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Enclosure—One Adangal.

No. 17 3

From

A. G. LEACH, Esq., I.C.S.,

Officer on Special Duty,

To

THE SECRETARY TO THE GOVERNMENT OF MADRAS,

REVENUE DEPARTMENT.

Dated Fort St. George, the 25th January 1933.

SIR,

INTRODUCTORY.

I submit my report on the enquiries entrusted to me in G.O. R. No. 493, Public (Special), dated the 2nd November 1932.

2. The terms of reference of my special duty were "to examine the possibility of introducing material and radical changes in the present form of land revenue administration with a view to retrenchment of expenditure by the reduction of the staff employed in the districts."

3. A somewhat similar enquiry was made when the need for retrenchment of expenditure last arose in 1923-24. A Special Officer (Diwan Bahadur Ramachandra Rao, C.S.I.) was appointed. His report submitted after the six months for which he had been deputed, recapitulated at some length the various suggestions that had been thrown out from time to time for modification of the land revenue system and the criticisms of them, and concluded with a sketchy suggestion that the whole system of land revenue administration should be handed over to village panchayats. His report was recorded without comment.

4. I am painfully aware that my present report little deserves a better fate. I make no large proposals for alteration of the system, and suggest no immediate reductions of staff. I have endeavoured to state clearly the obstacles that beset alteration of the present system and the difficulty of reducing staff so long as it continues. I have examined the functions of the various classes of revenue officers to see if they perform work which is unnecessary or which could otherwise be arranged for, and have them discussed in connexion with the main items of the land revenue system which necessitate a large staff, whether alterations are possible from which a large reduction of establishment would result. I have made a few suggestions but these are not far-reaching and though the acceptance of some of them will eventually result in a reduction of staff, that cannot be made immediately.

5. The difficulties of the problem are due to various causes. The chief is, of course, the ryotwari system of land tenure in the Presidency. The fact that the State deals directly with the individual landholder, however petty his holding, creates at once the necessity of an elaborate system of account-keeping. That obligation was deliberately accepted when the system was adopted after others had been tried without success, and the maintenance of a large establishment is an inevitable incident of the system.

Next there is in the villages a certain lack of public spirit and mutual trust, which hampers the devolution to the village community of functions which it might otherwise undertake. The development of panchayats may in course of time create a stronger civic sense, but panchayats are at present neither very numerous nor entirely successful. The Government itself, for instance, has recently decided not to enlarge the jurisdiction of the panchayat courts.

Another difficulty is that changes which may be administratively desirable are not always politically expedient. A prominent instance is the case of village officers, to which I refer later.

Lastly, one of the main considerations in the development of the system to its present state of efficiency has been the safeguarding of the revenue. This must continue to be of paramount importance, and it is necessary to be assured before grasping at immediate savings due to reduction of establishment that the diminution of revenue will not follow.

6. My enquiries might possibly have been more fruitful of suggestion though perhaps not of ultimate practical result if they had been more prolonged. The two months' time allowed me was not enough to permit of a visit to other Provinces sufficiently prolonged for an intensive study of their systems; a hasty gathering of a smattering of other

systems would have been useless. The accidental prolongation of the period enabled me to make some enquiries into the Mysore system and to examine the recommendations made by the Thomas Reorganization Committee in Bombay. For the rest I visited Nellore, Chingleput and Trichinopoly to discuss with the Collectors (Messrs. Masterman, Rutherford and Ranganathan) the suggestions they had put forward, and took the opportunity of questioning Tahsildars and Divisional Officers. I also visited Madura and heard there the more conservative views of Mr. J. F. Hall and Mr. J. Gray. I have consulted several other Collectors on various points and have interviewed a number of officers in Madras. But there is hardly a single topic which has not been frequently discussed in the past and the greater part of my time has been spent in reading an immense number of and volume of reports and orders, both in order to bring my own knowledge up to date and in the hope of discovering something that would be of practical use.

Classes of Revenue Officers.

7. The officers concerned with the land revenue administration of districts are :—

The Collector.

Divisional Officers.

Tahsildars and Deputy Tahsildars.

Inspecting Tahsildar and Deputy Surveyors for Land Records.

Minor Irrigation Overseers and Supervisors.

Clerks.

Village Officers and menials.

Peons.

8. *The Collector* need not now concern us. The Government have already examined fully the possibility of reducing the number of Collectors by a reorganization of districts and has concluded that no reduction (except by the amalgamation of Madras and Chingleput) is expedient. I have no further suggestion to make but the discussion of the question of Divisional Officers below necessarily includes reference to the position of Collectors.

9. *Tahsildars and Deputy Tahsildars.*—Some posts of Deputy Tahsildars have been abolished as a measure of retrenchment, their charges being absorbed into the parent taluk. The necessity for such posts has been scrutinized in detail district by district by Collectors, the Board of Revenue and Government. I have neither the detailed knowledge of districts nor the time to acquire it that would make it possible to re-examine the question.

A reduction in the number of Tahsildars has never been suggested. These officers have from time to time been described as 'maids of all work,' 'beasts of burden' and 'the back bone of the administration.' It is common knowledge that their charges are mostly heavy, their responsibilities considerable, and their duties merit the epithet, so often misapplied in other cases, of 'multifarious': while their office clerks are often inefficient. Their offices are an essential link between all departments of the administration and the people. I do not propose to discuss these officers further.

10. *Village Officers and menials.*—The history of the attempts at retrenchment in this class which culminated in the Village Officers' Restoration Act of 1926 is familiar. The recent Retrenchment Committee was strongly opposed to any reduction in their numbers, but recommended a petty cut in the pay of some of them, the imposition of which has made a considerable saving. As the cost of the village establishments is more than half of the total cost of the district administration, and the examination made when a number of posts was abolished ten years ago did in fact show that a certain number of these posts (though not all that were abolished) was in excess of administrative requirements, it would appear that a re-examination of the question would open a fruitful field for further retrenchment. But it is impossible to ignore the general feeling in the matter, and it is probably inexpedient to revive at the present time the agitation which was settled in 1926. I could not in any case deal with the question, which is necessarily a matter of detailed enquiry in each taluk, and it is probable that such enquiry, in view of the opposition that it would arouse, would be infructuous of practical results.

I therefore leave this question alone. If the Government is prepared to reopen it the first step would be to require Collectors to examine the papers dealing with the previous abolition of posts and report what offices, if any, are clearly superfluous.

11. *Clerks and peons.*—These cannot be dealt with apart from the offices to which they are attached. The number of peons has already been reduced by 310 (G.O. No. 1645, Revenue, dated 5th August 1932). The number of clerks depends upon the number of officers and the work the officers have to do, and the possibility of reducing the number depends on the possibility of reducing the number of officers or reducing the work they have to do, which is examined in subsequent paragraphs.

12. The other classes of officers are dealt with in what follows.

I discuss first the position of Divisional Officers: Revenue Inspectors are considered in connexion with maintenance, along with Inspecting Tahsildars and Deputy Surveyors, and the Minor Irrigation establishment in connexion with Minor Irrigation.

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Divisional Officers.

13. According to an order of 1825 (incorporated in B.S.O. No. 116) "subject to general control on the Collector's part, the full exercise of the authority vested in the Collector by the Regulations and delegable by him to his subordinate officers, is left entirely to the Divisional Officer in his own division. The ryots, although allowed to appeal to the Collector, are to be taught to look to the Divisional Officer as the authority who is to enquire into their complaints and grant them redress." "It is unnecessary to describe in extenso the powers and duties of a Divisional Officer, which have been minutely laid down in the Acts of the Legislature as well as in other parts of the Standing Orders. The annual settlement of the villages within his range, the adjustment of disputes among the ryots within his division in respect to the occupation of land, to the boundaries of fields or to the distribution of water, the issue of pattas, the investigation of claims to remission for crops destroyed by drought, inundation or blight, and the repair of tanks and watercourses, are matters which should ordinarily claim the attention of a Divisional Officer."

The inspection of taluk offices, the exercise of discipline over subordinates, the appointment and punishment of village officers, the disposal of suits under the Estates Land Act, the acquisition of land, the holding of the annual jamabandi, the inspection and supervision of forest panchayats, the disposal of appeals against the orders of the Tahsildar in regard to patta transfers, encroachments, darkhasts, water-rate, responsibility for the state of minor irrigation works in his division, are amongst the duties specifically laid upon Divisional Officers in the Board's Standing Order and in various Acts. He has also to exercise powers under the Indian Stamp Act and has specific duties in connexion with Excise. He is required to be on tour for at least two and a half months in each half year, and to keep the Collector informed by periodical diaries of all matters of interest relating to the revenue administration of his division.

14. The position of the Divisional Officer as a 'miniature Collector' was reaffirmed throughout the discussions which led to the increase in the number of districts and divisions under Mr. Meyer's scheme for reorganization in 1904, and has so far as I am aware never been challenged since. In a lengthy pronouncement on the Report of the Committee on the separation of Judicial and Executive Functions (the Coleridge Committee) in 1924, the Government said, "The Government are not prepared to accept any scheme which will result in any material increase in the size of the divisions of a district, both on the ground that such increase would inevitably lead to grave deterioration in the standards of administration and also because it would entail undoubted hardship and inconvenience on the public," and "under a system which depends so largely on the adequate supervision of a large number of subordinates, the Government cannot but view the prospects of reducing or lessening the amount of that supervision with the gravest apprehension both as to the efficiency of the administration and the condition of the people themselves, who would undoubtedly be exposed to a far greater extent than they are at present to the exactions of petty officials." There the question of reducing the number of officers appears to have rested, until the recent financial stress led to its revival. After a detailed enquiry into the circumstances of each district a few divisions which were considered to be light charges have been abolished—the constituent taluks being added on to neighbouring divisions with no alteration in the functions of the Divisional Officer.

15. Meanwhile three Collectors have suggested the abolition or reduction in number of these officers and have made suggestions as to the consequent reorganization of the work in the district. The most sweeping suggestion is that of Mr. Ranganathan who, after two years' experience as Collector of Trichinopoly, proposed to abolish the four Divisional Officers in that district and to have in their place two Stationary First-class Magistrates with much reduced establishments: the revenue work of the four present officers being divided between the Collector and the Tahsildars. The scheme has not been developed in detail, but from a discussion of it with its author I gathered that it was based on his impressions of the conduct of their work by the Divisional Officers in his district, on a theory that the addition of more detailed work to the Collector would confer more power upon him, and on a belief that, in Trichinopoly, the additional work could be done by the Collector without difficulty. To the first argument—that the Divisional Officer is merely a 'post office'—the reply is to be found in the terms of the papers quoted at the head of this chapter. It is for the Collector to see that his Divisional Officers do not become merely post offices. The second argument is, I think, a profound mistake. Power does not lie in the personal performance of minor duties but in the superintendence, control and guidance of the persons who perform them. And, lastly, I do not think that the scheme realizes the vast amount of extra labour that would be thrown upon the Collector.

As the Divisional Officer holds an intermediate position between the Collector and the Tahsildar, the abolition of him means giving more work to both: more responsible work to the Tahsildars and more minor work to the Collector. I take first the proposal as it affects Tahsildars.

16. Mr. Ranganathan suggests that the land acquisition work now done by Divisional Officers may safely be entrusted to Tahsildars.

Under section 3 (c) of the Land Acquisition Act the expression 'Collector' includes any officer specially appointed by the Local Government to perform the functions of a Collector under the Act, and up to 1926 Tahsildars were in some cases so appointed as 'Collectors.' In that year it was brought to notice that in certain districts the Collectors had found the work so badly done by Tahsildars that they had directed that Divisional Officers were to do it in future. The Government then stated (G.O. No. 1714, Revenue, dated 8th October 1926) that it was 'a matter of experience that land acquisition work is better done when an officer of higher standing than Tahsildar is the acquiring officer' and directed that in future no "officer below the rank of Deputy Collector should be proposed for appointment as 'Collector' under the Act." (This order was modified in favour of District Labour Officers on the representation of the Commissioner of Labour that land acquisition formed a large part of their work and that to hand it over to the Divisional Officers would mean great delay. But the ground on which Government agreed to this modification was that District Labour Officers worked under the immediate personal supervision of the Collector.) What Mr. Ranganathan suggests is not a new experiment but the reinvestment of Tahsildars with powers in the exercise of which they have already been tried and found wanting.

17. Next Mr. Ranganathan suggests that the work under the Estates Land Act now done by Divisional Officers should be entrusted to his Stationary First-class Magistrates or to the Civil Courts. The latter suggestion has always been resisted by the Government on the ground amongst others that the Civil Courts have already more work than they can do with promptitude. The former is less open to objection: whether it would be practicable depends upon the circumstances in each district.

18. Next he suggests that all the powers of the Divisional Officers under Act II of 1894, which deals with the appointment and punishment of village officers in proprietary estates, may be entrusted to the Tahsildar. This involves an amendment of the Act which would be resisted by proprietors as enabling their acts to be called in question by an officer of inferior status. It is also doubtful whether Tahsildars would discharge their duties properly, and legislation in order to make an experiment of doubtful expediency is not to be undertaken lightly. I refer to this later under the heading 'Village Officers.'

19. The second part of Mr. Ranganathan's proposals is to give some of the Divisional Officer's work to the Collector, viz., the adjudication of stamp duty, etc., under the Stamp Act, the hearing of suits under Act III of 1895 (Madras Hereditary Village Officers Act), the confirmation of sales under Act II of 1864, the inspection of taluk offices. Mr. Ranganathan makes no mention of such things as appeals against the Tahsildar's orders about darkhasts, water-cess, encroachments, etc., all of which would under his scheme come up to the Collector. Nor does he suggest how such matters which the Divisional Officer deals with, as punishment of subordinates, passing of bills, conduct of abkari sales and the imposition of fines on renters, and many other details should be provided for in future.

20. It is obvious that if the duties now laid by statute upon Divisional Officers were transferred from four Divisional Officers, as Mr. Ranganathan proposes, to one Collector, the latter would be overwhelmed with work: but in addition to these there is a host of subjects in which the Collector must either pass orders or must be the appellate authority against orders passed by the Tahsildar. In either case, the mere catalogue of duties to be imposed on the Collector is sufficient to show that the scheme is, as the Board of Revenue has remarked, impracticable and unworkable.

21. Messrs. Masterman (Nellore) and Rutherford (Chingleput) have put forward other proposals of a similar kind but based upon practical realities. Mr. Masterman proposes that in Nellore instead of four officers each doing both revenue and magisterial work there should be two officers doing revenue work and two doing magisterial work, the latter two being stationary officers. He obtains the savings in expenditure, which is the object of the scheme, by proposing for the two Magistrates a lower scale of pay than that of the two Revenue Officers, and by some reduction in the number of clerks to be secured by relieving the Revenue Officers of a certain amount of routine matter which it is said at present merely passes through the Revenue Divisional Officer to the Collector for orders.

22. The propriety of the suggestion that a First-class Subdivisional Magistrate should be paid less than a purely Revenue Officer is doubtful. The responsibility for law and order is as important as the limited control of the day to day revenue administration. It may be argued that a Sub-Magistrate is paid less than a Tahsildar, but the analogy is far from complete. A Tahsildar has more numerous responsibilities and far heavier work than a Sub-Magistrate, but the same could hardly be said of a Revenue Divisional Officer shorn, as Mr. Masterman suggests, of some of the purely Revenue work which he now does, in comparison with a Magistrate dealing not only, as a Sub-Magistrate does, with his own cases, but also with appeals security work and the inspection and control of subordinate courts.

A further objection is that the magisterial work would be dealt with largely by junior officers or those considered unfit for promotion; at the same time the junior officers would be employed in a sedentary occupation and the senior in touring and inspection work which requires physical activity—obviously a reversal of the proper order of things. No doubt this criticism applies equally to the present arrangements in regard to Tahsildars and Sub-Magistrates, and it may be said that these defects have not had any serious results there. But they are defects and it is not desirable to extend them over a new field, and in an aggravated form in proportion as the work of the proposed Magistrates is more important than that of Sub-Magistrates and that the age of the proposed Revenue Officers will be greater than that of Tahsildars.

23. Mr. Masterman suggests that some Revenue work (Estates Land Act suits) should be done by his new Magistrates, and some magisterial work by his new Revenue Officers. As regards the latter his idea is that the District Magistrate would from time to time, if necessary, transfer cases or appeals from the new Magistrates to the new Revenue Officers. But it is a matter of common experience that the transfer of cases from one court to another causes delay in the disposal of them, sometimes impedes in other ways the course of justice, and invariably causes trouble and expense to the parties and witnesses.

24. But a fatal objection to the whole scheme (as things are at present) is that it takes away magisterial work from all Indian Civil Service Officers or, if an Indian Civil Service officer is appointed to a magisterial post, the financial advantages of the scheme disappear. Obviously it is difficult for an officer to be an efficient District Magistrate or District Judge if he has no knowledge of magisterial work, but under Mr. Masterman's scheme no Indian Civil Service Officer would have any experience of such work, other than such as he acquires when under training as a third and second class Magistrate or from the few cases that might be transferred to him when he is a Revenue Officer. He would have spent the whole of his service up to the time of appointment as Collector in doing purely revenue work. In the case of the provincial service, this objection would not be fatal, as an officer promoted to Collector would have had magisterial experience: but he would have had such experience only in his earlier years.

It might possibly be an improvement on Mr. Masterman's scheme to reverse his proposals in regard to pay so that the Revenue Officer would get the lower pay and the Magistrate the higher. But the objection as regards specialization would not be removed: the Indian Civil Service Officer would then have purely magisterial experience and would not be qualified to be an efficient Collector; and the objection would be similar, though less in degree, in the case of an officer of the provincial service.

If all the officers were placed on the same scale of pay, the sole advantage that can be claimed for the scheme, namely greater cheapness, disappears.

25. A further suggestion made by Mr. Masterman, with the object of reducing the work done by Divisional Officers and so enabling their number to be reduced, is in regard to the submission of reports by Tahsildars direct to the Collector instead of through the Divisional Officers. The general rule is (B.S.O. No. 116-3) that orders addressed by the Collector to officers immediately subordinate to Divisional Officers should be issued through the Divisional Officers, except in regard to matters which fall immediately under the control of the Collector, as for instance, those relating to the treasury and the preparation of periodical reports and returns. The converse of the rule that reports submitted by a Tahsildar to the Collector should be sent through the Divisional Officers, does not appear to be specifically laid down but follows from the general definition of the responsibility of a Divisional Officer for everything within his division and is generally adhered to. Mr. Masterman's suggestion is that as a large volume of reports from Tahsildars merely pass through Divisional Officers, and the Divisional Officers do not inspect or hold any independent enquiry but merely pass on the Tahsildar's reports without remarks or with brief remarks which are of little value, the Tahsildar, who really makes the enquiry and on whose opinion the Collector's orders must be based, might as well send his reports direct to the Collector. The time spent in registering such papers in the Divisional Officer's office and in writing endorsements on them is wasted.

Now there may be some classes of reports which deal with matters purely of routine but hardly any of the subjects which Mr. Masterman specifies are of this kind. His list includes amongst others the alienation, valuation, classification, reservation and assignment of land, and the whole of irrigation. If the Divisional Officer were thus shut out from all knowledge of everything concerning land and water in his division, there would be nothing left for him to do except to pass orders in cases where statute requires him to do so and in appeals from the orders of the Tahsildars. There would be nothing for him to inspect; and he need never go into camp.

26. This conception of the Tahsildar as an almost infallible man-on-the-spot and of the Divisional Officer as a mere signature-affixing automaton is foreign to my own experience, whether as Divisional Officer or as Collector, and to the ideas of Government as set out in the Standing Orders already quoted. Tahsildars are an estimable class of officials, but not infrequently err, whether through inexperience or inadvertence or laziness or weakness or for some other cause, and I do not think it is expedient to relieve them from all possibility of control by the Divisional Officers. The fact, for instance, that the Divisional Officer may (and indeed should) inspect minor irrigation tanks to see that estimates do not provide for unnecessary work and that work is properly executed according to estimate is a most wholesome check on carelessness and extravagance on the part of a Tahsildar. Again, I have been told by one Collector that reports on major irrigation

matters submitted by Tahsildars were so inadequate in his district that he had to take them out of the Tahsildars' hands and to direct his Divisional Officers to deal with them personally.

The theory that because the Divisional Officer is only an intermediate not the final authority, it is unnecessary for him to intervene at all seems to me mistaken: but that it is sometimes translated into practice is shown in an outstanding instance by the statement of one Divisional Officer that calendars of Subordinate Magistrates "simply pass through" the Divisional Magistrate. If some Divisional Officers suffer from inertia and lack of initiative, or ignorance of their duties, that is not a reason for considering that all Divisional Officers are superfluous.

27. Mr. Rutherford's proposal is to abolish the three Divisional Officers in Chingleput district and to substitute for them one First-class Magistrate and one or perhaps two Revenue Officers. Unless the result of a change of system were to reduce the number of officers, there are no advantages in it, though Mr. Rutherford himself considers that the separation of the judicial and revenue functions would be a positive advantage. Mr. Rutherford considers that one Magistrate would probably suffice for Chingleput, if he were given summary powers: and that one, or two, Revenue Officers would suffice if the whole system of Revenue administration were radically altered. His proposals towards the latter object would result in the abolition of Revenue Inspectors: so far as Divisional officers are concerned, it is uncertain whether any reduction in the number could be made. It is obviously doubtful if a single First-class Magistrate could do all the work now done by three Magistrates, even in Chingleput and there is a variety of other objections to that proposal. In districts with a larger number of divisions or with heavier criminal work, it would be impossible.

Mr. Rutherford's other suggestions will be dealt with later. In view of the uncertainty that his scheme as regards Divisional Officers would in fact lead to any retrenchment, it need not be considered further here.

28. No other suggestions for the retrenchment of Divisional Officers have been put forward and the recent detailed examination of the circumstances of each district resulted only in the abolition of a few divisions. In general, the size of the districts in Madras is so great, and the contact between the administration and the people so close, that it is necessary, under the present land revenue system, that Divisional Officers should reside within their charges and that the area in their charge should not be excessive.

Another general proposition is that the combination of revenue and magisterial functions in a single office is itself an economical arrangement. There was a similar economy at one time when Tahsildars exercised magisterial powers in addition to their revenue duties. But when 40 years ago, it was decided to separate the two, it became necessary to create a new class of officer, the Sub-Magistrate. The idea that a similar division of the functions of the Divisional Officer can result in economy is *prima facie* illogical: the attempts which have just been described to meet the Difficulty accordingly proceed on the assumption that most of the revenue functions of the divisional Officer are unnecessary, or can be done by some one else. I have given reasons for rejecting that view: and I have criticised proposals based on it at some length because they merited examination as a definite attempt at retrenchment. The objection to them is not that they are heretical but that they will not work or will not result in economy and my conclusion is that Divisional Officers are a necessary part of the administrative machinery.

I do not believe that it would be good policy to burden Collectors with more work of minor importance that is now done by Divisional Officers, nor do I believe that Tahsildars generally are fitted to receive any large extension of power or capable of coping with any considerable increase of work. Assuming that the general system of district administration remain unaltered I can suggest no reduction in the number of Divisional Officers. It is therefore necessary to examine the possibility of making alterations in the system, which would reduce the functions of Divisional Officers so considerably that a reduction in their number would follow.

29. I have so far dealt with things as they are and with the Revenue rather than the magisterial side of the Divisional Officers' functions.

I have refrained from speculating on the changes that a new constitution may bring about in the course of time, partly because such speculation would be valueless and premature, since no action can be taken now to meet possible new departures in policy not yet enunciated: and partly because I see no ground for supposing that the Government of the near future will desire to make any startling changes in the policy or practice of district administration. So far as the Collector is concerned, the Simon Commission assumed that there would be no great change in his position and functions. No Government will set out deliberately to lower the standards of administration, to diminish its revenue, to jeopardise law and order, to weaken the administration of criminal justice. It may be supposed that for the ascertainment of public opinion a political Government will rely on its supporters in the Legislative Council or in the districts rather than on officials, but every Government will still want to know facts and to have disinterested and experienced opinions on them, and for this it must still go to the district officers. In some directions it seems

possible that a greater use will be made of the district officers, when the Government is homogeneous and the distinction between Reserved and Transferred subjects disappears. It may, for instance, be found expedient that the Government should devolve upon the Collectors some of its powers in regard to local bodies (especially panchayats the mere number of which already makes the centralized administration of them an impossible task), and there are, I believe, indications even now that the prejudice against intervention by the Collector in such matters is weakening. In the early years of the past decade, the local boards in their newly-won freedom from official domination were suspicious of any hint of encroachment upon their independence by the 'bureaucratic' side of the Government and its local representative. But now that their position is assured, such suspicion tends to become less keen, while public opinion is less opposed than it was to the invocation of assistance from the district officers. It may be that the establishment of a unitary Government will break down the barriers further; and at the same time the multiplication of local bodies must make some considerable measure of decentralization inevitable.

30. If in the sphere of local self-government the functions of a Collector may perhaps be widened, it is possible that in the sphere of revenue and criminal administration there may be a movement in favour of more popular control. It is difficult to 'deofficialize' the tax-gatherer, and there are limits to the popularization of the magistracy: but whatever form changes may take, the district officer must be the instrument for carrying them out, and this must mean more work for him for some time to come.

I can find in prophesy no ground for believing that the work of the Collector will diminish in the near future, or for thinking that it is any more desirable than it has been in the past that he should be saddled with more work of lesser importance, that the Divisional Officer now performs.

31. As regards the magisterial duties of the Divisional Officers, the position was very fully examined in 1923–24. I have already quoted an extract from the final orders of Government on that subject [G.O. No. 112, Judicial (Magisterial), dated 17th March 1924] which contains an admirable and exhaustive survey of the whole field of magisterial administration. I do not propose to quote further: it contains all that I should have to say. For my present purposes, it is enough to say that the Government then saw no prospect of securing retrenchment by an alteration of the present system; and nothing has occurred meanwhile to warrant a change of opinion on that point. Though the number of Bench Courts has remained stationary (202 in 1925, 205 in 1931) the number of cases dealt with by them has risen largely (78,959 in 1926, 101,560 in 1931); the number of panchayat courts has increased largely (2,004 in 1925, 3,366 in 1931) and the number of cases tried by them has also increased (28,428 in 1925, 34,107 in 1931). But in spite of the increasing number of cases dealt with by these two courts, there has been not only no reduction but a large increase in the number of cases filed before the Stipendiary Sub-Magistrates (98,895 in 1925, 124,145 in 1931).

Nothing has been done in the meanwhile to relieve the Subdivisional Magistrate of work (the order of 1924 explained the difficulties of doing so); the number of original cases remains the same, but there has been a decrease in appeals, viz.—

	1925.	1930.	1931.
Original cases ..	8,006	8,891	7,935
Appeals ..	5,144	4,824	4,469

The reduction in the number of appeals may be due to a variety of causes: it is too early to assume that it will be permanent.

Meanwhile the reduction in the number of divisions made during 1932 has, of course, increased the work of the remaining Subdivisional Magistrates in some districts.

32. I have perused the recommendations made by the Thomas Committee for the modification of the administrative system in Bombay. The Committee started with the thesis that geographical centralization from top to bottom was possible and financially desirable, and their scheme for the reorganization of the Revenue Department conforms to that mould—

(1) The Commissioners of Divisions are to be brought in to the headquarters and formed into a centralized Board of Revenue on Madras lines (but with the odd modification that their duties are to be distributed territorially instead of by subjects).

(2) The Subdivisional Offices are to be abolished. In their place the Collector is to have a personal assistant or two personal assistants, who would be under his direct orders and tour over the whole district in accordance with a programme arranged with the Collector.

(3) The Circle Inspector, who at present works in a subdivision of the taluka is to be replaced by a Revenue Inspector of a higher status who would share the inspection of villages with the Mamlatdar (Tahsildar) and will live at the taluk headquarter and share the taluk office.

(4) Subordinate Judges are to be invested with criminal powers and to use them in all places in which their civil work does not give them a full day's work. In some places it will be necessary to create additional posts of Resident-Magistrates: the Committee considers that six would be necessary. This system would produce economy and meet the convenience of the public who are now sometimes required to follow a touring Magistrate's camp and will provide a training for Sub-Judges to fit them for appointment as District Judges.

I am not concerned with recommendation (1). Recommendation (2) is similar to suggestions made by Messrs. Masterman and Rutherford which I have already discussed. Recommendation (3) will be dealt with in the section about Revenue Inspectors. Recommendation (4) that criminal work should be entrusted to Sub-Judges is new and requires consideration.

33. It is to be noted, first, that the term 'Sub-Judges' in Bombay includes all the officers styled 'District Munsifs', in Madras; secondly, that in Bombay there is not a complete separation of magisterial and executive functions in the lower grades as there is in Madras, though Bombay has some whole-time Resident-Magistrates. The Mumlatdar (Tahsildar) exercises magisterial (often first-class) powers as well as revenue jurisdiction. Apparently, therefore, the 'prant' (Divisional) Officer in Bombay has already less magisterial work to do than the Subdivisional Magistrates in Madras; for many Mumlatdars have first-class powers (whereas no Sub-Magistrate has them) and appeals from those Mumlatdars in consequence lie to the District Judge, not to the Subdivisional Magistrate.

Since the abolition of circle officers must 'to some extent' increase the revenue duties of Mumlatdars and the abolition of the prant officer means the substitution of the Mumlatdar for the prant officer as the chief inspecting agency, a means had to be found for relieving the Mumlatdar of part of his magisterial duties; at the same time the Committee decided that the criminal work now performed by the prant officers could not be wholly transferred to the Collector and his personal assistant. In Madras when the magisterial functions of the Tahsildar were taken away a new class of officer—the Sub-Magistrate—was created to assume them. Financial considerations precluded the Thomas Committee from adopting this course (except to the extent that six additional Resident-Magistrates are to be created) and the solution of the difficulty was found in the fact, of which the Committee had evidence that in many of the subordinate civil courts (Sub-Judges) the time of the Judge (in spite of some amalgamation of courts) is still not fully occupied. It does not appear that this state of things exists in Madras. The Retrenchment Committee's report records the abolition of some District Munsif's Courts and the amalgamation of others but there was apparently no evidence that the courts in general are not fully occupied. Indeed the High Court of Madras, in a letter proposing a system of magisterial training for Sub-Judges, said that 'in this Province District Munsifs have very little time to spare for other work.' It is therefore improbable that any considerable retrenchment could be made by giving magisterial work to these courts.

34. A proposal of the kind was considered on its merits regardless of financial considerations by the Coleridge Committee in 1923-24. The Committee first decided that the powers conferred upon Magistrates by Chapters VIII to XII of the Criminal Procedure Code (security for keeping the peace, unlawful assemblies, public nuisances, temporary orders in urgent cases of nuisance or apprehended danger and disputes as to immovable property likely to lead to breaches of peace) were essentially executive rather than judicial, and must remain with the executive authority, namely, the District Magistrate and his Subordinate Magistrate. They considered that the transfer of these functions partially or wholly to judicial officers would result in danger to public tranquillity. This position is apparently accepted by the Thomas Committee, though their report contains no details. Their intention presumably is that the single personal assistant to the Collector should exercise such of these powers as are now exercised by several Subdivisional Magistrates throughout the district. If so, it seems to me that the Committee failed to realize how seriously the power of preventing disturbances and the like or terminating them would be weakened by the reduction of the number of officers and by the concentration of authority in the district headquarters, instead of its being vested, as it is now in Madras, in officers dispersed over the district.

35. The Coleridge Committee next considered, and rejected, a proposal for the amalgamation of the criminal and civil judiciary in respect of the rest of the magisterial functions. They remarked that such amalgamation, though favoured by a large body of vakils is against the custom of such 'liberty-loving' countries as England and America: They then pointed out that "criminal cases should be tried with more rapidity and disposed of more quickly than civil cases, because in the former the parties' personal liberty is concerned and cases depend on oral evidence which is likely to be less reliable months after an occurrence than immediately or shortly after" and, after quoting statistics to show that the disposal of civil cases by District Munsifs was much less prompt than the disposal of criminal cases by the Subordinate Criminal Courts, added "so far as criminal cases are concerned, such delays would be an intolerable scandal. If both classes of cases—Civil and Criminal—are made to be tried by the same tribunal, there is great likelihood of both classes of work suffering or, at any rate, the criminal cases suffering still more than at present. The remedy is suggested by some that the civil tribunal should be directed to set apart some days of the week for the trial of the criminal cases, thereby ensuring prompt disposal. Apart from the impossibility of making any such arrangement, owing to emergent applications in respect of civil or matters of execution—attachment before judgment—coming up for immediate consideration, there will be new criminal work coming up almost every day, such as remand of prisoners, bail applications, transfer petitions, etc., requiring immediate disposal and complaints must always be taken as soon as presented. The interruptions to either civil or criminal work by an arrangement of this nature would be considerable, and if each work be allowed to be taken up as it comes and the other made to wait till its turn, the result will be more delays than at present."

On these considerations the Committee was 'strongly of opinion that the Criminal Courts should be kept separate from the Civil Courts, more especially as no possible economy could result.'

36. No doubt the Committee considered that it had said enough to condemn the proposal and the condemnation is the more striking when it is remembered that the Committee was by no means an official Committee nor inspired by any bias against the Civil Courts. It included a large preponderance of Indian non-officials (three of whom afterwards became Ministers) and was presided over by a Judge.

37. There are two important considerations upon which neither the Coleridge Committee nor the Thomas Committee touched. The first is the difficulty of divided control over an official exercising dual functions. Either the District Munsif must be subordinate to the District Magistrate in respect of his magisterial functions and to the District Judge in respect of his civil functions or he must be subordinate to the District Judge in respect of both. Under the first alternative the weakness of a system of divided control is obvious. So long as he has only second-class powers (the Thomas Committee suggests that he should exercise these for two years before receiving first-class powers) appeals against his decisions must under the Criminal Procedure Code lie to the District Magistrate; and presumably his calendars would be sent to the District Magistrate for perusal and the District Magistrate would inspect the magisterial part of his records while the District Judge would deal with the civil part. The mere fact that his time was divided between two functions would make it difficult for the authority to supervise his work in either branch satisfactorily.

Under the second alternative, the District Judge would have more to do than he has time for. This was recognized by the Coleridge Committee in discussing its own scheme for placing the whole of the magistracy under the District Judge and its remedy was the singularly unsatisfactory one of appointing a comparatively junior officer (to save the expense of a senior) as assistant to the Judge in respect of magisterial matters. The Thomas Committee did not allude to the point at all. It may have thought that the Judge would be able to exercise sufficient supervision over the District Munsifs dealing with first-class cases. But it is extremely doubtful if he would have time to exercise supervision of the required amount (e.g., inspection of the District Munsifs' Courts and careful perusal of calendars), and it is certain that his supervision could broadly speaking not be of the required kind; first, because as a judicial officer what would interest him in reading a judgment would naturally be the purely legal aspect of the case; secondly, because his position as the appellate authority would effectually preclude his making any kind of criticism on a judgment, except in judicial form. A District Magistrate *vis-a-vis* the Subdivisional Magistrate is free of these trammels and can exercise a general supervision over his work whether by remarks on judgments or otherwise in an extra-judicial way, as no judicial officer could. It is perhaps unnecessary to particularize, but I may mention such topics as the use of sections 203 and 250 of the Criminal Procedure Code, the avoidance of delay in disposing of cases, the proper treatment of juveniles and first offenders, the need of clearness and conciseness in a judgment, the importance of facts rather than legal subtleties, as instances of the range of general, as opposed to judicial, supervision.

38. A second large consideration which both Committees ignored is the fitness of District Munsifs to be entrusted with the trial of criminal cases.

The High Court of Madras in suggesting a method for giving Sub-Judges experience of criminal work [Letter 2663, Law (General), dated 8th July 1931] noted some characteristic deficiencies of Sub-Judges when called upon to deal with criminal work on promotion to the District Court; and the claim of the Thomas Committee that its scheme provides a training to fit civil judicial officers to be criminal Judges has some justification. But it is not necessary to entrust criminal powers to all District Munsifs merely in order to secure a training for the few who will eventually be appointed District Judges, as the Madras High Court pointed out. Much less sweeping and extensive arrangements would secure that object, and that the Thomas Committee's scheme would secure it is a minor factor in the consideration of the general desirability of the scheme.

It seems very doubtful if that the combination of civil and criminal functions in the District Munsif would produce good results. The Coleridge Committee pointed out that in England no court short of the High Court deals with both kinds of work; and it is further noteworthy that while no civil judicial work is in England entrusted to a 'non-official' agency, a great deal of criminal work is in the hands of laymen. There are historical reasons for this but a sound reason for the endurance of the system is that while the exposition and interpretation of civil law is a matter for the pandit the decision as to the guilt of an accused person is a matter much more largely of practical commonsense. The trial of magisterial cases does not require a profound knowledge of law and I venture the opinion (I intend no disparagement) that generally speaking, the habit of mind of a District Munsif does not suit him to conduct magisterial cases satisfactorily: and that it might be difficult for a Munsif to adopt himself to the rather different requirements of a Civil Judge and a Magistrate at the same time. I do not wish to strain the point and it is possible that experience would in time counteract initial defects, but it does seem to me that there are serious objections of this kind to the entrustment of criminal functions to the lower Civil court.

39. Moreover, so long as a District Munsif had second-class powers only he could give no relief to the Subdivisional Magistrate who only tries first-class cases. The transfer of second-class cases to the Munsif would relieve only the Sub-Magistrate who probably will not require relief. The Bombay problem is different, since it was necessary to find relief for revenue officers dealing with both classes of cases; and the Bombay solution of it is not suitable to the different conditions of Madras.

39-A. Another objection which is worth mentioning to the adoption of the Bombay scheme arises from the different conditions in Madras. In Bombay the Collector's assistants already reside at the district headquarters, though they have distinct territorial jurisdiction. The transfer of officers from their divisions to headquarters in Madras would probably mean in many cases (*a*) the building of residences for them at the district headquarters (*b*) the enlargement of the Collector's office at headquarters to provide room for the assistants, while in both cases it might be difficult to find a use or get a reasonable price for the buildings in the division. This difficulty is the greater from the fact that the number of officers is greater in Madras. Whereas the Bombay districts have usually two assistants or more rarely three which the Committee proposes to reduce to one or two, in Madras none have less than three (except the Nilgiris), nine have four, six have five, and Tanjore has six.

Divisional Officer's Clerks.

40. I have discussed already Mr. Masterman's proposal that the number of Divisional Officers should be reduced, and as a means towards it, that the Divisional Officer should be eliminated as a channel of correspondence between Tahsildar and Collector. I do not favour that proposal, but I pursue the idea that correspondence should be reduced, not in order to reduce the number of officers but in order to reduce the number of clerks.

41. In order to reduce the amount of correspondence which passes unnecessarily through the Divisional Officer I have tried to formulate a general rule as to the class of correspondence which need not pass through him at all, but find it difficult to do so. Letters on subjects dealt with directly by the Collector in which the Divisional Officer has no responsibility or concern should ordinarily be sent by the Tahsildar direct to the Collector and vice versa, but a rule of this kind might be interpreted in some districts in such a way as to short circuit the Divisional Officer altogether.

It would be safer, and should be attempted, to draw up a list (to be included in the Office Manuals) of subjects in which Tahsildars may and ordinarily should correspond direct with Collectors and vice versa. Probably some Collectors have issued orders of their own already on these lines in particular cases, but what is required is a general regulation with the object of reducing the work of the clerks in all Divisional Officers' offices so substantially that one clerk for each might be withdrawn.

The list would include such things as the Christian Marriage Act, gun licences, proposals for the resumption of inams or apportionment of quit rent (and other such cases where the only thing that can be done in the Divisional office is an "office check"), reports on the state of tombs, and some matters of excise; but would *not* include correspondence about irrigation works and any question connected with irrigation, darkhasts, reservation and alienations of land, revenue records, village officers and other matters with which the Divisional Officer is directly concerned and of which he should be informed.

I suggest that the Board might require selected Collectors to draw up a list of subjects on these lines and on that basis might prepare a list for Government's approval.

42. Secondly, in unimportant cases, dealing with subjects not on this list, which have come up to the Collector through the Divisional Officer, where the Divisional Officer has supported the Tahsildar's recommendation and the Collector passes an order accepting the recommendation without comment, it is unnecessary for the order to go back through the Divisional Officer. It should be despatched straight to the Tahsildar by the Collector's office. Such cases are numerous, e.g., sanction of Minor Irrigation estimates, sanction of transfer from poramboke to ayan and dry to wet, fixing the market value of land, granting licence for house-site in towns, and so on. The elimination of the Divisional Office on the return journey would save a considerable amount of work in that office, and it is only where the Collector explains a principle or points out an error or requires further information that the Divisional Officer need see the case a second time.

43. Thirdly, the principle should be laid down that in matters which go up to the Collector for orders the object of their passing through the Divisional Office is not that they should be scrutinized or noted on by clerks—that will be done in any case by the Collector's office and need not be done twice—but that the Divisional Officer may have the opportunity of inspecting, or directing the Tahsildar to inspect, or calling for further information, or criticizing, in the light of his local knowledge, which is greater than the Collector's or of his general experience which is wider than the Tahsildar's. The office-note should be confined to pointing out any departure from rule; it should not criticize a proposal on its merits, and in a large number of cases there need be no office-note at all. It is the personal intervention of the Divisional Officer himself that is required, not the "office check" by his clerks, and the Collector's clerks will not, in consequence of the partial elimination of this intermediate check, have any more to do than they do already.

44. By these three methods, a large amount of routine and unessential work would be taken off the hands of the Divisional Office, and this, in conjunction with the reduction of the clerks' work at jamabandi, should render it possible to dispense with one clerk in each Divisional Office.

Fasaljasti.

45. Is the charge made for Government water used to irrigate a second crop grown on wet land registered as single crop land: Wet land which ordinarily gets a supply of water for second crop is registered as double crop land and remission of the second crop charge is given if there is not sufficient water for second crop. On land registered as single crop land the ordinary charge for second crop is half the first crop assessment, but it is open to a ryot to compound the charge at a favourable rate, viz.,

1/3 if the irrigation source is		2nd	class.
1/4	,,	3rd	,,
1/5	,,	4th	,,
1/6	,,	5th	,,

If the land has the benefit of irrigation from a private well, these rates of composition are halved (1/6, 1/8, 1/10, 1/12) except where the source is in the first or second class).

The revenue derived from the charge for second crop (excluding cases where the charge is compounded) naturally fluctuates considerably in accordance with the variations of seasons from year to year: it has amounted in the last three years to about 8 lakhs, 10 lakhs and 12 lakhs, respectively.

46. It has been suggested at various times since 1917 that simplification of accounts and reduction of inspection might be attained if these fluctuating charges were removed and some fixed system of charging substituted.

47. In Salem district such a system was in force before the first settlement and remains to this day. It was also in force in Vizagapatam up till the resettlement of 1919, when it was abolished and the general system of charging which prevails in the rest of the Presidency was introduced. (In South Kanara all wet land which regularly raised a second wet crop was registered as double crop land at settlement and no charge is made for second crop on land not so registered at settlement, but South Kanara conditions are peculiar.) The advantages of the Salem practice and the reasons for its being suitable to that district were summed up by the Settlement Officer in 1903 as follows:—

"It is generally true that under fourth and fifth and also some second and third group sources no second wet crop is grown except with the aid of private wells. In ayacuts where there are no wells there is no second crop. By far the greater part of the wet lands however grow a second crop of some kind. This fact was noticed at the time of settlement and it has become increasingly the case owing to the increase in the number of wells. Were the consolidated charge abolished much inspection would be necessary to determine whether Government water had been used or not. The decision would in many cases be difficult as irrigation from wells is constantly going on. If the system were altered a ryot who refused to compound would occasionally pay less than he does now but any advantage he might derive on this account would be more than counterbalanced by the uncertainty in the amount of his payments, the harassment of frequent inspections and the necessity for satisfying the demands of lower revenue subordinates. The opinion of the majority of the ryots so far as it has been possible to ascertain it is in favour of continuing the immemorial practice of the district. The district officials unanimously prefer the present system. Its advantages in simplifying the work of the revenue establishments are obvious."

The Board pointed out that the consolidated rate did not do away with the necessity for inspection since wet lands were still eligible for waste remission and inspection must in all probability take place as frequently as in other districts. It was however decided by Government that the system should be retained as it saved much inspection and its continuance was desired by the ryots: and the old method of fixing the second crop charge continued unaltered.

48. The question was next considered when the resettlement of Vizagapatam was taken up (1919). The Settlement Officer held that from cultivation statistics, inspection on the ground and discussions with the ryots it was obvious that the imposition of the consolidated double crop rate in one taluk was definitely wrong; that in the other two taluks no consideration was had of the varying facility of irrigation of second crop (as was done in Salem) and that though the system worked well enough in days when there was inadequate supervision of the karnam it was unnecessary now and the ryots were opposed to the system (to which they had in fact objected when it was introduced).

The Government then decided to abolish it and introduce the ordinary system. At the resettlement composition was applied for by the ryots on about 23,000 acres (about one-third of the total wet area) which was less than the average area (28,000 acres) on which the cultivation accounts showed a second crop, wet or dry, had been grown in the five years preceding the resettlement. As the advantages of composition appear to have been sufficiently advertised at the time, this figure probably reflects with some accuracy the ryots' estimation of the normal chances of irrigating a second crop.

49. It will be observed that the features which distinguish Salem from the rest of the Presidency are that the system of charging is ancient, is liked by the people and is apparently suited to the conditions of water-supply. It does not follow that its introduction as a novelty in other districts would either be acceptable to the people or would suit different conditions, nor, and this is for my present purpose more important, does it appear that the Salem system has actually any appreciable effect in simplifying accounts or reducing staff. In fact there are at present more Revenue Inspectors in Salem—there are also more taluks—than in any other district except Tanjore, which has one more, and Mr. Todd informs me that the bulk of jamabandi accounts in Salem is not appreciably smaller than in other districts, and that Revenue Inspectors have as much inspection to do for remission and water-cess purposes—as in other districts.

As the result of a full discussion of the question in 1917, when most Collectors, all Settlement Officers and the Board of Revenue went into it thoroughly, the Government decided that there was considerable objection to the universal application of the system, though there were many areas in which it would be suitable. They also accepted the view that the system could not be introduced during the currency of an existing settlement or resettlement.

50. Later, discussions of the method of simplifying the Revenue administration proceeded between 1921 and 1925, when they were finally abandoned. In the course of the discussions a scheme for abandoning charges for second crop and substituting a permanent charge was sketched. The proposal was that all wet lands should be reclassified field by field, on the basis of the cultivation accounts for the previous five years (subject to check by actual inspection) and that an addition to the assessment should be made by adding a fraction of the single crop charge according to the number of times a field had grown a second crop during that period. Thus a field on which second crop had been raised four or five times would pay one-half, a field on which it had been raised three times one-third, once or twice one-fourth, of the single crop charge in addition to the single crop assessment. No remission would be given on these rates, unless there was a total failure of the supply for the ayacut, the ryots would be free to distribute the water as they chose and even to use it for 'dry' land in preference to 'wet' land: for all dry land which had been irrigated once during the preceding five years without objection was also to be registered as wet. Not only would the initial expenditure involved in arriving at new assessments in this way be enormous but the system sketched would only have a limited application, viz., to isolated tanks: for it would clearly be impossible to allow the water of one tank in a chain or of a channel irrigating a long stretch to be used at will by the upper landholders without regard to the rights of ayacutdars lower down. And in the case of isolated tanks the system is unsuitable since the prospects of a second crop are remote. Isolated tanks would usually be tanks in the fourth or fifth class which by definition and in fact have not more than a precarious supply for a single crop.

51. At the resettlement of Tanjore it was originally decided that all wet land registered as double crop land prior to the resettlement and all wet land not so registered which ordinarily had an unfailing supply of water for two wet crops should be registered as double crop land and assessed accordingly. On an objection from the mirasidars to this system of a compulsory charge for second crop, however, Government gave way and decided

(1) that the Settlement Officers should be authorized in cases where the registration of any land as 'double crop' prior to resettlement had caused hardship to register it as single crop on the ryot's application.

(2) that in all other cases the option should be left to the ryot to compound for the double crop or not.

The same course was followed at the resettlement of Trichinopoly.

The result in Tanjore was instructive. Out of a total area of some 780,000 acres of wet land, 22,000 acres was left registered as double crop, and only 1,873 acres asked for composition of the double crop charge.

52. At the resettlement of Trichinopoly it was decided that rain-fed tanks with an ayacut of 20 acres or less should be handed over to the ayacutdars on the following principal conditions :—

(1) The system was to apply only to tanks not in a chain or irrigation works or otherwise affecting the supply to any Government source.

(2) The tank beds were to remain as poramboke and the property of Government.

(3) The whole area usually cultivated with wet crops was to be registered and assessed as wet.

(4) The ayacutdars were to do the necessary repairs and maintain the efficiency of the tank.

(5) Government were to make no charge for *fasaljasti* (second crop on wet land) or *tirvajasti* (wet crop on dry land).

(6) Remission was only to be given in years when the assessment on neighbouring dry land was remitted.

The idea was that Government would be relieved of the cost of maintaining the tanks and of the detailed inspection of the land under it, while the ryots would be able to use the water of the tanks as they pleased without addition to their assessments.

Actually the results were negligible; whether this was because the ryots did not consider the terms attractive or because there were in fact few tanks which came within the scope of the scheme, the Resettlement report unfortunately does not explain. But only 339 acres in six taluks were dealt with in the way prescribed so that the contribution made by the scheme to the simplification of the revenue system was valueless.

53. This completes the tale of the endeavours so far made to simplify the system by abolishing fluctuating charges.

54. Meanwhile in the Ceded districts modifications of the system proceeded on entirely different lines. There [see B.S.O. No. 13 (12)] all enquiry into the supply received in the sources of irrigation (if 'precarious') is dispensed with and charge is made according to the crop grown on each field. If a wet crop is grown wet assessment is charged; if a dry crop is grown dry assessment is charged; if no *crop is grown there is no charge.* This system has the merit of saving the ryot from the hazards and the Jamabandi officer from the annoyance of nice discussions by revenue subordinates as to whether remission ought to be granted or not; since if the record of cultivation is correct, the system of charging works automatically. But it obviously so far from reducing the amount of inspection necessitates a more detailed and careful inspection of each field, as indeed has been recognized by the addition of a special question to the Jamabandi Check Memorandum (note under question 35) for use in the areas to which it applies. Viewed therefore from its potentialities as an instrument for reducing staff, the system is devoid of merit.

55. It was observed above (paragraph 49) that in 1917 Government decided that the system of charging a consolidated rate for two crops could not be introduced during the currency of a settlement or resettlement. They added that power should be reserved in all future resettlement notifications to transfer during the currency of a settlement to double crop wet any land to which the supply of water was shown to be fairly constant and they consulted the Board of Revenue whether

(1) any land on which a second crop had been grown for a period of five years next preceding the settlement or resettlement might be compulsorily transferred to double crop at such settlement;

(2) whether in cases where a second crop had been raised, say in five years out of ten, the Settlement Officer should not be required to transfer the land to double crop wet at the favourable rates allowed in B.S.O. No. 1-1 (5) (viz., 1/3, 1/4, 1/5, 1/6 according to the class of the source), such land being entitled to remission of the second crop charge if only one crop was irrigated.

The Board objected to the introduction of 'a rigid statistical test' and said that land on which two crops are regularly raised could be easily located by the Settlement field staff without the labour of scrutinizing the fasaljasti accounts for five years; and that as ex hypothesi the land referred to in (2) above would only get a wet crop every other year it would have to be inspected as such for remission purposes, as if they were to remain as 'single crop' liable to *fasaljasti*. There would therefore be no saving of labour and there would probably be loss of revenue by giving the favourable rate of double crop charge.

The Government accepted this view and decided that no hard and fast rule should be laid down as to the registry of land as double crop and that the composition of the second crop charge should *remain on a voluntary basis.*

56. The proposal that power should be taken in resettlement notifications to transfer to 'double crop' land to which the supply of water 'was shown to be fairly constant' has not in fact been followed in notifications issued since.

(*a*) In Bellary and Anantapur, the notification for the black soil area includes the following clause :—

"The Government reserve the right to register any land as double crop wet during the currency of the resettlement if the supply of water to such land is found to be *ordinarily sufficient for two wet crops* and to alter the charge on the land so registered as double crop wet so as to include the charge for second crop."

No such clause was put into the notification for the red soil area, but as regards single crop lands both notifications say "the charge for a second crop *when raised* on land registered as single crop will be in accordance with paragraphs (1) and (2) of B.S.O. No. 5, or whatever corresponding orders *may* be in force for the time being."

Thus the criterion is that water must be 'ordinarily sufficient' for two crops, before land can be registered as double crop land,

and whatever 'ordinarily sufficient' may mean, it must mean something more than say 'every other year'; and on single crop land a second crop must be *raised*, to enable a charge to be made. Government is therefore precluded from imposing a charge, to cover the second crop charges, on land for which there is not 'ordinarily' a sufficient supply for two crops without the ryot's consent; and in the case of land for which the supply of water is not ordinarily sufficient for second crop charge, a charge for second crop can only be made when a second crop is raised. Any system of compounding the second crop charge compulsorily, as in Salem, would transgress the terms of the notification. That it would not be accepted voluntarily by the ryots may be judged by the fact that in the two districts of Anantapur and Bellary together the second crop charge was compounded on only 5,765 acres at the ryots' wish, 5,412 acres being compounded compulsorily.

(*b*) Again in the Godavaris and Kistna no area (except one for special reasons) was registered as double crop at the resettlement and the Settlement Officer stated that there was no area in which two crops were regularly irrigated. The resettlement notification contains the following clause :—

"Government reserve the right to alter or revise within the period fixed for the duration of the resettlement the classification of land adopted at the resettlement and to impose additional assessment in the following cases :—

(1) where a second wet or irrigated dry crop is raised on registered single crop wet lands."

Here the limitation is even more definite than in Bellary and Anantapur, that a charge shall be made on account of second crop only when such a crop is actually raised.

(*c*) In South Arcot and in Madura (Periyar areas) and the other districts resettled after the orders of 1917, the resettlement notification clause on the point is as follows :—

"Government reserve the right to register any lands as double crop wet during the currency of the resettlement if the supply of water to such land is found to be ordinarily unfailing and to alter the charge on the land so registered as double crop wet so as to include the charge for second crop."

Once more no power is reserved to alter the system of charging for second crop in toto, and the old criterion of an *ordinarily unfailing* supply remains.

(*d*) In the notifications issued *prior* to 1917 there was no reservation of power to deal with second crop charges. The common form of the clause relating to second crop in them repeated the provisions of the Board's Standing Order on the topic.

57. The conclusion is that no general fixation of the charge for second crop can be made during the currency of a settlement, except with the consent of the ryots, which could never be obtained, and at the cost of a large special staff; that any attempt towards such fixation of the charge at a resettlement would be strenuously opposed, and again would require a large special staff; and that unless such fixation were accompanied by the withdrawal of the grant of seasonal remissions its administrative advantages would be of minor importance, while any proposal to withdraw remissions would undoubtedly kill all chances of acceptance of a fixed second crop charge.

Since the abolition of fasaljasti by the substitution of a fixed charge is impracticable, it is unnecessary to enlarge on the difficulties of introducing it.

58. As has been remarked already the Board saw in 1923 that a change of system would involve a field to field resettlement. Mr. Rutherford has recently suggested a more rough and ready method, namely, to take the average total of fasaljasti and tirvaijasti over a series of years, deduct the average remissions in the same period and distribute the balance as an annual additional charge on all wet lands. A panchayat would distribute the water and would levy a charge for irrigation of dry land. That is to say, the Government would levy an additional charge but would have no power to see that those who paid it get their share of water, or, failing that, had the charge remitted—a distinct change for the worse from the present system. Again it would in practice be found impossible to refuse remissions in a bad year: yet to grant them would upset the financial effect of the whole scheme. Moreover what is remitted is the first crop charge, or a portion of it. There does not seem to be much attraction for the ryot in a scheme which

(*a*) deprives him of remission in a year when he gets no crop;

(*b*) adds to his present assessment, even in years when he gets no crop;

(*c*) adds to his assessment a charge on account of the irrigation of dry lands when he himself may possess no irrigable dry lands;

(*d*) adds to his assessment a charge for second crop, when he himself may have little hope of ever getting a second crop.

The only *quid pro quo* that the scheme offers him is that he can grow as many crops as he likes without alteration of charge. But freedom to grow two crops is a hollow boon when the opportunity of growing them is rare; and even that freedom is limited by the fact that he could only obtain water by the favour of a panchayat. The scheme is in essence unfair in that it requires all to pay for benefits which only a few can enjoy and seems to me to be outside the range of practical politics.

REMISSION.

59. It has been suggested that the adoption of what was believed to be the Mysore system would enable Madras to do away with fasaljasti and remissions. The fact is that the system on which the land revenue settlement was made in Mysore is totally different from that of Madras; and Madras could only obtain the supposed advantages of the Mysore system by scrapping the present settlements and starting afresh. In Madras the settlement of wet land is based on the net return from a single crop of rice according to the varieties of the soil and the value of the irrigation source. In Mysore the settlement is based on a fair charge for a crop of sugarcane grown on the best soil with the best irrigation. This is the "maximum rate": the lower rates are obtained by scaling down this rate in accordance with deficiencies in the soil or in the water-supply of each field. As the Mysore settlement is based on a crop which is on the ground for the whole year, the assessment on the land is the assessment for the whole year and does not alter whether one or two crops are grown. But in Madras the settlement assessment takes into account only a crop which is on the ground for half the year: if more than one crop is grown, it has to be charged separately. Each system has its own merits, but we cannot now introduce an incidental merit of the Mysore system into the Madras system. Its introduction would involve the reconstruction of the Madras system from the foundations.

60. Nor is it the case that Mysore is free from the complications of remission. Indeed while in Madras it is now suggested that the rules for remission are too elaborate in detail, in Mysore, under pressure from the ryots, who point to the greater liberality shown in Madras, the tendency is for the grant of remission to be extended more and more in detail. The history of the policy in regard to remissions in Mysore is instructive as suggesting the opposition that a proposed adoption of broader lines or less generous treatment in this matter would arouse in Madras.

It had been the policy, as laid down in orders of 1897 and 1907, to grant partial remission of assessment only when there was a general failure of wet crops in any locality, and consequent distress, and not in individual cases where a tank on which lands are dependent for their irrigation did not obtain a sufficient supply of water in any year on account of deficient rainfall. In 1922, in response to requests that the policy should be changed so as to give greater relief to the ryots the Mysore Government decided that where owing to failure of rains throughout any tract, any tank in such tract had not received an adequate supply, so that more than half the area of wet lands under it remained uncultivated or yielded a crop of not more than four annas, the payment of half the assessment might be suspended provided the tracts were already so impoverished or the previous harvests had been so poor as to render such a measure of relief necessary. The amount of assessment so suspended was payable in the next year, unless there was a similar failure or deficiency of crop, in which case it was to be remitted.

In 1924 it was directed that the assessment should be remitted at once, instead of being suspended, on lands on which the crops failed altogether or yielded an outturn of not more than two annas.

In 1925 further orders were issued. The Government on being satisfied that a large number of tanks and *spring channels* in a tract had received an inadequate supply, and that the tract was so impoverished or the previous harvests had been so poor as to render relief necessary, was now to notify that remission of half the wet *and garden* assessment under the affected tanks and spring channels might be remitted, and the Deputy Commissioner was then empowered to grant such remission to individual holders of lands under these sources.

A further step was taken in 1927 when it was urged that the grant of remission should be based on the conditions prevailing *under each tank*, and not over a wider area, in which conditions might not be uniform: owing to the unequal distribution of rainfall one tank in a tract might be full, while another might receive only a scanty supply, or none at all, in successive years. In such cases to make the grant of relief dependent on the conditions prevailing over an extensive area would be to withhold relief where it was urgently needed. On these grounds it was decided that the ayacut of a tank should be treated as a "tract" for the purpose of remission.

Lastly in 1932 the grant of remission was extended to channels, though the amount of it was not, under these sources, to exceed the difference between the wet assessment and the highest dry assessment in the locality.

Thus, in ten years, there has been an advance from suspension to remission, from 'tract' to 'tank,' and an extension of indulgence from wet land to garden land and from tanks to spring channels and river channels. And it is not to be supposed that the agricultural interests will rest content with the concessions already won.

61. In Madras, remission may be of the full assessment, not half as in Mysore, and is given on individual fields. It is notified in the Board's Standing Order that remissions are granted as a matter of grace and are liable to be modified from time to time at the pleasure of Government, and the sum remitted each year is so large (varying from 22 lakhs to 34 lakhs in the last five years) as to offer an inducement to modification in a time of financial stress. I do not suggest that we should remodel our system of remissions on the Mysore standard, and any stiffening of the rules about remission would of course

be highly unpopular. But the fact is worth recording that it is open to the Government without legislation, without change in the machinery, and without breach of faith to effect savings in any year by ordering that remission should be fractional (7/8 or 3/4 or other fraction of the assessment) instead of total in that year. If the wet assessments actually represent or had in the past represented one-half of the net produce of the land, there would perhaps be a moral obligation on the State to grant total remission when there is no produce, but so long as they do not there is no such obligation; and if the finances of the Province were at any time in such a state that all classes of the community must be required to make a sacrifice, here is a ready and not inequitable means of levying a share of the burden from the agricultural classes.

Tirwajasti.

62. If the obstacles to consolidating and fixing the charge for a second crop on registered wet land are formidable, the obstacles to fixing a charge for water taken occasionally to dry land appear to be insurmountable. It is in its nature a fluctuating charge. Dry land has no right to water: it gets it by consent of the wet-land holders at times when the supply is in excess of the requirements of the wet land or by stealth at any time. Dry land which has been steadily irrigated for a series of years without objection may be transferred to wet, at the request of the ryot by Collectors, or during a resettlement, by a Settlement Officer: and it may be said generally that all land which can properly be registered as wet has been so registered. There appears to be no basis on which the charge for water taken to it can be fixed except on some such system as that described above in Trichinopoly. (Paragraph 52.) But this method can only be adopted in the limited class of cases to which the Trichinopoly experiment was restricted and that experiment failed.

The Board of Revenue has recently (22nd November) reported on the subject of tirwajasti. I have nothing to add and no fresh suggestions to make.

Minor Irrigation.

63. There are three possible ways in which a reduction of the work done by Revenue Officers in connection with minor irrigation works might be effected.

(1) by handing over control to Panchayats.

(2) by handing over sources wholly to the ayacutdars.

(3) by transferring the maintenance and repair of them to the Public Works Department.

(1) *Transfer to Panchayats.*

64. Under section 65-B of the Local Boards Act the Local Government may, subject to such conditions as they may prescribe, transfer to any panchayat various functions in respect of irrigation works. The conditions of such transfer are set out in G.O. No. 3328, L. & M., dated 22nd August 1932 (which superseded orders already issued in 1926).

There is also another class of panchayats, which are specially constituted for the charge of a particular irrigation work and do not come under the Local Boards Act. The constitution and functions of such panchayats are laid down in G.O. No. 109 I., dated 17th January 1928.

Little use has so far been made of either class. Under the Local Boards Act, irrigation works in 35 villages have been transferred to panchayats but only 25 have actually or actively been looked after by them; of irrigation panchayats only seven have been formed, of which six are functioning.

In general the transference of control under these two systems amounts to little more than the formalizing of powers which have been exercised by the ayacutdars for generations. Over a very large area covered by irrigation works in the Presidency the ayacutdars do in fact manage the distribution of water for themselves without official intervention, and they do or are expected to do petty works of repair under kudimaramath. The transference of control of a large number of works would not greatly affect the volume of work to be done by the Revenue Department, though in the case of some of the channels under Public Works Department control it might result in dispensing with some petty subordinates of that department. In Godavari delta about 30 channels in charge of the Public Works Department have been put into the hands of panchayats for the distribution of water and the execution of petty repairs and small allotments have been paid to the panchayats for the latter purpose. Most of them have functioned satisfactorily. So far as the works in charge of the Revenue Department are concerned, the Collector will still have to provide funds for more extensive repairs; and the Revenue Subordinates will still have to inspect works to see that the panchayats do not neglect petty repairs. The revenue derived from these works is too large to be jeopardized by discontinuing inspection of them on a large scale, and there appears to be little prospect of any general desire on the part of panchayats to take charge of minor irrigation works. The devolution of control thus has little retrenchment value.

65. It is worth noting that in Mysore the attempt made to induce panchayats to manage irrigation sources has been unsuccessful. The

Tank Panchayat Regulation of 1911 conferred considerable powers upon panchayats. It authorized the panchayat to apportion the work required for maintenance or repair of a tank among the ryots according to their respective obligations and to commute a ryot's labour quota into a money payment. Other items of revenue (e.g., fishing and grazing) were placed at the panchayat's disposal, and it was to have such complete power to regulate the supply to the fields that the holder of a field which got no supply was to be given remission by the Government.

But I understand that, owing to the want of co-operation among the ryots, the scheme has been a complete failure. Few, if any, panchayats have ever functioned with success, and the Mysore Government now emphasises more and more the duty of all the Revenue Officers to inspect tanks regularly and get them repaired.

66. In this connexion, I suggest that power to transfer control to, or to remove control from, a panchayat might well be delegated to Collectors. The conditions of transfer have been prescribed and there seems to be no reason why each application for transfer should continue to come up to Government. No principle is involved and Government's decision must, as it is, depend entirely on the Collector's report of the local circumstances of each case. In the case of panchayats under the Local Boards Act, the Government can delegate its authority to Collectors under section 233 of the Act; in the case of the others, the Collector is already empowered under condition 6 to dissolve a panchayat at will: he may equally be empowered by alteration of conditions 17 and 26 to resume management from a panchayat at will, and to be authorized to transfer management to a panchayat. It should be laid down for the guidance of Collectors

(*a*) that transfer to a panchayat under the Local Boards Act should not be made unless a majority of the ayacutdars desire it.

(*b*) that transfer of a work in the charge of the Public Works Department should not be made without the consent of the Executive Engineer.

(2) *Transfer to Public Works Department.*

67. The discussion of the proper agency for the care of minor irrigation works, Public Works Department, or Revenue Department, has been revived at many times from one cause or another during the last eighty years. It may be useful to survey briefly the history of the matter during that period. As the result of a Commission on irrigation works in the Presidency in 1851, minor irrigation works (which had hitherto been in charge of the Revenue Department) were transferred to the Public Works Department. In 1870 another committee reported that irrigation works were not in a proper state of efficiency, and in 1878 the Famine Commission observed that there were many works which had fallen out of order for want of supervision and timely repairs. As a result of its recommendations works were divided into 'Imperial', or those irrigating more than 200 acres, and 'Minor' or those irrigating less than 200 acres. The former were to remain in charge of the Public Works Department, the latter were to be put in charge of the Revenue Department. But the theory at first was that the ryots themselves would maintain the minor tanks and in order to see that the ryots discharged their duty tank inspectors were to be appointed whose function should be to inspect the sources and report on their condition. Then ensued a vast amount of discussion, with the functions of the new Tank Restoration Scheme parties cutting across it. In 1887 Government decided that the experiment should be tried of making over to the ryots an area in Madura where repairs had been carried out by the Tank Restoration Party. The Collector was authorized to make a grant-in-aid of four annas per acre upon report from the Tank Inspector that a source had been kept in proper repair and that a sum not less than this had been spent upon it. The ryots of Madura, however, refused to accept these terms and in 1889 Government decided that the duty of maintenance must be placed upon the Revenue Officers. Then followed various efforts to improve the agency for maintenance under the control of the Revenue department, which led in 1898 to the permanent establishment of Supervisors and overseers which now exists. During the last period of retrenchment (1923) the question of handing back minor irrigation works to the Public Works Department was examined again, but rejected on the ground that the works were numerous and scattered over a wide area, that the repairs required no great professional skill but did require promptness in execution and that close touch with the villages which only the Revenue Officers possessed, and that to hand the works over to the Public Works Department would mean delay and great dissatisfaction. The upshot of the discussions was that the Supervisors in the Minor Irrigation establishment were to be abolished, as vacancies occurred, on the ground that the activities of the Minor Irrigation staff should be confined to works which did not require high technical skill. This order was cancelled and the Supervisors were restored four years later, after the Board had reported that few works had in fact been entrusted to the Public Works Department, that consultation with that department led to great delay, and that it was far more satisfactory for the Collector to have a Supervisor under his own control to check the technical work of his overseers.

68. The Board of Revenue has recently expressed its views on the subject again. It is 'decidedly of the opinion' that the transfer would not in the end result in any appreciable savings to Government. Especially in upland areas Minor Irrigation works are so

numerous that efficient upkeep involves a very large amount of touring for which the existing Public Works Department could not possibly find time ; and to enlarge the Public Works Department staff would be a step which in itself would vitiate the whole object of the proposal ; the rates of pay given to the Minor Irrigation staff are considerably below the pay given to officers of the Public Works Department ; and the Board would add that, at a time when the question of re-organizing the Public Works Department presumably with a view to possible reduction of staff, is under consideration, any proposal to transfer this extra work to the officers of that department is *prima facie* undesirable.

I understand that the Public Works Department Retrenchment Committee is still considering the question. My own opinion is that even if it can be demonstrated that an amalgamation of the Minor Irrigation staff with the Public Works Department staff would enable a certain number of overseers to be dispensed with, it would still be undesirable to transfer *en bloc* the maintenance of Minor Irrigation works to the Public Works Department, for the same reasons as led to the resumption of control from the Public Works Department fifty years ago. There would be less objection in theory to a system under which the Collector remains in charge of Minor Irrigation works and calls upon the Public Works Department to estimate for and carry out repairs to particular works. But in practice the divorce between the power to sanction a work and the power to see that it is executed would probably be disastrous. Time would be wasted in correspondence, works done for the Revenue department would take second place to works of the Public Works Department and the cost of execution would be higher. In each of the last six years though the annual allotment for Minor Irrigation works has been about 13 lakhs, or nearly double the allotments of any previous period, the allotment has been spent almost in full. It is very doubtful if this excellent standard would be sustained if the work were divided between two departments.

I must admit that in Mysore the Tank Maramat establishment under the Deputy Commissioners has been abolished and its work has been handed over to the Public Works Department as a measure of retrenchment, because the grants allotted to each department have been so much reduced that there was not enough work to keep both staffs fully occupied. But in Mysore in the case even of minor tanks every masonry work is executed by the Public Works Department. The Revenue establishment dealt only with earthwork and clearance of channels, etc., which the Amildar (Tahsildar) and Shekdar (Revenue Inspector) are competent to estimate for and check-measure. There was no regular engineering establishment competent to carry out all but the most difficult work, as our Minor Irrigation Staff does. Here the case is different. We have a fairly competent staff doing all the work, and if the annual grants for Minor Irrigation are likely to be greatly reduced in the next few years, I submit that the best manner of retrenching staff in unison with the reduced grants is to reduce the Minor Irrigation Staff (e.g., by placing an overseer in charge of two taluks), but to retain it as separate organization under the Collectors. But the budget estimate under Minor Irrigation works in charge of the Revenue Department for 1933–34 is still 12·10 lakhs, or only one lakh below the average of the last few years. Unless a substantial further reduction in future years is contemplated, there is no ground for reducing the staff.

(3) *Transfer of sources to ayacutdars.*

69. The failure of the attempt made at the resettlement of Trichinopoly to relieve the Revenue Department of petty tanks has been described under the heading of Fasaljasti. The Board has recently (B.P. Mis. No. 3422, dated 22nd November 1932) reported the views of certain Collectors on a tentative scheme of the same kind, by which tanks with an ayacut of 20 acres or less should be handed over to the ayacutdars on the understanding that Government would contribute quinquennially to the ayacutdars a sum based on the expenditure incurred on repairs by Government during the previous five years, provided that the source was maintained efficiently : and no remission of assessment would be given. This is a revival of the proposals (mentioned above) which proved abortive in 1887–88, with the modification that payment would be quinquennial instead of annual, and would depend on a general estimate of the condition of a tank instead of on the measurement of definite work done. The Collectors have unanimously rejected the suggestion on a variey of grounds, want of co-operation amongst the ryots (urged by the ryots of Madura themselves in 1887) being the chief. It is obvious that payment at intervals of five years would be difficult to assess, and that the possibility of receiving a share of a lump sum in five years' time is hardly a sufficient incentive to a ryot to pay down money or contribute labour for repairs now.

70. At the resettlement of Madura it was found that there were nearly two thousand rainfed tanks with an ayacut of less than 10 acres each, which had never been repaired at the cost of Government. It was decided to dispose of these as far as possible by handing them over to the ayacutdars on condition that assessment should be paid on the tank beds, that the land in the ayacut should not suffer the enhancement of assessment imposed on other wet lands at the resettlement, and that the tank should not be improved nor the area of irrigation extended without permission.

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But even this effort at divestment of detail was unsuccessful, for out of a total of 1,941 such petty tanks in the district only 242 were made over to the ryots under these conditions. Again, as in Trichinopoly, the resettlement reports do not explain why the effort failed.

71. Another system which proved unsuccessful was the old system of granting dasabhandam inams, in money or land, on condition that a tank was kept in repair. Repairs were generally neglected and the inams have been resumed in a large number of cases.

72. In face of the failure of every scheme devised to induce the ryots to take over irrigation sources and maintain them, it may now be accepted that the burden must continue to lie upon the Government. Fifty years ago it was still an open question whether the Government need shoulder the responsibility, or how far it should do so. The Government of the day was inclined to stand upon the doctrine that the State was entitled to a share of the crop on all land, whether wet or dry, and as regards the former irrespective of any obligation to supply water : while the Chief Engineer held that the number of minor irrigation sources was so large that it was impossible for any Government to maintain them all. For various reasons we have travelled beyond that stage. The wider and more constant ventilation of grievances, through the Legislative Council and otherwise, has resulted in increased attention to the upkeep of the minor sources, and in the allotment of large sums annually for the repairing of them, so that the annual expenditure in the last five or six years had been nearly double what it was previously. The Madras Government has undertaken a far larger share of the burden of repairing tanks than is customary in Mysore. There not only is the duty of kudimaramat apparently more rigidly enforced, but there is also an irrigation cess (at one anna in the rupee of all the wet assessments—sometimes merged in the assessment, sometimes not) which is paid to a District Irrigation Fund, administered by the Public Works Department and utilized for the payment of the tank inspection establishment and for repairs to works. In addition to that, there is a rule that no 'minor' tank (i.e., a tank under which the annual assessment on the irrigable area is less than Rs. 300) is to be taken up for 'restoration' (which means construction of new masonry works and repair of old ones) until the ryots have paid up one-fourth (formerly one-third) of the cost. The State may waive this contribution or may collect it in annual instalments, but the rule is there. In the case of Major Works, payment by the ryots is not compulsory but preference is given to works for which a substantial contribution has been made by the ryots.

Thus the Mysore theory, and I think the practice, is that the obligation of maintaining tanks lies on the ryots ; the obligation is enforced by the Revenue Officers, who are empowered (and exercise the power regularly) to get work done which the ryots have neglected and recover the cost from the ryots. It is only when masonry work is required that the State pays, but even then the ryots are required to contribute.

In Madras much less than this is expected of the ryots. The scope of kudimaramat is not extended beyond the pettiest items of repair, there is no general levy towards a repairing fund, and it is rarely that the ryots are required to contribute towards the cost of repairs.

73. It is in the last of these three ways that the burden on the State might possibly be lessened by casting a part of it upon the ryots. In some districts, such as Chittoor and North Arcot, it is not uncommon for the Collector to require the ryots to pay a contribution towards repairs : in others this is very rare. There was at one time a rule that an estimate for repairs should not exceed a certain number of years' revenue under the tank : in such cases unless the ryots contributed to the cost the repairs were not done. The rule was a bad one and I do not suggest its revival. Nor do I suggest any hard and fast rule, such as that of the one-fourth contribution in Mysore. But there are cases where the demanding of a contribution is not unreasonable ; for instance when it is proposed to repair a sluice which does not drain the tank properly, so that the ryots have to bale water from the bed into the sluice when supplies are low, it is reasonable that they should make some contribution to a re-arrangement of the sluice that will save them that trouble. Or when an earth bund is faced with a stone revetment, so that the labour under kudimaramat on maintaining the bund in good order is diminished and the danger of a breach is insured against, this is a legitimate ground for a contribution. Others arise when a pukka arrangement is made for draining water into a river channel in place of korambus and open head : or when the cost of repairing a tank is so high in proportion to the revenue derived from it that the Collector might properly hesitate to incur it unless the ryots show by a contribution that they are so desirous of having the repairs done that they are willing to pay for them.

I am aware that the business of obtaining payment from ryots is troublesome and slow. But no great harm will come of a year's delay in cases of the kind suggested, and meanwhile, especially if there is less money to spend in future on Minor Irrigation works, there will be other works on which the grant can be fully spent. And it appears to be a sound method of retrenchment to relieve the State in some cases of some portion of the burden, which it has perhaps too generously assumed, by requiring the ryots to take their share.

PORAMBOKES.

74. Revenue Inspectors are expected to inspect porambokes in order to see that they have not been encroached upon, that the demarcation stones are in place and that trees, if any, are not interfered with.

75. The area of poramboke land cultivated each year and the revenue derived from such cultivation are considerable. In 1930-31 the area cultivated in the Presidency was 130,286 acres and the revenue (including penal assessment) was nearly 6 lakhs. It has been reported from time to time by Collectors that the work of reclassifying porambokes (i.e., retaining as poramboke only such land as is actually required for some public purpose) was practically complete. It ought to follow that cases in which no penal assessment is charged for occupation of poramboke are comparatively rare. Nevertheless in 1930-31 on no less than 99,000 acres of poramboke land cultivated only the ordinary rate of land assessment was charged; and while in 1917-18 the occupation of 32,270 of poramboke was penalized, in 1929-30, 32,670 acres was penalized.

76. The explanation of the large area on which cultivation is suffered without penalty is that the word 'poramboke' is still improperly used. From the 'Report on the Settlement of the Land Revenue' for 1930-31 it appears that in some districts land which cannot be assigned on patta because it is in area to be irrigated by new projects (e.g., the Tungabhadra and the Mettur projects) is still regarded as poramboke: in others swamps and hills which should properly be described as 'unassessed' are still termed poramboke: and probably land reserved for assignment to the depressed classes appears in the category of poramboke elsewhere. The areas in all these cases are large, and the area of true poramboke encroached upon will be something more nearly the area of 32,000 acres on which penal assessments are charged.

77. It is somewhat remarkable that this area should not have diminished in a period of twelve years, during which Settlement Officers have in some districts transferred land from the head of 'poramboke' to 'assessed waste' or 'unassessed' at resettlements and Collectors themselves have been making similar corrections in the registry of land. But the pressure upon land continually increases. During the same period the area under holding has grown by nearly two million acres, and the hunger for stray bits of waste land has been intensified. There is a constant tendency for a ryot to extend his cultivation on to a grazing ground or threshing floor or tank-bed which adjoins his field: if such an encroachment goes unnoticed one year, or is lightly penalized it will be gradually extended next year and so on. The treatment of particular cases is often a matter of difficulty, and the tendency is usually to charge an inffective penalty and let things slide. The ideal would be to have no land registered as poramboke, except that which is definitely and unmistakably required for some kind of public purpose, and then to evict immediately any one who encroaches upon it. But in practice such an exact delimitation is in many cases impossible: or to carry it out properly would require a special staff.

78. It is however, possible to distinguish broadly between two classes of porambokes, namely those which are required for a public purpose as affecting irrigation and the public revenue and those which are required only for the general convenience of the villagers. In the former class are tanks, rivers and irrigation works of all kinds. It is essential that these should be safeguarded from encroachment and that when encroachments do occur they should be stopped. The Government is responsible for or at any rate closely interested in maintaining works in good order and for seeing that water supplies are not interfered with; and it is not sufficient to leave it to the village officers or to the ryots to being encroachments to notice. Apart from the general probability that a panchayat would be indulgent to encroachments, which may be harmful, an encroachment in one village may affect the supply to a tank in another or there may be series of petty encroachments along a channel bank which gradually narrow the width of the channel, and yet the ryots may be unable to detect the encroachment or to estimate its harmfulness.

But in other class, where land is reserved the for a particular village use or convenience, both the Revenue officials can be relieved of responsibility and the necessity for the reservation of the land can be put to a practical test, by handing over the land to the village panchayat, where there is one. Under the Local Boards Act burial grounds are licensed by panchayats (section 140) and may be provided by them (section 142). Cart-stands and halting places may be provided by them (section 184); threshing floors, topes and other porambokes used by the villagers in common may be controlled by them subject to rules of the Local Government [section 65 and schedule V 1-A (2) (*b*) and (*c*)]. In villages where a panchayat exists, all threshing floors, cart-stands, cattle-stands and grazing-grounds might well be entrusted to the panchayat. I except burial and burning grounds because they are not used by all the villagers in common. Hindus, Muhammadans and Depressed classes each have their own. I also except roads because it has recently been decided by the Government that roads which are not maintained by a local body shall remain in charge of the Revenue Department until a local body agrees to maintain them.

79. Unfortunately however, such a step is very far from providing a complete solution of the question. There are at the moment about

4,500 panchayats in existence (and the Inspector of Local Boards estimates that about one-fifth of this number exist only on paper), whereas there are 22,000 ryotwari villages; that is to say, only one village in five has a panchayat. In the second place although orders were issued eight years ago (G.O. No. 928, L. & M., dated 9th April 1924), permitting the transfer of porambokes to panchayat control, very few panchayats have applied for such transfer. I have obtained figures from the Collectors of the six districts which have the largest number of panchayats. Out of 2,834 panchayats in the six districts only 186 have applied for the control of porambokes and 138 of these applications were made in a single district, 93 of them in the current year. Apparently, then, even of the villages which have a panchayat only one in every fifteen desires to take over the control of porambokes: and in some districts no panchayat desires it. The explanation may be partly that panchayats are not aware of their privileges and therefore do not take the initiative in the matter which the rules impose upon them. Or it may be that most panchayats have no ideas of improving porambokes and therefore see no practical advantage in taking them over. Whatever the reason, it is clear that to leave porambokes to local bodies is not, as is sometimes supposed, an easy or immediate way of reducing the labours of the revenue establishments. Meanwhile Collectors might stimulate the progress of devolution by inviting panchayats in villages where there are porambokes of the kind specified to apply for control of them.

80. It is, I think, apparent that porambokes should only be transferred to a panchayat. Under section 6 (2) of the Local Boards Act when there is no panchayat the taluk board is to perform the functions of a panchayat. But the essence of the proposed devolution in this case is to leave control in the hands of the villagers themselves who are directly concerned in the use of the porambokes. A taluk board has no staff to look after them, no detailed knowledge of village requirements, and no means of exercising control. The handing over of porambokes to it would be a mere waste of the paper on which the transfer was made. Nor does it seem desirable to form special committees, as for instance, a committee of ayacutdars to control a threshing floor or of cattle-owners to take charge of a grazing ground. The formation of such committees would be more trouble than the committees would be worth, the Revenue Department would have its hands full in forming them, and a multiplying of petty committees would create chaos. Devolution of control must be to a regularly constituted body, legally empowered to assume control and willing to assume it.

81. When porambokes have been handed over to a panchayat, it is impossible to dispense altogether with the inspection of them by Revenue Inspectors and Tahsildars 'for' if a poramboke ceases to be used for the purpose for which it is reserved it should cease to be registered as poramboke and should be transferred to 'assessed waste' and assigned. Karnams should still record in the adangal any encroachment upon them. But except where it is found, whether upon complaint or otherwise, that a substantial area has been diverted from its proper use, no notice of encroachment need be taken by inspecting officers and no B Memorandum need be submitted. There may be some loss of revenue in consequence, but in cases where encroachment is extensive and continuous the Collector should ordinarily resume control of the land and sell it by auction; for the assumption is that if the panchayat does not reserve the land for its proper use, the villagers no longer require it for that use. What is lost in revenue from petty encroachments will therefore be made up by the sale of the land: and meanwhile some reduction in the volume of petty B Memoranda will have been secured.

82. As to the general procedure in dealing with encroachments, the Board's Standing Orders are fairly explicit. In general they enjoin discretion, and it rests with Collectors to issue more definite orders when required. The orders usually required are in the direction of enjoining upon subordinates the necessity of exercising freely their discretion to ignore petty encroachments. But a more general explanation of the use of such discretion is required in order to reduce the flood of B Memoranda dealing with petty encroachments of no importance.

I suggest the following alterations in the Board's Standing Orders :—

B.S.O. 26-8 (*a*).—This does not specifically authorize the ignoring of petty unobjectionable encroachments. It is impossible to lay down a definite limit; for whereas, e.g., an encroachment on one cent of channel poramboke may be highly objectionable in one case, an encroachment on twenty cents or more of land so classed may in others be unobjectionable. I would make it clear that some encroachments may be ignored and would rewrite the second sentence as follows :—"Encroachments, however petty, which seriously diminish or impair the uses for which the land is reserved as poramboke should be rigorously and promptly suppressed, while those which do not diminish or impair the uses for which the land is reserved as poramboke and are so petty that the assessment on them would not exceed 4 annas may be ignored."

B.S.O. 26-8 (*b*).—The second sentence runs: "Petty occupations which it is not worthwhile to measure and include in B Memoranda, as for example, extensions *up to one or two cents*, of cultivation into adjoining assessed or unassessed waste land which is neither reserved nor specially valuable, may be ignored and need not be entered in B Memoranda."

"The insertion of the words 'up to one or two cents' is unfortunate. The object of this sentence and of the following sentence is to give discretion to officers to ignore petty encroachments, but the example given defeats this object by appearing to limit such discretion to 'one or two cents.' The criterion is whether the area is large enough to be worth assessing. Assessed or unassessed waste land, not specially valuable, would rarely be assessed as highly even as one rupee per acre, and on this basis it is hardly worth taking notice of any encroachment under say 25 cents, either by bringing it on to a B Memorandum or by asking the encroacher if he wants patta for the land. There may, of course, be cases where the lie of the land is such, e.g., at the base of a hill, that it is impossible to extend an encroachment which may be below 25 cents in area: in such cases the land should be assigned to the encroacher as soon as may be. But the power to ignore is only discretionary and the revenue subordinates must be left to deal with each case on its merits. I suggest that the words 'up to one or two cents' should be omitted and the words 'up to say 20 cents' substituted; and as a further precaution the word 'dry' should be added between 'assessed' and 'land.'

83. In this connexion it is desirable that an amendment of the law should be made so that the control of porambokes may be more effectively exercised. As the Act (III of 1905) now stands Tahsildars are empowered to levy the ordinary assessment on the land from an encroacher and to charge him penal assessment, but they are not empowered to evict him under section 6 of the Act. When a Tahsildar considers that a trespasser should be evicted, he has therefore to submit the case to the Divisional Officer for orders. This means delay, when prompt action is what is required, and it is also apt to induce a Tahsildar to impose a penalty, which he can do himself, instead of sending up the case to the Divisional Officer for orders to evict. The result is bad; the trespasser enjoys an indulgence which is wholly undeserved, the administration is hampered by the repetition of encroachments year after year, and the public meanwhile suffers from the rapacity of an individual. I can see no reason why the Tahsildar should not be empowered to evict under section 6 at the request of a panchayat, in the case of porambokes entrusted to panchayat control, and of his own motion in other cases. An appeal will lie under section 10 of the Act against the Tahsildar's orders, which provides a safeguard against abuse of his powers: but it seems sufficiently obvious that the possible mistaken use of power by an official in the public interest is a lesser evil than the comparative immunity for a wrongful act enjoyed by a private trespasser.

Moreover, by virtue of his power to impose ordinary assessment upon an encroachment on poramboke the decision whether an encroachment is objectionable or not is already in the hands of the Tahsildar; and from the point of view of public interest the decision that an encroachment on common land is not objectionable is far more important than a decision to eject a trespasser from common land. The former involves the abandonment of a public right; the latter asserts the maintenance of a public right. The present position is that a Tahsildar may condone an infringement of public interests but has only a limited power of asserting them: if he wishes to assert them fully he must have recourse to a higher authority, the Divisional Officer. The position is clearly illogical. This point was not fully grasped in 1914, when the power to charge assessment and penalties upon an encroachment was conferred upon Tahsildars, and the Special Officer (Mr. L. Davidson), who had originally suggested the conferment of those powers in 1908, in dismissing the suggestion that the power to evict should also be given on the ground that it was 'hardly advisable to go so far as that,' failed to see that the conferment of the latter power was only a minor extension to and a logical corollary of the conferment of the other larger powers.

The amendments required in the Act are as follows:—

Section 6 (1) after 'Collector' wherever it occurs *add* 'or subject to his control the Tahsildar or Deputy Tahsildar."

Section 6 (2) after 'Collector' in the first two places where the word occurs *add* 'or subject to his control the Tahsildar or Deputy Tahsildar.'

Assessed Wastes and 'Sivayi-jama' occupation of them.

84. The revenue derived from the cultivation of assessed and unassessed waste lands was $7\frac{1}{2}$ lakhs in 1929–30, exactly the same amount as in 1917–18 although in the intervening twelve years on less than two million acres had been brought permanently into ryots' holdings. The absorption of waste land into holdings continues to proceed steadily at the rate of over 100,000 acres per annum. These figures give a remarkable demonstration of the increasing pressure of the population on the soil. Since the war Collectors have combed their districts pretty thoroughly in the search for waste land to be given to or reserved for ex-soldiers and the depressed classes, considerable areas formerly classed as 'Forest' or other poramboke have been thrown open to cultivation, and it is obvious that large areas formerly regarded as not worth cultivating have now been brought under the plough. These factors and the increase of assessments at resettlement explain why in spite of the enormous increase in holdings the revenue derived from casual cultivation has remained constant. The process must in course of time—unless some economic crisis intervenes to disturb it—result in every acre that is cultivable being brought into someone's possession: so that eventually there will be no land left to assign and the disposal of darkhasts will no longer be a part of the Revenue Officer's duties. There are some villages in which this has already occurred. But the process is gradual and meanwhile it is worth remarking that the revenue derived from the cultivation of unassigned land is roughly equivalent to the annual cost of 1,000 karnams, 500 Revenue Inspectors and 100 clerks put together. The revenue that the present system brings in is much more important than any economies that could be made by altering the system: for even if all work in connexion with 'Sivayi-jama' could be abolished the resulting savings in staff would be inconsiderable.

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85. Various suggestions have been made for the simplification of the system of dealing with Sivayi-jama cultivation. In 1921 Mr. G. A. D. Stuart wrote: "In the Punjab an allowance is made for the cultivation of assessed waste during the term of a settlement by an appropriate all round increase in the assessment imposed on a village. The ryots are then free to take up as much of the assessed waste as they like without extra charge, permanent cultivation being included in patta at the next resettlement." On this the Board of Revenue remarked "As regards Sivayi-jama, an experienced settlement officer would have little difficulty in drawing up a scale of rates which would allow for the probable increase in the cultivation of assessed waste during the currency of the settlement." This idea was further developed by the Board in 1923, when it suggested that certain assessed waste lands might be reserved for definite purposes such as assignment to the depressed classes; the rest might be leased under the panchayat system to the ryots as a whole for the period of the settlement; this did not imply that the panchayat would be charged the full assessment for these lands as it was not likely that they would all be brought under cultivation at once. The panchayat would have the power to let the lands during the period of the settlement and at the next resettlement land would generally be assigned to the panchayat's lessees. The charge for the land leased to the panchayat would be distributed among the ryots by a proportionate addition to each patta at so much in the rupee of the assessment on the land in the patta, and elaborate arrangements were suggested for charging the value of trees on the land suitably.

It was recognised that the feasibility of this proposal depended on the formation and harmonious working of a panchayat representing all classes of the community and various other obstacles were pointed out.

The Collectors and Settlement Officers to whom these suggestions were put were entirely against them.

86. Meanwhile the Retrenchment Committee of the day with the assistance of two senior Revenue Officers, was "inclined to think that Sivayi-jama might be replaced by a system analogous to that adopted in the case of forests handed over to panchayat management, subject to the reservation of sufficient waste land for the depressed classes." It was also suggested "that in lieu of Sivayi-jama the rates on patta land in a village should be so adjusted as approximately to cover the average revenue derived from unauthorized cultivation during a period of years." These startling suggestions were referred to the Special Officer of the day, who condemned them in the first part of his report and revived them in a slightly different form as a new discovery in the second part. The Government of 1925 declined to consider any of them seriously, and stopped further discussion.

87. One Collector (Rao Bahadur R. Subbayya Nayudu) has now suggested that the disposal of waste lands should be left to village panchayats and that "rules governing the disposal of land darkhasts and Sivayi-jama cultivation should be formulated for their guidance," but he adds that this suggestion presupposes the existence of panchayats in every village, and that this condition nowhere subsists.

88. I do not think there is anything to be gained by altering the present system.

Any innovation by which more duties would be thrown upon the Settlement Officers at a resettlement is to be deprecated as going in a contrary direction to the various efforts made to simplify the work of resettlement and to reduce expenditure on settlement establishments. Secondly, it is difficult to see the equity of charging the assessments on wastes as a whole upon the whole body of pattadars many of whom will not share in the cultivation of the wastes. Thirdly, whatever the system in the Punjab may be, in Madras there are no village settlements: they were abandoned more than a century ago in favour of individual settlements, and there is no reason to suppose that a return to a system of village settlements, even to a limited extent, would not bring back the old abuses. Again, whatever the system might be (lease to a panchayat, or a permanent addition to each patta) it would be extremely difficult to calculate the amount to be recovered each year. It would be necessary not merely to reckon the average revenue of past years but to take into consideration the probable extensions of cultivation in future (and this would mean a field inspection to determine which of the wastes are likely to be cultivated and which not) and also to calculate the effect on the totals of past years of subsequent assignments, while it would be impossible to calculate at all probable future relinquishments of patta resulting in the conversion of holdings into assessed waste. Again if some land is still to be reserved in the hands of Government for assignment to the depressed classes, another uncertain factor is introduced.

The accomplishment of the preliminaries would take a considerable staff a considerable time at a considerable cost and the results would be unsatisfactory. Supposing a reasonable annual charge to have been arrived at, it is still to be remembered that some waste lands may be irrigated in one year or another: this means a charge for the water or the sacrifice of revenue if the charge in abandoned. Again, in a bad year there may be little or no cultivation of wastes and it would be difficult to resist claims to remission of the annual charge on that account; if a panchayat had agreed to pay a fixed charge, it would have no income to meet it in such years; while if the charge were distributed over all the pattadars, they should be in the same plight, and in every year all would be paying for land that only a few can enjoy.

89. Darkhast work by a natural process tends to diminish, as the area available for assignment decreases, and there is no financial advantage in incurring a large initial outlay on attempts to stabilise the revenue from unassigned lands by unsatisfactory and costly means. The analogy with Forest panchayats suggested by the Retrenchment Committee of 1923 is obviously faulty; but, it is to be remembered that the establishment even of those panchayats cost a large amount of money and the establishment of panchayats and settlement of rentals in every village which has cultivable wastes would cost many times as much.

90. Apart from the difficulty and cost of introducing a new system, it seems idle to expect that the adjudication of private claims to waste lands would be properly done by a panchayat while if there were no panchayat, the only way in which rival claimants could settle a dispute would be by battle. It is irrelevant to point to the work done by panchayat courts; there the decision is between one party and another as regards a private right in which the panchayat or the village as a whole has no interest. But the disposal of waste land is a matter in which every inhabitant of the village has an interest, for anyone may at sometime or other wish to take up the cultivation of any waste. Nor is the case of a panchayat forest in point: there the panchayat manages a public property in the public interest and the control of the property does not involve the carving of it into private holdings. Waste land, on the other hand has no value as a public property (unless it is poramboke): it is of value only to the individual ryot who brings it under cultivation. The disposal of it is not the assertion of public right on behalf of the community, but the grant of private rights to individuals, and this is essentially a matter for a disinterested outside authority.

91. I have included a suggestion for the alteration of the Board's Standing Order as regards petty 'Sivai-jama' occupation of assessed wastes under the heading of "Poramboke."

MAINTENANCE OF LAND RECORDS.

92. In connexion with the simplification of resettlements with a view to the reduction of settlement establishments and the curtailment of the period for which they are required to work in a district under resettlement, the Board of Revenue has made proposals designed to do away with the necessity of resurveys and of bringing up to date at resettlements the registry of holdings. There is another class of work hitherto done by the settlement staff, and prescribed for it in the Resettlement Manual, with which it has been suggested that the Settlement department should not deal with in future. This consists in the revision of the description of land in the diglott (settlement register) or adangal so as to accord with present-day facts as ascertained by inspection and includes the following items—inspection of porambokes, unassessed land, assessed wastes, land on which water rate has been charged, lands on which 'baling remission' has been allowed, land hypothecated for State loans, land alienated to local bodies or individuals on condition, and inam lands. The performance of these functions by a settlement staff is undoubtedly useful, in that it results in an accurate and up to date register and thereby saves the Revenue Department proper from much work that ought to be done or to have been done by it, but in the past has in fact been done slowly and piecemeal, or not at all. It is obviously an administrative advantage, for instance, that parcels of land not required for any public purpose should be registered as 'assessed waste' instead of 'poramboke' that assessed waste ripe for assignment should be assigned, that breach of the conditions on which land has been alienated should be brought to light and so on. These things are, however, not an essential part of the revision of rates of assessments, and Government has recently decided as a measure of economy that the settlement party should not attend to them in Guntur. In that district no resurvey has has been found necessary. In districts where a resurvey is made (there is, I think, only one such ahead) it is probable that the settlement party would have to do more, unless meanwhile the Revenue Inspectors are better able to keep their work up to date. The Board suggests that encroachments on porambokes brought to light by the surveyors at a resurvey should be dealt with by the Revenue Department with a special staff if necessary. I think it probable that a special staff would be necessary and that it is better that the settlement party should deal with them than that a third staff should intervene. Further the result of a resurvey is a complete alteration of survey numbers and subdivisions, and it appears to me essential, lest incidents of importance relating to particular fields be lost sight of that the registers should be carefully checked.

93. But the Board's scheme is designed to ensure that no resurvey will be necessary in future provided the existing land records, survey marks and registry are kept up to date.

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The Board's proposals are twofold (1) to add a Deputy Surveyor to each taluk, and a Head Surveyor to each district, to deal solely with the repair and renewal of survey stones,

(2) to add a staff of inspecting officers to ensure that proper attention is given both to this matter, and to the maintenance of maps and of a correct registry of holdings: these officers would be assistants to the Director of Land Records.

94. (a) *Deputy Surveyors.*—The proposal is that the repair and renewal of survey marks should be taken away from Revenue Inspectors, and given to the Deputy Surveyors. It is designed not so much to relieve Revenue Inspectors of work which they do already but to get work done which they commonly neglect. The Revenue Inspectors are able now to do the prescribed minimum of maintenance work while neglecting the repairs and renewal of stones, and the Deputy Surveyors are to concentrate on this latter work so as to wipe off accumulated arrears and to keep the stones in good order in future: they will also do difficult or extensive subdivision work, which the Revenue Inspector is unable to do, and which is now done by the District Deputy Surveyor (B.S.O. Volume II, page 343) or by a special staff. I agree that the extra Deputy Surveyors are required for both purposes. My experience as Collector has been that the single Deputy Surveyor in a district is unable to keep up with the work for which he is required, whether survey in the field or the incorporation of changes in the taluk copy of the field atlas (see page 284 of B.S.O. Volume II), while it is plain from the figures that the upkeep of survey marks is getting more and more into arrears. The Deputy Surveyor might also be usefully employed to relieve the Revenue Inspector of the purely technical part of his survey duties, e.g., the inspection of karnams' survey instruments and testing the karnams' survey knowledge. The Director of Land Records should revise for the approval of the Board the instructions in Appendices II and III to B.S.O. Volume II so as to define clearly the duties to be done by the Deputy Surveyor and Revenue Inspector respectively.

It has been suggested that the Taluk Surveyor might be empowered to pass orders in undisputed cases of transfer of registry, in which the Revenue Inspector is now empowered to pass them. I do not recommend this. The Surveyor is to do what he has been trained to do, namely, survey work. The transfer of registry is a subject he has not been trained in and it is not advisable that he should be entrusted with it. The Revenue Inspector may, and often does, neglect this part of his work, but it is work with which he is well acquainted; and with the general improvement in attention to maintenance work that the appointment of Assistant Directors should bring about, it may be hoped that the Revenue Inspectors will do it more regularly in future. At any rate the Surveyors should be confined to survey work; it may be that in some taluks, when arrears have been cleared off, it will be possible to dispense with the Surveyor. But it would be less easy to judge of this possibility, if the Surveyor were meanwhile to acquire extraneous functions, which would obscure the real position and make him regarded as an 'indispensable officer with multifarious duties.' Meanwhile the staff should be appointed on a temporary basis, and its work should be reviewed annually to see whether any reduction can be made.

(b) *District Surveyor.*—I think that the proposed District Inspector is unnecessary. The Taluk Deputy Surveyor will presumably be under the immediate control of the Taluk Tahsildar: a single Head Surveyor for the district would not be able to do sufficiently frequent and detailed inspections of any one Taluk Surveyor's work to make him an *instans tyrannus*, the work to be done is of a simple character not requiring close check in its technical details, and it may well be left to the Taluk Tahsildar and the Inspecting Tahsildars to supervise it. Both these Tahsildars will have little more work than they have now from the mere fact that more stones are repaired and renewed: it is not a new kind of work that has to be done but a greater quantity of the same work; and it is better that the person who does it should be under the single control of the Tahsildar, who is on the spot, than that he should divide his allegiance between the Tahsildar and a Head Surveyor at the district headquarters.

(c) *Assistant Directors.*—The Board of Revenue has proposed that five should be appointed, because there were five before the abolition of the Land Records department in 1921. I understand, however, that the Board is not particularly insistent on the number but desires that a start should be made with some. The Director of Land Records with direct charge of the whole Presidency is not able to do as much as is required in the way of inspection in the districts. When he has visited a district once, the officers immediately concerned with maintenance know that he is not likely to revisit it again for a considerable time and are apt to relapse into inattention.

The case for the retention of the post of Director of Land Records was set out in full in the Board's report recorded in G.O. No. 66, Revenue, dated 9th January 1932. It seems clear that his utility would be increased if, so to speak, there were more of him, and, if revenue registry and records are to be kept more up to date so that resurveys may be unnecessary and the resettlement work may be curtailed, it is necessary that closer and more cautious attention should be given to them. But I do not think there is sufficient ground to appoint as many as five assistants. There were five Land Records Superintendents when the maintenance scheme was started in 1905; in the infancy of maintenance and in the state of the surveys of the Presidency at the time of its birth, this number may have been required. But a great deal has happened since then. Districts where the survey was bad have been resurveyed, maintenance has been carried on for a long period, records are in better order, karnams and Revenue Inspectors are better trained, and the whole system of maintenance is well understood.

All that is now required is an addition to the higher inspecting staff in order that supervision may be more thorough. For this purpose I would suggest that two Assistant Directors should suffice: one would be stationed in the North of the Presidency, the other in the South, while the Director of Land Records would retain direct charge of a group of districts in the centre and would superintend the work of his two Assistants in the rest of the Presidency.

95. If these modifications were made, the annual cost of the additional staff would be Rs. 2,37,252 as against Rs. 3,30,672, the cost of the establishment proposed by the Board of Revenue.

96. I may here mention two conflicting theories connected with the subject of maintenance. One is that it is desirable to establish a record of rights. This has been discussed at great length from the Survey Committee of 1915 onwards. But it is not relevant to my present enquiries, for whatever its merits might be, the introduction of it would require not a reduction, but an increase, in district establishments. The Survey Committee itself recommended a reduction in the size of firkas and an increase in the number of Deputy Tahsildars and Tahsildars, and the appointment of five Deputy Directors. In Mysore a Record of Rights Act was introduced five or six years ago. The first step was to appoint a large staff to bring the records up to date in order that a fair start might be made; the special staff is still at work but as far as I could ascertain the system has not yet reached the stage, when the Government's record is accepted as *prima facie* evidence of title in a civil court or when the obligation upon the ryots to notify changes of ownership is enforced.

97. The opposing theory to this is that the subdivision of holdings is unnecessary and that a great reduction of work would result if Government refused to make subdivisions unless the parties paid the full cost of making them. This system was tried as the result of a recommendation made by a Committee of the Retrenchment Committee in 1923, but was abandoned after seven years' trial in April 1931 (G.O. No. 827, Revenue, dated 15th April 1931): when it was decided that the revenue derived from the fee was an insufficient return for the trouble involved in collecting it, and that the result of levying it was to produce a serious and growing disagreement between registry and enjoyment.

The result of the abolition of the fee has been to produce a flood of applications for subdivision and separate registry, which shows that the ryots are anxious to have their shares subdivided provided it costs them nothing. From the point of view of the collection of the revenue from the actual owner, and the better prevention of chicanery on the part of the village officers, it is generally agreed that the subdivision and separate registry even of small holdings, is desirable, is indeed an inevitable incident of the ryotwari system, and if postponed to a resettlement when a vast amount of disagreement between registry and enjoyment would necessarily be brought to notice, would require a large special staff to carry out. Meanwhile the difficulty of collecting the revenue would have increased. I agree in general with these views and I do not think it desirable to go back upon a decision so recently taken.

REVENUE INSPECTORS.

98. In connexion with these proposals the Board has proposed that the number of Revenue Inspectors may be reduced by 137 (Board of Revenue, Land Revenue and Settlement, F. No. 3497/31-9, dated 11th February 1932 and Board's Ref. C. No. 7429/31-17, dated the 14th October 1932, paragraph 6). These reductions had been proposed (in Board's Ref. C. No. 7429/31-5, dated the 24th February 1932) independently of the scheme for the appointment of Taluk Deputy Surveyors who would take over some of the work now entrusted to Revenue Inspectors, and one of the objections made by the Collectors to the reduction in the number of Revenue Inspectors was that maintenance work would suffer. In a later report (Ref. C. No. 7429/31-7, dated the 9th April 1932) the Board explained in detail variations in the circumstances of districts which led to differences in the proposed number of reductions, emphasized the point that no general standard could be applied and added that Collectors in proposing these reductions had contemplated a reduction in the efficiency of the Revenue Inspectors' work owing to their firkas becoming larger. But the scheme for Deputy Surveyors does involve a positive reduction, even if slight, in the work of every Revenue Inspector. Suggestions made in other parts of the present report also involve slight reductions; these are the abolition of the intensive inspection of 'Selected villages' and the reduction in the number of B Memoranda about encroachments together with the possibility of handing over porambokes to panchayats. The proposed reduction of the bulk of the Jamabandi Memorandum hardly affects Revenue Inspectors directly: but indirectly it will benefit them slightly by reducing the amount of time which the whole process of Jamabandi takes and so curtailing their stay at the taluk headquarters for that purpose.

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99. It is true however that the main functions of the Revenue Inspector remain unaffected by these proposals, and his most important duties are so closely connected with the fixing and collection of the revenue that it would be unwise to make sweeping reductions in the establishment at the risk of reducing the revenue. The total cost of the present number of Revenue Inspectors—1,046—is about 13 lakhs. In 1930–31, the revenue derived from items which depend largely on the Revenue Inspector's check of the karnam's work was

	LAKHS.
Fasaljasti	11·86
Tirwajasti	25·11
Cultivation of assessed wastes ..	6·68
Charges for poramboke occupation.	5·63
Tree-tax	3·92
Rent of lankas	6·14
Charge for water in Zamindari and inam villages	24·28

The savings effected by the reduction proposed by the Board amount only to 1·66 lakhs, a sum which might soon be lost under any of these items, when the karnams found that supervision of their work was relaxed in consequence of the reduction in the number of Revenue Inspectors.

Again, the total demand under Land Revenue and Cesses was 8½ crores, of which over 98 per cent was collected within the year; and remissions amounted to 30 lakhs. It is obvious that a large reduction in the number of Revenue Inspectors would result in the less prompt collection of the revenue, and might result in a large increase in the amount of remission, owing to the Revenue Inspector's inspection being hurried or scamped.

100. In 1919–20 when the number of Revenue Inspectors was brought up to 1,075 (since reduced to 1,046) by creating 187 new posts, the Government of Madras wrote as follows in submitting proposals for the revision of firkas to the Government of India. After remarking that it had been recognized since 1906 that an increase in the number of Revenue Inspectors was necessary, the Government said 'Revenue Inspectors have to inspect crops and boundary marks, and relinquishments and encroachments. They have important duties to perform in connexion with darkhasts, remissions and cowles, land acquisition, income-tax, irrigation, conduct of village officers and petitions of all kinds. Collectors have recently been instructed to see that important sales of ryots' holdings under the Estates Land Act are entrusted as far as possible to Revenue Inspectors. If transfer of registry is to be properly carried out, it is impossible for one Land Records Inspector in each taluk to do all the work connected with survey, stone maintenance and subdivision of holdings, and the Government have approved a proposal to entrust the work of measuring and mapping current subdivisions to firka Revenue inspectors. The progress of education among the people, the growing tendency to appeal against decisions and increased efficiency in the administration are all causes which must steadily tend to increase the Revenue Inspector's work; and the Governor in Council is assured that the increase proposed is the bare minimum required to cope with the increase of work which has occurred during the past twenty years.'

101. The only one of the items mentioned here which has ceased to be part of the Revenue Inspectors duties is income-tax; and meanwhile the general considerations which 'steadily tend to increase the Revenue Inspector's work' have certainly lost none of their force. At the time when the letter was written, there were still Land Records Inspectors in each taluk dealing solely with maintenance work. When the Land Records Department was abolished in 1921 these Inspectors were not abolished, but their posts were merged in the Revenue Inspector's cadre, the number of firkas was increased, and the Revenue Inspector in each firka took over the whole of the Land Records work. The number of Land Records Inspectors so absorbed was 181. To take over part of the work that these 181 Land Records Inspectors formerly did the Board proposes a staff of 178 Deputy Surveyors *plus* the 25 Surveyors now employed in Collectors' offices so as to provide one Deputy Surveyor in each of 203 taluks. On the face of it, therefore, it appears that it might be possible to reduce the number of Revenue Inspectors further, though it is to be remarked that the old Land Records Inspector also did patta transfer work which I do not suggest should now be transferred to the Deputy Surveyor. The Board has however reported (Ref. C. No 7429/31-17, dated the 15th October 1932) that the great majority of Collectors are definitely opposed to any further reduction, on the grounds that some loss of efficiency and reduction of field work had already been taken into consideration, that the present jurisdiction of Revenue Inspectors is in many firkas beyond their capacity, that special survey work (which will in future be done by the taluk surveyor) is even now not done by the Revenue Inspectors but by the District Surveyor or by a special staff, that the repair and renewal of survey stones does not give Revenue Inspectors much additional work, and that the abolition of the fee for subdivisions has increased the amount of subdivision work. The Board adds that the object of the proposed appointment of Deputy Surveyors was not to relieve Revenue Inspectors but to simplify resettlement procedure and to effect a large reduction in the cost of the Settlement and Survey Departments, and strongly deprecates any reduction beyond 137 in the number of Revenue Inspectors since further reduction would prevent the attainment of that object.

102. In reading the reports from Collectors on this subject, I have been impressed with the fact that the reductions were proposed with

reluctance by Collectors and with the greater reluctance by the most senior and experienced Collectors. Their proposals were supported by a wealth of detail and statistics, and there seems to be little justification for pressing the question further. The savings on 137 posts abolished amount to Rs. 1,60,918; and the net annual cost of the Board's scheme (as modified) would be Rs. 2,37,252 *minus* Rs. 1,60,918 =Rs. 76,334. I do not think this increase in cost is large, seeing that the cost of three Settlement parties is to be reduced from about Rs. 4·68 to Rs. 2·25 lakhs per annum and that survey parties are gradually disappearing. It will rest largely with the new Taluk Surveyors, and the officers who control them, to see that the framework of the survey on the ground does not disappear, and that such alterations as are required from time to time are properly done: but for the general state of registry of land (both as regards the names of the owners and its correct description as poramboke or ayan, etc.), the subdivision of holdings and the general state of the maps and sketches, it is the Revenue Inspectors who will bear the chief burden of making it possible to dispense with, or reduce respectively resurvey and resettlement establishments.

103. A proposal has been made by the Thomas Committee in Bombay, that the Circle Inspector, who at present works in a subdivision of the taluk, should be replaced by a Revenue Inspector of a higher status who should share the inspection of villages with the Mamlatdar.

In Madras phraseology the proposal is apparently that the firka revenue inspectors should be abolished and that in their place a Deputy Tahsildar should be appointed, who would reside at the taluk headquarters instead of in the firka and would have some of the powers of a Tahsildar; in other words the taluk would be divided between two officers sharing a common office.

104. There is some advantage, besides the financial one, in the scheme, since the abolition of Revenue Inspectors would eliminate a certain amount of reporting. But I do not think it is suited to Madras conditions. The average number of Revenue Inspector's firkas in a ryotwari taluk is five or six, and it would be physically impossible for two officers between them to do all the work that five or six plus one Tahsildar do now. Again the great mass of the Revenue Inspector's work is the routine inspection and check of the village officer's work, reporting on petitions, making subdivisions, and a variety of minor details, all of it essential to the efficiency of the administration but not requiring a highly paid agency to perform it. The result of reducing the amount of inspection and supervision would soon be reflected in reduced efficiency, and efficiency in the Revenue Department does not mean the mere 'bureaucratic' love of order and logical completeness for its own sake. It means the proper assessment and collection of the revenue from the right persons, so that the interests alike of the ryot and of the Government are duly safeguarded, the maintenance of irrigation works, survey marks and communal land, the fair disposal of waste land, dealing with Agricultural loans and much besides.

105. As a general principle the substitution of a small number of more skilled persons for a larger number of less skilled persons is sound, provided that the more skilled can do the same work more quickly, that the work really requires higher skill, and that some processes can be eliminated as a result of the substitution. But these conditions do not hold in the present case. There is no reason to suppose that a Deputy Tahsildar can notice that a stone is missing, that water has been taken to a field, that a field is waste or cultivated, more rapidly than a Revenue Inspector. The substitution thus means the employment of a more expensive agency to do work that a cheaper can do equally well, and a reduction in numbers means not that the essential work is done more quickly but that much of it is left undone. Again, there are cases in which the Revenue Inspector has to submit a report for orders; on this the Tahsildar either passes an order or submits a report to higher authority. It might save time if the Tahsildar held the enquiry and passed his orders, or drafted his report, without the Revenue Inspector's intervention. On the other hand, the collection of facts may be a tedious business (e.g., waiting for a party to turn up or recording statements or proceeding to a remote corner of a village) and as cases demanding enquiry are numerous it is in fact a saving of the time of the more expensive officer that subordinates should do the spade work for him. Conditions in Bombay appear to be different. The Committee remarked that "the status of the Circle Inspector is not high enough to make him a really satisfactory inspecting agency and greater general efficiency would be obtained by decreasing the volume of inspection and entrusting it to a more competent agency." I do not think that this criticism fairly applies to the general run of Revenue Inspectors in Madras.

106. A further point is that the work of a Revenue Inspector in a firka is constant and continuous: the bulk of his work is a systematic day-to-day inspection in villages. During the course of it he deals with special cases that need enquiry, but they are incidental to his main work. The proposal to put in his place a person whose inspection would of necessity be limited to occasional brief visits [illegible] with particular cases requiring specific action is (or would be if it were sought to adopt it in Madras) a misconception of the position. It may be the case that in Bombay such systematic routine inspection is not done; or that the village accountants are as a whole more trustworthy. The Thomas Committee

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