LAND TAXATION AND TENURES IN INDIA

BY

MANEKLAL H. VAKIL.

"Our Office (All India Congress Committee's) is especially interested in this subject at the present moment and pamphlets like yours will be of use to us in getting facts and figures."

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CONTENTS.

PREFACE.

The following series of articles were published in the Nationalist Dailies of the major Provinces in India towards the end of 1936 and reprinted in the *Modern Review* from January to April this year. In consequence of a frequent request for them in a collected form, they now appear as a pamphlet.

The subject of the reconstruction of the Indian village and peasantry has been extremely topical since the world fall of prices in 1929 and is a part of the political programme of all parties in this country including the foreign bureaucracy though each party would go to varying limits in dealing with the problems of the poverty and backwardness of the Indian peasant. Under such conditions this historical jurisdical study will, it is hoped, serve a useful purpose in clearing up the fog that surrounds the problem and expose the hypocritical pretensions of the various parties to ameliorate the conditions of life of the Indian peasantry. It will help the young political worker in the various Nationalist Parties both inside as well as outside the Legislatures to appreciate the magnitude of the problem and the radical Legislation necessary to tackle the same.

As the pamphlet passes through the Press, a *Gazette of India Extraordinary* publishes the Instrument of Instructions to the Governor-General contained in the Letters Patent with the following directions under the New Government of India Act of 1935: "Amongst the classes of Bills which the Governor-General shall not assent to but shall reserve for signification, is specified any Bill passed by the Provincial Legislatures and reserved for his consideration which would alter the character of the Permanent Settlement." The proposal to alter any existing taxation in the Provinces requires the previous sanction of the Governor before introducing a Bill for the purpose in a Provincial Assembly and would further have to pass the Upper House representing the propertied interests before it would come up for the assent or veto of the Governor and the Governor-General even in the case of land that is not subject to the Permanent Settlement of the type of old Bengal. The difficulties in the way of a radical legislation that is already overdue are, therefore, insurmountable under the New Constitution and so even the Governors' Minority Ministries are just formulating some proposals of land reforms which will

however drive the Nationalist Congress majorities to adopt a forward programme, though inadequate in character under the influence of the limited electorate of a restricted franchise far short of adult suffrage. Radical proposals of reform will always be styled revolutionary by the opposing vested interests till an actual revolution is at the door when it would be too late to stop it.

Statistics of population, areas, land tenures and taxation in the different Provinces for the last few years have been added in the Appendix which will show the relative total of the land tax in each Province under the different systems of Revenue Settlement. The Permanent Settlement of Bengal shows the smallest Revenue to the State while other Zamindari Provinces show larger amounts but not as large as under the Bombay or Madras Ryotwari Settlements. The reader will be able to draw his own conclusions as to the wasteful extortions of the Zamindari Provinces, the rent being four times the land-tax in Bengal with corresponding rents elsewhere as also to the difficulties in the way of reducing the Zamindar's share to a minimum and the utter absurdity of awarding compensation to abolish the Zamindari System.

Bombay,
15th May, 1937.

MANEKLAL VAKIL.

LAND TAXATION IN INDIA

I

Who is the Owner of Land?

"The Land Revenue is of such importance to our Indian Empire that many persons desire to have some general knowledge of what it is and how it is levied and managed. Intimately connected on the one hand with the past history and later developments of land tenures, it appeals to the Jurist and the Student of the growth of institutions and customs; not less connected on the other hand with questions of taxation, land-valuation, rent and agricultural conditions in general, its administration invites the notice of the economist." (Baden Powell's *Land Revenue Administration*).

"The tenure of the Zamindars of Bengal represents a late if not the latest development in the land-interest and was the localised outcome of the dying of a corrupt system of State management. The study of it can throw no light on the real customary tenures of the country."

The modified Zamindari system which was later adopted in the United Provinces, the Central Provinces, the Punjab and the Northern Districts of Madras was also given up and the Ryotwari System of Bombay was practically adopted by the British Government for the rest of India.

The Bombay Land Revenue Code does not enunciate any theory of proprietary right. It does not call the land-holder a proprietor but it describes what the practical results of his rights are. The right of occupancy is itself a property being permanent, heritable and transferable.

Mr. F. G. H. Anderson in his latest edition of the Land Revenue Rules of 1921, printed at the Government Central Press, Bombay, admits that at the dawn of History in Vedic India the texts lean to the view that land revenue was a tax for the maintenance of King and the benefit of his Government. He, however, states that

"The most modern theorists in economics maintain that the community by its representative, the Government, is entitled to the rent on land more specially that of non-agricultural land which is less earned than any rent. This right is not based upon the theory of ownership."

He is further of opinion that "if the Government can tax even up to the extent of taking all the unearned rent, then the distinction between the ownership and right of taxation is purely academic. For land on which the occupancy has been granted since establishment of the present Government, of course the proprietary right is unquestioned and such land forms a very large portion of the existing cultivated area more especially in the Bombay Presidency."

The Bombay Land Revenue Code, however, is drafted on the implied assumption that the Government is the owner of all the land in the country including the land which is cultivated by the peasant. Failure to pay the Revenue assessment renders the land liable to forfeiture even though the peasant's rights in the land might have increased a good deal in the market value. Moreover, it gives a peasant no right to what is below the surface. He has no right to any mines or mineral products which are reserved to the State. The Revenue assessment which is a tax payable in cash alone is liable to be increased and the principles of such increase are beyond the understanding of the common peasant. According to the ancient Sanskrit writers the land is not the subject of gift by the Government for as regards its proprietorship all men stand in the same position. When land must have been plentiful it would naturally belong to the first occupier or the person who would clear the forest and make it cultivable. The waste land was the *res-nullius* of the ancient Roman Law to belong to nobody, not even the king. He merely exercised jurisdiction over persons who resided within his kingdom and in return for the protection which he offered and the assistance which he could render from the combined collections in the Treasury he was entitled to a tax which was levied in kind and not in cash. In the nineteenth century the payment in kind was replaced by the payment in money which was supposed to have a stable value at least more stable than the price of the natural produce of agricultural land. The payment in cash was preferred by Governments to enable them to make proper estimates of their budgets and thereby come to a certainty as to the income of the Government. It was alleged, however, that it was also beneficial to the peasant inasmuch as it enabled him to know exactly what assessment was to be paid. This worked fairly well so long as no attempt was made to increase the assessment which was guaranteed at least for a period of 30 years from the land settlement. But in the post-war revision of settlements, the cash assessments were revised consi-

derably as a result of post-war inflation of currencies and prices throughout the world. Since the general decline of prices in 1929 as a result of increased production and curtailment of Bank credits the peasant has been unable to make both ends meet and the cash assessment became difficult to be paid by him as he could not realise the necessary cash from the sale of his surplus produce. Governments in all countries thereupon embarked on the further depreciation of currencies and protective tariff to safeguard the local industries, both agricultural and industrial. Money has thus become as unstable in value as any other commodity which depends upon the currency and tariff policy adopted by any particular Government in retaliation to a similar policy followed by the great exporting countries of the world.

The argument of certainty of payment which obtained in the 19th century is absolutely incorrect in these days. On the other hand, before the advent of British Rule the peasant according to "the ancient law and constitution prevailing in India" used to pay his land tax by the share of the produce under Hindu Rajas and even under the settlement of the Mahomedan Emperor Akbar had the option of paying the tax in kind or in cash as he chose. A share of the produce which was a fixed one according to the quality or class of land he cultivated, was very convenient to the peasant. If he had to leave a part of his land fallow for the purpose of the rotation of crops, there would be no production from that part and therefore no tax on the same. If there was a bumper harvest the State would get a larger quantity and if there was a lean year the share of the State would also automatically decrease. In years of famine brought by either drought or heavy floods the State would naturally get nothing. On the other hand, the State would also have to assist the peasant if he happened to be without any private resources to enable him to tide over the particular season or year.

According to section 39 of Pitt's India Act of 1784 which wanted to put a stop to the "corruption and oppression that everywhere prevailed, the Government of the East India Company were to settle and establish upon principles of equity and justice, according to the laws and constitution of India, the permanent rules by which their tribute, rents and services shall be in future rendered by the Ryots, Zamindars, Polygars, Talukdars and other native land-holders."

Lord Cornwallis practically ignored the provisions in Pitt's India Act in favour of the Ryots and created Zamindras and Rajas in Bengal

from mere adventurous farmers of revenue to fill the coffers of this Company. Cambridge History of India drops the word Ryots and substitutes the word Rajas in giving a summary of section 39 of the Pitt's India Act of 1784. In the Company's analysis of Laws and Regulations, the Pitt's India Act contains the word Ryots. The laws and constitution of India referred to in the said section 39 would naturally mean the customary tenures of the peasant proprietor in the soil under the Hindu Rajas according to the Sanskrit laws as well as under the Mahomedan Rule as can be seen from the Ain-i-Akbari of Akbar which was being quoted by the Governors-General in their despatches to the Court of Directors of the East India Company in London.

Apart from the right of the first occupier or clearer of waste-land to hold it as an absolute owner subject to payment of any tax which the Government may constitutionally levy from time to time, there is another theoretical argument advanced that the right of conquest gave to the conquerers the right of ownership. Such a right of ownership is very frequently before the mind of the Revenue Officials in British India as well as the Indian States. Most of the feudal princes claim to be the owner of land in their State as a result of conquest during the troubled times. This is an absolutely untenable theory because no conqueror can turn all his subjects into slaves attached to the soil. The King or any other type of constitutional Government can levy a tax in return for the protection and other assistance which the State is expected to award to its subjects.

No King or Executive Government can dare dispossess all its subjects for fear at least of a general rebellion. In practice they dare not disturb out of policy the possession of the agriculturist owner as they find it inconvenient to do so. There must be somebody to till the land and raise crops to enable the State to realise a tax out of the same. The theoretical occupancy right, permanent, heritable and transferable, is got to be conceded and the poor peasant does not know any difference between the right of absolute ownership and such a right of occupancy. He is simply defrauded by the law-makers of the particular epoch and the theory of the right of conquest giving the king the absolute ownership in the land is merely a fiction of the jurists who are anxious to please the ruling power whether the same be in the form of monarchy or the trading corporation like the East India Company or the Constitutional Government like the Government of the King in Parliament. The poor Indian peasant knows nothing about the English language nor about the juridical and economic

theories expounded by the supporters of the Government in the Legislatures or the paid officers of the Bureaucratic administration.

From the foregoing discussion it will be seen that the peasant was the owner of the soil which he cultivated and he received various benefits from the Government in the form of protection, free grazing in the commons, and assistance to tide over a temporary financial difficulty in return for a share of the produce of the land which he cultivated by way of a contribution to the State expenses. He has been deprived of this right of ownership in the land by the creation of landlord interests under the British Government and his pauperization increased under the money economy which made him a chronic debtor in his complete illiteracy to the shrewd village money-lender or Zamindar.

The peasant proprietor is being fast turned into an annual tenant paying exorbitant rent to the so-called occupancy Khatedar who assumes the roll of a small Rentier while the increasing population has turned nearly half the agricultural land-workers into landless labourers on the soil.

II

What Does the Peasant Pay?

To appreciate the incidence of the various taxes, cesses and dues paid directly or indirectly by the peasant, it is necessary to have some idea of how the peasant actually stands in the cultivation of his land. He must own, if he possibly can, the plough, cattle and the manure, implements of agriculture and if he has not got these then he must borrow them in return for his labour. He must also have the money to pay for his seed and this also he may have to borrow at an exorbitant rate of interest, may be, by undertaking to pay double the quantity he borrows by mortgaging the crop which is yet to grow. The only thing that an Indian peasant of these days can call his own is his manual labour and for that too he must feed himself, his wife and children and the milking cow and the plough cattle in the course of the year.[1] To feed his cattle he must also have to raise fodder on a part of the land. In addition to this he generally has in these days to pay interest on the accumulated debts of previous years. The exploitation by the priest who is supposed to meet his spiritual needs and his victimization in his ignorance of unproductive social expenditure is a heritage of the past evil of the Indian soil. The State in India does little to give him any facilities for modern

education to enable him to understand the evil effects of such exploitation and unproductive expenditure. He is generally illiterate and the State in India does very little to remove his illiteracy. He has no scope, therefore, to know any thing better, not even the necessity of village sanitation, better help of his family and cattle or the economic and the legal system by which he is being continuously exploited. He is, therefore, completely disabled in his poverty and ignorance till he re-educates himself, nor has any inclination to send his little children to school if there happens to be any in the neighbourhood, inasmuch as he can ill-afford to spare the time of his children from looking after the grazing cattle and watching the crops. The vicious circle goes on from generation to generation and there is very little hope left for him to improve his general health and education beyond the fossilized culture of the priest's sermons without any real improvements, physical or mental. What one observes on the countryside is a continuous decline in the racial physique of the Indian peasant. A foreign bureaucrat cannot be ignorant of this state of affairs but either he is indifferent or feels utterly helpless to do anything for the improvement of the Indian peasant when he is hide-bound by the laws which he must administer and the policy which he must execute. Even a majority of the educated classes in India have not yet become conscious of this continuous racial decline for the past century and a half and the few educated men who have understood it feel equally helpless in effecting any improvement for want of any control over State finances or an organization of a statutory character which can serve the people by diverting the State revenue to schemes for rebuilding the racial, cultural and economic life of the modern Indian nation in the twentieth century. The Pax Britannica has destroyed the martial spirit or even that of any economic enterprise both amongst the Indian peasant as well as the dweller of the town. It has rendered them inefficient slaves to carry on economic production in a grinding system of heavy taxation to pay every year the fat salaries of the bureaucracy and the heavy drain of all surplus by way of interest, dividend and tribute to England for the past services of a few foreigners and loans of money financed by the surplus derived from this country itself in the previous years.

In this hopeless and helpless condition of affairs commissions of foreign experts arrive in India to remedy the things and make recommendations without touching the fundamental policies of Imperialism and even these recommendations fail to be carried out by the Executive

Government as inconvenient to the main policy dictated from Whitehall. Even the Royal Commission of Agriculture presided over by the present Viceroy which submitted its Report in 1928 had merely to deal with the economic side of agriculture without discussing the legal tenures or the taxation policy of the Government of India. Remedies have been suggested therein which nobody thought of executing with seriousness until His Excellency's arrival in India after a period of about seven years. Even then these remedies are being attempted to be put into practice but without much hope of success and therefore in a half-hearted spirit. But the bureaucratic administration have to make a show of such attempts because the Viceroy wishes them to do so. If Lord Linlithgow really wants to do something for the Indian peasant he will have to look for the remedies outside the report of the Commission and embark upon a new policy and new laws and in attempting to do so His Excellency may have to fight strenuously against the autocratic dictation of the Grand Moghul in Whitehall. Even under the new constitution he will have to make it absolutely clear that he will support the Provincial Governments if their Legislatures desire any radical change in the laws of Land Tenures and the new system of taxation involving a just and equitable incidence of tax according to the capacities of the individual to pay; but it is more than doubtful whether even the new Legislatures can embark upon such a policy inasmuch as the very constitution itself has been so framed as to debar by the heavily weighted majority of vested interests in the shape of land-holders, and foreign and mixed industrialists from even proposing any such new legislation with any chance of success.

It is all the more necessary, therefore, that the Indian people outside the Legislatures whether they have a franchise or have not yet got it, ought to know exactly what is necessary to revive the Indian peasantry and thereby to rebuild the whole Indian nation in the shortest possible space of time.

The Indian peasant pays a cash assessment to Government through the intermediation of the Zamindars in the Zamindari Provinces of Northern India and Central Provinces, and through the small owners of occupancy even in the Ryotwari tracts in Provinces of the rest of India. In addition to these he pays the Zamindars' share in the shape of heavy rents and he also pays the various local cesses for education, roads, sanitation and what not. He contributes to the famine Insurance Funds,

he pays excise and import duties on the necessaries of life like salt, matches, sugar, imported showy and attractive articles, not to mention the excise duties on alcoholic drinks, opium and other drugs which have ground all the classes of the peasantry with a vicious habit to drown their miseries of a life full of anxiety and of premature old age even though the majority of the peasantry in the villages is still free from drinking and drugs under the influence of prohibition taught both by Islam and Hinduism.

If any attempt is made to improve the economic condition of the peasant by giving him facilities for subsidiary home-industries, the present system of piling indirect tax upon tax on articles of daily consumption leaves the peasant always on the margin of starvation without giving him any economic relief or nation-building culture as a return for some more work in the form of a subsidiary home-industry. His exploitation will still go on and the Indian race and culture would continue to deteriorate.

All attempts at so-called economic improvements of the peasant by giving him the facilities of land-mortgage banks, more co-operative credit, better breeding bulls, encouragement of home industries, must fail to achieve the desired result and will simply divert the attention of national workers from working for a new constitution which can embark upon equitable laws and equitable taxes.

III

Is Land Revenue Rent or a Tax?

In the preceding section we have already indicated that land Revenue in India is in the nature of a tax from the earliest periods and not rent as is sometimes understood by Government Officials in this country. It is, therefore, necessary to examine in greater detail as to why Land Revenue must be considered a tax. It is always best to examine any question on recognized first principles but the tendency is always to demand any authority that can be had from the past in support of conclusions which one might deduce from first principles. A conclusion becomes more convincing if it comes from persons who have always been in the position to judge these things from personal experience and more so if they give the conclusion which is against the interest whom they are expected to serve. Baden Powell in his classic book on

the Land System of British India at page 240, Vol. I, comes to the following conclusion:

"The Land Revenue cannot then be considered as a rent, not even in Ryotwari land where the law (as in Bombay) happens to call a holder of land an 'occupant,' not a proprietor. The special definition does not entitle Government to the true rent. Nowhere and under no Revenue system does Government claim to take the 'unearned increment' or the whole of what remains after the charges of labour or cost of cultivation and profits on capital have been accounted for. If we cannot be content to speak of Land Revenue and must further define, I should be inclined to regard the charge as more in the nature of a tax on agricultural incomes."

The writer of the above words was a member of the Indian Civil Service in Bengal and was also one of the Judges of the Chief Court of the Punjab. He wrote his original manual in 1882 and prepared the new edition in 3 volumes in 1892 which have yet remained a classic on the subject of the land assessment in the various Provinces of British India. He further remarks,

"The Rulers, Rajas and Emperors of successive kingdoms in all parts of India have at all times raised the greater part of their State income by levying a charge on the land. It came to be a universally acknowledged principle that the King, Raja or Chief of a territory had a right to a *share in the produce of all agricultural land.*"

Jaimini, the great Mimansa Philosopher, after discussing threadbare what was and what was not the King's property concludes:

"The land is not a subject of gift by the King, for as regards its proprietorship all men stand in the same position."

Sayana Acharya says,

"The land is not the property of the King. The land of the country cannot be given away."

The Ain-i-Akbari remarks,

"In former times the Monarchs of Hindustan exacted the sixth of the produce of the land as tribute and tax and not as rent. One-third part of the produce of medium cultivated land is the revenue settled by His Majesty."

Jaimini also says,

"The King may not give the land for it is the common property of all."

Savara commenting on this says,

"The King has a right to the definite proportion of the produce because of his giving protection to the crops, etc., but has no right to the land."

Manu says,

"A field is the property of the man that first brings it under cultivation."

Gautam speaks of this share as the gift due to the King because the King was bound to perform certain very onerous duties at the cost of the State and free of cost to the people, *e. g.*—

1. To settle all disputes and even to restore at all cost the value of all stolen property even from the Royal Treasury if it could not be recovered.

2. To provide ample pastures for the cattle at the cost of the State and free of all costs for the people, the breadth of these pastures being 300 cubits of land for each village.

In the time of Chandragupta, Chanakya writes in his Artha Shastra,

"That the King shall make provision for pasture grounds in uncultivable tracts."

He further says,

"During famine the King shall show favour to his people by providing them with seeds and provisions; he may show favour by distributing either his own collections of provisions or the hoarded income of the rich among the people or seek for help from his friends among kings; or the policy of thinning the rich by exacting excessive revenue or causing them to vomit their accumulated wealth may be resorted to; or the King with his subjects may emigrate to another kingdom with abundant harvest."

Colebrooke in his *Miscellaneous Essays on Hindu Law* says,

"The Monarch has no property in the earth. His kingly power is for Government of the realm and extirpation of the wicked; for these purposes he receives tax from husbandmen and levies fines from offenders but the right of property in land is not thereby vested in him."

Dr. Rhys Davids in the *Cambridge History of India* says,

"The rural economy of India at the coming of Buddhism was based generally on the system of village communities, land-owners of what in Europe is known as 'peasant proprietorship.'

He further says,

"Each village had grazing ground for the cattle and a suitable strip of jungle where the villagers had common rights of waste wood."

Any reader who wants to go more fully into this question may refer to the two booklets of Professor Dwijadas Dutt, former Professor of Agriculture, C. E. College, Sibpur, on (1) 'Peasant Proprietorship,' and (2) 'Landlordism In India' from which the above citations have been taken.

It is argued sometimes that the ancient Sanskrit Commentaries on Hindu Law had not the force of Law in the modern sense as having been enacted by the State and liable to be enforced with the power of the State behind them. Even these writers have always stated that custom is transcendent law and no king in those days dared oppose the influence of customary law for fear of Brahmanic religious sanction and of serious unpopularity which may involve his deposition by the people. It is therefore, untrue to say that the ancient laws and constitution of India fixed the share of the King at a much smaller fraction which was not enforceable as law. It must, however, be conceded that in times of trouble, Civil War or any other provincial warfare in which a disintegrating paramount power was involved, exactions were made of as large revenue as possible at the point of the bayonet as it did happen in the decline of the Moghul and Maratha Powers, on the ashes of which came into prominence the influence and the power of the East India Company. In case of war all kings even at the present times need money and adopt all sorts of measures to raise it by increased taxation, loans or even the dishonest method of debasing the paper currency under the sanction of emergency legislation or executive orders in Council.

The Mahomedan Rulers of India observed the old Hindu Laws with or without modifications even to the Lodi Dynasty and these laws have practically been collected in the Ain-i-Akbari of the great emperor Akbar. They claimed a contribution or 'vali' from the husbandmen in return for the cares of royalty and not on the ground that any confiscation had taken place of the husbandmen's lands as a result of conquest. The Muslim Rulers never claimed the peasants' land as royal

land by virtue of the right of conquest nor did they give away any land to their favourites as in England at the time of the Norman Conquest which enabled the British aristocracy to claim their estates as free from rent but entitled them to claim rent in their turn from their tenants. It was only Lord Cornwallis who brought this notion of the British aristocracy and made the Permanent Settlement with the Bengal farmers of revenue and thereby created a hereditary landlord class by depriving the Ryots or peasants of their hereditary ownership of land and thus reducing them to mere tenants whose rights were later determined by the various Tenancy Acts in Bengal.

Writes Baden Powell at page 244, Vol. I,

"The inconvenience and injustice to the public of fixing the revenue for all times regardless of changes in the value of produce or rise and fall of agricultural incomes were recognized soon," after the Permanent Settlement of Bengal.

The Zamindari system, therefore, provided in U. P., the Punjab or C. P. by assessment of Zamindars being fixed only for 30 years and by instituting the Ryotwari system in Bombay and Madras (except the Northern Circars).

Mr. F. G. H. Anderson, Settlement Commissioner, and Director of Land Records till 1929, writes in a supplement to the Bombay Land Revenue Rules (1921) at page 226 of the 1935 reprinted edition,

"The proprietary right of Government over all land is discussed in G. R. No. 4239 and No. 5293 of 1873 and that right was reserved in Government Circular No. R-3361 of the same year."

And this has taken place in Bombay in spite of the fact that

"The Doctrine that the land belongs to the State as Crown Property was repudiated in the despatch of the Court of Directors dated 17th December 1856 and it was there claimed that the land assessment should be treated as taxation and not as rent."

The same position was re-affirmed in the despatch of Sir Charles Wood in 1864. Again in para 31 of the Despatch of Lord Lytton's Government to the Secretary of State dated 8-6-1880 a similar disclaimer of the assertion of the general proprietary right is to be found. But nevertheless continues Anderson,

"The right to impose upon all land in India was no less firmly maintained. Indeed, there is no practical difference; and if Government

can tax even up to the extent of taking all the unearned value in the land, then distinction between ownership and right of taxation is purely academic."

No doubt this is from the said Government publication in a prefatory resolution (R. 55 of 1921) to which Government state,

"It must be clearly understood that Government did not endorse the commentator's view or accept responsibility for the accuracy of all the matters in the commentary." But even now the Government of Bombay or for the matter of that the Government of India have not defined their exact position with reference to this question of Land Revenue being either a rent or a tax in spite of orders issued by Lord Curzon's Government, namely, 'the Land Revenue' resolution of 16th January, 1902, 'the Suspension and Remission' resolution of 25th March, 1905 and 'the Land Improvement' resolution dated 24th May 1906, which are said 'to constitute the complete exposition of the principles for the Land Revenue administration in future.'

IV

The State, The Landholder and the Peasant.

We have already seen that even after conquest the conquering power did not disturb the proprietary right of individual peasants and made settlements of Land Revenue with the village community through their accredited representatives of the village Panchayat. Even where the kingdoms in size were large or had to utilize the services of warlike Chiefs of armed men to maintain peace and order, the distant king made grants to such Chiefs or turned them into feudatories by leaving to them their early rights of getting revenue from the peasantry according to the old custom subject to the payment by these Chiefs of a portion of their former revenue as tribute to the paramount power for the functions it would have to perform against a foreign invasion or internecine warfare between Chiefs of different provinces. Such grants which assumed various names as Inam, Jagir, or feudal rights of some form or other merely granted the right to collect the land tax and retain the whole or a part of it, that is, a share of the produce from the peasant but could give no proprietary right to such feudal holder inasmuch as the King himself had no ownership in that land. In the 18th century owing to the frequent wars between the declining Moghul power and the rising Maratha confederacy, the state of the country was continuously disturbed and gave

rise to the system of collection by provincial Governors at the head of armies in the form of Chauth, Sardeshmukhi, Forage etc., and later to a system of regional collectors of the State's share by annual contracts subject to the deduction of a certain percentage, generally 10%, as the contractors' remuneration. Under the influence of the above causes with the growth of the large Empire in India there came into existence a body of middle men who are now known as Zamindars in Bengal, U. P., the Punjab, the Northern Circars of Madras and the Malguzars in Central Provinces, and the Inamdars, Talukdars, Polygars and the Khots etc., in other parts of India all of whom have the common characteristic of getting a certain share from the cultivator of the soil and paying a certain part of it to the State as tribute or State's share minus their own. In practice, however, due to the lack of the control of the Central Government of these Revenue farmers whom the British East India Company recognized as the owners of the soil to the exclusion of the ancient peasants, these so-called new proprietors began to collect as much as they could or as much as the commercial representatives of the East India Company like Clive or Warren Hastings would under the severe annual exactions of those days under pain of even corporal punishments at times.

How the British Government recognized the rights of some of the ancient feudal Princes and Talukdars and how they created the permanent irrevisable or revisable Zamindaries in Northern India is a matter of recent history fairly well known in this country. Even in the Ryotwari tracts where the peasant's ancient right of what is called the hereditary occupant with power to transfer recognised, the right of the British Government as the ultimate owner in theory is thereby upheld by the Revenue Officers in British Indian Districts and this has encouraged the feudal Princes and Talukdars to claim such an ownership and treat their peasants as mere annual tenants at will or tenants without restrictions on eviction without compensation for improvement or prescriptive right in the land.

The state of Law is thus in a very unsatisfactory condition and has reduced the robust peasant of ancient India into the starving labourer on the soil. With the growth of population under the peaceful conditions of British rule in India even some of the Talukdari families have been reduced to the condition of starving peasant proprietors and the descendants of the old peasant proprietors have been turned into landless labourers. The proportion of such labourers to Khatedars or holders of

lands on Government registers is 1 to 2. In other words the number of landless labourers is half of that of the Khatedars in the midst of an agricultural population of 70% of the total throughout India. It is, therefore, both important and urgent that legislation to restore the peasant's right and curtail the rights of the intervening landlord to not more than 10% of the State's share be undertaken without further delay. The cry for abolition of landlordism in India is heard everywhere and intermediate landlords will have to submit to the drastic reduction of their share and that too only if they perform any useful function in India of the present times. For collection of their revenue from the peasants the landlord has in most cases to be assisted by the Government Revenue Officers and they have not to perform any warlike duties as in ancient or mediaeval India. The only function that they can now perform is, if educated, to develop scientific agriculture in large estates by guiding their tenants along methods of intensive farming. The industrial capitalist is not to be permitted under the new company laws to more than a 10% of the net profits and the Sardeshmukhi of the Maratha period could only get a 10% for his supervision over the group of districts in those days of bad transport through horses and bullocks.

Even the Joint Parliamentary Select Committee of the Indian Reform Bill of 1918 have recognized the need of some changes in land legislation and have remarked in para 11 of their Report :

"The process of revising Land Revenue assessment ought to be brought in closer regulation by statutes as soon as possible, in preference to the present revision by executive action through departmental inquiries...The Committee are of opinion that the time has come to embody in the law the main principles by which the Land Revenue is determined, the method of valuation, the pitch of assessment, the period of revision, a graduation of enhancement and the other chief processes which touch the well-being of the Revenue payers."

This has not been done even uptil now. Even the J. P. C. Report of 1934 has the following observations on the question of the guarantee of the vested interest of intermediate landlords in para 371 at page 218,

"Some of the claims to protection which have been urged in this direction upon us in this connection would be satisfied by little less than a statutory declaration which would have the effect of maintaining unaltered and unalterable for all times, however strong the justification for its modification might prove to be in the light of changed circumstances,

every promise or undertaking of the kind made by the British Government in the past. *We cannot contemplate so far-reaching limitations upon the natural consequence of the change to responsible Government.* We recommend, however, that the Constitution Act should contain the preparatory provision requiring a prior consent of the Governor-General or the Governor as the case may be to any proposal, legislative or executive, which would alter or prejudice the rights of the possessor of any privilege of the kind to which we have referred."

Even regarding the permanent settlement in Bengal at the end of para 372 at page 219, the Committee remark,

"We recommend, therefore, that the Governor should be instructed to reserve for the signification of His Majesty's pleasure any Bill passed by Legislature which would alter the character of the permanent settlement."

With the establishment of the new Legislatures of Provincial Autonomy a Bill to effect Revenue Settlement can be brought under the provisions of the New India Act of 1935. But with the provision of a second Chamber in the important provinces it is hardly possible that any real effective legislation can be undertaken to restore the peasant to his ancient position of ownership and independence as against the Zamindars or Talukdars or Jagirdars. For instance, in Bombay, there is the seconed Chamber even though it is chiefly a Ryotwari Province and the proportion of occupancy land to that of over-lord or Zamindari tenures including Revenue-free Inams or Jagirs is in the proportion of 284 to 88. This minority of intermediate landlords will naturally combine with the large Khatedars of occupancy land and with the representatives of mercantile and industrial interests and thus defeat any Bill which would attempt to restore peasant proprietorship to the detriment of the so-called landed interest of the Zamindars.

V

Assessment, Suspension and Remission.

"As leech, calf and bee take their food, so must a King draw from his kingdom moderate taxes. A fifth part of the increment of cattle and gold is to be taken by the King and one-eighth, one-sixth or one-twelfth part of the crops, though a Khastriya King who in time of War takes even the one-fourth part of the crops is free from blame if he protects

his subjects to the best of his ability." (Manu quoted in Bombay Survey Settlement Manual, Vol. I, 1935, page 6).

The above quotation gives us an idea as to the basis of taxation in the days of Manu and before him. The one-fifth part of cattle would, of course, apply to the increase of cattle in the case of cattle farms or professional shepherds who live on cattle-farming alone, as a certain number of plough and milk cattle has always been allowed to graze free of any charge in the common grazing ground. Shepherds' tax is not now taken in kind but is converted into grazing fees and is a sort of assessment on common grazing ground in India. In the initial stages the share of the crops was ascertained by corn that was collected by the original peasant proprietor on the threshing floor of the village. There would not be much difficulty in this method of collecting the land tax so long as the kingdoms were small and there was very little scope for the dishonesty of State officials. With the enlargement of kingdoms there would come into existence some purely landlord tenures in the hands of intermediate landlords. Otherwise, there was developing the system of assessing the whole village for the land tax for the payment of which the whole community would be jointly and severally responsible. The village *panch* would, after the crop is collected on the threshing floor, ascertain the proportion which each farmer would have to contribute according to the size of his crop in relation to the total tax of the whole village. When the kingdom would merge in an Empire, control from the centre becomes difficult over the collections of the State officials as well as the distant landlords and village communities of peasant proprietors would naturally grow to obviate the difficulties of control from the centre. It is very often said that the method of collecting on the threshing floor from each peasant would give scope to the peasant to be dishonest, but no dishonesty is possible until the State official on the spot is in league with the peasant. The system, therefore, gave place to the appraisement of the standing crops by the State official, the village-headman or the Zamindar, for the purpose of paying the land tax to the State as well as the share of the intermediate landlord assigned by the State to the latter. In such an appraisement of the standing crop the peasant would ordinarily suffer as the State official or the intermediate landlord would always have a tendency to assess the standing crop at a higher figure. In the time of Akbar both these systems were in force and the peasant had even the option of paying assessed land tax in money. For the purpose of money assessment it was necessary to have a survey of the land with the State

and the classification of the different types of land which would grow one or more crops in a year and the variety of crops etc., while some fields would have to lie fallow for the rotation of crops. As the fixed money assessment was to be levied on cultivated as well as uncultivated fields to enable a State to have a steady revenue to balance its expenditure, the assessment would naturally have to be on a lower scale than the share of the crop which could only be levied on cultivated fields that might have actually yielded a crop. Further, in years of deficient rainfall or of complete famine and floods there would be no crop and therefore under the money system the collection of the land revenue would have to be suspended and later on to be remitted if the accumulated arrears go beyond the capacity of the peasant to pay from future savings. If the money prices rise or fall the money assessment should accordingly be increased or decreased.

The first land revenue settlement carried out by the British in India was the permanent settlement of Bengal made by Lord Cornwallis in 1790. Its chief object "was the introduction of the English Landlord System which the Governor-General in ignorance of the actual conditions of the country had determined as panacea for all agricultural evils. Absolutely individuals with perhaps some sort of title, others without any sort of title whatever, were sought for and set up as landlords of Estates and the land revenue of which was settled in perpetuity. It was expected by the Governor-General that the result of his system would be the creation of a body of loyal, contented and independent land owners who would not only be a source of strength to Government but would also, like their English counterparts, take interest in their estates to the improvement of the conditions, not only of their lands, but also of their tenants, the cultivators. But these brilliant anticipations were doomed to early disappointment. The new landlords so far from making improvements, proceeded to rack rent from their unfortunate tenants to the utmost limit. At the same time Government having no direct interest in the land and the cultivator, found it difficult to obtain any real and detailed information regarding the condition of the agricultural population or the resources of the country."

(*Vide* Bombay Survey Settlement Manual, Vol. I, pages 17 and 18).

This mistake was committed in troublesome times to replace the farming system adopted by the factors of the East India Company as the

Dewans of Bengal from the Nawab at Murshidabad. A similar state of affairs in the "disturbed times" obtained elsewhere in the Bombay Presidency during the rise of the Maratha Power over the decline of the Moghuls. Marauding armies were moving over the country to collect tributes from feudal owners or village communities or the kingdoms that assumed independence on the weakness that followed the death of Aurangzeb. The farming system was also adopted by the Marathas as large territories were being rapidly conquered and unadmitted to a steady development of administrative methods.

On the fall of the Peshwa in 1817, Bombay did not copy Bengal but adopted the Ryotwari System introduced in 1793 by Col. Read in two of the districts of the Madras Presidency. The leading principles were then laid down for the guidance of the officers by the first Commissioner of the Deccan, Mr. Elphinstone and were intended

"to abolish the farm but otherwise to maintain the Native System; to levy revenue according to the annual cultivation; to make assessment light; to impose no new tax; and to do away with none unless obvious and unjust; and above all to make no innovation."

Unfortunately these principles were not followed and the earliest settlements in Bombay and the Deccan was far too highly assessed. The consequence is described by Briggs in 1830 and quoted in the Settlement Manual, Vol. I, page 19, as under,

"After so many years of peace and plenty it is lamentable to find the revenue less secured, the people less respectable and perhaps independent, the servants to be less depended upon and private rights not more certain and secured than when the Province first came under the Company's Government."

Mr. Pringle's settlement failed chiefly because of over-assessment and the inaccuracies of survey and cultivation resulting from the impossibility of a sufficient check by a single officer over a very large body of subordinates. Remarks Lieut. Vingate, the subsequent Surveyor, later on,

"The administration of the settlement was equally bad and perhaps, as much as the weight of assessment itself, has contributed to the cultivators being reduced to their present state of poverty and wretchedness and occasioned the slovenly inefficient system of cultivation now prevailing.

"The idea was current among the Revenue Officers of the day that the criterion of administrative efficiency was to be found in the nominally

large rent-roll and a wide extent of cultivation irrespective of other circumstances. The consequence was that the District and Village Officers have been accustomed to use every expedient whether of persuasion or intimidation to prevent land being thrown out of cultivation and this with little or no regard to the means of cultivators who upon sustaining any reverse such as mortality among his cattle, has been obliged to pay the same revenue when no longer able to raise the same quantity of produce."

In 1836 Mr. Goldsmid aided by Lieut. Vingate had to commence the whole operation *de-novo* and they carried out the principles of Mr. Elphinstone in the Poona District and later extended them over the whole of the Presidency.

One other factor may be mentioned which was operating at the fall of the Peshwa Power, namely, the effects of war-like conditions upon prices. During the continuous movement of the Maratha forces there were increased demands for grain, decrease of supply, decrease of agricultural population drawn off as soldiers, and rise of prices which induced the Maratha Government to levy the assessment at a far higher rate than before the war under the title of Kamal rate. With the close of the war and the advent of peace and the disbandment of soldiers there was an increase of population, increase of the supply of the grains, and a decrease in the demand from the Maratha Government which had ceased to exist. Under such combined influences prices fell like a stone, and though several famine years followed, never regained the high pitch during the wars. A parallel recurrence of similar rise and fall can be observed in the recent times as a result of the Great World War of 1914-18. During those years and the few subsequent boom years for reconstruction, prices rose very high, but subsequently dropped like a stone in 1929-30 and do not seem to have any chance of recovery, notwithstanding the new currency and tariff policies of the various Governments of the world against the increased products in consequence of the improved mechanical technique which is a consequence of new inventions of the War and post-War periods.

The certainty of money assessment is no longer good and even today the expedient of suspension and remission is necessary as under the inflated assessment of the Maratha period. Even long before the publications of the "Joint Report" of 1847 on Survey Settlement, competent observers had expressed the opinion that the idea of a fixed unalterable assessment was impracticable as the basis of the Ryotwari System of settlement.

The following are the rules which govern the suspension and remission of land revenue at present in the Bombay Province under the G. R. No. 650, dated 22nd January, 1907 (*Vide* Bombay Survey Settlement Manual, 1935 edition, Vol. I, page 181):

(*a*) Supensions of either the whole or half the assessment when the crop is four annas and under and between four annas and six annas respectively.

(*b*) The remissions of suspended assessment in excess of one year's revenue in Gujrat and the Konkan and of two years' revenue in the Deccan and in all cases where more than three years old, with special rules for collection of suspended arrears in following poor seasons and also for the remission of the water rate.

It is not possible to go into a detailed consideration of the special rules referred to above but the above principles have converted the fixed and rigid system of assessment into one of a flexible type accommodating itself to the vicissitudes of the season, and consequently to the resources of the cultivators (no doubt subject to the personal factor of the Officers of the Bureaucratic form of Government).

During the period since 1929-30 the year of a general world-wide fall of prices the necessity for such suspensions and remissions is frequently before the Government and the public and especially after the revised assessment of the post-War period on the ground of boom prices of the period of reconstruction. We shall deal more fully with this question in the next section along with the problems of the revision of assessment.

VI

Assessment and Revision Thereof.

It is not possible to go into the complicated question of the classification of soil according to its fertility or the procedure of valuation, for assessment is far too elaborate to be understood by anybody except a trained classer of the Settlement Department. With all its defects the work of classification has practically been completed and is alleged to be working well so long as the assessments are moderate.

The principles which govern the revision of assessment in Ryotwari Areas are, of course, not applied in Bengal and other parts of Northern India where the Zamindari System is made applicable so far as the relations between the landlord and the tenant are concerned. In spite of the protection which the local legislation have thought it necessary to provide

for against rack-renting by the Zamindar by the various Tenancy Acts, the tendency of the landlord will always be to avoid such laws and go on rack-renting as far as he can under the various powers and State-aid for legal extortion on account of the influence he possesses in virtue of his rich possessions as pitted against the poverty of his individual tenant. Even in the most favourable circumstances the Ryotwari holder of land has had more grounds of complaint against the principles then followed which have had to be amended after long and protracted correspondence between the individual officers from the district and the highest Revenue authority in a province.

Taking Bombay as a typical Ryotwari Area the question of the revision of settlement arose in 1868 on the expiration of the 30 years' guarantee for the original settlement of the Indapur Taluka in the Deccan. Owing to the defects in the original survey which were discovered by later experience the first revision settlement involved the work of survey, demarcation and classification *de novo*. In the subsequent revision such work had not had to be done again and survey classifications have now attained a finality except for corrections resulting from subsequent events either as a result of transfers of land or a general result of development of a particular area under revision. Even the question of improvement as general or as individual made subsequently at the cost of the holder has been threshed out and settled after a series of amendments into the following principles under the amended Land Revenue Code in 1886 as under:

"In revising of assessment of land revenue regard shall be had to the value of land and in the case of land used for the purpose of agriculture to the profit of agriculture provided that if any improvement has been effected in any land during the currency of any previous settlement made under Bombay Act I of 1865 by or at the cost of the holder thereof, the increase in the value of such land or in the profit of cultivating the same shall have to be taken into account in fixing the revised assessment."

During the passage of this amendment through the Council, Government further gave an assurance that no reclassification in future revisions would take place but positively the clause admits the right of the holder to have the classification of his fields revised in cases where deterioration from the original standard shall be proved to exist (Bombay Settlement Manual, Vol. I, page 133).

Subsequent revisions of settlement evolved a gradual regulation of enhancement as a result of general increase in values. Too curiously these

graduated regulations of enhancement are still lacking in a uniform policy and illustrate the effects of orders passed on reference from different districts of the same presidency. These are called remissions of enhancements during the first years following upon a revision In the Deccan and Southern Maratha country and Gujarat the increases take effect to the extent of 25% additional for every two years until the full increase comes into effect, while in the Konkan the increases are made to the extent of 33% every three years. In Konkan the remission is seven-eighths of the increase for the first five years in waste land and 50% in the first year and a further 25% in the second in the cultivated land if the holding pays Rs. 25 or over per year. These graduated increases take effect on the total holding of an individual holder. Further, there are limitations placed by prescribed rule, namely, (1) that the enhancements are not to exceed in the case of a Taluka or group of villages by 33%; (2) in the case of a single village by 66% and (3) in the case of an individual holding by 100%.

Curiously the principles for revision of assessment are fully gone into mostly from the standpoint of the increase of revenue for the Government but rarely the question of reduction of assessment is ever gone into. At pages 249 to 251 of the Important Resolution of Land Revenue Policy published by the Government of India in 1902, one may read a summary of the methods to be adopted by a Settlement Officer:

"He reviews fully every circumstance shown in the past revenue history *viz.*, prices, markets, communications, rents, selling and letting of and mortgage value of land, vicissitudes of season and other relevant facts indicating the incidence of the previous assessment and the economic condition of the tract and upon this indication he bases his proposal for enhancement or the reduction of assessment as the case may be..... Again, if the assessment at the original settlement was fixed high and the relation of the assessment to the value and rental of land is found to be high, the Settlement Officer will propose a reduction."

Increases of assessment on agricultural land converted into building site for residential, commercial or industrial purposes in the vicinity of large growing towns and cities are being made on the assumed principle of taxes on unearned increments and the nineteenth century theory of landlord's rent based upon the assumption of the ownership of land being ultimately in the Government of this country.

We have already discussed in a previous section the fallacy of such

ownership being vested in Government even in the case of agricultural land. Prior to 1865 the Gaon Thans and buildings sites in villages, towns and cities continued free from any Government assessment as in the pre-British rule of the Moslem and Hindu States who did not claim to be the owners of land and who considered it a duty to provide such building sites for their subjects free from any assessment. Writes Mr. F. G. Anderson at page 230 of Land Revenue Rules (1921) Bombay Presidency, Reprint Edition, 1935:

"Up to that time, the importance of properly assessing non-agricultural land had not been sufficiently recognized and that not only had regulations regarding it not been tackled but also they had not been effectively put into operation, or many sites in cities and towns had been encroached upon and were held free of assessment without authority and the same thing would continue in future unless machinery was designed to set work to prevent it."

The obvious remedy adopted was to survey all non-agricultural land in towns and cities with an investigation into the titles. Mr. Anderson writes in his valedictory note to the Bombay Land Revenue Rules on 25th April, 1929, from Monte Carlo that,
"the revised rules for regulating the conversion of agricultural land to more profitable uses are step by step approaching the ideals of long ago (set for them by himself) in supplement (a) Part (II) of his compilation of the rules."

Since 1928 the standard rates are determined at 5% on half the full market value in the case of building sites in large cities. Mr. Anderson writes at page 357:

"It has been the fixed policy of Government to secure for the public at least half of this income and this *could not have been done* unless the periods of revision of assessment are fixed, say 15 years at the most. The Government of India expressed its opinion that thirty years should be the *maximum* period. The Bombay Government adhered to the 50 years period up to 1928 and a *minimum* of thirty years since then. In many localities standard rates were vitiated by concessions to induce holders to use their lands in a sanitary manner which further divorced the assessment from the value."

The public bodies including the municipalities made representations to Government that the building sites ought to be free from assessment in the interest of better sanitation. The officers of Government propose to

levy from time to time increased assessment on the unearned increments in the market value of land to secure more and more revenue by executive action without the sanction of the Provincial Legislature even since 1919. The illegal and unconstitutional character of such increases in taxation have been pointed out under Section 80-A (3) (a) and Rule 2 made under the Government of India Act of 1919.

If any concession is made in lowering the standard rate and further reduce it to 3/8ths of the standard rate for residential buildings built on not more than ¼th of the land *e. g.*, the concession of 1936 in the case of Ahmedabad and its growing suburbs, Mr. Anderson will call such modification the vitiation of the principle of fixing the full standard rate at 5% on half the market value at the time of revising the assessment within the period of 30 years for which the standard rate has been notified for a particular zone. In London the revision is stated to take place every ten years.

The municipalities revise their assessments annually or at short intervals of two or three years. The Taxation Inquiry Committee of 1925 in their recommendation No. 33 said that the practice to make over to the municipalities a substantial fraction of the receipts from town lands should be generally adopted. The Bombay Government in their notification No. A-1/4 dated 4-27/11/1930 have announced that a portion of these assessments should be assigned to local bodies but so far this principle was not acted upon on the grounds of financial stringency, throughout all the years since 1930. The increase in city-land-values should be taxed for local purposes chiefly for better transport and sanitation but Government ought to disclaim all ownership of land in building sites and the consequent theory of rent and should leave the local bodies to tax all unearned increments for local purposes. So far the efforts of public bodies and the municipalities have had no effect on the Executive Government towards declaration of a definite uniform policy applicable to all the growing towns and cities throughout the Bombay Presidency or any other province. The remedy of a civil suit is very dilatory and can only decide the issue of the constitutional or legal character of an increase of assessment. The Taxation Inquiry Committee in their recommendation No. 34 definitely stated:

"As regards the taxation of unearned increment it is both impracticable and unfair to impose a tax on increments in land value that have already accrued and that it is not impracticable to tax future increments

especially in large towns which can afford to employ highly paid and competent staffs to have accounts maintained of improvements effected after a fixed date with a view to taxation on the occasion on which the duty would be levied."

Notwithstanding such a recommendation the Collectors of Districts are still levying increased assessments retrospectively. A Textile Mill in a district town objected to the increased assessment levied by the Collector and filed a suit against Government about the year 1928. It was decided against the Company in the lower Court about 1930 against which an appeal was filed in the High Court of Bombay. It did not reach the hearing till August 1936 and the High Court decided against the retrospective levy of a duty but under the Land Revenue Code, as it stands, the High Court upheld the right of Government to levy such a duty for the future. Unfortunately, on behalf of the Company neither the point of a guaranteed fixed period of 50 or 30 years as the case may be, nor that of the unconstitutional and illegal levy of increased assessment offending against Section 80-A (3) (*a*) of the Government of India Act of 1919 was raised and the decision does not help the public on this issue even after such a protracted period of litigation. It remains to be seen whether the situation could be in any way improved by a quick amending legislation under the Provincial Autonomy of the new Legislatures of 1937.

Increases under revised assessments have taken place upto 1924 as a result of general rise of world prices in consequence of the effects of the last World War, though prices again showed a downward tendency in the post-War period, particularly the prices of agricultural raw produce since the highest prices of 1920. We shall examine the effects of this fall and the case for reduction in the next section.

VII

Popular Demand for Reduction in the Land Tax and the Future.

The popular outcry against this post-War and even prior enhancement system has been continuous for thirty years and has assumed a more vocal form in 1924 and later. Before the Non-co-operation days of 1921 the Indian National Congress was persistently asking for a permanent settlement. The Provincial Conference of the landlords of Gujarat in the Bombay Presidency in 1918 and again in 1919 unanimously adopted resolutions which demand a permanent settlement with

an appreciable reduction in the prevailing high rates of assessment. The Gujarat Landholders' Association of Kaira submitted a detailed answer to the questionnaire of the Land Revenue Assessment Committee, Bombay, of 1924. In spite of these demands for reductions, the Assessment Committee made their recommendations for increases against which started a popular agitation in the famous Bardoli Taluka of the Surat District. The Bombay Government after a strong and prolonged agitation arrived at a compromise by appointing a Special Inquiry Committee for Bardoli against this enchancement to be presided over by a Judicial Officer and the Broomfield Report was the outcome of it, when Mr. Bhulabhai J. Desai instructed by Sardar Patel appeared on behalf of the Bardoli Khatedars and had to withdraw under protest on the Revenue Officer's refusing to disclose facts in cross-examination before the said Inquiry Committee. The scope of the Inquiry was of a limited character and the fundamental issue as to the basis of the Land Revenue Policy was studiously excluded from the terms of reference. The same studious care is to be observed under the terms of reference of the Royal Commission on Agriculture in India appointed by His Majesty's Government in London. The bureaucratic Executive Government are already aware of their weak position on the fundamental issue which is adversely commented upon by the various official special Committees or Commissions who dealt with this question as within the scope of their Inquiry. The Indian Taxation Inquiry Committee of 1924-25 have made a recommendation of standardising an assessment at a flat rate not exceeding 25% of the annual value (recommendation No. 24). The annual value for agricultural land is defined in recommendation No. 21 as the gross produce of land less cost of production including the value of the labour actually spent by the farmer and his family on the holding and the return for enterprize. Large owners are recommended for being subjected to a tax on income or to succession duty or both. The reduction at a flat rate of 25% of the annual value should be accompanied by an increase in the local rates subject to a maximum of 25% of the Revenue Assessment.

The landlords of Kaira in 1925 demanded legislation to fix the assessment with due regard to the value of non-agricultural land and to the net profits of agriculture in the case of arable lands and that the rate of tax based on such value or net profits should always be determined by the legislature. They also indicated clearly that the net profits can only be arrived at by deducting therefrom the following items (1) Interest on the mortgage value of the field assessed; (2) Remuneration for the occu-

pants' labour of supervision and organization; (3) Cost of ploughing; (4) Manuring; (5) Sowing; (6) Weeding; (7) Watering when necessary; (8) Watching crops; (9) Cutting; (10) Husking; (11) Marketing; (12) Accounting; (13) Depreciation of cattle and implements and (14) Reparations to the hedges of the soil etc. Ricardo's Theory of Rent accepted by the English economists for the purpose of taxing the income of the English landed estates has been definitely rejected by all Indian writers as not applicable to the share of the State as land tax collected directly or indirectly from the peasant. This theory if at all applicable can be applied to the estates of the intermediate large landholders by extending the tax on income of the rent realised by them from their peasants as tenants. The Bureaucracy has always fought shy of incurring the odium of and offending these large Zamindars who have been their own creation and their income has been specifically excluded from the Indian Income-tax Acts notwithstanding so many opportunities of amending Acts since 1860. They have equally evaded all recommendations of the various Commissions for not revising Land Assessment by executive action. The Royal Commission on decentralization of 1906 in para 252 recommended:

"The general principles of assessment, as the proportion of the net profits of the land which the Government shall be entitled to take and the period of settlement should be embodied in Provincial Legislation instead of being left to the executive order as is the case outside Bombay. Even in Bombay it is not wholly embodied in the Land Revenue Code but is left by rules made thereunder to the vagaries of executive policy."

The Government of India succeeded in persuading Lord Morley not to give effect to the above recommendation who wrote in his Despatch No. 91, dated 21st October, 1910:

"It is not expedient for the present to take action on this proposal."

The J. P. C. in discussing the India Bill of 1919 reported in para 11 enjoining this duty on the Government of India in these words:

"The Committee are impressed by the objections raised by many witnesses to the manner in which certain classes of taxation can be laid upon the people of India by executive action without, in some cases, any statutory limitation of the rates and in other cases any adequate prescription by statute of the methods of assessment . . . the basis of revising the land assessment ought to be brought in closer regulations by statute as

soon as possible... the people who are affected by the pitch of assessment have no voice in the shaping of the system, and the rules are often obscure and imperfectly understood by those who pay the revenue ... The subject of land revenue is one which probably would not be transferred to Ministers... and the system should be established on a clear statutory basis before this change takes place."

Section 80-A Clause 3-A of the Government of India Act of 1919 and Rule 2 thereunder seem to control any increase of taxation including land revenue by executive action. In spite of this provision increased revenue assessment both on agricultural and non-agricultural lands are being carried out, though the question has not yet been raised in a Court of Law to test the illegal, unconstitutional and unauthorized increase by executive action. Even the J. P. C. Report of 1934 of the new India Bill which is now passed into India Act of 1935 in rejecting the claims to special protection of Zamindari interests by

"A statutory declaration which would have the effect of maintaining unaltered and unalterable for all times, however strong the justification might prove to be in the light of changed circumstances, every promise or undertaking of the King made by "the British Government in the past" (they definitely remark) "we could not contemplate so far-reaching a limitation upon the natural consequences of the change to responsible government." (Vol. I para. 371).

The question of Reverve Forests and the provision of more grazing grounds for the cattle of the agriculturists or for cattle farming by roaming shepherds and the question of the grazing fees to be levied from the latter are special problems which could not be gone into fully in this general question of land taxation. Lord Linlithgow's present activity as Viceroy to encourage cattle breeding has induced local Governments and the Revenue Officers to look for more grazing grounds for such encouragement. On the other hand, Lord Linlithgow's Commission have come to the following conclusion in their report:

"After an extensive survey of the possibilities of the extension of grazing land, we are of opinion that no large additions to the existing grazing areas are possible and effort should, therefore, be concentrated to increasing the productivity of the land already growing grass. The scope for such efforts is very great."

A careful use of the existing grazing land and the storage of silage are also recommended as future possibilities requiring much propaganda,

Until the Village Panchayats are properly formed and the peasant re-educated into the duties of looking after the common affairs of the village, all such recommendations are difficult to be carried out but need not take long if the Panchayats and the literacy of the peasant are first attended to.

Under the India Act of 1935, Provincial Autonomy involves the control of land taxation by a local Legislature, and it remains to be seen how the new Provincial Legislatures with Upper and Lower Chambers are going to work the whole question of land Revenue in the light of the experience of the last 100 years or more which have left the peasantry in an utterly impoverished and helpless condition. The phenomenal fall of world prices since 1929 accentuating the earlier steady fall of agricultural prices since 1920, have made it a very strong case for reduction in land taxation, and still the Executive Government of the Provinces chooses to carry on the existing Policy of Land Assessment leaving it to the Central Government to adopt the remedies of currency inflation and tariff-protection to stop the aggrarian discontent from reaching the climax. In 1931-32 for instance, the U. P. Zamindars were remitted half the land revenue while the Zamindars were ordered by the Government to remit 7/8 to the peasant. The fall in the prices of Indian wheat in competition with foreign wheat from Australia and elsewhere had to be counteracted by an import duty on foreign wheat. The juggleries of modern finance have upset all calculations based upon theories and rules of the orthodox economists of the 19th century and even so the Provincial Finance Member simply tries to carry on without going into the root of the problems of land Taxation in India. Even in the new Provincial Autonomy the juggleries of currency and tariffs further complicated by Imperial preference will not make it an easy problem which awaits solution at the hands of Provincial Ministers of Finance under the handicap of the safeguarding powers of the Governor or Governor-General to protect the larger landed interests made still powerful in organization through the Upper Chamber in some Provinces.

VIII

Conclusions of the Indian Taxation Inquiry Committee Examined.

The Indian Taxation Inquiry Committee of 1925 appointed by the Government of India have examined the question of Land Revenue and the charge for water fairly exhaustively in Chapters IV & V of their

Report and a few salient extracts from the same will not be out of place when the question of Land Revenue in the Reformed Councils of 1937 will come within the purview of responsible Ministers in the Provinces of India. The Committee consisted of the following persons—Sir Charles Todhunter, I.C.S., as President, the Maharaja of Burdwan, Sir Percy Thompson, the Honourable Sardar Jogendra Sing, Dr. R. P. Paranjpe, Dr. L. K. Hyder as members with B. Rama Rao, I.C.S., as Secretary. From the above names it will be seen that the interest of the large Zamindars were well represented by the Maharaja of Burdwan and Sardar Jogendra Sing.

The Committee was handicapped by their instructions regarding the question of Land Revenue. "In respect of this matter the Committee's instructions differed in some respects from those relating to other particulars of the system. They are to include in the inquiry consideration of the Land Revenue only so far as is necessary for a comprehensive survey of existing conditions. They are not required to make suggestions regarding the system of settlement." In subsequent correspondence these instructions were relaxed.

In the case of permanent settlement of Bengal which was made with the Zamindars, "The assessment of them was fixed approximately at 10/11ths of what the Zamindar received in rent from the Ryots, the remaining 1/11th being left as a return for their trouble and responsibility." It will thus be seen that the original intention was only to give a very small portion namely 1/11th of what they received as the State share for the trouble of the Zamindars. The Committee remarks, "It will be observed that the Revenue collected from the Zamindars was a very high percentage of the rental." Later history shows that the tenants had to be protected by Legislation against these Zamindars and while the settlement with the Zamindar remained unaltered, he went on increasing his rent from the tenants, and later on with the establishment of internal peace, cultivation of more waste land and the rise of price of produce, the rent recovered still increased in the total while the settlement with the Zamindars being unalterable became proportionately much lighter and even so it is still not made liable to any Income-tax by the Indian Legislature.

After examining the main features of the system of land Taxation in European countries and also in the Indian provinces as obtaining in the British period of Indian History, the Committee points out "an extreme uncertainty as to what is the share taken of the net produce of land as a

share of the State." "In other countries Land tax is imposed at a definite rate upon a definite basis of assessment. In India the basis may be rental or net produce. The rental may be customary controlled or assumed; the net produce may include or exclude the subsistence of the cultivators. The rate may vary with the opinion of the individual Settlement Officer as to the circumstances of the tract, and the conditions of the District at the time of settlement, or with the opinion of the local Government of the day as to what is a reasonable increase to take. As a consequence it is impossible to say what is the incidence of the Land Revenue upon the rent."

On the question whether Land Revenue is a tax or a rent the Committee was equally divided and unable to record a unanimous and definite finding. They, however, agreed that since it forms a deduction from the national dividend it should be taken into consideration in dealing with the question of the incidence of the tax on the country as a whole.

In their opinion, "Under both Hindu and Mohammedan rule the State never claimed the absolute or exclusive ownership of the land and definitely recognized the existence of private property in it." While it is thus clear that the British do not succeed to any rights of absolute ownership, it would be obviously dangerous to draw final conclusions of a general nature regarding the conditions in a vast country with a heterogenous population split up into a large number of small States each of which had its own separate history and which had come under the British Government at different periods and under different circumstances."

On the question of the canon of convenience applied to the Indian Land tax at present the Committee remarks, "The income out of which the assessment is to be paid however fluctuates enormously with the vagaries of the monsoon and other causes. Some relief is given in many provinces by the partial or complete suspension or remission of the assessment when there is a failure of crop, but it is undoubtedly the fact that the inelasticity of the Land Revenue drives a large number of people to the money-lender during bad seasons." Further, "The process of settlement continues in some provinces for years together and involves meticulous inquiry by a very large staff to be followed by appeals against the assessment which number in thousands, the inconvenience and expense to the Ryots is undoubtedly very considerable."

Increase in the population, paucity of alternative employments, the Law of Inheritance, the attachment of the people to the soil and their unwillingness or inability without assistance to form their estates into

economic holdings out of the excessive fragmentation, heavy indebtedness and low production are some of the other chief causes of pauperization of the peasant over which he has no control. "Meanwhile, the tendency which is so conspicuous in the system of taxation in Western countries, namely, the allotment of this source of Revenue mainly for local purposes, has not yet made itself manifest to any appreciable extent in India. The Land Revenue in India is still largely a direct impost levied almost solely for provincial purposes. Only a very small fraction of the tax collected from the cultivator is actually used for rural development, and the illiterate peasant is therefore unable to recognise the benefits which he drives from the direct tax he pays."

The Committee in the end recommended "a flat rate of 25 per cent of the annual value by which they mean the gross produce less cost of production including the value of the labour of the peasant and his family and the return for enterprise. This reduction of rate should be accompanied by an increase of local cesses to the extent of 25 per cent of the State demand which can be used for the local benefits of a village as a whole." The Committee's report has turned from blue to grey since 1927 but no Provincial Government has attempted any action in this matter.

The Committee also recommended that the larger Zamindars should be subjected to a graded income-tax and the Central Government has attempted no action on it. The report has thus been merely shelved in the Government archives.

IX

King's Domains, Alienations and Unoccupied Land.

In British India there is no king and therefore no King's domains. In Indian States the King's domains or private cultivations through serfs or slave-like tenants-at-will, the income whereof is considered the personal private property of the King and not of the State's Exchequer, do exist and in many States all the cultivated lands of the State are held by peasants on the tenure of a mere tenant-at-will though in practice they cannot be evicted lightly for fear of a general discontent or migration of the agricultural population from that State to another. The institution of such private lands of the King is the vestige of a period when the personal maintenance of the King and his family was met out of such income and not out of the general taxes from the subjects including the land tax which were levied for the general administration of the State in peace and war for the benefit of the subjects only. Now

that the Indian princes spend far larger amounts on personal and private expenditure out of the general revenue of a State, there is no need for them to hold any private domains. In constitutional monarchies their personal and family expenditure can be budgetted for by a fixed amount.

We have already seen that in pre-British Moslem and Hindu periods of Indian History the State never claimed the absolute or exclusive ownership of the land and definitely recognised the existence of private property. Under these conditions the unoccupied land other than the King's private domains would belong to the State representing the community as a whole till any part of such land would be occupied by a peasant with the express or implied permission of the State and then the newly occupied land would belong to the peasant like all other cultivated land. We have already seen that it has been only in the British period that the theory of the ownership of all land by the State was propounded and acted upon under a change of laws and practice by the administration of the British East India Company. The silent revolutionary change without any reference or regard to the then existing ownership of the peasant was made by the introduction of the Zamindari systems of Northern India and recognised only a limited interest of the peasant in the Ryotwari provinces. The administrators of most Indian States began to follow British India in their claim of the exclusive ownership of all land by the State and reduced the peasantry from free to mere annual tenants-at-will. The Zamindari system of the Northern Provinces of British India brought into existence a new type of alienations by creating a special interest of the intermediate landlord for the collection of the State's land taxes. Even under the temporarily settled areas the Zamindars are deemed to be the possessors of the proprietary right subject to the payment of land revenue. At the time of the introduction of the Zamindari system the Zamindar's share was fixed at 1/11th of what the peasant was to pay as the State's share by way of land tax. In practice the Zamindar's share was allowed to grow and he was allowed to extort as much as he could by way of rent while the State continually began to increase its share from the Zamindar to 50% of the latter's collection at the beginning of every revision except from the permanent Zamindars of Bengal, who were allowed to retain all they could collect from the peasant and pay to the State only the amount permanently fixed at the introduction of the Permanent Settlement. The protecting legislation in favour of the peasant has always been opposed by the Zamindars and the halting protection given by such legislation from time to time has proved inadequate.

Apart from the creation of the Zamindari interests by the alienation of a portion of the land tax by the East India Company there are certain types of alienations of the pre-British period which have been allowed to continue both in British India as well as the Indian States. These alienations are the estates or Jagirs that have risen out of the political conditions of feudal history before the invention of the steam engine, the development of mechanical transport and the establishment of peace over large empires through the development of transport and communications by steam power and electricity. The Governments of large areas in feudal times granted Jagirs of villages or groups of villages in return for the preservation of internal order and maintenance of military equipment for getting assistance in time of war. The Jagirdar thus acquired from the King the right to levy a land tax in his estate subject to the payment of a small tribute, if any. Even so the Jagirdar's tenants continued to be the owner of their fields and the Jagirdar was merely entitled to the State's share as land tax alienated by the State in favour of himself. His power to increase his demand from the peasant could only be limited to a similar demand by the State from the State's peasants on general considerations obtaining throughout that State for such an increase in rate. But in practice the Jagirdars also began to claim the ownership of land and collect as much from the tenant as they possibly could with the local recognition of such a practice both in British India and the Indian States after the establishment of British rule. When the law, therefore, comes to be revised it will have to be revised both regarding the lands held directly from the State by the peasant and the lands held from the Zamindars, Jagirdars or other alienated holders. Intermediate holders' interests can be brought down to 1/11th of the rate of taxes prevalent at the time which has been recommended by the Taxation Enquiry Committee of 1925 to be a flat rate of 25 per cent of the net annual income of the peasant. In the case of large Zamindars and Jagirdars their total incomes would have to be made subject to a steeply graded income-tax as well as the local tax for local purposes which is recommended to be one fourth of the land tax in addition. As other sources of revenue would expand for the general Exchequers of the States, a greater and greater share of the land tax could be devoted to local purposes so as to give direct benefit to the locality that pays the taxes. Such Zamindars or Jagirdars perform in these peaceful times in India no useful economic or administrative function in the State and even their incomes to be reduced must be made subject to local rates and taxes for

education, sanitation, wells, roads, police, etc. Such a change is not as revolutionary as the destruction of the peasants' rights by the East India Company. The Indian peasant can legitimately demand, *Give us back our land*, though the large landed interests will always clamour against such a change as revolutionary and destructive to the vested interests as the Managing Agents of Companies recently did against the recent amendments in the Company Act. Even if the estates may have passed by sales into other hands no consideration can be given to such vested interests when the general policy of a State in matters of taxes is to be revised for the general benefit and prosperity of the country as a whole. Many interests are being affected by State economic legislation and no State can afford to satisfy all vested interests as against the necessity of a general economic change in its financial policy. The peasant was expropriated without compensation and left to the mercy of the landlord and the money-lender to be brought to his present condition of a serf on the margin of starvation. A change back with the controlled share of 1/11th to the landlord from the State calls for no compensation and is less revolutionary and more wholesome in as much as the landlord will be left a maintenance and may in the poorest cases be transformed from parasitism to active work on his land. This is no hardship to a few ignorant and idle parasites when compelled to work for a maintenance while millions of peasants are being compelled to do the same on starvation incomes and for less than a living wage.

X

The Bill of Peasants' Rights.

[The writer sent this Bill to the press so that it might be considered by the National Convention before the commencement of the Sessions of the new Provincial Assemblies.]

Whereas it is urgently necessary and expedient to make the peasant prosperous by restoring to him his ancient rights and by protecting him against the economic waste of unproductive social pageants or dinners:—

Be it enacted hereby as follows:

Short Title.

(1) This Act shall be known as the Peasants' Rights Act and shall extend to the whole of this Province (every Province constituted under the new Government of India Act of 1935).

Definitions.

(2) (*a*) 'Agriculture' shall include any kind of cultivation of the soil e. g. fruit gardening, horticulture etc., as also the allied occupations of cattle, dairy and poultry farming on the land.

(*b*) 'Agriculturist' shall include all persons or co-operative societies so registered under the Co-operative Societies' Acts actually engaged in 'agriculture' as defined above.

Ownership and Tax.

(3) The peasant shall be considered the sole and exclusive owner of the land that he tills with or without the help of hired labour. The State shall have the right to tax such land at such a rate as may be determined by the Legislature from time to time but it shall claim no ownership to any land under cultivation, which may also lie temporarily fallow.

Unoccupied Land.

(4) The ownership of any uncultivated land shall vest in the peasant as soon as he is allowed by the State to occupy it for agricultural purposes.

Limited interest of all Landlords.

(5) Any superior interests in any agricultural land now existing intermediately between the State and the actual cultivator of the soil shall not be entitled in the aggregate to more than 1/11th of the rate of tax that may be levied by the State from year to year.

1/11 of Land Tax.

(6) All such interests created by the State in the form of feudal Jagirdars or collecting Zamindars shall have no further interest in or right to the land except the right to levy the said 1/11th as a subrogation of the State's grant to them from the State's right of levying the land tax.

No mortgage or charge on peasant.

(7) No agricultural land belonging to a peasant and actually under his cultivation shall be subject to any existing debts, secured or unsecured, nor shall such land be hereafter rendered subject to any mortgage. The peasant may sell his land or the land may be sold by a Court of Law to another agriculturist for the satisfaction of any existing or future debts of the peasant.

Indivisibility of Uneconomic holding.

(8) No agricultural land shall be sub-divided into any uneconomic holdings either by sale or by any Law of Inheritance. At the death of any peasant the eldest of the sons shall in the order of age have the first option to cultivate the land and buy out the younger sons by payment of cash by instalments in lieu of the share of each according to his personal law.

No debt for Death Dinners. (9) No peasant shall incur any debt for any social dinners after death nor any such debt, if incurred hereafter, shall be considered valid by a Court of Law.

Insolvency and Sale. (10) All existing or future debts due by any peasant may be liquidated by a scheme in Insolvency, but the sale of such peasant's land, if any, shall be made only to an actual cultivator of the soil.

Rate of Land Tax. (11) The peasant shall be subject to a land tax at the rate of 25 per cent of the net annual value of the land (as defined by the Taxation Enquiry Committee) *i.e.*, "the gross produce less cost of production, including the value of the labour actually expended by the farmer and his family on the land, and return for enterprise," or such rate as may be granted by the Legislature from time to time based upon the settlement by the Settlement Officers for a period of 10 years according to the average of the preceding 10 years.

Famine Insurance. (12) The State shall set apart 1/10th of the land tax recovered as a Famine Insurance Reserve to meet the cost of any remission of taxes or Famine relief operations in the future. In case of partial or total failure of crops for any reason whatsoever the State shall remit a portion or the whole of the land tax for the year.

Local Taxes. (13) The peasant's land shall be further liable to local taxes levied by the local authorities for local purposes of Primary and Agricultural Education, Sanitation, Medical Relief, Transport or Well Irrigation, not exceeding in the aggregate 25 per cent of the then existing land tax.

Local Tax on Marriage Festivities. (14) The Village Panchayat, the Village Sanitary Committee or the lowest local authority shall levy a graded tax of 10 per cent to 25 per cent, as it may fix, of the expenditure incurred by any person in the marriage feasting or processions exceeding Rs. 50 but not on the gifts to or settlement for the marrying couple.

Repeals. (15) All acts relating to Land Revenue and Rents in the province are to be considered as repealed to the extent to which their provisions are inconsistent with the provisions of this Act.

Rule-making Power. (16) The Provincial Government may make such rules as they deem proper for the due administration of the Provisions of this Act.

APPENDIX.—TABLE I.

TAXATION IN BRITISH INDIA (Figures in thousands).

PROVINCES.	Area in Sq. Miles.	Men and Women occupied in pasture and agriculture.	Total Population.	Land Revenue in Thousands of Rupees.						
				1927-28	1928-29	1929-30	1930-31	1931-32	1932-33	1933-34
Madras	142	13008	46740	62376	52488	52106	48862	53273	50257	45078
Bombay	123	5798	21930	52319	48468	47963	47445	50134	47124	38510
Bengal	77	10350	50114	31512	32676	32474	30893	30621	30006	32114
United Provinces ...	106	19621	48408	69256	60438	68533	64799	61241	57076	55823
Punjab	99	5419	23580	30014	27793	25775	26942	22246	26765	25040
Burma	233	4439	14667	53562	54087	52773	28276	57585	38758	47714
Bihar & Orissa ...	83	12650	37677	16866	17398	17783	18003	17609	18085	17703
C. P. & Berar... ...	99	6901	15507	24526	21931	20499	21859	21063	21566	22418
Assam	55	3505	8622	11279	11714	12074	11526	12083	11792	11070
Coorg	1	63	163	373	368	387	345	405	365	324
Sundry Provinces under the Central Govt. ...	71	893	4085	4092	3832	3817	3394	3394	3603	3890
Total of British India...	1096	109731	271526	356873	331621	334711	302771	329904	308580	299960
Total Taxes including Land Revenue ...	...			1401762	1415237	1437864	1300107	1330019	1392343	1307908
Taxation per head :										
(i) Exclusive of Land Revenue	...			R. A. P. 3-15-6	Rs. A. P. 4-1-3	Rs. A. P. 4-1-9	Rs. A. P. 3-10-11	Rs. A. P. 3-10-6	Rs. A. P. 3-14-9	Rs. A. P. 3-9-10
(ii) Inclusive of Land Revenue	...			5-5-0	5-5-0	5-5-6	4-12-7	4-13-7	5-0-6	4-10-10

TABLE II.

Men & Women Occupied in Agriculture (1931 Census.)

(In thousands)

Non-cultivating proprietors.	Cultivating owners and tenants.	Managers, Rent Collectors &c.	Agricultural Labourers.	Stock Raising.	Forestry.	Total.
3,258	62,008	227	31,480	3,495	310	102,454

TABLE III.

Area, Cultivated and Uncultivated in 1933-34.

(In thousands of Acres)

Province.	Total according to Village Papers.	Net Area Sown.	Current Fallows.	Culturable Waste.	Not available for cultivation.	Forests.	Area cultivated and fully assessed.		
							Permanently settled.	Temporarily settled.	Roiyatwari.
Madrass	91,007	33,879	10,875	13,180	19,878	13,693	6,442	.....	25,357
Bombay	78,878	33,245	10,263	6,584	19,522	9,260	.....	558	23,816
Bengal	49,254	24,002	4,949	6,433	9,262	4,607	16,535	2,831	.....
United Provinces	67,967	36,010	2,494	10,279	9,901	9,281	3,321	33,267	.....
Punjab	60,171	28,682	2,450	14,203	12,862	1,972	.....	27,471	.....
Burma	155,849	18,239	3,651	59,755	52,045	22,158	.....	.....	18,239
Bihar & Orissa	53,133	24,179	6,930	6,951	8,014	7,056	19,377	3,732	.....
C. P. & Berar	64,088	24,988	3,773	14,107	4,946	16,272	.....	14,489	6,781
Assam	35,484	6,026	1,869	19,070	4,571	3,947	1,507	247	3,239
Coorg	1,019	137	171	11	334	364	.....	.....	.....
Sundry Provinces under the Central Government ...	10,714	2,852	706	3,047	3,652	451	106	2,529	.....
Total of British India ...	667,571	232,245	47,639	153,626	144,992	89,066	47,288	85,124	77,432

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