

CHAPTER X

REVENUE ADMINISTRATION

HISTORICAL RETROSPECT.

An important feature of the history of land revenue administration is its continuity. The overthrow of a ruling dynasty or even the conquest of the country by aliens produced very little change in the revenue system.

The Hindu Law presents king and peasants in a bilateral relationship which is defined more precisely in regard to duties than to rights. A Hindu king's paramount duty was to protect his subjects*, and for that he was entitled to claim a share of the peasant's produce, to be expended in accordance with the Law. It is a debatable issue whether the land was owned by the king or the peasants, as the Law looks to the duty of protection, and not to the right of occupation. If the rights in question amounted only to occupancy during the king's pleasure, there is complete continuity between the Hindu period and the Muslims*. It may be mentioned that under both Hindu and Muslim rulers the State never claimed the absolute or exclusive ownership of land and definitely recognised the existence of private property in it †.

During the Mauryas the Revenue Department was under *Samaharta* assisted by *Sthanik* and *Gopa*, who were to maintain an up-to-date register of human and natural resources of villages and cities. *Sannidhata* was the head of the department for the collection of revenue while *Samaharta* was in charge of storing and saving the revenue collected. The main sources of revenue were land and customs; *bhaga* or the king's share of the produce and *bhoga* or the periodical supplies of sundries to the king, a tax in cash levied on wealth in general, *hiranya* (a tax on certain special cash crops) and *uprikar*, demand from temporary tenants were important items of income from land‡. The king's share was one-sixth, falling possibly as one-twelfth, and rising in times of emergency to one-fourth or even one-third**. This system more or less prevailed throughout the ancient period. The holy law of the Muslim has sanctioned the tax on agricultural produce known as *kharaj*. This was a tax on the land of the non-Muslim varying from 1/10th to 1/2nd, *usher*, 1/10th of the produce of land

*Moreland : *The Agrarian System of Moslem India*, pp. 3-4.

†K. T. Shah : *Sixty Years of Indian Finance*, p. 221.

‡R. R. Diwaker : *Bihar Through The Ages*, p. 329.

**Moreland : *The Agrarian System of Moslem India*, p. 5.

held by a Muslim and watered by natural means. The other two taxes were *jajia* and *khamis*, which, however, had no connection with land revenue.

The establishment of Muslim rule in India did not bring any innovation in the revenue system except that proportion of the revenue was increased. Allauddin Khilji was the first Sultan of Delhi who reorganised the revenue administration. He tried to abolish the intermediaries. "The establishment of direct relation with the peasants", remarks Moreland, "must necessarily have involved a rapid increase in the number of officials, and in the 14th, as in the 16th century such increase was apt to result in an orgy of corruption and extortion"*. The functions of the village accountant constituted one of the permanent features of the agrarian system. The standard of the revenue demand was fixed at one-half of the produce.

MUGHAL PERIOD.

The central feature of the agrarian system of the Mughals was that the alienation by the peasant of his surplus produce (i. e. produce above his requirement for his subsistence) took largely the form of land revenue (*mal*) collected on behalf of the State. The foreign travellers, such as Ralph Fitch, and Terry and Abul Fazl, who may well be regarded as the most authoritative exponent of the time frankly admitted that "no moral limits could be set to the fiscal obligation owned by the subject to the ruler"†.

As *Shiqdar* of his father's *jagir* in Bihar, Farid (or Sher Khan) found there a system of land revenue more or less similar to that of the early Turks. The *Shiqdar* and the *Mukaddam* (village headman) maintained accounts. The peasants were given the option of paying rent in cash or kind. Farid made direct settlements with *raiyats* taking written *kabuliats* or agreements from them and in return gave them *pattas* (title deeds). As an Emperor, Sher Shah applied this principle throughout his empire. The land was measured in *bighas* under the supervision of the *amins* by means of ropes. The State's share was 1/3rd of the average produce. The *parganas* and *Sarkars* were the main fiscal units, which remained popular even during the early British period. The *parganas* though now replaced by revenue *thanas*, are still mentioned in the title deeds. The *Sarkar*, the bigger fiscal units had been replaced by the district or division.

*Moreland : *The Agrarian System of Moslem India*, p.p. 34-35.

†Irfan Habib : *The Agrarian System of Mughal India*, p. 190.

Under the Mughals Bihar had its own provincial *Diwan* incharge of the financial administration. Akbar made some improvement in the land revenue administration with the help of his famous Imperial *Diwan* Raja Todarmal. The rope system for the measurement of land was replaced by bamboo. The Provincial *Diwan*, who was previously under the supervision of the Governor, was now directly responsible to the Imperial *Diwan* which led to increase in the *Diwan's* independence.

The Chief Revenue Officer in the *Sarkar* was *Amal-Gujar* or the *Amil* corresponding to the modern Collector assisted by a large staff headed by the *Bitikchi*. The *Bitikchi* was the Secretary of the Revenue Department in the *Sarkar* and was responsible for preparing necessary papers and records of assessment and collection. In the *pargana*, the *Shiqdar* was the head Revenue Officer. The distinctive features of Akbar's revenue system were the classification and measurement of land and the direct settlement with the *raiyyats*. The State demand was 1/3rd of the average produce. *Sarkar Bahar* included the modern Patna and Gaya districts.

Ralph Fitch (1583—91) mentions that Patna exported cotton, much sugar and even more opium. The *Ain-i-Akbari* mentions the high quality of sugarcane produced in this part of the country*.

Abul Fazi says that Sher Shah framed three crop rates and the principle adopted was to fix the demand at one-third of the average of these rates for each crop. There is a strong presumption that the proportion of one-third for the revenue demand was inherited by Akbar from Sher Shah. The system *patta* and *kabuliat* introduced by Sher Shah was accepted as the main feature of the land revenue policy. Crop-sharing, known in Persian as *ghalla-bakhsi*, and in Hindi as *batai* and *bhaoli* was prevalent. The *Ain* distinguishes three stages of sharing-in : (i) Division of the crop at the threshing floor in the presence of both the parties, in accordance with the agreement. (This seems to have been regarded as the proper form of *batai*); (ii) *khet-batai*, i. e., division of field or standing crop and (iii) *lang batai*, i. e., where the crop after being cut was stacked in for division. Crop-sharing is described in an official document as the best method of revenue collection†.

We can form an idea of Mughal administration also from the *farman* of Aurangzeb, which confers the office of *Kanungo* for the whole of *Subah* Bihar on three persons. A subsequent *farman* issued in the twenty-fifth year of Shah Alam's reign, i. e. in 1783-84 confirms the

*Moreland: *India at the Death of Akbar*, p. 119.

†*The Agrarian System of Mughal India*, p. 198.

descendants of the three persons for the office of *Kanungo*. It is interesting to note that these revenue officers were not only in charge of assessment and collection of revenue, but were to transmit yearly genealogical lists of families with accounts of the former and present state of the augmentation and decrease of population.

During the later Mughals the country was in a state of disorder and confusion. The grant of *Diwani* in 1765 to English Company made the matter worse. The arrangement made under the *Diwani* was a sort of diarchy on Bihar, Bengal and Orissa as the English were legally entitled to all the revenues of these three *Subahs*, while the Nawab of Bengal was *de-facto* master of these Provinces. The Nawab of Bengal surrendered to the English his control over the army and officers of the Government. The East India Company thus became the virtual masters. In 1765 on the termination of the tenure of Mirza Muhammad Kazim, as Governor of Bihar, *Diwan* Dhiraj Narain Prasad was appointed as Governor as well as *Diwan*. After a short period Raja Shitab Rai was associated with him as *Diwan*. Early in 1766 a council of three, consisting of Dhiraj Narain, Shitab Rai and Samuel Middleton was appointed, the last having succeeded Billiers as the chief of the factory at Patna. Middleton exercised enormous power of general superintendence over administration*.

Dhiraj Narain was not an efficient administrator. He could not match the manoeuvring and machinations of Shitab Rai. The latter was one of the signatories to the treaty of August 16, 1765, and in the agreement of August 19, he was named as the person who was to receive from the Patna factory, on behalf of the Emperor, the annual sum of 26 lakhs of rupees. Dhiraj Narain was soon in trouble for defalcations of revenue. In September, 1766 Muhammad Reza Khan came to Patna to hold an enquiry into the matter which led to the removal of Dhiraj Narain and in his place Shitab Rai was installed as *Diwan*. His place as agent of the Emperor was taken by Munir-ud-Daula, founder of the Bhiknapahari Nawab family.

In 1769 Alexander acquired greater authority in revenue matters on his appointment as Supervisor of Bihar. In the following year he became President of the New Revenue Council at Patna with Palk and George Vansittart as members.

Revenue Chiefs, 1781—1786.

The administration of revenue under the Council was unsatisfactory; and in 1781 a change was made in the system. The Council was abolished; and the farm of the whole of Bihar Province was taken

*R.R. Diwaker : *Bihar Through the Ages*, p. 587.

by the Rairaiyan, who divided it with his *naib*, Khiali Ram. The *parganas* made over to Khiali Ram included the wildest and least settled region in Bihar; and the disturbances of the autumn of 1781 destroyed whatever chance he may have had of meeting his engagements. By the end of the year he was in confinement for arrears; and in the correspondence of the Revenue Chief we have a dreary record of endeavours to make him disgorge from his private means the balances which he had failed to realise from his *parganas*. Kallian Singh was no more successful in the *parganas* which he had retained for himself. He was in arrear from his second *kist*; estate after estate was taken from him and placed under direct management, until the whole experiment was abandoned in 1783, when John Shore came to Patna and made a new settlement.

These early experiments were all based on the farming system which had been developed from the beginning of the eighteenth century; but they failed because while the nominal assessment increased, the effect of turning loose a horde of greedy adventurers on the *raiya*s had been to discourage cultivation, and to reduce the real assets of estates. The primary object of the East India Company in reorganising the revenue administration was to safeguard the punctual receipt of the land revenue*. The Permanent Settlement, by giving security of property encouraged the field of cultivation; and in districts which were largely uncultivated in 1789 Zamindars could, by bringing in *raiya*s from Oudh, avail themselves of the advantages which the Permanent Settlement was intended to confer. But the Settlement of 1789 was based on the inflated nominal demand which had been created by the competitive bids of farmers who almost invariably failed to meet their engagements and in an area like the present Patna district, where there was comparatively little cultivable waste, we need not be surprised to find that during the first ten years of the Settlement, it failed to fulfil the hopes of Lord Cornwallis and Thomas Law. The rise in the money value of the produce of the soil ultimately made the assessment tolerable, but only after many of those who had taken settlement in 1789 had lost their estates. Moreover, the pressure of the heavy revenue demand compelled landlords to exact high rents from the *raiya*s and to collect them with severity, with the approval of the Collectors, who were principally concerned with realising the whole revenue demand. The effect of the pressure of these early years is to be seen in the high rents which are common in the district.

System of Assessment and Collection.

The land revenue administration of the Mughals comprised mainly of two stages—assessment (*tashkhis*) and actual collection (*tahsil*).

*B. R. Misra: *Land Revenue Policy in the United Provinces*, p. 15.

Among the methods of assessment, the most important was the *Hast-o-bend*. The assessor inspected the soil of the village to ascertain its productivity and viewing good, middling and bad land together made an estimate of the total produce on the basis of which he fixed the revenue. Another method was to simply count the plough and assess. A more developed system was *kankut* or *danabandi*. *Danabandi* system which persisted in the Patna district comprised of two stages. In the first the land was measured by means of a *jarib* or by steps. After this the yield of each crop per unit of area was estimated. If the assessor failed to assess the rate on this basis, he was to make three sample cuttings from good middling and bad lands. Abul Fazl says that an important feature of *kankut* was that the demand was primarily assessed not in cash but in kind*.

The most important system of assessment was the famous *zabat* system. Sher Shah and Islam Shah are said to have brought Hindusthan under *zabat*. Sher Shah's *rai* or crop rate was based on the productive capacity of the soil. The first class land was *polaj* or the land kept under continuous cultivation or only very rarely allowed to lie fallow (*paraoti*). The *rai* was based on three rates representing good, middling and bad lands. These were averaged to obtain a general rate for the produce and a third of this was recognised as land revenue. Akbar accepted and sanctioned these rates for the whole Empire in the beginning of his reign. The rate in kind had to be commuted in cash on the basis of prevailing sanctioned price known as *dastur*. Akbar's administration must have inherited some record of measured areas from the archives of the Surs and the *dasturs* could have easily been multiplied by these to yield for the *jama* for locality. Abul Fazl says that the *jama* could be increased by a stroke of the pen†. In the 11th year of his reign Muzaffar Khan and Todar Mal obtained the land area and revenue statistics of the country from the *Kanungos* and made a fresh *jama*. *Jama-i-Dahsala* of Todar Mal is a great achievement in the land revenue policy.

Abul Fazl says that under Sher Shah and his son the *zabat* system replaced crop-sharing and the *mugtai* i. e. imposition of fixed revenue demand). This is supported by Abfas Khan who says that Sher Shah introduced the method of assessment by the *zarib* which had never been practised before. In the earlier days, in his father's *jagir* in Bihar, he had allowed the peasants choice between the *zarib* and the crop-sharing; but as king, he attempted to make *zabat* the sole method of assessment. By the time the *Ain* was compiled, the majority of the *parganas* of Bihar, accounting for over three-fourth of its *jama* had come under *zabat*‡.

* *The Agrarian System of Mughal India*, p. 199.

† *Ibid*, pp. 199—201.

‡ *Ibid*, p. 220.

The ideal of the revenue administration under the *zabat* system was to deal with each peasant separately, particularly when determining or levying the revenue demand. The *amalguzar* was especially instructed to collect revenue from the peasant concerned. Each individual cultivator was given a written document and one was taken from him; these were respectively the *patta* and the *kabuliyat*. The *Ain* required of the *bitikchi* or accountant that he should record the name of each peasant together with that of his ancestor. When the revenue had been collected, the *bitikchi* was to examine the *sarkhats*, i. e. receipts given by the *muqaddams* and *patwaris* to the peasants, in order to see whether the collection had conformed to the assessments.

The 18th century represented a period of administrative anarchy but the elements of the Mughal system of revenue assessment survived. In Bihar during the *Nizamat* some *mahals* had fixed assessments, but to others *kankut* or *danabandi* was actually applied.

Assessment of 1766.

The revenue assessment of Akbar had been enhanced in the twenty-seventh year of Aurangzeb's reign. Alivardi Khan revised the assessment in 1750; and Muhammad Reza Khan, taking this as his standard made a new assessment in 1766. Akbar's assessment of *Sarkar* Bihar was 20.79 lakhs of rupees, which was enhanced in 1685 to 36.49 lakhs, and in 1750 to 38.48 lakhs. Muhammad Reza Khan took this as the basis of his assessment in 1766, and his gross valuation of Bihar district, including Ramgarh, was Rs. 38,48,800. He resumed *jagirs* of the annual value of three lakhs of rupees; there remained *jagirs* of the value of Rs. 3,60,365, *malikana* and *nankar* of Rs. 9,64,975, and Zamindari allowances of Rs. 3,08,648. The net revenue of Bihar district was thus Rs. 22,14,812*.

These statistics are taken from Grant's account of the finance of Bihar in the *Fifth Report*, from which the following figures are extracted for *parganas* lying partly or wholly in the present Patna district. It will be observed that there are considerable differences between Grant's net revenue and the subsequent assessments of John Shore and Thomas Law. Grant's *asl* includes alienated revenue, the nominal annual value of *jagirs* and *nankar* land, as well as Zamindari allowances.

*Patna Survey and Settlement Report (1907—12), p. 47.

Pargana.	Area in square miles.	Assessment of 1766 according to Grant.	Shore's assessment (1783).	Permanent assessment after resumption 1788-1790. proceedings.
		Rs.	Rs.	Rs.

Bihar	209	2,00,000	31,528	*1,08,000	86,125	Rs.	Rs.	Rs.
Arimabad	139.7	1,65,585	32,000	54,501	59,570	1,11,720		
Arwal	223	1,74,878	1,47,583	82,000	51,747	*1,06,728		
Masaurha	173.3	1,17,967	48,804	49,001	69,745	1,15,668		
Malda	93.6	2,60,861	1,16,890	13,001	28,058	141,326		
Pilich	140.2			(See Bihar)	89,333	1,15,486		
Sanda	12.4	2,54,834	20,061	51,000	47,818	74,914		
Ralia	102.4				61,920	1,30,314		
Shefahampur	61.4	1,25,737	Nil	2,900	2,527	65,930		
Bhimpur	69.3					67,031		
Gayaspur	431.4	2,72,653	85,257	67,190	86,145	1,67,345		
Tilhara	159.2	1,87,466	1,22,392	75,001	81,250	1,79,050		
Balkatpur	2.7	13,912	574	2,801	3,255	3,288		
Phulwari	72.38	72,931	Nil	35,001	42,174	66,256		
Biswak	156			28,001	73,955	1,55,545		
Rajgiri	37			26,002	26,002	25,355		

*John Shore made a consolidated assessment for Bihar and Pilich.

Patna, with revenue of Rs. 567. The rest of this *pargana* now belongs to Monghyr.

Assessment of *parganas* (except Malda and Pilich) which were included in the *Hassus Zamindari* are not given separately by Grant. Rajgir was permanently settled in 1781.

It was emphasised that the only sure basis upon which revision could rest was the detailed measurement, field by field, of the whole area under settlement, with a careful classification of various types of soil according to their varying productiveness. It was the duty of the Collector to prepare a record-of-rights, in every village or estate before settling the land revenue in future. Martin Bird, one of the chief authorities on land tax, has said, "We then proceeded to investigate the assessment of the Government land tax upon the tract finding out as best as we could from the previous payments and from the statements of the people themselves, from the nature of the crop and the nature of the soil, and such previous means as experience furnished to us, what might be considered a fair demand for the Government to lay upon it"*.

By settlement is meant the contract by which an individual or a body of persons is singly or jointly responsible for the payment of land revenue assessed in a particular area. But settlement is often used in a broad sense and covers all the processes necessary for the settlement of land revenue, e. g., preparation of survey map, record operations, soil classification, record-of-rights and assessment proper†. Of the various settlements, Law's settlement is important. On the eve of Permanent Settlement Thomas Law was Collector of Bihar, who was in favour of a Zamindari settlement. Brook of Shahabad was also earnest in its support‡.

LAW'S MUKARRARI SETTLEMENT.

John Shore's farming settlement was unsatisfactory in its results, and Thomas Law, despairing of the farming system, made his *mukarrari* settlement with village *maliks* in 1788. The Board of Revenue disapproved of this settlement; but Thomas Law persistently pressed the advantages of a permanent settlement and persuaded Lord Cornwallis and the Board of Directors to confirm his *mukarraridars*. In the scheme of the Permanent Settlement, and the wording of the Bihar Regulations, the effect of Thomas Law's writings is largely to be seen; but the term "proprietor of the soil" admits of more than one interpretation and Thomas Law, in making the Decennial Settlement for the rest of the district, did not settle with village *maliks* when there was a Zamindar prepared to take settlement. The settlement with *maliks* was not a success and in Bihar *pargana*, the scene of the first

*R. C. Dutta : *India in the Victorian Age*, Vol. I, p. 35.

†B. R. Misra. *Land Revenue Policy in U. P.*

‡Baden Powell. *The Land System of British India*. Vol. I, p. 404.

experiment, or in Gayaspur where *maliks* generally obtained settlement in 1789, few of the new *mukarraridars* survived to the end of the eighteenth century. One of Law's main principles was that settlement should be made village by village, a principle which he tried unsuccessfully to impose in Bengal after he had become a member of the Board of Revenue. His 'village' unfortunately was not a definite geographical unit, but in the charge of a single *patwari*. So long as the *Kanungos* were retained, and the *Kanungos'* register was kept up, there was probably no trouble; but since the abolition of the *Kanungos*, these 'Collectorate villages' known often only by the name of the *malik* who took settlement, had been the source of much confusion in the Patna district.

On the 4th November, 1789, Government ordered that the Law's leases should remain in force, pending the decision of the Court of Directors. Meanwhile his *mukarrari* tenures were confirmed for ten years. In 1791 the Collector wrote that many of the *maliks* of Bihar *parganas* had absconded, and the others failed to pay their revenue. Vanderhayden, the Special Commissioner appointed to inquire into the working of the Decennial Settlement in Bihar in 1793, reported that the settlement of this district was generally satisfactory except in those *parganas* settled by Law in 1788, in some of which he recommended for reduction, and in other substitution of village *maliks* for farmers who had obtained the settlement.

In 1799, on the expiry of the ten years of the Decennial Settlement the Board of Revenue exhumed the said report and proposed to resettle these *parganas*. But Government declined to re-open the question. They directed, however, that settlement should be made with *maliks* in cases where *mukarraridars* had not fulfilled their engagements.

The Decennial Settlement of the rest of the district began in 1789 and was completed by 1790. The revenue of Patna district was Rs. 10,13,760. The revenue-paying area was 8,50,000 acres, so the assessment was at slightly over Rs. 1-3-0 per acre*.

PERMANENT SETTLEMENT.

The average incidence of land revenue after the Decennial Settlement was Rs. 1-3-0 per acre of revenue-paying land. This was a high rate;

*Patna Survey and Settlement Report, 1907—12 p. 59.

and until the end of the eighteenth century there was considerable difficulty in realisation of revenue, particularly from the village *maliks* who had obtained settlement in Bihar and Gayaspur. Act VII of 1799 gave increased powers of distraint to landlords; its provisions were undoubtedly hard on the *raiyats*, but perhaps something of the kind was necessary in Patna if the Permanent Settlement was to be preserved. It was not until the early years of the nineteenth century, as the relative value of silver fell, that the burden became more tolerable; and what was at first a very heavy revenue assessment became ultimately light.

REVENUE-FREE TENURE, 1789.

At the Permanent Settlement nearly forty per cent of the area of the district escaped assessment, while Government postponed enquiry into the occupiers' claims to hold it revenue-free; but this fact afforded no relief to Zamindars who did not also happen to hold such revenue-free estates, though great *jagirdars* like Kallian Singh became very wealthy. In Bihar district 1,06,000 acres were claimed as *altamgha* grants (*i. e.* permanent grants by the Mughal Emperors under the great seal). 1,32,800 acres were claimed as *kharij jama* grants, to be distinguished from *altamgha* grants as having been made by provincial governors. Land claimed under grants for religious purpose included *aima* grants (1,15,000 acres), *khairat* (72,300 acres), *bishunprit* and *sivotar* (14,000 acres), and *brahmotar* (3,700 acres). Land claimed as special *jagirs* included 84,000 acres; 38,000 acres were claimed as *madad ma'ash*, while 17,000 acres were claimed as *sar sikhani* land, given to descendants of Zamindars killed in action.

RESUMPTION SETTLEMENTS.

The enquiry into the validity of these various claims was postponed from time to time; a little was done in 1819, but it was not until 1835 that special resumption and settlement officers were appointed. Resumed grants were settled under Regulation VII of 1822. The person preferred for settlement was the holder of the revenue-free grant (*ahlina ash*), failing whom, settlement was made where possible with the *malik*—that is to say, the village *malik*, not the Zamindar. Under the rules in accordance with which the bulk of the resumed grants were settled, settlement was made at half assets if the new estate was to be held by the *malik*, and at half assets increased by half the *malikana* where *malikana* had to be paid. Government thus, in such estates, bore half of the *malikana* charge and the *malik* henceforth drew his *malikana* from the treasury. This arrangement was, however, not universally made; and many estates were burdened with a liability to pay *malikana* to descendants of the ancient *maliks*.

ZAID-FIHRIST LAND

Three thousand, two hundred and sixteen acres, in small parcels, escaped the notice of the resumption officers, so that they were neither resumed nor confirmed as revenue-free. These little estates were detected at the Revenue Survey in 1840-41; they were entered in a special register as *Zaid-fihrist* lands; but they were never resumed; and since 1914 they had been treated as confirmed revenue-free estates.

SURVEY AND SETTLEMENT OPERATION.

The entire district came under settlement operation during 1907-12 except Government and temporarily settled estates which were surveyed in 1901-03. The *diara* villages were topographically surveyed, while the *karari* (inland) villages were cadastrally surveyed. But the record-of-rights for the areas held by Government was not prepared as the record of 1901-03 was already in existence.

The total areas for which the record-of-rights were prepared during the survey and settlement operation of 1907-12 were 13,57,405 acres*. The average land revenue demand during 1906-10 was Rs. 15,20,728 (Rs. 14,03,439 for permanently and Rs. 1,17,289 for temporarily settled estates)†. The number of estates was 13,725‡.

The area of Government estates in the district was 49,566 acres which fetched Rs. 85,811 as rent. Ten estates with a rental of Rs. 4,187 were leased to farmers, thus the total revenue from Government estates was Rs. 89,998.

A revisional survey was undertaken in the temporarily settled estates and the Government estates during 1919-29. The total area dealt with in these operations was 56,181 acres or about 87 square miles. The main object of this proceeding was to assess a large tract of alluvial formation on the land of the Ganga for which no revenue was hitherto being paid and to put an end to agrarian troubles which cropped up due to emergence of *diara* lands.

It was alleged by the Settlement Officer that the sole object which influenced Government to undertake the present operation was to obtain an enhancement of rent from the tenants like that of private landlords.** The rent was enhanced by Rs. 47,045 or 38 per cent. The average rent per acre was Rs. 3-14-0½. Since then no survey has been conducted in the district.

* *Patna. Settlement Report*, 1907-12, p. 95.

† *Ibid*, p. 64.

‡ *Ibid*, p.p. 31 and 66.

** *Settlement Report*, 1919-29, p. 2.

§ *Ibid*, p. 9.

EFFECT OF PERMANENT SETTLEMENT.

The Permanent Settlement secured an excessive share of gross assets to rent receivers. Had the district been temporarily settled the rents would have been very much lower and the revenue higher*. The average rent per acre was Rs. 7-8-0 *vis-a-vis* less than Rs. 2 for Government settled estates. The total assets were calculated at Rs. 78.22 lakhs. The revenue was thus nineteen per cent of the gross assets†.

The *bhaoli* and *danabandi* system covered about 44 per cent of the cultivated area of the district. The area held on cash-rent and produce-rent was 5,02, 215 acres and 4,02,643 acres respectively.

RENT REDUCTION OPERATION.

The Rent Reduction Operation in the district was conducted during 1938—41 under section 112A of the Bengal Tenancy Act, 1885.

During 1936—38 the agitation by *Kisan Sabha* led to rents being withheld in many places in Bihar. Serious friction also arose in many villages over possession of *bakast* lands where petty landlords were interested in rent reduction of their *bakasts*. Though violent outbreaks over a large area were prevented, riots did occur in many parts. The Police and the Magistracy, however, coped with the situation effectively. Against this background Government decided to give relief to tenants in the shape of Rent Reduction and Tenancy Legislation to ease the tension. The tenants had withheld payment of rent and so the landlords found it difficult to pay Government dues pending rent reduction operations‡.

The reduction of rent was made on applications being made on behalf of the tenants or the landlords or in some cases on the motion of the Collector. The power was conferred on Deputy or Sub-Deputy Collectors who exercised the power of the Collector for reduction of rents under the Bihar Tenancy Act**. The rents of the occupancy holding enhanced under section 29 or under clause (a), (b) or (d) of section 30 between 1st January, 1911 and 31st December, 1936, were cancelled. Besides, the rent commuted under section 40 of the Bihar Tenancy Act

**Patna Settlement Report*, 1907—12, p. 65.

†*Ibid.*

‡SOURCE.—*Land Revenue Administration Reports for Bihar*, 1937-38, 1938-39, pp.11-12.

**“Bihar” was substituted for “Bengal” by the Bihar Tenancy (Amendment) Act, 1934 (B. & O. Act 8 of 1934), s. 2(a).

or by agreement between the tenants and the landlords of such holdings during the aforesaid period, was reduced to such an extent that the reduced rent could bear to the previous rent the same proportion as the then ruling prices bore to the average prices during the decennial period, immediately preceding the time when the rent was commuted. Under the two sections there were a large number of applications filed on behalf of the occupancy tenants and in the majority of these cases, rent reduction was made.

The section 112A of the Bihar Tenancy Act under which the rent reduction was made, reads as follows* :—

The Collector may, on the application of an occupancy *raiyat* or a landlord made in the prescribed form, or, if the Governor by notification directs that a settlement of the rents of the occupancy holdings situated in any area or of any class or classes of occupancy holdings situated in any area shall be made under this section, on an application made as aforesaid or on his own motion ;

- † [+ + + +]
- (c) order the partial or entire remission, for such period as he considers reasonable in the circumstances, of the rent of an occupancy holding—
- (i) if the soil of a portion or the whole of such holding has without the fault of the *raiyat* become temporarily or permanently deteriorated by a deposit of sand, by submer-sion under water or by any other specific cause, sudden or gradual ;
- (ii) if the landlord of such holding has failed to carry out the arrangements in respect of irrigation which he is bound to maintain ;

Provided that the Collector may revise any order passed under sub-clause (i) at any time before the expiry of the period fixed for such order if he is satisfied that the soil of the holding has become fit for cultivation, and may at any time revise any order passed under sub-clause (ii) if he is satisfied that the landlord has restored the arrangements in respect of irrigation which he is bound to maintain ;

- (d) reduce the rent of any occupancy holding, if there has been a fall not due to a temporary cause in the average local

*See. *The Bihar Local Acts*, pp. 6241-42.

†Clauses (a) and (b) were omitted by Bihar Act 23 of 1947, s. 21 (a).

prices of staple food crops during the currency of the present rent, to such an extent that the reduced rent shall bear to the previous rent the same proportion as the current prices bear to the prices prevailing—

- (i) at that time when the previous rent first became payable, or
 - (ii) if the previous rent first became payable before the preparation of a record-of-rights under Chapter X and the landlord is unable to prove to the satisfaction of the Collector when the previous rent first became payable, at the time when a record-of-rights was first prepared in respect of the holding;
 - (e) settle a fair rent in such cases, or class of cases as may be specified in a notification issued for other sufficient reasons by the Governor in this behalf.
- * [+ + + +]
- (3) If the Governor by notification directs that there shall be commutation of rents of the occupancy holdings or any class of occupancy holdings situated in any area, the rent of which is paid in kind or in any of the other ways mentioned in sub-section (1) of section 40, the Collector may, on the application of the *raiyat* or landlord of any such holding, or on his own motion, determine the sum to be paid as money rent for such holding, and may order that the *raiyat* shall in lieu of paying his rent in kind, or otherwise as aforesaid, pay the sum so determined.
 - (4) An order of the Collector under this section shall take effect from such date as may be specified in the order.
 - (5) The powers conferred on the Collector by this section shall be exercised in accordance with the prescribed procedure."

As a result of the Rent Reduction Operations carried out during 1938—41, a fairly large number of cases were started and rents were reduced.

The statement below will show details of the Rent Reduction Operations (1938—41) in the district† :—

Total rental prior to the Rent Reduction Operations.	Total rental after the Rent Reduction Operations.	Total number of holdings effected.
Rs. 18,90,722	Rs. 14,91,509	78,239

*Sub-section (2) was omitted by Bihar Act 23 of 1947, s. 21 (b).

†Source.—Additional Collector's Office, Patna.

SYSTEM OF PRODUCE-RENT.

The produce-rents were more common in the Patna district than in any other district of Bihar. This was probably a historical survival since the Mughal times when the local landlords received *jagirs* and *inams* in shape of lands from the Emperors and found it worthwhile to share with the *bataidars* the crops on their lands rather than accept a fixed cash rent in lieu thereof. The division of crop was the most ancient system of rent collection. A historical background of both *batai* or *bhaoli* and *danabandi* systems in the days of the Great Mughals, has been sketched in the preceding pages. These systems have now become extinct.

Prior to the Bihar Land Reforms Act, 1950 the principal features of produce-rent in this district were—

- (a) those lands for which the quantity of produce payable was fixed, i. e., *mankhap* or *chauraha* ;
- (b) those in which the rent varied with the yield of land, the proportion of the yield payable being fixed. These were—
 - (1) *Batai* (division), commonly known as *agor-batai*.
 - (2) *Danabandi* (appraisement), commonly called *zabti danabandi*.
 - (3) The systems of mixed appraisement and division, which have been described in the record-of-rights by the general term, *bhaoli*.

Mankhap (*mani-bandobast*) and *chauraha* or fixed rents not in the sense that *raiya*s paying rents under these systems were *raiya*s at fixed rates, but in the sense that the amount of rent payable was known beforehand, and did not vary with the yield. When the rent was fixed in terms of cleaned rice it was known as *chauraha*. These rents were commonly found on landlords' privileged lands. They were occasionally also exacted for land which formed *raiya*'s holding bought at auction by the Zamindar, or falling into his hands as *fauti-farari**. These rents were ordinarily very high ; they varied from four to eight maunds of rice per bigha, with a certain amount of *khesari* in addition. Six maunds of rice and one maund of *khesari* per bigha was a common rate, which with rice at thirteen seers a rupee represented a rent of over thirty rupees per acre. The rent frequently stood for the whole crop. The explanation ordinarily given was that the landlord was entitled to free labour (*begari*) from his *raiya* on the *zirat* land, and in lieu of this, it was convenient to *raiya* to cultivate the *zirat* land himself and give the crop to the landlord, taking in return only the straw.

**Fauti*, i. e., line of the *raiya* becoming extinct. *farari*, i. e., *raiya* abandoning his holding and migrating to some other place.

The market value of the straw was usually from seven to ten rupees per acre, so that even where the landlord took the whole of the grain, the tenant received some slight return for his labour. The theory otherwise would leave the tenant of the *chauraha* holding as the unfortunate scapegoat for the *begari* labour of the whole community.

In a good year he would have a little rice left over, but it often happened that he made up the deficit from his own *raiya* holding in a bad year. The cultivators were apparently contented that a small area should be held under this system. The old *nankar* and *malikana* lands, which were formerly the proprietor's private lands, had later become merged in almost every village in a mass of so-called *khudkasht* land, which included every *raiya* holding that had ever fallen in or been bought by the landlord. The attempt to assess all these lands at *chauraha* rents was occasionally made, but it was strongly resented by *raiya*s. Notable instances of general anarchy produced by such an attempt were found at Rahvi in thana Bihar and Sherpur in thana Barh. At Rahvi it was found that the *chauraha* rate was slightly less than the whole average yield, the rent being $5\frac{1}{2}$ maunds and the average crop six maunds of rice per bigha. It was obvious that though the *raiya*s might endure a rent like this on a few bighas of *zirat* land, the margin left was so small that the rent was quite an impossible proposition if applied to a considerable area*.

Baden Powell speaks of *batai* and *danabandi* systems as *zabti* crops, representing the word '*zabti*' as meaning sequestered, or set aside.† They were generally known in the Patna district as *hastobundi* crops.

Batai.

Batai is frequently called *agor-batai*, a description which may have arisen from the custom of watching the crop, when it was nearly ripe, to prevent its removal or theft. It may be possible, however, that the name *agor-batai* describes a system now obsolete, under which the landlord himself cut the grain and carried off his share‡. However, later, the crop was always cut by the *raiya*; and the landlord was debarred by section 71 of the Tenancy Act from interfering with the reaping of it**.

The *danabandi*, the other system of produce-rent was also largely prevalent in this district. Regarding *danabandi* system the Act X of 1859 mentions as follows :—

"When the crop is ripe the *patwari*, the *gumashta*, the *amin*, a *jaribkas* or measurer, a *salis* or arbitrator, a *navisinda* or

**Patna Settlement Report* (1907—12), pp. 77-78.

†*Land System of British India*, p. 273.

‡This explanation is given in the fourth paragraph of the letter of Mr. E. A. Samuels, Commissioner of the Patna Division, dated August 24th, 1858.

***Patna Settlement Report* (1907—12), p. 78.

writer, and the *jeth raiyat* of the village with the *raiya* himself, proceed to the field in which the crop is growing. The *salis* first makes an estimate of the produce. The *amin* then makes another. If the two estimates agree the matter is considered settled. If they differ, the *raiya* cuts a *cottah* where it is heaviest. The produce is thrashed out, mixed together and weighed, and the produce of the whole field is estimated from this sample. A memorandum of the result called a *danabandi*, is made out by the *patwari* and his writer and signed by those present. The *raiya* is then at liberty to cut and store his grain. The *patwari* next prepares a paper called a *bihree*, showing the amount of grain in the possession of the *raiya* and the respective shares of the *malik* and the *raiya*, and sends for the *malik's* share which the *raiya* either pays in grain or in money**.

If the *raiya* did not accept the appraisement, ripen crop was tested by cutting two *dhurs* or two *kathas*, the half selected by the *raiya* and the other half by the agent of the landlord and then the appraisement was made.

Bhaoli.

Simple division of crop is probably the oldest form of produce-rent. Between appraisement and division there are some varying forms of rent which apparently mark the stage of transition. One very common form is that by which appraisement is done as the crop ripens, though rent is realised by actual division of the produce on the threshing-floor. *Zabti danabandi* is the term by which ordinary *danabandi* is often described in Zamindari papers. The meaning of the term *zabti* has become obscure, and it is possible that it has some reference to the custom of making cash payments for certain crops†. It may, however, have some reference to the system under which the crop was actually attached until rent was realised. This system gave rise to many disputes; landlords, looking to the appraisement before harvest, called it *danabandi* while tenants, looking to the division on the threshing-floor, called it *batai*. If the landlord's claim was correct that rent thus realised was paid on the appraisement system, their action in preventing the *raiya* from taking his crop home was illegal under section 71 (1) of the Bengal Tenancy Act. This system was described in the record-of-rights by the generic term *bhaoli*, which has been applied also to those cases in which the crop was sometime appraised and sometimes divided‡.

*Patna Settlement Report (1907-12), p. 79.

†Ibid, paragraph 172.

‡Settlement Report (1907-12), p. 82.

The appraisement system was not always favoured by tenants. Buchanan's observation in 1812 about the popularity of the *danabandi* system seems to be erroneous. In a correspondence of 1852, the Collector of Bihar says that Zamindars had regularly abused their power under the *danabandi* system and he recommended for its abolition.

The system of produce-rent was the potent cause of strained relations between landlords and tenants in this district. The commutation of produce-rent had been provided in the Bengal Tenancy Act, 1885, but was really taken during the thirties and forties of this century. However, with the passing of the Bihar Land Reforms Act, 1950 this system has totally disappeared.

Although the system of produce-rent of the recorded landlords has disappeared, the old crop-sharing system still persists. Besides the owner cultivators, there are cultivators who as *bataidars* till the lands of others to supplement their income or are mainly dependent on such lands for sustenance. These *bataidars* do not acquire occupancy rights in such lands, particularly for want of records and also because the owners of such land change their *bataidars* frequently. The Bihar Tenancy Act, 1885, section 4 (c) refers to non-occupancy *raiya*s as those not having a right of occupancy. Further, in order to safeguard the interest of the under-*raiya* section 48A has been inserted by Bihar Tenancy (Second Amendment) Act 24 of 1955 which limits the quantum of produce-rent to be recoverable from the under-*raiya*s as not exceeding seven-twentieth of produce. But in practice the owner of lands get half share of the produce.

MALIKANA AND MILKIAT*.

Under section 4(a) of the Bihar Land Reforms Act, 1950, upon the vesting of the estates of the ex-intermediaries in the State absolutely free from all encumbrances, *malikana* and *milkiat* have lost all practical significance and are now relics of the past. They had, however, their role in the times of the Zamindars and may be referred to in historical retrospect.

Malikana land was that land which was left with the *malik* in lieu of an allowance, usually 10 per cent on the net collection to which he was entitled when land comprised in his *milkiat* was settled with a person other than himself. It became customary for the *maliks* to receive certain land free of revenue in lieu of the aforesaid allowance. At the Decennial Settlement the *malikana* grants were re-annexed to

*See, *Final Report on the Survey and Settlement Operations of the Patna district* (1907—12), by J. F. W. James, pp. 33, 46, 48, 59, 62, 63 and 65.

their *mahals* in all cases in which the *malik* took settlement of his *milkiat*. When *maliks* refused settlement or did not receive offer of settlement, they were usually left in possession of their *malikana* land. Thus at the time of Survey and Settlement Operations in Patna district (1907—12) there was a considerable area of *malikana* land in the district. A sum of over Rs. 30,000 was paid annually from the Treasury as *malikana* to the heirs and assignees of the dispossessed *maliks* and many Zamindaris were burdened with a liability to pay *malikana* in cash to the *maliks*. When *malikana* was paid in cash it was sometimes paid from the Government Treasury, but it frequently had to be paid by the proprietor direct to heirs of the dispossessed *maliks*.

The term *malikana* was also used in Bihar to describe lands retained by ex-proprietors for their subsistence, when parting with an estate*.

In Settlement Proceedings of 1788-1789 and the Resumption Settlement, the term *malik* was used with a definite technical meaning, standing for the traditional proprietors of the village, to whom *malikana* was paid by a person who collected rent from *raiya*s (farmer, Zamindar or *a'mil*). The term *malik* as used in those proceedings did not connote any right to collect rent from the *raiya*s†.

In the Record-of-rights, however, the word *malik* has not the special meaning, but is used in its ordinary colloquial sense for a proprietor††.

The term *milkiat* connotes right of a *malik* used in the strict and also in the colloquial sense of that word. The term *milkiat* appears to have been occasionally used north of the river Ganga to describe a rent-free tenure for which the term *malik* is more commonly used. The term *milkiat* had not this later meaning in Patna district**.

At the time of the Survey and Settlement Operations (1907—12) in this district, *malikana* was paid in respect of 1,405 estates and the amount annually due was Rs. 30,841.

Besides the Zamindars and renters in this district, there were *maliks*. They had for generations been mere annuitants upon their *milkiats*. The district was burdened with a double liability; the revenue-paying lands were reduced in areas forming part of a

*See, *Final Report on the Survey and Settlement Operations of Patna district (1907—12)*, p. 100.

†*Ibid.*

††*Ibid.*

***Ibid.*, p. 161.

Zamindari by the *nankar** of the Zamindars, and the revenue was diminished by *malikana* payable to village *maliks*.

At the meeting on 5th November, 1770, the Council discussed the rate of *malikana* for dispossessed proprietors, and decided that it should be allowed at 5 per cent. In this they were overruled by Government and ten per cent was fixed as the standard rate.

The Decennial Settlement of the remaining portions of the district was started in 1789 and completed in 1790. The revenue for *parganas* in the district including those settled in 1788, was Rs. 10,13,760. The revenue-paying area was 8,50,000 acres, and the assessment was at slightly over Rs. 1-3-0 per acre.

The *parganas* settled with the Zamindars were Baikathpur (Udwant Singh), Masaurha (Jaswant Singh), Okri and Sanaut (Mitarji Singh), Shahjahanpur—Bhimpur, (parts of which were settled with Shaikh Fazil-ullah and other Chaudhris, ancestors of the Chaudhris of Islampur) and Tilhara (Manir Muhammad Baker Khan). Rajgir remained with Muhammad Yahya, and part of *Biswak* and Bhimpur with Manir-ud-daula. *Sandah* and *Ballia* were held by a farmer with a permanent lease. The other *parganas* were settled chiefly with *maliks*, as were *Sandah* and *Ballia* in June, 1792, when the farmer defaulted.

The Collector, Seton, gave the following account in Gayaspur on December 31st, 1791 †:—

	Rs.	a.	p.
Revenue (Sadr Jama) of <i>maliks</i> who paid revenue punctually.	17,408	0	0
Revenue (Sadr Jama) of <i>maliks</i> who had absconded	20,220	6	0
Revenue (Sadr Jama) of <i>maliks</i> who resided in their villages but neglected their estates.	31,994	9	0

He sold the estates of defaulters or took them under *khas* management when no bidder appeared. He notified that the absconding *maliks* would receive no *malikana*. The *maliks* distinguished between Zamindari and *milkiat* and the doctrine of merger came as a surprise to them. Most of the *maliks* of Gayaspur gave written relinquishment of settlement.

**Nankar*.—Under the farming system in Bihar, a Zamindar was always liable to be deprived of the management of his estate. In such cases he ordinarily retained his *nankar* land. *Nankar* land represented a composition for the percentage of gross assets to which the revenue collector was entitled or they might have been granted in compensation when Zamindars were first dispossessed by *a'mila*.

†*Patna Settlement Report* (1907—12), p. 59.

The question of the revenue-free grants in Bihar had from time to time attracted the attention of Government since the acquisition of the *Diwani*. In 1812 the revenue-free area recorded in the registers of the Collectors of Bihar was $37\frac{1}{2}$ per cent of the whole. About 1,000 acres of *malikana* grant was recorded in the district.

The person preferred for settlement was the holder of the revenue-free grant (*ahlima' ash*). Failing him, settlement was made with the *malik*. In the occasional settlements made before 1839, ten per cent had been allowed to the settlement holder for his profits, after deductions for collection charges, *malikana* and cost of irrigation. If the resumed grant (*nimhai*), and the *milkiat* vested in the same person, the land revenue would be one-half of the gross collection. Otherwise if *malikana* had to be paid, Government would bear a half share of it. At first 15 per cent for collection charges was deducted from the gross assets, and *malikana* was calculated on the balance. Subsequently *malikana* was calculated on gross assets.

The rules of the settlement were illustrated by the case of Mauza Chak Zynab, *pargana* Gayaspur. It was originally settled with the *minhaidars**:—

			Rs. as. p.
Gross assets	..	..	29 15 0
Deduct <i>malikana</i> at 10 per cent	..	..	2 11 2
			27 3 10
Half assets (<i>nisf jama</i>)	..	..	13 9 11
Add <i>malikana</i>	..	..	2 11 2
			16 5 1
Land Revenue	..	..	

The *sadr jama* was one-half of the gross assets, Rs. 14-15-6, plus one-half of the *malikana* (Rs. 1-5-7). It was ascertained that the *nimhai* and the *milkiat* vested in the same persons. The Board of Revenue accordingly by their order of September 24, 1844, reduced the assessment to the amount allowed in such cases, viz., Rs. 14-15-6, one-half of the gross mufassil assets.†. The net profit of the settlement holders was reduced by Rs. 1-5-7; since they had been paying before Rs. 16-5-1 into the Treasury as revenue, and drawing from it Rs. 2-11-2 as *malikana*.

* *Minhaidar*.—Holder of a revenue-free tenure. Also called *minhai*. (See, page 161 of the *Final Report of Survey and Settlement Operations of Patna district, 1907-12*.)

† *Mufassil assets*.—Gross rent collections. The 'net produce' of the 18th Century regulations. (See, page 161 of the *Final Report of Survey and Settlement Operations of Patna district, 1907-12*.)

EX-PROPRIETORS IN THE DISTRICT*.

In the Record-of-rights the word *maliks* was described as proprietors of estates. Its use had encouraged some proprietors to set up a claim to the *milkiat* against the true *maliks* to whom they were liable to pay *malikana*. Section 102 of the Bengal Tenancy Act did not require Revenue Officers to prepare any record of persons entitled to receive annual payments of *malikana* from the Zamindars.

The village *maliks* of the 18th century existed in Bihar as relics of some earlier revenue system. Dr. Buchanan regarded the *milkiat* as a military tenure under the *Hindu* kings before the Mohammadan conquest; but the *maliks* appeared as annuitants upon their estates, receiving a proprietary allowance (*malikana*), from the Zamindar or renter within whose jurisdiction their *milkiat* laid. In the 18th century the *maliks* received in addition to *malikana*, trifling annual presents in token of feudal superiority, such as the Raja of Ammawan received from the shop-keepers of Barbiga which was included in his ancestors' *milkiat*. The rights of *maliks* endured through all the vicissitudes of farms and Zamindaris and though a powerful *amil* (i. e. Chief Revenue Officer) might expel a Zamindar, it appeared to have rarely happened that a *malik* was dispossessed of his *milkiat*. The Mayi family expelled from their *parganas* some of the *maliks*, but in 1670 the ancestor of the Raja of Ammawan, Chaudhuri Bhelum Singh, was able to resist successfully their efforts to dispossess him of the *milkiats* which he had purchased in several villages of Malda Pargana.

At the Decennial Settlement the Collector was required by the regulations to engage with the "proprietors of the soil". This was interpreted to mean Zamindars or *maliks*; if settlement was made with *maliks*, the *milkiat* merged in the Zamindari, the *maliks*' right to *malikana* remained. As a result of settlement with the *maliks* in 1789, estates then formed were comparatively small, and were held by a multitude of co-sharers.

PETTY PROPRIETORS IN PATNA.

Estates had increased in number when Dr. Buchanan made his survey in 1812, by which time Gayaspur contained 212 and Azimabad 84 estates. During the first half of the nineteenth century the number of estates increased due to resumption proceedings as well as a great deal of partition. The number of estates was 13,725 in 1876. The revenue-paying area was 12,49,414 acres and the average area of

*SOURCE—Final Report on the Survey and Settlement Operations (1907—12), by J. F. W. James, pp. 30—34.

an estate was 91 acres. The number of rent receivers in the district was 10,354. This gave an average of less than one proprietor to each estate. The *khevat* figures gave over a lakh and a half of sharers. The number of interests recorded in the Collectorate was 96,470, and the number of sharers was 1,21,270. The number of cultivators was given as 3,25,000 and one out of every three of these had proprietary right. The small proprietors were very small indeed holding nothing more than proprietary right in a *raiya* tenancy which was not large. Such petty landlords flourished in Barh and Bikram thanas. The insecurity of tenant's right had induced *raiya*s to purchase, where they could, the landlords' interest in their holdings. Petty proprietors were, however, limited to cultivators who ploughed their own lands; and small proprietors owning a few villages were of all landlords, the most oppressive to their tenants. The question of landlord and tenant in the district was one of the legal status rather than of social difference. The owner of an estate like Ammawan acquired with his growing power a social standing similar to that of great Zamindars elsewhere, but in petty Zamindari the Zamindar was little better off either in social status or in wealth than many of his tenants.

PRINCIPAL EX-ZAMINDARS.

The most powerful land-holder in the district was the Raja of Ammawan. The family of Jaswant Singh enjoyed large possessions in Masaurha, and the Chaudhurs of Islampur, a family of smaller local importance, retained a part of their ancestors' Zamindari in Shahjahanpur and Bhimpur. Landlords whose property lay chiefly in other districts were the Hussainabad family, who possessed most of Rajgir *pargana*; and the Tikari Zamindar (including both branches of the Tikari Raj; and the great tenure-holder of Maksudpur). Of other great territorial families of the eighteenth century, the Deo family alone retained the importance. The descendants of Manir-ud-daula, who were known as the Bhikhnaphari Nawabs, enjoyed great social standing in Patna, but held little Zamindari. A descendant of Muhammad Bakar Khan lived at Tilhara, but the Zamindari of that *pargana* was held by a number of petty landlords. The successor of Raja Narain Singh no longer held Siris and Kutumba and lived at Mali near Aurangabad (These families belonged to Gaya district). The legitimate line of the Mayis ended in Akbar Ali Khan; and the last of the descendants of Shitab Rai died in Patna. This man Kunwar Rup Narain Singh was of clouded intellect; he inherited a great tradition of power and wealth, but both had passed from his family before his birth, with the resumption of the *jagirs* of Kallian Singh.

The Zamindar of Masaurha, Raja Jaswant Singh, died without heirs, and his estates ultimately passed to a collateral branch of his

family, in whose possession they had remained. These Zamindars, who were commonly known as the *Babus* of Bharatpura and Dharhara, enjoyed great local influence in the south-west of this district.

Raja Harihar Prasad Narain Singh of Ammawan was a big proprietor in the district. He traced his ancestry to one Basdeo Rai, a Babhan (Bhumihar Brahman) who came from Sairpur near Benaras to Sair in Malda pargana, and had acquired a *milkiat* which his grandson Chaudhuri Bhelam Singh extended by purchases in or about 1670 A. D. The ancestors of the Raja failed to seize their opportunity in 1788, at Thomas Law's Permanent Settlement of Malda; and their *milkiats* were among those settled with outsiders, the *maliks* merely retaining their *malikana*. In the middle of the nineteenth century Babu Karan Chand Singh, son of Babu Chaturbhuj Singh, acquired a considerable Zamindari in Ammawan and Harganwan, which was improved by his son Baijnath Singh, father of the proprietor. The Raja's father died in his infancy; and the estate was managed for many years by his maternal uncle, Babu Bansi Singh, who was a faithful trustee to his infant ward.

The most prominent residents of Patna City had little property in land. This was largely due to the fact that opportunities for the purchase of a compact estate were so rare that a man who acquired a Zamindari must purchase a one pie share in this village, and a one anna share in that, as opportunity arose. Among the great *mahajans* of the City, Babu Ramji Ram had inherited and acquired a considerable area, including much *diara* land, in the north of the district. The largest Zamindars among the residents of the area (Patna City) were the members of the Guzri family, including among others, the sons of Nawab Lutf Ali Khan, commonly known as the Badshah, Manjhle and Chhote Nawabs and Saiyid Muhammad Ismail, great-grandson of Nawab Vilayat Ali Khan. A large portion of this endowment settlement lay north of the Ganga, the land in Patna was separately recorded in the operations in the names of the trustees of the fund.

The following statement will show the details of the estates which by notifications in the official Gazette in 1953, 1954 and 1955 vested in the State Government :—

STATEMENT.

In exercise of powers conferred by sub-section (1) of section 3 of the Bihar Land Reforms Act, 1950 (Bihar Act XXX of 1950), the Governor of Bihar is pleased to declare that the estates belonging to the proprietor with effect from the date of the publication of this notification in the *Bihar Gazette*, passed to and become vested in the State under the provision of this Act*.

Name of the proprietor.	District.	Name of the estate, if any.	Tauzi no. of the estate.	Names of the villages where the tauzi comprises of more than one village and the proprietor holds only a share in some of the villages in the tauzi.	Share of the proprietor in the tauzi.
1. Sri Birendradhari Singh, Sri Pratapdhari Singh, Sri Raghwendradhari Singh, sons of Sri Jangdhari Singh (deced.), Sri Balbiradhari Singh, Sri Tejdhari Singh, Sri Suraj Pratap Dhari Singh, sons of Sri Randhari Singh (deced.) of village Ainkhan, P.-S. Bikram, P. O. Belhauri, Patna.	Patna	..	16511	Bhimchak, appertaining to Mahal Bhadsara Jangdhari, ph. Masaurha, thana Bikram, 237.	16 annas.
2. Sri Harballav Narain Singh, son of Babu Chandrashekhar Prasad Singh of village Kulharia, district Shahabad.	Do.	..	3029-Reay 3029/1	Rampur Dilawarpur Ditto ..	To the extent of his share. Ditto.
3. Sri Bhrigunath Pd. Singh, son of Late Sri Mahip Narayan Singh, Chaudhury Tola, P. O. Mahendru, Patna.	Do.	..	517	Kachnara, locally named Manoharpur Kachhuara, pargana Azimabad, thana Phulwari, no. 117.	16 annas.
4. Ditto Ditto	Do.	..	2879	Kalyanpur, Basiawan, pargana Mauar, thana Masaurhi, thana no. 19, 21.	16 annas.

PATNA

* SOURCE.—*The Bihar Gazette*, (Extraordinary), January, 1955, May, 1954, August, 1953, September, 1953.

Name of the proprietor.	District.	Name of the estate, if any.	Tauzi no. of the estate.	Names of the villages where the tauzi comprises of more than one village and the proprietor holds only a share in some of the villages in the tauzi.	Share of the proprietor in the tauzi.
5. Sri Bhrigunath Pd. Singh, son of Late Sri Mahip Narayan Singh, Chaudhury Tola, P. O. Mahendru, Patna.	Patna	..	15242	Simli Murarपुर, pargana Azimabad, thana Patna City, thana no. 38.	16 annas
6. Ditto	Do.	..	15349	Manpur Basia appertaining to Lat Nirandarpur Kharaunia, pargana Azimabad, thana Phulwari, thana no. 122.	16 annas.
7. Ditto	Do.	..	15349	Simli Murarपुर appertaining to Mahal Nirandarpur Kharaunia, pargana Azimabad, thana Patna City, thana no. 38.	16 annas.
8. Ditto	Do.	..	76 — C 66 Lakhraj.	Mosallahpur, pargana Azimabad, thana Patna City, thana no. 2.	5 as. 4 p.
9. Ditto	Do.	..	184 — C 160 Lakhraj.	Zakariapur, pargana Azimabad, thana Patna City, thana no. 15.	3as. 10d. 15k.
10. Ditto	Do.	..	185 — C 161 Lakhraj.	Ditto ditto	4as. 9d. 8k.
11. Ditto	Do.	..	4113	Kujap, pargana Pahra, thana Muffasil Gaya, thana no. 185.	12 annas.

Share of the proprietor in the <i>tawzi</i> .	Names of the villages where the <i>tawzi</i> comprises of more than one village and the proprietor holds only a share in some of the villages in the <i>tawzi</i> .	Town no. of the estate.	Name of the estate, if any.	District.	Name of the proprietor.
.. 9 annas.	Lakshimpore Bhuyh	10268	Paina	..	12. Sri Padamdeo Narayan and others ..
.. 9 annas.	Bhui, ph. Beeswak	10270			13. Sri Babu Akhouri Kapildeo Narayan, village Hardwan, P. S. Shergahat, Akhouri Sita Ram, self and guardian of Kapildeo Narayan, son of Sri Akhouri Lakshmi Narayan, son of Sri Akhouri Bishun Prasad and Akhouri Bishundeo Narayan.
.. 9 annas.	Nepura, ph. Beeswak	10268			
.. 9 annas.	Ditto ditto	10270		Do.	
.. 4 annas.	Bhui, thana Silao	9930			
.. 4 annas.	Ditto ditto	10267			
.. 4 annas.	Ditto ditto	1416			
.. 4 annas.	Dongi, thana Silao	12741			
.. 4 annas.	Katalpura, thana Silao	12960			
.. 4 annas.	Nanori, thana Masaurhi	5908			
		6337			

In the second and third phases a good number of estates were vested in the State by individual notifications. Immense difficulty was, however, experienced in acquisition of estates through this process. The number of small intermediary interests in the State was considerably large, and provision was therefore made in the Bihar Land Reforms Act (Amendment), 1953 (Bihar Act XX of 1954), for taking over all the estates and tenures within a particular area by issue of a single notification. Accordingly all the remaining estates in the Patna district were taken over by the State in January, 1956. There were as many as 64,013 big and small Zamindars in this district on the eve of Zamindari abolition.

RELATIONS BETWEEN LANDLORDS AND TENANTS.

In ancient times, it appears, there was no intermediary between the tenants and the Crown. The traditional method of realising the king's share by dividing the produce of each peasant persisted throughout the centuries from the earliest times till the Muslim period. The revenue was collected by officials. The Muslims created a special class of people by giving expensive *jagirs* and lavish *inam* to military guards. This was done by the early British rulers also to create supporters for them. These intermediaries were called chiefs, assignees or grantees. However, the strong Muslim rulers like Allauddin, Muhammad Tughlaq and later the great Mughals were aware of the pernicious effect of granting *jagirs*. They were anxious to extend *khalsa* or crown land. The *raiayatwari* system introduced by Raja Todar Mal was a step forward to bring the State and the tenants in direct relation with each other. But since the rights and interests of the cultivators were ignored, so the system could not prove effective.

Controversy has centred round the question whether the Zamindar is wholly a creation of the British rule. The generally accepted view seems to be that the Zamindar in Mughal times really meant a vassal chief and could not exist in the directly administered territories of Empire*. The Permanent Settlement of 1793 which was the fruit of careful deliberation from 1786 to 1793 is also called the Zamindari settlement. It is said that the Zamindari settlement was not Lord Cornwallis's idea. It was distinctly ordered in April, 1786 by the home authorities; it was advocated by all the chief revenue authorities in Bengal. John Shore, though he deprecated the hasty assessment of the amount of land revenue *in perpetuity*, never hesitated in recommending the grant of a secure estate to the Zamindar. Thomas Law, Collector of Bihar, was indefatigable in writing in favour of a Zamindari settlement. Brook of Shahabad, also held the same view†.

*The Agrarian System of Mughal India, p. 136.

†Baden Powell: *The Land System of British India*, Vol. I, p. 404.

The Permanent Settlement of Lord Cornwallis in 1793, created a class of people who can be truly termed as an intermediary. The term of the Decennial Settlement of the Patna district did not admit of any efficient protection of the *raiya*s from extortion*. It is said that Lord Cornwallis did not observe any specific rules for the security of the *raiya*s, although he was aware of their probable difficulties. Until the variable rules adopted in adjusting the rent of the *raiya*s are simplified and rendered more definite he added, "no solid improvement can be expected from their labour upon which the prosperity of the country depends"†.

The settlement thus made with the Zamindar for one consolidated lump sum of revenue, was supposed, *in theory*, to represent nine-tenths of what they received directly in rent from the *raiya*s, the remaining tenth being allowed to them for their trouble and responsibility. In reality, the Zamindar got all the increase of rents and he also got the *benefit of all extension of cultivation*, as well as all the "sayer" items, and the benefit of all invalid grants (under 100 bighas) which he chose to resume. And with all these sources of income, it very soon came to pass that the revenue payment was nothing at all resembling nine-tenths of the total receipts from the estate‡.

Thus the Permanent Settlement secured for the landlords the entire advantage of a rise in rentals. Again, in the permanently settled areas the Government had to sustain loss from gradual and increasing depreciation in the value of money. The great fault of the Permanent Settlement in Patna was that it made a fixed unalterable assessment, to be paid punctually in all circumstances of season, on the basis of the gambling bids of a succession of speculative farmers, each of whom extracted profit if the year was good, and ruinous loss if seasonable rain failed**.

The relation between landlords and tenants remained strained throughout due to manifold factors in the district. The peasantry far from being generously treated by the Zamindars was rack-rented, impoverished, oppressed and this compelled the Government to intervene on their behalf by passing a series of legislative measures that commenced with Act X of 1859. Agrarian legislation, however, fell short to give protection to him and his long-pursed opponents had taken shelter behind the subtleties of law to defeat its provisions. The bilateral relations between the landlords and tenants which laid stress on duty in ancient times, now gave way for rights, *i. e.* a right to

*SOURCE.—*Patna District Survey and Settlement Report*, (1907—12), p. 60.

†Baden Powell : *The Land Revenue System of British India*, Vol. I, p. 405.

‡*Ibid.*, Vol. I, pp. 432-433.

**SOURCE.—*Patna District Survey and Settlement Report*, (1907—12), p. 61.

realise rent than to protect the tenants. Ejections of tenants for non-payment of rents became a common feature. The prevalence of produce-rent by which the rent payable varies with the produce gives at each harvest occasions for friction between landlords and tenants. This system played havoc especially with the small peasant proprietors whose number in the district was very large. It is interesting to note that this district for a time checked the natural tendency to commute produce-rents to cash. The Permanent Settlement had assessed rent at very high rates, and there was no doubt that Zamindars in the early days preferred to collect rent in cash if they could have collected the equivalent of their produce-rents. But the rent law of 1859 made enhancement of cash-rent less easy and the rise in prices had the effect of having cash-rent somewhat behind produce-rent in value. The Bengal Tenancy Act of 1885 all the more restricted the enhancement of cash-rent, while it put no obstacle in the way of converting cash-rents to produce-rents, or of enhancing produce rent*.

The most deplorable features of the Permanent Settlement, in the Patna district was the subversion of the customary rights of the cultivators. Before 1789 the *khudkasht* (resident) *raiyat* was not liable either to arbitrary ejection, or to enhancement of rent at the will[†] of his landlord[‡]. Regulation VIII of 1793, under which the *pattas* had to be issued specifying the area and rent of each holding, did not fulfil the demand of the tenants. Cornwallis hoped that henceforth relations between landlord and tenant would be amicably determined by contract. *Raiyats* generally refused to take leases. Hunter's comments on this refusal is worth quoting : "They had good grounds for this reluctance. In the first place, they were quite content with their old title. In the second place, they were vaguely apprehensive lest the proposed lease and counter part should somehow alter their status for the worse, or subject them to new obligations. Their apprehension had been, perhaps too comprehensively formulated into the statement that the resident *raiyats* refused *pattas* from the Zamindars lest they should be regarded thereby as tenants holding from the Zamindars. In the third place, the cultivators as a rule held more land, than they were rated for in the village registers"[§].

A. Seaton, successor of Thomas Law in 1790 was also a staunch supporter of Permanent Settlement. He toured in the interior of the district to persuade the *raiyats* to accept *pattas*. If they feared that the system of *pattas* would convert them into tenants-at-will, they were fully justified, as by 1812 a claim to right of occupancy was apparently considered as something abnormal. Regarding Bihar Parganas Dr. Buchanan writes "The leases are seldom renewed, so that the tenants

*Patna Settlement Report (1907—12), p. 70.

†Cf. Shore's like views in 1789.

‡Patna Settlement Report (1907—12), p. 35.

are moveable at will ; and, though in the north of the district, in Gayaspur and Maner Parganas, tenants were still fighting for their claim to hold at fixed rates, the district courts have already decided against them”*.

The ancient rights of the *raiyats* were to some extent recognised in Act X of 1859. The occupancy rights of the *raiyats* holding lands for twelve years were recognised by the Act. The Bengal Tenancy Act, 1885 went further in providing a right of occupancy to any land to a *raiyat* who occupied it continuously for twelve years in any village. The Survey Settlement Operations conducted during 1907—12 created the record-of-rights which made the *raiyats* conscious of their rights *vis-a-vis* their obligation to their landlords.

The relations between landlords and tenants tended to grow strained after the publication of the record-of-rights, particularly due to the realisation by *raiyats* of their rights to commutation of produce-rent, i.e. *bhaoli* and *danabandi*†. In order to contain the agitation of tenants some of the landlords also resorted to false civil suits to harass their tenants.

During the quinquennium, 1913-14 to 1918-19, the relations between landlords and tenants were strained in areas where the preparation of record-of-rights was either imminent or in progress or newly completed. The commutation of produce-rent and oppressive methods of the landlords continued. Some signs of improvement were seen as a result of an increasing tendency on the part of the tenants to resist any form of oppression, due to the outcome of better knowledge of their rights. Cases under sections 40, 58 and 69 of Bengal Tenancy Act had increased in number and were hotly contested. In 1918-19 there had been some friction in the district owing to the non-granting of receipts for rent.

During 1921-22 to 1929-30 the *Kisan Sabha* Movement became vocal throughout Bihar and highlighted the grievances of the tenants and their exploitations at the hands of the landlords. This movement spread in the Patna district also. The commutation cases gave rise to litigation in the district. In Bihar and Danapur subdivisions the relations between the *kisans* and the landlords were much more strained than in the rest of the district. Contemporaneously the Non-Co-operation Movement of 1921, 1930 and 1932 started by Mahatma Gandhi drew the *kisans* to its folds in very large numbers and sponsored their cause.

**Eastern India*, p. 321.

†See, *Land Revenue Administration Reports*, published by Board of Revenue.

During the thirties the relations showed no signs of improvement. A number of civil suits were instituted to recover arrears of produce-rents. The sudden fall in prices in wake of the economic depression had caused a good deal of discontent among the cultivators. Signs of disaffection were more marked in Bihar and Danapur subdivisions than elsewhere in the district. The gradual disintegration of the *bhaoli* system and the failure of landlords to maintain irrigation works were partly responsible for the strained relations and these were aggravated by the inability of tenants whose rents had been commuted at high rates, to pay their rents as the low prices of agricultural produce had left them little margin. In 1935-36, the relations between landlords and tenants entered a new phase owing to continued attempts by the *Kisan Sabha* to ventilate the grievances of the tenants and the high-handedness of the landlords. Another cause of estrangement lay in the neglect of irrigation facilities by landlords as a result of commutation of rent. Non-granting of rent receipts, particularly in the case of produce-rents, was a general ground of complaint. In the *khasmahals* and in some of Zamindaris steps were taken to grant remission of rent. In 1936-37, the *Kisan Sabha* agitation continued to exercise great influence on tenants, encouraging them to resist illegal exactions or *abwabs*. The staff of the absentee landlords further aggravated the situation as they had not any other purpose than to collect dues. They generally neglected to maintain irrigation facilities and to give relief to the tenants in regard to high rents which were fixed on the basis of post-war high prices of agricultural produce. During the general elections agents of many candidates made extravagant promises and focused attention upon mismanagement of the landlords as a class. Driven to desperation by continued economic depression tenants at some places, in spite of delivery of possession to the purchasers of their holdings sold in execution of rent decrees, attempted to cultivate them by force.

In 1937, the Congress Party formed its Ministry in the State*. Its Government took some statutory measures to ameliorate the condition of the peasants. But it became apparent that the abolition of Zamindari alone could resolve the agrarian unrest. The amendments to Bengal Tenancy Act, 1885 effected in 1934, 1935 and 1937 were preliminary measures to substantiate the occupancy rights of the *raiyats*. The cultivation of *bakast* lands by the landlord, which were usually cultivated by the tenants stirred up agrarian trouble. The Bihar Restoration of *Bakast* Lands and Reduction of Arrear of Rent Act, 1938, were passed. Due to low prices of agricultural produce there was an agitation for rent reduction and ultimately proviso to sections 112A and 112B of Bihar Tenancy Act were inserted to revise rents of agricultural

*In terms of the provincial autonomy under the Government of India Act, 1935.

holdings. The *ijafa** made in Settlement Operation of 1919—29 in the Patna district had to be reduced. In 1938-39, the *raiya*s made claim over the *bakast* lands and withheld payment of rents. Commutation proceedings also received a fillip. The situation remained strained during the whole year. The *Kisan* movement exposed the weak points of the Zamindari system. Swami Sahajanand Saraswati was the leader of *kisans* with his *ashram* at Bihta. His fiery speeches stirred the *kisans* not only in this district, but also elsewhere in the State. The relations between tenants and landlords became all the more strained after the rent reduction operation. The tenants were encouraged to claim the abolition of the *bakast* lands and to withhold payment of rent. In the area where the *bhaoli* system prevailed, the division of crop in proportion to 9:11 under section 178B of Bihar Tenancy Act (this section was inserted by Bihar Act 11 of 1938) had failed to achieve the desired object. During 1950-51, the activities of the *Kisan Sabha* further aggravated the situation. A second amendment known as Bihar Act 24 of 1955 was passed which restricted the proportion of the landlords to not more than five-twentieth of the produce. The tenants continued to claim possession over *zirat* and *bakast* lands. Out of panic, the landlord attempted to evict them and to cultivate the land themselves. The Zamindars' attitude towards their tenants was one of hostility owing to the reduction of rents and restoration of *bakast* lands.

During the tenure of the First Congress Ministry the abolition of Zamindari was mooted and during its second tenure in 1946 it became a State policy. The tenants aspired intensely to release themselves from the yoke of their feudal landlords.

The Zamindari system with permanent settlement was a potent source of strained relationship between landlords and tenants. It encouraged landlords to live a life of ease and comfort with little interest in the welfare of the tenantry and as such it was the system and not the individuals that really counted as a source of trouble. However, not all the Zamindars were tyrants. Some of them discharged their social obligations well. *Ahars* and *pynes* maintained by some of them had proved the mainstay of irrigation. The abolition of the Zamindari under the Bihar Land Reforms Act, 1950 removed the intermediaries and brought the State and the tiller of the soil in direct relation with each other.

CHANGES IN TENANCY LAW.

The tenants of this district may be classified as tenure-holders, *raiya*s and under-*raiya*s. The *raiya*s hold lands on cash rent and many cultivated lands as *bhaolidars* paying rent in kind. The rights and liabilities

*Enhanced rent.

of the tenure-holders, *raiya*s and under-*raiya*s have been defined in the Bihar Tenancy Act. Before 1934, there was difficulty in transferring the *raiya*ti lands. A purchaser of land either by registered sale deed or through court execution of money decrees was at the mercy of the landlord and their *amlas* who might recognise the transfer or refuse the same at their will. Exorbitant *salami* used to be charged from the transferees by the landlords for according recognition to the purchase and for mutating their names. Even after the payment of *salami*, the purchaser had to execute a deed of surrender with respect to the purchases of land and then to take a fresh settlement of the same from the landlord at an enhanced rent. A *salami* of 25 per cent over the consideration money was not unusual. In many cases, the purchasers had to lose their lands because of their inability to meet the demands of heavy *salami*.

The *raiya*s had also no right to manufacture bricks or tiles or to excavate tanks or dig wells even for drinking purpose on *raiya*ti lands; nor could they erect any building without the consent of the landlord. Consent of the landlord could only be obtained by heavy *salami*, which the *raiya*s could hardly afford to pay. *

The lands held by the cultivators were under the following categories :—

- (a) The Zamindars' land, either *bakast* or *zirat*.
- (b) Tenant holding lands under the landlords either on their own account or on behalf of the landlords.
- (c) Sub-tenants holding lands under the tenants.

In this district often the major portion of the land in a village was held by landlords or big tenants.

Such big landlords who could not cultivate their land all by themselves had to let out their lands on *bhaoli* or *batai*. While doing so they took care not to settle it permanently. They did not want any evidence to be created in favour of the *bhaolidars* so that the latter could claim an occupancy right in the lands. *Bhaolidars* were thus mostly at the mercy of the people from whom they held their lands. These landlords or the large cultivators were in the habit of acquiring more lands often through rent suits and money suits. Money-lenders also acquired lands when the loanees failed to repay and induct *bhaolidars* on the land. Many who were the owners of land in small holdings in the past had fallen in the categories of landless labourers or at best *bhaolidars*. Such cases were common, specially where there had been alluvial and diluvial of the area, several stretches of drought, etc., involving rents and other liabilities on the lands to fall into arrears. There were villages in the Patna district where lands belonging to the

tenants had passed into the hands of persons other than the original tenants who were the actual tillers of the soil.

The improvement in the status of *raiyats* and recognition of their rights have been brought about by amendment of the Bihar Tenancy Act from time to time. The Bihar Tenancy Amendment Act (8 of 1934) recognised all transfers made before 1923 by sale or gift without a transfer fee and for the succeeding period a fee of 4 per cent over the consideration money was fixed as landlords' fee. This legislation gave a much-needed relief to the *raiyats* by giving them a statutory right in respect of the use of their lands. The Bihar Tenancy Act was further amended in the year 1938 (Bihar Act I of 1938). The *raiyats* were given full rights in their lands and henceforth they could use their lands for all legitimate purposes and dispose of the same in a manner they liked without the consent of the landlords. Only a nominal sum as landlords' fee had to be deposited at the time of the registration of the deed of transfer. A further improvement in the position of the *raiyats* had been brought about by a subsequent insertion of section 23(a) in the Bihar Tenancy Act in 1947. This conferred on the occupancy *raiyats*, a right in all trees over their holdings. They could now plant trees and bamboos and cut and appropriate the same. They could also appropriate the flowers and fruits and other products of trees. They could now get the rent of trees of any *bhaoli* holding converted into cash rent. Any realisation of *tahrir* (illegal gratification or *abwab*) by the landlords or their agents was made penal. Provision was made for payment of rent by postal money order and this virtually ended the power of the *amlas* (subordinate staff) of the landlords to harass the *raiyats*. The right of commutation of produce-rent into cash under section 40 of the Bihar Tenancy Act has been a boon to the *raiyats* as the prices of foodgrains in recent years have gone up considerably and it is highly profitable for the *raiyats* to pay rent in cash.

The lot of the under-*raiyats* under the old Tenancy Act was unenviable. The *raiyats* concerned could evict them at will from the lands under their cultivation as they enjoyed no statutory rights in such lands. By the amendment in the Bihar Tenancy Act in 1938, the under-*raiyats* were granted some statutory rights under section 48A of the Act which enabled them to acquire occupancy rights in the lands cultivated by them for 12 years or more continuously. They were subsequently granted the same rights with respect to the trees and bamboos and the use of and succession to and eviction from the lands as occupancy *raiyats*. The under-*raiyats*, however, did not have the right to transfer their lands without the consent of their immediate landlords.

The *bataidars* who cultivate the lands of ex-landlords or tenure-holders enjoy certain rights; but the position of *bataidars* who cultivate the lands of *raiya*s is unsafe. They have no statutory rights, but there is a proposal to give such *bataidars* the right of occupancy in the lands cultivated by them. Now that the Land Reforms Act has been brought in force and the Zamindaris have been taken over by the State, both the Zamindars and the tenure-holders have disappeared and there is left only one class of tenants who cultivate the lands directly under the State.

INCOME FROM LAND REVENUE.

Land revenue is one of the important sources of State income. According to the tenancy law rent is the first charge on the land. After the abolition of the Zamindari system, the importance of the land revenue as a source of income has increased considerably. During the last Survey and Settlement Operations (1907—12) the average rent per acre in this district was calculated at Rs. 7-8-0 and the rates of rent varied considerably in different thanas as will appear from the following statement*:

Thana.	Average rate of rent of occupancy <i>raiya</i> s per acre.		
	Rs. a.		
1. Patna City	9	0	
2. Phulwari	7	9	
3. Masaurhi	8	6	
4. Maner	6	2	
5. Danapur	10	5	
6. Bikram	6	9	
7. Fatwa	8	2	
8. Barh	6	6	
9. Mokameh	4	12	
10. Bihar	8	9	
11. Hilsa	9	15	
12. Islampur	8	15	

*Patna Survey and Settlement Operations (1907—12), pp. 71-72.

The statement below will show the land revenue demand and collection along with cess from 1956-57 to 1965-66* :—

Year.	Demand in rupees.		Collection in rupees.	
	Arrear.	Current.	Arrear.	Current.

Rent.

1956-57	12,22,681.54	41,33,194.56	10,02,037.81	33,04,592.43
1957-58	18,71,919.54	45,22,939.33	16,95,596.41	37,31,989.39
1958-59	27,01,240.16	53,51,603.01	24,92,194.37	48,86,246.88
1959-60	21,97,075.32	60,17,465.66	18,35,202.90	51,65,517.46
1960-61	31,67,601.78	67,56,395.62	24,95,114.00	54,87,684.28
1961-62	28,43,072.77	70,11,335.77	19,28,885.57	48,35,938.57
1962-63	62,64,063.22	73,62,379.71	46,13,050.58	56,87,400.91
1963-64	54,72,200.06	76,71,256.37	35,60,313.78	51,55,241.63
1964-65	47,41,300.66	77,31,693.11	34,22,756.05	57,75,850.85
1965-66	36,38,350.35	81,50,259.06	28,42,861.51	69,89,225.25
<i>Cess.</i>				
1956-57	7,835.53	2,44,178.94	62,391.08	1,99,254.34
1957-58	1,16,021.18	2,71,009.29	1,06,068.25	2,22,013.64
1958-59	1,69,439.79	3,34,612.21	1,97,115.59	2,98,022.92
1959-60	1,42,044.63	3,97,505.38	1,15,676.90	3,18,713.99

*Source.—Additional Collector, Patna.

Year.	Demand in rupees.		Collection in rupees.	
	Arrear.	Current.	Arrear.	Current.
1960-61 ..	2,20,548.45	4,37,555.76	1,58,003.64	3,37,679.87
1961-62 ..	1,91,251.87	4,50,142.26	1,22,548.52	2,91,226.95
1962-63 ..	3,96,940.00	4,57,278.41	2,83,968.47	3,47,426.07
1963-64 ..	3,62,924.04	4,76,000.52	2,22,687.07	3,12,682.17
1964-65 ..	3,21,149.56	4,79,685.58	2,13,681.51	3,53,922.32
1965-66 ..	2,79,724.13	5,41,603.94	2,00,754.41	4,43,311.00

From these tables, it will appear that current land revenue demand has been increasing progressively. This is because the current rent demand is yet to be fixed. The rent on all the available *kabil lagan* and *khas* lands of the ex-landlords has not yet been settled. The current land revenue demand is likely to go up after the completion of the field *bujharat* operations.

LANDLORDS' FEE.

The following figures will show the demand and collection under landlords' fee from 1956-57 to 1965-66 :—

Year.	Demand in rupees.		Collection in rupees.	
1956-57 ..	..	3,80,078.14	3,80,078.14	
1957-58 ..	..	2,17,488.81	2,17,488.81	

Year.			Demand in rupees.	Collection in rupees.
1958-59	...	...	2,59,978.57	2,59,978.57
1959-60	...	...	1,93,884.63	1,93,884.63
1960-61	..	...	2,01,022.09	2,01,022.09
1961-62	..	..	2,01,022.09	2,01,022.09
1962-63	..	..	72,894.99	72,894.99
1963-64	..	..	50,133.43	50,133.43
1964-65	...	..	51,022.09	51,022.09
1965-66	..	..	47,870.54	47,870.54

As the fee is collected prior to the registration of document collection always equals the demand.

Cess is assessed and realised in accordance with the provisions of the Bengal Cess Act, 1880 as subsequently modified by the rules framed thereunder. Prior to the abolition of Zamindari the ex-landlords used to pay cess at the rate of two annas per rupee on the annual rental of land. The annual rental of some of the estates was, however, considerably reduced as a result of rent commutation operations and Government have, therefore, amended section 37 of the Cess Act by insertion of section 37-A giving powers to Collectors to effect reduction in the cess liability of the estate from the date of rent commutation. After abolition, the State Government, in whom the Zamindaris vested under the Bihar Land Reforms Act, 1950, have to pay cess to District Boards at the revised rate. Most of the landlords did not make over their up-to-date land records and therefore it has not been possible to complete the reduction of cess under section 37-A of the Cess Act and make an accurate estimate of the total annual value of land, and so the total amount of cess payable annually to District Boards has not yet been correctly determined. The State Government are, therefore, making advances only to Patna District Board against State liability for payment of cess since 1952-53.

The statement below will show the amount of advances made to Patna District Board by Government from 1952-53 to 1965-66* :—

Year.				Amount in rupees.
1952-53	..	..	..	1,00,000
1953-54	..	..	..	1,52,238
1954-55	..	..	..	1,84,000
1955-56	..	..	..	1,90,000
1956-57	..	..	..	10,54,475

*SOURCE.—Additional Collector, Patna.

Year.				Amount in rupees.
1957-58	..	..	..	9,52,382
1958-59	..	..	..	10,25,308
1959-60	..	..	..	10,31,709
1960-61	..	..	..	11,17,000
1961-62	..	..	..	11,60,000
1962-63	..	..	..	5,82,582
1963-64	..	..	..	17,31,249
1964-65	..	..	..	9,57,700
1965-66	..	..	..	10,98,000

EDUCATION CESS.

From 1959-60 the State Government have imposed Education Cess at the rate of one anna per rupee on the annual rental of land to meet the rising expenditure on education. There has been an enormous expansion of educational institutions in the district. The statement below will give the figures of Education Cess from 1959-60 to 1965-66*:-

Year.	Demand in rupees.		Collection in rupees.	
	Arrear.	Current.	Arrear.	Current.
1959-60 ..	Nil	2,34,095.90	Nil	1,53,731.21
1960-61 ..	2,85,465.38	4,37,555.71	1,63,643.66	2,65,035.45
1961-62 ..	2,54,928.47	4,50,142.26	1,15,914.77	2,54,278.63
1962-63 ..	3,86,529.12	4,58,883.75	2,66,450.87	3,12,624.81
1963-64 ..	3,33,837.95	4,76,406.38	1,93,675.72	2,98,269.08
1964-65 ..	3,23,727.54	4,80,182.91	1,99,318.26	3,37,893.36
1965-66 ..	2,78,554.52	5,18,594.67	1,83,061.66	4,15,303.42

*SOURCE.—Additional Collector, Patna.

MISCELLANEOUS CESS.

The figures for the demand and collection of Miscellaneous Cess for the years 1956-57 to 1965-66 are given below* :—

Year.	Demand in rupees.		Collection in rupees.	
	Arrear.	Current.	Arrear.	Current.
1956-57 ..	15,176.42	2,59,927.16	10,622.21	2,16,755.40
1957-58 ..	24,752.64	3,13,565.90	6,650.40	2,72,923.58
1958-59 ..	61,052.84	3,74,034.70	20,232.66	3,31,752.32
1959-60 ..	1,08,129.96	4,40,316.98	23,722.90	3,64,010.36
1960-61 ..	1,08,178.74	3,76,461.78	18,552.84	30,832.43
1961-62 ..	1,70,607.08	3,80,422.35	48,328.44	3,45,516.30
1962-63 ..	1,25,437.60	3,48,467.34	24,604.19	3,25,265.35
1963-64 ..	1,32,150.92	4,15,852.22	1,34,774.94	3,83,830.86
1964-65 ..	1,58,629.86	3,33,994.87	43,235.76	3,17,087.33
1965-66 ..	1,45,282.64	3,99,243.01	56,381.28	3,58,282.81

Miscellaneous Cess figures include the income from *sairats*, such as *hats*, *bazars*, *melas*, *jalkars*, *pokhars* and *ferries*.

BIHAR LAND REFORMS ACT, 1950.

After the independence of the country, the Government took up the question of abolition of the intermediary interests in land with a view to

*Source.—Additional Collector, Patna.

bring the State in direct touch with the tenants. The Permanent Settlement made by Lord Cornwallis (1793) had created a class of privileged feudal chiefs and the institution had become worn out and almost a dead weight against the creation of a Socialistic State. The agitation launched by the *Kisan Sabha* had lent acuteness to the problem and exposed the evils of the Zamindari system. This system had created a wide hiatus between the tillers of the soil and the landlords and it was found difficult to bridge the gulf.

There was no precedent to go by and decision had to be taken as to the condition under which the various interests of the landlords in their estates and tenures would vest in the State. Ultimately the Bihar State Acquisition of Zamindaris Bill, 1947, was drafted and introduced in the Legislature. The nomenclature of the Bill was subsequently changed to the Bihar Abolition of Zamindari Bill and it was passed by the Legislature in 1948. The Bihar Abolition of Zamindari Act, 1948 (Bihar Act XVIII of 1949) was accordingly enacted, but the validity of the Act was challenged in court and it was felt that the Act did not make adequate provision for land reforms. This Act, was, therefore, repealed, and in its place, the Bihar Land Reforms Act, 1950 (Bihar Act XXX of 1950) was enacted, and its validity was subsequently upheld by the Supreme Court*.

The State Government considered the matter afresh in consultation with Government of India and it was decided that land reforms, being a very important social measure could not be delayed further due to controversial legislations and that the Constitution should make a more specific provision so that such legislations could not be challenged in Courts of Law. The Bill called the Constitution (First Amendment) Bill, 1951, was accordingly introduced in Parliament by the Prime Minister of India, which *inter alia* provided for certain amendments to Article 31 of the Constitution. The Bill was ultimately passed by Parliament and was enacted with the assent of the President. The Act provided *inter alia* that neither the Bihar Land Reforms Act nor any of the provisions thereof would be deemed to be or even to have become void on the ground that it took away or abridged any of the rights conferred by any provision of Part III, and notwithstanding any judgment, decree or order of any court or tribunal to the contrary, the Act would continue to be enforced.

Some of the landlords challenged the competence of Parliament to amend the Constitution and the Supreme Court issued injunction against taking over the estates under the Bihar Land Reforms Act, 1950, till the validity of the Constitutional amendment had been decided. The

*See, Patna High Court, 1967, p. 32.

Supreme Court ultimately rejected the application of the landlords and unanimously held that the Constitutional amendment was valid.

The Bihar Land Reforms Act, 1950 came into force on the 25th September, 1950. Steps for the abolition of Zamindaris were initiated in November, 1951 and the taking over of estates was phased according to programme. In the first phase ending September, 1952, large intermediary interests with a gross annual income exceeding Rs. 50,000 each vested in the State by the issue of individual notifications.

COMPENSATION.

The Land Reforms Act has provided for payment of compensation to ex-landlords. *Ad interim* payments for the period from the date of vesting to the date of payment of compensation are to be made to the outgoing intermediaries under section 33 of the Bihar Land Reforms Act, 1950 at 3 per cent per annum of the approximate amount of compensation not exceeding Rs. 50,000 and at 2½ per cent per annum exceeding Rs. 50,000.

The statement below shows the progress of *ad interim* payments made under section 33 of the Bihar Land Reforms Act, 1950 along with other statements* :—

Patna district (up to March, 1967)

1. Total number of intermediaries in the district		64,013
2. Total number of intermediaries to whom <i>ad interim</i> payments are being made.		43,173
3. Total number of intermediaries in respect of whom compensation have been calculated.	50 per cent 100 per cent	22,192 11,096
4. Number of intermediaries in respect of whom draft assessment rolls have been published (100 per cent).		5,156
5. Number of intermediaries in respect of whom proceedings have been completed after final publication (100 per cent).		2,616
6. Total number of intermediaries in respect of whom indents have been sent to the public debt office.	50 per cent 100 per cent	21,774 1,980

*Source.—Additional Collector, Patna.

Total amount of ad interim payments made.

Year.				Amount in rupees.
1953-54	..	..	..	12,203.00
1954-55	..	..	..	33,728.87
1955-56	..	..	..	2,11,993.70
1956-57	..	..	..	6,97,623.75
1957-58	..	..	..	28,00,000.00
1958-59	..	..	..	18,38,400.23
1959-60	..	..	..	26,86,757.00
1960-61	..	..	..	22,51,721.00
1961-62	..	..	..	24,15,028.00
1962-63	..	..	..	22,64,827.00
1963-64	..	..	..	24,44,729.00
1964-65	..	..	..	23,50,306.00
1965-66	..	..	..	21,21,846.00

MODE OF MANAGEMENT.

On the abolition of Zamindari, collection of land revenue assumed a great importance. Prior to this, except in a few *khasmahal* estates owned by Government, there was no revenue establishment of field staff below the subdivisional level. In the *khasmahal* estates the revenue administration used to be carried on by the Collector with the assistance of a small band of revenue officials, namely, *Khasmahal* Officer, *Kanungo*, *Tahsildar*, *Patwari*, etc. As the bulk of the area of about 61,450 square miles in this State was outside the Government *khasmahals*, which comprised of about 4,950 square miles only, the outgoing intermediaries, who owned such areas, used to employ their own field staff for collection of rent from their tenants. On the abolition of Zamindari, however, it became imperative on the part of Government to set up an adequate revenue establishment of field staff to cope with the increase in work-load in connection with the management of the vested estates and tenures.

For realisation of rent and other revenue purposes this district has been divided into 272 *halkas*, each being unit of about ten villages and placed under a *karamchari*. The main duties of a *karamchari* are collection of rent, maintenance of registers and accounts, submission of reports and returns, maintenance of agricultural statistics, field-*bugharat*, execution of improvement works in his *halka* and enquiries relating to mutations, *ad interim* payment and allied work. Several *halkas* make a circle or *anchal*, each in charge of a Circle Inspector, who supervises the work of the *karamcharis* under him.

The Circle Officer or *Anchal Adhikari*, who holds a gazetted rank, exercises control and supervision over the work of the Circle Inspector and the *karamcharis* under him. In this district there are 28 *anchals**. A Deputy Collector Incharge Land Reforms and Development looks after land reforms and other allied work in the subdivision. There are four such officers one each for Patna Sadar-cum-City, Danapur, Barh and Bihar subdivisions. They are under the general supervision and control of the respective Subdivisional Officer. An Additional Collector with headquarters at Patna exercises control and supervision over the revenue staff and looks after the details of administration in the district, only subject to the general control of the Collector of the district and the Commissioner of the Division. At the State level, the entire land reforms work in respect of the vested estates and tenures is in charge of the Land Reforms Commissioner.

This district has one Additional Collector, four Deputy Collectors in charge of Land Reforms and Development, 28 *Anchal Adhikaris*, 29 Circle Inspectors and 276 *karamcharis*.

Under the proviso to section 13 of the Bihar Land Reforms Act, 1950, *Gram Panchayats* are entrusted with the management of vested estates and tenures on suitable terms and conditions. As *Gram Panchayats* are still in the process of development, it was considered proper to entrust rent collection work only to select *Gram Panchayats*. Out of 567 *Gram Panchayats* in this district, 465 *Gram Panchayats* have been entrusted with rent collection work till December, 1966.

FIELD BUJHARAT OPERATIONS.

The Field *Bujharat* Operations were undertaken in 1954 with the object of (i) preparing a reliable rent-roll ; (ii) collecting information for assessment of final compensation ; (iii) fixation of rent on the *khas* lands of the ex-intermediaries under sections 5, 6 and 7 of the Bihar Land Reforms Act, 1950 and (iv) settlement of available waste lands with Harijans, Scheduled Tribes and Backward Classes. This task became all the more necessary as the Zamindars did not make over all their Zamindari papers like rent-roll, etc. On the eve of Zamindari abolition a large number of settlement and sales had taken place which were left unaccounted for. The local officials had been instructed that as soon as the field *bujharat* of a village is completed, the total village area should be checked up with reference to the area of the village given in the last settlement records. The total rental of the village should be compared with the total village rental of the last settlement and the difference between the two should be accounted for. The lands saved to the ex-intermediaries under sections 5, 6 and 7 of the Bihar Land Reforms Act, 1950 as well as other *kabil lagan* lands should be

*Till 1964-65 the Block Development Officer also combined the function of the Circle Officer. Now he looks after only development work and another full-time officer has assumed charge of revenue work as *Anchal Adhikari*.

assessed to rent and that the continuous *khatian* and the Tenants' Ledger should be re-written. The whole object of the field *bujharat* is thus two-fold : first, to see that every plot of land in each village is accounted for and the rents due in respect of the plots, for which rents are payable, are collected from those who are in possession ; secondly, to collect the relevant data for assessment of compensation under the Bihar Land Reforms Act, 1950.

According to prescribed procedure the field *bujharat* work is done village-wise and each *karamchhari* is in charge of the operations in his *halka* under the immediate control of the Circle Inspector and under overall control of *Anchal Adhikari*. The *bujharat* of the *khatians* in a village is conducted in a serial order, beginning with the First Tenant's *Khata* having the larger holding. The work covers an examination of (i) the tenant's *khatian*, (ii) the *bakast khatian*, (iii) the *gairmazrua malik khatian* and (iv) *gairmazrua am khatian*.

The statement below will show the field *bujharat* operation in this district up to December, 1966* :—

(1) Total number of villages in the district	2,335
(2) Total number of villages in which field <i>bujharat</i> completed by <i>karamcharis</i> .	2,326

Of these 2,157 villages were verified by Circle Inspectors, 930 by *Anchal Adhikaris* and 114 by Additional Collector.

The following statement will show the details of the various types of revenue cases disposed of and pending in the courts† :—

Nature of cases.	Number of cases pending at the end of the last month.	Number of cases instituted during December 1966.	Total number of cases for disposal.	Number of cases disposed of.		Number of cases pending over six months.	Number of cases pending over one year.
				Allowed.	Rejected.		
1. Assessment of rent under sections 5, 6, 7 of Bihar Land Reforms Act, 1950.	1,182	53	1,235	124	22	196	577
2. Assessment of rent on <i>kabil-tagan</i> lands under Tenancy Laws.	4,143	55	4,148	47	17	1,560	604
3. Commutation of rent.	1,934	58	1,992	282	10	442	696
4. Mutation cases.	4,682	436	5,118	497	27	1,378	2,036
5. Cases under Privileged Persons Homestead Tenancy Act.	616	..	616	163	..	218	193
6. Land encroachment cases.	21,864	9	21,873	48	..	2,038	18,499

*SOURCE.—Additional Collector's Office, Patna Collectorate, Patna.

†The figures are as they stood on 31st December, 1966.

BHODAN MOVEMENT.

The *Bhodian Movement* which has been launched by Vinoba Bhave, aims to bring about economic parity by peaceful method, i. e. asking for surplus lands in gift and settling the same with the landless agricultural labourers, who would like to be settled on land.

To facilitate this movement the Government passed the Bihar *Bhodian Yajna* Act, 1954, which provides for donation of lands in connection with the *Bhodian Yajna* initiated by Acharya Vinoba Bhave and settlement of such lands with landless persons. A statutory committee, known as the Bihar *Bhodian Yajna* Committee, has been established under section 3 of the Act to administer all lands vested in the Committee for the purpose of *Bhodian Yajna*.

The following statement will show the progress made in this district up to December, 1966:—

1. Area of land donated to <i>Bhodian Yajna</i> Committee	1,894 acres.
2. Number of families to whom land was distributed	617 families.
3. Area of land distributed	661 acres.
4. Total number of villages donated	954
5. <i>Danpatras</i> received by the Committee	3,754
6. <i>Danpatras</i> filed	3,504
7. <i>Danpatras</i> confirmed	1,969
8. <i>Danpatras</i> rejected	1,178
9. <i>Danpatras</i> pending	1,042
10. Total number of <i>Danpatras</i> disposed of	3,125
11. Subsidy grant	Nil
12. Loan	Nil
13. Total area distributed to landless people under Normal Land Allotment Rules (Government lands) up to December, 1966 :—	

	Area.	No. of families.
(a) Scheduled Castes	Not available.	311
(b) Scheduled Tribes	Ditto	49
(c) Backward Classes	Ditto	253

With a view to safeguard the right, title and interest of the *Bhodian Yajna* Committee in the donated lands instructions were issued to the Collectors stressing the need for early disposal by the Revenue Officers

of the *Danpatras* by confirmation or supersession, as the case may be. Pecuniary help in form of subsidy and loan had also been given to holders of *bhoodan* land for purchase of agricultural implements, oxen and seed, etc., for the cultivation of land.

CONSOLIDATION OF HOLDINGS.

The progress of a State largely depends on the self-sufficiency of its food requirements. The average production of cereals in Bihar is about 10 maunds per acre whereas the average crop production in the countries of Western Europe and the U. S. A. and Australia comes to about 40 to 50 maunds per acre. In Japan the land is most intensively cultivated and the average production comes to about 70 to 80 maunds per acre. In Bihar the total crop productions by far lag behind the minimum requirements of food in terms of population. It is, therefore, the policy of the State that all efforts should be concentrated on increasing the productivity per acre.

As a result of sample survey undertaken during 1954-55, it was found that the greatest impediment to the development of agriculture was fragmentation of holdings. The sample survey disclosed that an operational area of one acre contained an average of 2.2 fragments; in other words, the average size of a plot would be about half an acre, which is too small an area for operational purposes. A scheme of consolidation of holdings based on a spot study of the Punjab Scheme was, therefore, considered as *sine-qua-non* for promotion of agriculture in this State. Accordingly, in the light of the experience of the Punjab Scheme, the Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956 was enacted towards the end of 1956 to provide for consolidation of holdings and prevention of fragmentation.

The implementation of the Act was taken up in Bihar in 1957. Four Pilot Projects were started one each at Ekangarsarai in the Patna district, at Sabour in the Bhagalpur district, at Sakra in the Muzaffarpur district and at Topchanchi in Dhanbad district.

In the first instance, the areas and the Block in which the work is proposed to be taken up are notified under section 3 of the Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956, and the substance of the notification is announced by beat of drum in the villages comprising the above area. On the issue of such notification no transfer of land can be registered without the permission of the Consolidation Officer. This restriction has been imposed to prevent any further fragmentation of holdings.

After a village is notified in the aforesaid manner, a Village Advisory Committee is constituted, which consists of the members of the

Executive Committee of the *Gram Kutchery* and representatives of *raiyyats*, under-*raiyyats* and the landless labourers of the village. The Consolidation Officer consults the Committee in the matter of fixing the market value of lands, etc., under section 9, preparing the draft scheme of consolidation under section 11, fixing the time when a tenant will enter into possession under section 14(1), fixing the compensation for standing crops under section 14(3), drawing up a scheme for recovery of the cost of consolidation proceedings under section 24, and determining the 'standard area' for different classes of land under section 30. The idea in constituting the Village Advisory Committee is that the work of consolidation should be done, as far as possible, in consultation with the representative of the village community.

The actual work of consolidation of holdings starts with the preparation of up-to-date record-of-rights and maps in accordance with the procedure prescribed for Survey and Settlement Operations. After such records are prepared the valuation is done on the basis of the sale figures of land obtained from the Registration Office and also in consultation with the Village Advisory Committee. On the basis of such valuation, a Register of Land is prepared and published, and objections filed, if any, are disposed of according to the prescribed procedure.

In preparing the scheme of consolidation, certain basic principles have to be observed. For instance, it is necessary that a *raiyyat* should, as far as possible, get the rest of the area adjacent to his largest fragment. An attempt is also made to lay out roads and to locate suitable land for school, play-ground, and for other community purposes. The lands required for such purposes under the scheme have to be contributed proportionately by the *raiyyats* of the village provided that no contribution of land should be asked from any *raiyyat* who holds less than an area, considered necessary for profitable cultivation.

After the scheme of consolidation is finalised, the Consolidation Officer delivers possession of the new holdings according to the scheme. Such possession is given after the harvesting of crops is over.

The first and the foremost impediments to consolidation of holdings is the *raiyyat's* own psychological background. The *raiyyat* generally thinks that the small bits of land which he has inherited are sacred to him which he should not part with, but pass on to his sons, and sons' sons and so on. The result is that with each generation there is a further subdivision of the land and thus the process goes on till the lands have become tiny fragments. In order that the *raiyyat* may get rid of this psychology it is necessary to explain to him that since generations lands have been changing hands and as he is not prevented from adding to his lands by purchasing fresh lands, there is nothing

wrong if he exchanges some of his lands which he has inherited for other lands which are more advantageously situated for the purpose of cultivation. In other words the economic sense in the cultivator has to be aroused. He has to be told that his family is growing and he can only maintain his present standard of living or improve upon it if he can raise more and more crops from his land, and for this purpose it is necessary for him to have a compact holding where he or his family members can concentrate all their attention and labour and raise the maximum crops possible. No doubt it is difficult to persuade the *raiyat* to depart from his age-long tradition, but it is the essential first step to the successful implementation of consolidation of holdings. Therefore, wherever consolidation of holdings has been taken up, a vigorous publicity to educate the *raiyats* has been carried out for convincing them about the advantages of consolidation.

Every scheme of consolidation has to ensure that the *raiyat* after consolidation gets land of as much value and productivity as he had before. The first step is, therefore, to prepare an up-to-date map of the village along with a record-of-rights showing the location of each plot, the classification of the lands and the name of each *raiyat*. This has to be done with due publicity in the presence of the *Mukhiyas* and *Panches* and all objections filed have to be disposed of after proper enquiry. The *amin* first goes to the village and prepares an up-to-date map and then prepares the preliminary record-of-rights. This stage is called *kistwar* and *khanapuri*, and the work is checked by the Survey Inspectors, *Kanungos*, Assistant Consolidation Officers as well as Consolidation Officers. The next stage is attestation when the *khanapuri* records are read out to the *raiyats* during *buzharat*, their objections are noted and disposed of by Assistant Consolidation Officer or Consolidation Officer after proper enquiry. The records are thereafter attested and draft published and further objections, if any, are disposed of by the Land Reforms Deputy Collector. In order that consolidation work is carried on smoothly, it is supervised by the Subdivisional Officer, Additional Collector and even by the Collector.

The next stage is valuation of the land. It is essential that the land of each *raiyat* must be correctly valued so that he may not have any grievance that he has been allotted land of less value or of less productivity than what he had before consolidation. For the purpose of valuation the sale figures of lands are ascertained from the local Sub-Registry Office and also enquiries made as to the productivity. Usually the valuation has to be done in consultation with the Village Advisory Committee, of which there is one in each village consisting of the members of the *Gram Panchayat* from the village, as well as representatives of the *raiyats* and under-*raiyats*. The Consolidation Officer has to exercise proper judgment as well as tact in fixing the area and valuation of lands.

The next stage is the preparation of a draft scheme of consolidation in respect of each village. This consists of a plan as to how the village lands should be re-distributed so that the scattered plots may be consolidated as far as possible. This is again done in consultation with the Village Advisory Committee and the *raiya*s. The general principle is that as far as possible a person should be given land contiguous to his largest field. If this is not possible, he is given his land contiguous to his second largest field. Sometimes where a *raiya* may have expressed a desire to have land of more than one classification, in such a case he has to be allotted land in more than one block. Care is taken to see that the field boundaries are as straight as possible and the fields are generally of a rectangular shape. The area allotted to each person is determined on the basis of the valuation of the lands which he possessed, the idea being that the lands allotted to the *raiya* must have the same value as the lands which he previously had.

The purpose of consolidation is not merely to consolidate the fields of the *raiya*, but to improve the entire layout of the village on a systematic plan. Arrangements are, therefore, made to allot suitable lands for village common purposes such as *akhara*, *gochar*, *panchayat ghar*, children's park, etc., to straighten up the village roads and to lay out peripheral roads for going from one village to another. If there is not enough common land or *gairmazarua am* land in a village, suitable *gairmazarua khas* land is allotted or a proportionate contribution is taken from the *raiya*s possessing more than 2½ acres of land. This is generally done with the consent and agreement of the *raiya*s.

The statement below shows the progress of consolidation work till December, 1966 in this district* :—

	Villages.	Acres.
(1) Number of villages and areas taken up for <i>kistwar</i> and <i>khanapuri</i> .	268	1,35,056
(2) Number of villages and areas where <i>kistwar</i> and <i>khanapuri</i> completed.	266	1,32,295
(3) Number of villages and areas in respect of which register of lands prepared.	205	88,382
(4) Number of villages and areas in respect of which draft schemes published by the Consolidation Officer.	185	75,385
(5) Number of villages and areas in respect of which the schemes have been confirmed.	145	47,461
(6) Number of villages and areas in respect of which certificate of transfer granted.	63	13,821

*Source.—Revenue Department, Bihar, Patna.

These villages are situated in the Extension Blocks of Ekangarsarai, Islampur and Noorsarai, all in the Bihar subdivision.

In order to give encouragement to consolidation of holdings, Government have decided to give special facilities to the consolidated villages, *viz.* (1) provision of electricity for working lift pumps, (2) construction of community centres, (3) health centres, (4) village libraries and (5) taking up of improvement works.

Apart from adopting improved techniques of agriculture, consolidation is the process by which *raiya*s with small holdings can improve the productivity of their land and thus better their lot. Government are carrying on necessary publicity programme to educate the *raiya*s through different agencies including that of the *Gram Panchayats* and *Mukhiyas* in order to convince the *raiya*s about the utility and advantages of consolidation.

The statement below shows the details of consolidation work in Ekangarsarai, Noorsarai and Islampur areas in the district. The consolidation work at these places was started in 1958*:

	Number of villages.			Area in acres.		
	Ekangarsarai.	Noor-sarai.	Islampur.	Ekangarsarai.	Noor-sarai.	Islampur.
1. Number of villages taken up for <i>kistwar</i> and <i>khanapuri</i> .	113	65	90	49,324	31,105	54,627
2. Number of villages completed from <i>kistwar</i> and <i>khanapuri</i> .	113	65	88	49,324	31,105	51,866
3. Number of villages in respect of which register of lands prepared.	113	65	27	49,324	31,105	7,953
4. Number of villages in respect of which draft scheme published by consolidation officer.	113	57	15	49,324	23,341	2,720
5. Number of villages in respect of which the schemes have been confined.	102	32	11	37,711	7,901	1,849
6. Number of villages in respect of which certificate of transfer granted.	50	13	Nil	11,950	1,871	Nil

*SOURCE—Revenue Department, Bihar, Patna.

LAND CEILING.

With a view to provide for fixation of ceiling, restrictions on sub-letting and acquisition of surplus land in the State and the matters connected therewith, an Act known as the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 has already been passed and received the assent of the President* and came in force throughout the State with effect from 19th April 1962†.

This Act is based on the theory of individual land-holding and not on family basis. The ceiling area has been fixed according to different types of land, viz., irrigated, non-irrigated, *diara* lands, hilly and sandy lands, etc. ranging from 20 acres to 60 acres per land-holder. The Act also provides for the resumption of land by *raiyats* from under-*raiyats* in certain cases on payment of compensation restriction and payment of compensation to land-holders.

As required under sections 6 and 7 of the Act notices to all the land-holders are to be issued, calling upon them to submit return in prescribed forms showing the surplus land possessed by them, the non-submission of return making them liable to penalty under section 8 of the Act. The Act also provides for empowering the State Government to acquire certain portion of lands from land-holders holding more than one acre of land (*vide*, section 28).

The ceiling area consists of‡ :—

Twenty acres of land irrigated by flow irrigation work, constructed or maintained, improved or controlled by the Central or the State Government or by a body corporate constituted. Flow irrigation work, however, does not include any irrigation work under the Bihar Private Irrigation Works Act, 1922 (Bihar and Orissa Act V of 1922), or an irrigation work which provides water only for one season.

Thirty acres of land irrigated by lift irrigation work or tube-wells constructed or maintained by the Central or the State Government or by a body corporate constituted. Flow irrigation which provides water only for one season shall be deemed to be lift irrigation work.

Forty acres of land which is orchard or used for any other horticultural purpose.

*See, *Bihar Gazette*, Extraordinary, dated 19th April, 1962.

†For statement of Objects and Reasons, see the *Bihar Gazette*, Extraordinary, of the 23rd October, 1959. For Report of the Joint Select Committee, see the *Bihar Gazette*, Extraordinary, of the 16th May, 1961.

‡SOURCE.—Bihar Land Reforms (Fixation of Ceiling Areas and Acquisition of Surplus Land) Act, 1961, pp. 1—10.

Fifty acres of *diara* land.

Sixty acres of hilly, sandy, surplus, homestead land or other land none of which yields paddy, *rabi* or cash crops.

If any land-holder while holding land in excess of the ceiling area has, after 22nd October, 1959, transferred any land held by him, except by a registered document for valuable consideration, or if he had after the said date made any gift in contravention of the Act, the area of the land so transferred or gifted shall be taken into account in determining the area he may retain under this section as if the said transfer or gift had not been made. But lands donated by a land-holder under the Bihar *Bhoodan Yajna* Act, 1954 (Bihar Act XXII of 1954), to the extent it subsequently vests in the *Bhoodan Yajna* Committee shall not be taken into account in determining the area he may retain under this section.

A land-holder may, in addition to the ceiling area, retain any land forming part of his homestead not exceeding 10 acres in area ; any land in compact block or blocks not exceeding fifteen acres in area which is an orchard, *bansbari*, *kharhaur* or pasturage which is used for growing fodder.

The ceiling area which a co-operative society holds in addition to such area as may be mortgaged or sub-let to it* or entrusted to its management by the *Gram Panchayat* or the Collector† shall be the aggregate of the land held by its individual members, subject to the ceiling area for each member.

Any land-holder, subject to the provisions of the Tenancy Law may transfer, if he has not already transferred any land within six months by way of gift to his son, daughter or any children of his son or daughter, or to such other person or persons who have inherited such land or have been entitled to a share therein had the land-holder died intestate in respect thereof at midnight between the date of the commencement of this Act and the day just preceding such date so as not to exceed together with any other land held by the donee, the area the donee can hold under section 5 of the Act.

Progress of Ceiling till July, 1966†

Cases

1. Number of cases instituted in the district	..	118
2. Cases rejected	..	41
3. Cases allowed	..	37
4. Cases pending disposal	..	40

*See, section 20 of the Act.

†See, section 27 of the Act.

‡Source.—Additional Collector's Office, Patna.

Service of Notice.

The following table will show the progress in the service of notice under the Land Reforms (Fixation of Ceiling Act) :—

Type of notices.		Number of notices to be served.	Number of notices served.	Number of notices pending service.
General		2,614	2,596	18
Special		852	837	15

Number of returns filed in respect of general notice.	Surplus land estimated to be acquired.	Number of cases in which return has been filed and proceeding for fixation of ceiling started.
Nil	Nil	129

APPENDIX A.

TOTAL EXCISE REVENUE OF THE DISTRICT*.

Year.	Total Excise Revenue. (In rupees)			
1942-43	15,31,007	..	..	..
1943-44	25,32,248	..	..	..
1944-45	35,62,656	..	..	..
1945-46	46,06,867	..	..	..
1946-47	52,23,606	..	..	..
1947-48	53,50,863	..	..	..
1948-49	56,01,862	..	..	..
1949-50	59,49,294	..	..	..
1950-51	59,04,775	..	..	..
1951-52	56,96,176	..	..	..
1952-53	48,66,838	..	..	..
1953-54	47,76,363	..	..	..
1954-55	50,66,817	..	..	..
1955-56	51,92,058	..	..	..
1956-57	54,48,080	..	..	..
1957-58	52,89,433	..	..	..
1958-59	54,22,417	..	..	..
1959-60	58,37,889	..	..	..
1960-61	65,40,143	..	..	..
1961-62	73,76,108	..	..	..
1962-63	77,38,612	..	..	..
1963-64	82,46,034	..	..	..
1964-65	93,98,384	..	..	..

*Source.—Excise Department, Patna.

APPENDIX B.

The figures below show the receipts from sale of stamps at Patna Treasury:—

Year.	Non-Judicial Stamp.	Judicial Stamp.
1955-56	17,25,739—15—0	16,79,299—6—0
1956-57	20,18,903—7—0	15,27,387—8—0
1957-58	21,68,709—3—0	14,28,864—12—0
1958-59	23,60,721.51 P.	18,07,099.14 P.
1959-60	27,92,139.25 P.	15,11,323.91 P.
1960-61	33,60,196.25 P.	15,45,716.83 P.
1961-62	39,24,449.13 P.	16,83,995.52 P.
1962-63	38,63,547.17 P.	14,81,255.34 P.
1963-64	1,24,38,149.55 P.	47,98,429.22 P.

APPENDIX C.

The collections of taxes under different Acts administered by the Commercial Taxes Department in Patna district for 1963-64 and 1964-65 are as follows :—

Name of the circle.	Year 1963-64. (In rupees)	Year, 1964-65. (In rupees)
Patna Urban Circle ..	2,74,94,352	2,39,37,624
Patna Circle ..	43,11,881	51,93,175
Patna City Circle ..	The collection of this circle is in- cluded in Patna Urban Circle.	53,28,109

APPENDIX D.

The following figures are of revenue collection from minerals* :—

Year.		Total demand	Total collection.
		(In Rs.)	(In Rs.)
1964 (From September)	..	8,639.80	8,385.00
1965 (Up to August)	..	1,00,000.00	42,459.53

*Stone-chips and sands are the only Minerals which yield royalty.