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Land Revenue Settlements in the Punjab.

CHAPTER I.—GENERAL PRINCIPLES.

1. *What is Land Revenue ?*—Land Revenue is the modern equivalent of the certain proportion of the annual produce of every *bigha* of land, to which by the ancient law of the country the ruling power is entitled. It is by law declared to be the first charge upon the rents, profit and produce of an estate or holding, and the Government's claim to it is superior to the claim of a private creditor, even when the latter has been established by a decree of court. The certain proportion of the produce to which the Government is entitled is fixed from time to time by the Government itself. The predecessors of the British Government in many instances did not prescribe any limit to their claim, but took in kind all that they could from the cultivator of the soil, leaving him only a bare subsistence for himself and his family. As a result land had, in those days, very little value. Since British occupation the maximum proportion claimed has been limited on various occasions, on each of which progressive leniency has been displayed. For the permanent Settlement of Bengal, the demand was confined to 91 per cent. of the Rental, and the same proportion was adopted in 1812 in the area now called "the United Provinces." In that area the proportion was gradually reduced,—to five-sixths in 1822, to "not more than two-thirds" in 1844, to "about one-half" in 1855. The earliest Settlements in the Punjab followed the instructions issued for the United Provinces; in 1860 the limit was definitely fixed at one-half of the "nett assets". That standard was maintained in theory for more than 60 years; in practice the demand fell progressively short of it, so much so that in 1915 Settlement Officers were relieved of the obligation to justify proposals which made no attempt to reach it. Since August 1921 when the Revenue Member of the Punjab Government gave an undertaking in Council that future assessments would be based on new standards which Government intended

to use in a new revenue bill which they intended to introduce and since the first publication of that bill, the standard has further been reduced to one-third of the nett assets.

2. *What is a Settlement?*—A settlement is intended to discover exactly the amount of the Government claim, or land revenue due from an area, and who is liable to pay that claim.

Prior to British occupation, the titles to land had in many parts of the Punjab become very shadowy: the agents of the Sikh Government very often collected the Revenue in the form of a share of the crop direct from the cultivating occupier, and paid little attention, if any, to those who claimed to have other rights. There is, however, good reason to believe that such rights did exist and were on occasion recognized by the authorities apart from the mere fact of possession. All these rights the British Government was careful to ascertain and protect and some of them have developed into what are now called rights of ownership. The commonest kind of ownership was that in which one person or more cultivated the land without any obligation to pay dues to any person other than the State. In an other kind the owner received from the cultivator the dues leviable by the State, together with a small addition in kind. Besides these rights of ownership there are the rights of certain persons in a position of feudal superiority to receive shares from the owners: these are usually called superior landlords. There are also the rights of others to continuous occupation of the land on the payment of certain fixed rents. These persons are called occupancy tenants. There are also the rights of persons to receive the share of the produce which is ordinarily taken by the State. These are called assignees of land revenue or *jagirdars*, *inamdars* or *muafidars*. All these rights and some others have to be ascertained and are carefully recorded at settlement. But the settlement is not made with each individual whose right to occupy the land on the payment of land revenue has been established. It is made with all the owners of an estate, who are jointly and

severally liable for the payment of land revenue. In the Punjab the estate is usually a village. This joint liability is, as a matter of fact, rarely, if ever, enforced ; in ordinary practice the individual owner pays his Revenue or takes the consequences. But the advantages of its legal existence are not merely theoretical. It helps to stabilise the village as a social unit, and (what is perhaps of more importance) it facilitates the practice of giving the villagers an effective voice in distributing the Revenue of the estate over the individual holdings.

3. *The Land-owner's title.*—Thus the early Settlement in the Punjab benefited both parties to them. To the Government they gave an assurance that certain amounts of Land Revenue would accrue year by year ; and to the owners they gave a clear title to their holdings. These titles might indeed be challenged in a Civil Court, but in a Civil Suit the party who is shewn in the Revenue Records as owner has a great advantage ; for the mere fact of the entry raises a presumption in his favour. Where the Revenue Record has not been challenged within the time allowed by the Limitation Act, the entry constitutes a valid title, which the Courts are bound to recognize.

In accepting the title which the Revenue Record set up, a land-owner engages to be, with the rest of the proprietary body, jointly and severally responsible for the Land Revenue of his holding and the estate containing it. Prior to 1887, each estate, through its Headmen used to make a formal tender of engagement (*darkhwást málguzári*) to pay the demand assessed. This formality is now obsolete, but its counterpart is still in force, namely, the right of the owners of an estate (or a sufficient number of them) to refuse to engage. Such refusal, if persisted in carries with it the consequence that the ordinary rights of the land-owners in the estate remain in abeyance.

If a land-owner, having accepted liability for the Land Revenue, makes default in his payments, and fails to respond to the milder processes which usually suffice to ensure collection, he may find his holding transferred to some other owner in the estate, or attached, for a term of years, or, in the last resort, sold. The employment of these stringent methods is very exceptional.

There are only three kinds of exception to the general rule that the ownership of land is contingent upon the payment of Land Revenue : these are (1) those cases in which the Land Revenue has been assigned to the owners ; (2) a few estates which were sold as waste-land free of Land Revenue between 1863 and 1873 ; (3) a very few estates of which the Land Revenue has been redeemed under rules which were in force for a short period after 1869.

4. *Settlement and Assessment.*—A settlement involves both a determination of the Government demand and also the compilation of a Record of Rights. In the Punjab, the latter process had been carried out about fifty years ago : all that now has to be done is to keep the record up-to-date, and to revise it periodically. The great value of this process to land-owners can hardly be exaggerated. In Great Britain and many other countries land-owners have to maintain at great expense their own maps and title deeds of landed property through the agency of a privately paid professional staff of solicitors and surveyors, and they have to prove the correctness of these documents when they are questioned in litigation or when they desire to alienate or mortgage property. For this reason the Land Revenue Act of 1887 discarded the term “ settlement ”, and deals separately with the two aspects of settlement, the making and revision of Records of Rights on the one hand, and general or special assessments on the other. As every district in the Punjab has already been assessed and re-assessed at least once, a general assessment (which is, strictly speaking, applicable to a whole district or tahsil) will in future always be a re-assessment.

It is generally found convenient to seize the opportunity afforded by a re-assessment to make a special revision of the Record of Rights. The presence of a specially-trained staff, and the inherent connection between rights and liabilities, facilitate the thorough checking of the entries ; and the close touch thus established between the staff and the people greatly increases accuracy in distributing the new demand. Hence, though the word “ settlement ” no longer appears in the Land Revenue Act, it persists in popular speech and even in official correspondence, in such phrases as

“Settlement Collector”, “Settlement Report” and so on. In this pamphlet, the word “Settlement” will be used in this popular way, unless there is some special point in differentiating re-assessment proceedings from revision of the Record.

5. *Fixed and Fluctuating Assessments.*—The normal Assessment takes the form of a fixed amount for each estate for a term of years: the Settlement Officer announces a fixed sum to be paid annually by each estate. This sum is not liable to be varied, except in accordance with the rules for progressive assessment, exemption of improvements, di-alluvion, suspension and remission, or similar special circumstances.

But it is also permissible for an assessment to be in the form of rates chargeable according to the results of each year or harvest: this is called a “fluctuating assessment.” It is generally employed where the results of each harvest are most dependent upon conditions beyond the cultivators’ control, *e.g.*, river-floods, canal-supplies, or precarious rainfall.

There is much to be said in favour of each of these forms, if applied to appropriate areas and efficiently worked. The great advantage of the ‘fixed’ form to the land-owner is that it gives him all the benefit of waste-land broken up or fields improved between settlements; and from the point of view of Government, this form has the merit of fostering development and increasing wealth: but it is generally necessary, as has been suggested above, to modify rigid fixity so as to allow for unforeseen circumstances. The advantage of the ‘fluctuating’ form is that the demand is automatically adjusted to the ability to pay: but if it is not to become either an occasion of loss to the Government or of oppression to the land-owners, strict supervision is essential.

Of late years owing to the extension of canal irrigation the proportion of the total area of the province under ‘fluctuating’ assessment has greatly increased: in the older districts, however, the ‘fixed’ assessment works well and is popular.

6. *Assigned Land Revenue.*—It is one of the duties of a Settlement Officer to overhaul the Assignment Registers, to verify the sanctions on which each assignment is enjoyed, and to arrange for resumption in cases where the assignee's title is imperfect, or necessary conditions are not fulfilled, or the prescribed term has expired. If in any such case he considers resumption inadvisable, he must take steps to obtain sanction for his proposals. In some cases he may find it desirable to get the terms of the assignment altered. For instance, there are numerous assignments of which the purpose is to maintain the dignity and efficiency of a religious foundation, but the recorded beneficiary is an individual incumbent. In such cases it is usually politic to arrange that, on the death of the incumbent, the assignment should be renewed in the name of institution, with specific conditions exacting proper maintenance, good conduct and loyalty.

In the case of petty grants for the term of settlement in favour of village servants or institutions, the Settlement Officer is authorised, if he thinks resumption inadvisable, to strike the assignment off the Government Register, to reduce the assessment of the estate by the amount of it, and to give the proprietary body of the estate the option of exempting or including the holding in their scheme of distribution. This arrangement has the advantage of making the institution or servant directly responsible to those to whom service is due.

CHAPTER II.—RE-ASSESSMENTS, PRELIMINARY PROCEDURE.

1. *Forecast Reports.*—All assessments in the Punjab having been sanctioned for a definite term of years, it is necessary to decide, before that term expires, whether a re-assessment is to be undertaken. If it appears that re-assessment is unnecessary, the old assessment can be allowed to run on. As a rule re-assessment does not take place unless it appears either (1) that the Government could fairly claim an enhancement large enough to justify the trouble and expense of assessing it; or (2) that the existing assessment ought to be reduced or re-distributed on account of some change in the circumstances of the tract as a whole or its constituent parts.

Occasionally the progress of a tract since settlement is so obvious that the Government can decide without elaborate enquiry that re-assessment is called for. But as a general rule a Forecast Report has to be submitted as the current assessment nears its close. This report shows briefly the recent history of the tract, especially in regard to rainfall, population and stock, irrigation, cultivated and harvested areas, mortgages, land-values and crop-prices. On these data the reporting officer (usually the Deputy Commissioner) bases a rough estimate of the probable new demand. He also reports whether, apart from the financial results, there are any special reasons for re-assessment, *e.g.*, that the existing demand is excessive or badly distributed. The Financial Commissioner, if satisfied that re-assessment is necessary, requests the sanction of the Local Government. When this has been obtained, a Notification is issued under section 49 of the Land Revenue Act. At the same time it is considered whether a special revision of the Record of Rights is desirable, and if this is sanctioned by the Government another Notification is issued under section 32 of the same Act. These preliminaries are ordinarily carried out in time to admit of operations being begun two years before the current settlement is due to expire.

2. *The Settlement Calendar.*—The making of a re-assessment, especially if it is accompanied by a revision of the Record of Rights, involves a great deal of

highly technical work, which cannot all be carried out by the regular District Revenue staff concurrently with their normal duties. It is, therefore, necessary to employ extra staff, especially in the higher grades, and it makes for efficiency and speed if the members of this staff are employed in two or more settlements consecutively. These members need not be very numerous, as they merely re-inforce the district staff ; but they should be more or less experts in their own line.

3. *The beginning of a Settlement.*—As soon as the Settlement Officer has been appointed, he makes himself personally familiar with the whole area with which he has to deal, and arrives at a general idea of its present condition and the changes which have taken place since last Settlement.

If a revision of the Record of Rights has been ordered, this first claims the attention of the staff. The old field maps have to be tested : if they are found to be reasonably accurate, they are copied and the copies are amended so as to embody the changes that have taken place. If the old maps are not accurate, or if changes have been very numerous, re-measurement of a whole estate or part of it may be necessary : in this case the Settlement Officer must obtain from the Financial Commissioner sanction to re-measure. In many cases it is found that the old maps can be corrected, but in certain conditions experience has shown that maps made by Patwaris on the " square " system are inevitably imperfect. This is especially the case in river beds, and in upland areas where enormous areas of waste are interspersed with patches of cultivation. In such cases great improvements have been effected in recent Settlements by enlisting the co-operation of the Survey Department. Without an accurate aid of this kind, Civil and Revenue Courts are always liable to find themselves confronted with boundary disputes which no degree of judicial acumen is competent to handle : all that is certain is that one or both of two maps is wrong, and it is quite impossible to determine exactly where the error lies.

Other points which have to be decided at an early stage of Settlement operations are, (1) the grouping of estates for purposes of assessment ; (2) the classification of soils ; (3) the calculation of the normal harvested area ;

and (4) the adoption of prices for computing the value of each kind of crop. These points will be explained in the following paragraphs.

4. *Assessment Circles.*—General re-assessments most commonly cover whole districts : but sometimes they are confined to some tahsils of a single district, or some tahsils of more than one district may be dealt with together. These exceptions may be due to the fact that part of a district has a longer term of Settlement than the rest, or to the existence of similarities between adjacent tahsils which make it convenient to have them assessed by the same Settlement Officer. Sometimes the limits of re-assessment depend, not on tahsil boundaries, but on the system of canal irrigation : this has been the usual rule in Canal Colony Settlements.

Where the Settlement includes more than one tahsil, the assessment of each tahsil is worked out, and generally made the subject of a separate report : as a rule, if a district consists of three tahsils, three Reports will be submitted, each containing the proposals for one tahsil : but sometimes one Report will deal with two tahsils.

Now there are very few tahsils in the Punjab so uniform that a single set of rates could be applied intelligently to all the constituent estates : almost always there are distinctions of hill and plain, upland and river-valley, well-belt and canal-belt, tracts of soils in which on the one hand sand and on the other clay predominates and these correspond to a marked diversity of agricultural conditions. So practically all tahsils are divided into " Assessment Circles ", which are more or less homogeneous blocks made up of estates shewing sufficient general likeness to enable them to be compared with a single scale of standard rates. Unless this division were made, the Settlement Officer would find himself obliged to depart so far from his standard rates in the best and the worst villages, that the scale would be of very little use to him or to his superior authorities.

Assessment Circles should be numerous enough to distinguish all really important differences of condition, but they should also be large enough to give a reason-

ably wide view. If the circles are very many and small, the statistical work involved, both during and after settlement, is unduly complicated, and it is difficult for the Revenue officials to keep in mind a clear picture of the district. In most tahsils the experience of successive Settlements has shewn what is the most serviceable grouping, and in future settlements it is probable that the existing circles will be maintained : this will facilitate comparison of statistics and make for continuity of administration.

For assessment purposes each circle is treated as a separate unit ; the descriptive and statistical information and in particular details of prevailing rents, the assets-estimate, proposed rates and resulting demands must be distinctly set out in the Report circle by circle. Where the assessment is fixed the orders on the Report prescribe the aggregate demand to be imposed on each circle as well as the standard rates for each class of soil and these are the data from which the demands of each estate are deduced. So far as the Settlement Officer's superior authorities are concerned, the Assessment Circle is the unit of assessment. Where the assessment is fluctuating the average standard rates for each class of soil, or for each kind of crop are usually prescribed.

5. *Soil Classification.*—The Settlement Officer must, before he can draw up a scale of rates for a circle, determine how many different classes of soil he will recognize. Soils are distinguished not only by the chemical constitution and texture but also by irrigation facilities. In most parts of the Punjab within the limits of an assessment circle the differences in chemical constitution and texture are much less important than those of water-supply, and it is the latter that determine the average productivity of the harvest. Hence, in most Assessment Reports, the soil-classification is on the lines of well-land, canal-land, flood-land and rain-land. If rain-lands are further differentiated, the distinction is sometimes between fields which have a catchment-area and those which rely entirely on direct rainfall ; more rarely between soils in which clay or sand predominate. On the whole the classification depends more on water than on land.

The Financial Commissioner's sanction must be obtained for the classification which it is proposed to adopt in the Assessment Report.

6. *The Normal Harvest.*—Land Revenue is the money-equivalent of Government's share of the produce of land. The fundamental question in assessment is, therefore, this: "what does the land produce?" Since settlements are made in advance for a term of years, the question might, in strict logic, take the form, "what will the land produce during the coming term?" But it is an accepted principle of assessment in the Punjab that all calculations must be based on ascertained fact and not on possible developments. An estate must be assessed as it is, and not as it is hoped that it may be. A Settlement Officer who is satisfied that an estate is on the down grade may allow in advance for future deterioration, but he cannot apply the same principle to estates on the upgrade: he must not anticipate prosperity. Progressive assessments, where they have been sanctioned, do not lead up to a larger demand than could be claimed on the strength of present values.

The produce of an estate consists, in the main, of the crops harvested. For more than forty years a careful record has been kept in detail of the crops sown and matured on every field in the Province. There is therefore no difficulty in ascertaining what the actual facts of cropping have been. But in most estates there are wide differences between harvest and harvest: it would seldom be safe to take the figures for a single year as fairly representing the normal facts: a wider basis must be found. This can best be done by striking an average for a typical cycle of years. And it is the duty of the Settlement Officer to select such a cycle. In circles where conditions are stable and there has been no marked change in the average cropping during the current settlement, a cycle of twenty years may be taken. But where development is still in progress, it would be misleading to take so long a period, since the figures for the early years would unduly depress the present average. Here the Settlement Officer must do the best he can to find a cycle which fairly represents the present normal. He must consider whether recent years have

been unusually fortunate or unfortunate as regards rainfall, and whether any particular harvest has been so exceptional that it ought to be left out of account. If, having made the fairest selection he can, he regards the resulting average as higher or lower than a true normal, he can adjust his figures accordingly. Great care is always taken to base this important stage of the calculations on actual facts and to give the benefit of every doubt to the land-owners. The cycle proposed for adoption has to be approved by the Financial Commissioner.

7. *Commutation Prices.*—Land Revenue being payable to Government in cash, the produce must be priced. Here also expectation is not allowed to outrun experience.

The facts to be ascertained are the actual prices at which land-owners have sold their crops. If they usually sell them to dealers in the villages, local enquiries are made and account books examined. If they sell in markets at a distance, the market rates are studied and deduction made for cost of transport. The results are checked by the price lists published in the *Punjab Gazette* and in the Season and Crop Reports, allowances being made for the fact that the villager as a rule obtains somewhat less than the trade-price.

It has to be borne in mind that most of the selling is done in those years in which the price is lowest: hence, in order to arrive at a true average, the price-lists must be carefully compared with the crop returns. In the case of crops whose price is governed less by local conditions than by the Indian market or even the world-market this caution is less necessary, but it is always applied more or less.

Of all the factors which a Settlement Officer has to compute, this fixing of prices is the most uncertain, and it is here that the widest margin of error is allowed in favour of the land-owner. Many districts in the Punjab are now paying Land Revenue on the basis of prices which were extremely low even in the pre-war years in which they were adopted, and which are less than half the present market rate. There is little doubt that in the past caution was exaggerated.

CHAPTER III.—ASSESSMENT REPORTS.

1. *Village Inspections.*—The preliminary questions dealt with in Chapter II can be disposed of after a short acquaintance with local conditions. But the next step, the compilation of an Assessment Report, requires much more detailed knowledge. The Settlement Officer must, therefore, devote himself to careful enquiry into the facts of each estate in the Tahsil, or other area, with which his first Report will deal. This means that he has to spend nearly all his time touring round the villages and discussing the affairs of each one of them with the assembled villagers. These village inspections are the most important part of a settlement. To make the discussions as fruitful as possible a great deal of written information is necessary. The Settlement Officer must study carefully the reports and notes of his predecessor, so as to understand how the existing demand was arrived at. He must also consult the Village Note Books and Abstract Note Books (*Lal Kitab*) which have been written up year by year since the last settlement : these will give him a shrewd idea whether the old demand has been easily paid, and whether the estate has made progress or the reverse, and what the present condition of the village is. He will also have prepared by the Settlement staff comparative statements showing in tabular form the figures of the past settlement and the present for all kinds of agricultural resources, harvests, rents and sales and mortgages of land. In addition to these aggregate statements, the staff will have prepared detailed lists of all rents (shewing exactly how they are determined, and to what deductions they are subject on account of expenses borne by the landlord), sales and mortgages. The aggregate statements will at once direct attention to any marked signs of strength or weakness, and the detailed lists will reveal how far the strength or weakness indicated is real and relevant to the assessment. By the time the Settlement Officer has ridden over the fields, inspected the hamlet, and discussed with the villagers all the points brought out by the tables and lists, he is fairly well-acquainted with their history and circumstances. He is then able to write up his own inspection note, and to frame a rough estimate of the new

demand for the estate, expressed in terms of rates on the various soil-classes which he has adopted.

As the work of village-inspection proceeds throughout a circle, the Settlement Officer finds his idea of standard rates for the circle taking definite shape: and by keeping up a running total of his roughly estimated demands he is able to satisfy himself that the figure brought out by the standard rates is one which can be applied in actual distribution. His mind may be quite clear on these points some time before he has completed his detailed inspections, but he must certainly have inspected the bulk of the villages, before he begins to write his Report.

Meanwhile, by the time that village-inspections have sufficiently progressed, the staff should have been able to check and total the figures of area, holdings, rents, etc., brought out by the revision of the Record of Rights, and to compile the various tabular statements which accompany and form the basis of the Assessment Report. These statements enable the Settlement Officer to bring into one picture and take broad view of all the manifold details which have been engaging his attention: they correct the tendency, which is apt to be induced by close local enquiry, to be "unable to see the wood for the trees".

For the Settlement Officer must be able to change his point of view at different stages of his task. He will naturally begin with a general view, afforded by his first comprehensive tour of the tract and by his predecessor's Reports: he will then proceed to a detailed view of the particular estates, and so confirm or correct the accuracy of his first impressions; and he must then once more remove himself to a distance from the details, so as to be able to see them all in their proper perspective in relation to the whole picture. It is this whole picture which he has to present in his report. When he receives his orders on the report, he must come to grips with the details of distribution.

2. *The contents of an Assessment Report.*—Assessment Reports are now-a-days restricted to essentials, and present the data relevant to assessment in the clearest and most compact form.

They first deal with the physical factors, *i.e.*, with a short topographical description of each circle (illustrated by a map) ; the rainfall (with statements showing annual variation and monthly distribution) ; and the arrangement of assessment circles and field-classification.

They then explain very briefly the fiscal history of the tract—ancient history is treated very cursorily, if at all : but the principles, rates and demand of the expiring settlement are set out, and the fairness of its distribution and the success of its realization discussed. If the demand has been raised or lowered since its introduction, the reasons must be explained : and the actual demands and collections for each year are given in a statement which shows at a glance whether the settlement has worked easily or not.

The development of resources is next described. The cultivated areas of each Circle, with details for soils is compared with the corresponding areas at last settlement : any changes in the quality or method of cultivation are explained. Variations in the number of wells, live-stock, ploughs and other instruments of agriculture are considered, as well as the census-returns and the pressure of population on cultivated area. Figures are given to shew the tribal distribution, with notes on the agricultural merits of the principal tribes of owners and tenants. The prevailing tenures and the size of holdings are discussed, special attention being drawn to any very large holdings which unduly inflate the averages brought out by the statements.

The rise or fall of prices is examined from two points of view : first, the commutation-prices assumed at last settlement are compared with those now assumed, and the total percentage of variation calculated ; secondly, the change in actual prices is considered, in order that it may be seen how far the difference in the Government's assumptions coincides with a real difference in the land-owner's cash receipts. In this connection, changes in the cost of cultivation (and especially in the expense of working a well) are mentioned, since these may materially affect the amount of the nett

receipts. The facilities for marketing produce are described, with special reference to any improvements in communications by road or rail and the introduction of new markets.

Statistics of transfers by sale and mortgage for various periods are given, and it is explained to what extent these indicate financial embarrassment and how far they give a just idea of existing land values.

It is also stated whether the land-owners rely on sources of income other than agriculture, *e.g.*, military service ; this might account for a standard of prosperity which farming by itself would fail to provide.

Having thus described the present condition of the tract and compared it with the past, the Report goes on to deal with those factors which are the essential basis of assessment, namely, the crops grown, the landlord's share of them and the nett value of that share.

3. *Crop Returns.*—The Report shows the history of past harvests : the systems of cultivation employed on the various classes of soils are described briefly, and fluctuations in sown and harvested areas are explained. There are usually tables shewing the average acreage of each kind of crop for a series of years and the proportion that each kind bears to the total harvest : these show whether the circle grows a large amount of the less profitable crops, and each circle can be compared with its neighbours in this respect.

4. *The System of Rents.*—Tables are given to shew what areas are cultivated by owners and tenants, respectively. Among tenants, distinction is made between those that pay customary rents unaffected by the market-value of the crop and those that pay economic rents. If there are many tenants of the former kind, this may indicate weakness in the proprietary body, but where the customary rent consists of, or includes, the land revenue, this consideration would not affect the pitch of the demand, since that will be passed on by the landlord to the tenant, whatever its amount may be. The figures usually also show how the area under competition-rents is divided between tenants paying cash-rents and those who pay a share of the crop : and each of these classes is tabulated and discussed in further detail.

There is a statement shewing the areas which pay a share of the crop, either in kind (*batai*) or commuted at rates fixed according to the kind of crop (*zabti*). Where different fractions of the crop are paid on different soils the area paying each fraction is given, and a calculation made of the average share taken by the landlord for each class of soil in each circle. (Thus if 1,000 acres of well-land in a circle pay a half share, and 500 acres pay a two-fifths share, the average landlord's share on well-land for that circle will be seven-fifteenths.)

Sometimes rents are paid in the form of fixed amounts of grain for one or both harvests : where a fixed amount of grain is paid in one harvest only, a fixed sum in cash is often paid in the other harvest. Rents of this kind (*chakota*) are tabulated separately, and they can be used for comparison with the results brought out by the kind-rent estimate.

The cash-rents are also tabulated : but in their case the aggregate figures are often of little value, and a good deal of selection and discrimination is necessary. In many parts of the Punjab, cash-rents are exceptional, the great bulk of the rent being taken in kind. In these areas detailed enquiry usually discloses the fact that the few cash-rents which exist are due to peculiar circumstances having little to do with economic values. Here the cash-rent figures are of no practical use as a guide to assessment, and no elaborate handling of them is called for : as far as the assessment is concerned, they might as well be non-existent. But in other parts of the province (especially in the south-east and in the canal colonies), cash-rents are both common and determined by economic considerations. Here they afford the Settlement Officer a truer insight into the value of rents than he can obtain from his kind-rent calculations, which must necessarily involve assumptions about out-turns and prices. But if the main reliance is to be placed on the cash-rent estimate, then careful examination of individual cases is necessary : for it will often be found that even where most of the cash-rents are true 'competition-rents', a considerable proportion of them are forced up or down by special circumstances, independent of the mere value of the land. For instance, it may be found that lands have been let at

cheap rates to relations as a matter of family convenience ; or, on the other hand, that a mortgagor is paying an extortionate rent to his mortgagee, rather than forsake his ancestral holding. Again it may be found that particular fields are let for high or low rents because they are exceptionally fertile or exceptionally poor ; these rents may be true economic rents, but, if the estate contains no other fields equally good or bad, they give no indication of the letting value of the estate as a whole. All abnormal rents of these kinds are left out of account, and the averages on which the Settlement Officer's calculations are based exclude them. The checking of these cash-rents on the spot and the discussion with the proprietary body and cultivators as to which of the rents represent normal rents for a particular kind of soil takes place as a rule at the time of village inspections and forms a very important part of the Settlement Officer's duties.

The average normal rents for the rented area having been worked out, it is necessary to consider whether the fields rented are fairly representative of their respective classes as a whole. In some estates it may be found that only the weakest fields are leased ; in others, especially if there is a mortgage or if the owners are not skilled cultivators, the cash rents will be paid on the best fields. Considerations of this kind will have to be allowed for in making the next step in the calculation.

5. *The meaning of "Nett Assets".*—Up to this point the Assessment Report has shown what is the average economic rent actually paid by tenants to owners. The next step is to estimate the renting value of the circle as a whole. For this purpose it is assumed that the area cultivated by the owners on their own account (*khud kasht*) might be leased to tenants at the prevailing rates : or, to put the matter in another way, the cultivating owners are regarded as tenants paying the normal rent to themselves as landlords. A calculation is thus made of the value of landlord's share of the total produce, and in circles where there are enough normal cash-rents to afford a fairly safe guide, a separate calculation is made of the cash-renting value of the circle, and the results of the two calculations are compared with one another.

In each case some deduction may have to be made from the gross amount received by the landlord, on account of payments due from him towards the expenses of cultivation, or, in the case of cash-rents, to allow for costs of collection, bad debts or special abatements made for fallows or bad harvests. For the standard of assessment is not the gross produce of the land, but the "nett assets", *i. e.*, what the landlord actually gains after all expenses of cultivation (including water-rates) have been paid, but before payment of land revenue and cesses. If the landlords pays a share of the water-rates, that share is deducted from the value of the rent : if the agricultural artisans and menials are allowed to take a share of the undivided crop, a corresponding deduction is made : and if the tenant takes fodder for his cattle without payment, or the landlord supplies seed or manure or helps to maintain the well or silt-clear the canal or is in any other way liable for expenses of cultivation, appropriate allowances are made. If, on the other hand, the landlord passes on part or all of the land revenue to the tenant, the rent-value is increased accordingly.

In addition to the rents of cultivated land, the nett rents or profits of the waste are also liable to be taken into account, if they amount to any considerable sum, together with any other income accruing to the land-owners from their position as such. Rights in minerals generally belong to the Government, but saltpetre belongs to the owners and the profits of extracting it are often considerable. In the unirrigated uplands pasture is often more important than tillage and the income derived from it constitutes the bulk of the assets. In the south-west, date-palms are a source of considerable income. In several districts the barilla plant (*lana*) yields a product (*sajji*) of some value. Where miscellaneous income of these kinds amounts to an appreciable figure, it is included in the "nett assets" : in many districts it is regarded as negligible.

6. *The Produce Estimate.*—In order to calculate the value of kind-rents it is necessary to estimate the cash-value of the gross produce of each class of soil in each circle. The basis of the estimate is the normal area of

each kind of crop harvested during the selected cycle of years.

To these areas are applied assumed rates of yield per acre of grain and straw (in the case of crops which pay a share of straw to the owner) or cash-rates (for crops customarily paid for in cash). The rates of yield are assumed on the basis of local observation and enquiry, checked to some extent by controlled experiments and compared with assumptions made at last settlement and in similar circles elsewhere. The assumptions are generally well below the results of experiment and are, beyond reasonable question, very cautious, especially for the best lands. Thus irrigated wheat has recently been assumed to yield from 8 to 12 maunds per acre in Multan, and 13 maunds in Lyallpur, Jhang Branch Circle. The tendency of Settlement Officers is to arrive in their own minds at a cautious figure for a moderate field in a moderate year.

The matured areas multiplied by the assumed yields produce the estimate outturn of crops. This is converted into money-value by applying the prices sanctioned by the Financial Commissioner. The large margin of safety allowed in fixing these, combined with the margin allowed for yields, ensures that the calculated value of the gross produce is placed at a figure which is very much in favour of the land-owner in any ordinary year.

7. *The Kind-Rent Estimate.*—The next step is to deduct from the gross value of the crop the sums allowed for the tenant's fodder and the artisans' and menials' wages. The remainder represents the value of the crop divided between the landlord and the tenant according to the recorded shares. This figure is, therefore, divided by the fraction representing the landlord's average share, allowance being made, if necessary, for any special dues claimed by either party. The resulting quotient is the landlord's gross rent. This figure must be reduced to the extent of payments made by the landlord for water-rates, seed, etc., and increased if the tenant pays the land revenue. These adjustments bring out the landlord's nett rent or "nett assets".

It is clear that this estimate of the nett assets based upon kind-rents cannot be more than a

rough approximation to the facts: at practically every stage a substantial margin of safety is allowed in favour of the land-owner, and the cumulative understatement is considerable. The degree of understatement can be roughly appreciated in the light of various checks, of which the most helpful is the cash-rent estimate, where this is available.

8. *The Cash Rent Estimates.*—Where cash-rents are sufficiently common to be used as a guide, they can be made the basis of an estimate of the nett rental on the same assumption as is made in the case of kind-rents, *viz.*, that the area cultivated by the owners or leased out on kind-rents might be leased out at the prevailing cash-rents. It has already been shewn that this assumption is only justified in so far as the cash-rented areas are typical of their class. When this is the case, the application of the normal-average rents of each class of soil to the cultivated areas gives the gross cash-rental. From this figure deductions may have to be made for costs of collection, bad debts, and abatements for fallows and bad harvests. And further adjustments must be made, as in the case of kind-rents, for water-rates paid by the landlord and revenue paid by the tenant. In this way the nett cash-rental is obtained.

In those recently re-assessed districts in which cash-rents are most common, it has been found that the assets-estimate based upon them is much higher than that based upon kind-rents. But it has also been found that in those same districts tenants often take land on cash-rents and sub-let them on the prevailing kind-rents. And since it is certain that nobody would persist in this practice unless it paid, it follows that in these districts the value of the kind-rents has been underestimated. This bears out the conclusion arrived at in paragraph 7 above.

9. *Other checks on the Assets-estimate.*—It may safely be said that sensible men, and especially members of the money-lending profession, would not buy land in large quantities, unless it paid them to do so. The price at which land has been sold and the sums advanced for land which has been mortgaged are, therefore, rough indications of the profits which the vendee or the

mortgagee expect to get from these transactions. These tests can only be usefully applied by comparison over a series of years. If it is found that prices and mortgage money are rising, it can be assumed that the existing burden of land revenue is not excessive. A reduction in prices of land, or in mortgage money per acre may on the other hand indicate some unfavourable symptom necessitating a reduction in the land revenue.

Again a rough estimate of the total productive capacity of a tract may be obtained by estimates of the amount consumed by the inhabitants of that tract, and the quantities exported therefrom.

Further there is a comparison with other assessment reports.

Every Settlement Officer is glad to be able to reinforce his own opinions by those of other experts; and higher Revenue authorities are naturally concerned to see that throughout the tracts under their charge similar conditions lead to similar conclusions. Hence it is always advisable to compare the results reported for a particular circle with those arrived at in comparable circles elsewhere. Such comparisons make for equity in distribution of demand: but for this very reason they exert a conservative influence and tend to stereotype the under-estimates of yield and price which now have become almost traditional.

Occasionally a Settlement Officer will find himself in a position to compare his assets-estimate with claims made by land-owners for compensation, in respect of land acquired or damaged. In these cases he will almost always find that his valuations are regarded by the claimant as utterly inadequate.

After applying some or all of these checks to the results of the estimate based on kind-rents and cash-rents (if any), and taking into account the income from waste-lands, etc., where this is appreciable, the Settlement Officer gives his considered opinion of the full and fair "nett assets" of each circle. This is the figure on which he bases his assessment proposals, except when the latter have to be kept low by considerations of the amount of enhancement. Even then, he must state

definitely what proportion of the nett assets he expects to absorb by his proposed demand.

10. *Assessment Proposals.*—Of the computed value of the nett assets, the Settlement Officer takes the prescribed fraction which is the standard of assessment. Till 1921 this fraction was one-half. Since that year it has been one-third (see Chapter I, paragraph 1).

But there are many considerations which restrain him from taking the whole of the maximum fraction. Of these, the most important is the amount of the current demand. It has always been held impolitic to claim enhancements which would seriously disorganize domestic finances. When there has been an increase in cultivation due to the extension of canal irrigation, an enhancement of the existing demand may be taken which is far greater than would be possible when no such increase in cultivation has occurred. Ordinarily, however, when the land revenue is fixed, and when progress is due not to some revolutionary change such as the extension to the tract of canal irrigation, but to the normal development of the tract, the amount of the enhancement which can be taken is limited, and it is proposed to restrict the maximum amount of enhancement in such cases by statute in future to an incidence which shall not exceed the incidence of the existing demand by more than $33\frac{1}{3}$ per cent. The result of this assessment may be an assessment far below the assessment permitted by the prescribed standard.

But it does not follow that he will propose to take even as much as this limited figure. He must bear in mind that, although his proposals and the orders passed upon them treat the assessment circle as the unit, he will have to distribute the demand sanctioned for a circle over the various estates included in it. In making his distribution he must arrive at a total which does not differ from the total sanctioned by more than 3 per cent. either way. So before proposing a definite sum as the demand for a circle, he must see his way to obtaining that sum from the estates in the light of his rough village-to-village assessments. It may be the case that some estates in the circle have made great progress while others have stood still or even lost ground : and it is quite likely that the

Settlement Officer will be reluctant to raise the demand of the strong villages sufficiently to counterbalance the leniency due to the weak villages. For the tendency of Settlement Officers generally is to be generous in allowing for weakness and cautious in claims upon strength.

One of the most serious forms of weakness is deterioration of the soil due to water-logging or some other cause. Another form of weakness consists of smallness of holdings and heavy pressure of population on the soil. In strict theory, the size of holdings is irrelevant, since the profits of cultivating a particular acre of land are the same, whoever takes the rent. But in circles where the bulk of the cultivation is done by owners of a few acres, it may well happen that the costs of cultivation are relatively high, since the owner-cultivator has to support himself and his family on an area which would not suffice to support a tenant paying the prevailing rent. In such circumstances more than ordinary moderation is necessary, and little stress is laid on the rise in prices where only a small share of the produce can be brought to market. The claims to lenient treatment of congested areas with small holdings will always be borne in mind, particularly because in such tracts owing to the pressure of population and scarcity of land, rents are often markedly high and competitive, and unless care was taken the rent statistics might indicate and justify on paper a theoretically high incidence of revenue. Special leniency is also generally shewn to those tribes who are known to be inefficient cultivators and unable to raise the most profitable crops. And in villages in which transfers of land are found to be due to economic weakness or live and dead stock have seriously decreased, caution is necessary. There are, in short, many reasons which lead Settlement Officers to keep their proposals well below the figure which they might theoretically claim.

Taking all these factors into consideration, the Report submits definite proposals for each circle, specifying the standard rates for each class of soil and the aggregate demand which these rates will produce. The rates are compared with those in force in similar circles elsewhere, and any considerable differences are justified. The financial results are clearly summarised so as to

show what proportions of the gross produce and the nett assets are being claimed and what the enhancement of demand will be. If a fluctuating assessment is proposed, the grounds for preferring it are indicated. If the fixed form is recommended, orders are asked for in connection with such variable factors as exemption of improvements, adjustments for di-alluvion and so forth.

11. *Publication of Assessment Proposals.*—When the Assessment Report is completed, a vernacular abstract of its salient points is printed and circulated to all village headmen and other leading revenue payers. Any revenue payer may lodge a representation or objection on any point before the Commissioner, within a month of the abstract's publication. The Commissioner may refer any such representation back to the Settlement Officer for consideration ; and he must bring them all to the notice of the Financial Commissioner in his review of the Report or separately.

The publication of this abstract was first prescribed in 1919 ; since then there have been remarkably few objections lodged against the proposals of Settlement Officers, and those few have been more concerned with particular cases than with general principles or assumptions.

The Commissioner, having disposed of objections made within the prescribed month, writes a review of the Report, and forwards the Report with his review to the Financial Commissioner.

CHAPTER IV.—INTRODUCTION OF A NEW
ASSESSMENT.

1. *Orders on the Assessment Report.*—On receipt of a Report from the Commissioner, the Financial Commissioner writes the draft orders upon it which he submits for Government's approval. When the orders have been approved by the Local Government, they are promulgated by the Financial Commissioner. The Settlement Officer then knows what is the total demand to be imposed on each circle and on what standard rates it is based. He may find that, in addition to the standard rates, maximum and minimum rates are prescribed for the strongest and weakest estates.

2. *Distribution of the new demand over Estates.*—The Settlement Officer must now proceed to distribute the new demand approved by the Local Government. He is allowed to depart from the total sanctioned for a circle by not more than 3 per cent. in either direction. He assesses each estate in the light of his inspection notes, according as he considers it to be above, equal to or below the circle average. If he assesses any estate at more than 20 per cent. above or below the figure brought out by the standard rates, he records his reasons for so doing in the "Detailed Village Assessment Statement" which he has to compile and submit to the Commissioner.

As soon as he has completed his distribution, and satisfied himself that he is within the 3 per cent. margin for the circle, he announces the resulting assessments to the assembled headmen and other interested persons. Within 30 days of the announcement, any land-owner or assignee of land revenue may ask for re-consideration of the order and the Settlement Officer must record his reasons for acceding or refusing. An appeal may be made to the Commissioner within 60 days against any order announcing the assessment or refusing re-consideration and a further appeal may be made to the Financial Commissioner. Petitions and appeals are not very numerous now-a-days : and it is practically never that anybody uses the right afforded by section 55 of the Land Revenue Act of refusing liability for payment of the new demand.

3. *Distribution of the demand over Holdings.*—The demand for the estate having been determined, it has to be distributed over the individual holdings. This requires a detailed order of the Settlement Officer, who is legally responsible for making the distribution. But the approved practice is to give effect to the wishes of the land-owners, so far as these are fair and practicable. It is often found that the owners prefer to adopt a scheme quite unlike that which would result from the direct application of the standard rates of the circle. Sometimes they elect to discriminate between wells of different grades or between different blocks of fields. Sometimes they may wish to put a larger share of the demand upon the waste than the Settlement Officer would be inclined to. They may even wish to proceed on a basis of family shares or ploughs, regardless of the sizes of cultivated holdings.

As long as the Settlement Officer is satisfied that such arrangements are not unduly favourable to the more influential owners, he will usually concur. When the necessary order has been passed, each land-owner is given a written statement of the old and new demands on his holding, and the cesses. The orders are subject to re-consideration, appeal and further appeal in the same way as orders of assessment. But as this part of the work is always done in full consultation with the parties concerned, appeals are uncommon.

It is possible under section 56 (2) of the Land Revenue Act to revise a distribution-orders between settlements, but this is rarely necessary.

4. *Dates of Instalments.*—The demand must also be distributed over the year. The number and dates of payments are fixed in consultation with the owners. The principle followed is that the interval between harvest and collection should be long enough to allow a sufficient amount of produce to be marketed without sacrifice, but not so long as to encourage diversion of the proceeds. In the great majority of cases payment is made after each of the two main harvests, and often there is more than one instalment in one harvest, especially in the winter.

It is a mistake to suppose that the dates of payment are fixed without regard to the payer's convenience:

on the contrary, that is the governing consideration. In order to avoid trouble for the headmen, it is now common to spread the dates for collecting a single instalment over several days, and to detail for each day particular estates, not more in number than can be dealt with in the day : this saves the headmen from having to waste time at the tahsil, while other estates are engaging the attention of the officials.

5. *Exemption of Improvements.*— It has long been an accepted principle that, if the renting-value of land has been increased by expenditure of the owner's capital or labour, the Government should forbear for some time to claim its share of the surplus. In particular it has been recognized that an owner who sinks a well is entitled to escape for several years any extra demand based upon the well's existence. The rules for giving effect to this principle were consolidated and confirmed in 1922.

Under these rules, every new well is exempted from assessment of the additional assets produced by it for at least 20 years, and the period may, if necessary, be prolonged to as much as 40 years. The intention is that the owner shall obtain from his additional assets a sum equal to twice the cost of the well. The Settlement Officer has to make a calculation for each assessment circle comparing the average cost of a well with the average assets accruing, and to find what multiple of 5 years, from 20 to 40, fulfils this intention : he then obtains the Financial Commissioner's sanction to grant to each new well within each circle a certificate of exemption for the period approved for that circle.

In areas under fixed assessment, questions of exempting improvements can only arise at settlement : for wells sunk between settlements are not liable to enhanced assessment during the currency of the settlement. But where the assessment is fluctuating, it devolves upon the owner of the well to obtain from the Collector a certificate of exemption, which will absolve him from assessment at well rates for the prescribed period. The Revenue officials have to satisfy themselves by reference to the Village Note-Books, that due effect is given to the rules.

CHAPTER V.—THE COMPLETION OF A SETTLEMENT.

1. *Suspensions and Remissions.*—When the new assessment has been determined, announced and distributed, and all petitions and appeals have been disposed of, the Settlement Officer's main task has been accomplished. But there remain certain other matters which are necessary to ensure that the new settlement will work smoothly.

In circles under fixed assessment a scheme to regulate suspensions and remissions of land revenue has to be prepared. With prices at their present level, current fixed assessments are always paid with ease in a year of even moderate rainfall. But it would be quite impossible to fix for every estate any sum, however small, which could always be paid without hardship, whatever the conditions of the harvest. In almost every circle there are some estates which are specially at the mercy of the weather; in such estates insistence on punctual payment, even of the lightest demand, would lead to occasional distress. For this reason, the Settlement Officer has to make out a list of estates classed as secure and insecure, and to prepare for the use of the district authorities a scheme which will enable signals of distress to be recognized and indicate the appropriate measures of relief. The Collector will then be in a position to know in good time whether an estate will be in difficulties, and can arrange for the suspension of payment in respect of a part or the whole of the demand, and for recovery of the sums suspended when the estate has had a chance to recover. If a succession of poor harvests precludes recovery within a certain time the outstandings are usually remitted.

This system, though it involves a considerable amount of labour for the Revenue officials, works well in practice, and goes far towards popularizing the system of fixed assessments.

2. *Di-alluvion Adjustments.*—In river-valley circles in which the assessment is fixed, an element of elasticity has to be introduced, in order to avoid the hardship of having to pay land revenue on fields submerged by sand or water. This element is provided by special rules, which adopt the demand to the cur-

rent state of affairs in the river-bed. If assessed lands are swept away or ruined by sand, their revenue is remitted : if new lands are thrown up, they are assessed according to quality. The working of this system, which is a compromise between the fixed and the fluctuating, necessitates annual measurements and inspections which often mean much hard work for the Revenue staff. The Settlement Officer has to draw up, and obtain sanction for, a set of rules for the guidance of the staff, especially in regard to the rates at which newly-accreted fields are to be assessed. Similar rules are sometimes required for estates on the margin of lakes or swamps.

3. *The Final Settlement Report.*—The progress of operations and the final results of a settlement are summed up in a Final Settlement Report. This is designed to make available in a compact and accessible form, the facts and orders affecting Revenue administration during the currency of the settlement.

On receipt of the Final Settlement Report, the Local Government passes orders determining the period for which the settlement is to remain in force. The principles affecting the decision of this question have already been explained. These orders bring the work of the settlement to a close.

4. *Concluding Summary.*—The general principles which govern the policy of settlement in the Punjab may be summed up from the foregoing paragraphs as follows :—

- (i) The fundamental principle of land revenue is the immemorial claim of the Government to a share in the profits of all land.
- (ii) The Government has from time to time fixed a limit to the share which it claims.
- (iii) The British Government has for more than a century limited its claim to a share of the rental, or “ landlord’s nett assets ”.
- (iv) For more than sixty years, the claim has been limited to a half share of the “ nett assets ”.

- (v) Since August 1921, the claim in future re-assessments has been limited to a one-third share of the "nett assets".
- (vi) The Government foregoes its share in profits due to improvements made by the land-owner, for a period which allows the owner to recoup from the profits at least twice the cost of the improvement.
- (vii) In order to keep the share of "nett assets" claimed by the Government approximately level throughout the province, periodical re-assessments are necessary.
- (viii) The frequency of these re-assessments depends upon the possibilities of future development; those tracts which have most nearly reached the physical limits of development are re-assessed least frequently.
- (ix) The amount of enhancement claimed on re-assessment is not necessarily proportionate to the enhanced value of the "nett assets", but is limited by regard to the amount of the existing demand: since August 1921, enhancements have been limited (with certain exceptions) to one-third of the incidence of demand previously assessed: before that date, enhancements of more than one-third were imposed gradually.
- (x) The demand is liable to be limited further by considerations of small holdings and other indications of economic weakness.
- (xi) Assessments are made after full consultation with the land-owners, who are given every opportunity of expressing their views, both before and after the assessments are announced.
- (xii) In distributing the demand assessed on an estate over the several holdings comprised therein, full effect is given to the wishes of the land-owners, where these are consistent with general equity and convenience.

- (*xiii*) The land-owners in an estate are responsible for the land revenue jointly and severally.
- (*xiv*) The rights of ownership are contingent upon discharge of the responsibility for the land revenue.