Report
of
The Agrarian
Reforms Commission,
Saurashtra.

TABLE OF CONTENTS.

CHAPTER I.

Introduction.

The agrarian problems of Saurashtra with special reference to the relations between landholders and their tenants have been under the consideration of the Government of Saurashtra for some considerable time. Eventually a stage was reached when it was felt by Government that it was high time that an expert investigation of these problems was undertaken with a view to devising a permanent arrangement fair to all the interests concerned. The Government of India discussed this question with the Government of Saurashtra and in consultation with them decided to appoint a Commission to study the revenue and tenancy problems of Saurashtra and make suitable recommendations in order that this question might be settled in a satisfactory manner. The Saurashtra Agrarian Reforms Commission was thus appointed by the Government of India, Ministry of States, under their Resolution No. F.1(28)-P/50, dated 13th May 1950, with Shri J. A. Madan, I.C.S. (Retd.), as Chairman and Shri D. V. Rege, I.C.S., Regional Commissioner and Adviser, Saurashtra, and Shri R. S. Mane Patil, Collector of Jhalawad, as Members.

2. The following were the terms of reference of the Commission :—

To examine and report on—

(1) the history and the present position of the relations between landholders and their tenants in non-khalsa areas (*Note* : the word landholder would include, *inter-alia*, a Zamindar, Jagirdar, Garasdar, Talukdar, Bhayat, Bhagdar, Peta Bhagdar, Mulgirasia, Barkhalidar, Inamdar and Jiwaidar);

(2) the state of land revenue administration including survey, settlement and maintenance of village records in the

non-khalsa areas of Saurashtra;

(3) the existing tenancy legislation regulating the relations between landholders and tenants, the mode of realisation of rent, the status of the tenant and the security of the tenure and quantum of gharkhed, if any to be given to the landholder

(4) the need and the desirability of redetermining in the light of present day conditions and the requirements of modern administration and, in particular, the need for improving agrarian conditions, the respective shares of the State, the landholders and the cultivators in the produce and the assets of the holding

(5) the desirability of extinguishing differences between the khalsa and non-khalsa areas so that a uniform land revenue and land tenure system is established throughout Saurashtra, the manner in which this should be brought about and the administrative organisation and legislation necessary therefor;

(6) the steps to be taken to improve the economic condition of the smaller landholders and tenants, having regard to the effects of tenancy and agrarian reforms on them and

(7) any other constituent and/or cognate matters which the Commission may consider as arising out of the foregoing terms of reference.

3. The Chairman took over on 23rd May 1950 and the office of the Commission was set up in about a fortnight's time. Shri Mane Patil attended important meetings of the Commission in the initial stages and joined as a whole time member from 29th August 1950. Shri V. C. Joshipura, Officer on Special Duty Government of Saurashtra, took over as Joint Secretary from the very beginning. There was some difficulty in finding a suitable Secretary for the Commission and ultimately Shri R. K. Joshi, a retired Secretariat Officer of the Bombay State, joined as Secretary on 12th July 1950. On the same day, the

Commission issued a questionnaire (Appendix I) to all persons and institutions, including landholders, tenants and their representatives, who were known to be interested in the matter and also to the talukdars who had entered into an agreement to merge their Talukas/Estates in the United State of Kathiawar (Saurashtra), as clause (j) of the agreement required that a Commission should be appointed at their request to enquire what lands, if any, should be reserved for their gharkhed. Copies of the questionnaire were sent to all the non-khalsa villages through the Revenue Department. In addition it was also published in the form of a Press note with a view to inviting the views of others who could help the Commission with their suggestions. As very few replies were received within the prescribed date, *viz.*, 15th August 1950, the time for sending the replies was extended up to 15th September 1950 Several replies were received even after the extended date and the memorandum of the Cutch-Kathiawar-Gujarat Garasia Association was received only on 6th October 1950. The memorandum did not specifically deal with all the questions, but gave general views of the Association on the problems involved on behalf of all landholders.

4. In all 90 replies to the questionnaire were received by the Commission. Some of the replies were very helpful, including those received from the Saurashtra Government, the Garasia Association and the Saurashtra Congress Samiti. The Commission also examined 21 witnesses, including the Hon'ble the Chief Minister, Shri Dhebar, who has made a deep study of the agrarian problems of Saurashtra. The Commission also established contact with tenants and different categories of landholders by visiting some of the principal towns and typical villages.

CHAPTER II.

Historical Background

5. Saurashtra literally means a good kingdom. The peninsula was known by this name in the ancient times and it retained the name till the latter part of the 18th century when under the Marathas it began to be known as Kathiawar, although that name was really applicable only to the central part of the peninsula which was mainly inhabited by the Kathis. The whole peninsula continued to be known as Kathiawar until integration and the original name Saurashtra was restored only in March 1948.

6. Saurashtra, supposed to have been an island in the remote past, is now a peninsula with an area of about 23,000 square miles and a population of 3.56 millions. Out of the total area, about 2,500 square miles are included in Bombay State and about 20 square miles form the Portuguese possession of Diu. The geographical map of Saurashtra as it is today is different from that of the original province known as Saurashtra which included Cutch and part of Gujarat as far as the river Mahi.

7. The earliest reference to Saurashtra is in Mahabharat which mentions that Shri Krishna of the Yadava race left Mathura on being hard pressed by King Jarasandha of Magadha and came to Kushasthali (Dwarka) along with his elder brother Baldev, who had married Rewati, daughter of King Rewat of Dwarka. Rewat shifted to Mount Girnar which is still known as Rewatachal and Shri Krishna established himself at Dwarka. At the time of the invasion of India by Alexander the Great, Saurashtra was included in the Maurya empire. Fourteen edicts of Ashok are found engraved on a rock near Junagadh. It is interesting to note from the memoirs of Magasthenes and the *Arthashastra* of Kautilya that in the Mauryan period the cul-

tivators had fixity of tenure and could not be displaced except on default of payment of revenue to the king. The higher classes had not a landowning, but an official, qualification, being entitled for their maintenance to a defined portion of the revenue. (Cambridge History of India, Vol. I, p. 475).

8. The Mauryas were succeeded by the Sungas whose rule in Saurashtra came to an end in 72 B. C. when the peninsula came under the control of the Kshatrapa dynasty which held sway in Saurashtra for about 450 years. The last Kshatrapa ruler, Rudrasinha, was defeated by Chandra Gupta II in 388 A. D. and Saurashtra came under the Magadha rule once more. When the Gupta empire was overwhelmed by the the Huns, Bhattaraka, Commander-in-Chief of the Guptas, established his dynasty in Saurashtra which lasted for about 300 years. It was he who founded the once famous city of Vallabhinagar in Gohelwad district. The Vallabhi dynasty was overthrown by the Arabs who overran Saurashtra about 766. With the destruction of the Vallabhi dynasty, Saurashtra ceased to contain the seat of Government of one undisputed power and was split up into various small units ruled by Rajput clans such as the Chavdas, Solankis, Chudasamas, Jethwas, etc..

9. One of the most important landmarks in the history of Saurashtra was the sack of the Somnath temple in Prabhas Patan by Mahmud of Gazni in 1024. Prabhas Patan is considered as one of the holiest places of the Hindus since the Mahabharat days and Somnath, held in high reverence as one of the 12 *Jyotir Lingas*, attracted muslim fanaticism and cupidity. The temple was attacked at least five times subsequently in 1297, 1318, 1395, 1511 and 1520, but was rebuilt after each attack by the Hindus who gave up the attempt in despair when it was converted into a mosque and desecrated beyond redemption.

10. The coast of Saurashtra known as Nagher which contains the most fertile soil in the peninsula came for the

first time under muslim rule in 1297, when it was conquered by Alafkhan, general of Ala-ud-Din Khilji, and a muslim governor was stationed at Somnath Patan to control the newly acquired possession. Ra Khengar IV of Junagadh drove the governor out of Saurashtra but he was eventually subdued by Mahomed Taghlak in 1348. Largely due to the confusion caused in Delhi by Taimur's invasion, the muslim viceroy of Gujarat asserted his independence in 1403 and proclaimed himself as the sultan of Gujarat. The sultans of Gujarat made frequent incursions into Saurashtra. Ra Mandlik, the last hindu ruler of the Chudasama dynasty of Junagadh, was defeated by Sultan Mohomed Begda in 1470 and his son was given a small jagir which is still in the possession of his descendants who are known as raijadas and are treated as mulgarasias of Junagadh. Gujarat and Saurashtra came under the Moghul rule in 1573. The Moghuls were exercising their authority in Saurashtra through the viceroy at Ahmedabad and the fouzdar at Junagadh. As the Moghul power waned, Sherkhan Babi, fouzdar at Junagadh, declared himself as an independent nawab of Junagadh in 1748.

11. The Marathas first made their appearance in Saurashtra in 1722, when the peninsula had become a congeries of warring principalities. Every chief or chieftain asserted his independence and seized every opportunity of aggression. While the powerful rulers were consolidating their position, the peninsula was overrun by the Marathas whose objective was exaction of tribute rather than conquest of territories. The first entry of the Maratha tribute collecting army into the peninsula took place under Damaji Rao Gaekwar in 1735. The Marathas gradually extended their sway throughout the peninsula but their dominion never took the form of an occupation of the province. They were content to fix a certain tribute and to send annually an army to collect it.

12. The British intervention in Saurashtra took place for the first time in 1807, mainly with a view to devising some means of securing regular payments of tribute to the Gaekwar of Baroda who was on friendly terms with the British Govern-

ment and to avoiding bloodshed and chaos which normally attended the *mulkgiri* operations of the Marathas. Some chiefs of Saurashtra had also applied to the British for help against their powerful neighbours who were oppressing them. Col. Walker, Resident at Baroda, therefore, accompanied the Maratha army on its expedition and was given the authority to fix the amount of tribute to be paid by each State and to decide where British aid should be extended to supplicant chiefs and to what extent. Col. Walker proclaimed to the chiefs of Saurashtra that his object was confined to the settlement and regular payment of their tributes, that no encroachment on their landed rights or independence was contemplated and that the existing position was to be guaranteed by the British and the Gaekwar. On the strength of these assurances, the chiefs agreed to pay a fixed sum annually as hitherto and also executed a bond known as 'Fael Zamin Bond' to maintain security, to desist from encroachment and buying land from bhayats and other landholders and to respect the rights of the British Government, the Peshwa and the Gaekwar. The immediate result of Col. Walker's famous settlement was that Saurashtra was blessed with peace which it had not enjoyed for very many years. The British Government became the paramount power in the peninsula in 1820 only after the defeat of the Peshwa and in virtue of an agreement with the Gaekwar. The States of Kathiawar were in political relationship with the Government of Bombay till 1924 when all the States in Western India were grouped together and transferred to the political control of the Government of India.

13 The question of evolving an All-India Federation engaged the attention of the Government of India from 1933. How to consolidate and adjust the 562 States and Estates in India in the federal structure was a difficult problem and it was specially complex in Saurashtra with its 222 States and Estates, of which 14 were salute States with full jurisdiction, 62 were semi-jurisdictional States and 146 were non-jurisdictional

Estates. Under the attachment scheme introduced in 1943 with the object of grouping together these States and Estates for administrative efficiency and good government, semi-jurisdictional States and non-jurisdictional Estates of Saurashtra were attached to the different salute States and to Baroda.

14. With the lapse of British paramountcy in 1947, the attachment scheme terminated and all the semi-jurisdictional States and the non-jurisdictional Estates were again restored to their former position and continued under the pre-attachment administrative set-up under the Regional Commissioner who was appointed by the Government of India as their representative for Western India and Gujarat States in the place of the former Resident. This sort of administration was, however, considered inconsistent with the spirit of a free democratic India after 15th August 1947. The Government of India, therefore, evolved a scheme whereby the resources of small States could be pooled together by way of merger so that their people could have the advantage of better government and economic progress. This form of consolidation was first adopted in regard to the Kathiawar States, many of which had several scattered islands of territories. Added together, these States divided the map of Kathiawar into about 860 different areas. Thirty-one rulers of States in Saurashtra, including 13 salute States, entered into a covenant in January 1948 with the concurrence of the Government of India to integrate their territories into a United State. Merger agreements were also signed by the Hindu semi-jurisdictional and non-jurisdictional talukdars and the United State of Kathiawar, later known as Saurashtra, thus came into existence on 15th February 1948 when it was inaugurated by the late Hon'ble Sardar Patel. Subsequently, in accordance with the desire of the duly elected representatives of the States and Estates of Junagadh, Manavadar, Mangrol, Bantwa, Sardargadh and Babariawad, which were under muslim rule, even these areas were integrated with the United State of Saurashtra with effect from 20th January 1949.

CHAPTER III.

Origin of States and Estates.

15. After the fall of the Vallabhi dynasty, Saurashtra was under the sway of several Rajput clans such as Chavdas, Solankis, Chudasamas and Jethwas. Excepting Jethwas, who were till recently ruling in Porbandar, the birth place of Mahatma Gandhi, the other clans lost their power long ago, but their descendants are still found as landholders in different parts of Saurashtra.

16. Harpal Dev of Karanti (Sindh) sought the protection of King Karna of Anhilwad Patan (Gujarat), and having been awarded by him some portion in the north-east of Saurashtra for services rendered, he established a dominion in that part with capital at Patdi. The dynasty founded by him towards the end of the eleventh century is known as the Jhala Rajput dynasty. The Jhalas shifted to Halwad in 1488 and then to Dhrangadhra in 1800, which had since been the capital of the principal Jhala State. The ruling family of Wankaner is descended from the senior branch of the Jhala Rajputs, Jhala Chandrasinh being the common ancestor of the Houses of Dhrangadhra and Wankaner. The other Jhala States, *viz*, Limbdi, Wadhwan, Lakhtar, Sayla and Chuda, are also offshoots of the same House.

17 Next came the Gohel Rajputs who were ousted from Marwar in about 1240. Their chief, Sejakji, received a few villages from his father-in-law Ra Khengar III of Junagadh. and carved out for himself a small dominion in the south-east of the peninsula. He was the founder of the Gohel House of Bhavnagar. Rulers of Palitana, Vala and Lathi belong to this stock.

18. The famous Jadeja clan, which traces its descent from the Yadavas, migrated from Sindh to Cutch

and then penetrated into the north of the peninsula in 1535 under Jam Rawal, who gradually spread his power over the whole of north-west Saurashtra. He was the original founder of Nawanagar State. From this stock have originated a large number of States of various sizes, the principal ones being Morvi, Gondal, Dhrol, Rajkot, Virpur, Malia and Kotda-Sangani.

19. The Parmar Rajputs also migrated from Sindh to Kathiawar about the middle of the twelfth century under their leader Lakhdhirji. The then chief of Wadhwan employed some of them to attack Bhils and gave them four districts of Muli, Than, Chotila and Chobari as a reward for their services. Muli was the only Parmar Rajput State in Kathiawar at the time of integration.

20. A tribe of considerable historic importance which consolidated its position in the province was that of the Kathis. Their origin, however, is wrapped in mystery. They seem to have entered the province from Cutch in the 11th century and spread themselves in the interior which was then but thinly populated. One of the principal branches, *viz.*, Vala Kathis, made a footing at Chamardi, from where they extended their sway almost in all directions. The famous temple of the sun at Than was built by them. Vala Kathis had two sub-branches, *viz.*, the Viranis and the Jaitanis. There were other branches such as Khachar, Khuman, Kotila, etc., and they all formed their principalities during the days of internal feuds and disorder prevalent in the country. Among the principal Vala Kathi States may be mentioned those of Thana-Devli (Amarnagar), Vadia, Jetpur and Bilkha. Jasdan was the only principal Khachar State.

21. It has already been stated in the previous chapter that Sherkhan Babi, the fouzdar of the Moghul emperor, established himself as an independent nawab of Junagadh in 1748. Manavadar, Bantwa and Sardargadh were the offshoots of the Babi House, which has now ceased to exist.

22. Another muslim State, *viz.*, Jafrabad, which derives its name from Sultan Muzaffar of Gujarat, who built its fortification, was taken over by Sidi Halol as a punishment for the piracy committed by its inhabitants and he later on sold it to the Nawab of Janjira. Other muslim States and Estates in Saurashtra were the Malek (Jat) State of Bajana and the Malek Estates of Vanod and Zainabad.

23. The Patidar Desai State of Patdi, the Patidar Desai Estate of Rai Sankli and the Nagar Desai Estate of Vasavad originated from grants received for services rendered. The Kayastha Estate of Vithalgadh was founded in 1806 by Babaji Appaji, the famous Gaekwar general, who acquired the area from the chiefs of Morvi and Lakhtar and Babra Kathis in lieu of assistance rendered to them.

24. The origin of the principal States and Estates has been described above. The numerous non-jurisdictional Estates in Saurashtra largely owe their origin to the general custom prevalent in the Rajput Houses for each son to receive a certain portion of land as his patrimony. The share varied in accordance with the rank and position of the chief, the number of his sons and their relations with him. The Kathi rulers also used to divide their States among their sons and it was only since 1904 that some of them adopted the rule of primogeniture. In the confusion that followed the break up of the muslim power and the incursion of the Marathas, many of the most enterprising younger branches enlarged their borders not only at the cost of their feudal lords and brethren but also at the expense of the neighbouring chiefs. "At the opening of the present (19th) century, all landed proprietors in Kathiawar from the chief to the garasia were in the possession and exercise of uncontrolled power over the people on their estates. ..... Such was the position of the landed gentry of Kathiawar when Col. Walker made his permanent settlement of the tribute

in 1807–8. This settlement was somewhat arbitrary. Many small proprietors who had freed themselves from control were treated as separate tributaries and have enjoyed that position ever since. Others were treated as subordinate garasias to one or the other of the principal chiefs and were included in the tribute arrangements made with their lords. What was done at that time has never since been undone." (Bombay Gazetteer, Vol. VIII, pp. 304–305). The sole idea of Col. Walker was to stabilise the position as he found it with a view to bringing peace to the much harassed province. All those who settled their tribute with Col. Walker direct became separate States or talukdars, however small, having independent political status of tributary chiefs. This explains the existence of as many as 222 States and Estates of sizes varying from as many as 3,791 square miles of Nawanagar State to .29 square mile of a Koli Estate at the time of the formation of the United State of Saurashtra.

25. After the defeat of the Peshwa, the British took over direct control of Saurashtra in agreement with the Gaekwar and a Political Agent was appointed in Saurashtra in 1820. The powers of the chiefs and talukdars to dispense justice were not defined till 1863 when Col. Keatinge, the then Political Agent, introduced the scheme of classification, under which the 222 States and Estates were grouped into 7 classes with varying degrees of civil and criminal jurisdiction. Under this scheme 14 salute States were recognised as States with plenary powers, 62 were treated as semi-jurisdictional States and 146 as non-jurisdictional Estates. The residuary jurisdiction in the case of semi-jurisdictional States and the entire jurisdiction in the case of non-jurisdictional Estates were assumed by the British Government.

CHAPTER IV.

GARASDARS AND OTHER GRANTEES.

26. The word *garas*, or more correctly *gras*, means a mouthful and denotes the land given for maintenance by a chief to the junior members of his family or the land retained for maintenance by original landholders who may have sought a chief's protection. Later "the term Gras was also used to signify the black-mail paid by the village to a turbulent member of the chief's family as the price of his protection and forbearance and in other similar meanings". (Forbes' *Rasmala* quoted in Bombay Gazetteer Vol. VIII, p. 315).

27. The generic term *garasia* or *garasdar* includes talukdars, bhagdars, mulgarasias and bhayats who can be generally classed as landholders with proprietary rights as distinguished from ordinary landholders included in the generic term *barkhalidars*. This latter term includes inamdars, jiwaidars, dharmada or kherati grantees and service tenure holders, such as chakariats and pasaitas, who are merely entitled to the usufruct of the land granted to them. The term *barkhalidar* literally means a landholder whose produce of land remains outside the common *khala* (threshing floor), implying thereby independent enjoyment of the produce. As payment of rent in kind was generally in vogue in Saurashtra, all produce had to be brought to a common threshing floor for apportionment of Government revenue. The land the produce of which was not required to be brought to a common threshing floor but was kept out of it was known as *barkhali* land. This privilege of bringing the produce of their land to their own *khalas* was much prized by the barkhalidars. Strictly speaking, barkhalidars would include mulgarasias and bhayats, as they also had their independent *khalas*. But as these two categories hold garas land they are known as garasias or garasdars, implying a

certain social status, while the term *barkhalidars* came to be applied, in common parlance, to the other grantees only.

28. Small chiefs or chieftains who accepted Col. Walker's settlement have since been known as talukdars. As a *talukdar* etymologically means a holder of a *taluka* or dependency, it may be asked how he could assume the role of independence and how he could have any rights independent of the State. In this connection it may be be stated that originally these landholders who were chieftains were called *bhoomias* and not talukdars. The word talukdar, which came to be used later, cannot alter the status the *bhoomias* were recognised to have under the Walker settlement. We are only concerned with (i) those talukdars of the old classes V to VII except six who have entered into an agreement similar to the covenant executed by the rulers of the first four classes and (ii) non-jurisdictional talukdars. The term *bhaydar* denotes a shareholder who has a defined separate interest in a taluka which is not governed by the rule of primogeniture. He is a co-sharer of a talukdar.

29. Mulgarasias are descendants of the original proprietors of villages whose possession and ownership of land date prior to the establishment of the various States or Estates under which they were found. In the midst of the shifting fortunes of different dynasties in the pre-British days, some landholders preferred to relinquish a portion of their lands in favour of stronger powers while some were left by the latter in the enjoyment of portions of their lands. Whatever may be the case, the fact remains that only a part of their land remained with them, the rest having vested in the powers whose protection they sought. With the growth of the power of the chiefs whose protection they sought, a fiction grew up that there was a commendation of the mulgarasias' holdings to the chiefs and that there was a re-bestowal by the latter. This theory of commendation was used to support the

escheat of a mulgarasia's land on the failure of his heirs and collaterals to his chief as the ultimate heir under the Hindu law.

30. The term *bhayat* means brotherhood and includes cadets of the younger branch of a chief's or talukdar's family where the State follows the rule of primogeniture. They received grants in appanage as *kapal-garas* or their birth right to a share in patrimony. States like Bhavnagar, Gondal and Jasdan adopted the far-sighted policy of giving garas in cash to their immediate relations.

31. The term *peta-bhagdar* has no legal or constitutional significance as far as proprietary rights to land are concerned. It merely means a sub-sharer.

32. It may be incidentally noted that some bhayats who had received grants in appanage before Col. Walker's settlement were subsequently placed under the jurisdiction of the States or Estates other than their parent States or Estates in the subsequent administrative arrangements of the Political Agency of Kathiawar. Such garasdars were treated as mulgarasias of the States or Estates in whose jurisdiction they were placed. In some cases a tribute paying talukdar retained his bhayati garas in another jurisdiction.

33. It is amply proved by the historical accounts of the social, economic and political conditions of Kathiawar given by Col. Walker and other political officers of the British Government as well as the decisions subsequently given in garas cases that the smallest talukdar was as independent in the enjoyment of his Estate as the biggest chief. Classification into full-powered States and semi-jurisdictional and non-jurisdictional States and Estates did not affect the internal autonomy of their land revenue administration and enjoyment of their landed possessions. The proprietary rights of the subordinate garasias were not only recognised but were also safeguarded against aggression from the stronger chief.

34. The proprietary rights of talukdars have been secured to them in the merger agreements of February 1948 and those of the other garasdars have not been seriously questioned from any quarter. Talukdars, bhagdars, mulgarasias and bhayats, however, stand on a different footing from either the talukdars of Bombay or the zamindars or jagirdars of other parts of India. The garasdars of Saurashtra collected and enjoyed the revenues of their lands in their own right whereas the zamindars and jagirdars of other provinces were rent receivers and had no pretentions to property in the soil. All the same, it can scarcely be gainsaid that the proprietary rights of garasdars in Saurashtra were circumscribed by limitations some of which were inevitable and some were imposed on account of political exigencies or requirements of feudal economy.

35. Absolute proprietary right of the landholders in land, whatever be their status, was foreign to the culture and civilization of India. "Land is his", said Manu, "who first cleared away the jungle as the deer is his who first brought it down." In the evolution of the social order the agriculturists who settled on the land needed protection and the king afforded it with the assistance of his nobles. In the fiscal fabric of the Brahmanical period it was observed that it was the king's privilege to assign to his nobles the right to receive food from the commoners and thus to provide for the maintenance of the nobility who assisted in the protection of the country and in the administration of justice. The nobles thus came more and more to occupy the position of the landholders under the king. The king as protector of the people was no doubt a central figure in Aryan culture and in legal terminology he was the owner, the cultivators being the occupants of the soil. The relation between the king and the cultivators was a sort of a fraternity in which the cultivators respected the king as their protector and the king looked after the cultivators as the earning members of a family. He felt entitled to no more share in the fruits of his cultivator's toil than what was primarily required

for administration the State for the common good of the people and the nobles were given or assigned a share for their assistance. The moslem emperors did not introduce any radical change in the law that governed the ownership and enjoyment of the land.

36. The rights of property in land have been regulated in every country in terms of its political conceptions and economic requirements. For instance, in England, the undisputed maxim of law is that the State as personified by the sovereign is the supreme lord of all the land and that every one held under him as tenant. There was no such thing as absolute private right of property in land. Socially, economically and on fundamental principles of morality, there could be no such thing as absolute private right of property in land. The rights in land, whatever they may be, are regulated by the canons of social and political economy of a country.

37. Now we shall refer to some of the restrictions imposed on the rights of garasdars in land. Talukdars were deemed to have life interest in their Estates and under what was known as the "Life interest principle", the debts incurred by a talukdar were liable to be repudiated after his life time unless they were proved to be in the indisputable interest of the family or the Estate. A talukdar's Estate being 'in the nature of a raj', he was not free to sell his holding, although in 1936 those talukdars whose Estates were held to be uneconomic, *i. e*, Estates not following the rule of primogeniture with an annual revenue of not more than Rs. 5,000/-and Estates with an annual revenue of not more than Rs. 2,500 irrespective of the rule of primogeniture, were allowed to sell their land to certain categories of garasdars. No actual sales, however, are known to have taken place. Thus the integrity of talukas was always maintained and talukdars were never at absolute liberty to alienate or encumber their Estates.

38. Mulgaras, it is said, always remains as mulgaras. It is hereditary and it passes to collaterals in the absence of direct

heirs. The lapsed Estate of a mulgarasia cannot revert to the chief so long as a collateral, however distant, is there to succeed him. The chief's right to mulgaras by escheat arose only on extinction of the whole family and all possible heirs under the Hindu law A mulgarasia was not free to make any permanent alienation of his holding. His rights of alienation by mortgage and sale were in course of time regulated by the Kathiawar Political Agency Notification No. 49 of 1891, under which he could mortgage his holding to any party but could sell only to his collaterals or to his chief or talukdar, the right of pre-emption resting with the collaterals.

39. Bhayat's garas ordinarily reverted to the grantor on failure of a lineal male descendant of the grantee. In an undivided garas, the collateral obtained the share of the deceased by virtue of survivorship ; but in the case of a divided garas it lapsed to the chief, except in cases where custom to the contrary, *viz.*, succession by divided collaterals, was definitely established by unimpeachable evidence. As in the case of mulgaras, the rights of alienation by mortgage or sale of bhayati garas were regulated by the Agency Notification referred to above. We cannot accept the contention of the Garasia Association that the preamble of the rules laid down in the Notification would show that they were promulgated to prevent wrongful gain of lands of petty garasias by their powerful chiefs and not to curtail in any way their absolute ownership. The rules purported to prescribe the procedure of alienation of land by garasdars to the chiefs and collaterals, but the rights of alienation were fundamentally restricted as laid down in the decisions and hak-patraks given by the Rajasthanik Court, which was established in 1873 as mentioned below. "It is contrary to the chief's sovereign rights", the Court observed, "that mulgarasias (bhayats) should sell or mortgage land, which was an integral part of the State, outside the State."

40. Talukdars had to pay tribute to British Government as well as to Baroda and Junagadh States and certain contri-

butions to the Political Agency on different scales on account of administrative services such as police, education, medical, vaccination, etc. Non-jurisdictional talukdars had also to pay *thana varad* (contribution) and some other *varads* such as for audit of accounts.

41. Mulgarasias and bhayats had to pay to their chiefs a contribution which was generally known as *sudhara varad* and was usually fixed at the rate of annas two per acre of culturable land, though in some cases it was fixed on an *ad hoc* basis and was much higher. The *sudhara varad* was for 'general improvement.

42. It may be added, *en passant*, that mulgarasias and bhayats had also to discharge various political and social obligations to their chiefs such as military service, payment of *gadi*, *shadi*, and *gami nazranas* and they had to respect the sovereign rights of the chiefs in various respects.

43. Subject to the payment of tribute and the various contributions referred to above as the case may be, and subject also to the performance of various political and social obligations, talukdars, bhagdars, mulgarasias and bhayats were entirely free in the administration and enjoyment of their lands. But the details of the rights and obligations of mulgarasias and bhayats were elaborately examined in land claims and minutely defined in hak-patraks by the Rajasthanik Court.

44. Under Col. Keatinge's classification scheme, there was no channel for mulgarasias and bhayats to obtain redress against arbitrary and unjust actions of their chiefs who were naturally interested in reducing them to the level of cultivators. As a result of long correspondence that ensued between the Political Agent, Kathiawar, and the Government of Bombay and of the decision that was eventually reached by the then Secretary of State for India, the Rajasthanik Court was established in 1873 with full and final powers to deal with the garas cases between mulgarasias and bhayats on the one hand and the darbars on the other.

Later, it was also required by the Government of Bombay to entertain the cases of such landholders as may not strictly come within the accepted meaning of the terms mulgarasias and bhayats, but as had nevertheless acquired holdings and status similar to those of garasias, such as, for instance, the Jats, Maleks, Kasbatis, Charans, Mehrs, Mianas, etc. The claims of these classes were also examined by the Rajasthanik Court and, if admitted, they were treated as quasi-mulgarasias. During the 26 years of its existence, the Court settled in every detail the rights, limitations, and obligations of mulgarasias. and bhayats and also of the aforesaid other categories of landholders. As in the case of mulgarasias and bhayats, these special categories of landholders were also given hak-patraks, mentioning their rights and obligations in accordance with long standing custom and usage and in conformity with their tenure.

45. The rights of these quasi-mulgarasias were also circumscribed. For example the land of the Mehrs escheated to the *bhom* (entire community) and they had no right of permanent alienation by sale except in favour of the *bhom* or the darbar They had also to render military service, to discharge social and political obligations to the chief and to observe the sovereign rights of the darbar. They had to pay the darbar hearth tax which was later commuted into land *vero.*

46. When the Court was abolished in 1899, the chiefs of the first four classes were restored the power of disposing of garas cases subject to a right of appeal to the Agency and the disposal of garas cases in other areas remained with the Agency courts.

47. Here we may also refer to still another category of landholders whose claims were not examined by the Rajasthanik Court but who were recognised, after special enquiry through a Commission appointed by the Government of Bombay, to hold

land on hereditary and irresumable service tenure. They are the Maiyas of Junagadh. After a long tussle with the Junagadh State for over a century and half, the Maiyas were confirmed in their holdings and their obligation of service to the ruler was commuted to payment of cash assessment of Rs. 5,780. The Maiyas subsequently relinquished 71 *santis* (one *santi*=40 acres) of their land in commutation of cash payment and enjoyed the entire remaining holdings rent free. It may also be noted that the claim of the Junagadh darbar to impose a *salami* of annas two per acre and occasional *nazrana* was rejected by the Government of Bombay in 1911.

48. The second category of landholders in Saurashtra consists of those who have no proprietary interests in land but are entitled to the usufruct of their holdings. They are :—

(1) inamdars, including imperial grantees, *i. e.*, grantees of the former paramount power, such as the Emperor of Delhi, the Peshwa or the Gaekwar;

(2) jiwaidars;

(3) dharmada, including kherati, grantees;

(4) service tenure holders, such as chakariats and pasaitas.

49. As enquiries into these grants were kept out of the purview of the Rajasthanik Court, some of the cases that arose between the chiefs and the grantees went up to the Political Agency and even to the Government of Bombay. Eventually enquiries were undertaken by the principal States of Kathiawar under their Alienation Settlement Rules and the interests and obligations of the imperial grantees as well as other grantees were defined in every case in accordance with the rules.

50. The common feature of all these grants was that they were resumable by the grantor at will, although, in actual practice, they were not generally resumed except for disloyalty

or when the purpose for which the grants were made no longer existed. The words *vansa parampara* (from generation to generation) or *yavat chandradivakarau* (as long as the moon and the sun last) occurring in some of the documents conveying the grants have been authoritatively held as tautologous. Neither the grantors nor the grantees ever believed that these grants were to hold good for the indefinite time mentioned therein. Whatever the character of the grant may be, whether inam, maintenance, charity or service, it was by its very nature resumable.

51. Much stress is laid by the interests concerned on the sanctity of the imperial grants, but we are inclined to the view that grants made by the suzerain power had not been resumed in the past, not because they were not resumable but because the chiefs ruling in Saurashtra were not competent to resume them as they were given by their paramount power. These grants as well as the inam grants given by the chiefs themselves were generally for distinguished services and were inalienable.

52. *Jiwai* grants were made, as the term implies, for the maintenance of the grantees. They were given as a reward for meritorious services or as help to widows or dependants of a chief's family. They were also made as *hath kharna* (dowry) to daughters at the time of marriage. For example, among the Kathis the daughters of *shakhayat* (landholder) class are marriageable only to the sons of *avaratia* (landless) class and it was customary to endow such daughters with lands to enable them to maintain their status. Some of the *Jiwai* grants were continued to the progeny, but, as a rule, these grants ended with the life time of the grantees.

53. The *dharmada* or *kherati* grants comprised two categories, *viz.*, those made to religious institutions and to individuals. Grants made to religious institutions were generally

not liable to resumption but in the case of mal-administration, management was taken over by the State itself or entrusted to the trustees. Grants were made by the chiefs and garasdars to individuals like brahmans, sayads, etc., for satisfaction of their religious sentiments and to charans, bhats, barots, etc., for recording their genealogies and exploits or even for flattery.

54. As regards service tenure, we have already referred to the holdings of the Mehrs of Porbandar and Maiyas of Junagadh who have been recognised as service tenure holders of a distinct category. The ordinary service tenure holders comprised chakariats, pasaitas, etc., to whom grants of land were made for different types of services performed by them. These grants were generally held free of rent as long as the service was rendered. In some cases, however, even after termination of the obligation to serve, these grants were continued on payment of rent. Recently the Saurashtra Government have decided that the practice of employing pasaitas on the basis of grants of rentfree land in lieu of pay should be discontinued.

55. In the context of garas and grants, it may also be observed that not only the rights of the subordinate garasdars but also those of the chiefs and chieftains to alienate land by grants to relatives or others were not absolutely unfettered. While they were free to make such grants in the exercise of their discretion in accordance with custom or usuage or in due consideration of the services rendered, they were not at liberty to fritter away their resources. Thus unreasonable grants were liable to be modified by the paramount power.

56. As non-khalsa area is about 1/3rd of the total area in Saurashtra, we may now refer to the statistics of different categories of land-holders and their holdings. At the outset, we have to stress the absence of reliable statistics in Saurashtra as in many other parts of the country. As a matter of fact,

the position as regards these statistics is perhaps worse in Saurashtra. The tenures in the State are typical and even complex. Every landholder, big or small, was free in his revenue administration. Either no figures were maintained by him or those maintained were only rough and haphazard. Statistics, therefore, are either not available at all or, if available, their reliability is doubtful. Moreover, it is only about two and half years that the United State has come into being and the staff is not properly trained in the collection of statistics.

57. Nevertheless, a mass of statistics has been collected through the Revenue Department of the Government of Saurashtra during the limited time at our disposal and although some allowance has to be made for inadequacy or inaccuracy, the statistics, even as they are, furnish a tolerably clear picture of the agrarian conditions in Saurashtra. The Garasia Association has also placed before us statistics collected by it of some non-khalsa holdings in each district.

58. The annual revenues of semi-jurisdictional and non-jurisdictional talukdars who have entered into merger agreements are given in Appendix II. These figures of revenue are no doubt based on the pre-War averages of 1935-39, but if a period of about fifteen years (1935-49) including the War years is taken for striking averages, they may not be found to be much higher. These figures may, therefore, be taken as normal revenues of the Estates.

59. The following table gives an idea of the status of

talukdars according to income :—

Number of talukdars. — 1	Annual income. 2	Aggregate income. 3
		Rs.
5	not less than Rs. 1,00,000/-	6,39,018
10	ranging between Rs. 50,000 and 1,00,000	6,87,610
25	ranging between Rs 25,000 and 50,000	8,54,112
41	ranging between Rs. 10,000 and 25,000	6,57,879
83	ranging between Rs. 3,000 and 10,000	5,16,893
16	not more than Rs. 3,000/-	23,562
180		33,79,074

60. Out of the total number of 4,415 villages in the peninsula, as many as 1,726 villages are non-khalsa or alienated and are held by different categories of landholders In addition, they hold shares in quite a number of khalsa villages of the State. The total number of garasdars in the five districts of Saurashtra, *viz.*, Sorath, Madhya Saurashtra, Jhalawad, Gohelwad and Halar, is 32,480 with aggregate holdings of 28,84,117 acres. The other landholders in Saurashtra number 19,248 with aggregate holdings of 8,07,225 acres. Thus the number of all landholders in Saurashtra is 51,728 and the total area of holdings of alienated land comes to 36,91,342 acres (Appendix III).

61. Appendix IV shows the number of garasdars having different holdings and their percentages to the total number of garasdars, as stated below :—

Total No. of garasdars.	No. of garasdars having different holdings.		Percentages of those in col. 2 to the total in col. 1
	No.	Sizes of holdings.	
1*	2*		3
28,760 (excluding Mehrs and Maiyas).	20,439	up to 80 acres	72.7
	7,561	between 80 and 800 acres.	24.4
	760	over 800 acres	2.9
	28,760		100.0

*Statistics collected divided landholders, *inter alia*, into those holding not more than 100 acres and those holding more than 750 acres. But the numbers holding land between 80 and 100 and 750 and 800 acres are so small that for all practical purposes those holding 100 and 750 acres may be taken as almost equivalent to those holding 80 and 800 acres respectively. Mehrs and Maiyas had to be omitted, as details of their holdings were not available.

62. Appendix V gives the aggregate acreage of holdings with garasdars having different holdings and its percentage to the total area held by them, as stated below :—

Total No. of garasdars.	Holdings with garasdars.		
	Sizes of holdings with garasdars.	Aggregate acreage of holdings with garasdars.	Percentages of the figures in col. 3 to the total area held by garasdars.
1*	2*	3	4
28,760	up to 80 acres	7,42,406	27
	between 80 and 800 acres	12,92,280	42
	Over 800 acres	8,04,763	31
		28,39,449	100

63. Comparative details of non-khalsa and khalsa lands in Saurashtra are given in Appendix VI.

*Statistics collected divided landholders, *inter alia*, into those holding not more than 100 acres and those holding more than 750 acres. But the numbers holding land between 80 and 100 and 750 and 800 acres are so small that for all practical purposes those holding 100 and 750 acres may be taken as almost equivalent to those holding 80 and 800 acres respectively. Mehrs and Maiyas had to be omitted, as details of their holdings were not available.

CHAPTER V.

Land Tenure and Revenue Administration.

64. Land revenue was the principal item of fiscal resources of the States and Estates of Kathiawar and it was perhaps the only source of income to the landholders, especially the garasdars. The revenue was derived from the cultivators forming about 85% of the total population of the country, but it was not until recent times that it was seriously recognised that fixity of tenure and equitable assessment were indispensable for the happiness of cultivators and development of agriculture.

65 In ancient times, land in India was held by the tillers practically undisturbed and the share they had to pay to the king was light and well defined. Though the share ranged between 1/6th and 1/12th, usually it was 1/6th and to recover more than that was considered almost a sin. Ordinarily the share in those days was not exceeded by Hindu kings except in emergencies. But with the passage of time not only was the share increased to as much as 1/3rd, but also it was augmented by imposts which can be traced back even to the Maurya period.

66. Cultivators were liable to eviction for neglect or default in payment of revenue, but arbitrary eviction and enhancement of revenues were viewed with disfavour by the society. Unlike the Hindu system, the Muslim law did not provide for ejectment, but what was much worse and astounding was that the peasant could be flogged for failure to produce adequate crops; and sale of peasant's wife and children, though not of the peasant himself, was a recognised process for recovery of arrears. The occasions for resorting to this process were, however, rare. The king realised that it was better to put up with an inefficient cultivator rather than having no cultivator at all.

67. Although Saurashtra was for many years under muslim rule, the chiefs and chieftains of the peninsula were practically independent sovereigns of their territories and the agrarian system of the muslim rulers does not appear to have filtered down to the province. We may, therefore, only make a passing reference to some of its principal features, as this has a bearing on the social and economic conditions of the country as a whole and also on the land systems that were evolved during the British rule. It was Sher Shah who, on ascending the throne in 1540, adopted the policy of maintaining direct relations with the peasants and regarded equitable assessment and strict collection as the two essentials of revenue administration. He was the precursor of Akbar in respect of the experiments in land revenue assessment which materialised in the well known assessment schedules worked out by Raja Todar Mal during the rule of Akbar. Aurangzeb was the first muslim emperor to recognise that a peasant had a claim to retain his holding and transmit it to his heirs, purchasers or assignees, subject to the primary condition that the revenue of the holding was duly paid. As such his *farmans* relating to inheritance and transfer of agricultural holdings have modern interest During the Moghul period, the State share ranged from 1/3rd to 1/2.

68. Two important aspects of the agrarian system of the Moghuls remain to be mentioned. They were farming of land and even villages and assignments. Farming was annual or for a short time in the beginning; but later it was for a much longer period and even in perpetuity. The practice permeated Kathiawar also, with the result that land passed for indefinite periods from the landholders to the ijardars. Assignment of land for maintenance, remuneration, or as inam, etc., was due to the fact that land in earlier days was abundant and money was scarce. Akbar was remarkably liberal in his grants, but it was a special feature of them that every grant of land was partly of cultivated land and partly of

cultivable waste. The grants thus served a treble purpose. They provided maintenance to the grantees and at the same time required them to exert on the land for their own benefit and ultimately for that of the State. It is significant that in Kathiawar also, wherever possible, the chiefs used to make grants of land comprising virgin soil to the bhayats or the fighting class on the boundaries of the State so that the grantees may serve as a defence line and contribute their mite to the improvement of agriculture.

69. The *Jamabandhi* system introduced by Akbar and modified by his successors was radically changed by Shivaji who employed salaried officers in the place of zamindars and introduced permanent cash assessment on the basis of the State share not exceeding 2/5th of the produce—the proportion which was mostly in vogue in Kathiawar on the advent of the British.

70. Three principal agrarian systems were prevalent in India some time before the East India Company undertook to negotiate with the chiefs of Kathiawar. They were (i) the permanently settled estate system which originated in Bengal under Regulation 1 of 1793, (ii) the temporarily settled estate system and (iii) the ryotwari system, the last named being the most popular and prevailing in 4/5th of the agricultural area of Bombay and more than half of Madras. It is well known that the principal distinction between the ryotwari and the other two systems is that while in the ryotwari system liability for payment of revenue attached to individual holdings and their occupants, in the other two systems it attached to the entire estate and the holder of the estate, *i.e.*, the proprietor and not the actual occupants. The ryotwari system is based on the generally acknowledged principle that the occupant of the soil is entitled to remain in possession of it from generation to generation provided he pays customary dues to the State. The agrarian system of khalsa area in Saurashtra is already modelled on the ryotwari pattern.

71. In this chapter we shall now proceed to deal with the first two terms of our reference. They require us to examine and report on the history and the present position of the relations between landholders and their tenants in non-khalsa areas and on the state of land revenue administration, including survey, settlement and maintenance of village records in non-khalsa areas of Saurashtra.

72 At the beginning of the 19th century, Col. Walker found that all landed proprietors in Kathiawar from the chief to the garasia were in the possession and exercise of uncontrolled power over the people in their States and Estates. The power of life and death and of settlement of disputes within their villages was possessed by all. The possession of territory and lands carried with it a variety of rights and privileges. The garasia proprietors of villages assigned lands to Rajputs and others for military service in defence of themselves and of their property. They called for the services of village craftsmen whenever they required them. They possessed a right to all fallen trees though the produce of the tree might have belonged to the tenant who occupied the land; fees were paid to them on the celebration of a marriage and some collections were made on the birth of a child in the proprietor's family. They lowered and raised the revenues they derived from their subjects at their pleasure. Landholders, who were merely entitled to the usufruct of the land, could also deal with their tenants as they liked without any intervention on the part of their chiefs.

73. The cultivators were merely tenants-at-will and had hardly any rights against their landlords. They were for all practical purposes no better than serfs. Neither the States nor the Political Agency interfered with evictions of tenants by landholders. It was only latterly that some States like Bhavnagar used to intervene in cases of unconscionable evictions and the landholders in Agency-administered areas were not allowed to remove their tenants without previous permission of

the Agency. In actual practice, however, the tenants were rarely ousted from their holdings and were continued on the same land from generation to generation. The landholders dealt with them even liberally in the hour of their need, which was both a matter of policy as well as of good feelings engendered by long established contacts.

74. The landholders also used to give out land for cultivation on payment of *nazrana* on annual leases or leases of longer duration. On the expiration of the lease, if it was not renewed on payment of fresh *nazrana*, the land would be auctioned and given to the highest bidder.

75. The cultivators of the khalsa land of the States of Kathiawar were also tenants-at-will till about 1885 when certain States gave them some sort of occupancy rights or what were known as *buta* or *chav* hak. Even in those States there was no change in the tenure of non-khalsa land. The tenants of non-khalsa land were seldom, if ever, given these rights and they continued to remain as tenants-at-will for an indefinite period or as tenants on leases for fixed periods. The Morvi darbar used to give *buta* haks to the tenants of non-khalsa lands taken under management, but when management terminated on repayment of the loans taken by the landholders concerned, the tenants reverted to their original status and the money paid by them for *buta* hak was refunded to them. In some cases of grants by States of lands held by cultivators on *buta* hak the tenants of the grantees continued to enjoy the right. But, on the whole, the cases of tenants in enjoyment of *buta* hak on non-khalsa land were very few.

76. The usual mode of realisation of land revenue throughout Kathiawar was crop share which varied according to the nature of crops and fertility of the soil. In later times cash rent instead of crop share was levied on hot weather crops and such crops as sugar cane and vegetables. Some States, *viz.*,

Morvi, Gondal, Bhavnagar, Nawanagar, Junagadh and Wadhwan, changed the system of produce rent into cash rent towards the end of the 19th century, but even here the crop share system remained unchanged in non-khalsa area.

77. The crop share usually went by the name of *rajbhag* or *vaje* and the system was known as *bhagbatai* as distinguished from *vighoti*, being cash rent per *vigha*. Generally $2\frac{1}{2}$ *vighas* make one acre. In course of time, the term *vighoti* was applied to cash assessment, whether per *vigha* or acre. *Bhagbatai* was of two types, *melabhag* and *chokhabhag*, according as the *vaje* included numerous petty levies or *babats* or was only a defined net share of the produce. Moreover, when the chiefs were required to pay tribute to the Moghul emperors, the *rajbhag* began to be levied both in kind and cash - the latter in the form of what was known as *santi vero* (plough-tax), being a cash levy on acreage of land in the possession of cultivators. In some cases, specially of co-shared villages, *vaje* went to the landholder and *vero* to the State. Such villages were named as *veraita* villages and the system was known as *burabhag*.

78. The *rajbhag* or *vaje*, with all its supplementary levies was usually taken from the produce which the cultivators had to carry to the village threshing floor of the State or the landholders as the case may be. In some cases, it was recovered by a very rough estimate *-dhal-* of the standing crop; but mostly and preferably it was recovered by actual measurement and division *-mankhal-* on the threshing floor. No part of the produce could be removed until the landholder's demands were satisfied.

79. The cesses or *babats* leviable in kind in addition to the chief's or landholder's *vaje* (produce rent) covered all conceivable exactions from the cultivators to satisfy the chief's or the landholder's relatives, dependants and servants. The principal cesses recovered in the shape of grain were (1) *havaldari* for *havaldars* (village watchmen); (2) *mandvi* for *mavdavio* (weigher); (3) *sukkdi* for *kothari* (granary keeper); (4) *champo*

for village guests; (5) *kamdari* for *kamdar* (manager) (6) *khola* for the village patel's lap; (7) *mapla* for the village craftsmen; (8) *kunvar's* or *bai's sukhdi* for the son or the wife; (9) *muthi-chapli* for *kamdar's* servants; (10) *kharajat* to cover the cost of collection of revenue. In fact, exactions were made under one pretext or another to the extent the cultivators' patience could stand. Thus exploited, the cultivator was left with the barest minimum of his produce to maintain himself, his family and his cattle.

80. *Chula vero* or hearth tax was recovered in some cases instead of *santi vero*. The *veroes* or levies in cash recovered generally from non-agriculturists included (1) *ubhad vero* from *ubhads*, *i.e*, non-agriculturists living in a village; (2) *paida vero*-tax on water-drawing wheel at the well; (3) *umbra vero*-tax on threshold; (4) *charkha vero*-tax on spinning wheel (5) *maswadi*—grazing tax levied on *rabaris* and other herdsmen; (6) *kanyachori* or wedding tax.

81. The landholder exacted grass, fuel and *veth* or enforced labour from the people living on his Estate. Free service was also taken from the village craftsmen. The cesses and taxes, both in kind and cash, recovered from agriculturists and non-agriculturists make a formidable list of exactions which prevailed in a more or less degree in the former States and Estates and were verily an obnoxious relic of the old order of village economy

82. The relations between the landholders and the cultivators began to deteriorate under post-War conditions of economic strain and the cultivators were growing conscious of the disabilities from which they were suffering for years; but they had no opportunity of seeking redress in the feudal system of Kathiawar till after the lapse of British paramountcy in August 1947. Landholders began then to think that the withdrawal of the British power from India had made them independent sovereigns responsible to none. The tenants, on the other hand,

began to think of resorting to direct action with a view to safeguarding their interests and consolidating their position *vis-a-vis* their landlords. The result of these moves was prominently visible in the latter half of 1947 when landholders found it extremely difficult to recover the crop share as they had done in the past, while the tenants would not agree to pay willingly more than a reasonable rent either in kind or in cash. What has since been known as Anida settlement was hammered out for the village Anida, under which the talukdar's share was fixed at 1/4th of *jirayat* and 1/5th of *bagayat* crop with *vero* in cash at Rs. 30 per *santi* or 40 acres. It did not, however, unfortunately find general acceptance with the landholders who were not fully realising the awakening in their tenants and were fondly hoping to continue to make exorbitant recoveries.

83. On the establishment of the United State of Saurashtra in February 1948, cultivators of the covenanting States and a few Estates which accepted privy purse became occupants of Government, while the status of the tenants of the remaining Estates which had entered into the merger agreement with the Government of Saurashtra remained unaltered. As regards tenants of landholders such as mulgarasias, bhagdars, bhayats, barkhalidars, inamdars, jiwaidars, etc., the *status quo* continued under the new dispensation. Within a few days of the unification of Saurashtra, the Ministry of Saurashtra issued a manifesto of their policy in which it was declared, *inter alia*, that forced labour (*veth*) and *lagas* or cesses in addition to crop share or cash assessment shall be immediately abolished, that the land system shall be brought on a level with that prevailing in the Bombay State and that the shares in kind would be lightened where necessary. This declaration of policy was followed by a proclamation on the 15th April 1948—the day of the actual establishment of the United State of Saurashtra—conferring full occupancy rights upon the culti-

vators without any payment, introducing cash assessmen. system of land revenue and abolishing *veth* or forced labour. The proclamation thus did away at a stroke with the out-moded systems both of land tenure and land revenue assessment in the khalsa areas. It was indeed the *magna charta* of the Saurashtra cultivators, majority of whom were now for the first time assured of fixity of tenure and uniformity of rent.

84. The reforms introduced in the khalsa areas could not but have their repercussions on the cultivators in the alienated villages. They began to be more and more conscious of their rights and persisted in their demand for equal treatment in the matter of rent and tenure with tenants of khalsa villages, which meant a good-bye to the exactions by their landlords and substantial reduction in the latter's income compared with what they were getting till then. The landholders became restive and thought that the best thing they could do was to secure land as gharkhed (land reserved for personal cultivation) and thus avoid disputes with tenants over rent. This insistence on gharkhed naturally involved eviction of tenants and complicated the situation still further.

85. We have already dealt with the state of land revenue administration both in non-khalsa and khalsa areas of Saurashtra as it existed before integration. While some of the progressive States adopted improved standards of administration which were introduced in what was known as British India and by the Gaekwar of Baroda in his territories, the landholders in non-khalsa areas clung to the conservative system under which the peasants were rack-rented by them with impunity. As has already been pointed out, neither the paramount power nor the chiefs intervened in the matter. For the matter of that, the paramount power gave the chiefs a free hand in revenue administration, with the result that the state of revenue administration, survey, settlement and maintenance of village records was very unsatisfactory as compared with

that in khalsa area. The disparity in the agrarian system obtaining in khalsa and non-khalsa areas grew all the more conspicuous on the conferment of occupancy rights and introduction of cash assessment in khalsa area.

86. As *bhagbatai* was generally in vogue in about 800 khalsa villages and as there was no scientific survey and settlement, Government had to fix cash assessment in these villages on an *ad hoc* basis. In the beginning it was fixed at Rs. 5 per acre of *jirayat* and Rs. 10 per acre of *bagayat* land. As the rates were found to tell heavily on the cultivators, Government resorted to various methods with a view to implementing their declared policy of reducing the high incidence of assessment. At the outset, cash assessment was worked out for each khalsa village on the average produce rent of ten years (1938–1947). The produce rent included (1) *raj bhag* from different *jansis* (crops), (2) *santi vero*, (3) *vighoti* on sugar cane, vegetable and fodder crops, (4) *padtar-vighoti* or penalty in cash for keeping land fallow, etc. These averages were also found to be unfair to the cultivators, as the period taken synchronised with the War and post-War conditions of soaring prices of foodgrains. The method next adopted was to take the average of 15 years (1932–1947), and different qualities and types of land, *i. e.*, *uttam* (superior), *madhyam* (medium) and *kanishtha* (inferior) land-*jirayat* as well as *bagayat*-were taken into consideration in fixing rates for each village. A ceiling rate was also fixed at Rs. 6-8-0 per acre of village land in the aggregate, which was later reduced to Rs. 5-8-0. The latest step taken in the direction of further reducing cash assessments in khalsa areas was to strike an average of $\frac{1}{4}$th or $\frac{1}{8}$th share for 15 years after excluding from calculation all miscellaneous *babats* which were previously included in *vaje.* Cash assessment prevailing in other khalsa villages was continued.

87. The benefits of these measures were not available to the tenants of landholders. Soon after integration the tenants

of non-khalsa areas protested against the arbitrary. levies of ladholders in cash and kind and approached Government for relief and Government had to mediate in the interests of peace and public tranquillity. While allowing the disputes arising between landholders and their tenants to be settled by mutual understanding, if possible, Government issued instructions to the Revenue Officers that, in the event of parties approaching Government, they should give assistance in the recovery of land revenue to the landholders to the extent of crop shares and *santi vero* as fixed in the Anida settlement. Next year, after the promulgation in July 1949 of the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance, commonly known as the Gharkhed Ordinance, to which we shall revert later, recovery of share in kind was absolutely prohibited in non-khalsa as in khalsa areas, but the landholders who were entitled to reserve land as gharkhed but had not got it were allowed extra rent up to 50%. At the same time, under departmental instructions, the tenants were given the option of giving to their landlords 1/4th share in *kharif* and 1/5th share in *rabi* crop instead of cash rent. In the current year the tenants are given the option to give either share in kind as specified above or cash rent not exceeding double the assessment. For fixing cash assessment, average of 15 years was not taken as a basis as in khalsa area because of the absence of reliable accounts with landholders. Instead, it was fixed on the basis of the average of neighbouring khalsa villages.

88. In the beginning there was no legal provision to assist the landholders in the recovery of their dues, but this lacuna was made up later by providing for summary assistance by the Mamlatdars who were vested with the necessary powers.

89. Incidentally it may be mentioned that the Government charges 12½% of the assessment from landholders on non-gharkhed land and annas 4 per acre of gharkhed land. The landholders have no longer to pay to Government any tribute, *jama* or *salami*, *nazrana*, *sudhara varad* or any other item.

90. We may now examine the position about survey, settlement and maintenance of village records. One of the first tasks to which the Rajasthanik Court was required to apply itself was to have survey and settlement of lands belonging to mulgarasias and bhayats. There was hardly any settlement previous to the establishment of the Rajasthanik Court in any State of Kathiawar and the survey previously undertaken was more for settlement of boundaries of different States rather than for demarcation of land as between the States and the landholders or of fields of the cultivators *inter se*. Some sort of measurement can be traced even to the remote period of the history of Saurashtra, *e. g.*, fields were measured by *kadam* (pace) in the Vallabhi period as mentioned in the descriptions of land grants inscribed in copper plates of that period; but there was no regular survey, with the result that large scale encroachments were noticed in the inquiries of the Rajasthanik Court and of the Alienation Settlement Officers of the principal States.

91. During these inquiries, the areas of mulgarasias and bhayats and also the Estates of talukdars and bhagdars were surveyed, but there was no detailed survey of individual holdings of cultivators. With a few exceptions, these were village-wise surveys (*gol-mapni*) showing total cultivable and waste land. The few exceptions were the bhayati villages of Morvi and Gondal and some villages of Bhavnagar and Nawanagar. No classification and settlement of non-khalsa land were made even in these States, and it was hardly necessary to do so in view of the *bhagbatai* system uniformly prevailing in non-khalsa areas.

92. Survey and settlement were done in Bhavnagar and Nawanagar after regular classification of soil as in Bombay. There was no similar field-wise classification either in Gondal or in Junagadh, though they had introduced cash assessment. Fields were generally classified as *sarvotkrishta, uttam, madhyam*

and *kanishtha*, *jirayat* and *bagayat*, and rates of assessment were graded accordingly.

93. The general method of survey adopted by the former States of Kathiawar was the cross staff method, according to which in the first place traverse or skeleton village maps are prepared with the help of theodolite. The earliest survey of this kind was in Bhavnagar in 1868 and in Rajkot almost at the same time. Morvi and Gondal started survey before the establishment of the Rajasthanik Court. The surveys undertaken by the different States took considerable time and, in the meanwhile, surveys were also made in some co-shared villages of mulgarasias and other grantees. The position as regards survey of the khalsa and non-khalsa villages according to the present districts of Saurashtra is given in Appendix VII.

94. Out of the total 4,415 entire villages, 1,726 are non-khalsa villages and 2,689 are khalsa villages. Of the non-khalsa villages only 360, and of the khalsa villages, 2,366, are surveyed.

95. The position as regards survey, settlement, land tenure and assessments in the covenanting States of Saurashtra and the former States of Junagadh and Manavadar is given in Appendix VIII.

96. The need for a comprehensive survey embracing the entire area of Saurashtra, classification of soil and settlement is too obvious to need any emphasis. In fact, so long as that is not done, Government will be handicapped in implementing agrarian reforms of any kind. A beginning has already been made and 27 villages of the Kunkavav taluka of Madhya Saurashtra district were surveyed last year. Two training classes have been also started, but

the progress made so far is very slow, and even after the work is put on a proper basis, it will take 8 to 10 years to finish survey and settlement in Saurashtra.

97. The position as regards village records is equally unsatisfactory. Some village forms were adopted by the former States from the Bombay Land Revenue Code or the Revenue Manual of the Policital Agency and some village forms were being maintained in Thana areas and managed Estates, but they were far short of the prescribed standard As regards non-khalsa areas, they had scarcely any village records to boast of. Village forms in vogue in Bombay have now been introduced in khalsa areas and they are being used as far as practicable under the existing circumstances, but no such forms have been introduced in non-khalsa areas.

CHAPTER VI.

AGRICULTURAL LANDS AND TENANCY LEGISLATION.

98. The third term of reference relates to the existing tenancy legislation regulating the relations between landholders and their tenants, the mode of realisation of rent, the status of the tenants and the security of tenure and quantum of gharkhed, if any, to be given to the landholder. The question of gharkhed will be taken up in the next chapter, while the other items excepting tenancy legislation have been dealt with in the previous chapter.

99. With the exception of *bata* or *chav* hak regulations, tenancy legislation was not introduced in any of the former States of Kathiawar. As tenancy-at-will was a common feature, the question of legislation to regulate the relations between landholders and their tenants did not call for any serious consideration. On the introduction of provincial autonomy in 1937, the question of land reforms received an added impetus in every province. Legislation regulating the relations between landholders and their tenants began to be introduced in all autonomous provinces and the Bombay Tenancy Act, No. XXIX of 1939, was perhaps the first provincial legislation on the subject. Although the Act was replaced by the Bombay Tenancy and Agricultural Lands Act, No. LXVII of 1948, the basic recognition of protected tenant as defined in it remained unaltered. The ameliorative measures adopted in the Bombay province, with which Saurashtra has close associations, could not but have repercussions on the local situation.

100 With a view to securing gharkhed, landholders began to issue notices to their tenants to vacate the lands, which led to considerable unrest among the peasantry. Under these circumstances, within five weeks of the inauguration of the United State, Government promulgated the Saurashtra

Protection of Tenants Ordinance, No. XXII of 1948, to provide for the protection of tenants of agricultural lands against arbitrary eviction. It, however, allowed the landholder to terminate the tenancy of a tenant by giving him six months notice in writing expiring on the 31st day of March if the land was required for personal cultivation. The Ordinance did not touch the question of rent recoverable by landholders and it soon became necessary to provide for a machinery to settle disputes about rent, especially as such disputes were likely to result in wastage of foodgrains. The Saurashtra Zamindars' and Tenants' Settlement of Rent Disputes Ordinance, No. XXVI of 1948, was therefore passed empowering the Mamlatdar to take charge of the crops in dispute and the Deputy Collector to give decision on such basis as he may determine regarding produce and rent. Subsequently, departmental instructions were issued to the Deputy Collectors that Anida settlement should be taken as a guide in settling such disputes.

101. Landholders felt aggrieved by the restrictions imposed on their right of summary ejectment of tenants and recovery of customary rent and started a satyagrah movement as a protest against governmental interference in their affairs, but it was short-lived. As a result of further negotiations, the Saurashtra Protection of Tenants (Amendment) Ordinance, No. XXXVI of 1948, was promulgated by Government. It was based on a formula agreed to by representatives of both the parties and provided for the appointment of a joint committee of landholders and tenants for settlement of disputes relating to ejectment of tenants and recovery of rent. This machinery, however, failed to serve the purpose and it was found increasingly necessary to put the tenancy legislation on a proper basis.

102. When the period of notice for the termination of tenancy was expiring on 31st March 1949, Government promulgated on the 29th *idem* the Saurashtra Temporary Postpone-

ment of Eviction Ordinance, No. XXVIII of 1949, providing that a notice given by a landholder under section 4 (1) of Ordinance No. XXII of 1948 shall not be deemed to terminate tenancy. The Ordinance was to remain in force up to 31st August 1949 and could be extended for a year more. This naturally caused intense resentment among the landholders.

103. Negotiations for some agreed solution of the vexed problems relating to gharkhed, etc., were then held by the then Revenue Minister, Shri Shamaldas Gandhi, with the representatives of the Garasia Association and cultivators. As a result ot the negotiations, a tentative agreement was alleged to have been evolved, which, however, did not meet with the approval of Government. Eventually, Government promulgated in July 1949 the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance, No. XLI of 1949, which repealed all the previous Ordinances and which, with some subsequent amendments, is the present law regulating the relations between landholders and their tenants. It provides for the grant of gharkhed to some of the landholders on a prescribed scale and, at the same time, affords necessary protection to the tenants by controlling evictions and fixing rent on a reasonable basis. It is largely based on the Bombay Tenancy and Agricultural Lands Act, 1948. Sections 35 to 80 of the Ordinance are almost verbatim reproduction of sections 44 to 89 of the Bombay Act, while the first 34 sections differ from the first 43 of the Bombay Act in virtue of the differences in tenures and local conditions.

104. The Ordinance met with no better fate than those repealed. It was disliked both by the landholders and their tenants; by the former mainly because it did not allow gharkhed to all landholders and equalised the amount or value of the assessment on non-gharkhed land to that leviable on khalsa land; by the latter, mainly because it involved evictions as a result of the grant of gharkhed The Garasia Association's

objections to the Ordinance, as reiterated in their memorandum submitted to us, may be summarised as follows:—

(i) quantum of gharkhed is low;

(ii) unregistered garasdars and peta-bhagdars and barkhalidars are excluded from allotment of gharkhed;

(iii) *padtar* (fallow land) is included in the allotment of gharkhed and choice of land for gharkhed is denied;

(iv) provision for compensation to cultivators for improvements is drastic and even premium paid by the cultivator is made refundable;

(v) certain restrictions are imposed on the alienation of gharkhed;

(vi) provision for compulsory sale of land to the tenants is in violation of the garasdars' basic rights;

(vii) management can be imposed simply on the ground of disputes between landholders and their tenants or under the pretext of ensuring full and efficient use of the land for agriculture, and the effect of management would be to efface the garasdars from their Estates.

105. In November 1949, when the Secretary, Ministry of States, visited Saurashtra, the demands of the Association had, however, boiled down to the five points mentioned below :—

(i) inclusion of peta-bhagdars of divided villages in the definition of 'landholder entitled to gharkhed';

(ii) a date should be fixed by which tenants should be members of the 'Co-operative Farming Society' contemplated under section 6 (2). This date may be 1st December 1949 ;

(iii) the landholder should be entitled to receive rent according to custom or usage, though converted into cash, as under section 13, till such time as possession of gharkhed land is not given ;

(iv) the provision regarding compulsory sale may be retained, but the price at which sale should take place should be ascertained on the principles adopted in land acquisition cases without the addition of 15% for compulsory acquisition ;

(v) section 35 should be amended so as to delete the powers of assuming management for the purpose of 'improving the economic and social condition of peasants or ensuring the full and efficient use of the land for agriculture'.

Government accepted point(ii) fully and point (v) partially, but was unable to accept the other points.

106. As the Gharkhed Ordinance failed to stabilise the position and the measures adopted by Government to bring about an acceptable solution did not meet with success, the Government of India in the Ministry of States appointed this Commission in consultation with the Government of Saurashtra. As it was desirable that some definite relationship should exist between landholders and their tenants during the period the Commission makes its report and Government take their decision thereon, it was decided that there should be no eviction for gharkhed during this period

and that the rent payable by the tenants of non-gharkhed land to the landholders should not exceed double the assessment or the usual 1/4th and 1/5th crop share at the option of the tenants. These decisions were implemented by promulgating two Ordinances this year amending the main Gharkhed Ordinance, and the provisions of these Ordinances were embodied in an Act called the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands (Amendment) Act, 1950, which was passed by the Legislative Assembly on 24th October 1950.

CHAPTER VII

Agrarian Reforms.

107. We shall now turn to the problems arising out of the relations between garasdars and other grantees on the one hand and their tenants on the other. This is the main burning problem of Saurashtra and the peace and happiness of the province largely depend upon its fair and just solution.

108. The first step in the transformation of feudalism into democracy in Saurashtra was taken in January 1948 when the rulers signed the covenants for merging their territories in the United State. The people of India have since evolved for themselves a Constitution for the country as a sovereign democratic republic, which lays down certain fundamental rights. The rights and privileges of all classes have now to be regulated in the light of the new Constitution and the demands of the new social order. The agrarian economy in future will have to sub-serve the interests of the society as a whole as distinguished from those of the individual. The memorandum submitted by the Garasia Association also accepts the position that the garasdars must march with the times and appreciate the compelling forces of present circumstances. It also states that they understand that it is a matter of duty for them to see that they contribute their quota to the betterment of the peasantry.

109 In this connection, we have also to bear in mind the new spirit that is surging in the minds of the cultivators of non-khalsa areas of Saurashtra. They see that after the integration occupancy rights have been given to cultivators in khalsa areas and crop share has been replaced by cash assessment. They are, therefore, emphatically demanding that they should be brought on the same level as the cultivators of khalsa areas and that they should have nothing to do with their landlords, relations with whom have not been too happy in the past.

They are insisting on direct relations with Government. The cultivators have been rapidly organizing themselves in the course of the last three years and their organization is getting stronger every day. In all great social and political upheavals many classes of people lose what they consider to be their cherished rights and landholders can be no exception. The days of exploitation are over and any attempt to bolster up an exploiting class for long is bound to fail.

110. Measures for abolition of zamindari have been introduced during the last two years in various provinces, *viz.*, Bihar, Assam, Hyderabad, Jammu and Kashmir, Madhya Pradesh, Uttar Pradesh, Madras and Bombay. Only last year the Government of Bombay passed several Acts such as the Bombay Talukdari Tenure Abolition Act and the Bombay Khoti Abolition Act, the principal objective in every case being the abolition of special tenures. An all-out effort is in evidence all over India for elimination of intermediaries between the peasants and the State in conformity with the Congress policy of land reforms enunciated in its election manifesto of 1945-46.

111. It is, however, urged on behalf of the garasdars that they are not intermediaries or rent-receivers like the zamindars and jagirdars of other provinces, but that they are Government in relation to their cultivators just as the rulers of the former States were. The mere fact that the garasdars were independent in their revenue administration cannot be construed to enable them to pose as Government. Besides, their proprietary rights to land were, as shown before, never full and unrestricted. Whatever technical difference in status there may be between the garasdars and the zamindars or jagirdars, the fact remains that all these vested interests are a relic of the old feudal conditions which can have no place in the modern set up. It cannot be also gainsaid that after the creation of the United State of Saurashtra, the

garasdars are, in essence, standing between Government and the tillers. The policy of elimination of middlemen between Government and the cultivators and of granting fixity of tenure to the cultivators is a *sine qua non* of all agricultural development. The Congress Agrarian Reforms Committee has emphasised that in the agrarian economy of India there is no place for intermediaries and that land must belong to the tiller. Again, the largest industry of the nation, *viz.*, agriculture, cannot be allowed to languish as a result of continuous disputes between landholders as middlemen and cultivators.

112. The garasdars urge that the hak-patraks and sanads held by them should be treated as sacrosanct under the terms of the covenant and that their vested rights should be disturbed as little as possible. They seem to rely on article VI (2) (b) of the covenant, *viz*, 'all duties and obligations of the Ruler pertaining or incidental to the government of the Covenanting State shall devolve on the United State of Kathiawar and shall be discharged by it.' But this interpretation of the covenant is rather far fetched. In fact, the garasdars are themselves aware that the vested rights must necessarily be regulated in accordance with the evolution of the democratic Constitution and the altered conditions of the times. The rights given to the garasdars in their hak-patraks cannot remain unaffected after integration. To give a simple illustration, even *veth* or forced labour and *veroes* like *charkha vero* (tax on the spinning wheel) were provided for in the hak-patraks, but they cannot be obviously continued. On the other hand, the hak-patraks provided for various obligations on the garasdars, from which they are now immune. In short, the feudal foundation on which the entire framework of the rights and obligations of the garasdars stood has now disappeared.

113. The Garasia Association have urged in their memorandum that there should be no distinction between peta-

bhagdars and other garasdars or between registered and unregistered landholders, that the principle of allotment of gharkhed has been accepted in the merger agreement of talukdars as well as in the Ordinances of 1948 and 1949 and that the garasdars are owners of the agricultural lands, and if the force of circumstances compel them to grant certain rights to their tenants at large, it stands to reason that they should be given full accommodation from their agricultural property for their own use before conferment of rights of permanency on their tenants. They compare their entire holdings with *sir* land in the Uttar Pradesh, which was recommended by the U. P. Committee to be retained by the landholders for their cultivation. They argue that all their lands are gharkhed lands cultivated as such through tenants and urge that the quantum of gharkhed on the basis of the alleged agreement made with Shri Shamaldas Gandhi be given to them. This agreement provided for allotment of gharkhed from 3 to 9 *santis* according to the size of the holding of the garasdars.

114. There is some force in the contention of the Association that peta-bhagdars and unregistered landholders should not be excluded from allotment of gharkhed. We would make no discrimination against those peta-bhagdars and landholders, who have separate holdings and their own tenants, even if they are not registered in the records of any covenanting State, Estate or Taluka, provided that they are the lineal descendants of landholders registered on the records of the Agency or they are transferees or lineal descendants of transferees duly registered on the records of the Agency.

115. Their other contentions are hardly consistent with the broad principles laid down by the Congress Agrarian Reforms Committee, which they concede should be taken as a guide for solution of this problem and, in some respects, are also misconceived. Some of the main principles which, accord-

ing to the Committee, should govern the agrarian policy of the country are—

(i) the agrarian economy should provide an opportunity for the development of the farmer's personality ;

(ii) there should be no scope for exploitation of one class by another ;

(iii) there should be maximum efficiency of production ; and

(iv) the scheme of reforms should be within the realm of practicability.

Realising as the garasdars do that there should be maximum efficiency of production in any scheme of agrarian reforms and that it should be within the realm of practicability, they still insist on accommodation by displacement of tenants on the basis of the rights enjoyed by them in the days gone by.

116. It is rather straining the meaning of clause (j) of the merger agreement to argue that the principle of allotment of gharkhed has been accepted. The clause merely states that Government shall, on the talukdar's request, appoint a Commission to inquire and report to Government what lands, if any, should be reserved for his gharkhed. The Ordinances promulgated by Government provided for gharkhed in the hope that this would solve the problem peacefully between the garasdars and their tenants. But times are changing fast and what may have been possible even a few months ago may not be possible now. The Anida settlement, *e.g.*, which was quite favourable to the garasdars and which was acceptable to the cultivators at that time, is not acceptable to them now.

117. It is futile for the Association to argue that their entire holdings are comparable to *sir* land of the Uttar Pra-

desh and that they can continue to be cultivated through tenants. We have already made it clear that the garasdars can be deemed to have proprietary rights over their land and that their tenants are tenants-at-will. But it must be remembered that the tenants also can be deemed to have acquired certain interest in the land cultivated by them for years past and that it is too late in the day to think of evicting them for the purpose of providing gharkhed to the landholders who were not cultivating the land themselves. Again, as stated in the Bombay Gazetteer, Vol. VIII, p. 322, "where land is shared among several proprietors, and from the law of sub-division this is the normal state of holders of *gras* and other alienated lands in Kathiawar, it is usual for each shareholder to have his own house lands *gharkhed*, while the village lands remain joint or *majmu*". The real gharkhed land, which is under the personal cultivation of the landholder, is thus distinguishable from the village lands which were cultivated by the tenants.

118. From the standpoint of justice, it is a sound principle to take away from the non-cultivating owners lands not cultivated by them and to hand them over to those who would themselves cultivate it. Such a step would also be in consonance with the principle of social welfare, as it ensures better land use and better distribution of wealth. Article 38 of the Constitution lays down as a directive principle of State policy that the State shall strive to promote the welfare of the people by securing and protecting, as effectively as it may, a social order in which justice, social, economic and political, shall inform all the institutions of the national life. Garasdari is such an institution and the rights and obligations of garasdars *vis-a-vis* their tenants have to be regulated in the light of the above article. At the same time, we cannot ignore the intense desire of landholders to have gharkhed in the changed social, economic and political circumstances. They too are a part of society whose well-being is the objective of the reforms.

119. Consistent with the spirit of the times and the agrarian reforms that are being adopted in other parts of the country, we recommend the immediate abolition of the garasdari and barkhali systems. We do not see any constitutional objection to this proposal. Under article 31 of the Constitution, no property shall be taken possession of or acquired for public purposes under any law authorising the taking of such possession or such acquisition, unless the law provides for compensation for the property taken possession of or acquired and either fixes the amount of compensation, or specifies the principles on which, and the manner in which, the compensation is to be determined and given. No comprehensive land reforms would be possible so long as direct relations between Government and cultivators and fixity of tenure are not secured, and so long as such reforms are not effected, no substantial and permanent improvement in agricultural economy and efficiency can be achieved. The abolition of these tenures thus becomes a matter of public purpose.

120. Whether mulgarasias can be said to be grantees or not is a debatable question. We may not enter into the subtle distinction between those who relinquished some portion in favour of the superior power and those who were only allowed by it to retain some portion for their maintenance, especially when even some inam and service tenure grantees were later on treated like mulgarasias; but it cannot be gainsaid that their status is superior to that of mere grantees. Bhayats are undoubtedly grantees, but as they had a birth right to maintenance as cadets of the chiefs, these grantees were considered to be a special concern of the paramount power. Even during the tenure of the Rajasthanik Court, the paramount power exercised no small influence on such grants. At one time the Agency raised the question as to whether such grants may not be given in cash instead of in land. While the States could not agree to any uniform procedure in that behalf, they agreed that each case as it arose may be decided

on its merits. This implies that grants in land were liable to be revised and that the paramount power controlled, to a certain extent, the discretion of the grantor. This control, and the fact that the disputes between the chiefs and their garasdars were adjudicated by the Rajasthanik Court and Government, negative the latter's claim to absolute ownership.

121. In villages jointly owned by the darbars and garasias, the rights of the garasias were restricted to those awarded to them in the hak-patraks ; the rights not specifically awarded to the garasias in hak-patraks were held to belong to the darbar. In respect of *swang* (exclusive) villages of the garasias, the rights of the darbar were restricted to those specifically awarded in hak-patraks, and the rights not so awarded to the darbar were held to belong to the garasias. These hak-patraks, which were given as a result of examination of past practice, formed a basis for deciding all future disputes, and for a proper appreciation of the tenure of the garasias and eventually of their rights, if any, hak-patraks may be regarded as a safe criterion, with this proviso that they will have to be regulated, modified or extinguished in the light of modern conditions.

122. Taking garasdars or landholders with proprietary rights first, we propose to divide them into three classes :—

(A) those having one or more villages or more than 800 acres ;

(B) those having between 80 and 800 acres ;

(C) those having up to and including 80 acres.

We recommend that compensation to these landholders should be paid for their agricultural lands as stated below :—

Class (A) six times cash assessment in lump sum or two annual instalments by their present

tenants *plus* cash assessment annually for 12 years by Government;

Class (B) six times cash assessment as in the case of class (A) *plus* cash assessment annually for 15 years by Government;

Class (C) six times cash assessment as in the case of classes (A) and (B) *plus* cash assessment annually for 18 years by Government.

The amount of compensation in every case should not be liable to the deduction of $12\frac{1}{2}$ % as assessment to Government. Government should guarantee payment of the compensation by the tenants, as the non-gharkhed lands will immediately vest in it as soon as the necessary legislation is passed and it will recover the amount from the tenants who will become occupants of Government in the same way as tenants in khalsa areas, without being required to pay any price for occupancy rights. We are satisfied that this payment will not upset the rural economy by placing any undue burden on the tenants but, if necessary, some credit facilities may be provided. Government at present is not getting any assessment beyond $12\frac{1}{2}$ % from the non-khalsa area, but will begin to get it in full after 12, 15 or 18 years as the case may be. Government should also bear interest at 3 % on the deferred instalments of compensation payable by it.

123. While on the subject of compensation, we may refer to those holdings in the produce or assets of which garasdars have limited rights; in such holdings some portion of the crop share went to the State or *vice versa* went to the State and *vice versa* only was retained by the garasdars. In such cases, compensation amount will have to be proportionately reduced.

124. A question is also raised about the interpretation of the Saurashtra Gharkhed, Tenancy Settlement and

Agricultural Lands (Amendment) Act, 1950, which amended section 18 of the Gharkhed Ordinance and provided that notwithstanding any agreement, usage, decree or order of a court or any law for the time being in force, no landholder shall be entitled to recover from any tenant of any non-gharkhed land on his Estate any rent which will exceed, in amount or value,

(a) double the assessment leviable in respect thereof if such land had been situated in an unalienated village or, in the alternative,

(b) the crop share or cash rent, as the case may be, mentioned in schedule I.,

which may be paid at the option of the tenant.

The Act provided at the same time that no order shall be passed by the Mamlatdar or any other authority regarding giving, reserving or allotting land for gharkhed, which meant that there shall be no eviction of tenants for the purpose of gharkhed. The arrangement embodied in the Act is to hold good only until this Commission makes its report and Government take their decision thereon. But as it is likely to affect the rent payable in January 1951, it is urged that as double rent was offered only in lieu of no eviction, such landholders as have either already got their gharkhed or are not entitled to it, or as are not in a position to get it by evicting a tenant who holds land on a tenure such as *chav* hak, *buta* hak, etc., or as are entitled to recover only a single *vighoti* or crop share at less than 1/4th or 1/5th under any agreement or usage, or as are entitled only to *vaje*, the *vero* belonging to Government (*barabhag*), are not entitled to recover double the rent. It is further urged that section 30 of the Gharkhed Ordinance which provides that nothing contained in this Ordinance shall be considered to limit or abridge the rights or privileges of any tenant under any usage

or law for the time being in force or arising out of any contract, grant, decree or order of a court, or otherwise howsoever, also protects tenants with *chav* hak, etc. There is no doubt that there is some inconsistency between the provisions of sections 18 and 30. Section 18 makes special provisions for rent of non-gharkhed land in Chapter III relating to non-gharkhed land, whereas section 30 is a general section in Chapter V dealing with the general provisions about tenancy and lays down as a general clause that the rights and privileges of tenants under any other law shall not be affected by this Ordinance. Section 18 being a specific section should prevail as against section 30. The anomalies mentioned above were obviously overlooked when the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands (Amendment) Ordinance, 1950, was promulgated and now in view of the explicit wording of section 18, it appears to us that all landholders will be entitled to recover rent from tenants of their non-gharkhed land as provided in the section during the interim period. We have, however, no doubt that, with a little goodwill on both the sides, it would be possible to adjust any payment which should not have been, justly speaking, made by a tenant, against the amount payable to his landholder as a part of an over-all settlement of the question

125 We shall now deal with the compensation to be paid to the garasdars for non-agricultural lands, assets and dues. For non-agricultural lands, we would recommend that the standard prescribed in the Bombay Talukdari Tenure Abolition Act, 1949, may be adopted with some modifications which are stated below. According to this standard, garasdars will get, as compensation, an amount not exceeding three times the assessment on waste or uncultivated but culturable land which may not have been included in the allotment of gharkhed and market value of trees planted by garasdars on non-gharkhed land. In addition, garasdars may be given six times the annual income in respect of forests, quarries and minerals

provided their rights to them are recognised in their hak patraks, and three times the assessment in respect of pasture land other than *gauchar* which will continue as communal property. If there are any major bunds, tanks or canals constructed by garasdars, they may be allowed compensation at their book value after taking depreciation into consideration. No compensation is recommended for farmers' house sites and *vadas* as well as for unbuilt village sites. If the farmers' houses are built by garasdars, they should receive their market value as compensation for them from the farmers. As regards dwelling houses of *ubhads* (non-cultivating villagers) on which *ubhad vero* is levied by garasdars, they may be given three times the *vero* as compensation. If the superstructures belong to garasdars, *ubhads* will have to pay their market value as compensation for them.

126 All cesses, haks, taxes, etc. which were formerly payable by cultivators of khalsa area, have been abolished under sec. 23 of the Gharkhed Ordinance of 1949 and they should be abolished forthwith in non khalsa area also without any compensation. These cesses, haks and taxes were mostly of the nature of sovereign rights and automatically terminated with the transfer of sovereignty to Saurashtra Government.

127. The vexed problem of reservation and allotment of gharkhed to garasdars can be best solved in our opinion if we follow the principles laid down by the Congress Agrarian Reforms Committee in Chapter II of their report dealing with rights in land, with certain modifications to suit the local conditions. The Committee consider tenants who have been continuously on land for six years as protected tenants and others as unprotected tenants. The Committee state that "as land is held for cultivation, there is no social injustice in depriving the owner of his right of ejecting the tenant where he has been on the land and has cultivated it continuously for a period of 6 years. It is the tenant who has put the

land to use. The cultivating right in land, therefore, should belong to him." Another principle enunciated by the Committee is that "if the owner has less than an economic holding, he should have the right to resume from the protected tenant land which would give an economic holding to him. As the objective is to reconstruct the agrarian pattern on the basis of economic units, it would not be reasonable to disturb the economic holding of either the owner or the protected tenant. The right of resumption should not be exercised by the owner, if such resumption reduces the economic holding of a tenant below the economic level without making his own holding economic." The third principle laid down by the Committee is that "while the cultivating owner should have the right to own a holding three times the size of an economic holding, the lessor can enjoy such right—that the lessor can on resumption get the holding *equal* to three times the size of an economic holding—only when the lessee or the protected tenant has got an excess land over an economic holding".

128. Bearing these principles in mind, we would make the following proposals for the reservation and allotment of gharkhed. All garasdars will retain as gharkhed whatever land they have in their actual cultivation at present. Personal *cultivation* should have the same meaning as given in the Gharkhed Ordinance No. XLI of 1949 and no loophole should be left which may make sub-letting of gharkhed in any way possible. Again, all garasdars should have the right to resume land from their tenants who have been continuously on the lands for less than six years ending on 1st January 1951, except from those who have acquired *chav* or *buta* haks, to the extent necessary to make up to three times the size of an economic holding in the case of classes (A) and (B) and one economic holding in the case of class (C). As garasdars of classes (A) and (B) are not generally dependent on land and will get enough compensation for a sufficient period to adjust themselves to the changed circumstances, we do not intend to make any

distinction between cultivating and non-cultivating garasdars of these classes and propose that they should be allowed to resume that much excess land over an economic holding from their protected tenants which, together with their gharkhed, if any, and the land resumed from their unprotected tenants, would make up to three times the size of an economic holding. Garasdars of class (C) form about 72 % of the total number and require special treatment and consideration, as their condition is no better than that of an ordinary cultivator. Besides, this class of garasdars is keen on personal cultivation in the changed circumstances and has apparently given up their old notion that "no profession is honourable but that of arms and no life is desirable but that of indolence". In this class also, therefore, we do not propose to make any distinction between cultivating and non-cultivating garasdars and recommend that all garasdars of this class should be allowed to resume from their protected tenants land which, together with their own gharkhed, if any, and the land resumed from non-protected tenants, will give them an economic holding. Garasdars of this class who own less than an economic holding should not be allowed to resume land from their tenants, whether protected or not, as the objective is to reconstruct the agrarian pattern on the basis of economic holdings. On the basis of the statistics furnished to us by the Collectors of the districts, we find that the number of evictions that will take place as a result of our above proposals would be about 4,800, evictions, which gives an average of less than three evictions per alienated village.

129. Even though there may not be accurate records with the small garasdars, the fact whether a tenant has been on land continuously during the last six years or not can be easily ascertained by the Special Officers (whose appointment we have suggested in para 148 below) with the assistance of the village *panch*. Though the tenants in non-khalsa areas were tenants-at-will, it has been almost unanimously admitted htat

evictions were rare before 15th August 1947. It is a fact that garasdars tried to evict the tenants after this date and before the passing of the Saurashtra Protection of Tenants Ordinance, No. XXII of 1948, in May 1948, as in the new circumstances they wanted to have as much gharkhed as possible. Such evictions should, however, be ignored in computing the six years period. In cases of leasing of land on contract basis, if there are any even now, the land should revert to the garasdar as gharkhed after the contract period is over, provided the tenant has been on the land for less than six years prior to 1st January 1951. If any *nazrana* has been paid by any tenant, who is evicted in pursuance of our above proposals, we do not suggest refunding the amount if he continued as tenant-at-will after payment of *nazrana*. If there is any cultivable waste land in the village, garasdars of (C) class should have first preference to it for making their self-cultivated holding economic, the question of priority being settled by the special officers with the help of the village panch. If land which is resumed from tenants for gharkhed is not cultivated personally within one year of resumption by the garasdar, it should revert to the tenants concerned. No eviction should take place without reasonable notice and, while making evictions, if there is a choice between two or more tenants, those who are on the land for a lesser period should be displaced first. Fortunately, the Director of Agriculture has stated that an area of about two lakhs of acres of cultivable waste land is available for cultivation at different places in Saurashtra and that all this area can be immediately brought under cultivation. The displaced persons can be easily settled on this area.

130. An economic holding, as stated by the Congress Agrarian Reforms Committee, must afford a reasonable standard of living to the cultivator, provide full employment to a family of normal size and at least a pair of good bullocks and have a bearing on other relevant factors peculiar to the agrarian economy of the region. The Saurashtra Government

have fixed 32 acres as an economic holding throughout Saurashtra, but the holding must vary according to the agronomic conditions of different parts of the province. The enquiries made by us suggest the following approximate areas of economic holdings for different regions :—

Region.	Approximate area of economic holding
Jhalawad District Halar „ Wankaner and Morvi Talukas of Madhya Saurashtra District.	40 acres
Gohelwad District	32 „
Madhya Saurashtra, excluding Wankaner and Morvi Talukas.	24 „
Sorath District :—	
Porbandar and Ranavav area excluding Ghed area.	40 „
Ghed area	25 „
Five miles wide seashore belt from Madhavpur to Kodinar.	20 „
Rest of the Sorath District ...	30 „

These figures may serve as a guide, but precise economic holdings should be determined under the Prevention of Fragmentation and Consolidation of Holdings legislation, which Government has under contemplation.

131. The statistics given in Appendices III, IV and V reveal the following general features. Among the garasdars, the largest number is that of mulgarasias (including quasi-mulgarasias), who are 19,227 and form 59 % of the total number. The average holding of a mulgarasia works out to 77 acres. Not a small number of mulgarasias (including quasi-mulgarasias) have some land in their personal cultivation. In fact, in some talukas many of them have already quite a good part of their holdings as gharkhed. On the whole, 60 % of the total number of mulgarasias (including

quasi-mulgarasias) have gharkhed and the average gharkhed area forms 35 % of their to al holdings. Next come bhayats, who are 7,729 in number and form 23 % of the total number of garasdars. Average bhayati holdings are larger than those of mulgarasias, *viz.*, 123 acres as against 77 acres, but both the number of bhayats holding gharkhed and the proportion of their gharkhed to their total holdings are smaller than in the case of mulgarasias, being 40 % and 25 % respectively. Garasdars of (C) class generally have some personal cultivation. (A) (B) and (C) class garasdars form 2·9 %, 24.4 % and 72.7 % respectively of the total number of garasdars. The average area held by A class is 30·6 %, by B class is 42·4 % and by C class is 27 % of the total garasdari area. Average acreage of land in the possession of cultivators comes to 31 acres, which is more or less equivalent to an average economic holding in Saurashtra.

132. Garasdars at present pay Re. 0–4–0 as assessment per acre of gharkhed. They will continue to pay this during the period of compensation, at the end of which the land will be fully assessed. If the land is sold to a non-garasdar in the meanwhile, it will lose the character of gharkhed.

133. We may now refer to two important matters which would require further consideration. Of the talukdars in Saurashtra, six talukdars, *viz.*, those of Barwala, Jalia-Dewani, Lodhika, Vithalgadh, Zainabad and Vasavad, have entered into agreements similar to those of the covenanting rulers for privy purse. Their privy purses have already been fixed on the same basis and principles as those applied to the rulers and the terms of the agreement are also almost identical. The zamindari agreement of other talukdars recognises, as stated before, the superior proprietary rights of the talukdars in land, right of succession to property, etc. Negotiations were held between these talukdars and the Saurashtra Government for conversion of their zamindari agreements into privy purse agreements, and it is learnt that most of them have

declined to change the zamindari agreement. As, however, negotiations are still going on with some of the talukdars, we suggest that in view of the bilateral character of the agreement they may still be given an option, to be exercised within a month from the date of intimation, either to convert the zamindari agreement into a cash hereditary allowance (political pension) payable by the Government of Saurashtra or to abide by the decisions that may eventually be reached on allotment of ghaikhed, compensation, and ancillary matters. In this connection, we would, however, suggest that the cash hereditary allowance should be fixed, not on the basis of the average income of the three years taken in the case of the six talukdars, but on the average income of the last 15 years. The reason is obvious. Government will now be realising far less revenue from the Estates of these small talukdars than what they used to derive under the crop share system and high prices of foodgrains, and it would not be fair to impose a hereditary liability on the future tax payer. While on this subject, it may also be observed that it will not be possible for the Government of Saurashtra to undertake the liabilities of the talukdars or to guarantee any such rights and privileges as were secured to the talukdars who accepted privy purse. The talukdars who failed to do so have lost the chance and they have to thank themselves for it.

134. There are some peculiarities with regard to bhayats also. Some States like Bhavnagar, Gondal, Jasdan, etc., gave their bhayats garas in cash instead of land. They are enjoying the cash grants and will continue to do so in heredity. Besides, grants of land to bhayats made by some of the States on or about the time of merger were commuted into cash hereditary allowances worked out on the basis of the average income of the same three years in accordance with the cadet formula evolved at the Jamnagar Conference of rulers in December 1948-January 1949. It may seem anomalous that while these later grantees will be getting cash hereditary allowances fixed

on a liberal scale, the holdings of the earlier grantees should come under the purview of the recommendations made above for abolition of garasdari system. This, however, cannot be helped. The case of talukdars has to be examined from the point of view of their agreement, which is not the case with bhayats. Again, we have to examine the question to-day in relation to the tenancy problem. In the case of bhayats who have already been getting cash amounts, there are no tenancy problems. The bhayats of the rulers who were wise enough to see the changing times in advance and made cash grants or agreed to grants of land being converted to cash have stood to gain because of their rulers' foresight. Such anomalies cannot be avoided in a transitional period.

135. We make no distinction between garasdars and those who, though not garasdars, were treated like mulgarasias, *vide* para. 44 *supra*, and given hak-patraks by the Rajasthanik Court. We also place in the same category the Maiyas of Junagadh, who were not given hak-patraks by the Rajasthanik Court but were recognised by Government to be landholders of a special irresumable tenure. These landholders, *viz.*, quasi-mulgarasias and the Maiyas, should be treated for reservation and allotment of gharkhed in the same manner as the garasdars. As the Maiyas have commuted the assessment payable by them by relinquishing a part of their land, they should not be required to pay any assessment on their lands in future unless they wish to become occupancy tenants when they will, of course, have to pay the full assessment.

136. Barkhalidars will have to be treated in a different manner. They have no proprietary rights in the lands granted to them. Generally, the grants are resumable any time, though in some cases they may have been regarded as irresumable in alienation enquiries. In some cases the inherent right of the State to resume such grants was qualified by some self-imposed limitations. But these limitations were prescribed only for the

guidance of the administration and cannot be continued to be the terms and conditions of the grants. Absolute right of resumption was always there. States used to resume these grants according to their sweet will. These grantees cannot be considered to have such rights as are contemplated in article 31 of the Constitution and it is not necessary to look into the terms and conditions of each grant. Even the imperial grants and *matha* grants made for sacrifice of head cannot be given special treatment. As stated in Chapter IV, imperial grants were liable to be resumed by the grantors, *i.e.*, the paramount power, which is now represented by the Saurashtra Government. Services for which these grants as well as the *matha* grants were given may also be deemed to have been fully requited by now. Now that the garasdari system is proposed to be abolished, these grants must revert to the State without compensation, but as most of these alienations have been enquired into and allowed to be retained by the former States, the grantees can be said to have acquired some interests which should not be altogether ignored. To liquidate these interests and to enable the grantees to adjust themselves to the changed circumstances, we recommend payment of a rehabilitation grant to them.

137. Inamdars who hold one or more villages should get the rehabilitation grant in the shape of assessment from Government annually for nine years, while the remaining inamdars should get it for 12 years. Jiwaidars should be treated similarly. In the case of *kathgarna jiwai* grants, the daughters should get the assessment for their life time in accordance with the long established custom. If a male jiwaidar dies within the above period, the assessment would be payable to his widow, if she is left in indigent circumstances.

138. Inamdars and jiwaidars who already possess gharkhed should be allowed to retain it on payment of assessment to Government at annas 4 per acre during the period the

rehabilitation grant is paid. Afterwards it will be fully assessed. If, in the meanwhile, gharkhed land is transferred, it will cease to be gharkhed.

139. *Dharmada* grants are of two kinds—grants made to temples, mosques or similar religious institutions for maintenance of institutions or to individuals for performance of occasional rites and rituals or out of some spiritual considerations. The Government of Saurashtra have already adopted the Religious Endowments Act, but have not yet applied it. Even when applied, it will have no bearing on the tenancy problem involved in these grants. Many of these institutions have small income and are situated in villages. Their management should be handed over to the *gram-panchayat*, if any, or to the village *panch*, to whom Government should pay an amount equal to the income derived at present from their grant. For institutions having large income or situated in towns, a statutory Religious and Charitable Endowments Board should be set up and their management should be handed over to it in the same manner. The lands held by these institutions will vest in Government and the tenants will be occupants of Government.

140. In the case of *dharmada* and *kherati* grants to individuals, if they are cultivating the lands personally, they should become occupants of their holdings without payment of occupancy price. If these lands are in the possession of tenants, they will become occupants and Government will pay the grantees assessment for six years annually as a rehabilitation grant.

141. Service tenure holders like chakariats and pasaitas may be allowed to retain their lands, if cultivated by them, free of assessment as long as their services are required. If they are not, however, cultivating the lands, they should be paid in cash and their tenants

treated as occupants of Government. If they are not performing any services and are cultivating the land, they may be given occupancy rights on payment of full assessment. If they are not cultivating, the tenants should be allowed to become occupants of Government.

142. It transpires that some land of the garasdars is held by mortgagees and some is held by ijardars. The mortgagee in possession cannot claim better rights than the mortgagor. On liquidation of garasdari, compensation may be claimed by the mortgagee in possession, but that would be a matter of settlement of legal rights between the parties concerned.

143. Ijardars are generally persons to whom garasdars have farmed out their revenues for a certain period. They are merely rent collectors. Ijaras must disappear as the ijardars cannot stand as additional middlemen between the tenants and the State. If ijardars have any legal rights against garasdars, it is for the law courts to decide. If any ijardar, however, has founded a village, it will be necessary to compensate him for the unexpired portion of his lease. Much depends on the terms of the ijara and in the absence of full details, we are not in a position to state what the compensation should be; but such cases are likely to be few and may be disposed of by Government on an equitable basis.

144 The proposals made in the foregoing paragraphs regarding reservation and/or allotment of gharkhed to landholders, payment of compensation or rehabilitation grants, conversion of *dharmada* and service grants, etc., are based on the fundamental objective of immediate abolition of all alienated land systems and elimination of disparity between the cultivators of non-khalsa and khalsa areas. It follows, *ipso facto*, that Government alone will be the agency to recover rent or assessment and that a uniform land revenue and land tenure system will be established throughout Saurashtra. The principal factor involved in the

proposals is that of assessment. It has already been stated that the system generally prevalent in most of the former States of Kathiawar and more specially in non-khalsa area was that of share in kind. The relative merits of the two systems have been admirably summarised on page 322 of the Bombay Gazetteer, Vol. VIII. "The relative merits of the grain-share or *bhagbatai* and cash systems of land administration have long been discussed. Both systems have their advocates It was for long considered ill-advised to say a word in favour of levies in kind. It was pointed out that under that system chicanery and fraud had full play. The State officials plundered both sides; they forced the husbandman either to give more than his share, or to pay a bribe that a portion of his dues might be remitted, while they falsified the State accounts and entered much less than they received. On the other hand under the *vighoti* system, each cultivator knew exactly how much he had to pay and on what dates he was to pay it, and he was thereby set free from all unauthorised demands. This system, so correct in theory, has in practice proved by no means entirely beneficial to the cultivators. Whether the season was good or bad, he was bound to pay his rent on a certain day, and to do this he was obliged to turn to the money lender. Two or three bad seasons in succession ruined him. Under the *bhagbatai* tenure, the interests of landlord and tenant are identical. They suffer together in a bad season, and rejoice together over a prosperous harvest; and the system is more beneficial to both parties than a cash assessment rigidly enforced. Both systems have their merits and their defects, but there is no doubt that the levy in kind finds more favour in Kathiawar than the cash assessment, and that under the *chokha bhag* system, if properly managed, the cultivator can pay his dues more easily than in ready money." The cash assessment system is, however, prevalent practically all over India and the Government of Saurashtra has also introduced it in khalsa area.

Although the crop share system has some advantages, especially in India where harvests are often bad because of the vagaries of monsoons, crop diseases, pests, insects and other calamities of nature, it is not only out of date but is also not suited to modern conditions. Even in France the well-known *metayage* system of share tenancy has now been discarded. While the interests of the landholder and the tenant may be identified in crop share system, it is lacking in incentive to increase production which is so essential for promoting the prosperity of the peasantry as well as the country as a whole. On the other hand, the difficulties of cash payments in lean years are generally obviated by a well regulated system of suspensions, remissions, etc. Even the *chokha bhag* system of *bhagbatai* tenure leaves the door open for exploitation of tenants and the entire system has to be operated with an element of distrust in the cultivators. On all these considerations, the crop share system can no longer be continued to operate in non-khalsa area. In practice it has almost disappeared, but it has not been abolished. We are of the opinion that it should now be abolished once for all.

145. The initial difficulty in the conversion of share in kind to cash assessment system is that of absence of proper survey and settlement. This difficulty is being got over by Government by making a series of experiments as stated in para 86. Except in some solitary cases like Chotila area, the non-khalsa villages and holdings adjoin some khalsa villages where either cash assessment may have already been in vogue or may have been introduced after integration. The average of the assessments in adjoining khalsa villages has been taken by Government for fixing assessment on non-khalsa lands. It has been represented to us by the garasdars that under this method low assessments are fixed by the local officers in an arbitrary manner. But when once the principle is laid down that the average of the assessments on khalsa villages adjoining

non-khalsa holdings should be adopted, there should remain no scope for any arbitrary assessment. At any rate no reliable accounts of the revenue of the last 15 years are available with the landholders. The present method of computing cash assessment in non-khalsa area, though not quite scientific, appears to us to be fair. It was suggested from some quarters that as cash assessments were prevalent in some principal States of each district, *e. g*, Junagadh in Sorath, Nawanagar in Halar, Wadhwan in Jhalawad, Bhavnagar in Gohelwad and Morvi and Gondal in Madhya Saurashtra, they may be adopted in fixing cash assessment in non-khalsa areas of the respective districts. But there are some practical difficulties in accepting the suggestion. The cash assessments in some of these principal States, *e.g.*, Gondal, were fixed half a century ago when prices of foodgrains were very low. Moreover, soil in each district is not of a uniform quality. The soil of Porbandar area, *e. g.*, in Sorath district cannot bear any comparison with the soil of Junagadh. It was also suggested that the average of the five or six principal former States may be taken as a basis for fixing assessment in the entire non-khalsa area, but that would be still worse, inasmuch as it would tell very heavily on the cultivators of poor soil like that of Jhalawad.

146. Another initial difficulty in the absence of proper survey would be that in regard to measurements. As there was no cadastral survey in non-khalsa area, the areas in the names of the landholders and tenants may not be correct. Generally the areas of holdings and of land in possession of cultivators are known to both the landholders and the tenants. In case of dispute over area, the party who wants measurement should have it done by a Government surveyor on paying the prescribed fees. As long as there was *bhagbatai* system, there was no difficulty because, whatever the produce, it was to be shared irrespective of the areas sown. Cash assessment was leviable only on land under sugar cane, summer crops, vegetables, etc., and on land kept fallow, but the area in each

case was small and easy of ascertainment.

147. It is rather unfortunate that no reliable statistics of culturable waste are available. Attempts have been made several times after integration to collect the information, but they have not been successful, partly because there were no village records, especially in non-khalsa areas, and partly because the reporting agencies did not have a clear idea of culturable waste lands. While some of the reporting officials mentioned the approximate acreage of culturable waste, some took pasture and grass lands and even *kharabo* as culturable waste, with the result that the total worked out to a large figure. As stated before, the Director of Agriculture estimates that an area of about two lakhs of acres of culturable land is available at different places in the whole of Saurashtra This estimate appears to us to be fairly correct. In this connection mention may be made of *khar* lands measuring about 27,000 acres which are being reclaimed under the Jodiya-Balambha scheme and the coastal area in the Sorath district which is being reclaimed under the Hope Reclamation scheme.

148. Now we shall deal with the administrative organization that will be necessary to implement our proposals for securing a uniform land revenue and land tenure system throughout Saurashtra. The present machinery of the Revenue Department consists of the Revenue Tribunal, Revenue Commissioner (who has just been appointed), Collectors, Deputy Collectors, Mamlatdars, Circle Inspectors, Talatis, Revenue Patels, Havaldars and Pasaitas. There is also the Director of Land Records, Survey and Settlement, with a small staff under him. The machinery is modelled on the Bombay pattern, but the officials are not sufficiently trained. The additional machinery required would be a top ranking officer who may be called the Settlement Commissioner and Director of Land Records. The present Director of Land Records should be

designated Superintendent of Land Records and work under him. The Settlement Commissioner will also be in general charge of assessing compensation and rehabilitation grants. Actual assessment work will be done, with the help of two *panch*, if possible, by Special Officers of the grade of Mamlatdars, who should be appointed for one or more talukas as may be necessary. Appeals against their orders will lie to the Deputy Collectors of the sub-divisions. Revision against the appellate orders will lie to the Settlement Commissioner, whose decision will be final. The first item this administrative organization will have to attend to will be the preparation and maintenance of proper land records. The landholders generally do not have them, but whatever they may have they should hand over to Government, so as to facilitate the preparation of village records on the lines of khalsa villages. The work of assessing compensation and rehabilitation grant may be simultaneously taken in hand. For both these and allied purposes, the officers under the Settlement Commissioner will have to move from village to village according to a planned programme and settle the amounts of compensation and grant. We anticipate no difficulty in the working of this machinery with adequate and trained staff. It will, of course, have to take the assistance of the local officials of the Revenue Department. There should be a Settlement Officer of the Collector's grade under the Settlement Commissioner for survey and settlement work. The Setttement of the whole State should be completed as soon as possible, but as the necessary personnel will not be easily available, we think that this will take about 10 years. Compensation and rehabilitation grants will be paid according to present rates of assessment until the revised rates come into force.

149. The need for comprehensive survey, embracing the entire area of Saurashtra, and settlement has been already stressed in para 96.

150. We have proposed that all alienated land systems should be immediatly abolished and we think it would be only right and in public interests to declare that from a specific date all land shall vest in the State of Saurashtra. The Ordinance XLI of 1949, as subsequently amended, will have to be repealed when the new legislation incorporating the final decisions on our various proposals comes into force. A new tenancy legislation, largely based on the Bombay model, will also be necessary. The Tenancy Act should provide for sub-letting only in cases of disability, *viz.*, minors, widows and other disabled persons, though there is no such provision in the Bombay Act, as we consider that merely allowing them to cultivate their land through hired labour is not enough. Again, such a provision will indirectly prevent accumulation of large areas of land in the hands of a few persons, which results in landlordism and deterioration of the genuine peasantry. The Gharkhed Ordinance has embodied the provisions of the Bombay Act barring transfers of land to non-agriculturists. It, however, came to light that after the conferment of occupancy rights on cultivators in khalsa areas, there were 1,500 cases of transfer of lands within a period of less than a month in a single district. These transfers were apparently in favour of agriculturists ; even so, this is likely to spell the economic ruin of the peasantry and we suggest that transfer of land should be absolutely banned, if this reduces the area left with the transferring tenant below an economic holding, unless he wants to sell his entire land.

151. Much controversy is raging over assumption of management of landholder's Estate by Government under section 35 of the Ordinance, corresponding to section 44 of the Bombay Act. It has already been stated that the request of the landholders for deleting this section from the Ordinance was not granted, but this grievance was partly met by deletion of the words 'for the purpose of improving the economic and social conditions of peasants.' Garasdars are still vehemently

complaining that management is imposed on some pretext or another under this section and are insisting that it should be expunged. Though the provision would appear to be necessary in the general interests of agriculture, management should be imposed during the interim period only when the requirements of the section are satisfied and not merely because there has been a dispute between landholders and their tenants. We would also suggest the advisability of issuing a notice to the landholder to show cause against imposing management, as is done in Bombay State.

152. Before concluding this chapter, we may also refer to the Saurashtra Gram Panchayat Ordinance which applies to the whole of Saurashtra and which requires Government to pay to the *panchayat* fund not less than 1/5 and not more than 1/3 of the land revenue realised from the *panchayat* area after deducting the collection charges. The question arises as to what should be done in the alienated villages where *panchayat* may be established, as under our proposals such villages will vest immediately in Government which will not, however, be getting any revenue except a petty assessment of four annas per acre of gharkhed land from them for some years. It would neither be wise nor politic to allow one class of villages to lag behind for want of funds, as the income from local taxes would be insignificant. The only solution we can suggest is that Government should, out of its general revenues, meet the development charges of such villages of this class as go in for *panchayat* until the entire revenues of these villages become available to it.

CHAPTER VIII.

Small Landholders and Tenants

153. We shall now deal with the steps to be taken to improve the economic condition of the smaller landholders and tenants having regard to the effect of tenancy and agrarian reforms on them, as required by item No. 6 of our terms of reference. Some of the steps suggested in this chapter will also conduce to the betterment of the entire agricultural population of Saurashtra.

154. On the abolition of garasdari and other alienated land tenures, the principal objective of improving the agrarian economy of Saurashtra will have been largely achieved. All cultivators will have been raised to the status of peasant proprietors and facilities will have been provided for landholders, especially the smaller ones, to assume a similar role. "The position of a peasant proprietor", as observed by Alfred Marshall, "has great attractions. He is free to do what he likes, he is not worried by the interference of a landlord, and the anxiety lest another should reap the fruits of his work and self-denial. His feeling of ownership gives him self-respect and stability of character, and makes him provident and temperate in his habits. He is scarcely ever idle, and seldom regards his work as mere drudgery; it is all for the land he loves so well." The changed outlook of the peasant resulting from the grant of peasant proprietorship will go a long way in making agriculture prosperous in Saurashtra. The smaller garasdars are also keen on becoming peasant proprietors and are fast giving up their superiority complex as mentioned before.

155. Coming now to specific steps to be taken to achieve the objective in view, we suggest that in the allotment of cultivable waste land to small landholders and tenants, no assessment should be charged for the first three years. Those

who possess fragments of land which would be obviously uneconomic from the point of view of efficiency of agricultural operations should be encouraged to form co-operative joint farming societies. A co-operative joint farm can be formed whenever the necessary number of fragment-holders come together and constitute a holding large enough to be cultivated profitably by joint farming.

156. Another method to help such small fragment-holders would be to settle them on a portion of lands which are being reclaimed. Such areas are the *khar* lands under the Jodiya-Balambha Scheme and the Hope Reclamation Scheme near Porbandar. Another area which can be reclaimed is the *ghed* area, *i. e.*, land flooded in monsoon. We agree with the Congress Agrarian Reforms Committee that individual settlements should on no account be allowed on newly reclaimed lands and that the settlers should be formed into a co-operative collective farming society to satisfy their land hunger and to give an opportunity to the State to test the economies of mechanised farming. The Director of Agriculture, Saurashtra, told us that his department can easily bring one lakh of *khar* lands under cultivation, if the bunds are completed by the Public Works Department with sufficient speed. Two co-operative joint farming societies have already been launched on new lands. It is significant that one of them is started by agriculturists by obtaining in the village Agaria some talukdari waste land on permanent lease. We understand that in Babariawad there is plenty of waste land near Rajula and Jafrabad, which can be similarly exploited.

157. Even if the above steps are taken, it is essential to provide against fragmentation of holdings which is one of the principal banes of agriculture in this country. In Saurashtra cultivators with large holdings are rare exceptions and are found only in those khalsa areas where the former States had introduced occupancy rights and cash assessment. Rights of

inheritance, legal or conventional, based on long established custom, and rights of transfer without restriction are in a large measure responsible for reducing the holdings of individual cultivators. Division of holdings due to short-sighted transfers can be checked by legislation, but that due to social customs and laws of inheritance presents a problem which is rather difficult of solution The object cannot be achieved unless holdings are made impartible at some stage, *e.g.*, when holdings are already reduced to what may be regarded as economic. This, however, cannot be done with any prospect of success as long as public opinion is not educated enough to take a long range view of agricultural economy. Prevention of fragmentation is equally a tough problem. The lands are often held by cultivators in scattered plots instead of in a compact area. It is common knowledge that in many cases the fields on one side of a village are better than those on the other. When the question of succession arises, each co-parcener insists on some portion of the better areas. To fight this evil of fragmentation, the Saurashtra Government have forbidden sub-divisions af *jirayat* land below 8 acres and *bagayat* land below 4 acres as an *ad hoc* measure for the whole State. They are now thinking of having a simpler procedure to prevent further fragmentation than what is laid down in the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947, which postulates settled administration with complete village records and records of rights

158. Along with the above measures, it is essential to take effective steps to prevent soil deterioration resulting from erosion. In Uttar Pradesh this has been achieved to a large extent by afforestation of adjoining areas and in Bombay by the construction of earth and stone embankments and by the terracing of land. The adoption of these methods according to their suitability for the various tracts will go a long way in increasing the average yield per acre.

159. There is a general complaint that forests are being denuded, much to the detriment of agriculture. Gir forest is an instance in point. Formerly it extended from off Jamwala to Visavadar, but now from Jamwala right up to Tulshi-shyam it has been practically denuded and today it extends only from Sasan to Kankai. It is not in the interests of any class of people to allow denudation of forest areas for temporary gains. Pasture land also should not be considered like cultivable waste land and allowed indiscriminately to be turned into farm-lands. There is already paucity of pasture lands in the State and their diversion to any other purpose will be injurious to the interests of the people and also of the cattle for which Saurashtra was once so famous.

160. Agriculturists in India, especially the small ones, are always indebted on account of the vagaries of the monsoon and usurious and oppressive methods pursued by the village money lenders Even on attainment of occupancy rights by the cultivators and acquisition of land for personal cultivation by small landholders, their economic position will not improve, as long as they are not free from debts. Some three decades ago, the Political Agency of Kathiawar took up the question of liquidating indebtedness among landholders in Thana areas, but these efforts were attended only with partial success. We are not in possession of details regarding indebtedness among small landholders and tenants, but there is no doubt that due to the extraordinary economic strain of recent years, indebtedness is pretty common among them. We, therefore, suggest that debt conciliation and regulation of money-lenders on the lines recommended by the Gadgil Committee and supported by the Congress Agrarian Reforms Committee (*vide* paras. 74 and 75 of the Congress Committee's report) should be adopted in Saurashtra. Debt conciliation was tried in the old Bhavnagar State in 1929 with very good results. In addition to improving vastly the economic conditions of the cultivators, another favourable result noticed

in the areas that came under the operation of the scheme was, in the words of Shri Prabhashanker Pattani, the then Dewan of Bhavnagar, "where formerly the *khedut* was a mere listless and indifferent cultivator owing to the ever present fear of his creditor attaching his harvested crop, he is now seen to put more heart and industry in his work, owing to the sense of greatest security and relief brought about by the removal of the burden of the past debts." Such measures are equally necessary, if not more, in the case of landholders, whether big or small, who are generally indolent and not careful about their money affairs.

161. One of the important steps that can be taken to improve the economic condition of the smaller landholder and the tenant is the organization of co-operative societies. A cultivator is generally in need of credit for raising and harvesting his crops, and credit societies offer the best help to him in this direction. The movement is, however, still in its infancy in this province. There are only 256 credit societies in the whole of Saurashtra, but there are no financing agencies like banking unions, district banks or an apex bank to finance them. Unless such financing agencies are organised, not much progress can be expected and we therefore recommend that early steps should be taken to organise such institutions.

162. The need for more credit societies is urgent and the Department should try to have a net-work of such societies. But the movement will not be able to do much good work unless non-credit activities are also organised on a co-operative basis. There is need for distribution of good seed and manure and supplying consumers' goods like cloth, kerosene, etc. There is need also for societies which can enable the cultivator to market his produce to save him the middleman's profit which is often quite high. Separate societies could be organised for this purpose, but in the beginning it would be desirable to

entrust this kind of work to multi-purpose societies into which some of the credit societies should be eventually converted It should, however, be remembered that such non-credit societies are more difficult to run than credit societies and for their organization and running, trained personnel is necessary For training such staff as well as the members of societies and for doing propaganda work, Government help would be necessary in the initial stages. The Government of Bombay has been helping training institutions both for co-operative staff and for members and we hope that similar help would be forthcoming in Saurashtra also.

163. We have referred to the need of freeing agriculturists from debt. Organization of a Land Mortgage Bank for this purpose would facilitate and hasten the work. With such an institution, long term credit will be available not only for the redemption of mortgages and liquidation of other dues, but also for advancing loans for the purchase and improvement of land and betterment of cultivation.

164. Another important method to improve the economic condition of smaller landholders and tenants would be to establish cottage and small scale industries in the villages so as to give them alternative or supplementary employment The note submitted to the Commission by the Commerce and Industries Department of the Government of Saurashtra shows that the Government has constituted a cottage and small scale industries Board of officials and non-officials and has placed this year at its disposal a sum of Rs. 1,80,000/-for the implementation of various schemes The Board has opened a cottage industry Centre at Junagadh which, as stated in the report, "is giving training to artisans and students in (a) handloom weaving, (b) leather tanning, (c) palm-*gur* manufacturing and (d) bee-keeping." When, however, the Commission visited this Centre on 5th October 1950, it was noticed that there

were no trainees at all and that only a small number of workers, most of them on daily wages, were employed. The Centre did not appear to fulfil the purpose for which it was started. If it is run on proper lines under a qualified and experienced Superintendent, it would really be a very useful institution. The Centre can do useful work, particularly for the development of the palm-*gur* industry, as there are about four lacs of palm trees in Saurashtra. There is also a good scope for the development of subsidiary industries like basket and mattress making, etc.

165. Further, there seems to be no non-official organization to help the Commerce and Industries Department on the lines indicated by Shri M. Visvesvaraya in his pamphlet on village industrialisation. There should be at the base of the organization a popular working committee for each group of villages consisting of members who are trusted representatives of landholders and tenants. At the district headquarters there should be a district committee consisting of non-officials prominent in business and public life in the district and having experience of rural economy, with the Collector as the Chairman. The organization at the top would be a Board of Industries consisting of representatives from several districts, with the Minister in charge of Industries as Chairman and the Deputy Secretary of the department as Secretary. Cottage and small scale industries concern the public intimately and it is essential to enlist the co-operation of popular representatives on the above lines. As the National Planning Committee has observed in its report, "the revival and expansion of old and introduction of new cottage industries will be an important and indispensable means of rehabilitating the villages by providing adequate employment to the people in the villages and assuring them a satisfactory level of income and resources."

166. As garasdars and some of the other landholders

have generally an aptitude for service in the Police Department or in the Defence Forces, we suggest that suitable persons belonging to this class, who may be adversely affected by the agrarian reforms suggested by us may be given preference for service in the Police Department and that the Government of India may be asked to give similar preference to them for employment in the Defence Forces.

CHAPTER IX.

Summary of Recommendations.

1. Garasdari and barkhali systems should be immediately abolished (para 119).

2. For the purpose of compensation for their agricultural land, garasdars should be divided into three classes :-

(A) those having one or more villages or more than 800 acres ;

(B) those having between 80 and 800 acres ;

(C) those having upto and including 80 acres.

Class (A) should be paid six times cash assessment in lump sum or two annual instalments by their present tenants *plus* cash assessment annually for 12 years by Government.

Class (B) should be paid six times cash assessment as in the case of class A *plus* cash assessment annually for 15 years by Government.

Class (C) should be paid six times cash assessment as in the case of classes A and B *plus* cash assessment annually for 18 years by Government.

The amount of compensation should not be liable to deduction of $12\frac{1}{2}$ % as assessment to Government. Government should guarantee payment of compensation by the tenants as the non-gharkhed lands will immediately vest in it as soon as the necessary legislation is passed and it will recover the amount from the tenants who will become occupants of Government without being required to pay any price for occupancy rights. Government should also bear interest at 3 % on the deferred instalments of compensation payable by it (para 122).

3. Compensation amount should be proportionately reduced in the case of those holdings in the produce or assets of which garasdars have limited rights (para 123).

4. Compensation for non-agricultural lands, assets and dues should be paid to garasdars (para 125).

5. All cesses, haks, taxes, etc. payable to garasdars should be abolished forthwith without any compensation (para 126).

6. All garasdars will retain as gharkhed whatever land they have in their actual cultivation at present. They should have a right to resume land from their tenants who have been continuously on land for less than six years ending on 1st January 1951 except those who have acquired *chay* or *buta* haks. Garasdars of classes (A) & (B) should be allowed to resume excess land over an economic holding from their protected tenants upto three times the size of an economic holding including their gharkhed, if any, and the land resumed from their unprotected tenants.

Garasdar of (C) class should be allowed to resume land from their protected tenants which, together with their own gharkhed, if any, and the land resumed from non-protected tenants, will give them an economic holding. Garasdars of this class who own less than an economic holding should not be allowed to resume land from any of their tenants. The total number of evictions would be about 4,800, which gives an average of less than three evictions per alienated village. (para 128).

7. Evictions of tenants by garasdars between 15th August 1947 and the passing of the Saurashtra Protection of Tenants Ordinance No. XXII of 1948 should be ignored in computing the six years period.

If there is any cultivable waste land in the village, garasdars of (C) class should have first preference to it for making their holdings economic.

If land which is resumed from tenants for gharkhed is not cultivated personally within one year of resumption by the garasdar, it should revert to the tenants concerned. No evictions should take place without reasonable notice and while making evictions, if there is a choice between two or more tenants, those who are on the land for a lesser period should be displaced first (para 129).

8. Until precise economic holdings are determined under the Prevention of Fragmentation and Consolidation of Holdings legislation which Government has under contemplation, the acreages given in para 130 of economic holdings in various parts of Saurashtra should be taken as a guide (para 130)

9 Garasdars will continue to pay Re. 0-4-0 as assessment per acre of gharkhed during the period of compensation at the end of which they will have to pay full assessment If the land is sold to a non-garasdar in the meantime, it will lose the character of gharkhed (para 132).

10. Talukdars, who have not entered into agreements for privy purse may still be given an option, to be exercised within a month from the date of intimation, either to convert the zamindari agreement into a cash hereditary allowance payable by the Government of Saurashtra or to abide by the decision that may eventually be reached on allotment of gharkhed, compensation and ancillary matters. The cash hereditary allowance should be fixed on the average income of last 15 years (para 133)

11. Quasi—Mulgarasias and Maiyas should be treated for reservation and allotment of gharkhed in the same manner as the garasdars. As the Maiyas have commuted the assessment payable by them by relinquishing a part of their land,

they should not be required to pay any assessment on their lands in future unless they wish to become occupancy tenants (para 135)

12. Barkhalidars have no proprietary rights in the lands granted to them and their grants were always resumable. Their grants must, therefore, revert to the State without compensation ; but to enable these grantees to adjust themselves to the changed circumstances, we recommend payment of a rehabilitation grant (para 136).

13. Inamdars and jiwaidars who hold one or more villages should get the rehabilitation grant in the shape of assessment from Government annually for nine years, while the remaining inamdars and jiwaidars should get it for 12 years.

In the case of *hathgarna jiwai* grants, the daughters should get the assessment for their life time. If a male jiwaidar dies within the above period, the assessment would be payable to his widow if she is left in indigent circumstances (para 137).

14. Inamdars and jiwaidars who already possess gharkhed should be allowed to retain it on payment of assessment at annas four per acre during the period theyr eceive rehabilitation grant, after which they will pay full assessment. If, in the meantime, the land is transferred, it will be fully assessed. (para 138).

15. Many of the institutions receiving *dharmada* grants have small income and are situated in villages. Their management should be handed over to the Gram Panchayat, if any, or to the village Panch, to which Government should pay an amount equal to the income derived at present from their grants.

For institutions having large income or situated in towns, a statutory Religious and Charitable Endowments Board should be set up. The lands held by these institutions will vest in

Government and the tenants will become occupants of Government (para 139).

16. In the case of *dharmada* grants to individuals, if they are cultivating land personally, they should become occupants of their holdings without payment of occupancy price. If these lands are in the possession of tenants they will become occupants and Government will pay the grantees assessment for six years annually as a rahabilitation grant (para 140).

17. Service tenure holders may be allowed to retain the land, if cultivated by them, free of assessment as long as their services are required. If they are not cultivating the land, they should be paid in cash and their tenants treated as occupants of Government. (para 141).

18. Crop share system should be abolished once for all (para 144).

19. The present method of computing cash assessment in non-khalsa area by taking the average of the assessments in the adjoining khalsa villages, though not quite scientific, appears to us to be fair (para 145).

20. A Settlement Commissioner and Director of Land Records should be appointed to be in general charge of assessing compensation and rehabilitation grants. Actual assessment work will be done by Special Officers of the grade of Mamlatdars who should be appointed for one or more talukas as may be necessary. Appeals against their orders will lie to the Deputy Collectors of the sub divisions. Revision against the appellate orders will lie to the Settlement Commissioner whose decision will be final. Preparation of land records will have to be done simultaneously with the assessment of compensation and rehabilitation grants by the Special Officers with the assistance of the local officials of the Revenue Department (para 148).

21. There should be a Settlement Officer of the Collector's

grade under the Settlement Commissioner for survey and settlement work. The settlement of the whole State should be completed as soon as possible, but as the necessary personnel will not be easily available, we think that this will take about 10 years. Compensation and rehabilitation grants will be paid according to the present rates of assessment until the revised rates come into force (para 149).

22. The Gharkhed Ordinance (XLI of 1949) should be repealed when the new legislation incorporating the final decisions on our various proposals comes into force. A new tenancy legislation, largely based on the Bombay model, would also be necessary. The Act should provide for sub-letting only in the cases of disability, *viz.*, minors, widows and other disabled persons. Transfer of land should be absolutely banned if this reduces the area left with the transferring tenants below an economic holding, unless he wants to sell his entire land (para 150).

23. While assuming management of landholder's estate during the interim period, it should be seen that the requirements of sec. 35 of the Gharkhed Ordinance are fully satisfied (para 151).

24. Government should, out of its general revenues, meet the development charges of such alienated villages as go in for village Panchayat until the entire revenues of these villages become available (para 152).

25. In the allotment of cultivable waste land to small landholders and tenants, no assessment should be charged for the first three years. Fragment holders should be encouraged to form co-operative joint farming societies (para 155)

26. Small fragment-holders should be settled on lands which are being reclaimed (para 156).

27. It is essential to provide against fragmentation of holdings, which is one of the principal banes of agriculture in this country (para 157).

28. Effective steps should be taken to prevent soil deterioration resulting from erosion (para 158).

29. Forest areas should not be allowed to be denuded for temporary gains. Pasture lands should not be allowed to be indiscriminately turned into farm lands (para 159).

30. Debt conciliation and regulation of money lenders on the lines recommended by the Gadgil Committee and supported by the Congress Agrarian Reforms Committee should be adopted in Saurashtra (para 160)

31. Early steps should be taken to organise financing agencies like banking unions, district banks or an apex bank to finance co-operative credit societies (para 161).

32. There should be a network of co-operative credit societies, and non-credit activities should also be organised on a co-operative basis. For training staff as well as members of societies and for doing propaganda work, Government help would be necessary in the initial stages (para 162).

33. A Land Mortgage Bank should be established for supplying long term credit not only for repayment of debts but also for the purchase and improvement of lands and betterment of cultivation (para 163).

34. Cottage and small scale industries should be established in villages so as to give the smaller landholders and tenants alternative or supplementary employment (para 164).

35. There should be a non-official organisation to help the Commerce and Industries Department for starting such industries (para 165).

36. As garasdars have generally an aptitude for service in the Police Department or in the Defence Forces, they may be given preference for recruitment in these services (para 166).

In conclusion, we would like to express our thanks to the Government of Saurashtra the Cutch-Kathiawar-Gujarat Garasia Association, the Saurashtra Congress Samiti and the official and non-official witnesses for their co operation and useful suggestions. We are also thankful to our Secretary Shri R. K. Joshi for hard and willing work and to Shri V. C. Joshipara, our Joint Secretary, who has a sound knowledge of land tenures and agrarian conditions in Saurashtra, for his assistance in preparing the report.

J. A. MADAN, Chairman.

D. V. REGE. } Members.
R. S. MANE PATIL. }

R. K. JOSHI, Secretary.
V. C. JOSHIPARA, Joint Secretary.

Rajkot,
15th December 1950.

APPENDIX I

QUESTIONNAIRE.

1. What are the different categories of landholders in Saurashtra ?
2. What is the origin of different categories of landholders and what were their rights and obligations *vis-a-vis* the State and their tenants during (a) Moghul rule, (b) British rule, and (c) subsequently before the promulgation of the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance 1949 ?
3. Would you make any distinction in the treatment of the various classes of landholders on the ground of difference in their origin, size or income ?
4. What is your view regarding the origin, growth and working of the Garasdari system ? What are the various classes of Garasdars and what, in your opinion, is the moral and economic justification of the system ?
5. What have been the relations between each category of landholders and their tenants in the past ? And what are their relations at present ?
6. What are your views regarding the present state of land revenue administration in the non-khalsa areas of Saurashtra ? What are its drawbacks and how can they be removed ? Which of these areas have been surveyed and settled and their village records prepared ? On what basis should the rent be recovered until the villages are surveyed and settled ?
7. What are your views about the Gharkhed Ordinance (OrdinanceNo. XLI of 1949) and its subsequent modifications ? What are its defects and how should they be remedied ?

8. What are the defects in the present method of realization of rent in non-khalsa areas and what remedies do you suggest to rectify these defects in areas where rents are realised (a) in cash and (b) in kind. What should be the agency for collection of rents in non-khalsa areas?

9. How many classes of tenants are there in non-khalsa areas in Saurashtra?

10. What, in your opinion, are the safeguards to be provided in the Tenancy legislation for securing social and economic justice to the tenants in consonance with modern ideas?

11. What are your views regarding gharkhed for landholders? What proportion should gharkhed, if any, bear to the total area in the landholder's possession and what should be the maximum? In particular, how such land should be secured for him.

12 Did these landholders have gharkhed in the pre-British period or during the British period? If they had any gharkhed, was there any limit as to its area and how was it secured?

13. Are you in favour of cash or crop share as the basis of rent which a tenant should pay to his landholder? What, in your view, should be reasonable rent in either case.

14. What percentage of rent should a landholder contribute to the State and on what basis? Do you favour a sliding scale for the purpose?

15. Do you consider that any categories of landholders deserve concession as regards payment of contribution to the State?

16 What are the differences between the khalsa and non-khalsa areas as regards land revenue and land tenure

system? Should these differences be removed, and if so, how? What administrative organization and legislation will be necessary for this purpose?

17. Do you consider that 'lagas, cesses, haks etc.,' which have been abolished or which are not levied in khalsa areas should be continued in non-khalsa areas?

18. What steps should be taken in your opinion to improve the economic condition of small landholders and tenants, having regard to the effects of tenancy and agrarian reforms on them?

19. Are you in favour of continuing the garasdari system? If not, should it be modified or abolished? And, if so, whether by stages or at once? And in either case what, if any, in your view, would be just and equitable compensation?

20. What machinery would you suggest for the speedy and equitable settlement of disputes between a landholder and his tenants in addition to the administrative machinery of the Government?

21. What would be an economic holding in your opinion in the various parts of Saurashtra?

APPENDIX II.

STATEMENT SHOWING THE AREA, ANNUAL REVENUE AND TRIBUTARY PAYMENTS OF SEMI AND NON-JURISDICTIONAL STATES AND ESTATES OF SAURASHTRA WHICH HAVE ENTERED INTO MERGER AGREEMENT (ZAMINDARI). – (COMPILED FROM THE MEMORANDA OF INDIAN STATES, 1940 EDITION.)

Number of Talukdars.	Annual Income	Annual aggregate income.	Aggregate area of Estates.	Annual payments by the Talukdars till August 1947.
(1)	(2)	(3)	(4)	(5)
		Rs.	Square miles	
5	*Not less than* Rs. 100,000	6,39,018	387	*To Government.*
10	*Ranging between* Rs. 50,000 & Rs. 100,000	6,87,610	391	Rs. 1,09,588
25	Rs. 25,000 and Rs. 50,000	8,54,112	528	*To Other States*
41	Rs. 10,000 and Rs 25,000	6,57,879	449	Rs. 58,904
83	Rs. 3,000 and Rs. 10,000	5,16,893	621	34 semi-jurisdictional
16	*Below* Rs. 3,000	23,562	40	146 non-jurisdictional
Total 180	.....	33,79,074	2,416	180

APPENDIX III

Landholders and their Tenants in Saurashtra.

Categories of Garasdars and Barkhalidars.	No. of landholders	Holdings and Gharkhed held.		
		Total area in acres of Garas or other alienated holdings.	Gharkhed in possession of Garasdars and Barkhalidars	
			No. of landholders having Gharkhed.	Acreage of Gharkhed
1	2	3	4	

SORATH.

(No. of entire

Talukadars and Bhagdars.	144	54,249	34	1,283
Mulgarasias ...	2,479	1,15,157	1 421	22,660
Bhayats ...	339	66,474	108	2 980
Total ...	2,962	2,35,880	1,563	26,923
Mehr Pasaitas ...	3,577	36,203	3,577	34,902
Maiyas ...	143	8,465	125	2,262
Total ...	3,720	44,668	3,702	37,164
Inamdars ...	1,061	88,010	392	5,407
Nokariat Jiwaidars and Desai Chakariat.	1,856	54,350	992	13,085
Dharmada ...	614	59,891	423	5,814
Kherati ...	2,040	1,12,953	587	9,100
Total ...	5,571	3,15,204	2,394	33,406
GRAND TOTAL ...	12,253	5 95,752	7,659	97,493

Land in possession of tenants of Landholders.

No. of tenants having not less than 32 acres and their acreage.			No. of tenants having less than 32 acres and their acreage.			Total number of tenants and their acreage.		
No.	Acreage	Average	No.	Acreage.	Average	No.	Acreage	Average
5			6			7		
DISTRICT.								
non-khalsa villages 336).								
647	31,669	48	540	12,428	23	1,187	44,097	37
627	27,974	44	2,165	38,548	15	2,792	66,522	23
554	24,360	44	1,668	26,144	15	2,222	50,504	23
1,828	84,003	45	4,373	77,120	17	6,201	1,61,123	26
...	...	...	17	75	4	17	75	4
37	1,458	38	204	2,696	13	241	4,154	17
37	1,458	38	221	2,771	12	258	4,229	16
670	28,329	42	2,011	34,864	17	2,681	63,193	23
276	9,710	35	1,906	22,551	11	2,182	32,261	14
422	18,764	44	1,014	22,187	21	1,436	40,951	28
617	31,861	51	3,889	45,834	11	4,506	77,695	17
1,985	88,664	44	8,820	1,25,436	14	10,805	2,14,100	20
3,850	1,74,125	45	13,414	2,05,327	15	17264*	3,79,452	21

* 2,390 tenants have also additional 32,216 acres khalsa land.

MADHYA SAURASHTRA

Categories of Garasdars and Barkhalidars.	No, of landholders	Holdings and Gharkhed held.		
		Total area in acres of Garas or other alienated holdings.	Gharkhed in possession of Garasdars and Barkhalidars.	
			No. of landholders having Gharkhed.	Acreage of Gharkhed.
1	2	3	4	
Talukdars and Bhagdars.	483	2,08,822		6,929
Mulgarasias ...	3,447	2,09,256		82,266
Bhayats	2,228	2,93,744		55,715
Total ..	6,158	7,11,822		1,44,910
Inamdars	156	19,623		1,062
Jiwaidars	586	40,520		7,215
Pasayta Chakariat.	206	5 803		4,114
Dharmada Kherati.	1,645	38,594		9,885
Total ...	2,593	1,04,540		22,276
GRAND TOTAL ...	8,751	8,16 362		1,67,186

(No. of entire

Figures not readily available.

Land in possesslon of tenants of Landholders.

No. of tenants having not less than 32 acres and their acreage.			No. of tenants having less than 32 acres and their acreage.			Total number of tenants and their acreage.		
No.	Acre-age.	Ave rage	No.	Acre-age.	Ave-rage	No.	Acre-age.	Ave-rage
5			6			7		
DISTRICT.								
non-khalsa villages 402)								
2,969	1,67,130	55	1,605	33,281	21	4,574	2,00,420	35
1,740	85,663	49	2,361	38,777	16	4,101	1,24,440	36
3,501	1,84,127	52	2,587	61,159	19	6,088	2,35,286	38
8,210	4,36,920	50	6,553	1,33,217	18	14,763	5,60,146	37
294	14,746	50	117	3,665	31	411	18,411	44
457	23,679	51	503	9,589	19	960	33,268	35
14	549	39	69	1,004	15	83	1,643	20
297	13,519	45	1,066	14,815	14	1,363	28,334	25
1,062	52,493	50	1,755	29,073	16	2,817	81,656	30
9,272	4,89,413	53	8 308	1,62,290	18	17,580	6,41,802	36

Categories of Garasdars and Barkhalidars.	No. of landholders	Holdings and Gharkhed held.		
		Total area in acres of Garas or other alienated holdings.	Gharkhed in possession of Garasdars and Barkhalidars	
			No. of landholders having Gharkhed.	Acreage of Gharkhed.
1	2	3	4	

JHALAWAD

(No. of entire

Talukdars and Bhagdars.	2,725	3,26,058	913	74,040
Mulgarasias.	1,791	1,56,162	1,357	30,192
Bhayats	2,954	3,61,627	1,661	1,24,298
Total.	7,470	8,43,847	3,931	2,28,530
Inamdars.	318	17,890	81	2,235
Jiwaidars and Chakariat.	1,208	37,531	769	12,511
Dharmada-Kherati.	3,319	64,428	1,390	17,473
Total.	4,845	1,19,849	2,240	32,219
Grand-total.	12,315	9,63,696	6,171	2,60,749

Land in possession of tenants of Landholders.

No. of tenants having not less than 32 acres and their acreage.			No. of tenants having less than 32 acres and their acreage.			Total number of tenants and their acreage.		
No	Acreage.	Average	No	Acreage.	Average	No.	Acreage.	Average
5			6			7		
DISTRICT.								
non-khalsa villages 417).								
2,991	1,05,542	35	3,228	45,192	14	6 219	1,50,734	24
710	26,950	38	1,416	15,576	11	2,126	42,526	24
3,459	1,47,525	43	3,921	50,577	13	7,380	1,98,102	27
7,160	2,80,017	38	8,565	1,11,345	13	15,725	3,91,362	25
14	504	36	35	319	9	49	824	22
312	10,922	35	781	7,036	9	1,093	17,958	22
1,832	64,105	35	4,747	31,475	7	6,579	95,580	21
2,158	75,531	35	5,563	38,830	8	7,721	1,14,362	21
9,318	3,55,548	38	14,128	1,50,175	11	23,446	5,05,724	23

Categories of Garasdars and Barkhalidars.	No of landholders	Holdings and Gharkhed held.		
		Total area in acres of Garas or other alienated holdings.	Gharkhed in possession of Garasdars and Barkhalidars.	
			No. of landholders having Gharkhed.	Acreage of Gharkhed.
1	2	3	4	

GOHELWAD

(No. of entire

Talukdars and Bhagdars	1,632	138,175	129	27,940
Mulgarasias	5,160	412,819	2,418	1,43,801
Bhayats ...	478	68,075	87	7,886
Total ...	7,270	6,19,069	2,634	1,79,627
Inamdars ...	607	22,654	74	4,418
Jivaidars and Chakariyat.	1,821	58,959	560	20 964
Dharmada Kherati.	2 222	67,257	364	19,822
Total ..	4,650	1,48,870	998	45,204
GRAND TOTAL ...	11,920	7,67,939	3,632	2,24,831

Land in possession of tenants of Landholders.

No of tenants having not less than 32 acres and their acreage.			No. of tenants having less than 32 acres and their acreage.			Total number of tenants and their acreage.		
No.	Acreage.	Average	No.	Acreage.	Average	No	Acreage.	Average
5			6			7		
DISTRICT.								
non-khalsa villages 299)								
1,262	63,172	50	2,125	32,683	15	3,387	95,855	28
2,846	1,03,720	37	5,068	1,19,001	23	7,914	2,22,721	28
675	28,529	42	920	19,441	21	1,595	47,960	30
4,783	1,95,421	43	8,113	1,71,125	20	12,896	3,66,536	29
217	8,790	40	617	9,886	16	834	18,676	22
494	13,432	27	1,242	16,212	13	1,736	29,644	17
431	10,909	29	1,792	24,828	19	2,223	35,737	22
1,142	33,131	29	3,651	50,926	16	4,793	84,057	18
5,925	2,28,552	38	11,764	2,22,051	19	17,689	4,50,593	25

HALAR

Categories of Garasdars and Barkhalidars.	No of landholders	Holdings and Gharkhed held.		
		Total area in acres of Garas or other alienated holdings.	Gharkhed in possession of Garasdars and Barkhalidars.	
			No. of landholders having Gharkhed.	Acreage of Gharkhed.
1	2	3	4	
			(No. of entire	
Talukdars and Bhagdars	540	48,428		2,641
Mulgarasias	2,630	2,06,440		1,04,119
Bhayats	1,730	1,73 964		51,601
Total	4,900	4 28,832		1,58,361
Inamdars	212	12,276		4,040
Jiwaidars	325	46,279		7,416
Pasaytas	105	3 990		3 283
Dharmada Kherati	947	56,217		9,816
Total	1,589	1,18,762		24,555
Grand total	6,489	5,47,594		1.82.916

Figures not readily available.

Land in possession of tenants of Landholders.

No. of tenants having not less than 32 acres and their acreage.			No. of tenants having less than 32 acres and their acreage.			Total number of tenants and their acreage.		
No.	Acre-age	Ave-rage	No.	Acre-age	Ave rage	No.	Acre-age	Ave-rage
5			6			7		
DISTRICT.								
non-khalsa villages 272)								
657	35,605	54	338	7,422	22	995	41,027	38
923	51,066	55	962	16,922	17	1,885	67,988	36
1,549	82,106	53	1,038	18,419	18	2,587	1,00,525	36
3,129	1,68,777	54	2 338	42,763	19	5,467	2,09,540	37
90	4,947	54	191	2,426	12	281	7,373	38
349	18,826	54	554	8,389	15	903	27,215	35
6	383	63	9	141	16	15	524	40
408	21,960	53	810	12,123	15	1,218	34,083	34
853	46,116	56	1.564	23,079	14	2,417	69,195	35
3982	2,14,893	55	3,902	65,842	15	7,884	2,78,735	36

Categories of Garasdars and Barkhalidars.	No. of landholders	Holdings and Gharkhed held.		
		Total area in acres of Garas or other alienated holdings.	Gharkhed in possession of Garasdars and Barkhalidars.	
			*No. of landholders having Gharkhed.	Acreage of Gharkhed.
1	2	3	4	
				GRAND
				(No. of entire
Talukdars and Bhagdars.	5,524	7,75,732	1,076	1,12,833
Mulgarasias ...	15,507	10,99,833	5,196	3,83,038
Bhayats ...	7,729	9,63,884	1,856	2,42480
Total ..	28,760	28,39,449	8,128	7,38,351
Mehrs and Maiyas.				
Total. ...	3,720	44,668	3,702	37,164
Inamdars ...	2,354	1,60,453	547	17,162
Jiwaidars and Chakariat.	6,107	2,47,432	2,321	68,588
Dharmada-Kherati.	10,787	3,99,340	2,764	71,910
Total. ...	19,248	8,07,225	5,632	1,57,660
GRAND TOTAL ...	51,728	36,91,342	17,462	9,33,175

*For three districts only

Land in possession of tenants of Landholders.

No. of tenants having not less than 32 acres and their acreage.			No. of tenants having less than 32 acres and their acreage.			Total number of tenants and their acreage.		
No.	Acreage.	Average	No.	Acreage.	Average.	No.	Acreage.	Average.
5			6			7		
TOTAL.								
non-khalsa villages 1,726)								
3,526	4,03,118	48	7,836	1,97804	18	16,362	5,32,133	34
6,846	2,95,173	44	11,972	2,28,824	17	18,818	5,24,197	28
9,738	4,66,847	47	10,134	1,75,740	17	19,872	6,32,377	30
25,110	11,65,138	46	29,942	6,02,368	17	55,052	16,88,707	31
37	1,458	39	221	2,771	12	258	4,229	16
1,285	57,317	44	2,971	51,160	17	4,256	1,08,577	30
1,908	77,501	44	5,064	64,922	14	6,972	1,42,513	26
4,007	1,61,108	44	13,318	1,51,262	14	17,325	3,12,280	24
7,200	2,95,926	44	21,353	2,67,344	15	28,553	5,63,370	26
*32347	14,62,522	45	*51516	8,72,483	17	*83863	22,56,306	27

*Many of these tenants have additional khalsa lands.

APPENDIX

STATEMENT SHOWING NUMBER OF

Garasdar landholders *i. e.*, talukdars, bhagdars, mulgarasias, bhayats, anpeta-bhagdars. Total No.	No. of those holding less than 80 Acres.	Percentage of those in col. 2 to the total in col 1.	No. of those holding between 80 and 800 Acres.
1	2	3	4
			SORATH.
2,962	2,604	85.0 %	310
		MADHYA	SAURASHTRA
6,158	4,154	67.5 %	1.894
			JHALAWAD
7,470	4,120	55.2 %	2,990
			GOHELWAD.
7,270	6,163	84.8 %	1,036
			HALAR.
4,900	3,398	69.3 %	1,331
* 28,760	20,439	72.7 %	7,561

IV

GARASDARS OF DIFFERENT CLASSES.

Percentage of those in col. 4 to the total in col. 1.	No. of those holding more than 800 Acres.	Percentage of those in col 6 to the total in col. 1.	Remarks.
5	6	7	8
DISTRICT			* This figure is exclusive of Mehrs and Maiyas among whom 70 % may be taken as landholders below 80 acres.
10.4 %	48	1.6 %	
DISTRICT			
30.7 %	110	1.8 %	
DISTRICT			
40 4 %	360	4.8 %	
DISTRICT			
14.3 %	71	.9 %	
DISTRICT			
27.2 %	171	3.5 %	
24.4 %	760	2.9 %	

APPENDIX

STATEMENT SHOWING HOLDINGS OF

Garasdar landholders i. e. talukdars, bhag dars, mulgarasias, bhayats and peta-bhagdars. Total No.	Total area of holdings of those in col. 1. Acres.	Area held by those holding less than 80 Acres.	Percentage of the area in col. 3. to the total area in col. 2.
1	2	3	4
			SORATH.
2,962	2,35,880	67,991	28 %
		MADHYA	SAURASHTRA.
6,158	7,11,822	1,61,852	23 %
			ZALAWAD.
7,470	8,43,846	1,57,026	18 %
			GOHELWAD.
7,270	6,19,069	2,18,566	35 %
			HALAR.
4,900	4,28,832	1,36,971	32 %
*28,760	28,39,449	7,42,406	27 %

V

DIFFERENT CLASSES OF GARASDARS.

Area held by those holding between 80 and 800 Acres Acres.	Percentage of those in col. 5 to the total area in col 2.	Area held by those holding more than 800 acres. Acres.	Percentage of those in col. 7 to the total area in col. 2	Ramarks.
5	6	7	8	9
DISTRICT				*This figure is exclusive of Mehrs and Maiyas as stated in Appendix IV.
71,611	32 %	96,278	40 %	
DISTRICT				
3,68,460	51 %	1,81,510	26 %	
DISTRICT				
4,59,245	55.5 %	2,27,575	26 5 %	
DISTRICT				
2,67,643	43.2 %	1,33,460	21.5 %	
DISTRICT				
1,25,921	29.36 %	1,65,940	38.69 %	
12,92,280	42.4 %	8,04,763	30.6 %	

APPENDIX

STATEMENT SHOWING RELATIVE ACREAGE OF KHALSA AND

	Sorath.		Madhya Saurashtra		Zhala-
	khalsa.	non-khalsa.	khalsa	non-khalsa	khalsa
Acreage of land under cultivation.	11,26,732	4,76,945	13,60,023	8,08,988	7,16,000
No. of khatedars-cultivators/tenants	53,686	17,264	37,174	17,580	17,002
How many cultivators have not more than 40 acres in khalsa area.	45,687	.....	25,333	.....	10,585
How many tenants have not more than 32 acres in non-khalsa area.	.....	13,414	.....	8,308	.....
How many cultivators have more than 40 acres in khalsa area.	7,999	...	11,841	.....	6,417
How many tenants have more than 32 acres in non-khalsa area.	.....	3,850	.....	9,272	.....

VI.

NON-KHALSA LAND AND NUMBER OF CULTIVATORS.

wad.	Gohelwad.		Halar.		Total.	
non-khalsa.	khalsa	non-khalsa.	khalsa.	non-khalsa	khalsa	non-khalsa.
7,66,473	12,02,140	6,75,424	9.40,995	4,61,651	53,95,890	31,89,481
23,446	44,026	17,689	32,947	7,884	1,84,835	83,863
.....	31,982	.....	18,879	.....	1,32,466	.....
14,128	.....	11,764	.....	3,902	.....	51,516
.....	12,044	.....	14,068	.....	52,369	.....
9,318	.....	5,925	.....	3,982	.....	32,347

APPENDIX

STATEMENT SHOWING PRE-MERGER POSITION AS

Name of district.	khalsa villages		non-khalsa			
			Mulgaras.		Talukdari.	
	* S.	† N. S.	S.	N. S.	S.	N. S.
1 Sorath ...	604	63	15	11	10	58
2 Madhya-Saurashtra	533	60	7	27	...	191
3 Jhalawad ...	167	86	...	1	...	240
4 Gohelwad ...	571	97	16	92	...	156
5 Halar ...	491	17	3	53	2	39
Total ..	2,366	323	41	184	12	684

* S—surveyed. † N. S.—not surveyed.

VII.

REGARDS SURVEY OF KHALSA AND NON-KHALSA VILLAGES.

villages.

Bhayati		Other hak-patrak holders.		Inami.		Dharmada.		Pasayati.		Total No. of non-khalsa.		Total No. of villages.
S.	N.S.	S.	N.S.	S.	N.S.	S.	N.S.	S.	N.S.	S.	N.S.	khalsa & non-khalsa.
15	23	...	...	32	21	48	55	10	33	130	206	1,003
37	113	2	1	5	16	2	1	...	...	53	349	995
30	108	...	...	8	7	2	11	1	9	41	376	470
16	44	5	...	4	...	37	6	23	...	100	299	1,067
16	37	...	...	5	...	10	7	...	...	36	136	680
114	330	7	1	54	44	99	80	34	42	360	1366	4,415

APPENDIX VIII.

STATEMENT SHOWING SURVEY SETTLEMENT AND LAND TENURE IN THE FORMER STATES OF CLASSES I TO IV.

Total number of States ...		33	
Area in square miles. ...		18,027	
No. of villages.			
khalsa ...		2,564	
non-khalsa ...		1,114	
Mulgarasia	246		
Bhayati	437		
The rest	431		
	1,114		
Total of khalsa and non-khalsa ...		3,678	Inclusive of the former Civil Stations and Thana areas, the total number of villages in Saurashtra is 4,415.
Survey.			
Surveyed villages		2,625	
khalsa	2,226		
non-khalsa	399		
	2,625		

Years of survey and revision of survey, if any.

Junagadh–1895 to 1905 ; Nawanagar–original 1899 to 1916, revision 1929 to 1944 ; Bhavnagar–original 1868 to 1879, revision 1923 to 1928 ; Porbandar–1890–1900 ; Dhrangadhra–1920–1925;

Morvi-original 1873, revision 1932-1947 ; Gondal-1874 ; Wankaner-1924 ; Limbdi-1898 to 1903 ; Rajkot-1869 ; Wadhwan-original 1897, revision 1918 ; Lakhtar-1883 ; Sayla-1915; Jasdan-1923 ; Manavadar-1910 ; Kotda-Sangani-1895 ; Vanod-1909.

In all the above States, the survey was done by cross-staff theodolite system.

Unsurveyed villages		949
khalsa	327	
non-khalsa	622	
Total	949	
Total of surveyed and unsurveyed villages ...		3574
Classification :		
Classified villages ...		1,689
khalsa	1,655	
non-khalsa	34	
Total	1,689	
Unclassified villages ...		1,193
khalsa	568	
non-khalsa	625	
Total	1,193	

Total of classified and unclassified villages. 2,882

Years of Classification :

Junagadh–1919; Nawanagar–1910–1942; Bhavnagar–original 1876-1900, revision 1923-1928; Wadhwan–original 1897, revision 1917;

Settlement :–

khalsa villages	1,535
non-khalsa "	...
Total	1,535

Junagadh–1919; Nawanagar–1915–1946; Bhavnagar–1925–1936; Gondal–1884; Wadhwan–original 1899, revision–1918.

Land Tenure and Revenue Assessment ...

Land Tenure

Khalsa villages :—

Junagadh–Occupancy rights., Nawanagar–Buta hak, Bhavnagar–Occupancy right, Dhrangadhra–Buta–hak, Morvi–do, Gondal–Occupancy rights, Limbdi–Chav hak in a few villages, Wadhwan–Occupancy rights, Jasdan–Chav hak, Bilkha–Occupancy rights, The rest–Tenancy–at–will.

Occupancy rights were given free of price by the Gondal State: the rights given by other States were somewhat short of full occupancy rights.

Non–khalsa villages :—

Except in Nawanagar and Morvi, tenancy–at–will prevailed everywhere in non khalsa areas. In Nawanagar and Morvi, buta hak was given in non–khalsa areas on lands taken under management.

Land Revenue assessement.

Khalsa villages :—

Cash assessment :— Junagadh, Nawanagar, Bhavnagar, Morvi, Gondal, Palitana, Wadhwan, Virpur. Crop share :- the rest.

In some khalsa villages of the States of Dhrangadhra, Wankaner, Limbdi, Rajkot and Jetpur *udhad* (lump sum) cash assessment was fixed.

The cash assessments fixed in the nineties in Morvi and Gondal remained unchanged. The system of collecting land revenue in the Morvi State corresponded to the *bhaichara* system of the N. W. P. Land revenue in Palitana was fixed in cash on each occupancy (*chav*) on the following system. The average of the actual income of crop shares of 1870 and 1871 was fixed in 1872 which since remained as the maximum recoverable in a sixteen anna year. Nothing more was recoverable even if the year was more than a sixteen anna year, but if the crops failed, there was proportionate decrease. The maximum recoverable in every year was fixed in consultation with the leading cultivators of each village after taking into account the average yield of the crop, prevailing prices and the general conditions of the village.

Non-khalsa villages :—

Generally crop share system prevailed ; in some cases lands were farmed out or given on *udhad* (lump sum).

In some non-khalsa villages of the former Bhavnagar State, cash assessment was introduced on the lines of khalsa villages.