



Rajasthan - Madhya Bharat

Jagir Enquiry
Committee,

1949

Report

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REPORT

OF

THE RAJASTHAN-MADHYA
BHARAT JAGIR ENQUIRY
COMMITTEE



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CONTENTS

CHAPTER		PAGES
I	Preliminary	1—2
II	Historical Background	3—9
III	Jagirs in general	10—13
IV	Rajput Clan organisation	14—17
V	Jagir Tenures	18—24
VI	General description : Statistical and other data regarding Jagirs	25—30
VII	Zamindari Tenure	31—33
VIII	Land Records, Survey and Settlement	34—37
IX	Tenancy Rights	38—42
X	Future of Jagirs	43—45
XI	Abolition of Jagirs	46—52
XII	Abolition of Zamindari rights	53—56
XIII	Recommendations relating to Land Tenures, Land Records and Settlement	57—59
XIV	Certain interim recommendations relating to Rajasthan	60—61
XV	Summary of Recommendations and Conclusions	62—63
	Appendices	64—84

CHAPTER I.—PRELIMINARY

1. The Government of India, by their resolution No. 4 (61)-P/49 of August 20, 1949, the text of which is reproduced in Appendix A, constituted a Committee to examine and report on the Jagirdari and land tenure systems of Rajasthan and Madhya Bharat. The Committee was formed of two members from Rajasthan and two from Madhya Bharat with Mr. C. S. Venkatachar as Chairman. Even though this might lend the impression that it consisted of two separate wings, the Committee has found it more convenient to work as a joint body and to submit a joint report. In some measure the agrarian problems of the two States present common aspects but where certain questions have required separate treatment they have been dealt with in separate chapters or sections of the report.

2. The terms of reference of the Committee as set forth in the resolution of the Government of India referred to above are very wide. While the fact finding nature of the Committee's task has been emphasized the Committee has also been invited to make its recommendations for measures of reform. Again while the resolution gives greater prominence to the Jagirdari problems in the two States, the Committee has been asked to make its recommendations to bring the tiller of the soil in direct relationship with the State. This necessarily involves not only an examination of the Jagirdari system but also of the Zamindari system in the two States and of the general question of the desirability and possibility of the elimination of all classes of intermediaries between the ryot on the one side and the State on the other. The terms of reference also charge the Committee with the duty of making recommendations for the reform of land tenures and for the setting up of an efficient system of land revenue administration. The Committee have accordingly interpreted the terms of reference in the wide manner indicated above and have applied themselves to the examination not only of the problems created by the existence of the Jagirdari system in the two States but also of the questions arising out of the existence of the Zamindari system and to other general questions such as tenant's rights and the building up of an efficient administration of land revenue system.

3. Mr. V. S. Sarwate, a member of the Constituent Assembly of India representing Madhya Bharat who was appointed to this Committee, unfortunately resigned towards the end of October. The Government of India nominated Mr. Sita Ram Jajoo another member of the Constituent Assembly of India representing Madhya Bharat, to take Mr. Sarwate's place.

4. The first meeting of the Committee was held at New Delhi on September 8, 1949. At this meeting a draft of the questionnaire to be issued was agreed upon. The text of the questionnaire will be found in Appendix B. The questionnaire was published in the Government Gazettes of Rajasthan and Madhya Bharat and given wide publicity in other ways. Written memoranda in reply to the questionnaire were invited both from individuals and from associations interested in the land revenue problems of the two States. More than 1,500 written replies were received from persons and associations in Rajasthan and about 350 in Madhya Bharat. The replies presented a very wide variety of views.

5. The Committee then toured the important parts of Rajasthan and Madhya Bharat. They visited Indore on October 26 and 27 and Gwalior on October 28, 29 and 30. They then reassembled in Rajasthan and visited Bikaner on November 4, Jodhpur on November 5 and 6, Jaipur on November 7, 8 and 9 and Udaipur on November 10 and 11. During these tours persons of those localities, associated with or interested in any aspect of the problems under enquiry were invited to express their views. These persons and associations included both those who

had sent written replies to the questionnaire as well as others who had not sent any such replies. During these tours the Committee also took the opportunity of visiting villages and studying the land records systems, the land tenures and the Jagirdari systems on the spot.

6. The Committee then reassembled at New Delhi on November 24, 25, 26 and 27 to consider the recommendations which they should make to Government. They also met a deputation of the Jagirdars' associations of Madhya Bharat and Rajasthan and heard their views on a memorandum presented by them.

7. For facility of narration and description we have retained references to individual Indian States as they existed prior to the formation of the Unions.

CHAPTER II.—HISTORICAL BACKGROUND

The Unions of Madhya Bharat and Rajasthan

1. The Unions of Madhya Bharat and Rajasthan comprise within their area a large aggregate of Rajput States as well as a few non-Rajput States including two of the largest Mahratta States in India. This area is bounded on the west by the Great Indian Desert; its northern boundary marches along Punjab and Delhi and the River Jumna; on its eastern boundary lie the Central Provinces and the Aravalis and the Vindhya separate it from Gujerat and Deccan. The area of this region is 1,73,402 sq. miles with a population of 2,02,07,119.

Madhya Bharat

2. Historically the best known part of this region is Malwa. A tribe of people known under the name of Malavas settled in this tract of country and gave it the name of Malwa. From the very earliest times we hear of the Aryan colonisation of Malwa.

3. Avanti with its capital at Ujjain on the sacred Kshipra is hallowed in the lore and literature of India. Asoka as a Royal Prince, was Viceroy of Ujjain, during his father's reign. When he succeeded to the empire himself and became a Buddhist, he caused the erection of the famous Stupas at Sanchi near Bhilsa. This country is also famous for having been one of the seats of the great Vikramaditya, the founder of the Vikram era. It was in the north of Malwa near Mandasaur that Yashodharman and Baladitya broke the power of Mihirakula, the Hun invader.

4. After the death of Harsha, we find Kshatriya tribes of the Deccan and northern India evolving into Rajput clans and tribes. In the period before the Moslem invasion, the Paramaras were dominant in Malwa and the Kachwahas and the Tomars in the northern area of Madhya Bharat. The ancient Paramaras are still represented by the Rulers of Rajgarh and Narsingharh and the modern district of Rajgarh is inhabited by the Ummat clan of the Paramaras. Gwalior and Malwa were during the early Moslem period annexed to the Sultanate of Delhi. Whenever the Central Government at Delhi was weak the Moslem governors of Malwa tended to become independent rulers.

5. Malwa, lying on the highroad from northern India to the Deccan, had always a great strategic significance. It was consequently also always liable to pressure from neighbouring States. During the period of Moslem rule, the centre of gravity of the Kachwahas moved from the north of Gwalior westwards to Jaipur. The Tomars, who had ruled Delhi before the Moslem invasion, were now pressed back to the south of the Chambal. From the west came the pressure of the Khichi Chauhans, who founded the States of Raghogarh and Khilchipur. A little before the invasion of Babar, Rana Sangram Singh of Mewar actually conquered Malwa from its Moslem rulers.

6. During the Moghul empire, a new class of Rajputs was introduced into this area. Rajput grandees at the Moslem courts or cadets of the families of the Princes of Rajasthan, who found favour with the emperor were often granted fiefs in this as in other parts of India. Such are the Rathore Princes of Ratlam, Sailana and Sitamau.

7. Under the Moghuls the greater part of Malwa and Gwalior was directly administered, as is apparent from the statistics in the Ain-i-Akbari. The direct administration of Malwa by the Moghuls left its impress and brought about modifications in the fiscal history of the region. With the decline of the Moghul power much of the local administration in Malwa was undoubtedly obliterated. The position of the territorial chiefs was considerably reduced and their importance diminished. The intermediaries on whom the Moghul power had relied for their administration, suffered severely and there was much spoliation of territory as well as of rights.

8. The first Mahratta raid in Malwa was towards the close of the seventeenth century. A few years later, the Mahrattas were collecting 'Chowth'. Under the pressure of events, the Moghul Emperor granted the Peshwa, Bajji Rao, the Dewani of Malwa. Bajji Rao appointed his generals, the Scindia, the Holkar and the Powars of Dhar and Dewas to administer the country and to collect his dues. These four generals between themselves held the whole of Malwa in fee. The Mahratta powers fought two principal wars between 1803 and 1818, as a result of which the British established their paramount power in India. Sir John Malcolm made a political settlement of Central India in 1818. The Central India of August 15, 1947, was as it was settled by Malcolm with but few modifications.

9. During the period of Mahratta rule and of Pindari raids and mutual internecine warfare between Holkar and Scindia, the political map of Malwa had been reduced to a jigsaw puzzle and the country was reduced to a state of extreme unrest still referred to as "Gardi ka Waqt". The territories of the Mahratta chiefs were themselves inextricably entangled. Spotted all over the country were hordes of Rajput chiefs in varying degrees of subjection to one Mahratta Prince or another. In order to evolve some pattern out of this tangled skein Malcolm divided the chiefs and chieftains into three categories.

10. The first consisted of princes who were rulers in their own right and owed subordination to no one else, such as of Gwalior, Indore, Dhar and Dewas. These were all Mahratta princes. The second category consisted of the bigger Rajput chiefs who claimed recognition by the British independent of the Mahrattas. Agreements between these chiefs and the Mahratta princes claiming authority over them were arranged through British mediation and these States were, therefore, referred to as 'mediatised states'. This still left considerable residue of small chiefs mostly Rajputs who could not be recognised as completely independent. Their holdings were, therefore, converted into 'guaranteed estates', that is to say, estates held under the superior authority of another ruler, but the possession of which was guaranteed by the British Government under varying conditions.

11. This report is not concerned with the adjustment of tributes which were made at the settlement of 1818. But one special type of tribute must be referred to here. During the period of establishment of their authority in Malwa, the Mahrattas had followed a policy of crushing out the Rajput chiefs and of obliterating as many of them as possible. Many big Rajput chiefs were reduced to holding only a few villages and yet others were entirely driven from their ancestral lands. These Rajputs in revenge, used systematically to raid and plunder the villages which had passed from them to the Mahrattas. Immunity from such raids was bought by the Mahrattas by the payment of blackmail money, which was generally known as 'Girasia'. These 'Girasia' grants were among the existing rights at the time of the British occupancy and were recognised by Malcolm on condition of maintenance of order.

Rajasthan

12. There is definite historical tradition of the migration of Rajput clans for several centuries preceding the conquest of northern India by the Moslems in the twelfth century. The shattering effect of the invading forces of Islam resulted in a large-scale dispersion of Rajputs from the fertile and open parts of the country. The Rajputs spread themselves out in the hills, wastes and the arid lands of Rajasthan which they held as the second line of defence against the foreign invaders. In the thirteenth century the dominant clans of Rajasthan were already settled in the areas in which they are found at the present time. By then, the Sisodias were in occupation of the south and south-west; the wild western marches were occupied by the Rathores; the Haras, a branch of the Chauhans, were the dominant clan in eastern Rajasthan, while the central parts were held by the Kachwahas of Amber.

13. The Kings of Delhi exercised little effective jurisdiction over the areas in which the Rajput chiefs and the clans maintained their independence. The foraging and plundering expeditions of the Delhi Kings and the opening of the route for

the Imperial armies to Gujerat through Rajasthan made no serious impression on the independence of the Rajput chiefs. The Moslems did not obtain a firm foothold in the heart of the country. When the Tughlaq dynasty fell, the independence of the Rajput chiefs was assailed by the Moslem kingdoms of Malwa and Gujerat. There was a short but brilliant revival of Rajput strength under Rana Sanga of Mewar. Fortune rose and fell. Finally some of the fertile lands in the east were lost and the Rajput clans were increasingly confined to the more inhospitable and inaccessible areas in the west and the south-west.

14. During the Moghul period the Rajput chiefs accepted the suzerainty of the Moghul Emperors and maintained troops which were at the disposal of the Emperor so long as he was in a position of authority to requisition them. But internally the Rajput chiefs and their clan organisations were not subjected to the direct authority of the Moghuls and they succeeded in retaining considerable autonomy and independence. Akbar made Ajmer the headquarter of a Suba which included all the surrounding territories of the clans. Certain parts included in the territories now known as Jaipur and Alwar may have been subjected to a closer control under the Moghuls owing to the proximity of the strong garrison towns of Agra, Ajmer and Delhi.

15. In the Ain-i-Akbari the whole of Rajasthan is shown as being comprised in the Suba of Ajmer. There are statistics for certain sircars such as Ajmer, Nagaur and Ranthambore. Moreland who has critically examined these statistics, concludes that they did not apply to Bikaner, Jodhpur, Sirohi and Udaipur. Elsewhere also it may be presumed that the authority of the Moghuls over the tracts in central and eastern Rajasthan was far less extensive and less effective than the statistics pretend to imply and the revenue payments must have been a financial valuation of the amounts assessable than the actual receipts. The lands were acknowledgedly in the possession of the different clans under their own chiefs. With the possible exception of certain restricted areas in the central and northern parts of Rajasthan the Moghul agrarian system was not introduced in the areas held by the Rajput chiefs and their subordinate chieftains.

16. In the one hundred years following the death of Aurangzeb the Rajput States were threatened with obliteration by the powerful impact of the professional armies of the Mahrattas and the Pathans and the internecine feuds among the Rajput chiefs themselves. In 1818, a Rajasthan completely disorganised in its internal conditions was taken over under British protection.

17. The internal structure of the Rajput society was least modified during the Moghul period. The long period of distress which preceded the imposition of British Paramountcy weakened the central power of the Rulers in the Rajput States, but it placed the subordinate chieftains in a position of greater independence. When the British settled Rajasthan in 1818, they had to bring about an understanding between the rebellious Thakurs and the suzerain Darbars in all the principal States where the semi-independent Thakurs had seized the Crown lands and had appropriated to themselves a large measure of authority which did not belong to them. Though the internal structure of the Rajput States was stabilised, an old and archaic institution based on clan organisation could not but be affected by the emergence of a strong Central Government of the Ruler of the State and by the corroding influences of the working of modern forces upon such an institution. Historically, the land tenure system in Rajasthan has remained unchanged without any serious modifications during a period of nearly seven hundred years.

18. It took another half a century for the States in Rajasthan and Central India to recover from the scars and wounds which were inflicted on them during the disturbed period preceding the political settlement of 1818. It was during this period, that, in what was then known as British India, the various systems of land revenue, settlement and tenures were evolved by the early British administrators and legal shape given to certain theories of ownership of land and proprietary rights.

19. Before we refer to the land system during the British period, we may make a brief reference to the agrarian system in the Hindu and Muslim period.

Fiscal History

20. There is much that is obscure in the fiscal history of the region. There is a lack of continuous historical information and of statistics. Only some very broad and general observations have been set out to serve as a background to the questions which are dealt with elsewhere in the report.

21. Village institutions in Malwa can be traced to the remotest antiquity and as in other parts of India, they continued to survive in their ancient vigour till the eighteenth century. In Rajasthan, village institutions appear to have had a depressed existence owing to the peculiar nature of the clan settlements of the various Rajput tribes.

22. Jurists and administrators have debated on the question whether in the Hindu agrarian system the principle of ownership of land ever prevailed or was admitted. We do not ourselves propose to examine this question. We content ourselves by quoting a few words from an authority which sums up a salient feature of the Hindu land system :—

“We find substantially two parties primarily interested in the land as far as its produce is concerned. These are the King and the cultivator, and there are no independent interests, although we find also a number of officers interested in the crop, whether on the part of the village or of the King. On the part of the King were the officers of revenue, and the civil and military establishments, which were frequently provided for by assignment of revenue. But we see nothing approaching to a proprietor in the English sense and very little of the relation of landlord and tenant” (Tagore Lectures, 1876, quoted in the Report of the U.P. Zamindari Abolition Committee).

23. The fundamentals of the Hindu system may be stated thus. The relation between the King and the cultivator described in the early Hindu law texts was not that of a landlord and a tenant. It was more in the nature of a partnership in the productive powers of the soil; a relation which may very well exist without the attribution of a right of ownership to either party. According to the law laid down by Jaimini, we find that the King “cannot give away the Earth because it is not his exclusive property, but is common to all beings enjoying the fruits of their own labour on it”. The only rights recognised were the right of the King to a share of the produce and a right of occupancy for the cultivator who raised the crop. There was no third party intermediate between the King and the cultivator. The right of the cultivator was a conditional right to occupy which right he could transmit to his heirs and which for that reason might be deemed a proprietary right. It certainly fell far short of that right of ownership which in the modern sense has come to connote “plenary powers of user, control and disposal”. The free exercise of the powers of alienation which is a characteristic incident of ownership in the modern sense was wholly unknown during the Hindu period.

24. There is no evidence to which we can refer except the laws of Manu and other ancient Hindu texts by which it may be presumed that during the Hindu period, village institutions in Malwa and in those parts of Rajasthan the Hindu colonised conformed to the position stated above.

25*. The Islamic law was administered for a period of over six centuries in those parts of India which were subjected to the direct administration of the Moslem rulers. The law of the Hanafi school was generally followed in India. It was a rule of law among the Hanafi lawyers that once the State had exercised the option of leaving

*In paragraphs 25-28 and 31-32 some of the matter and the language have been freely drawn from a report by Sir Benjamin Lindsay, I.C.S., on “The Influences of British rule upon the legal systems of India” presented to the Second Congress of Comparative Law held at The Hague in 1937.

the lands in the possession of their former occupants, the State renounced all claim to ownership and had no more than the right to exact the land tax (Kharaj) from the unbelievers left in possession who were treated not as tenants of the State but as proprietors. The doctrine of the Option originally applied to lands which had been conquered by force. Subsequently it was extended to cases where the occupiers made their submission.

26. "From this statement of the Hanafi law it appears that a Muslim sovereign had no original title as owner of lands subject either to tithe or kharaj. He might, however, as head of the State, become by a supervenient title, the owner of land subject to the fixed kharaj through use of the legal powers of expropriation where the tax-payer defaulted. The normal position was that where the option had been exercised the only right of the State was to receive a tax from land taken up for cultivation"

27. As the Hindu law speaks only of the King and the cultivator, so too the Moslem law contemplates only two parties, namely, the State which received the land tax and a person in actual possession of the land who engaged with the State for its payment. "Whatever may have been the legal theory in this matter, there is nothing in the history of the land administration during the Moslem period in India to show that the actual payment of the revenue to the State was acknowledged as a badge of ownership in the modern sense of the term".

28. Akbar's settlement and the regulations made by him recognised the position that the State dealt directly with the cultivator; the procedure, in fact, was a reversion to the Hindu system of direct relationship between the King and the cultivator. There is no justification to hold, from the records of Akbar's settlement, that the cultivator was the owner of his holding by virtue of his liability to pay the revenue for it. The right of the cultivator during Akbar's reign was no more extensive than what it was in the Hindu period—a right of occupancy which was allowed to pass by inheritance. Throughout the Moslem period there is also no evidence which purports to confirm a claim for proprietary rights of any class of middlemen or to place them in a position of landlords over the cultivators.

29. We may accept that during the Moslem period there was no great modification of the antecedent Hindu agrarian system. The innovations which were introduced under Moslem rule did not fundamentally alter the previous position.

30. The origin of the intermediaries between the King and the cultivator is dealt with in another section. The answer to the question how the intermediary class put forward a claim for landlord right may have to be looked for in the early history of the revenue administration of British India.

31. The system of the Farmer of Revenue assumed greater importance during the declining years of the Moghul administration. With the collapse of the Moghul power the Central Government became weak; the relaxation of control gave the Farmer a greater opportunity and scope for tightening his grip and the Assignee faded out. With the change of the system of revenue the position of the Revenue Farmer was altered considerably. He began to secure for himself the status of a landowner. He had acquired what may fairly be described as a prescriptive claim to proprietary interests in the lands under his control, and his position of authority made him, to all intents and purposes, a landlord. It was open to the early British administrators in Bengal when they first came in contact with the land revenue system under the decadent rule of the successors of the Moghul Empire, to have taken the stand upon the previous status and even the letter of the Moslem law which does not tolerate the acquisition of property by prescription, and so have refused to recognise the claim based upon prescriptive rights. The agrarian system under the British rule followed a different course and by the historic Regulation I of 1793 issued by Lord Cornwallis, the Zamindars of Bengal were declared to have a permanent heritable and freely transferable right in the lands comprised in their estates.

32. This recognition of intermediate rights in land was extended subsequently to provinces outside Bengal in what was termed in the last century as Upper India. These rights were vested in these areas either in landlord bodies which had established themselves in various ways in the villages in a position of superiority over the cultivators, or elsewhere, notably in the Punjab, where such landlord bodies were presumed to have had their origin in the conquest and occupation of territory by cultivating tribes. On such groups the rights of an intermediary were conferred formally by the British Government and unlike Bengal, Government's claim to land revenue was not fixed in perpetuity but for a certain limited period. In Bombay and Madras where such intermediate rights had failed to spring up, the settlement was made with the cultivator who became the virtual owner of the soil. The essential difference between the system in the north and the Ryotwari system of the south was that while in the Deccan and the south the contract for the payment of land revenue was between the occupiers of holdings and the Government, it was between the proprietor or body of proprietors of whole villages and the Government in the north. The northern system is generally known as the Zamindari system.

33. All these rights were defined and secured by means of legislation at different periods and formed the basis of the land revenue system over a greater part of India. None of these legal concepts were, however, made applicable to the areas ruled by the Indian Princes. Constitutionally the laws made in British India or by the Parliament were not applicable to the territories governed by the Rulers of Indian States. Our conceptions of land system in Rajasthan and Central India will have to be based not on the statutory enactments of the Provinces, but on prescriptions, customs and rights as they exist today embodying in them the practices of many centuries. The Indian States continued for long to be the muffled echo of British India. They copied certain practices from British India without evincing any zeal for radical reformation or changes. The changes brought about in more recent times were mainly concerned with administrative measures, such as the preparation of records, survey and settlement, introduction of cash rent and fixity of assessment. At no time was any attempt made to apply by legislative enactments the British conception of land ownership which had been evolved in the Provinces. This is a point of some importance in relation to the fiscal history of the area dealt with in our report.

34. The early efforts under the British administration for reform of the land revenue system aimed chiefly at greater efficiency in assessment and collection. Soon it was, however, discovered particularly in vast tracts of the permanently settled areas of Bengal, that the actual peasants of the land who were now regarded as tenants of the Zamindars were completely at the mercy of the latter and were much exposed to various forms of exploitation. This led to the enactment of tenancy laws in Bengal and soon in other Provinces. Generally speaking, the Provinces of India have two sets of laws pertaining to agrarian matters. The first is a Land Revenue Act which deals with the maintenance of records, the methods of settlement, that is to say, the ways of fixing the land revenue and the methods of collection of land revenue and the various coercive processes which Revenue Officers may employ for the collection of Government dues. The Tenancy Acts in Provinces, on the other hand, seek to regulate the relations between different right holders for the soil and to define the exact bundle of rights which different persons possess in relation to land. The last few decades have brought about an increasing realisation of the fact that Governments cannot remain content with merely creating efficient machinery for the assessment and collection of land revenue. The whole approach to the land system, as to other problems with an economic bearing, has now become one of securing social justice between different classes of people.

35. There is a broad division in the States of our region between what pertains to the Ruler's jurisdiction and that which pertains to the jurisdiction of the assignees, grantees and such other persons whose rights have been recognised as distinct from the rights of the Ruler. Obviously the alienated area is less in Madhya Bharat.

owing to the acquisitive nature of the Rulers, both Moghul and Mahratta, and greatest in Rajasthan where the Ruler's power and authority were considerably restricted by the rights of the subordinate chieftains. The rights of the grantees were undisturbed as long as they performed the conditions attaching to the grants, and in the case of the assignees, to their assignments. The relation between the State and the cultivator was generally direct (with certain exceptions) in the areas under the domain of the Ruler. In the alienated areas the alienee was supposed to stand in the same relation in his land as the Ruler did in his fisc. Under stress of modern ideas lands have been settled and surveyed and rents fixed by a proper settlement in the area directly under the control of the Ruler. The initiative taken by the State in the areas under its direct management has, in varying degrees, been extended to the alienated areas.

CHAPTER III.—JAGIRS IN GENERAL

1. The performance of two functions which may be termed negative as opposed to positive or welfare functions, is essential for the very existence of any government. The first of these is the maintenance of an armed force adequate for defence against aggression from outside and the preservation of a modicum of internal security. The second of these functions is the raising of revenues to meet the cost of the essential functions of government.

2. Agriculture constitutes the main source of India's national income, and it is not surprising, therefore, that from ancient times the bulk of the revenues of kings and governments in India has been derived from this source. From ancient times also it has been the recognised obligation of persons occupying and cultivating land to deliver a share of the produce to the king. The assessment and collection of this share has always formed one of the most important tasks of the civil administration. In fact, civil administration in India has largely tended to be built around the framework of the agency for the assessment and collection of land revenue.

3. From the point of view of Government, land revenue management presents two important problems, namely, those of assessment and collection. The different modes employed for the collection of land revenue have, in the course of centuries, created the existing matrix of right holders in relation to land. The simplest method of collection would be the actual division of the crop on the threshing floor. This is still the method employed in parts of Rajasthan where cultivation is precarious. The difficulty of actual division of crops on the threshing floor in large tracts naturally leads to the method of appraisal or 'Kankut'. In this method an estimate is made of the likely volume of the produce when the crop is maturing and the amount determined then becomes payable after the harvest. The third method is what Moreland terms "measurement". In this system the peasant is called upon to pay an assessment which depends on the areas of different crops sown. Another method of collection would be what Moreland describes as the contract system. When this method is adopted the peasant engages for the payment of a fixed amount of revenue for his holding as a whole without any reference to the actual area cultivated or the different crops grown. In the more developed and settled tracts of India the contract system in cash is now almost universal. The peasant has a well-defined holding and he engages to pay a fixed sum in cash per annum keeping himself free to cultivate any area of his holding which he pleases and to adopt any cropping which he likes.

4. Viewed from the angle of the Government, different agencies for the collection of revenue are possible. The simplest would be for servants of Governments directly to collect the assessment from each peasant. In the past, however, particularly when Governments happened to be weak, villages or whole parganas or whole provinces were often farmed out to persons who engaged to pay a fixed amount to the Government Treasury. When large Empires arose the old Chiefs in outlying regions were not always uprooted. It was more usual for the Chief to undertake to pay a regular tribute to his overlord and this tribute in some cases was really the share of the produce of the land which the overlord claimed for himself.

5. From very ancient times the institution of assignment of revenue has also existed in India. Kings often chose to pay their noblemen, chiefs of the Army and important Government functionaries not out of the King's Treasury direct but by assigning to these persons smaller or larger tracts of country in which the King's share of the produce was assigned to them. In such cases the assignee was normally also invested with sufficient administrative powers and authority to make it possible for him to realise the revenue of the tract assigned to him with ease. The old chief who had been subjugated by the King but not actually dispossessed of his lands and confirmed in whole or part of his old possessions could, from the point of view of the King, be regarded as an assignee of the King's share in the tract left to him subject to the payment of a tribute. When a King or Chief of a warrior clan acquired new

territory and settled down there he would grant assignments of land to the leading warriors of his army both as a reward for their past services as well as a remuneration for continuing to render service and for maintaining armed forces to be made available to the King in times of need. Sometimes assignments were made merely as a reward for past services rendered. Then again endowments created by Rulers for the support of a temple, a mosque or an educational or charitable institution would take the form of an assignment of revenue. At the other end of the scale came the minor assignments as Inams or Muafis which were granted to members of the priestly class or to servants of a humbler type for services rendered or for continuing service.

6. There has, therefore, existed in India from very early times a class of intermediaries authorised or permitted by the King to take a share and retain a portion or the whole. One of such class is the Assignee. The general idea indicated by the word Assignee, writes Moreland, " is that instead of paying cash, the State provided for future pecuniary claims by assigning to the claimant the King's share of the produce of a specified area, the assignment carrying with it the grant of executive authority sufficient, at any rate, to enable the assignee to assess and collect the amount due. The area might be an entire province, or a single village; the claim to be satisfied might represent the cost of maintaining troops, or salaries for civil or military service; and in normal times the bulk of the State's claim on the peasants was assigned in this way".

7. The institution of Assignees, indigenous in origin, may be traced back to the pre-Moslem period in the form of assignments in lieu of salary or service assignments to remunerate high officers as well as lower ones " by gifts of land or assignments of revenue".

8. It was laid down by Manu that an officer appointed to be in charge of one hundred villages should enjoy the revenue of one village. The Arthashastra apparently objected to the system for therein we read that the King shall not give away any village to any of his servants, but he shall increase their subsistence and wages in consideration of their learning and work.

9. The ordinary meaning of the more familiar term ' Jagir ' is the assignment of revenue conditional on future service. Jagir became a great agrarian institution in Moslem time, initially under the early Moslem Rulers and later under the Moghuls, and was transformed into a convenient instrument of government. From the beginning we observe there was Reserved (Khalsa) land, that is, land directly administered for the benefit of the treasury. The assignee had to collect the revenue due from his charge and after defraying the sanctioned expenditure, such as the pay of the troops, to remit the surplus to the King's treasury at the capital. The King thus drew revenue from two principal sources: the receipts from the reserved land and the surplus income remitted by the assignees. In this context the assignee was a functionary or a bureaucrat. Gradually, in the pre-Moghul period, the system of assignment became the most important agrarian institution and it began to take the form which becomes familiar in the Moghul period. The assignee was bound not merely to loyalty and personal service, but to the maintenance out of the assigned income a body of troops available for the King's needs.

10. The Assignee, during the periods of vigorous Moslem administration, had been nothing more than a State servant, removable at the will of the Ruler, exercising delegated authority and enjoying certain immunities and privileges. The Moslem Rulers of India tried now and then to establish direct relationship between the State and the cultivators of the soil, but the continental dimensions of their conquered possessions and the inadequate administrative resources of the foreign nature of their rule successfully defeated their attempts. Almost throughout the Moghul period the great bulk of the Empire, nearly seven-eighths, was under the assignment system.

11. In Moghul times particular items of recurring revenue were set aside to meet particular items of recurring expenditure; usually the salaries and the expenditure.

of the Imperial services. Besides the general obligation of services, the assignee was under liability to maintain at his own cost a definite force of cavalry. The officers' income was always defined in money but the actual payment was by assignment as a rule and payment from the treasury was an exception.

12. This system of assignment of land made nobility personal and not hereditary. Instead of obtaining it by high birth men obtained nobility by military or civil appointments. In the Moghul time there was an aristocracy of office with no hereditary privileges and little alienable wealth. For this class there was no positive right to inheritance. Sequestration of property at the death of an officer was quite common. Nobility was often reduced to penury. In a strong protest to his father, Shah Jehan, Aurangzeb wrote :—

“ It is your wish that I should adhere rigidly to the old custom and declare myself heir to every person who dies in my service. We have been accustomed, as soon as a noble or a rich merchant ceases to breathe, nay some time before the vital spark has fled, to imprison and beat the servants of the officer's household until they make a full disclosure of the whole property. The practice is advantageous, no doubt, but can we deny its injustice and cruelty ?”

13. It was a common practice under the Moghuls to sell offices from governorship downwards and to farm out the revenue to the highest bidders. The interest of the assignee was not so much in the land as in the income. The position of the assignee was unstable as he was liable to be moved out from one assignment to another. There was no tendency for the accumulation of rights and interests in the intermediaries in any way superior to those of the cultivators.

14. It is, therefore, necessary to make a distinction between the assignee (Jagirdar) under the Moghul Empire and the Jagir system in the area outside the direct rule of the Moghuls, where the Rajput chiefs and clans existed as an ancient nobility. The Jagir system as it evolved in Rajasthan and Madhya Bharat has characteristics which differentiates it on the one hand from the Jagir as an institution developed in Moslem India and, on the other, from the later landlordism during the British period.

15. The fortunes of the intermediaries after the collapse of the Moghul power were not affected to any extent in the territories ruled by the Chiefs; rather the position of the intermediaries was strengthened. This may appear somewhat contradictory, but on closer examination the reason is apparent. The indigenous rule which either survived or succeeded the authority of the Moghuls was dependent on the influence and support of the old Hindu nobility, who had a stake in their own area and were not mere functionaries as the assignees were under the Moslem Rulers. The fortunes of these intermediaries, particularly in Malwa, no doubt underwent certain changes due to the historical conditions in that area, but the institution as such was not uprooted or obliterated. They continued to exist as a class with their privileges intact and the subsequent political settlements made by the British stabilised their position subject to the final authority of the Prince. The elements which bound the intermediary class to the Rulers were strong like the clan fraternity in Rajasthan or the sentiments of loyalty and service of a personal character elsewhere.

16. The clan system in Rajasthan was something much stronger than feudalism. Tod quotes an interesting document to which an apt reference may be made in this connection. The subordinate chiefs of Jodhpur had been driven away from their lands by the oppression of their Maharaja. They wrote to Tod in 1821 thus : “ The Maharaja and ourselves are of one stock—of Rathores. His forefathers have reigned for generations, our forefathers were their ministers and advisers. Wherever Marwar was concerned there our forefathers were to be found and with their lives preserved the land..... When our services are acceptable; then he is our lord, when not, we are again his brothers and kindred claimants and laying claim to the land ”.

17. The following extract from Sir John Malcolm's "Memoir of Central India" may here be quoted to illustrate the position in Malwa :—

" In Central India the first in rank and consequence of the native or local hereditary officers is indiscriminately called Mundlooe, Chowdry, or Zamindar. The former terms are usually given in the Mahratta governments ; the latter almost always designates this officer among the Rajput states.

" In India, every class and tribe of men have their superior. That of landholders and the cultivators is the Zamindar, a term which literally means landholder, and is constantly used to designate a proprietor of the soil : but the Zamindar of a province or district, though, no doubt, originally raised by the rank and estimation in which he was held by his class, has always combined with his duties those of a functionary of Government. His station is hereditary ; he is supported by a grant of land, which differs in amount according to the size of the district and other circumstances ; and he has, besides lesser dues, a percentage upon the collections, which, in Malwa, varies from four to eight per cent. He pays no revenue to the Government.....

" The Zamindars in Central India are of all tribes, except the lowest. They, in general, can boast of having held their offices for a number of successive generations. Many have commissions from the Emperors of Delhi, and some from the Patan sovereigns of Malwa. Several distinctly trace their rise to local services, such as the restoration of waste lands ; some to the seizure or defeat of robbers who infested the country to which they were appointed ; while others have the more legitimate titles of being the heads of the clans and tribes by whom the tract was first settled and cultivated "

18. Besides partaking some of the pre-existing characteristics which had been developed over a long period, the Jagirdari system as it has come down to us has in its essence four main attributes. There is, first of all, a recognised distinction between property rights and ' chief's' rights. In the former, division is according to the Hindu law of inheritance. The latter rights are not divisible and must be regarded as a survival of some form of ' sovereignty ', tribal or otherwise. Succession is according to the family custom and the successor has to provide for the necessities of his collateral relatives. Secondly, Jagir estates cannot be alienated and, though mortgages are not uncommon, they cannot be foreclosed. Thirdly, the rule of primogeniture has invariable application and when there is a failure of natural heir, adoption is permitted with the consent of the territorial chief. Fourthly, the assignment system did not confer any bundle of rights of property. By long prescription and usage it invested the assignee with certain proprietary rights. Those rights as indicated previously must be presumed to be distributed between the Ruler, the Assignee and the actual cultivator.

19. The rights of the Jagirdars in the States of Rajasthan and Central India have not been given any statutory recognition. They can only be inferred and described, but not legally defined. We have already stated that the conception of landlordism is not quite appropriate in their case. In Northern India, at any rate, the British did not come up against the essentials of Jagir system, leaving aside Inams, Muafis and Charitable Grants. Where they did encounter it, as in the Punjab after its annexation, the question of the treatment of the Jagirdars was determined on the antithetical views of the Lawrence brothers. On grounds of political expediency, Sir Henry Lawrence wanted to maintain the Jagirdars in full possession of their grants with their privileges secured, but his brother preferred the creation of peasant proprietors to the preservation of the landholders' rights. George Lawrence bluntly told the Jagirdars that " the British wanted neither their soldiers nor their prayers and could not afford to pay for them ", and he accordingly assessed them to revenue and curtailed their grants, some of which were made tenable only for the lifetime of their holders.

CHAPTER IV.—RAJPUT CLAN ORGANISATION.

1. Tod, the annalist of Rajasthan, propounded the feudal view of Rajput society. There are no features in the agrarian system of India which have any counterpart in the feudal system of Europe. There may be certain superficial resemblances. In the clan organisation of the Rajputs, the Rajput Chief is considered as first among his subordinate territorial Chieftains. The Jagir system with its assignments of land for military service may be considered as another characteristic of the feudal system. The theoretical view of the Rajput territorial system was revised and the official view of the Government of India was set out in the following terms in the first Rajputana Gazetteer :—

“ The system upon which the land is distributed among the branch families and other great hereditary landholders, is the basis of the political constitution of a Rajput State and forms its characteristic distinction. And this system is not, speaking accurately, feudal. The tenure of the great clansman involves military service and payments of financial aids, but its source is to be found in the original clan-occupation of the lands, and in the privileges of kinship and of purity of descent from the original occupants or conquerors. The subordinate Chiefs really claim to be conquerors with the rulers in their right to dominion over the soil and to the fruits of it ”. (Rajputana Gazetteer, 1879, Vol. I, 59-60).

According to this view ‘ Clan fraternity ’ which was the cementing element between the Ruler and his Chieftains was something much stronger than the ties of feudalism.

2. The description of the Jagir system amongst the Rajputs is contained in the well-known words of Tod : “ The grant of an estate is to the life of the holder, with inheritance to his offspring in lineal descent or adoption with the sanction of the Prince and removable for crime or incapacity ; this reversion and power to resume being marked by the usual ceremonies on each lapse of the grantee, or sequestration (Zabti), or homage (Nazarana) at the investiture of the heir ”.

3. The rule of primogeniture has maintained the estates intact, secured a measure of security and cohesion amongst the clans and septs and has prevented the extreme fragmentation of the estates. An entirely contrary state of affairs is to be seen in areas where the rule of primogeniture has either been discarded or has fallen into desuetude. The land tenures in Mallani in Jodhpur and Shekhawati in Jaipur furnish typical examples.

4. In former times the term ‘ Jagir ’ in Rajasthan was applied only to estates held by Rajputs on condition of military service. In every Rajput State, the division of the land falls into two classes—Khalsa and Jagir. The incidence of the Jagir area depended upon the strength of the clan organisation in an area. Where the clans had been strong and the central government weak, the area under Jagir has been large ; where the Ruler had been acquisitive in the past, the Khalsa area has increased at the expense of the Jagirs.

5. In more recent times Jagirs have been given to non-Rajput families for services rendered. Then there are other tenures grouped under Jagirs, such as Inam, Muafi, Bhum, Dharmada, Sasan, etc. These tenures have come into existence independent of the clan organisation.

6. The interior structure and economy of the complete Rajput family could be gleaned with reference to the history of the movements of the clans. Tradition has it that the Rajput clans dispossessed their anterior occupiers of land such as a clan other than the dominant one now to be found in the area occupied or cultivating groups like the Jats or primitive tribes like the Bhils or Minas. The territorial

Chief appropriated as his fise or Khalsa as much land as he could or as much as his subordinate chieftains would allow him to. He possessed the largest portion of all, though the lands held by the head of the State are not often more than the aggregate holdings of branch families. The lands are for the most part divided off and inherited among branch families of the dominant clan. Some considerable estates are held in western Rajasthan and Udaipur by families of alien clans, who have come by marriage, or by anterior settlement in the country or have come as a contingent to aid a former ruler of the country in some hard fought contest. Larger estates are held by the hereditary heads of branch septs which have spread about from the main stock.

7. In several cases the original fields have been further sub-divided but always maintaining their independent tenure. In the words of Sir Alfred Lyell "large tracts of land were possessed by the hereditary heads of the branch septs which are spread out from the main stock and by the kindred families which are as boughs to the great branches. Sometimes these branches have ramified into a numerous sept; sometimes they are represented only by a family. The family chief also apportioned his land amongst his nearest brothers; in fact he is a state Chief in miniature and his group is a sub-group".

8. Thus the original very large estates have been divided everywhere into a number of smaller but independent ones. The actual process of division has of course varied. In some parts the estate passes in block to one heir and others are entitled to maintenance; in others the tendency to divide the land as the family increases and branches out, is more marked. This process may be illustrated with reference to the history of Bikaner where the clan movements took place in the fifteenth century. The Rathores of Bikaner are divided into five main groups: those descended from the original founder, Bika, consisting of nine important families; those from his brother Bida; those from Bika's uncle and chief supporter and the other two from Bika's less distinguished brothers and uncles. The anterior clan settlement was of the Bhatias. According to the Bikaner Gazetteer of 1874, forty-five sub-groups descended from these five main groups held between them 767 villages; 15 of the 45 sub-groups did not possess more than one or two villages and 18 sub-groups of Bhatias held among them in aggregate 89 villages of which only 4 held villages over 10 and under 20.

9. Around and below the estate holders and the families, are the kinsfolk who belong to the same sept of the clan. They hold land either independently of the head or on some sort of grant from him. When division among brothers becomes imperative, the division of the freehold is in proportion as the custom of sub-division in the clan permits. A stage is reached in the history of inheritance when the estate ceases to be further sub-divided and provision for the younger brothers of the agnatic group is limited to the grant of a well and a few bighas of land for life.

10. Standing apart from the clan organisation but above the cultivator is the Rajput Bhumia. Tod gives a historical account of the origin of this term in Mewar. Whatever may be the origin of the Bhum holding it had this apparently in common that "a hereditary, non-resumable and inalienable property in the soil was inseparably bound up with a revenue-free title". In Ajmer-Merwara, the Bhumia has a high status, and of Mewar it is said that the Bhumia there is considered to be the undisputed lord of the soil. The Bhumia and his heirs hold the land for ever on condition of peculiar service, such as watch and ward, protection of the roads or attendance for specified purposes.

11. Within a structure of society built up on clan organisation, a chain of mutual authority and subordination runs in a graded course from the Ruler to the possessor of one or more villages. The estate holders, large and small, pay to the State Ruler certain dues assessed on their income and regulated by custom. They are bound to render military service and their lands are rated at so many horse-men or footmen to be furnished yearly for the ordinary public service. The domains of the estate holders are rated at a certain valuation of rent roll; for every thousand rupees a

certain number of armed men must be provided for the State's service. In recent times this service has invariably been commuted to cash payment. The prevalent system in the Western States and in Udaipur. The relations of the estate holders with the Ruler differ from State to State. In places they exercise almost complete jurisdiction in their area; in other places they have been reduced to mere assignees of revenue, without any political influence or civil authority.

12. Wherever the territorial sovereignty of the usual organisation has been taken up by the domains of the superior Chief or the Ruler have developed after many centuries into the Khalsa or the State and of the subordinate estate holders into the village areas. It also appears probable that both the Ruler in the crown domain and the minor Chiefs in their own areas did not at first maintain or exercise a definite claim to the land as landlords, but rather held their estates as rulers without direct connection with the cultivator except realising revenue from them, while the Ruler of the State did not take any share of revenue from the subordinate Chief. Gradually with the passage of time the previous somewhat indefinite connection of the subordinate Chief with the land has become more clearly defined and his claim to be overlord has, as it were, crystallised and developed into a claim on the part of his descendants to be the actual soil landlords, both of the waste and of the cultivated land. As a general custom this claim recognised the right of the cultivator to continuous possession of land which he or his ancestors have cleared and brought under cultivation. In the Khalsa villages the Ruler's claim probably developed along similar lines.

13. A brief reference may be made to the status of the cultivator of the soil in the estates and the freehold tenures held by the kinsmen and clansmen of the State and by other clans of Rajputs. The description which follows relates to a period antecedent to the introduction of the modern methods of land revenue administration and tenancy laws, which however are applicable in Khalsa areas and to a large extent only in the Jagir areas. Broadly, it may be stated that all the lands pay revenue immediately to the State or to some minor chief within whose overlordship they fall, or they are held by cultivating groups of Rajputs or septs who pay a fixed rent to some overlord. Organised village community of cultivators can hardly be said to exist as an institution throughout Rajasthan though in Bharatpur and the eastern States many tracts are occupied by strong cultivating castes whose position is better than in the west or south.

14. Private rights in land are hardly recognised in Rajasthan and the payments made by the cultivators are technically classed as revenue and rents in the ordinary significance of the term scarcely exist. The cultivating tenures of the peasantry where settlement operations have not been carried out, are not easy to define either by description or by convention he is understood to have a permanent hereditary right in his holding as long as he pays the rent. In the absence of laws in the past the tenant's position was merely dependent on the balance between two opposite conditions—the desire of the soil-lord to squeeze the tenant and the fear of losing him. In areas where tenures are loose and undefined and where rack-renting is common, the status of the tenant is that of a predial serf. In Rajasthan there are no intermediaries between the tenant payer and the rent collector. The Patel and the Patwari are functionaries of the government. They have no status as members of the village community, and the position of the tenant itself as an institution is very feeble and depressed. The position of the tenant is still further worsened by the method of collection of rent which is taken sometimes in cash, but more often in kind by the well-known methods of sharing and measurement of the crop, which are assessed at an assumed price per bigha according to the kind of crop or even upon the plough.

15. Even when some kind of village organisation existed before the Rajput domination spread over an area, it has disintegrated under the Rajput clan supremacy. In Bikaner, for example, when the dominion established by the Rathores spread over the tract in the fifteenth century, the area now comprised of the Bikaner State was

in a greater part by various Jat tribes. These appear to have been organised into communities forming what may be called joint or landlord villages in which the original settlers or their descendants claim a right to the exclusive possession of the land round the village site. The growth of the claim of the Rajput soil-lord has overborne the joint constitution of the pre-Rathore villages. In place of a joint landlord claim of the descendants of the original founder of the whole village, that claim has now been transferred to the Thakur who, while respecting the right of the first clearer of the land and his heirs, maintains a hold on the occupied waste. Thus the villages have now become merely a collection of independent families of cultivators ; the old bond of hereditary joint landlord claim to the village area having been completely dissolved.

16. Similar conditions prevail in the Khalsa villages also. The extract below from an early settlement report gives an insight into the constitution of a village in the Khalsa area in Bikner :—

“ The actual act of founding the village will probably be marked by a ceremony. Each cultivator would build his house on the spot selected for the village site and would help to excavate the tank. He then would break up and bring into cultivation as much land as he thought proper and wherever he liked at a greater or less distance from the village site. There was no partition of the whole or part of a definite area by virtue of joint landlord claim over it ; each cultivator had a right to hold the fields which he broke up and a certain area of waste around them as against the other members of the village. This right descended to his heirs in accordance with the custom and to such an extent was the right respected and is so still that a cultivator who is absent from his village for several years is justly entitled in the opinion of the countryside to the possession of his ancestral fields and house whenever he returns There never has been in the great majority of the Khalsa villages any group of persons who asserted or exercised any claim as joint landlords of the whole area of the village nor at the time were any groups who made such a claim based on inheritance. The villages consisted of groups of independent cultivators, the right of each of whom is based on his being either the first clearer of land or the descendant of such a clearer and was limited to the actual area held by him ; he had no responsibility and consequently no contingent right in regard to the holding of any other cultivator nor had he any claim over any undivided portion of the occupied waste ; he had merely a customary right to graze his cattle there ”.

17. At the eastern end of Rajasthan in the State of Kotah, we have evidence that at the beginning of the nineteenth century the tenure of land in the Khalsa area was very widely changed by the administrative measures of Zalim Singh. Before his time, two-fifths of the produce belonged to the State and the remainder belonged to the cultivator after deduction of the village expenses. Zalim Singh surveyed the lands and imposed a fixed money rate per bigha making the settlement with the cultivator and giving the village officers only a percentage on collections. He soon broke down all the hereditary tenures and got almost the whole cultivated land under his direct proprietary management using the cultivators as tenants at will or as farm labourers.

18. On the other hand in the State of Udaipur, for a long time by practice the tenant in the Khalsa area had been left generally undisturbed in his possession so long as he paid the land revenue. Here two varieties may be distinguished, namely, Pucca or Bapoti and Kutcha. The former gives the occupier rights of mortgage and sale and an indefeasible title to the land so long as he pays assessment on it. Even if ejected for non-payment or driven away by misfortune and losses he may at any time return and claim the inheritance of his ancestors by paying the revenue in arrears as well as that of the year in which the land remained uncultivated during his absence. In the Kutcha tenure the occupier is little better than a tenant at will.

CHAPTER V.—JAGIR TENURES.

Rajasthan.

1. The existing systems of Jagir tenures in Rajasthan may be grouped under categories, namely, (1) Jagir, (2) Juna Jagir, (3) Bhom, (4) Charitable Grant (5) Bhomichara, (6) Inam, (7) Service Grants, and (8) Permanently quit-rent estates and lands. Each of these is described in detail below.

2. *Jagir*.—The term 'Jagir' is used both in a generic and a specific sense. In its generic sense it connotes all non-Khalsa area. In its specific sense it means grant in land consisting of a whole village or villages, or a part of a village or villages. The tenure of the different classes of Jagirs are fundamentally the same, but there are slight differences of origin and some variations as to the duty or payment up which they are held. There are again, broadly, four distinct classes under which the Jagir tenure falls. One class includes members of the clan fraternity who hold the lands not originally by grant from the sovereign or upon the feudal system, but by right of kinship with and descent from the original stock or stocks who first conquered and settled as a dominant clan in the country. Secondly, there are grants for which no feudal service is performed but only a quit-rent paid or held revenue free. These may be held principally by the clan members of the Ruler's own family, Ranis and near relations of the Chiefs, etc. They partake the nature of appanages. Thirdly, there are real grantees who originally obtained assignments of land on the system which the revenue was given for maintenance of troops or other distinctly valuable considerations. Fourthly, in the wider application of the term Jagir, a grant of land is made in recognition of service of a political or civil nature or as a mark of the personal favour of the Chief. This class includes non-Rajputs also.

3. The Rajput Jagirdars, with few exceptions, pay a fixed annual tribute. In Jodhpur, the military cess called Rekh is supposed to be 8 per cent. of the gross revenue value of the Jagirdar's estate, and he has to supply one horseman for every Rs. 10 of revenue, or one camel sowar for every Rs. 750, or one foot-soldier for every Rs. 5. This military service (Chakri) has now been commuted for cash payment. In Bikaner the fixed military tribute is called Rakam and is made up of Rekh, *i.e.*, money paid in lieu of service, and Rakhwali or protection fees. This yearly Rakam varies with the amount of the different estates, but is generally about one-third of the revenue. In Udaipur the annual tribute is called Chatund. It is supposed to be one-sixth of the yearly income of the estate of the Jagirdar, and the Jagirdar has to serve with his contingent for a certain period every year. In Jaisalmer there are two classes of Jagirdars, one holding their estates on what is called the Basi tenure, and the other in perpetuity. These Jagirdars pay nothing whatsoever to the State either by way of rent or service. The other tenure is that of the Pattedars who hold their estates at the pleasure of the Ruler and pay nothing.

4. As a rule the Jagirdars pay a fee (Nazarana) on their succeeding to their estates. These vary according to the locality. Strictly speaking, a Jagir estate granted for a single life only and on the death of the holder immediately reverts to the Khalsa, *i.e.*, reverts to the fisc and so remains until a successor has been recognized when it is again converted and a fresh Patta issued. Lastly, an estate is not liable to confiscation save for some grave political offence.

5. In the matter of succession to a Jagir the rule of primogeniture holds good and if there is no son a successor is appointed by adoption who must be a lineal descendant of the original grantee; otherwise the estate escheats to the State. A person adopted is nominated either by the Jagirdar during his lifetime or by his will within twelve days of his death, or should both have died without having made selection, by the leading members of the family.

6. Non-Rajput Jagirdars are not liable to military tribute, but they have to pay Nazarana etc. In their case also adoption can only be with the sanction of the Ruler.

7. *Juna Jagir*.—A Jagirdar whose estate has been resumed is usually permitted in Jodhpur, in consideration of his previous position and in order to save him from becoming homeless and penniless, to retain a certain portion of it free of rent or tax of any kind. In Bikaner and in Udaipur this tenure prevails under the term *Bhom*. The tenure holders are descendants of Jagirdars to whom land is assigned for maintenance. They do not pay revenue to the State.

8. *Bhom*.—This is a wider term than the one mentioned above and the holders of these tenures are scattered over a large area, particularly in Jodhpur, Mewar and Bundi. *Bhom* lands are of various descriptions. The *Bhomia* is always a Rajput. Where there is a *Bhomia* in a village he has a few bighas of land rent free.

9. In Jodhpur, land given by the State or by the Jagirdar to any one for important services rendered to the State or village is called *Bhom* land. Such lands are exempt from all kinds of tax or fees, except the *Bhumbab* which is no more than a mild form of tribute. Secondly, lands peopled and brought under cultivation by some enterprising persons are allowed to be enjoyed by them in perpetuity. A fixed tribute named *Dumba* is paid yearly to the Jagirdar within whose estate the land comprising the *Bhom* is situated. These lands are also exempt from any other tax or service and continue to be enjoyed by the owners for generations. Thirdly, the lands or villages seized upon or conquered and successively enjoyed for a series of generations without being renewed or disturbed even during a change of government also constitute *Bhom*. They are exempt from all kinds of taxation; only a fixed sum, named *Faujbal*, is levied from them yearly. They cannot be resumed except on grounds of treason or commission of heinous crime.

10. In Mewar those holding on the *Bhom* tenure may be classed under two groups namely, the *Bhumats* who pay a small tribute to the State and are liable to be called on for local service, and *Bhumias* who pay a normal quit-rent (*Bhum Barar*) and perform such services as watch and ward of their villages, guarding the roads, etc.

11. *Charitable Grants*.—These have their various synonyms, such as, *Sasan*, *Doli*, *Udak*, *Milak*, *Punyarth*, *Dharmada*, etc. All these tenures connote charitable grants given to Brahmins, Charans, Naths, Temples, etc. As a general rule, they are held rent-free. A village in Marwar granted in charity is called *Sasan* and is held rent-free. When the grant is of a portion of village or certain wells and fields, it is known as *Doli*.

12. *Bhomichara*.—The holders of *Bhomichara* tenures are generally spoken of as *Bhomias*. But they may be distinguished as a different class from those who hold *Bhom* lands.

13. The *Bhomichara* tenure is to be principally found in Jaisalmer, Mallani in Jodhpur and Shekhawati in Jaipur. The *Bhomichara* tenure arises when the estate is treated as personal property and division takes place, according to Hindu law, and where the law of primogeniture is not admitted. Since division has gone on for centuries, extreme fragmentation of Jagir rights is to be expected and even the smallest holder of such rights claims to hold his land under Jagir tenure.

14. In Jaisalmer, when a Jagirdar holding an estate in perpetuity dies, a new *Patta* is not issued to the eldest son. The profit obtained from the soil is divided equally between all the sons, if there happen to be more than one. So long as all agree together, this system is well enough, but it is most frequently a fruitful source of grievous quarrels. If a dispute takes place, a division of the land is made by arbitration or by order of the State. This system continues from generation to generation and in many instances now, a man's share in the land is very small indeed. This custom prevails principally among those Bhati chieftains who are the descendants of Maharawal Kait Singh.

15. "The consolidation of these septes of Mallani and Shekhawati" (wrote Sir Alfred Lyall in his "Asiatic Studies") "has been greatly hindered by the policy of

The Chiefs of Jodhpur and Jaipur, who, being unable to control these unruly communities, became alarmed lest they should unite under one head and become formidable independent rivals. With much the same motive as that which, according to Sir Henry Maine, induced the English to gavel the lands of the Irish papists and make them descendible to all children alike, the Jaipur Chiefs used all their influence to push forward among the refractory sept the custom of an equal division of the land among males on each succession—using it as a wedge to split up the groups as they began to form”.

16. There is no evidence for this assertion that the law of primogeniture was deliberately not admitted at the instance of the territorial chiefs of Jaipur and Jodhpur. The Bhomichara tenures of Mallani and Shekhawati arising out of the exclusion of the rule of primogeniture in regulating succession, constitute an exception and not the rule in the clan organisation. It is this exceptional procedure in the matter of succession that is responsible for the fragmentation of the Jagir rights in these areas, and not any Machiavellian policy on the part of the Rulers. Possibly the Rulers may have derived a secret satisfaction at the weakness of the clans in these areas, but it is inconceivable that they could have interfered with the laws of succession against the wishes of the clansmen.

17. In Mallani, it is apparent that one branch migrated and founded the State of Jodhpur. The other which remained adopted the law of gavelkind, that by which an equal division of the property of the father is made at his death among his sons and began to divide the land in equal proportion at some later date. At present there are 5 estates which are fairly big enough, but the rest of the area has been minutely fragmented. The first in rank is Jasol, comprising of 72 villages which are divided between two families. In 1892 it was recorded in a report compiled by the Jodhpur State that the Barmer estate had already been divided amongst 250 families. Exact figures are not available as this area has not yet been surveyed and settled.

18. The tenures of Shekhawati in Jaipur have the same characteristics as in Mallani in that all holdings are divided among all the sons at the death of the father—the rule of primogeniture not having been admitted here. The Shekhawats of Udaipurwati who originally (according to Tod) held that tract subject to the ordinary rule of primogeniture, began to sub-divide under circumstances which are not clear. According to a document of 1732, 49 villages were listed in Udaipurwati. Sardul Singh, the progenitor of the leading Shekhawat families, was shown as holding 8 villages, while the remaining villages were shown as distributed among 26 other Shekhawats, for each of whom a separate assessment was recorded. This Sardul Singh and his family secured under Maharaja Sawai Jai Singh of Jaipur the lease of Jhunjhunu, Narhar and Singhana. Jhunjhunu and Narhar were later partitioned amongst the five sons of Sardul Singh, and by this sub-division the Panchpana was formed. Since the Shekhawats of Udaipurwati had already sub-divided their estates long before the time of Sawai Jai Singh, it was natural that in distributing their landed property amongst their heirs they should follow the ordinary Hindu custom of division of the property which they had applied to their home estates. Colonel Brooke wrote that Sikar and Khetri are “the only estates which have escaped this ruinous sub-division—the first by the destruction of the minor branches who sought to enforce partition; and the latter by want of issue beyond a single son subject their estates to sub-division, but over a larger area in this tract the custom of equal partition between equal heirs was favoured. Mr. Wills has described the complexity of the sub-division of the land in this tract in the following terms: “The greater portion of it was no doubt partitioned of whole villages; but even though a number of villages formed the share of a single heir, that heir did not receive the number of villages formed the share of a single heir, that heir did not receive the constituted his inheritance. Again, as sub-division continued, even the individual villages were broken up into shares so that a number, not of whole villages, but shares

in scattered villages, went to form the allotment of individual heirs. Yet again, there were villages which from the first were never partitioned as whole villages among the sons of Sardul Singh, but each was held jointly by all the members of the family. Important centres such as Jhunjhunu, Narhar and Singhana were treated in this way. After a time when the co-sharers of such villages became numerous, partition seems to have been effected resulting in an extreme degree of fragmentation".

19. It is not possible to define the incidents of Bhomichara tenure without carefully making a local enquiry. It would be the function of a Settlement Officer to expound such a definition. Regarding Sheknawati, Mr. Wills continues: "This much, however, is certain that the Bhumias' right in Udaipurwati is a very strong one—certainly not inferior to the proprietary right of British India. They are not Ijaredars; nor are they Istimardars—this latter term implying the existence of an original Ijara. Their tenure as Bhumias is almost certainly derived from a territorial right which was in existence prior to the constitution of the Jaipur State in its present form; but that tenure cannot be held to confer on them any title to hold independently of the Jaipur Darbar. It was originally a tenure subordinate to the Moghul Government whose superior right was, as already stated, transferred by Ijara to Sawai Jaisingh in 1730".

20. The table below shows the extent of fragmentation in the Panchpana-Thikanas of Shekbawati (Jhunjhunu District):—

Bighas.	Pana Zorawar Singh.		Pana Nawal Singh.		Pana Kishan Singh.		Pana Kesri Singh.		Total.	
	No.	Area.	No.	Area.	No.	Area.	No.	Area.	No.	Area.
Up to 10	14	57	2	6	1	8	..	..	17	71
11—25	22	407	5	87	1	15	..	..	28	509
26—50	53	1,957	7	253	4	161	..	..	64	2,371
51—100	73	5,485	8	631	7	553	..	..	88	6,669
101—200	77	11,180	17	2,525	3	309	..	..	97	14,014
201—300	42	10,221	9	2,248	5	1,205	..	..	56	13,674
301—400	21	7,250	10	3,572	..	..	..	..	31	10,822
401—500	22	9,730	1	407	..	..	..	..	23	10,137
501—1,000	26	20,107	21	14,517	..	..	..	..	47	34,624
1,001—5,000	52	1,02,522	17	49,951	..	..	..	..	69	1,52,473
5,001—10,000	4	23,480	5	37,079	2	13,717	..	..	11	79,276
Over 10,000	2	78,366	6	3,60,308	7	1,52,312	2	4,41,681	17	10,33,167
	408	2,75,762	108	4,71,584	30	1,63,780	2	4,41,681	548	13,57,807

NOTE.—(i) After the formation of the Panchpana by the sub-division of 1741 amongst the sons of Sardul Singh one of Sardul Singh's five sons, named Akhey Singh, died without issue. Instead of the share being divided equally between the four brothers, it was partitioned only between the three of them born of the same mother—Zorawar Singh, Sardul Singh's son by another wife, obtaining no part of Akhey Singh's share. Hence there are only four Panas in the above table.

(ii) The areas are in Bighas.

21. The table below gives the abstract of the above figures to illustrate the percentage of the holdings in different categories to the total area:—

Bighas.	No.	Area.	Percentage of total area.
Up to 500	404	58,267	4 per cent.
501—1,000	47	34,624	3 per cent.
1,001—5,000	69	1,52,473	11 per cent.
5,001—10,000	11	79,276	6 per cent.
Above 10,000	17	10,33,167	76 per cent.
	548	13,57,807	

22. *Inam*.—This is a rent-free grant for services rendered to the State; it lapses on the failure of lineal descendants of the original grantee and is sometimes given for

a single lifetime only. The Inamdar cannot sell the land so held by him but he can mortgage it.

23. *Service Grants*.—They go under various names, such as Pasaita, Baad, Tankha, Huzuri, Chakran, etc. These terms connote that lands are held in lieu of services whether as grant from the State or the Jagirdar. The grants are liable to be resumed when the holder ceases to render the service or his service is no longer required.

24. *Permanently quit-rented estates and lands*.—These are denoted by various terms as Dumba, Chukota, Suba and Istimrari. Of these the Istimrari tenure merits some attention. The largest number of Istimrari estates in Rajasthan lies in Ajmer-Merwara which area is outside the scope of this report. The original tenure of the Istimrari estate in Ajmer is exactly like the Jagirs in Rajasthan. None of these Ajmer estates ever paid revenue till 1755, but were held on condition of military service. As it did not suit the Mahratta system to exact military service from the estate holders, they assessed a sum upon each estate which presumably bore some relation to the number of foot-soldiers which each estate holder had, up to that time, been required to furnish. Under British rule, the estate holders were made liable to pay an annual fixed and permanent quit-rent and were converted into Istimrari tenure holders.

25. Under different circumstances Istimrari tenures appear to have arisen in Jaipur State. In 1935 an enquiry was held on land tenures of the Thikanedars in Jaipur State by Mr. C. U. Wills, a retired member of the I. C. S. After examining all the available material Mr. Wills put forward the view that a greater portion of the modern Jaipur State assumed its present form by the policy pursued by Maharaja Sawai Jai Singh. His original patrimony round about Amber was not extensive. Sawai Jai Singh expanded the State by the farming system which was a prominent feature of the agrarian system at the beginning of the eighteenth century. In view of the important position he held as a Governor under the Moghuls he took a lot of land on the farming system and leased it to his Rajput clansmen under sub-lease. The list of Sawai Jai Singh's Ijaras shows that by this means he occupied an area much exceeding the territorial extent of the present limits of the Jaipur State. The points of importance are stressed by the enquiry, namely, the territorial growth of the modern Jaipur State was altogether distinct in character as it was distinct in time from the clan conquests which were the usual methods in early days of expansion of a Rajput State; and secondly, that the development of the Jaipur State was a direct consequence of the collapse of the Moghul power. And that development was based on Ijaras taken by Sawai Jai Singh. When he returned to the task of administering his new territories acquired from the Moghuls by means of these Ijaras he distributed them among the subordinate Ijaredars. Naturally in selecting his sublessees for the local areas into which he subdivided his new acquisitions, he showed a marked antipathy for Moslems and a distinct preference for men of his own clan. Within a few years we find the Shekhawats planted in the north, in what is now known as Shekhawati, to the exclusion of the earlier Moslem Qaimkhani holders, while the Haras of the south with whom Jai Singh was on enmity were replaced by the Naruka hands, and Sawai Jai Singh was content to leave them undisturbed on their accepting the assessment he imposed.

26. From the examination of State records, Mr. Wills states that Sawai Jai Singh obtained Ijaras from the Moghul authorities for the Panchpana-Singhana area. He again obtained lease of five Moghul Mahals of Jhunjhunu etc., from the Nawab of Bikaner and gave out these five Mahals to a number of sub-lessees, one of whom was Sardul Singh Shekhawat, and subsequently this sub-lease was divided equally among the five sons of Sardul Singh. This is the origin of the formation of Panchpana in which are included all the important Thikanas of Shekhawati.

27. The tenure of the family of Sikar which first obtained farming rights was derived from a permanent lease (Ijara Istimrar) between 1733 and 1739. The asses

ment of Rs. 1,10,000 was imposed and these figures can be traced back to 1739 and since then this amount is still the basic figure of assessment for the main portion of the Sikar estate. It may be recorded as a remarkable fact that there has been no variation in the ultimate figures underlying the revenue demand for this tract of country for over 200 years. Mr. Wills strenuously contests the views of Lyall and Tod that Shekhawati was conquered and a clan settlement of Kachwahas took place. He argues that any such pretensions on the part of the Thikanedars of Shekhawati are singularly inappropriate to a class of tenure holders who first came into existence as subordinate Ijaredars during the break-up of the Moghul power.

28. The estates of Khandela and Uniara are also described as Istimrari.

Madhya Bharat.

29. Mention has been made previously of the 'Guaranteed estates' recognised in the settlement of 1818. The British became the guarantors of the conditions granted to those chiefs but, subject alone to those guaranteed conditions, the chiefs in this class were regarded as being under the authority and subordination of their Mahratta overlords. In 1921, the guaranteed estates in the Gwalior territories passed more fully under the control of the Scindia, but it was understood that the conditions guaranteed by the British would continue to be respected by the Maharajas of Gwalior. With the withdrawal of British paramountcy on August 15, 1947, the guarantees to these estates must be deemed to have lapsed. By such lapse these estates did not, however, become independent entities in the polity of Central India. They are regarded as Jagirs or assignments held in the territories of the Treaty Princes in which they are situated. This is a point which is being hotly contested by the Thakurs of Multhan and Kachi Baroda, who claim that on the 15th August 1947, they became independent entities and that as such their right to accede to the Union of India as separate States should be recognised. There is no substance in this contention which they have submitted to our Committee. In any case their position is finally settled by the definition of Ruler in Article 366 (22) of the Constitution of India.

30. In addition to these guaranteed estates, there remained from the period before Mahratta invasion a number of Rajput chiefs who had been completely subdued but whose holdings of few villages here and there were recognised as assignments subject in most cases to a payment of tribute. The first category of Jagirdars in Madhya Bharat, therefore, consists of this great group of pre-Mahratta Rajput chiefs whose pre-existing possession of these villages entitling them to the revenue of those villages subject only to the payment of certain tributes, was recognised and confirmed by the Mahratta powers.

31. The next group of Jagirs in Central India comprises of assignments made by the Mahrattas to the leading warriors in the camps out of the conquered lands. These jagirs contain a condition of continuing service to their overlords. They are usually held on personal service tenure called '*Saranjam*', and a century ago, every such Jagirdar was bound to support his chief when ever called upon to do so with a quota of horse and foot called '*Zabta*'. This service obligation has everywhere now been commuted into a money payment.

32. The third group of Jagirs consists of rewards granted to high officials of the States for service rendered or to the cadet members of the chiefs' families for their support and maintenance. These Jagirs do not necessarily involve any condition of continuing service.

33. Then comes a smaller class of assignments known as '*Muafis*' or land given as the name implies, as a free grant. When such grant is made for the support and maintenance of a temple, it is known as '*Devasthan Muafi*'; where it is given to priests or other holy persons or sacred institutions for their maintenance, it is known as '*Dharmadaya Muafi*'.

34. Another group consists of the 'Chakrana Muafi' which are small allotments made to palace servants, personal attendants of the chiefs, pensioned sepoys and other persons of a humbler rank who had rendered devoted and meritorious services.

35. In certain cases when it is not possible or convenient to assign a piece of land when creating a new Jagir or when the new Jagirdar is not in a position to look after an outlying Jagir which is said to be conferred on him, the cash value of the assignment proposed is made payable to the Jagirdar. This gives rise to the class of 'Cash Nemnookdars or Cash Jagirdars'.

36. Another separate class of Jagirdars can also be distinguished among many land holders of the pre-Mahratta days who had conferred their holdings over many on whom a permanent fixed quit-rent alone was fixed. This quit rent or fixed revenue is a nominal assessment, not related to the income from the holding, but with the condition of confirmation of grant, the amount is invariable. This class of persons are known as 'Istimrardars'.

37. Jagirdars in the old days were chiefs who not only maintained their own armed retinues but also small units of armed forces. Through the delegation to them of almost all administrative powers in their respective jurisdiction, they exercised almost semi-sovereign powers. The powers of the Jagirdars tended to vary inversely in proportion to the power of the central authority. There were obvious dangers inherent in such a system. After the settlement of 1818, the authority of the governments, in all the States, however, showed a steady increase, and it was possible for the ruler of a State to exercise his power more effectively throughout his territory. It was also possible gradually to bring more and more system into the confused mass of the Jagirdari system as in other fields of administration. A consolidation and reform of the laws, customs and rules applicable to Jagirdars, therefore, steadily went on. The rights of Jagirdars to levy customs duty and maintain their own excise or Abkari arrangements were gradually extinguished though the profits from these sources were commuted to fixed annual payments. The judicial powers of Jagirdars were more carefully defined and their law courts placed under the appellate jurisdiction of higher courts in the State. Though no formal laws were promulgated defining the rights and obligations of Jagirdars, manuals were drawn up in most States defining them. These manuals as constituting a body of orders issued by the Ruler of the State had all the force of law. Provision was made in these orders for the conduct of Jagirdars and for rules to be observed in cases of adoption and succession. Provision was also made in the larger States for taking over of management by government directly of the estates of delinquent Jagirdars.

38. In this process of consolidation and reform the differences between one class and another of Jagirdars which were purely historical in origin were gradually obliterated. Jagirdars of different groups but having at the present time the same rights and obligations are now classed together. One more new classification which was carried out in most of the States is worthy of note. According to this classification, Jagirdars are defined to include only those holding an entire village or several entire villages, while the term Jagirdar was no longer applied to those smaller classes of assignees who hold only a few plots or holdings.

39. In this process of consolidation of the rules relating to Jagirdars another significant development occurred. Many States, particularly the Gwalior State took an opportunity some years ago of subjecting to a fresh and careful scrutiny the 'Sanads and title deeds' of all Jagirdars. Where such title deeds were found defective, it was obvious that the Jagir was liable to immediate resumption. Out of respect, however, for the rights which may be taken to have accrued by prescription, all such Jagirs with defective titles were not actually resumed. The tribute or 'Tankha' was revised and fixed at half the revenue of the Jagir. These Jagirs are classified as those assigned under 'Jadid Usool'.

CHAPTER VI.—GENERAL DESCRIPTION : STATISTICAL AND OTHER DATA REGARDING JAGIRS.

Rajasthan.

1. The United State of Rajasthan (or 'Rajwara', the 'abode of the Princes') has been formed by the Union of 18 States of the former Rajputana Agency, but excluding the State of Sirohi and the centrally administered area of Ajmer-Merwara. About 75,000 sq. miles of the area of the western part of the Union comprises of the former States of Jodhpur, Jaisalmer and Bikaner. The total area of Rajasthan is 1,27,236 sq. miles with a population of 1,30,81,183. The Union has been divided into 5 divisions, 24 districts and 77 sub-divisions. The population by the administrative divisions is as below :—

Division	Population (1941)
Udaipur	26,53,033
Jaipur	53,36,991
Bikaner	12,92,938
Jodhpur	26,49,150
Kotah	11,49,071
Total	1,30,81,183

2. As traced on the map, Rajasthan is an irregular rhomb, its salient angles to the north, west, south and east respectively being joined by the extreme outer-boundary lines of the States of Bikaner, Jaisalmer, Banswara and Dholpur. It is bounded on the west and north-west by Pakistan and on the north and north-east by East Punjab. Its eastern frontier marches first with the United Provinces and next with Gwalior, while its southern boundary runs across the central regions of India in an irregular zigzag line.

3. The Aravali Hills ('Paripatra' of the Vishnupurana) intersect Rajasthan almost from end to end by a line running north, north-east and southwards. This line divides the sandy country of the north-west from the kindlier soil of the south-east and, roughly speaking, about three-fourths of Rajasthan lies north-west of the Aravalis, leaving one-fifth on the south-east. The Aravalis may be said to represent a coastline partly fenced in by high cliffs and partly an irregular shore pierced by bays and inlets against which the sea of sand blows up continuously from the shelving plains of the west.

4. The character of the north-west region is the same everywhere. It is covered by sand hills shaped generally in straight, long ridges resembling the rippled marks on a sea shore upon a magnified scale. Their summits are blown into wave-like curves by the action of the periodical westerly winds. The villages within the desert cannot be reckoned as fixed habitations, for their permanence depends entirely on the supply of water in the wells, which is constantly failing or turning brackish, and as soon as the water gives out the villages must shift. The cultivation is everywhere poor and precarious. Along the base of the Aravali range the sub-montane region is well cultivated where it is not covered by jungle.

5. The second main division of Rajasthan south-east of the Aravalis is a higher and more fertile region. It has, however, a very diversified character. It contains extensive hill ranges and long stretches of rocky woodland; it is traversed by considerable rivers and in many parts there are wide vales, fertile table lands and great breadths of excellent soil. The eastern plateau of Rajasthan which includes Kotah and Bundi States, falls very gradually into the Gwalior country and the catchment of the Betwa river. North-west of Karauli the country smooths down and opens out towards the Bharatpur territory whose flat plains belong to the alluvial basin of the Jumna.

6. In the north-western division of Rajasthan the only river of any significance is the Luni. The south-eastern division has a river system of importance. The Chambal is by far the largest river in Rajasthan flowing through the province for about one-third of its course and forming its boundary for another third. Its principal tributary, Banas which is next in importance to the Chambal, is throughout its length of 300 miles, a river of Rajasthan.

7. Excluding the comparatively fertile regions of Marwar along the banks of the Luni river, the country to the west, north and north-west of the Aravali hills is a vast sandy tract. Water is far from the surface and scarce. People here depend for their supply of grain almost entirely on those grown in the rainy season which in this area is of a very uncertain character. In the eastern half of Rajasthan agricultural conditions are very different. The rainfall is heavier and more regular. Except in a very few parts, two crops a year are the rule, and not the exception. The most important irrigation system is the Ganganagar Canal of Bikaner where the waters of the Sutlej have transformed desert life and nearly eight lakhs of acres are being irrigated by this Canal.

8. In Chapter IV a description has been given of the clan organisation among the Rajputs. The Rajputs form a small minority of the population throughout Rajasthan. They hold the land to a very large extent either as receivers of rent or as cultivators. The tradition of common ancestry has been preserved among them to a feeling which prompts a poor Rajput yeoman to hold himself as good a gentleman as the most powerful landowner of his own clan; but as a race they are inclined to look too much on the past and to consider any occupation other than that of arms and government as derogatory to their dignity, and the result is that those who do not hold land have rather dropped behind in the modern struggle for existence.

9. The statement below shows the percentage of Rajputs in the population of certain Rajput States in juxtaposition with one of the most numerous castes or tribes

State	Rajputs	Jats	Bhils
Bikaner	55,510 (6%)	2,15,947 (23%)	....
Jaipur	1,13,389 (4%)	3,13,609 (12%)	....
Marwar	1,87,874 (9%)	2,83,933 (13%)	....
Banswara	3,818 (2%)	....	....
Dungarpur	9,924 (4%)	....	....
Mewar	1,24,174 (8%)	....	1,44,925 (64)
Partabgarh	3,362 (4%)	....	1,23,350 (54)
		....	2,16,283 (14)
		....	29,445 (38)

NOTE.—The figures are of the 1931 census.

10. Our enquiry has been considerably handicapped by the absence of reliable statistics and data on several important matters relating to Jagirs. There are practically no statistical compilations published by any of the States. In the absence of survey and settlement operations there is practically no information relating to the aspect of the agrarian conditions in the Jagir areas. The statistics relating to the number of Jagirs are also incomplete.

11. No statistics of any kind are available for the State of Jaisalmer.

12. It was found impossible to obtain any kind of statistical information in the following cases:—

- (a) Extent of alienation of land in favour of sub-proprietors and family members.
- (b) Details relating to Bhomichara tenures in Mallani and Udaipurwara.
- (c) Cash income of the Jagirdars.

- (d) Approximate total revenue realised by the Jagirdars in Rajasthan.
 (e) Details of the plot proprietors of Charitable and other Grants, and their income.
 (f) Incidence of land revenue in irrigated and unirrigated tracts in the Jagir areas.
 (g) General agricultural statistics and other relevant data relating to agrarian conditions.
 (h) Total area of the Zamindari tenure and the revenue paid to Government.

13. The following table shows the distribution of the total area and the villages in Rajasthan between (a) Khalsa and (b) Jagir :—

Division	Area in sq. miles		Villages	
	Khalsa	Jagir	Khalsa	Jagir
Udaipur	7,467	10,569	3,038	5,900
Jaipur	12,379	12,572	6,600	4,626
Bikaner	8,317	15,000	1,804	1,564
Jodhpur	14,013	36,978	1,149	3,787
Kotah	7,950	1,991	4,047	903
	50,126	77,110	16,638	16,780

Statistics are not available to show the distribution of population between the Khalsa and Jagir areas.

14. The following statement shows the tribute paid by the Jagirdars in Rajasthan :—

Division	Tribute. Rs.
Udaipur	5,42,764
Jaipur	29,20,520
Bikaner	1,82,621
Jodhpur	8,00,956
Kotah	51,417
Total	44,98,278

NOTE.—In Bikaner, Chakri is levied in kind.

15. The following table gives the detailed classification of Jagirs according to tenures :—

Division	Rajvis	Jagirs in lieu of service†	Jagir proper	Bhomi- chara	Istimrars	Charitable Grants (of all descrip- tions).
Udaipur	†	†	3,500*	..	..	..
Jaipur	28	485	1,482	232	58	467
Bikaner	24	150	473	..	..	162
Jodhpur	20	119	1,236	346	..	621
Kotah	35	70	272	..	..	93
TOTAL	107	824	6,963	578	58	1,343

* The figures for Udaipur are approximate.

† These include Tankhedars, Rissala, Marzidans, Khawas, Paswan, Huzuris and Mutsaddis.

‡ Figures not available.

The above table relates only to whole villages. There are no statistics to show holdings or plots held under any of the above tenures.

16. Some of the fiscal powers still enjoyed by the Jagirdars are set out below :—

Excise, Opium and Customs Compensation.—In almost all the divisions some principal Jagirdars are paid Excise, Opium and Customs Compensations. Excise compensation is paid in cash and in kind also. In Bikaner, some 38,800 bottles of liquor are given to the Jagirdars at the concession rate; and in other units payment is made in cash. The figures for these compensations come to Rs. 3,04,227.

Salt Compensation.—This is also paid to the Jagirdars in all the divisions of Rajasthan. The approximate amount comes to Rs. 21,097; the figures for Udaipur and Jaipur divisions not being available.

Patta Fee, Nazarana and Mohrana.—Excluding Kotah and Udaipur divisions, Patta Fee, Nazarana and Mohrana for sale or transfer of land for residential purposes are being charged by the Jagirdars.

Mines.—In Jodhpur division some of the Bhomichara Jagirdars of Mallani are given Rs. 2,877 as compensation for Mines. In Jaipur, some Jagirs of Udaipurwati enjoy rights of 'minor minerals'.

Mapa or Sale Tax.—Mapa or Sale Tax is still levied in Bikaner, Jaipur and Jodhpur divisions.

Cattle Pound and Kodi Compensation.—Rs. 21,192 as Cattle Pound Compensation and Rs. 15,358 as Kodi Compensation are being paid in Bikaner division. In some of the divisions Jagirdars still maintain cattle pounds of their own.

Hawala, General and Forest Compensations.—In Jodhpur division, Rs. 7,280 for Hawala, Rs. 4,494 for General and Rs. 2,142 for Forest Compensations are given to some of the Jagirdars.

Madhya Bharat

17. Madhya Bharat has been formed by the Union of 25 States in the former Central India Agency. About a half of the area of the new State was comprised in the old Gwalior territories and about one-fourth in the old Indore territories. About 17,000 sq. miles of the area of the Union at the north comprises of a compact block of the old Gwalior districts. The southern part of the Malwa section is made up of the detached territories of all the 25 States interlaced and intermingled in bewildering intricacy. The total area of about 46,166 sq. miles has now been divided into three Commissioner's Divisions, 16 districts and 80 tehsils or parganas with 25 tappas.

18. The territories of Madhya Bharat stretch roughly from the Narbada in the south to the Chambal in the north. Four broad divisions are noticeable in this tract. The main body comprises of the Malwa plateau which has a mean elevation of about 1,500 ft. and consists of rolling downs of rich black soil with low flat-topped hills. The black soil of this region is a very rich loamy earth with an unusual capacity to retain moisture and renowned for its fertility. The layer of the black clay soil is not uniform in thickness and the fertility of any patch of land in this tract depends considerably on the depth of the black clay soil.

19. North of the Malwa plateau is the alluvial plain which forms part of the Chambal basin. There are a few outcrops of rocky prominences in this plain on one of which is situated the Gwalior Fort. This region forms part of the Gangetic valley. The soil is light loam degenerating at places into light sand.

20. South of the Malwa plateau lies the hill system of the Vindhya. This region is mostly forest with a low density of population and little cultivation. Below the Vindhya lies the Narbada valley encased between the Vindhyan ranges and the Satpuras, with the Narbada flowing in between the two ranges from east to west.

21. The Vindhya form the important water shed in the south. The drainage of the area north of the Vindhya is roughly from south to north or north-east. The

Chambal which is the most important river of the State rises near Indore and flows north-west and then changes its course to north-east and then to east to join the Jumna. A number of smaller streams rising in the south of the Malwa plateau scour the plateau and flow down to the northern plains as tributaries to the Chambal.

22. Irrigation is little resorted to in the Malwa plateau. The soil is however highly retentive of moisture and the ample rainfall during the south-west monsoon enables good rabi crops to be raised. Irrigation in the northern districts is also poor, though certain minor irrigation works have during the last two decades been constructed in this area. Cultivation in the northern districts is much more dependant on irrigation because of the low sandy nature of the soil.

23. The distribution of the population in this State is extremely uneven. In the north, the three districts of Bhind, Morena (without Sheopur sub-division) and Gwalior (northern half) are almost as fully populated as districts in the United Provinces. Districts in the heart of Malwa are fairly well populated even though much less so than the northern districts. In the Narbada valley, the district of Nimar has a fairly high density of population. This leaves out two important areas, namely, the areas along the Vindhyan ranges and the central districts of Shivpuri, Guna and the adjoining tracts. The Vindhyan hilly region is covered with forests and is not likely to be populated in the near future. Land reclamation on a vast scale is, however, possible in the districts of Guna and Shivpuri. Attempts to settle new colonies of agriculturists in this area have met with little success so far. Perhaps, only a large scale change in conditions such as that which may be brought about by the completion of the Chambal project, can attract new colonists to this area.

24. Three statements are given below showing the distribution of Jagirs according to :—

- (a) the class of Jagir,
- (b) the caste of the Jagirdar, and
- (c) the area, population, etc., of the Jagir.

(a) Statement showing the number of Jagirs in Madhya Bharat with classification

Sl. No.	Name of Division	Jadid Usool	Istim-rardar	Tank-hedar & Muafidar	Muafi, Dharma & Muafid Inam & Charities	Maufi Deos-than	Nna-kardar and Gujari-dar	Others	Total
1	Gwalior . . .	75	7	0	61	18	25	25	211
2	Ujjain . . .	112	114	29	51	3	240	69	618
3	Indore . . .	32	7	191	68	12	13	177	500
TOTAL		219	128	220	180	33	278	271	1,329

(b) Statement of Jagirs in Madhya Bharat showing the cast classification.

Sl. No.	Name of Division	Mah-ratta	Raj-put	Brah-min	Kayas-tha	Vais-hya	Moslem	Ma-hant	Others	Total
1.	Gwalior . . .	14	77	58	9	3	9	33	8	211
2.	Ujjain . . .	24	433	54	9	6	35	35	30	626
3.	Indore . . .	54	210	137	14	5	16	22	34	492
TOTAL		92	720	249	32	14	60	90	72	1,329

(c) Statement of area, population, etc., of the Jagirs in Madhya Bharat

Sl. No.	Name of Division	Number of Jagirs	Number of Villages	Population	Area in sq. miles	Income of the Thikana	Remittance to Government
1.	Gwalior	211	1,642	3,39,005	3,421	18,63,765	1,80,285
2.	Ujjain	618	1,097	3,28,811	2,994	28,38,570	7,07,945
3.	Indore	500	1,510	4,56,716	2,034	26,84,337	2,98,858
TOTAL		1,329	4,249	11,24,532	8,449	73,86,672	11,87,088

25. Certain further and more recent changes which have been introduced in the status and powers of Jagirdars as a result of the advent of popular government in Madhya Bharat must also be briefly noticed. In the Gwalior State a responsible Ministry was formed in January 1948. That Government naturally supported the popular view that the existence of quasi-independent administrative and judicial powers in the hands of Jagirdars constituting an "imperium in imperio" was an anachronism and had to be done away with immediately. On May 24, 1948, that is to say, four days before the formation of the United State of Madhya Bharat, an Ordinance was promulgated by the Maharaja of Gwalior by which the Jagirdars ceased to have these powers. After the coming into being of the State of Madhya Bharat an Ordinance extending the provisions of the Gwalior Ordinance to the whole of Madhya Bharat was promulgated. This was later converted into an Act of the Legislature. By these reforms all the police stations and the Magistrates' and Judges' Courts under the authority of the Jagirdars came under the jurisdiction of the Madhya Bharat Government direct. The power of the Jagirdars to issue coercive processes for the realisation of arrears and revenue due to them from their own peasantry was also done away with. The next step in the reforms came with the promulgation of the Madhya Bharat Jagirs Land Records Maintenance Ordinance which was converted into an Act of the Legislature. This placed the revenue officers under the Jagirdars, and more particularly the Patwaris of the villages, under the jurisdiction of the State Government. Hereafter all village maps and village land records maintained by the Patwaris became State records as in Khalsa villages. This is now true of the whole of Madhya Bharat excepting a small tract consisting of the old covenanting States of Alirajpur, Mathwar and Kathiwara where there has yet been no survey and settlement and where no land records have yet been compiled. Then followed the Scheduled Areas Jagirs Maintenance Ordinance which empowered the Government of Madhya Bharat to take over under direct Government management the Jagirs situated in the scheduled areas and even Jagirs situated outside those areas. This Ordinance was subsequently with slight modifications enacted as a Rajpramukh's Act. This conferred on Government the power of taking over the direct management of these Jagirs in the scheduled areas only. Under the rules made under this Act the Government have been further empowered to make certain deductions from the income of these Jagirs in the scheduled areas for certain public purposes such as the maintenance of schools and hospitals before determining the net amount payable to the Jagirdars. The result of all these reforms during the past year and a half has been to deprive the Jagirdar of all administrative powers in his villages and to reduce him to the status of a mere revenue receiver. He stands forth today purely as an assignee of the revenues of the Jagir villages and no more.

CHAPTER VII.—ZAMINDARI TENURE.

Rajasthan.

1. The Zamindari system obtains in the non-Rajput States of Bharatpur and Dholpur ; over a greater part of the Alwar State ; in the Parganas of Kot-Kasim and Kot-Putli of Jaipur, these areas having been transferred to Jaipur from the adjoining province as a result of political settlement; in the Tibi villages of Bikaner transferred to that State after 1857 ; and, to a very limited extent, in the States of Kotah and Jhalawar.

2. During the latter half of the nineteenth century a series of summary settlements were carried out in the Khalsa areas of Alwar and Bharatpur. In 1900, a first regular settlement was carried out in both the States by Sir Michael O'Dwyer. It was in this settlement that Zamindari rights were conferred in the Khalsa areas of these two States. In doing so O'Dwyer was influenced by the consideration that in the northern tehsils of Bharatpur, like most of Gurgaon and half of Alwar which lie in the Mewat, or the country of the Meos who have held the land for hundreds of years, the existing villages were founded by them, the existing cultivators or their ancestors were settled by them, and it was they and not the cultivators who were primarily responsible for the payment of the State demand. He further held the same consideration applied with even greater force to the next great land holding tribe in this area—the Jats.

3. Consequently, the land revenue system in Alwar is practically the same as in the South Punjab—the village communities being, as a rule, strong and cohesive bodies, generally cultivating most of the land themselves, bound together by the ties of common descent, community or tribe, clan or class, and still retaining the principles of community of interest and joint responsibility. The tenures are either pure Zamindari (held by a single owner), or joint Zamindari (held jointly by a body of owners), or Pattidari (held by shares, ancestral or customary), or Bhaiyachara (held by possession without reference to shares), or a combination of two or more of the above. The status of the Zamindar has always been recognised in Alwar where the State, though asserting its own power and right as superior owner, has always admitted a subordinate proprietary or biswedari right in the village community and its component members, whereby each member or unit is entitled to occupy and be protected in the occupation of the land in his possession so long as he cultivates it and pays the State demand. This right passes to his children or heirs by the ordinary custom of succession and can be alienated by sale, gift or mortgage within certain limits and subject to the sanction of the State.

4. Similarly, in the Khalsa villages of Bharatpur, the superior and final ownership is vested in the State. But the Zamindars also hold a subordinate proprietary right (Haq Malikana) which they are entitled to possess as long as they pay the State demand. This right is heritable by their heirs according to the ordinary usage or custom of inheritance, but cannot be alienated without the consent of the Darbar, and even with that consent, cannot be alienated to non-agriculturists.

5. In Dholpur, there is a modified Zamindari tenure. The Zamindars who are generally descendants of the original founders of the village, have no real proprietary rights, but merely contract with the State for the payment of the revenue demand—they may be said to be collectors of revenue and in theory are entitled to a remuneration of five per cent. on all collections, but so long as they observe their contracts they are considered as owners of the land actually cultivated by them and their tenants, and also of uncultivated land sufficient for the grazing of the village cattle. The actual cultivators hold on leases, sometimes annual and rarely for longer periods than three years, granted by the Zamindar of the village or of the Thok or Patti in which their land is situated. Within the period of this lease their demands are not enhanced and provided they pay the demand they are not ejected ; but they have no tenant right, properly so called, either by law or custom.

6. In the State of Jhalawar limited Zamindari rights have come into existence only recently. Originally, a system known as Watandari prevailed, which was more or less a Theka system under which the State revenue used to be fixed for a period of three to ten years. Subject to this periodical revision, the Watandar's interests were hereditary and transferable and not lost by absence; and they were held responsible for the payment of the State demand and arrange among themselves for the cultivation of the village lands and the distribution of the revenue. But at the time of the settlement, the Watandari system was converted into Zamindari.

7. In villages of Jaipur, there are Biswedars, who are more or less akin to Zamindars elsewhere. A noticeable feature about them is that they are comparatively small holders, and are really peasant proprietors for all practical purposes.

Madhya Bharat.

8. In Moghul times practically the whole Province of Malwa was surveyed and the village records were kept in the offices of the Pargana Zamindars and Chaudhari Kanoongos. Every village had its own officer called Mandloi, Chaudhari or Zamindar. The Zamindar of the Pargana was a sort of government official and was given some Nankar lands in lieu of his services. He also used to receive four to eight per cent. from the village revenues as Dami. He was expected to maintain law and order and had to maintain a number of Sawars for this purpose. The village records remained in the office of the Kanoongo and the Zamindar had supervisory powers over him.

9. When the Mahrattas first came to Central India, they found in existence the Moghul system of land revenue though in a state of rapid disintegration. The troubled nature of the times prevented the new Mahratta generals from setting up an elaborate system of direct administration. Apart from the land the revenue of which was alienated by way of various assignments, there remained vast tracts of country which were Khalsa. The Moghul system of collecting revenue from Khalsa villages would have involved the employment of a host of governmental officials. The Maharattas found it much easier and more convenient, in view of the prevailing circumstances, to farm out the revenues of those villages. Farmers who went under the title of 'Kamvisdars' or 'Ijaradars' were appointed to individual villages or groups of villages. These 'Thekas' were, however, not given in the beginning for a long period of time or on a hereditary basis. Contracts were made for three to ten years, though very often they were renewed. The entire management of the areas allotted to a farmer was left to him and the farmer was responsible only for paying the sum agreed upon.

10. Mention has been made before that Madhya Bharat had, through centuries been a great highway between Northern India and Deccan. It was not only a highway for men and material, but also for ideas. As the States in Central India began gradually to settle down to normal administration after 1818, the system of 'Ijaradari' or 'Theka' was abandoned in most of the States. As the machinery of the government became more settled and more effective, the necessity of farming out the revenues of land disappeared. It became possible to collect the land revenue through direct governmental agency. In the Indore State and in practically all the other covenanting States, a system of tenure very akin to the Ryotwari tenure of the Deccan was adopted. The only difference between the Ryotwari of Central India and that of the Deccan was that the peasant was not given the right to transfer his holdings. The engagement for land revenue, however, became one between the peasants of holdings and the State without any intermediary.

11. Things in Gwalior, which lies in the northernmost part of Central India, however, took a different course and Gwalior was much more affected by north Indian ideas. Its proximity to the U.P., no doubt, influenced the course of events culminating in the establishment of the 'Zamindari system' in the Khalsa villages of this State. The number of Zamindari villages in States other than Gwalior is so small as to be negligible.

12. Towards 1840 the farm system in Gwalior began to be converted into the Zemindari system. Regular written leases were issued to Zemindars. Greater control was, however, exercised over them by their being asked to submit careful accounts of their engagements with tenants and collection. These leases again used to be renewed when they expired. The power to lease out land and make engagements with the tenants was, however, left with the Zemindars. In 1853, the position of the Zemindars was further entrenched and clarified by the framing of rules by the Gwalior Government. In 1863, a settlement was made of these Khalsa Zemindari villages and where existing Zamindars declined to engage on the terms settled by the settlement officers, the engagements were offered to other persons who were called 'Mustajars', to distinguish them from Zamindars. A time limit was given to the Zamindars in such cases to accept the engagement, but where Zamindars did not exercise this right within the time limit, Mustajars were confirmed as the Zamindars on payment of a 'Nazarana' of two years' land revenue.

13. The rights of Zamindars in Gwalior State were evolved during the sixty years following 1853. The Zemindari tenure was formally recognised in law for the first time in 1853. The custom of renewing leases of the farmers gradually conferred hereditary rights upon them. But that conferred on the Zamindars no right of transfer. Later, however, the rights of mortgage and transfer were conferred on them under certain restrictions, one of which was that the transferee should also be a subject of the Gwalior State. These restrictions were again gradually relaxed so that the Zamindar stands forth today with full rights of inheritance and transfer. There is little doubt that this evolution was inspired by ideas flowing across the border from the U.P. The system now existing in the Khalsa villages of Gwalior is practically the same as that in the U.P. Villages are partible into 'Mahals' and in many villages bodies of proprietors are now jointly responsible for the payment of the land revenue. Where instead of single zamindari there is joint zamindari or 'Pattedari' or 'Bhai-yachara', regular Lumbar-dars are also appointed to represent the proprietary bodies and to be primarily responsible for the payment of land revenue. Above all, transfers of Zamindari for valuable consideration have been frequent in the recent past and quite a new body of Zamindars who have bought their rights for hard cash has come into existence.

CHAPTER VIII.—LAND RECORDS, SURVEY AND SETTLEMENT

Rajasthan.

1. The first survey and settlement operations in Rajasthan were undertaken in Alwar as early as 1872, and other States followed suit sooner or later. Survey and settlement operations have now been completed in the Khalsa areas of all the States, with the exception of Kishengarh, Shahpura and Jaisalmer. In Kishengarh and Shahpura the work is in hand and is in the final stage of assessment. No consideration has yet been given for Jaisalmer, which has a vast sandy desert area of 16,000 sq. miles. On account of the sparseness of population, abundance of land and uncertainty of cultivation, rights of land do not carry much value in Jaisalmer.

2. For a long time there was considerable reluctance to extend the survey and settlement operations to Jagir areas, particularly in the bigger States. The Jagirdars have resisted any encroachment of the State authority in this matter for a number of decades. Earlier when Settlement Officers were deputed to some of the principal States in Rajasthan, the Government of India directed them to carry out the settlement operations only in the Khalsa area; the Jagir areas were specifically excluded from such operations. In Jaipur, a cautious approach towards survey and settlement in Jagir areas was made by extending the operations to the Jagirs under the Court of Wards, or where the Jagirdar voluntarily desired survey and settlement. It was only in 1948 that Jaipur embarked upon a heavy programme of survey and settlement throughout the Jagir areas of the State. Survey and settlement operations in the Jagir villages of Udaipur were taken up in 1934. About six years ago Bikaner and Jodhpur thought of surveying and settling their Jagir villages, but the pace of progress has been very slow owing to the unhelpful attitude on the part of the Jagirdars in the initial stages. The smaller Bhojichara proprietors in parts of Shekhawati and Udaipurwadi of Jaipur have often impeded settlement operations. In some instances their opposition has been based on grievances, occasionally real and more often fancied.

3. The present position regarding survey and settlement in Jagir areas in Rajasthan is that out of 16780 Jagir villages 5454 have so far been surveyed and settled, representing about 32% of the Jagir villages. In terms of area, the percentage of the work accomplished comes to 18%, i.e. 13773 sq. miles out of 77110 sq. miles have been surveyed and settled. In Khalsa 73% of the area has been settled, which comprises 86% of the total number of villages. Settlement operations are now in progress in 6042 Jagir villages with an area of 25518 sq. miles. This still leaves 5284 villages with an area of 37819 sq. miles where settlement operations have yet to be initiated. A complete statement giving details of areas and villages in both Khalsa and Jagir under various stages of settlement and survey in each division is given in Appendix C, an abstract of which is set out below :—

Statement showing the details of villages and area settled, work in progress etc., in the various divisions of the United State of Rajasthan.

Sl. No.	Name of Division	Particulars	Total number of vil- lages with areas		Settled.		Work in progress		Work not taken up	
			Villages	Area	Villages	Area	Villages	Area	Villages	Area
1.	Udaipur	Khalsa	3,038	7,467	2,294	5,614	219	375	525	1,478
		Non-Khalsa	5,900	10,569	2,750	4,736	1,661	2,615	1,489	3,218
		Total	8,938	18,036	5,044	10,350	1,880	2,990	2,014	4,696
2.	Jaipur	Khalsa	6,600	12,379	6,183	11,075	392	1,204	25	100
		Non-Khalsa	4,626	12,572	2,199	6,835	1,515	3,364	912	2,373
		Total	11,226	24,951	8,382	17,910	1,907	4,568	937	2,473
3.	Bikaner	Khalsa	1,804	8,317	1,804	8,317	..	..	..	..
		Non-Khalsa	1,564	15,000	203	1,061	1,226	11,831	135	2,108
		Total	3,368	23,317	2,007	9,378	1,226	11,831	135	2,108
4.	Jodhpur	Khalsa	1,149	14,013	827	5,198	..	..	322	8,815
		Non-Khalsa	3,787	36,978	78	651	1,407	7,291	2,302	29,036
		Total	4,936	50,991	905	5,849	1,407	7,291	2,624	37,851
5.	Kotah	Khalsa	4,047	7,950	3,250	6,596	1,97	363	600	991
		Non-Khalsa	903	1,991	224	490	233	417	446	1,084
		Total	4,950	9,941	3,474	7,086	430	780	1,046	2,075
TOTAL	.	Khalsa	16,638	50,126	14,358	36,800	808	1,942	1,472	11,384
		Non-Khalsa	16,780	77,110	5,454	13,773	6,042	25,518	5,284	37,819
GRAND TOTAL	.	.	33,418	1,27,236	19,812	50,573	6,850	27,460	6,756	49,203

4. We have been given to understand by the Settlement Commissioner of Rajasthan that having regard to the magnitude of the work and the practical difficulties involved, it will take at least another seven years for the completion of the settlement operations. He estimates that this will entail an annual expenditure of not less than Rs. 50 lakhs. His estimate is based on the assumption that special arrangements would be made for training the staff and that the requisite staff would be forthcoming. Our own expectation is that it will take at least ten years to complete the work.

5. So far as Khalsa is concerned the revenue position is satisfactory. Settlement operations in this area largely took place when the prices of agricultural commodities were very low and, consequently, the incidence of revenue in view of the present high prices, is very light. Land records are properly maintained. These records consist of Khewat, Khasara, Khatuni, Jamabandi, maps, Dasturgavi and Berawar, and they follow the standard pattern as in other settled areas. They do not call for any particular comment. The tenant has his rights defined and secured, and there is, on the whole, little cause for him to complain.

6. Conditions are quite different in the Jagir areas. In the vast unsettled portions of Jagir areas, the tenants suffer from the absence of regular record of rights. There is no protection for them against the constant inroads that are being made by the landlords on their rights. In all the settled villages of Khalsa and Jagir, cash rents have been evolved on the maximum basis of one-third for unirrigated and one-fourth for irrigated lands.

7. In all the settled Khalsa villages, revenue is realised in cash through the agency of the Revenue staff who are designated as Havaldars in Jodhpur; Dafedars in Udaipur; and elsewhere by Patwaris under the supervision of the Teshildars. The collected amount is remitted into the treasury by the Chowdhris or Lambardars. In the Zamindari area rent is collected by the Biswedars and is remitted into the Treasury through the Lambardars. In the settled Jagir villages, the rents are realised by the landlords through their own staff, but very few of them maintain properly trained Patwaris. Except some of the bigger Jagirdars, the majority of them do not issue printed or regular receipts.

8. When the landlord's share is taken in kind, as it is done in the unsettled Jagir areas, it generally exceeds the basic share in the Khalsa or settled areas and in some cases amounts to even half of the produce. Rents in the vast unsettled areas are recovered in kind. The system is fraught with many disadvantages and gives rise to considerable friction and strained relations between the tenant and the landholder. In the unsettled villages (Jagir and Khalsa) the following systems are in vogue :—

- (i) *Latai or Batai* (division of the produce on the threshing floor)—All the produce of the harvest is reaped and collected at one, two or more places close to the village and after threshing out the landholder's portion is taken in kind on the spot, having been duly measured or weighed. Often *latai* is delayed for months, resulting in considerable damage to the produce, and this method has in many places led to friction and disputes between the Jagirdars and tenants.
- (ii) *Kunta* (appraisal of the standing crop)—The same process is gone through with this difference that the landlord's portion of the produce is taken by guess or calculation without undergoing the process of weighing or measurement. This is an unpopular mode and is a source of frequent dispute and friction.
- (iii) *Kankar Kuta*—The total amount of the produce of the harvest is calculated while the crops are standing and the landholder's portion in kind or in cash is taken on the strength of that calculation.
- (iv) *Mukata*—A fixed rate per bigha in cash is realised from the cultivators. These rates vary for different kinds of produce.
- (v) *Gugari*.—A fixed amount of the produce in kind is received generally from well lands.
- (vi) *Crop or Zabti rent*.—This is realised on maize, cotton, chillies and vegetables and similar money crops which are difficult of division.

(vii) *Beej Gugri*.—Under this system, a quantity of the grain equal to the seed is realised from the tenant. This is a very light rent and is generally realised on poor holdings.

9. Statistics of rent levied in kind are not available. Broadly speaking, it may be stated that the landholder's share in unsettled Jagir areas vary from 1/11 to 1/2 in different tracts of Rajasthan. In the western half of Rajasthan, which is more or less sandy, the share largely ranges between 1/3 and 1/4. Reliable statistics regarding the incidence of revenue in Jagir areas are not available. The revenue rates vary from one group of villages to another and in certain places from village to village and possibly within the village itself. Since the Jagirdars' share in kind has remained the same, while the prices have abnormally gone up, the Jagirdars' share in cash value has gone up in the same proportion as the rise in prices. Wherever revenue is in kind, the incidence is bound to be much higher as compared with Khalsa rates and may safely be taken to be as high as four times the incidence in Khalsa, or cash rented areas in Jagirs.

Madhya Bharat.

10. All the areas of Madhya Bharat, excepting those covered by the covenanting States of Alirajpur, Mathwar and Kathiwar and a few other small areas (totalling about 2000 sq. miles) have been duly surveyed and settled. Every mauza has a properly drawn up map giving each plot a definite survey number. The maps are mostly on 16" to a mile scale though the scale is different in some of the areas. As further revision of settlement takes place, scales will everywhere be made uniform. Every village has also a Patwari and the Patwaris' circles are all grouped into Gir-dawar Kanoongo circles. By the Jagirdari Land Records Act, the Patwaris in the jagirdari villages have now also been converted into government servants. In all the villages proper village records are being maintained including Khasra, Khatoni, Jamabandi and Siah.

11. Throughout this area proper settlements have been carried out in the past. Detailed soil classification has been carried out and the soil class as well as the irrigability of every survey number is known. Settlement rates have also been fixed, those for tenants in the Zamindari area and for the pattedari peasants in the Ryotwari area. The rates when fixed varied between 1/6 and 1/10 of the gross produce though in the present state of high agricultural prices the proportions are much smaller. Cash rents prevail practically throughout Madhya Bharat. The settlement rates have been fixed with due reference to the soil, facility of irrigation, facility of communication, nearness to market place, the condition of tenants and the agricultural prices. Even in the jagirdari villages, the jagirdar is bound by law not to collect at rates higher than the settlement rates. Similarly, in the zamindari villages, the rents payable to the Zamindar are those fixed at settlement. The proportion of rent payable by the Zamindar as revenue can, according to the law, vary between 55 and 75 per cent. The maximum rates of assessment are rarely imposed and at present the zamindars pay only about 50 per cent of their receipts from tenants as land revenue.

12. In the settled tracts the revision of settlement has become due in many places, but has had to be postponed either because of the war or the unsettled conditions following the war. One of the difficulties of revising the settlement rates now is the uncertainty regarding prices. The prevailing prices are extremely high, and it would be very difficult to say at what level they may eventually be expected to settle down.

13. The revenue demand in the Alirajpur and Mathwar States is fixed on the basis of ploughs and according to the nature of the soil in different villages. An ordinary plough is expected to work about 15 bighas and the rate of land revenue varies between -/8/- and Rs. 2/- per bigha. In the Kathiwar State, the villages have been surveyed but settlement rates have not been evolved. The revenue demand is fixed on the 'Bighota' system at different rates per bigha according to the kind of soil. Survey and settlement in these three States are expected soon to be undertaken.

CHAPTER IX.—TENANCY RIGHTS

Rajasthan.

1. Elsewhere we have described the condition of the peasantry in a Rajput State, wherein all the territory, with a few exceptions in favour of particular grantees, has been partitioned out amongst the Rajput clans. Under the Rajputs are the cultivating classes mainly belonging to castes or tribes whom the Rajputs overcame when they took possession and who now pay land revenue to their lords or their families, living in village communities with their very few rights and privileges and being no more than a rack-rented peasantry. That state of affairs has, however, been slowly modified during the last few decades with the progressive changes in the administration of the States. There are at present tenancy laws in all the integrating States, except Jaisalmer. These enactments are, however, very conservative in nature and at best they seek to give some kind of legal shape or sanction to prevailing customs or practices which, as usual, differ widely from place to place. These legislations do not seek to introduce any form of tenancy reform or to secure to the tenants rights which have been denied to them in the past. Again, no conscious attempt has been made to bring the rights of tenants in Jagir areas on a par with those of the tenants in the Khalsa, or even to bestow on the tenants any rights better than what they actually possessed.

2. To this general statement there are, however, two notable exceptions, namely, the tenancy legislation passed by the Jaipur State in 1947 and the Jodhpur tenancy legislation promulgated only a day before the formation of the Rajasthan Union. Both these legislations registered a considerable advance and tried to break through the conservative ideas which hitherto restrained any such advance. One of the important steps which these legislations undertook was to confer on the Jagir tenants Khatadari or occupancy rights in respect of the lands in their occupation at the time of the passing of the legislation. This was a considerable step forward since the large majority of tenants in Jagir areas could not have aspired for any such rights a few years before. Both legislations are useful in so far as they do constitute a definite advance, but they still fall short in one essential respect in that they fail to bring the tenancy rights in Jagir areas exactly on the same level as in Khalsa.

3. Appendix D summarises the present position in regard to the tenancy rights at present recognised in various parts of Rajasthan, both in Khalsa and in the Jagir areas. The statement makes interesting reading. There is considerable divergence regarding the classes of tenants and the nature and extent of their rights. Conditions for the acquisition of rights, either of inheritance or of transfer, are not uniform. Generally, the right of inheritance is more common and easily acquired as compared with the right of transfer or alienation. Full rights of transfer are recognised in the following cases: Pattedari tenants in Jaipur; Occupancy tenants in Bikaner; Bapidars and Khadamdars in Udaipur, Jodhpur, Banswara and Kishengarh and Khatedaras in Partabgarh, Tonk and Kotah. All these, with the exception of Khatedaras of Tonk and Kotah, and the Khadamdars and Bapidars of Udaipur, have to pay Nazarana as the price of acquiring rights of transfer. The payment of Nazarana is not necessarily the only condition to be fulfilled for the acquisition of rights of transfer nor does it follow that the right conferred is absolutely unfettered or unrestricted in each case. For instance, in Bikaner where the rule in this respect appears to be the most stringent, a tenant in Khalsa must pay 16 times the revenue as premium to become an occupancy tenant and, even then, his right of transfer is subject to the previous consent of Government. A tenant in Jagir can have no rights of occupancy at all.

4. Another interesting fact which emerges from the Appendix is that there are a number of States where the tenancy rights, both in Khalsa and Jagir, are the same. This state of affairs obtains in Jodhpur, Kotah, Banswara, Dungarpur, Shahpura, Kishengarh, Bundi, Tonk, Jhalawar, Karauli, Alwar and Dholpur. The principal States which have so far stood out in this respect are Bikaner, Jodhpur, Udaipur

which are still the strongholds of the Jagirdars. Jaisalmer, of course, stands in a class of its own.

5. For the sake of facility the principal classes of tenants in Rajasthan and the rights and liabilities in each case are set out below :—

Class of Tenants	Liabilities	Rights.	
		Inheritance	Transfer
(1) Pattedar, Jaipur	Has to pay premium.	Full.	Full.
(2) Khatedar, Jaipur ; Bikaner.	Mere occupation.	Full.	Mortgage for 10 years.
	He or his ancestors must have brought the land under cultivation.	Full.	Nil
Jodhpur	Mere occupation.	Full.	Transfer to co-tenant or the nearest heir.
Fartabgarh.	Has to pay Nazarana.	Full.	Full.
Banswara	..	Full.	Mortgage only.
Shahpura.	..	Full.	Mortgage Only.
Bundi.	..	Full.	Transferable with the sanction of the Revenue Minister.
Tonk.	..	Full.	Full.
(3) Bapidar, Jodhpur	Has to pay premium and get a Bapi Patta.	Full.	Full.
Udaipur	Do.	Full.	Full.
Banswara.	Do.	Full.	Full.
(4) Gair Khatedar or Gair-Bapidar is a mere tenant-at-will.			

6. The question of Khudkasht is of particular importance. Khudkasht literally means home-farm, or land under the personal cultivation of the Jagirdar or the landholder. In strict theory, it means land which the landholder may be entitled to have earmarked exclusively for his own use, and which the State would help him secure subject to certain conditions, even if this should involve acquisition of land under the occupation of tenants. The recent Jodhpur Tenancy Laws also use the word 'Sir'. In some parts of Rajasthan Hawala or Halwai is the word used for lands set apart for the exclusive cultivation of the landlord.

7. Time was when the problem of Khudkasht was hardly of any importance and caused little concern to the landlord, the tenant or the State. The lands which were not occupied by any tenant, were always at the disposal of the landholder. Not only this, but the landlord's needs received priority over the needs of the tenant, and he could always manage to oust a tenant if he wanted to do so to get lands for his personal cultivation. The bigger landlords were also not very keen to take land for Khudkasht; it hardly befitted their dignity, nor was it so attractive from the economic point of view. But conditions have now changed. The tenant is no longer prepared to surrender his holding at the bidding of the landholder or in his interest; and the Tenancy Laws give him protection against ejection unless he has rendered himself liable to ejection by certain specific acts of omission or commission on his own part. Again even the biggest landlords are now anxious to have as much land as possible reserved for their exclusive use. This is actuated by the hope that even if the Jagir goes, they might be permitted to retain whatever lands they have under their own cultivation. The growing craze for mechanised farming, noticeable among some Jagirdars, is to a large extent motivated by this hope. And lastly, the high prices of agricultural produce have also changed the outlook of the landlord towards agriculture as a business proposition.

8. There is yet another factor also in operation. A landlord who at present recovers rent in the shape of a share of the produce, finds himself faced with the introduction of cash rents, and smaller the landlord the greater is his concern in this

respect. Some of them are even likely to be left with insufficient means of maintenance and to be reduced to a position worse than that of a tenant. Wherever this is the case the problem of Khudkasht is bound to assume a serious aspect, as it has already occurred in the Bhomichara areas of Torawati, Shekhawati and Udaipurwati in Jaipur.

9. Where land is enough and to spare the problem of securing sufficient land for the landholder as his Khudkasht need present no difficulty. But the trouble really arises where land is in great demand, and in consequence the landholders needs cannot be satisfied without ejecting or dislodging the tenant to some extent. That the landlord is entitled to a reasonable area as Khudkasht will be readily recognised. It is the question of appropriation of this land, where he has not the requisite land already in his possession, which presents difficulty.

10. The Jaipur and Jodhpur Revenue and Tenancy Laws, to which a previous reference has already been made, contain specific provisions for the determination and approximation of Khudkasht lands, and it is interesting and useful to review these briefly.

11. In Jaipur the relevant provisions on the subject of Khudkasht are to be found in Section 152 of the Jaipur State-Grants Land Tenures Act, 1947, and the First Schedule of that Act. Section 152 defines Khudkasht, and the Schedule in question lays down how it is to be appropriated. The Jodhpur provisions are contained in Section 6 of the Marwar Tenancy Act, 1949. Taken together, these provisions throw useful light on the subject, and we consider it worthwhile reproducing them *in extenso* in Appendix E.

12. The distinctive features of these provisions are as follows :—

- (i) The Jodhpur laws provide a sliding scale of Khudkasht land to be allowed to a landholder. In Jaipur there is no such scale, and the area has to be determined in each particular case according to the provisions of sub-clauses (a), and (b) of the First Schedule.
- (ii) In Jodhpur the Khudkasht lands of a landholder are to be made up of—
 - (a) land already under his cultivation at the commencement of the Act ;
 - (b) land which was cultivated by him for not less than 7 years during the ten years preceding the commencement of the Act ; and
 - (c) lands as may be continuously cultivated by the landlord for not less than six years at any time after the commencement of the Act.
- (iii) But no provision is made for the appropriation of lands for allotment as Khudkasht if the lands under the above categories are not sufficient to meet his bonafide needs. The Jaipur Act, on the other hand, provides for such appropriation. It lays down that, besides lands which are culturable waste, the following categories of land can also be appropriated to make up the full quota of the landholder's Khudkasht :—
 - (a) Lands which have been sub-let, with certain exceptions.
 - (b) Land held by non-agriculturists.
 - (c) Land held by Gair-Khatedars.
 - (d) Land which forms a jao of a masonry well constructed by the estate holder at his own expense whether such land is held by a Khatedar or a Gair-Khatedar tenant.
 - (e) Land held by other Khatedar tenants of less than 12 years standing.

13. It seems to us that the difference between the provisions in the Jodhpur and Jaipur laws is largely explained by the difference in the local conditions in the two areas. In Jodhpur, there is, generally speaking, enough land available which the land holder can even now appropriate to make up his Khudkasht, and so the need to make specific provision for appropriation of such land is not felt. In Jaipur the

question of appropriation of Khudkasht is one of considerable importance. in certain areas of Jaipur, namely Udaipurwati, Torawati and Shekhawati, the problem has become a thorny and vexed question.

14. The Rajasthan Government promulgated in June 1949 the Rajasthan Protection of Tenants Ordinance of 1949 with the object of safeguarding the tenant-against unlawful ejection. According to this legislation, all tenants who were in occupation of any land on the 1st April, 1948, and who may have been dispossessed since, are entitled to be reinstated to their holdings in accordance with the provisions of the Ordinance.

Madhya Bharat.

15. In a previous chapter mention has been made of the fact that in all the covenanting states of Madhya Bharat excepting Gwalior the Ijaradars or farmers of revenue were removed when the State Governments began to function more effectively. The system of tenure in those areas then became Ryotwari. The villages held by jagirdars also are throughout held by the peasants on the Ryotwari system. Even in the Gwalior State the jagir villages are held on Ryotwari tenure. The essence of the Ryotwari system, as explained before is the engagement for the payment of land revenue by peasants of individual holdings with the government direct.

16. There is a great variety in the rights enjoyed by ryotwari tenants in the different covenanting states. They may, however, be broadly divided into four classes :—

- (1) Pukhta Maurusi or Malkana Haq holder who has heritable rights as well as unrestricted rights of transferring part or whole of his holding by sale or mortgage and sometimes even by bequest or gift.
- (2) Mamuli Maurusi or Pattedar peasant who enjoys heritable rights, but whose rights of transfer are hedged round by restrictions.
- (3) Peasants who enjoy heritable rights but have no rights of transfer whatever.
- (4) Peasants who hold leases for their holdings for a fixed period of years and who enjoy neither heritable nor transferable rights.

17. The number of peasants in the first category is small. Pukhta Maurusi peasants are found in the Ryotwari tracts of the Gwalior State. In that State the Mamuli Maurusi peasant acquires the right of Pukhta Maurusi after 12 years of occupation or at the time of settlement if settlement takes place before the expiry of the period of 12 years. In other parts of Madhya Bharat such peasants are called Malkana Haq holders and sometimes even Istimrardars. They are found in Dewas Senior, Dewas Junior, Rajgarh, Narsingharh, Ratlam, Jaora and Sitamau. Some years ago in these states ordinary Pattedar tenants were allowed to acquire Malkana Haq on the payment of certain nazarana to the States.

18. The bulk of the peasants in the Ryotwari tracts fall in the second category of Mamuli Maurusi which is the term employed in the Gwalior State or Pattedars which is the term employed in the Indore State. In the Gwalior State the peasant could not transfer his land without the permission of the government or the assignee of the village. In the Indore State previous permission of the Collector of the district was required for transfer. In the Indore State transfer was allowed only by sale to another bonafide agriculturist. This restriction did not apply in the other areas of Madhya Bharat. In most of the smaller states permission of the government was necessary to such transfer. Most lands allotted to new peasants are also given out under this tenure.

19. It is only in some of the smaller States like Sitamau, Piploda, Alirajpur, Jhabua and Rajgarh that tenants of the third category are found. The number of peasants in the last category is also extremely small.

20. After the formation of Madhya Bharat attempts have been made to unify and rationalise the land revenue and tenancy laws in the Ryotwari villages. The land revenue and tenancy ordinance was passed early in 1949. By this the number of classes of Ryotwari peasants was reduced to two. All peasants who had rights less than those of Mamuli Maurusi or Pattedar peasants were given Pattedari rights who have formed the main bulk of the peasantry in the ryotwari areas. Those who had formerly Pukhta Maurusi or Malkana Haq were left undisturbed, because they had rights superior to those of Pattedar tenants. The policy of the government is now to let out all future leases on the Pattedari tenure. No Pukhta Maurusi rights will be allowed to accrue in the future. Certain other reforms were also brought about by this ordinance. The Madhya Bharat legislature has also recently passed the Land Revenue and Tenancy Act which further consolidates the position in the Ryotwari areas. Even the Pukhta Maurusi tenure has been abolished and practically all tenants have been brought to the level of Pattedars. The new Ryotwari law also introduces certain restrictions on transfer of leases to enable more holdings of an economic size being created in the future.

21. The tenants in the zamindari areas are of three types :—

- (1) Pukhta Maurusi,
- (2) Mamuli Maurusi, and
- (3) Gair Maurusi.

The Pukhta Maurusi tenant has unrestricted rights of transfer in addition to heritable rights. The Mamuli Maurusi tenant has only heritable but no transferable rights. The Gair Maurusi tenant has neither the right of inheritance nor transfer. Usually a tenant first admitted to a holding in the zamindari area starts with Gair Maurusi rights. After 12 years he automatically becomes a Mamuli Maurusi tenant. After another 12 years he becomes a Pukhta Maurusi tenant. The acquisition of superior rights, can, however, be accelerated with the consent of the zamindar who for giving such consent usually takes a nazarana.

22. The rights of various classes of ryots and tenants in the Ryotwari and Zamindari areas are set forth in detail in Appendix F.

23. Peasants have hitherto enjoyed the right both in Ryotwari and the zamindari areas to sublet their lands. The Pattedari tenant in the Indore State could sublet his land only for agricultural purposes and not otherwise. In other parts of Madhya Bharat the Mamuli Maurusi or Pattedar peasant could freely sublet his land on conditions to be determined by the terms of the sublease. In the Zamindari areas, the Pukhta Maurusi, Mamuli Maurusi or even Gair Maurusi tenant could sublet his land freely. All the sub-tenants could hold it until the expiry of the period of sublease. By an amendment in the Gwalior tenancy act the subtenants were also protected from ejectment except on the grounds of non-payment of rent or breach of certain other conditions. In the new tenancy act passed for the Ryotwari areas severe restrictions have been placed on subletting.

CHAPTER X.—FUTURE OF JAGIRS

1. We have attempted to give according to the material available or accessible to us, some of the essential features of the Jagir system in Rajasthan and Madhya Bharat. We propose now to deal with the future of that system.

2. We have shown that the Jagir as an institution has existed in India for many centuries. One attribute of it which merits particular attention is its impermanence. In the Moslem period, the Assignee was the holder of an office. The Moslem Rulers set their face against any claim to make the assignment heritable. They always insisted on a clear distinction between private property distributed according to the law of inheritance and public offices and assignments in which no vested or contingent right accrued.

3. The Mahratta Princes did not allow permanent alienation of revenue. As Malcolm observed : "these have not forgotten that their own titles originated in mere temporary grants, and they have great reluctance to give Sunnuds, or deeds of a contrary nature. . . . Little respect has been shown by the descendants of the first Mahratta Princes of Central India to the Sunnuds of the Emperors of Delhi, except to those held by Zamindars and hereditary officers, with whose services, in the ordinary management of the country, they could not dispense; but though their very free lands and immunities were preserved, their authority has been much limited."

4. Land held as a freehold on Bhum tenure by the Rajput Bhumia is always cherished as a better title amongst the Rajputs in Rajasthan than either the larger Jagir or the assignments given by the Clan Chief to his clansmen, because the latter are liable to be resumed either by the Ruler or the smaller chief.

5. There never was, or has been, any immutability about the Jagir system. The principle of resumption must be deemed to be inherent in it. Interferences in Jagir rights were not uncommon under the Hindu Rulers. In Rajasthan, Jagir rights have suffered in the past under the acquisitive instincts of the Rulers; notably in eastern Rajasthan. It all depended whether the Rulers were strong or weak. The clan organisation undoubtedly put some kind of a 'constitutional' check on wholesale expropriation of Jagir rights.

6. The apparent stability of the Jagirs in Indian States during British rule was primarily due to the protection enjoyed under British paramountcy. For example, the British interposed their authority between the numerous guaranteed estates and their suzerain Darbars in Madhya Bharat and maintained by political pressure the separate identity of the estates. The proprietors of these estates were made to look up to the British for protection. Under the influence of the misleading theoretical views of Tod and Elphinstone, the British believed that in Rajasthan there was some kind of a federal structure in a Rajput State and that that power was divided between the Ruler and his clansmen. Subsequently, when they revised their views, the British Government were not anxious that the Jagir system should be unduly interfered with by the Ruler.

7. The modernisation of State administration has, however, been inimical to the interests of feudal organisation. As the Ruler's authority became more and more centralised it tended to curtail the powers of the Jagirdars. This has been an inevitable corollary to progressive administration in the States. The Jagirs of Madhya Bharat have been gradually assimilated in many respects to the Khalsa in the States of Rajasthan the Jagirdars there have up till now been resisting the integration of their area with the rest of the State. They have tenaciously fought for the preservation of their feudal interests and have always expected of the State to preserve it intact for them.

8. In dealing with Jagirs we have made frequent refererences to past history. This has been done not with a nostalgic longing to the days gone by, but to delineate a clear picturo of the system and to show to what extent erosion has already taken place in it. When Sir Alfred Lyall wrote three quarters of a century ago his thoughtful essay on Rajput society, he realised that what he was depicting was perhaps the last phase of that society. He only wished that the British may not be instrumental in destroying it, though he was forced regretfully to conclude that a progressive administration could not but end that system. The writer of the census report of Rajputana in 1931 wrote : "Peace and prosperity are not favourable to early institutions any more than are war and rapine." The more efficient, according to modern standards, does the administration of a State become, the more these old institutions tend to disappear, and in many States their only relics are seen in the outward ceremonies and rituals of Durbars etc., though the clansmen have always a restless, though sometimes a resigned, eye looking for movements that clash with their ideas or rights and privileges."

9. The constitution of the Rajput States has undergone profound changes during the last two or three years and the conditions of society which have been set out threaten very soon to become a matter of mere historical curiosity. The Rulers have parted with their powers ; the individual identity of the States has been dissolved; fully democratic Governments will soon be set up over the newly integrated States; loyalty to a small unit has been replaced by loyalty to India as a whole and to its Constitution; age-old forms of Government have disappeared. These fundamental changes have dealt a final blow to any surviving notions of feudalism in any form or clan organisation. To cling to them out of any sentimental regard is only to embrace a shadow or hug a delusion. The constitutional picture of an Indian State has disappeared. In the last two years the Jagirdars have surrendered their various privileges and administrative powers at the behest of popular governments.

10. The process of change is still continuing. The position of Jagirdars in the context of these changes can at any stage be only stabilised by the new Governments who are the successors in authority to the Rulers. These Governments, even if they were to retain the Jagir system, may have to make several drastic changes in it, and in doing so may be posed with many difficult questions, political and economic.

11. The Jagir system has, throughout the period of its existence, been a creation of the King and an appanage to his rule. All the Jagir areas have arisen out of alienation. Is there any justifiable or compelling reason to maintain in any shape or form distinction between Khalsa (which in its literal sense means 'pure' and hence not encumbered by alienation) and the alienated areas? The Jagirdars will have to concede (and we gather there is no reluctance on their part to do so) that there can be no difference between the rights enjoyed by the cultivators, whether they are in the Khalsa or in the Jagir areas. The integration between these two areas must be complete, for there cannot be two sets of rights for people living in areas within the same State. The question also will arise as to why there should be an intermediary between the State and the cultivator in some parts whereas in other parts the State deals directly with the cultivator.

12. This will undoubtedly raise the whole question of the existence of intermediaries, particularly an Assignee or a Jagirdar. Under modern conditions how far is the State bound to maintain the continuing rights of certain classes of persons for services rendered in the past ? Again, how far can countenance be given to the claim that persons who are deemed to have obtained their land by conquest in remote times have the right to retain irrevocably their holdings on ancient privileges and that their rights must be permanently perpetuated.

13. We do not wish to be dogmatic on the question whether the Jagirdar's rights amount to full and plenary ownership over property. In our view the rights of a Jagirdar over his Jagir are limited in character. We find it difficult to admit

an unrestricted right of property over the Jagir. So long as the Jagir is in his possession he is no doubt entitled to the income from it.

14. The position that the Jagirdar finds himself in today is that of an Assignee without any of the other attributes which gave him his original status as a Jagirdar. The residuum which is now left to him is what is termed as his proprietary right to collect revenue from his tenants and his obligation to pay certain tributes which have been fixed long ago as a political settlement. If the position of a Jagirdar were to be stabilised by Government, he will have to be given the rights of a landlord and property rights created in his favour somewhat analogous to that of a Zamindar in other parts of India. This would be the natural course of evolution of the status of a Jagirdar if he is to be left intact with his present rights over the land. The only possible way in which the Jagirdari system can survive in an altered form is in some modified form of landlordism.

15. Here the Governments will be faced with the question of maintaining the landlord's interests as against the rights of the peasant proprietors. Will a Jagirdar's position as a rent-receiver remain unaffected and untouched when throughout the country the idea is being vigorously asserted and propagated that on agricultural land there can be no unearned income? In any case it would be impossible to confer on an Assignee the rights of a landlord when throughout the centuries of his existence he had no such rights. Any attempt to convert the Jagirdari system into some form of landlordism would be considered a most retrograde step. It must be stated without hesitation that there are no means by which the Jagir system can be continued under a democratic form of Government. The truth is that the system has been in a slow process of disintegration for several decades, and there are no stays which could possibly support it.

16. This conclusion is not based on any hostility to the Jagirdars as a class. At a stage when institutions become archaic certain undesirable elements to inevitably creep in, but that does not condemn any class or body of men. The Jagirdars will now have to look to the future and not to the past. There is nothing about the past of which the best among them may be ashamed; there are many things about it which they as patriotic Indians have every reason to be proud of. What need concern them in the future is not so much their rights or privileges but the manner and method by which they should adjust themselves in the fast-changing conditions of their social and political environment. Our recommendations which follow in a subsequent chapter are influenced by the consideration of rehabilitating them over a period of years so that the change may be carried out in a manner which would cause as little distress as the changing circumstances will permit. Rapid and radical changes are not without their pangs of distress and suffering, but they can surely be tempered by sympathetic consideration, understanding and fair-minded measures. The process of rehabilitation of the Jagirdars in the next one or two decades will depend upon their willingness to give up their privileges and privileged position in the higher interests of the country and in a spirit of patriotism, as the Somurais did in Japan, and the assistance which the Government may give in bringing about readjustments and extending them a helping hand.

CHAPTER XI.—ABOLITION OF JAGIRS

1. For some time past now, there has been a widespread demand for the abolition of all types of intermediaries on land. The regressive character of the Jagir system has often been attacked and condemned. We take the view that no satisfactory answer can be found to the problem of jagirs by condemning the shortcomings of individual jagirdars or exposing the inequities of the jagirdars as a class. The jagir system has to be examined as an institution. We have to consider the utility or otherwise of such an institution in the framework of modern, democratic state which we are building up in India. We shall have, in particular, to consider whether any agrarian, economic or social advantages flow from the existence or perpetuation of jagir as an institution.
2. We believe that no one in India to day would advocate the creation of new jagirs in the future. We cannot contemplate the assignment of taxes or revenues due to the state to persons in the future for services to be rendered by them or as a reward for services already rendered by them. No one, for-example, would now advocate that Ministers or high functionaries of the state or army commanders be given assignments of state revenues for services rendered by them. Modern states have entirely different methods of remunerating such services.
3. Even the continuation of assignments held as rewards for services rendered in the past cannot be justified because such jagirs have lasted so long that those services have been already adequately recompensed and, in any case, we cannot countenance the existence of an entirely outmoded system which functionally is out of place under the present day conditions. The revenues and taxes due to the state should be collected direct by the state and not be alienated to other persons. The old direct relationship between the king or government on the one side and the tiller of the soil on the other should be restored by the elimination of the intermediaries. To promote the prosperity of the land and the contentment and happiness of the peasant himself it has become absolutely necessary that he should be assured of the fruits of his labour subject only to the payment of revenue or tax to the government which it is his obligation to pay. The existence of a class of persons who contribute practically nothing to production from the land and who merely intercept a share of the national dividend can no longer be justified. The Jagirdar contend that by providing taccavi and other forms of credit to the peasants when in distress and by being in a position to import modern ideas of farming, they do in fact contribute to the prosperity of the land. The functions which they claim to perform are those which in modern conditions the community as a whole or the state or the government are expected to perform, and in fact should perform.
4. The conclusion that the further continuance of the jagir system is unjustified and that the jagirdars should be dispossessed of their rights naturally leads to the question as to whether they are entitled to any compensation. This is intimately linked up with the question of the nature of the jagir rights and, in particular, as to how for it partakes of the nature of property rights. Neither during the Hindu nor the Moslem period was any property right as such in relation to land recognised by custom or law. The tiller of the soil, the farmer or the assignee and the King — all these possessed certain bundles of rights and obligations towards land. The idea of property in land, however, was quite foreign to Indian conceptions. It was only the British who first entered into an examination of this non-existent problem of property in land. Those British conceptions, as previously indicated, are inapplicable to the Indian States in Malwa and Rajasthan. If any proprietary rights in land have ever been asserted it has only been so in Madhya Bharat during recent times where the Mahratta Rulers as overlords, have claimed to be proprietors of the soil. The jagirdari manuals in Gwalior and Indore which consolidate the present position in regard to jagirdars clearly lay down a distinction between jagirdari rights and the rights of proprietors as such.

5. There are other customs in force which clearly distinguish between jagirdari rights and proprietary rights. Jagirdari rights have always been understood to be resumable at the will of the ruler. Jagir rights have never been governed by the Hindu law of Mitakshara which applies to the property of a Hindu. For example, the jagirdar could not pass on his jagir to an adopted son unless such adoption was made with the prior permission of the ruler and in most cases unless a nazarana was paid for the recognition of such adoption. Such restrictions do not apply to the inheritance, by adoption, of other forms of property. Secondly, jagirs are usually held under a sanad or other explicit or implied grant, and are never partible. The law of primogeniture and the rule of impartibility applicable to jagirs clearly distinguish them from forms of property. Again, the rights in a jagir are not transferable at the will of the jagirdar. There may have been occasional instances where the ruler may have permitted a financially embarrassed jagirdar to mortgage a portion of his jagir, but there is no case known of such mortgages having been foreclosed. There is no instance known either of jagirs having been transferred to other persons for valuable consideration or by bequest or gift. The inference is clear that jagirs (embracing in that term all forms of assignments) are not the property of the jagirdars.

6. If the jagir system is abolished jagirdars would not be entitled to any compensation on the ground of the jagirs being private property. This is not, however, to say that we recommend an outright abolition of jagir rights without due regard and consideration of the assistance which should in such an event be given to the jagirdar. Even though jagirs are not property we have to bear in mind that these rights which have in many cases been enjoyed for centuries have acquired around them an accretion of rights by long custom and prescription which are entitled to due recognition. It has to be recognised that the Jagirdars form an important part of society. No social or economic reform can contemplate the turning adrift of any part or class of society. The Jagirdars as a class have long depended for their livelihood and sustenance on the revenues derived from their lands, and the mere abolition of the jagir system and the deprivation of the rights of jagirdars without consequential arrangements will cause widespread distress and dislocation. In the event of the abolition of the jagir system, therefore, it would be the duty of the State to ensure that the jagirdars are enabled to rehabilitate themselves. Such rehabilitation will necessarily involve some time and during that period the jagirdars must be given assistance from Government.

7. In considering the practical measures for dealing with Jagirdars on the abolition of their jagirs, it may be convenient to divide the assignees into three distinct classes. These distinctions will not, however, be according to the historical origin of the jagirs, but according to the existing condition of the jagirs. In the first category we would put jagirs consisting of one or more entire 'Mauzas' or villages. In the second category we would put assignments of small parcels of land consisting of holdings either in one village or scattered over more than one village. This distinction is necessary both for administrative and economic reasons. From the administrative point of view the problems which revenue reform in entire mauzas present are distinct from those presented by small and dispersed holdings. Economically too, the jagirdar of one or more entire villages is in a very different group from the assignee of small holdings. It is also of importance to note that in the leading States of Madhya Bharat this distinction is clearly made for purposes of regulating the rights and privileges of assignees. In the third category we would put all jagirs or assignments, whether consisting of entire mauzas or of holdings, the revenues of which are dedicated for the maintenance of a temple or other religious or charitable institution. This class has to be placed apart, because the considerations which apply to temples or institutions are very different from those which apply to the economic life of individuals.

8. We shall first consider the class of jagirdars who hold one or more entire villages. We consider that a period of 12 years should be allowed to the jagirdars

to enable them to adjust themselves to the new conditions. During this period they should be allowed certain financial assistance out of the revenues of the State.—

9. In devising a formula fixing the share of the amount which a jagirdar should receive from the State, considerations of social justice require that the smaller and the poorer jagirdar should be dealt with somewhat more liberally than the richer and the bigger jagirdar. The principle of distributing the national burden in a progressively increasing manner as between persons of lower income groups and persons of higher income groups is now well recognised. The same principle should, in our view, be applicable in the treatment of jagirdars of different income groups. In working out a progressively increasing scale of the share to be kept by the state and the progressively decreasing scale of the amount to be paid to the jagirdar, we also consider that the slab system is preferable to the step system as being more scientific. We accordingly recommend the following scale of payment to the jagirdars for 12 years :—

	Slabs of income.	Proportion to be retained by State.	Proportion to be paid to the jagirdar.
	(Rupees)	(in annas per Rupee).	(in annas per Rupee).
The first			
Next	3,000	Nil.	-/16/-
Next	2,000	-/2/-	-/14/-
Next	5,000	-/4/-	-/12 -
Next	10,000	-/6/-	-/10/-
Next	30,000	-/8/-	-/8/-
Next	50,000	-/10/-	-/6/-
and of the	Remainder	-/12/-	-/4/-

10. We have given anxious thought to the question of the khudkasht lands of the jagirdars. We have no exact figures to show the extent of khudkasht holdings of jagirdars but we presume a good number of them have some land delineated as their khudkasht. In certain parts of Rajasthan khudkasht land goes under the name of 'Sir'. The essential difference between Sir and khudkasht as it is understood in North India is that Sir is the special homeland of the landlord in which no tenancy rights ever accrue, whereas khudkasht land is merely any land under the cultivation of the landlord in which however, if tenants are admitted, tenancy rights also accrue by the normal operation of law. This distinction appears to be blurred in Rajasthan, while in Madhya Bharat Sir as such exists hardly at all. In the future set up there should not be two classes : Sir and khudkasht, but that all land under the direct cultivation of the landlord or the jagirdar with his own bullocks and implements through hired labour should be classed as his khudkasht. Tenants, if admitted to such lands will, however, be entitled to such tenancy right as accrue to them under the operation of the law.

11. Where a landlord or jagirdar himself has a farm or khudkasht of his own his attachment to the land and his right to cultivate that land himself ought to be respected. In fact, in some of the more sparsely populated areas of Madhya Bharat and Rajasthan the bigger landlords should be encouraged to create large farms for themselves out of fallow land. The landlord, on the other hand, should not be encouraged to keep large areas of land nominally shown as his khudkasht

merely to enable him to retain in a different way lands which he ought to part with now. We, therefore, recommend that a jagirdar be allowed to keep as his khudkasht—

- (a) all land which he at present cultivates with his own cattle, implements and hired labour, and
- (b) other land which he may acquire as khudkasht up to a maximum limit to be prescribed as suitable for each area, subject to the strict and invariable condition that he is not to add to his khudkasht any land which is held by a tenant or ryot of whatsoever class he may be.

The intention is to permit jagirdars not only to continue to hold their present khudkasht but also to extend it reasonably. What the reasonable maximum extent of such khudkasht should be will naturally vary according to the fertility of the soil, the nature of the country and other conditions. No definite acreage can, therefore, be set down for the whole of Rajasthan and Madhya Bharat as a part of our recommendation. The reasonable maximum size of a khudkasht holding will have to be determined by the settlement officer or the revenue department or a land tribunal if one such is set up.

12. We also desire to state that in the future such khudkasht should be liable to the assessment of Government revenue at settlement rates in the same way as all other land may be. There is no justification for any privileged class of persons holding or cultivating land free of the obligation to pay the state its share of revenue.

13. We now come to the consideration of the second class of jagirdars, namely, those who do not hold entire villages but only scattered holdings in villages. We appreciate that even in this group there may be a few whose aggregate holdings or whose income may be larger than that of a jagirdar of one or two very small villages. Such border-line cases are likely to be few and taken by and large the classification we have made does divide the jagirdars into different economic groups. In any case, for reasons of administrative convenience it is necessary to treat this class apart.

14. In Rajasthan the bulk of such holding assignments consist of—

- (a) holdings which have been allotted by bigger jagirdars for the maintenance of the cadets of their families; Bhumias and Bhum holdings and
- (b) holdings created by the extreme fragmentation of jagirs where the law of primogeniture is not observed.

Sub-infeudation which gives rise to class (a) is practically unknown in Madhya Bharat, where again there are practically no jagirs which are not governed by the law of primogeniture. Included in the same category, though very different in their origin, are the holdings of assignees of the class of Muafidars, Dharmadyays, Sasans etc., that is to say, grants of small parcels of land made to different classes of persons either for charitable purposes or in recognition of services rendered in the humbler walks of life.

15. From the economic point of view this class of small assignees sometimes holding only a few acres of land are little better off than the well-to-do peasants. The holding of the sub-assignee, plot proprietor or free hold tenure hardly yields an income much greater than that of the holding of a well-to-do peasant, though it carries with it the prestige of being an assignment and the exemption from the payment of land revenue. The attachment of this class of assignees, and particularly the Rajput free holder, to the land is very great. The number of such assignees in Rajasthan is not exactly known, but it is probably of the order of thirty or forty thousand; while in Madhya Bharat the number of such holdings is perhaps between five and seven thousand.

16. We have stated above that the economic condition of many of the small assignees is hardly better than that of the superior class of other peasants. From

as a period of 12 years has been allowed to the larger jagirdars to stand on their own feet. The total income from the small assignment, therefore, including the usufruct of the khudkasht and the rents payable by sub-tenants in that holding will have to accrue in its entirety for a period of 12 years to the assignee. At the end of 12 years the sub-tenant will become a full tenant subject to the payment of land revenue only at settlement rates and the smaller assignee will be confined to his khudkasht which will also then be assessed to land revenue at settlement rates, in the same way as the khudkasht of the bigger jagirdar. The usufruct of his *khudkasht free of land revenue for the next 12 years* and the mesne profits of land let out to tenants also for a period of 12 years will constitute the rehabilitation assistance allowed to this class of small assignees.

21. We now come to the third category, namely, that of assignments created as endowments for the upkeep and maintenance of temples and other religious and charitable institutions. So far as the purely agrarian or land revenue aspect of these assignments is concerned, exactly the same considerations as those apply to other kinds of assignments hold good. There is the same reason for the abolition of the larger endowment jagir, for the confirmation of the jagirdar or the muafidar as a peasant with full rights in his khudkasht area and for full protection being given to other tenants to whom lands in such assignments have been let out. There is also an additional reason for assimilating these assignments to the khalsa area, in that, in many cases the assignee is not devoting the revenues of the assignment fully or properly to the purposes or objects for which the endowment was created. The treatment of such assignments on the lines recommended for assignments of the other two classes will, however, create a void for which provision has to be made. The void will be created by the temples and religious institutions being deprived of the endowments on which they depend largely for their upkeep. Some of these institutions are of considerable antiquity and are held in great reverence. The appropriation of the revenues of such assignments by the state will offend public sentiments. Provision will, therefore, be necessary for the maintenance of these endowments in some form or other.

22. We would suggest the setting up of *statutory religious and charitable endowment boards in Rajasthan and Madhya Bharat* to whose care all institutions now dependent on such assignments may be committed. The boards created should be statutory in order to give the public greater confidence and a greater voice in their working. Subject to the creation of such endowment boards we recommend the treatment of the assignments in the third category on exactly the same lines as those recommended for other assignments. The income derived from these assignments at present will have to be estimated and a sum equal to this income will have to be placed at the disposal of the endowment board for the management of the institutions entrusted to them. This will, we hope, lead to better management of the temples and other institutions and to the utilisation of the income of the endowments to better public advantage.

23. We may sum up the foregoing recommendations by stating that, broadly, we divide the jagirdars into two groups; namely, those who are proprietors of one or more villages, and those who are proprietors of holdings. The former group may be called the principal assignees. This class will include almost all the jagirdars who hold their jagir either by sanad, grant, patta or some similar instrument, but it is possible there may be some proportion of them who may not be holding under any such formal document.

24. Our recommendations in paragraph 9 apply to the principal assignees only.

25. The other group of smaller assignees will not be disturbed from their position on the land and will be entitled to receive their income either from their own land or from their sub-tenants for a period of 12 years. Consequently, when the jagirs of the principal assignees are taken over, any class of persons who belong to the

second category will remain on their land and will not be dispossessed. A record of rights for them will have to be prepared and their status and rights will be determined in the manner proposed in para. 20.

26. In Madhya Bharat, the gross receipts will have to be calculated on the révenues derived from the average of the payment according to settlement rates from the cultivated area (excluding khudkasht) during the three agricultural years preceding the year of the abolition of the jagir. All tanka or tribute (including that on the jadid usool) will have to be ignored in the calculation of the gross receipts and the share payable to the jagirdar should be quite regardless of the tankas paid by him in the past to government. The tankas fixed in the past bear no relation to the income of the jagirs and are based on no scientific principles. It would only be fair in considering the assistance to be rendered to the jagirdar to ignore those tankas and to proceed on the basis of the actual revenue of his estate. This may result in some of the jagirs of the jadid usool in Madhya Bharat deriving a larger income than they have hitherto, but this is only fair particularly as the new amounts payable to the jagirdars are being calculated on bases entirely different from those on which tankas were fixed in the past. In Appendix G is given a statement showing the classification of the jagirdars in Madhya Bharat according to different income groups. There are 1329 jagirs of this class in Madhya Bharat deriving a total revenue of Rs. 73.87 lakhs, of which the jagirdars pay to the government a total of Rs. 11.87 lakhs as tanka or tribute. According to the scale recommended by us for the next 12 years, the share accruing to the state from the income of these assigned areas will be about Rs. 15 lakhs.

27. The above remarks apply to Rajasthan and tributes such as Rekh, Chakri etc., should be ignored in calculating the gross receipts. In Rajasthan, only in the settled jagir areas will it be possible to calculate the gross receipts of revenue derived from the average of the three agricultural years preceding the year of abolition. This formula cannot, therefore, be applied to most of the jagir areas, where in respect of the year in which a jagir is taken over the amount to be paid to the jagirdar may have to be based on a rough calculation. In the subsequent year, the amount estimated will have to be revised and the amount fixed with reference to such revised data.

28. A sum called the basic annual sum will, therefore, have to be determined in the case of a jagir, and the Jagirdar's Share shall be paid according to the scale recommended.

CHAPTER XII.—ABOLITION OF ZAMINDARI RIGHTS

1. In considering the problem of Zamindari in Madhya Bharat and Rajasthan, the Committee have had the advantage of having before them the reports of the Zamindari Abolition Committees of the United Provinces, Bihar and Madras. They have also had the advantage of observing the measures taken by those provincial governments in respect of Zamindari in their areas. The Government of Madhya Bharat had also independently of this Committee, appointed their own Zamindari Abolition Committee. That Committee has recently reported to the Madhya Bharat Government and we have perused its report.
2. All provincial governments which have tackled the problem of Zamindari have come to the conclusion that the Zamindari system must be abolished. The Madhya Bharat Committee has also reported in favour of abolition. In these conditions it is hardly necessary to elaborate or reiterate the arguments for the abolition of Zamindari in Madhya Bharat and Rajasthan. The Zamindari problem is more pronounced in Madhya Bharat, and exists only in very small areas in Rajasthan. The Zamindari is of recent growth in both the areas. It has been of recent creation under fortuitous circumstances. The government of Gwalior instead of recognising and confirming the farmers of revenue may easily have taken a decision on the lines of the other Mahratta States in Malwa where such revenue farms were extinguished. In Rajasthan a modified form of Zamindari exists and is largely a creation out of the bias of certain settlement officers.
3. The economic and social arguments for the abolition of Jagirdari apply *a fortiori* for the abolition of Zamindari. It is hardly necessary to recapitulate the arguments in favour of such abolition which have been expounded at length in the course of so many enquiries in recent years. The fundamental principle is that the tiller of the soil should be entitled to the fruits of his labours subject only to the payment of the share due to the State and without the interposition of intermediaries.
4. As in the case of jagirs the question arises as to how far Zamindari rights in Madhya Bharat and Rajasthan partake of the nature of property rights. We have previously dealt at length with the nature of property rights in the different periods—Hindu, Muslim, British and their applicability to Indian States where the laws have never recognised full property rights over the soil as being vested in the Zamindar. We recognise that Zamindari in Central India and Rajasthan was created on the analogy of the Zamindari system in North India. We also recognise that during the recent past these Zamindars have obtained all the rights of user and disposer which the Zamindars in the U.P. possess. We further appreciate that these Zamindars have enjoyed the right of transfer by way of mortgage, sale, bequest and gift and also that there are among the present Zamindars a class of persons who have acquired these rights for valuable consideration. In spite, however, of all this it has to be remembered that the Zamindari system in Madhya Bharat and Rajasthan is of recent growth and that the legal concepts relating to Zamindari rights in Bengal and U.P. have never been extended in their entirety to these areas. In fact as pointed out before in the leading Mahratta States the theory was evolved that the property rights of the soil vest in the Maharaja. We do not therefore consider that the Zamindars in these tracts enjoy property rights of a nature which entitle them to compensation as such.
5. Zamindars cannot, like Jagirdars, be divided into Zamindars of entire villages or Zamindars of plot holdings. It is of the essence of the Zamindari system that the engagement for the payment of revenue is made for a Mouza or a Mahal as a whole. The engagement may be by a single Zamindar or a body of proprietors, but in dealing with Zamindari it is necessary to deal with the Mouza or Mahal as a whole. If the Zamindari system has to go it has to be eliminated from all the villages whether the Zamindars of those villages are single individuals or groups of persons. In determining the measure of rehabilitation assistance to be rendered, due regard will, however,

have to be paid to the different economic groups into which Zamindars may fall. The argument for making a distinction between the rich Zamindar and the poor Zamindar on a progressively increasing or decreasing scale holds good as much as in the case of the Jagirdars.

6. In regard to the assessment of the rehabilitation assistance to be rendered to the Zamindars in lieu of the abolition of their rights, two problems arise, namely, —

- (a) the mode of determining the scale of payment ; and
- (b) the mode of financing the assistance;

These two problems are discussed in the report of the Zamindari Abolition Committee of Madhya Bharat and it would be useful to consider these questions here with reference to the recommendations of that Committee.

7. The Committee propose that the proportion of the compensation to the income of the Zamindar should progressively decrease with the increase in the income of the Zamindar and that the net profits of a Zamindar should be calculated on the basis of the gross income minus a 10 per cent deduction for the cost of collection and short collections and minus the land revenue and cesses payable by the Zamindar to the Government. That Committee have, however, entered into an examination of the effect on the net profits of the period which has elapsed since the last settlement. We are unfortunately unable to agree that such consideration be given in the calculation of net profits because we think that that Committee has proceeded on the popular assumption that settlements are undertaken from time to time mainly with a view to enhancing the land revenue. The assessment of land revenue at successive settlements has in the past shown an increase with the increasing development of the country and the rise in prices. More recently, however, most cultivated parts of India have reached a stage where further enhancement of revenue is not inevitable. In fact, now revenue assessment is much more dependent on the price level than on anything else. The level of rents of new leases in the period 1930 to 1939 was much lower than that in the period 1920 to 1929, because of the world-wide slump in prices which occurred after 1930. If revision of settlement takes place with reference to low level of prices there is no reason at all why enhancement of land revenue should be expected except for such other reasons as extension of cultivation or increase in irrigation facilities. We do not, therefore, consider that there is any need to go into the question of the period which has elapsed since the last settlement. The net profits of a Zamindar worked out without this consideration should be as good a guide as any other.

8. We agree with the Madhya Bharat Committee that the amount of the rehabilitation grant should be expressed as a multiple of the net profits. That Committee have, however, recommended the classification of Zamindars according to the revenue assessed on them. We are unable to appreciate the reasons for this. It would be much more scientific in our view to classify the Zamindars, as we have recommended in the case of Jagirdars, according to their income groups and not according to the land revenue paying groups. We would also recommend the slab system instead of the step system with marginal adjustments recommended by the Madhya Bharat Committee. For the rest we would be willing to follow the lines indicated by the Madhya Bharat Committee and suggest the following scale of assistance:—

	Slabs of income.	Multiple payable to the Zamindar.
	100	20 times.
First	400	17 "
Next	1,500	15 "
Next	1,500	12 "
Next	1,500	10 "
Next	1,500	8 "
	Remainder.	8 "

9. The Madhya Bharat Committee have estimated that the cost of the abolition of the Zamindari in that State would amount to about Rs. 10 crores. As the average rate of assessment of Land Revenue in the Zamindari area of Madhya Bharat is 50%, the estimate of the cost of abolition will be the same under the scale of assistance proposed by us. They have suggested that in order to meet a part of this cost, the U. P. scheme of collecting a Zamindari Abolition Fund from the tenants be adopted. They have recommended the collection of three times the annual rent from Pukhta Maurusi tenants, six times from the Mamuli Maurusi tenants, ten times from the Gair Maurusi tenants and fifteen times from sub-tenants. They estimate that if all tenants in the Zamindari area pay up these amounts for the acquisition of certain rights and for the reduction of rents, the total sum collected would amount to about Rs. 5 crores. They are, however, not quite confident that all tenants would take advantage of these terms if offered and have, therefore, stated that it is more likely that a sum of only about Rs. 3 crores may be possible to collect. This would impose on the Government of Madhya Bharat the burden of finding about Rs. 7 crores. The Committee have further suggested that only part of the payment of compensation be made in cash and that the remainder be given in the form of Government bonds in order to prevent inflation and to spread out the liability of the Government over a period of years.

10. We regret very much that we are unable to endorse some of the principal recommendations of the Madhya Bharat Zamindari Abolition Committee. That Committee recommend that on payment of the sums indicated by the tenants of various classes they should be given Pukhta Maurusi rights. It is not clear how a sub-tenant and the tenant-in-chief can both acquire Pukhta Maurusi rights in the same piece of land by each paying the amount fixed for him. Moreover, with the abolition of Zamindari and Jagirdari it is highly desirable that the rights of tenants throughout the State be placed on an equal footing. It will be agreed that once the intermediaries are removed the relation of the ryot with the Government should throughout be the same. In the recommendations we make in subsequent chapters we propose that the right of the ryot to transfer his land be suitably restricted. In fact, the Madhya Bharat Government themselves in their recent tenancy legislation have put such restrictions on the rights of transfer of peasants in the Ryotwari area. It would not be desirable to create Pukhta Maurusi rights in favour of all the tenants in the Zamindari area and to create only Mamuli Maurusi rights in the Ryotwari area of Madhya Bharat. We are also of the view that the terms offered to tenants in the Zamindari area in return for the payment demanded from them will not prove attractive to those tenants. The bulk of the tenants in the Zamindari area in Madhya Bharat even today enjoy heritable rights. The average peasant is not much interested in acquiring rights of transfer, particularly in a period of high prices when he is well off and does not need to mortgage or sell his holding to raise money. We are of the view, therefore, that if an attempt is made to collect money from the tenants in a widespread drive of the kind contemplated the attempt will not meet with any substantial success. We do not, therefore, recommend such a course of action.

11. The Madhya Bharat Committee have not made any estimate of the total amount which would be payable in cash in addition to the issue of bonds. It is safe to assume, however, that the sum payable in cash will run into a few crores. The payment of such a sum will certainly aggravate the inflationary conditions in the country. In our view even the payment of a crore or two crores of rupees would place an intolerable burden on the financial resources of the Madhya Bharat Government. In the present state of economic crisis and the imperative need to check inflation by all means possible we cannot support this line of action.

12. The issue of bonds as recommended by the Madhya Bharat Committee does not amount to savings. It amounts merely to the acknowledgment of a liability created now to be redeemed after a few years. It will be almost impossible for the Madhya Bharat Government later to find the money to redeem these bonds.

We are on the whole, therefore, unable to agree with the means recommended by the Madhya Bharat Committee for financing the scheme of Zamindari abolition.

13. We consider that the approach to the financial aspect of Zamindari abolition should be totally different. We shall have to find the means for the liquidation of the system within the system itself. In our view the Zamindari system should be abolished by legislation forthwith and the villages converted into the Ryotwari system the collection of rents from the tenants can then be made through village Patels to be appointed and the collections deposited in the treasury as in the Ryotwari villages. We would not, however, recommend the reduction of the rent of any of the tenants in the Zamindari area for the present. Any increase in the rights of peasants in those villages can be granted without calling upon the tenants to pay any sum for the acquisition of those rights. In a period of high prevailing prices and inflation, and particularly in the present circumstances of India, there is no justification whatever for reducing the burden on the primary agricultural entrepreneur, namely, the cultivator of the land. In fact, the present level of prices would actually justify the imposition of much increased burdens on the tenant so long as the high prices last. We would for these reasons suggest that the whole of the rent at present paid by the tenants to Zamindars should be made payable to the Government. At present the gross rental and other income of the Zamindari villages of Madhya Bharat is estimated to be Rs. 1.99 crores. Of this the Zamindars pay the Government in the shape of land revenue a total sum of Rs. 1.00 crore, intercepting as their own income sum of Rs. 0.99 crore. The actual assessment today stands at just a little over 50 per cent. If all the rents payable by tenants to the Zamindars become payable to the Government, Government's revenue from the Zamindari villages will go up to Rs. 1.99 crores. On the other hand, we shall have to make allowance for the increased cost of collection involved in collecting from all the tenants direct. If this cost of collection is put at about $7\frac{1}{2}$ per cent of the total demand it would amount to Rs. 15 lakhs; that is to say, the Government may have to incur an annual expenditure of Rs. 15 lakhs for the new administrative arrangements to be made for the collection of revenue from the Zamindari villages. This we consider a liberal estimate. This would still leave the Government with an increase of Rs. 84 lakhs per year in the total net receipts from these villages. We have proposed in the case of Jagirdars a period of 12 years during which they would receive assistance from Government. On the same analogy, whatever compensation may be payable to the Zamindars may be paid out in 12 equal annual instalments. If the excess sum of Rs. 84 lakhs per year is utilised for this purpose, then in a period of 12 years the total sum available to the Government for Zamindari abolition would amount to Rs. 10.08 crores. This is the sum which the Madhya Bharat Committee have estimated to be the cost of Zamindari abolition. We suggest that the compensation payable to the Zamindars be divided into 12 equal annual instalments and paid out of the increased revenue of Rs. 84 lakhs per year becoming available to the Government.

14. The considerations which govern the acquisition of khudkasht by jagirdars apply in equal measure to the zamindars. Zamindars should be allowed to acquire and retain khudkasht lands, subject to assessment of land revenue, in the same way as jagirdars.

15. We were unable to obtain detailed information regarding the rental and assessment of the Zamindari areas in Rajasthan but we consider that the abolition of Zamindari there should also be carried out on the lines indicated for Madhya Bharat.

16. We have excluded from our consideration the Ganganagar canal area in Bikaner. None of our recommendations apply to that area. It is open to the Rajasthan Government to undertake a separate enquiry and examine the position in the canal area. We understand that special rights have been given to the colonists under certain definite conditions, and we do not wish to disturb them without adequate information.

17. For similar reasons we suggest that the Zamindari area in Kotah also be excluded from our recommendations in this chapter.

CHAPTER XIII.—RECOMMENDATIONS RELATING TO LAND TENURES, LAND RECORDS AND SETTLEMENT

1. With the abolition of the jagir system the way will be open to the governments of Madhya Bharat and Rajasthan to assimilate the jagir villages fully with the khalsa villages. Similarly, with the elimination of the zamindars, the stage will be reached where the cultivators of the soil will be brought into direct relationship with the government.

2. We should like to make a few observations on the land tenure system which should be set up after these changes have been effected. We do not favour the idea of having a multiplicity of classes of ryots. Different classes of tenants with varying rights came into existence in the past mainly because of historical reasons and because of the haphazard course which the reform of tenancy laws in different provinces took. The abolition of jagirdari and Zamindari in Madhya Bharat and Rajasthan will give the governments an opportunity to evolve a simple and more logical system of land tenures. We recommend that there should be recognised only one class of tenure which may be called pattedari, khatedari or by any other suitable name. This will embrace all cultivators cultivating their holdings and paying revenue direct to government. The jagirdar and the zamindar in his khudkasht will also have the same rights as the pattedari ryot. This system will resemble closely the ryotwari system of the Deccan with, however, certain important differences.

3. In considering the status of the pattedari ryot, his rights under three heads will have to be examined, namely—

- (a) the right of inheritance ;
- (b) the right to transfer his holding ; and
- (c) the right to sub-let his holding.

Even though property in land has not been in the past recognised in India, the right of the male heirs of a cultivator to continue to be in possession of his holding after his death and to cultivate the land subject to the same liability to pay the share of the state, has always been respected. Recent tenancy reforms in North India have also tended to confer heritable rights on tenants-at-will. The pattedari tenant should, therefore, have clearly heritable rights. Inheritance of these rights need not, and in fact should not, follow the personal law of the ryot. This again is a principle which has been recognised in tenancy reforms in North India. Agricultural holdings have certain peculiarities which require that the laws of inheritance governing them should be simple and not lead to too much fragmentation of the holding at each succession. The U. P. tenancy laws have, therefore, made separate provision for inheritance. The Madhya Bharat tenancy act and the existing individual tenancy laws in Rajasthan also make separate provision for inheritance of ryots' holdings.

4. Peasants in the ryotwari system of the Deccan enjoy full rights of transfer in respect of their holdings. This question has been examined fully in the settlements made in the Indore State and other states in Malwa. The system of tenure evolved there does not give unrestricted rights of transfer to the ryots. We are of the view that such unrestricted rights of transfer should not be conferred on peasants in Madhya Bharat or Rajasthan. Even the representatives of the Kisan Sabhas who appeared before the Committee expressed the view that it would be necessary in the interests of the peasant himself to restrict his rights of transfer. If the right of transfer is given freely, there is a danger of the land passing to the money-lending classes in periods of slump when the peasant may be in distress. There is also a danger of lands passing to the hands of speculative investors who

ehav no intention of settling in the land or developing it. We would, therefore suggest on the analogy of the system obtaining in Malwa that a peasant be allowed to transfer the whole or part of his holding only with the permission of the tehsildar or the collector. Clear provisions should be made in the tenancy acts defining the conditions under which such applications for transfer will be granted. Transfer may, for example, be permitted only to a bonafide agriculturist, meaning by that term not a member of any particular caste, tribe or class, but a person genuinely intending to cultivate the land. Transfer may also be permitted where the land is required for an expanding abadi or a town or for the establishment of a factory or other industrial premises.

5. There are, both in Rajasthan and in Madhya Bharat, certain small number of peasants who enjoy Pukhta Maurusi or Malkana Haq rights. They possess at present unrestricted rights of transfer. We consider that the same restrictions as apply to other tenants should apply to them also with respect to the right of transfer. This has been done in the recent Madhya Bharat tenancy act.

6. We would also recommend that provision be made in the tenancy acts laying down priorities according to which land which a peasant may seek to transfer or land which falls vacant or land which is lying fallow at the disposal of the government, be leased to different persons. The object of drawing up the priorities should be to help in the creation of more economic, consolidated or optimum-sized holdings. When a tenant seeks to transfer his land or relinquishes his holding, priority of allotment may be given to—

- (a) his heirs, if any ;
- (b) his sub-tenants, if any ;
- (c) peasants of neighbouring holdings who may desire to exchange, expand and consolidate their holdings ;
- (d) landless peasants living in the village and genuinely desirous of cultivating land ; and
- (e) cultivators resident in the same village who have much less than a minimum holding.

Such priorities have been drawn up in the Madhya Bharat tenancy act and we generally agree with the principle of those provisions of law.

7. We also consider that severe restrictions should be placed on the peasant's right to sub-let his holding. If the right to sub-let is freely given the pattedar tenants may tend to form a new class of intermediaries which is undesirable. A pattedar who does not desire to cultivate his land should relinquish or transfer his holding, but not indefinitely sub-let his lands. For this purpose we would suggest that a pattedar sub-letting his land continuously for a period longer than, say, three or five years, should be deprived of his rights in the lands so sub-let, and the rights will be transferred to the sub-tenant. There should also be a fixed interval of at least three years between two transactions of sub-letting. We would recommend that exception be made in favour of minors, women, physically incapacitated persons such as blind persons, and lunatics, to sub-let their holdings for the period of the disability, without the sub-tenant acquiring any rights. We would also recommend strongly that peasants who enlist in the army should be allowed similarly to sub-let their holdings for the period of their enlistment without the sub-tenant acquiring any rights. Sub-tenants should also have protection with regard to the rent payable by them to the tenant-in-chief. Sub-tenants should, therefore, not be liable to pay a rent exceeding fifty per cent. over the settlement rates.

8. The Government of Rajasthan will, during the next few years, have to devote special attention to the organisation of the land revenue administration of the State. In our opinion it is absolutely necessary that government patwaris should be appointed to all the villages and the records maintained by them should

be considered to be public records with the right given to every interested party to obtain a copy of an extract from the records at any time. The supply of trained patwaris may be inadequate in the beginning. There would be no objection to the employment of untrained patwaris in the earlier stages provided, those untrained men have experience of the work. The necessary training facilities will have to be provided so that the needs of the state may be met from year to year, not only now but in the future also.

9. Survey and settlement operations should be carried out with energy and determination in the vast areas of Rajasthan. A target of ten years should be set for the completion of settlement operations. Without such settlement many of the reforms such as the demarcation of the khudkashts of jagirdars, zamindars and the smaller assignees, will be difficult to achieve.

10. In many parts of Rajasthan again, there is an insistent demand from the tenants for the fixation of cash rents. It is only after settlement operations that circle and village rates can be framed. Some caution may be necessary in conversion of grain rents to cash. Grain rents may in some cases be more suitable than cash in some of the more precarious tracts of Rajasthan. The fixing of cash rates in these parts may put the peasants in difficulties. We think, therefore, that care may be taken to see that in such areas conversion of the rents to cash may only be made at the request of the peasant.

CHAPTER XIV.—CERTAIN INTERIM RECOMMENDATIONS RELATING TO RAJASTHAN

1. We consider that pending the completion of the settlement operations everywhere in Rajasthan, it is essential to ensure to the tenant some protection as an interim measure.

2. The important benefits which survey and settlement secure to the tenant are :—

- (a) the lightening of the comparatively high incidence which present rents impose on him ; and
- (b) the removal, at any rate, of some of the causes of frequent disputes and friction between him and the landlord, particularly in regard to the division or appraisement of the crop.

3. We recommend, therefore, that Government may lay down the maximum share of the produce which a landholder may be allowed to demand as rent from his tenant. We find that cash rents in khalsa and other settled villages have generally been assessed on the basis of one-third and one-fourth of the produce for unirrigated and irrigated lands respectively. The Jodhpur and Jaipur Tenancy Laws have already adopted this as the statutory maximum. Statutory recognition of this principle should be given throughout Rajasthan. We understand that instances of grain rents in excess of this maximum are frequent. The statutory maximum so prescribed will, to the extent the present rates may be in excess of the maximum, relieve the tenant of the extra burden which he would otherwise have to bear.

4. As regards the recurring disputes between the landlord and the tenant regarding the division or appraisement of the crop, the tenancy laws of Rajasthan should provide a machinery or procedure whereby such disputes can be summarily settled. We suggest that the authority in this respect should be vested in the Tehsildar who should be fully competent to take cognizance of such disputes on an application by either party and dispose it off summarily on the spot.

5. We also commend to the consideration of the Rajasthan Government a somewhat simplified and summary process of survey and settlement which may be adopted for the purpose of evolving provisional cash rents till the settlement operations are completed. It has been suggested to us that flat rates, both for wet and dry lands, for groups of villages more or less homogeneous could be evolved either in terms of local bighas or with reference to the number of ploughs actually used by tenants. We further understand that summary cash rent by this method can be worked out for the whole of the unsettled areas of Rajasthan in about two years' time. We consider that there is considerable merit in this suggestion. It can, at any rate, be adopted to advantage in respect of the vast sandy and comparatively poorer regions in Bikaner, Jodhpur and Jaisalmer. It may also be adopted in areas where the relations between the Jagirdars and the tenants may be strained or where the incidence of the present grain rents may demonstrably appear to be unduly high.

6. Having regard to the fact that vast non-khalsa areas have yet to be integrated with the khalsa areas in Rajasthan, we make the following further recommendations during the interim period :—

- (i) The Rajasthan Government should appoint Patwaris in jagir areas as early as this can be done. There is an urgent need to maintain governmental agency in Jagir villages as none exists at present. The task of maintaining record of rights and preparation of agricultural statistics is a matter of immediate necessity. There are about 3,450 patwaris in the khalsa villages of Rajasthan. We understand that on the existing khalsa basis, about 6000 patwaris will be

required for the jagir areas. It will not be an easy task to find this number immediately. Special measures will have to be taken for the training of the required number of patwaris. We expect that this matter will receive the earnest consideration of the Rajasthan Government. Wherever jagirdars' employees, if qualified or properly trained, are available they may also be employed.

- (ii) Ejection of tenants in jagir areas on any ground should be prohibited except under prescribed conditions.
- (iii) The Government of Rajasthan must arm themselves with authority to intervene in order to let out lands for cultivation wherever it is found that the jagirdar is unreasonably refusing to let out unoccupied land for cultivation if there is a demand for it.
- (iv) The jagirdar should forthwith be prohibited from selling or leasing out new land for residential purposes except with the permission of government. This permission will be contingent on the condition that the land is required for bonafide purposes of meeting the growing needs of the abadi. This restriction is obviously called for if the jagirdars are to be prevented from capitalising their unoccupied land by means of such alienation detrimental to the potential interests of the State.
- (v) In taking over the estates of the principal assignees, priority may be given to areas where agrarian situation has deteriorated owing to acute tension between the jagirdars and the tenants.

CHAPTER XV.—SUMMARY OF RECOMMENDATIONS AND CONCLUSIONS

1. The Committee's main conclusions and recommendations are summarised below :—

- (i) The jagirdari system should be abolished and the collection of revenue from the jagir villages should be taken over direct by government.
- (ii) For purposes of abolition, jagirs should be divided into those comprising one or more entire villages and those consisting of scattered plots or holdings.
- (iii) Jagirdari rights are not property rights entitling jagirdars to compensation. Jagirdars of entire villages should, however, be given rehabilitation assistance according to the scale given in paragraph 9 of Chapter XI.
- (iv) Basic annual sum for a jagir to be determined in accordance with paragraphs 26 and 27 of Chapter XI.
- (v) Jagirdars, muafidars, etc., of holdings and plots should be allowed to enjoy the full income of their present jagirs for a period of 12 years.
- (vi) Tenants of assignees in (v) above should be given protection against ejection and should have fair rents fixed as soon as settlement operations are possible.
- (vii) Jagirdars should be allowed khudkasht consisting of their present khudkasht plus such area as may be acquired later subject to a reasonable maximum to be determined for each area and subject to the condition that no khudkasht shall be acquired by dispossessing any peasant of his land. (Chapter XI, para. 11).
- (viii) A statutory Religious and Charitable Endowments Board should be set up to which government should pay an amount equal to the income derived from endowment assignments at present. This board should take over the management of all temples and institutions which depend on these endowments for their upkeep. For the rest endowment assignments may be treated in the same manner as other jagirs.
- (ix) Zamindari rights should be extinguished.
- (x) The Ganganagar Canal area in Bikaner and certain zamindari tracts in Kotah are excluded from the recommendation in (ix) above.
- (xi) Zamindari rights are not full property rights, but zamindars should also be given rehabilitation assistance according to the table given in Chapter XII.
- (xii) No drive should be made for the collection of a zamindari abolition fund from the tenants.
- (xiii) Zamindari abolition should be financed from the extra revenue derived by government by collecting full rents from the tenants.
- (xiv) Ryots throughout should be placed in the same category and given uniform rights.
- (xv) Ryots should have heritable rights, but their rights to transfer should be subject to restrictions.
- (xvi) Inheritance of peasants should not be according to personal law, but according to a simpler system to be laid down in the tenancy acts.
- (xvii) In transfers of ryots' holdings and in the grant of new leases by government, due regard should be paid to the necessity of creating economic and optimum holdings and to consolidate existing holdings.

- (xviii) The ryot's rights to sub-let his land should be severely restricted. Exception should be made only in the case of minors, women, the physically disabled and enlisted soldiers.
- (xix) The rents payable by sub-tenants should not exceed 50 per cent. over the settlement rates.
- (xx) Government patwaris should be appointed to all villages including jagir villages and the records maintained by them should be public records.
- (xxi) Survey and settlement of the unsurveyed areas in Madhya Bharat and Rajasthan should be undertaken and completed within ten years.
- (xxii) When settlement rates are evolved tenants paying rent and revenue in kind should be given the option to convert to cash, in certain precarious tracts.
- (xxiii) Interim arrangements in Rajasthan pending the completion of settlement include—
- (a) Maximum rent payable by a tenant should not exceed in the case of irrigated land one-fourth and in the case of any other land one-third of the crop of such land.
 - (b) Provisional cash rents may be evolved pending assessment of cash rents by settlement officers.
 - (c) Rajasthan tenancy laws should provide a simple machinery for the settlement of disputes arising out of the division of crops.
 - (d) Ejectment should be prohibited except under prescribed conditions.
 - (e) Government should intervene when it is found that the jagirdar is unreasonably refusing to let out unoccupied land for cultivation.
 - (f) Jagirdars should forthwith be prohibited from selling or leasing out new lands for residential purposes except with the permission of Government.
 - (g) Priority to be given for taking over those jagirs where there is serious agrarian discontent.

2. We desire, before concluding our report, to express our gratitude to the Governments of Madhya Bharat and Rajasthan for the assistance given and the facilities afforded in the work of the Committee. They also placed at our disposal the services of their Jagir Commissioners who, in addition to their duties, have worked as Secretaries to our Committee.

The Chairman wishes to express his appreciation of the work of Mr. M. P. C. Gupta in the preparation of the report.

Sd. C. S. VENKATACHAR, *Chairman.*
 Sd. GOKULBHAI BHATT.
 Sd. SITA RAM S. JAJOO.
 Sd. BRIJCHAND SHARMA.
 Sd. V. VISHWANATHAN. } Mem-
 bers

Sd. SHIVSHANKAR GAUR,
 Sd. JASWANTRAJ MEHTA. } Secretaries

NEW DELHI;

The 18th December, 1949.

APPENDIX A

No. 4 (61)-P/49.

GOVERNMENT OF INDIA
MINISTRY OF STATES

Dated New Delhi, the 20th August, 1949.

Resolution

The Government of Rajasthan and Madhya Bharat Unions have had, for some time, under their consideration the question of reforming the land-revenue system in these Unions with a view to bring about direct relationship between the State and the tillers of the soil. The Government of India have, at the request of these two Governments, decided to appoint a fact finding committee to assist them in settling this question in a satisfactory manner.

2. The Government of India have accordingly decided to constitute a committee consisting of—

- | | |
|--|--|
| (i) Shri C. S. Venkatachar, <i>Chairman.</i> | } for Rajasthan Union.
for Madhya Bharat Union. |
| (ii) Shri Gokulbhai Bhatt | |
| (iii) Shri Brijchand Sharma | |
| (iv) Shri V. Vishwanathan. | |
| (v) Shri V. S. Sarwate. | |

to study the existing land tenure systems in Madhya Bharat and Rajasthan Unions and to make suitable recommendations.

3. The terms of reference of the Committee are :—

To examine and report upon :

- (1) the existing structure and the working of the Jagirdari system in the United States of Madhya Bharat/Rajasthan.
- (2) the state of land revenue administration, including survey, settlement, maintenance of village records in areas under the Jagirdari system in Madhya Bharat/Rajasthan.
- (3) the existence of tenancy legislations if any, the regulation of relations between the landholder and the tenant ; the mode of realisation of rent ; the status of the tenant and security of tenure ;
- (4) the need and desirability of redetermining, in the light of present day conditions, the requirements of modern administration in general and in particular the need for improving agrarian conditions, the respective shares of the state and the Jagirdar in the assets of the Jagir ;
- (5) the desirability of extinguishing all differences between the Khalsa (or non-jagir) and jagir areas so that a uniform revenue and land tenure system may be established throughout the United State of Madhya Bharat/Rajasthan ; the manner in which it should be brought about and the administrative organisation necessary therefor.
- (6) any other constituent and/or cognate matters which the committee may consider as arising out of the foregoing terms of reference.

4. The Committee will complete its work and submit its report to the Government of India by the end of October, 1949.

M. K. VELLODI,

Secretary to the Government of India

APPENDIX B

Questionnaire issued by the Rajasthan/Madhya Bharat Jagir Enquiry Committee.

I

(1) What are your views on the origin, growth and the working of the Jagir lari system ?

(2) Would you make any distinction in the treatment of the various classes of Jagirs (Feudal including service grants, maintenance, Bhomichara and Charitable) by virtue of the difference in their origin or the purpose for which they were brought into being ?

(3) Would you likewise make any distinction on the ground of their size or income ?

(4) There are two elements in the conglomeration of the rights of a Jagirdar. One of them is his tenure as a landholder ; the other is comprised in the special powers or privileges exercised by him with official authority or by prescription. Should these rights in your view be continued, modified, or extinguished ?

(5) What are your views on the ultimate abolition of the Jagirdari system ?

(6) With respect to 4 and 5 above—

(a) are you in favour of carrying out the changes by stages ?

(b) would you recommend any definite period of years ?

(c) what concrete schemes would you suggest for giving effect to the modification or extinction of rights or the abolition of Jagirdari ?

II

(7) What tenancy rights would you like to secure to the tenants (and sub-tenants) in Jagir areas, on a par with tenants in Khalsa ?

(8) How many classes of tenants should, in your opinion, be recognised in the United State of Rajasthan/Madhya Bharat ?

(9) What in your view are the particular safeguards to be provided in the tenancy legislation for securing social and economic justice to the tenants in consonance with modern conceptions ?

III

(10) What are the defects in the present mode of realisation of rent in Jagir areas, and what remedies do you suggest to rectify these defects in areas where rents are realised (a) in cash and (b) in kind ?

(11) What, in your opinion, should be the agency for the collection of rent in Jagir areas ?

(12) What, in your view, should be the agency for the maintenance of record of rights and, in particular, the preparation of the Matalba ?

(13) What are your views regarding the levy and realisation of cesses, wherever they are in vogue ?

IV

(14) What interim relief, if any, should, in your opinion, be granted to the tenant in Jagir areas pending settlement ?

(15) What percentage of his assets should a Jagirdar contribute to the State ; and on what basis ? Do you favour a sliding scale for the purpose ?

(16) In your opinion will any class or classes of Jagir or Jagirdars require exemption or favourable treatment ?

V

(17) In addition to the administrative machinery of Government, can you suggest any machinery for the purpose of ensuring the speedy and equitable settlement of disputes between a landholder and his tenants ?

(18) What is your view in regard to the continuance or otherwise and regulation of different fiscal rights (such as excise, customs, mineral quarries, etc.) or powers at present exercised or enjoyed by the Jagirdars ?

(19) How much land (irrigated or unirrigated or both) should be allowed to a Jagirdar or landholder as his Khudkashta ? What proportion should it bear to the total area in his Jagir ? And what should be the maximum to be allowed ? To what extent should the Government help the Jagirdar in the matter of appropriation of his Khudkashta land ?

(20) For the purposes of this enquiry, would you treat Zamindari or Biswedari, wherever this is to be found in the United State of Rajasthan/Madhya Bharat, on the same lines as Jagirdari ? If not, how do you propose to deal with them ?

N.B.—Jagir includes all its variants.

APPENDIX C

Statement showing the details of area and villages under the various stages of settlement and survey in the various divisions of the United State of Rajasthan.

Serial No.	Name of Division	Total		Khalsa		Jagir		Total		Settlement Work in different stages up to the end of August 1949					Remaining Work			
		Villages	Area in sq. miles	Villages	Area	Villages	Area	Villages	Area	Surveyed	Attested	Classified	Rate proposed	Announced	Fairing of Records	Total	Villages	Area
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
1	Udaipur	8938	18036	2294	5614	2750	4736	5044	10350	1030	..	599	1361	..	..	2900	2014	4696
2	Jaipur	11226	24951	6183	11075	2199	6835	8382	17910	1155	1170	967	1043	233	..	4568	937	2473
3	Bikaner	3368	23317	1804	8317	203	1061	2007	9378	2370	7316	..	1645	..	..	11831	135	2108
4	Jodhpur	4936	50991	827	5198	78	651	905	5849	2569	11	3816	895	..	..	7291	2624	37851
5	Kotah	4950	9941	3250	6596	224	490	3474	7086	601	..	..	179	..	..	780	1046	2075
Grand Total		33418	127236	14358	36800	5454	13773	19812	50573	7725	8997	5382	5123	233	..	27460	6756	49203

APPENDIX D

Statement showing the rights of tenants in the various units in Rajasthan, both Khalsa and Jagir.

JAIPUR

Class of tenants	Inheritance	Transfer	Trees	Subletting	Rights to make improvement
<i>Khalsa—</i>					
Pattedar (those who have paid a premium for the land).	Full rights	Full rights	Full rights	Full rights	Full rights.
Khatedar	Ditto	Right of mortgage for 10 years.	For domestic or agricultural use only.	For 5 years	Full rights.
Gair Khatedar	Ditto	No rights	No right	For one year only	No rights.
Sub-tenant	No	No	No	No	No.

Jagir

Same as in Khalsa.

In Kot Kasim and Kot Futli, there is a class of landholders known as Biswedars, and the occupancy tenants under these landholders (called Mourusi Kashtakars) have full rights of inheritance, transfer, of trees, improvements and sub-letting just like Pattedars. The right is however restricted to those who were recorded as the occupancy tenants at the last revision of settlement.

BIKANER

Class of tenants	Inheritable	Transfer	Sub-letting	Trees	Improvements.
<i>Khalsa</i>					
(1) Occupancy tenants	Heritable	Not transferable without.	Can sub-let for	No specific	May make any.

In Khalsa area, a Khatedar or other tenant to whom by the grant of Sanad occupancy rights have been sold).	..	the previous sanction of the Revenue Commissioner.	five years.	provisions but can cut trees for domestic or Agricultural use.	Improvement with the permission of the State.
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Has to pay premium 16 times the rent.

In Biswedari (Tenants with 20 years' possession who have already been admitted to occupancy).	Heritable ..	Transferable subject to the right of pre-emption of the land holders and other persons according to Pre-emption Act.	Can sub-let for seven years.	Ditto .	Full rights.
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(2) Khatedari—

A tenant who has the right of cultivation and continuous possession of which he and his ancestors have cleared and brought under cultivation as long as he regularly pays rent.

Ditto .	Not transferable	Can sub-let for five years.	Ditto Probably has no right.	Presumably no rights
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(3) Lessees—

A tenant holding for a fixed term under a lease or decree or order of competent authority.

Governed by the terms of the lease.

(4) Residuary tenants—

Tenants not included in any of the above classes.

Practically a tenant at will.

No rights.

Jagir.

In Jagir areas there are no occupancy rights.

JODHPUR

Class of Tenants	Inheritance	Transfer	Sub-letting	Trees	Improvements
<i>Khalsa</i>					
Bapidar (who has a Bapi Patta and has paid premiums).	Full . . .	Can transfer permanently but not temporarily except by way of lease.	Can sub-let for three years with three years interval.	For domestic or Agri-cultural purposes.	Full rights.
Gair Bapidar	Full . . .	No transfer	Cannot sub-let	No rights	Presumably no rights.
<i>Jagir</i>					
Khatedar (every person who at the commencement of the Act was a tenant, is a Khatedari tenant).	Full . . .	Transfer to Co-tenant or the nearest heir.	For 3 years or with 3 years interval.	For domestic or agri-cultural purposes.	Full rights, except buildings or tents.
Gair Khatedar.					

70

JAISALMERE (No statutory provision).

Kastakar	Heritable according to personal law.	Can transfer his right with the sanction of the Hakims.	Can sub-let without restriction.	No rights	Can dig a well on payment of Rs. 101 Nazrana and has the right of first watering only.
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UDAIPUR

<i>Khalsa</i>					
Khadamdar or Bapidar	Full according to personal law.	Full rights	Full rights	Full rights	To construct well, water channel, or other works for distribution of water and Kutchha buildings.

Mustakil Sikmi. (12 years continuous possession).	Full	Nil	Cannot sublet	Right to trees grown by himself only.	Ditto
Shikmi (Tenant) at will, having less than 12 years' possession.	Nil	Nil	Ditto	No right	No right.

Jagir

Khadamdard or Bapidars. Mustakil Sikmis. Sikmis.			As in Khalsa.		
Plus Khatedar	Full	Mortgage only	Full	Full	Full.

Khatedars were Bapi-dars originally but subsequently jagirdars restricted these rights and introduced the term khatedars. To bring jagir in line with khalsa khatedar should be declared as Bapidar.

KOTAH

Khatedar	Full	Full	Full	Full rights except in respect of Jhamun and Mohura and Mangoes grown before 1927 A. D.	Full.
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(Khatedar is one who has been entered as a Khatedar in the Settlement Records, or subsequently entered as Khatedar by the order of a competent court or transfer).

Jagir

Only one class both in Khalsa and Jagir.

Class of tenants	Inheritance	Transfer	Sublet	Trees	Improvement
PARTABGARH					
<i>Khalsa</i>					
Khatedar (one who has paid Nazrana)	Full	Full	Full	Full	Full
Kastkar } Kahzul } Khata }	One who has paid Nazrana.	Right of inheritance according to personal law.	Cannot transfer without the sanction of the Mehakma Khas or Rev. Deptt.	Can sublet	No right to cut trees.
Istamrardars	Full	No rights	No rights	No rights	Full rights.
<i>Jagir</i>					
Kashtakar, Jagirdar Muafidar.	or	All tenants at will and no rights except under Sanad or specific agreement with the jagirdar.			
BANSWARA					
<i>Khalsa</i>					
Bapidar (who has paid one year's rent as Nazrana).	Heritable	Transferable	Can sublet	Full rights to trees.	Full rights to improvement.
Khatedar (who has paid no Nazrana).	Nil	No sale but can mortgage.	Ditto	No specific provision but presumably has rights over trees with the exception of Mohuda and certain other trees which belong to the State.	Ditto.
<i>Jagir</i>					
Presumably as above.					
DUNGARPUR					
Only one class known as Asami.	Heritable according to law.	No sale, but right of mortgage for 20 years	Can sublet	No specific provision about trees.	Full rights of improvement.
SHAH PURA					
Khatedar	Same rights as of Asam in Dungarpur.				

No difference in jagir and khalsa either in Dungarpur or Shahpura.

KISHANGARH

Bapidar (one who has paid Nazrana).	Heritable according to personal law.	Can transfer subject to Land Alienation Act.	Can sublet	A particular share in the trees according to the persons of the Patta.	Full rights of improvements.
Gair Bapidar	Ditto	Not transferable	Ditto	No right of trees	No improvement without the sanction of the State.
Same in khalsa and jagir.					

BUNDI

Khatedar	Heritable	Transferable with the sanction of the Revenue Minister.	May sublet for three years, with three years interval.	Full rights to trees	Full rights of improvement.
Shikmi	Not heritable	Not transferable	Cannot sublet	No rights to trees	No rights to improvements.
Howala-Jota	Ditto	Ditto	Ditto	No rights	Ditto.

(Every person who has brought under plough any land classed as banjar during the current Settlement, or who has acquired the rights of a Khatedar under the orders of the Darbar with or without payment of Nazrana, or who have been conferred the status of a Khatedar by a Jagirdar or Muafidar is a Khatedar).

Same in khalsa and jagir.

TONK

Khatedar	Heritable	Transferable	Can sublet	Full rights except for protected trees.	Full rights of improvements.
Kashtakar Morusi (Sub-tenant with 12 years continuous possession).	Ditto	No rights	No rights	No rights	No rights.

Same in khalsa and jagir.

Class of tenants	Inheritance	Transfer	Sublet	Trees	Improvements
JHALAWAR					
	Khatedar.	(As in Kotah).			
KARALI					
1. Bandobasti Khata holder	Heritable	Rights of sale or mortgage subject to certain restrictions.	Can sublet	No specific provision	Full rights of improvements.
2. Notor Khatedar	Ditto	Transferable by exchange not by sale.	Cannot sublet	Nil	Nil.
Presumably the same in khalsa and jagir.					
BHARATPUR (Zamindara system)					
1. Occupancy tenant	Heritable	Not transferable	May sublet for any period not exceeding the term of Settlement.	Rights according to Vajibul Arz.	Full right of improvement.
2. Fixed term tenant	Rights governed by agreement.				
3. Non-occupancy tenants.	All other tenants are non-occupancy tenants. They are tenants at will.				No rights.
No Jagirdari.					
ALWAR—Biswedari, which is the same as Zamindari prevails.					
As in Bharatpur with this exception that an occupancy tenant can transfer with the written permission of the Biswedar.					
DHOLPUR. (Zamindari).					
Bandobasti Khatedar.	Heritable	Not transferable except to a co-sharer.	May sublet for 5 years	No specific provision.	May make any improvements except that he may not plant trees except with the permission of the Zamindar.
Notor Khatedar	Heritable	Not transferable	May sublet for 1 year.	Ditto	May make any improvement with the consent of the Zamindar.
Same in khalsa and jagir.					

APPENDIX E

(i) Jaipur State Grants Lands Tenures Act, 1947

KHUDKASHT

152. (1) 'Khudkasht' means—

- (a) land which was being cultivated at the commencement of this Act, or may be cultivated at any time thereafter, by an estate-holder as such either himself or by his servants or by hired labour, or
- (b) land which was declared prior to the commencement of this Act, or may hereafter, on application or otherwise, be declared by the Government, in accordance with the provisions contained in the First Schedule to this Act, as khudkasht of an estate-holder.

(2) 'Khudkasht right' means the special rights created by the provisions of this chapter.

The First Schedule

1. When any land is required for the *bona fide* personal cultivation of the estate holder and his co-sharers, Government may declare the land so required as khudkasht.
2. The area to be declared as Khudkasht shall be determined with due regard to the following matters :—
 - (a) The total area of the estate in all the villages in which it holds any land including the proportionate area held in Shamlat khewats, but excluding the area of sub-grants other than those made for life ;
 - (b) The area held by the estate-holder as khudkasht under clause (a) of section (1) of section 152 ;
 - (c) The number of adult co-sharers of the estate-holder, if any, who require land for their personal cultivation ;
 - (d) Whether the estate-holder is in a position to engage himself in cultivation.
3. When the area to be declared as khudkasht has been determined under rule 2, it shall be appropriated out of the following categories of land in the order in which they are mentioned :—
 - (a) land held as khudkasht under clause (a) of sub-section (1) of section 152 ;
 - (b) culturable waste other than lands reserved for grazing ;
 - (c) land which is sub-let by a person other than a pattedar tenant or a disabled person belonging to any of the classes mentioned in section 22 of the Jaipur Tenancy Act, 1945 ;
 - (d) land held by non-agriculturists ;
 - (e) land held by a ghair-khatedar tenant who is an agriculturist ;
 - (f) land which forms the jao of a masonry well constructed by the estate-holder at his own expense, whether such land is held by a khatedar or ghair-khatedar tenant ;
 - (g) land held by other khatedar tenants of less than twelve years' standing.
4. The area declared and demarcated as khudkasht in accordance with these provisions shall not be liable to be increased on the ground of any increase in the number of co-sharers of the estate-holder.

(ii) *Marwar Tenancy Act, 1949.*

' SIR LAND '

Section 6—(1) Sir means :—

- (a) such land as at the commencement of this Act is being cultivated by the landlord.
- (b) such land to which clause (a) does not apply, but which was cultivated by the landlord for not less than seven years during the ten years immediately preceding the commencement of this Act.
- (c) such land as has been continuously cultivated by the landlord for a period of not less than six years at any time after the commencement of this Act, and as has on the application of the landlord been declared and demarcated as the applicant's Sir by the Deputy Commissioner.

Provided that the area of Sir, which may be acquired by a landlord in a village under clause (c), when added to the area which is his Sir under clauses (a) and (b) shall not exceed in the aggregate, the following scale :—

- (i) If the cultivated area in the Village owned by the landlord is not more than 600 bighas of irrigated land or 1,800 bighas of un-irrigated land 20 per cent of such area.
- (ii) If such area is more than 600 bighas of irrigated land or 1,800 bighas of unirrigated land but not more than 1,200 bighas of irrigated land or 3,600 bighas of unirrigated land—
 - (a) for the area mentioned in (i) As above.
 - (b) for the excess over this area. 15 per cent.
- (iii) If such area is more than 1,200 bighas of irrigated land or 3,600 bighas of unirrigated land but not more than 2,500 bighas of irrigated or 7,500 bighas of unirrigated land—
 - (a) for the area mentioned in (i) and (ii) As above.
 - (b) for the excess over this area. 10 per cent.
- (iv) If such area is more than 15,000 bighas of irrigated land or 45,000 bighas of unirrigated land—
 - (a) for the area mentioned in (i), (ii) and (iii) as above.
 - (b) for the excess over this area. 5 per cent.

Explanation.—Land allowed to lie fallow according to usual agricultural practice, or which is not cultivated owing to famine or similar natural calamity shall be deemed to be cultivated.

(2) The restriction imposed by the proviso to sub-section (1) shall not apply where the area of Sir to be acquired by a landlord under clause (c), when added to the area which is his Sir under clauses (a) and (b) does not exceed the following limits, namely—

- (i) 150 bighas of unirrigated land, or
- (ii) 50 bighas of irrigated land.

(3) (a) A landlord, who at the commencement of this Act, is in the military, naval or air service of India, or in the military service of Marwar, may within one year of the date of such commencement, apply to the Assistant Commissioner in charge of the sub-division in which his land is situated that the land specified in the application be declared to be Sir land.

(b) The Assistant Commissioner may declare the land specified in the application under clause (a) to be Sir land :

Provided that the area of land, which may be declared as Sir under this clause, when added to the area of any other Sir land of the applicant shall not exceed in the aggregate—

(i) 150 bighas of unirrigated land, or

(ii) 50 bighas of irrigated land.

APPENDIX F

Statement showing various classes of tenants and their rights prevalent in the States in Madhya Bharat

Class of tenants	Inheritance	Transfer	Trees	Sub-letting	Rights to make improvement
1	2	3	4	5	6
GWALIOR					
<i>Zamindari</i>					
1. Sakitul Milkiyat	Yes	Rights of sell and mortgage only.	Full rights	Yes	Yes.
2. Pukhta Mourusi	Yes	Ditto	Ditto	Yes	Yes.
3. Mehez Mourusi	Yes	Rights of sell and mortgage only with the consent of Zamindar.	Ditto	Yes	Yes.
4. Gair Mourusi	Yes	No right	His right on trees planted by himself.	Yes	Yes.
5. Shikmi	Yes	No	No	No right	..
<i>Ryotwari</i>					
1. Pukhta Mourusi	Yes	Right of sell and mortgage only.	Yes	Yes	Full right.
2. Mamuli Mourusi	Yes	Has no right	Yes	Yes	Ditto.
3. Gair Mourusi.	No right	Ditto	Has no right	Yes	Ditto.

NOTE.—Sakitul Milkiyat :—The tenants of this class are given concession of two annas in a rupee in rent. But the concession is forfeited in case of sale.

Gair Mourusi.—(Ryotwari):—Tenants of this class are given Pattas upto 4 years on ahetmali (uncertain) land.

Pukhta Mourusi (Ryotwari):—In Jagir villages this right is given to the cultivator if the land remains in his possession continuously for 12 years.

The class of tenants are the same in Khalsa and Jagir villages.

INDORE

1. Pattedar Khedu	Yes	Right of sell and exchange only.	Excluding prohibited trees.	Minor widows and disable can only sublet.	Full right.
2. Sadharan Khedu	Yes	No	Ditto	Ditto	Ditto.
3. Istmaurardar	Yes	Right of sell and exchange only.	Ditto	Ditto	Ditto.
4. Ryot Moghiyan	Yes	No	Yes	Yes	Ditto.
5. Shikma (Pot Khedu)	No	No	No.	No	No.

NOTE.—In Jagir villages there are only two classes of tenants namely Sadharan Khedu and Pot Khedu having the same rights as in Khalsa.

BIHAR

1. Pattedar	Yes	Yes	Excepting prohibited trees full rights over others.	Yes	Yes.
2. Khatedar	No	No	No	No	No.
3. Gair Khatedar	No	No	No	No	No.
4. Shikmi	No	No	No	No	No.

NOTE.—Same in Khalsa and non-Khalsa.

RAJGARH

1. Pattedar (Mustajari)	Yes	Yes	Cannot sell trees but can use for domestic and agricultural purposes with permission.	Yes	Yes.
2. Khatedar <i>Shikmi</i>	Yes	Yes	Ditto	Yes	Yes.
1. Kadim	Yes	No	No	No	No.
2. Jadid	No	No	No	No	No.

NOTE.—Same in Khalsa and Jagir.

1

2

3

4

5

6

ALIRAJPUR, KATHIWARA AND MATHWAR

NOTE.—These three States are settled and there are no rules and regulations prevalent.

Rent is realised on outbandi (Halwari) system.

NARSINGARH

1. Khatedar	Yes	No	Cannot cut trees without permission but can sell their fruits.	Yes	No
2. Shikmi	No	No	No	No	No

NOTE.—Same in Khalsa and Jagir.

RATLAM

1. Pattedar	Yes	No	Presettlement and settlement cultivators have full rights. Tenant after settlement have no rights.	Yes	Yes
2. Istamarardar	Yes	Yes	Ditto	Yes	Yes
3. Ryot Moghiyan	Yes	No	Ditto	Yes	Yes
4. Sub-tenants	No	No	No	No	No

Khalsa

1. Mourusi Khatedar	Yes	Yes	No	Yes	Yes
2. Sub-tenants	No	No	No	No	No

Jagir

JAORA

1. Mamuli Khatedar	Yes	Has no right	Presettlement and settlement cultivators have full rights. Tenants after settlement have no rights.	Yes	Yes
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2. Ryoti Pattedar	Yes	Ditto	Ditto	Yes	Yes.
3. Ryoti Khatedar	Yes	No	Ditto	Yes	Yes.
(Kayaid Pawedar)					
4. Ryoti Khatedar accord- ing to Moghiyan Act.	Yes	No	Ditto	Yes	Yes.
5. Istamarardar	Yes	Yes	No	Yes	Yes.
6. Shikmi	No	No	No	No	No.

NOTE.—In Jagir villages No. 2 and 4 type of tenants others have same rights as in Khalsa.

DEWAS SENIOR AND JUNIOR

Pattedar Khedu

1. Malkana	Yes	Can transfer Khata or file with the permission of Court on payment of equivalent to 2 or 3 years' rent. The tenant is given the right of malkana and he has no right to sell or mortgage.	Cannot sell fruit trees but can cut them for domestic and agricultural purposes with permission.	Can sub-let for 1 year without permission. If he wants to sub-let for more than 1 year he has to register the Patta for 5 years.	Yes.
2. Ryot	Yes	In Senior Dewas a tenant has right to exchange his fields but cannot sell or mortgage. In Junior Dewas he has the right to sell or mortgage on payment of 1 year rent as Nazrana.	..	..	..
3. Khatedar	Yes	Same rights as Pattedar Khedu.	..	..	..
4. Gair Pattedar	Yes	No rights . . . . .	..	..	..
5. Shikmi	No	No	No	No	No.

NOTE.—Same in Khalsa and Jagir.

SAILANA

1. Ordinary Khatedar	Yes	No	As in Ratlam	No	No
2. Mourusi Khatedar	}	As in Ratlam.			
3. Istamrardar					
4. Ryoti Moghiyan					
5. Sub-tenants					

KHILCHIPUR

1. Khatedar	Yes	No	Can cut trees with permission.	Yes	Yes.
2. Shikmi	No	No	No	No	No.

NOTE.—Same is Khalsa and Jagir.

SITAMAU

1. Pattedar Mamuli	Yes	With permission	With permission	With permission	With permission.
2. Istamrardar	Yes	Yes	Yes	Yes	Yes.
3. Pattedar Ryoti	Yes	Yes	Yes	Yes	Yes.
4. Ryoti Mughlana	Yes	Yes	Yes	Yes	Yes.
5. Ryoti Moghiyan	Yes	Yes	Yes	Yes	Yes.
6. Shikmi	No	No	No	No	No.

NOTE.—In Jagir villages there are 2 types of tenants, namely Pattedar Mamuli and Shikmi as in Khalsa.

KURWAI & PATHARI

1. Pattedar	Yes	Yes	Yes	Yes	Yes.
2. Khatedar	No	No	No	Yes	Yes.
3. Gair Khatedar	No	No	No	Yes	Yes.
4. Shikmi	No	No	No	Yes	No.

NOTE.—This right given in case of payment of Nazrana same in Jagir and Khalsa.

JOBAT

Same as in JHABUA,

NIMKHERA & BHUMAT JAMNYA

As in DHAR

PIPLODA

1. Pattedar	.	.	Yes	.	.	No	.	.	Same as in Ratlam	.	Yes	.	.	Yes
2. Shikmi	.	.	No	.	.	No	.	.	No	.	No	.	.	No.

NOTE.—Same in Jagir and Khalsa

MOHAMMADGARH

1. Pattedar	.	.	Yes	.	.	No	.	.	Yes]	.	Yes	.	.	No.
2. Khatedar	.	.	Yes	.	.	No	.	.	Yes'	.	Yes	.	.	No.
3. Shikmi	.	.	No	.	.	No	.	.	No :	.	Yes	.	.	No.

NOTE.—Same in Jagir and Khalsa.

BHUMAT RAJGARH

As in ALIRAJPUR.

APPENDIX G

*Statement showing classified numbers of Jagirs graded according to their incomes
United States of Gwalior, Indore and Malwa (Madhya Bharat)*

Serial No.	Graded income of Jagirs	Number of Jagirs	Remarks
I	Upto Rs. 500	177	
II	Above Rs. 500 and upto Rs.	1,000	222
III	Above Rs. 1,000 and upto Rs.	2,000	270
IV	Above Rs. 2,000 and upto Rs.	3,000	160
V	Above Rs. 3,000 and upto Rs.	4,000	106
VI	Above Rs. 4,000 and upto Rs.	5,000	71
VII	Above Rs. 5,000 and upto Rs.	10,000	163
VIII	Above Rs. 10,000 and upto Rs.	15,000	67
IX	Above Rs. 15,000 and upto Rs.	20,000	26
X	Above Rs. 20,000 and upto Rs.	25,000	18
XI	Above Rs. 25,000 and upto Rs.	30,000	11
XII	Above Rs. 30,000 and upto Rs.	40,000	9
XIII	Above Rs. 40,000 and upto Rs.	50,000	6
XIV	Above Rs. 50,000 and upto Rs.	60,000	5
XV	Above Rs. 60,000 and upto Rs.	70,000	7
XVI	Above Rs. 70,000 and upto Rs.	80,000	3
XVII	Above Rs. 80,000 and upto Rs.	1,00,000	3
XVIII	Above Rs. 1,00,000 and upto Rs.	1,50,000	4
XIX	Above Rs. 1,50,000 and upto Rs.	2,00,000	1
XX	Above Rs. 2,00,000 and upto Rs.	3,00,000	1
XXI	Above Rs. 3,00,000		1
	Total	1,329	