

to these lands and dispose of them also at will. This is not in the interest of the State revenue and in the case of private sale or settlement the State revenue does not benefit and the Ruler's successor is placed at a disadvantage. I think it is extremely desirable to prevent alteration in the Ruler's personal lands by addition or subtraction. It is recommended that the lands should be made inalienable and the position existing on the *1st June 1942 should be allowed to crystallise. Provision is made in the law accordingly.

As regards *khamar* lands held by members of the Ruler's family these are usually meant to be held for life, and the law provides accordingly. On the death of the holder the grants should lapse and future grants should not be made.

The Bamra *khamar* villages need separate treatment. In some of these villages there are ryots who formerly had occupancy rights and have been deprived of such rights (see report on Bamra). The Ruler should be advised to have these rights enquired into and get them recorded as ryoti wherever such rights existed before.

95. *Service Grants*.—Among the service grants there are many which appear to me quite unnecessary. These exist not only for village service but there are many for service at the Ruler's palace. There are numerous '*paikali*' grants which are of little use now and though some are made up of for guard duties, etc., there is a great scope for reduction. In Raigarh, Gangpur or Kharsawan where there are whole village grants for service, it has been pointed out that in some cases as in Raigarh even the service for which the grant was made is not known and in others the services are nominal, and can be dispensed with. These States should be advised to assess the grants immediately to the full extent where services are not rendered or can be dispensed with; I think that all the village grants can be resumed as the services are purely nominal.

In the villages there are many *jagirs* the holders of which do no village service except for remuneration and render menial services to officers such as fetching water, providing pots, etc. Most of such grants could, I think, be assessed to rent, the holder being given ryoti rights except where the land has been held for less than 20 years on the same principles as settlement of *bhogra*. Where full assessment is levied as on *paiks* in Talcher, ryoti rights should be immediately granted as well as exemption from service. The position regarding the *paikali* tenures is described in the report on Talcher. These ryots are in most cases the original clearers of the soil and have held for generation and there is no equitable case for withholding ryoti rights from them.

96. *General Proposals*.—Generally grants may be regarded as falling into three classes, those meant for deities, religious or charitable institutions, maintenance grants, grants held on condition of service being rendered. Any grant should become resumable with liable to ejectment if it is alienated or dealt with in such a way as to defeat the object of the grant. Resumption and resettlement of land under grants should be made on the same principles as *bhogra*, that is, there should be mere assessment if the grantee has held for over 20 years. The provisions of the draft law will make these proposals clearer. An early examination in detail of all grants is necessary.

CHAPTER IX:—Survey and Settlements.

97. *States requiring Survey—Settlements*.—The position regarding survey and settlement has been described. The States of Bastar, Kalahandi, Korea, Udaipur and Bonai require complete survey and in the areas which have not been properly settled, settlement also. Ranpur and Bonai require a revision survey and settlement as early as possible. Ranpur was last settled in 1899 and Bonai in 1913; in both these States the records are hopelessly out of date or useless and there seems to be much land under cultivation which is probably paying no assessment. In Korea survey and settlement of the whole State is necessary. In Keonjhar and Bamra, in

*The object of this was to prevent deliberate additions to the personal lands when these proposals become known before the law is introduced but as the Rulers may register strong protests the Law provides for the crystallisation of the situation existing as its commencement.

the areas where shifting cultivation is being practised, it is highly desirable to lay down village boundaries. These States should be advised to take up the operations as soon as practicable after the promulgation of the law. In Bonai the commutation of *bethi* which is going on should be stopped and the State advised to take up a proper revisional settlement.

In the provinces, survey of village boundaries has been done by theodolite if not the internal survey; in the Central Provinces the village traverse was laid down by professional theodolite survey and the internal cadastral survey was done by a local patwari staff. It would be better if a similar procedure could be followed in the State but on account of the expense of a theodolite survey a plane table traverse, if carefully done, may suffice for the present. Cadastral survey is impracticable in the jungly tracts where cultivation is shifting or not steady, but if the traverse has been laid out the detailed cadastral survey could be done at any time by employing the patwari staff.

98. *Principles of Settlement.*—As regards the principle of settlements, it has been pointed out that no definite principle has been followed in the States and the procedure has been determined by the previous training of the officer employed. In some cases it is doubtful if the calibre of the officer concerned has been such that intelligent application of settlement principles has been possible at all, and as there has been no check by a superior officer in any case, settlements in the States may generally be described as haphazard. There is also evidence of neither the Central Provinces system nor the Bihar and Orissa system being followed closely, and officers have sometimes followed their own inclinations. Before deciding on the system which may be followed in the States the principles of settlements in neighbouring provinces may be briefly described.

99. *The Central Provinces and Berar System.*—In the Central Provinces, a somewhat elaborate system of soil classification and factors is followed. First of all, the tract under settlement is divided into a number of 'groups' or villages, as far as possible homogeneous; there may be as many as nine or ten in each tahsil, the grouping will depend on such factors as communications, markets, jungly tracts, liability to drought and so on. The common soils of the tract are also classified and comparative factors allotted; for instance there may be a good soil with factor 32 while another only about half as productive has 16. These factors are chosen after careful enquiries regarding the cost of cultivation, the productivity of the land, and from a large number of actual crop experiments on each kind of soil. These factors will ultimately furnish only the relative rents and it is expected that before he goes into the detailed rents, the settlement officer will have formed an estimate of the enhancement which the tahsil as a whole and the various groups separately may be expected to bear. This estimate will be based on general considerations as well as crop experiments, land values, rents and other factors. On the basis of this estimate the standard rate for a 'soil unit' in each group is worked out. Having arrived at this standard, the settlement officer takes into consideration the variations in the groups from the point of view of which of them can bear the most, and which the least, enhancement. The maximum enhancement on a group is fixed at 33 per cent. by the Settlement Act. The settlement officer proceeds to consider to what extent the standard rate may be applied to the villages in the group, for, though the group is as far as possible homogeneous there are still variations, and after taking all factors into consideration he will decide what total percentage enhancement can be made in the village. Having decided on this he can obtain the unit rate for each village and by application of the soil factor for each class of land, the acreage rate. This acreage rate is not applied uniformly but is still used as a guide in fixing the rents of holdings, and as tenants and *malguzars* are given an opportunity before final announcement to put forward circumstances pointing to a reconsideration of the matter, the procedure practically amounts to fixing rents field by field, using certain factors as a guide. The maximum enhancement permitted on an individual holding by the settlement Act is 75 per cent. The method may be regarded to some extent as proceeding from aggregate to detail though the aggregate is only an estimate. The principles on which the

profits of agriculture are to be estimated are contained in the Central Provinces Settlement Act.

In Berar, the Land Revenue Code sets out the principles on which "fair assessment" of lands may be calculated: the "profits of agriculture," rents paid by tenants, sale prices of land and principal moneys on mortgages are to be taken into account, and for determining the profits of agriculture, the cost of cultivation includes the depreciation of stock and buildings, the money value of the cultivator's labour and supervision, interest on cost of buildings and stock and on expenditure for seed and manure and on the cost of operations paid for in cash, in addition to all other expenses usually incurred in cultivation. The fair assessment cannot exceed 50 per cent. of the rental value of the land (non-agricultural). Grouping of villages according to physical features, communications and such matters is contemplated and a single scale of assessment is applied to all villages in the same group. The rates proposed are liable to be examined by a non-official committee before orders are passed. The period of settlement is a minimum of 30 years.

100. *The Orissa System.*—In Orissa apart from Sambalpur the rents are fixed under section 119 of the Orissa Tenancy Act by agreement or by the fixation of a table of rates for each class of land having regard to nature of the soil, situation, irrigation, etc. These rates are subject to the approval of the authority prescribed by the Government and when approved they may be presumed to be fair and equitable rates. Increase of prices and increase of productivity are the important grounds on which enhancement can be claimed. Usually a rigid table of rates for various classes of lands and villages is framed and applied by settlement officers.

101. *Chota Nagpur.*—In Chota Nagpur, the system of soil factors and classification of the Central Provinces is followed. It is said that this method is of greater value where there is considerable variation in soils. If for instance in a single field there are two or three different kinds of soils it is better to try and get the number of soil units in it than to place it under any one class.

102. *Relative merits of the Systems.*—As regards the relative merits of the Orissa and the Central Provinces systems, the Orissa system has the merit of not involving anything more than multiplication. Mr. Bowstead quoted the view of Sir Hugh McPherson who criticized the soil unit system in use in Sambalpur (para. 27 of Mr. Bowstead's report in F.-22 (4)-P./40) as elaborate and largely fictitious, and considered that a system in which the ryots themselves would be able to understand how their rents were calculated was best. He approved of classification of land and fixation of acreage rates: "so many acres of each class at so much per acre". This system must undoubtedly be most suitable in a tract where soil is uniform and fields can be regarded as uniform sheets of soil susceptible of being placed in a definite class. Fixation of rates however in this manner can sometimes create a difficult situation; a table of rates was drawn up for Khandpara as very fair but when it was applied it was found that it resulted in an enhancement of 144 per cent. and the table was therefore scrapped and an arbitrary enhancement was decided on. (See report on Khandpara.). The rigid application of a table of rates has the disadvantage of not allowing for individual circumstances. The Central Provinces method seems to me to have greater elasticity than the Orissa method. The Central Provinces system certainly has the appearance of being more complicated but this feature has not prevented its application to a tract like Chota Nagpur. The settlement officer of Sambalpur, Mr. Dewar, may be quoted in connection with the advantages of the soil unit system: "It is, in the first place, not a system of assessment but an arithmetical aid to good assessment. Under the acre-unit system, the settlement officer was able to examine the rents of villages, holdings and classes of land, to compare them, and, by enquiries into their rent-paying capacities, to determine the real relative pressure of the rents paid. No more than this is done with the aid of the soil unit system. But the acre-unit suits only one kind of country. It is fully applicable and adequate in the canal villages of Sind, where the rainfall is very slight, the land flat, the soil homogeneous and the water supply as equal as engineering can make it. But in irregular country with varying

soil, surface, and rainfall, where within one acre there may be, not only different crops but differences of soil and drainage, the acre-unit system involves a mass of calculations, the labour and expense of which discourage attempts at accurate land valuation. The use of the soil unit sets the settlement officer free to choose that unit, arbitrary but not imaginary, which best suits his district and can be most easily and cheaply employed in calculations of comparison. To regard the soil unit system as complicated is to confuse issues. It is simple arithmetic." (Sambalpur Settlement Report, 1908, para. 102).

The question as to what method should be applied to the States is not free from considerable difficulty. The Bengal Land Revenue Commission after considering a number of settlement systems came to the conclusion that all things considered, no practicable principle that would give satisfactory results under all circumstances had been or could be devised, and that the provisions of the Bengal Tenancy Act should be followed with certain modifications. As pointed out before, both soil-unit and acre-unit systems have been used in the States. Imposition of any one system without a considerably more detailed study and consideration than I have been able to give it in the course of this general enquiry is not desirable, and the method adopted must also take into consideration, the method actually adopted at the previous settlement. Consequently while laying down certain principles which would be applicable under any system it is proposed to allow sufficient elasticity in the law to permit the use of either soil-units or acre-units in the actual assessment. The drafting of detailed settlement instructions will have to be done by the agency which will be recommended for this purpose.

103. *Period of Settlement.*—Coming now to the period of settlement, the minimum period seems to be not less than 30 years in most provinces of India. In the United Provinces and the Punjab, the period has recently been fixed at 40 years, in Bihar, Orissa, Central Provinces and Madras it is 30 years. In Bengal, it is 15 years, and the Floud Commission favoured 30 years. They pointed out that a long interval gave a feeling of security but on the other hand there may be great fluctuations of prices. What should be fixed is of course a minimum period during which there will be no revision and there should be no question of a revision being taken up automatically after the lapse of a certain period whether there is a case for enhancement or not. In fact the procedure should be that after a lapse of a certain period an examination should be made, and only if there has been an increase of prosperity or rise in prices which shows a clear rise in the profits of agriculture which is likely to be maintained, should a settlement be taken up. The States are in various stages of development, from practically primordial conditions to conditions approaching those of the districts and in view of the possibility of rapid developments taking place, it may be undesirable to fix too long a minimum period; I propose therefore a period of 20 years as minimum, leaving it to the Durbar to fix the actual period which in the more advanced States is expected to be 30 years as in the districts. Generally the States should be advised not to take up any settlements till the Revenue Law has been introduced. The operations going on in Boudh have been described in the report on that State. The Durbar should be advised to drop these operations. In view of the recommendation regarding the abolition of cesses in the States a reduction of land revenue does not appear necessary and in any case the present operations are not being conducted on sound principles or by competent officers.

104. *Commutation of Rent in Kind.*—Rent in kind exists in very few areas at the present day. In Sonapur a portion of the rent is paid in kind, and in Hindol, the *debottar* villages also make payment in the same manner; in Keonjhar the Juangs pay rent in kind, in the kondhmals of Ranpur there is no rent but a payment in kind is made for the whole area and goes to the Ruler as personal income. In the Juangpir the Juangs questioned appeared to be in favour of continuing payment in kind. In all other areas including backward areas cash payment seems to be convenient and the refusal of Durbar to permit commutation in Sonapur and Hindol is a grievance of the ryots. In my opinion it is extremely desirable to discourage payment in kind as far as possible in view of the liability

to corrupt practices in measuring and collecting it as well as in disposal and credit to the treasury. It is proposed therefore that no rents shall in future be fixed in kind with the proviso that in areas inhabited by aboriginals, if cultivators favour it generally, rent in kind may be fixed. Commutation of present rent in kind is made optional with the cultivator. As regards the disposal of produce-rent, it is dealt with at present as elephant fodder, for use in jails or is appropriated by the domestic department. Produce rent does not appear to be shown in the budget in every case and it would appear desirable that this is done. Subject to proper accounts, so long as rent continues to be received in kind, direct disposal of it in jails would appear to be the best way rather than sales by auction; there should be a formal sale to the jail department. I suggest that sale to the *khamar* or *Bhandar* or *debottar* department should not be encouraged. Goats, I suppose, will have to be auctioned and the proceeds credited to the State. The disposal of produce-rent is being left to be governed by special rules in the States which have such rent though auction is being prescribed as the normal course. See para. 3 of the note on draft Law.

CHAPTER X.—The Collection of Rent and Land Revenue

105. *The Part of the Village Headmen.*—The collection of land revenue may be regarded as falling into two distinct parts, according as the village or land concerned may be regarded as directly under the State or as an "alienated" village held by a zamindar, *khorposhdar* or other tenure-holder. "*Khamar*" villages or villages regarded as held by the Ruler in his personal capacity will, I think, have to be regarded as alienated in as much as the revenue of such villages does not enter the State accounts though in some States such as Talcher, the revenue of villages held by *khorposhdars* is credited to the treasury under a separate head. In unalienated villages, it has already been proposed that the collecting agency will be the local headman, who gets a commission based on the total land revenue of the village; such a headman acts simply as a collector and has no responsibility for the revenue of the village.

106. *Objections Considered.*—States which favour a headman with responsibility may object on the ground that as the headman has no responsibility he will not trouble to collect and land revenue collections will therefore suffer. This is not a correct appreciation of the position. It is well known that normally the great majority of tax payers, whether it is land revenue or any other tax, only have to be asked in order to pay up their taxes without any trouble; in some cases a little insistence is necessary but it is only in a few cases that coercive action cannot be avoided. If this were not so, the system of headmen with responsibility would break down at once; for, if a large number of ryots would not pay except on coercion, the plight of the headman would be hard indeed. It may also be said that collections are better the greater the insistence on payment, and if there is a local man, there is greater opportunity of frequent and insistent demand than if there was an itinerant tax collector with several villages under him. Thus there is every reason to expect a high standard of collection in a village where there is a collecting headman; it must be understood of course that collection of revenue is one of the primary duties of the headman for the proper discharge of which he is expected to make strenuous efforts and for the dereliction of which he is liable to be punished. If for instance it is found that collection in any village are not satisfactory on account of slackness of the headman, one of the penalties to which he could be made liable would be payment of his commission on the actual collections. This of course cannot be made a general principle for the reason that some ryots will not pay in spite of the best efforts of the headman and will have to be coerced; it is only therefore where there is good reason to believe that the headman is not making adequate efforts that the penal measure can be applied. More serious measures such as suspension from the post, fine or dismissal could be taken for serious neglect of duty or incompetence.

Another objection which some people seem inclined to put forward is that in the absence of his personal responsibility the headman may misappropriate the money collected by him. This is not really possible except