

REPORT
OF THE
ROYAL COMMISSION
ON
Jagir Administration and Reforms

H. E. H. THE NIZAM'S GOVERNMENT

1356 F.—1947

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PART I

GENESIS OF THE COMMISSION

Preamble.—This Commission was appointed by a Firman of His Exalted Highness the Nizam, quoted below based on Peshi Office D.O. dated 10th Zilqada 1364 H. in the first instance which communicated the commands of His Exalted Highness to the Executive Council in the following terms:—

“Whatever has appeared under the caption ‘*Mushte Namuna Az Kharware*’ (a sample from the heap) is to some extent correct since such stories are heard from several quarters. I think that as long as the entire Jagir system is not reformed, such irregularities would continue. It is, therefore, the duty of the Government to reorganize them, particularly at this time when revolutionary forces are working all round.

“So, would it not be advisable for the Government to appoint a Commission to investigate into the state of affairs and submit a report within a period of six months. Council should inform of its opinion in the matter.”

2. In obedience to these commands the Revenue Department made a submission to His Exalted Highness in the following terms:—

“....in their opinion it was desirable, in view of the importance of the proposed enquiry, to entrust such investigation to a Royal Commission which may be appointed for the purpose by His Exalted Highness. The spirit behind the proposed Royal Commission of enquiry and its objects are to investigate the existing system of administration in Jagirs with a view to recommending steps for the improvement in order to bring Jagir administration into line with modern development within the State so as to ensure the continuance of the Jagirdar Class as an important and integral section of the Community and enable them and the people residing within their Jagirs to achieve the same measure of advancement as that enjoyed by other subjects of the Ruler.”

3. His Exalted Highness thereupon issued the following Firman Mubarak dated 22nd Safar 1366 H.:—

“The Arzdasht of the Revenue Department, dated 6th Safar 66 H. and the letter from the Executive Council No. 1674 dated 6th Isfandar 1356 F. which relates to the appointment of a Royal Commission for enquiring into the present system of Jagir administration were perused.

“*Order.*—In this connection the proposals of the Council are proper and may be acted upon. The work is to be concluded within the time-limit of four months and the report may be placed before me. In view of the special position of the Paighas, the Member of the Paighah shall be appointed as a Member of the Commission to represent each of the three Paighas. If for any reason the Paighah Member cannot attend any sitting of the Commission Ali Asghar Bilgrami, Member of the Sultan-ul-Mulk Paighah Committee, shall attend the meeting.”

4. The Commission was, as commanded in the Firman above, to consist of the following six members with Sir Albion Rajkumar Banerji, Kt., M.A., C.S.I., C.I.E., I.C.S. (Retd.), formerly Dewan of Mysore and Foreign Minister of Kashmir, as Chairman:—

1. Sadr-ul-Maham Bahadur Paighah (in case the Sadrul Maham Bahadur is unable to attend any sitting of the Commission, Mr. Ali Asghar Bilgrami will attend instead)
2. Nawab Rais Jung Bahadur
3. Raja Someshwar Rao
4. Mr. Abdul Hamid Khan
5. Mr. L. N. Gupta
6. Mr. Mirza Mohammad Beg

and the Terms of Reference to the Commission were as follows:—

(1) The respective rights and obligations of Jagirdars *vis-a-vis* the State and the Ruler's subjects residing within their jagirs.

(2) The equity of existing contributions, such as Peshkash and Cesses, made by Jagirdars to Diwani Revenues, having regard to the services rendered by the Diwani to Jagirs and by Jagirs to the Diwani, and the need, if any, for a more scientific method of apportioning the expenditure incurred on such services between the Jagirs and the Diwani.

(3) The machinery in the Jagirs for enforcing laws passed by Government and the position of Jagirdars and Jagir officers in regard to the enforcement of such laws.

(4) The existing condition of administration in Jagirs and the steps necessary to raise the standard of administration to a level equal to that obtaining in Diwani areas in respect of the following matters:

Land Revenue, Survey, Settlement, Record of Rights, Grant of Patta rights to ryots, Remission and suspension of land revenue, Debt Relief, Tenancy Law, Famine Relief, Water Supply, Public

Health and Sanitation, Veterinary, Local Government, Public Works, Education, Law and Order (Police and Judicial), Jails and Supply.

(5) The extent to which it is desirable in the general public interest to provide for greater control by Government in the case of some, or all of the matters referred to in (4) above and the manner in which such control should be exercised.

(6) The establishment of close and personal contact between Jagirdars and the people within their Jagirs, and the agency for enquiring into complaints by the Ruler's subjects residing in Jagirs.

(7) The compulsory consolidation of scattered Jagir-areas.

(8) The desirability of Government resuming petty Jagirs and granting cash maashes in their stead.

(9) The position of the Jagir armed forces and of the maashes granted for their maintenance.

(10) Codification of the law and procedure in Atiyat enquiries so as to obviate lengthy litigation between Jagirdars.

(11) The equity of the present appropriation by Jagirdars for their personal purposes, of a part of the Revenues of their Jagirs, and the need for any revision of the existing system.

Note.—For the purposes of these matters the term "Jagir" has the same meaning as has been assigned to it in the Land Revenue Act, and includes Paigahs.

5. The Commission commenced work at its first sitting held on the 28th January 1947 and concluded their work on 25th May 1947 that being the final sitting at which the report was approved and signed by the members. At the very first meeting the Chairman of the Commission welcoming the members made certain general observations an extract from which is given as Appendix II.

CHAPTER I
INTRODUCTORY

6. To give a comprehensive idea as to how the Commission came into existence it is necessary to bring on to the record of this report two important pronouncements of His Exalted Highness on the problems of Jagir administration, which have without doubt, given us guidance in our investigations.

(1) *Extract from the speech made by His Exalted Highness the Nizam on the occasion of his Silver Jubilee.*—"My principle has always been that, as far as possible, Jagirs should continue to be preserved and that they should be saved from extinction. But this, to some extent, rests with the Jagirdars themselves. If they keep themselves free from the burden of debt and avoid litigation in matters of succession and look after the management of their Jagirs well, specially if they make efforts for the well-being of their tenants, I have every hope that this class will prove a tower of strength and a source of pride to the State."

(2) *Translation of Firman dated the* $\frac{1st\ Safar\ 1362\ H.}{5th\ Farwardi\ 1352\ F.}$

Myself and my Government have learnt from reliable sources that the financial position of most of the Jagirs is not as happy as it used to be of old, although on a previous occasion Government had taken over these mismanaged Jagirs in its hands to improve them (and afterwards released them in favour of the respective holders). The Jagirdars are indebted and many evils have sprung up in their system. On the other hand, no other reason can be assigned to this state of affairs, than the fact that the Jagirdars don't stay in their estates and administer them personally, but leave the administration to others and in their extravagance and desire for pomp and show never take care and exceed their income. It is, therefore, hoped that Jagirdars will spend most of their time in their Jagirs, so that they may be in touch with the affairs and difficulties of their ryots and may have an opportunity to reform their estates in a real sense. Even apart from this, times are hard and one must proceed with care and caution and cut the coat according to the cloth. That would be in their own interest and none can deny this fact.

In view of the above, it was my duty, as the Ruler to draw attention of the Jagirdars to these matters. Within the short time at their disposal, this body must reform itself before ever

they are overtaken by conditions uncongenial to them and they lose the golden chance. They would have then, no other remedy for this self-inflicted trouble.

There are, however, exceptions in this class and because of their good conduct, they are worthy of praise.”

7. The Commission held thirteen sittings at Hyderabad, one at Ajanta and sixteen at Bangalore. Total Thirty. Important official reports relating to the several items of reference were requisitioned from the respective Departments. The Commission made a few tours visiting Takli, Ajanta, Wanaparathi, Kollapuram and Vicarabad and inspecting the Jagirs of Raja Shamraj Bahadur, Nawab Salar Jung Bahadur, the Raja Saheb of Wanaparathi and the Raja Saheb of Jatprole respectively.

8. The following procedure was adopted in addition to the tours:

(1) The Commission invited twenty-six gentlemen and recorded evidence by way of answers to questions put to them by the members of the Commission from eighteen, others not being able to attend. This was done according to the direction in the appointment Order.

(2) The Commission appointed Sub-Committees amongst themselves to deal with some of the important points of reference and these Sub-Committees held four meetings, at the conclusion of which they submitted their report embodying their recommendations which were considered by the whole Commission at four sittings.

(3) The Commission at the very earliest stage while perusing the several important reports and records received from the various Departments as well as notes from high officers, issued a questionnaire to 96 individuals. (The questionnaire is given in Appendix IV.)

The list of the persons who replied to the questionnaire will appear in Appendix V to this report.

(4) The Commission examined a few typical Sanads and also carefully perused eighteen memoranda received from Paigah, Premier nobles, Jagirdars, Hissedars and the Jagir Ryots. Budgets of several Jagirs were obtained and scrutinised by the Commission. (Appendix VIII.)

(5) The evidence of witnesses summoned was carefully considered by the Commission and the answers to the questionnaire

also were gone through in detail by individual members and discussed at full meeting.

(6) In addition to the above they held informal meetings at Aurangabad at which some of the leading representatives of Jagirdars and members of the public were invited and there was an informal discussion of all relevant matters. Special representations in addition to the answers to the questionnaires received from the Jagirdars and the public were also given due weight and consideration.

9. Nawab Sir Mahdi Yar Jung Bahadur, Representative of the Paigahs, attended all the meetings of the Commission except five and during his absence Mr. Ali Asghar Bilgrami took his place and also accompanied the Commission during its tours.

10. After carefully following the method of approach to the problems as indicated in the above paragraphs and also perusing several State papers, reports, documents, sanads and many works of reference of historical importance throwing light on the whole subject, we are now in a position to submit this report in strict accordance with the directions that have been communicated to us. It will have to be borne in mind that the time limit prescribed for our work was four months as stated in the Firman-e-Mubarak, dated 22nd Safar 1366 H.

CHAPTER II

GENERAL OBSERVATIONS

SECTION I

11. Before dealing with each of the points of reference and consolidating their recommendations in a general scheme of reform which they have formulated, it is necessary to make a few preliminary observations which will enable the Government of His Exalted Highness to realise fully the difficulties and the handicaps which the Commission had to face in undertaking the work.

12. The appointment of the Commission and the direction to go into the various points of reference were never regarded by us as anything but a genuine desire on the part of the Government of His Exalted Highness to remove any disabilities or difficulties in the administration of Jagirs at present existing and to further the interests of the Jagirdars and their ryots so that to quote His Exalted Highness' own words, "they may be a tower of strength and a source of pride to the State". The well-being of the tenants and the better management of Jagirs are one of the primary objects with which the Commission was appointed and we further regard the Commission as the means to suggest measures by which the inhabitants of Jagirs may benefit equally with the Diwani subjects from the extensive plan of moral, material and economic development, of the Diwani subjects under the vast post-war plans now under consideration. Every Indian province and State is now actually engaged in this work and Hyderabad is in the forefront amongst them. No doubt whispers in some quarters giving a wrong interpretation to the move made by the Government in appointing the Commission have reached our ears, but we have endeavoured whenever possible to remove fears and doubts and thus secure the co-operation of Jagirdars themselves in our great and difficult task.

13. We have not overlooked the peculiar and the special position of the Paigahs, their close relationship with His Exalted Highness and the privileges enjoyed by them, and in dealing with the Jagir problems we have also borne in mind the note attached to the points of reference which distinctly lays down that for the purposes of these matters the term "Jagir" has the same meaning as has been assigned to it in the Land Revenue Act and includes Paigahs. This has no doubt led to certain amount of delicacy

in dealing with the whole problem for the Paigah problem is not exactly similar to the Jagir problem as such, but we have had the advice of the representative of the Paigahs, and perused carefully the memoranda that have been presented to us by all the three Paigahs.

SECTION 2

14. One of the handicaps in the work of the Commission is want of reliable data and statistics relating to the Jagirs, their area, population, income and expenditure, agricultural and pasture waste land, and the rest. The archives of the Dominion Secretariat were investigated as to what records could be had there but there was nothing continuous, progressive or up-to-date to elucidate the exact position at the present time. Several works of historical importance and other books of reference were referred to and a list of these is given in Appendix III. We have made suitable extracts from them as they give useful information and form a background of the picture rather vaguely before us.

15. When it is remembered that the total Jagir area is one-third of the whole Dominions now totalling to roughly 82,698 sq. miles and the population nearly seventeen millions, the present system of isolated administrations has created many problems that cannot be solved all at once. These problems were indicated by that great statesman Salar Jung the 1st, so far back as the last quarter of the last century. In one of his reports he said:—

“A great many reforms are required in respect of Jagirdars. The right to the possession of a Jagir rests on one or other of the facts or points, namely, ancient nobility, distinguished ability and talents. Many persons hold sanads who possess no Jagirs, while many have large Jagirs, who possess neither qualities nor abilities befitting their rank and position. One serious evil exists in regard to Jagirs in general which does not seem to have occurred to any of my predecessors. I refer to the division of Jagir among the children or next of kin on the death of a Jagirdar. The results are detrimental to the members of the family. The dignity attached to the estate is reduced, and as each person obtains a subsistence without any labour or exertion, he leads a life of indolence and ignorance and has not the usual motive for exertion, and the family in the course of one or more generations, owing to the partitions and subdivisions of the property, is reduced to a state of poverty and destitution.”

16. The various reports drawn up by previous Commissions on particular problems have been carefully perused by us. Questions dealt with in the Secretariat and the valuable notes prepared by experienced officers on specific questions arising out of post-war planning in regard to nation-building departments, such as

public health, education, reforms in the armed forces, police and judiciary, have also been consulted by us in framing our conclusions on all the points of reference.

17. It will thus be seen that with the short time at our disposal, we have covered a vast ground and focussed attention on matters of vital interest at the present time. While not recommending drastic changes in the system which is as deep-rooted as it is out of date in many respects, we have endeavoured to visualise from a realistic point of view what is practicable in the main interests of the Jagirdars and their ryots. It has been impressed upon us that they are the subjects of His Exalted Highness in every sense of the term and the partial administrative jurisdiction granted to the Jagirdars whatever justification there was in years gone by, has, in fact no *raison-d-etre* now when it is essential to organise nation-building activities on a co-ordinated and extensive scale to make them efficient and beneficial. Localised administration of Judiciary, police, education, sanitation, works of public utility such as roads, bridges, irrigation works, agricultural improvements, cannot but touch only the fringe of the problem unless centralised in the hands of Government even at the sacrifice of some sentiment. The argument that the large Jagir Estates and Samasthans are benevolent administrations with people attached to the super land-lords exercising some fraction of sovereign authority over them today has no place in practical administration owing to the decay of the past village organisations and when the Diwani areas are brought under a definite plan of reconstruction in all spheres of national activities for progress and economic development, it will be definitely unfair to leave one-third of the Dominions to go on as in the past in isolated efforts without scientific planning and co-ordination. The Jagirdars themselves must realise this and with their concurrence it is possible to come to a reasonable settlement. The question of incidence of expenditure, levy of contribution on a percentage basis and the rest are not matters of such paramount importance to become obstacles to progress, and need not form part of a cut and dry scheme applying to all classes of Jagirs. There are no doubt, practical difficulties chiefly owing to the scattered areas as will be evident from the map attached to this report which has been specially prepared at our request by the Survey and Settlement Department at very short notice to illustrate all the relevant topographical features and issues that are involved.

SECTION 3

18. It would seem a difficult task on the part of this Commission to attempt to draw up an all-embracing map of the whole

Jagir problem including in it all topographical features as well as statistics besides political considerations some of which were handed down from the past and others which were accretions, as it were, as years rolled by during which process the Paigah, Jagir and Samasthan systems were developed. The difficulties of the present situation regarding all these grants based on Sanads and other documents representing as they do, the continuance of a very old feudal system which did not undergo any radical change or reform, are many, and it is far from truth to say that His Exalted Highness the Nizam or his Government have till now ignored them. For the past several years or more many inquiries have been made and reports submitted on questions relating to the origin as well as constitution of these grants which chiefly arose from difficulties in the satisfactory fulfilment of the conditions on both sides. For example, in the year 1918 a Commission of enquiry under the Chairmanship of Sir Brian Egerton was appointed by His Exalted Highness to decide the respective rights of the different members of the Paigah family. Then again in 1920 a Commission was appointed under the Chairmanship of Sir Reginald Glancy, then Finance Minister, to adjudicate upon the claims of the Sarf-i-Khas Department against the Paigahs. Thirdly, in 1927, yet another Commission was appointed under the Chairmanship of Justice Reilly of the Madras High Court to submit findings and recommendations after investigating and discussing the claims of the Hyderabad Government against the Paigahs, the further claims of the Sarf-i-Khas against the Paigahs and the respective claims of the different shareholders in all the three Paigahs. The scope of these inquiries does not specifically concern us even though there are many very important and relevant questions discussed specially in the Reilly Report to which we shall make suitable reference in the course of our recommendations. It is sufficient to state here that we have carefully perused these documents with a view, chiefly, to get a historical background which has been elaborately dealt with in the Reilly Commission Report, paragraphs 14-20. It is significant that while a detailed examination of the famous Sanad of 1253 H. was made upon which many contentions were based it was admitted that the Sanads were addressed primarily to local officials directing them to pay the revenues to the grantees and these officials were not concerned with the extent of the grantees' obligations. It was also surmised that the grantees may have executed other documents acknowledging the extent of their obligations. If, therefore, this famous document discussed these questions of rights and obligations rather indefinitely, what can be expected of the various other Sanads given to Jagirdars, and it is a question whether from these, rights and obligations can

safely and correctly be determined. We shall go into the question fully in dealing with the evidence given by the witnesses summoned and the exhaustive answers to our questionnaire.

19. It would take years for any Commission to go into the exact nature of the grants, the rights conferred thereby and the obligations imposed on the grantees.

20. In the Reilly Commission Report, it has been stated that it was never the intention of Government to hand over other rights to the Jagirdars excepting the revenue which was stipulated in the Sanad and to put an end to any inconsistency in Jagir administration and correctly interpret the wordings in the Sanads and the intentions of the Crown, it was necessary to control the Jagir village administration. For our purposes, we have not gone into the question of the interpretation of the Sanads but as our recommendations recorded later will show, certain suggestions for the improvement in the procedure of revenue collection and facilities to be given to the Jagirdars in this respect have been made.

21. This, however is one instance showing previous investigations on some of the Jagir problems. No doubt, the most important document of the lot is the Reilly Commission Report which though ostensibly dealing with the responsibilities of the Paigah Nobles to maintain troops, and investigating any claims of the Paigahs against each other, brought within the purview of their examination vital questions of Jagir administration which are definitely included in our points of reference such as armed forces, police and judicial privileges. It will not be out of place to refer to some of the most important observations as well as recommendations that have been made in the report which vitally concern us and it is necessary to add that no reference is necessary in this connection to the Egerton and Glancy Commission Reports, except that Mr. Reilly's report brings prominently to notice the fact that the Glancy Commission found that the Jagirs covered by Sanad of 1253 H. were earmarked for the use of the family subject to the military burden on them and on that guarantee are entitled to retain for their own use any surplus revenues after providing for the expenses of administration and the cost of troops maintained. The Commission concluded that taking into account the figures for the first fifteen years after 1253 H. the military burden on the grantees, namely the three Paigahs, was approximately equal in money to one-half the land revenue of the Paigah Jagirdars and this was estimated by the Commission at 16½ lakhs Halli Sicca. The Commission further recorded their opinion that if the grantees failed to discharge the responsibilities of maintaining troops, the Paigah

Jagirs are liable to be resumed by the Nizam. They emphatically stated that Paigah grantees were not rulers of subordinate states but subjects of the Nizam and the position was made further clear by the following extract from the Reilly Commission Report:

“If the Ruler orders that his subjects shall no longer maintain the military forces which they are at present bound to maintain for his service, they must obey his order and disband the forces. On the other hand, as no particular kind of forces are specified in the sanad, and as, although Paigah troops were originally cavalry, it appears that from a time soon after the sanad of 1253 H. infantry and artillery have been included among them (see Ex. TTT), we are of opinion that it is open to the Ruler to require from time to time after reasonable notice such changes to be made in the constitution and character of the Paigah forces as he may think fit, provided that the burden on the grantees is not thereby increased. The next question is, whether the Ruler cannot without the consent of the grantees commute the military burden into an equivalent money payment and require such payment on pain of resuming the Paigah Jagirs. That the Ruler as grantor in this case has that right to commute the burden into a money payment, is strenuously denied by several of the Paigah claimants before us. Mr. Glancy’s Commission were of the opinion that the Nizam has that power in respect of these Paigah Jagirs.”

22. But they went further and expressed the opinion that, if the Paigah troops were not maintained or were not required to be maintained, the amount so saved by the grantees must be paid to the Nizam. This implies that the Nizam might say at any time that he does not require troops, but does require money in their stead. Here is a further extract:

“In this particular case we see no reason in justice or in the law of this State why the Ruler should not at any time and at his own option commute the military burden on the Paigah grantees or any part of it into a money payment. If he thinks fit to do so, their grant will not be diminished and they will have no reasonable grievance. In the present case, where the burden is to maintain troops for the service of the grantor and not for the purposes of the grantees and where the burden is, as admitted, measurable only in money, to suggest that commutation at the will of the grantor is resumption in another guise, appears to us hardly more than a quibble. No better is the contention that it introduces

accounting, from which the grantees were expressly exempted by their sanad. We are of opinion, even if the Ruler commuted the burden in this case into a money payment for the purpose of organising troops himself in place of those maintained by the grantees, he could do so without injustice and without the exercise of arbitrary power and that, if he decided to commute the burden into a money payment in order to apply the funds so obtained to the civil administration of the State or the benefit of the public, far from being unjust, the decision might well be laudable."

23. Dealing with the question of law and order, the Reilly Commission definitely gave the opinion that the Paigah regular and irregular troops should not be used for the collection of revenue and further, as regards the courts, Sessions Judges should be abolished and their jurisdiction, both civil and criminal, taken over by the State courts. It is very important to note that when dealing with the problem of the police, the Commission criticised the arrangements as very unsatisfactory and further said that in no part of the State can it be said that the Paigahs form a compact area of any considerable size. There are over 150 islands of Paigah territory scattered about the State. Some of these are very small and the larger blocks are most irregular in shape and are interlaced with non-Paigah territory. For the safety of the public and efficient administration it is considered desirable that the present system should be abolished. The argument that some of the Jagirdars of the State maintained their own Police and therefore the Paigah Amirs will feel it an indignity to be deprived of their Police forces, the Commission dismissed as groundless and we have to make a careful note of this. Finally, they said that each of the three Paigahs should pay Rs. 65,000 a year to Government when the Paigah police is amalgamated with the district police.

24. We did not overlook the fact that on the 17th of January 1929, His Exalted Highness issued a Firman on this Reilly Commission Report. But it is to be noted that in this Firman His Exalted Highness passed orders for the preservation of the Paigah estates and perpetuation of the Paigah family. But certain orders are relevant so far as Jagir administration and general revenues are concerned and these must be recited to clear the ground for our own recommendations. Firstly, His Exalted Highness has directed that the military forces of the three Paigahs are to be confirmed subject to any general decision that may be arrived at hereafter regarding the military forces of all the Jagirs in the Dominions and pending such general decision the annual expenditure of the Jamiat of each Paigah may be gradually reduced by one lakh.

Secondly, no interference with the present revenue settlement should be made, and no rate or cess should be recovered from the ryots contrary to that settlement. No Paigah Amir shall have a right to levy any unauthorised or abolished tax. Lastly, a Board of Management was established for administration purposes in the Asman Jahi and Khurshid Jahi Paigahs. Finally, as a matter of apportionment, certain principles have been laid down under which one-third is to be appropriated for administrative charges of the Paigahs, the second-third to constitute the Manager's share and the remaining third to form the share of the other heirs, meaning of course, the Hissedars. It would be seen from the above summary that the questions of judicial and police jurisdiction are still pending final orders, although there was a definite recommendation in the Reilly Commission Report that each of the three Paigahs should pay Rs. 65,000 a year to the Government for amalgamation of the Paigah police with the District police. We shall deal with this matter more fully in the appropriate section of our report.

25. So far we have dealt with one important report submitted to Government on some of the Jagir problems. It gives an idea as to how they were dealt with. Besides this, there are many other documents which we have perused with care and a brief reference to them will not be out of place here. It would be helpful to record the circumstances under which the Revenue Department took up the whole case to formulate definite proposals. On the 27th Azar 1348 F. the Sub-Committee of the Council resolved that it would be necessary for them to go into the details of the working of the various Paigahs, and Jagirs and formulate detailed proposals. But, prior to that in 1347 F. when the budgets of the three Paigahs came up to the Executive Council for consideration it appointed a Committee consisting of the Hon'ble Members of Army, Revenue, Finance and Public Works to submit recommendations as to:—

- (1) what portion of the Paigah and Jagir revenue should reasonably be earmarked for works of public utility including education and sanitation, etc.;
- (2) what branches of administration should be administered by Diwani by receiving fixed contribution from Paigahs and Jagirs so as to provide the same facilities and comfort for the Paigah and Jagir ryots, as are available for the Diwani ryots; and
- (3) whether funds can be found for the above objects by effecting reduction under some head, for instance Military.

That Committee did not function; but, another Special Committee was suggested after consulting the views of the three Paigahs, Salar Jung's Estate and Jagirdars' Association. There is no record to show what action was taken on this recommendation but the Council on the 23rd Shahrewar 1349 F. finally decided that in future the case should be dealt with by the Revenue Department. Thus it came about that the Revenue Department drew up an exhaustive note containing many valuable suggestions, facts and figures, after consulting many Heads of Departments, which are quite relevant to our enquiry. The following are a few extracts:—

Extract I

“The Revenue Department, while acknowledging the endeavours made by some enlightened Jagirdars to give their ryots modern facilities within their limited means, cannot but feel that the absence of any definite provision in most of the Jagirs, especially the small Jagirs, for nation-building activities has been a great misfortune to the people living in these areas, which comprise a considerable portion of the whole Dominions. It is a matter of common knowledge that as a result of the change in times a sort of consciousness is coming over the ryots even in the Jagirs, and they are now becoming more and more alive to their rights.”

Extract II

“In recent years the Government have taken several steps in different directions in order to bring about improvement in the administration of Jagirs. To mention the most important instances: the debt-relief enactments have been extended to all Jagir areas; it has been decided to introduce compulsory settlement in the unsettled Jagirs by making necessary amendments in the Land Revenue Act and work has already commenced; Bill for the Protection of Tenants' Rights and the Bhagela Bill will, when passed into Acts (as we understand has already been done), be applicable to all Jagir areas; the question of defining and regulating the coercive powers of Jagirdars in matters of land revenue collection and the question of control of police administration in Jagirs is receiving the urgent attention of Government. All these steps are directed towards one and the only goal, viz., to help Jagirdars to bring their administration up to the level of the Diwani. But there are still various fields like Education, Public Health, Water-Supply, Veterinary, Agriculture, etc., which are most vital for the welfare of the Jagir ryots regarding which the position is extremely indefinite and often unsatisfactory.”

Extract III

“ The time has now come for Government to assist Jagirdars by defining fields of responsibility. It is the considered opinion of the Revenue Department that Public Instruction, Public Health Water-supply in villeges with a population of less than 5,000 (*i.e.*, other than towns), Agriculture, Veterinary and Rural Debt Relief are subjects which should be administered directly by Diwani on the grounds that the State should control all such activities which have a direct bearing on public weal and that indirect administration of these subjects will never be satisfactory.”

26. It is to be noted that the Jagirdars' Association denied any responsibility on the part of the Jagirdars for additional expenditure on works of public utility apart from that incurred from the local fund cess of one anna in the rupee, and held the Diwani administration responsible for public welfare, peace and tranquillity. We shall refer to this point later in dealing with the evidence that we have heard from the witnesses examined. The pros and cons of the argument have been very well stated in official documents and barring a brief reference to them it is unnecessary to swell the volume of this report by quoting *in extenso* the discussions. Suffice it to say, that it has been held that the Jagirdars cannot on the one hand claim all kinds of jurisdiction, revenue, police and judicial, and on the other hand, renounce duties and responsibilities which are concomitant of such jurisdiction.

27. It is further on record that in discussing the rate of contribution to be levied from Jagirdars, the opinion has been held that a difference should be made between large and small Jagirs.

28. The above are more or less general principles of policy which have once been recorded for acceptance by His Exalted Highness' Government. There are, moreover, special reports prepared for respective departments such as Education, and Public Health which go more minutely into the matter. As regards Public Health it has been definitely stated that owing to the complete absence of any kind of organization for public health in non-Diwani Ilakas and the lack of control-measures during outbreaks of epidemic diseases, these areas constitute a perennial source of danger to the whole State and it has been urged that there should be a unified control on that account. It would appear that the Executive Council resolved some time ago that a committee should be formed under the chairmanship of the Hon'ble Medical and Military Member to give his opinion regarding the question of completely entrusting Medical and

Public Health arrangements of non-governmental ilakas to the Government Medical and Public Health Departments, and also the question as to who should bear the expense of preventive measures adopted. It is not necessary to go into further details about these discussions except to state that no definite orders have yet been passed on the subject of reforms though definite schemes have been framed by the Heads of Departments concerned and examined in the Secretariats for submission to the Council.

29. Coming now to the question of police, to which reference has already been made in quoting from the Reilly Commission Report, we have found from the records that the problem of Jagir police was first taken up in 1913. Mr. Hankins the then Director-General of Police proposed that the entire Jagir police should be brought under the control of the Diwani but His Exalted Highness the Nizam did not agree, but appointed a committee to draft rules and regulations for improving the police administration of Jagirs. Thus the question of taking over the Jagir police was postponed for the time being, inasmuch as the recommendations of the Committee imposing certain obligations on Jagirdars and fixing certain powers of supervision to the Diwani police were accepted. At a later stage after amendment of previous orders another committee was appointed with Mr. Armstrong and Nawab Zoolcadar Jung as Members, to determine the amalgamation of outlying and scattered areas of Paigahs and Jagirs. Mr. Hollins who succeeded Mr. Armstrong submitted a new scheme which recommended that no Jagir with an income of less than two lakhs should be permitted to maintain a police force. This suggestion was also held in abeyance under a Firman issued by His Exalted Highness.

30. Recently the present Director-General of Police, Mr. Anderson, has submitted a note to this Commission bringing the whole case up-to-date, and it is not necessary to give extracts from the note as it will mean repetition of the discussions that have been referred to in the previous paragraphs. It may, however, be reaffirmed that the matter about the Jagir police has been opened and reopened several times and recently the Executive Council having unanimously agreed to the proposal of abolition, His Exalted Highness has issued a Firman dated 4th January 1947 agreeing in principle to this policy and commanding that detailed proposals be submitted for final orders.

31. It will thus be seen, that after 30 years of discussion and committee examination of the question at last a semi-final stage has been reached and it is now not out of the province of this Commission to make a recommendation as the principle of

abolition has already been approved for practical action to be taken in due course.

32 Under Education the Commission had the advantage of perusing two notes, one by the Retired Director of Public Instruction submitted to the Government in 1348 Fasli and another by the present Director who also appeared before us as a witness. An extract from the first note may very well be given here:—

“It is not a desirable state of affairs that, while the Diwani Ilakas are educationally advanced, the Samasthans, Jagirs and Paigahs should remain backward, thus hindering the all-round progress of the State. The few schools that at present exist in these areas do not generally come up to the requisite standard, and fail to satisfy the requirements of the inhabitants. So long as the number of schools is not increased and every well populated place in Paigahs, Samasthans and Jagirs is not provided with a decent school, these areas will continue to remain educationally backward and the State as a whole will be handicapped in its efforts to keep pace with educational progress in other parts of India.

“Realising the gravity of this problem, the late Nawab Imadul Mulk Bahadur, during his tenure of office as Director of Public Instruction drew the attention of Government to the fact that the absence of education in Jagirs had adversely affected the educational statistics of the State. What he said forty-six years ago holds good even to-day.”

33. Equally significant were the remarks made by Mr. A. Mayhew, Educational Adviser, in the report which he submitted to Government in 1911. In that he said:—

“In the course of my tours I have passed through Jagirs in which there is no provision of any kind for education.

...I am inclined to believe that the present state of education in Jagirs is such as to demand the earnest attention of the Government. All areas in which education is very noticeably below the average of the State as a whole are a source of danger to the State. So far at least as Primary education is concerned it is desirable that the Jagirs should advance no less rapidly than similarly situated areas under Diwani administration and that regular reports regarding such advance should reach the Government. On purely educational grounds, it is desirable that all Jagir schools should be under the inspection of the Education Department and that the Education Department should control such schools more or less in the same manner that it will control Local Fund schools, in all cases where the Jagir is unwilling or

unable to make effective arrangements for their control. All proposals for the organisation of Jagir schools should either be framed or approved by the Education Department and should be consistent with the general principles obtaining in Diwani schools."

34. The present Director has framed a definite scheme for the establishment of schools on a certain principle adding to the existing number which is no doubt totally inadequate to materially affect the literacy of the population. For example, out of a total of over 5,000 schools in the Diwani villages, the Jagir and Samasthan areas have not more than 189. A proposal was that a levy of 3% should be made from the income of Jagirdars and handed over to the Education Department to carry out the policy of providing adequate educational facilities in the Jagir areas.

35. There is an exhaustive note prepared by the Director of Statistics and Census in relation to Jagirs and Jagir administration which we found useful to refer to. We may point out that although the Paigah, Samasthans and Jagir areas on the whole make a total of 30·9%, the compact areas under these tracts is only 9·7% of the total dominion area of 82,698 sq. miles. The admission that it is essential that data should be obtained for these areas which form an integral part of the social and economic structure of the Dominions is important, meaning thereby that no such data is available at present. It is admitted by the Revenue Department that as no records are maintained in Jagir areas, statistical data of vital importance are not available in a satisfactory manner for these jurisdictions, and even in the case of big estates the accuracy of data supplied is of very doubtful nature. Even as regards population census and statistics, we are in the dark as to the true position.

36. The following extract from the Director's Report will be useful:—

"The Jagirs form an integral part of the social and economic structure of these Dominions. To get a clear idea of their magnitude, their distribution and their economic significance to the State as a whole we have to collect, compile and analyse the data; otherwise, the conception of these Dominions as one homogenous block will be not only ambiguous and vague but also incorrect.

* * * *

The Census Act No. 2 of 1350 F. contains no provision for permitting Jagirdars, to hold census in their respective areas by their own initiative. But since 1881, the Government has continued

the practice of declaring certain Jagirs "Exempted" as a mark of rank and position and with the supply of all the necessary forms and instructions allowed them to help the Government in the decennial enumeration of population in their respective areas. All Jagirs, other than those thus exempted, are treated as part of Diwani Ilakas in which they happen to be situated and census arrangements for these are made by the District and Taluqa Revenue Officers concerned.

In view of the fact that these exempted Jagirs are not compact areas in particular Khalsa District or Taluq and their villages are scattered not only in different Taluqs of one district but even in different districts, the accuracy of data obtained necessarily becomes doubtful, owing to inadequate initial supervision."

37. A proposal has been made by the Statistical Department to make the maintenance of proper statistics compulsory for Jagirs and to maintain records of all necessary data, but no orders have been passed on this point. We have perused with interest the recommendations made by the Department in regard to each of the subjects under statistics and to improve administration from every point of view. But it would seem necessary before constructive reforms are actually put into practice that these statistics are maintained after initial collection under proper supervision.

38. The Director of Statistics made several proposals about population census, Public Health, Rainfall, Agriculture Statistics, Live-stock, Industrial Statistics, Labour Wages and Price Statistics, etc. Under all these heads no statistics are now available to help the Commission in considering the various aspects of the Jagir problem.

39. In conclusion, the above historical summary of the various questions that have already been discussed and reported upon from time to time, will give an idea of the magnitude of the problem as a whole and the controversial nature of some of the issues with special reference to the rights and obligations of the Jagirdars concerned and the welfare of the ryots. The manner in which the questions involved has been approached will be indicated in the appropriate chapter before final recommendations are recorded for the consideration of the Government.

CHAPTER III

HISTORIC BACKGROUND

40. It is essential before any attempt is made to deal with the whole Jagir problem as we see from the summary of past efforts in that direction, which we have already given in the previous section of our report to get a proper idea of the background of Hyderabad history which may throw light on the evolution of the Jagir system including Paigahs, and Samasthans in the Dominions. We have perused a few of the authorities to gain for ourselves some information which will give us a correct perspective. A brief reference to some may be made with suitable extracts. In a very interesting book written in 1904 from Cambridge by McAuliffe on the "Origin and Future of Hyderabad" the author stated that the whole history of Hyderabad should be traversed to study how the growth spread over centuries of political consolidation. He also stated that the task of tracing the origin of Hyderabad really is to investigate the stage of protracted and unfinished evolution. From this book, we gather that the first Nizam who earned the title of "Asaf-Jah" got instructions from the Emperor of Delhi "to settle the country, repress the turbulent, punish the rebels and cherish the people". This was in the early part of the 18th century. We should like to underline the words "Cherish the people". At that time the political atmosphere of the Deccan was by no means calm. In this connection, we would like to quote an extract from page 5, Volume II of Gribble's *History of the Deccan* which gives a picture of Asaf-Jah's management of affairs in general with special reference to the work of consolidation. Here is the extract:—

"Asaf Jah had brought with him from Malwa a number of followers, Mahomedans and Hindus, who were attached to his person and fortunes. To the Mahomedan nobles he granted Jagirs or Estates on military tenure and employed them as his generals. In this way, he was enabled to raise, when necessary, an enormous army amounting on some occasions to as many as 300,000 men. They were, of course, very primitively armed, according to our modern notions, but as the enemies they met were similarly equipped, this did not so much matter. The time had not yet arrived when the superiority of small highly disciplined forces, thoroughly equipped, was recognized over these huge rabble-like hosts which devastated the country over which they passed and which were unwieldy from their very numbers.

The Hindus whom Asaf Jah brought with him, he employed principally in administrative work in the departments of revenue and finance. To them also he granted Jagirs as a remuneration for their services, and all these Jagirs, whether granted for civil or military purposes, came to be considered as hereditary in the different families. The vast majority of the population of the Nizam's Dominions consisted of course of Hindus, and scattered over the country was a large number of indigenous Rajahs and Chiefs who held, most of them, Sanads or grants from former kings, many of which had been confirmed subsequently by the Delhi Emperors. The Rajahs were all recognised and confirmed in their possessions on payment of tribute, being allowed to exercise a kind of semi-independent jurisdiction within the limits of their estates. The whole of the Hyderabad country was divided into three distinct portions, consisting first, of these feudal jagirs; secondly of scattered portions of territory reserved for the Nizam's privy purse, now known as *Sarf-i-khas* lands, and thirdly of the so-called Diwani or Government lands, the revenues of which were devoted to the expenses of administration. A great many of these districts were farmed out to noblemen and others who paid large *nazars* or tribute for the privilege. These persons were supposed to retain a certain proportion (2 to 4 annas in the rupee) for administrative charges, and to remit the balance to the central treasury. There was, of course, considerable laxity in this respect, and it depended upon the personal character of the deputy whether the people were oppressed or not. No attempt was made to spend any money on roads or communication; almost all traffic was carried on quadrupeds, generally by the indigenous nomadic tribes. Even the old Hindu irrigation works were allowed to fall into neglect and disrepair, for very few of the local deputies ever dreamt of spending public money on such objects. They kept for themselves as much as they could out of the revenues, and when subterfuges would no longer answer, they sent the remainder to headquarters. Still, however, the revenue which the Nizam derived from such an enormous extent of territory was very large and his court was the most splendid in India after that of Delhi."

41. From another work namely, "Journals kept in Hyderabad, Kashmir, etc.," by Sir Richard Temple, we found the following as an introduction to Hyderabad—Page 7.

"The Nizam as sovereign exercised administrative and executive control over a part of his army, the supervision over which he delegated to chiefs responsible only to himself, and for the payment of which he retained under his own management certain talukas or districts called the *Sarf-i-khas* Talukas. These

districts yielded a revenue of about fifteen lakhs of rupees per annum, and were managed under account to the sovereign only by the chiefs who supervised the forces abovementioned. His Highness had also a large circle of relatives, who were held to be above all jurisdiction except that of the sovereign himself, but who received instructions and orders through the Minister. Their incomes were derived from *feofs* (Jagirs), or from cash payments from the general treasury of the State. The jagirs consisted chiefly of choice village lands situated in a circle round the capital to a distance of twenty miles, and formed a separate jurisdiction called the Jagirat. His Highness further delegated to the family of the premier noble, known as the Shamsul-Umara, or Amir Kabir, the hereditary charge of his bodyguard, called the Paigah. For the payment of this force the Amir Kabir held, in Jagir, districts worth about thirteen lakhs of rupees annually, managing them through his own agents or deputies, under no superior authority save that of the Nizam."

42. Further more, on page 3 of Moulavi Cheragh Ali's "Hyderabad under Sir Salar Jung," Volume I, giving a brief account of jagirs in general, we find some details which are reproduced below.

“ A brief account of Jagirs in general will not be considered out of place here. The Jagir was a tenure common among the Mohammadan Governments under the general appellations of *Inam-al-Tumgha*, and *Madad-ma-ash*, in which the public revenue of a given tract of land was made over to a servant of the State, together with the powers requisite to enable him to collect and appropriate such revenue, and to administer the general government of the territory so assigned. The assignment was either conditional or otherwise; in the former case, some public service, as the levy and maintenance of troops or some other specified duty was engaged for; while in the latter, the land was left entirely at the disposal of the grantee. The assignment was either for a stated term, or more usually, for the life-time of the holder, lapsing on his death to the State although frequently renewed to his heir on the payment of a *Nazrana*; and sometimes specified to be a hereditary assignment, without which specification it was held to be a life-tenure.

The right or interest conveyed by an *Al-Tumgha* Jagir tenure is not transferable by sale, gift or bequest, or by any other mode of transfer; and the nature of the grant, as well as the understanding and practice of the Moghul Government appears to have

Territorial Divisions
continued—Origin of
Jagirs

Nature of Inam-al-
Tumgha

corresponded with this view. The *Al-Tumgha* may be considered in the light of an entail upon the grantee and his heirs; in default of heirs the Jagir reverts to the State.

Al-Tumgha is derived from the Turkish words, *Al* and *Tumgha* both of which signify the royal signet. *Al* in Persian implies also a scarlet colour, and therefore it has been supposed to mean the Emperor's red signet. It is difficult to say when *Al-Tumgha* was introduced into the Revenue terminology of India, in the sense either of a seal or a grant. It certainly does not appear to have been in common and practical use in the fiscal language of the country in Akbar's time. In the Institutes (*Ain*) of Akbar, Sayurghal, a Chaghattai word, is used for free grants of land as *Madad-Ma-ash*. This latter term signified "means of subsistence," and differs for this reason from Jagir or Tupal lands which were conferred, for a specified time, on Mansabdars in lieu of salaries.

The Jagir may be said to be a military tenure. Its origin in India may be traced to the following practice of Timour. He ordered the whole of the revenue of the country to be divided into lots of different amounts, and directed that these lots should be written on a royal assignment, *Yurligh*. These assignments were brought to the Divankhana (Exchequer) to be entered perhaps. Each of the Omra and Mingbaushis (Officers of horse, who received sixty times the pay of a trooper) received one of these assignments. If the amount was greater than his own allowance, he was to share it with another, if less, he got another to make up the amount. Timour directed, however, that no Amir or Mingbaushi should collect more from the subject than the established revenue and taxes; and for this purpose, and to keep an account of the *Jama*, and of the payments and shares of the ryots, etc., to every province on which royal assignments were granted, he appointed two Vazirs; one of whom was to take care that the Jagirdar should not oppress the ryots. The Jagirdars got the first grant for three years; at the end of the period the country was inspected. If it was found in a flourishing condition, and the peasantry were contented, the Jagir was continued; otherwise, it was resumed, and the Jagirdar was punished by withholding from him his subsistence for three years following.

The Jagir lands are now of five kinds:—

Jagirs in this State—their Nature

(a) *Al-Tumgha* Jagir or *Inam-al-Tumgha*: These are permanent, perpetual and hereditary grants.

(b) *Zat Jagirs* or grants made of large portions of land for the maintenance of the grantees and mostly personal.

(c) *Jagir Nigehdasht Jamiat* or *Paigah*: These are assignments of groups of villages or *Parganahs* to some one of the nobility or gentry of the State in lieu of levying a certain number of troops whose expenses are to be defrayed from the proceeds thereof.

(d) *Tankhahi Mahalat*, which resemble the third kind, but are of a later origin and are not legitimate in their nature. These had their origin in the times when the State was involved in pecuniary difficulties, when the *Jamadars* or *Military Chiefs* lost no opportunity of taking charge of *Khalisa talukas* as guarantee for the regular payment of their establishments, and paid their troops from the proceeds thereof. By and by the infection spread and the other recipients of cash allowances too, such as *Mansabdars*, *Rusumdars*, *Heads of offices* and establishments, creditors of the State or *Sahus*, as they were called, followed the same example. In this sense *Tankhah Jagirs* are no more than assignments of villages, *Parganahs* or *talukas* in lieu of certain State debts or advances made to Government or for the pay of offices, establishments or troops.

(e) *Sarf-e-Khas* (or *Crown*) *Jagirs* which are assigned to His Highness the *Nizam-ul-Mulk* in lieu of cash payments from the public Treasury. They also include some personal *Jagirs*."

CHAPTER IV

CLASSIFICATION OF JAGIRS AND THEIR NATURE

SECTION A

43. How far the accounts given in the published works on the subject can be relied upon is a question for experts of history to decide.

44. Gathering as much information as possible from the various sources, and taking into account both the origin as well as importance of the Jagirs in the Deccan a fairly logical classification, in spite of differences that have existed under the terms of the Sanads from grant to grant, may be attempted as follows:—

I. Jagirs taking the term in its comprehensive sense may be divided into the following four kinds according to the status of the holders and their powers of administration:

- (i) Paigahs;
- (ii) Ilaqas of the Premier Nobles;
- (iii) Samasthans; and
- (iv) Other Jagirs.

(i) *Paigahs*

45. The Paigahs are three in number:—

- (i) Asman Jahi Paigah.
- (ii) Khurshid Jahi Paigah.
- (iii) Vicar-ul-Umra Paigah.

46. The term Paigah is of Persian origin and means "Foot" or "Space" or "Stable". In a book "Life and Memoirs of Feroz Tughlaq" it was pointed out that he maintained his own Paigah, meaning stable, and the author mentions five other Paigahs situated in different parts of the palace. The term as used in the several Sanads and other ancient documents seems to have signified cavalry or the estate which supplied cavalry.

47. From a study of the history of the Deccan and the several sanads and parwanas issued to the Paigah holders from time to time it is evident that large tracts of land were granted to Abul Khair Khan, the ancestor of the Paigah family in the Deccan and his son Abul Fateh Khan, in various parts of the Dominions

on different occasions for the maintenance of troops and for their expenses.

48. Most of these Jagirs were granted between 1184 and 1197 H. (There were occasions also when the Jagirs were taken away and given to certain others.) The Paigah family attained great prominence during the time of Fakhruddin Khan, the son of Abul Fateh Khan, and he was also honoured by the Ruler with some grants in 1253 H. He exercised great influence at the Darbar and was the most powerful noble of the time.

49. Fakhruddin Khan died in 1280 H. (1863 A.D.) and left three sons, Rafiuddin Khan, Sultanuddin Khan and Rashiduddin Khan. Rafiuddin Khan succeeded his father. Soon after Sultanuddin Khan died and his two sons Bashiruddowla and Mohtashamuddowla started quarreling with Rafiuddin Khan. This led to the ultimate division of the Paigah into three. In the year 1299 H. (1882) Salar Jung I distributed the property between Bashiruddowla (Asman Jah) on the one hand, and the two sons of Rashiduddin Khan, Khurshid Jah and Vicar-ul-Umra on the other. Subsequently on 15th November 1883 Mr. Ridsdale, Chief Commissioner of Central Provinces who was called in as arbitrator, divided the property of Rashiduddin Khan between his two sons. This division was given legal sanction by the Ruler, who granted the Estate in three parts in favour of Asman Jah, Khurshid Jah and Vicar-ul-Umra.

50. Included in these Paigahs there are some Jagirs and Makhtas. There are in all 1,188 villages in the three Paigahs. The Asman Jahi Paigah consists of 8 taluqas having 393 villages including 62 which are jagirs and makhtas, the remaining 331 villages being directly under Paigah administration. The Khurshid Jahi Paigah consists of two districts, seven taluqas and 391 villages of which 66 villages are jagirs and the remaining 325 villages are directly administered by the Paigah. The Vicar-ul-Umra Paigah comprises one district, two divisions and six taluqas with 404 villages. Of these 48 villages are jagirs and the remaining 356 villages are directly under Paigah administration.

51. One special feature of these Paigahs is that no-where is any one of the Paigahs in a compact block of considerable size.

(ii) *The Ilaqas of the Premier Nobles*

52. Under the next kind of jagirs come the ilaqas or estates of the premier nobles (Umra-e-Ozam) of the State. There are at present four such estates:

(1) The Estate of Nawab Salar Jung Bahadur.

(2) The Estate of Maharaja Sir Kishen Pershad Bahadur.

- (3) The Estate of Nawab Khan Khanan Bahadur.
- (4) The Estate of Nawab Fakhr-ul-Mulk Bahadur.

53. The Nobles who originally held these jagirs were very powerful nobles of high rank. They held the high office of the Ministers of the State and were enjoying the confidence of the Ruler. On account of their exalted position the holders of these estates enjoyed certain special privileges which the others did not. These estates enjoy judicial and police powers. Like the Paigahs these also are in most cases scattered all over the Dominions and are not compact in nature.

(iii) *Samasthans*

54. The next category of the Jagirs is the Samasthans. Most of these are of ancient origin, tracing their history even to the pre-Asaf Jahi period. All of them pay a tribute called Peshkash to the Ruler, which varies from Samasthan to Samasthan.

55. According to the Daftar Diwani-o-Mal which has the custody of all Sanads and Parwanas relating to Crown grants the word "Peshkash" means "Nazar" or present and it signified a fixed amount which the Ruler collected every year as Haq-e-Malikana (Royalty) from territories either conquered by him or coming under his suzerainty. In the ancient Sanads, the word Peshkash was used in relation only to the Samasthans of Gadwal and Shorapur referring to the payment made by them to the Government annually under this head. But this word was not used in relation to the amounts fixed and payable as quit rent, under their Sanads by zamindars like those of Wanparti, Jatprole, Gopalpet, Bhadrachellam, Amarchinta, Domkonda, etc. The words used therein are, "Ba Unwan Tahud Bil Maqtha" (under the head fixed amount in lump-sum as per contract), or "Ba Unwan Bil Maqtha", "Ba Unwan Sarbasta-o-Bil Maqtha" all having similar meanings.

56. Under Gashti No. 2 of 1312, "Samasthan shall mean a group of villages, granted by Government to Jagirdars and Samsthandars on payment of Peshkash".

There are at present 14 Samasthans paying peshkash.

- | | |
|---------------|----------------|
| 1. Gadwal | 8. Anegondi |
| 2. Wanparti | 9. Rajapet |
| 3. Jatprole | 10. Dubbak |
| 4. Amarchinta | 11. Narayanpur |
| 5. Palavancha | 12. Papannapet |
| 6. Domkonda | 13. Gurgunta |
| 7. Gopalpet | 14. Sarnapalli |

57. The Samasthans unlike the Paigahs, are compact separate administrative units. They have got an internal administration of their own with varying Judicial and Police powers. Some of these Samasthans were enjoying at one time even the privilege of separate coinage.

(iv) *Other Jagirs*

58. The other Jagirs are of varying sizes and with varying income and powers. Some of these have judicial and police powers while the majority of them are holders of single villages without any such power of administration.

II. Exempted and Non-Exempted Jagirs

59 According to the special privileges and exemptions that are enjoyed by them, Jagirs have been classified into exempted (Mustasna) and non-exempted (Ghair Mustasna) Jagirs.

60. There is no provision of law defining exactly what a Mustasna Jagir is. But generally speaking a Mustasna jagir is one which is exempt from Diwani jurisdiction. The power to declare a jagir as an exempted one or to take away the privileges from an exempted Jagir rests with the Sovereign. The exemptions vary from Jagir to Jagir.

61. There are at present seventeen exempted Jagirs. They are:—

- 1-3. The three Paigahs.
- 4-7. The estates of the Omra-e-Uzzam.
- 8-12. The five Samasthans of Gadwal, Wanaparti, Jatprole, Amarchinta and Palavancha.
13. Dharam Karan Bahadur's estate.
14. The Estate of Raja Shamraj Bahadur.
15. The Estate of Kalyani.
16. The Estate of Suraya Jung.
17. The Estate of Mehdi Jung.

62. These Jagirs together cover an area of, 12,218 sq. miles with a population of about 20 lakhs. The following table would give the area, population, number of villages, etc., in these seventeen exempted Jagirs:—

EXEMPTED JAGIRS

Name of Jagir 1	Area in sq. miles 2	No. of villages 3	Population 4
PAIGAHS			
Asman Jahi Paigah ..	1,634	401	2,89,920
Khurshid Jahi ..	1,555	396	3,15,024
Vicar-ul-Umra ..	1,163	397	2,50,664
	4,352	1,194	8,55,608
Estate of Nb. Salar Jung Bhdr. ..	1,126	359	2,21,382
„ Sir Kishen Pershad Bhdr.	362	208	1,11,759
„ Nb. Khan Khanan Bhdr.	197	89	63,459
„ Nb. Fakhr-ul-Mulk Bhdr.	234	113	94,464
„ Nb. Mehdi Jung Bhdr. ..	211	75	41,862
„ Samasthan Gadwal ..	817	122	1,29,618
„ Samasthan Waoparti ..	605	150	1,00,356
„ Samasthan Jatprole ..	357	86	59,968
„ Raja Dharam Karan Bhdr.	162	186	82,428
„ Raja Shamraj Bahadur ..	272	119	39,372
„ Samsthan Amarchinta ..	161	69	55,856
„ Jagir Kalyani ..	272	60	47,798
„ Samsthan Palavancha ..	3,090	70	66,032
„ Jagir Nb. Surya Jung Bhdr.	..	34	29,327
Total ..	7,866	1,740	11,43,681
Grand Total ..	12,218	2,934	19,99,289

63. According to Rules 50 and 51 of the Rules defining the Prime Ministers' powers under the Qanuncha Mubarak of 1302 F. (Chapter V, Sec. 2).

“The Prime Minister shall not except with the concurrence of the Cabinet Council and the sanction of His Highness declare a Ghair Mustasna Jagir to be Mustasna, nor a Mustasna Jagir Ghair Mustasna. By the terms Mustasna Jagir in this section, such Jagirs are meant as are generally exempt from Diwani jurisdiction. Rule 50.

Except in case of such Jagirdars as are or may be specially declared Mustasna by order of His Exalted Highness himself, the Prime Minister in Council may, for any sufficient reason, take away, permanently or for a time, the Judicial or Police powers or both from any Mustasna or Ghair Mustasna Jagirdar, or invest him with all or any such powers, or extend or restrict all or any such powers already exercised by such Jagirdars.” Rule 51.

III. *Mashruti and Ghair Mashruti Inams*

64. According to tradition jagirs may be divided into Mashruti and Ghair Mashruti Inams or conditional and unconditional

grants. The conditional grants are usually conditioned by some service "Khidmat" or other.

65. The unconditional grants are those which are conferred as personal honours in recognition of merit or past services rendered by the grantee or his family.

IV. *Rent-free and non-rent-free grants*

66. In addition to the above there is another classification of Jagirs, viz.,

- (1) Jagirs absolutely rent-free;
- (2) Jagirs in which some sort of pan or tax or a share is paid to the grantor.

Most of the Jagirs are rent-free but some Makhtas, Agrahars, Umlis, etc., pay either a fixed amount or a share as revenue to the Government. But at present a kind of royalty called Haq-e-Malikana is collected from almost all Jagirs which were originally absolutely rent-free.

SECTION B

67. Having classified the Jagirs into several categories, it would be in the fitness of things to consider the nature of some of these Jagirs. The following kinds of Jagirs are known at present to the Atiyat:—

- (a) Altamgah.
- (b) Zat or personal grant.
- (c) Madad Mash (Personal grants conditioned by maintenance).
- (d) Tankhwah Jagirs.
- (e) Jagir Nigah Dasht Jamiat (or Jagirs intended for the upkeep of armed forces).
- (f) Maqtha, pan-maqtha.
- (g) Umli.
- (h) Agrahar.

Some of these are found in the classification on page 3 of "Hyderabad under Sir Salar Jung", already quoted.

Before entering on a description of the several kinds of Jagirs it would be worth while to consider some general features common to most of them.

Some general features.—As mentioned in a previous chapter most of these Jagirs have been originally conferred on military chiefs who assisted the Ruler in his campaigns and they were

originally a mere assignment of revenue for military service and the maintenance of order in certain districts by armed control. In later times these grants were also made to civil officers. The interest of the stipendiary did not usually extend beyond his own life-time and the Jagir was even determined or terminated at the pleasure of the Sovereign or it was transferred on failure of service to another person who undertook the obligations. But some of these Jagirs when given to influential families acquired hereditary character.

(a) *Altamgah Jagirs*.—The word *Altamgah* means red-seal. The Jagirs of this description seem to have been granted under the red-seal of the king. These Jagirs are considered to be of the highest order and the most coveted.

(b) *Zat or Personal Grants* were originally tenable for life-time only. If, however, the Sanad conferring such grant contains any words indicative of permanency the grant was treated as one in perpetuity. Formerly on the death of the grantee, the Jagir was attached and reissued in favour of his eldest son by another *Sanad*.

(c) *Personal Grants conditioned by maintenance*, are as the expression itself shows grants intended for the maintenance of the holder and his family. These were also attached on the death of the Sanad holder and re-issued to his son and generally became hereditary.

(d) *Tankwah Jagirs*.—These were granted in lieu of salary or *Tankwah* of the grantee for any service rendered by him to the Ruler.

(e) *Jagir Nigah Dasht Jamiat or Jagirs intended for keeping the armed forces*.—These were intended in lieu of remuneration for the supply of armed forces. The Sanads in respect of these Jagirs usually specify the number of troops that the grantee had to supply to the Sovereign and the expenses for the maintenance of foot-soldiers, horses, bullocks and mules on a monthly basis. These were renewed oftentimes in the name of the sons or grandsons of the grantee on his death but sometimes they were attached and annexed or if the supply of forces diminished the grant also was correspondingly reduced.

(f) *A Maqtha* is the grant of village for which a fixed amount is paid by the grantee as *Panmaqtha*. Sometimes these *maqthas* are conditional grants and sometimes unconditional.

(g) *Umlı Grants* are also similar to *maqthas*. The only distinguishing feature is that the Government is entitled to a two-thirds share and the grantee to a one-third and the two-third has to be paid like *pan maqtha*.

(h) *Agrahars*.—This is a special kind of grant generally made to Hindus for religious purposes. From some Agrahars Government collect assessment and from others Pan is collected as from *Maqthas*.

SECTION C

Succession and Renewal

Jagirs are given sometimes in perpetuity and sometimes for a life-time or for a specified number of lives. After the death of each holder, an enquiry is held as to who is the next successor. All disputes relating to succession to a deceased Jagirdar are decided by special courts called Atiyat Courts. The Civil Courts are precluded from enquiring into any such case. The final appellate authority over these courts is the Atiyat Appeals Committee, which corresponds to the Judicial Committee on the Civil side and which according to the nature of the case advises His Exalted Highness regarding succession and matters incidental thereto. A special feature of Jagirs and inams is that possession of the state will be given to a single person who is known as the Qabiz or holder. The holder in addition to his own share is entitled in respect of management, to a four-anna share in the income of the estate where the total income of the estate is more than Rs. 25,000 and to a two-anna share where the income does not exceed Rs. 25,000. This right is called the *Haq-e-Intezam* or right of management. The holder is also entitled to deduct from the gross income expenses of administration of the Jagir, like Judicial, Police and Revenue, the last not exceeding one anna in the Rupee. The junior members of the family are entitled to their respective shares after deducting the *Haq-e-Intezam* and expenses specified above and in this respect there is a difference in their status in these Dominions from what it is in British India, since in British India in all impartible estates while the senior member gets the estate, all others are entitled to mere maintenance. Besides these sharers or Hissedars, there are other dependants of the family who are entitled to *Guzara* or maintenance from the Jagir. But the *guzaras* generally enure only for the life-time of the *guzara-yab* or maintenance holder.

69. It may be here mentioned that although in theory the conferment of the Jagir on the next successor of a deceased Jagirdar is considered a *Jadid Ata* or fresh grant in the absolute discretion of the Ruler, and no heir has got any vested right to such estate, yet in practice, the heirs according to the personal law of the deceased Jagirdar, as modified by the Atiyat law, are generally favoured with such renewal of the grant.

CHAPTER V

SOME AVAILABLE STATISTICAL DATA REGARDING JAGIRS: AREA, POPULATION AND NUMBER OF VILLAGES

70. According to Rai Balmukund's report which was prepared in 1329 F., that is, nearly 27 years ago and the figures in which are supposed to be based on the Sanads, there are 1,167 Jagirs of which 534 are held by Mulsim Jagirdars, 632 by Hindu Jagirdars. Of these, 1,167 Jagirs, the income of 19, is over 1 lakh each, the income of 15 varies between 50,000 to 1 lakh, and of 44 between 25,000 and 50,000. There are, amongst these, 142 Jagirs whose annual income is less than Rs. 500 each and 293 whose annual income is below Rs. 1,000 each. But these figures are entirely out of date and are likely to give a totally incorrect idea of the present situation as regards the number and income of Jagirs in the Dominions.

Unfortunately, there is no machinery by which we can easily ascertain the actual number of Jagirs or their present income. No doubt, the Revenue Department maintains a Register in which the income of Jagirs which pay the Jagirdars' College cess, is entered. But this information is not satisfactory for two reasons. In the first place, it includes only the names of those Jagirs the annual income of which exceeds Rs. 6,000; so all other jagirs the income of which is below Rs. 6,000 are left out. Secondly, the figures showing the income are not quite reliable, as there is no effective check over the figures furnished to the Department. Add to this, the Department has till now got the figures districtwise only for nine districts for the decennium 1340-1350 F. and in regard to the other seven districts we have only to rely on the data collected for the previous decennium 1330-1340 F. According to this Register, the number of jagirs paying the Jagirdars' College cess, is as follows:—

Aurangabad Subah	..	..	254
Medak Subah	..	..	244
Warangal Subah	..	..	124
Gulbarga Subah	..	..	218
			840
	Total	..	840

Area and Population

72. The total area of the Dominions is 82,698 sq. miles of which 33,729.9 sq. miles or 40.79 is non-Diwani and 59.21% Diwani. Of this the total area of the Sarf-e-Khas is 8,109 sq. miles or 9.9% of the total area of the Dominions.

The total area of Paigahs, Samasthans and Jagirs is 25,620 sq. miles or 30.9% of the total area of the Dominions.

The total population of the State is 16.3 millions of which the population of the non-Diwani area is roughly 25%.

73. Taking villages into consideration out of a total number of 22,457 villages in the Dominions 6,535 or 29.5% are Jagir villages, 1,961 or 8.7% Sarf-e-Khas, and 13,961 or 61.9% Diwani villages.

A table showing the approximate number of villages district-wise belonging to *Sarf-e-Khas*, exempted and non-exempted Jagirs, is given below:—

Sl. No.	Name of District	No. of villages					
		Diwani	Sarf-e-Khas	Expt. jagirs	Non-exempt jagirs	Total	
1	2	3	4	5	6	7	
1	Hyderabad City	..	..	..	..	..
	MEDAK SUBAH						
2	Atraf-e-Balda	..	573	78	225	876	
3	Nizamabad	..	521	45	184	751	
4	Medak	..	551	13	207	928	
5	Baghat	..	83	1	77	278	
6	Mahabubnagar	..	698	15	430	1431	
7	Nalagonda	..	1002	15	27	1256	
	Total	..	2855	618	854	1193	5520
	WARANGAL SUBAH						
8	Warangal	..	1177	4	83	208	1472
9	Karimnagar	..	978	25	72	152	1227
10	Adilabad	..	1881	..	71	191	2143
	Total	..	4036	29	226	551	4842
	AURANGABAD SUBAH						
11	Aurangabad	..	1449	92	82	403	2026
12	Parbhani	..	1265	150	123	100	1638
13	Nander	..	1143	11	113	158	1425
14	Bir	..	792	83	48	127	1050
	Total	..	4649	336	366	788	6139
	GULBARGA SUBAH						
15	Gulbarga	..	638	443	448	272	1801
16	Raichur	..	969	..	413	400	1782
17	Osmanabad	..	243	377	260	21	901
18	Bidar	..	571	158	584	159	1472
	Total	..	2421	978	1705	852	5956
	Grand Total	..	13961	1961	3151	3384	22457

CHAPTER VI

THE CONSTITUTIONAL ASPECTS DISCUSSED

74. The constitutional position of the Jagirs in these Dominions cannot be exactly determined, owing to the fact that apart from what is stated in the Sanads there are no rules or proclamations defining the rights and obligations of the Jagirdars. This has resulted in two extreme points of view, one in favour of the rights of administration derived as a necessary consequence of large tracts of land being granted by the Ruler to the Jagirdars and the other against the assumption of any such rights, the grants being confined to mere assignment of revenue and not even extending to the collection of such revenue. But both sides agree that the powers of administration whatever form they may have assumed, have been exercised with the acquiescence of Government through tradition and long practice. A perusal of the Qanuncha Mubarak of 1302 F. would throw some light on the question. The following extracts therefrom with certain adaptations, where necessary, can be read with advantage.

“ This State was . . . founded on principles of pure despotism or autocracy the whole being considered as the private property of its Ruler. The Prince was all powerful and independent. As for the administration of the other State Departments, there was really no law except the will of the Prince. One officer could not meddle with the duties of another officer, each looked to the Prince as his immediate superior and did nothing without his orders. There were no Revenue Offices or Departments yet established. Parts of the country were made over to the nobles of the court or any one who applied for them on contract. These contractors called taluqdars, were for the term of the contract, lords and masters of the District under them. They used to collect the revenue through their agents and forward them to the State Treasury. They also retained troops to protect their Princes' interest in the Districts. But the old time-honoured village system of patels and patwaries remained intact. The whole State was divided into three parts, *viz.*,

1. Khalsa
2. Paigah
3. Jagirat

and latterly

4. Sarf-e-Khas.

All servants belonging to the Paigah obeyed only their own Commanders who received orders direct from the Prince. By degrees all Paigahs became the property of the Amir-e-Kabir. The internal management of the Paigah country rested entirely with this powerful nobleman whose law was his own will. His chief duty was the protection of the Prince and the State against the power of the Minister.

* * * *

The Minister of the State was called the Naib-e-Diwani and the whole administration of the Khalsa lands, with a part of the army of the State was placed under him. He too had no rules or regulations for his guidance, and could do nothing without first consulting with and receiving definite orders from the Prince.

The Minister was merely the agent of the Prince without any personal authority. It was through him that all orders of the Prince were issued and published throughout the State except to the Paigah, the Sarf-e-Khas and the Dürbar officials.

The conferring of titles and distinctions and the bestowals of Jagirs, Mansabs, Wazeefas and Inams were the rights exclusively exercised by the Sovereign himself.

The appointments and dismissals of all Civil and Military servants of the State and of the Court were made only under the sign manual of the Sovereign. But during the regime of Raja Chandulal all these powers were exercised by the Minister as regards all officers except those of the Court and the Paigah.

* * * *

“This arrangement continued till the end of the reign of the Nizam, Afzaluddowlah Asaf Jah V, when Sir Salar Jung I introduced the existing arrangements to form an improved mode of administration. He was assisted by the nobles of the State in establishing the present system of administration. He also completed the Zillabandi system introduced by Raja Chandulal and established regular offices for the collection of Revenue, for the Police and Administration of justice, as well as for the Accountant-General, the Educational and other Departments.”

75. During the regime of Salar Jung II and Asmanjah, although no changes were made in the administration of the State the Sadr Departments were entirely changed. The Secretaries gradually became very important. The Secretary of each Department became practically its independent master with an increasingly large establishment under him. All the nobles and the servants of the State the Jamadars and Jagirdars came completely under their power.

76. Thus the original autocratic form of Government which was changed into a constitutional monarchy by Salar Jung I became an oligarchy under Salar Jung II and Asmanjah. At this stage the Ruler the late H. H. Mir Mahbub Ali Khan introduced reforms and entrusted the administration to a Prime Minister assisted by three Moinul Mahams or Ministers. All these were themselves big nobles and Jagir holders.

77. In the rules defining the powers and duties of the Prime Minister framed under the Firman of 2nd Rajab 1310 H. we find reference made to the obligations of the Jagirdars and to the welfare of Jagir subjects.

“It shall be the duty of the Prime Minister as well as the Revenue Board to watch carefully the treatment of ryots by Jagirdars and to take necessary and feasible steps within their respective powers to prevent those acts of Jagirdars that may be unnecessarily hard on the ryots or are contrary to law or rules in force.

“He shall not, except with the concurrence of The Cabinet Council and the sanction of His Highness, declare a Ghair Mustasna Jagir to be Mustasna, nor a Mustasna Jagir, Ghair Mustasna. By the term Mustasna Jagir in this section, such Jagirs are meant as are generally exempt from the Diwani Jurisdiction.

“Except in case of such Jagirdars as are or may be specially declared Mustasna by order of His Highness himself, the Prime Minister in Council may, for any sufficient reason, take away, permanently or for a time, the judicial or police powers or both from any Mustasna or Ghair Mustasna Jagirdar, or invest him with all or any such powers, or extend or restrict all or any such powers already exercised by such Jagirdars.

“No new Jagir, Maash, Mukhta, Inam, Watan, or the like which is in the nature of a Jagir, can be granted without His Highness' express sanction. But the Prime Minister in Council may, subject to the conditions of original grants, sanction to the enjoyment of Jagirs, Maash, Mukhtas, etc., by the heirs or adopted sons of deceased grantees. In the absence of legal heirs or for any other sufficient reason, he may attach or annex to Khalsa lands, any Jagir, Mukhta, etc.”

78. From the above it is evident that at the earlier stage the State was not governed by any definite law. Through a process of necessity and evolution, the entire internal district administration was in the hands of big contractors called Talukdars and there was no control from the Centre. But when systematic

administration commenced to work, some sort of control was exercised over all the Talukdars, The Jagirdars who also happened to be in possession of large tracts of land like the Taluqdars, were originally under the direct control of the Ruler. Since the Minister of the day generally happened to be a big Jagirdar himself and was enjoying wide powers he allowed the Jagirdars to gradually assume control over their own internal administration. But this continued till some organised law and administration came into being at the Centre whereby the unquestioned powers of the Jagirdar came to be somewhat restricted.

79. So much about the early period, which we may conveniently call the pre-constitutional stage. The next stage in the development of the relations between the Jagirdars and the Government on the one hand and the Ruler on the other, begins with the implementation of the Qanuncha Mubarak.

80. It will be seen from the above that the Jagirdars previous to the Qanuncha Mubarak of 1302 F. were directly under the control of the sovereign so far as the internal administration of the Jagir was concerned. The Qanuncha Mubarak was the first act of the sovereign in the matter of delegating to the Government some of his inherent powers, in regard to the Jagirdars.

81. The first attempt at codification for the entire Dominions was made in 1284 F. when the Law Commission was set up. Subsequently the first Legislative Council was created by a Firman of 1303 F. The composition of this Council was so arranged that it included official and non-official members and for the first time Jagirdars were given representation on the Council.

82. When regular legislation began, naturally this was intended for the entire Dominions including the Jagirs and therefore this was felt as an inroad in the hitherto quasi-autonomous administration of the Jagirs. To clarify the position, therefore, and remove doubts, if any, in regard to the right of the Government to regulate administration in Jagirs, a notification dated the 7th Mehir 1304 F. was issued.

83. This notification is very important and is virtually the first documentary evidence extending and applying the laws of the Government to Jagirs specifically. The idea of uniformity of administration in Jagirs and Diwani and the subjects of His Exalted Highness residing in Jagirs and Diwani being equally entitled to good administration was embodied in this notification. The notification has the effect of applying all the Laws, Rules or Regulations for the time being in force, or which might, in future, be enforced to all parts of the Dominions without any exception. Towards the end of the notification it was stated,

“Since in the courts established in exempted Jagirs these laws will be enforced by the Jagirdar himself or by his officers, there is, in this, no scope for apprehension of interference on the part of the Government.”

84. There were several other notifications and circulars issued by the Government from time to time which, while implementing the principles laid down in the Qanuncha Mubarak furnish further instances of increasing Government control over Jagir administration.

85. Thus, for example, under the Resolution of the Home Department, No. 6/1 dated 19th Ardibehist 1303 F., the Jagirdars were prohibited from levying fees on pleaders certificates in Jagirs while by another Resolution No. 8/3 dated 14th Amardad 1303 F., Jagirdars who were previously using their own stamps were required to purchase Government stamps for use in Jagirs, these being sold to them at concession rates. Similarly in regard to the Civil and Criminal powers, the Courts in existence in Jagir areas were under a Firman dated the 7th Thir 1315 F., brought under the direct supervision and control of the High Court. Likewise, there was another enactment in 1316 F., viz., the Abkari Act by which the Government regulated the administration of Abkari in Jagirs. (Latterly the administration of Abkari was completely taken under Government supervision.)

86. By Firman-e-Mubarak dated the 17th Safar 1327 H., it was ordained that the Revenue laws will be made use of by the Jagirdars in the same manner as by the Government in the khalsa territory. It would be noticed that this Firman came just after the Land Revenue Act of 1317 F.

87. It would, therefore, be found from a study of the history of legislation and rule framing during this stage, that there was a marked progressive control on the part of the Government in the internal administration of the Jagirs with an increasing delegation by the Ruler of the powers exercised over Jagirs through the Diwani.

88. The next stage in the development of the relations between the Government and the Jagirs begins with the constitutional changes introduced by His Exalted Highness by His Firman dated the 22nd Safar 1338 H. Although under this Firman no changes have been made in the composition of the Legislative Council, there was an appreciably wider delegation of powers by the Ruler to the Executive Council. In his inaugural address from the throne on 27th Safar 1338 H. commending to all, the constitutional changes he ordered by his Firman, His Exalted Highness makes reference to the advantages of a well-organised cabinet “which will strengthen

the administration in all its branches and offer sound advice *on these matters affecting the larger interests of the State that have been specifically reserved for the exercise of my own powers*. Its corporate action will give administrative cohesion and yield results highly beneficial to my people. The spread of education, the development of economic resources, the encouragement of commercial and industrial enterprise, the adoption of advanced sanitary and hygienic measures, the improvement of roads and communications and many other measures await solution. In these and other directions of internal reform the labours of the Council will be of inestimable value..... To my Nobles, Officials, Jagirdars and my beloved subjects generally I commend this new constitution and earnestly call upon them to support it with unaltered devotion and loyal co-operation”.

89. Subsequent to this, by another Firman dated the 24th Jamadi I 1338 H., the President was entitled to delegate certain of his powers to the Members of the Executive Council. Accordingly we find that under Gashti No. 12 of 1329 F., certain powers exercisable by the President in relation to the Jagirs were entrusted to the Revenue and Judicial Members as follows:—

Powers of the Revenue Member

- “100. To grant leave o Jagirdars.
- 101. To issue orders for the investigation of complaints made by ryots regarding Jagirdars.
- 102. To authorize, at the request of Jagirdars, the survey and settlement of Jagirs.
- 103. To permit at the request of Jagirdars, the preparation of seals and badges (Chapras for use in Jagirs).
- 104. To sanction succession and adoption with reference to the following (Atiat) grants, land with a revenue up to Rs. 7,000, cash pertaining to Revenue Department up to Rs. 1,000, Makhta land with a revenue up to Rs. 5,000 (A Makhta village is not included in this).
- 105. To permit investigation into time-barred applications for succession to land grants.
- 106. To sanction maintenance allowance from Jagir revenues.”

Under Rule 82 the Judicial Member can sanction Judicial powers, civil and criminal, being invested in Jagir officers.

90. It has been shown previously how, by a process of legislation and rule-making, Government assumed increasing jurisdiction

over Jagir administration. Judicial interpretation and precedents also contributed not a little to bringing the Jagirs more and more under Diwani supervision.

91. Thus, for example, when the question of agency for enforcing certain laws in the Jagirs has arisen, the law courts have decided that the agency contemplated for the enforcement of such law was the Diwani officers and not the Jagir officers. Thus in *Rani Bhagyalakshamma V. Veeraraghava Reddy*, 32 Deccan Law Reports, p. 197, it was held that "no Jagirdar or officer of the Jagir, whether of an exempted or a non-exempted Jagir, has got the power, of his own accord, to collect arrears of revenue or in pursuance of such collection dispossess a person in possession of land".

92. In this case the Jagirdar purported to act under the provisions of the Land Revenue Act relating to attachment for arrears of Revenue, and the court decided that he could not do so as he would not be deemed to be a Taluqdar for such purposes, the Act contemplating only Diwani Taluqdars. Similarly in another case 34 D.L.R. 431, the High Court denied the right of the Paigah to eject forcibly a person from possession of waste land. At p. 433 their Lordships observe as follows:—"The Government has reserved to itself the right in certain cases, to eject forcibly a person from possession of waste land. The Jagirdars cannot under any mistaken notion that they are the representatives of the Crown in Jagir areas, arrogate to themselves these rights which have been reserved by the Government to itself".

93. It has been contended in several cases similar to the above although curiously enough this argument was not advanced in the above case, that under the notification of 1304 F. referred to above, the Jagirdars were entitled to enforcing these laws themselves without the medium of a Diwani officer. But this contention has been time and again refuted by the Courts on the ground that in the absence of any specific provision in the Act that a Jagir officer is contemplated, the Civil Courts would refuse to recognise the jurisdiction of a Jagir officer for enforcing such laws.

94. It has also been established in several laws and precedents that whatever their historical origin, the Samasthans and Jagirs have always been regarded as the property of the Ruler and not of the Jagirdars or the Samasthan holders (*vide* 23 D.L.R. 191 J. C. 23 D.L.R. 432 29 D.L.R. 74. 26 D.L.R. 280. 48 Nazair Deccan 194). The "Doctrine of Jadid Ata", or the renewal of a grant in favour of the successor being treated as a fresh grant, the successor having no vested right of inheritance to the estate, is based on this fundamental principle.

95. In this regard, there is a great difference between the Zamindars of British India and the Jagirdars of Hyderabad. The proprietary right resides in the Zamindar in British India. In Hyderabad the Jagirdar does not seem to have any right to the soil. He is entitled to the mere revenue accruing due from the land. This fact partly explains the inalienable nature of the Jagir tenure. It has also led to the notification of the Home Department No. 11/5 dated 10th Khurdad 1300 F. which in unequivocal terms states that the Sovereign alone enjoys the prerogative of escheat (and not the Jagir holders), to escheatable property in the Jagirs. His Exalted Highness has himself stated in his Firman dated 17th January 1929 on the Reilly Commission's Report that the question of confirmation and administration of the ancient grants of Paigahs is to be settled by himself in his own discretion, as the Ruler of the State.

96. It would therefore be found from a perusal of the above that the Dominions historically, politically, and legally always signified the entire Dominions without excluding the Jagirs, and the Jagirs were never regarded as exercising separate jurisdiction. It is significant to notice that His Exalted Highness had always referred to the Jagirs as an integral part of the Dominions and even in the scope of the enquiry this factor is adverted to and the Commission was asked to "*recommend steps for improvement of Jagir administration in order to bring such administration into line with modern developments within the State, and to ensure the continuance of the Jagirdar class as an integral section of the community. . . .*"

97. As a matter of fact, it is stated in almost all Acts passed by the Hyderabad Legislature, that the Law extends to all the Dominions including the Jagirs. From this it follows that whatever administrative powers the Jagirdars do exercise they exercise them within the ægis of His Exalted Highness Government. If this is borne in mind the origin of these powers is of academic importance. Whether the powers were assumed by the Jagirdars and not given by the Ruler specifically, or they were specifically given to them or whether they were acquired even previously to the Asaf Jahi Rulers, in all cases, the unquestionable right of the Ruler has always been there to withdraw these powers from them, whenever deemed necessary.

PART II

CHAPTER VII

EVIDENCE

SECTION 1

98. As already stated in Chapter I, paragraph 8 of our report we invited several distinguished persons both official and non-official to give evidence before the Commission and accordingly recorded the statements of 18 witnesses who were good enough to comply with our request. We made it a point to select representative persons from among the Jagirdars, Hissedars, Government Officers and the public.

99. The Commission note with satisfaction that most of the Jagirdars examined, with the exception of one or two, held enlightened views about Jagir reforms. They expressed their willingness to co-operate with government in schemes for reconstruction if they were taken into confidence regarding them.

100. Some schemes of administrative reforms in the Jagirs were formulated by a few of the witnesses, both official and non-official, but no information could be elicited from their statements as to the origin of the powers of administration now being exercised by the Jagirdars except that, when questioned on the point, some of the witnesses said that they grew out of tradition and practice.

101. As regards Jagirdars' obligations to provide for adequate arrangements for education, public health and other amenities, while the official witnesses were of opinion that the Government should make provision for these by levying a contribution from the Jagirdars, the latter contended that in view of their limited resources they could not be expected to undertake such obligations and Government alone should provide for all these amenities for the subjects living within the Jagirs. There was, however, general agreement as to the necessity for introducing reforms in the Jagirs and financing them by collecting certain percentage of the income from the Jagirs.

102. There was a wide difference of opinion on the question of the Agency—Diwani or Jagir—for enforcing the several Acts like the Land Revenue Act, the Asami Shikmi Act, Debt Conciliation Act, Money Lenders' Act, Land Alienation Prevention Act and the Bhagela Agreement Act. While the official witnesses insisted that these should be enforced by Diwani officers, the

Jagirdars on the other hand, pleaded that their own Jagir officers should be clothed with sufficient powers so as to enforce these Acts within the Jagirs.

103. On the question of compulsory resumption, the majority of Jagirdar witnesses stated that with the recent Dastur-ul-Amal (Jagir Revenue Recovery Regulation 1355 F.) in force, and the improvements in administration that the Commission might suggest, the Jagirs may be given a fair chance to continue working, and in case they prove a failure, Government may take resort to resumption. Some of the witnesses were in favour of grouping of petty Jagirs and running their administration through District or Taluk Committees. But two Jagirdars, one of whom is a holder and the other a Hissedar, were in favour of abolition of petty Jagirs on compensation basis. The official witnesses were in favour of resumption with a limit of income for the purpose varying from 10,000 to 50,000.

104. As regards consolidation all the witnesses agree that scattered Jagirs should be consolidated. They attribute several of the ills from which the Jagirdars suffer to the scattered nature of the Jagirs.

105. In regard to the codification of the Atiyat Law also all the witnesses agree that the sooner the Law is codified, the better it is for the Jagirdars. One witness was very emphatic on this matter and has even sent a long note on codification in answer to one of the questions in the Commission's Questionnaire. The substance of the complaints of the witnesses is that there are inordinate delays and innumerable and unscrupulous claims in the Atiyat Courts begotten through the absence of definite provisions of Law and non-enforcement strictly of existing provisions of Law.

106. As regards the respective shares of the holder and the Hissedars, and the "Haq-e-Qabza-wa-Intezam," witnesses who are holders of Jagirs, with one exception, advocate continuance of the present system and the retention of the latter even in the event of Government resuming Jagirs or taking over their administration, while Hissedars demand its abolition in view of the altered circumstances. Generally the official witnesses strike a *via media* and suggest a re-adjustment. All agree to the importance of the Jagirdar keeping in contact with the ryots of their Jagirs and they have suggested various means of bringing about such contact, like the continual residence in or frequent visits to the Jagir villages.

107. As regards the supervision of Government over Jagir administration, all agree that the Government should exercise

supervision. But the Jagirdar witnesses have suggested that such supervision should be by the Diwani officers of the highest rank, while most official witnesses would make distinction between Jagir and Jagir with regard to such supervision.

108. Some of the witnesses, both official and non-official, have suggested the creation of a separate machinery for Jagir affairs exclusively, with a Board or a Sadar-ul-Moham at the top.

SECTION 2

REPLIES TO QUESTIONNAIRE

109. The Commission after careful examination of all the Points of Reference framed the Questionnaire to be issued as mentioned in Chapter I and this Questionnaire is given in Appendix IV.

110. Since the subject of Jamiat Jagirs is not of general interest to the Jagirdars as such, but pertains to those Jagirdars only who have military grants (perhaps not exceeding a score), we thought it advisable to issue separate Questionnaire to them, and dealt with that subject separately as would be found in Chapter XII.

111. The general Questionnaire was circulated to those Heads of Departments familiar with Jagir Problems, to all Taluqdars and Subedars, to the Chief Justice and prominent officers, retired or in service, who had at one time or other to deal with Atiyat matters. Among the non-officials, we sent the Questionnaire to some selected persons and Associations, representative of the several interests, such as Jagirdars, Hissedars, Vakils practising in the Atiyat Courts and some other public persons interested in the Jagir ryots. The total number we sent out was 96. As it was not possible to send the Questionnaire to all persons interested and as wide publicity was necessary we sent copies to the Director, Information Bureau, and through him the Questionnaire was published in all the local newspapers—English, Urdu, Telugu, Marathi and Kanarese. In addition, it was published in the Government Gazette also, *vide* Issue No. 20, dated 24th Farwardy 1356 F.

112. The Questionnaire was released by us on the 12th Farwardy and the answers were made returnable before the end of the month. But as there were representations from several quarters that the time was too short, we extended the time by another month.

113. The response to the Questionnaire was appreciable. The total number of Questionnaires returned with answers is 67. We carefully examined the replies sent to each question

and considered them carefully in making our final recommendation. Reference to the various opinions expressed has been made by us in the report in the appropriate place whenever necessary.

The following is an analysis of the answers:—

(i) <i>Jagirdars including Hissedars</i>				
(a) Associations or collective answers	..			4
(b) Individuals	..	..	..	19
(ii) <i>Officers</i>				
(a) In Service	..	..	..	20
(b) Retired	..	..	..	2
(iii) <i>Jagir Officers</i>	..	..	..	1
(iv) <i>Public</i>				
(a) Associations or collective answers	..			4
(b) Individuals	..	..	..	17
				—
				67
				—

114. From the information given in paragraph 113 as to the persons, Associations, etc., to whom the Questionnaire was issued and the number of persons who have returned the Questionnaire with their answers it will be found that the response was appreciable but the opinions show a great variety on almost all relevant points. While there are two extremes on the one hand showing a direct conflict in the view-points, there are on the other hand, various miscellaneous criticisms and suggestions which it would not be possible to embody in this Report. Sufficient to say that the extreme view-point on the existing system of Jagir administration is distinctly conservative and it does not advocate any change on the ground that the system is working satisfactorily. The radical section of the individuals approached give the other extreme view-point, namely, that the Jagir system is an anachronism and as such should be done away with. The moderate view lies between the two and is in fact in favour of the policy which has brought into existence this Commission of investigation, namely, that the administration of Jagirs can be improved without making any radical changes with due regard to the need for good and efficient management according to modern principles.

115. The Jagirdars generally hold that the Sanads conferred on the holders of the Jagirs full rights in regard to the land revenue. The right to the enjoyment of revenue assigned to them implies responsibility for the administration of tracts of land from which the revenues are collected. It

Result of the study
of answers

Rights and obligations
of the Jagirdars

is the duty of the holder to look after the welfare and security of the people. The Jagirdars also claim that they are the representatives of the Ruler in Jagirs and that by the Sanads conferred on them, the Jagir people have been placed under their trust. They further hold that except in cases of conditional grants, there is no specific obligation imposed on the Jagirdar to render any services except loyalty to the Ruler, enforcement of Government laws in the Jagirs and maintaining peace.

116. One notable reply received from a Paigah indicates that the Paigahs have a right to carry on the administration as representatives of the King, without interference from the Diwani. These absolute powers which are attributes of an independent State have been enjoyed by the Paigah families for many centuries. In view of the Firman-e-Mubarak dated 5th Shahban 1347 H., 19th Safar '48 H. and 11th Rabi-ul-Awal 1349 H. they state that there is no need for interference in the Paigah administration.

117. A majority of officials generally state that the Jagirdars under the Sanads given to them, have only the right to the enjoyment of revenue, having regard to the wording of the Sanad under which the Jagirs are granted. Some state that whenever any Sanad was given to a Jagirdar empowering him to exercise the powers of *Foujdar* within the jurisdiction of his Jagir, such powers used to be given to him after taking *Muchalkas* or (agreements) wherein it was affirmed in the following terms:—

“I shall try my best to admonish and punish the miscreants, to protect the oppressed and the tax-payers. I shall see that nobody takes anything unlawfully. I shall look after the communications in such a way that the travellers and the pedestrians would travel with peace of mind and no thief or robber would harm them. I shall see that no evil deeds are done and no drinking is resorted to.....”

118. The non-official view, as represented by the Jagir Ryots Association and others maintains that no grant is hereditary and that the devolution of a Jagir from father to son by way of inheritance is recognised by the Ruler only as a matter of grace. The Jagirs granted for the performance of a specific service, military or otherwise, should be resumed, if the condition is not fulfilled. The Jagirdars are responsible for the protection of the life and property of the people living within the Jagir areas, and if they fail to discharge these obligations, the Government should take over the Jagir administration entirely into its own hands.

119. With reference to the contributions made by the Jagirdars to the Diwani, the answers refer to some or all of the following:—

- (1) Peshkash.
- (2) Haq-e-Malikana.
- (3) Nazrana (for adoption, etc.).
- (4) Maqta Pan.
- (5) Chowth.
- (6) Mukasa.
- (7) Kahdana.
- (8) Excise Administration charges.
- (9) Jagirdars' College Cess.
- (10) Local Cess.
- (11) Settlement charges.
- (12) Khanungoyi.
- (13) Dhadpatti.

120. A few of the Samasthan holders have asked for adjustment in the amount of Peshkash paid by them to Government on the plea that no corresponding service is rendered by Diwani to the Samasthans.

121. The opinion of the officials refers to the following considerations in fixing any contribution from the Jagirdars to the Diwani revenues.

- (a) Proportion should depend upon the nature of services required from the Jagir in future.
- (b) Increase in the administration charges in general.
- (c) Contributions to be graded according to capacity.
- (d) Distinction to be made in the proportion between conditional Jagirs and others.
- (e) Contribution to be based on population and area of the Jagir.

122. Elaborate replies have been given to Question No. 4 relating to the administration of the several Departments in the Jagirs. The general consensus of opinion, barring a few Members of the Jagirdars' class is in favour of levelling of Jagir administration to the standard of Diwani, raising of the salaries of petty Jagir officials, and affording equal facilities to the Jagir ryots as to the Diwani subjects in the matter of remission, famine relief, public amenities, etc. So far as revenue administration is concerned, most of the Jagirdars advocate the continuation of the present arrangements, under the Jagir Revenue Recovery Regulation, though some of them asked for an amendment of the Regulation to give them greater powers. The official view holds

Administration in
Jagirs

that all Jagir Revenue Officers should be under the superior control of the higher Diwani officers.

123. Some of the non-officials advocate the creation of a separate Jagir Board or a special Sadr-ul-Maham to look after the Jagir affairs.

124. Barring a few Jagirdars, almost all the answerers agree that the Survey and Settlement charges should be entirely borne by the Jagirdars.

125. As regards the agency for enforcing the Land Alienation Prevention Act and other measures relating to relief to the agriculturists the Jagirdars are anxious that this should be enforced through their own officers while the officers and the public would prefer the agency of the Diwani.

126. So far as the Public amenities are concerned some of the big Jagirdars, Paigahs and Samasthans recount their achievement in this regard and desire that the administration of these services should be left to themselves, government imposing a sort of supervision over them. But several other Jagirdars are in favour of Government providing these amenities at the cost of Government by levying a small contribution from the Jagirdars out of their income, varying between 3 to 8%. The officers as also the public generally agree that this should be the exclusive function of the Government itself. The contribution suggested by them varies between 2½% and 50%.

127. In the matter of Police, Judiciary and Jails again there is a difference of opinion. The Jagirdars desire the continuance of the present system with greater supervision by Government if necessary, and with higher scales of pay to the officers, while the Government officers and the public, with a few exceptions, insist upon these Departments being made the sole concern of the Government.

128. There is unanimity of opinion among the Jagirdars with regard to the desirability of consolidation of scattered Jagirs. The official view while favouring consolidation is against the principle of transferring Diwani areas to Jagirs, in view of the fact that the Diwani ryots generally do not like to go into the Jagir jurisdiction. The non-officials representing the Jagir ryots advocate compulsory resumption of all scattered villages in Jagirs, on cash compensation basis.

129. As regards Codification there is unanimity of opinion that the law and procedure relating to Atiyat should be codified and almost every one makes a pointed reference to the delay in the disposal of cases

in Atiyat Courts which causes a lot of hardship and it is suggested that Atiyat Laws and Rules should be carefully examined with a view to Codification and clearance of all doubts as regards their enforcement.

130. As regards the compulsory resumption of petty Jagirs one of the Paigahs suggests resumption of petty Jagirs with an income upto Rs. 5,000 provided such Jagirdars agree, while a spokesman of the Estate of a premier Noble advocates resumption upto Rs. 50,000 with a generous compensation. But the majority of the Jagirdars are against any such resumption. The President of the Majlis Hissedaran suggests that the petty Jagirs instead of being resumed should be combined into district-wise or taluq-wise groups, administration expenses being apportioned among the Jagir Members of the group. A great majority of the official view is in favour of compulsory resumption of all petty Jagirs, though limits suggested vary between Rs. 1 lakh to Rs. 10,000. The Jagir Ryots Associations and some other non-officials advocating resumption of Jagirs, favour merger of all Jagirs under 5 lakhs into the Diwani administration.

131. There is a divergence of opinion in regard to the apportionment of the Jagir revenues. The general opinion presented to us favours distribution of income between Jagirdar and Hissedars on the one hand and administration expenses on the other on a 50:50 basis. Barring two Jagirdars, the great majority of the Jagirdars advocate the *Suls-Sulsan* principle while the majority of officers suggest 50% to be spent on administration leaving the balance for the Jagirdars personal expenses. But the non-official view as expressed by the Jagir Ryots Association and other Bodies recommends between 10 to 25% of the Jagir income to be apportioned by the Jagirdar.

132. In the matter of apportionment out of the Jagirdars' share between the holder on the one hand and the Hissedars on the other, while the Qabizeen (Holders) make a representation that their personal share should be enhanced to 33½% of the Jagir income, the co-sharers have pleaded for the curtailment of the special share which a holder now gets as Haq-e-Qabza in addition to his legal share.

133. As stated previously we visited some typical Jagir villages wherein we inspected the offices, the schools and dispensaries wherever these existed and elicited necessary information about the respective Estates from the Jagirdars and Jagir officers regarding the area, population, income and expenditure, the staff and their salaries, the medical, educational and

other facilities provided for the people, and the distance of the villages from the Jagir Headquarters. We have taken into account the impressions gathered by the Members during these tours, which have been of considerable help to us in understanding the problem before us and in giving us an idea of the condition of the Jagir administration, the position of the Jagir ryots and the difficulties of the Jagirdars.

134. In addition to these replies we have received a number of memorials, memoranda, schemes, etc., totalling about 18, from various individuals and bodies with varying interest, as Jagirdars, Hissedars or Jagir Ryots, some of these being in the nature of complaints or statement of grievances, were outside the purview of our enquiry and as such were left out of our consideration.

PART III

CHAPTER VIII

COMPULSORY RESUMPTION OF PETTY JAGIRS

135. The difficulties of management presented by the existence of small and scattered Jagirs require no explanation, when we realise that great changes have taken place in recent times. The political, economical and social conditions have complicated problems of the administration considerably. In contra-distinction to the growing needs of Jagir ryots, the resources of the petty Jagirdar have not increased proportionately, and therefore, (even leaving out the somewhat indolent, negligent and indifferent members of the Jagirdars class) the honest and conscientious Jagirdars are also unable to discharge these obligations towards the people, whether legal or moral.

136. *Management expenses heavy.*—We do realise that the profit derived from the management of the maashes is not commensurate with time, energy and attention required which the Jagirdars can otherwise employ with greater advantage and benefit to themselves. The worries of the holders grow as each succession adds to the number of Hissedars and Guzarayabs in a Maash.

137. *Effacement of Jagirs not the object of Government.*—We are impressed with the fact that it has been the constant desire of His Exalted Highness to do everything possible to help this important section of his subjects, viz., Jagirdars, to utilise their time, energies and opportunities in rendering such services to the State as a whole as befits their distinguished and traditional connection with the Government of the country.

138. *Resumption of petty Jagirs the best solution for the present evils.*—After considering the several aspects of the matter, we have come to the conclusion that, the only way to improve the general position of the Jagirdars and their present administration, is to resume petty Jagirs on a compensation basis. By the inclusion of the areas comprising such Jagirs in the Diwani administration, the general interest will also be served by bestowing on the ryots the benefits which the Diwani resources and organisation can afford, besides relieving the petty Jagirdars of the onerous responsibilities of maintaining a separate administration of their own.

139. *Resumption ensures a greater degree of uniformity.*—This measure would have the great advantage of bringing about uniformity out of diversity, and several of the evils or drawbacks

now prevailing in the administration, owing to the existence of small isolated and scattered Jagir villages, will be removed and the Dominions would be able to develop without hindrance a beneficent and progressive administration, wherein the several administrative activities and processes can apply equally to all subjects.

140. *Resumption limit.*—As regards resumption limits, we are faced with the greatest divergence of opinion. The limits suggested generally range between Rs. 5,000 and Rs. 1,00,000.

141. *Jagirs with annual income not exceeding Rs. 25,000 may be resumed by paying annuities.*—After a careful consideration of all aspects of Jagir administration with reference to the present needs, we recommend that all Jagirs the total income of which does not exceed Rs. 25,000, should be resumed compulsorily and cash maashes fixed in the form of annuities.

142. In regard to the compensation or the commutation amount that is to be paid to the Jagirdars whose Jagirs would be resumed according to this recommendation of ours, we consider, that it is a matter of detail not strictly coming within the purview of our recommendations and can be settled by the Government in the light of the circumstances created by the recommendations of the commission.

143. To ascertain the annual income of the Jagirs to be resumed, the average annual income shall be taken into consideration for such period as may be determined, having regard to the present practice obtaining in the Revenue Department, provided that, the war-time increase in the Abkari income during such period shall be ignored. We would, however, suggest that the cash maash should be paid directly from the Government Treasury by means of Wasiqas separately to the holders and co-sharers of the respective Jagirs.

144. *Arrangements regarding Abkari to continue.*—We would not, however, wish to interfere with the existing arrangements regarding the Abkari income, and therefore, suggest that Abkari shall not be taken into account in fixing the annuities, but the actual Abkari income from year to year shall continue to be paid to the Jagirdars by the Abkari Department as at present and provision shall be made in the Wasiqa for this. We consider that it is necessary to make this proposal of ours as much acceptable as possible to the Jagirdars and we would not like that there should be any change in the Law by which the grants are at present governed. Therefore, we recommend that the Atiyat Law applicable to these Jagirs shall apply to the cash maashes that may be fixed.

145. One of our colleagues Mr. Mohammad Beg suggested the grant of Patta of lands in favour of the Jagirdars and their dependants whose estates might be resumed, to the extent of 25 acres wet or 100 acres dry in each of the resumed villages provided that such unoccupied land is available. The other Members, however, did not agree.

146. Raja Someshwar Rao does not agree to the principle of compulsory resumption. In the event, however, of the Government finally deciding upon resumption of Jagirs, he would prescribe the limit of Rs. 15,000 annually. Jagirs with an income above this amount should, in his opinion, be given an opportunity of working and administering their estates, in accordance with the Jagir Revenue Recovery Regulation.

147. As regards the compensation, the Raja Saheb suggests that in the event of resumption being made compulsory, not more than 25% of the income should be deducted by way of all the deductions that the Government might make in computing compensation.

148. As regards Jagirs intended for religious service (Mazhabi Jagirs), after giving the matter the fullest consideration, we recommend, that our proposals regarding Resumption should not apply to such Jagirs, as, although we feel that the administration of such Jagirs is also in need of reform, yet, bearing in mind the religious sentiments of those concerned, we would leave it to Government to see that such grants are properly administered for the purpose for which they were made.

Raja Someshwar Rao's
dissent

Jagirs for religious
service to be exempted
from resumption

CHAPTER IX

REVENUE ADMINISTRATION OF JAGIRS

149. The most important responsibility of the Jagirdars is the administration of Revenue within their Jagirs. Except in the case of Jagirs under the Court of Wards, in almost all the Jagirs revenue collection is completely in the hands of the Jagirdars who appoint and maintain a staff of their own. But in a previous chapter, we have tried to show that the powers which the Jagirdars or their officers have been exercising in respect of land revenue collection, are not based on any legal sanction or authority. It is only very lately that the Jagirdars and the officers employed by them for revenue collection work have been given, by virtue of the Jagir Revenue Recovery Regulation, limited powers of revenue collection subject to the superior control of higher Diwani Officers. But, even then, the Government has power to exclude a Jagir in which Survey Settlement has not been introduced from the operation of this Regulation, if it is satisfied that the revenue realised is excessive.

150. Owing to the varying size and income of the Jagirs there is a wide disparity in regard to revenue administration, (whether in the standards of officers, or in the number of staff or in the salaries of the Jagir officials). This is true even of the Estates that are taken under Court of Wards. Government have, no doubt, in recent years, made several attempts to bring about some uniformity in Jagir revenue administration and bring it on a level with the Diwani, but as far as we see from the records, from the evidence of the witnesses and from the answers to the Questionnaire, not with very great success.

151. At present, generally speaking, there is no machinery in the Jagirs for the enforcement of certain laws promulgated by the Government since the internal administration is quite detached and uninfluenced by the Suba District or Tahsil administration. The Government has, no doubt, in view of the special circumstances, recently conferred some powers on officers of certain Jagirs, but as shown above these powers are quite limited and refer only to collection of revenue. Apart from such powers neither the Jagirdars nor the Jagir Officers possess powers in regard to the enforcement of any laws.

152. Although certain big Jagirs follow the same system as in Diwani, there are still several defects in the administration, which render it unsatisfactory. The following are some of the causes for this unsatisfactory state of affairs:—

Certain weaknesses in the Jagir administration

- (i) Scattered nature of the Jagirs.
- (ii) Competent officers not being selected.
- (iii) Payment of low salaries to the Jagir Officers.
- (iv) Non-transferrability of the Jagir Officers and staff.
- (v) Limited financial resources and improperly apportioned expenditure.
- (vi) Survey and Settlement not having been completed in several Jagirs.
- (vii) The absence of any regular supervision over Jagir officers.
- (viii) The non-residence of Jagirdars in the Jagir areas and their not keeping close contact with the ryots by regular tours in their Jagirs.

153. We have considered each one of the above defects and have come to the conclusion that some way must be found to remedy them as far as possible, irrespective of the fact that some vested interests might be affected.

Individual interests to be held sub-servient to the larger interests of the State

154. On more than one occasion, His Exalted Highness the Nizam has declared that the subjects residing in the Jagirs are as much the subjects of His Exalted Highness as are those residing in the Khalsa area.

Subjects residing in Jagirs

155. From this, it logically follows that there should be some uniformity in the administration of the Dominions as a whole, even though there may be some difference in the internal management of the several component parts of the State which must be interrelated with each other and yet be co-ordinated to the Central administration.

Jagirs to be interlinked and correlated to the Central Govt.

156. In this connection we may refer to the Submission Note proposing the appointment of this commission in which the following observations were made:

Our two guiding principles levelling up administration and continuance of Jagir classes

“The spirit behind the proposed Royal Commission of Enquiry and its objective are to investigate the existing system of administration

in Jagirs with a view to recommending steps for its improvement in order to bring Jagir administration into line with modern developments within the State so as to ensure the continuance of the Jagirdar class as an important and integral section of the community and enable them and the people residing within their Jagirs to achieve the same measure of advancement as that enjoyed by other subjects of the Ruler."

The passage quoted envisages the two principles for our guidance.

- (i) Levelling up the Jagir administration to that of Diwani.
- (ii) Continuance of the Jagirdar class as an integral section of the community.

Our aim, therefore, has been to see that such improvements are introduced in the administration of the Jagirs, as would ensure uniformity and bring it to the level of Diwani administration, without divorcing the Jagir interests from the general interests of the State.

157. With the object of securing uniformity in the administration of Jagirs and removing defects pointed out, we consider that for the purpose of changes recommended, Jagirs, except those recommended to be resumed, might be classified into three heads:—

The threefold classification of Jagirs

- (1) Seventeen Mustasna or exempted Jagirs specified in the Appendix hereunto attached.
- (2) Jagirs the annual income of which exceeds Rs. 1 lakh but which are not Mustasna Jagirs.
- (3) Jagirs the annual income of which exceeds Rs. 25,000 but is not above Rs. 1 lakh.

For determining the annual income of a Jagir to find out under which of the categories it would fall the same method should be adopted as is followed in the case of Jagirs to be resumed according to our recommendations in the previous chapter.

158. The first category of Jagirdars, *viz.*, the exempted ones should, in our view, be given complete Revenue powers. They should appoint such revenue officers as they are bound to, as at present, under the Jagir Revenue Recovery Regulation of 1355 F. Their salaries and qualifications should, however, be fixed according to the proposals we have specified hereinafter:—

Administration in the Mustasna or exempted Jagirs

- (i) We are of the opinion that for certain responsible posts like those of a Taluqdar or of a Nazim-e-Mal, it would be desirable to obtain services of officers on loan from Government. It would also be desirable that some provision should be made for transfer of officers from one Jagir to another, of course, with mutual agreement.
- (ii) The Jagir officers may be invested with all powers as the Diwani Officers now exercise, under the various Acts including the Land Revenue Act, Asami Shikmi Act, Land Alienation Prevention Act, Bhagela Act and Money Lenders Act.
- (iii) We also recommend that provision should be made for Appeals and Revisions from the orders of the highest Jagir Officers who exercise the above said powers, to the Diwani Officer higher in rank. In case the Jagirdar himself exercises any such powers, being qualified to do so under the recommendations we have made in regard thereto, appeal from his orders will likewise lie to the Diwani Officer higher in rank, provided however, in the case of Umra-i-Uzzam where they personally exercise these powers the appeal shall lie only to the Revenue Board.

In the two Paigahs of Sir Vicar-ul-Umra and Khurshid Jah we understand that appeals and revisions from the Paigah Committees are heard by the Sadr-ul-Maham Paigahs, and in the case of Asman Jahi Paigah, such appeals are heard by the Amir himself.

In view of the special position of the Paigahs, we recommend that such appeals should, in future, lie to the Amir-e-Paigah or Sadr-ul-Maham Paigah as the case may be, associated with a Member of the Board of Revenue.

- (iv) In all these exempted Jagirs, excepting the Paigahs, the Director-General of Revenue should have the power to inspect the work of all Jagir Officers.

159. (a) Jagirdars coming within the second class mentioned above should compulsorily appoint a Tahsil-
Administration in Ghair Mustasna Jagirs with income over Rs. 1 lakh
dar and shall have the option to appoint a Second Talukdar subject to the qualifications and salaries fixed for the respective officers in the paragraph appearing below:

(b) The Tahsildar and Second Talukdar so appointed shall exercise all powers which the corresponding Diwani Revenue officers exercise under the Land Revenue Act provided that these Jagir officers in exercise of such powers would be under the control of the First Taluqdar of Diwani.

(c) The Jagirdar may himself exercise the powers of a Second Taluqdar if he so chooses, subject to the control of the First Taluqdar of Diwani as specified above.

(d) As regards appeals and revisions from the orders of the First Taluqdar of Diwani, the provisions of the Land Revenue Act shall apply.

160. For both the kinds of Jagirs referred to above we recommend the following scales of pay for the respective revenue officers that might be required to be appointed, their qualifications being the same as in the Diwani except in the case of Jagir Officers who might be taken on a deputation from the Diwani or who might be retired officers of the Diwani.

Scales of pay and qualifications of Officers in Jagirs of the above two categories

Naib Tahsildar	..	..	Rs. 75-5/1-125
Tahsildar	..	..	„ 150-10/1-250
Second Taluqdar	..	..	„ 250-15/1-400
1st Taluqdar	..	..	„ 500-30/1-800
Nazim Mal	..	..	„ 900-50/1-1,200

The salaries of the subordinate staff shall be proportionately raised to secure efficient service.

161. We find that among the Jagirdars there are many who are educated and enlightened. We do not want to deprive them of the opportunity of personally looking to the administration of their Jagirs. In all suitable cases, therefore, the Jagirdars should be allowed to exercise any of the above powers according to the category of the Jagirs to which they belong. This would not only give some sort of encouragement and proper pursuit to the energetic young and talented Jagirdars, who might otherwise idle away their time and waste their energies, but would also bring about personal contact between themselves and the Jagir tenantry. But, in view of the onerous nature of the duties under the new administration, some minimum standard of education and qualifications is absolutely essential and, therefore, we recommend, that the Jagirdars belonging to any of

Provision made for Jagirdars personally exercising certain powers

the above two categories, who might choose to exercise personally the powers of any of the above officers mentioned in the previous pages, must have at least passed either the Intermediate or an equivalent examination as also the Revenue Officers Test, provided that, no Jagirdar can assume the position and powers of a Nazim without obtaining the approval of Government.

One of our Members, Raja Someshwar Rao considers that the qualification proposed is too high and he would, therefore, suggest a Matric qualification for such Jagirdars.

162. In our opinion, for efficient Land Revenue administration, the minimum unit should be a Jagir with an annual income of Rs. 1 lakh. We have examined several budgets of the Jagirs now under the supervision of the Court of Wards and found that it is not possible for a Jagir, which has an income of less than Rs. 1 lakh, to have a separate efficient Revenue administration as such. We understand that the so-called 'Tahsildars' of Jagirs receive a salary ranging from Rs. 30 upwards. We do realise that the amount of work which the Tahsildar of a Jagir with 2 or 3 villages will be far less than the work of a Tahsildar employed in any of the bigger Jagirs which may have more than hundred villages, but that is not the only consideration. An ill-paid Tahsildar is a nuisance to the Jagir ryots and a cause for discredit to the Jagirdar. This difference in salary leads to another difficulty, viz., the non-transferability of Jagir Officers. In making the proposal which follows, our object is to introduce, as far as possible, uniformity and efficiency in the Revenue administration of such Jagirs.

163. With a view to solve all these difficulties we suggest that the land revenue administration of these Jagirs the income of which ranges between Rs. 25,000 and Rs. 1 lakh, should be managed by the Government on behalf of the Jagirdars concerned. The Diwani Tahsildar in whose jurisdiction such villages are situated, will exercise all powers of Revenue administration in respect of such Jagirs as in Diwani. After deducting a portion of the income towards the administration charges as specified in our chapter on financial adjustments, the Government may pay over to the respective Jagirdars the balance of the revenue derived from such Jagirs. We would, however, make it clear that this does not mean resumption. The Government should also make arrangements for ensuring direct payments from the Government Treasury to all recognised Hissedars. Separate accounts relating to the Jagir villages should be maintained

Administrative unit for independent Revenue administration

Administration of Jagirs with income Rs. 1 lakh or below to be different from that of the two others

Delegation of administration to Govt.

by the concerned Diwani Tahsil Office. The Jagirdar, after previous intimation to the Diwani Tahsildar in whose jurisdiction the villages lie, may visit his Jagir and inspect the accounts. We further recommend that such Jagirdars if the majority of the Hissedars agree, might be allowed the option to request the Government to resume their Jagirs, and in such a case, the Jagirs shall be resumed under the same conditions and on the same terms as proposed in regard to the 4th category of Jagirs with income not exceeding Rs. 25,000.

164. This system of delegated administration by Diwani should, in our opinion, be extended also to such scattered Jagir villages as are more than 50 miles distant from the Tahsil Headquarters of the Jagir, even though the income of the Jagir exceeds Rs. 1 lakh provided that such villages are within 50 miles of a Diwani Tahsil Headquarters.

Scattered Jagir villages to be governed similarly

Paigah villages and Mazhabi Jagirs exempted from this system of administration

165. This principle should not apply to the scattered villages of Paigahs which are now in the process of consolidation. Our recommendation regarding taking over of Land Revenue Administration of Jagirs by Diwani mentioned in the above paragraphs would not apply to Jagirs granted for religious service for reasons already explained in the chapter on Resumption of Petty Jagirs.

166. Raja Someshwar Rao is against the principle of Government resuming the management of land revenue administration as recommended above and considers that the provisions of the Jagir Revenue Recovery Regulation should govern the administration of such Jagirs.

Mr. Abdul Hamid Khan and Raja Someshwar Rao against the system of administration

167. Mr. Abdul Hamid Khan is also opposed to the principle of such delegated administration and considers that the very object of Government in including Land Revenue in the Terms of Reference was, in his opinion, to recognise some of the Revenue Administration powers which the Jagirdars are at present exercising within or outside the Jagir Revenue Recovery Regulation.

In regard to the scattered villages Mr. Abdul Hamid Khan thinks that in case consolidation is impossible or impracticable it would be advisable to resume such villages on payment of cash maash instead of the Diwani administering such villages.

168. As regards Survey and Settlement, the present position is that all such expenses are defrayed by the Jagirdars and the ryots in equal proportion. The question that arises is whether there is any justification for asking the Jagir ryots to share in the cost of Survey Settlement when in the Diwani *Ilaqa* the entire cost is borne by Government and the ryots pay no contribution.

After carefully going through the evidence given by the Jagirdars, officials and non-officials we are of opinion that whatever may be the historical justification for imposing this burden on the Jagir ryots, in future, all such charges should be fully borne by the Jagirdars and no portion of it should be recovered from the Jagir ryots.

169. Similarly we recommend that there should be no discrimination between Jagir and Diwani ryots in respect of remission and suspension of land revenue and the scales prevailing in the Diwani in this regard should be applied without exception in all Jagirs, including lands under well-irrigation.

CHAPTER X

POLICE AND JUDICIARY

170. Police administration in the Jagirs has been engaging the attention of the Government for the last twenty years.

Before we examine the question of taking over the Police Administration in Jagirs, it would be proper to give a *resume* of the present position.

171. The Jagirs, with regard to Police powers may be divided into the following 4 classes:—

Class A.—Twenty-three Jagirs enumerated below enjoy complete Police powers subject to certain supervisory powers by the Diwani Police as sanctioned in 42 F. These later have been incorporated in the District Police Manual. According to these (1) Paigah, Jagir and Samasthan Police can be inspected by the Deputy Director-General of Police; (2) The District Police is to be kept informed of any important communal or political developments likely to lead to a breach of peace and can take complete charge of the situation in case of breach of peace; (3) The District Police can supervise the investigation of heinous offences committed in Jagir jurisdictions and if necessary, take it entirely in its own hands.

- (1) Nb. Moin-ud-Dowlah's Paigah.
- (2) Nb. Salar Jung's Jagir.
- (3) The late Maharaja Bahadur's Jagir.
- (4) Raja Shivaraj Dharamvant's Jagir.
- (5) Gadwal Samasthan.
- (6) Raja Rai Rayan's Jagir.
- (7) Nb. Faqr-ul-Mulk's Jagir.
- (8) Nb. Khan Khanan's Jagir.
- (9) Jatprole Samasthan.
- (10) Tandur Jagir (Nb. Mehdi Jung).
- (11) Amarchinta Samasthan.
- (12) Kalyani Jagir (Nb. Jamaluddin Hussain Khan).
- (13) Timurni Jagir (Nb. Dost Mohd. Khan).
- (14) Bhom Jagir (Raja Rao Rambha).
- (15) Gurgunta Samasthan.

- (16) Nb. Shaukat Jung's Jagir.
- (17) Ghatnandura Jagir (Nb. Ali Yar Jung).
- (18) Gopalpet Samasthan.
- (19) Anegundi Samasthan.
- (20) Raja Vinayak Rao's Jagir.
- (21) Nb. Farkunda Nawaz Jung's Jagir.
- (22) Roza Buzurg Jagir (Gulbarga).
- (23) Rajapet Samasthan.

172. *Class B.*—The two Paigahs of Nb. Sultan-ul-Mulk and Nb. Lutf-ud-Dowla. The Police of the former was amalgamated with the Diwani Police in compliance with H. E. H.'s Firman-i-Mubarak, dated 5th Shaban, 1347 H. 17-1-1929 and of the latter in obedience to the one dated 20-2-1938 A.D. These nominally belong to the Paigahs, wear a slightly different uniform and have a different scale of salaries. For practical purposes they are part of the Diwani Police. Each Paigah pays an annual contribution of Rs. 65,000 towards maintenance. The actual cost is considerably more. The extra amount is met from the District Police Budget.

In addition to the above, the Jagir Police of Mukkaram-ud-Dowla and of Nb. Kutub Ali Khan was voluntarily handed over and lastly the Police of the undermentioned ten Jagirs was also amalgamated with the Diwani owing to mismanagement:—

- (1) Nb. Mir Suleman Khan's Jagir (Borgaon, Aurangabad District).
- (2) Nb. Mir Ahmed Ali Khan's Jagir.
- (3) Nb. Mushir Jung Bahadur's Jagir.
- (4) Nb. Saif Nawaz Jung (Nb. Shamshir Nawaz Jung) Bahadur's Jagir.
- (5) Kutub-un-Nisa Begam's Jagir.
- (6) Gangakhed Jagir.
- (7) Nb. Ali Mohd. Khan's Jagir.
- (8) Matala Jagir.
- (9) Raimoha Jagir.
- (10) Nb. Bark-ud-Dowla's Jagir.

173. *Class C.*—Paloncha Samasthan and Chitapur Jagir. These are under the Court of Wards and the Police, though under the Director-General of Police control for the time being, are paid from the Court of Ward's Budget.

174. *Class D.*—Wanparti Samasthan and Nawab Bahram-ud-Dowla's Jagir. In the former Estate which has been restored to the Rajah recently under instructions from Government, the

control of Police is still under the Director-General of Police. The cost is borne by the Estate. The latter is kept under the same control for disciplinary purposes and the cost is borne by the Estate.

175. As regards future relations, the Zoolcader Jung-Armstrong Committee which was appointed by Government in 1934, had recommended, that all villages belonging to exempted Jagirs over twenty miles distance from Jagir police station should be absorbed in the Diwani Police jurisdiction and that no Jagirs with less than 30 villages should be permitted to maintain any Police force at all.

176. The question of amalgamation of Jagir Police was again examined in 1938 by Mr. Hollins, who in consultation with the Hon'ble Police Member submitted a fresh scheme. According to this new scheme, no Jagirs with an income of less than two lakhs would be permitted to maintain any police force. Larger Jagirs might retain their police force on condition that Jagirs of over two lakhs possessing the right to maintain a District Judge, should employ an Assistant Superintendent of Police and that Jagirs of over 5 lakhs, having a right of maintaining a Sessions Judge should employ a District Superintendent of Police. A standard scale of pay for officers and men was also suggested, and a list of powers and duties of the Director-General of Police giving a greater measure of control over the Police in Jagirs was also drawn up.

177. Subsequently a revised scheme was prepared by Mr. Crofton, the Acting Police Member, in his note dated 27-4-1348 F. The then President, also emphatically agreed with this note which in brief advocates the total abolition of all Jagir Police and if any concession is to be made, it lays down that only Jagirs of over 5 lakhs income may be allowed to retain their police. The Executive Council did not agree with the proposals of Mr. Crofton and held that in the prevailing circumstances, it was advisable to take gradual steps for reforming the Paigah and Jagir Police. At the same time it recommended that the Director-General of Police and his deputies should be authorised to inspect the Jagir Police and communicate their views and recommendations to the Jagirdars who will be responsible for taking action on these recommendations. An Arzdasht was submitted on 4-9-1349 F. and a Firman-e-Mubarak was received in which His Exalted Highness commanded "In view of the present circumstances, the question may be held pending and action may be taken as proposed by the Council for the inspection of Jagir Police. At the same time, we will have to keep an eye on the development in future, owing to which changes in the past arrangements may be necessary."

178. Both the questions of amalgamation of outlying villages of the Paigah and Jagirs, as also the question of introducing the revised scheme, which gave more control to the Director-General of Police were postponed indefinitely. The then Director-General of Police (Mr. Taylor) was of opinion that these schemes did not go far enough and suggested total amalgamation of all Jagir, Paigah and Samasthan Police with the Diwani Police administration and that this *ipso facto* should be accomplished by the transfer of Criminal Jurisdiction to the Diwani.

179. The matter was finally put up before the Executive Council in the form of a Guzarish which after stating the existing position drew the attention of the Government to the importance of deciding the principle leaving details to be worked out later on. The following remarks of the Home Secretariat are worthy of consideration:—

“Times are changing rapidly. The political and constitutional changes contemplated here and in British India imperatively demand that our Police administration is thoroughly reformed as early as possible. The existence of so many islands where ill-paid and untrained police is entrusted with the duty of looking after the lives and property of the people, would be considered a blot on State administration. For the good name of the State vested interests and sentimental considerations should be brushed aside without any ceremony. If this major question is settled first by Government the minor questions like the financial implications of the arrangements, if these are decided upon, could be dealt with easily.”

180. The Hon'ble Member in charge of the Department regarded this “as of inescapable and vital urgency.” There cannot be two jurisdictions in any area in so vital a matter as Police jurisdiction. Jagirs do not pay their Police adequately and cannot afford to do so. His Exalted Highness's *writ* must run throughout his Dominions. Complaints against Police are constant and justified.

181. On this the Executive Council resolved that the suggestion of the Department regarding arrangements for Jagir Police be submitted to His Exalted Highness for sanction of the principle so that details regarding financial implications can be worked out thereafter.

182. On this Resolution being submitted to His Exalted Highness through an Arzdasht, His Exalted Highness was pleased to command as follows through a Firman-e-Mubarak, dated the 22nd Safar 1366 H.:—

“The proposals of the Department in regard to arrangements of Jagir Police are sanctioned in principle in accordance with the opinion of the Council. After the details are presented a final order will be passed.”

183. The Commission had the advantage of perusing the considered opinions of several officers of the Police Department as well as the replies to the Questionnaire and the evidence of several witnesses in regard to the Jagir Police.

184. Public opinion as elicited by us either through the oral evidence or through Answers to the Questionnaire is preponderantly in favour of Government administration. Even some Jagirdars have favoured Government administration. Almost all the Taluqdars and heads of Departments, who have expressed their opinion, have suggested that Law and Order should be a responsibility of the State. One of the official witnesses has stated emphatically, “so far as Police and Judiciary are concerned, I cannot reconcile myself to these being administered by the Jagirdars. They must be entirely under the Government. It is no responsibility of the Jagirdar to discharge these functions. The Government must administer these under Government supervision and through Government agency. Otherwise it is impossible to infuse in the people any confidence in the administration.” Another witness, also a responsible officer and head of a Department, stated that the “Jagirdars might not relish this (taking away Police and Judiciary powers) but it cannot be helped if the welfare of the Jagir ryots has to be looked to, since bad administration of justice is to a large extent, responsible for the existing discontent and dissatisfaction”. Another witness a Jagirdar, stated that he would never consider abolition of these powers as derogatory to his prestige. In this connection a statement of the Reilly Commission may be cited.

“It has been urged before us that the Paigah Amirs will feel it an indignity to be deprived of their Police Forces, especially as some other Jagirdars in the State maintain their own Police. The circumstances of those Jagirdars are not before us, and there may be special reasons which justify their retention of their own Police or make it less undesirable than the retention of the Paigah Police. The Paigah grantees could certainly not make out a grievance, if their Paigah Police were abolished. Throughout the proceedings before us they have repeated that they base their title and take their stand on the Sanad of 1253 H. and on that alone. That Sanad gives them no right to maintain a Police Force.”

185. A Firman already having been received sanctioning the principle that all Jagir Police should be absorbed in the Diwani

which alone shall be responsible for Police arrangements throughout the Dominions, it was not really necessary for the Commission to go into this matter but since "Police" has been specifically included as a subject in the Terms of Reference, we have considered the question and made our recommendations to give practical effect to the proposal.

186. *Judiciary*.—What applies to the Police applies equally to the Judiciary in the Jagirs. There are at present several Jagirs with varying powers of judiciary from a Munsiff with magisterial powers to a Sessions Judge as in Mustasna Jagirs. In several of these Jagirs we find that the Jagir Tahsildar or Taluqdar exercises revenue-cum-judicial powers, *albeit* with the approval of Government. This we would consider a retrograde step since the Government had separated the judiciary from the executive a long time back.

187. The High Court has got powers of supervision over the Courts in Jagirs and the officers selected by the Jagirdars have to be appointed after approval by the High Court. The salaries of these officers, although fixed by the High Court, are considerably lower than those of the corresponding Diwani officers.

188. The most important thing is their non-transferability. Favouritism to some individuals, allegiance to the Jagirdar by whom he is appointed, influences of the Jagirdar and members of his family, these and several others come in the way of independent administration of Law and fair and equitable dispensation of justice.

189. We have carefully considered the question of taking over of Judiciary after giving full weight to the evidence of witnesses examined and also answers to our Questionnaire. The majority of the official witnesses and those Jagirdars who are in favour of taking over the Police, are likewise in favour of taking over the Judiciary. There are, however, some Jagirdars who have long enjoyed the privileges and who are unwilling to part with it. The Commission taking the whole subject into consideration and the urgent necessity of reforming the administration of Justice in the whole Dominions are convinced that Law and Order being allied and interdependent, mere transfer of the Police would be only a partial reform unless the Judiciary was also transferred with it to the Diwani. Both must remain the primary functions of the State and cannot be allowed, under the present conditions of the country, to be administered through delegated authority, in view of the needs of modern administration, without detriment to the general welfare and contentment of the subjects of His Exalted Highness living in the Jagir areas.

190. We have here to mention that two of our Members have disagreed to the proposal of complete taking over of Judicial and Police powers. Raja Someshwar Rao's views will be found in his Minute of dissent. Mr. Abdul Hamid Khan did not agree to the Judiciary being completely taken over. He was of the opinion that if consolidation could be achieved and if after such consolidation, the area of a Jagir approximates to that of a Diwani Taluka, the Jagirdar may be allowed to appoint officers not above Sub-Inspectors and First Class Magistrates with salaries equal to those of Diwani Officers the Officers being transferable. These, however, shall be subject to the supervision of the District Officers of the Diwani. Where, however, consolidation is not possible he considered that Police and Judiciary should be entirely taken over by Government.

CHAPTER XI

ADMINISTRATION OF NATION-BUILDING DEPARTMENTS AND OTHER WELFARE ACTIVITIES

191. Having dealt with administration of Revenue, Judiciary and Police, we now turn our attention to the other departments of administration and Public Welfare activities in the Jagirs mentioned in Item No. 4 of the Terms of Reference.

192. We have had occasions of going through the notes submitted by the departments concerned to the Post-War Planning Committee. We find from these reports that in spite of Government having taken several steps to ameliorate the conditions of Jagir ryots, they are unable to do anything in the present circumstances to level up the condition of the Jagir subjects to that of the Diwani. There are various fields like Education, Public Health, Water-Supply, Veterinary, Agriculture, etc., which are vital to the welfare of the Jagir ryots, regarding which the position is extremely indefinite and often unsatisfactory. It is with these nation-building activities for which there is no provision in the large majority of Jagirs that we are now concerned. It has been the considered opinion of the Revenue Department that "Public Instruction, Public Health, Water-Supply in the villages with a population of less than 5,000 (other than towns), Agriculture, Veterinary and Rural Debt Relief are the subjects which should be administered directly by Diwani," as already stated in the Extract III made in Section 3, Chapter II.

193. The serious drawbacks of the present position in which Government has no direct control over Jagirs in respect of welfare activities, are most apparent and marked in the case of Public Health. Owing to the complete absence of any kind of organisation for public health in non-Diwani Ilaqas and the lack of control measures during outbreaks of epidemic diseases, these areas constitute a perennial source of danger to the whole State. Outbreaks of epidemics in these Ilaqas when uncontrolled not only lead to widespread infection in Jagirs themselves, but spread even to the

adjacent Diwani villages and take a very heavy toll of life. We are informed that not only the Jagirs concerned do not take proper and adequate measures for relief, of which there are instances on record but they do not even relish the idea of Diwani officers visiting their Jagir and taking proper relief measures. Such lack of co-operation is an additional ground for the Government taking over the responsibility of public health in the Jagir areas from them. We have referred only to the Public Health and Medical Department at some great length because this is one of the fundamentals of good administration and deserves immediate attention of the Government.

194. In regard to the Veterinary Department we understand
 Veterinary and Agriculture that in most of the Jagirs, there are no arrangements at all for providing relief to the Jagir cattle and prevention of cattle diseases.

Similarly, we are informed that no adequate arrangement exists for providing facilities for improvement of Agriculture in Jagir areas in various respects.

195. The Government have a big scheme for mass literacy and expansion of education in the State as a whole and have provided more than 2½ crores a year for education purposes. In a previous chapter giving a summary of various Jagir problems discussed, we have quoted from the reports of the two Directors of Public Instruction and of Mr. Mayhew, the Educational Adviser, on the backwardness of education in the Jagirs. So long as the number of schools in the Jagirs is not increased and every well populated place in Jagir Ilaqa is not provided with decent schools, these areas will continue to remain educationally backward and the State as a whole will be handicapped in its efforts to keep pace with educational progress in other parts of India. When we make the above remarks, we are not unaware of the fact that some Jagirs and Samasthans provide good facilities for education. But these are very rare. It would be for the Education Department to consider whether these institutions should be continued in future as aided schools or taken over entirely by Government.

196. In regard to Water-Supply, we find that no concerted or adequate measures have been taken
 Water-Supply either by the Diwani or by the Jagirs for providing facilities for drinking water in Jagir villages. The activities of the Well Sinking Department have never extended beyond the Diwani boundaries. This is a measure just as important as the Public Health of the villages and requires immediate attention.

197. The Department of Co-operation also demands immediate attention of Government. Marketing should also be developed along with Co-operation and all facilities for marketing should be provided for by Government, in that behalf.

198. As regards Roads, excepting village roads, the responsibility for their construction and maintenance should rest entirely with the Government. Owing to the inadequate communications between Diwani and Jagir areas, the economic development of these tracts is seriously hampered.

199. Although it is a fact that some Paigahs and big Jagirs have constituted Reserve Fund out of their revenues for famine purposes, we consider that such provision or arrangement cannot be sufficient when famine measures are called for on an extensive scale, and as such we consider, that Famine Relief should be undertaken as Government responsibility in Jagirs.

200. So far as Local Government is concerned, we learn that the Municipal and Local Boards' A'ins have been enforced only recently in Jagirs and in some places the Boards have not yet been constituted. The provision made in the A'ins is quite satisfactory and we think no changes need be made.

201. In framing our recommendations in the above paragraphs, we have duly considered the opinion of the witnesses examined by us, as well as the answers to the questionnaires, an abstract of which is given in Chapter VII.

202. To summarise our proposals, we recommend that the administration of the following nation-building Departments and other welfare activities should be entirely taken over by Government.

- (i) Famine Relief.
- (ii) Water Supply.
- (iii) Veterinary.
- (iv) Agriculture.
- (v) Co-operation.
- (vi) Marketing.
- (vii) Roads (excepting village roads).
- (viii) Supply.
- (ix) Education, Medical Relief and Public Health

203. In the Chapter on financial adjustments the principles on which the different rates of contribution for different classes of Jagirs have been recommended by us are explained. The considerations which have enabled us to arrive at the above scales of contribution for the different categories of Jagirs are deemed to be fair and equitable, taking into account their present financial position.

204. In conclusion, we would like to make a passing reference to Forests in Jagirs. Although these are not mentioned in the Terms of Reference, Forests are national assets of great value to any country. If they are well managed, their benefit is immense; if not managed, or mismanaged, as they are said to be, according to a report of the Inspector-General of Forests, they can do immense damage to the State. It is, therefore, the duty of the State to protect this source of national wealth in Jagir areas in such manner as it deems fit. In addition to the above, we should like to mention the responsibility as regards construction of irrigation works in Jagir areas which will affect beneficially food production. But this is a matter like the forests, which has not been referred to us for opinion. Both these matters would seem to the Commission, under the present conditions, to require thorough examination.

Forests and
Irrigation

CHAPTER XII

JAMIAT JAGIRS

205. The question of Jamiat Jagirs or Military Jagirs has been engaging the attention of the Government for more than a quarter of a century. There are at present, we understand, about fifteen Jagirs of this type besides the three Paigahs. We have considered the question of armed forces separately, framed a separate Questionnaire (*vide* Appendix VI) regarding these and issued it to Jagirdars who, from the information available from the Atiyat Department, are holding Jamiat Jagirs.

206. Most of the Jagirdars from whom we received replies deny that their Jagirs were granted as conditional Jagirs making military service a condition precedent for holding the Jagirs, and assert that the military which they maintained and for which the grants were made, were intended for the maintenance of the state and dignity of the grantees themselves who had rendered invaluable services to the Ruler.

207. Before we come to any conclusion regarding the position of these armed forces and the desirability or otherwise of their continuance, we give below a summary of the investigation and action taken by Government in this behalf.

208. From the time of Sir George Casson Walker, the then Finance Minister, the proposal before the Government has been to relieve the Paigahs and certain other Jamiat Jagirs from the condition of military service and to resume the Jamiat Jagirs and to levy a reasonable amount of Haq-e-Malikana in lieu thereof. The matter was discussed and on a resolution of the Council against resumption having been submitted, His Exalted Highness was pleased to Command by a Firman-e-Mubarak dated 10th Shawal 1341 H., that the *status quo ante* should remain in accordance with the opinion of the Council but that the matter should not be deemed to have been closed.

209. We may here also mention in passing that the Glancy Commission also recommended the Paigahs being relieved of the responsibility of maintaining troops. They stated in their report that if the Paigah troops were not maintained or were not required to be maintained the amount so saved by the grantees must be paid to the Nizam.

210. In regard to the other Jamiat Jagirs also, much spade work was being done by the Revenue Department. Mr. Wakefield

and Sir Reginald Glancy recommended that the Jamiat Jagirs should all be relieved of the burden of military service and 20% of their income might be taken by Government for dispensing with the condition of military service and the Jagirs might be granted as *Zat* Jagirs.

211. The question of the Paigah military forces again came up in 1927 before the Reilly Commission. That Commission considered at great length the question whether the Paigahs were granted in lieu of military service and came to the following conclusions:—

- (i) That the expression Paigah meant cavalry and not merely dignity of the family referring to the privilege of the high dignitary (the Paigah holder) of sitting at the feet of the Sovereign at the darbar as contended on behalf of the Paigah holders.
- (ii) That the words "Jagirat-e-Paigah" of the last Sanad, *i.e.*, of 1253 H. which however, does not specifically refer to the maintenance of the troops, were ambiguous no doubt, but in view of the terms used, *viz.*, "Ba-unwane Jagirat-e-Paigah" under the title or caption of "Paigah Jagirs" as contra-distinguished from *Zat* Jagirs some of which are also granted by the same Sanad, the Sanads partly at least referred to the condition of maintaining troops, that this conclusion of theirs was supported by the circumstantial evidence.
- (iii) That although Shams-ul-Umra the holder of the Paigah at the time, had matrimonial relations with the Royal family and was held in high esteem and treated as more than a mere military chieftain entrusted with the task of supplying troops, and the Ruler intended by the grants under the Sanad of 1253 H., to provide for the dignity and state of his son-in-law and the maintenance of his family by making the grant perpetual going from generation to generation, the Commission was of the opinion that the grantee was not exonerated from the obligation of maintaining the troops and as a matter of fact, this was not one of the exemptions that the Shams-ul-Umra prayed for from the Ruler.

The Commission, therefore, came to the conclusion that the Paigahs were under an obligation to maintain troops and they recommended that, in view of the inefficient condition of the troops, and the advisability of the State alone maintaining armed troops, the Paigah troops may be abolished and in lieu of their

military services being dispensed with, the three Paigahs may pay annually a sum of Rs. 13 lakhs (Asman Jahi and Khurshid Jahi Paigahs Rs. 5 lakhs each, and Vicar-ul-Umra Paigah Rs. 3 lakhs).

212. When this report was submitted to His Exalted Highness he called for the opinion of the Executive Council. The Executive Council passed the following Resolution:—

“The expediency of maintaining or disbanding the Paigah forces can be settled later on, in accordance with the wishes of His Exalted Highness but the Council agree to the recommendation of the Commission to the extent of cash compensation.”

213. This was embodied in an Arzdasht dated the 6th Jamadi II 1347 H. upon which His Exalted Highness issued a gracious Firman dated the 5th Shaban 1347 H. (17-1-1929). The two paras of the Firman relating to this question are as follows:—

Order II, Para 1.—“The military forces of the three Paigahs are confirmed as at present, subject to the same proviso under which His Late Highness and myself have confirmed the troops of the majority of Jagirs, viz., that it shall be incumbent on all the three Paigahs to comply unquestioningly with any general decision that may be arrived at hereafter regarding the military forces of all the Jagirs in these Dominions. Pending such general decision, the annual expenditure on the Jamiat of each Paigah of Asman Jah, Khurshid Jah and Vikar-ul-Umra may be gradually reduced by one lakh in a suitable manner. The reduction should be from the standard of the average expenditure of the last five years. The money saved by such gradual reduction may be used for administrative expenses of each Paigah.”

Order II, Para 9.—“Regarding the view submitted by the Reilly Commission about the abolition of Paigah Troops and payment of cash compensation, the final settlement of the question is postponed in accordance with the opinion of the Executive Council, for, in addition to the legal question of the correct interpretation of the Sanads, it involves practical obstacles concerning the hereditary rights of the Jamiat, and further technical difficulties will also arise from the accounts point of view in working out the correct net income.”

214. Subsequently in connection with the Jamiat Jagir of late Mohd. Anwar Khan, the Revenue Department prepared a comprehensive note on the Jamiat Jagirs including the Paigahs. This was after the Firman of His Exalted Highness on the Reilly Commission Report. When Mr. R. M. Crofton was acting as Revenue Member he prepared a note on the subject and opined

that effect should be given to the recommendations of Mr. Wakefield and Sir Reginald Glancy and that the question should be taken up in right earnest.

215. Finally, after considering all aspects of the problem, and after thoroughly discussing the merits and demerits of the question a lengthy Resolution was passed by the Executive Council on 27-1-1349 F. Therein it was suggested that the Paigahs and other Jagirat be relieved of the responsibilities of maintaining troops and that cash contribution in lieu thereof be recovered from them. It was also recommended that the opinions of the Paigahs can be obtained in the matter.

216. An Arzdasht dated 26th Zikada 1358 H. was submitted which elicited the Farman-e-Mubarak dated 28th Zilhaj 1358 H. which reads as follows:—

“As recommended by the Executive Council, the opinions of the Ameers of Paigahs and those of the present holders of Jamiat Jagirs in respect of proposals mentioned in the Arzdasht be obtained within a month and final proposals submitted so that a suitable order will be passed on the subject.”

217. Accordingly, while the Paigahs were separately addressed, the other holders of Jamiat Jagirs were asked to express their views, through Revenue Department letter No. 723 dated 10-6-1349 F. which *inter alia* stated as follows:—

“Over 25 years ago the late Sir Reginald Glancy had submitted his opinion that Government should settle the question (of the future status of Jamiat Jagirs) once and for all by levying a Government share on these Jagirs and by exempting them from the obligation of the maintenance of the Jamiat. Sir Reginald Glancy's proposal was that 20% should be recovered from the Jamiat Jagirs and they be converted into *Zat* Jagirs. Now, after considering the present position, the Executive Council with a view also to protect and preserve the interests of the Jagirdars themselves, has submitted an Arzdasht to His Exalted Highness that Jamiat Jagirs whether they are granted with the condition of maintaining troops or not, should in future be held as *Zat* Jagirs and that 20% of their net income (the income reached after deducting the expenditure which is deducted for the purpose of fixing the Government share in any Jagir) should be recovered as Government share. The Executive Council has further proposed that this deduction should only be made at the time of the next succession and that no cases be reopened, which have already been finally decided or where any express orders in connection with the inam or wirasat enquiry prescribing the conditions subject to which the Jagirs will continue, have been sanctioned. The

amount of deduction would be determined once and for all at the next succession.

Council has lastly recommended that the above proposals before any commands be passed might be communicated to the holders of all existing Jamiat Jagirs and that they should be asked to express any views which they may have to offer, within a month's time from the date of receipt of the communication."

218. Notable among the replies received to this from the Jamiat Jagir holders is the letter of Nawab Salar Jung Bahadur which raised the following points:—

1. "There are several kinds of Jamiat Jagirs and these have been granted in recognition of the loyal services of the grantee.
2. The objects of grant of different Jamiat Jagirs being different, a uniform recovery of 20% from all of them alike cannot be correct.
3. Jamiat Jagirs have been granted in perpetuity and as such the deduction of 20% cannot be proper.
4. Jamiat Jagirs have been granted for maintenance of the prestige of the Jagirdars.
5. In regard to conditional Jagirs, the order is that in case of failure to fulfil the conditions of service, they will be resumed to khalsa. This does not imply that the Jagir should be resumed to Khalsa even where the condition of service has not ceased to exist.
6. In view of all these facts that go to affect the prestige and dignity of an important class of Jagirdars, it is necessary to appoint for enquiry a Special Commission which should arrive at the right conclusion keeping in view the details of all the kinds of Jamiat Jagirs so that the rights and status of this distinguished class may not be affected. The idea of recovery of 20% of the income as expressed in the letter, needs reconsideration and in regard to it also, the Commission proposed may recommend in view of the circumstances of each case."

219. The Jagirdars' Association on behalf of the several holders of the Jamiat Jagirs urged the same points as detailed above and also requested for the appointment of a Commission consisting of experts of Atiyat Law in addition to the representatives of Government and Jagirdars.

220. Ten Jamiat Jagirdars also put in a separate cumulative memorandum raising substantially the same points as in the letter

of Nawab Salar Jung Bahadur, and requested appointment of a Commission.

Nawab Dost Mohammed Khan, a Jagirdar, in his reply dated 21-3-1940 wanted to make out a special case with regard to his Jagir stating that his Jagir was Jamiat Hamrahi and intended for his personal retinue. His Jagir being an *Altamgah Jagir*, can neither be divided nor belong to the category of Nigah dasht jamiat jagirs (those granted for maintenance of troops). But in the end, he agreed to the reply given by the Jagirdars' Association and Nawab Salar Jung Bahadur that a Special Commission be appointed.

221. The Revenue Department considered all the above memoranda and made an investigation into the points urged after getting all available files relating to the Jamiat Jagirs and after getting information from the Daftar Diwani and Mal. After thorough investigation, the Revenue Department came to the conclusion that the objections raised by the Jagirdars were untenable on the following grounds:—

1. A perusal of the Sanads showed that there is a reference to the Jagir being granted for expenses of troops.
2. Such troops were maintained for State purposes. The object of these grants does not include maintenance of the grantee. Now that the State purpose has ceased to exist all Jamiat Jagirs deserve resumption to Khalsa irrespective of their nature. Therefore, it cannot be improper if, by way of concession, a deduction of 20% is made from all Jamiat Jagirs alike.
3. Even if it be conceded that Jamiat Jagirs are granted in perpetuity the deduction of 20% was quite appropriate, since only once this deduction will be effected, and that at the time of the next succession, and the Jagir continues to remain as Zat Jagir in perpetuity without the condition of retaining troops being attached thereto.
4. F.D. file No. 48/5 of 1313 F. showed that the Jamiat Jagirs were not granted for maintenance of the prestige of the grantee by retaining a personal retinue but were granted only for the expenses of the troops which were meant only for the purposes of Government. There were several other precedents also to support the conclusion that the grant was not intended for the personal retinue of the Jagirdar.
5. Revival of the idea of the maintenance and supply of troops by the Jagirs for the State Army, is out of

question. The State Army in this advanced age cannot be maintained in the same obsolete way as it was done a century ago. Nor can it be urged that no army is required. The Jagirs on which the burden of supply of troops was laid have to contribute at least a portion of the expenditure for the State Army.

6. The claim for a Commission after this exhaustive investigation by the department is unjustified. The concession of conferring the Jagirs as *Zat* Jagirs with only a 20% deduction and that too at the next succession, instead of resuming them altogether for failure of fulfilling the conditions of the grant, is in itself too liberal a concession to need any further or alternative consideration. The concession should be absolutely withdrawn in case the Jagirdars insist upon a Commission being appointed and the Jagirdars concerned have to take the risk of any recommendation that the Commission might make on a *de novo* consideration of all the circumstances even the question of the 20% deduction being kept open.

222. Accordingly a Guzarish No. 573 dated 18th Amerdad 1349 F. was put up by the Revenue Department. The Revenue Secretary with whom the Hon'ble Revenue Member concurred was of the opinion that if the Jagirdars were explained personally the issue involved they might agree to the deduction proposed. If they still thought that a Commission was preferable, it should be made clear that the concession of 20% will be abandoned and the Commission will be instructed to report what should be done after abolition of the Jamiats, for whatever purpose or on whatever conditions granted, taking into consideration the past practice in the State when the Jamiats have been reduced. If the Jamiat Jagirdars prefer to accept the status of *Zat* Jagirs on a deduction of 20%, then the case can go forward by Arzdasht. Reduction will be effected, of course, at the next succession and if there are any special considerations under any individual Sanad, this can be brought to the notice of the Atiyat Department when the wirasat or Inam Enquiry (if none has taken place) is under examination.

“Nawab Dost Mohammed Khan would appear to be on particularly weak ground in regard to his Jamiat Hamrahi in view of the fact that in the past when the Jamiat was reduced 3½ villages representing the amount of reduction were resumed to Khalsa. This question may be taken up independently and separately . . . or the case can be examined along with that of the other jamiat jagirdars.”

223. After circulation of the Guzarish among the Members it was unanimously decided by the Council by a Resolution D/1st Mehir 1349 F. that before the Arzdasht was submitted to His Exalted Highness it would be necessary that the Hon'ble Revenue Member should contact with the Jamiat Jagirdars and discuss the matter with them and they should be informed that the conferment of the Fouji Jagirs on them as *Zat* Jagirs with a reduction of 20% was a great concession, and that in the event of appointment of a Commission there is the risk that this concession to them may not be taken into consideration. The Jagirdars should be informed that their final opinion should be known within one month of the interview. Otherwise, after the expiry of the said period of one month, action will be taken by the Government on the basis of their previous replies.

Note.—In the event of the appointment of a Commission, such Commission shall consist of three Members the Chairman thereof being an Hon'ble Member of the Council. The other two Members shall be drawn from the Judicial and Revenue Dept. their status being not lower than that of a High Court Judge or a Subedar respectively."

224. The matter practically stopped at this stage and for some reason or other no further proceedings have followed.

225. We find that the Government had considered several aspects of the matter. We understand from the replies of the Jagirdars to the Revenue Department that there are at present five kinds of Jamiat Jagirs in these Dominions.

- (i) Jagirs granted for maintenance of troops (Jagirat Nigah-dasht-e-Jamiat).
- (ii) Jagirs granted in lieu of salaries of troops (Jagirat Tankwah-e-Jamiat).
- (iii) Jagirs granted for maintenance and upkeep of forts (Jagirat Nigahdasht va Hifazat e Qilejat).
- (iv) Jagirs granted in lieu of troops (Jagirat evaz-e-Jamiat).
- (v) Jagirs granted for Retinue (Jagirat evaz Hamrahi).

The question of determining the type of Jagir or whether they are Jamiat Jagirs or not is a matter which should be dealt with by the Atiyat Department after going through the Sanads.

226. After going through the history of this problem and after perusing the last Resolution of the Executive Council above referred to, we consider that the offer of the Government to the Jamiat Jagirdars to convert their Jagirs into *Zat* Jagirs after a deduction of 20% of the income in lieu of the military service, from which they would be relieved, is very fair and reasonable. We therefore recommend that the Government should dispense

with the condition of military service and také in lieu thereof 20% of the income of such Jagirs and convert them into *Zat* Jagirs after enquiry by the Atiyat Department is completed but we do not agree that the proposal to make a reduction of 20% should be deferred till the next succession.

227. In regard to the Jamiats of the Paigahs we recommend that in view of their peculiar position, the Paigah Jamiat shall, however, be maintained by the Paigah, under Government control and made more efficient so that they may be used for purposes of internal security, and the provision for the maintenance of these troops in the Paigah budget shall not be less than what is recommended by the Reilly Commission and sanctioned by His Exalted Highness.

CHAPTER XIII

CONSOLIDATION, CODIFICATION AND MISCELLANEOUS PROVISIONS

228. Having dealt with the several departments of administration in the Jagirs, it only remains for us to make suggestions in regard to some of the difficulties experienced by the Jagirdars arising out of (1) the scattered nature of the Jagirs, and (2) protracted litigation on matters of legitimacy, possession, payment of hissas, etc.

Consolidation & codification necessary for efficient administration

229. We propose dealing first with compulsory consolidation of scattered villages in Jagirs, one of the Points of Reference. There can be, no doubt, that consolidation of scattered villages within Jagirs is desirable to make the Jagir compact for purposes of administration. We have perused preliminary reports on Consolidation of Paigahs and also carefully considered the evidence of witnesses examined by us on the point.

This, however, involves exchange of outlying villages of a Jagir with the neighbouring villages situated in Diwani or other *Ilaqas* and this, no doubt, leads to several practical difficulties which had been referred to by the witnesses examined. Taking into account all the circumstances and the fact that consolidation is in the process of introduction in the Paigahs and may with advantage be introduced in other Jagirs also we have made the recommendation which is contained in paragraph 233 below.

230. The inconvenience caused to and the disadvantages felt by the Jagirdars having such scattered villages are nowhere felt more than in the Paigahs. Even at the risk of some redundancy, we would cite here a passage from Reilly Commission's Report on the Paigahs (*vide* p. 24, para 31).

Consolidation of Paigahs

“ In no part of the State can it be said that the Paigahs form a compact area of any considerable size. There are indeed over 150 islands of Paigah territory scattered about the State. Some of these islands are very small. And almost all the larger blocks are most irregular in shape and are interlaced with non-Paigah territory. It is impossible to find any spot in Paigah territory which is 10 miles from the

Paigah boundary; and, when it is remembered that these estates are more than 4,000 sq. miles in extent, it will be realised how very much they are broken up. Nor are the areas of each Paigah in one group. They are interspersed with each other. Two important blocks of the Vikar-ul-Umrah Paigah are 150 miles apart, and an outlying part of the Asman Jahi Paigah is at a still greater distance from the nearest part of that Paigah."

231. What has been stated with regard to the Paigahs, applies equally to all the Estates of the premier nobles (Omara-e-Uzzam) and several other Jagirdars. These scattered villages have been a perennial source of inconvenience not only to the Government, since these are interspersed with the Diwani areas, but also are a cause of constant worry to Jagirdars themselves. The Jagir villages being spread out, the expenses of general and other administration increase considerably leaving practically nothing for activities of public welfare in such Jagirs. The Jagirdars cannot visit all their villages and cannot easily maintain contact with their people. The inconvenience caused to Jagir ryots by the distances between the Jagir villages and Jagir offices, is also not inconsiderable.

232.. We understand that at present, a Committee appointed by the Government is in charge of the work of consolidation in the Paigahs, although one of the Paigahs has made a complaint in their reply sent to us that the pace of progress has been very slow and the work ought to be speeded up.

233. After a careful consideration of the various points of view urged before us through answers to our Questionnaire and evidence of witnesses, we are of opinion that consolidation of scattered villages in a Jagir is highly desirable, as it would facilitate Jagir administration besides removing the inconvenience felt by the ryots. But in view of the opinions expressed before us by some of the experienced witnesses about the unwillingness of the ryots living in Diwani villages to come under Jagir administration, we would suggest that such exchange should, as far as possible, be limited to Jagirs *inter se* or to villages in Jagirs that will be resumed in view of our recommendations on resumption of petty Jagirs.

CODIFICATION OF ATIYAT LAW

234. In regard to Codification, we understand that a Committee was appointed sometime in 1937 to codify the Atiyat Law and procedure for enquiring into Succession, payment of shares, guzaras and to consider among other things:—

“(a) the advisability of enforcing a particular system of accounts and audit in Jagirs, maqtas, etc., and to propose the system;

(b) consider the advisability of determining in cash the shares of Hissedars for a fixed period and to propose the method and the period for it;

(c) consider and propose the manner in which shares and guzara should be paid by Jagirdars to their Hissedars and guzaradars, and also consider whether any tribunal should be established in the Capital for dealing with the complaints of non-payment of shares and guzaras;

(d) consider and propose a method according to which:

(i) Hissedars and guzaradars may be given the option of getting their shares and guzaras commuted, and

(ii) option may be given to get Jagirs, etc., commuted into cash.”

From the information given by Mr. Mohammad Beg, one of our colleagues, who was a member of this Committee and from the evidence given by Mr. Khalimulla Qadri, Nazim Sahib Atiyat, we gather that some work was done by that Committee by way of framing rules and regulations of Atiyat but the work was not completed.

The Committee investigated all these questions and framed certain rules regarding rights, litigation, etc., and no further information is available as to how the case now stands.

235. The Atiyat procedure is admittedly defective, and without going into many details, we would recommend that Government should complete codification of Atiyat Law and Procedure so that litigation and innumerable disputes relating to succession, possession, legitimacy, payment of shares and guzaras might be reduced to the minimum.

MISCELLANEOUS PROVISIONS

236. The changes in the administration envisaged in our recommendations would entail some reshuffle in the present personnel in the administration of Jagirs. Having regard to the qualifications that we have prescribed and to the

Protection to Jagir
Officers

handing over of a portion of the administration to Government, several of the officers and subordinate staff now working in the Jagirs might have to be replaced. Again there may be cases where Jagir Officers and other staff, who have put in several years of pensionable service, and therefore entitled to pensions, might retire after the administration is taken over by Government. In such cases it would be desirable to make some provision for them.

We would recommend that Government should, as far as possible, absorb Jagir Officers or other subordinate staff whose tenure of office may be affected as a consequence of the reforms proposed. In the event of retirement of such officers or staff, pension, if any, payable to such Jagir servants, should be contributed proportionately, according to the length of service in the Ilaquas.

237. As regards the measures for bringing about personal contact between the Jagirdars and the ryots, which forms the subject-matter of one of the items in the Terms of Reference, we have already proposed that wherever possible the Jagirdars should be given an opportunity of associating themselves with or looking after the administration of their Jagir. We would also suggest that for maintaining such personal contact the Jagirdars should be made to pay periodical visits at least twice a year to their Jagir. Government should prescribe a period of at least 100 days for their residence in Jagir. They should also learn at least one of the languages locally spoken in the Jagir.

238. The second part of item 6 of the Terms of Reference contemplates a recommendation being made by us in regard to the machinery for dealing with complaints by Jagir ryots. Although we have laid down definite provisions by way of appeal and revision, still it is possible that the ryots may have some complaints which might not exactly come within the purview of those provisions. There may be cases of undue hardship rack-renting or other forms of extortion from which ryots desire relief. In order to cover all such cases, we recommend that the Jagir ryots should, in the first instance, approach the Jagirdar and if they do not get their grievances redressed, they should have a right to approach the First Taluqdar of the Diwani district, if he belongs to a non-exempted Jagir and the Subedar in all other cases except the Paigahs. A complaint filed before such officers should be enquired into personally and in no case should they delegate these functions to the subordinate officers.

CHAPTER XIV

FINANCIAL ADJUSTMENTS

239. By item 11 of the Terms of Reference, we are asked to recommend on the equity of the present appropriation by the Jagirdars for their personal purposes a part of the revenues of their Jagirs, and the need for any revision of the existing system. The question before us, therefore, was to determine the desirability of fixing certain percentage of the Jagirdar's income for the personal expenses of the Jagirdar (including the shareholders), having regard to the total income of the Jagir on the one hand and to the necessary expenses of administration and provision for the present-day requirements for nation-building activities on the other. With regard to public amenities, we had also to determine if it should be made incumbent upon the Jagirdar to provide a fixed percentage of their income in the budget for meeting them, and in the event of Government accepting the responsibility for providing these amenities to Jagir ryots, if any contribution should be levied from the Jagir income and on what percentage basis.

240. The question as to how far, according to the Sanads, Jagirdars are responsible for the administration of their Jagir areas, besides the land revenue administration, and for providing public amenities to the ryots, has been discussed at length in the previous chapters. One view expressed before us including that of some of the Jagirdars is that the grants implied no corresponding obligations on the Jagirdars, except loyalty to the Ruler. This section urges that the Jagirdars having only the right to the land revenue, their income is restricted and it is not possible for them to provide expenditure for the administration of nation-building departments such as Education, Public Health, Agriculture, etc., and that as Government have so many sources of income they should accept financial responsibility for meeting the cost of these services. The other view expressed by most officials and some non-officials is, that as the whole of the Diwani revenues including the income from all taxes is spent on general administration and also on nation-building activities, the Jagirdars should also contribute a substantial portion of their income for such purposes. Otherwise, any expenditure in Jagir areas met from the Diwani revenues would be at the cost of the Diwani ryots.

241. We have taken into account the force in both of these Commission's view arguments. The restricted nature of the income of the Jagir is realised, and it is felt that Government will have to supplement from the Diwani sources, the expenditure on public amenities in Jagir areas to a certain extent. The Jagirdars, however, have accepted in practice the responsibility to look after the welfare of the Jagir ryots. They have further enjoyed the increments in the land revenue that have accrued since the Maash was granted. It is, therefore, equitable that they should make available a fair portion of their Jagir income for the discharge of obligations to provide public amenities for their ryots.

242. Some of the Samasthan-holders in their answers to Questionnaire state that in the event of Peshkash Government levying a contribution as recommended, the Government should take into consideration the Peshkash which is now being paid by them.

We, however, think that these payments are of historical origin and are not based on considerations of services, relate to the Royal prerogative and are for suzerain protection. Therefore, we consider that the question of any adjustment of these payments does not arise.

243. The first point to be considered is as to what should be Share of the Jagirdar the share fixed for appropriation of the Jagir income by the Jagirdar for his personal purposes. We include in this the share of the Hissedars and the amount spent on Guzarayabs and other items relating to the household and the family of the Jagirdars. The general opinion presented to us through answers to Questionnaire and in the evidence of witnesses examined favours distribution of 50:50 between the Jagirdar's share, and the expenses on administration and other services, including public amenities. We feel that a uniform rate for all the Jagirs would not be equitable and have, therefore, recommended a graduated scale ranging between 60% in the case of small Jagirs and 41 $\frac{3}{4}$ % in the case of big Jagirs, as share of the Jagirdar and his family.

244. The question that remains now for consideration is the Jagir Budgets apportionment of the income of the Jagir for administrative functions which will either be discharged by the Jagirdar or by the Government in accordance with our proposals made. In this connection we must state that for our guidance and information, we have looked into some of the budgets of the Estates that would fall under the three categories for which we have suggested three different types of

administration. In regard to these budgets, we have to state at the outset that the figures supplied are somewhat misleading. It is also not quite clear from some of the budgets whether a particular item represents an item appropriated by the Jagirdar for his own personal use or as part of the administration. In some cases the budgets do not give sufficient details of appropriation. Under these circumstances it is possible to form from these budgets only a rough idea.

245. In the case of Jagirs with income ranging between Rs. 25,000 to 1 lakh of which the land revenue management is proposed by us to be taken over by Government, we recommend that 60% should be allotted as the share of the Jagirdar, Hissedar and Guzarayabs, etc. As the Jagirdar would not be incurring any direct expenditure in such Jagirs, the remaining 40% should accrue to Government, which should take the responsibility for meeting all administration expenses and cost on public amenities, etc., by supplementing the amount, where necessary, from the Diwani budget.

246. In the case of non-exempted Jagirs with an income of over Rs. 1 lakh, in which according to our recommendations Jagirs are to retain the land revenue administration, and the Diwani is to take over the rest of the other services, specified in para 202 we recommend that 50% should be allotted as the share of the Jagirdar including the Hissedar and Guzarayabs, etc. From the balance of 50% of the Jagir income, 33 $\frac{1}{3}$ % should be spent directly by the Jagirdar on administration expenses by making provision in the Jagir budget and the remaining 16 $\frac{2}{3}$ % should be recovered as contribution by the Diwani for meeting the cost of Police and Judiciary, if any, and other services including public amenities, by supplementing it, if necessary, from Diwani budget.

247. The Exempted Jagirs incur a considerable expenditure on Judicial and Police administration, which, according to our recommendation, is proposed to be taken over by the Diwani. We, therefore, recommend that these exempted Jagirs should contribute 25% of their income towards the cost of Judicial and Police Administration and public amenities to the Diwani, which shall accept the responsibility for meeting the cost of these services by supplementing it from the Diwani revenues, wherever necessary. Out of the balance of 75% of the Jagir income, 33 $\frac{1}{3}$ % should be spent on administration direct by the Jagirdar by making provision in the Jagir budget, and the remaining 41 $\frac{2}{3}$ % may be allotted as share of the Jagirdar including Hissedars and Guzarayabs, etc.

248. As regards the apportionment of the personal share of the Jagirdars between the holder on the one hand and the co-sharers (Hissedars) and maintenance holders (Guzarayabs) on the other and the re-adjustment of the Haq-e-Qabza or the holder's share for management, the views expressed before us are conflicting on this point. The shareholders' view is that the share of the Qabiz even at present is on the high side, taking into account the responsibility he shoulders, and that in case Government takes over the administration of some of the services in the Jagirs, the responsibility of the Qabiz would decrease further, and that his share should be proportionately reduced, and that in the case of Jagirs to be resumed by Government or of which land revenue administration is taken over under Diwani management, the Qabiz should not be given any Haq-e-Qabza-wa-Intezam at all. The other view comprising that of the holders is in favour of reversion to the principle of primogeniture and Suls-sulsan. We do not consider that we are required to adjudicate between these two views and we are of opinion that this is a matter which should be decided by the Atiyat Department of the Government in the light of the changed circumstances created by our recommendations.

249. Raja Someshwar Rao does not agree to the proportions that we have fixed for the three categories of Jagirs. He suggests that after making a contribution of 16 $\frac{2}{3}$ % of the Jagir income to Government towards expenses for public amenities, the principle of one-third each (Suls-Sulsan) should apply to all Jagirs.

250. We have separately considered the question of financial adjustments so far as the Paigahs are concerned. The principle of Suls-Sulsan or the principle of one-third each has been ordained for the Paigahs by His Exalted Highness in his Firman-Mubarak on the Report of the Reilly Commission. According to that principle, after meeting the Military expenditure, the balance is to be divided into three portions, one-third being utilised for general administration, one-third for the holder or Amir-e-Paigah and one-third for his Hissedars. In practice, we understand that the one-third earmarked for general administration has been found to be quite insufficient and therefore, the Amir-e-Paigah and his hissedars are proportionately contributing some amounts from their shares and the budgets prepared on these lines are approved by the Council of Ministers after obtaining the opinion of the Finance Department and are sanctioned by His Exalted Highness. We would suggest that one-third of the income after meeting the Military expenditure should henceforth be utilised by the Paigahs to meet their

Revenue administration and provision should be made for this in their budget. For the Police and Judicial administration, they should contribute to Government which alone will according to our recommendations be responsible for these departments in the Paigahs, the actual charges incurred therefor being arrived at on a *pro rata* basis taking into consideration the area and population of the jurisdictional units, instead of the lump-sum amount now paid to Government in accordance with the recommendations of the Reilly Commission. They should in addition contribute to Government $16\frac{2}{3}\%$ of their income for providing the cost of public amenities. The Government should accept responsibility to meet the cost of public amenities by supplementing it, if necessary. The residue of the Paigah income should be shared by the Amirs and hissedars in equal halves as is now being done according to the Suls-Sulsan principle sanctioned by His Exalted Highness.

CHAPTER XV SUMMARY OF THE RECOMMENDATIONS

I. PRELIMINARY

251. To give a comprehensive view of the general scheme of Jagir reforms which we have framed after carefully considering the Points of Reference as well as the result of our detailed investigations we now end this report by giving a complete summary of our recommendations, which logically follow the conclusions in respect of the various departments of administration as given in the previous chapters.

252. For purposes of facility and convenience of administration all Jagirs may be divided into four classes:
Four categories of Jagirs

- (i) Mustasna or exempted Jagirs as per list given *vide* Appendix No. X.
- (ii) Non-exempted Jagirs the annual income of which exceeds rupees one lakh.
- (iii) Jagirs the annual income of which exceeds Rs. 25,000 but does not exceed Rs. 1 lakh.
- (iv) Jagirs the annual income of which is Rs. 25,000 or below.

253. To ascertain the annual income of a Jagir for determining the category it would fall under, the average annual income shall be taken into consideration for such period as may be determined by the Government, having regard to the present practice obtaining in the Revenue Department, provided that the war-time increase in the Abkari income during such period shall be ignored.
Income of Jagir how determined

254. All Jagirs the total annual income of which does not exceed Rs. 25,000 shall be resumed compulsorily and cash maashes fixed in the form of annuities, after making such deductions and such financial adjustments as are hereinafter specified. Revenue from Abkari shall not, however, be taken into account in fixing the annuities but shall continue to be paid to the Jagirdar by the Abkari Department from year to year as at present, after making the aforesaid deductions and adjustments for which provision will be made in the wasiqas. The Atiyat Law now
Resumption of petty Jagirs

applicable to these Jagirs, shall continue to be applied to the cash maashes that may be fixed. The following subsidiary principles are also recommended by the Commission for adoption by the Government in working out the principles of resumption.

- (i) To ascertain the annual income of such Jagirs (exclusive of the Abkari) after making a deduction in respect of the administration charges the same equitable principles should apply as now obtain in the Revenue Department.
- (ii) Direct payment should be made by means of *wasiqas* separately to the holders and shareholders of the respective Jagirs.

The Commission suggests that this recommendation of theirs should not apply to Jagirs granted for religious service.

Raja Someshwar Rao was against compulsory resumption of the Jagirs but in case the Government declares upon compulsory resumption, he would agree to the resumption of Jagirs with income not exceeding Rs. 15,000.

He would suggest that in case the Government decides on compulsory resumption, only 25% of the income should be deducted for administration and other expenses in computing compensation.

II. REVENUE ADMINISTRATION

255. In regard to Jagirs the income of which ranges between Rs. 25,000 and Rs. 1 lakh, the Commission is of the opinion, that the Land Revenue Administration of these should be managed by the Government on behalf of the Jagirdars concerned. The revenues collected from such Jagirs shall be paid over to the respective Jagirdars after deducting a portion of the income as specified hereinafter, towards the administration charges. The Commission would, however, make it clear that this does not mean resumption. The Commission would also propose the following subsidiary rules for adoption, in putting into effect this proposal.

Govt. Administration of
certain Jagirs

- (i) Adequate arrangements should be made for direct payments from the Government Treasury to all recognised Hissedars.
- (ii) Separate accounts relating to the Jagir villages should be maintained by the Tahsil Office.
- (iii) The Jagirdar shall have the right to visit the villages and inspect the accounts after previously intimating the concerned Diwani Tahsildar.

- (iv) Option shall be given to the Jagirdar if a majority of the Hissedars agree, to request the Government to resume their Jagir, and in such a case, the Jagirs shall be resumed under the same conditions and on the same terms as proposed in regard to the fourth category of Jagirs referred to above.

The Commission suggests that the recommendations in this para should not be applied to Jagirs granted for religious service.

Raja Someshwar Rao and Mr. Abdul Hamid Khan are against this proposal and their opinions are expressed in paragraphs 166 and 167.

256. The Commission recommends the extension of this system of administration to such other scattered Jagir villages also as are more than 50 miles removed from the Tahsil Headquarters of the Jagir, provided that such villages are within 50 miles of a Diwani Tahsil Headquarters. This will not apply to Paighas for reasons mentioned in the Report.

Applicability of the above principle to scattered villages

Mr. Abdul Hamid Khan is against this proposal also and in his opinion it would be advisable to resume such villages (in case consolidation is impossible or impracticable), and cash maashes paid instead of Diwani administering such villages.

257. (a) Jagirdars coming within the second class mentioned above should compulsorily appoint a Tahsildar and shall have the option to appoint a Second Talukdar subject to the qualifications and salaries fixed for the respective officers in the paragraph appearing below:

Revenue administration of Non-Mustasna Jagirs with income over Rs. 1 lakh

(b) The Tahsildar and Second Talukdar so appointed shall exercise all powers which the corresponding Diwani Revenue officers exercise under the Land Revenue Act provided that these Jagir officers in exercise of such powers would be under the control of the First Taluqdar of Diwani.

(c) The Jagirdar may himself exercise the powers of a Second Talukdar if he so chooses, subject to the control of the First Talukdar of Diwani as specified above.

(d) As regards appeals and revisions from the orders of the First Talukdar of Diwani, the provisions of the Land Revenue Act shall apply..

258. In regard to all exempted Jagirs, the Commission makes the following recommendations:—
 Mustasna Jagirs and
 Revenue Administration

- (i) The Jagirdar shall appoint such revenue officers as he is bound to at present, under the Jagir Revenue Recovery Regulation of 1355 F. Their salaries and qualifications shall, however, be according to the proposals hereinafter mentioned. For certain responsible posts like those of a Taluqdar or of a Nazim Mal it would be desirable to obtain the services of officers on loan from Government. It is also desirable that provision should be made for transfer of officers from one Jagir Ilaqa to another, with mutual agreement.
- (ii) Subject to the provisions of para 265 below relating to the centrally administered subjects, the Jagir officers so appointed, shall exercise all powers as the respective Diwani officers have, under the various Acts including the Land Revenue Act, the Asami Shikmi Act, the Land Alienation Prevention Act, the Bhagela Act and the Money Lenders' Act.
- (iii) Appeals or revisions as the case may be, from the orders of the highest Jagir Officer so exercising the powers, shall lie to the higher Diwani Officer. Where the Jagirdar himself exercises appellate powers, in conformity with the provisions of para 260, appeals from his orders shall lie to the appropriate higher Diwani Officer.
 In the three Paigahs, however, the Commission suggests that such appeals and revisions from the orders of the Committee of the Paigah shall be heard by the Amir-e-Paigah or the Sadr-ul-Maham (Minister) for Paigah as the case may be, associated with a Member of the Board of Revenue.
- (iv) The Director-General of Revenue should have the power to inspect the work of all Jagir Officers other than those in the Paigahs.
- (v) The principles applicable to villages removed more than 50 miles from the Jagir Tahsil Headquarters, referred to in para 256 previously, shall apply equally to such villages similarly situated belonging to these Jagirs.

The provisions of this clause shall not apply to the Paigahs, which are being consolidated.

259. The Commission recommends the following qualifications and scales of pay for the respective Jagir Revenue officers and other subordinate staff.

Qualifications & salaries
of Jagir Officers

(a) *Qualifications.*—Jagir Officers unless they are taken on deputation from the Diwani, or are retired officers of the Diwani should have the same qualifications as in the Diwani.

(b) *Scales of pay.*—

Naib Tahsildar	Rs. 75-5/1-125
Tahsildar	„ 150-10/1-250
Second Taluqdar.. ..	„ 250-15/1-400
1st Taluqdar	„ 500-30/1-800
Nazim Mal	„ 900-50/1-1,200

The salaries of the subordinate staff shall be proportionately raised to secure efficient services.

260. Jagirdars who have passed either the Intermediate or an equivalent Examination and the Revenue Officers' Test shall be entitled to exercise personally, the powers of any of the above-mentioned officers provided that the powers of a Nazim shall be exercisable with the approval of the Government.

Provision for Jagirdar
himself exercising some
powers

Raja Someshwar Rao suggests only a Matriculation qualification for such Jagirdars.

261. Survey and Settlement charges in all Jagirs should be fully borne by the Jagirdar and no portion of such charges should be recovered from the Jagir ryots. The condition regarding the grant of patta, entry in the Record of Rights, etc., should be on the same lines as in Diwani.

Survey and Settlement
charges

262. Remission and suspension of Land Revenue in the Jagirs should be on the same scale as in the Diwani and the same rules as in the Diwani shall apply with regard to all types of irrigation including well-irrigation.

Remission and Suspen-
sion of Land Revenue

263. As regards the enforcement of the provisions of the Debt Conciliation Act, the Boards set up in the Diwani areas shall have jurisdiction to decide cases arising in the adjacent Jagir areas and the responsibility for the enforcement of the provisions of that Act, shall lie only with the Diwani Officer.

Diwani machinery for
enforcing Debt Concili-
ation Act

264. As regards Local Government in Jagir areas the Commission thinks that the present arrangements under the Local Board A'ins are satisfactory and these should be enforced in Jagirs and a fair trial should be given for their working.

III. ADMINISTRATION OF NATION-BUILDING AND OTHER DEPARTMENTS

265. The Commission recommends that the following subjects shall be centrally administered by the Diwani, responsibility therefor resting with the Government subject to the financial adjustments between the Jagirs and the Government specified hereinafter.

- (i) Famine Relief.
- (ii) Water Supply.
- (iii) Veterinary.
- (iv) Agriculture.
- (v) Co-operation.
- (vi) Marketing.
- (vii) Roads (excepting village roads).
- (viii) Judicial, Police and Jails.
- (ix) Supply.
- (x) Education, Medical Relief and Public Health.

Mr. Abdul Hamid Khan and Raja Someshwar Rao, however, do not agree with the majority regarding the transfer of Police and Judicial powers for reasons explained in the report.

IV. FINANCIAL ADJUSTMENTS

266. The Commission recommends the levy of a contribution from Jagir revenues to the Diwani to meet the cost of taking over the administration of various services and nation-building and welfare activities in the proportion shown in the table in paragraph 268 on the understanding that the Diwani revenues should supplement it from the Diwani Budgets.

Raja Someshwar Rao has suggested adjustment of the Peshkash towards such contributions as explained in his minute of Dissent.

267. The amount of compensation for the Jagirs to be resumed should be fixed by Government in the light of the circumstances created by the recommendations of the Commission.

Cash compensation regarding Jagirs to be resumed

268. (a) According to the recommendations of the Commission the income of the Jagirs may be apportioned as follows:—

Apportionment of Jagir income

Statement showing proposed apportionment of Jagir income

S. No.	Items for apportionment	Mustasna Jagirs	Jagirs of 2nd category (income of more than Rs. 1 lakh)	Jagirs of 3rd category (income Rs. 25,000 to Rs. 1 lakh)	Remarks
1	2	3	4	5	6
1	General administration charges	33 $\frac{1}{3}$ %	33 $\frac{1}{3}$ %	} 40%	All the three items 1-3 of Jagirs of 3rd category (Col. 5) and Items 2 and 3 in Jagirs of 1st and 2nd category (Cols. 3 and 4) being taken over by Government, the percentage in the statement should be paid to the Diwani
2	Judicial and Police Administration	8 $\frac{1}{3}$ %	} 16 $\frac{2}{3}$ %		
3	Public Amenities	16 $\frac{2}{3}$ %			
	Total for purposes of administration	58 $\frac{1}{3}$ %	50%	40%	
4	Residue for the personal enjoyment of the Jagirdars including Hissedars	41 $\frac{2}{3}$ %	50%	60%	

(b) As noted in the remarks column in the above statement, the Jagirdar would himself be responsible for spending the one-third reserved for general administration in Jagirs of the 1st and 2nd categories whose income is over Rs. 1 lakh. In regard to the Police and Judicial administration and public amenities which under the reforms proposed would be completely a central responsibility, the respective portions of the Jagir income reserved for these shall be paid over to the Government. As regard the 3rd category of Jagirs, however, since the Government is responsible for the entire administration of the Jagir, the Government shall take 40% of the income, handing over the residue to the Jagirdars for their personal expenses.

Raja Someshwar Rao, however, would suggest that the principle of one-third each (*suls-sulsan*) should apply; one-third

Portions earmarked for certain Depts. of administration to be paid over to Govt.

for general administration, one-third for the holder of the Jagir, and one-third for the shareholder in all Jagirs.

(c) In regard to the Paigahs the military charges as recommended by us in the Jamiat Jagirs would be the first charge on their budget as is the practice now. Out of the income after deducting the above charge, the Paigahs should contribute 16 $\frac{2}{3}$ % to Government towards the cost of public amenities which would be supplemented from the Diwani Budgets according to requirements, the Paigahs being relieved of the responsibility in this behalf.

In addition, the Paigahs should contribute the actual charges on Police and Judicial administration which is recommended by us to be transferred to the Diwani on a *Pro rata* basis arrived at after taking into consideration the area and population of the jurisdictional units.

269. As regards the apportionment of the personal share of the Jagirdars between the holder on the one hand and his co-sharers (Hissedars) and maintenance holders (Guzarayabs) on the other, and the readjustment of the Haq-e-Qabza, the Commission is of the opinion that this is a matter which should be decided by the Government in the Atiyat Department in the light of the changed circumstances created by the recommendations of the Commission.

V. MISCELLANEOUS PROVISIONS

270. In regard to the question of services of the Jagir Officers and their pensions the Commission recommends that the Government should as far as possible absorb the Jagir Officers or other subordinate staff whose tenure of office may be affected as a consequence of the reforms proposed and in case of retirement of such officers and staff the pension if any payable to such officers and staff should be contributed proportionately according to the rules by the Government and the Jagir.

271. For bringing about greater personal contact between the Jagirdars and the ryots residing in Jagirs the Commission recommends that it should be made compulsory for Jagirdars.—

- (i) to pay periodical visits at least twice a year;
- (ii) to stay in his Jagir for at least 100 days in a year;

- iii) to learn one of the mulki languages of his Jagir; and
 (iv) to take general interest in the welfare of the Jagir ryots.

272. In regard to the machinery for dealing with complaints in the Jagirs, the Commission suggests that the complaints should go to the Jagirdar in the first instance and in case the party is not satisfied or his grievance is not redressed he may go to the 1st Taluqdar of the Diwani District if he belongs to a non-exempted Jagir, and to a Diwani Subedar if he belongs to any exempted Jagir other than a Paigah. In all such cases, the Taluqdar or the Subedar as the case may be, should investigate into the complaint personally.

Machinery for enquiring into complaints by Ryots

VI. CONSOLIDATION

273. The Commission considers consolidation of scattered villages in a Jagir highly desirable as it would facilitate administration besides removing the inconvenience felt by the ryots in travelling long distances to get at the Headquarters of a Jagir. In view of difficulties like the unwillingness of the subjects of Diwani villages to go under Jagir administration referred to by some of the witnesses, this Commission would suggest exchange, as far as possible, of scattered villages between Jagirs *inter se* or between Jagirs, and villages proposed to be resumed according to the recommendations of the Commission.

Consolidation of scattered Jagirs

VII. JAMIAT OR MILITARY JAGIRS

274. In regard to Jamiat Jagirs or Military Jagirs, the Commission recommends that the Government should dispense with the condition of military service and take in lieu thereof 20% of the income of such Jagirs and convert them into *Zat* Jagirs.

The income of the Jagirs so reduced shall determine the category to which such Jagirs would belong and the respective type of administration would apply to such Jagirs accordingly.

275. In view of their peculiar position, the Paigah Jamiats should, however, be maintained by the Paigahs under Government control and made more efficient and more useful for internal security and the provision for these in the Paigah budget should not be less than that recommended by the Reilly Commission.

Paigah Jamiats to continue under Govt. control

Service condition in Jamiat Jagirs to be removed

VIII. CODIFICATION

276. For reducing procrastinated litigation and innumerable disputes relating to succession, legitimacy, payments of share or maintenance, etc., the Commission considers that Codification of the Atiyat Law is highly desirable, in fact, essential and recommends that the Government should take effective action in regard thereto.

277. The Commission suggests that necessary amendments should be made in the existing Laws or Circulars or Rules which would be affected if the reforms above recommended are adopted.

Codification of Atiyat
necessary and desirable

Amendment to be
made in existing law
and rules

CHAPTER XVI

CONCLUSION

278. The Commission having concluded its labours according to the direction given in the Firman-e-Mubarak dated 22nd Safar 1366 H. of His Exalted Highness, it now remains to place on record some general impressions which have been created in our minds as a result of the formulation of measures of reform under the various heads in the Points of Reference. It is not possible to anticipate the reactions that this will create in the minds of the Jagirdars accurately when they become familiar with the recommendations in detail but it is natural that some of our recommendations may be criticised as going too far by some, while others may consider that they do not go far enough. We hope, however, that when the whole frame-work of our recommendations is taken into consideration, the Scheme will appear in its true perspective.

279. We venture, in this concluding Section, to put forward certain bare facts which have not been brought out in relief in the main body of our Report. It has to be stated that the exact present total revenue of all Jagirs is not ascertainable but the Revenue Department have estimated an increase of 20 to 25% in all big Jagirs and 50% in the small Jagirs during recent years and have roughly estimated the total Revenue from them at about 2½ crores and including *Maqtas* and *Agrahars* they estimate the total Revenue at about 4½ crores. The contributions now paid to Government in the form of *Pan* and *Peshkash* have been estimated at about Rs. 9,42,244 or about 2% of the total Jagir income, a very negligible percentage. At the present moment the Government of His Exalted Highness is spending 3,40,00,000 or over Rs. 2 per head of the population on Public Health and Education alone. Taking Judicial, Police, Jails, Supply, Famine relief, Water-supply, Veterinary, Agriculture and Co-operation, the total expenditure as seen from the Budget for 56 F. amounts to nearly 6.5 crores. But, when the Jagir areas are brought within the Diwani Budget when all these Departments are actually taken over, it cannot be gainsaid that the additional expenditure that will fall on the Diwani Budget on the existing scale will be at least two crores and this amount will be considerably higher when Post-War Plans in the whole Dominions are implemented.

280. For Post-War Reconstruction every country in the world and every Province and most Indian States are planning to spend

crores of rupees and Hyderabad being fully alive to the situation has already large schemes in hand. The total Jagir area consisting, as it does, of one-third of the total area of the Dominions cannot be ignored or neglected in this Planning programme which will affect the welfare of a population between 4 to 5 million people, whose welfare has admittedly been neglected for decades owing to lack of adequate resources. The contribution proposed to be levied from the Jagirs towards Public Amenities and Welfare Activities on the present scale may amount roughly to Rs. 75,00,000; but it is difficult to assess the correct figure because of the paucity of data. This contribution will hardly suffice to meet the additional responsibility that will be imposed on Diwani for the administration of all the services in the Jagir areas. It is, therefore, very important for the Jagirdars to realise that in order to bring up to a proper standard all the Jagirs in respect of Nation-Building and Welfare Activities the Government will have to provide very large funds to discharge this responsibility. In fact, the responsibility of Government to provide universal free primary education and adequate public health facilities for the whole Dominions is to be fully discharged at whatever cost it may entail. A recurring expenditure of 2 crores may be immediately necessary per annum and this will rise progressively when Development Schemes and expansion are sanctioned. We have put the rate of contribution at a reasonably low figure irrespective of the heavy demands that will be made on state finances and this is due to the fact that we have taken into account the restricted income of Jagirs and the existing position as revealed by an analysis of several of their budgets.

281. The scheme proposed will not only benefit the Jagirdars financially, in that they will be relieved of all the expenditure which they now incur on Police, Judiciary, Education, Public Health and the rest which do not provide for efficient service or adequate needs but also the Jagir areas will benefit by co-ordinated organisation throughout the Dominions for all such purposes on a scale at par both for Jagir and Diwani villages. If things are left as they are and large schemes of expansion, development and improvement are introduced in the Nation-building Departments only in Diwani areas and not throughout the Dominions the Jagir population of nearly 5 million will be discontented apart from the question of disparity in the expenditure incurred in the two Ilaqas. Furthermore, the need for additional staff, equipment, increased salaries will be constantly pressing on the finances of the State, whereas the Jagir contributions will remain at a stationary figure and not be based on a progressive scale. The expenditure *per capita* of population for all these nation-building

activities will increase in the Jagir areas *pro rata* and they will accordingly benefit in the same manner as Diwani ryots. We earnestly hope that under the new conditions proposed for the development of Jagirs under our scheme it may be possible for Government to secure by such means as they may deem fit, adequate co-operation from the Jagirdars.

282. We have laid stress on the urgency of reform under Consolidation and Codification of the Atiyat Law. Survey and Settlement will have to be expedited, to enable proper data and statistics being made available. Communications will have to be largely extended as the present position is extremely unsatisfactory. And lastly, immediate steps have to be taken for the collection of suitable data, statistics as regards the total number of Jagirs, their revenue and an estimate on the total requirements under all the Nation-building Departments and Welfare Activities, according to plan. The provision of public amenities and the welfare of 30% additional area and nearly five million additional population will involve heavy responsibility on Government both from financial and administrative points of view. This can only be done on an all-Dominion basis for the money being effectively spent for the benefit of all the subjects of His Exalted Highness.

283. Despite the limitations of time imposed upon us, we have done our utmost to focus our attention on fundamental and general principles that must underlie all plans of reform and it is our hope that in this respect, we have succeeded in laying the foundations for future efforts that can only be made when orders are finally passed on our proposals by His Exalted Highness the Nizam through a specialised executive action. We realise that even then many obstacles will have to be encountered and overcome to safeguard against procrastination and defeatism caused by vested interests involved which do not look at what is ahead of them and thus are unable to meet even half way the urgent needs of the present-day situation. We have never entertained the idea of being spectacular or even theoretical in our diagnosis and the remedies we have suggested, but have always kept in view the realities of the present situation with special reference to the past tradition and gradual evolution through process of time of the present somewhat obsolete system which is out of joint with modern developments, some good and others pernicious, and opposed to the general well-being of a good few millions of His Exalted Highness' subjects.

284. With the vast range of problems put before us we can claim only to indicate immediate remedies. Our Report lays the

foundations for the future edifice that must be constructed to meet the urgency of the situation. For, it is our firm conviction, that, reforms of Jagir administration are long overdue and in every aspect of the problems involved solutions are imperative to save the Dominions from impediments that lie ahead against an orderly progress in political, economical, administrative and every other sphere of national effort which must be ensured to fight against disruptive forces that are hydra-headed raising their heads almost all over the world including the Dominions. We are convinced that the reforms recommended, if undertaken, without delay, would be as much beneficial to the Jagirdars themselves as to the people living within their jurisdiction who are as much the subjects of His Exalted Highness the Nizam as the inhabitants of the rest of the Dominions.

285 It now remains for us to place on record our high appreciation of the services of Mr. Rajeshwer Rao, our Secretary, who has displayed conspicuous ability in dealing with the various difficult and complicated questions that have come before us. He has brought to bear on the work his untiring industry, commendable efficiency and patience. The work of the staff throughout has been done under great pressure and as such deserves praise and recognition.

(Sd.) ALBION RAJKUMAR BANERJI,
Chairman.

(Sd.) RAJESHWER RAO,
Secretary.

BANGALORE,
25th May 1947.

(Sd.) MAHDI YAR JUNG.

(Sd.) RAIS JUNG.

(Sd.) SOMESHWAR RAO.*

(Sd.) A. HAMEED KHAN.

(Sd.) L. N. GUPTA.‡

(Sd.) MOHAMED BAIG.

* Subject to my Minute of Dissent.

‡ I have added a Supplementary Note.

MINUTE OF DISSENT SUBMITTED BY RAJA SOMESHWAR RAO

1. I regret very much that I have to add a dissenting note regarding those matters in which I disagree with my colleagues. The interests of the Jagir ryots are dear to all conscientious Jagirdars, for it is on the ryots' welfare that the entire prosperity of the Jagirdars depends; but the difficulties and limitations of the Jagirdars should not be overlooked or underestimated, in burdening them with unduly heavy contributions to the Diwani Exchequer.

2. The Diwani villages are not of an ideal type far more different in their social and economic conditions than the adjacent Jagir villages. I would only refer to the evidence of the Nazim Bandobast who has said in reference to the public amenities in Jagirs, "The Government is not making any provision for water-supply even in Diwani villages except in famine areas. We cannot ask the Jagirdars to make provisions for these. . . . So far as medical relief is concerned, it is not adequate even in Diwani areas. We have only one dispensary for a Taluq. So the Jagirdars cannot be accused for not undertaking the responsibility."

3. When this is the condition in the Diwani area, the poor Jagirdars within the limited sources of their income could not naturally be expected to turn their Jagirs into ideal places for living in. It is only in connection with the post-war scheme that even the betterment of the Diwani villages has become more prominent and along with it has cropped up the question of Jagirs. However much I strained myself to accommodate the views of the majority, I have felt that there are some commissions and omissions in the report on some important matters, which have to be referred to in detail in my minute of dissent.

4. Before entering into details, I may observe here that we cannot ignore the general opinion of the jagir-class, as elicited through the evidence and questionnaire, and the proposals of some of the Government officers contained in the Post-war reconstruction file. In view of the conditions obtaining in our Dominions, I am inclined to think that the more radical the reforms, the greater the delay. The precedent is still green in our minds of the constitutional reforms which, in spite of the very moderate changes suggested, have met with great reaction and could take shape only after a period of eight years.

5. For this reason, I have always suggested, even at the risk of being considered a little conservative, slow but steady progress.

Not only have we to take into consideration the accumulated experience of the Government but also the practical difficulties in putting the recommendations into operation. The spirit behind the appointment of the Royal Commission confines its enquiry to raising the standard of administration, but the substitution of wholesale Diwani administration in some Jagirs, and for certain departments in some others, besides treating even Jagirs with an annual income of Rs. 25,000 as petty Jagirs for purposes of resumption might be considered drastic. These steps might lead rather to perturb than to pacify the feelings of the Jagirdars. The proposals, if given effect to, would make the position of the Jagirdars worse and make them care-free irresponsible idlers with nothing to keep them engaged. It is but equitable and fair that, whenever any person is deprived of a right or interest, he should be given a hearing. The opinion of the affected classes (here the Jagirdars), should certainly be given due weight and cannot be ignored by us. Resumption for example is neither justified by the Jagirdars' opinions, nor completely supported by the official views, but is entirely based on the opinions of persons with no stake or interest. While one Subedar and one Taluqdar declared that there should be no resumption at all, a Member of the Public Service Commission, and another Taluqdar and a retired Nazim-e-Atiyat as well as the present Nazim have considered it unnecessary and suggested resumption being made optional with the Jagirdars. With these preliminary observations, I shall now consider some of the main points on which I disagreed with my colleagues.

PESHKASH

6. Coming now to the several points of Reference, on which I differ from the majority in regard to their recommendations, I may first deal with item 2 of the Terms of Reference. I would like here to refer specially to Peshkash. Most of the Jagirs, it may be pointed out, were granted by the Asaf Jahi kings, after this dynasty had established its independence in the Deccan about two and a quarter centuries ago. They were bestowed for various reasons, on those who had followed them from Delhi or on those others who came in contact with them after their advent into the Deccan. The reason for these Jagirs being scattered all over the Dominions is due to the fact, that they were conferred at various times and for various reasons. The remaining few were either granted by the Mogul Emperors immediately prior to this period or by the other ruling families earlier than the Moguls, mainly for their adherence to the cause of the changing dynasties. Populated villages and lands under cultivation with tanks useful for irrigation were transferred to them. These were merely free

grants and these grantees had nothing to do with the making of these villages.

7. The history of the Samasthans on the other hand is quite different. Most of the Samasthans have existed for three centuries or more, and some of them are of even greater antiquity, extending to even five or six centuries. These Samasthans were not free grants but were the creation of the Rajas themselves. They are in a more compact form, as these Rajas consolidated their villages to facilitate better administration and protect their ryots from outside interference, intrusion and aggression. These Rajas, from times immemorial have toiled night and day and have spent their wealth freely, in rendering uncultivable land arable, in inducing cultivators from far-off lands to take up cultivation in their Samasthans, and in constructing large tanks for irrigational purposes, thereby ensuring their prosperity, which alone could induce them to settle down permanently. To achieve this end, the Rajas lived among their people, considered the ryots to be their own and not aliens. They catered to their needs and looked to their welfare as far as it lay in their power. Even to this day, most of them live permanently or for prolonged periods in their Samasthans. Having done so much these Rajas at the ascendancy of every ruling dynasty over the Deccan considered it safe to pay some annual amount as tribute, which is called Peshkash, to the successive rulers of the Deccan, in recognition of the latter's suzerainty over them. The rulers in return protected them from foreign invasion and never interfered with the internal administration by the Rajas. This clearly shows that these Samasthans were not fresh and free grants but were principalities which already existed and which have continued to exist even after the advent of the Asaf Jahi dynasty. It would thus be seen that the status of the Samasthans is quite separate and distinct from that of the other Jagirs. It was not a case of grant or any alienation of land, but the recognition of previously existing proprietary interest, with right of internal administration secured by payment of Peshkash. The principle of 'Jadid Ata' does not in any way affect the interest of the Samasthan-holder. It simply indicates a recognition by the holder of the overlordship of the Ruler, and his willingness to abide by his wishes. Their rights are guaranteed as long as they paid the tributes. Some Sanads even clearly state that the Samasthans shall not be liable to further taxation. For instance, in the case of the Gadwal Samasthan it has been stated in so many words in Aitchison's Treaties that so long as the Raja paid his Peshkash regularly, he was absolutely independent in his internal administration.

8. In the same way, when the Haq-i-malikana (cess payable to the Sovereign at the rate of 2% per annum on the income) was imposed on the Jagirdars, the Government exempted the Samasthans from this payment, having regard to the fact that such a levy would be appropriate only in the case of Jagirs granted anew and inapplicable in regard to those estates which have been existing from a time long anterior to the advent of the Nizams. As an instance in point, I can cite the case of the Domkonda Samasthan itself. There, Haq-i-malikana is being recovered only in respect of one village, viz., Singistam, which comes under the category of a Jagir, while in regard to all the other villages constituting the Samasthan, no Haq-i-malikana is paid.

9. It may also be pointed out here that there are precedents when, on former occasions, some of the taxes till then being collected by the Samasthans were taken over by the State (e.g., customs duty, taxes on Ganja and Opium, and liquor, toddy and Baithak), a readjustment was made by the Government in the Peshkash.

10. Finally, if the Government considers it desirable that the Jagirs should be taxed for some heads of administration in the Jagirs, the Samasthans should be exempted from paying these taxes, so long as the Peshkash or Haq-i-malikana is being recovered from them, so that, in course of time, the Peshkash and/or the Haq-i-malikana may be dropped and these taxes alone levied instead. It would be sheer justice and a gracious gesture on the part of the Government if the Peshkash, an old-time remnant, is abolished, as has been done in the case of Mysore by the Paramount Power. If a just and uniform policy in regard to all the Jagirs is to be adopted, it can only be done if the Peshkash is abolished and the Samasthans like the other Jagirs are taxed in a uniform manner. This will enable the Samasthans to spend larger amounts on their administration and on the welfare of their ryots. At present the Government is rendering no service to the Jagir ryots in lieu of the Peshkash or the Haq-i-malikana. Although these payments originally went to the privy purse of the Sovereign by way of tribute or royalty, they are now credited entirely to the Diwani budget. It is therefore, incumbent on the Government to spend these amounts on amenities to the Jagir ryots as long as they are being paid, and relief should be given to the Samasthan-holders to the extent of such amounts in any contributions that may be levied.

11. *Makhtas and Pan.*—Makhtas are more akin to Samasthans than to Jagirs. A perusal of the official records will prove that in the strictest sense, Samasthans include Gadwal, Gurgunta and Anagondy only, as they alone are considered to be payers of

Peshkash, and the others of makhtapan. As times passed by, these big makhtas too have begun to be styled as Samasthans even by Government. The origin of the makhtas might not be so ancient as the Samasthans, and they might not have had all the powers that the Samasthans wielded, yet their history is almost similar. So as regards the 'pan' they pay, since whatever recommendations are made for the Samasthans also hold good equally for the makhtas, relief should be given to these also, to the extent of 'pan' amounts in the contributions to be made. In case any of the small Samasthans or makhtas are proposed to be taken over by the Government, they should be compensated on better terms than the Jagirs, as they are previously existing grants paying this tribute to this very day, carrying a certain sanctity of quasi-legal contract, requiring to be honoured, while the latter are recent grants, paying no contribution and terminable at will.

12. I do not agree with the majority that a re-adjustment of the Peshkash would be outside the purview of the enquiry, since item No. 2 of the Terms of Reference clearly refers to the equity of contributions such as Peshkash, etc., and to a more scientific apportionment. It will be quite unfair to the Samasthans if large contributions are levied in addition to the present payment of Peshkash which range between 10% to 25%. It would not be out of place to quote a high authority in this connection:—

13. The Peshkash is "more or less, in the nature of a contribution in acknowledgment of suzerainty to aid or to protect on the one side and to give subordinate co-operation on the other".... *vide* Davidson's Report, para 42. As regards such contribution, the same report in para 65 says, "As regards tributes in general, we are in full agreement with the conclusions of the Federal Finance Sub-Committee that there is no place for them in a Federal Constitution and that with Federation they should be brought to an end. We should apply this conclusion to all tributes comprised in Clauses (1), (2) and (3) above, whether they originated in acknowledgments of suzerainty and obligations of subordinate co-operation, in contributions for general protection in commutation of obligations for the supply of troops, or in payments of subsidiary forces."

REVENUE ADMINISTRATION

14. I shall now take up the question of Revenue Administration. I cannot understand the unnecessary division of Jagirs into four categories, made in the majority Report. Even a cursory view would show that the classification leads to a multifarious form of administration rather than to any uniformity. Further I do not find any difference between the third and the fourth categories

of Jagirs, which are on the same footing except for the fact that the Jagirdar continues in name in the one case, whereas he is completely effaced in the other. But in both cases they are maintenance-holders, and, if we remember that this would imply, according to Rai Bal Mukund's report, about 1148 such maintenance-holders, the gravity of the situation can be imagined.

15. The importance of giving a fair trial to the recent Jagir Revenue Recovery Regulation, has been hailed as a great measure of reform in Revenue administration, by both Jagirdars and officials alike. Without fear of contradiction, I may add that almost all the Jagirdars and the majority of officials have suggested that the recent Regulation would set matters right so far as Jagir Revenue Administration is concerned and would be satisfied if it is strictly enforced. This will lead us to a consideration of the Regulation.

16. *The Jagir Revenue Recovery Regulation of 1355 F.*—As this Regulation has been brought into force, it would be better if all the powers of the Taluqdar, Tahsildar and Subedar are also conferred on the Jagirdars and his officers. This will render the officers of the Jagir being more readily available to the ryots of the Jagirdar and thus will facilitate speedy disposal of all matters concerning them. I am sure that the Jagirdar would ensure these laws being enforced with understanding on the part of his Revenue officers. The Jagir Revenue officers would always be restrained by the thought that the Jagirdar would not, under any conditions, allow the ryots to be alienated from him. The final authority in these matters would of course be the Government, as laid down in the Regulation. This proposal may be given a trial for at least five years and the experience thus gained should help the Government to formulate its future policy.

17. The Jagir Revenue Recovery Regulation was necessitated by some conflicting judgments passed by the High Court and the Judicial Committee, from time to time. This measure was under contemplation for the last 20 years, many drafts having been put up at different times, and shelved, mainly on account of the opposition of the Jagirdars, who contended that they required no fresh grant of powers, as they considered that they already possessed these. Now, at least, in July 1946, His Exalted Highness has been pleased to give his gracious assent to this Regulation and it was only in March '47, the rules fixing the qualifications and salaries of the Jagirdar and his officers, appointed under the Regulation, were published. As the above measure has been put into force after much serious thought and deliberation, I am of the opinion that this regulation should be given a fair trial for at least five years,

without being subject to any alterations, and any changes contemplated hereof by the Government should be based on the experiences gained by the above trial. A very eminent officer, viz., The Secretary, Post-War Reconstruction, has given his opinion that the Regulation is quite satisfactory and that it should be given a fair trial. At the very initial stage of the Regulation, an increase in the salary of any grade is not advisable. The witness above referred to stated that the salaries as fixed in the Regulation compare favourably with those of Revenue officers in several other Native States. Any increase so soon would be considered to have been done more to prohibit them from appointing officers, and, in a way, to compel them to hand over their Jagirs, than anything else. Without convincing reasons, this measure which has been enforced after such great deliberation and consultation of all interests concerned, cannot be scrapped. On the other hand, we find that several of the Taluqdars and other prominent officers think that the Regulation should remove most of the ills in the administration and suggest its strict enforcement.

18. If the Government thinks that the salary of the Taluqdar should be enhanced, I am of the opinion that provision should be made in the Regulation for the creation of the post of a second Taluqdar on a salary of Rs. 300. This appointment should be left to the choice of the Jagirdar, so that when he is not able to appoint a prohibitively high-paid Taluqdar, he might have a second Taluqdar over his Tahsildar. This second Taluqdar should hear the appeals from the Tahsildar and also do the Jamabandi work. Then the Jagirdar himself may use the powers of the Taluqdar, as in the Regulation, if he does not desire the appeals from the orders of the second Taluqdar to lie to the first Taluqdar of the Diwani. This will give the Jagirdar the satisfaction of having had the opinions of two of his subordinate officers, before the appeals come to him or go to the Diwani Taluqdar. I am not of the opinion that a revision of the judgment of the 'Nazim Mal' of the Jagir should have a regular process to follow. Without discrimination between Jagir and Jagir, all revisions from orders of the Jagir Nazim should lie to the Board of Revenue as easily as those of Jagirdars of Class I. By this revision the ryot will have the satisfaction that he can have justice done to him by the highest Revenue Tribunal of the State.

19. *Government Management of Jagirs from Rs. 25,000 to Rs. 1 lakh.*—The majority Report recommends Government management for all Jagirs with income between Rs. 25,000 and Rs. 1 lakh. The question of providing a substituted administration for this category of Jagirs does not arise, since I am afraid it is outside the purview of the Terms of Reference. Moreover, Govern-

ment could not have thought of bringing in such large Jagirs under their management unnecessarily, instead of leaving them to the Jagirdars. I am quite against this proposal as the Jagirdar can easily manage his Jagir under the present Regulation. In case the Government takes over the management of these Jagirs, 33½% alone should be taken over by the Government, leaving the balance to the Jagirdar and his shareholders. This 33½% should include all taxes and contributions now made as Peshkash, Makhtapan, Haq-i-malikana, etc. The 'Kabiz' should continue to get his 4 as. share as usual, as the Government is depriving him of the management, for which he should not be made to suffer.

20. *Mustasna and Ghair Mustasna Jagirs.*—Coming to the 1st^t and 2nd categories, I cannot understand why any distinction should be made between Mustasna and Ghair Mustasna Jagirs with annual income of above one lakh of rupees. In the first place, the term 'Mustasna' is not definite, the number varying from time to time. Secondly, except for the fact that it is a handy term, I cannot see what vital difference there can be in Revenue matters in both these categories. The problems in the one are the problems in the other. There are some Ghair Mustasna Jagirs with larger income than the Mustasna Jagirs. In my opinion all these should be treated alike and their administration made uniform in strict conformity with the provisions of the Jagir Revenue Recovery Regulation of 1355 F.

RESUMPTION OF PETTY JAGIRS

21. I do not agree with the recommendations of the majority in regard to resumption also. I have already pointed out that the J. R. R. Regulation should be given full effect to. According to the Regulation, a Jagir, however small it be, has to maintain a qualified Tahsildar, whose salary has been fixed, or the Jagirdar himself will have to work as a Tahsildar of his own Jagir, in case he possesses the necessary qualifications or is empowered under the Regulation. A little change in these Regulations would, in my opinion, set many things right. The distance of the Jagir from the Tahsildar's headquarters has not been defined. From my personal enquiry I have come to know that the longest distance from a Diwani village from its Tahsil headquarters is 44 miles (e.g., Vanchapally from Manthani). If it is laid down in the Regulation that, with a view to being readily accessible to the ryots and more efficient supervision, the Tahsil headquarters should be within 45 or 50 miles, from any of the villages under its jurisdiction, it naturally follows that villages outside this limit have to be put under a different Tahsildar. Most of the

Jagirs being scattered, this addition to the Regulation will make most of the small Jagirdars surrender their Jagirs voluntarily, as they would not be able to appoint another Tahsildar for the scattered villages. This addition to the Regulation is an essential one, and there cannot be much to say against it. Under this amendment, even some of the bigger Jagirdars will have to forego some of their far-off scattered possessions, if they cannot afford to have a separate Tahsil office for them. In like manner the smallest Jagirs may not be able to appoint a Tahsildar and these will gladly hand over their Jagirs. The Commission is anyway recommending that Jagirs granted for religious services should not be resumed. It would be seen that a large number of the petty Jagirs would come under this exemption. Hence, on principle, a differential treatment is not advisable, for the other petty Jagirs. In the above view the question of resumption does not arise. However, if it should be considered expedient, it may be on a voluntary basis.

22. I would therefore agree with the view expressed by an ex-Nazim Saheb Atiyat, in his answer to the questionnaire, that a general notice should be published intimating all Jagirdars with a certain income to apply for resumption of their Jagirs if they so desired. This would meet with great response from the Jagirdars and his hissedars, who, to avoid the inconveniences attendant upon the application of the provisions of the Regulation, would voluntarily surrender their estates for resumption and cash compensation, and the measure will not have the odium of any compulsion or taking away any proprietary rights or interests.

23. I cannot overlook the following points in making my recommendations regarding resumption and the limit for resumption :-

(1) The fact that crown grants which have a certain sanctity are being interfered with has to be considered.

(2) The limit should be reasonable and should be based on logical considerations. It would be unjust to treat as petty a Jagir with an annual income of Rs. 25,000, which can very well employ the necessary staff for Revenue administration, which alone is left under the general recommendations.

(3) The recommendation would, according to the data available from Rai Balmukund's Report, affect 1,089 Jagirs out of a total of 1,167. If these were resumed only 78 estates would remain of which another 59 with an income of Rs. 1 lakh and below will be effaced, remaining for name's sake only, since Government alone will be running the whole administration giving some pensions to the Jagirdars, which perhaps with another

Commission to come, will gradually share the fate of Mansabs at present.

I am afraid this was never the idea of the Government nor did they by the expression "Resumption of petty Jagirs" intend the extinction of such a large number of Jagirs, even allowing some margin for the antiquated figures of Rai Balmukund. We should not outstep our limits and should not also hesitate to solve the problem in equity to all the interests concerned.

(4) It should not be taken for granted that Government was in favour of resumption, as such an assumption is not warranted by the Terms of Reference. We should first consider the alternatives to resumption before coming to any decision. Some of the schemes suggested by the hisseadars in their Memorandum and some Jagirdars and Jagirdar-witnesses should be considered and should not be summarily rejected. Collective administration through Taluq and District Committees of Jagirdars should not be overlooked as a solution for the problem of the petty Jagirs.

24. If the Government however decides upon the principle of compulsory resumption acting upon the majority recommendations, I would suggest a limit of Rs. 15,000 annual income. In such a case, there should be no reduction in the cash mashes fixed, which should continue perpetually and not liable to reduction like Mansabs. If the Government intends making a deduction when fixing the compensation, for some administrative charges, amenities, etc., these deductions should in no case exceed 25%, the present payments, such as Makhtapan, Haq-i-malikana and all other taxes included.

25. Provision should be made for the 'Kabiz' to get his 2 as-share as usual, as the Government is depriving him of the management, for which he should not be made the loser.

GENERAL CONTROL

26. For the machinery for control over the Jagir Revenue Officers I would suggest the following:—

In the Revenue Department, each officer has his superior, and an officer of the Diwani, whose rank is higher than that of the Jagir-officers, who are competent to hear appeals and review the cases, should inspect and give suggestions to the Jagirdar and it should be incumbent on the Jagirdar to act upto such advice. The officer to control the Nazim-Mal of the Jagir should be the Director of Revenue. If it is considered that this work cannot be conveniently handled by the Director-General of Revenue, owing to his responsibilities, both the Members of

the Board of Revenue can be made Deputy Directors-General for Jagirs, one for Telangana and the other for Marathwadi and Karnatak. These latter could tour their respective areas and place their opinions before the Director-General. Alternatively, a separate Inspector-General could be appointed for the Jagirs to look after not only the Revenue side, but all activities of the other Departments also. Suggestions of all departmental officers, such as Police, Judicial, Education, etc., should be placed before him. He should be empowered to hear such appeals of the Jagirdars in which the two Members of the Board of Revenue differ. His salary should be Rs. 2,500 which is higher than that of the two Members.

27. *Protection of Jagirdars from undue interference on the part of certain Government Officers.*—While providing for greater control over the Jagirdars and Jagir officers, the Government should also provide for adequate protection of the Jagirdars from the unscrupulous interference of the Diwani officers who have been found in the past to have interfered with irrigation-sources and other subjects of public utility in Jagirs, without authority from their superior officers. Strict instructions should therefore be laid down that unlawful and needless interference in Jagir matters would be seriously dealt with and a machinery should be provided for to investigate into such matters. These matters may also be conveniently dealt with by the Deputy Directors-General above referred to.

28. *Survey and Settlement.*—As regards Survey and Settlement while I agree to all that has been recommended by my colleagues, I wish only to add that qualified Jagir-officers should be co-opted in Survey operations in Jagirs so that the latter can see that no injustice is done and bring to the notice of the superior Diwani officers complaints if any. This would prevent the several complaints now made by Jagirdars after the Settlement rates are announced.

29. *Judicial, Police and Jails.*—Coming to Judicial and Police powers, I cannot agree to the recommendations of the majority. I go a long way with them and agree to the powers being reduced to the barest minimum. But complete Revenue powers without an iota of Police powers, to enforce their orders are meaningless. The representation from the Vicarn-ul-Umra Paigah has pointed out the anomalous position. The Revenue officers do not get even scant respect from the Police officers or even constables, who are all Diwani, when they go on their tours. It would be highly uncongenial and inconsistent that a Revenue Officer having complete executive powers cannot command respect or demand compliance from the lowest constable in his own jurisdiction. It is very well said that Law and Order should be the primary

concern of the State. But the difficulty of a Revenue officer with an uncomplying constabulary can only be visualised than explained. Law and Order are not after all, dissociated from the Executive authorities. For this reason I suggest that some powers, Judicial and Police, should be retained to be exercised by such Jagirdars as come under the first category of Jagirs according to the Jagir Revenue Recovery Regulation of 1355 F.

30. For the Judiciary, I would recommend that these may continue to have powers to appoint Munsifs, who should have a pecuniary jurisdiction of Rs. 1,000, extending in proper cases (like trade centres) to Rs. 5,000 and who should have the powers of a first class magistrate. The supervision of High Court, Revisions, appeals, etc., shall continue as at present. The salaries and qualifications may be the same as recommended by the High Court. These should, however, not be allowed to exercise any Revenue powers.

31. As regards the Police powers, I would recommend that they may continue to have the right to appoint Sub-Inspectors and Inspectors of Police where necessary. The number of villages and their distance from the Police-station shall be the same as in the Diwani. The Jagir Police officer shall be under the supervision of the Diwani officers of the District and the Director-General of Police. The present distinction between major crimes and minor crimes may be abolished and the Police officers should be enabled to investigate all crimes committed in Jagirs. The salaries and qualifications of all these officers shall be the same as fixed by the Director-General of Police. The highest Jagir Revenue officer should be kept informed of the directions from the superior Diwani officer.

32. The present system may continue in regard to Jails in the Jagirs.

33. What I have suggested above is quite in consonance with the scheme of Mr. S. T. Hollins, the ex-Director-General of Police. It is no doubt true that a Farman had been issued in regard to Police, but since the matter had been purposely included in the Terms of Reference, I think we are not prevented from making our recommendations regarding Police.

34. Coming to the monetary adjustments I am of the opinion that if ultimately the Jagir Police is taken over by the Government the Jagirdar should not be made to pay any contribution.

CODIFICATION

35. The Commission did not bestow sufficient attention on the question of codification although this was one of the items in

the Terms of Reference. Instead of making a mere casual reference to the desirability of codification, it could have referred to some of the matters that required to be set right and clarified in codifying the law relating to crown grants. Several of the witnesses and the people who sent their answers to the questionnaire have pointed out to the various difficulties. Although it is not a matter of dissent, but intended only to further clarify the issues cursorily referred to by my colleagues, I wish to refer to the following points that have to be considered in making an attempt at codification, and at relieving the Jagirdars from unnecessary litigation.

- (1) Gashti No. 10 of 1338 F. should be suitably amended so that it is not made use of as a lever for any unscrupulous claimant, hissedar, or Guzarayab, to set afoot interminable litigation.
- (2) While providing a proper check over expenditure by a Jagirdar, steps should be taken by the Government to minimise the interference on the part of hissadars with the management of the Jagir by bringing into question even legitimate items of expenditure. This can be ensured by restricting the scrutiny of the hissadars to the income side of the budget only, and not the expenditure side, as is done in the Paigahs. The hissadars may be allowed to inspect such budgets at the end of the year.
- (3) Payments of shares at the proper time either quarterly at the time of receipt of the Abkari cheques or half-yearly may be ensured.
- (4) The present law, according to which during the lifetime of one holder none else can succeed even with the voluntary surrender by the holder, should be suitably modified so as to enable the holder to hand over the management in his own lifetime to the next heir, after previous sanction of the Government. This would not only facilitate the transfer of the estate from old and incapacitated persons to their heirs, who are able-bodied young persons, but would avoid many disputes born of envy, rivalry, etc., at the death of such a person. In the same way change-over of the estate from the mother to the adopted son would be facilitated in all cases of recognised adoption.
- (5) The law should be made definite with regard to succession as well as management which is by far the most productive of litigation and quarrels. This is because of

the present insistence on *qabiliat* (capacity) rather than heirship in determining the right of management. The law may therefore, bring about some fixity of succession to management making proper provision for exceptional cases of incapacity, so that unnecessary disputes relating to Qabza can be checked.

- (6) An amendment in the Circular by substituting the words "a direct male descendant and in the case of several sons the eldest, unless he is incapable" is suggested for the existing words "to the person who is capable". Provision should be made for lessening disputes regarding shares of management. Instead of Haq-e-Intezam, the right may be put beyond dispute by being termed Haq-e-Jagirdari as in the Paigahs.

JAGIRDAR'S PERSONAL SHARE AND THE CONTRIBUTIONS TO THE GOVERNMENT

36. As regards the contributions that have been recommended by the majority to be payable to the Government for taking over the administration of some or all departments, I am of the opinion that the proposals are impracticable and will lead not only to widespread resentment among Jagirdars, but to a deadlock in the administration. It is inconceivable that with so many hissedars and maintenance-holders depending on them, with Abkari likely to come down in view of prohibition all round, with the expenditure mounting up, consequent on the raising of salaries of the Jagir officers, and with the sources of income absolutely limited, whether even some of the bigger estates can carry on the administration. The responsibility for good administration does not depend entirely upon the Jagirdars but devolves to a large extent on the Government. The allegation that Diwani revenues are bearing the brunt of expenditure in the Jagirs also is not well founded. The Jagir subjects are paying several taxes to the Government like customs duty, tobacco duty, excess profits-tax, duty on excise articles like matches, sugar, etc., Railway fares and in future perhaps income-tax, which swell the revenues of the Diwani and for which at present the Jagir ryots receive very little in return. Taking these into consideration, it is partly the duty of the Government also to bear a portion of the expenditure on public administration in Jagirs.

37. Taking all facts into consideration, I feel that the contribution recommended to be levied is unduly heavy. I have, therefore, suggested that a uniform rate of contribution should be levied on all Jagirs arrived at after an equitable consideration of all aspects of the matter.

38. I am inclined to think that the principle of *Suls-Sulsan* would be the most equitable principle. $33\frac{1}{3}\%$ is the maximum amount that the Jagirdar would be able to spend on administration, the other two-thirds being shared between the Jagirdar and his hissedars in equal halves as in the Paigahs. One of the official witnesses, the Nazim of Abkari, has also suggested this principle. The Jagirdars should not be taxed with any portion of expenditure in regard to Police and Judiciary, if the Government decides upon withdrawing these powers from the Jagirdar, since it is a primary duty of the Government to defray these charges from the Central budget for the maintenance of Law and Order. Further in the past also, when Police powers were taken away from Jagirs they were never charged for these expenses. There is no justification for a differential treatment in regard to the other Jagirs.

39. In the case of the Judiciary also, no fresh contribution need be levied. The Court fees collected may go a long way to meet the expenses.

40. I am of the opinion that $16\frac{2}{3}\%$ uniformly from exempted and non-exempted Jagirs would be a suitable and reasonable portion of contribution to Government for the latter undertaking the responsibility of providing public amenities in Jagirs. After deducting this contribution the balance may be distributed in three portions, one for the Revenue administration, one for the Qabiz and the third for the shareholders. As suggested previously contribution should be all inclusive, relief being given to the extent of Peshkash or Haq-i-malikana, Pan, etc., where it is being paid by any Jagir.

41. The only question that remains to be considered relates to appropriation of the Jagir income by the Jagirdar for their personal purposes. As stated above I would advocate the principle of *Suls-Sulsan* one-third being set apart for administration, one-third being earmarked as the share of the management and the other third being left for the shareholders. Although a special representation has been made by the Hissedars decrying the principle of reserving the share of the holder of the Jagir, it should not be forgotten that this was of a historical origin. There was a time about 40 years ago when hissedars were maintenance-holders like Guzarayabs. Subsequently they have been awarded specific shares. Now they are claiming more and intend to whittle down the share of management. It should be kept in mind that the manager of the Estate cannot keep up his position and his establishment with the few pies of share that he gets along with the other shareholders:

42. It is advisable to adopt the 'Suls-Sulsan' method as obtaining in the Paigahs in the Jagirs also. This will result in a uniform method being followed in the Jagir and Paigahs. This will also be conducive for establishing the old family ties between various members of the family and may end much of the present antagonisms. This has been advocated by most of the Jagirdars and Officers also.

43. In case this is not approved by the Government, at least 50% of the gross income should be apportioned in the ratio of 2:3, two-fifths to the Qabiz and three-fifths to the hissedars including the share of the Qabiz.

CONCLUSION

44. To fully assess the results of the recommendations regarding the contributions by the Jagirdars to the Diwani Exchequer, I would like to illustrate by taking two typical instances of Mustasna Jagirs, one a Samasthan paying Peshkash and the other a Jamiat Jagir, which clearly show the heaviness of the burdens and the injustice that would be done to the Jagirdars and hissedars.

A typical Jamiat Jagir.—

		Rs.	A.	P.
Let the income of the Jamiat Jagir be	..	100	0	0
The collection expenses would be	..	6	4	0
		<hr/>		
	Balance ..	93	12	0
Deduction of 20% for dispensing with Military service	..	18	12	0
		<hr/>		
	Balance ..	75	0	0
Revenue administration charges at 33 $\frac{1}{3}$ %	Rs. 25	0	0	
Police and Judiciary	" 6	4	0	
Public amenities	" 12	8	0	
		<hr/>		
		43	12	0
		<hr/>		
Balance left for apportionment among Holder, co-sharers and maintenance-holders	..	31	4	0

A typical Peshkash-paying Samasthan.—

The same result would be arrived at with a difference of 1 or 2% according to the difference in Peshkash between one Samasthan and another.

45. It would therefore follow that while the Commission shows that 41 $\frac{2}{3}$ % is left for the Jagirdars of the 1st category, the amount actually available for them in most of the Jagirs would be only a little over 30%.

46. With the increase in the claims of hissedars and Guzarayabs at each succession, with the difficulties in maintaining the establishment, with the rise in the salaries of the officers and with gloomy prospects of the Jagir income dwindling down, and with no prospects of making any savings by personal management in view of the high qualifications prescribed for such management, the Jagirdars will be a helpless and pitiable class.

(Sd.) SOMESHWAR RAO.

BANGALORE,
25th May 1947.

SUPPLEMENTARY NOTE BY MR. L. N. GUPTA

1. I had no intention to write a separate note. The Report represents the greatest common measure of agreement between the members and I am convinced that our recommendations represent the best *via media* between safeguarding the vested interests and meeting the needs of the people. If implemented as a whole (not in piece-meal) and without undue delay, it should meet the immediate requirements of good administration, without causing any drastic upheaval of the present system. Furthermore, I have no intention to depart from or weaken the unanimity that the members of the Commission have generally exhibited throughout the Report. We have worked like a team and whatever our differences might have been in the beginning, we have benefited by discussion, have respected each other's point of view and have arrived at almost unanimous conclusions. Even Raja Someshwar Rao, who has written a note of dissent, agrees fundamentally with most of our recommendations, although in some cases he does not agree to the limits prescribed, such as for resumption, etc. This is only, to my mind, a matter of detail. However, owing to the paucity of accurate data, to which a reference has been made at length in Chapter V of the Report, the Raja Saheb has been led into drawing certain conclusions, which are not borne out by facts. As this may cause some misapprehension, I wish to add this explanatory note regarding this specific issue.

2. It has been explained in Chapter V of the Report that no correct figures of the number of Jagirs with varying income are available. A cursory reference has been made to the figures given in Mr. Rai Balmukund's Report. At the same time it has been pointed out that these figures are entirely out of date. The basis of Mr. Rai Balmukund's Report is income figures, as given in Sanads or Munthakhabs. The income of the Jagirs under Land Revenue and particularly under Excise has subsequently increased several-fold, as compared to the income for the period to which these figures relate. To take an example, according to the figures in Mr. Rai Balmukund's Report, the number of Jagirs with an income of over Rs. 6,000 would be only 288; whereas according to the figures kept in the Revenue Department, of the Jagirs paying Jagirdars' College Cess, the number of such Jagirs is 840. Even the Revenue Department figures are based on the average decennial income of 1330-1340 F., which are thus out of date. The actual number of Jagirs, therefore, enjoying an income of over Rs. 6,000 at the moment, would be much higher than even 840, as against 288, according to Mr. Rai Balmukund's Report.

3. The Commission has recommended the resumption of Jagirs upto an income of Rs. 25,000. It has been further recommended that to ascertain whether a particular Jagir falls under

this category, the average annual income shall be taken into consideration for such period as may be determined by Government, having regard to the present practice obtaining in the Revenue Department, provided that the war-time increase in Abkari income during such period shall be ignored. It is obvious, therefore, that it is not the intention of the Commission that the Jagirs should be resumed on the basis of Mr. Rai Balmukund's figures, but on the basis of actual average income, for the last few years. The estimate of the Raja Saheb, therefore, that out of a total number of 1,167 Jagirs, 1,087 would be resumed, is misleading and is not at all in accordance with the recommendations of the Commission. It would be clear that the misapprehension that only 78 Jagirs would be left over after the resumption of petty Jagirs, as per the recommendations of the Commission, is entirely unfounded. If the comparison of the figures of Jagirs above Rs. 6,000 can be taken as an indication, this estimate is wrong at least by 300%. Besides, the petty Jagirs even with an income below Rs. 25,000 which are granted for religious services are not to be resumed, which would considerably swell the number of Jagirs to be retained.

4. It may also be mentioned that the area and the number of villages covered by the big Jagirs is much larger than that under petty Jagirs. For example, 17 Mustasna Jagirs alone cover almost half of the number of total Jagir villages. The other big Jagirs would cover another large portion. Thus the actual number of villages to be resumed, which are scattered all over the country in little islands, would be really a very small portion of the total number of Jagir villages.

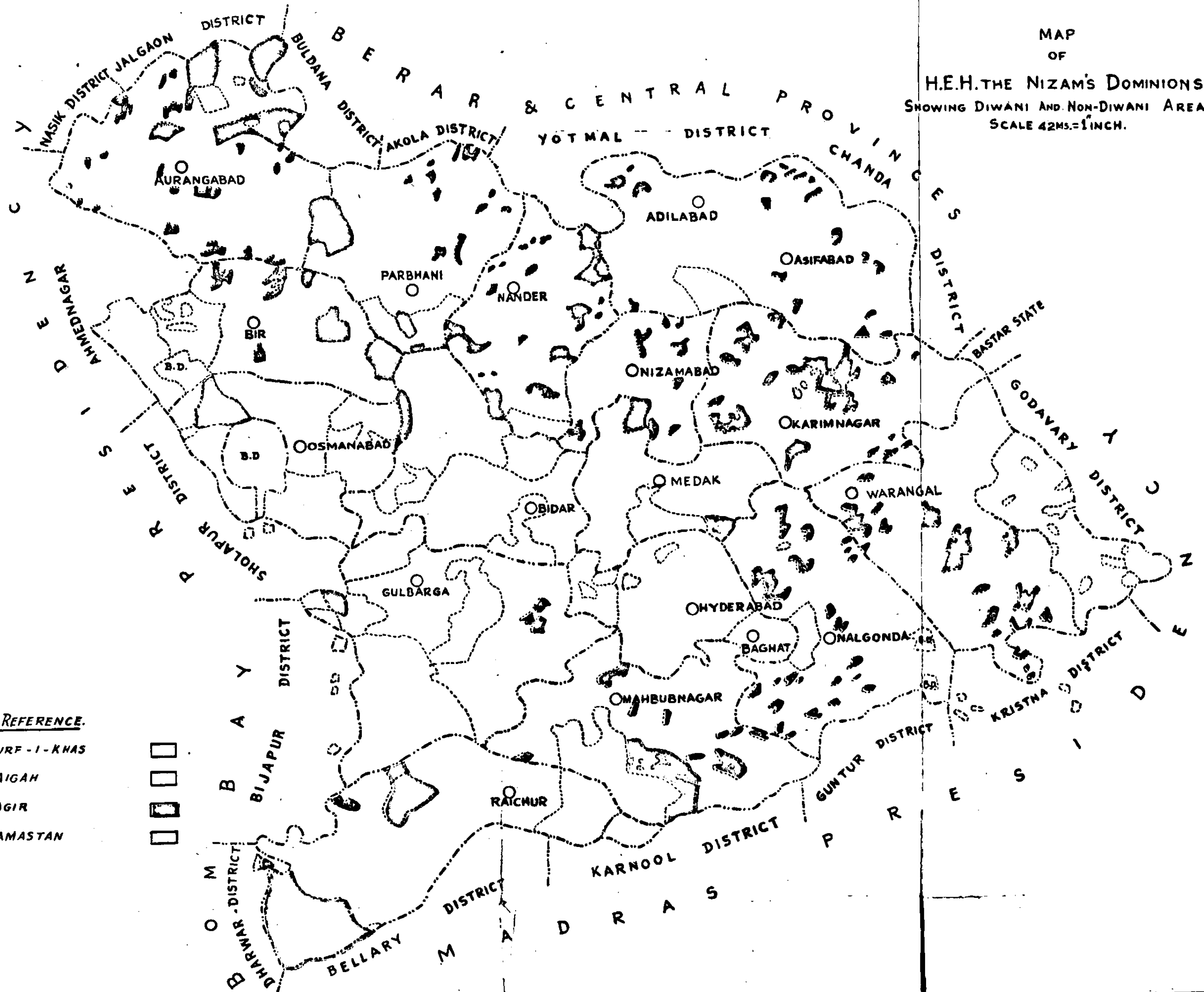
5. Further clarification may be made that the word Resumption has been used rather loosely as per the Terms of Reference of the Commission. Otherwise, what is proposed by the Commission for petty Jagirdars upto an income of Rs. 25,000 per annum, is not resumption, as such, but is really the conversion of the 'Maash' which at present is enjoyed by the Jagirdar in the shape of land revenue, etc., into a cash "Maash". Thus the "Maash" itself is not affected in any manner and will be subject to the same rules and Atiyat Law as at present. Similarly, in the case of bigger Jagirdars also the "Maash" itself is not adversely affected in any manner by the recommendations of the Commission. This is an important factor which has weighed all along with the Commission.

(Sd.) L. N. GUPTA.

BANGALORE,
25th May 1947.

PART IV
APPENDICES

MAP OF H.E.H. THE NIZAM'S DOMINIONS SHOWING DIWANI AND NON-DIWANI AREAS SCALE 42MS.=1INCH.



REFERENCE.

- SURF-I-KHAS
- PAIGAH
- JAGIR
- SAMASTAN



APPENDIX II

Extract from the Opening Remarks of the Chairman at the Preliminary Meeting of the Jagir Commission on the 28th January 1947

“I deem it a great privilege to welcome you as Chairman of this Commission to the preliminary meeting convened with the special purpose of considering the general scope of the work that lies before us and discussing procedure and programme.

* * * *

Jagir institution in Hyderabad is unique in itself and bears no comparison with similar institutions in other parts of India which are either in the form of Zamindari or large landed Estates now receiving considerable attention at the present time.

* * * *

But never before such a comprehensive investigation has been ordered as now, although there had been in the past a few Commissions and Committees constituted to go into particular matters.

I take it that the object of the present enquiry is to bring the Jagir administration in conformity with the Diwani administration of the State, so as to confer equal benefits and advantages on all the subjects of His Exalted Highness' Dominions. In other words, in recommending reforms, we have to see what should be done to enable the Jagirdars to continue to play a valuable part in the social, economic and political life of the State and also to see how the nation-building services in the Jagirs can be brought up to the standard prevalent in the Diwani areas and how they are to be financed.

* * * *

It is needless for me to lay stress upon the far-reaching character of the work entrusted to us, or the difficulty or the delicacy of the task. Much spade-work has to be done and there are points relating to procedure and programme which must be settled at the preliminary stage.

Under procedure, the questions that arise are how the 11 Points of reference should be tackled and in what order. Secondly, what are the materials that are to be collected, and thirdly, who are the persons to be called for the production of any relevant material or evidence? Once these matters are settled, we can go ahead.

To summarise my suggestions as to procedure, firstly, we should send out the Questionnaire without delay, and secondly, form the Sub-Committees to meet as often as possible and deal with the points of reference with a view to frame resolutions thereon. Thirdly, requisitions to different departments of Government may be sent out immediately for relevant reports previously published, information of a statistical nature about the Jagirs, their number, categories, size and revenue, Court of Wards reports of Jagir administration and any other

reports of importance on Judicial and Police jurisdiction. A time limit may be fixed for the supply of all this material.

As regards programme, I put it to you for consideration that as we are expected to submit our report within four months what part of our work may be completed by the end of March next when the hot weather will set in. I would suggest that advance arrangements may be made for any local inspection of Jagirs and for summoning of individuals and all Sub-Committee work may be completed as far as possible within the 60 days in front of us."

APPENDIX III

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APPENDIX IV

QUESTIONNAIRE

Issued by the Commission both in English and Urdu

- I. A. What are the rights conferred on the Jagirdars by Sanads or other orders in regard to—
 - (i) The assignment and collection of land revenue, cesses and other incomes.
 - (ii) Administration of Jagir areas?
- B. What are the obligations and conditions, express or implied, imposed on the Jagirdar, towards the State

and towards the subjects living in Jagir areas, under which any of the rights were conferred on the Jagirdar?

- II. A. What are the contributions such as Peshkash and other Cesses made by the Jagirdar to the Diwani Revenues?
- B. What are the services rendered by the Diwani to Jagirs in consideration of the contributions aforesaid?
- C. What are the services rendered by Jagirs to the Diwani?
- D. Do you suggest any better scientific method of apportioning expenditure incurred on the services referred to above, between Jagirs and Diwani?
- III. How do you think the enforcement of Laws passed by Government should be assured in Jagir areas? What agencies do you suggest for this purpose? How far should the services of officers, Diwani and Jagiri be utilised, and in the case of the latter, what discipline and control of Government should be imposed upon them?
- IV. A. What alterations would you suggest in the present arrangement regarding the collection of land revenue in Jagirs of the 1st or 2nd category referred to in the Jagir Revenue Recovery Regulation 1355 F. having regard to—
- (i) The facilities in the collection of revenue to the Jagirdar,
 - (ii) The adequate protection to the Jagir ryots,
 - (iii) The uniformity in the revenue collection system throughout the Dominions, as between Jagir and Diwani areas,
 - (iv) Disciplinary and other control over revenue officers in Jagirs, their status, powers, scales of pay, qualifications and transferability?
- B. Is the present apportionment of the Survey and Settlement charges of half and half between the Jagirdar and Jagir ryots *inter se* just and equitable? If not, what modifications do you suggest?
- C. Is there any justification for the discrimination made under the standing orders of the Revenue Department between the relief given in Jagir areas and relief given in Diwani areas, in respect of remission and suspension of land revenue with regard to crops under well irrigation?
- D. (a) What measures have been taken to enforce the following enactments in the Jagir areas:
- (i) Money Lenders' Act,
 - (ii) Land Alienation Prevention Act,
 - (iii) Debt Conciliation Act,
 - (iv) Bhagela Regulations?

- (b) What machinery would you suggest for the active enforcement of these debt relief measures in Jagir areas, and whether through Diwani officers or Jagir officers ?
- E. What machinery exists for the enforcement of the Asami Shikmi Act, I of 1354 F. in Jagir areas and what agency would be advisable for its enforcement ?
- F. Would it not be advisable to make Famine Relief a central responsibility of the Diwani and to levy contribution to the Famine Relief Fund on percentage basis having regard to the income or population of the Jagirs ?
- G. With regard to the amenities mentioned below, should it not be made incumbent upon the Jagirdars to provide a fixed percentage of their income in the budget for meeting these amenities, or in the alternative, would it be preferable to levy contribution from the Jagir, Government accepting responsibility for providing these amenities to Jagir ryots, and if so, what percentage of the income would you suggest for this purpose ?
- (1) Water Supply.
 - (2) Medical Relief.
 - (3) Public Health.
 - (4) Sanitation.
 - (5) Veterinary.
 - (6) Agriculture.
 - (7) Co-operation.
 - (8) Public Works.
 - (9) Education and other nation-building activities.
- H. How far have the Local Government *A'ins* been enforced in Jagir areas ? What further steps should be taken in this regard ?
- K. What has been the experience in the working of supply measures and orders in Jagir areas ? How far have Jagirs co-operated in the work of procurement and distribution of grain ? Is it desirable to take over the supply and food administration in Jagir areas, under Government control ? If so, should not a portion of the expenditure be recovered from Jagir and on what basis ?
- L. In the case of Jagirs authorised to have Judicial Officers of their own, working under the control of the High Court, is the present arrangement satisfactory ? Do the disparities in the scales of pay of these officers and their staff, their non-transferability and other terms of service, affect the efficiency of these officers and Judicial

Administration in Jagirs? What steps would you propose as *via-media* for improving the present condition, and for bringing them on a par with the Judicial Administration in Diwani?

M. Do you consider that the Police and Jails' system of administration is satisfactory as at present existing? If not, what modifications would you suggest?

V. What suggestions would you make for establishing close and personal contact between the Jagirdars and ryots in Jagir areas?

VI. What methods would you suggest for the compulsory consolidation of scattered Jagir areas?

VII. Do you consider it desirable in the interests of efficient administration to resume petty Jagirs and grant cash *maash* instead? If so, what would you consider to be the smallest administrative unit for this purpose?

VIII. What steps would you suggest for the codification of the law and procedure in *Atiyat* enquiries so as to obviate lengthy litigation in Jagir cases?

IX. Do you consider it desirable to fix a certain percentage of the Jagir income for the personal expenses of the Jagirdar (including shareholders), having regard to the total income of the Jagirs on the one hand, and to the necessary administration expenses as also the provision for present-day requirements for nation-building activities, such as education, public health, etc., on the other?

N.B.—“Jagir” includes a Paigah, Samasthan, part of the Jagir, village Makhtha, village Agrahar, Umli and Mukasa.

APPENDIX V

LIST OF REPLIES TO QUESTIONNAIRE

I. Jagirdars and Hissedars

<i>S. No.</i>	<i>Name of the Answerer</i>
1.	Jagirdars' Association
2.	Jagir holders (Qabizeen)
3.	Share-holders (Hissedars) Association
4.	*Asman Jahi Paigah
5.	*Khurshid Jahi Paigah
6.	*Vicar-ul-Umra Paigah
7.	*Estate of Nawab Salar Jung Bahadur
8.	*Estate of Khan Khanan Bahadur
9.	*Maharani Sahiba of Gadwal Samasthan
10.	*Raja Rameshwar Rao of Wanparthi Samasthan

* Mustasna (Exempted) Jagirs.

11. *Jatprole Samasthan
12. *Estate of Raja Dharam Karan Bahadur
13. *Nawab Jamaluddin Husain Khan of Kalyani Jagir
14. *Rani Sahiba of Amarchinta Samasthan
15. Nawab Kazim Jung Bahadur, Jagirdar
16. Raja Krishna Devarayalu of Anagondi Samasthan
17. Mr. Chellam Ramlinga Reddy, Samasthandar of Sirnapalli
18. Mr. Moin Yar Khan, Kormapalli Jagir
19. Mr. Mustafa Yar Khan, Jagirdar
20. Mr. Mir Yasin Ali Khan, Jagirdar
21. Mr. Najmuddin Khan, Jagirdar
22. Mr. Azeemuddin Khan, Jagirdar
23. Jagirdars' Committee (Hunsagi), Shorapur Taluka, Gulbarga District

II. Names of Officers

<i>S. No.</i>	<i>Name of Officer</i>
1.	The Secretary to Government, Home Department
2.	The High Court of Judicature
3.	Additional Secretary, Education Dept.
4.	Director-General, District Police
5.	Inspector-General, Registration and Stamps
6.	Director, Agriculture Department
7.	Do. Veterinary Department
8.	Do. Public Instruction
9.	Nazim, Court of Wards
10.	Subedar, Gulbarga
11.	1st Taluqdar, Bidar
12.	Do. Nizamabad
13.	Do. Mahbubnagar
14.	Do. Medak
15.	Do. Karimnagar
16.	Do. Nanded
17.	Do. Bir
18.	Do. Adilabad
19.	Do. Parbhani
20.	Mr. Govind Rao, Member, Public Service Commission

* Mustasna (Exempted) Jagirs.

III. Retired Government Officers

1. Mr. Badruddin, Retd. Member, Atiyat Appeals Committee
2. Mr. Aga Shaikh Yavar Ali, Retd. Nazim Atiyat

IV. Jagir Officers

1. Mr. Abdul Aziz Khan, Divisional Officer and Munsif, Taimurni Jagir

V. Public

1. Mr. Venkata Rangareddy, President, Association of Jagir Ryots
2. Ryots of Peddapalli Jagir of Raja Dharam Karan Bahadur
3. Ryots of Virarpalli, Karimnagar District
4. Ryot Sangh of Kuppal Jagir
5. President, District Congress Committee, Kuppal Jagir
6. Mr. Janardhan Rao, Vakil and Secretary, Congress Committee, Kuppal Jagir
7. Mr. Ghulam Ahmed, Vakil, Nizamabad
8. Mr. G. Rama Chari, Advocate
9. Mr. Gurnath Rao, Vakil, High Court
10. Mr. D. Venkat Rao, Vakil, Jatprole
11. Mr. Mohd. Abdul Karim, Vakil of Kalyani Jagir
12. Mr. Nagnath Rao, Vakil of Bhalki Village
13. Mr. Raghavendra Rao Chaklabbi, Vakil of Kuppal Jagir.
14. Mr. V. Narsimha Reddy, Vakil, Samasthan Lingapur
15. Mr. Mohd. Yakub, Vakil, Samasthan Wanparti
16. Editor, Weekly Urdu Paper "Mustaqbil"
17. Mr. Mohd. Akbar of Turka Yamjal
18. Mr. Mohd. Abdul Qader Ansari of Bhalki
19. Mr. Virandala Patel and Mr. Bhim Rao of Chincholi
20. Dr. Bashiruddin Ahmed of Tandur Jagir
21. Mr. Mohd. Ghouse, Accountant, Commercial Corporation

APPENDIX VI

QUESTIONNAIRE REGARDING JAMIAT JAGIRS

- I. Kindly intimate the conditions or obligations under which your Jamiat Jagir was granted, with details as to the number of troops to be maintained or other services (such as the upkeep of Forts, etc.) to be rendered under the Sanad or Orders. Please furnish a copy of the Sanad or Sanads or Orders under which the Jamiat Jagir was granted.

- II. How far are you fulfilling such conditions or discharging such obligations? Kindly give complete details with your budget statements and suggestions, if any.
- III. Was there any reduction in the extent of your Jamiat Jagir on any previous occasion on account of partial fulfilment or non-fulfilment of any of the conditions or obligations laid down in the Sanad(s) or on account of reduction of such services under orders of Government? If so, what is the nature of such reduction?

APPENDIX VII

LIST OF REPLIES TO QUESTIONNAIRE REGARDING JAMIAT JAGIRS

1. Secretary, Paigah of Khursheed Jah
2. Do. Paigah of Vikar-ul-Umra
3. Do. Estate of Nb. Salar Jung Bahadur
4. Nazim, Court of Wards (Estate of Suraya Jung)
5. Secretary, Estate of Raja Shamraj Bahadur
6. Do. Estate of Nb. Fakhr-ul-Mulk
7. Raja Rameshwar Rao, holder of Wanparti Samasthan
8. Nb. Ghulam Md. Hyder Ali Khan, Jagirdar
9. Nb. Rahat Jung Bahadur, Jagirdar
10. Nb. Kazim Jung Bahadur, Jagirdar
11. Nb. Ali Yar Jung Bahadur, Jagirdar
12. Nb. Dost Mohamed Khan, Jagirdar
13. Nb. Shujaat Ali Khan, Jagirdar

APPENDIX VIII

LIST OF MEMORANDA, REPRESENTATIONS, MEMORIALS, COMPLAINTS, ETC.

1. President, Majlis-e-Hissedaran, Nb. Rais Yar Jung Bahadur
2. Hissedars of all the three Paigahs
3. Nb. Ahmaduddin Khan, Nb. Badruddin Khan, Nb. Wajeehuddin Khan, Nb. Bahauddin Khan, sons of late Nb. Moin-ud-Dowla Bahadur, Ex-Amir-e-Paigah
4. Some Jagirdars and Hissedars
5. Mr. Vasdeo Rao, brother of Jagirdar of Gangakhed Jagir
6. Nb. Dost Mohamed Khan, Jagirdar
7. Ryots of Vaghrole Jagir, Jalna Taluq, Aurangabad District
8. Mr. Raghavendra Rao Chaklabbi, High Court Vakil, Koppal
9. Ryots of Maha Jagir, Aurangabad Taluq, Aurangabad Dist.
10. Ryots of Pippalapalli Jagir, Bidar Dist.
11. Ryots of Bashirabad, Paigah of Sir Asman Jah

12. Ryots of Malkhed Jagir of Nb. Sardar Ali Khan
13. Ryots of Pipri Jagir, Nirmal Taluq, Adilabad Dist.
14. Mr. Syed Mohamed Hashim Khan Razvi, Sub-Inspector of Police, Tadban Jagir
15. Mr. Gazanfar Ali, Ryot of Kundalwadi, Nanded Dist.
16. Mr. Shafi Mohaned Khan, Pattadar of Purud Village, Dundagal District of Estate of Nb. Salar Jung Bahadur
17. Ryots of Pattipak Jagir, Karimnagar Dist.
18. Ryots of Kamreddipalli Jagir, Parkal Taluq, Karimnagar Dist.

APPENDIX IX

LIST OF WITNESSES WHO GAVE ORAL EVIDENCE BEFORE
THE ROYAL COMMISSION

<i>S.No.</i>	<i>Names of Witnesses</i>	<i>Date when examined</i>
1.	Mr. Khalimulla Qadri, H.C.S., Nazim Saheb, Atiyat	25-2-1947
2.	Nb. Mahmud Yar Jung Bahadur, H.C.S., Secretary, Post-War Planning	26-2-1947
3.	Mr. Habib Mohammad, B.A., H.C.S., Subedar of Gulbarga	26-2-1947
4.	Mr. Faqrudin Masood, H.C.S., Settlement and Land Records Commissioner	do.
5.	Mr. Mahbub Ali Khan, H.C.S., Excise Commissioner	11-3-1947
6.	Mr. Raj Mohanlal, Bar-at-Law, High Court Judge, Jagirdar	do.
7.	Mr. Ali Akbar, M.A. (Cantab.), Director of Public Instruction	do.
8.	Mr. Mohiuddin Ahmed Razvi, H.C.S., Chief Secretary to Government	12-3-1947
9.	Mr. Gurudas, Hissedar, Ex-Secretary, Jagirdars' Association	do.
10.	Raja Dhonde Raj Bahadur, Bar-at-Law, Additional Judge, Small Causes Court, Hissedar	do.
11.	Nb. Khurshid Hussain Khan, Jagirdar	do.
12.	Nb. Dost Mohamed Khan, Jagirdar	do.
13.	Nb. Jamaluddin Hussain Khan of Kalyani	do.
14.	Nb. Moosa Khan, Hissedar	13-3-1947
15.	Mr. Askari Jaffri, Hissedar	do.
16.	Nb. Kazim Jung Bahadur, B.A., Jagirdar and 1st Taluqdar	do.
17.	Nb. Ali Yar Jung Bahadur, Jagirdar	do.
18.	Mr. Venkat Rangareddy, Advocate, President of the Jagir Ryots' Association	18-3-1947

APPENDIX X

List of Mustasna (Exempted) JAGIRS

1. Asman-jahi Paigah
2. Khurshid-jahi Paigah
3. Vicarul Umra Paigah
4. Estate of Nawab Salar Jung Bahadur
5. Estate of Maharaja Sir Kishen Pershad Bahadur
6. Estate of Nawab Khan Khanan Bahadur
7. Estate of Nawab Fakhrul-Mulk Bahadur
8. Gadwal Samasthan
9. Wanparti Samasthan
10. Jatprole Samasthan
11. Estate of Raja Dharam Karan Bahadur
12. Estate of Raja Shamraj Bahadur
13. Estate of Nawab of Kalyani (Nb. Jamaluddin Husain Khan)
14. Amarchinta Samasthan
15. Paloncha Samasthan
16. Estate of Nawab Mahdi Jung Bahadur
17. Estate of Nawab Suraya Jung Bahadur