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Interpreting Santal Migration and a Quest of Identity

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Abstract

This essay seeks to traverse a long history of Santal migration between pre-colonial eras and the lived present; the reasons why they were pushed from their habitat and the factors that pulled them to new places. While their migration was factored often by their political and economic marginalisation, they were no less been driven by the urge to improve their material condition. Divided in three sections, this paper first studies the recruitment process of labour migration during colonial period; the second elaborates the entire history of Santal migration, and last unfolds the identity crisis that this generated in Santal society and the way they endeavoured to resolve this crisis.

Introduction

From the very beginning of human evolution, migration played an important role in the history of mankind. The process of migration was almost an imperative move in the early period of human history, attributable to wide varieties of factors. The census definition of migration states that people in a particular region have been enumerated according to their place of birth and duration of stay in that particular region. Everett Lee has defined migration as a permanent or semi-permanent change of residence (Everett 1969: 285). It is one of the mechanisms by which people try to mitigate their hardships. The general causes discernible in the primitive migrations have continued to be operative to the present times in some changed forms. The first attempt at formulating migration theory was made by E.G. Ravenstein. In his two classic papers (1885 and 1889) on 'The Laws of Migration' he introduced the migration studies. He has emphasised on the role of distance, technology and communication in influencing the volume and direction of migration (Ravenstein 1885: 167-227). He observed that economic reasons are the most significant causes of migration. But he has also stressed that it is the desire inherent in most men to better themselves in material aspect that induces them to migrate (Ravenstein 1889: 241-301). The economic reasons behind migration has been elaborated by other scholars also. M.P. Todaro, for instance, underlined the role of rural-urban differential in expected income behind rural to urban migration (Todaro 1976).

However, Ravenstein's emphasis on the role of distance has been questioned by other authors. Samuel Stouffer argues that distance is not the determining factor behind migration. Rather, the intervening opportunities between the origin and destination influences migration (Stouffer: 1940). Everett Lee on the other hand has argued that the role of intervening obstacles between origin and destination of migration are more influencing factors behind migration (Everett 1969). But neither the views of intervening

opportunities of Stouffer nor Lee's concept of intervening obstacles deterred the tribals in their move from Chota Nagpur and Santal Parganas. On the contrary, they covered the largest distance without bothering about intervening opportunities and intervening obstacles. They preferred such places where the largest number of them could be accommodated simultaneously. While the writings of Ravenstein, Todaro, Stouffer and Lee have underlined the economic factors behind migration, some other scholars have given importance to non-economic factors also. In tribal migration, both familial and individual, those factors are social extrication, physical coercion and witchcraft.

The concept that helps best to understand the mechanism behind migration is named 'push and pull', as done by Everett Lee in the Theory of Migration. The former is guided by repelling force of internal circumstances and the latter by lure of external attraction or incentive like high wage that lure persons to move. Haraprasad Chattopadhyay in his empirical study on internal migration has analysed migration on the basis of two arguments. Firstly, it was the impact of rural economy that forces the people to move and secondly, the 'push-pull' factor (Chattopadhyay 1987: 23). Therefore the rural push was occasioned by high density of agricultural population on arable land creating pressure on cultivable land, lack of opportunities for further employment in non-agricultural sectors and fragmentation of landholdings creating pressure in rural areas. Rural indebtedness and the occurrence of famines and failure of crops were other important factors of movement of rural folk (Everett 1969). While above factors push persons from rural areas, there are others to pull them. Employment opportunities in non-agricultural sectors like industries, high wages, and free accommodation were the urban pull factors which attracted persons from the rural areas. This suggests that migration is due to some socio-economic imbalances between two important regions where certain factors 'ush' persons away from the area of origin, and others 'pulling' them to the area of destination. But this sort of migration analysis based on push or pull factors tends to be an over-simplification and are more suited for the rural-urban migration. Moreover the above theories do not bring to light the repressive character of the labour recruitment process prevailing in any country.

So far as rural-rural and the tribal migration is concerned the push factor is more operative than the pull as because the migrants had least choice or options before moving. It was the stress dominant in the place of origin, and not the pull factor, which forced them to move. The positive factors at the place of destination which the migrant tries to look at before finally deciding to move (Todaro model) is absent here as they were not the deciding factor to move. Migration was a least choice for them for a better living rather a compulsion to survive after alienation from the land. Rural poverty pushed them out of their villages as there was no other alternative in the village for survival. In most cases it was shortage of land and in some cases migration was the result of demographic rise and fragmentation of landholdings. Though the above argument is true, there are other factors also related to it. Economic compulsion is not always more important than other forms of compulsion caused by social, religious and ethnic reasons.

The aim of this paper is to identify some of the factors that led to the Santal migration and their dispersion to different regions of Greater Bengal. This also seeks to underline the identity crisis created by the socio-cultural changes that resulted from this migration. Divided in three sections, this paper first studies the recruitment process of labour migration during colonial period, the entire history of Santal migration, and last unfolds the identity crisis that this generated in Santal society and the way they endeavoured to resolve this crisis.

Recruitment of labour in the Colonial Period

At the end of the 19th century, there existed an intricate network of migration within eastern India. Several factors like overseas indentured migration, migration to coal-mines and to plantations, including such push factors like the incidence of drought and famine and periodic outbreak of malaria and cholera had all contributed to this process of migration. Migrants from Santal Parganas mostly worked in unskilled occupations like tea plantations and in coal mines and those from Hazaribagh went to Assam. Jan Breman has observed that the purpose behind colonial policies was to facilitate labour supply. Labour reservoirs were created by the underdevelopment of the rural areas from where employers made active recruitment with the backing of the colonial state. These migrants did not and could not, consciously and realistically opt for departure (Breman 1990:70). Similar opinion was shared by Ranajit Dasgupta who pointed to the absence of free labour market in India. There were particular labour catchment areas with which the industries had specific links and 'even the non-indentured labour was subjected to various kinds of bondage and servitude' (Dasgupta 1981: 1781-1806). Lalita Chakravarty argues that the 'involutionary' characteristics of Chota Nagpur region acted as the most important feature of the labour catchment area in eastern India. She observed that the ecological factor together with the appropriation of surplus in agriculture were behind this migration. But the alienation of the natural resources from its people in a tribal region is something different from the major labour catchment areas and cannot be applied straightway to the tribals (Chakraborty 1978: 249-328). Moreover, for both the tribals and non-tribals alike, the migration process was never static and studded with regular and occasional flow of seasonal migration as and when necessary. Unfortunately, not enough study has come up so far on how this tribal labour force was recruited during the colonial times. There is little doubt that an element of coercion was involved in the creation of labour surplus and in the recruitment of tribal migrants.

For over a hundred years, the tribals of Chota Nagpur and Santal Parganas region of Bihar have been steadily moving out of their homeland in search of new places of residence. The great migration of Santals from Hazaribagh to the *Damin-i-koh* started in the early nineteenth century (Sen 1984: 23). There is evidence of regular seasonal migration of the 'Dhangars' or hill coolies of Chotanagpur to the districts of Bengal as early as 1827 during the winter months. W.W. Hunter in his Annals of Rural Bengal said that these Dhangars were found to be employed in the early indigo factories and during the winter season for harvesting rice crop in Bengal (Hunter 1975: 226-7). Later they shifted to alternative employment with the opening of the plantations. With the development of the coal industry during the end of the 19th century in Manbhum and in Burdwan, large numbers of tribals mainly Santals and Bauris migrated there. In Bengal, the largest areas of cheap labour supply was Midnapore, Bankura and Birbhum from where many people migrated to plantations and collieries. In Birbhum, it was said that labour was so cheap that during the first half of the nineteenth century a 'native' was employed to carry a box to Calcutta. Bankura had a surplus of labour during the winter months.

These migrants even provided a large work-force for the colonial emigration to Mauritius, Fiji and to other places. Hugh Tinker has explained that before the 1850s about two-fifths to one half emigrants to the colonies were Dhangars (Tinker 1974: 49). The push factors which induced the Santals to leave their lands were many. The socio-economic constraints that existed at the place of origin (Chotanagpur) forced them to move out to other regions. Their unscientific system of cultivation and thriftless habits

were also the causes for their sufferings. According to D. Schwerin, insufficient grain production, indebtedness, systems of forced and bonded labour resulted in large scale emigration from the region. Moreover, the Hindu migration to Chotanagpur over the last 300 years (17th-20th centuries) had transformed land holding pattern from communal land ownership system to the quasi-feudal hierarchical pattern of the Gangetic plains. This had resulted in extensive expropriation of the tribal lands and their reduction to the status of Kamiyas or bonded labourers (Sherwin 1978: 22). Demographic rise in Chota Nagpur and Santal Parganas in the nineteenth century created pressure on land. But the thing to be noted is while the total population increased, the tribal population declined owing to large scale outward migration. Inward migration of the non-tribals resulted in the outward migration of the tribals. Further, the failure of crops and the incidence of famine had also resulted in emigration. Rapid deforestation resulting in the scarcity of forest products further added to the woes of the tribal people and encouraged them to migrate. The pull factors on the other hand were the opening of the vast areas of reclamation, encouragement of the zamindars and government, and the lure of the new avenues of livelihood like the railways, mines, plantations and factories. So migration is not merely a shift of population from one place to another. It is a selective process in which push and pull factors, economic as well as non-economic, played an important role.

The history of Santal migration

Like many other tribes of India the Santals were nomadic and migratory in character. No authentic records have been found about their early migration and different authors have tried to elaborate it as conjectures on the basis of oral traditions of the tribe. Traditionally, they were not settled dwellers but nomadic and as a rule, cared little for permanently locating themselves. The mythic history, as narrated in Santal folklore, tells the story of their wanderings to found new settlements caused by the imperatives of colonisation, as also dispossession and displacement (Bodding 1994: 3-22). Depending on shifting cultivation, they moved to other places as soon as the resources exhausted in that particular place. In identifying the reasons contributing to the Santal migration in the pre-colonial and the colonial periods, it can be explained how the socio-economic constraints pushed these people from their original homeland. There was also a possibility that by moving their abode, the Santal could regain a measure of independence as it was a part of their indigenous culture. W.J. Culshaw observed that their migrations had been due to pressure of one kind and another. They preferred to move to forest lands despite a hard struggle to establish new settlements than to remain in their original place where they had to defend their holdings and their livelihood against hostile forces (Culshaw 1945: 5).

The Santals were eager to settle at one place as a semi-agricultural community but hindrances prevailed within the community itself which prevented them from settling permanently. As the Santals had no other occupations beside agriculture and a little bit of cattle rearing, they had the mindset to stay in that region for centuries unless forced otherwise by any natural calamity to migrate. Besides the constraints of the subsistence level of agriculture, recurrent incidences of drought, flood, seasonal unemployment and chronic rural poverty forced large number of Santals to escape to their new avenues of livelihood. During the famines of 1865 and 1897, the dispossession of the Santals occurred and large numbers migrated to Assam. The prevalence of the endemic disease like malaria also induced them to migrate, resulting in the depletion of Santal population in the police stations of Bankura and Midnapur during the late 1890s. On the flip side, the pull factors were also more than one. The alienated tribals of Chota Nagpur found an

opportunity of employment in the plantations and mines opened by the British owners. The growth of plantations therefore encouraged massive outflow of tribal labourers in the nineteenth century. Centuries of economic exploitation and repression had already brought about psychological changes among them to leave their home. In fact, though the *arkattis* or the *sardars* often deceived them but large numbers of tribals came to them for a substitute employment for survival. Wages in the plantations and mines also attracted them considerably. So some sort of voluntary move on their part is also discernible. However the debate whether the 'push' or the 'pull' which of the factors were more operative behind tribal migration is a question worth exploring.

Theoretical debate on Santal migration

The Santals were not the original inhabitants of Bengal. The early phase of Santal migration is shrouded in mystery. Hunter observed that the present generation of the Santals had no definite idea of where their forefathers came from. On the basis of their oral traditions, several theories have been put forward to account for the origin and migration of the Santals. These can be grouped into two basic traditions. Some hold that they along with other Munda people entered India from the north-west. The other group hold that they came from the north-east. With regard to the traditional migration from the east, Colonel Dalton believed that the Santals came to the present abode from north-east India, and found their way to the Chotanagpur plateau and scattered in the adjoining highlands by the line of their sacred stream, the Damodar river. According to him they also passed through Jhalda and Patkum before reaching Saont. This place has been identified with Silda in Midnapur. From that time onward, they were not called Kherwars but Saontars or Santals (Dalton 1960: 210). This observation is based on certain remarkable resemblances in customs and languages between the Santals and some other tribes of the north-eastern frontiers of India. This theory of a north-eastern origin was also supported by Hunter in *The Annals of Rural Bengal*. Hunter has enumerated the various countries through which the Santals claim to have travelled towards their present territory and it is their legends which corroborate the course of migration of these people (Hunter 1975: Chapter IV).

P.O. Bodding, a Scandinavian Missionary, also believed that Chai and Champa mentioned in the Santal folklore, related Hazaribagh. From this point, it is not very difficult to verify the wanderings of the people as told by the traditions. Colonel Waddell has elaborated the traditional migration of the Santal tribe and has opted for the north-east movement. According to him the speculated place names in their tradition referred to the central alluvial valley of the Ganges, and that they migrated south westwards to the Hazaribagh hills under the pressure of the Aryan invasion (Wadell 1893: 294-96; Gautam 1973: 163). With reference to this theory, A. Campbell argues that the place names were prevalent at an early period when the Santals had occupied the country on both sides of the Ganges, but more especially that in the north. Efforts have been made to identify the countries, rivers, forts etc. mentioned in the traditions of the Santals, with those of similar names in Chota Nagpur. Localities have in many instances been found bearing the traditional names. From this, he had inferred that it was here the traditions and institutions of the Santals. From Chai they scattered themselves in many directions as they chose. Some went to Sir; some to Sikkim; while others to Nagpur and Saont and Sat country. One of the groups went to the south-east, to Orissa, passing through Sarguja and Keonjhar and another group moved to Nepal (Campbell 1894: 103-4). K.P. Chattopadhyay, however, criticised the theories and suggested that the race proceeded to

the recent abode, the Chota Nagpur plateau from the Kaimeer range via Champa into the Chotanagpur plateau (Chattopadhyay 1944: 101).

The above theory of migration of Santals from the north-east of India does not conform to the argument given by Risley, Rev. Skrefsrud and others. On the basis of the legends, Skrefsrud tried to prove that the Santals must have entered India from the northwest. Majority of the scholars have accepted the theory of a north-eastern origin due to resemblance of language and material culture of the east. They observed that these people had to move eastward from the original homelands under the pressure of the Aryan invasion from the north. The Santal traditions have reflected the eastward movement of the tribe from the primitive days to the modern times. However, it can be said that though a number of theories have been advanced in regard to their early migrations, it is very difficult to construct a scientifically tenable theory due to absence of any rational hypothesis regarding their early migrations.

Early phase of Santal migration

The above discussion unfolds the history of Santal movement as gleaned from their oral traditions. We learn that the original homeland of the Santals was Hihiri-Pipiri, identified to be pargana Ahuri in Hazaribagh. From here they moved to Khoj-Khaman, then Hara and then to the bank of the river Sasangbera. Here they stayed for a long time and then moved to Jarpi where they encountered the Great Mountain (Marang Buru). After crossing they reached the Sin pass and Bahi pass. Then they came to Aere, from there to Kunde, thence to Chai and finally to Champa. In Champa, they lived for many generations, where their present institution of the tribe was formed. Here they built up forts to protect themselves from enemies and worshipped various tribal deities (Mukherjee 1962: 4). But their sojourn at Champa was shortlived as they were opposed by the Hindus and then they moved to Saont (in Midnapore) where they lived for about two hundred years. Again pressed by the Hindus, they wandered to the eastern part of Manbhum near Pachet under Raja Hambir Singh. Here the Raja adopted Hindu religion and set up himself as Rajputs. He even patronised the Brahmanas and made immense land grants to them to get recognition as a Kshatriya king. This deeply offended the community. The people left Pachet and their Raja and wandered off to the most cherished place called the Santal Parganas (Chaudhuri 1993: 4). Thus, the legendary history relates the early migration of the Santals from their original homeland. Their nomadic character was evident up to the last quarter of the eighteenth century.

For any period of which we have record, however it is found that though they were nomadic, practising jhum cultivation. Besides this, food gathering and hunting provided them with important subsidiary occupations. This socio-economy largely induced the tribe to move from one place to another for survival (Duyker 1982: 61-78). Another factor was their displacement from their habitat due to Hindu expansion. Along with the loss of land, Hindu acculturation was a positive threat to the tribe. Therefore, the pressure of the Hindus may be an important reasons behind Santal migration. But the fact cannot be denied that the tribal leadership failed to provide a secure and firm base for the tribe (Chaudhuri 1993: 7-8).

Later migrations

The history of the Santal migration during the eighteenth century can, however, be reconstructed with the help of authentic records. Whatever their original homeland might have been, records show that they were settled in the Chotanagpur plateau. A large

number of Santals were to be found in the districts of Hazaribagh, Palamau and Singhbhum and in the neighbouring districts of Midnapur and Birbhum. However, since the close of the 18th century, they began to move to the north (Roychaudhuri 1965: 59). The earliest mention of them can be found in an article entitled 'Some Extraordinary Facts, Customs, and Practices of the Hindus' by Lord Teignmouth (Sir John Shore) which was published in the *Asiatic Researches* of 1795. In that article they were designated as *Soontars*, a 'rude unlettered tribe residing in Ramgarh in Birbhum district, which was the least civilised part of the company's possessions' (O'Malley 1999: 114; Troisi 1978: 126). The available records of late eighteenth and early nineteenth centuries show that during the early years of British rule the Santals were busy clearing and cultivating jungle tracts in Midnapore, Singhbhum and Birbhum. F.W. Robertson rightly commented that the Santals must be given the credit for having brought under cultivation the major portion of land in the Jungle Mahals with tremendous labour. In fact, the credit for having brought under cultivation the major portion of the district of Bankura, which once formed a part of the Jungle Mahals district, must go to them (Robertson 1926: 9). Probably, they had been brought into the districts by enterprising zamindars for the purpose of clearing their estates of jungles and wild beasts with which the district was then infested. Walter Hamilton's work named *East India Gazetteer* provides us with information regarding the Santals of Midnapore. He states that when the district of Midnapur was ceded to the British by Mir Qasim in 1760, it was in the western half of the district that they found a continuous jungle, occasionally broken by small patches of cultivation. Some parts of these jungles were occupied by the Santals. Although the Moghul records do not elaborate their land system and cultivation prior to British rule, it can be apprehended that under individual chieftains they enjoyed independence and never paid any regular rent for their lands. The British gained some degree of control over these Jungle Mahals when Ensign Ferguson led a military expedition into them in 1767, and assessed them for land revenue. But it was only after the Permanent Settlement in 1793 that the district was brought under regular assessment by the colonial government (Duyker 1982: 62). The new system of assessment compelled them to move, as has been pointed by different official records.

The migration of the Santals from Chotanagpur to Bengal was due to two reasons: the outbreak of the famine of 1770 and the introduction of the Permanent Settlement in 1793. The Famine of 1770 may be stated to be one of the reasons for the coming of the Santals to Bengal which acted as a 'pull factor', inviting them to the agrarian economy of Bengal. The famine had brought huge areas of land under jungles which remained uncultivated. It was under these circumstances the Santals were destined to play a significant role in the agrarian history of Bengal. It will be not an exaggeration to say that they played a vital role in filling up the vacuum of a large number of agrarian population who died due to the famine of 1770. Originally hired to hunt the wild beasts that roamed the arable tract, the Santals were set to the task of clearing the jungles for cultivation by the zamindars. They were expert in jungle clearing, submissive in nature and could be settled on easy terms. The Santals on the other hand were in search of land as they had given up their nomadic habits. Relatively high wages for labourers and low rents for tenants tempted many Santals to emigrate to the plains. Therefore, the zamindars of Malda, Dinajpur, Pabna, Rajshahi and others made a deal with these pioneer farmers to reclaim wastelands at a low rent in order to overcome the stagnant economy of Bengal. They brought huge areas of Bengal under cultivation by dint of their hard labour. It was during this time everywhere, in Hooghly, Nadia, Midnapur, Dinajpur,

and Bakarganj and elsewhere, the Santals, Bhumijis, Majhis, Bauris, Doms and Haris were brought as contracted labourers by the zamindars to clear jungles, reclaim land and make it fit for cultivation (Samaddar 1998: 21). But after the work was done, they were ousted and forced to move again to new pieces of land under similar conditions.

These people reclaimed large tracts of jungle lands in different districts of Birbhum, Midnapur and Burdwan which formed a part of erstwhile Jungle-Mahals lying in between Chota Nagpur and the plains of Bengal. Contemporary records show that even before Damin-i-koh was created, large number of Santals had settled in Birbhum, Midnapore Bankura and Singhbhum under their headman the Manjhis. In the initial years, they were exempted from paying any amount for clearing forests and initiating cultivation. The Santals believed that they were the owner of the land as they had cleared it and the land thus reclaimed could not be alienated or transferred by sale. It could only be passed on through inheritance to the male descendants of the family. However, these jungle tracts were assessed later and the Santals had to pay rent for the land. Slowly these lands came under the control of the external feudal forces who with the help of the colonial regulations ultimately uprooted them from their settlements and expelled in favour of more skilful cultivators (Duyker 1982: 63).

Therefore, since British law favoured the settled cultivator, the advent of their rule compounded the Santal land crisis. The Permanent Settlement of 1793 meant a sharp rise in the land revenue obligation of the zamindars which rose to 300 percent in comparison to 1764, the last year of Moghul administration. Moreover the revenue was inflexible both in amount and time and had to be paid within the definite date to avoid the risk of Sunset law irrespective of good and bad harvest. As a result, the traditional zamindars had to give up and their places were taken up by a set of new zamindars who got land through auction purchase and were not accustomed to the traditional tenant-landlord relations. Furthermore, the emergence of a large number of under-tenures became an important feature of the land system of Bengal. The Colonial government, far from doing anything to protect the interest of the raiyats directly strengthened the hands of the zamindars by passing convenient regulations. By introducing the Regulation of 1799 the government gave the landholders the right to attach and dispose of the property of their tenants for arrears of rents. The new landlords rack rented and evicted those raiyats who failed to clear their dues in time (Bhaduri 1976: 45-53).

Thus, the settlement recognized intermediaries as owners. The rapid growth in the number of intermediate rent receivers ushered the system of extraction of agricultural surplus. Failing to adjust with the changed situation, the Santals had to migrate again. They moved to the *Damin-i-koh* with the hope of peaceful living and independence. They cleared forests and made the area habitable and cultivable on nominal rent. But the *Damin-i-koh* inevitably drew avaricious outsiders into it and the happy days of the Santals were short-lived. The administration favoured the penetration of the non-tribal merchants and traders in the tribal areas who appropriated the land of the Santals for petty loans. Soon they were subjected to increasing demand which was very difficult for them to pay. The immigrant landlords took advantage of the Santals' misfortunes and started exacting heavy taxes which the over burdened Santals could not pay. An inevitable result of this was the growing rural indebtedness. The impoverished peasantry was forced to take loans from the mahajans in the neighbouring villages of the plains. This proved disastrous for them in the long run. When the Santals took loans, they found themselves trapped in a vicious circle of extortion from which it was hard to escape in their lifetime. The acceptance of such advances over time made the Santal debtor a bonded captive of the usurer. Soon they were reduced to mere tenants while the traders

and money lenders rapidly amassed large fortunes by securing cash and grains from the Santals through various obnoxious means (Datta 2001: 5). From seizing portions of the crop every harvest, the creditor encroached upon his land also.

This resulted in land alienation and dispossession of the tribals from their lands by the non-tribal dikus. These dikus were regarded as foreigners or non-tribals in the Munda language and were responsible for doing 'dik' in Hindi meaning pain (Sinha, Sen and Panchbhai 1969: 121-38). Thus, the British authority and its accompanying devices facilitated the process of pauperization of the tribals. M.C. McAlpin has given a detailed account of the rapid loss of land by the tribals to the non-tribals in the districts of Bankura, Birbhum, Midnapur and Balasore. This land transfer from the tribals has been defined by him as 'intact' (if the Santals paid rent through the headman or Majhi) and 'broken' (rents paid individually) according to his own definition (McAlpin 1981: 13). Thus, when the landlord ceased to take his rent through the Majhi and recognised each Santal as a separate raiyat, the first and most important step in the disintegration of the communal system took place.

Like land, the Santals had a love for forests and they enjoyed age long customary rights over it. Besides providing an economic base for living, forests were a source of medicines, fuel and fodder for them. Colonial policy first made inroads into the tribal areas through the Forest Acts (1865 and 1878) making it difficult for the Santals and other tribals to freely enjoy the customary rights over forest resources. In the name of 'conservation', the colonial government curtailed the traditional rights of these people and granted restricted access to some of the forest produce as 'concessions' liable to be withdrawn under any circumstances (Gadgil and Guha 1992: 125). The state reservation of forests sharply affected the subsistence activities of these people and any sort of breach was regarded as poaching. For no fault, they were termed as criminals and large numbers were thrown into jail.

The process of exploitation was further accelerated by the increasing cash crop farming and commercialisation of agriculture. The Santals found it very difficult to cope with this changed agrarian system and eviction from land followed on large scale. With the legal means of redress out of their reach, they became in effect tenants-at-will. As for example, in the case of the Santals of Midnapore, Hamilton observes that '...the zamindars gave them no leases and that they held their land on verbal tenures' (Duyker 1982: 63). Taking advantage of the total ignorance of the tribal people about the existing revenue laws, the non-tribal landlords and moneylenders gradually encroached upon the tribal rights in land. In addition to this, non-tribal officials were introduced into the region to displace the traditional village personages like the Majhis. The introduction of paper currency was also alien to the tribals. Moreover, the administrative officers, ignorant of tribal customs and insensitive to tribal culture, were bent on bringing the area in conformity to the standards of the contiguous areas in every way. Thus, the Santals were left with few alternatives other than armed resistance.

The Santal Insurrection and the Great Migration

The Santals reacted to the exploitation of the non-tribals and broke in rebellion in 1855-56 (*Hool*) under the messianic leadership of Sidhu and Kanhu. The insurrection was organised with its epicenter in the Damin-i-koh. The rebellion was 'not a mere spasmodic outburst of the crude instincts of the semi-savage Santals' (Datta 2001: 5). It was the expression of their anger against age long oppression and exploitation at the hands of moneylenders, landlords and merchants. Kathleen Gough has observed that the

peasants wanted freedom from economic exploitation or deprivation (Gough 1975: 1391-1412). Though the movement was led by the above charismatic leaders, it was suppressed by the superior military might of the British with ruthless repression.

Although the Hool failed, it profoundly influenced the ideological development of the Santal community, which has been defined by B.B. Chaudhuri as 'adivasi radicalism' (Chaudhuri 2012: 2). It marked a new dimension of identity assertion by the Santals and their objective of creating an independent Santal raj was strengthened. However, the Hool failed to attain its objective of restoring their rights over jal (water), jangal (forest) and jamin (land). Their condition became precarious after the Hool. The creation of the Santal Parganas district by the Regulation 37 of 1855 failed to provide the assured relief to them. The area was soon inundated with Bhojpuris of Bihar and Bengalis, who successfully fleeced the Santals of their diminishing land holdings. Moneylending on the old rapacious pattern continued due to absence of any state organised credit facilities. Together with this, the recurring famines of 1866, 1874 and 1897 further aggravated their crisis. They had no other options left but to migrate to distant lands for survival. Nabendu Dutta Mazumdar observed that 'as a result of the Santal rebellion, the Santal people experienced economic hardships and again large scale migration took place, especially in the districts of Northern Bengal across the river Gang' (Dutta Mazumdar 1956:30).

After the Hool, the bulk of emigration from Chotanagpur Division, called the Great Migration of the Santals, could also be noticed. The loss of land and lowering of status from owners to tenants had far reaching effects on their social, political and religious lives precipitating the migration of a large number of the Santals. Weiner has shown that the out-migrants from Chotanagpur and the Santal Parganas in 1891 numbered 333,000. By 1921, the number of those living in Bengal, Assam and in other parts of India rose to nearly one million tribals who were. Nearly one-third of the tribal population had emigrated from Chotanagpur (Weiner 1978: 160). The movement was directed mainly towards the tea gardens of Assam and Duars. However, a sizeable number had poured into Bengal, Bihar, Orissa and the present Jharkhand also. The others went to Assam, Tripura, Nepal, Arunachal Pradesh and Andaman. There are evidences of Santal migrants to Punjab and Pakistan also (Baskey 2014: 35-6). In West Bengal, about 54.35 percent of the total tribal population (25,32,969) are Santals and their major areas of concentrations are in the districts of Purulia, Midnapur, Bankura and Birbhum (Das and Basu 1982: 6).

The migrant Santals moved out in two ways, either as permanent migrants to the plantations in North Bengal and Assam and for the reclamation of land in the Barind where they settled permanently. They moved also as agricultural labourers to the districts of South Bengal like, Bankura, Birbhum, Midnapur and the Sundarbans, both on seasonal and permanent basis. Some Sundarban grantees and planters imported tribal labour for jungle clearing. Here they reclaimed huge areas of land and brought them under cultivation. Their migration to work in the plantations, mines and factories as wage labourers ushered a new phase in the Santal history in the colonial period. The British were looking for a labour force for the tea gardens of Duars and of the valleys of Assam and Surma as tea pickers (Rothermund 1977: 230-42). The Santals were in demand as they were accustomed to hard labour and were acclimated to hill areas and distance. They were employed as coolies in the railways also.

The Santals migrated to the collieries in the western part of Burdwan, Giridih, Jharia and Raniganj. These offered them facilities nearer home and largely obviated the need of emigration to more distant land for work. This also provided them additional source of

income after their normal agricultural work. No form of contract existed and a Santal and his whole family could work together and drop at any time they pleased. But here also a new phase of coercion began which forced them to migrate to greater distances like the plantations (Simmons 1976: 456). Large number of Santals migrated to the plantations avoiding the mines nearby although wages in mining were higher than in the distant tea industry. Some of them were recruited by the indigo planters of north Bihar as well as in the stone quarries of Chhatna, Raghunathpur, Purulia in West Bengal. During post-independence period, a sizeable number of them found employment in the Chittaranjan Locomotive Works and Hindusthan Cable Factory, near Asansol in West Bengal and Tata Iron and Steel Company in Jamshedpur in Jharkhand as labourers (Mallick 1994: 130-1).

Similarly, large numbers of tribals, including the Santals, were employed in the construction of railways. I.J. Kerr has shown that with the ‘construction of the Great Indian Peninsula Railway large number of the tribals were recruited as unskilled labourers who had travelled from districts covering a considerable distance away from the works’ (Kerr 1983: 317-39). A large number of Santals of Midnapore worked in the railways at Kharagpur. Besides this new kind of migration, the Santals usually left their villages for short periods to work even in remote districts usually at the sowing and harvesting seasons. This sort of seasonal migration is purely voluntary in nature which enables them to supplement their meagre income and to repay his debts.

In all the above sectors, the wage level was so low that the condition of the workers remained precarious. Though the wage rate of the miners were higher than the wages paid in the plantations, it remained static for long. However, in both the sectors wages were so minimal that it was very difficult for them to keep the body and soul together. Moreover, the working condition was far from satisfactory which began to tell upon their health. Colonial and post-colonial accounts have given detailed accounts of the precarious condition of the miners as well as the plantation workers (Read 1931; Seth 1940; Raychowdhury 1996; Basu 2002). The Rege Commission, appointed by the British government in 1944-45, observed that, ‘There is no doubt that the labourer is now legally free to leave his garden and seek employment in any garden he likes, but in practice he does not feel that he is free to move...’ The Commission gave suitable proposals to the government for the amelioration of their miserable conditions (Rege 1946). Similar conditions of the miners had been represented by an enquiry made by the Committee under the Chairmanship of S.R. Deshpande in 1946 (Deshpande 1946).

Identity crisis

The result of this out migration proved disastrous for their traditional culture including their sense of identity. It cannot be denied that the study of social change has foregrounded ‘before’ and ‘after’ dichotomies. It is often said that the migrant to a new environment carries with him much of the old. This was prevalent among the Santals also. But with the passage of time changes have crept in their traditions and their mode of livelihood. Their concentration in the industrial towns and mining brought about profound changes in their mode of living. In a different environment and situation and with a close contact with the dikus, the process of acculturation and assimilation set in (Orans 1965:93). Though emigration solved their immediate economic crisis, it brought adverse impact on the society. It led to the change of the population from cultivating to a labouring population. Within a short period, they were reduced to the level of migrant proletarians. Soon they became actively allied with the trade union movements in both

the plantations and the mines and became involved in political bargaining. Socially it had a debasing effect and the Santals became demoralised. They lost the community life that prevailed in their villages and other bad habits crept in their society due to their spendthrift nature. All the evils of the city life influenced them which were not consistent with their tradition. The money a Santal earned as a labourer was usually spent in drinking liquor (Chattopadhyay 2014: 74). The result was economically and morally disastrous both at individual and collective levels.

New technologies in agriculture, irrigation, family planning and health, the concept of decentralisation and people's participation in elections are affecting the social order. All these brought them in close contact with the non-tribals and the society underwent rapid changes. It was under such historical perspective that the Santals lost their community life, their customary rights over forests, their traditional system of governance and even their cultural values. The occupational changes, new settlements and adaptation with the new environment in distant lands, contact with the Christian Missionaries, education, political participation and the later developmental programmes of the Centre and the State had largely transformed them. Due to the impact of Hinduism the traditional Santal culture has everywhere undergone change (Dutta Mazumdar 1956: 109). But the Santal migrants who had dispersed to the different districts of Bengal by this time and adopted different occupations for survival, possessed a distinct culture of their own which had differentiated them from the fellow tribals of Eastern India. They possessed certain norms and behaviours of their own which have been continuing from their past tradition. It is for this reason they have retained their distinctiveness in the midst of all changes. This generated a sense of territorial and cultural identity which they have been asserting through their festivals and affinity with their language and culture around the spaces where they have been numerically dominant.

The Santal rebellion and the Kharwar movement were all more or less of reformist type seeking to redress particular grievances. These movements had millenarian vision and aimed at restoring the golden past of the Santals prevalent during the days of Champa. Stephen Fuchs has explained more than fifty such social movements among the tribals which had certain millenarian and messianic overtones (Fuchs 1965: 57). The Kharwar movement pursued pragmatic methods of redressal of the wrongs. Bhagirath injected elements of Hinduism into the movement by exhorting his followers to worship Ram Cando. In order to counter the oppressive Hindus, they adopted the traditional Hindu symbols of rank. According to Orans the failure of the Hool had convinced them that the only way to improve their lot and gain equal status with the Hindus was to embrace Hindu beliefs and practices (Orans 1965:108). Soon the movement took on a political stance when Bhagirath urged his followers to refuse to pay taxes on the land they cultivated. But the Kharwar movement also failed as it lacked mass appeal. B.B. Chaudhuri has remarked that this new social philosophy was not accepted by the majority of the Santals as the new code of conduct was inconsistent with their social system. The majority of the Santals was still in favour of their traditional socio-economic set up and opposed to Hindu influences (cited in Chattopadhyay 2014: 90). So it was a strategic change in their protest against the government, a manifestation of their ultimate urge of achieving an independent Santal raj.

Therefore, the repeated failures through bloody path had convinced them to follow a different way to attain their objectives through cultural revivalism. It is to be noted that after the Hool the character of the movement changed and shifted to language, religion and territory for the assertion of tribal identity. So a new type of separatist movement began in restoring the Adivasi identity known as the Jharkhand movement. Though the

pan tribal political movement, which developed later, was not initiated by the Santals but the other tribals like the Mundas and Oraons, its ideology coincided with the aspirations of the Santals who played a pertinent role in it (Troisi 1979: 137). It was true that the tribals asserted territorial identity, but more important purpose was the establishment of Adivasi identity through crucial hostility to the dikus. Surajit Sinha has shown that the initial success of the Jharkhand movement was the utilisation of the image of 'outsiders' in the tribal minds by the leaders (Sinha 1972: 417). But the movement lost its momentum. Later, a section of the Santal elite tried to preserve their indigenous culture against the encroaching dominant Hindu culture. So a contra-acculturative social movement surfaced that articulated traditional cultural pattern and tribal distinctiveness by promoting Santal script and literary works (Orans 1965: 36-7). Pandit Raghunath Murmu and his 'Olchiki' movement, the literary activities of Sadhu Ramchand Murmu and others deserve particular mention in this regard. They followed the revitalisation movement in order to restore their ethnic identity, while remaining in the mainstream society and politics. But the movement had its limitation also, as it remained confined among the educated Santals only while a vast majority of the illiterate and ignorant Santals remained outside its orbit.

Hence, the Santals had to move towards active participation in Indian politics to establish their identity. The 1920s constituted a watershed in this transformation. Tribal consciousness was realigned through participation in the Indian national movement. But the political credo that land belonged to those who have first cleared it remained always with them and behind any sort of protest movements. Their participation in the National freedom movement under the Congress activists not only reflected their commitment to nation. But they believed that they would recover their lost lands under Gandhi raj. The Santals who were turned into hapless bargadars in their own lands never tolerated injustice. C. Palit observes that 'the tenant was made the bargadar on his own land at a rack rent as he was loath to emigrate' (Palit 1982: 62). Radicalisation of tribal politics had been attempted during this period. The Santals were eager to regain their lost lands. Even their participation in the Tebhaga movement in the 1940s and the Naxalite movement in the 1960s reflected this aspiration of the Santals. But these movements also did not fulfill their desire. So they had to find out new areas and ways of identity assertion for survival and progress.

Conclusion

Thus, from the above discussion it can be inferred that, though the Santals had to migrate under the pressure of some form or another, there is no doubt that they often migrated voluntarily for subsistence. When new options were opened to them under the initiative of the colonial government in the nineteenth century, they opted for those for survival and growth. The opening up of different routes to Assam, comparatively high wages than paid at home and the improvement in transport and communication facilities encouraged a considerable amount of voluntary emigration. They accepted the changes in the distant lands under different environment and later became adjusted with that life. It is often said that the migrant not only provides the human capital of social change, he/she acts as its agent. As such, he/she plays a definite role in shaping the ideas of its own community and the society in which he/she lives. The Santals were prone to the changes of industrialisation and urbanisation. But the diaspora of the village life was still cherished by them though in a reformed nature. Yet, the fact is that the changes often proved to be subversive that destabilised them from their traditional mores. This

became the reason for the onset of identity crisis and the collective endeavour to resolve it through various political and cultural movements.

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Colonial Law Making, Mining Lease Instrument, and Displaced Rights of Ho Adivasis

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Abstract

The study attempts to explore how and through what processes, deliberations and social interactions the state, during the colonial period, came to own minerals. It navigates official correspondence of the early British colonial era (from 1890 to 1926 AD) archived at the old Singhbhum district, now in Jharkhand state, to suggest that colonial officials heavily relied on taking over mineral rights of landlords while making law on minerals; and in the process, the rights of Ho adivasis and other ordinary tenants, who were the actual cultivators of soil, was heavily neglected and compromised. It is further argued that *colonial lease instruments* which were enforced after elaborate official legal critiques of earlier landlord-executed-mining-lease and concessions, was equally arbitrary, whimsical, contingent, and detached from the objective social reality. By critically reviewing modalities of a new colonial lease instrument in case of Messrs Tata & Son Co. (1907) it is asserted that the new ‘official’ ‘legal’ colonial lease instrument was equally unjust, non-inclusive and coercive in operational terms as it claimed for its predecessors.

Introduction

The British colonial law governing minerals projected the figure of the ‘state’ as the one and only owner and absolute proprietor of all mineral resources. The post-colonial Indian state yet again continued to largely draw its exclusive and decisive power over minerals from these colonial laws. The law empowers the state to control, ‘develop’ and dispose of, lease out, and auction minerals as state property. However, this act of vesting mineral interests in the state has proven to be deeply problematic, highly contentious, and largely incompatible with the rights and interests of actual cultivators of the soil who inhabit mineral resource rich tracts across the country (on colonial law-making on resources more generally see Washbrook 1981; Aarepampil 1996; Saran 2005; Menon 2007; Sundar 2011). This has led those regions into a permanent state of conflict between state and people.

The focus of the present study lies in how the state came to own minerals in the first place. Although historians have been writing on colonial law-making concerning forests since the 1980s (Guha 1983; Shivaramkrishnan 1999; Pathak 2002) there is still a dearth of archival work on colonial law-making on minerals; especially the processes, discourse and social interactions through which the colonial state came to monopolise, own and govern minerals. Mineral as a resource endowment were never taken seriously in the prevailing discourse either on private and common property or customary laws, as has been the case with forest (Guha 1983), land (Chakraborty-Kaul 1996) and water

(Upadhyay 2009) resources. The present archival study endeavours to fill this gap, by critically looking at micro-processes, official discourses, deliberations and social interactions through which the British colonial state successfully laboured and established its absolute claim over minerals.

This study largely draws insights from official correspondence, departmental files and reports of British colonial state (from 1890 to 1926) accessed from District Record Room cum Copy Section (*Zila Abhilekhagar avam Pratilipi Shakha*).¹ The record room is being maintained under the auspices of the office of Deputy Commissioner of West Singhbhum district, Jharkhand. The archival documents show that historically South Chotanagpur region; which is popularly also known as Kolhan² (abode of Kols), has been one of the most preferred site of resource extraction since early British colonial era (1890s). Therefore, this location has also been a significant site where colonial laws concerning minerals were first crystallised and then extended to all sites.

The study delves into the early encounter years, contact and confrontation between British colonial state officials and local landlords of Singhbhum district when, for the first time, the question of 'who owns minerals and who could give lease' came to the fore. Weaving an analysis based on archival data the study attempts to illustrate how ongoing social conflict and perpetual tension between Ho adivasi residents of Kolhan and local landlords (including Chiefs of princely estates) in the South Chotanagpur region over access to forest produce provided avenues to colonial state officials for stripping landlords of all the rights over mineral properties which they earlier enjoyed. Colonial officials then exploited this as a great opportunity to bargain for mining laws in favour of the state purportedly on abstract legal grounds and ideas. This study shows how colonial officials by disputing the validity of earlier forms of mining leases brought into force a new statist mining lease instrument. It takes up the case of Messrs Tata & Sons Co. Ltd., which entered the Kolhan in 1907, to critically analyse modalities of the new so-called 'legal' mining lease instrument. It is then observed that new *colonial lease instrument* (an umbrella term this study adopts to combine terms of lease, mining rules, re-settlement policy, compensation scheme etc. together) which were subsequently promulgated as mainstream, official and legally tenable form of mining lease was not much different from leases that were earlier executed by local landlords prior to colonial state intervention. Moreover, unlike its official claims, the new colonial mining lease instrument was found to be equally coercive, unjust, apathetic, contingent, whimsical and subservient to the interests of TISCO at the great cost of resident Hos.

This is hence suggested that British officials who brought colonial lease instrument were far more feudal in their approach than earlier local landlords, Chiefs and princely rulers. Prasad (Prasad 2003) points out available literature (Pathak 2002) on colonial law making miserably fails to highlight the role of capitalism; especially the way agents of capitalism were instrumental in 'setting up priorities of legislation'. The analysis of colonial lease instrument vis-à-vis case of Tata & Sons Co. offers an opportunity to foreground the role of capitalism in colonial law-making process and in subsequent legislative actions.

¹ Unless otherwise specified all file references are from this source-Deputy Commissioner's Record Room cum Copy Section (DCRRCS), West Singhbhum

² Kolhan was a Kol or Ho adivasi predominant region under direct British administration. It occupied total area of 1,955 Sq. miles out of which 531 Sq. miles was forest covered and remaining area was divided into 20 Kol Pirs or parganas. In Chaudhary, P.C. Roy. 1958. *Singhbhum Old Records*. Patna: Superintendent Secretariat Press

Colonial State action against the *Vernacular* instrument of lease

The advent of the 20th century turned into a major setback to the British colonial administration as soon as they noticed that a number of 'European merchants'³ had covertly acquired interests in the valuable mineral resources of Kolhan⁴ by route of signing lease deed directly with the local landlords.⁵ The fact of such lease agreements, for almost two decades (1890-1908), had remained concealed and unnoticed by the local colonial administration. Even the Settlement Officers who were entrusted to conduct a series of extensive field surveys and settlement operations in the Chotanagpur region, failed to observe this fact as neither ordinary *raiayats* (tenants) nor any of the colonial state representatives were ever made party to such lease agreements with the European merchant led mining companies.⁶ By the time this fact was brought to light the local *zamindars* (landlords) had already leased out large parts of estates under their 'maintenance' tenure⁷ to European merchants for mining. The colonial administration was disgruntled over the very fact that while assigning mineral concessions to the mining companies the local landlords had completely overlooked the 'interest' (in minerals) of Chief (descendent of the princely ruler) and of the Commissioner of Chotanagpur. It is to be noted that the local landlords had executed mining leases at a time when no legal prescriptions concerning mining lease and mining rules were laid down or yet defined by the British colonial state.

The colonial state officials responded to this disclosure by disputing the authority of local landlords in assigning mining leases. To these ends the colonial state raised questions over the validity of these lease agreements which were executed by the landlords without the consent of the colonial administration. So as to overturn these leases, colonial state officials ran them down by describing such lease agreements as informal 'vernacular' lease deeds.⁸ This particular labelling of mining lease deeds executed by local landlords during the early years of British colonial regime as 'vernacular' lease instrument paved the way for introducing an 'official', statist version of the mining lease instrument.

In order to maintain specificity, and for the purpose of comparison between the mining lease deeds that were executed by the local landlords during early years of British colonial regime with later version of colonial lease deeds, the above two versions of mining leases are categorised in this study as the 'vernacular' and 'colonial' lease

³ It is evident from the company's 'Memorandum of Association' that they were European merchant led companies that were floated as 'limited liability' companies and registered under the Indian Company's Act, 1882. Actual owners of these companies were Europeans however each company had their 'Managing Agents' and office stationed at Calcutta. The primary intention of the European merchants behind floating such company was to exploit mineral riches of Bengal province, particularly of Chotanagpur, where they were in abundance.

⁴ The Kolhan region was widely known as 'the adobe of Kols'. Here the word 'Kol' represented derogatory term in use for Ho adivasi inhabitants of the South Chota Nagpur region.

⁵ The local landlords were holders of certain grants consisting of group of villages called *Kharposh* villages. These villages were under their 'maintenance tenure' and their entries were made in the landlord's name by the Chiefs of the Political States.

⁶ Deputy Collector's handwritten note-sheet, dated 9 May, 1909; in, Official correspondence regarding 'Rights & Title of the Kera Iron Stone Syndicate, 1909-10'. DCRRCS, Singhbhum. Index no. 1561. Collection no. II Kera L.N.S. File nos. 22 of 1908-09, 1 of 1909-10, 13 of 1911-12, 9 of 1912-13, 3 of 1913-14. Wards.

⁷ The tenure granted over group of *Kharposh* villages that were assigned to relatives of the local chief as rent-free properties for the purpose of their maintenance.

⁸ Ibid.

instruments respectively. The study does not endorse the British labelling of mining lease deeds executed by landlords as vernacular lease. Instead, I use the term only to distinguish it from the official version of leases.

In this regard the local landlords who had entered into lease agreements with European private companies were sent *parwana* (memo) in April 1902 by H.J. McIntosh, then commissioner of Chota Nagpur. All the maintenance tenure⁹ holder landlords under the Thakur (Chief) of Kharsawan Political State who had reportedly leased out their *Kharpush* village properties to the European extractive companies for mining were summoned to furnish a ‘written statement’ to the office of the Commissioner of Chhotanagpur. The Commissioner demanded that they produce before him ‘original copies of the ‘vernacular’ lease deed’ that landlords had executed in their independent capacities and thereby sought their written explanation regarding ‘their rights, actions and nature of claim to the leased out mineral properties’.¹⁰ The Manager of the Kharsawan Political State who purportedly represented the interests of the Chief (then under his minority) in spite of being a British state official, was also informed and called in to confirm the facts of such lease agreements, give his opinion over the existing claims of the landlords, and verify whether the leases were approved by the Chief or not at the time of execution.

The fact of such license agreements was actually brought to light when Messrs Kilburn & Company petitioned the district officer of Singhbhum claiming the company’s mining rights over two *Kharpush* tenures (tenure over group of village under the maintenance of landlords) of Kharsawan Political State.¹¹ When the lease deed of this company (and also other companies) were recovered by the British officials it was found that the landlord of the feudatory state had granted mining concession to a company long back in 1890 to which the petitioner company was now claiming mineral rights by transfer. The *Thakur* of Kera Encumbered Estate had also authorised one Jasop & Co. in 1891 to excavate iron ore ‘from wherever it may be found’.¹² The entire Kera Estate or *Pir*, that comprised of 4176. 29 acres of so called uncultivated ‘wasteland’, was leased out for 50 years to a company on consideration of one thousand Indian rupees and a gem worth few hundred rupees.¹³ The landlords under the Chief of Kharsawan Political State had leased out mineral rights to representatives of an European company for a period of 20 years, with an option of renewal for another term, on receipt of Rs. 20000 as *salami* (tribute) and on payment of Rs. 30000, on account of rent for 20 years

⁹ Kharpush tenure or maintenance tenure given to the relatives of the Chief was not resumable by the state so long as any male member of the Kharpushdar family was alive as per the *Sanad*. It could only be interfered with previous reference to the Commissioner of Chotanagpur.

¹⁰ Correspondence letters regarding ‘Rights & Title of the Kera Iron Stone Syndicate, 1909-10’. DCRRCS, Singhbhum. Index no. 1561. Collection no. II Kera L.N.S. File nos. 22 of 1908-09, 1 of 1909-10, 13 of 1911-12, 9 of 1912-13, 3 of 1913-14, Wards.

¹¹ The claimant company itself had obtained rights through two episodes of transfer of lease. Messrs Kilburn & Co. claimed rights which it had obtained from Amda Mining Company. This company had obtained transfer rights by registered deed from Pat Pat Gold Co. Ltd., which again had obtained rights from Kharsawan Gold Syndicate. The mining lease was originally executed by the predecessor of Babu Mahip Narayan Singh Deo of Kharsawan Political State in July 1890.

¹²Original lessee Kera Iron Stone Syndicate in turn had transferred their rights to Messrs Jasop & Co.; Report submitted by Chistopgora Lakra on dated 16 April, 1909 to Singhbhum D.C. office.

¹³ Notes on the lease documents of Kera as was granted by Laxmi Naran Singh Deo, the *Thakur* of Kera estate, to some Kera Iron Ore Syndicate on dated 29 Nov., 1891.

which was fixed at the rate of Rs. 1500 annually.¹⁴ None of the lease deeds were found duly registered at British colonial state offices.

These lease deeds had authorised European merchants to have in possession all rights and title over all sorts of properties situated *over and under the surface* of all *Kharposh* villages, *dihis*, and *mouzas* of the estate that were part of landlord's rent-free property.¹⁵ In most of the cases, as per the recovered mining lease documents, all the river-beds, *nallahs* (water channels), trees, timber, wells, and hills that fell within the boundaries of *Kharposh* villages were claimed by the concerned landlords to be an 'immutable' part of their property to the lessee companies. While assigning mining leases the local landlords had exercised 'full proprietorship rights' over *Kharposh* village properties and the Chief, in most of the cases, admitted their claim to grant mineral concessions.

To this effect the above agreements had allowed private European companies to receive absolute rights (by transfer) over all existing underground as well as over ground property. At their liberty the companies could sink wells and also excavate tanks and water channels. In addition to this they (lessees companies) were offered rights to build officers' and coolie's houses on the *khas* (common) waste lands, install engines, and also grow crops, that too without paying any rent or *salami* to the landlords. In some of the cases, as was the case with uncultivated lands, companies were charged by landlords at a nominal rate of 2anna per *bigha* (unit of land measurement).¹⁶ Under the agreements companies were not supposed to separately pay any rent for lands required for laying railway lines, tramways and railway-sidings or other related purposes. For illustration the 'Memorandum of Association' of Kera Ironstone Syndicate reads 'rights' of the concerned mining company as:

...to cultivate and improve the lands and properties to be acquired by the Syndicate, and to develop the resources of the same by draining, clearing, and planting, and for the purpose aforesaid to purchase...livestock and employ such labour as may be required... sell or dispose of the produce of any mine, whether belonging to the Syndicate or not...to construct or subscribe towards the construction, maintenance, and improvement of roads, water works, reservoirs, tanks and canals, and also tramways, railways and other roads and ways and quays and wharfs for the purpose of the Syndicate or for access to and from the lands, works and properties of the Syndicate to connect the same with other lines of communication in or at any port, place, river or other outlet for traffic.

[Excerpt from 'Deed of confirmation of mining lease' attached to the 'Memorandum of Association' of Kera Ironstone Syndicate, countersigned by Laxmi Narain Singh Deb of Kera encumbered estate on dated 3rd April, 1895]¹⁷

The most interesting aspect of the *vernacular lease instrument* was that, invariably, all the companies were transferred mineral rights over a range of minerals at one go without reckoning their relative commercial value.¹⁸ Again, firewood, bamboos and

¹⁴ As appears from the mineral rights mentioned in lease documents of Kera and Kharsawan estates.

¹⁵ Tr. of lease deeds granted by (1) Babu Jugmohan Singh & Others to Kharsawan Gold Syndicate, (2) Babu Sita Nath Singh Deo & Others to Pat Pat Gold Mining Co. (3) by Raja of Porahat, as recovered from the concerned landlords; in. 'Grant of mineral concession by Raja of Porahat'; File no. 2025 of 1918; Revenue.

¹⁶ As appears from Mineral rights lease documents of Kera & Kharsawan estates.

¹⁷ 'Memorandum of Association' of Kera Ironstone Syndicate Ltd.; in 'Rights & Title of the Kera Iron Stone Syndicate, 1909-10'.DCRRCS, Singhbhum. Index no. 1561. Collection no. II Kera L.N.S. File nos. 22 of 1908-09, 1 of 1909-10, 13 of 1911- 12, 9 of 1912-13, 3 of 1913-14, wards.

¹⁸ As also in the case of a patta granted by Babu Sita Nath Deo & others of pargana Kharsawan to Pat Pat Gold Company registered at Calcutta under act VI of 1882.

timbers of whatever denomination (girth, height, and species), were all charged at very nominal prices per volume to the mining companies.¹⁹ The companies enjoyed liberty to bore, extract and melt ores against which the landlords had vowed not to interfere. One of the other interesting features of the lease was they charged royalty over minerals not in units of weight (per 'ton') but in units of volume (per 1000 cubic feet of ore) which was then in practice by the colonial forest department as measurement unit for the disposal of forest produces, mainly timber.²⁰ Yet again, the landlords had given an option to companies for continued possession and enjoyment of their mineral rights even on expiry of the said lease if the lessee (company) would, in future, agrees to pay slightly higher annual rent thereafter. Normally such lease extensions were for another fresh term of 30 or more years. The terms of lease, in some cases, were effective for an indefinite period of time or perpetual in nature as the landlord had vowed to the company that they could enjoy mineral rights till a male member survived in his family. Moreover, only in some of the lease deeds, it was explicitly mentioned that if the company wished to acquire possession of any private land belonging to a *raiyat* (occupancy rights tenure holders who were actual cultivators of soil)²¹, they would have to pay the concerned tenants proper price of their private lands. At certain occasions the lease deeds also disallowed companies to cut or fell certain valuable species of trees within the boundaries of the lease.²²

The close scrutiny of the terms and conditions of the above vernacular lease instrument suggests that acquiring mineral extraction licenses by the European companies by undersigning mutual agreement letters with local landlords was paramount to gaining license and absolute right over all the natural resources (all sorts of properties) attached to an entire or larger part of a feudatory estate. The landlords had practically transferred absolute control over the entire landscape to 'limited liability' European companies. In other words, companies under vernacular mining concessions could enjoy rights over all the properties whatsoever constituted the *surface and the underground* properties at the expense of everything standing on it and at its immediate surroundings. Alternately, transfer of rights through vernacular instruments of lease meant endowing rights of every nature, whatever could then be imagined by the local landlords. Such control was granted, however, irrespective of its obvious implications such as how the actions of the company were to affect the surroundings of the property given on mining lease. It is to be noted that the areas surrounding the leased out property mostly comprised of *raiayati* plots that belonged to villagers who hailed primarily from the Ho adivasi community of Kolhan. Again, the most striking feature of the terms of the above vernacular mining lease instruments was they were perpetual in nature; especially in those cases where tenure of lease was temporally valid till any male member of the landlords family survived.²³ However it is not clearly comprehensible from close

¹⁹ Rates were Rs. 2 anna and 6 Piece per Cart; It is to be noted that mining rights of Lanji range of hills in Kera estate were also part of lease agreement.

²⁰ In case of Kera Iron Ore Syndicate, the royalty was fixed at Rs. 3 per 1000 cft of iron stone for 5 years and then at the rate of Rs. 3 and 8 *annas* till the expiry of the terms of 50 years.

²¹ Occupancy right holders where actual cultivators of soil who were officially given patta in their name

²² As mentioned in lease granted by Thakur of Kharsawan; prohibitions on felling of following valuable trees: *Sal, Mahua, Mango, Tamarind, Kusum, Asan, Kendu, Sisam, Arjuna, Harre* & others.

²³ Perpetual lease were given by the predecessors of Babu Mahip Naran Singh of Sitarampur estate. In Babu Jugmohan Singh's 'Memorial' also it was decreed that even the chief or the Commissioner of Chota Nagpur could not resume tenure enjoyed by the landlord's family as long as any male member of the landlord's family survive. Thus transfer of mineral rights executed by them was technically effective for an indefinite period of time.

examination of the documents whether landlords were coerced by merchants to offer leases on such generous but detrimental terms. Nevertheless it is quite evident that they were bought over by cash and promised share in European companies. Again it may be tangentially inferred that landlords saw no use for the minerals otherwise.

Social standing of local Chiefs and landlords

This study argues that these generous lease agreements to European mineral companies were motivated by a feeling of insecurity about Ho hostility against the local landlords, coupled with the exceedingly huge sum of ‘deed money’ at one go, valuable gifts and founders’ share in companies. The landlords were hardly embedded in local Ho *adivasi* society and therefore cared nothing about the possible implications of mining (e.g. effect on farming) on village society while executing lease.

Historically Hos adivasis who are the *bona fide* residents of Kolhan (country of Kols) had never shown allegiance to neighbouring Rajah of Porahat, Kuwanr of Saraikela, Thakur of Kharsawan or any other Chief or local landlords of adjoining Mayurbhanj estate. These Chiefs were the princely ruler of their respective estates and the landlords happened to be their close relatives. Before British incursion these chiefs and Rajah had made many unsuccessful attempts to exact tribute from the Hos who enjoyed sovereignty over vast swaths of South Chotanagpur. The Rajah and Chiefs had chosen to project Hos in a bad light- as ‘fugitive’ elements or *Larka Kols* (fighter race of Kols). They patched up with British agents on the very condition that British would, using their military might, reduce ‘Kols’ to their subjugation. Finally in 1836 the Hos were subdued and coerced by British to pay tribute to their ‘lawful’ Rajah, Chiefs, and landlords.²⁴ After conquering the Ho country British political agents deliberately kept power of the local Rajah, Chiefs and landlords intact at the cost of subjugation of resident Hos. By issuing certificates (memorials) to local Chiefs and landlords British selectively empowered them to control Ho raiyats and realise ‘Jungle Cess’ in lieu of limited access to the forest produce (at rates entered in the special record-of-rights called *Khatiyan Part II*).²⁵ In the intervening years (1895-1907) even after declaration of major forest mass of Kolhan as government ‘reserve’ and ‘protected’ forests, huge chunks of left out forests were still left to the maintenance of the local Chiefs honouring ‘express wishes’ of the Rajah of Porahat (in 1902).

The new restrictions imposed over access to government forests coupled with especial arrangements made in favour of the local landlords further escalated the ongoing tension between local Chiefs and Ho raiyats. In addition to this, the local landlords under Chiefs had started demanding that the raiyats pay additional levy or salami (tribute in cash) on account of accessing forests under their maintenance tenure which was granted to the relatives of the Chiefs for maintenance purpose. However a commutation fee namely ‘Jungle Cess’ was already being paid by the raiyats as part of their fixed revenue rent. The landlords also prevented villagers from using water-tanks, *bandhs* (irrigation structure) and other irrigation facilities without their consent. Simultaneously they kept on persuading colonial officers to imprison raiyats accusing

²⁴ ‘Criminal Proceedings’ and ‘Summary of events, 1805-1836’. Wilkinson Ts. Agent to Governor General, Bengal Government, Judicial Department. 11 October 1836. DCRRCS, Singhbhum. Index no. 1046 (4 Feb. 1930). Collection no. X (304).

²⁵ The Commissioner of Chota Nagpur to the Secretary of Bengal (while referring to his letter); in ‘Jungle rights in Saraikela & Kharsawan’. DCRRCS, Singhbhum. Index no. 201. Collection no. X. File no. 18 of 1909-10 (Tr. 4 of 1910-11). Revenue.

them on charges of lifting forest produce (especially young *Sal* and *Gharsaj* trees).²⁶ The landlords had themselves, however, employed private contractors to dispose of and sell forest produce and timbers of the group of *Kharpush* villages under their maintenance. By the end of 1890s the landlords were largely disgruntled and fed up of frequent violent assertions led by raiyats as it was preventing them profiteering from the forests. It is that led them to handover their areas to mineral companies.

Colonial State verses landlords: Who owned minerals and who could give lease?

The local landlords in their written statement submitted to H.J. McIntosh gave an explanation as to why they executed mining leases without the permission of the commissioner.²⁷ They claimed that the villages leased out for mining by them were part of their “rent-free” property which had descended to them from generations. They strongly argued in favour of their joint title over both the *surface as well as subsurface properties* attached to the *Kharpush* villages, *mauzas* and *dihis* legally certified (as *Sanads*) under their maintenance. They also conceded that at the time of execution of leases their predecessors had no idea about getting them formally sanctioned by the colonial state representatives. The landlords under the Chiefs, however, asserted that they believed they had legal competency in transferring mineral rights in favour of either some company or their legal heirs at their discretion. As to their *zamindary* (landlord) status and associated rights and title they referred back to the written documentation of their discussions with Caption Dalton, representative of the British Empire. The discussion took place on 4th October 1851. The mutual agreement letter or *Sanad* between the colonial government and the local landlords under local Chiefs were well documented in their respective individual ‘memoirs’ (part of *sanad*). These recorded memoirs were issued to each landlord’s family by the colonial state considering their right to maintenance as relatives of local Chiefs. In the memoirs it was explicitly mentioned that even the Chief or the Commissioner of Chotanagpur could not ever resume the tenure enjoyed by the landlord’s family as long as any male member survived in that particular branch of the Chief’s family.

The colonial district officials, however, argued that the *Kharpushdars*²⁸ were generally not presumed to be entitled to lease out minerals.²⁹ They maintained that rights over minerals found in group of villages assigned to the landlords were solely vested in the Chief’s title who could revert back or cause termination of the landlord’s tenure with due sanction of the commissioner. And therefore they insisted that consent of the Chief was necessary in lease matters.

But soon the colonial administration detracted from their previous stance. When they retrieved original ‘confirmation of lease deed’ papers they were taken aback by the fact that some of the leases were, in fact, confirmed by the Chiefs as well. The Chiefs were also offered an ordinary or founders’ share in European merchant led companies. The

²⁶ See ‘Cutting and selling of trees by raiyats’. DCRRCS, Singhbhum, Index no. 1552. Collection no. IV. File no. 16 of 1915-16 (Tr. 44 of 1916-17). Wards

²⁷ Explanation furnished jointly by Babu Jugmohan Singh, Ram Mohan Singh & Ram Chandra Singh of Raidih *Kharpush* tenure of Kharsawan.

²⁸ Kharpush tenure or maintenance tenure given to the relatives of the Chief was not resumable by the state so long as any male member of the Kharpushdar family was alive as per the *Sanad*. It could only be interfered with previous reference to the Commissioner of Chotanagpur.

²⁹ ‘Inquiry report’. From H.D. DeM, Deputy Commissioner, Singhbhum to Commissioner of Chotanagpur. 8 May, 1908. In letter from Deputy Secretary, Government of India, to the Officiating Chief Secretary, Bengal, Foreign Department. Letter no. 1833-I, 5 May, 1892.

administration also confronted major embarrassment when W.H. Grimley (the then Commissioner of Chotanagpur), a Secretary level British administrator of Bengal province, was found guilty of connivance in assigning mining lease to a private party over Sitaramgarh estate. Such disclosure was indicative of pervasive corruption within the colonial administration.

During the colonial state deliberations on the ‘Mineral rights of Kharsawan’ quite a new legal interpretation of ‘rights’, ‘interests’ and also disabilities of various categories of existing tenure holders emerged. The colonial administration pushed forward the claim that as per the common law mineral rights could be vested only into such a person who possessed absolute proprietary rights to the land under which minerals were found and not to someone who was merely a subordinate proprietor or under-tenure holder; as was the case with the landlords under the local Chiefs. The British administration set aside all so called ‘vernacular’ lease agreements saying the landlords had rightful claim only over surface rights to the landed property under their maintenance. To further strengthen merits of above argument the colonial state officials first resorted to collectively valorise legal competency and position of a chiefs as against other tenure holders. They undermined legal competency and status of the landlords in giving mining lease by subverting their relative legal positions, claims and rights as addressing them as mere ‘under’ and ‘dependent’ tenure holder under the Chiefs. The officials further clarified to the local contending landlords that, ‘it has been held by the government that excise rights, Jungle rights and mineral rights are interests in the Chief’s title’.³⁰

But even the Chief’s position was put into question. The British used the ongoing violent resistance led by Ho villagers against their respective landlords over access to forest produce to claim that even the Chiefs had limited rights.

The colonial administration started arguing in favour of the office of the Commissioner of Chotanagpur projecting him as the only legally competent authority who could accord mineral rights to someone. The Manager of Kharsawan political state, a British administrator representing the Chief of Kharsawan during his minority, referred back to clause eight of the *Sanad* which was granted to the Chief by Viceroy Lord Curzon dated 8th March, 1899.³¹ Leaping a step forward, the Manager came with his own interpretation of the *Sanad* contending ; ‘the Chief of political states himself had no absolute power to grant mineral concessions without the sanction of the Commissioner, save the much lesser and subordinate kharposh-tenure holders’.³² He referred back to the last settlement report or the ‘Village Notes’ (also the first Settlement report) to affirm that the Chief had only excise rights and not proprietorship rights over his estate. The Chief himself being a title holder at the pleasure of the colonial state, the Manager argued, should not be allowed to make his own arrangements on mineral concessions. So, he insisted, it was an ‘absurd’ idea to consider case of a dependent-tenure-holder or landlords exercising mineral rights at their discretion. Finally, as a consequence of above deliberation, the colonial state administration decided to reserve all rights over all underground mineral properties and also power to dispose of, transfer and lease them out for the state itself or a legal representative acting on the behalf of the state. Thus the mineral rights came to be vested solely in the state only.

³⁰ Inquiry report filed by H.D. DeM, the Deputy Commissioner of Singhbhum (Old) district to the Commissioner of Chota Nagpur, dated 8 May, 1908.

³¹ Babu Himanshunath Chakroverty, Manager of Kharsawan political State, referred to a government order passed by colonial officer Mr. Gait on dated 18 January, 1907. DCRRCS, Singhbhum. (Index no. 124, R No. 56 E), 14 May, 1909.

³² Ibid.

The colonial state officials also created a dispute over the questions of landlord's share and ownership in royalty paid by the companies over extracted minerals. Initially they suggested dividing royalty between the Chief and the landlords under him in proportions agreed upon by the commissioner.³³ However, soon the officials retracted from it and maintained that companies should pay royalty directly to the agents of the colonial government on rates at par with similar mines that were running elsewhere.³⁴

Thus the local landlords as well as their Chiefs were stripped off of all the rights over mineral resources. They could now restrictively assert their legal claim and interest in only 'surface of the land' granted to them for maintenance, may collect surface-rent and be compensated against only the surface area of the land under mining lease, not the minerals found underground.

The contestation between the local landlords of Singhbhum and British state officials over the question of *who owned minerals and could give lease* thus was deliberately driven in a particular direction so as to favour interests of the British colonial state. This well orchestrated argument finally supplanted the 'vernacular' leases with a new unfamiliar yet legally tenable colonial lease instrument that largely relied on the wholesale appropriation of 'rights' and 'interests' over all the subsurface mineral properties by the colonial state itself. By extinguishing claims by all other parties the colonial state assumed paramountcy over landlords and other categories of land tenure as well; including raiyats. Unfortunately the change affected the ordinary *raiayats* who were the real cultivator of the lands under which minerals were found. The landlords and Chiefs could not strongly resist this outright appropriation of their mineral rights by the colonial state as they generally lacked power, mass support and foothold in the native Ho adivasi population. The companies, who all had earlier secured mining leases under landlords and Chiefs, reacted to this development albeit mildly. How the managing agents of companies took this as an opportunity to negotiate a better deal directly with state officials would be part of discussion in the next section.

The whole discourse on 'who owned mineral and who could give lease?' hinged on the already existing concept of various land tenures and cleverly splitting up tenure holder's rights into 'over the surface' (overground) and subsurface (underground) rights. The deliberations and legal interpretation of tenures inadvertently ate away mineral rights of not only the landlords, their chiefs but also ordinary raiyats who were given permanent patta (tenure) over the surface (over two feet thick layer of soil) of his land. These raiyats were mostly Ho adivasis who formed a blasphemous subordinate category of tenure holders so called occupancy-rights-tenure-holders. It was inferred, although raiyats were not party to the above dispute over mineral ownership, they too had legal claim over only the surface of land settled in their individual name as patta by the colonial state.³⁵

In light of above deliberations the then district official of Singhbhum declared all the so called vernacular mining lease deeds executed by the local landlords *ultra vires*.

³³The district officer had initially suggested that the Chief's (or the Commissioner of Chota Nagpur) 'nominal interest' in the property would be sufficiently represented by 10% of the overall rent payable to the tenure holder annually by the company.

³⁴Letter from Deputy Secretary, Government of India, to the Officiating Chief Secretary of Bengal province, Foreign Department. Letter no. 1833-I. dated 5May,1892

³⁵In earlier arrangements the Chiefs were title holders whereas the landlords under them were subordinate or 'dependent-tenure-holder'. The original tenants who actually tilted lands formed the lowest strata of under-tenure-holders.

The European merchant's plea against quashing of earlier lease

The European merchants, on the other hand, sought some relief claiming they had already paid very high deed rents to the local landlords. Concurrently, they kept on pressing claim over old properties that were previously leased out to them by the landlords. The merchants argued the colonial state took neither risk, nor the state do anything towards the 'development' of its natural resources, whereas the company had already sunk huge sums into mining with little or no profit.³⁶ They asked the colonial administration to be lenient towards them and allow companies to avail mining concessions 'on the most favourable terms and conditions'. Fearing adverse colonial state action the tone of their plea was very mild. The district officer instead asked contending companies to re-approach them with fresh mining proposals along with a detailed mining plan and area map.³⁷ The new maps included old lease area as well as new as merchants were adamant not to part with earlier mineral rights.³⁸ The merchants also expressed unwillingness to offer anything more than paying royalties that were now fixed based on differential commercial value of each type of mined minerals under recently enforced Mining lease Rules.³⁹ Surprisingly neither wasteful uses of mining leases by companies nor issue of efficiency was ever discussed. This could be because companies were not target of British officials.

Enforcement of Mining Rules: Waste Land Manual, 1898

In 1907, for the first time, the district officer of Singhbhum referred to various sections of the recently promulgated Waste Lands Manual, 1898.⁴⁰ Although the manual which had explicitly led mining rules came way back in 1898 the dispute over who owned minerals and who could give leases took a little longer time to enforce than at Kolhan. Nevertheless, the Waste Land Manual facilitated British official to assert interests of the colonial state in even more aggressive manner. On behalf of the colonial state, which had now emerged as the absolute proprietor and claimant of mineral resources, the British officials sought compliance from the mining companies with respect to the manual. The district officer wrote to the concerned companies to resubmit a fresh application for the mining concession adhering to the conditions laid down in the said manual (rule 22, section VIII).⁴¹ The promulgation and slight modifications of the

³⁶ ibid.

³⁷ Besides existing rights the company filed an application for primarily for copper, secondarily for manganese and galena, over an area of five Square miles that comprised of 15 villagers (10 Khas; 2 Service tenures; 2 *Brahmottar* villages and 1 village held jointly and partly by both a service tenure holder and a *Brahmottar*)

³⁸ As evident from the fresh mining lease proposals as submitted by Kilburn & Co. on insistence of the Deputy Commissioner, Singhbhum. The new agreements were drafted as per the guidelines and mining rules given in the Waste Land Manual, 1898. In 'Re-Mining lease in feudatory state of Kharsawan'. DCRRCS, Singhbhum. Index no.33. Collection no. I-Khar. File no. 11 of 9 February 1907.Wards.

³⁹ The description of the royalty over different sorts of minerals first appeared in the 'Waste Land Manual,1898'.

⁴⁰ 'Re-Mining lease in feudatory state of Kharsawan'. DCRRCS, Singhbhum. Index no.33. Collection no. I-Khar. File no. 11 of 9 February 1907.Wards.

⁴¹The Waste Land Manual prescribed a 'Model Form' or 'Form-R' for the mining lease applications. The Schedule B prescribed 'Deed Rent' to be paid after first year at different rate per mineral and schedule C of the manual gave the schedule of rates for each mineral that were considered for mining concession to the companies. Again it provided that the lessee company should not pay both royalty and deed rent at a time with respect of the same lease and for the same type of minerals, but only whichever might be the greater amount.

‘Mining Rules’ that were stipulated in the current Waste Land Manual, 1898, strengthened the colonial state’s recent act of wholesale appropriation of rights and interests over subsurface properties by route of reconfiguring them in favour of the colonial state. This act, at one go, alienated all sorts of rights and claims of other existing tenure holders, now entitled to receive only surface rent or ‘reasonable compensation’ against surface area of lands brought under mining.⁴²

With the enforcement of the stringent provisions of the said manual the ‘deed rent’ and ‘royalty’ payments were also, now onwards, considered as the absolute interest of the colonial state. Again the lease hold rights over subsurface properties could not be assigned or sublet or transferred to other parties without due consent and approval of the local state agent or the commissioner.⁴³

Moreover, by merely paying the surface rent, the lessee (company) could take up practically any work connected to mineral development; including railways, tramlines etc. at their own expense. This newer format just like the earlier vernacular lease instrument, maintained that the companies could still subscribe to any sort of work connected to mining; e.g. construction of buildings and coolie houses, construction and maintenance of roads, water works, reservoirs, channels and tramways etc. Lessee could also cut-down trees of all descriptions and denominations on government permits. The colonial state officials, going out of their way, on various occasions favoured mining companies in mass felling of trees.⁴⁴ The royalty over minerals in ‘New lease agreements’⁴⁵ were now fixed annually (as 2.5 percent annually) or for a term on the sale value of the ore either at the mined pits’ mouth or on the surface, or of the dressed ore or metal convertible, at the option of the lessee. In the event of discovery of new minerals local agents of the colonial state could approve or modify leases and re-fix royalty. The companies who ratified and submitted fresh applications adhering to the Waste Land Manual, 1898, and deposited specified annual surface rent to the respective ‘encumbered estate’ (the political state) department were issued ‘registered’ re-lease certificates on the behalf of the colonial state. Thus, by enforcing the Waste Land Manual, 1898, the colonial state ensured that any income on account of mineral resources went directly to the state’s treasury.

In the newer arrangements Deputy Commissioners were asked to make periodic enquiries into the sufficiency of new as well as existing mineral leases. If, at any point of time, an officer thought that the monetary considerations appeared to be insufficient, he was authorised to set aside the lease agreement, issue show cause notice to the company and demand the remaining dues.⁴⁶ In significant cases, the Deputy Commissioner personally took interest in these matters and visited sites with the company’s mining

⁴² The surface rent was accessible under the prevailing revenue or rent laws. Across Kolhan region (erstwhile ‘Kolhan Government Estate’) surface rent over land was very nominal amount.

⁴³ ‘Royalty on Minerals and instructions of the *Patta*, 1900’. DCRRCS, Singhbhum. Index no____. Collection no.____File no. 1557 of 1919. Ward

⁴⁴ The woods required by the Jessop & Company Ltd. to built temporary buildings in proximity of their mining sites were shown of inferior description by the mining engineer Mr. Herbert Wilson, still jungles (at Lanji & Bandijeri villages) nearby company’s mines were allowed to fell on remittance of Rs. 28 and 12 annas only by Babu Ajoy Chandra Das, Wards Deputy Collector.

⁴⁵ As evident from the fresh lease document submitted by the Kilburn & Co. on insistence of the deputy commissioner of Singhbhum; A fresh lease agreement was drafted under the provisions given in Waste Lands Manual, 1898, ‘Title of the lease deed’. In ‘Re-Mining lease in feudatory state of Kharsawan’, DCRRCS, Singhbhum. Index no.33. Collection no. I-Khar. File no. 11 of 9 February 1907. Wards.

⁴⁶ Terms of the ratified fresh lease executed in favour of the Jessop & Company by the local government on April 1909 (Original lessee of Kera Ironstone Syndicate Ltd. had transferred their rights to this company).

engineers.⁴⁷ There were a few good things about new mining rules. The lessee companies were asked to maintain a boundary mark on the lease area and give reasonable compensation to occupants (tenants) for actual damage done to their private property.

Moreover, the manual rules, favouring companies, directed the Commissioner merely to take a simple concurrence of all other tenure holders, including Ho raiyats, who had any interest or claim in the leased out property of villages.

Surge in extractive operations across Kolhan

The first decade of the 20th century was also marked with huge flux of ‘limited liability’ companies which were registered under the Indian Companies Act, 1882.⁴⁸ These mineral extraction based companies were established across South Chotanagpur, particularly at Kolhan region as their most favourite destination. This fact is quite evident from the ‘Annual report of Forest Administration of Singhbhum division’ filed by the colonial forest officials for the assessment year 1911-12.⁴⁹ The report published by the colonial state forest department, for the first time, exclusively gave details of ongoing mining and related works at Singhbhum.⁵⁰ During the said assessment year the Singhbhum forest division had collected 80 percent of its revenue from minerals (as major forest produce) and only 2 percent from minor forest produce. So far the idea of minerals was not separated from how the colonial state viewed usual forest produce such as resin, timber etc. All of them were ‘harvested’ just like ‘forest produce’ and came under purview of colonial forest department.

It was only in 1929 that separate reports exclusively dedicated to ongoing ‘mines’ operations in the district were first prepared. The reports like- ‘Annual report on the working of the mines’; ‘Royalty and rent payable by Babu Mangilal Rungta’; ‘Disposal of Mathematical instrument of mining department’ and ‘Regulation for prohibiting employment of women in underground mines’, which all appeared in 1929, suggests establishment of an independent mining department by that time.⁵¹

Interestingly, both timber reserves of the over-ground forested outgrowth and also the underground minerals (e.g. limestone, iron-ore etc.) were now legally considered as part of the ‘sub-surface’ properties belonging to the state. This convenient legal arrangement assigned equal legal status to mineral-ore-bodies and commercially exploitable timber mass. Although such arrangement was logically incongruent it allowed extraction of timber mass simultaneously with underground minerals, in step by step manner, such that the same company was given license to extract both at a time. Undoubtedly the Hos must be employed as labour at the mushrooming mining and timber extraction industries such details were altogether missing from the report filed by the forest department.

The annual report revealed ‘promising’ figures of development in the mining sector at Kolhan. The major forest ranges of Singhbhum like Saitba and Santara range were converted into ‘working circles’. The Ghatkuri block was worked over on the ‘coppice

⁴⁷ Inferred from ‘Tour Diary’ of the Deputy Commissioners of Singhbhum

⁴⁸ Kolhan region seems to be open for mining works since 1890s.

⁴⁹ Report attached to the ‘Annual Progress Report on Forest Administration in the province of Bihar and Orissa for the year 1911-12’. DCRRCS, Singhbhum. Index no _____.Collection no. II; File no. 11 of 1912-13, Revenue

⁵⁰ Till that point of time all mineral properties remained under the supervision of the colonial forest department.

⁵¹ Refer to Collection nos. 2121, 2124 and 2125 of 1929 (Revenue) respectively. DCRRCS, Singhbhum.

system'⁵² to supply fuel to some Bengal Iron & Steel company Ltd. About 265064 cubic feet of timber was allowed to be cut on 180 acres of forests in Tholkabad in Saranda *pir* at Manoharpur to give way to the construction of private Light Tramway Line of Bengal Iron & Steel Co. Ltd. The same company held lease for extraction of iron ore in Pansiraburu, Buda and Natu hills and reportedly removed 58,079 tons of iron ore in span of a year. Similarly *Sabai* grass was exported from several railways stations of the lessee companies. Even small leases (e.g. for *Tassar* cocoons) were sold and minor forest produces were disposed of under ordinary government permits. The 'coupes' of Santara and Porahat forest 'working circles' were put up for auction and outright sale. An Extra-Conservator of Forests was appointed exclusively to take up the 'coppice experiments' as his full vocation. In one of the very recently carved out forest division namely Kolhan forest division also similar interventions were allowed over 246 acres of forested lands (out of 1485 acres of Protected Forest area) in *mauza* Nawagaon, Lokesai, Bara-Luia, San-Luia, Talaburu, and Illegera of Gumra *pir*.⁵³ Bengal Timber Trading Company had worked out Samta 'working circle' under contract with the local colonial administration and had recently expanded its operations to work out Ghatkuri forest blocks where large reservoir of iron-ore was recently prospected. During the reporting year 1911-12 two new prospecting licences were also granted for iron-ore extraction over 1.17 and 0.44 Sq. miles in Saranda forests at abysmally rental per annum. Messrs Cooper Aleen & Co. Ltd was conducting extractive operations in Leda block; Messrs Schooder Smith & Co. were carrying on prospecting operations for chromites over a large portion of the Saitba forest block and licenses of a number of European companies were renewed during 1911-12. Other than European merchants led companies some of the wealthy Bengali merchants had also entered into the space.⁵⁴ For instance Babu Sudhanshu Bhushan Mukherji and Birendra Kumar Chaterji were granted lease for limestone extraction in Bora block of Porahat forests on payment of a nominal surface rent (Rs. 100 per annum) plus token royalty (Rs. 4 anna and 4 pies). Some Indian geologists like P.N. Bose of Mayurbhanj district was also prospecting for gold in Ankua forests. Concurrently, works on opening cart-roads were pushed most vigorously than ever before in the district so as to open up the whole region for extensive mining. During the reporting year, altogether 38 miles of all-weather and cart-roads was constructed with special state grants released for connecting reserved forests of Singhbhum division to the popular trading routes.

When these colonial state interventions are observed as in continuation with the state led actions which were concurrently taking place; such as survey settlement operations, demarcation of forests into the categories of 'reserve', 'protected', 'demarcated' and 'village forests', conversion of large chunk of forest reserves into 'working circles', and bringing them under 'coppice system' experiments, they suggest that the colonial state actions were nothing but preparatory moderations directed towards supply of fuel to the booming mining industry at Kolhan so that forest mass could be vacated and people evicted to give way to the flourishing mining industry.

⁵² Systematic felling of Sal trees in forested areas marked as 'timber reserves'.

⁵³ 'Working plan of the Kolhan Division (forests) 1915-16'. DCRRCS, Singhbhum. Index no. 2027. Collection no. II-Forest. File no. 18, 5, 6, & 7 of 1915-16-17-18. Revenue.

⁵⁴ 'Regarding Mining lease for quarrying Lime Stone: 1906-07'. DCRRCS, Singhbhum. Index no. _____ Collection no. _____ File no. 2080; Revenue.

Entry of Messrs Tata & Sons Co. (1907) in Kolhan

Meanwhile Messrs Tata & Sons Co. Ltd. emerged as the foremost private Indian player at Singhbhum to bid fair in iron-ore mining and steel industry.⁵⁵ They set forth for their projected Iron & Steel Works in year 1906-07. The company privately financed geological survey of Kolhan and Mayurbhunj state however private prospecting was not allowed before.⁵⁶ William Selkirk⁵⁷, a London based mining engineer hired by Tatas, estimated 14 million tons of high grade iron-ore (60% of metallic iron content) to exist at neighbouring Mayurbhunj state alone with main ore-body spread across southern most parts of Singhbhum.⁵⁸ Tata & Sons Co. marked out a favourable site at the neighbourhood of Sini railway Junction at north Singhbhum for laying down the proposed 'Tata Iron & Steel Works'. In their prospectus Tatas mentioned that; 'the natives in the surrounding were accustomed for centuries past to the manufacture of iron in their primitive ways, and they could provide adequate labour.'⁵⁹

Abundant supply of principal materials to feed proposed steel industry (coal and limestone), commercially high grade iron-ore reserves and low cost of transit on the Bengal-Napur Railways⁶⁰ proved conducive for profitably laying down a large Iron & Steel industry at Singhbhum. The fabulously rich iron ore fields, railways and freight concessions, handing over of all government land and forest survey-settlement reports, topographical survey maps⁶¹, plans, etc. along with numerous other privileges, as were extended to the Tata & Sons Co., made the investment into mining sector at Kolhan very attractive even for the other private investors.⁶²

The colonial lease instrument

The course of colonial state interventions and outright favours that were extended to the newcomer Tata & Sons Co. provides us with a critical lens to evaluate and analyse various modalities, intricacies and components of the colonial lease instrument in detail. The entry of Tata & Sons Co. paved the way for full fledged deployment of the Colonial lease instrument which had, by then, completely supplanted earlier so called vernacular lease instrument. However, the study argues, these two lease instruments were very

⁵⁵ Original Proposal of 'Messrs Tata & Sons Projected Iron & Steel Works'. File no. 11 of 1906. In 'Proposal (finally abandoned) for acquisition of land for the Tata Iron & Steel Works at Goilkera'. DCRRCS, Singhbhum. Index. No. 42. Collection no. IGR. File no. I of 1907-08. Revenue.

⁵⁶ Tatas were allowed to privately conduct prospecting and survey work. Otherwise it was only the colonial Geological Survey Department which could conduct boring, drilling and prospecting operations. Latter a part of expenditure used to get reimbursed to the government's Geological Survey Department by the private parties interested in mining. And also the mining applications were to be approved by the said department.

⁵⁷ Eminent Geologists like that of the stature of Charles Page, were also hired by the Messrs Tata & Sons Co. Ltd. The Mayurbhunj state Geologist P.N. Bose also had matching findings with William's estimation.

⁵⁸ During this period a mining company was free to conduct geological surveys and to get their findings subsequently recorded in the Geological Survey of India.

⁵⁹ 'Proposal (finally abandoned) for acquisition of land for the Tata Iron & Steel Works at Goilkera'. CRRCS, Singhbhum, Index. No. 42. Collection no. IGR. File no. I of 1907-08. Revenue.

⁶⁰ Railway line of a broad gauge line, equipped with specially designed wagons, placing the proposed sites of furnaces in direct railway communication with the iron-beds.

⁶¹ Chotanagpur Topographical Survey maps which were prepared by the colonial state in 1863-64.

⁶² 'Annual report of Forest Administration of Singhbhum division, 1911-12'. In 'Annual Progress Report on Forest Administration in the province of Bihar and Orissa for the year 1911-12'. DCRRCS, Singhbhum. Index no. ___. Collection no. II; File no. 11 of 1912-13, Revenue.

much similar in all respect except now it was absolutely the state prerogative to give mining lease. In this section we will see how number of contingent express orders and arrangements were made by the colonial state administration only at the instance of the company.

On the southern part of the Singhbhum district, at Noamundi, Jamda Block-I, Tatas commenced iron-ore mining operations. During the early stage of the Noamundi mines trees were cut down at a very rapid rate. Initially there were provisions that the company should give prior notice to the state office and seek permission to cut trees along the face of the mines.⁶³ In order to avoid undue delays and considerable loss owing to delays in execution of the permits for felling trees the company proposed appointment of a company *Mohussin* (supervisor) and agreed upon paying his salary and allowances.⁶⁴ The company *Mohussin* would now promptly take measurements of trees that the local mining manager wished to cut down avoiding holding up of work. The authority of this state official was also enhanced so that he could deliver instant measurement and release permits to the company staffs ‘to cut any tree necessary of whatever size within mining lease areas’.

In the intervening years, between 1907 to 1926, a large acreage of land; approximately 237 acres of cultivated raiyati lands on the northern part of Noamundi, was brought under extensive open cast strip iron-ore mining. The Ho village lands so brought under mining had very low percentages of government ‘waste land’ rather most of the lands were either *gora* (cultivable upland) or *bad* (second class of rice lands) lands.⁶⁵ These acquired rayati lands were compensated at an unrevised rate that was kept same as it was twenty years back in 1890 during the land acquisitions drive for Bengal-Nagpur Railways. A special ‘Kolhan Inspector’ was also appointed exclusively to look into and expedite matters of land alienation and to fetch the assent of raiyats (700 families) who were forced to migrate in order to give space to Tata’s extractive industrial enclave. To lay its foundation and to serve daily needs of its Noamundi based mining labourer camp the company converted the only perennial source of drinking water or *nalla* (natural water drainage line) of the adjacent Ho villages into a nice ‘sanitary-reservoir’.⁶⁶

By mid of the year 1926, as the first phase of mining was over, the iron ore bodies of Hill 1 of Jamda Block I had already exhausted. Tatas came with a fresh proposal for expansion of the existing mining infrastructure.⁶⁷ They wished to open up a contiguous patch of ore-body marked as Hill 2 and Hill 3 (marked in red colours in their map) for

⁶³ Under clause 3, part III of the lease agreement the lessee was required to take permission to cut down any tree for the purpose of mining and Divisional Forest Officer would depute an officer for measurement of trees to be cut down. There were also limitations on the size of trees allowed to be cut down.

⁶⁴ Letter from Superintendent of Prospecting, TISCO to Deputy Commissioner, Singhbhum. dated 14th December, 1926. DCRRCS, Singhbhum. reference no. PG. 4617/ 13-7; Collection no. 10 of 1926; Revenue.

⁶⁵ The total compensation amount for the lands acquired in Jamda Block-I was calculated as Rs. 987, 15 *anas* and 6 paisa which was deposited to treasury office in favour of Deputy Commissioner. The said compensation was arrived for raiyati lands of Kurta, Rangi Buru, Mali buru, Kalimati Buru villages at a fixed rate of Rs. 80 per acre, irrespective of the type of land acquired.

⁶⁶ Land was acquired for the purpose of ‘sanitary improvement measures for Namundi Camp near Jamda Blcok I of mines’. In ‘Acquisition of land: TISCO’. DCRRCS, Singhbhum. Index no. 386. Collection no. XII. File no. 4 of 1927. Revenue.

⁶⁷Tatas, in this first expansion phase of mining, conveniently rooted out all the original settlers of Kurta village by acquiring 268 *raiayati* plots; all cultivated lands comprising 155.30 acres which included homesteads and village forest.

extraction.⁶⁸ In order to ‘develop’ mineral resources of the ore bodies 2 & 3 the company wished to graze over the attached reserved forests area southwards to Jamda Block I. They also proposed to run a tramline from Hill 2 southwards towards Hill 3 which was entering into a reserved forest area. With regard to these new proposals J.R. Dain, the then Deputy Commissioner of Singhbhum, sought the advice of the Conservator of Forests of Bihar and Orissa A.J. Gibon emphasising why it was so necessary to part with a chunk of government reserved forest. Dain argued:

Grant of mining rights in an area carried with it by necessary implication- an understanding that the lessor will grant the lessee such surface rights as are necessary for access to the minerals and for facility of working, and certain express provisions are made for the purpose in Part II of the standard lease.⁶⁹

To part with the forest lands was ‘unusual’,⁷⁰ for the forest department. This time, as an exception, the Conservator of Forests not only consented to part with a big chunk of the Reserve Forest area but also enthusiastically allowed deforestation of further 145.30 acres of Gundijora Protected Forests (Block no. 2)⁷¹ purportedly in the name of ‘securing’ jungle rights that were previously enjoyed by Gundijora area residents who feared complete eviction. Immediately a detailed “deforestation proposal” for the said Reserved Forest area to be occupied by the company were prepared and executed.⁷² The local colonial state administration was acting under tremendous weight and pressure by their superior administrative officers at the centre to extend favours to the Tata & Sons in all possible ways.

It needs to be noted that the same forest department had earlier denied entertaining any proposal for releasing either any portion of the Reserve forest or Protected forest areas to make them available for the re-settlement of *would be submerged villagers* under ‘Goilkera Reservoir’ scheme of the company.⁷³ That time the forest officials had said that they did not want to set a wrong precedence or a trend where, for every other case of land acquisition, the department is asked to release forest lands for re-settling raiyats.⁷⁴

Although by resettling villagers on the cleared Protected Forest lands the colonial administration deprived them of their right of reclamation of new cultivable lands or extension of cultivable lands, as against what they enjoyed in their original village.⁷⁵ It

⁶⁸ Note sheet in ‘Royalty and rent payable by the Tata and Steel Co. Ltd.’ DCRRCS, Singhbhum. Index no. 387. Collection no. XII. File no. 4 of 1927. Revenue.

⁶⁹ Official letter from J.D. Dain, Deputy Commissioner of Singhbhum to A.J. Gibon, the Conservator of forests, Bihar & Orissa, dated 2 May, 1927.

⁷⁰ ‘Unusual’ because in the past decades the conservators represented interests of forests department and had categorically declined to part with any portion of reserved forests and protected forests to give room to similar proposals.

⁷¹ The forest department was directed to dispose of trees of girth 3 feet standing over the new lands in P.F. area.

⁷² A.J.Gibson, the Conservator of Forests to J.D. Dain, the Deputy commissioner. dated 6 April, 1927, on the subject ‘settlement of land for the villagers of Kurta in Gundijora Protected Forests block no. 42’

⁷³ Reply of the Chief Conservator of the Forest against Memo issued to the Deputy Commissioner by the Commissioner of Chota Nagpur, dated 5 January, 1907. DCRRCS, Singhbhum, Memo no. 553 d/mt. receipt no. IGR, File sl. no. 1634

⁷⁴ ‘Proposal (finally abandoned) for acquisition of land for the Tata Iron & Steel Works at Goilkera’. DCRRCS, Singhbhum. Index. No. 42. Collection no. IGR. File no. I of 1907-08. Revenue.

⁷⁵ At the same time the colonial government were claiming to promote Hos of Kolhan to reclaim cultivable lands to achieve target of exponential increase in revenue earned from rents.

so happened at a time when the colonial state was painstakingly promoting raiyats of Kolhan to reclaim and bring even more lands under cultivation.⁷⁶ Moreover, under new arrangements, the Protected Forest area (block no. 45) was practically inaccessible by newly resettled villagers of Kurtha and also the existing grazing rights of neighbouring Gundijora village residents were heavily compromised.

Re-settlement policy: No room for evicted *raiyats*

The company vigorously pushed forward proposal for constructing of a huge reservoir with storage capacity of 600 million cubic feet of water to ensure uninterrupted industrial water supply. A suitable site was looked for the construction of a water-reservoir which could conveniently be located and provide 4 million gallons of water per diem (for each day). Soon the 'Giolkera reservoir' scheme gained currency for its feasibility and relative convenience to the company.

The proposed site, situated in the catchment of Sona and Sanjay rivers, was reportedly exclusive for its eco-sensitivity and actually lay in a cup surrounded by hills that received abundant water supply through multiple drainage lines and so harboured very rich rice fields. The patch contained valuable paddy fields that were prepared several generations ago by ancestors of the Ho adivasis. The portion of land that was threatened to get submerged mostly consisted of cultivable lands belonging to adivasi raiyats.⁷⁷ The execution of this project threatened to further evict 18 Ho villages (1500 families).

The raiyats of the Ho villages made serious objection to such developments. The would be submerged inhabitants filed numerous petitions to the local state administration and expressed their resentment over the state's instance of evicting them from their ancestral lands to make room for Messrs Tata & Sons company's reservoir scheme.⁷⁸ While the local colonial administration tried to induce villagers to evict lands, at the same time, villagers emphatically refused to migrate or get re-settled to other locations. Categorically rejecting the idea of re-location the villagers pleaded to the local colonial administration arguing they had been long established on those lands. Their ancestors' grave were also present, their ancestors had cleared and embarked (terraced) the most fertile *bera* (low) lands with great labour and hardship, and that they would not go to Balilor (an inhabitable & inhospitable place near Tholkabad at Saranda *pir*) or anywhere else if offered. They insisted that the 'money compensation' was useless to them and said they would refuse to accept, whatsoever, money given to them on account of compensation. In a petition filed by Khosen Munda & 333 Other, the villagers collectively submitted to the Commissioner of Chota Nagpur that 'they have made up their minds to drawn themselves in the proposed reservoir than to leave their homes and wander about in search of new homes'.⁷⁹

⁷⁶The colonial state was promoting land-reclamation so as to achieve target of exponential increase in total land revenue collection from Kolhan which could only be possible by exponential increase in surface area under individual cultivation.

⁷⁷ Total 7985 *bighas* and 8 *chattank* of land; out of which 3887 *bighas* and 13 *chattank* of cultivated lands belonged to Ho adivasi *raiyats*, and 4097 *bighas* and 15 *chattank* were government waste lands.

⁷⁸ From Behra Ho & Others; see also petition of Khosen Munda and others to the Commissioner of Chota Nagpur filed on the behalf of the inhabitants of villages Komai, Ichakuti, Guigam, Sombra, Otadiri, Kupui. All these villages were situated in Goilkera Pir of Kolhan Pargana.

⁷⁹ From Khosem Munda & 333 Others to the Commissioner of Chota Nagpur on the behalf of the inhabitants of villages Komai, Ichakuti, Guigam, Sombra, Otadiri, Kupui. All these villages were situated in Goilkera Pir of Kolhan Pargana.

The colonial state officials were presented with choices to make with respect to. the Goilkera-reservoir proposal in between ‘the dispensable ‘*kols*’ (Kols: a derogatory term used for Hos) and the Tatas who forcefully claimed; ‘we consider the Goilkera scheme as indispensable factor for the establishment of the Iron & Steel works’.⁸⁰ Meanwhile a number of petitions from the afflicted villagers started piling up in the state offices.

The colonial administration, showing absolute apathy towards the raiyats, continued executing the project. The Divisional Forest Officer kept himself busy in making ‘statements’ on the value of timbers and trees on the raiyati and forest lands to be acquired. The sub-inspector especially recruited for this specific purpose went over the grounds to notify raiyats that they might have to go to the neighbouring Mayurbhanj state. What they did not discuss was the agony of the villagers.

Even though the scheme undoubtedly was expected to cause great sufferings to the Hos the proposal was aggressively pursued and lobbied by both the company and the local colonial state officials alike. Despite huge resistance posed by afflicted villages the colonial state officials sanctioned construction of the water reservoir at Goilkera which could hold 2500 million cubic feet of water, as against 600 million cubic feet of actual requirement that was previously estimated to be enough to run the proposed iron and steel industry. Yet again the Secretary to the Bengal government wrote to the Secretary to the Public Welfare Department (PWD) that the ‘Government recommends that no charge should be made by the government to Messrs Tata & Sons in terms of Royalty or otherwise for the use of water.’

The forest department denied resettling evicted raiyats on government forest lands and the tenancy law (freshly introduced Chota Nagpur Tenancy Act, 1908) disallowed transfer of land in Kolhan across revenue circles. Thus there was no room to accommodate the above would be submerged inhabitants to settle them within the territory of Kolhan. Finally they were evicted to the neighbouring state of Mayurbhanj (Keonjhar) under the supervision of the Political Agent of the Feudatory States of Orissa.⁸¹

From the above narrative it is clearly evident that the colonial forest department was always ready to part with otherwise fiercely safeguarded Reserved Forest and Protected forest lands as and when it was required to do so in the interest of the company. Whereas, at the same time, forest department remained largely adverse to the idea of accommodating displaced raiyats on the government forest lands exclusively for the purpose of re-settlement.

Colonial State’s compensation scheme

These new land acquisitions were now taking place u/s 50 of the Chota Nagpur Tenancy Act, 1908. In the new acquisitions there was no provision to calculate compensation to the afflicted villagers for either ‘government waste land’ or *gairmazrúa am* (village commons) land. The colonial state gave rationale that in either case, post-acquisition, the treasury would continue to receive surface rents paid by the mining companies. Nor the compensation was considered for the forest lands (declared as Village Forests) which the villagers earlier enjoyed as commons as per the entries of

⁸⁰ Letter from mining department of Tata & Sons, to Mr. R.C. Hamilton, Deputy Commissioner of Singhbhum, dated 6th April, 1907. DCRRCS, Singhbhum, File no. 26; collection no. I.G.R. Revenue. reply no. R/143 of 22 April, 1907.

⁸¹ Tributary Mahals in Orissa were under the management of a political agent of the British government.

Khatian part II (Record-of-Rights)⁸²; Jungle rights and under existing customary rights and privileges. As per new provisions, in the event of land acquisition, only tenant's interests in cultivated, homestead and raiyati-waste-lands were valued. Houses of raiyats were valued on the basis of plinth area, valuation of trees standing on the *Mauza* was arrived at through weird calculations and thumb impressions of illiterate Ho's were taken as the proof that compensation had been met.⁸³

Though the quality of lands and their yielding capacities were more or less the same the 'market rate'⁸⁴ of raiyati lands across Kolhan was considerably very low as compared to the neighbouring Porahat and other states.⁸⁵ Again there were huge discriminations in valuation of the interests (or compensations) of the landlords to the tenants against loss of the land such that the latter were estimated at rates less than half to the former.⁸⁶

Idea of compensating 'remunerative labour' as against 'inter-generational labour'

When it comes to compensation it would be unfair to consider all colonial state officials to be of the same ilk. Few of them, like H.D.deM. Carry, who was then Deputy Commissioner of Singhbhum district, went out of his way in empathising with and pressing demands in favour of the afflicted Ho population. Carry invoked and valued the 'intergenerational labour' to deprecate the idea of handing over cash directly to the raiyats in lieu of their stripped jungle rights.⁸⁷ He believed that the intergenerational labour represented the labour of multiple generations and hence was against merely handing over cash to the afflicted generation of the raiyats. He distrusted that the raiyats would prudently spend the monitory compensation given to them in lieu of their stripped jungle rights. Instead Carry advocated that the same money may be used to ensure the 'new settlers' jungle rights similar to those enjoyed in Kolhan. However B.B. Willcox,

⁸² This special part of 'Record-of-Rights' had come into existence (settlement report no. 775 of 6th May, 1887) as a "will" after settling claims of tenants through special forest settlement operations that were conducted at the time of formation of the Reserved Forests. They were issued in the name of the customary village head or Mundas expressing rights of villagers in accessing timber, fruits and other jungle produce, and also grazing rights.; in 'Khatian Part II'. DCRRCS, Singhbhum. File. No 1499 of 1909.

⁸³ Derived from the 'statement showing valuations of trees' (*Peepal, Palas, Jackfruit, Mango, Mahua, Ber, Sisam & Imli* trees only) & the 'statement showing valuation of different class of lands' (government waste land, *Gairmazrua am*, tenants waste land, *gora, bad, bera* and Homestead lands); in 'Acquisition of land: TISCO'. DCRRCS, Singhbhum. Index no. 386. Collection no. XII. File no. 4 of 1927. Revenue.

⁸⁴ The market rates of lands were arrived by calculating the value of produce and deduction of rental and all other expenses of cultivation and followed by estimation based on allowing 20 years of purchase on the net profit. For example rate of rice lands at the outskirts of Ranchi was Rs. 5 per *bigha* and elsewhere it was merely 5 *ana* per *bigha*. In addition to the market value of land an additional compensation, in lieu of compulsory land acquisition, were allowed at the rate of 15% more of the total land valuation, and also for fruit bearing trees on the land.

⁸⁵ The Porahat estate was a revenue free estate whereas in Kolhan revenue was the gross rental minus 28%. This 28 % was paid as commission to the *Mankis* of the *pirs*, *Mundas* of villages and *Tehsildaars* in lieu of rendering their services in collection of rents from ordinary *raiayats*. Thus in Porahat estate the compensation was calculated at a rate 25 times to the gross rental whereas in Kolhan it was merely Rs. 20 per *bigha* of land.

⁸⁶ Annual rental on rice lands had been comparatively very low in Kolhan as compared to the neighbouring estates of Porahat, Saraikele and Kharsawan. In these estates the rents over *Bera* (low rice lands) and *Bari* (homestead horticulture lands) were almost double the rates in Kolhan. As for Zamindars, rice lands were valued at the rate of Rs. 14 per *bigha* and for the raiyats, similar lands, were valued at Rs. 6 per *bigha*.

⁸⁷ Official letter from H.D. Carey to the Commissioner of Chota Nagpur. dated 15 September, 1907.

the Managing Agent of Tata & Sons Co., subverted Carry's idea of 'intergenerational labour' with his rhetoric of 'remunerative labour'. Willcox advocated that the displaced raiyats could be offered remunerative labour in exchange of their Jungle rights.⁸⁸ He proposed that the remunerative labour could be offered to those displaced raiyats who were willing to settle down near the (Tata & Steel Co.) steel plant at Sini and who could in turn also meet demands of labour at the steel facility. This, he argued, would significantly reduce the cost of re-settlement to the colonial state as well. As Willcox's argument had a cost-cutting value to the colonial state it was readily accepted and executed. Although Willcox misappropriated Carry's proposal for recompensing 'intergenerational labour'; that represents labour of multiple generations of the raiyats, yet at least he incorporated the otherwise altogether neglected labour component of the compensation.

Displaced rights and interests of Ho adivasi raiyats

There were other non-adivasi communities too who cohabited the Kolhan region along with Ho adivasis; like Udiya Gwalas, Caste Hindus etc. As compared to Hos, these non-adivasi groups posed feeble resistance to the land acquisition process, easily moved elsewhere and largely accepted colonial terms of compensation. For this they were also rewarded with valuation of their rice field at rates higher than that of the Hos. Whereas Hos, by route of several petitions and pleas, incessantly kept asserting that the 'money compensation' was entirely useless to them when driven out of their ancestral lands and forests. Practically they never gave concurrence to the ongoing mining lease agreements rather kept raising objections to such developments. Again the afflicted Hos remained doubtful about who would provide the surety to ensure that the agreements promised to them by the companies were fulfilled? From these narratives, deliberations and course of the colonial state intervention in Kolhan it is quite clear that the British colonial lease instrument largely failed, ignored, inadequately addressed and determined the so called 'existing market value' of a Hos land, save the interests which a common Ho held in their ancestral property and territory.

Conclusion

The study critically looked at micro -processes, official discourses, deliberations and social interactions through which the British colonial state successfully belaboured and established its absolute claim over minerals. It shows how British colonial administration invoked abstract legal ideas and principles to valorise legal capacity of the 'state' as against local landlords and Chiefs. It further illustrates how British took advantage of social disembeddedness of local landlords and Chiefs in order to appropriate minerals; purportedly in the name of the state. Based on observations and analysis it is argued that British state officials heavily relied on taking over mineral rights of landlords while making law on minerals; and in the process, the rights of Ho adivasis and other ordinary tenants, who were the actual cultivators of soil, was heavily neglected and compromised. The study further takes up the case of Tata & Son Co. to critically examine various

⁸⁸ 'Draft Minutes' of 'Memo of a conference on Goilkera reservoir', conference held between B.B. Willcox and H.D. Carey at Chaibasa. 21 September, 1907. File ref. 1907- 9 J/R D/ 15.09.07. In 'Proposal (finally abandoned) for acquisition of land for the Tata Iron & Steel Works at Goilkera'. DCRRCS, Singhbhum. Index. No. 42. Collection no. IGR. File no. I of 1907-08. Revenue.

modalities of colonial lease instrument that emerged as an outcome of legal critique of landlord-executed-mining-leases. Based on observations it is asserted that the so called 'legal' colonial lease instrument was far more feudal, arbitrary, whimsical, contingent, and equally unjust, non-inclusive and coercive in operational terms as it claimed for its predecessors.

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Claiming Mining Rights

A rare instance of Adivasi assertion over underground resource

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Abstract

Adivasi assertion of rights over land and forest have had been a more popular theme of research. On the contrary, we rarely come across any evidence of spelling individual or collective right over minerals and articulating these rights. The present essay seeks first to explore the role of minerals in Adivasi society. Second, an attempt is made to understand why these communities did not define customary rights over minerals, rather underground natural resource? Third, ever since the onset of commercial exploitation of mineral resource, why Adivasi communities put primacy over individual and collective right over over-ground property rather than underground natural resource? Last, in the light of the historicity of this preference, the essay would like to project in the academic domain the historic petition of a colonial-day Manki making a rare claim over mining rights.

Introduction

Adivasi claims of customary rights over land and forest and their construction of collective identity around *Jal-Jungle-Jameen* (literally water, forest and land) have had been the more popular theme of research. On the contrary, we rarely come across any evidence of spelling individual or collective right over minerals and articulating these rights. In this light, Utkarsh Kumar's piece in the current issue probes virtually into an uncharted domain. This raises an important issue before a researcher. Was mineral resource, both over-ground and underground, an insignificant factor in Adivasi socio-economy as compared to land, forest and water? To paraphrase in a slightly different way, has/had over-ground natural resource been more defining in indigenous societies than the underground mineral resource?

The present essay seeks first to explore the role of minerals in Adivasi society. Second, an attempt is made to understand why these communities did not define customary rights over minerals, rather underground natural resource? Third, ever since the onset of commercial exploitation of mineral resource, why Adivasi communities put primacy over individual and collective right over over-ground property rather than underground natural resource? Last, in the light of the historicity of this preference, the essay would like to project in the academic domain the historic petition of a colonial-day Manki making a rare claim over mining rights.

Changing role of minerals in Adivasi socio-economy

Mineral or metal enjoyed variable significance among the Adivasis in Jharkhand. Asur tribe was perhaps the only community which had developed close link with metal and was famous for their expertise in iron smelting. Adivasi folklore, as contained in the

well-known Asur legend (Hoffmann and Emelem 1998: 240-44), records about their large furnaces uninterruptedly operating throughout day and night. We can presume that smelting was their central vocation and they catered to local needs of iron implements. The demand seemed to be so heavy that their furnaces hardly stopped operating. We do not have much evidence to further elaborate how and from where they collected iron-ore, how they operated their furnaces and what precise items they produced and for whom. Even though, they catered to limited needs of pre-peasant hunting-foraging tribal peoples of Jharkhand, they were culturally deprecated as an irritating group of people. Asur Legend records that noise that their furnaces produced invited for them the curse of *Singbonga*, the highest divinity of the Adivasis of Jharkhand (Ibid.). We can draw two broad conclusions. First, metal was largely marginal in their socio-economy. Second, denunciation of smelting-technology signified aversion to technology in general.

Adivasis could not however long avoid the use of metal, particularly iron. Over centuries, they abandoned their itinerant way of life and adapted settled rural life. Together with this, they moved towards settled cultivation from their pre-peasant, foraging and hunting vocations. We cannot conclusively say when these changes had occurred among major tribals like the Munda, Santal and Oraon. However, among the Hos these changes were more visible since the 17th century AD (Sen 2018: Chapters V, VII). Denudation of forests to found permanent villages made axes central in Adivasi life. Coeval with this was the application of iron-tipped ploughshares and other metallic agrarian tools in cultivation. The question is how did this socialisation of iron implements impact their attitude to minerals and mineral-centric vocations? Adivasi peasants in Jharkhand learnt the application of iron-tipped wooden plough, spade or hoe, and other such implements as *kurul* (*hatchet*), *henga* or *chauki* (*harrow*), sickle and *tangi* (*battle axe*) (Sen 2018: 141). But this did not go much beyond, because iron technology was still shunned by tribal villagers. The world of technology was assigned to the Hindu blacksmiths,¹ who with other functional castes like cowherds, potters and weavers were invited to settle in Adivasi villages throughout Jharkhand (Tuckey 1920: 23; Roy 1984: 45–51; Singh 2002: 2–9). The consumption, rather than the production of metallic (iron) tools, thus characterised Adivasi attitude to minerals. The advent of metal in their socio-economy, however, introduced one peripheral change in the item of foraging which was one of their primary material pursuits. Besides forest products, Adivasi women could collect with bare hands iron ores which were littered over-ground or could easily be scratched out of the top soil for sale at local markets to non-Adivasi merchants. These women being paid lower price or snatching away of their basketful of iron ores at Murhu market near Ranchi are cited as causes of Adivasi resentment against dikus during Kol Rebellion of 1831–32 (Jha 1987: 185).

Peripheral link of the Adivasis with minerals: Towards causation

The question is, why this preference for over-ground rather than underground resources? Presumably, this reflects the primacy of whatever overboard, therefore visible and transparent, in their worldview. Therefore, they found it difficult to either understand or explain whatever was invisible and opaque. Nether-world was one such with which they were wary to negotiate. This partly explains the absence of the culture of excavating tanks among the Hos during pre-colonial period.² The other plausible reason was the

¹ It is difficult to ascertain why Adivasis preferred the Hindu blacksmiths and not the indigenous iron-smelters like the Asurs.

² Tuckey Settlement Khuntkatti Papers, Rengarbera., 3-8, Vasta (Bag) No 47.

lack of technology to excavate deep soil either for making tanks or extracting minerals. Nor did they acquire the know-how of processing and using iron ores. Understandably, the market of iron-ores or other minerals had not developed sufficiently during pre-colonial period to sensitise Adivasis of their commercial use.³

After the entry of the Saraks and Bhuiyans in the 9th–10th centuries AD and the functional castes after the 17th century AD, the technology of excavating the earth particularly for making tanks was imported in the Kolhan region of Singhbhum. The Saraks had earlier introduced copper mining in the Dhalbhum sub-division of the district. Though the imperatives of ruralisation and settled cultivation prompted the Ho community to adapt tank-making, they did not acquire the technology of mining. One may argue that need-based Ho socio-economy required tank to promote agriculture rather than mining. The other plausible reason of lack of capital is not however tenable. We learn about the invention of social capital for the excavation of community tanks by evolving the culture of combining village labour and apportioning the lay months between December and May for the same social purpose.⁴ We can understand that the same culture for extracting minerals did not evolve because of the dominance of agrarian economy during pre-colonial period. We can therefore reason why Adivasis kept out underground resources like mineral from the itinerary of common property.

We witness another major change during the colonial period. The British government gained the ownership of over and under-ground natural resources, held by the village community (except minerals) during pre-colonial period. The colonial masters pursued different policies in relation to their over and under-ground properties. They conducted the survey and settlement of the landscape during land revenue settlements to legitimise and officially record the area of control. At the same time, they accorded usufruct right over land, water and forest in partial response to the customary rights of the Adivasis. However, colonial government's sensitivity towards and governance of underground mineral resources emerged some decades after the onset of East India Company's rule in Kolhan since 1837. It was only after the 1850s that the government became aware of the rich reserves of iron ore, chromite, manganese etc in Kolhan-Porahat regions of Singhbhum. This prompted an unprecedented mining activity mainly in the forested parts of Kolhan-Porahat and allotment of large parcels of lands to individuals and corporate groups, both Indian and foreign (Sen 2011: 69–75). Since then minerals became one of the principal items of inland and global export.

Contrary to the shared governance of over-ground resources, British mining rules and acts formulated the concept of complete state control and right of management of the under-ground mineral resources. Understandably, the British sought to assert total property right that would politico-economically benefit the colonial state. Therefore, the British administration did not concede any individual or collective right over the minerals, even if these were excavated within the village boundary or familial landholdings. We are aware of the Adivasi assertions over territory and forests stated earlier. But the same sensitivity towards underground mineral resources was practically missing among them. This makes the claim of mineral rights through a petition by a Manki very significant in the history of Adivasi assertion of rights.

³ I have an important discussion with Utkarsh about causation.

⁴ LRAR 1908-9, DCOS, GD, RB, CNXI Return, FN I0 of 1908-9, para 21ii.

Petition: content and meaning

The petitioner was Dulu Manki, resident of Dumbisai village and the Manki of Gumra pir. He was one of the most influential and knowledgeable Mankis of Kolhan. He was at the front in asserting Ho unity, and their khuntkatti status in putting forth Ho claim over the landscape.⁵ It may be presumed that the petition gave vent to a latent urge among the people in claiming right over the under-ground resource also. This signifies a perceptible change in Adivasi mentality; a growing consciousness over underground property which they lacked. Another remarkable shift was the growing sensitivity towards individual/ familial right to property. Dulu believed that this was the natural sequel to the *lakhiraj* (revenue-free grant of village) right over Dumbisai village, which the British had acceded to his family in lieu of loyal services to the British during the 'Mutiny' (1857–58). Assertion of claim over underground-resource as familial property is borne out by such statements as 'village is the ancestral *lakhiraj* property' (para 2); and the petitioner 'has actually been in possession of some quarries (para 6). The arguments that he put forth were first, that the patta or record of rights of Dumbisai did not correctly record the rights and privileges of the *lakhirajdar* (owner of a revenue-free grant of village) (para 3); second, 'grant of the village to one of your petitioner's ancestors is absolute without any reservation of rights of Government in the said village' (para 4);; third, in column 6 of the *Khewat* (the record of rights of proprietors and tenure holders) it has been noted that as per the *patta* (a deed of lease) granted on 2 August 1860 the petitioner had 'no right to the mines and quarries in the same village'. Dulu Manki challenged the denial of right over mines and quarries, by arguing that since the grant of the village was absolute, he could not be denied the right over mines and quarries. In support of the above, he further added that despite the fact that the *Khewat* did not explicitly mention that, 'petitioner has actually been in possession of some quarries since the time of the grant without any interference from Government'.

The particularist nature of the claim, as emanating from a *lakhirajdar* over mines and quarries, could in no way be deemed as a social protest because the number of the *lakhirajdars* was very small. Second, the petitioner was legitimating his claim from the colonial government's supposed conferment of an absolute right and default of the government in not interfering with the right of possession enjoyed by the petitioner and his ancestors since 1860. This attempt to draw legitimacy from colonial source undermines the significance of the assertion, in view of the fact that elsewhere village and pir heads were asserting their claims over over-ground resources on the basis of custom (Sen 2011b 208–13; Sen 2018: 180–4). Thirdly, the claim was both mild and incidental, and not as unrelented and regular as we notice in the case of assertions by village officials over land and forest. This was why Dulu Manki could easily be placated when W. Kelley explained to him that 'the *Khewat* (h)as been prepared according to the *patta* given him by Govt'.

Conclusion

We can therefore conclude that the petition reflected the embryonic urge of asserting total claim over natural resource. Though the claim was particularistic, incidental and easily withdrawn, it becomes important as it had been filed by one of the most

⁵ 'Note of statements of Mankis and Mundas at a Conference held at Chaibasa', Resettlement of the Kolhan Government estate in the district of Singhbhum. Appendix B, 24–26.

knowledgeable and influential among the Ho social leaders. We can perhaps presume that he had been anticipating a claim which has emerged as a frontal demand of the current-day Adivasis, as Utkarsh Kumar's essay reveals. But the yawning gap of about a century makes my point that Adivasi assertion of claim over under-ground resource was not as representative and regular as was their claim over over-ground resources.

Appendix

In the Court of the Revenue Officer, pargana Kolhan, District Singbhoom

Objection u/s 83 of the Chotanagpur Tenancy Act

Dulu Manki of Dumbisai in the Gumra pirth of Pargana Kolhan, Objector

The humble petition of the objector above named Respectfully Sheweth: -

1. That the draft record of rights of village Dumbisai in Gumra pirth of Pargana Kolhan has not been published. (Office Note: This is false. 17.5.15)
2. That the said village is the ancestral lakhiraj property of your petitioner, having been granted in perpetuity by Government to one of his ancestors for his good services during the mutiny.
3. That your petitioner is surprised to find in the said record that the rights and privileges of your petitioner are not correctly recorded.
4. That your petitioner begs to submit that the grant of the village to one of your petitioner's ancestors is absolute without any reservation of rights of Government in the said village.
5. That there is nothing in the putta dated 2nd August 1860 granted to your petitioner's ancestors restricting him or his successors from transpiring the same, where as in the draft record that has been prepared it has been noted in the village khewat Col: 6 that your petitioner has no right of transfer in any way.
6. That again in the same Col of the Khewat it has been noted that your petitioner has no right to the mines and quarries in the same village... for the petition for other lakhirajdar omit(s) the portion marked with pencil whereas your petitioner has actually been in possession of some quarries since the time of the grant without any interference from Government. (Office Note: Nothing has been noted re (regarding) mines & quarries in this Khewat)
7. That again it is noted in Col. 5 of the draft record that the village is liable to be resumed whereas it should have been noted that it is not liable.
8. Your petitioner therefore prays that you may be pleased to consider the objections herein made and to order for the correction or omission of the entries as the case may be.

And your petitioner as in duty bound shall ever pray.'

Dated Chaibasa
The 29th April 1915

Sd. Dulu Manki

Decision: Dulu Manki withdraws his claim after I explained to him that the Khewat (h)as been prepared according to the patta given him by Govt.

Case disallowed

W. Kelly
12.7.15

(Source: Tuckey Settlement, Papers u/s 83, Dumbisai, Vasta (Bag) No 62, 10-13)

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Pages from the Old Records

A Note on ‘The Khut System of the Santals’ by Rev. G. Gausdal

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An important source for the reconstruction of the history of the Adivasi communities in India has been the various accounts produced by the Christian Missionaries. This is more or less the products of their empirical experiences as collated from the ‘native’ informants. While the like of Rev. L.O. Skrefsrud recorded and published *Horkoren Mare Hapramko Reak Katha* in 1887 and Fr. J. Hoffmann, with Rev. A.V. Emelen, their masterly voluminous work *The Encyclopaedia Mundarica* in 1924, there had been many other scholarly studies on Adivasi lexicons and grammars. It is true that the deployment of these missionary accounts whetted the idea of tribe as a colonial creation, yet we cannot deny that such studies were largely produced by the information derived from the tribal communities. This way, these studies act as a supplementary source adding new information and often corroborating the ones we draw on the colonial archives. ‘The Khut System of the Santals’ by Rev. G. Gausdal is a source of this genre.

Skrefsrud’s account gives us an idea of the original Khuts (clans) and the social division of their functions that organised the Santals into a political community. The institution of Khut therefore emerged as a basic indigenous mechanism to bond them into a socio-political community. But fissures occurred subsequently to break the original Khuts into independent clans as also sub-clans. The account by Gausdal published in 1942 gives us an idea of how critical historical forces intervened to bring about a change in Santal socio-polity. These pages from the Old Records, along with H.H. Risley’s oft-used *The Tribes and Castes of Bengal*, may be helpful to a scholar studying the Adivasi history of continuity and change among the Santals.

Full Citation: Rev. G. Gausdal, ‘The Khut System of the Santals’, *The Journal of the Bihar and Orissa Research Society*, pp. 431-439, Vol. XXVIII, Part IV, 1942, Patna: JBORS. (The article as it was originally published in 1942 in JBORS is produced herewith for the benefit of the readers).

THE KHUT SYSTEM OF THE SANTALS

By REV. G. GAUSDAL

The Santals were by their forefathers divided into the following twelve Paris or Septs: Häsdak', Murmu, Kisku, Hembrom, Marndi, Soren Tuđu, Baske, Besra, Päuria, Coře and Bedea.¹ The last mentioned is, however, lost, making in our time a total of eleven Septs only.

But each Paris is subdivided into several Khüt. Bodding states that according to Santal ideas there ought to be twelve Khüt in each of the original twelve Paris; but as a matter of fact there are much more in all the eleven Paris found to-day.² The Khüt which regard itself as the remnant of the original undivided Paris calls itself as a rule by the Paris name only; but if very explicit statement is required the word Nij is placed in front of it. One should therefore expect to find traces of the oldest tribal customs among these Khüt's, and in the list given below they have been placed ahead of the rest.

Excepting the Häsdak' a Biṭol Khüt is found in every one of the remaining ten Paris. Among the Murmu people it is stated that "we do not

¹ *Mare Hapramko reak' Katha*, recorded in Santali by L. O. Skrefsrud in 1870, 3rd Ed. Benagria, 1928, p. 9.

² P. O. Bodding, *A Santal Dictionary*, Vol. I—V, Oslo 1932-1936, IV, p. 596.

eat Murmu meat, and we do not eat on the leaves of the Murup' tree; tree; the Bitol Murmu people did, and became out-lawed." Whether the reasoning that the Bitol Khüt disregarded the totem of the Paris, holds good for all the Bitol Khüts, is not clear at the present time. The subject is unexplored, and when entering the unexplored, one is apt to meet surprises. Once when asking an old Santal guru, why there was no Bitol Häsdak', he pondered for a good while and then said: "Those birds (clearly referring to the Häs Hasil of the Santal traditions) are not found now-a-days,—bitol arises from eating and drinking."

Thus, in his opinion, the Häsdak' had no occasion to create a Bitol Khüt.

That the Khüt system is intimately connected with the worship of the Boiga spirits is evident. Boddings quotes a saying. "Mit' khüren kanale mit' khöndrele boingak'a—we are of one stock we perform sacrifices in the same circle." 1

But many peculiar customs are connected with the Khüts, and it is hoped that the publication of this list will focus interest and start fresh research. It is a field where the new generation of literate Santals better than anybody else can do good work if they are encouraged.

The Santals have no written records of their history through the ages. They have got their language which bear testimony of their life in the jungle as well as their contact with the ruling races.

1 A Santal Dictionary, III, p. 270.

But does not the Khüt system constitute a kind of tribal record of the life of their nation? Does not the Maijhi-khil and the Naeke-khil indicate a great conflict at one time between the chief and the priest, the Gar a lingering round the glory of the time when the Santals had their own fortresses etc.?

It will be noticed that some Khüts are general and found in all or nearly all the Septs, while the majority are found only in one or a few. Boddings draws attention to the possibility that the exogamic law of the Paris system may be the cause of the origin of some of the Khüts.¹

That the Santals have been forest people is very evident from the number of trees and birds that are found in the list. And the totemistic trend of their ideas can be shown in many ways.²

In order to make up this list the writings of Dr. Campbell,³ Rev. P. O. Boddings, and Rev. C. H. Koomar⁴ have been examined. Campbell was the first to publish his work, 1899, and Boddings states that he is "indebted to Rev. A. Campbell for the names of certain Septs which are not found here."⁵

He has, however, not stated which Septs are not found "here", but added to the list the names of

1 *Ibid.*, IV, p. 596.

2 L. S. S. O'Malley, Santal Parganas District Gazetteer, Calcutta 1910, p. 126.

3 A. Campbell, A Santali-English and English-Santali Dictionary, 2nd Ed., Pokhuria 1933.

4 C. H. Koomar, the History of the Santal Parganas (in Santali) Taljhari, 1937.

5 A Santal Dictionary, IV, p. 597.

Khüts which he had found, and thus his list is the more complete. The present writer has had occasion to add only a few more names, mostly from Church Registers in Boddings's handwriting. Koomar states that he does not remember the Khüts of Päuria and Cörë.¹ When looking at the list, it should be borne in mind that Dr. Campbell collected the material for his work in the districts to the west of Santal Parganas, the district of Manbhum, Hazaribagh and Monghyr, while Rev Boddings work all his time in the Dumka Sub-Division of Santal Parganas, and Rev. Koomar is a man of the Rajmahal Sub-Division of the same district.

KHÜT	PARIS
1. Nij	Hänsdah', Murmu, Kisku, Hembrom, Marandi, Soren, Tuđu, Baske, Besra. Pauria, Cörë.
2. Bitol	Murmu, Kisku, Hembrom, Marandi, Soren, Tuđu Bäskë, Besra, Pauria, Cörë.
3. Ad	Kisku.
4. Añgaria	Tuđu.
5. Babrë	Marandi, Tuđu.
6. Badař	Häsdak', Murmu, Kisku, Hembrom, Marandi, Soren.
7. Badol Tika	Marndi.
8. Barchi	Soren.
9. Barhhi-Bit'	Soren.

¹ The History of the Santal Parganas, p. 106.

10.	Baske	Tuđu, Besra.
11.	Bedia	Soren.
12.	Bedwar	Häsdak'.
13.	Bhiđi	Baske
14.	Bhinar	Besra.
15.	Bhitar	Baske.
16.	Bhokta	Tuđu.
17.	Bhoso	Marndi.
18.	Bindar	Baske, Besra.
19.	Boara	Murmu.
20.	Bođwar	Häsdak'.
21.	Bowar	Murmu.
22.	Buru-Beret	Marndi.
23.	Cacarhat'	Cörë.
24.	Casa	Hembrom.
25.	Cauria	Pauria.
26.	Cehel	Soren.
27.	Cigi	Tuđu.
28.	Cil-Bindha	Häsdak.
29.	Copear	Murmu, Cörë.
30.	Curuc'	Tuđu.
31.	Datela	Murmu, Hembrom, Soren, Tuđu.
32.	Gađa	Marndi.
33.	Gajař	Murmu.
34.	Gande	Soren.
35.	Gař	Häsdak', Murmu, Kisku, Hembrom, Marndi, Soren, Tuđu, Baske, Besra, Pauria. Cörë.
36.	Goda	Marndi.
37.	Gua	Hembrom, Soren, Besra, Cörë.

38.	Gua-Hembrom	Cörë.
39.	Gua-Soren	Hembrom, Cörë.
40.	Handi	Murmu, Hembrom.
41.	Haṭ	Hembrom, Soren.
42.	Hembrom-Küar	Cörë.
43.	Hende	Baske.
44.	Hesel	Marndi.
45.	Jabe	Kisku.
46.	Jaher	Murmu, Baske.
47.	Jhumria	Tuđu
48.	Jihu	Häsdak, Murmu, Kisku, Soren, Baske.
49.	Jonok'	Marndi.
50.	Jugi	Häsdak', Murmu, Marndi, Soren, Tuđu.
51.	Kada	Murmu, Marndi.
52.	Kahu	Häsdak', Besra, Cörë.
53.	Käṛä	Kisku
54.	Käṛä-Gujia	Hasdak.
55.	Kar-kusa	Kisku.
56.	Katwa (R)	Kisku.
57.	Kedwar	Häsdak', Marndi, Baske.
58.	Khanda	Marndi, Soren, Besra.
59.	Khaṇḍa-Jagao	Marndi.
60.	Khara	Marndi.
61.	Kharhara	Murmu, Tuđu.
62.	Koṛa	Murmu.
63.	Koṭha	Murmu.
64.	Küäri	Hembrom.
65.	Kuđam	Murmu, Tuđu.
66.	Kuhi	Häsdak, Baske, Besra.
67.	Kulkhi	Marndi.

68.	Kunda	Häsdak'.
69.	Kuṛhi	Besra.
70.	Laher	Murmu, Kisku, Hembrom.
		Tuđu
71.	Lakin	Marađi.
72.	Lar	Tudu.
73.	Lat'	Murmu, Kisku, Hembrom, Tuđu, Baske, Besra, Pauria, Cörë.
74.	Luṛka	Soren.
75.	Mahananda	Häsdak'.
76.	Mahut	Murmu.
77.	Maila.	Soren.
78.	Mal	Soren.
79.	Mañhi-Khil	Häsdak', Murmu, Kisku, Hembrom, Marndi, Soren, Tuđu, Baske, Besra, Pauria, Cörë.
80.	Mär	Soren.
81.	Miru	Marndi.
82.	Muṇdu	Murmu, Soren, Baske, Pauria.
83.	Naeke-Khil	Häsdak', Murmu, Kisku, Hembrom, Marndi, Soren, Tuđu, Baske, Besra, Pauria, Cörë.
84.	Naeki-Khil	
	Goda	Marndi.
85.	Ninar	Hembrom.
86.	Oaṛa	Murmu.
87.	Obor	Häsdak', Murmu, Kisku, Hembrom, Marndi, Soren,

		Tuđu, Baske, Besra, Pauria, Cörë.
88.	Ok'	Häsdak', Murmu, Kisku, Hembrom, Soren, Tuđu, Baske, Besra, Pauria, Cörë.
89.	Patal	Kisku.
90.	Pađi	Kisku.
91.	Piđkanda	Häsdak'.
92.	Poar	Murmu.
93.	Poeta	Tuđu.
94.	Pond	Murmu, Marndi, Soren.
95.	Petom	Tuđu, Baske, Päuria.
96.	Raj	Kisku.
97.	Rok-Lutur	Häsdak', Kisku, Marndi, Soren, Besra.
98.	Rot'	Marndi.
99.	Rupa	Marndi.
100.	Sada	Häsdak', Murmu, Kisku, Hembrom, Marndi, Soren, Tuđu, Baske, Besra, Pauria, Cörë.
101.	Sada-Cigi	Tuđu.
102.	Sada-Sidup'	Soren.
103.	Säk	Häsdak, Soren.
104.	Samak'-San.	Murmu.
105.	Saü	Murmu, Soren.
106.	Sar	Soren.
107.	Sarjom	Murmu.
108.	Saru-Gada	Baske.
109.	Sau	Murmu.
110.	Sidup'	Hembrom, Marndi, Soren,

	Päria.
111. Sindur	Cörë.
112. Sole	Häsdak', Murmu, Hem-brom.
113. Son	Kisku, Soren, Besra.
114. Sokhear	Murmu.
115. Sona	Päuria.
116. Sotear	Murmu.
117. Suṛe	Baske.
118. Tahijhari	Häsdak'.
119. Thakur	Hembrom, Cörë.
120. Thunṭa	Baske.
121. Tika	Murmu, Kisku, Marṇdi, Soren, Tuḍu.
122. Tilok	Murmu, Tuḍu, Besra.
123. Tuṛku-Lumam	Murmu, Marṇdi, Soren.
114. Tuṭi-Sarjom	Murmu.

TOTAL NUMBER OF KHUTS IN EVERY PARIS,
AS LISTED ABOVE

Häsdak'—23
 Murmu—41
 Kisku —23
 Hembrom—22
 Marṇdi—33
 Soren—35
 Tuḍu—26
 Baske—22
 Besra—20
 Päuria—14
 Cörë—18*

*As the Press was short of the sound-accent ñ, ü, ä has been used instead. Editor J.B.O.R.S.