance a raiyatwari settlement was made, under which the gaontia was treated as a village headman who collected the revenue, and the proprietary rights conferred on him were limited to his *bhogra* or home-farm, while the raiyats on land other than the home-farm (on which they were tenants-at-will) became Government raiyats, paying the Government revenue assessed on their several holdings and not rent, ouster being allowed only for non-payment of revenue, and the right of the raiyat being heritable but not transferable.

48. The position, then, arrived at before the conclusion of the first round of settlements was that the idea of conferring on the malguzar a right of property as nearly as possibly approximating to a fee simple was abandoned, when on the one hand, it was realized that not only was there no indigenous institution corresponding to it but that it involved levelling out the incidents of customary status of the old cultivators, and, on the other hand, experience of the settlement showed that there was no certainty of the institution, when established, proving the unmixed blessing that had been anticipated in effecting agricultural, social and political improvement. The system as an accomplished fact had come to stay, but its limits were never extended. During the next few years the Government conserved a vast estate of waste and forest, but when any portion of it was excised for cultivation it was always settled on the raiyatwari system. Until the first Tenancy Act was passed in 1883, the variations in the status of tenants, which had come about in the manner

described above, depended on the record maintained in the village papers and were safe-guarded in the wajib-ul-arz or village administration paper. The legislation undertaken to give a sure foundation to the whole system is the subject of Chapter VIII.

49. The orders of 1875 and 1876 mark the last stages of the development of the malguzari system, and the application of Act X of 1859 and the issue of the supplementary orders in Circular G of 1865 mark the creation of the absolute occupancy and conditional occupancy tenures. Before leaving the subject, however, it remains to notice the position of the remaining class of tenants, consisting of all those of less than twelve years' standing at the time of settlement, who were known as "tenants-at-will"—the forerunners of the "ordinary tenant" of a later date—and whose status was left undefined in the settlement instructions. In the settlements of Chanda and Nimar, in the special circumstances already described, all tenants were recorded as either absolute occupancy or occupancy. In other districts, omitting the special case of Sambalpur, tenants of newer standing had no rights conferred by the settlement instructions or record except that, if they remained long enough on their land, they might, so long as the 12 years rule under Act X of 1859 operated, rise to the status of occupancy tenants. The protection afforded to tenants in the past by custom or usage was weakened with the introduction of the new conception of proprietary right, and at the same time the circumstances of the province had changed fundamentally. Till recent times the competition had been that of landlords for tenants and not of tenants for land, and landlords had consequently been indifferent to the growth of a claim to occupancy, but as the province became opened up by the improvement of communications, landlords became less inclined to allow occupancy rights to accrue and more disposed to make enhancements. In these circumstances the tendency of the 12 years rule naturally was to lead landlords to shift and harass their tenants to prevent their acquiring occupancy rights under its terms. The people's own idea of just dealing in the matter was that so long as a man paid his rent, he should hold his land, and as the malguzar's right to hold his village had been extended for ever, provided he paid his revenue, so the tenant's occupancy should be similarly extended, provided he paid his rent. The solution of the problem of how these tenants' interests were to be protected was taken up in the Tenancy Act of 1883, the preparation of which was begun in 1873, and the idea of a tenant-at-will, which was recognized to be entirely foreign to the people's conceptions, disappeared in favour of the "ordinary tenant" with definite status and rights. The method adopted in the Act for their protection has been described as that of "compensation against disturbance". Under the Act an ordinary tenant's rent could be enhanced and, in the event of his refusal to agree to the enhancement, the landlord could eject him, but only on payment of compensation; the tenant could not otherwise be ejected except for the non-payment of rent and for certain reasons specified in this Act.

REVENUE-FREE AND QUIT-RENT TENURES

50. So far the history of the development of proprietary and cultivating rights in the more settled open country has been described.

Settle ment
Code, 1863,
Appendix VII.

The large estates comprising many villages held by feudatory chiefs, zamindars, jagirdars or taluqdars form another class, which is dealt with in Chapter VI. In addition to these there is a third class of villages which were originally held by revenue grantees. In every district there were villages, varying in number roughly according to the proximity of the district to the headquarters of the ruling court, in which some more permanent system of land-holding existed than the usual farm or lease. Such villages had been granted, either singly or in groups, by the ruling families to their relatives or dependants, and many of them were held free of revenue. Villages of this class were most numerous in the Nagpur country, where during the last days of the Bhonsla rule, court favourites and others were able to secure grants of village revenues on very slender grounds. The holders of such villages had as a rule an order from the ruling prince granting them the village. At the time of the 30 years settlement a full enquiry was made into each of these tenures, and the result of the settlement to a large extent was to level up the status of the ordinary malguzars to that of these special holders, as the wholesale grant of proprietary rights left the latter in no higher position than that of ordinary malguzars, except for the revenue concession enjoyed by them, and thus did away with the distinction between the man who held his village on a grant and the man who was purely a farmer of the revenue. Where however the claims of the holders on the late ruler were considered strong enough, the villages, though the tenure now became purely malguzari, were allowed to be held, either in perpetuity or for a term, free of revenue or at a reduced figure. In the northern districts such privileged tenures are called *ubaris* and in the southern districts *muafis* or *maktas*, according as the village is wholly revenue-free or only partly so. The term *mokasa* is also used and denotes, as a rule, the revenue-free grant of a tract of territory to a relative of the superior holder. In the Nagpur country a special class of grant called *tukums* was found to exist, and after enquiry such grants were confirmed to the malguzar. The term denoted a concession of revenue as a reward for constructing a tank and establishing a rice village. There were also handed down to the British Government from earlier administrations privileged tenures of plots of land. These were mostly grants of small areas as a religious endowment managed by a trustee, as he would now be called, for the upkeep of a shrine or the service of a temple or mosque. At the general enquiry into all these kinds of special tenures the conditions on which they were hereafter to be held were defined and laid down; but not unfrequently the trustee of a grant for religious or charitable purposes was wrongly made the personal recipient of the proprietary right, with the result that the object of the grant has been defeated, for though the assignment of revenue may be resumed if the conditions of the grant are not observed, the grantee cannot be ousted from possession.

CHAPTER IV.—THE TERM OF SETTLEMENT

51. As has been shown in the preceding chapter, the cardinal point of the settlement system of the Governments which preceded the British administration in the various parts

of the Central Provinces was the annual assessment of the revenue, which enabled them to adjust the demand to the character of the season and to their own special needs and the circumstances at the time; under their system too the holder of a lease for one year had no right to a renewal when its period expired. The early British administrators followed this precedent but modified it by adopting a term of from three to five years. In the Saugor-Nerbudda territories, the Nagpur Province and the Nimar district, the course of events was almost the same; a series of short-term settlements were tried and the result of the experience gained in these settlements was a long-term settlement. In the Saugor-Nerbudda territories and in Nimar the period adopted for the short-term settlement was five years, though in the latter area a change of policy was made from farming to *khalsa* management. In the Nagpur Province the administration of Sir R. Jenkins during the Raja's minority in 1818 to 1830 substituted triennial for annual settlements in the Nagpur country but not in Chhattisgarh, and after his time the duration of the leases was from three to five years, the former being the commoner. The change to a longer period of lease came in the Saugor-Nerbudda country after nearly 20 years of British rule. Mr. Bird, whose report on these territories in 1834-35 has already been quoted, attributed the depressed condition of the districts in part to the system of short leases with no security of renewal. On his recommendation, in the settlements made between 1835 and 1838 a term of 20 years was adopted and moreover an assurance was given to the lessees of renewal subject to good management; on the other hand, a jamabandi or record of the terms fixed between the lessees and raiyats was to be filed annually or whenever a change was made in the terms. Again, for the proprietary right settlement proclaimed in those territories in 1854 it was the Government's intention to make another 20 years settlement. In the Nimar district two, and some parts three, short-term settlements of five years each were made, and were followed by a settlement for 15 years. In 1847, at the settlement at which it was proposed that proprietary rights should be conferred, a term of 20 or 30 years at the discretion of the local authorities was sanctioned and in the end the former was adopted.

Nicholls' Digest p. 137.

Land Revenue Policy, paragraph 18.

In other parts of India also the long-term settlement had been adopted. In Bombay the 30 years term had been introduced in 1837, and it was the standard term in the regular settlements made between 1833 and 1849 in Madras and the North-Western Provinces.

52. Before the proposals for the first regular settlement of the Nagpur Province came under consideration, the long-term had established itself as an accepted principle of land revenue administration. In Nagpur the Commissioner's proposal was for a 20, if not 30, years term "as more likely to ensure a peaceful and prosperous future than any other", and the supreme Government sanctioned engagements for 30 years "in all cases in which the proportion of culturable waste to cultivated land in any village is not excessive, or in which the malguzars do not desire a shorter term".

Nagpur Commissioner's No. 60, dated the 12th May 1860, to the Government of India.

No. 2279, dated the 28th June 1860.

Council
Proceedings,
dated the 20th
June 1883.

Government
of India
Despatch
No. 17, dated
the 17th
October 1882,
to the Secretary
of State for
India, p. 174 of
Government of
India.

No. II, dated
the 24th March
1865.

Government
of India, No.
2038, dated the
7th October
1861.
Do. p. 10.

53. The adoption of the policy of the long-term settlement had important results on the development of the revenue system. These may be summed up in the words of Sir C. Ilbert during the discussion of the Central Provinces Tenancy Bill in the Imperial Legislative Council in 1833—"We at first made one or more severe settlements for short terms, then tried experiments in farming, interfering a good deal in a patriarchal way between patels and cultivator, sometimes resorting to *kham* management, and finally made up our minds to long settlements at reduced *jamias*. These long settlements were the great turning point in the revenue history of the Provinces and to them every change by which the native revenue system was modified, and at last superseded, may be traced." The immediate effect traceable to the change was that the sum which the *raiya*t s paid for their holdings ceased to be revenue and became rent, while the *raiya*t s became tenants and the *malguzars* landlords. Then came the conferment of proprietary right, and as if that by itself was not a sufficiently bold step to take at one time and before effect could be given to it, the fundamental question was raised whether a further step should not be taken and a permanent settlement of the land revenue made for all time. The permanent settlement had been in existence in the greater part of the Bengal Presidency since its adoption by Lord Cornwallis in 1793. In the North-Western Provinces also in 1802-03 a promise had been given by the local authorities that the settlement should be made in perpetuity. The pledge was given subject to the sanction of the Court of Directors and that sanction was withheld, and as the faults of the Bengal permanent settlement became more and more apparent, the proposals for its extension to the North-Western Provinces was for a long time in abeyance. In 1861, however, the policy of the extension of this system to other parts of the country, and especially to the North-Western Provinces, had become a general discussion throughout India. The question had been revived in connection with the enquiry into the famine of 1860-61. It was observed that in 1861 the people had offered a great resistance to the calamity compared with that offered in 1837-38, and it was argued that the improvement in the wealth of the peasantry and their ability to bear up against misfortune was due to the long term of the settlement and it was inferred that extension of the same principle by the general introduction of permanent settlements would achieve still further success. The Secretary of State, Sir Charles Wood, in Lord Palmerston's administration, in 1865 authorized a settlement in perpetuity, after revision of the land revenue, for all estates in the North-Western Provinces in which the actual cultivation amounted to 80 per cent of the cultivable or *malguzari* area.

54. Just before the Central Provinces were constituted in 1861, the Commissioner of the Nagpur Province was consulted on the advantages of a permanent settlement in the various districts of Nagpur. The answer to the Government of India's reference was sent by the Officiating Chief Commissioner of the newly formed province, Sir Richard Temple, within three months of his assumption of the charge of the administration. He declared that a permanent settlement, so far as it could be

introduced, would be "good for the people and good equally for the State" and would have "an effect beyond immediate calculation, stimulating the industry, enterprise and self-reliance of the agriculturists, the application of capital and the accumulation of wealth" and he accepted its introduction as practicable in parts of the districts of Nagpur, Chanda, Wardha, Jubbulpore, Saugor, Damoh, Narsinghpur and Hoshangabad; he was indeed prepared to apply it in the course of the settlements then in progress. The question was discussed also in the revenue chapter of the Administration Report for 1861-62, the first issued for the Central Provinces, and this measure was advocated at some length. The Government of India did not accept Sir R. Temple's proposals. After consulting the North-Western Provinces Government, which had till recently administered the Saugor-Nerbudda territories, they directed that the settlements then being made all over the Central Provinces should be for a term of 30 years, with the condition that at any period after ten years, from the commencement of the settlement, the Government should be at liberty to revise them with a view to effecting a permanent settlement. The proclamation of the settlement in the Saugor-Nerbudda territories in 1854 had been for a 20 years term, but it was decided that if the landholders assented, engagements might be given for 30 years instead. The condition stated above was reconsidered and the final decision was to let the 30 years settlement take effect, as already promised publicly to the people, nothing being said regarding the concession of a permanent assessment in the future and the question of permanent settlement being postponed either indefinitely or until the expiry of the 30 years period. Before the 30 years settlements expired, the Secretary of State, the Earl of Kimberley in Mr. Gladstone's administration, in 1883, on the recommendation of the Government of India, finally rejected the policy of a permanent settlement in Upper India. The proposal to make a permanent settlement in the Central Provinces in the then undeveloped state of the province was a remarkable one, judged even by the standard of the ideas which were current in the sixties. Not only was the proportion of cultivable but uncultivated land to the area of cultivated land very large, but the means of communication within the province and with the outside world were altogether deficient. The general account of the existing state of the province in the first Administration Report, which contains Sir R. Temple's advocacy of a permanent settlement, only proves how much was to be done in opening it up and providing communications before anything approaching stable economic conditions, as the term was then conceived, could be reached.

55. Though a period of 30 years had been fixed for the settlements of the sixties generally, it was not adhered to in all districts. Five districts, the Upper Godavary, Mandla, Nimar, Raipur and Bilaspur, and parts of Jubbulpore and Chanda were settled for 20 years, and part of the last named for 13 years. Elsewhere the term was 30 years.

Before the next round of settlements was due, the question of the term to be adopted had to be settled. The experience of the 30 years settlements then current had revealed the disadvantages of fixing the land revenue in so advancing a province

No. 532,
dated the 22nd
July 1862, p.
34.

Do. do.

Government
of India, No.
60, dated the
21st March
1863, p. 212.

Do. do.

C. P. No.
5124, dated
the 21st
November
1863, p. 218.

Do. do.

G. of I.,
F. D., No.
46, dated
the 4th Feb-
ruary 1864,
p. 220.

Do. do., p.
1897.

No. 24, dated
the 22nd March
1883 p. 188.

Do. do.

India's Note
on Settlements
of 1880.

Baden Powell,
Vol. 11, p. 48.

No. 520,
dated the 27th
September
1887, p. 171, of
S. and S. Dept.
Compn. No. 74
(E) of 1887-88.

Secretary of
State's No. 117,
dated the 24th
October 1895,
and Government
of India,
Rev. & Agri.
Dept., Circular
No. 27-383-2,
dated the 16th
December
1895, at pp. 2 and
4 of case-file X-
4-A-1-96, Nos.
1 and 2.

Land Re-
venue Policy,
paragraph 18.

as the Central Provinces for so long as 30 years. Cultivation had increased and could still increase enormously, while the opening up of the country by railways was completely revolutionizing the economic conditions of the districts, so that the settlement of the land revenue for a period of more than 20 years was considered injurious to the interests of the State. It was decided that 20 years should be the standard period, but this term was modified in each district according to the date of completion of the revision settlements, the periods being so arranged that all the settlements would not have to be taken up at once but in turn according to a roster, as the settlement staff could deal with them. The question of the period of settlements in India generally was exhaustively examined in 1895, and it was finally decided by the Secretary of State that 30 years should continue to be the ordinary term of settlement in Madras, Bombay and the North-Western Provinces, while in the Punjab 20 years should be the general rule and in the Central Provinces also the normal term for future settlements should be 20 years. The question was again discussed in 1902, when the Government of India in their resolution No. 1 of the 16th January 1902 answered certain criticisms which had been made against their land revenue policy. The principles determining the period of settlement in the different provinces, as stated in the resolution, are :—

“Where the land is fully cultivated, rents fair, and agricultural production not liable to violent oscillations, it is sufficient if the demands of Government are re-adjusted once in 30 years, *i.e.*, once in the lifetime of each generation. Where the opposite conditions prevail, where there are much waste land, low rents and a fluctuating cultivation or again where there is a rapid development of resources owing to the construction of roads, railways or canals, to an increase of population, or to a rise in prices, the postponement of re-settlement for so long a period is both injurious to the people, who are unequal to the strain of a sharp enhancement, and unjust to the general taxpayer, who is temporarily deprived of the additional revenue to which he has a legitimate claim.” The resolution continued “Whether these considerations justifying a shorter term of settlement than 30 years apply with sufficient force to the Punjab and the Central Provinces at the present time; and if they do apply at the present time, whether the force of their application will diminish with the passage of time; are weighty questions to which careful attention will be given by the Government of India upon a suitable occasion”.

Proceedings
of the Central
Provinces
Legislative
Council for
January 1917.

56. The latest local discussion of the question was in January 1917, when an amendment to the Central Provinces Land Revenue Bill, then under discussion, was moved in the local Legislative Council by Rao Bahadur N. K. Kelkar, to the effect that a provision should be embodied in the law that the minimum period of settlement should be 30 years. The amendment was defeated after debate and no period for settlement is specified in the Act, so that power remains with the Government to fix whatever period seems most suited to the conditions of each district as it comes under settlement. 20 years remaining the normal or standard period

CHAPTER V.—FRACTION OF ASSETS TAKEN AS REVENUE

57. The early British settlements followed the custom of the previous Governments, and the first Settlement Officers were guided mainly by the accounts of the last few years. In other words the revenue fixed in each village was virtually a competition figure. It was not until the 20 years settlements of 1835—38 that a reform was effected in the way of enunciating any principles for the fixation of the revenue. The rule then laid down was that a "fair and equal jama" was to be fixed, but it does not appear that any definite statement was made of the data on which such a jama was to be estimated. The results were summed up however ten years later by the North-Western Provinces Government by saying that the sum stipulated for in the leases then taken was "moderate, leaving a fair average profit on the estate as it then stood, and allowing the lessee all the further profits which might arise for improved and extended cultivation during the lease." The standard adopted is not stated, but in the districts of the North-Western Provinces at the settlements of 1833 (under Regulation IX, 1833), the principle laid down was for the Government to take two-thirds of the net assets or of the rental of the land. Again in 1847, when a proprietary settlement was recommended in Nimar the rule prescribed by that Government which then supervised Nimar, regarding the proportion which the revenue should bear to the assets was:—

"A jama would then be fixed on the village equal to two-thirds the present fair average annual rental, *supposing the whole of the lands to be cultivated, or at more than that, supposing a portion of them to be waste and capable of cultivation.*"

When the grant of proprietary rights was proclaimed in 1854, one of the rules laid down was that after the extent of the cultivation and the cultivable land not yet cultivated, the crops, the cultivation, the soil and various details regarding the people and their means of cultivation had been enquired into, the Settlement Officer should fix what he thought to be a fair jama with reference to the cultivated and the cultivable land. As for the preceding 20 years settlement, no arithmetical standard was prescribed, the rule prevailing in the North-Western Provinces, as given in the "Directions to Settlement Officers" published by the Government of that province between 1844 and 1848, fixed the maximum of the Government demand at two-thirds of the net produce. The rule in question, which is an important one and will be referred to again, ran as follows:—

"It is desirable that the Government should not demand more than two-thirds of what may be expected to be the net produce to the proprietor *during the period of settlement* leaving to the proprietor one-third as his profits and to cover expense of collection. By net produce is meant the surplus which the estate may yield, and deducting the expenses of cultivation, including the profits of stock and wages of labour, and this, in an estate held entirely by

Fraser's Saugor Report.

Nicholls p. 33.

173 of 1897, Compilation.

Nicholls. p. 137.

Nicholls, p. 347.

Directions to Settlement Officers.

cultivating proprietors, will be the profit on their cultivation, but in an estate held by a non-cultivating proprietor and leased out to cultivators or *asamis*, paying at a known rate, will be the gross rental."

Nicholls, p.
359.

58. In the following year, however, the Saharanpur Rules (so called from their being, issued in connection with the re-settlement of the district of that name) were applied to the Saugor-Nerbudda Territories, and Rule XXXVI substituted a limit of one-half for the maximum of two-thirds. The rule ran as follows:—

Saharanpur
Settlement
Rules, Rule
XXXVI.

"The assets of an estate can seldom be minutely ascertained, but more certain information as to the average net assets can be obtained now than was formerly the case. This may lead to over-assessment, for there is little doubt that the two-thirds, or 66 per cent, is a larger proportion of the real average assets that can ordinarily be paid by proprietors or communities in a long course of year. For this reason the Government have determined so far to modify the rule laid down in paragraph 52 of the 'Directions to Settlement Officers', as to limit the demand of the estate to 50 per cent or one-half of the average net assets. By this it is not meant that the jama of each estate is to be fixed at one-half of the net average assets, but that in taking these assets, with other data, into consideration, the Collector will bear in mind that about one-half and not two-thirds, as heretofore, of the well ascertained net assets, should be the Government demand. The collector should observe the cautions given in paragraphs 47 to 51 of the treatise quoted, and not waste time in minute and probably fruitless attempts to ascertain exactly the average net assets of the estates under settlement."

Cf. paragraph
35, *supra*.

59. When the proposals for a proprietary settlement in the Nagpur province were submitted in 1860, the Commissioner recommended a margin of 30 to 35 per cent of the assets for the *malguzar*, thus leaving about 20 per cent as profit after paying the cost of collection, and up to a margin of 40 per cent in estates which were impoverished or too highly assessed in past years. This standard was recommended as a liberal settlement justified by results in the Saugor-Nerbudda Territories during the previous 20 years. The Supreme Government sanctioned a margin of 40 per cent, and up to 50 per cent in some cases, of the true gross rental of each estate to the *malguzar* for expenses of management and proprietary profits. The difference from the Saharanpur rule was due partly to the undesirability of introducing too sharp a revulsion from the practice of the previously existing Maratha administration and partly to the great extent of uncultivated land in most parts of the country, which would enable the landlords largely to increase their incomes while the settlement was running its course.

1902, Resolu-
tion, p. 13.

60. The purport of the Saharanpur rule, known as the half assets rule, and its application in the Central Provinces

have not always been correctly understood, owing partly to the uncertainty attaching to the expressions used in it and partly to the fact that it has often been read without reference to the rules which it displaced, and the settlements made subsequently have been criticised for their severity on the ground that the assessments affected took more than half the actual assets. At first, as is shown above, the rule applied only to the Saugor-Nerbudda Territories, a separate calculation being prescribed for the old Nagpur country. The assets referred to in the rule were not the actually existing assets at the date of assessment, but the average assets which the village might be expected to yield, regard being had to both the cultivated and the cultivable land. Such expressions as "real average assets" and "net average assets" cannot be taken to mean merely the actual assets at the time of enquiry, as has often been assumed, for had that been intended, it could have been stated in so many words and it would not in that case have been an average at all but a definite figure. Again the Government's intention, as stated in the rule, was so far to modify rule 52 of the older Directions as to limit the demand of the State to one-half the average net assets instead of two-thirds as before. Now the two-thirds as therein stated was a fraction of "what may be expected to be the net produce to the proprietor during the period of settlement," *i.e.*, of the average of the prospective assets estimated for the period covered by the settlement. Clearly, therefore, when the fraction of the assets was reduced to half by the revised rule, the assets were to be the same, namely, the prospective assets during the period of settlement. Moreover the fundamental instructions to Settlement Officers in the 1854 proclamation prescribed that they were to fix what they thought to be a fair jama with reference to the cultivable as well as to the cultivated land—a clear indication that future profits obtained from extending cultivation were to be taken into account. Finally the rule was not that an arithmetical standard of 50 per cent of the assets was to be adopted, but that those assets and other data were to be taken into consideration and the Settlement Officer was to bear in mind that about one-half the well-ascertained net assets should be the Government demand. It was because the Settlement Officer's estimate of the assets, thus comprehensively understood, might be above the mark that the Government of the North-Western Provinces thought it better to lower the fraction to be assessed on that estimate. As stated in the Government of India resolution no. 1, dated the 16th January 1902, "the construction placed on the word 'assets' at the time and for many years later, permitted the Settlement Officer to work beyond the actual land rental, and to take into consideration prospective increase of income, to assume a fair rent for land held by tenants enjoying privileges as against the landlord, to consider the profits of *sir* or home-farm cultivation (when the land was held entirely by cultivating proprietors) as well as the rental value of home-farm lands".

1902, Resolu-
tion, p. 73.

61. It has always been maintained by the officers of the Government, and it is repeated in the resolution of the Government of India referred to above, that the 50 per cent rule was never applied to the districts of the Nagpur country. This statement is incorrect, and it is necessary to explain how the

mistake arose. The orders of the Government of India, which are quoted in Chapter III and are referred to above, that at least 40 per cent of the assets and in special cases up to 50 per cent should be left to the proprietor were incorporated in the Settlement Code of 1863, and the inconsistency between those instructions and letter No. 5026, dated the 16th November 1863, from the Secretary to the Chief Commissioner to the Settlement Commissioner, which was published as a preface to the Code and which prescribed the instructions originally issued for the Saugor-Nerbudda Territory as "a complete Settlement Code" for the Central Provinces, was apparently not observed and was certainly not rectified. It is on the strength of the inclusion of the special Nagpur instructions in the Code of 1863, that it has been contended that the original instructions of the Government of India regarding the fraction of assets in the Nagpur country were never modified. In April 1863, however, the Chief Commissioner had addressed the Government of India in the following words:—

Letter no. 1636, dated the 29th April 1863, from the Secretary to the Chief Commissioner to the Secretary, Government of India, Finance Department.

"The officiating Chief Commissioner would now suggest that 50 per cent be the margin left in all estates and that there is no valid reason why a smaller margin should be left in the village settlements which are now being made in Nagpur than in the Saugor and Nerbudda Territories; on the contrary the same principles on which the 50 per cent rule was made generally in the North-Western Provinces are applicable to all parts of these provinces."

The Government of India replied:—

Letter no. 265, dated the 10th October 1863, from the Secretary to the Government of India, to the Chief Commissioner.

"Fifty per cent exclusive of road cess, etc., should be fixed all over the Central Provinces. This is the proportion taken by the Government in Oudh, in the North-Western Provinces and in the Saugor and Nerbudda Territories. Experience in other provinces has shown that if Government takes much more than 50 per cent, the settlement breaks down in a few years."

It would have been better if the orders of the Government of India had been expressly incorporated in the Settlement Code instead of being merely implied in a paragraph of the preface. The officers responsible for the inception of the second round of settlement would not then have been misled into believing that the 60 per cent rule prescribed by the Government of India in 1860 stood unaltered in fact as it did in the Code of 1863. It is clear, however, that the orders applying the 50 per cent rule to the Nagpur country were not only well known to the Settlement Officers of the sixties but were acted on by them, and it illustrates the very great difference in the meaning attached to the term "assets" at the first round of regular settlements and now, when it is found that the Settlement Officers of that day, who were working under a 50 per cent rule, as the term was then understood, frequently, owing to the undeveloped nature of the country, fixed a revenue which on modern principles of calculating assets, approached or even exceeded 100 per cent and over, the Nagpur district averaged 76 per cent. In the Bhandara district the Settlement Officer disputed the wisdom of the rule as involving an unnecessary sacrifice of revenue and his earlier assessments were modified by the Settlement Commissioner. Even as reduced

his assessments averaged 54 per cent, but the data of those early times was of necessity so vague and indefinite that this assessment, which was nominally four points higher than in Nagpur, works out according to modern standards at four points lower.

62. Before the operations for the next round of settlements were taken in hand the system of assessment and rent fixation was placed on a new basis, some features of which will be referred to in later chapters. Methods of comparison and the classification of soils, and the preparation of rent-rate reports and assessment reports gave to the word "assets" a much more definite meaning than it had possessed before, when an assumed valuation of the land and not a consideration of the income actually derived from it was the guide to revenue assessment. The question naturally rose whether the Government could adhere in these changed circumstances to the previous rules laying down the proportion that the revenue was to bear to the assets. No promise of perpetuity was ever given to the Saharanpur rule, and when the word "assets" was modified in meaning greatly in the malguzar's favour it was incumbent on the Government to reconsider the proportion of the assets to be taken as revenue.

Vide the correspondence published with Revenue Book Circular no. II-12, dated the 11th July 1888.

A radical re-statement of the principles of settlement was accordingly made before the revision of the 30 years settlement was taken up. The assessment was to be based on actual, as opposed to prospective, assets as under the old rules. These actual assets were to be ascertained and to consist of the following:—

- (a) Rents as adjusted by the Settlement Officer.
- (b) A rental valuation of the home-farm and of service-land made on the same basis as that of the tenant's payments.
- (c) A moderate estimate of siwai or miscellaneous income based on the ascertained actuals of the past, with a drawback for fluctuations.

On these assets sixty per cent was prescribed as ordinarily the highest admissible percentage to be taken, but where the former percentage was not below sixty-five that higher figure was allowed to be taken. The higher proportion of assets, viz., up to sixty per cent, was reasonable in view of the narrower and better defined meaning now attached to the term "assets". The settlements of the last decade of last century were made on these principles. Outside Nagpur and Wardha the highest average fraction assessed on a district was 55 per cent and in two districts the revised assessment was less than half the assets. The highest percentage was 58.8 of the malguzars' assets taken in Nagpur. With seasons of even moderate productiveness the new assessments would have been borne without difficulty, but unfortunately the imposition of an enhanced revenue demand in many districts coincided with the beginning of a chain of disasters. Seven lean years—two of which were years of famine—inflicted enormous loss on the agricultural classes, and the test to which the settlement was put was in no way a fair one.

63. The question of the percentage of assets to be taken as land revenue was again fully examined in connection with a resolution of the Imperial Legislative Council dated the 24th January 1911. The resolution (1) accepted the principle of half assets for the districts forming part of the old Saugor-Nerbudda Territories, provided that individual exceptions were to be allowed to prevent material sacrifice of revenue; whilst (2) for districts forming part of the old Nagpur Province the fraction of assets should be gradually reduced at succeeding settlements until an assessment approximating to half assets was reached and in the meantime enhancements were to be limited to half the increase of assets since the last settlement. Assessments in excess of fifty-five per cent should only be sanctioned (1) when the excess is permitted by the terms of the second direction above or (2) when there are special reasons and there would otherwise be a material sacrifice of revenue. This decision was embodied in the assessment instructions issued to Settlement Officers and was given effect to at the settlements then in progress. During the discussion in the local Legislative Council on the Land Revenue Bill leading to the passing of the Central Provinces Land Revenue Act of 1917 a proposal was brought forward that the land revenue assessed should not ordinarily exceed fifty per cent of the estimated assets of an estate, subject to the exception of local areas by notification by the Chief Commissioner. The proposal, however, was not accepted and the position remains as defined in the resolution of 1911.

CHAPTER VI.—TRACTS OUTSIDE THE ORDINARY SETTLEMENT—FEUDATORY STATES, ZAMINDARIS AND JAGIRS

64. So far the revenue history of only that portion of the Central Provinces has been dealt with which was settled regularly on the ordinary proprietary basis at the settlement of the sixties. That portion consisted for the most part of the villages of the open country managed by lessees and known collectively as the khalsa. The proclamation of 1854 regarding the conferment of proprietary rights was, as is stated in paragraph 33, intended for malguzari estates only. It expressly excluded from the settlement the vast tracts of forest and waste, and it applied really to villages and contained no direction how the large estates which had never been settled with malguzars as farmers were to be treated. The orders for the conferment of proprietary rights in the Nagpur country likewise applied only to villages in the khalsa areas of the districts and were silent on the treatment of the remainder. Some account of the policy adopted at different times in the vast area consisting of forest and waste is given in the following chapter. It remains therefore in the present chapter to deal with the very large area (over two-fifths of the whole, including a large proportion of estates by chiefs of high local standing, and to describe the position and status of the holders, who were generally known as zamindars or jagirdars, and to explain the policy adopted towards them when the settlement of the land revenue was taken in hand.

65. Many of these estates are of great antiquity, dating, with one or two exceptions, from before the period of the Maratha conquests of 1740—55. The Maratha Government allowed them to continue on payment of tribute. Notwithstanding their authority and influence, these Chiefs were always dependent on and subject to the paramount Government of the day, and they were all under an obligation to pay tribute. The estates were in fact of a feudal nature. They originated and continued as rewards for military service and were meant to ensure the maintenance of peace and order in the out-of-the-way parts of the country during times of great disturbance and disorder. When the settlement of the whole of the territory under the newly formed Central Provinces Administration was under consideration, one of the most important matters that occupied the attention of the new Government was the treatment to be accorded to the holders of these estates. Early steps were taken to obtain the orders of the Supreme Government so that these important, but hitherto only partially ascertained, tenures might be placed on a definite and permanent basis. The question which was first raised was whether these Chiefs, or any of them, had actually exercised powers of sovereignty or whether they were merely to be regarded as British subjects governed only by the ordinary provisions of the law. On this question Sir R. Temple, in summing up their status, gave his conclusions as follows:—

Craddock, p.
3.

“On the one hand they were not sovereigns, being in reality quite dependent on Government, having no fixed powers of their own, but exercising more or less of authority by sufferance or by delegation, and being altogether subject to the pleasure of Government as declared from time to time; yet, on the other hand, they were quite above the rank of ordinary subject; their governmental and administrative authority, however, undefined and however liable to interruption has always existed and still exists, and such authority ought not and indeed cannot be done away with.”

Craddock, p.
5.

Though, however, he held that none of the Chiefs could be called a sovereign in the fullest sense of the term, he was able, on the suggestion of the Government of India, to divide them into two classes consisting of those who had no claim to be treated as other than ordinary subjects and those who might be maintained as Chiefs having a quasi-sovereignty, the tests applied for the purpose being various material and personal qualifications of antiquity of tenure, extent of territory, character and the like. The result was that twenty-three Chiefs were recommended for the higher class of “quasi-sovereigns” and the rest (92) were relegated to the class of ordinary subjects. Though this distinction was made, the history of the zamindars and jagirdars showed that they all belonged essentially to the same class, and those who were selected were really only *prima inter pares* so far as actual status was concerned. The Government of India accepted the Chief Commissioner’s recommendations in the main; they, however, revised the proposed classification, substituting the term “feudatory” for “quasi-sovereign” and also asked for a reconsideration of the list of chiefs recommended for this class. In

Craddock, p.
7.

Craddock, pp
8 and 9.

(the end the number of chiefs recognized as feudatories was reduced to 15, made up as follows :—

Nagpur Zamindars

Bastar
Kalahandi
 Kanker
 Khairagarh
 Chhuikhadan
 Kawardha
 Nandgaon

Sambalpur Garhjat Chiefs

Bamra
Patna
 Raigarh
 Sarangarh
Sonpur
 Sakti
Rehrakhol
 Saugor-Nerbudda Chief
 Makrai

The five states shown in italics were transferred to Bengal in 1905, when the five Chhota Nagpur states of Sirguja, Udaipur, Jashpur, Korea and Changbhakar were transferred to the Central Provinces. All these chiefs, who were placed under the political control of the Chief Commissioner, received in 1866 or later sanads setting forth the incidents of their tenure, viz., payment of tribute liable to revision at fixed periods, judicial and revenue powers subject to certain limitations, and conditions securing the supervision of British officers. These sanads have been revised from time to time, but the position of the chiefs as feudatories has not been materially altered.

Aitchison I,
 pp.458—460.

66. The states are not British territory and consequently they were left untouched by the system of land revenue settlement adopted in the British districts. Their tribute was fixed on general considerations of the chiefs income and expenditure without reference to any settlement proceedings, and so it has continued. In recent times some of the states have undertaken settlements on lines similar to those followed in the British districts, but this is a matter of the individual state's own motion and for the convenience of its own administration and is quite unconnected with the assessment of the state tribute. In the latest sanads (of 1905) of the states transferred from Chhota Nagpur, however, it is provided that in the settlement and collection of the land revenue the Chief shall consult and comply with the wishes of the Political Agent, but this is in the interest of good government in the state and has no connection with the assessment of the Chief's tribute. Such being the position of the feudatory chiefs, they lie outside the system of land revenue administration, and it is only necessary to refer to them here in order to complete the account of the various land tenures by showing how what was originally the same common class of semi-independent chiefs came to be distinguished as feudatories and zamindars or jagirdars, the former of whom are not subjects, while the latter, though regard has always been paid to their privileged position and special circumstances, are ordinary British Indian subjects.

67. It has now to be shown how the rest of the zamindars, though subject to the British Indian legislature and the jurisdiction of British Indian courts like ordinary subjects, were, as a

matter of fact, treated as a great deal more than ordinary subjects in spite of the intention declared originally of following that policy. Before the classification of the chiefs was effected, it had been assumed by Sir R. Temple that "the position of the chiefs of the ordinary subject class would be capable of adjudication by the Chief Commissioner himself in the settlement department. They would probably be defined as taluqdars. In making settlements with them, every regard would be paid to their position and circumstances. Special liberality might be necessary in fixing their revenue payments or in defining their nominal rights. The essential difference between them and chiefs would be that they would not govern their estates as of rights; they would not keep up any public establishment; no margin of profits would in theory at least be left to them for that special purpose: and their rights of succession and adoption would be regulated only by the common law, and not as the case of chiefs by the common law as regards their private rights, or by the Government as regards their public position." The manner in which the settlements were effected was not always consistent, but the original policy, as above declared, was not carried out in practice, and various incidents such as conditions of primogeniture, untransferability and impartibility, to which ordinary malguzars were not liable and which have been subject of discussion on the score of their legal validity ever since they were made, were attached to the tenure of the zamindars. The one respect in which all the zamindars alike were treated similarly to the ordinary malguzar of the khalsa was that their status and the condition of their estates were enquired into, the rights and liabilities of the various holders and occupiers of the land were recorded and finally the assessment of the Government demand to be paid by the zamindars was fixed; in a word, the settlement of zamindaris was effected by the same Settlement Officer who settled the khalsa portion of the district in which they lay and the results were reported by him in the same report. The explanation of this change of policy lies no doubt in the fact that, as the various zamindars came to be dealt with, it was realized that in settling the position of these old established estates, which had been recognized or left unmolested by a series of Governments, the Administration was dealing with an established tenure which could not be appropriately or adequately disposed of by the general method of the "conferment" of proprietary rights. The zamindars were not of the nature of patels, malguzars or farmers of village revenues, in whom no sort of proprietary title had been recognized. As territorial magnates they were in a very true sense proprietors already, in that they or their families had clearly, by prescription, a proprietary interest in their estates, although the interest of the individual was undoubtedly a life interest subject to something akin to the English entail and therefore, unlike the newly granted malguzari right, not a subject for transfer or partition. The settlement made with the first batch of zamindars to be dealt with—those of Bhandara and Balaghat, who were less powerful and less of chiefs in the real sense of the word—was made on terms that might have been made with ordinary subjects with the addition of a certain liberality and some few privileges in view of their position as holders of large estates. The agreements made with them consisted of

Craddock, p.
7.

Craddock, p
16, paragraph
41.

the tahsil wajib-ul-arz, or administration paper, containing all matter common to the tract, the village wajib-ul-arz, dealing with local peculiarities, and the taluqa wajib-ul-arz, a paper common to every village in each zamindari, in which some of the chief points dealt with are the custom of succession of the family, the way in which shares are divided, and questions of maintenance, service, dues and possession of waste. Their wajib-ul-arz differed but little from the ordinary malguzari agreements or administration papers. There was no question of the grant of special sanads or patents for any particular engagements, such as the prohibition of alienation or partition. The position of these zamindars was then practically that of any superior proprietor; they were recorded with full proprietary rights in villages where they had exercised the full powers of a landlord, but where lessees had for long enjoyed rights resembling ownership, they were given inferior proprietary rights under the zamindar. The payment of the zamindars to the Government, however, consisted of takolis or quit revenues assessed on a more favourable basis than the ordinary malguzari revenue. There was nothing in their agreements to prevent these zamindars from dividing or alienating their land, in which, as ordinary subjects, they were recognized as having a proprietary right. In fact certain of those zamindars have, in the past, alienated a number of their villages, and those when alienated have been assessed to the full malguzari revenue and not to takoli. When opportunity has presented itself, the Government has taken action more than once to reconstitute the remnants of a ruined estate on the basis of inalienability and impartibility, this being done, as for instance in the Kirnapur or Porla estate of Balaghat by the process of surrender and re-grant on these new terms.

Craddock, p.
15.

68. The remaining zamindars were settled on an entirely different basis. They were restricted in their power of disposal of their proprietary rights, but restricted in a manner which added dignity to their hereditary position, while they were also allowed to retain some of the administrative functions and privileges of government. The change began with the Chanda zamindars, who, it was found, in the wild and remote tract in which their estates were situated, naturally exercised wider and more important powers than their fellows in the more settled and accessible country. In the first place duties belonging to the State e.g., the maintenance of police establishments, were delegated to them; secondly, their position as zamindars was meant to be guarded by conditions creating an entail, viz., impartibility, untransferability and primogeniture, and thirdly, the zamindars were given the enjoyment of income from forests, excise, *pandhri*, or a tax on non-agriculturists, ferries and pounds. At the same time the Government's control was secured by a provision reserving to it power to exclude an unworthy heir and to remove a zamindar for gross misconduct. These conditions were embodied in the well-known Chanda patent, which was sanctioned in January 1868, and its terms were included in the wajib-ul-arz, but for some reason which cannot now be explained it appears that the patent was never issued in proper form as a formal sanad. It was intended to apply the same principles to all the Chhattisgarh zamindars as a body, as their position was even stronger than that of the Chanda zamindars. This was effected in the Bilaspur

Aitchison, I,
p. 476.

zamindari wajib-ul-arz, but by some mischance this procedure was omitted in the case of the Raipur zamindars, though they were always understood and understood themselves to be on the same footing in this respect. The Chhindwara or Satpura chiefs, who are known as jagirdars, were less important owing to their poverty, but they had an equally ancient title. They were granted a patent of their own on similar terms to that intended for the Chanda zamindars, with this difference that it was expressly recognized that the special conditions on which the estates were held were an agreement between the Government and the jagirdars and that the rights of third parties could not be affected by its terms. There remain the Sambalpur estates of which only Phuljhar, Malkharoda and Chandarpur-Padampur are now in the Central Provinces. At the time of the settlement the Chief Commissioner ruled that "as no inquiries have been made into rights in zamindaris, it would be impossible in the absence of careful inquiry, which it is undesirable to make at present, to define the rights and interests of the zamindars as against cultivators, village gaontias and others and to grant them a sanad setting these forth."

Aitchison, I,
p. 479.

Russell's
Settlement,
1876, paragraph
115, p. 45.
Craddock, p.
56.

No special conditions were imposed on the holding of these estates but only *kabuliats* were taken from the owners recognizing them as zamindars "according to the custom of the country." They are therefore only ordinary landholders except in so far as the ordinary laws of succession, *etc.*, are modified by the established personal law of the family.

69. The position of the zamindars, as set forth above, remained unaltered for a generation, and the change which came then referred to their exercise of administrative functions, *viz.*, over police, excise, *pandhri*, ferries, pounds and unclaimed property, and not to their privileged treatment for revenue purposes. In regard to the exercise of these functions, the Government of India reverted to the principle at first laid down in 1865 that the zamindars had "held the position of mere zamindars and British subjects.... The exercise of administrative functions was continued to the zamindars in 1868 merely on grounds of temporary expediency and was not recognized as an indefeasible attribute of their status, which there is no ground whatever for holding to be essentially different from that of ordinary British subjects." These zamindars were consequently relieved of these administrative functions—though not without recourse on their part to keenly contested litigation, for they clung jealously to these duties as marks of their superior status and political position. At the same time the other aspect of the zamindars' position *viz.*, the conditions effecting an entail on their estates, called for attention. Several cases were brought before the civil courts which involved the nature of the zamindars' interest in their estates, one of them resulting in the total disappearance of the Pantora estate as a zamindari, owing to the zamindar having become involved in debt and losing his estate, and the attention of the Government was therefore directed to the legal position of the estates. The difficulty was that these restrictions, amounting to something in the nature of an entail, are contained in the patents or wajib-ul-arz granted by the Government, *i.e.*, they are based on agreements between the Government and the zamindars

G. of I., R &
A. Dept. No.
621-6, dated
the 23rd March
1892.

and cannot as such affect the right of third parties. It was decided, therefore, that the proper course was to place the matter beyond all doubt by giving legal effect to the provisions of these agreements by means of an act for these estates, which should prescribe the principles of impartibility, inalienability and succession by primogeniture and the other conditions laid down in the wajib-ul-arz. A bill was accordingly prepared in 1903 to effect this purpose, but in view of the litigation regarding the alteration in the terms of the wajib-ul-arz affecting the zamindars administrative functions referred to above, which was not set at rest until decided by the Privy Council in 1912, it was dropped for the time. As the litigation left the legal position of the zamindars still in doubt, the proposal to legislate was revised and a fresh bill was prepared in 1916 to place the status of the zamindars and jagirdars beyond doubt by prescribing by statute the main conditions of the Chanda patent, omitting the clause relating to removal for misconduct, that being the general model on which the wajib-ul-arz and sanads had been based. Its chief provisions were as follows:—

- (1) that the estate should be impartible and non-transferable;
- (2) that only one heir should succeed;
- (3) that an unworthy heir might be excluded by the Chief Commissioner;
- (4) that no action taken by the Chief Commissioner on these matters or by subordinate Revenue Officers on certain minor matters should be called in question in the civil courts.

The bill however was not proceeded with, as the zamindars of Chhattisgarh were opposed to it. The latter held that they are already protected by ancient custom and they objected to the ousting of the civil court in matters concerning the management of their estates, while in their relations with the Government they were content to abide by the provisions of the wajib-ul-arz. To sum up, then, the position remains that, while the relations of the zamindars and jagirdars with the Government are defined by the provisions of the sanads or wajib-ul-arz, and while the Chanda and Bilaspur zamindars are protected against alienation and partition by their wajib-ul-arz and the Chhindwara jagirdars by their sanads (so far as partition only is concerned), the Raipur zamindars have no special protection by the terms of their grant against members of their own family or against creditors or other outsiders.

70. While the political and legal aspect of the zamindars' position has been the subject of much discussion and differences of opinion, their treatment in respect of land revenue has remained the same, and their estates have been settled in accordance with the principles of the land revenue settlement of the province as whole, subject to the exceptional consideration which they have always received as a matter of privilege at the hands of Government, in view of their rank and peculiar circumstances. The system adopted is that the assets of the estates, including rents and income from home-farm, forests and miscellaneous sources, having been ascertained by local enquiry and allowance

being made for the revenue and forest establishments which the zamindar has to maintain, a full revenue assessment or kamil-jama is fixed for the estates as a whole on a standard more or less approximating that adopted in the *khalsa* area. Of this full assessment only a fraction, usually a small one, was taken in the past as the takoli or quit-revenue to be paid to the Government, the percentage of the incidence of this takoli on the kamil-jama varying according to the circumstances of the zamindari. The Government of India, however, in 1897 declared on a reference regarding the Chhindwara jagirs that it should be made clear "that the present nominal assessments have no permanency attached to them, and that Government will eventually demand a substantial share of the assets", and this policy is being gradually followed at re-settlement. The early settlements of the zamindaris were carried out, as stated above, by the Settlement Officers of the districts in which they lay, but in view of the extent of the estates, and the remoteness and wildness of the greater part of them, the more important estates, such as the Raipur and Bilaspur zamindaris, have at the current settlements been settled by special officers. The principles adopted in all the zamindari settlements, however, follow the lines indicated above.

Government
of India, Re-
venue and
Agric ult ure
Depart ment,
No. 2357-436-
2, dated the
11th October
1897.

Survey and
Set tle ment
Depart ment
letter No. 244-
XI-4-79, dated
the 19th April
1916. (File No.
4-75-1916.)

CHAPTER VII.—GOVERNMENT FORESTS AND AREAS EXCISED FROM THE FORESTS—WASTE LAND SALE RULES AND CLEARANCE LEASE RULES

71. The importance and value that had come to be attached to the large areas of forest and waste land in the Saugor-Nerbudda territories at the time when the proprietary right settlement was proclaimed and was being given effect to is proved by the prominence given to the matter of the treatment of these areas both in the proclamation of 1854 and in the subsequent instructions for the carrying out of the settlement. The Government reserves of forest and waste, with a few exceptions, owe their existence to the principles laid down in the proclamation of 1854. The history of the treatment of this Government property may be taken in three fairly distinct stages. The first period is occupied by the process of reservation and demarcation up to 1862; in the second, from that date to 1872, the policy was for the Government to encourage private occupation by divesting itself not only of possession but also of proprietary rights in the reserved waste as rapidly as possible; while in the third period dating from 1872 the policy has been one of prohibition against alienating Government land or permitting cultivation to extend in the Government reserves. The adoption of a definite policy of forest conservation was marked by the enactment of the Forest Act in 1878, by notifications under which Government forests were constituted as such in the course of the following year and under which the forests have since been administered.

Nicholls, pp.
340—348.

72. The only Government forests in the Saugor-Nerbudda territories which date from before the settlements of 1864—67 were those at Garhakota in Saugor, and at Durasi and Dongartal in Seoni, which had been excluded from settlement at the 20 years settlements. Except in these tracts no reservation of the rights of the State appears to have been made, and interference was only made to protect valuable timber. The absence of the

Settle ment
Code, 1863, pp.
78 and 81.

(Section from correspondence).

Settlement Code, 1863, p. 80. Selection No. XLV.

Settlement Code, 1863, Selection No. XLIX, p. 85.

Settlement Code, 1863, Selection No. LXXXIV, p. 118.

Settlement Code, 1863, Selection No. LXXXIII, pp. 117 and 118.

Letter No. 1636, dated the 29th April 1863, from the Chief Commissioner, Central Provinces, to the Government of India.

reservation of waste within the limits of the settled villages at the villages at the 20 years settlement, however, is not a matter upon which much stress need be laid, except as proving that the importance of the State's right in the forest had not yet been grasped, inasmuch as these settlements did not recognise or confer proprietary rights in any part of the villages settled. The grant of proprietary rights in villages necessitated closer attention to, and a clear definition of, rights in the large areas of jungle attached to or contiguous with villages. In the proclamation of 1854 the right to all large forests where valuable timber existed was reserved to the Government, and these forests were excluded from settlement. All large tracts of land, either forests or uncultivable, the Government reserved the right to dispose of as it thought proper, but portions of uncultivated land, jungle or hills of not much value were not to be separated from their *mouzas* or excluded from settlement. The action which was contemplated under this rule at the outset fell very short of the creation of the enormous estate now held by the Government in the province. Extensive and continuous stretches of jungle were to be absolutely reserved by exclusion from settlement, but where jungle tracts were reputed to belong to villages, they were to remain attached to these villages, though it was suggested that portions which were in excess of the existing requirements of the villages, should be separated from the area regularly settled and should be held by the *malguzar* on lease only. The order issued, however, was merely that "where there may not be a sufficient extent of jungle land near the village or tract of villages, to warrant their entire exclusion from the settlement, the proprietary right in the jungle should at once be conceded at the settlement as well as that in the cultivated part of the village area." During the succeeding five years, however, in which the survey and inspection operations leading up to the settlement were in progress, the views of the Government were modified, and a more stringent policy was adopted. A District Officer having reported that the jungle and forest tracts in his district were not looked upon as the property of the State, but were in every case attached to one or another village, the Government took the view that in many of the villages possession of the jungle had been unlawfully usurped, and special enquiry was directed to be made into the facts at the settlement. The attention of District Officers was drawn to paragraphs 17 and 18 of the proclamation of 1854, which have been quoted in paragraph 33 and in which "the plenary right of the State to forest and waste land is asserted as a general principle, and the right is specially reserved to all excess of jungle and waste", and it was observed that "wholesale relinquishment of large areas of forest and waste to individuals incapable or unwilling to reclaim them, along with the proprietary right of the village plot of land cleared, would not only be an infringement of a distinct rule, but would hereafter retard the progress of improvement". The question was taken up for the newly formed Central Provinces as a whole by the Chief Commissioner (Sir R. Temple), who stated the position thus—"There is in these provinces an excess of jungle and waste land over and above the requirements of the land tax-paying communities. And although, hitherto, this excess has not been excluded from village areas and defined as

state property, it is evident from the correspondence which passed between the Sadar Board of Revenue and the Government of the North-Western Provinces on the subject that the right of the state thereto has been repeatedly affirmed by high authorities, and as manorial rights go with the land, such rights may be denied to the village proprietors over tracts excluded from the village area. It having been thus determined by competent authorities to exclude such excessive waste from village areas in the Saugor and Nerbudda territories and it being considered that the rights of the state to excess jungle and forest are as undoubted in the Nagpur Province as in the Saugor and Nerbudda territories, it is proposed to issue instructions with a view to securing the right of the state, such instructions being made applicable to all the districts of the Central Provinces alike."

Under the instructions then issued for the exclusion of excessive uncultivated area to which no claim could be substantiated, the area of such waste to be left included in a *mouza* was limited to a maximum of *twice the cultivated area*—from which the rule was commonly known as the "do chanda" rule, and the waste left to a village for the extension of cultivation and grazing was not to be cut down below an area equal to the cultivated area of the village as a minimum. These rules were embodied in the 1863 Settlement Code, and they were carried out in different ways according to the stage which the survey and measurement of villages preliminary to settlement had reached. Where villages had already been mapped, the excluded portion was shown by a mere line on the map, which was not, and sometimes could not, really be demarcated on the ground. In other villages the exclusion was effected by recording certain whole plots which had been measured as separate numbers belonging to the Government. Where the settlement was only taken up after the rules had issued, the excluded portion was not mapped at all, and the village boundaries included only the cultivated land and that portion of waste allowed as part of the estate of the proprietor. The latter method was not satisfactory, because before measurement it was not really known what area was being included in the village and what was being reserved. The results were that proper areas of waste were not left in some villages or not left in a suitable position, and proceedings had to be taken some 20 years later to rectify anomalies of this nature. In well-developed villages, on the other hand, it sometimes happened that the area of waste given was outside the village and separated from it by the lands of other villages. The area in which proprietary right was reserved by the Government, amounting to some 20,000 square miles, was, for the most part, constituted Government reserved forests. The greater part of this area was uncultivable, but it included a certain amount of cultivable land, as well as some land actually in cultivation, in which proprietary rights were not granted owing to the absence of claimants able to establish their claims. Efforts were then made to dispose of portions of this cultivable land to intending settlers.

Waste Lands in India 1904.

Waste Lands in India, 1904, p. 202.

73. The idea when the reservation of waste was effected was not to establish an extensive and valuable Government property, but to obtain land which could be used to form new private estates or sold to settlers from outside, and the "do chanda" rule had not yet been issued when the discussion which

Page 4 of
1859-62, File
C.

led to the issue of the Waste Lands Sales Rules was commenced. In a minute recorded during the period when the rules were being framed, the colonization of the province by European capitalists is spoken of as a possibility of the immediate future, and the waste land colonization question is mentioned as being, in the south and east part of the province, "almost the most important which could possibly arise." The first attempt to dispose of the reserved land was by sale in fee simple in proprietary right, free of revenue, in perpetuity under the Waste Lands Sales Rules issued in Government of India, Foreign Department, notification no. 158, dated the 7th July 1863, but very little advantage was taken of them by European settlers or any others. The second attempt to colonize the waste land was made under the Clearance Lease Rules, which offered to persons who were unable or unwilling to purchase land outright leases, which provided for the earning of proprietary rights, subject to the payment of land revenue from the 21st year of occupation, by the reclamation of 40 per cent of the land. The view entertained at the time was that it was advisable to dispose of the excess waste as soon as possible. One important departure from previous ideas regarding the grant of proprietary rights has to be mentioned. So far the rights granted had been purely surface rights, as declared in the proclamation of 1854. But under the Waste Lands Sales Rules the grants expressly included the right to minerals. Clearance leases however specifically reserved mineral rights to the Government. As a matter of fact the inclusion of mineral rights in waste land grants has proved to be of little importance, inasmuch as practically none of the mineral deposits so far discovered underlie land held on this peculiar tenure. The operation of the Waste Land Rules did not prove satisfactory, as they resulted for the most part in the alienation of land to non-resident speculators, and they were formally abrogated in 1870. In some parts the area leased out under the clearance Lease Rules was considerable, but in 1872 these rules also were suspended. Apart from the failure of the Waste Lands Rules, the Government's policy in the matter of making land available for cultivation underwent in practice a complete revolution in favour of retaining proprietary rights in all lands still belonging to it. In 1871 Colonel Keatinge, the Officiating Chief Commissioner, raised the question whether Government waste lands should be allowed to be broken up and whether proprietary right should not be retained in all lands which had not yet passed into private hands, or which should lapse to the Government. He criticised the manner in which the Waste Land Rules had been administered, pointing out that the conferment of proprietary rights under them allowed the most desultory cultivation by squatters on the one hand, and on the other involved the searching out of proprietors with the unintelligent object of conferring the right in all cultivated land on some one or other. He urged the closing of Government waste to all cultivation for a series of years, and on the question of proprietary right advocated a pause before the Government should allow any more land to pass out of its own hands. He advanced these questions as arising from the desire on the part of the Government to keep some portion of the peasantry under its direct protection, which was indicated in the correspondence on the Chanda and Nimar

Central Provinces Administration circular Order No. 51, dated the 19th June 1866, and No. 37, dated the 4th August 1866.

Col. Keating's Memo. in Compilation No. 157 of 1872 pp. 9-11.

settlements quoted in Chapter III. Colonel Keatinge, as a ground for the retention of the proprietary right of the Government in its estate of some 20,000 square miles, put forward the view that "higher results of prosperity would be secured in a country held partly on *malguzari* and partly on *raiayatwari* tenure than would be possible where either system exclusively prevailed". The Government of India laid down that the breaking up of waste lands in the Central Provinces should be prohibited for the time being as an experimental measure, to be reported on at the close of three years. At the end of that period the orders were made final, subject to a provision allowing *raiayats* in Mandla and Hoshangabad to cultivate in the Government wastes on rents equal to the average on *malguzari* land within the district. These orders marked a departure from the previous policy. The new policy in dealing with the Government waste was, it will be gathered, one of the results of the reaction against the wholesale granting of proprietary rights upon which the current settlements had been based. The decision was communicated to revenue officers with the observation that "it initiates a new land policy for the Central Provinces"—an expression which was understood in some quarters as indicating a desire on the part of Government "to break down the present constitution of land tenure . . . and recover for Government by any, short of illegal, means the proprietary right that has been conferred . . . and it was even necessary for circular orders to be issued to disabuse officers' minds of this idea." Under the new policy not only did the retention of proprietary rights in all lands belonging to the Government come to be considered a cardinal principle, but there grew up an inclination to regard with disfavour the extension of cultivation on Government lands. The policy was finally established by the wholesale constitution of Government waste lands as reserved forests under section 4 of the Forest Act of 1878, to which effect was given by the notification of the particular areas reserved in each district in 1879. The forests were thus brought under the protection of the law and were placed under the management of a special technical administration. Thus the constitution of Government forests was the outcome not so much of reservation for the purposes of forestry as of exception from the alienation of proprietary rights, and they included large areas in which proprietary rights were not granted not because forest interests were involved, but because there was no one who could be constituted proprietor. For the next few years it was the practice to regard this enormous estate purely from a forest point of view and to discourage cultivation. The tracts scheduled, however, included considerable areas of cultivable land, and special arrangements had subsequently to be made for the promotion of cultivation in them. Before the Forest Act was passed a scheme had been tried in 1875 for colonizing a tract of waste land in the Charwa pargana of the Hoshangabad District, now transferred to Nimar, by means of settlers from congested tracts of the North-Western Provinces under rules very similar to the Clearance Lease Rules. But the scheme failed and the area on which rights were acquired under the rules was inconsiderable. Again, in 1886, special rules were framed with the object of promoting the settlement of another

B. C. No. XXII of 1st August 1872, p. 15 of Compilation No. 157 of 1872.

B. C. XIV of 1872 (p. 9 of Compilation No. 157 of 1872).

Letter No. 442, dated the 26th January 1893, to the G. of I., R. & A. Dept., in case file VIII-5-A—1, 1893, Nos. 11 and 12.

Waste Lands in India, 1904.

Fuller's note of 14th April 1888.

Compilation No. 22 of 1885—1889.

wild tract in the Hoshangabad district, now also transferred to Nimar, and a few grants were made under these rules. A later attempt was made in 1890 to colonize some villages again by raiyats from the North-Western Provinces under special concessions, involving the grant of villages on zamindari terms, but only a small area was taken.

74. Another measure that may be mentioned in the treatment of the Government forest area is the steps taken in 1887 for rectifying anomalies regarding the waste land retained within the area of settled villages during the proceedings for the reservation of excessive forest and waste at the 30 years settlement, and for meeting a demand for land in villages adjoining Government forest. Where the inclusion in villages of plots of waste which were excluded at the settlement seemed advisable, either to correct an injustice inflicted at settlement or to meet a demand for land, arrangements were made for the exclusion of the land from the forest reserves and for its being given out on leave.

75. Later efforts have been almost wholly confined to the colonization of cultivable waste tracts under a system of raiyatwari settlement, and general rules for the excision, allotment and management on raiyatwari terms of such waste were framed under the provisions of the Central Provinces Land Revenue Act of 1881 (as amended by the Acts of 1889 and 1898), which have been re-cast in the Land Revenue Act of 1917. No waste lands, the property of Government, can be leased under terms which provide for the eventual grant of proprietary rights, whilst the grant of proprietary rights outright can only be made for special reasons, such as the rectification of boundaries. Land may only be taken up by private persons for cultivation in Government waste areas on payment of revenue, and its cultivation does not give any status higher than that of a Government raiyat. Most of the Government waste land in the Central Provinces, as explained above, was brought under the operation of the Forest Act, but in 1891 measures were taken for the general determination of the tracts suitable for the introduction or extension of cultivation, and areas have from time to time been excised from the reserved forest for this purpose. In all districts there are small scattered areas in less valuable forests which have been excised and settled on the raiyatwari system, and in the Balaghat, Mandla, Nimar and Chanda districts the areas so settled are considerable. The total area of the Government raiyatwari estate allotted and unallotted is approximately 2,000 square miles.

76. Within the Government forest area, under a system adopted in 1890, forest villages have been constituted. They are designed to solve the problem of a permanent supply of suitable labour for working the forests in places where it is not otherwise available and to provide for the forest tribes who are debarred from supporting themselves by their own method of *dahia* or *hewar*, that is, shifting cultivation; they are not intended for the extension of cultivation. No proprietary or occupancy rights exist in those villages; residence in them is at the will of the Forest Department and on condition of labour on full payment in the forests. The villagers are assigned sufficient land

Waste Lands in India, 1904.

Central Provinces Resolution no. 6759-689, dated the 24th October 1890, p. 123 of Compilation No. VI—1 (a) of 1890-91.

Government of India, Revenue and Agriculture No. 624-F., dated the 27th May 1891, p. 130 of same Compilation.

Forest Manual, paragraph 90.

Revenue Report, 1915-16.

for cultivation to provide them with a living and also enjoy free grazing and the free supply of the forest produce which they require. The villages are managed by the Forest Divisional Officer through a patel who receives a commission on the collection of rents.

CHAPTER VIII.—LEGISLATION

77. It will have been gathered from what has gone before and from the absence of reference to legislative enactments that the early settlements of the land revenue in the Central Provinces, even the proprietary rights settlement of the sixties, which had such a decisive effect on the land revenue system of the province, rested on a basis other than that of statute. The procedure was regulated by executive instructions issued from time to time, whether by proclamation, such as that issued in 1854 regarding the grant of proprietary rights, or by the application of rules, such as the Saharanpur Rules of 1855, prescribing what is known as the half assets rule. For the purpose of the settlement of the sixties the Administration made a collection of circular orders and rulings on settlement procedure, mostly those issued by the North-Western Provinces Government for the Saugor-Nerbudda territories and issued them with supplementary instructions to Settlement Officers in what was known as the Settlement Code of 1863. But this collection was neither precise, systematic nor complete. To it further instructions were added from time to time as the settlement proceeded and fresh problems requiring authoritative decision arose. Thus the most momentous departure in the revenue administration of the province was introduced by means of a proclamation, defined in executive instructions and given effect to by record in the Settlement Officers' proceedings, while the status of the absolute-occupancy tenant was created by the executive instructions known as Circular G of 1865 and enforced by a stipulation in the *wajib-ul-arz* executed by the newly recognized proprietor as a condition of his proprietorship. While these superior rights of proprietor, whether of a village or a plot, and of absolute-occupancy tenant depended on executive orders and had no foundation on statute, the inferior right of occupancy tenant, as it happened, though recorded only provisionally, rested on statutory law.

Settlement
Code, 1863,
App. VII.

78. In March 1864, the Bengal Act X of 1859, by section 6 of which a raiyat who cultivated or held land for a period of 12 years gained a right of occupancy in that land—a provision which coincided with existing practice prescribed by instructions issued under the proclamation of 1854—was extended to the Central Provinces, mainly, it would appear, with a view to providing a procedure for dealing with cases regarding tenant right. But the extension of this Act was a mere makeshift and was adopted only because some sort of Rent Act was needed. In fact, in view of the probability of an early change in the law in the direction of increasing the period qualifying a tenant for occupancy right, the record of this right, when based solely on the ground of 12 years' possession, was ordered to be made subject to any further alteration of the law enlarging the period required to give a title by prescription. This tentative arrangement, as has been mentioned above, gave rise to the terms

Nicholls,
Schedule VII,
p. 497.

“absolute” and “conditional” occupancy tenant, the former being a tenant recorded with occupancy right not subject to the condition referred to above, the latter being a tenant provisionally recorded as such under the Act of 1859, a purely temporary nomenclature that has been preserved by subsequent legislation, and also in the parlance of the people, among whom the terms *shartia*, that is, conditional, and *bila shartia maurusi* or *pukka maurusi*, that is, unconditional or permanent occupancy, are commonly used to indicate occupancy and absolute-occupancy tenants.

79. The statement of objects and reasons prepared at the time of the introduction of the Land Revenue Bill—leave to introduce this Bill and the Tenancy Bill having been obtained in May 1880—stated the position then prevailing as follows:—

“Throughout a considerable portion of the country there is little or no law regarding the settlement and the collection of revenue beyond what may be considered to be established by ancient usage. In some parts it is doubtful how far any written law applied; and elsewhere the only law is either the spirit of certain old Regulations of the General Code, or half-forgotten rules which owe their binding force to the Indian Councils Act.”

Sir C. Grant, in moving for leave to introduce the Land Revenue Bill, summed up the position in these words:—

Council proceedings of the 21st May 1880 and the Bill of July 1880.

“When by degrees a more settled system was introduced, the moderation of the land revenue assessment and the long habituation of the people to executive guidance for a time kept administrative jars and legal difficulties in the background. Of late years, however, the diffusion of legal knowledge and the increasing facility for obtaining legal advice had on some occasions placed the Government and the land-revenue payers at arm’s length, if not in actual collision; and although, by the exercise of some mutual forbearance, those cases had been compromised or otherwise settled, it was high time that the rights and liabilities to each other of the Government and the landholders should be clearly defined, and that land revenue administration should no longer proceed more or less in the dark.”

It was not in this case the familiar phenomenon of law and contract ousting the reign of custom, as economic and social conditions became more complex. A whole new system of land revenue administration and landholding, with little foundation in ancient custom and usage, had been raised on the basis of executive regulations and instructions, and the need for legislation became patent as soon as questions of the rights and liabilities of the Government, landholders and tenants arose. On the tenancy question there was the former ground of positive law—Act X of 1859—but as has been shown in a previous chapter, it was neither well adapted for the purpose of protecting tenants’ rights nor indeed had its extension to the Central Provinces been really intended to fulfil that purpose. Instructions for the preparations of bills to meet these wants were issued so far back as 1873, and the Land Revenue Bill and Tenancy Bill were brought before the Governor-General’s Legislative Council, the former “to provide for the assessment and collection of the land revenue and for the maintenance of the machinery required for those purposes,” while

the latter was "to complete the scheme of revenue administration by regulating the relations of landlords to tenants and the fund out of which the revenue was ultimately paid."

80. The Land Revenue Act was passed in June 1881. In the first place, to save the existing settlements made before the Act was passed, it was provided that they were to be taken as if they had been made under the Act, while all claims to proprietary right in land, which had been expressly decided to be invalid or inferior to the claims of others in whose favour an award had been made, were barred and no civil suit was allowed to re-open them. The Act further gave a legal basis for future settlements; it regulated the assessment and collection of the land revenue, the powers of Revenue Officers, the procedure of settlement, the preparation and maintenance of the record-of-rights, survey and village management. The Act of 1881, as amended in 1889 and 1898, remained in force till 1917, when an entirely new Act was passed in the local Legislative Council. By the Act of 1889 the revenue law was amended and added to in several important particulars. The exclusion from the application of the Act of the zamindaris scheduled under the Scheduled Districts Act (XIV of 1874) was withdrawn and all the zamindaris then became subject to the provisions of the Act. The law relating to *sir* or permanent home-farm land was modified, and provision was made for giving lessees or thekadars of villages protected status, if they had long possession or had founded or improved them. A procedure was laid down for a raiyatwari settlement of Government land on the general lines of the Bombay system, which had already been adopted in the villages settled in the raiyatwari method in the Chanda district. Provision was also made for regulating the partition of mahals. In 1898, among other matters, further amendments were made in the law of *sir* land, the protected status of thekadars and the partition of estates. Before considering the nature of the enactment effected in 1917, it will be convenient to follow the course of the tenancy legislation which complemented the land revenue legislation described above.

81. The first Tenancy Bill was brought forward in the Imperial Council in May 1880 at the same meeting as the Land Revenue Bill, but it did not become law till 1883. Sir C. Ilbert, in moving the consideration of the select committee's reports on the Bill, in order to show the peculiar circumstances which the legislation had to meet, reviewed the system of land tenure prevailing in the province previous to the British administration and that established by it. After showing how the creation of landlord and rent-paying tenant, in the English sense of the words, out of patel and revenue-paying cultivators, was a development of the British system of long-term settlements, he described how the class of absolute-occupancy tenants was created at the time of settlement as a result of the orders known as Circular G issued in 1865, while the second class of conditional occupancy tenants owed their rights to the 12-years possession rule of Act X of 1859.

"We found a body of cultivators," he said, "paying revenue to the State through their village headmen. Under, and for the purposes of, the revenue system which we introduced, we

Act XVIII of 1881.

Act XVI of 1889.

Act IX of 1883.

Council Proceedings of 20th June 1883.

Settlement Code, 1863 App. VII.

converted the headmen into proprietors or landlords, the cultivators into their tenants, and the payments made by the cultivators into rent. We took a man who had no motive but to make a fair apportionment of the State demand, and who, even after he became a contractor for, or a farmer of, that demand, did not conceive that he could reap a legitimate profit by enhancing the rents of the raiyat. We took this man and made him proprietor of the soil. We made the Government raiyats his tenants, and we gave him a legal power to raise his rents and at the same time a motive for exercising that power. Instead of using our utmost endeavours to squeeze out of him every penny which he could succeed in extracting by fair means or foul from the cultivator of the soil, we reduced his revenue assessments to such a level as left him a substantial margin of profit; and we secured him in the enjoyment of this margin for a long term of years. We saw indeed that the changes which we had introduced would tend to benefit the new proprietary class unduly at the expense of the cultivators, and we endeavoured to give the latter some kind of protection, partly by means of a law, which having been framed for a widely different set of conditions, was applied, as a temporary makeshift, to the Central Provinces, but mainly by means of stipulations and declarations inserted in the settlement records. But we always recognized the imperfect, provisional and transitory nature of the arrangements thus made."

"Under these circumstances there will be little dispute as to the necessity for legislation, or as to the main principles on which legislation should proceed. The necessity for legislation was recognized as long ago as 1873, when Mr. Jones, the Chief Commissioner, was entrusted with the duty of framing a suitable law for regulating the relation of landlord and tenant in the Central Provinces. And as to the principles of legislation, it is clear that we must not allow what was intended to be a boon to the immediate revenue-payers to be a curse to those from whom the revenue is ultimately derived. In giving the proprietary right to one class the Government neither intended nor had a right to injure the status of another and much larger class; and if it is found that the change which we have introduced has injured that status we are not only justified in devising, but bound to devise, measures for remedying that evil. Our object, then, should be to protect the tenant, so far as it is practicable to protect him by legislation, and the only question is what form that protection should take."

82. The Act passed in 1883 therefore defined the rights and liabilities of the existing classes of tenants, the absolute-occupancy tenant (in this case following closely the existing records of-rights), the (conditional) occupancy tenant, and the class previously known as tenants-at-will, but converted by the Act into ordinary tenants; and added a further class that of sub-tenants. Important questions of the transfer of holding, enhancement of rent, ejection of tenants, acquisition of tenant rights and improvements in holding were dealt with.

Council Pro-
ceedings of the
1st January
1897.

To deal particularly with the questions of the fixation of rent and the transferability of holdings—the absolute-occupancy tenant's rent was to be fixed by the Settlement Officer for the

period of settlement, while the rent of an occupancy tenant was to be fixed by him and could not thereafter be enhanced for ten years. The rent of an ordinary tenant on the other hand was left to be fixed between him and his landlord, but if he refused to accept an enhancement and the landlord had recourse to a Revenue Officer, the increased rent fixed by the latter would not be again raised within seven years. The absolute-occupancy tenant had the power to transfer his holding, subject to the landlord's right of pre-emption, while the power of the occupancy tenant to transfer his holding to any person other than one who would be an heir or was a co-sharer, was subject to the landlord's consent. The Act passed in 1883 was amended in a few particulars in 1889; among these changes, modifications affecting *sir* land necessitated by the simultaneous amendment of the Land Revenue Act were effected, the Act was extended to the scheduled districts, and a chapter was introduced dealing with village service tenants. Act XVII of 1889.

83. Further experience of the working of the Act since its amendment in 1889 showed the necessity for amendment in some matters of importance, notably in the matter of the fixation of tenant's rents. The rise in prices during the eighties and nineties led to a great enhancement of the rents of ordinary tenants in certain districts, particularly in Hoshangabad, and the experience of the second round of settlements, at which the Settlement Officer could only reduce an ordinary tenant's rent with the *malguzar's* consent, showed the necessity of a provision in the law empowering the Settlement Officer to fix *all* rents. This was provided in the Act of 1898, under which the Settlement Officer was empowered to fix rents authoritatively at the settlement. As the changes required were numerous, the Acts of 1883 and 1889 were repealed and a new Act was passed consolidating and amending the law on the subject; this Act, subject to small amendments made in the following year and in 1917, remained in force until 1920. Other important features of the new Act were the withdrawal of the power of transfer from occupancy and ordinary tenants, the reservation to proprietors of occupancy rights in *sir* land when they sold their proprietary rights and the further protection of sub-tenants. Act XI of 1898.
Act XVI of 1898.

84. In the Land Revenue Act, II of 1917, the substance of the Act of 1881, as amended, was followed, but the subject-matter re-arranged and redrafted on modern lines, and points on which doubts had been raised are cleared up. The provisions affecting settlement policy were amplified and systematized. Among these Chapter V, which deals with maps, records and boundaries, prescribes definitely what the record-of-rights prepared at settlement shall consist of. Chapter VI is concerned with settlement operations, and it marks an important development in that it gives much greater publicity to the starting of operations in a district, as it provides that the proposals for the resettlement shall be published for criticism. In connection with the village administration paper or *wajib-ul-arz*, the Settlement Officer is required to record arrangements and decide disputes among shareholders regarding the system of management of the village. Chapter XIII systematizes the law dealing with the assessment and settlement

of raiyatwari villages and the conditions on which survey numbers are allotted and held. In Chapter XIV, which contains miscellaneous provisions, are enumerated the rights and powers of the Government and its assignees over mines and quarries. Further details of the modifications of the law introduced by this Act are given in the introduction to it published in Volume I of the Land Revenue Manual.

85. By Act I of 1920 the tenancy law was completely re-enacted. The changes made in the law are described in full in the introduction to the Act published in Volume I of the Land Revenue Manual, but the more important may be mentioned here. The bill as introduced was modelled on the Act of 1898, and it was intended originally only to elucidate and settle points on which doubts and differences of opinion had arisen, but in the select committee it was decided to go much further. Complaints had often been made that the existing arrangement of the law made it difficult to follow, and it was therefore decided to recast the bill as introduced into the Council on clearer and more logical lines. The clauses were therefore extensively re-arranged. The other great change is also really more one of form than of substance. It has been shown above that in the early days before the regular settlements village sentiment held that so long as a cultivator paid the sum assessed on his land he should hold it from year to year. The exotic ideas, based on English notions of landlord and tenant, which were introduced at the first settlements, sought to create a class of tenants-at-will, and while the prescriptive quasi-rights of the cultivators of long standing were protected in one way or another, as described in the preceding chapters, new comers were left to settle the terms of their tenure of their land with their landlords. Even as early as the first Tenancy Act of 1883 it was recognized that this relationship was foreign to feelings of the people, and that Act converted the tenants-at-will into ordinary tenants with a defined status and protection from arbitrary ejection. Their position was strengthened in the Act of 1898, which gave the Settlement Officer power to fix all rents and consequently enabled him to reduce the rents of ordinary tenants which he deemed excessive. Gradually with the increasing value of land the malguzars realized that there were other ways of making money out of a village than by enhancing rents, the chief being the levying of premia or *nazarana* on the giving out of a land to a new tenant. This practice is dwelt on in all recent settlement reports, especially that of Nagpur. Moreover if rents were enhanced during the currency of a settlement, resettlement involved loss to the malguzars, whereas if rents were allowed to remain stagnant and the malguzars realized the benefits of rising prices in other ways, resettlement proved profitable to them. Hence the traditional sentiment of the cultivator that his payments should be enhanced only when the Government demand was raised, though at first frequently violated, came to prevail, and for many years it has been most unusual for malguzars to interfere with rents. In other ways too the status of ordinary tenants had gradually approximated to that of occupancy tenants, and it was therefore decided by the Select Committee to abolish the class of ordinary tenant and to convert all such into

occupancy tenants. This apparently radical change was effected with the full approval of the landlord class, and though many points in the Tenancy Bill were keenly debated in the Council, it is significant of the extent to which traditional ideas had prevailed over those imported by the framers of the land revenue system that no dissentient voice was raised against the proposed change.

86. Apart from the general enactments mentioned above, special legislation has been undertaken for the protection of aboriginal landowners and to secure their retention on the land. It was found that in parts of the province, particularly in the most backward tracts like Mandla, proprietors belonging to the simple and improvident aboriginal castes, who are at a great disadvantage in dealing with their creditors who are not infrequently moneylenders non-resident in the tract, were being rapidly dispossessed of their villages. A bill was presented in the local Legislative Council on the lines of similar legislation in other provinces and became the Central Provinces Land Alienation Act, II of 1916. The Act, which applies only to such areas and such castes as are specially notified, requires that the sanction of the Deputy Commissioner should be obtained to the permanent alienation of land by an aboriginal proprietor to a non-aboriginal and imposes certain restrictions on mortgages given by an aboriginal to a non-aboriginal.

Vide Statement of Objects and Reasons of the Central Provinces Land Alienation Bill.

CHAPTER IX.—SURVEY

87. The first settlement in the Central Provinces to be carried out with maps and records was that in which proprietary rights were granted. Under the system of summary settlements followed by the British administration up till that period, the need for an accurate survey and record of the various holdings of the various classes with interests in the land had not been felt. Under the Maratha administration the demand on each village, which in those days was not fixed by the assets of the villages but rather by the needs of the Government of the day, as described in Chapter II, was distributed over the cultivators on a rough and ready comparison of the capacity of their holdings, and so far as it was necessary for their area to be known for this purpose, the primitive measurement of seed capacity or the work it afforded to the plough sufficed. Under the Muhammadan rule which prevailed in Nimar and parts of Wardha and Nagpur districts, under Todar Mal's system, the assessment had been made by area, and the cultivated and cultivable area of each village was carefully appraised, and in the Zainabad pargana of the Nimar district at least it was actually measured. But till the regular settlement of the sixties there was no systematic survey, and although measurements were taken in the earlier British settlements, they were of a rough description and were used only as a guide. There was moreover strong local objection to surveys being made. Lieut.-Col. Smith, one of the first British administrators in Nimar, who served in the district in 1819, attempted to carry out the measurement of the land but found, when he began it, that it gave great offence and disturbed the minds of the people as militating against the prejudices the

Fuller, p. 17.

customs prevailing in the country. The destructive blights that occurred in the Nerbudda country about 1830 were attributed by the ignorant masses to the frequent measurement of the ground and inspection of fields for settlement purposes, which was looked upon, as we were told by Sir William Sleeman, as a kind of incest of the Great Mother. The following extract from the Settlement Report of the Saugor District in 1835 will serve to illustrate the position when the first long-term settlement was made:—

Saugor Settlement, 1835, p. 9.

“The measurement on record was made prior to the last settlement, and I have not undertaken another, because they (sic) are expensive, create much dissatisfaction amongst malguzars and cultivators, afford great room for speculation and oppression, and when performed by the instruments at my command, are crowded with errors and gross miscalculations. But erroneous as the last undoubtedly was, I have nevertheless found it of some use in a general comparison of villages with one another.”

Sleeman, pp. 13 and 194.

The difficulty of the task of mapping the holdings of a village and keeping abreast of the constant changes seemed insuperable, even to a progressive and far-seeing officer like Sir William Sleeman, whose remarks are worth quoting. He wrote some time before 1844, “Every holding becomes subdivided when the cultivating proprietor (*i.e.*, the cultivator or tenant in our words) dies and leaves more than one child.....

.....

Thus the field map which represents an estate one year will never represent it fairly five years after; in fact, we might almost as well attempt to map the waves of the ocean as field-map the face of any considerable area in any part of India.” What at that time seemed impossible has been done. Conditions have altered so as to make it less difficult and organization has sought to keep the work once accomplished as far as possible correct and up to date. In the North-Western Provinces since 1833, *i.e.*, before the time when the above extract was written, every settlement of the land revenue had been accompanied by the preparation of detailed village maps, showing each field, even the smallest a few yards square, with a separate number.

Nicholls, pp. 336 to 348.

88. When a settlement of such importance as that proclaimed in 1854, which involved the conferment of proprietary rights was taken in hand, it was essential that the areas and position of the villages and holdings involved in the grant of rights of ownership should be ascertained and recorded in the best manner practicable, and in the proclamation a survey of the whole country was ordered as a preliminary to the settlement enquiries. There was the model of the system established 20 years before in North-Western Provinces to follow.

Fuller, paragraph 26, p. 25.

The most that had been attempted previously was a rough measurement in order to ascertain field areas, and mapping had not been aspired to. For the proprietary right settlement, it was decided that every village was to be surveyed with the plane table and mapped in detail, and this survey was carried out between 1863 and 1868. A survey of village lands by professional

agency was effected almost *pari passu* with the cadastral survey by patwaris, but the two operations were conducted quite independently and the measurements were plotted on different scales, one being used merely as a check upon the other. The measurements were generally rough and inaccurate. A field-map, *i.e.*, a map showing each field in its proper position with a separate number, which it bore throughout the village records, and drawn to scale was prepared for every khalsa village, and in some districts for zamindari villages as well, and the areas were calculated from the map by means of the talc square. In the Saugor-Nerbudda districts and in Nimar, patwaris were in existence, and the survey was in the main effected through their agency and was on the whole fairly well done. It commenced two or three years before the Mutiny, but the operations were interrupted for several years, and most of the work had subsequently to be re-done. In the Nagpur and Chhattisgarh districts no regular patwari staff existed, and the survey had at the outset to be effected by amins imported from the North-Western Provinces. In these districts the work was as a rule of very inferior quality and the records as well as the maps have been found to contain very many gross errors. It was concluded in an extraordinarily short space of time, considering the enormous size of the area dealt with, and under these circumstances a certain amount of bad work was inevitable. The rapidity with which the work was pushed on may be judged of from the fact that the survey of the 5,000 square miles included in the khalsa portion of the Raipur district was effected in six years. A professional cadastral survey party would have considered it good work to complete this area in eight years.

89. In order to correct the rough measurements of the old survey and to replace the old village maps, which had not been kept up to date, complete resurvey and remapping were necessary for the twenty years settlements of the nineties. The survey was effected on an improved system. It consisted of two distinct processes—

- (1) A preliminary traverse survey conducted by professional agency.
- (2) The filling in of field details by the local patwari staff.

Under this system, as at the previous settlement, the village lands were surveyed professionally as well as by the local patwaris, but with this important difference that the professional survey formed the basis of the local field survey, instead of being conducted independently and being merely used as a check. The work of the professional surveyors was confined to traversing, that is, to the determination of fixed points at convenient positions on the village boundary and where necessary within the village area by means of the theodolite and chain, and it did not extend to a field-to-field survey. The traverse was run round each village with stations about 30 chains apart, and if the village was a large one, it was supplemented by one or more sub-traverses running across the village lands. The boundary of each village was thus determined by a number of fixed points, the distances of which from each other were accurately measured, and the local survey was connected with the triangulation of the Grand Trigonometrical Survey. The survey data, in the

Page viii, Introduction to Settlement Code, 1891.

way of angles and linear measurements thus obtained, were recorded accurately and fully in a field-book, and from them traverse plots on the scale of 16' to the mile were prepared, thus providing a skeleton map of each village, showing the position of a series of theodolite stations lying round or within the village boundary. From the data recorded in the field-book, given as a starting point any one of the fixed stations of the traverse, the other stations can be rapidly picked up. This is important for the maintenance or re-demarcation of village boundaries, especially where the boundary is an inter-state one and disputes concerning it may arise, in the course of which some of the marks over the fixed points may be removed, and for this reason close attention is paid to the upkeep of the marks (known as *chandas* and *munaras*) erected over such traverse points, and particularly to the points at the trijunction of these village boundaries (called *chabutras* or *tigaddas*).

The detailed plotting.

The local agency employed to fill in interior details on these traverse plots was that of the village patwaris, used not as a general district staff, but each man for the survey of the villages in his own circle, and a large staff of these village officials was organized for the purpose. This system, while it may have increased the difficulty of supervision, offered very great advantages in utilizing to the full the local knowledge of the patwari, and in fixing responsibility for bad work, as the patwari was always at hand to answer for errors at whatever time they might be discovered. The traverse maps were made over to the patwaris, who, by chaining from one station to another and across from line to line, plotted in the details of the actual village and field boundaries. The method of survey was precisely that of the professional cadastral survey adopted a few years before in the North-Western Provinces, but instead of the whole of the work—plotting as well as traversing—being performed by professional agency, it was divided into two operations, one of which—that performed with the theodolite and chain and requiring accurate angulation—was carried out by professional surveyors, while the other—the field plotting, which is comparatively simple—was effected by the patwaris. It is claimed for this system that it is exceedingly economical, and that it is at the same time accurate. As the work of the patwaris is confined within the traverse lines laid down by the professional surveyor, errors affecting the village total area are almost impossible, and as the effect of the sub-traverses is to sub-divide the village off into sections, an error, should one occur, is localized and does not affect the whole of the subsequent plotting. The method in which the important process of area calculation is effected is that followed in professional cadastral survey, *i.e.*, areas are calculated mechanically from the maps by the planimeter and acre comb, instead of by the more clumsy fashion of mensuration as had been the practice in previous surveys. In addition to preparing the map the duty was imposed on the patwari of keeping it up to date by recording the annual changes, but experience has shown that the ideal of the maps always being correct has not been attained. The task is not an easy one and demands not only carefully work but close supervision, for even in most settled district changes are constantly occurring. Steps are now being taken to improve the system of maintenance.

In the less settled portions of the zamindaris, where cultivation was very fluctuating, such elaborate survey was impossible and was not attempted. In some places even the traverse was left undone and in others there was a traverse but no internal survey or only a very rough one. In this general introduction it is however unnecessary to go into details of the procedure followed.

CHAPTER X.—PROCEDURE

90. The procedure adopted by the Maratha Government for settling the land revenue has been explained already, and it will suffice here to recall that the assessment was made annually and that its amount was fixed in the first place for the pargana and then distributed amongst the villages by the pargana officer or *kamavishdar*, in consultation with the village patels, who were responsible for apportioning the village demand among the raiyats, the share of responsibility assigned to the latter being based on a rough estimate of the capacity of their holdings. The Muhammadan system, on the other hand, which had prevailed in a limited portion of the province, though overwhelmed by the Maratha practice, did appraise the area and capacity of each village and imposed fixed area rates, which were supposed to represent the value of one-third of the produce. An account has already been given of what was done in the British settlements in the Saugor-Nerbudda country in the way of a field-to-field survey, and the standards laid down from time to time for the percentage of assets to be taken as revenue and for the duration of the settlements have been explained. The manner in which the Settlement Officer's responsibilities in the task of actual assessment of the land revenue demand and in the important duty of recording the rights of the parties with whom the settlement was made or who were interested in the settlement were discharged at the various settlements has now to be examined. The earlier short-term settlements were of a summary nature, and the revenue demand was fixed on general considerations. The methods adopted at the first quinquennial settlement of the Saugor District were probably typical of those all over the early ceded districts and they may be described in the words of Mr. Fraser, Settlement Officer in 1835. "Coming to a recently ceded territory, which had been thrown into a state of the greatest disorder and confusion, the regulation of its assessment was necessarily an undertaking of the most arduous description.....The two first Settlement Officers made every enquiry in their power to enable them to act upon the safest ground. The information collected from other sources was nevertheless extremely suspicious and unsatisfactory, and in the end impressed with the belief in the superior value of the records of Maratha collections, they were mainly guided by the accounts for the last 10 years of their administration, and as they unfortunately referred most commonly to those years in which the collections were highest, their labours terminated in an excessive demand." Great contrasts in the fertility of the lands in different tracts and villages, the necessity for the equalization of rents and economic considerations arising out of the restoration of peace and order were not attended to, and marked fluctuations

Saugor Settlement Report, 1830, p. 4, paragraph 15.

of prices during the early years of the British administration made the position more difficult than it had been under the Maratha rule, while the change from a one-year to a five-year term of settlement made it all the more necessary to make allowance for varying circumstances. The second quinquennial settlement was no more adapted to the special circumstances of the country at a time when the restoration of the prosperity of patels and cultivators alike depended on lenient and easy rates of assessment, and the Settlement Officer, "who was remarkably sanguine in his expectations of revenue, acted upon the rule of accepting the highest offer given in for a village," and his demands were everywhere too high. The complete breakdown of the assessment obtained by such methods, which had resulted in the demand being fixed higher than could be realized one year with another or indeed during a succession of favourable years, is described in the extract from Mr. R. M. Bird's report of 1934-35 quoted in Chapter III above. At the 20 years settlement, which was begun shortly afterwards, more liberal and enlightened methods were introduced, and systematic efforts were made to arrive at the fair and equal assessment prescribed in the rules drawn up for the settlement. The procedure adopted was summary. The Settlement Officer of Saugor, whose report of that time has already been quoted, described his own method thus:—

Paragraph
supra. 29.

"My principal guide at this settlement has been personal observation, on successive visits, of the situation, condition, and circumstances of the different villages and their inhabitants, and a careful examination of the numerous changes of occupancy which have occurred in the lists of malguzars; and my anxiety to reduce our demands to a moderate and appropriate scale has led me from time to time to review and reconsider all my settlements."

The Settlement Officer, in accordance with these methods, examined the previous history and circumstances of the tract and made a close study pargana by pargana of the principal crops and their prices, appropriation of villages and dispossession of malguzars, the statistics of the previous demand and collection of the land revenue. The villages were assessed either collectively in taluqs or separately and individually, the latter being the usual procedure.

Fraser, p. 50,
para. 3.

The method of assessment adopted in Nimar at the revision of settlement in 1847 may be briefly noticed. The operations included the measurement of the land, without however the preparation of maps, the dimensions of each field being entered in a khasra or field book and its area roughly calculated from them. Its rent was then revised by a panchayat under the superintendence of a Deputy Collector. The result, on the whole, was a small increase in the rental amounting to two per cent, but the revenue demand was considerably reduced owing to the reduction of the share of asset which was taken by the Government.

91. For the settlement of the sixties, which was to confer proprietary rights in land, it was essential that clear directions should be given regarding the responsibilities of Settlement

Nicholls,
346.

Officers. The directions are contained in the proclamation of 1854, and have already been quoted in Chapter III above, but may be reproduced again here for convenience sake.

"Previous to the new settlement a survey of the whole country will take place and each person's possession and length of time of possession will be enquired into and recorded.

"The extent of cultivation, the nature of crops and of cultivation, the nature and capability of the soil, the extent of and fit for cultivation but not yet cultivated, the extent of jungle and unculturable land, the number of inhabitants, cultivators and non-cultivators, the number of wells, tanks, ploughs, etc., etc., will all be enquired into and recorded.

"The Settlement Officer will then fix what he thinks to be a fair jama with reference to the cultivated and culturable land and, after this has been done, he will confer the zamindari right upon such person or persons as he may believe to have the best claims to such, agreeably to orders and rules sent to him for his guidance."

Similarly the recognition of absolute and conditional occupancy tenant right during the course of the settlement imposed on the Settlement Officer the responsibility of careful investigation and record of those properly entitled to these rights. The work of the Settlement Officer at the settlement, besides the survey which has already been dealt with, and a full investigation of the circumstances of the tract, included an enquiry into the facts and rights of possession, the settlement of claims to proprietary right and tenant rights, the preparation of a record-of-rights and the assessment of the land revenue. In respect of the duties attaching to the verification and record-of-rights, he exercised functions of a judicial nature: he had in fact in conferring proprietary rights to effect what had been done largely either by legislation or by judicial enquiry in other provinces. The results of his decisions were embodied in the record-of-right which he prepared. He was guided by the general instructions laid down in the compilation known as the Settlement Code of 1863 and the circulars added thereto. He had also to frame an administration paper, or *wajib-ul-arz*, setting forth accurately the liabilities of the various parties interested in each village.

He had also to settle the assessment of the land revenue, and it is necessary to indicate the various considerations used as guides by Settlement Officers in fixing the revised revenue. The Settlement Code of 1863 did not contain instructions on the principles on which or the methods by which the assessment of the land revenue was to be determined. Certain guides, however, were prescribed by executive orders, which were as follows:—

- (1) The soil-rate rent or revenue.
- (2) Plough revenue.
- (3) The produce revenue.
- (4) The average incidence of revenue per cultivated acre.
- (5) The existing assets as returned by the patwaris.
- (6) The supposed or corrected assets.
- (7) The present revenue.

Most officers placed most reliance on the three last mentioned guides.

The "soil-rate rent of revenue" was obtained by multiplying the cultivated area under each soil in a village by a rent-rate or revenue-rate which was assumed to represent its real annual rental or revenue value. The scale of soil rates varied a great deal in different villages, and as a rule the first step towards this calculation was to throw the villages into groups, or *chaks*, for each of which a different scale of rates was adopted.

The "plough revenue" was obtained by multiplying the number of ploughs in a village by a figure which was supposed to represent the average annual rental payable by a plough, and taking half of the result to represent the revenue. The multiplier was as a rule obtained merely by dividing the rental of the *chak* by the number of ploughs in it. It worked therefore by applying to a particular set of circumstances an average which was partly based on that set of circumstances and was therefore to some extent a case of arguing in a circle. So far too as the "soil-rates" were derived from averages of existing rents (as in most cases they professedly were), their use is open to the same criticism.

The "produce revenue" was the revenue obtained by taking a share of the annual village produce as calculated from the area under each crop and its average outturn and value.

The "average incidence of the revenue" was used to compare the village with the *chak* as a whole. The revenue proposed for the *chak* was divided by the total cultivated area of the *chak*, and the same process was gone through in the case of each village in the *chak* and the results compared. The guide was a very rough one.

It will be noticed that the use of the two last guides implies the framing of a revenue for the *chak* before the framing of a revenue for the village; in fact, it involved assessment on the Maratha system of from aggregate to detail.

The "existing assets" were the assets as shown in the village papers of the time, and the "supposed or corrected assets" were the assets obtained by examining the village papers and raising the rent recorded against the *malguzar's* home-farm or any privileged tenants to a figure justified by competition rents paid in the village.

The "assets" on which the assessment was to be based were to be the "real assets" and not merely the "existing assets," or, in other words, a village was to be assessed according to the rent which the proprietor ought to receive, if the tenants paid up to the full letting value of their land. It is obvious that an assessment on this assumption would justify in many cases a considerable increase in existing rents, and it was accordingly provided that, as soon as an assessment was announced, operations should be undertaken for facilitating the "re-adjustment of rents". An authoritative enhancement of rents by the Settlement Department was not permitted, and it was expressly laid down that "rents must be left to adjust themselves". The new assessment was announced to the *malguzars* and *raiya*s, and they were then directed to settle amongst themselves the rental enhancements which could be fairly made, and when they had come to a decision the revised rents were recorded by the Settlement Officer. As a

rule very little resulted from this procedure, and the enhancement of rents which ensued was usually inconsiderable. It should be noted, however, that this was probably in many cases due to the matter having received small attention. It was left almost entirely to subordinates and was frequently not carried out till after the officer who made the settlement had left the district. This may be partly accounted for by the fact that over a large area of the provinces the re-assessment resulted in a decrease of revenue, and under these circumstances there seemed no very strong reason for assisting the malguzars to increase their rental.

The use which was made of the guides was very unequal, some Settlement Officers religiously using each in turn for a justification of their proposals, whilst others openly rejected most of them as absolutely useless.

The results of this general investigation into the condition of the district and the measures taken by the Settlement Officer in dealing with his various duties were presented in full in his final report on the settlement.

92. Before the settlements concluded in 1863 and the following years were revised, important changes were made in the principles of assessment. Assets being more strictly defined, a system of fixing their amount was devised based on inductive and deductive methods and depending ultimately on the detailed classification of land according to the capacity of the soil. The system was described in full in the Introduction to the Settlement Code of 1891, from which the following passage is taken :—

“In considering the system on which the land revenue is assessed, it will be convenient to omit raiyatwari villages from account at the outset. Malguzari, zamindari and muafi villages are assessed by the determination of a lump sum for each village or separately partitioned portion of a village (mahal), for the payment of which the proprietors of such village or mahal are jointly and severally responsible. The assessment is then by villages (mauzas), or mahals, and not by plots, whether arbitrarily determined or representing actual fields, save in the case of malik-makbuza holdings, each of which bears a separate assessment, calculated independently of the assessment of the village in which it is situated. The sum which is fixed as the revenue payable by each village or mahal is calculated by reference to the assets of such village or mahal. The “assets” include—

System of assessment.

- (1) the rent actually payable by raiyats;
- (2) the fair rental value of the demesne (*sir* and *khudkasht*) lands, and of lands held by service tenants or dependants of the landlord;
- (3) the income derived from the village waste and such miscellaneous sources as tanks or fisheries (this head of assets is known as *siwai*).

The “assets”.

“So far as the most important head of income is concerned—the cash rental—the term ‘assets’ as now used includes merely the landlord’s actual rent receipts, and does not mean (as was formerly the case) a fair rental value of the land held by raiyats, irrespective of the rental actually payable, in cases where the rental actually payable fell short of a fair rental value by reason of the raiyat holding at less than a fair rent.

Rent enhance-
ment—the con-
siderations on
which it rests.

“In other words, if the rental of a village is too low, the assessing officer must raise it to a proper figure by enhancement in detail before he can take such proper figure as the ‘rental assets’ for the purpose of his assessment. The payments of malik-makbuzas and of absolute-occupancy tenants have remained practically unchanged since the former settlement, and the large rise in prices, which has since taken place, has justified the imposition on them of a very substantial enhancement. The rents of occupancy tenants have, speaking generally, risen by much less than the full amount justifiable, and their rental also may fairly be raised. These three classes occupy 63 per cent of the total area held by raiyats, and the question of rent enhancement has been therefore one of very great importance.

Inductive
arguments for
enhancement.

“In determining what is a fair rent for land of certain quality in given village, two sets of considerations are brought into play, some arrived at inductively, being based on a careful examination of the rents paid by different classes of tenants over a large tract of country, and others obtained by deductive reasoning, as, for instance, by contrasting the enhancement in rent-rate justified by the rise in prices with the rise which has actually occurred, as shown by the average incidence of rent per acre at the former settlement and at present. So far as the arguments are inductive, they obviously rest on comparison; the extent to which a given rent can be raised is inferred by comparing it with a number of other rents, and the argument is safe only when the comparison is a true one. The ordinary method of contrasting the pressure of different rents is by comparing the rate per acre at which they fall on the land, but this is obviously only trustworthy when the different parcels of land are of precisely similar value. It very rarely happens that this is the case, and hence acreage rates are seldom of use except where they concern considerable tracts of country over which differences in individual holdings would cancel out. The superficial extent of land is only one of the numerous qualities which produces its value. The depth and quality of its soil and its situation are also matters for primary consideration, and any comparison which neglected them must be fallacious. The instrument which is used to bring into account depth, quality and situation of soil as well as area is the ‘soil-unit’, a term combining all the qualities on which the productiveness of land depends. It would be possible to define a soil-unit as a given quantity of soil of a certain quality, or as an area yielding a certain amount of net produce, as for an instance 100 lbs. of wheat. But as the soil-unit is only used to express a relation, it is needless to attach to it any absolute value of its own. It suffices to assume that an acre of a given class of soil contains a certain arbitrary number of soil-units, and then to state the relative value of other classes in terms of the number of soil-units they contain per acre, when compared with the class adopted as the standard or starting point. Thus if the productive value of an acre of each of three soils A, B and C is as 3 : 2 : 1, and B is taken as the starting point, the precise number of soil-units assumed to exist in an acre of B may be stated at any figure so long as the number of units in A is put at 50 per cent more, and those in C at 50 per cent less. If, for instance, the number of soil-units

The “soil-
unit system”.

in an acre of soil B is taken as 32, the number in an acre of soil A will be 48, and that in an acre of soil C will be 16.

“The first step in working the system is to ascertain the various classes of land occurring in the districts. Land is classed (1) according to its agricultural capacity (*e.g.*, rice land, wheat land, etc.); (2) according to its natural soil, and (3) according to qualities in position, lie of surface, irrigability and so forth, which affect it advantageously or the reverse. Very great care is taken to ensure that the land classing is effected as accurately as possible the record being checked several times by independent agency. The next step is to determine the relative value of each class expressed in the number of soil-units per acre. This is no doubt a task of great complexity and difficulty. Much may be learnt from the people, who however unwilling to give information regarding the absolute value of the land have no such hesitation in stating the value of a given plot in relation to that of another plot, as for instance that one is one and a half times as much as the other. The result of enquiries is carefully checked by numerous crop experiments effected to throw light on the net produce of the various land classes. Rents are paid in lump sums for holdings, which are usually very heterogeneous, and include a number of different soils. Rent analysis and comparison therefore can give but little assistance. A scale of factors having been framed showing the number of soil-units per acre of each land class when compared with other classes, the number of soil-units in each holding or village is calculated by multiplying the area of each soil class by the factor of the class. Thus, for instance, 150 acres of land fall into three soil classes, the factors for which are 32 for A, 16 for B and 4 for C, the areas being respectively, 50, 75 and 25 acres, the number of soil-units will be—

A	50 × 32 =	1,600
B	75 × 16 =	1,200
C	25 × 4 =	100
Total ..		2,900

“If the existing rental payment was Rs. 275, its incidence per soil-unit would be Rs. $\frac{275}{2,900} = 1.5$ anna. Were the soil classes differently distributed and the number of soil-units less, what would seem *prima facie* to be a lower rent might in reality press much more heavily. If, for instance, the rent was only Rs. 225 instead of Rs. 275 and the classification was—

A	25 × 32 =	800
B	50 × 16 =	800
C	75 × 4 =	300
Total ..		1,900

the incidence per soil-unit would be Rs. $\frac{225}{1,900} =$ (nearly) 2 annas per acre, and the rent would be much the heavier of the two.

Land classing.

Soil factors.

Calculation of soil-units.

The unit as a standard of rental incidence or pressure.

“A chain of unit incidences worked out in this way for a number of villages would show that some were paying much heavier than others. Amongst the causes which have produced these inequalities are inequality in previous revenue assessment, differences in the status of raiyats affecting their liability to rent enhancement at the malguzar’s pleasure, and what is the most important of all—differences in the treatment of the tenants by the malguzar, arising from the character of their personal relations. If careful enquiry shows that there are no substantial reasons for the inequalities thus discovered in rental pressure, there would be good ground for the enhancement of the lower payments.

Deductive arguments for rent enhancement.

“Coming now to the second class of arguments used in rent enhancement, those obtained deductively from considerations based on the rise in prices, let it be supposed that prices would justify an enhancement of 33 per cent on rents paid at the former settlement, whereas a comparison of the rental paid then and now, effected by contrasting the rate per acre in cultivation at both periods, shows that the rents considered in the aggregate, have risen by 10 per cent only a further enhancement of 23 per cent on the original rental, or of 20 per cent on the rental as it stands enhanced at present, is justified. The “soil-unit” system offers a means of distributing this enhancement equitably, and with due reference to inequalities of pressure. The average incidence is calculated for all villages taken together, and amounts to, say, 1.5 anna. A 20 per cent enhancement raises this to 1.8 anna, and this figure is taken as a guide in fixing the unit-rates adopted for calculating the revised rental of the different villages.

Use of the soil-unit here as a means of distributing an aggregate enhancement.

“In the hands of inductive reasoning, the system is then an instrument for arriving at the amount of an enhancement; it serves also as a means for fairly distributing an enhancement arrived at by deductive reasoning, as it reduces every raiyat’s holding to, so to speak, a common denominator. This distribution can be easily effected by the multiplication of the sanctioned unit-rate into the number of units which each holding contains. The same result will be obtained by the use of a scale of acreage rates framed by multiplying the factors by the sanctioned unit-rates.

Rates for the village not for the group.

“A very important feature in the system is that each village is considered separately and is rated, not as falling into a group or class, but with reference to its particular circumstances. In other words the rates are *village* rates and not *group* or *pargana* rates, the rate framed for the group being used as a general guide and nothing more. The assessing officer is able to take into practical account the differences in the value of land which are so often found to exist between adjacent villages, and can moreover so shape his rate as to avoid the imposition of an unduly heavy *per saltum* enhancement, however well justified by other circumstances. As a general rule, a single rate is adopted for all the lands in a village, whether cultivated by raiyats or the landlord, but in cases where to avoid a very large enhancement of rents a lower rate is adopted than would otherwise be warranted, a separate rate may be used for the valuation of the landlord’s demesne.

“The village rate is used for the calculation of a revised rent for each holding in detail, but the rent so obtained is not adopted without further examination. Remissions are allowed on improvements raising the class of land, which have been made since the last preceding settlement, and on land under resting fallow. The existing rental is further taken into careful account, and a remission granted where the exaction of the full revised rent would impose an undesirably large enhancement. The officer giving out the revised rents has also discretionary powers to modify their amounts on good cause shown, subject to the condition that the total revised rental of the village stands as sanctioned. It may safely be assumed that a total, arrived at by the detailed calculations and under the safeguards used, is fair for the village as a whole, and that any errors in its distribution should cancel one another; as a matter of fact however, changes are very rarely called for at the time of announcement.

Modification of rents given by village rate before final acceptance.

“The addition of the average *siwai* income to the result of these rental calculations produces the total village assets on which the Government revenue assessment is based.”

93. Though, as time has gone on and experience accumulated, many modifications of detail have been introduced and continue to be introduced in settlement procedure, especially in the more backward tracts, where many simplifications have been adopted, the fundamental principles remain the same. In a word, the Settlement Officer's object is to obtain a basis of comparison by reducing all land to a common denominator and to adjust and revise all payments of rent and revenue in the light of the statistics so obtained and his personal knowledge gained in detailed village to village inspection. The present day procedure is set forth in full in the Settlement Instructions issued between 1917 and 1920.

Summary of method followed in assessment.

GLOSSARY OF VERNACULAR TERMS

<i>Ain</i>	..	The relative value given to a <i>chal</i> (q. v.) field in the Maratha system assessment.
<i>Amil</i>	..	A revenue official.
<i>Amin</i>	..	Subordinate survey official.
<i>Asami</i>	..	Cultivator.
<i>At</i>	..	Unembanked rice land in Sambalpur.
<i>Awal</i>	..	Lit. first, first class soil.
<i>Bewar</i> or <i>Dahia</i> cultivation.	..	A form of shifting cultivation practised by aboriginal tribes by burning down forest growth and sowing seed in the ashes.
<i>Bhogra</i>	..	Used in Sambalpur as the equivalent of <i>sir</i> (q. v.)
<i>Bigah</i>	..	A unit of area, less than an acre.
<i>Bila shartia maurusi</i>	..	Vide <i>Maurusi</i> .
<i>Chabutra</i>	..	A survey mark at the meeting place of three villages.
<i>Chak</i>	..	A group of villages for settlement purposes.
<i>Chal</i>	..	Land to which under the Maratha system of assessment no fixed rental was assigned. Each <i>chal</i> field was given a relative value (<i>ain</i>) and bore a corresponding proportion of the assessment fixed on the whole <i>chal</i> area—vide <i>ain</i> and <i>dhara</i> .
<i>Chanda</i>	..	A survey mark.
<i>Dahia</i>	..	Vide <i>Bewar</i> .
<i>Dak</i>	..	Post.
<i>Dastak</i>	..	A writ.
<i>Dhara</i>	..	Rate of revenue assessment on each unit of <i>ain</i> (q. v.)
<i>Doamli</i>	..	Lit. under dual control, the tract of country acquired from the Nizam's dominions by the Marathas.
<i>Do chanda</i>	..	Lit. two fold, term applied to the area of waste included in villages, approximately double the cultivated area.
<i>Doyam</i>	..	Lit. second, second class soil.
<i>Dupasi</i>	..	Corrupted from <i>do biswi</i> , 2-20ths, the amount of profits left to village lessees under the Maratha revenue system.

<i>Elakadar</i> or <i>Ilakadar</i>	..	The holder of a tract of territory.
<i>Gaontia</i>	..	Village headman in the Chhattisgarh plain.
<i>Havildar</i>	..	Subordinate Maratha revenue official.
<i>Istiamalc</i>	..	Formal engagement for the revenue of the year under the Maratha system.
<i>Jagir</i>	..	An estate of greater or smaller extent held on favourable terms as to the payment of land revenue and usually with such incidents of tenure as impartibility and primogeniture.
<i>Jagirdar</i>	..	The holder of a <i>jagir</i> (q. v.)
<i>Jama</i>	..	Assessment.
<i>Jamabandi</i>	..	Rent-roll.
<i>Jamadar</i>	..	Name given in Nimar for the long-established cultivator called <i>kadim kashtkar</i> and <i>kadim jotdar</i> (q. v.) elsewhere.
<i>Jhil</i>	..	Low-lying rice land retentive of moisture, also a pond for irrigation.
<i>Kabuliyat</i>	..	Acceptance of responsibility for the payment of land revenue.
<i>Kadim Jotdar</i>	..	Term used in the south of the province corresponding to <i>kadim kashtkar</i> in the north.
<i>Kadim kashtkar</i>	..	A cultivator who at the first round of regular settlements was considered to have strong enough prescriptive rights based on long possession to justify his being protected against arbitrary enhancement or ejection by the <i>malguzar</i> or to proprietary rights as a <i>malik-makbuza</i> (q. v.)
<i>Kamavishdar</i>	..	Maratha <i>pargana</i> (q. v.) officer.
<i>Kamil-jama</i>	..	Full revenue assessment.
<i>Karkun</i>	..	Clerk.
<i>Kisan</i>	..	Cultivator.
<i>Kotwar, Kotwal</i>	..	Village watchman.
<i>Kanisht</i>	..	Soil of inferior class.
<i>Lagwan</i>	..	Record of the engagements made each year between the <i>patels</i> and the <i>raiya</i> s.
<i>Lakhabatta</i>	..	Periodical re-distribution of land in the Chhattisgarh plain.
<i>Lambardar</i>	..	Representative of the proprietary body in its relations with the Government.
<i>Mahajan</i>	..	Money-lender.
<i>Mahal</i>	..	Unit of revenue assessment.
<i>Malguzar</i>	..	Farmer of revenue in pre-British days converted at the first regular settlement into a proprietor.

<i>Malguzari</i>	..	Pertaining to a malguzar (q. v.).
<i>Malik-Makbuza</i>	..	Plot proprietor.
<i>Makta</i>	..	In the southern districts a village which is held partly free of revenue.
<i>Maurusi Kashtkar</i>	..	Occupancy tenant. (<i>Shartia maurusi</i> —conditional occupancy; <i>Bila shartia</i> or <i>pukka maurusi</i> —absolute occupancy).
<i>Mauza</i>	..	Village.
<i>Mauzawār</i>	..	By villages.
<i>Mokasa</i>	..	The revenue-free grant of tract of land to a relative of the superior holder.
<i>Mora</i>	..	The unit of distribution in <i>lakhabatta</i> .
<i>Muafi</i>	..	An area of land held revenue free.
<i>Munara</i>	..	A survey mark.
<i>Mukaddam</i>	..	The executive headman of a village, usually the proprietor or one of the proprietary body.
<i>Mukaddami</i>	..	Pertaining to the <i>mukaddam</i> (q. v.), obsolete term for land cultivated by village headman.
<i>Nazrana</i>	..	Fine or premium on renewal of a lease.
<i>Panchayat</i>	..	A committee.
<i>Pandhari</i>	..	A tax on non-agriculturists formerly levied in villages.
<i>Pargana</i>	..	Administrative unit of the Maratha system.
<i>Patel</i>	..	Village headman.
<i>Patelki</i>	..	Office of <i>patel</i> (q. v), also an obsolete term for land cultivated by a patel.
<i>Patti</i>	..	Additional cesses imposed by the Marathas in the Nimar district.
<i>Patwari</i>	..	Village accountant.
<i>Pukka Maurusi</i>	..	Vide <i>Maurusi</i> .
<i>Raiyat</i>	..	Lit. subject; formerly used as synonymous with cultivator, but now a person paying land revenue direct to the Government in a Government-owned village.
<i>Raiyatwari</i>	..	Pertaining to the system of land tenure in which the cultivators pay the assessment direct to the Government and not to a landlord.
<i>Sadar</i>	..	Principal, chief.
<i>Sardeshmukhi</i>	..	A 10 per cent enhancement on the Muhammadan assessment in Nimar imposed by Marathas.
<i>Shartia Maurusi</i>	..	Vide <i>Maurusi</i> .
<i>Sir</i>	..	Permanent home-farm land.
<i>Siwai</i>	..	Assessment made on miscellaneous income as from forest, fisheries, etc.

<i>Takoli</i>	..	A lenient assessment, usually a low fraction of the <i>kamil-jama</i> (q. v.), imposed on jagirs and zamindaris.
<i>Taluq</i>	..	Used chiefly in the north of the province as equivalent to <i>jagir</i> .
<i>Taluqdari</i>	..	Pertaining to a <i>taluu</i> , also a large estate consisting of a taluq.
<i>Tankha</i>	..	Under the Muhammadan system the cultivable area of a village multiplied by the area rate.
<i>Tankhabandi</i>	..	The assessment basis of the Muhammadan revenue system in the Nimar district.
<i>Thekedar</i>	..	Lit. contractor, a lessee of a village.
<i>Thok</i>	..	Certain area of village lands let on fixed money rent under the Maratha system of <i>chal</i> .
<i>Tigadda</i>	..	A survey mark at the meeting place of three villages.
<i>Tukum</i>	..	A special form of land revenue grant in the south of the province given in recognition of the construction of a tank for irrigating rice.
<i>Ubari</i>	..	A revenue-free grant in the north of the province.
<i>Wajib-ul-arz</i>	..	Village administration paper, containing a record of village customs.
<i>Watan</i>	..	A hereditary right to an office.
<i>Zamindar</i>	..	The holder of a large estate or jagir (q. v.).
<i>Zamindari</i>	..	The estate of a <i>zamindar</i> (q. v.) or pertaining to a zamindar, also used in the correspondence of N.-W. P. Government as equivalent of <i>malguzari</i> (q. v.).

OUT LINE MAP of the CENTRAL PROVINCES

Coloured according to the date and method of their acquisition
by the British Government.
Scale 1 Inch = 80 Miles.



EXPLANATION

- | | |
|--|---|
| <p>1 Sovereignty acquired in 1818 by cession from Appaji Bhonsla</p> <p>2 Sovereignty acquired in 1818 by cession from Sindhia</p> <p>3 Sovereignty acquired from Peshwa in 1818</p> <p>4 Management made over by Sindhia in 1820-25; Sovereignty acquired in 1860</p> <p>5 Management made over by Sindhia in 1844; Sovereignty acquired in 1880</p> <p>6 Sovereignty acquired in 1860 from Sindhia by treaty</p> | <p>7 Confiscated for rebellion in 1857</p> <p>8 Acquired by transfer from Bundelkhand</p> <p>9 Escheated in 1849</p> <p>10 Escheated in 1854</p> <p>11 Obtained from the Nizam in exchange in 1860</p> <p>12 Transferred from Bengal in 1905</p> <p>13 Transferred to Bengal (now in Bihar & Orissa in 1905)</p> <p>14 Transferred to Madras in 1874 & 1909</p> |
|--|---|

Note:—The tracts left uncoloured are Feudatory Chiefships.