

CHAPTER - VII

GENERAL RESETTLEMENT OF THE STATE OF COOCH BEHAR : III

During the General Resettlement of 1886-91 (known as the Rakamcharcha, owing to the introduction of detailed classification of lands) a general survey was not considered necessary as the whole country had been measured in 1870-75. The old papers of the First Settlement and the Patit charcha settlement were taken as the basis and as such changes as had taken place since these settlements were recorded in the Chitttas (Khasras). No new maps were prepared on that occasion.

1. GENERAL FEATURES : CLASSIFICATION OF AGRICULTURAL LAND

The First settlement concluded during His Highness' minority i.e. in the year 1883-84 and was extended for five years at the time of the installation. The Principal reason, which induced the Government to advise His Highness to adopt the above step, was that, it was not thought expedient to raise the rates as soon as the King assumed charge of the State¹. By extending the period of settlement, the King also secured ample time and opportunity for considering on what lines the next settlement was to be concluded.

The extended period of first settlement expired in 1888-89. The increased rates were claimed from the beginning of the next year, i.e. from 1889-90. Both the Commissioner and Deputy Commissioner of Cooch Behar remarked that the effect of settlement at enhanced rates with retrospective effect pressed hard on the people, and that, therefore, it would be desirable to make the new rates take effect in each pargana from the commencement of the year only in which the entire settlement of that pargana was concluded.

It was already known that in the first settlement of the State, cultivated lands were not classified. There was one rate (8 annas per bigha) for all classes of cultivated land in nearly the whole of the State. The consequence was that the best tobacco or Haimanti Dhan land and the worst class of high Bitridhan land were assessed at the same rate. Though the rate itself was low, it pressed hard in some places, while in many other places, which were thickly populated and where the soil was good, it was not found to be sufficiently high².

The reasons, for which the authorities adopted an average rate of 8 annas for cultivated lands, were that the work could thus be much simplified, that it was not considered advisable to entrust the Ameens with the power of classifying lands, and that the rate taken was considered to be so low that there was no fear of any ryots being actually pressed hard.

The examination and classification of the soil always formed an important feature of the settlement of land revenue. As each plot of land has measured, it had to be ascertained what the quality of the soil was and what crop was ordinarily grown on it. In Cooch Behar the land never appeared to have been uniformly taxed at the same rate ; but a variation had always been made in the assessment according to the nature of the soil. Before the Re-settlement or Rakamcharcha no elaborate classification was ever attempted, or could possibly be made, the principle of varying the revenue according to the productive power of the soil was never departed accepted earlier³. Before the first settlement there was a three fold schedule of rates for the different parts of the State and the second schedule was applicable to the greater part of the country. Those rates were considerably lowered at the first settlement

as, in the absence of a thorough measurement, the tenants had been holding large areas of land without fully paying for them and the application of those rates to the areas ascertained after regular survey would have resulted in an unbearable increase in revenue and rents⁴.

Before 1864, there was a seven-fold classification of the soil in the State. The entire cultivated area had not the same productive capacity, and a variation was necessary according to the richness of the soil. The classification of soil accordingly proceeded thus :-

- [1] Betelnut garden.
- [2] Homestead.
 - [a] of Jotedars,
 - [b] of under-tenants.
- [3] Garden.
- [4] Bamboo.
- [5] Cultivated land,
 - [a] Awal or first class.
 - [b] Duiam or Second Class.
 - [c] Saiam or third Class.
 - [d] Chaharam or Fourth Class.
- [6] San or thatching grass land.
- [7] Laik Patit.

This classification had an important omission, as it overlooked the Jalas⁵.

At the time of first settlement, commenced in 1864, the object of the authorities was not so much to obtain a large increase as to get an

amount of revenue assessed on measured area. The classification was accordingly made as general as possible to avoid large enhancements. The old classification was thus simplified and lands were brought under the following seven broad divisions, jalas being added as a distinct class for the first time.

- [1] Homestead.
- [2] Bamboo.
- [3] Garden.
- [4] Cultivated land.
- [5] Jala.
- [6] San or thatching grass land.
- [7] Patit land.

San or thatching grass, a kind of jungle, was more useful than any other jungle. It is an indispensable factor in the domestic economy of the people. Jungles were thus divided into san-grass land, and patit-land, that is other than san-grass land⁶. Before the beginning of the resettlement, a detailed discussion was held within the State. Some of the opinions expressed by different sections of the community was recorded in some letters of Dewan, Cooch Behar.

In letter No. 1168, dt. 30.9.1885, the Dewan stated :- "13. The subject of adopting means of increasing the revenue of the State engaged the attention of the council some time ago, and different schemes of taxation were referred to. In my opinion, the best means is to increase the land revenue. The people knew that a re-settlement is to take place from the beginning of 1226 B.S. and are quite prepared for it. The levying of taxes of different sorts is accompanied by a certain amount of oppression and it is always distasteful to the people". In another letter of the Dewan addressed to the President of the State Council, Cooch Behar, (Ref. No. 1858, dated

3.3.1886), the Dewan wrote, "After the receipt of the different replies, I saw the officers from whom these had been received, and fully discussed with them the question which had been raised. I also visited all the parganas of the State and freely talked with the people on the subject of the next settlement, many well-to-do-jotedars saw me and I tried to ascertain their views.

The people everywhere are of course unwilling to submit to increased burdens, and it cannot be expected that will express satisfaction with any proceedings adopted with the object of increasing their rents. But they will admit the wisdom of the principle of having different sorts of rates for different classes of cultivated land. They also stated that there should be different scales of rates for different classes of Talooks. The best land in one Talook might not yield as good an out-turn as second class land in another. The classification of Talooks was considered necessary for these reasons. Nearly all the officers, whom I have consulted, have substantially agreed in the views expressed above regarding classification of Talooks and lands.

In framing our rules relating to the new settlement, we shall have always to remember that this State has a powerful rival in the Bhutan Duars. The soil there is rich and rates low. As clearance are being made, people are going and settling there. I found that several of our ryots had gone from Talooks near the frontier. I have been making full enquiries connected with the subject. The men who left were mostly people much involved in debts ; whenever they were hard-pressed by their cruel Mahajans or landlords, they thought of setting in the Duars. The number is not, however, large, and the people, who have gone away, are mostly under-tenants of inferior grades. I think it necessary to mention this circumstances in the present report, because it is intimately connected with all proposals of increasing rents".

In this connection we like to append below the relevant portion of the resolution of the State Council, Cooch Behar, dated the 27th March, 1886, which will speak for itself⁷.

"3. With the object of ascertaining the views of the people on the subject of the next settlement, the Dewan has visited all the pergunahas of the State. He has also fully discussed the subject with the officers of the State. His present report embodies the views of all classes of the people of the State. His Highness in Council has read it with great interest and agrees with the Dewan in thinking that during the next settlement both the Taluks and the lands should be classified.....".

During the period of re-settlement operations the old classification of the land was revised. To begin with, the distinction made between homestead lands of jotedars and those of the under-tenants was done away with. This was only an artificial distinction, for there was no difference between these two kinds of homesteads, it was, therefore, not retained.

The most important feature of the re-settlement operation was the adoption of several sub-divisions for the cultivated lands. The productive power of the cultivated area cannot be the same every where, and a system of classification which did not recognise this fact could never pretend to be comprehensive. The division of cultivated lands according to the richness of the soil was necessary not only for the purpose of consistency, but also for affording relief to the tenant by making the rate of rent varying according to the nature of the soil.

The schedule of classification of the pre-settlement days was comprehensive, but owing to the absence of general measurement of lands it was of no practical use. In the first settlement the authorities were anxious

to ascertain the actual quantity of the lands in the possession of the jotedars, and make an easy assessment on the same, so as to obtain a moderate increase on the then existing revenue. And this was the reason why an elaborate classification was not attempted. But when with the increase of the material prosperity of the people, and rise in the prices of food grains and other agricultural products, the State claimed an increase of revenue from its tenants, it became necessary, on the other hand, to find out all fair means of increase, and, on the other, to do away with the evils of uniform assessment, by recognising the difference which existed in the fertility of the soil in different places⁸.

The following sixteen-fold classification was adopted for the re-settlement of the State :-

- [1] Betelnut land.
- [2] Bastu or homestead.
- [3] Udbastu or land adjoining to Bastu or homestead.
- [4] Garden.
- [5] Bamboo.
- [6] Tobacco first Class.
- [7] Tobacco 2nd Class.
- [8] Tobacco 3rd Class.
- [9] Awal or first class cultivated land.
- [10] Duium or 2nd Class cultivated land.
- [11] Saium or 3rd Class cultivated land.
- [12] Chaharam 4th Class cultivated land.
- [13] San or thatching grassland.
- [14] Laik Patit.
- [15] Garlaik Patit.
- [16] Jala or fishery.

This scale of classification was not applied to whole of the assessed area, but only to such estates or jotes as were open to re-settlement. There are Mokararis or permanently settled estates which had been in existence from before, and which were settled permanently at the time of first settlement. Some of the Mokararis and rent-free holdings, which were resumed in the course of the first settlement, were settled at half rates for a fixed number of years or until a future contingency, such as the death of the holder, should arise. These lands were not open to enhancement when the resettlement of the temporarily settled jotes was taken up⁹.

2. GENERAL PRINCIPLES OF CLASSIFICATION

The Classification of Taluks was followed by an elaborate classification of the soil into sixteen kinds. As already observed great care was taken to have the lands properly classified, so that the increase which the State demanded might not be large, and might be evenly distributed ; it was also necessary to see that the assessment did not press upon the holders of bad lands, owing to the want of proper discrimination of the quality of the soil.

The re-settlement was undertaken for the purpose of getting an increase to the State Revenue, the interest of the rayat was not lost sight of in fixing the rates. The two sides of the question were thus clearly put forward by the Dewan when the question of the increase came up for discussion : "It could not be denied that during the last 50 years the value of produce had more than doubled and the State had made very great progress in civilisation. The opening of the Northern Bengal State Railway, and the construction of roads all over the State had opened by the country a good

deal for purposes of trade, and served to increase the value of produce. The State was much better governed than before, and life and property were much more secure. Large sums were spent in educating the people, and in maintaining charitable dispensaries for their treatment. For all these different reasons the State was fully justified in claiming an increase on the occasion of the revision of the Settlement. But it would not be reasonable to determine this increase in proportion to the increase in the value of produce. Formerly, the number of middlemen was not large and the jotedars were generally the actual cultivators of the land. Old jotedars have now been mostly reduced to the position of chukanidars, or Darchukanidar and the rights they enjoyed before are now being enjoyed by foreigners. Again, with the increase in the material propriety the expenses of Cooch Behar people have very much increased. Considering both sides of the question, I was of opinion that the settlement should be concluded for 30 years, and that the rates for jotedars should be such as would give an increase of about 24 percent on the total revenue to your Highness"¹⁰.

In fixing the rates for cultivated lands the Dewan observed the following in his letter No. 1858 dated, Cooch Behar, the 3rd March, 1886. To the President of the State Council, Cooch Behar¹¹.

"16. In framing our rules relating to the new settlement we shall have always to remember that this State has a powerful rival in the Bhutan Duars. The soil there is rich and rates low. As clearances are being made, people are going and settling there. I found that several of our ryots had gone from Taluks near the frontier. I have been making full enquiries connected with the subject. The men who have left were mostly people much involved in debts ; whenever they were hard-pressed by their cruel Mahajans or Landlords, they thought of settling in the Duars. The number is not, however,

large, and the people, who have gone away, are mostly under-tenants of inferior grades. I think it necessary to mention these circumstances in the present report, because it is intimately connected with all proposals of increasing rents".

It is interesting to note some provisions of Bengal Council in this report. Act. VIII of 1879 of the Bengal Council lays down that in making settlements, the Settlement Officer is first to fix the rates, for ryots, and then to determine what the rents demandable from the under-tenants (middlemen) above the ryots are to be ; it is provided in Section 7 that the percentage of profit will not be less than 10. The Bengal Board of Revenue in Clause 21, Section V, Chapter V (Settlement) of the Board's Rules makes the following remarks in connection with the subject :-

"When the Settlement Officer has found that the tenure of an under-tenant is binding as against the Government, he will proceed to ascertain the gross rental which has been recorded as payable to him from all the ryots and subordinate under-tenants (if any) who are included in the tenure, and to determine the rent of the under-tenants so as to leave him a fair margin of profit on such gross rental. The law requires that his rent shall be fixed at an amount, which shall not be higher than the gross rental minus 10 percent, but it should be borne in mind that this is only a legal maximum. It will only be necessary to fix the under-tenant's rent so high in cases, in which a series of under-tenants with rights binding as against the Government are found existing between the Government or the Zamindar and the ryot, each of whom is entitled to his share of the profit before the rent reaches the Zamindar or the Government Treasury. Ordinarily, the Settlement Officer will determine what is a fair rent for the under-tenant to pay with

reference to the character of the tenure, the rate of profit allowed to him at previous settlements, and all other circumstances of the case. A profit of 20 or even 25 percent on the gross rental of his tenure will often be found to be no more than what the under-tenant is fairly entitled to".

3. VARIABLE RATES : NATURE AND CAUSES

In this settlement no uniform rates for ryots were fixed, all that was done was to fix the rates for Jotedars and then to provide that each middleman was to receive 25 percent as his share of profit. The result was that the rent demandable from the ryots increased with the number of middlemen. In a case, in which the Jotedar himself was the ryot, he had to pay 8 annas only per bigha of cultivated land ; when the chukanidar was the ryot, his rate was 10 annas and in the case of the Dar chukanidar, the rate was 12 annas. The rates for jotedars were first fixed, because such rates had existed from before, and no attempt was made to first fix the gross rent demandable from a new cultivating ryot, and then to fix the State demand after deducting the malikanah payable to Jotedars and other middleman, as originally laid down by Government in letter No. 2849 of the 25th June, 1867, to the address of the Commissiner of the Cooch Behar Division¹².

Originally all lands were no doubt cultivated by jotedars and chukanidars. When the immigrants acquired jotes, the resident Jotedars living on the jotes were reduced to the position of chukanidars, and their under-tenants, who were chukanidars, became Darchukanidars. In some case also the chukanidars found it necessary to sublet their lands and thus darchukanies were created. It was shown in the Settlement papers that the number of under-tenants below Darchukanidars was small. A statement showing the

quantity of land actually cultivated by each class of tenants and under-tenants in the State at the time of the last settlement is given below¹³ :-

Table : VII-1

Class of tenants or under-tenants	Quantity of land cultivated by each class of tenants or under-tenant	Quantity cultivated by each class out of every 100 bighas of land in the State
Jotedar	6,12,283	27.5
Chukanidars	10,46,623	47.0
Darchukanidar	4,78,914	21.5
Dur-a-dur-chukanidar	79,109	3.5
Tosio-chukanidar	6,561	.002
Tulli Chukanidar	406	.0001.
Tulli-Tosio-Chukanidar	2.	.0000008.

(Source : Dewan's memorandum containing proposals to the fixing of rates for the new Settlement of the Cooch Behar State. Para 31).

From the above table it is clear that the largest quantity of land is cultivated by the chukanidars ; more than 47 bighas of land out of every 100 bighas is held directly by them. The quantity cultivated by Jotedars is 27.5 and that by Darchukanidars 21.5. The land held by the remaining classes of under-tenants is much less than a twenty-fifth of the total quantity. Thus, practically, the Dur-a-Dur chukanidars, Tosio chukanidars, Tulli-Chukanidars and Tulli-toisio-chukanidars form a very insignificant portion of the ryots.

Finally the following extracts from the Dewan's Memorandum of Rates show how the rates for the cultivated lands were arrived at :-

" In fixing the rates (for other cultivated lands), it is necessary not only to consider what the prevailing rates in the State are, but also to see at

what rates rents are paid by Jotedars in the neighbouring districts in British territory. It is very well known that land can be had on very favourable terms in the Bhutan Duars and that many of the subjects of the State who held subordinate rights have found it advantageous to migrate to that part of the Jalpaiguri District. If we fix very high rates the possibility is that many more rayats will leave the State, and there will be a great decrease in our revenue. The rates which now prevail in the Duars are the following¹⁴ :-

Table : VII-2

	Per acre Rs. A. P.	Per bigha Rs. A. P.
Bastu	2-0-0	0-10-8
Rupit or land fit for Haimanti cultivation	1-8-0	0-8-0
Faringati or corres- ponding to our Saiam and Chaharam	1-2-0	0-6-0
Patit	0-3-0	0-1-0"

After considering all circumstances the Dewan proposed the following rates for cultivated land :-

Table : VII-3

	First class Taluks Rs. A. P.	Second class Taluks Rs. A. P.	Third class Taluks Rs. A. P.
Awal	1-0-0	0-14-0	0-13-0
Duiam	0-12-0	0-11-0	0-10-0
Saiam	0-9-0	0-8-0	0-7-0
Chaharam	0-7-0	0-6-0	0-5-0

(Source : The Cooch Behar State and its Land Revenue Settlement by H. N. Choudhury, p. 557).

In the following table the rates applied to different classes of land at the previous settlements are shown :-

Table : VII-4

Before the 1st Settlement of 1870-72			First settlement of 1870-82		Resettlement of 1889				
Classes of land	Old Nirikhnama Rates			Classes of land	Rate	Classes of land	Rate in the 1st Class Taluk	Rate in the 2nd Class Taluk.	Rate in the 3rd Class Taluk.
	Schedule I (for the southern part of pargana Dinahata (alone))	Schedule II (for the rest of the ordinary tracts)	Schedule III (for the special tracts chowra, sandura & Bilat Bishnuguri.						
	Rs.As.P.	Rs.As.P.	Rs.As.P.		Rs. As.		Rs. As.	Rs. As.	Rs. As.
1. Betelnut land	6-1-5	6-1-5	6-1-5	1. Betelnut land	2-8	1. Betelnut land	4-0	4-00	4-0
2. Jotedar's homestead	3-12-10	3-0-8	2-4-6	2. Homestead	2-8	2. Homestead (Bastu & Udbastu)	3-0	3-0	3-0
3. Undertenants' Homestead	3-0-8	2-4-6	1-14-5	3. Garden	2-8	3. Garden	3-0	3-0	3-0
4. Garden	3-12-10	3-0-8	2-4-6	4. Bamboo	1-2	4. Bamboo	1-2	1-2	1-2
5. Bamboo	1-8-4	1-2-3	0-12-2	5. Cultivated land	0-8	5. Tobacco - 1st Class	1-8	1-8	1-8
6. Awal (1st class cultivated land)	1-2-3	0-12-2	-	6. Thatching grass	0-8	6. Tobacco - 2nd Class	1-4	1-4	1-4
7. Doem (2nd class cultivated land)	0-14-4	0-9-1	0-7-7	7. Patit (fallow)	0-1	7. Tobacco - 3rd Class	1-0	1-0	1-0
8. Soem (3rd class cultivated land)	0-12-2	0-7-7	0-6-1			8. Awal (1st Class Ordinary cultivated land)	1-0	0-14	0-13
9. Chaharam (4th class cultivated land)	0-9-8	0-6-1	0-3-7			9. Doem (2nd Class Ordinary cultivated land)	0-12	0-11	0-10
10. Thatching grass	1-2-3	0-12-2	0-9-1			10. Soem (3rd Class Ordinary cultivated land)	0-9	0-8	0-7
11. Laik Patit (culturable fallow)	0-7-7	0-4-6	0-2-5			11. Chaharam (4th Class Ordinary cultivated land)	0-7	0-6	0-5
						12. Jala (Fishery)	0-8	0-8	0-8
						13. Thatching grass	0-7	0-6	0-5
						14. Laik Patit (culturable fallow)	0-2	0-2	0-2
						15. Na-Laik Patit (unculturable fallow)	0-1	0-1	0-1

Source : Final Report on the survey and settlement operations in the Cooch Behar State. 1913-1927 by K. C. Ganguli, p. 12.

Before the first settlement there was a three-fold schedule of rates for the different parts of the State and the second schedule was applicable to the greater part of the country. Those rates were considerably lowered at the first settlement as, in the absence of a thorough measurement, the tenants had been holding large areas of land without fully paying for them and the application of those rates to the areas ascertained after regular survey would have resulted in an unbearable increase in revenue and rents.

In the resettlement operation the increase of the rate for cultivated lands other than tobacco lands was exactly 25 per cent. The rate for tobacco lands was of course higher ; but the net profit of the rayats from this crop was proportionately much greater. Moreover, there were backward tracts which could not fetch an increase of full 25 percent. As for the other kinds of lands, it is observed that Rs. 4 was fixed for the betelnut lands, while the Old Nirikhnama rate was more than Rs. 6. The first settlement rate was Rs.2-8. Although there was an increase on the latter rate, it was not high, as the owners of betelnut gardens made a very good profit from the land of this kind¹⁵. The old Nirikhnama rate for Laik Patit was four annas and six pies, (Schedule II) and in the first settlement it was only one anna. Though not actually cultivated, these lands were culturable, and there was no doubt they would soon brought under cultivation. As the re-settlement was for a long term i.e. for 30 years the rate for Laik Patit land was fixed at two annas. At the first settlement, there was no separate rate for Jalas, such land used to be assessed as cultivated land, and a rate of eight annas was charged on the same. Although the demand for fish has considerably increased, no increase in the rate for Jalas was claimed by the State on the consideration that fish was already dear¹⁶.

4. REVENUE RECEIVED AND JOTEDAR'S PROFIT

The revenue just before the re-settlement amounted to Rs.9,52,642. The re-settlement Jama was Rs.12,41,060. The increase obtained by this revision of the re-settlement therefore amounted to Rs.2,88,418 or 30 per cent of the former revenue. The detail of the results of different settlements will be discussed in a separate chapter.

The holders of the temporarily settled tenures under the State are called Jotedars. The tenants directly under the proprietors of revenue-free and mokarari (permanently settled at a revenue fixed in perpetuity) estates are also designated Jotedars. As many as six grades of under-tenures (namely chukani, Darchukani, Daradarchukani, Tasya-chukani, Talichukani and Tasyatalichukani) are recognised in the State. Of these, only the first two grades, namely, Chukani and Darchukani can be created under the Tenancy Act of 1910, while those of the lower grades were in existence before 1888, the year in which for the first time legislation was introduced to restrict sub-infendation.

At the time of re-settlement or Rakamcharcha resettlement verbal settlements and settlements by unregistered documents were recognised under Section 3 of the Sub-infendation Act (Act. I of 1888) the letting of land by any one but the jotedar was prohibited. Verbal contracts of payment of rent were also prohibited in 1888. The Cooch Behar Tenancy Act (Act. V of 1910) came into force in 1910 and Section 4 and 25 of this Act prohibit the letting of land by an under-tenant lower than a chukanidar (i.e. an under-tenant of the first grade) and a chukanidar may let land which is in his khas possession¹⁸.

At the first settlement no uniform rates for cultivating raiyats were fixed. All that was done was to fix the rates for jotedar and to provide that each class of landlord was to obtain 25% as its share of profit. The result was that the rent demandable from raiyats increased with the number of middlemen. Thus where a Tasyatali chukanidar was the last under-tenant, the jotedar, the chukanidar, the darchukanidar the daradarchukanidar, the Tashya chukanidr and Tali chukanidar were allowed 25% profit each or 150% profit altogether.

During the re-settlement operation of 1889, the Jotedar's profit was raised to 35% of his revenue and the total profit of the rent collecting under-tenants was fixed at 25% whatever the number of such under-tenants might be. Thus, where the jotedar's revenue was fixed at Rs. 100/-, the rent assessed for the cultivating raiyat, i.e. the last in the scale, was Rs. 135 if he was a chukanidar, add Rs. 160 if he belonged to a lower grade. The table below shows the percentage of profits allowed to the different grades of under-tenants in the scale under different circumstances, the Jotedar getting a profit of 35% in all these cases¹⁹ :-

Table : VII-5

Last under-tenant in the scale.	Percentage of profit allowed to				
	Chuka- nidar	Darchu- kanidar	Daradar Chukani- dar	Taisya Chukani- dar	Tali Chukani- dar
Darchukanidar	25	-	-	-	-
Daradarchukanidar	15	10	-	-	-
Tasyachukanidar	10	10	5	-	-
Talichukanidar	10	5	5	5	-
Tasyatali chukanidar	5	5	5	5	5

(Source : Final Report on the survey and settlement operation in the Cooch Behar State, 1913-27, by K.C. Ganguli, p. 14).

While fixing the rent rates in re-settlement, a lot of discussion was held. Some Jotedars of different parganas of the Cooch Behar State had submitted a petition to the Dewan.

The Dewan in his letter No. 1650, dated, Cooch Behar, 3rd December, 1888, addressed to the President of the State Council, Cooch Behar submitted his valued opinion on all important points raised by the jotedars, some of his observations are given below²⁰ :-

"2. The adoption of an enlightened policy in the Government of the State, the introduction of reforms in every department, the establishment of useful institutions, and the construction of many important roads, have served to contribute to the spread of civilisation and the increase in the value of produce and they fully justify the moderate enhancement which has been claimed. Other grounds have also been fully stated. The spread of civilization is always accompanied by a change for the better in the condition of the people and also by circumstances which increase the demand for articles of produce and increase their values. I have nowhere based the claim for enhancement on any agricultural improvements introduced into the State ; such improvements do not constitute the only ground for enhancement. It is very well known that all over Bengal and Behar the system of agriculture has undergone very little change during the last 100 years and still the rents have increased a good deal.

"3. I do not think it is fair for the petitioners to state that the State has done much less for the improvement of agriculture than what has been done in the neighbouring districts. A cousin of His Highness Kumar Gojendra Narayan, Junior, was educated, at the expense of the State at the Royal Agricultural College at Cirencester and a Department of Agriculture was

opened a short time before the installation. Considering the smallness of the area of Cooch Behar, we spent a sufficiently large amount for the improvement of agriculture.

"5. As I stated before the claim of the State is not founded on agricultural improvements. The Superintendent of Agriculture has been making experiments and it is believed he will do all that is necessary in time. It is not certain if the soil of this state is well fitted for the growth of the different crops here referred to. The petitioners should also remember that in their country rich crops like tobacco and jute are more extensively grown than in many districts of Bengal, in many fields moreover double crops are raised. There cannot be the slightest doubt of jute and tobacco cultivation having largely increased, during the last 25 or 30 years. Cultivation of sugarcane is slowly but steadily increasing. In many parts of Bengal there are special rates for mulberry, sugarcane and cotton fields.

"6. I do not think it is necessary to prove that the opening of the North Bengal State Railway and the extension of the line of Mogulhat have given a fresh impetus to trade in the State and thus served to increase the value of produce."

Jute and mustard seed could be sent by boats only in former days to the markets in East Bengal and they were thence taken to Calcutta, the cost of carriage was thus large and the Mahajans could not afford to pay good prices here. With the opening of the Railway many new merchants have come in and the few Marwari merchants cannot now enforce their own terms.

"7. Jute is sent by rail in very large quantities. Tobacco required for the markets in East Bengal is despatched in boats ; some tobacco is also sent by rail. Mustard seed is sent both by boat and by rail. These are the chief articles of export.

"8. I am sorry that inspite of all that has been done for opening up the country by the construction of roads in this State for the last 25 years, the petitioners seem to think that the State has failed in its duty in this direction. We have 309 miles of road in the State the area of which is only 1307 square miles. I believe the State has more roads than any neighbouring districts. It is impossible to construct a road from every Talook to a navigable river and it is unreasonable to expect that every road should be made pucca. It is not correct to state that the opening of road has not raised the value of produce.

"9. Want of money for purposes of good government is a reasonable ground for taxing the people ; His Highness has no other source from which he can draw any money and if any admitted defects have to be remedied and money be wanted for fulfilling that object, he must look upon his subjects to assist him. Of course, the demand of the State must not exceed reasonable limits.

"16. The memorialists forget that independent of other reasons His Highness as proprietor, has a right to claim enhancement if it can be claimed on reasonable grounds. It was always understood that the first Settlement would be revised at the expiration of the period for which it had been concluded. In Bengal, Zamindars are not bound to show that the increase which they will obtain will be spent by them for the good of their rayats. His Highness is, however, always anxious to secure the welfare of his subjects and to spend money for their benefit. There are many things which remain to be done ; we have not yet been able to construct a Railway joining the town of Cooch Behar with the Northern Bengal State Railway.

"17. The State was fairly entitled to a share of profits derived from lands brought under cultivation. The claim for enhancement is now based on other grounds.

"20. It is well known how the affairs of the State were mismanaged in former times and how the Ruler was not allowed to enjoy even a fractional portion of the amount which could be fairly claimed by him. To give details in occupation with this point will be to write a short history of the State. A man with a Sunnad for 50 bighas of rent free land often held more than 500 bighas and a powerful man in Court sometimes held more than 1000 bighas of land though he scarcely paid the revenue due for 200. Under the circumstances it is misleading to make comparisons with old figures. It was in the course of the first settlement that the lands were measured and fairly assessed and we have claimed a 23 percent increase only since the conclusion of that settlement.

In the first settlement of the Suba of Bengal, concluded by Todarmal in 1582 the annual revenue assessed was Rs.1,06,93,152 (vide page 441, Field's Land holdings and the relation of landlord and Tenant). Though this settlement had been very carefully concluded the revenue nearly quadrupled in the permanent settlement of Lord Cornwallis. We all know how the rents payable by Jotedars under the Bengal Zamindars have increased since the time of the permanent settlement. Considering all circumstances there is nothing unjust in our now claiming a moderate increase.

"58-63. Betel-nut is very profitable to the ryots. Four or five nuts are sold for one piece in Hats. A very large number of Cooch Behar nuts is exported to Bhutan. Every tree yields at least an income of 4 annas in a year.

Ryots generally grow pan leaves in betelnut gardens, this fetches an additional income.

Sixteen hundred trees may grow in a bigha, but gardens with such a large number of trees are rare here. In Cooch Behar the trees are generally planted 3 to 4 cubits part. Thus no less than 400 trees grow in a bigha of land. Of course there are many young or old trees within a garden, but this does not on the whole affect the ryot's profit, for the middle sized trees produce abundance of fruits.

"86. It is a mistake to compare the position of the Jotedars in Cooch Behar with that of the Zamindar in Bengal. The old farmers of Land revenue in Bengal were raised to the rank of the present Zamindars by the permanent settlement of Lord Cornwallis, while here Sir George Campbell abolished the Ijaradari system and introduced Khash tahsil. The Jotedars thus remained what they were. Their position is also similar to that of the ryots in Government khas mahals. His Highness owns the rights both of the Government and the Zamindar in Bengal. This fact should be clearly explained to the petitioners. It was, therefore, quite correct to consider the rates at which rent is paid by the Jotedars in the neighbouring Zamindaries.

"96. The demand for land is much larger in the State than in the portion of the Duars which adjoins it, this fact cannot be fairly denied. Under this circumstances the rates for the state should be higher than those for the Duars. We already have a different schedule of rates for many talooks situated near the frontier. It is also to be remembered that a new settlement is about to be made in the Duars and that the rates now current there are soon to be revised.

"108-109. It has never been customary for the State to pay the value of the lands taken up for public purposes when these lands are included in ordinary jotes. It is for His Highness to consider if the custom is to be changed.

6. CONSIDERATION OF THE PETITION OF THE JOTEDAR

The State Council, Cooch Behar in its meeting held on 2nd February, 1889, adopted some resolutions in respect of the re-settlement of the State. While taking decision the State Council considered following papers :-

[a] Dewan's memorandum containing proposals relating to the fixing of rates for the New Settlement of the State.

[b] Petitions submitted by the Jotedars on the subject of the proposed rates.

[c] Dewan's replies to the above petitions. Following are some important decision of the State Council :-

"2) The pleader opened by taking the preliminary objection as to the right of the Maharaja to enhance the land revenue. This point was not raised in the petitions. The fact that there would be a settlement of the whole State was proclaimed by the Council as long ago as 1886, and since then no objection on this ground was ever advanced. The pleader quoted, as in point, the Government regulations and Acts relating to enhancement cases between private parties. He did not, however, refer to the Government Settlement Acts of Khas Mehals which might have some relevance.

"3) In Cooch Behar the Jotedars are bound by the terms of their Kabulyats and it is not necessary to refer to any Laws or Regulations on this

subject. In the final paragraph of the lease, it is plainly stated that on the expiry of the term there will be a re-settlement" under such rules as may then be passed". The Maharajah showed much consideration to his people in granting an extension of the term of the Settlement for five years ; this was done on the occasion of the Installation, and it is to be regretted that the petitioners seem to have forgotten this munificent act of kindness, which may be measured by the sacrifice of a sum of about 10 lakhs of rupees, and that they now, moreover, question the justice of His Highness making any enhancement whatever. It is on the contrary unfair to question the justice of such a measure.

"7) The Dewan recommended 30 years as the term of the new Settlement, giving his reasons for a long term in paragraph 17 of his report. The Pleader prayed for a permanent settlement on the ground of the large increase being taken. A permanent settlement would be absurd in a country like Cooch Behar, which, like the Duars and Assam, is still in a very backward State. Great changes take place very rapidly, and therefore, 30 years is a very long term, and the people should be grateful to His Highness for dealing so liberally with them. The Dewan's proposal is, therefore, sanctioned.

"13) The arguments, used by the pleader, against fixing a maximum rate at which the cultivating ryots should pay their rents, have totally failed to convince His Highness in Council of the Justice and fairness of the prayer of the Jotedars. In a state where a large number of middlemen comes in between Jotedar and the actual cultivator, the interest of the cultivator will greatly suffer if no maximum rate of the rent payable by him is fixed by the State. His Highness in Council is satisfied that the proposal of fixing the maximum rate at 60 per cent, over the Jotedar's rate, made in paragraph 64 of the Memorandum, is reasonable and accords sanction to it. The Jotedars

should remember that it has been proposed to increase the percentage of their profit, the State is bound to give due protection to the cultivating ryots, and it cannot be helped if in doing so large profits are denied to all classes of middlemen.

"14. His Highness in Council is fully aware of the fact that in many cases rent is already collected from cultivating ryots at a rate higher than that now proposed by the Dewan, the effect of fixing a maximum rate for the ryot will be to decrease the Jotedar's profit in such cases, because he will not be able to increase the excessive rent already paid to him, though he will have to pay an increase to the State. This is the reason why influential Jotedars, who have been rackrenting their ryots, are complaining more than those who have confined their claims to the rules of profit laid down by the State.

"18. The Jotedars pray that the rule under which no compensation is paid for land taken up for public purposes be modified. His Highness in Council is inclined to receive this prayer favourably, and orders that such rules be framed as would enable the Jotedars to recover their fair share of compensation ; the claims of other parties will have also to be considered when the rules are framed.

The rates thus fixed were the revenue rates at which the revenue payable by the Jotedars was assessed. The several grades of undertenants were not, however, forgotten, and left to the mercy of their landlords. In the first Settlement no uniform rates for cultivating rayats were fixed ; all that was done to fix the rates for jotedars and to provide that each class of Landlords was to obtain 25 percent as its share of profit. The result was that the rent demandable from the rayats increased with the number of middlemen²¹.

The rent rate of the cultivating rayat was accordingly fixed at a figure varying from 35 to 60 per cent over and above the rate payable by the Jotedar. In many cases the cultivator paid more than 160 percent of the Jotedar's revenue. These rates were made applicable to the tenancies existing at the time of the resettlement, and did not bind any lease which might be granted in future. It, however, sometimes happened that in a jote the revenue of which was enhanced the under-tenants already paid more than the rent fixed by the re-settlement.

To avoid hardship to the Jotedars in such a case it was ruled that no reductions in the Jama already paid by the Contract were to be made in cases in which no reductions, were granted by the State²².

The Jotedar who was responsible for the State revenue was allowed a profit of 35 percent, whatever the number of the undertenants was. This means that the chukanidar's rent rate was fixed at 35 percent over the revenue rate. In the majority of cases, there were several middlemen between the jotedar and the cultivating ryot. A fixed scale of profits, which varied with their number, was allowed to each of these persons.

The principles followed in fixing the rates for the re-settlement operations may be summarised as follows :-

[1] The State fixed the rates at which the revenue payable by the jotedars was assessed.

[2] It also fixed the rates at which the existing cultivators had to pay rents, the parties being left free to make their own terms in regard to future contracts.

[3] The difference between the rate for the cultivating rayat and for the jotedar was the share of the middlemen and was apportioned under fixed rules, according to the number of such men concerned.

(4) Special rule was made for the protection of the cultivating Chukanidars²³.

In order to show that the practice of fixing rates according the nature of the crops grown is a very old one, it is interesting to note few lines from the minute of Mr. John Shore, dated 18th June, 1789 ; respecting the permanent settlement of the lands in the Bengal Province.

"In every district throughout Bengal, where the licence of exaction has not superseded all rule, the rents of the land are regulated by known rates called Nirik, and in some districts each village has its own. These rates are formed with respect to the produce of the land at so much per bigha. Some soil produces two crops in a year of different species, some three. The more profitable articles, such as mulberry plant, betel leaf, tobacco, sugarcane, and others render the value of the land proportionately great.

These rates must have been fixed upon a measurement of the land, and the settlement of Todarmal may have furnished the basis of them"²⁴.

SUMMARY

In the Re-settlement operations from 1886 to 1891 commonly known as Rakamcharcha Settlement, no survey of the State was done. The old papers of the first settlement and the Patit Charcha Settlement were taken as the basis and such changes, whether in possession of or in the classification of the lands, as had taken place were recorded. The re-settlement has been concluded for 30 years ending with 1918.

The total revenue obtained by the Re-settlement was Rs.12,41,060, and increase of Rs. 2,88,418 over the first settlement and Patit Charcha settlement revenue of Rs.9,52,642.

The rates thus fixed were the revenue rates at which the jotedar was to pay the revenue to the State. In the first settlement the rate of rent to be paid by the under-tenure was not fixed. All that was done was to fix the rate of the Jotedars and to provide that each class of superior interest was to get 25 percent as profit. A fixed profit was allowed to the Jotedar to ensure security of the revenue of the State and to keep the jotes attractive, for, it was the Jotedas who had to pay the revenue under pain of sale of his jote in case of default.

Before the first settlement there was a three-fold schedule of rates for the different parts of the State and the Second Schedule was applicable to the greater part of the country. Those rates were considerably lowered at the first settlement as in the absence of a thorough measurement, the tenants had been holding large areas of land without fully paying for them and the application of those rates to the areas ascertained after regular survey would have resulted in an unbearable increase in revenue and rents.

The holders of the temporarily settle tenures under the State are called Jotedars. The tenants directly under the proprietors of revenue free and mokarari (permanently settled) estate are also designated Jotedars. As many as 6 grades of under-tenants are recognised in the State. Of those, only the first two grades, namely, Chukani and Darchukani, can be created under the existing Tenancy Act ; while those of the lower grades were in existence before 1888, the year in which for the first time legislation was introduced to restrict sub-infendation.

At the Rakamcharcha resettlement verbal settlements and settlements by unregistered documents were recognised. Under Section 3 of

the Sub-Infendation Act (Act. I of 1888) the letting of land by any one but the Jotedar was prohibited. Verbal contracts of payment of rent were also prohibited in 1888. The Cooch Behar Tenancy Act (Act. V of 1910) came into force in 1910 and Section 4 and 25 of this Act prohibit the letting of land by an undertenant lower than a Chukanidar (i.e. an under-tenant of the first grade) and a Chukanidar may let only land which is in his khas possession.

The jotes and the different grades of chukanis are heritable and transferable.

Adhiars cultivate land on the condition that they got half the produce of the crop. They generally live upon the landlords' premises, or on lands in their khas possession, and pay no rent for the same. Sometimes they cultivate the land with the plough and cattle lent by the landlord ; but more generally they have their own implements of agriculture. Adhiars are generally regarded as Labourers. They were not considered to have any right or title but to be liable to be ejected at the will of their employer.

In letter No. 152 T, dated the 4th October, 1872, from the Secretary to the Government of Bengal, to the Commissioner of Cooch Behar, it was laid down that any adhiar who cultivates the same land with his own cattle for 12 consecutive years, would acquire a right of occupancy in respect of such land. This provision was embodied in Section 20 of the Cooch Behar Tenancy Act (Act. V of 1910). Such occupancy right is heritable but not otherwise transferable. In the course of the settlement and re-settlement operations in this state, however, Terijes (or record of rights) were never prepared for the adhiars not were attempts made to ascertain which of them had occupancy rights. It may also be noted here that the adhiari lands often

change hands and the adhiars are generally treated as Labourers or tenants at Will.

In the first settlement of the State, cultivated lands were not classified. There was one rate (8 annas per bigha) for all classes of cultivated land. The most important features of the re-settlement operation was the adoption of several sub-divisions for the cultivated lands according to the richness of the soil. This was necessary not only for the purpose of consistency, but also for affording relief to the tenant by making the rate of rent varying according to the nature of the soil. Sixteen fold classification was adopted for the resettlement of the State.

At the first settlement no uniform rates for cultivating raiyats were fixed. All that was done was to fix the rates for Jotedars and to provide that each class of landlords was to obtain 25% as its share of profit. The result was that the rent demandable from raiyats increased with the number of middlemen. During the resettlement the Jotedar's profit was raised to 35% of his revenue and the total profit of the rent collecting under-tenants was fixed at 25% whatever the number of such under tenants might be.

NOTES AND REFERENCES

- [1] Dewan's letter No. 1168 dated 30th September, 1885, to the President of the State Council, Cooch Behar, published in Correspondence relating to the resettlement of the State of Cooch Behar, printed at the State Press, Cooch Behar, 1903, p. 35.
- [2] Correspondence relating to the Re-settlement of the State of Cooch Behar (1885-1898), p. 35. Cooch Behar, 1903.

- [3] Harendra Narayan Chioudhuri - The Cooch Behar State and its Land Revenue Settlement, published from State Press, Cooch Behar, 1903, p. 485.
- [4] Karali Charan Ganguli - Final report on the survey and settlement operations in the Cooch Behar State (1913-1927), printed at the Cooch Behar State Press, 1930, p. 13.
- [5] H. N. Choudhuri, - Op.cit., p. 486.
- [6] H. N. Choudhuri, - Op.cit., p.p. 486 - 487.
- [7] Resolution, the State Council, Cooch Behar, the 27th March, 1886.
- [8] H. N. Choudhuri, Op.cit., p. 487.
- [9] H. N. Choudhuri, Op.cit., p. 488.
- [10] Annual Administration Report, Cooch Behar, 1888-89, p. 57.
- [11] Correspondence relating to the Re-settlement of the State of Cooch Behar (1885-1898), p. 37-41.
- [12] Correspondence relating to the resettlement of the State of Cooch Behar (1885-1898) p. 55.
- [13] Memorandum submitted by the Dewan of Cooch Behar to the State Council on 4th September, 1888 in reference to CouncilMemo No. 9 of the 13th April, 1886.
- [14] H. N. Choudhuri, Op.cit., p.p. 557-58.
- [15] H. N. Choudhuri, Op.cit., p. 558.
- [16] H.N. Choudhuri, Op.cit., p. 559.
- [17] H. N. Choudhuri, Op.cit.,p. 578.
- [18] K. C. Ganguli, Op.cit., p. 13.

- [19] K. C. Ganguli, Op.cit.,pp.14-15.
- [20] Dewan's letter No. 1650, dated, Cooch Behar, 3rd December, 1888 to the State Council, Cooch Behar in reply to the petition submitted by some Jotedars of different parganas of Cooch Behar State.
- [21] Annual Administration Report, Cooch Behar, 1888-89, p. 58.
- [22] H. N. Choudhuri, Op.cit., p. 559.
- [23] H. N. Choudhuri, Op.cit., p. 562.
- [24] Walter Kblly Firmingar - The fifth report on East India Company affairs (Ed.), London, 1872, p. 85.