

Impact of the British Rule on Land Rights in District Kangra

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ABSTRACT

Prior to the establishment of the British rule in Kangra in C.E 1846, land was centralized under the Kings, with *Jagirdars* serving as middlemen and peasants possessing hereditary cultivating rights known as *Warisi*. This system was mostly maintained by the British, who regulated waste and common lands while formalizing *Jagirs*, tax settlements and tenancy restrictions. Local socio-economic patterns were influenced by regional differences in land use, inheritance and tenant rights. This paper aims to study the effects of the new British land policies by highlighting the shift from royal monopolies to a more formalized colonial administration.

Keywords: King, Jagir, Colonial Kangra, Land tenure, Tenancy.

Prior to the establishment of the British Raj in Kangra, the King was considered the landlord of the area under his direct control. The peasants cultivated the land and were bound to pay taxes to the King, who had also divided his area into small circuits, each under the control of a rent collector. The Raja was also liable to be paid other taxes, such as the grazing tax and it was his prerogative to remit rent or give the land to any other person of his choice. He could also grant other rights to cultivators, like the right to land or working a water-mill. He also used to take a share from every kind of income, like he used to seize the best hawk that was caught in a net or a share of the honey in the beehive. The peasant was not considered the owner of the land but enjoyed this possession as a *warisi* or inheritance.¹ Lahiri Basi or garden plots were held by the non-agricultural class of the villages. They were personally responsible to the monarch and paid their dues to him only. The landlords were bound to serve the King in both military and menial form whenever ordered to by the King.²

The establishment of British rule in Kangra in C.E. 1846 saw the British continuing the earlier system adhered to by the Sikhs of granting *Jagirs*. Many of the kingdoms in Kangra had survived the Anglo-Sikh Wars, and the British followed the policy of preserving these kingdoms but subjected them to a strong degree of control via "Sanads" (a charter issued by the British government to Indian rulers, defining the extent of control over their territories) granted to them. Raja Parmod Chand was the ruling head of the

Katoch Kingdom when the British had entrenched themselves in Kangra in C.E. 1846. His *Jagir* at Mahal Morian was valued at Rs. 33,000. However, he had sided with the Sikhs during the Second Anglo-Sikh War of C.E. 1848. He was consequently stripped of his *Jagir* and banished to Almora, where he had died childless. Raja Partap Chand, who was the grandson of Mian Fateh Chand, the brother of Sansar Chand, had sided with the British during the same time, and therefore his *Jagir* worth Rs. 35,000 was fixed in perpetuity upon him and his descendants.³ Another lineage of the Katoch house at that time was of Jodhbir Singh, who was the illegitimate son of Sansar Chand. His *Jagir* of Rs. 12,000, given to him by the Sikhs, was also continued by the British.⁴ The other collateral line of the Katochs, the Guler Royal house, was ruled by Raja Shamsher Chand, who had sided with the British during the C.E. 1857 uprising. His *Jagir* worth Rs. 20,000, which had comprised primarily of the Nandpur area, was confirmed upon him by the British.⁵ Siba State was under the rule of Raja Ram Singh during the Second Anglo-Sikh War. His *Jagir* was valued at Rs. 14,200, and he was obliged to pay an annual tribute of Rs. 1,500 to the British government.⁶ The *Jagir* of Raja Raghunath Singh of Jaswan was worth Rs. 18,442, which was confiscated as he had supported the Sikhs during the Second Anglo-Sikh War. The same was, however, returned to him in C.E. 1877.⁷ The other *Jagirs* that had managed to hold on were taluqa Rajgore of

Mian Maluk, worth Rs. 2,500 per annum, and the Kutlehar Riyasat, whose valuation was Rs. 10,000.⁸

Important changes had occurred in the management of the Jagirs in Kangra during the settlement made in C.E. 1893, as from then onwards, the King was considered as a superior proprietor of all the land under their Jagir and was given a taluqdari allowance of 15 per cent on the revenue generated,⁹ which later on had increased to 17.65 per cent for Nadaun house and 20 per cent for Dada Siba¹⁰ and Guler.¹¹ The monarch was also to succeed as Ala-Malik if any peasant proprietor had died without any heir.¹²

The representative of the Kullu Royal House at this time was Rai Duleep Singh, who held the Jagir of Waziri Rupi. His Jagir was assessed at 12,000 pounds.¹³ Rai Duleep Singh was declared a superior proprietor and was entitled to the taluqdari fees, which were 12½ per cent of the revenue generated.¹⁴ Also, the Rai was entitled to resume the personnel assignments, whereas government permission was needed for assignments to the temples.¹⁵ Prior to the coming of the British, it was an implied rule that on the land newly cultivated, the revenue shall go directly into the coffers of the Kullu Jagirdar. The British decided to fix the said revenue, and no increase or decrease was to be made for the future.¹⁶

Jagir kothis were three in Lahaul during the British Raj. They were Kolong, under Thakur Tara Chand, Ghumrang under Moti Ram, and Ghondla, whose name was not mentioned by James Lyall. Before the regular settlement of C.E. 1850, the Thakurs of these Jagir kothis used to extract the dues and services from all the landlords under their kothi and pay land revenue for half of the kothi to the government, the other half being paid as the nazrana.¹⁷ After the establishment of British rule in Lahaul, the same set of dues and services was paid by the Thakurs of Jagir kothis to the British government.¹⁸ The British government had also decided to set aside a taluqdari cess of 15 per cent for the Jagirdars of Lahaul in C.E. 1891.¹⁹ During the Pre-British period, the Thakur had employed a number of subordinate staff such as Lohars, the Jodsi (Astrologer), and beds (Physician). These officials could be evicted during this period for inefficiency or misconduct by voting or by the orders of the Thakur. James Lyall had noted that during the British rule, these officials could not be evicted, however gross their misconduct was.²⁰

In Spiti, Todpa, Barjik, Sham, Chuzi, and Pin were the five kothis during the British time.²¹ Each field in Spiti had a different entity and was supposed to have been bestowed by the state, but was held independently by the cultivator later on. The custom of primogeniture in Spiti, where the elder son, when he came of age, succeeded to the estate, made sure that these estates were not subdivided. As in Lahaul, there was no concept of Thakur in Spiti. Here, prior to the coming of the British, the ruler of Ladakh was theoretically in possession of all rights in Spiti, with him taking Rs. 396,

200 Khals of grain, 100 iron crow bars, 34 pieces of Barhmaur cloth and 132 reams of paper.²² All of this was discontinued by the British, who, in C.E. 1846, fixed the settlement at Rs. 753, which was then divided by the nono among the five mentioned kothis. Nono was given Rs. 100 as inam.²³ An increase of 6 annas in the Rupee was granted to the nono during the First Settlement made in C.E. 1862 by James Lyall. A cess of 8 per cent on land revenue was imposed during the revision of settlement made in C.E. 1891, out of which 6½ was the nono's share, while the rest were school and harkara cess.²⁴ It was decided during the C.E. 1891 revision that there shall be no increase in the existing revenue demands.²⁵

During the pre-British period, the revenue was paid directly into the government treasury, and there was no intermediary involved. James Lyall has mentioned in his report that mauzas (Revenue collection unit) in Kangra were of three types. The first type consisted of land with detached fields with no boundaries in the waste areas. The second ones had boundaries and a very small waste area, while the third one consisted of an area with boundaries, with all the waste land in it.²⁶ James Lyall had also mentioned the many types of Lahris, who were characteristic of Kangra. The small area in one's house, which was used as a vegetable or flower garden, was referred to as Lahri, whereas the area comprising both the house and the stated garden was called Lahri Basi. Lahri also had a different connotation with regard to the small fields cultivated by the people of the lower caste, who worked there in lieu of paying rent. The area of Lahri Basi was charged with a cess known as "Lahriana", which was fixed at the rate of Rs. 1 per Lahri or Rs. 1 per kanal.²⁷ During the settlement made by James Lyall, it was subsequently decided that Lahri Basi's land shall be construed as an Abadi Land (Land under house) and thereby, not to be charged under land revenue.²⁸ It was also stated clearly that Lahris did not have any claim whatsoever on the land on which they worked.²⁹

Tenants in Kangra during the pre-colonial era were of varying types. Opahus were the tenants who cultivated the lands which were owned by landlords or by the King, with ploughs and beasts of burden being provided by the latter only.³⁰ Another set of tenants were the Basika Opahus, who did not have any written or oral contract with the landholders, but were to cultivate the land as long as they farmed and paid the rent on time.³¹ Hal-Chuk, Bhatri, Opra, or Dudharchar Opahu were the tenants who had come from a different place to cultivate land. These tenants used to pay rent in cash or in grain, though regional variations played their part, as in some areas, they used to give 2/5th, 1/5th, 1/3th, or even half of the total produce as rent.³² The tenant was also obliged to work for three days a year on the other lands of the landlords. This custom was referred to as "Jowari". The tenant was required to shoulder the goods of the landlord or work at the landlord's house.³³ The general notion regarding the eviction of tenants was to let the tenant

work till the harvesting of the spring crop, if the tenant was put in to cultivate the autumn crop. However, if the landlord had to put the tenant to work in his fields before the spring crop, then the latter could be evicted after the said crop was harvested.³⁴

James Lyall, during the revision of the settlement made in C.E. 1865, had decided that from now onwards, Basiku Opahus shall be considered as hereditary tenants. He also noted the deep-seated notion among the populace that a Basiku Opahu should not be evicted except for a serious fault.³⁵

The British continued the system in Kullu, which was prevalent during the pre-colonial era, with the local devta being treated as the proprietor of all the land and the cultivators serving as his tenants. These tenants were of two types. The first type consisted of Kardars and Pujaris, who enjoyed free land in lieu of their services rendered. Both of these offices were hereditary in nature but were liable to be dismissed for any delinquency on their part. Gur or Chela was not hereditary and was directly appointed by the devta. Musicians were the other officials, who were also hereditary.³⁶ James Lyall has noted in his assessment that the stewardship of these temples during the British era had remained in the hands of these aforementioned officials, and in case of any disputes arising between the votaries, the case was seldom referred to the civil courts.³⁷ The British also retained the rule at Rupi, where the Rai could do away with the Kardars, and only he had the authority to appoint the Pujaris.³⁸ The second class of tenants consisted of those who paid rent to the temples. They could mortgage their field and could not be ejected as long as they paid the rent. They were bound to serve the devta in manifold ways, such as lifting his loads or supplying him with food or labour.³⁹

Warisi was the hereditary right to cultivate the land. The term had a vague meaning, for the chowdhrees and muquaddams' claim to official posts was also referred to as "Warisi".⁴⁰ George Carnac Barnes believed that Warisis were the descendants of the original settlers, while James Lyall thought that it was an inheritance of the land and not ownership. The Warisi was bound to cultivate the land under his possession and timely pay the rent. Failure to adhere to the rules resulted in the confiscation of the land under Warisi, though this was usually not done owing to the societal pressure. Over time, Warisi owners gradually became permanent owners of the land under their cultivation.⁴¹

The coming of the British saw peace prevailing in Kangra, which led to the return of people who had left due to chaotic conditions under the Sikh rule. They got their Warisi back by simply showing their old land deeds.⁴² The Warisi was not that strong in Kullu as compared to Kangra. In Kullu, the peasants were generally not ejected from their fields, except for some grave offence like treason or failure to pay the revenue on time.⁴³

Waste land during the pre-colonial times was deemed as the property owned exclusively by the state. The Sikh rule over the hills saw them encouraging individuals to cultivate the wasteland, with the cultivated land later on being recorded in that individual's name.⁴⁴ In 1852-53, it was decided by the British government that all the waste land in Kangra was to be the property of the village community,⁴⁵ and no land under the waste land was to be given to anyone without the consent of the village community.⁴⁶ Waste land in Kullu was declared as state property during the settlement of C.E. 1872, due to the torrid experience in Kangra, as once the cultivators there were given property rights in waste land, it was impossible to undo it.⁴⁷ Waste land in Lahaul and Spiti was of minimal use due to its extreme ruggedness. No cultivation on wasteland could be done in Lahaul, while in Spiti, the land was more barren as compared to Lahaul, and the Forest Act did not apply there during the colonial era. Waste land could not be brought to use in Spiti without the permission of nono, who was the authority figure during those times.⁴⁸ The rights of the state and landlords over the waste lands in Spiti during the colonial time were the same as those in the Khalsa kothis of Lahaul.⁴⁹

The wasteland owned by the government that had been used for cultivation or for building purposes was referred to as Nautor land. The term did not have a clear meaning during the pre-colonial era. James Lyall had dissected Nautor as "the grant on payment of Nazrana of an interest in the land in undemarcated waste owned by the government as defined in Patta".⁵⁰ In Kullu, the British had granted the negis the right to give patta on Nautor land in C.E. 1850. However, in C.E. 1896, when all the waste land was declared as "Protected Forest", the assistant commissioner of Kullu was authorized to allow for the clearing of waste land for cultivation, the lease for the same being granted by the Rai.⁵¹ The same forest settlement had also stated that undemarcated waste land was to be under the control of Rai; however, the dues on this land were given to the government.⁵² For the first two years, no revenue was charged on Nautor land; later on, half the revenue was to be taken in third year, and this exemption could continue up to 4 or 5 years.⁵³ In Lahaul, the British had made a rule that all the income from Nautor was to be kept by the Jagirdar.⁵⁴ The government had authorized the assistant commissioner in C.E. 1946 to grant a patta of nautor in the Khalisa kothis.⁵⁵ In Spiti, the nono was authorized by the British government to grant patta for cultivating the Nautor land.⁵⁶

Shamlat land, or the common land, was a source of quarrel in villages. The Barnes report had mentioned that embezzlement used to occur while distributing the collected rents to the shareholders. In order to deal with the swindling of funds, George Carnac Barnes had divided the waste land in Kangra according to the number of shares held by the copartners.⁵⁷ James Lyall, when he had conducted land

settlement in C.E. 1872, gave the following procedure on Shamlat land: "In it [i.e., the waste] all inhabitants of our village will, as before, graze their cattle, cut grass, collect dry wood, and so on; so also will the inhabitants of such and such a village, to whom a right of use belongs by custom. No single landholder can keep a grazing ground to himself or enclose waste as a hayfield. Trees in any field or garden belong to the owner of the land. The right of cutting or selling big trees in the forest and waste belongs to the government; but we, the landholders of the village, can cut small timber required for agricultural implements with leave of the lambardar, and if we want big timber for building, we shall get permission to cut from the government. The inhabitants of such and such a village have also, by custom, a right to get wood from the forest in our village, as they have none in their own. The grazing tax paid by the Gaddi shepherds, who were in the habit of coming to our forests, belongs to the government."⁵⁸ In Kullu, the wasteland was declared to be owned by the government.⁵⁹

Bartan refers to the right to use the wasteland. These rights were the right to pasture sheep and goats, the right to cut grass or leaves of a tree for fodder, or to use dry wood for fueling purposes.⁶⁰ The government in C.E. 1850 had streamlined the right of usage of waste land in Kangra by adopting a number of new regulations. It was decided that all of the waste land from now onwards was to be the property of village communities, and no land was to be cultivated without their consent. The village communities were also given the right to collect grazing tax from the Gaddi Shepherds, but this was objected to by the latter as their grazing areas were not uniformly demarcated.⁶¹ In Kullu, the villagers had Bartan over timber, fuel, wild fruit, and herbs in the forests. They could also use trees for making toddy and use tree leaves as manure.⁶²

Kharetars or Hay Fields emerged when a peasant would hedge waste land in the rainy season and gradually establish his right over the same.⁶³ It usually happened in the rainy season when there was an abundance of grass growth. During the settlement made by George Carnac Barnes in Kangra, it was decided that the Kharetars' land, from now onwards, was to be clubbed together with the waste land.⁶⁴ In Kullu, grass was not cultivated for hay as had been happening in Kangra. Here, the uncultivated steep hillsides, which were devoid of trees and had different kinds of grass, were used as hay, with each family in the village having its share. The said grass was cut in September or October and then dried and taken home.⁶⁵ It was then hung atop the tree branches to dry. The permission of local officials was needed to set afire the hill sides, in order to provide ash manure for cultivation.⁶⁶

The passing of the "Punjab Alienation Act of 1900" had debarred the sale of land by agriculturists to non-agriculturists without the sanction of the deputy commissioner. This resulted in a decrease in the average

amount of land sold to half in Kangra.⁶⁷ This act also restricted the mortgage of land by agriculturists to non-agriculturists.⁶⁸ The sale of land was rarely done in Kullu in the pre-colonial period, though the propensity to sell one's land had increased a bit during the colonial era, with Rs. 100 being offered for an acre of land in Kullu. British officials noted with disgust that childless widows were eager to sell their land for monetary benefits.⁶⁹

In Lahaul, the land was not divided, and all the siblings lived under the guardianship of the older brother.⁷⁰ A daughter could succeed to the estate owned by her father in the absence of sons, if she was not married before the death of her father. If she were married, then she could live with her husband in her father's house.⁷¹ In Lahaul, during the colonial era, the transfer of land used to occur mostly due to losses sustained in trade or if a childless old person sold his or her land in order to spend the rest of his/her life on the proceeds of this sale. The discovery of sapphire in Lahaul at Paddal during the colonial era drew many people from Lahaul to temporarily mortgage their land in order to raise money.⁷² The sale of land in Lahaul was virtually unknown till the revision of the settlement of C.E. 1871. The progress in trade during the British times and the spread of the knowledge of law had led to the transfers becoming frequent, with the transfers occurring among the Lahaulis themselves.⁷³ There was limited transfer of land in Spiti, with only 3 acres of it being transferred between C.E. 1871 and C.E. 1891, and 15 acres being sold by C.E. 1912.⁷⁴

In retrospect, it can be stated that District Kangra's land ownership structure was extremely centralized under the monarchy prior to the arrival of British. Peasants had no individual ownership rights and the king was regarded as the sole owner of all land. In accordance with the Warisi concept, land was typically inherited hereditarily, while Jagirdars received estates in return for their services to the monarch. On behalf of the king, these Jagirdars served as middlemen, collecting taxes and keeping authority over the territory.

Significant changes were made to the system once British rule was established in Kangra. Increasingly, the local rulers' allegiance to the British government determined whether Jagirs were to be kept or taken away, rather than only their inherited rights. For instance, Kings who had shown loyalty to the British, such as Raja Partap Chand and Raja Shamsheer Chand, had their estates formally acknowledged, while Raja Parmod Chand lost his Jagir due to his pro-Sikh approach. Certain Jagirdars, like Jodhbir Singh and Raja Ram Singh, were permitted to keep their estates as long as they fulfilled certain requirements, such as giving the government regular tribute.

In order to specify land rights and revenue duties, the British also instituted official measures. For example, the C.E. 1893 Settlement gave the monarchs a fixed portion of 15 to 20 percent of the land revenue received, acknowledging them as

Superior Proprietors of land. Tenants without formal agreements were granted hereditary cultivating rights in C.E. 1865 due to improvements in Basika Opahus, as long as they paid their rent on time. This was done in order to protect peasant tenure and lessen arbitrary confiscations.

Under British rule, land ownership and classification also changed. Waste or uncultivated land was progressively classified formally in Kangra. It was designated as village property in C.E. 1853 and in Kullu, it became state property by C.E. 1872. In a system that had previously depended on inherited claims and individual allegiance to the monarch, these modifications represented the British attempt to regularize land administration, enhance the revenue collection and define property rights.

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