

GOVERNMENT OF RAJASTHAN



REPORT
ON
RAJASTHAN JAGIRDARI ABOLITION

BY

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CHAPTER I.

Introductory.

The Government of Rajasthan enacted the Rajasthan Land Reforms and Resumption of Jagirs Act in February, 1952. The Jagirdars of Rajasthan challenged this Act in the High Court. While the writ applications were pending, the Working Committee of the Rajasthan Kshatriya Mahasabha with which is incorporated the Rajasthan Jagirdars Association and which represents the landed interests in the State adopted a resolution on 16th February, 1953, accepting the principle of abolition of Jagirdari and Zamindari systems, and agreeing to settle the points of dispute out of court. A Negotiating Committee was appointed by the Sabha and formal negotiations were opened with the Rajasthan Government and the Rajasthan Congress. At the same time on 26th February, 1953, the Working Committee of the Sabha submitted a representation to Pt. Jawahar Lal Nehru, Prime Minister of India setting out the main points of dispute and requesting him to adjudicate on issues that may not be resolved by direct negotiation with the Rajasthan Government. A copy of that representation is enclosed as Appendix I.

In March, 1953, the Mahasabha submitted a printed memorandum of its demands for the amendment of the Act to the Chief Minister, Rajasthan (Appendix II). During the discussions that followed agreement was reached on certain points mentioned in Appendix III, but difference persisted on certain other points of major importance mentioned in Appendix IV. Thereupon the Government of Rajasthan addressed the Prime Minister as in Appendix V, outlining its case with respect to the points of controversy. The Mahasabha followed with a counter-statement as in Appendix VI.

In the representation which the Mahasabha had submitted to the Prime Minister on 26th February, 1953, it stated: "In view of the complexity of the problem and the fact that the Prime Minister is busy with many other important issues, we humbly submit that the Prime Minister be pleased to entrust this important business to some one of his confidence whom the representatives of the Rajas-

than Government and our organisation will assist in finding out a satisfactory solution". The Prime Minister has entrusted me with the task of hearing the parties, and finding solutions to the issues which are outstanding.

I have had full discussions with the representatives of Rajasthan Government, Rajasthan Congress and Rajasthan Kshatriya Mahasabha on 30th June and 1st July, 1953, at Naini Tal. On June 30 all the delegation met me together and the points at issue were reviewed and discussed. On 1st July the representatives of the Mahasabha and then the representatives of Rajasthan Government and Rajasthan Congress met me separately and stated their points of view. These meetings were again followed by a joint sitting. At the conclusion of the discussions a press communique, agreed to by all concerned, was issued. A copy of that communique is in Appendix VII.

In the succeeding chapters of this report, I give a resume of the points of dispute and my proposals thereupon.

CHAPTER II.

The Background.

The United State of Rajasthan has been formed by the union of 19 States of the former Rajputana Agency, but excluding the centrally administered area of Ajmer-Merwara. The area is 1,29,938 sq. miles or 8,31,60,320 acres with a population of 1,52,90,797 according to the 1951 census. The population density is 117 per sq. mile. The Union has been divided into 5 divisions, 25 districts and 211 tehsils. The divisions are (1) Udaipur, (2) Jaipur, (3) Bikaner, (4) Jodhpur and (5) Kotah.

The total area may be divided into (1) Khalsa and (2) Jagir. In its generic sense the term Jagir connotes all non-Khalsa area. The Khalsa area is that which is directly controlled by the State.

Although the number of villages included in Khalsa is about the same as in Jagir, the Jagir area is more than one and a half times that included in Khalsa. The following table shows the division-wise distribution of the area and the villages in Rajasthan between (a) Khalsa and (b) Jagir:—

<i>Division</i>	<i>Area in sq. miles</i>		<i>Villages</i>	
	<i>Khalsa</i>	<i>Jagir</i>	<i>Khalsa</i>	<i>Jagir</i>
Udaipur	7,467	10,569	3,038	5,900
Jaipur	12,379	12,572	6,600	4,626
Bikaner	8,317	15,000	1,804	1,564
Jodhpur	14,013	36,978	1,149	3,787
Kotah	7,950	1,991	4,047	903
TOTAL ..	50,126	77,110	16,638	16,780

These figures have been taken from the Jagir Enquiry Committee report published in 1950, and are exclusive of the Sirohi State. The total number of villages is now 34,324 with an area of 1,29,938 sq. miles. Of these 16,638 are purely Khalsa, 16,631 are purely Jagir and 1,325 are partly Khalsa and partly Jagir.

Out of the total area of 83 million acres, approximately 30 million acres (or 36%) are cultivated. Of these 10 million acres lie in Khalsa and 20 million acres in Jagir areas. In Khalsa the percentage of the area under cultivation is 33, while in Jagir it is 41.

Out of the total cultivated area, 2.7 million acres were irrigated in 1950-51 either by Government canals, tanks or private wells. This shows that on the average only about 9% of the cultivated area is irrigated. The highest percentage is in Jaipur division (12.2) and the lowest in Jodhpur (2.4). Among the districts, Ganganagar in Bikaner division ranks highest with 29.1% because of the Ganga Canal Colony. This district alone contributes about 23% of the total irrigated area. As between Khalsa and Jagir the percentage of irrigated to cultivated area is about the same.

No statistics are available to show the distribution of population between the Khalsa and Jagir areas, nor the areas held by various classes of tenure holders, nor is any precise information available of the incidence of rent and revenue.

Jagirdari.

In its specific sense the term Jagir means a grant in land consisting of a whole village or villages or part thereof. The rights of Jagirdars have nowhere been legally defined. The Jagir Enquiry Committee has, however, traced the history of the Jagirdari system and analysed its attributes and incidents. According to it the Jagir is an institution that has existed in India for many centuries. In the Muslim period the Assignee was the holder of an office, and impermanence was a particular attribute of a Jagir. The Mahratta Princes also did not allow permanent alienation of revenue. Interferences in Jagir rights were not uncommon under the Hindu Rulers. In Rajasthan Jagir rights have suffered in the past under the acquisitive instincts of the Rulers. During the British Rule the British Government protected the Jagir system from undue interference by the Rulers. The present position of a Jagirdar is that of an Assignee without any of the other attributes which gave him his original status as a Jagirdar. He has no unrestricted right of property over the Jagir. There are customs in force which clearly distinguish between Jagirdari rights and proprietary rights. Jagirdari rights have always been understood to be resumable at the will

of the Ruler. Strictly speaking, a Jagir estate is granted for a single life only and on the death of the holder becomes Khalsa until a successor has been recognised. The Jagir rights have never been governed by the Hindu law of Mitakshara which applies to the property of a Hindu. Jagirs are usually held under a Sanad or other grant and are never partible. Again, the rights in a Jagir are not transferable at the will of the Jagirdar. There is no case known of a Jagirdar having been allowed to foreclose a mortgage. There is no instance known either of Jagirs having been transferred to other persons for valuable consideration or by bequest or gift. The inference drawn by the Jagir Enquiry Committee is that Jagirs are not the property of the Jagirdars and Jagirdars are, therefore, not entitled, in the event of resumption, to any compensation on the ground of Jagirs being private property.

The Jagirdars with some exceptions pay a fixed annual tribute. The Rajput Jagirdars also pay a military cess.

The existing systems of Jagir tenures may be grouped under 8 categories, namely (1) Jagir (properly so called), (2) Juna Jagir, (3) Bhom, (4) Charitable grants, (5) Bhomichara, (6) Inam, (7) Service grants and (8) Permanently quit-rented estates and lands.

A Jagirdar whose estate has been resumed is usually permitted in Jodhpur in consideration of his previous position to retain a certain portion of it free of rent or tax. His tenure is called Juna Jagir.

Bhom tenures are scattered over a wide area. The Bhomia is always a Rajput. The land given by the State or by the Jagirdar to any one for important services is called Bhoma land. Such lands are exempt from all taxes of fees.

The holders of Bhomichara tenures are also generally spoken of as Bhomias. This tenure arises when the estate is treated as personal property and division takes place according to Hindu law and primogeniture does not prevail. It is not possible to define the incidents of Bhomichara tenure without carefully making a local enquiry, such as is conducted by a Settlement Officer.

Charitable Grants have various local names and connote grants given to Brahmins, Charans, Naths, temples etc. As a general rule they are also rent-free.

Inam is also a rent-free grant for services rendered to the State. It lapses on the failure of lineal descendants of the original grantee and is sometimes given for a single life-time only.

Service grants have also various names and are liable to be resumed when the holder ceases to render service.

Among the permanently quit rented estates and lands the most important is the Istimrari tenure. Under the British rule the estate holders were made liable to pay an annual fixed and permanent quit-rent. The following statement shows the tribute paid by the Jagirdars in Rajasthan:—

<i>Division.</i>				<i>Tribute.</i>	
				Rs.	
Udaipur	..	..	..	..	5,42,764
Jaipur	..	..	..	..	29,20,520
Bikaner	..	..	..	..	1,82,621
Jodhpur	..	..	..	..	8,00,965
Kotah	..	..	..	..	51,416
				TOTAL ..	44,98,278

Note:—In Bikaner, Chakri is levied in kind.

Though the following table attempts to give the number of Jāgirdars classified according to tenures, it does not present a very clear picture as the number of Jagirdars is obviously much more than is accountable by these figures.

<i>Division</i>	<i>Rajvis</i>	<i>Jagirs in lieu of service</i>	<i>Jaagir proper</i>	<i>Bhomi-chara</i>	<i>Istimrara</i>	<i>Charitable grants of all descriptions</i>
Udaipur	.. Not available	.. Not available	3500	..	..	..
Jaipur	.. 28	485	1482	232	58	467
Bikaner	.. 24	150	473	..	..	162
Jodhpur	.. 20	119	1236	346	..	621
Kotah	.. 35	70	272	..	..	93
TOTAL ..	107	824	6963	578	58	1343

The above table relates only to whole villages. There are no statistics to show holdings or plots held under any of the above tenures.

Some of the fiscal powers still enjoyed by the Jagirdars are set out below:—

Excise, Opium and Customs Compensation.—In almost all the divisions some principal Jagirdars are paid Excise, Opium and Customs compensation. Excise compensation is paid in cash as well as in kind. In Bikaner some 38,800 bottles of liquor are given to Jagirdars at concession rates and in other units payment is made in cash. The figures for these compensations come to Rs. 3,04,227. The excise compensation has recently been abolished by Government and this action is under challenge before the High Court.

Salt compensation.—This is also paid to the Jagirdars in all the divisions of Rajasthan. The approximate amount comes to Rs. 21,907; the figures for Udaipur and Jaipur divisions are not available.

Patta Fee, Nazrana and Mohrana.—Excluding Kotah and Udaipur divisions Patta Fee, Nazrana and Mohrana for sale or transfer of land for residential purposes are being charged by the Jagirdars.

Mines.—In Jodhpur division some of the Bhomichara Jagirdars of Mallani are given Rs. 2,977 as compensation for Mines. In Jaipur some Jagirs of Udaipurwati enjoy rights of 'minor minerals'.

Mapa or Sale Tax.—Mapa or Sale Tax is still levied in Bikaner, Jaipur and Jodhpur divisions.

Cattle Pound and Kodi compensation.—Rs. 21,192 as Cattle Pound compensation and Rs. 15,358 as Kodi compensation are being paid in Bikaner division. In some of the divisions Jagirdars still maintain cattle pounds of their own.

Hawala, General and Forest compensation.—In Jodhpur division Rs. 7,280 for Hawala, Rs. 4,494 for General and Rs. 2,142 for Forest compensation are being given to some of Jagirdars.

Zamindari.

In Rajasthan Zamindari is largely a creation of the bias of certain Settlement Officers, and is of recent growth. The legal concepts relating to Zamindari rights in U.P. have never been extended in their entirety to Rajasthan. In the Jagirdari areas the number of

Zamindars is insignificant. The Zamindari system obtains principally in the non-Rajput States of Bharatpur and Dholpur and in certain other areas, particularly the Alwar State. The Zamindars are generally descendants of the original founders of the village. In 1900 a regular settlement was carried out in the Khalsa areas of Alwar and Bharatpur, and Zamindari rights were conferred. This right is heritable and can be alienated within certain limits and subject to the sanction of the State. In Dholpur there is modified Zamindari tenure. The Zamindars merely contract with the State for the payment of revenue, but so long as they observe their contracts they are treated as owners. Their tenants have no rights either by law or customs, and hold on leases rarely for period longer than 3 years. In the State of Jhalawar Zamindari rights have come into existence only recently. Their tenure is akin to Theka, under which State revenue is fixed for a period of three to ten years. In villages of Jaipur, there are Biswedars, more or less akin to Zamindars elsewhere. They are really peasant proprietors of small holdings.

Land Records.

There has been always considerable difficulty in extending Survey and Settlement operations in Jagir area, particularly in the bigger States. It was only in 1948 that Jaipur embarked upon a heavy programme of survey and settlement. In the Jagir villages of Udaipur settlement operations were taken up in 1934. In Bikaner and Jodhpur the progress has been very slow. The present position is that 4,959 Jagir villages have been surveyed and settled. 8,465 villages have been surveyed but settlement has not concluded. This leaves 4,683 villages where settlement operation have yet to be started. On the other hand, in Khalsa 73% of the area and 86% of the villages have been settled.

In Khalsa land records are properly maintained, wherein the tenant has his rights defined and secured. In the vast unsettled portions of Jagir areas the tenants suffer from the absence of regular records of rights, and there is no protection for them against possible inroads on their rights. In settled villages cash rents have been evolved on the maximum basis of one-third of the produce for unirrigated and one-fourth for irrigated lands. In the unsettled Jagir

areas where the landlord's share is taken in kind, it used to amount to even half of the produce. The total rental income of the Jagirdars has been estimated to be Rs. 3,64,55,784.

Tenancy.

There are tenancy laws in all the integrating States except Jaisalmer. These enactments are, however, very conservative and only seek to give some kind of legal shape to prevailing practices. There are two notable exceptions, namely, the tenancy legislation passed by the Jaipur State in 1947, and the Jodhpur tenancy law promulgated a day before the formation of the Rajasthan Union. These laws confer on Jagir tenants Khatedari or occupancy rights in respect of lands in their occupation at the time of enactment. The present position in regard to tenancy tenures is one of extreme complexity and diversity. In Appendix D attached to its report the Jagir Enquiry Committee has summarised various tenures recognised in the various units of Rajasthan, both in Khalsa and Jagir. There is considerable divergence regarding the classes of tenants and the nature and extent of their rights. Generally, the right of inheritance is more common and easily acquired as compared with the right of transfer. Full rights of transfer are recognised only in the following cases:—

- (1) Pattedari tenants in Jaipur,
- (2) Occupancy tenants in Bikaner,
- (3) Bapidars and Khadar.dars in Udaipur, Jodhpur, Banswara and Kishengarh,
- (4) Khatedars in Partabgarh, Tonk and Kotah.

In Jodhpur, Kotah, Banswara, Dungarpur, Shahpura, Kishengarh, Bundi, Tonk, Jhalawar, Karauli, Alwar and Dholpur, the tenancy rights are the same in Khalsa and Jagir. The principal States which have stood out are Bikaner, Jodhpur and Udaipur. In Jaisalmer there is no statutory provision whatever.

Khudkasht.

The khudkasht tenure is of particular importance. The recent Jodhpur tenancy laws also use the word 'sir'. In some parts of Rajasthan, 'Hawala' is the word used for lands set apart for the

exclusive cultivation of the landlord. The recent Jaipur and Jodhpur tenancy laws contain specific provisions for the determination of khudkasht lands. In Jodhpur, where generally speaking there is enough land available, a sliding scale has been prescribed, but there is no provision for the appropriation of lands of tenants. The scale prescribed in Jodhpur is based on the cultivated area of the land owned by the landlord and higher the cultivated area, the higher is the area of *sir*' which the landlord may claim. In Jaipur on the other hand, there is no scale and provision has been made for appropriation from tenants. In that State the area to be declared as khudkasht is determined with regard to the total area of the village, the number of adult co-shares of the landlord and the consideration whether the landlord is in a position to engage in cultivation himself.

CHAPTER III.

Land Reforms and Jagirdari Abolition Legislation.

Mention has been made of the tenancy legislation passed by Jaipur and Jodhpur States prior to their integration with Rajasthan. In June 1949 the Rajasthan Government promulgated the Protection of Tenants Ordinance with the object of safeguarding the tenants against forcible ejection. All tenants who were in occupation of any land on 1st April, 1948, but were dispossessed thereafter became entitled to be re-instated in their holdings.

On 20th August 1949, the Government of India by a resolution appointed a Committee which was known as the Rajasthan-Mahdhya Bharat Jagir Enquiry Committee to examine the question of reforming the land revenue and Jagirdari system in these States with a view to bring about direct relationship between the State and the tiller of the soil. This Committee submitted its report in December, 1949.

In April, 1951, a law was passed reducing all grain rents to one-fourth of the produce. The proposal to abolish Jagirdari and Zamin-dari systems was also placed on the Legislative anvil. The Rajasthan Land Reforms and Resumption of Jagirs Act finally became law when it received the assent of the President on 13th February, 1952. In April, 1952 further legislation was enacted to reduce grain rents from one-fourth to one-sixth of the produce.

Upon the commencement of the Rajasthan Land Reforms and Resumption of Jagirs Act three processes were simultaneously set in motion.

Firstly, under Chapter II, all Jagirdars ceased to pay tribute to the Government, and instead all Jagir lands will be assessed to land revenue. The assessment of land revenue will be based upon rental income, which in the case of settled villages will be the rents as entered in the revenue records, and in other cases the actual rents paid by tenants plus assumed rents on khudkasht and rent-free lands

on the prevailing rent rates. For the first five years commencing from 1952-53 the land revenue will be equal to 1/8th of the rental income, while in subsequent years it shall be equal to one-fourth.

Secondly, under Chapter III, all tenants entered in the revenue records as having heritable and transferable rights will continue to have such rights and shall be called Khatedar tenants. Tenants not having such rights may acquire them on payment of a sum equal to ten times the rent payable by them. On resumption of any Jagir land the Jagirdar (or a Zamindar holding from him) will also become a Khatedar tenant of his khudkasht land, and will be required to pay rent either at the settlement rate or the prevailing rate as the case may be.

Thirdly, under Chapter IV, a Jagirdar or a Zamindar who possesses less than the prescribed maximum of the khudkasht may apply for the allotment of additional khudkasht. Maxima have been prescribed under section 18 for various classes of Jagirdars on a liberal scale depending upon the area of their Jagir lands. If the area of the Jagir land is less than 60 acres, a Jagirdar may have 30 acres of khudkasht. The maximum permissible limit in the case of a Jagirdar, the area of whose Jagir land exceeds 1,000 acres is 500 acres in terms of unirrigated land. One acre of irrigated land has been considered equal to three acres of unirrigated land. Additional khudkasht can be allotted only out of specified categories of vacant lands, or lands held by sub-tenants or tenants whose leases are shortly to expire. The land of other classes of tenants can also be touched as may be prescribed under the rules which have not yet been made. If land of these categories is not available there can be an allotment. But it is not necessary to confine the allotment to the Jagir land of the applicant. He may be allotted land even in the vicinity of his Jagir. Further if a Jagirdar holds in excess of the prescribed maximum, he shall continue to hold the entire area.

The next stage in the operation of the Act is for Government to appoint a date "as soon as may be after the commencement of the Act" for the resumption of Jagir lands. But there is important exception. Jagirs whose income does not exceed Rs. 5,000 or whose income is utilised for the maintenance of religious institutions cannot be resumed. The effect of resumption is that the right, title and interest of the Jagirdar in his Jagir lands as well as such build-

ings standing thereupon as are used for schools, offices, hospitals and other public purposes, pass on to Government free from all encumbrances as from the date of resumption. Here again there are exceptions. The resumption will not affect the khudkasht lands of a Jagirdar, open enclosures used for agricultural or domestic purposes, open house-sites purchased for valuable consideration, private wells and tanks not used for irrigation.

The intention of Government appears to be to undertake resumption by stages as settlement operations progress, and it is estimated that this will take 2 to 5 years.

Compensation will be paid to dispossessed Jagirdars at ten times of their net income. The net income will be calculated by making certain deductions from the gross income. The gross income will be composed of income from rents, forests, grazing fees, quarries, and non-agricultural uses of land such as market fees, fishing rights, etc. The deductions that have to be made from the gross income to arrive at the net income are the tribute cesses and other dues of recurring nature payable by the Jagirdar, and a sum on account of administrative charges calculated as a percentage of the gross income on a graduated slab system. On the first Rs. 5,000 of the gross income the administrative charges will amount to 20%. On the next Rs. 5,000 a percentage of 25 will be applied and so on until on the last slab the percentage will be 75. It has, however, been provided that in no case shall the net income be computed at a figure less than 40% of the gross income.

Out of the compensation adjudged payable to a Jagirdar shares will be carved out for Zamindars, if any, holding from the Jagirdar, maintenance holders, and co-sharers entitled to receive a share of the income of the Jagir. The compensation due to a Zamindar will be worked out in the same way as for the Jagirdar, except that the administrative charges will be 10% where the gross income exceeds Rs. 2,000 and 7% in other cases. Also the Zamindar's net income will in no case be less than 50% of the gross income. The amount due to maintenance holders will be determined by the Jagir Commissioner having regard to the circumstances of every individual

case. A co-sharer of a Jagirdar shall be paid his proportionate share every year from the annual instalment of compensation payable to the Jagirdar.

The compensation admissible to a Jagirdar will be paid in fifteen equal annual instalments, or, at his option, in thirty equal half-yearly instalments. If it is not possible to pay compensation within one year from the date of resumption, interim compensation may be paid, which will generally be one-tenth of the estimated amount of compensation.

CHAPTER IV.

The Issues.

The main points of controversy between the Rajasthan Kshatriya Mahasabha and the Government relate to (1) allotment of Khudkasht, (2) the amount of compensation payable and (3) the assessment of Jagirs to land revenue.

In regard to the allotment of Khudkasht the issue which have to be resolved are—

1. Whether in the event of a Jagirdar not being able to get sufficient khudkasht according to the scale prescribed in section 18 of the Act by recourse to clauses (i) to (vi) of section 19, should provision be made enabling him to recover a part of the land in possession of his tenants on which he has effected improvements, such as construction of wells?

2. Should any rent be assessed on khudkasht lands of Jagirdars after their jagirs have been resumed?

On the question of compensation the issues that arose after my hearing of the parties are:—

1. Should the income accruing to the Jagirdars from customs, salt and excise compensations be taken into account in calculating the gross income?

2. Is the scale of administrative charges prescribed in the Act for deduction from the gross income to arrive at the net income too high and should it be reduced? If so, to what extent?

3. The Act exempts Jagirs whose income is devoted to religious institutions from resumption. Should preferential treatment be given also to charitable and educational institutions? If so, in what manner?

4. Should Jagirdars who have descended from Princes be given a perpetual annuity in lieu of a lump compensation?

5. Is it possible or feasible to pay half the compensation forthwith in cash and the balance in ten bi-annual equated instalments?

6. Should the interest on compensation be raised from 2½% to the Bank rate?

As regards assessment of Jagirs to land revenue as laid down in Chapter II of the Act, the only issue is whether the proceedings should be dropped and the *status quo* maintained.

CHAPTER V

The Problem of Khudkasht.

The Rajasthan Land Reforms and Resumption of Jagirs Act defines Khudkasht as land cultivated either personally or through hired labour, provided that in the case of a person who is a widow or a minor or is subject to any physical or mental disability or is a member of the Armed Forces of the Union, or who, being a student of an educational institution recognised by the Government is below the age of twenty-five years, land shall be deemed to be cultivated personally even in the absence of personal cultivation.

Categories out of which additional Khudkasht may be allotted to a Jagirdar are mentioned in section 19, and are as follows:—

- (i) Land surrendered by tenants;
- (ii) Land abandoned by tenants;
- (iii) Land held on any lease or other tenure for a fixed term which is likely to terminate within two years of the date of the submission of the report by the Collector under subsection (1) of section 16;
- (iv) Land held by sub-tenants directly from the Jagirdar;
- (v) Culturable unoccupied land within the Jagir;
- (vi) Land of the nature specified in clauses (i); (ii) or (v) above in the vicinity of the village or villages in which the Jagir lands of the Jagirdar are situate;
- (vii) Any culturable land held by a tenant of the Jagir land in excess of the prescribed area or where no such land is available, land taken from the tenants of the Jagir land in such proportion or such manner as may be prescribed.

The Jagirdars urged that categories (i) to (vi) were not likely to yield land sufficient to fulfil the maxima prescribed in section 18, and therefore, pleaded for a liberal recourse to item (vii). Item (vii) it appears, was introduced in the Act at the instance of the Ministry

of States, although the Government of Rajasthan felt that it would not be possible to put it into practice. The Jagirdars also pleaded for a liberalisation of the scales laid down in section 18.

On May 9, 1952, the Rajasthan Government, appointed a Committee known as the Rajasthan Khudkasht Enquiry Committee. The problem it had to deal with was mainly of the small Jagirdars, who were not personally cultivating their land at the crucial period when the tenancy and anti-ejectment laws were enacted, and in whose areas there was little unoccupied land. It came to the conclusion that the latter part of clause (vii) of section 19 regarding the imposition of a compulsory levy on the lands of tenants should not be implemented. With respect to the fixation of a ceiling as contemplated by the first part of clause (vii), the Committee was of the opinion that legislation should be introduced for fixing a ceiling on existing holdings for the whole State so as to allow a fair redistribution to all those who deserved to be given land. It held that from the operation of such legislation large Khudkasht holdings could not be excluded, and the guarantee given by section 18 (2) of the Act allowing Jagirdars to retain their Khudkasht even if it exceeded the prescribed maximum will, therefore, have to be over-ridden. The Committee, however, recommended the revision of section 18 raising the limit of 30 acres to 50 acres with the proviso that where land has to be taken from a tenant Government may prescribe any other maximum. They also recommended the addition of the following categories to section 19 to make up for Khudkasht deficiency.

(1) Land cultivated personally by a Jagirdar continuously for 7 years prior to 1949.

(2) Land cultivated personally by the deceased father or husband of minors and widows.

(3) Land held for a fixed term prior to 1948, which the Jagirdar could not recover on account of the Protection of the Tenants Ordinance, 1949.

(4) Land attached to wells constructed by, or belonging to Jagirdars to the extent of one-third.

(5) One-fourth of the land attached to wells constructed with the tenants labour and Jagirdar's finances.

(6) Unirrigated land given to tenants for temporary cultivation.

(7) Evacuee tenants land.

(8) Unoccupied land in Khalsa villages.

(9) Land commanded by new irrigation projects.

It has already been agreed between the parties that—

(1) All lands entered as Khudkasht in Settlement records should be recognised as such.

(2) Lands which are not recorded as Khudkasht but have been brought under personal cultivation in unoccupied areas should be recognised as Khudkasht, provided there is no dispute about them, and they have not been ear-marked as grazing grounds.

(3) If Jagirdars fail to get sufficient Khudkasht lands in their villages in terms of section 18, they should be allowed land commended by Bhakra or Chambal Projects, or under the Jawai Bund on concessional rates as follows:—

(a) for construction of a house—Rs. 500 to Rs. 1,000 as loan free of interest.

(b) for purchase of bullocks—Rs. 500 free of interest.

(c) for construction of each well—Rs. 2,000 where land allotted is unirrigated. This should also be free of interest.

(d) Twenty to Twenty-five bighas of irrigated land (constituting one Murabba) will be allotted in river valley projects and the price of the land will be realised in 10 annual instalments free of interest. The first instalment will begin one year after the allotment.

The question of increasing the scale laid down in section 18 has been dropped by mutual agreement.

The main point of dispute now is whether land should be taken from tenants for the Khudkasht of Jagirdars, if the categories already agreed to still fail to satisfy the maxima laid down in section 18. It appears that the problem of providing Khudkasht is specially difficult in some districts in Jaipur and Jodhpur divisions,

particularly Nagaur, Sikar and Jhunjhunu. The Jagirdars urge that the question should be solved on the consideration that many landholders who were serving in the Military or elsewhere, and could not, therefore, cultivate their holdings personally, invested their savings on effecting improvements by constructing wells, bunds or tanks. The tenants sometimes cooperated in effecting the improvements by contributing labour or finance or both. But in the main the brunt fell upon the Jagirdars. Their proposal, therefore, is that lands on which improvements have been effected should be divided between the Jagirdar and the tenant in proportion to the costs incurred. If it is held that precise calculation of costs incurred respectively by the Jagirdar and the tenant is not possible, the Jagirdars contend that it will be fair to the parties if such lands are divided between them and their tenants in the proportion of 75 to 25. The Rajasthan Government do not think it possible to adopt any principle of fixed reservation for any class as a basis for allotment of land. They point out that most of the improvements were effected several years ago, and the Jagirdars have already derived sufficient advantage out of them. The rent which they used to charge from the tenants ranged from one-third to one-half of the produce, and legislation had to be introduced to curb this rack-renting by reducing the share to one-sixth. When the proposal for Jagirdari abolition was mooted the Jagirdars embarked upon a course of wholesale ejectments, and Government had to pass an anti-ejectment Ordinance in 1949. Further, the smaller Jagirdars have been resisting all attempts to commute grain rents into cash rents by settlement operations. In recent years the relations between tenants and landlords have become so strained that disputes about non-payment of rent on the one hand and unlawful ejectment on the other have become quite common. The Government are not, therefore, prepared to face the consequences that will follow from the acceptance of the Jagirdars' proposal which will lead to large scale ejectments of the cultivators. They carried out a detailed sample survey of 31 villages in three Districts of Jaipur Division, and it was found that if 5 bighas of irrigated land (which is a minimum economic holding) were given to each family of cultivators only 1175 acres of land will be left for 1530 families of Bhomia Jagirdars. This means that each Bhomia family can only get a little less than $\frac{3}{4}$ acre of irrigated land for

Khudkasht. If, on the other hand, each Bhomia family is given 5 bighas of irrigated land, about the same area, viz., 3/4 acres will be left for each family of cultivators. In these circumstances the Government are unwilling to accept the proposal to divide the tenants' lands in any fixed proportion between them and their Jagirdars. They are, however, prepared to try a solution based upon mutual agreement between the Jagirdars and their tenants and if any agreement is reached between the Jagirdar and his tenants for the division of the tenants' land, it may be given effect to.

The proposal to eject cultivators from land in their possession must, in my opinion, be viewed in the light of its social, economic and psychological consequences. Adequate appreciation of the practical nature of the problem is somewhat hindered by the paucity of statistical information. It is not known what areas are already in possession of the Jagirdars as their Khudkasht, nor are any figures available as to the area held by tenants in Jagirs or the size of their holdings. A sample survey, was, however, conducted by the Government of Rajasthan in 12 villages and the size of holdings and their distribution between Bhomia Jagirdars and tenants was found to be as follows:—

<i>Area of holding</i>	<i>No. of Bhomias.</i>	<i>No. of tenants.</i>
Less than 10 acres	626	1315
Between 10 to 15 acres	190	743
Between 15 to 20 acres	60	373
Between 20 to 30 acres	23	164
Between 30 to 50 acres	80	?
Between 50 to 62½ acres	5	32
Between 62½ to 75 acres	2	15
Between 75 to 100 acres	3	5
Over 100 acres	7	Nil.

The average irrigated area held by a Bhomia was found to be .9 acres while that held by a cultivator was one acre. The average unirrigated area held by a Bhomia was 7.5 acres while that held by a cultivator was 8 acres. It is not possible to say in what proportion land has been improved by the Jagirdars, but during the survey of

31 villages referred to earlier in this Chapter it was found that 1300 wells had been constructed out of which approximately 1100 had been made by or with the help of Bhomia Jagirdars. In all cases, however, annual repairs and maintenance are the responsibility of the tenants in possession.

It is clear that the breaking up of tenants' holdings for providing Khudkasht to Jagirdars will lead to grave economic consequences. Apart from the compulsion involved on tenants having a small holding to part with a portion of their land, it will be wrong to make economic holdings uneconomic and uneconomic holdings more uneconomic. It will also not be possible for the Jagirdars to consolidate small fragments which they may receive from tenants. Socially and psychologically the process of appropriation which will evolve a displacement of tenants from their cherished land in a large number as advocated by the Jagirdars, will generate friction, bitterness and group rivalry, which any scheme of land reforms must aim at avoiding.

It is not a blank slate that we have to write upon. Reference has already been made to tenancy legislation enacted by some of the integrating States by which fixity of tenure was conferred upon the tenants. The present trends of tenancy legislation in the country need also to be taken into account. As a result of Zamindari abolition the cultivators are naturally looking forward to a further improvement of their position. If on the contrary they are now faced with ejection, it will clearly be a retrograde step diametrically opposed to the spirit of land reforms. Pertinent mention may here be made of the Bhudan movement started by Shri Acharya Binova Bhave and the slogan of land to the tiller. It is neither desirable nor feasible to ignore the essence and the spirit of these movements which have been widely accepted by the country. The Jagirdars should also realise that any advantage that they may now derive by the acceptance of their proposal need not be of a lasting character. As observed by the Rajasthan Khudkasht Enquiry Committee, if a ceiling is imposed on existing holdings, it will have to embrace the whole State and in that event the guarantee that the Jagirdars enjoy under section 18 (2) of the Rajasthan Land Reforms and Resumption of Jagirdars Act of retaining their Khudkasht even if it exceeds the prescribed maximum will have to be abrogated.

Re-distribution of the type proposed by the Rajasthan Kshatriya Mahasabha also bristles with administrative difficulties. The fixation of any arbitrary proportions will obviously be inequitable. Whatever process of re-distribution is devised it will be a long and tedious one resulting inevitably in unstable conditions and a fall in production detrimental to national economy in general and Rajasthan economy in particular.

In the circumstances I have come to the conclusion that there should be no compulsory eviction of cultivators for the sake of providing Khudkasht to Jagirdars. But at the same time it is realised by all concerned that the case of petty Jagirdars who have invested their savings in the lands of their tenants and who have themselves not been able to cultivate them on account of being engaged in Military service and other reasons deserves sympathy. Out of regard for such Jagirdars the Government of Rajasthan are agreeable to appoint one of their senior officers in consultation with the Jagirdars who should go round from village to village and endeavour to obtain a voluntary arrangement with the consent of Jagirdars and their tenants. From the discussions that I have had it appears that it will be possible to make equitable arrangements in suitable and deserving cases by this method. The pivotal policy of the officers so appointed will be that of least dislocation and maximum satisfaction and readjustment made by them should be accompanied by the good-will of both the Jagirdar and the tenants. They may be invested with plenary powers, but will be expected to work as mediators rather than as judges. The Government of Rajasthan should provide any person displaced in the process an opportunity to settle in any other village where land may be available or in an area commanded by the River Valley Projects. Such a person should also be helped by the Government liberally with Takavi loans.

A further point of controversy in respect of Khudkasht is that the Jagirdars have urged that they should be exempted from assessment of rent, or at any rate, given concessional treatment in respect of their Khudkasht after Jagirdari resumption. They plead that such concessions will be in the nature of a rehabilitation grant; that Jagirdars are now to the profession of agriculture and it is usual to give new cultivators rental concessions. The Government of Rajasthan, on the other hand, urges that Jagirdars will become Khatedar

tenants on the abolition of Jagirdari in common with other tenants, and there is no justification for introducing any social inequality. The cash assessment is in any case not a heavy burden, and it will not be economically difficult for Jagirdars to pay rent assessed in the normal course.

It is noteworthy that in the calculation of gross income under the Act for the purpose of determining the amount of compensation the assumed rent of Khudkasht land will be included. In other words, although the Jagirdars will retain their Khudkasht after Jagirdari abolition, they will have received compensation as though they were being deprived of it. The process is obviously to the advantage of the Jagirdars. It means in effect that the Government will be giving them ten times of the rent of Khudkasht land for mere conversion of Khudkasht rights into Khatedari rights. The Khatedari rights are both heritable and transferable so that the Khudkasht holder has nothing to lose by the process of conversion. In these circumstances the demand that after Jagirdari resumption Khudkasht land should bear no rent is not justified, particularly as the Government of Rajasthan has also agreed to allow the right of subletting to Khudkasht holders in their proposed tenancy legislation.

It is desirable, however, to consider the case of the small Khudkasht holders holding 30 acres or less who are likely to cultivate the land themselves rather than sublet it. A concession made in favour of them will be substantial help to them without serious financial implications to Rajasthan Government. I would propose that Jagirdars who after Jagirdari abolition hold 30 acres or less of Khudkasht should be assessed at concessional rate of $12\frac{1}{2}\%$ below the normal rate on their Khudkasht. If, however, the Rajasthan Government prefer to have a uniform rate of rent and would not like to distinguish such Khudkasht holders from other Khatedar tenants, they may suitably amend their rules so as to provide for assessing of compensation payable to the Jagirdars as will give them the like advantage.

CHAPTER VI.

Compensation.

In calculating gross income the Kshatriya Mahasabha has asked for the inclusion of the income from customs, excise, salt and sale of lands etc., on the ground that the compensation must be based upon actual income. It has already been agreed that—

(1) Income derived from the grant of Khatadari rights to tenants should be included in its entirety in gross income.

(2) The average of the past 20 years would be taken to be the normal income of Jagirdars from the sale of land both agricultural and abadi, and included in gross income.

(3) In the case of Jagirdars of former Rajasthan the gross income would be that which they derived before their revenue powers were taken away in 1949.

As regards the income from customs, excise and salt the Government of Rajasthan took the stand in their written memorandum that they are not adjuncts of proprietary rights in land.

My discussions with the parties have now revealed a large measure of common ground. Salt compensation is related to the rent of the land exploited and should therefore be included in gross income. As estimated by the Jagir Enquiry Committee, *sir*, salt compensation payable to Jagirdari amounts only to about Rs. 22,000.

On the other hand Jagirdari abolition should have no effect on customs income. This income is not an incident of rights in land, but an incident of Jagirdari rights. The fair arrangement therefore, will be that so long as it accrues to Government, due compensation should continue to be paid to the Jagirdars even after the resumption of Jagirs. Under the Federal Financial Integration Agreement the Government of Rajasthan itself may not be allowed by the Government of India to levy customs. When this happens payment to Jagirdars will automatically cease.

The excise compensation has already been discontinued by the Rajasthan Government, but this action has been challenged by the

Jagirdars in the High Court. It is not therefore possible to pronounce on its validity, but it is clear that Jagirdars have hitherto enjoyed this privilege and still feel entitled to it. The amount involved is not a big one, being about Rs. 2,000. If the Jagirdars withdraw their action from the High Court the income at present accruing to them should be included in gross income.

With regard to deductions that have to be made from gross income to arrive at the net income, the main point of attack is the scale of administrative charges laid down in the Act. The Kshatriya Mahasabha urges that there should be no deduction other than collection charges at rates which are real, and that other administrative charges should not be taken into account. The Government of Rajasthan have calculated that when they take over the direct administration of Jagirs they will have to incur expenditure to the extent of 19% on collections; 5% will go towards irrecoverables; and that higher administrative charges will amount to 15% on bigger Jagirs. Including expenditure on developments the collection and administration will cost Government not less than 50% of the gross income.

Deductions have, however, to be based not on the charges which Government will incur on the resumption of Jagirs, but on the charges which the Jagirdars actually incur on the date of resumption. If the view-point of Government is accepted, it will mean that compensation will be paid to Jagirdars not on the income that they actually derive, but on the income that the Government will derive after the resumption.

While I say this, there is another angle from which the matter may be viewed. In other States where intermediaries have been abolished compensation admissible to an intermediary with a lower income has been calculated at a higher multiple of net income than that prescribed for an intermediary with a higher income. The Rajasthan Act provides a uniform multiple of 10. The real object of that Act in grading administrative charges from 20 to 75% on various income groups is to achieve the same effect of lowering the multiple in the case of higher income groups as in other States. The percentage of 75 applicable to the highest income group is also not very significant on account of the limiting provision that the net income will in no case be computed at less than 40% of the

gross income. The scale of administrative charges prescribed in the Act is not, therefore, as exorbitant as it appears to be at first sight. On the other hand the contention of the Jagirdars is correct that it is unrelated to reality. Having regard to all the circumstances I propose that the scale prescribed in the Act should be lowered so as to range between 10 and 50 and at the same time the proviso that the net income should not be computed at less than 40% of the gross income should be altered so as to provide that the net income shall not fall below 50% of the gross income. I would suggest the following scale of administrative charges on the various income groups:—

(a) On the first 5,000 of gross income	..	10%
(b) On the next 5,000 of gross income	..	20%
(c) On the next 10,000 of gross income	..	30%
(d) On the next 30,000 of gross income	..	40%
(e) On the remaining income	.. ..	50%

During my discussions the question of Jagirs whose income is devoted to charitable and educational purposes was also mentioned. The Act already provides that Jagirs whose income is utilised for the maintenance of religious institutions will be exempt from resumption. It was urged that some similar treatment was called for in the case of charitable institutions. It was really accepted by all concerned that Government should ensure that education and charitable institutions will not suffer as a consequence of Jagirdari resumption. I would propose that if the Jagirs attached to such institutions are resumed, Government should in lieu of lump consumption pay them an annuity equal to their present income.

The Kshatriya Mahasabha has asked that the princes and their descendants who were granted Jagirs in lieu of maintenance should be given cash annuities in perpetuity. In relation to this demand the Government of Rajasthan observes: "Sons of Ruling Princes had accepted Jagirs with all the limitations and advantages attached to Jagirs. There was nothing to prevent them from being given or accepting cash allowances in perpetuity. Moreover most of the Jagirdars have at one time or other descended from the Ruling Princes. The Principle if accepted will result in unmanageable consequences". The demand was not very seriously placed and appears to me to be out of tune with the spirit of the times.

The Act provides that the compensation will be payable in 15 annual or 30 bi-annual instalments. The Kshatriya Mahasabha has asked that one-half should be paid immediately in cash and the remaining half by negotiable bonds self-liquidating by 10 half-yearly payments. The Rajasthan Government says that the financial implications of this demand are beyond its resources unless the Government of India is prepared to advance a loan of the requisite amount at $2\frac{1}{2}\%$ which is the rate of interest they have agreed to pay on compensation. The Government of India has not shouldered any financial burdens arising out of the abolition of the intermediary system in any other State, and it is hardly likely that they will agree to finance the land reforms scheme of the Government of Rajasthan. The demand of the Jagirdars cannot therefore be met.

The Act allows interest on compensation at $2\frac{1}{2}\%$. The Jagirdars urge that it should be raised to at least $3\frac{1}{2}\%$ which is the bank rate. The rate of interest allowed by the Act is in line with the rate allowed almost in all other States of India which have abolished intermediaries. The solitary exception is the State of Bombay which has agreed to pay 4%. Having regard to the ability of the Rajasthan Government and the parallel provided by other States it is not possible to satisfy this demand of the Jagirdars

CHAPTER VII.

Assessment of Jagirs to Land Revenue.

As laid down in Chapter II of the Act, land revenue will now take the place of tribute hitherto paid by Jagirdars. In the case of Jagirs which are resumed it will cease to be payable on the date of resumption. The new assessment will have no effect on the compensation payable; for purposes of determining the net income it is the tribute that will be taken into account and not the new land revenue assessment which will now be made. The assessment itself will be a light one. During the first five years it will amount to 1/8th of the rent income and in subsequent years it will amount to 1/4th. Measured by usual standards the land revenues will not likely be 25% or thereabout more than the tribute which remove the disparity between the Jagirdars and rent-free grantees who have hitherto been paying nothing by way of tribute, and those who had to pay it to the State.

The Kshatriya Mahasabha contend that this is a novel feature of the Rajasthan Land Reforms and Resumption of Jagirdars Act and that the *status quo* should be maintained until the Jagirs resumed. In its view the imposition of a fresh burden on the eve of Jagirdari resumption is unjustified. The Government of Rajasthan, on the other hand, urge that it requires funds for development schemes, and there is no just reason why Jagirdars should be exempted from their share of taxation.

The resumption of Jagirs in Rajasthan will be a gradual process. It is only after settlements have been made that it will be possible to resume all the Jagirs. The process may have commenced immediately, but is likely to take more than five years to complete. The interval is a fairly long one and I agree that the provisions in the Act relating to land revenue assessment need not be changed.

CHAPTER VIII.

Summary of proposals.

I give below my proposals that are based not so much upon absolute considerations of right and wrong but on considerations which appear to me to offer the largest measure of common consent.

(1) The question of compulsory eviction of cultivators for providing *khudkasht* to Jagirdars on the ground that the latter had made certain improvements and invested money in such improvements is ruled out. It is proposed that the Government of Rajasthan should appoint one or more senior officers in consultation with the Jagirdars to go round in villages where the problem is acute to obtain an adjustment between the Jagirdars and their tenants by mutual arrangement, so that the dislocation caused is minimum and satisfaction maximum. Though these officers will be invested with plenary powers they will be expected to work as mediators rather than judges.

(2) After Jagirdari abolition the Jagirdars who hold 30 acres or less of *khudkasht* should be assessed to a concessional rent which should be 12½% less than the normal rate on the *khudkasht* land held by them. If the Government of Rajasthan feels that this would introduce an element of inequality they may make rules to provide for equal advantage in assessing compensation of such Jagirdars.

(3) The advantage accruing to Jagirdars from salt should be included in the calculation of gross income for compensation purposes.

(4) Customs proceeds should continue to be payable to Jagirdars as hitherto so long as the Government of India allows the Government of Rajasthan to levy a customs duty. It need not form part of gross income nor should it be discontinued by reason of Jagirdari abolition.

(5) Excise income should also be included in calculating the gross income of Jagirdars.

(6) The scale of administrative charges prescribed in the Act should be reduced so as to range from 10 to 50% and at the same time it should be provided that the net income shall not be computed at less than 50% of the gross income.

(7) The present annual income accruing to educational and charitable institution should be guaranteed by the State.

(8) There is no reason to treat princes and their dependents in the matter of payment of compensation differently from other Jagirdars.

(9) No part of the compensation can be paid in cash or the mode of payment prescribed in the Act altered nor can the rate of interest be raised beyond 2½%.

(10) The provision in the Act relating to land revenue assessment need not be changed.

The discussions were throughout conducted in an atmosphere of extreme cordiality and it was the spirit of accommodation displayed by all concerned that enabled me to evolve the proposals that I have made. My grateful thanks are due to the representatives of the parties for the assistance they gave me.

APPENDIX I.

FROM

THE MEMBERS OF THE WORKING COMMITTEE,
RAJASTHAN KSHATRIYA MAHASABHA,
JAIPUR.

TO

HON'BLE SHRI JAWAHAR LAL NEHRU,
PRIME MINISTER OF INDIA,
NEW DELHI.

SIR,

The Rajasthan Kshatriya Mahasabha with which is incorporated the Rajasthan Jagirdars Association, is the sole representative of the landed interest in the State. Its working Committee met on the 16th February, 1953 and in the light of informal discussions that had been going on with the Rajasthan Government in the past, resolved that in the interest of the country we should accept the principle of abolition of the Jagirdari and Zamindari systems in Rajasthan.

We have had long discussions with the representatives of the Rajasthan Government and are trying to find a satisfactory solution of this problem. But this can be possible only with your guidance and blessings. Below we submit out case in brief for your kind consideration.

The problem of Jagirdari in Rajasthan is one of its own kind in India. Of the total area of the State, nearly 70% is held by Jagirdars. While there are land holders whose annual income exceeds rupees ten lacs, there are also many with an income of less than Rs. 25 per annum. There are various tenures of Jagirs including those given for religious and charitable purposes. All come within the purview of the Rajasthan Land Reforms and Resumption of Jagirs Act, 1952.

The number of land holders and their dependents comes to about three millions in the population of fifteen million of the State. Any solution proposed, therefore, should take into account this big number and their problems. The recent retrenchment in the army and the police and drastic reduction in the staff of the Rulers has thrown thousands of people out of employment, resulting in further complexity of the problem. What

need concern these persons in the near future is not so much the rights and privileges, but the manner and method by which they should adjust themselves to the fast changing conditions of their social and political environment.

Systematic approach and proper land records were a prerequisite condition to introduce modern agrarian reforms in this new and comparatively backward State. Lack of such records, frequent changes in the Government and hasty legislation have increased the complexity of the problem without bringing any substantial relief. In view of all these factors, the case of Rajasthan deserves special consideration.

There are a number of points for settlement, of which two main points may be mentioned here.

- (1) That of providing Khudkasht, and
- (2) That of giving compensation.

Khudkasht.

The question of Khudkasht affects vitally the biggest landlord as much as the smallest landlord, but the case of the latter has assumed graver form for the reasons mentioned below :—

A vast number of small landholders, commonly known as Bhomias, who were in Military or other services did not directly cultivate the land but had an important share in the process of cultivation, such as, supplying manure, seeds etc. All improvements effected on the land were made by them either exclusively or in co-operation with tenants. Now when their right of landlord is to be extinguished, the land which has been improved by them should remain as their Khudkasht. The Khudkasht Enquiry Committee appointed by the Rajasthan Government, admits the Justness of the claim of the Jagirdars, but its recommendations are far from satisfactory and are not based on any sound principle. They hold, that, wells constructed wholly at the cost of the Jagirdar should belong to him to the extent of one-third only and that constructed jointly by the tenant and the Jagirdar, should belong to the extent of one-fourth. Our submission is that the Jagirdar and the tenant should receive land proportionate to the cost and the labour incurred by the parties concerned.

There is an other class of Jagirdars who were cultivating their lands personally but sublet their land to cultivators on lease for a specific period, because they joined military service or were unable to till themselves due to physical disability or otherwise. We submit that such lands should be restored to them.

There would still remain a vast number of Jagirdars who would not get any Khudkasht land. They should be provided with land at other places.

We will submit a detailed note about Khudkasht at appropriate time.

Compensation.

The Land Reforms and Resumption of Jagirs Act, provides compensation ten times the net income, but by various deductions it works out to approximately four times, which is inadequate and even less than what is being given to landholders in other Part B States.

The Government dues and other debts on the estate have been made the responsibility of the landholder even after his Jagir is resumed. In the same way the cost of settlement and other dues on account of effecting land reforms will be charged from the landholder even though he will no longer be the owner of the land. This will render all compensation payable to him illusory. We submit that this matter should be reconsidered.

In view of the complexity of the problem and the fact that the Prime Minister is busy with many other important issues, we humbly submit, that the Prime Minister be pleased to entrust this important business to some one of his confidence whom the representatives of Rajasthan Government and our organisation will assist in finding out a satisfactory solution.

We have always been loyal and faithful supporters of the Government of the time, but due to the force of circumstances over which we had little control, we find ourselves pitched against the administration. Our past history shows that we have always sacrificed for the good and the honour of our country. Given time and opportunity we assure you, Sir, that we can prove to be of a great service to the country.

The present move that we have made is solely with the motive of serving the best interest of the nation and we hope that it will be appreciated as such by our Prime Minister, who is not only the head of the Government but also the acknowledged leader of the country.

Yours faithfully,

Jaipur, the 26th February, 1953.

APPENDIX III

(A) POINTS WHICH HAVE BEEN AGREED TO BY GOVERNMENT OR DROPPED
BY JAGIRDARS.

<i>Points</i>	<i>Decision.</i>
(1) Lands entered as 'Khudkasht' in Settlement records should be recognised as such.	Agreed to.
(2) Lands which are not recorded as Khudkasht but have been taken under 'Khudkasht' by Jagirdars out of unoccupied areas should be recognised as 'Khudkasht'.	If there is no dispute about such areas and possession has not been taken of land which was earmarked as grazing ground such recognition will be given.
(3) There should be no restriction on sub-letting of Khudkasht lands until Jagirdars get used to personal cultivation and acquire the means for doing so.	It was agreed that the limit of 5 years proposed to be imposed on sub-letting of Khudkasht in the Rajasthan Tenancy Bill should do. The Tenancy Act should not be given retrospective effect in respect of the period of sub-letting.
(4) The scale according to which Khudkasht lands are to be allotted to Jagirdars under the Jagir Act (Section 16) should be increased.	Dropped.
(5) After resumption of Jagirs, Jagirdars will not be able to realise the arrears of rents. The Government should pay these arrears to the Jagirdars in advance and then realise the same from tenants.	Dropped on the understanding that Government will lay down a period of 5 years arrears shall be realised by Government Officers and paid to the Jagirdars. Years of scarcity will be left out of account.

The Kshatriya Mahasabha has pointed out that the period of limitation for submission of application for realisation of arrears is three years from the date when the amount became due. All arrears are likely to become unrealisable after three years the period of 5 years might be reduced to 3 years. This should be reconsidered and decision taken.

- | | |
|--|---|
| (6) The buildings constructed by Jagirdars including those in the Capital cities should continue to belong to the Jagirdars. | Jagirdars have agreed to hand over all buildings constructed for schools and hospitals. Government have agreed to allow all other buildings to remain with Jagirdars. |
| (7) The dependents and maintenance holders of Jagirdars should continue to get their allowance from the Government. | Dropped on the understanding that Government will give special consideration to continuance of allowances or compensation to widows for their life. |
| (8) Educated Jagirdars should be given preference in Government service. | Dropped. All important posts are filled by law through the Public Service Commission by open competition. |
| (9) Employees of Jagirs may be absorbed in Government service. | Government have agreed to absorb suitable persons in Government service as far as possible |
| (10) Government should take measures to help the Jagirdars to consolidate their holdings. | Government have already initiated general legislation for consolidation of holdings. |
| (11) Jagirdars who fail to get Khudkasht land in their village should be allotted lands commanded by Bhakra or the Chambal | This has been agreed to. The following special concessions will be granted :—
(a) for construction of a house |

- Projects or under the Jawai Bund on concessional rates. Rs. 500 to Rs. 1,000 as loan free of interest;
- (b) for purchase of bullocks Rs. 500 free of interest;
- (c) for construction of each well Rs. 2,000 where land allotted is un-irrigated; This should also be free of interest;
- (d) 20 to 25 bighas of irrigated land (constituting one Murabha) will be allotted in river valley projects and the price of the land will be realised in 10 annual instalments free of interest. This 1st instalment will begin one year after the allotment.
- (12) No deduction should be made for settlement operations from the gross income of Jagirdars as Jagirs are being resumed. This is considered reasonable.
- (13) Jagirdars having Zamindars under them should get their due compensation on the basis of their actual income. Zamindars should be dealt with separately by Government in order to see that both get their due compensation according to their respective actual income. The plea is reasonable. Necessary adjustment will be made.
- (14) Loans advanced to Jagirdars as well as other dues realisable from them by Government should be written off. It was agreed that each case will be examined on merits and referred to the Advisory Committee for making recommendation to Government. Loans and other dues taken for the development of Estates will be given special consideration.

- (15) No court fee should be charged on applications to be submitted by Jagirdars in connection with implementation of Jagir Resumption Act. Agreed to.
- (16) Jurisdiction of Civil Courts should not be barred for proceedings under the Jagir Resumption Act. Dropped.
- (17) All acts of Jagirdars performed before the resumption in relation to Jagirs should be held valid. Dropped. The Act does not question *bona fide* transactions.
- (18) Income derived from the grant of Khatedari rights to tenants should go wholly to Jagirdars and not only to the extent of 2/3rd. Agreed to.
- (19) A committee should be appointed consisting of representatives of Government and Jagirdars to advise Government on matters concerning implementation of the Act. Agreed.
- (20) In the case of Jagirdars of former Rajasthan the gross income to be taken for compensation should be that which they derived before their Revenue Powers were taken over in 1949 and deduction began to be made for administrative charges. Agreed to. Government has no desire to make double deduction of administrative expenditure.
- (21) Income from sale of land both agricultural and Abadi should be calculated as part of gross income. It was agreed that an average of past 20 years would be taken to examine the normal income of Jagirdar from sale of land.

- (22) Income from waste land and similar other income should be included in the gross income for the calculation of compensation. Dropped. The existing provisions of Jagir Act will cover this point.
- (23) No demonstration calculated to lower the prestige of Jagirdar in society will be allowed in consequence of the surrender of Jagirdars. Agreed to.
- (24) It has been elucidated that sub-Jagirdars will be treated as separate Jagirdar for purposes of assessment of land revenue and payment of compensation on resumption. It should be made clear further that the tributes paid by sub-Jagirdars to their Principals will be deducted from the tribute payable by the principal Jagirdars to Government for the calculation of their compensation. No double deductions are intended to be made; deductions made for the amounts of tribute payable by sub-Jagirdars will be set off in favour of Principal Jagirdars while calculating compensation for the latter.

APPENDIX IV.

LIST OF POINTS ON WHICH THERE WAS COMPLETE OR PARTIAL DISAGREEMENT.

1. Whether land should be taken from cultivators for the Khudkasht of Jagirdars in proportion to the cost of improvements incurred by the Jagirdars ?

2. Whether the compensation for customs and excise and salt should be included in calculating gross income of Jagirdars for purposes of awarding compensation for resumption of Jagirs ?

3. The scale laid down for deduction of administrative charges from gross income of Jagirs in calculating compensation should be reduced and nothing more than tribute and collection charges at a concessional rate should be deducted.

4. Sons of princes and their descendants should be granted cash allowance in perpetuity.

5. The total compensation payable to Jagirdars should be divided into two parts one-half being paid immediately and the second half by means of negotiable Bonds payable in 10 half-yearly instalments. Where Jagirdars are willing to compound the whole amount of compensation in lump sum this should be allowed.

6. The rate of interest allowed to Jagirdars on the amount of compensation is 2½% under the Jagir Resumption Act. It should be raised to 4½% or at least to the Bank rate of interest.

7. There should be no assessment of land revenue on Jagir lands until they are resumed.

8. Jagirdars should be charged rent for Khudkasht land at concessional rates.

APPENDIX V.

The Rajasthan Land Reforms and Resumption of Jagirs Act was enacted with the President's assent in February, 1952. All questions of policy laid down in the Act were decided either on the suggestion or with the concurrence of the Ministry of States. The question of providing Khudkasht land (Home Farm) for the Jagirdars was given special consideration in Chapter IV of the Act. A copy of which is placed herewith. It will appear that the Jagirdar has to apply for Khudkasht lands if he has less than the maximum areas indicated in section 19 of the Act. The application has to be scrutinised by the Collector and his recommendations are to be examined by a Committee whose decision is virtually final. The existing Khudkasht lands are to be recognised even if they exceed the scale laid down in section 18. Categories of lands, out of which land for Khudkasht may be allotted, have been laid down in section 19. And where no land of any of the categories specified in the section is available the application for allotment of Khudkasht is to be rejected.

Clause VII of sub-section (1) of section 19 is re-produced below :—

(vii) " Any culturable land held by a tenant of the Jagir land in excess of the prescribed area, or where no such land is available, land taken from the tenants of the Jagir land in such proportion or such manner as may be prescribed. "

This category was introduced at the last minute at the instance of Ministry of States which seem to have felt that sufficient land may not be available for the Khudkasht of Jagirdars under the preceding clauses. The Government of Rajasthan, however, felt that it would not be easy to put this clause into practice. In order to examine the question in all its bearings a Committee of Senior Revenue Officers was appointed. A copy of the Committee's Report is placed herewith. It will appear from the report that the problem of providing Khudkasht is particularly difficult in a few districts of Rajasthan in Jaipur and Jodhpur Divisions. The Committee have recommended that the latter part of the above-mentioned clause, *viz.*, that land may be taken from the tenants proportionately, cannot be implemented without causing more problems than it will solve. As regards prescribing the maximum limit of areas, lands in excess of which if held by a tenant of

a Jagirdar may be taken away from him, the Committee have made some recommendations. But in view of the practical difficulties stated below Government have not been able to accept the recommendations of the Committee.

2. The Representatives of the Kshatriya Mahasabha have during the discussions, stated that the problem of providing Khudkasht for smaller Jagirdars should be solved on the consideration that many of these small landholders were serving in military or at other places and did not cultivate their holdings personally, but at the same time invested their savings of life-time on the construction of wells and making other improvements to the land. Some times the tenant co-operated in effecting improvements. But about 90% share of the improvements should be credited to the Jagirdars. The proportion in which these improved lands should be divided between cultivators and Jagirdars should be according to the share taken by each party in making the improvements. The question is not so simple, however, as to admit of this kind of mathematical calculation. As admitted by implication by the Kshatriya Mahasabha the smaller Jagirdars have not been cultivating their lands personally in the past. In recent years when many of them were demobilised on account of the integration of State Forces with the Indian Army and there was talk of abolition of Zamindari and Jagirdari they commenced ejecting their tenants and have taken some land under their personal cultivation. Government had to pass an Ordinance for the protection of tenants in 1949 against undue ejection. The smaller Jagirdars have been resisting all attempts of the integrating States towards introduction of cash rents by means of Settlement operations. In the absence of Settlement these Jagirdars were making much profit on account of the rise in agricultural prices as rent charged by them in the shape of a share of the crops ranged from 1/3rd to 1/2. Government tried to check this rack-renting by reducing the share of the landlord to 1/6th of the gross produce by means of legislation. The tenant had admittedly contributed personal labour in the construction of wells and in several cases also invested his own funds in making improvements. In recent years the relations between tenants and landlords have become so strained that disputes about non-payment of rents on the one hand and unlawful ejection of tenants on the other hand have become quite common. On account of the general lack of land records and other documentary evidence it is almost impossible to ascertain the proportion of cost or labour on improvements contributed respectively by the Jagirdars and tenants. Oral evidence is likely to run on Communal or party lines. A detailed sample survey of

31 villages held by small Jagirdars (Bhomias) in three Districts of Jaipur Division was undertaken in April, 1953. The general position revealed is as follows :—

(i) In 31 villages there are 1,513 Bhomia families and 5,394 families of cultivators.

(ii) The total area under cultivation is 52,240 acres.

(iii) The average holding comes to $7\frac{1}{2}$ acres or about 12 bighas per family. The average holding of a Bhomia family is $8\frac{1}{2}$ acres and the average irrigated area per family of Bhomia is .9 acres and the average irrigated area with a cultivator is 1 acre.

(iv) Out of 1,312 wells with an irrigated area of 9,471 acres 377 wells are out of use with 1,562 acres of land attached to them. Out of the above wells, 1,131 wells have been constructed by the Bhomias, 33 wells partly by the Bhomias and partly by the cultivators and 146 wells by the cultivators.

In Jaipur Division ordinarily 5 bighas ($3\frac{1}{2}$ acres) of irrigated land or 15 bighas ($10\frac{1}{2}$ acres) of barani land has been considered to be an economic holding. If we take this figure as our basis and give 5 bighas of irrigated land to each family of cultivators, only 1,175 acres of land will be left for 1,513 families of Bhomias. This means that each family of Bhomias can get a little less than $\frac{1}{3}$ of an acre of irrigated land for Khudkasht. If we give 5 bighas land to each Bhomia family about the same area ($\frac{1}{3}$ acre) will be left for each family of cultivators. It will thus appear that we cannot adopt any principle of fixed reservation for any class as a basis for allotment of land. In Saurashtra each family of cultivators has been given minimum of half an economic holding and surplus land has been made available for the Jagirdar. This principle cannot be adhered to in Rajasthan on account of the large scale ejection of tenants that will follow.

The difficulty has been aggravated by the increase of population among smaller Jagirdars as well as cultivators. The pressure on land has increased so much that unoccupied culturable areas, out of which all claims of Bhomias for Khudkasht could be met, have been reduced to almost nil and this difficulty has arisen in the sandy parts of Rajasthan, where the quality of soil is poor and the prospects of irrigation are poorer still. Moreover, the Bhomias divide their Jagir lands equally on inheritance and do not follow the principle of primogeniture. In several cases therefore, the area of their Jagir lands is only a few acres.

The unirrigated areas in the possession of tenants have not been improved at the cost of the Jagirdar and the ordinary practice is that whosoever breaks such land is deemed to get full occupancy rights in such land. The Tenancy laws of the former States of Jaipur and Jodhpur recognised such rights both in respect of irrigated as well as unirrigated lands. There is thus no justification for taking out any portion of the unirrigated land from the possession of the tenants.

It is on account of these circumstances that the problem of providing Khudkasht for the smaller Jagirdars has so far defied all agreed solution. The present trend of tenancy legislation in India is to recognise the tiller of the soil as its owner. That position of advantage is in favour of the tenant. The Jagirdar, on the other hand has got some claim in respect of the cost incurred by him on improvements. But cases in which such cost was incurred recently and the Jagirdars have not already derived sufficient advantage are rare. Most of the wells were constructed several years ago and the landlord has already derived sufficient advantage out of the improvement.

Government have, therefore, agreed to try to solve this problem by mutual agreement of the persons concerned. It has been proposed that a Committee consisting of one representative each of the Bhomias and Cultivators may be constituted for each village under a senior officer of Government. These representatives must belong to the village concerned. No outsider may be allowed. A few villages where success may be easy are proposed to be selected first so that success may be possible in the remaining areas, but it is very difficult to lay down any hard and fast rules for the guidance of such committee. If agreement is not possible on the spot Government do not view with favour any compulsory ejection of tenants (with the exception of cases in which it might be proved that the land had been in personal cultivation of the landlord continuously prior to the year 1948 and the tenant has since been in occupation by the promulgation of the Rajasthan Protection of Tenants' Ordinance, 1949). They would rather give the party who may have to go without land in the village, an opportunity to settle in any other village nearby where land may be available or in any area commanded by the river valley projects in Rajasthan. Liberal concessions and monetary aid by way of interest-free loans repayable in easy instalments can be given on a basis which may be considered reasonable and agreed to by the representatives of Kshatriya Mahasabha.

It will be seen from the points (*vide* No. 11) on which agreement has been reached that a satisfactory basis of monetary concession and the area

to be allotted under river valley projects has been worked out in consultation with the Jagirdars.

The Government wish that the problem may be decided on sound economic principles in keeping with the spirit of the times with a view to increase agricultural production. The alternative of ejecting tenants (either partially or wholly) from lands which they have been cultivating for years is likely to retard agricultural production besides causing discontent among cultivators.

3. In calculating gross income of Jagirdars for payment of compensation the Kshatriya Mahasabha has asked for the inclusion of amounts paid to several Jagirdars by way of compensation for the taking over by Government of customs and excise management entirely in its own hands as well as amount of compensation received from the Government of India on account of the monopoly of manufacturing salt.

The Rajasthan Government do not consider any of these items as proprietary rights. They were only privileges or concessions which were recognised so long as there was personal Government and the system of Jagirdari was part of the machinery of that Government. Now that personal rule is over and the idea of the State being the personal property of the Ruler is no longer available such concession cannot be continued.

The income from customs is fast disappearing and under the Federal Financial Integration Agreement the State itself will not be allowed to levy customs duty after a few years. The Jagirdars cannot claim a share in the duty as a proprietary right. The right of taxation vests only in the State and not in any holders of grants who were assigned only some land revenue in lieu of certain specific service. In the Sanads granted to these Jagirdars in some units it was specifically laid down that customs duty and all cesses shall continue to belong to Government.

The compensation in respect of excise has been discontinued by the Rajasthan Government already. This was also not in the nature of proprietary right. In most of the cases excise management and income were taken over by Governments of the integrating units and the Jagirdars were only allowed concession in the form of distilling liquor for their own use or getting such liquor at cost price from Government. Some Jagirdars have filed writ applications in the High Court against this discontinuance of excise compensation.

As regards salt compensation, Government of India have repudiated all claims of the State and Jagirdars for payment of compensation after the Federal Financial Integration Agreement. They have agreed only to pay some amounts which are in the nature of commercial rents, for use of lands on which salt deposits are exploited. When the lands will be resumed such rents as are still deemed payable by Government of India will be taken into consideration for calculating compensation?

4. The Kshatriya Mahasabha has stated that the only deduction besides tribute, to be made from the gross income of Jagirs for calculating of compensation, should be actual collection charges. No other administrative charges should be deducted. And in the light of these demands the rates of deduction of such charges which are pitched at a very high level in the Jagir Resumption Act should be scaled down. This contention has been examined. Actual collection charges may be calculated as follows:—

(a) The average Khasra numbers in a Patwari's circle may be taken as 5,000. At a flat rate of Rs. 2 as rent for each Khasra No. the collection of rental income of Rs. 1,00,000 of the circle would involve the following cost to Government:—

	Rs.
(i) Average pay of a Patwari in the scale of 40-1-55	540
(ii) Dearness allowance at Rs. 20	240
(iii) Leave and pension fund at 25%	195
(iv) T. A. & contingencies	45
(v) Share of Girdawar's establishment at 7 Patwaris per Girdawar's circle	360
	TOTAL Rs. 1,380
	or 14%

Adding to these all cesses which are payable to local bodies by Jagirdars as well as expenditure in some areas on payment of 5% allowance to Lumberdars on gross collection, the actual collection charges may be calculated at 19%.

The Kshatriya Mahasabha has pressed for the collection charges being deducted at the rate of 7 to 10 per cent only on the analogy of some provisions of the Jagir Resumption Act and old practice. The old practice of charging 10 per cent was based on old scales of pay which have now gone up four times. The Court of Wards Act prescribes higher administrative charges at the rate of 15 per cent which does not include expenditure on collection staff. The rate of deduction laid down in the Jagir Resumption

Act for collection charges at 7% is evidently concessional and not realistic as there are hardly a dozen cases in Rajasthan where Jagirdars have Zamindars under them. Moreover, this rate is not based on the need for the formation of separate Patwari's Circles. The work of collection of arrears and rents as required to be done under the two above-mentioned points can be performed by the existing staff.

The minimum of irrecoverable arrears and remission of land revenue should be fixed at 5%, though actually in areas liable to frequent scarcity of rain the percentage amounts to much more.

At present one Tehsil is being maintained for every unit of rental income of about Rs. 3 lakhs. The units are likely to be enlarged wherever possible. But considering that most of the areas of Rajasthan are sandy or hilly the Tehsils cannot be much enlarged, and the average income collected by a Tehsil in future is not likely to exceed Rs. 4 lakhs. The average expenditure on such Tehsils is Rs. 40,000. Thus 10% of gross rental income may safely be taken to be the cost of maintaining a Tehsil. This should be applied to Jagirs which yield more than Rs. 10,000 per year.

Expenditure on higher administrative organisation and other administrative measures which is being incurred by bigger Jagirs at present, i.e., maintaining Revenue Officers higher than Tehsildars, Schools, Hospitals and roads, etc. may be fixed at 5 to 10% at a conservative estimate.

The expenditure on small Jagirs may be taken as follows :—

(a) Collection charges	..	..	..	19%
(b) Remission of arrears	..	..	..	5%
			TOTAL	24%

Add for bigger Jagirs :—

(a) Tehsil expenditure	..	..	..	10%
(b) Higher administration	..	..	..	5%
			TOTAL	39%

If expenditure on development of Jagir areas is included in the above estimate it may be safely said that collection and administration will cost Government not less than 50% of the gross income from the Jagirs. Saurashtra Government have calculated expenditure on development at

20 per cent of the gross rental income from Jagirs. Hyderabad has deducted 60% at a flat rate from the gross income of all Jagirdars in lieu of collection and administrative charges.

5. Kshatriya Mahasabha has asked that some of the princes and descendants were granted Jagirs in lieu of maintenance and should be given cash annuities in perpetuity.

This could not be considered by Government because sons of Ruling Princes had accepted Jagirs with all the limitations and advantages attached to Jagirs. There was nothing to prevent them from being given or accepting cash allowances in perpetuity. A Jagir is for example capable of development while a cash allowance is not. Moreover, most of the Jagirdars have at one time or other descended from the Ruling Princes. The principle if accepted would result in unmanageable consequences.

6. The Kshatriya Mahasabha has asked that the total compensation payable to Jagirdars should be divided into two parts; one-half being paid immediately and the second half by means of negotiable Bonds payable in 10 half-yearly instalments. Where Jagirdars are willing to compound the whole amount of compensation in lump sum, this should be allowed?

In view of the financial implications involved the State of Rajasthan is not in a position to accept this demand, particularly the demand for payment of half of compensation at once cannot be met unless the Government of India are prepared to advance a loan to the State to cover this amount and the rate of interest charged is not more than 2½% which the State will pay to the Jagirdars.

7. The rate of interest allowed to Jagirdars on the amount of compensation is 2½ under the Jagir Resumption Act. It should be raised to 4½% or at least to the Bank rate of interest.

The rate of interest allowed under the Act is in line with the rate allowed in almost all other States of India which have abolished the intermediaries between Government and cultivators. The example of Bombay State paying 4% interest cited by the Jagirdars is solitary, and cannot be adopted.

8. The Kshatriya Mahasabha has stated that assessment of land revenue on Jagir land until they are resumed is a novel feature of the Rajasthan Act. This should be cancelled and *status quo* should be maintained till Jagirs are resumed.

The assessment of land revenue (at the concessional rate of 1/8th of the actual rental income) is in lieu of varying amounts of tribute charged from Jagirdars. It is true that it is being realised even from Jagirdars or rent-free grantees who paid nothing hitherto by way of tribute. But the assessment is based on the principle that all land should bear its proper share of taxation and thus contribute to the State Exchequer, which is in great need of finance for the development of the State. Government have adopted the policy of resuming Jagirs only after cash rents have been introduced by means of Settlement, which will take time ranging from 2 to 5 years. It is not proper that rent-free grants should continue to be enjoyed as such for all this period or that the Jagirdars who pay very nominal amounts of tribute should continue to enjoy the concession. The concessional rate of 1/8th of the revenue is not high. The State of Saurashtra had imposed this uniform rate before the Jagirs were resumed.

9. The Kshatriya Mahasabha has asked that Jagirdars should be given favourable terms of assessment on Khudkasht lands.

With the abolition of Jagirdari Khudkasht lands will be held by Jagirdars on khatedari rights in common with other tenants. Continuance of privileged position in this respect will appear to be social inequality. The cash assessment of rents is generally not heavy and Jagirdars will not find it difficult to pay normal rents.

APPENDIX VI.

To

HON. SHRI JAWAHAR LAL NEHRU,
PRIME MINISTER OF INDIA,
NEW DELHI.

THROUGH : *The Chief Minister, Government of Rajasthan, Jaipur.*

SIR,

We have had discussions with the representatives of the Rajasthan Government and the Rajasthan Congress regarding the abolition of Jagirdari system in Rajasthan, the detailed report of which is being submitted by the Rajasthan Government.

We submitted our Memorandum before the Rajasthan Government containing our demands on the 14th March, 1953. During our discussion we have agreed on certain points but the following points of difference between ourselves and the Rajasthan Government remain to be settled. As these are submitted to you for adjudication we submit our views regarding these as under :—

(1) The most pressing problem in Rajasthan today as a result of Jagir abolition is that of Khudkasht to be allotted to the dispossessed landlords. It will be admitted by the Rajasthan Government that the number of land owners known by various names runs into lacs in Rajasthan. The problem of their rehabilitation should be the concern of all. The Rajasthan Government has accepted its obligation to provide Khudkasht to them. As a result of our discussions that we had on this point certain principles have been accepted by both the parties. But we venture to say that the Government of Rajasthan has not fully accepted the logical conclusions that follow from the acceptance of these principles.

The bone of contention so far as the problem of Khudkasht is concerned are those lands which have been improved by landlords either by digging wells or constructing Bunds and tanks. Most of the Rajasthan is desert and the means of irrigation facilities are almost nil. To effect improvements in such areas is a very costly affair. Most of these petty landholders who have made these improvements have done so with great labour and

sacrifice and they did it just to earn their livelihood. Conditions obtaining in the rural side of Rajasthan were such that many of these landholders were co-partners in the process of agriculture ; they supply manure, seeds and are responsible for the watch and ward. Except that due to the sense of social status they did not actually took to the plough they were cultivators for all practical purposes. Now suddenly with the passing of the new laws they find themselves landless. Their resentment is very great when they see that the land which has been improved by them is given to others.

The Government of Rajasthan appointed a Committee of officials to enquire into the problem of Khudkasht and submit its recommendations. The Committee toured all over Rajasthan and after collecting data from all places came to the conclusion that the claims of these landholders to get these improved lands as Khudkasht is just and proper. In the same way the Government of Rajasthan had another inquiry made on this very point by a senior officer. In his report also the justness of our claim is admitted. As a matter of fact the Rajasthan Government itself has not denied this. The only difference is that they have not laid down any principle according to which these improved lands should be allotted to the landlords and the tenants respectively.

We have submitted in our Memorandum that the cost incurred by the respective parties should be the criterion in the allotment of land. The Rajasthan Government say that actual allotment by mathematical calculation is not possible because no authentic records are available, but this is not so, some record is always available in such cases. Moreover in such settlement some sort of formula has to be evolved. The only criterion should be that least number of persons should be affected on either sides. After careful enquiry we have come to the conclusion that if we adopt the formula by which 75% of the improved land is given to the landlords and 25% to the tenants, no great hardship will be caused to the either sides. Such a solution will meet the demands of the natural justice as exists in the mind of a villager.

Another point in the problem of Khudkasht which remains to be decided is that these landholders who could not cultivate their land due to physical infirmity, minority, widowhood or due to their employment elsewhere and particularly in the Military and gave their lands temporarily to the cultivators should get back their lands. The Rajasthan Government has admitted that lands given after 1948 should be returned back which

clearly shows that our claim is just. We venture to submit that there should be no time limit in the case of widows, minors and infirm persons and those who were in Military, Police and other Government services.

(2) We had requested the Government in the Memorandum that the Jagirdars should be exempted from the assessment of land revenue in respect of their Khudkasht land as has been done in U.P., Saurashtra and other States. Such exemption from the assessment of land revenue in no case makes the exemptees a privileged class as remarked by the Rajasthan Government. This exemption is in the nature of granting rehabilitation grant. Jagirdars are new to the profession of agriculture and in order to help them to stand on their own legs, the Government should grant them concessions in assessment. The problem of Khudkasht is mainly acute for smaller Bhomias. In their case the compensation allowed is not sufficient and therefore such concessions are essential. It may be observed that in U. P. and in other Part A States also, extra rehabilitation grants were given to such small landholders. Thereby they were not made a privileged class. We also observe that concessions in assessment of land revenue are given to all such tenants who bring fresh land under cultivation. The reason is that agriculture does not become paying in the initial stage, and therefore, concessions are given. These cultivators do not become a privileged class thereby. Concession in assessment of land revenue is also given to refugees who have been allotted land in India. They are not a privileged Class.

We will request the Prime Minister to consider this point in the light of above mentioned observations and decide the matter. We are quite confident that if this matter is examined there will be only one answer and that is that Khudkasht land should not be assessed to land revenue.

(3) *Collection Charges.*

We have submitted in our Memorandum that only deductions to be made from the gross income of Jagirdars should be actual collection charges incurred and the tribute that the Jagirdar pays to the Government. The present Jagir Resumption Act which allows collection charges up to 60% is grossly unfair.

The contention of the Government that actual collection charges will come to 39% will not be found justifiable if relevant figures are obtained from other States and from the Court of Wards Department of Rajasthan Government also. Without going further if we just examine the various

enactments that the Rajasthan Government has passed it will appear that collection charges should not be more than 10%. First of all it is worthy to note that in the Jagir Resumption Act itself collection charges have been admitted to be 7% only. In case of Zamindars only 7% collection charges will be deducted as laid down in Schedule III. According to section 22 of the Jagir Resumption Act only 7% collection charges are to be deducted for realising arrears.

The Agricultural Income Tax Act recently passed by the Rajasthan Government lays down that 15% will be deducted for collection charges. The recent Panchayat Act passed by the Rajasthan Government lays down that Panchayats should be allowed to retain 10% of the revenue as collection charges.

If we take into consideration the actual charges that Jagirdars have to incur it will appear that these will be less than what has been provided in these Acts. We have to bear one thing in mind, that we must not deduct in the name of collection charges much more than what the Jagirdars have actually been spending. In all fairness only that amount should be deducted which the Jagirdars actually spend. Collection charges for bigger Jagirs should not be more. It is an accepted principle of revenue administration that larger the income less the collection charges. The present Act just reverses this principle which is not fair.

To say that some thing must be deducted from the income of bigger Jagirdars for educational and medical expenses and development of Jagirs is to go against the decisions of certain High Court which lay down that such charges cannot be deducted. If therefore all these points are taken into consideration and the issue is examined dispassionately we will come to the conclusion that collection charges should not be more than 10 to 14% in any case.

(4) *Calculation of gross income.*

In calculating gross income certain principles ought to be followed. We submitted before the Rajasthan Government that they should accept this one principle and that is that the present income of the Jagirdars should be the basis to calculate compensation. If we do not do that, it will mean gross injustice to the Jagirdars. The Government reply that these rights are not proprietary rights is not legally correct. Whatever income we get from excise, salt and customs compensation is our property; Government of Madhya Bharat and Hyderabad had taken excise

income into consideration while calculating the compensation. The Government of Rajasthan is not justified in withholding the above compensation from the Jagirdars.

For customs compensation the plea of Rajasthan Government that because customs income is fast disappearing they cannot include it while calculating compensation. We submit that the stand of the Rajasthan Government is not legally correct. Compensation is for the present income and not for future consideration. If the Rajasthan Government were to adopt this criteria we ask, are they ready to consider the enhanced income of Jagirs which will result because of revisional settlement after some years and in several districts, which is over due ? The answer will be surely "No".

It is therefore, quite evident that not to calculate customs income while calculating compensation will be legally wrong and will result in gross injustice.

(5) *Assessment of Land Revenue.*

It was submitted by us that assessment of land revenue is a novel feature of the Rajasthan Land Reforms and Resumption of Jagirs Act. This is also unfair in the prevailing conditions. The main purpose of Jagir Resumption Act is to effect land reform and not to make earnings out of it. If we have rightly understood the spirit of the Act it is also to re-habilitate those who will be affected by this. To impose fresh taxation upon the class which is to disappear soon, will not help them to rehabilitate. Among the persons who will be affected by this, will be many such landholders commonly known Sasadars and Udkis who have not given any tax as yet. They should be treated sympathetically.

On the one hand, fresh taxation in the form of land revenue, agriculture income tax, District Boards cess and Panchayat cess, are levied on the Jagirdars; we also find that old feudal dues, *e.g.*, succession fee known as Talwar Band, Matmi, Hukanamas etc. have not been abolished. This will result in complete bankruptcy of some of the Jagirdars even before a resumption and if these are to be realised from the compensation payable it will render all such compensation illusory. We therefore submit that in the interest of proper rehabilitation of the Jagirdars these measures should be dropped. It is only recently, say within two years that the Jagirdars have realised the coming disappearance of Jagirs and began to curtail their expenses and save something for future. All these measures will take away those savings of the Jagirdars if any which is the result of their frugality and

thrift. In order to help the Jagirdars to adjust themselves in the changed circumstances such concessions are absolutely essential. We hope that the Prime Minister would kindly consider this point sympathetically.

(6) *Mode of Payment.*

We had requested for the payment of half of the compensation amount immediately in a lump sum and for the balance in negotiable bonds payable in 10 half-yearly instalments. The State Government has no doubt accepted this principle but they have shown their inability to do so due to financial difficulties and they are prepared to make the payment as suggested by us if the Government of India could advance a loan to them. We will request the Prime Minister to kindly accept the suggestion of the State Government, looking to the gravity of the situation particularly when the compensation is given on the basis of rehabilitation grants. The amount of compensation is very small in comparison to the value of the property that is being resumed.

We will draw the attention of the Prime Minister to this aspect as well that compensation is given by way of rehabilitation grants and when the Government of India has been so generous to the refugees and had spent crores of rupees for their rehabilitation we hope the Government of India would be equally interested to rehabilitate the Jagirdars as well by advancing necessary loan for the above purpose to the State.

(7) *Rate of Interest.*

We had requested the State Government to increase the rate of interest payable by the State Government on the compensation amount. This request has not been accepted by the State Government without giving any reason excepting that in other States similar rate of interest is allowed. If the Government of Rajasthan had viewed this aspect keeping into consideration the prevailing rate of interest in the money market they would have definitely accepted this demand of the Jagirdars. The Jagirdars had demanded the increase only to 4½% or at least the bank rate (3½%) which is just and fair.

(8) The sons of the princes and their immediate descendants are a class by themselves. The Government of India has made a special provision in the various covenants to maintain their dignity and position. It is but fair for us to demand that their economic position should not be allowed to deteriorate in view of their past privileges. It may be stated that at

least in one State of Rajasthan, namely Bharatpur the brothers of princes, have been given cash allowances in perpetuity. We therefore request the Prime Minister for favourable consideration.

We have submitted our suggestions to the points in controversy and we would request that we may be given an opportunity to further elucidate the points as we have not been able to submit the detailed objections within the short time at our disposal. Such elucidation will also help in coming to just and correct conclusion.

As age old institution is going to disappear and the order which had played such an important part in shaping the history of this country is to be readjusted in the changed circumstances to serve the best interest of the nation. The peaceful way in which this change is to be brought about and voluntary sacrifice that we are making, demand that our submissions will be given due consideration and we have sanguine hopes that the Prime Minister will grant our modest request and help us to readjust ourselves in the new set up, in the larger interest of the country.

Yours sincerely,

APPENDIX VII.

PRESS COMMUNIQUE.

Pandit Govind Ballabh Pant met the representatives of the Rajasthan Government, the Rajasthan Congress and the Rajasthan Kshatriya Mahasabha on June 30 and July 1 at Naini Tal and discussed the problems arising out of the enforcement of the Rajasthan Land Reforms and Resumption of Jagirs Act, 1952.

The main points discussed related to the allotment of Khudkasht land to Jagirdars and the amount of compensation payable to them on the resumption of Jagirs. The Jagirdars urged that they should be enabled to take back from tenants lands on which they had made improvements, such as digging of wells etc. The Government of Rajasthan on the other hand were unwilling to dispossess tenants particularly because the latter had acquired occupancy rights under laws passed by integrating States prior to merger.

As regards the amount of compensation payable, the main point of controversy was the amount in respect of administrative charges deductible from the gross income to arrive at the net income. The Jagirdars' contention was that the deductions were excessive and should be scaled down. It was also urged by them that in calculating their gross income the compensation which is being paid to them at present for customs, excise and salt should be taken into account.

There was general agreement that in so far as educational and charitable institutions were concerned they should, after the resumption of Jagirs, be paid annuities equal to their existing income from Jagir instead of the usual compensation.

Pandit Pant made certain suggestions and it is hoped that his proposals will be acceptable to both parties. He will soon be communicating them to the Prime Minister.