

CHAPTER - VI

PATIT CHARCHA SETTLEMENT OF THE STATE OF COOCH BEHAR : II

1. INTRODUCTION

Patit or waste lands are those lands that do not pay any revenue, because it is still waste and unoccupied. When British rule began in Bengal, it was estimated that from one-third to one-half of the total area of the province was waste and uncultivated¹. There were also great tracts of waste lands in the district of Jalpaiguri and Darjeeling².

In Cooch Behar the quantity of land lying waste and uncultivated at the time of the first Settlement was 7,16,756 bighas. Out of total 23,34,487 bighas of assessed and khas lands, 7,16,756 bighas or 30 percent were waste and uncultivated. The largest quantity of waste land, about 1,79,241 bighas are in Tufanganj Pargana and the percentage of waste land was also the largest i.e. 50% in that Pargana. The best cleared tracts of the State were Dinahata and Lalbazar, where waste lands formed only 24 per cent of the entire area³.

2. RULES REGARDING DISPOSAL OF WASTE LANDS

Various rules had from time to time been issued in different districts of British India, for the disposal of Government waste lands. In 1861, under the Viceroyalty of Lord Canning, the subject was first seriously considered. The first ideas on the subject were developed in the minute of the waste lands in 1861⁴.

The first Settlement of Cooch Behar State, concluded with the Jotedars varied from 8 to 13 years and ended in 1883-84. An extension of 5 years

on the same terms was made and from 1886-87 Re-settlement was started. In the meantime another petty settlement known as the Patit Charcha Settlement had taken place between 1884-1886. This settlement was taken in hand to assess the fallow or waste lands which had come under cultivation since the first settlement. The increase of revenue by the Patit Charcha Settlement was Rs. 68,824.

When the first settlement was ordered the intention of the British Government was that the next settlement of Cooch Behar State would be after the attainment of the maturity of Sri Nripendra Narayan, the Maharaja of Cooch Behar⁵.

3. ATTEMPTS TO MEASURE WASTE LANDS IN COOCH BEHAR

The total quantity of Patit land shown as assessed or cultivated in jotes in the first settlement papers is 5,68,721 bighas. There is no doubt that a portion of this Patit land had already been under cultivation. The rate of rent for patit land is an anna a bigha, while that for cultivated land the rate is 8 annas a bigha⁶. Subsequently in his letter No. 1590 dated 15.1.1883, the Dewan observes that out of 5,68,721 bighas of Patit lands, the quantity which has come under cultivation is not less than 1,48,000 bighas, though it may not be more.

Mr. G. J. B. T. Dalton, the then Deputy Commissioner, Cooch Behar in his letter No. 1560 dated, Cooch Behar, 20.1.1883, wrote to the Commissioner of Rajshayee and Cooch Behar Division and observed the following.

[a] The Dewan of Cooch Behar submitted a report on the subject. He gave figures which shows that, if assessed at the existing rates, the land

included as Patit in Jotes at 1 annas a bigha, but now under cultivation, would yield an increment to the State Revenue of over Rs. 60,000/-.

[b] The patit lands should not be assessed as the current rates that should be left unassessed until a new settlement be made some years hence, when it is at least probable that the existing rates will be raised, and when the sudden increase of rent caused both by the increased rates for all lands, and the new assessment of Patit lands, may cause to sudden revolution of the ryot's domestic economy, and find him unable to re-adjust it quickly enough to meet the suddenness of the increased demand.

[c] Apart from these arguments which are on the ryot's side of the question, there is no reason why the Maharaja's revenue should loss of Rs.60,000/- annually. Further, no measures have yet been taken to provide for the registration of transfer of tenures, and in consequence the existing settlement records are fast becoming unreliable as evidence of existing rights. The re-measurement of jotes, with a view to the assessment of Patit lands will afford admirable opportunity for the correction of these records, and will provide valuable data for the carrying out of the next settlement.

[d] While assessing the Patit lands, a reservation should be made in favour of lands brought under cultivation by settlers. There is reason to believe if any general attempt to assess these lands were now made, the settlers would abandon their jotes and look out for fresh tracts of virgin lands elsewhere, allowing the present clearing to fall out of cultivation.

[e] The Dewan recommends eight years extension of the existing rates of revenue. The Deputy Commissioner did not incline towards so long an extension. The Dewan thinks that three years will not be a sufficient time for the trade of the State to develop itself, as the extension of the railway

system will cause it to do in time, and the extension for longer period for next settlement the better data should have for fixing rates upto the limit which the people can afford to pay.

[f] Land is already more valuable in the State than it was. A network of good roads through the country and the town of Cooch Behar is about to be connected with the Government line by a branch of railway. Hence the Deputy Commissioner, Cooch Behar suggests extension of the existing rates for a period of five years only from the expiration of the present settlement.

[g] The experience of the last Settlement is that, it is not so much the increased rate that presses on the people as the effect of settlement at enhanced rates with retrospective effect. As a result they get the copy of the terij served on them and by that time there are several years' arrears of enhanced rate to be paid up.

A proclamation was issued by His Highness the Maharaja Bhup Bahadur on the 9th November, 1883 on the subject of extension of the period of the first Settlement and regarding assessment of rent of Patit lands which was brought under cultivation since the first settlement. The tenure of the 1st settlement was extended for 5 years from 1884-85, with the exception that all patit lands brought under cultivation since the 1st Settlement will be assessed at full rates.

The Patit Charcha operations were supplementary to the first settlement ; only the fallow lands included within the jotes in the course of the first Settlement and brought under cultivation latter on were assessed at the rate applicable to cultivated lands. No new rates had to be fixed for these operations.

4. QUANTITY OF WASTE LANDS

The quantity of land lying waste and uncultivated at the time of the first settlement, concerned with the portion of the State under the re-settlement, was 7,16,756 bighas, the details of which is given below :-

Table : VI-1

Name of Pargana	Total of assessed and khas lands	Quantity of waste land.			Percentage
		Recorded as khas	Incorporated with jotes.	Total	
Mekhliganj	3,14,220	11,685	82,349	94,034	30
Mathabhanga	4,03,940	13,151	94,968	1,08,119	26
Lalbazar	3,14,934	19,557	55,068	74,625	24
Dinhata	3,83,755	12,762	77,012	89,774	24
Cooch Behar	5,62,057	34,374	1,36,589	1,70,963	30
Tufanganj	3,55,578	63,544	1,15,697	1,79,241	50
Total :	23,34,487	1,55,073	5,61,683	7,16,756	30

It appeared that out of a total 23,34,487 Bighas of assessed and khas lands, 7,16,756 bighas or 30% was waste and uncultivated. The largest quantity of waste land i.e. 1,79,241 bighas were in Tufanganj and the percentage of waste area was also the largest i.e. 50% in that Pargana. The best cleared area of the State were Dinhata and Lalbazar, where waste lands formed only 24% of the total area⁷.

At the time of re-settlement of Cooch Behar State i.e. in the year 1877, the area covered by waste land was 6,44,991 bighas. The paraganawise detail information is given below :-

Table : VI-2

Name of Pargana	Total of assessed and khas lands	Quantity of Waste lands			% of waste lands on total lands
		Recorded as khas	Incorporated with jotes	Total	
Mekhliganj	3,25,851	8,580	68,638	77,218	23
Mathabhanga	4,11,498	6,626	1,00,835	1,07,461	25
Lalbazar	3,16,530	5,613	53,831	59,444	19
Dinhata	3,94,649	11,599	66,685	78,464	20
Cooch Behar	5,67,113	27,323	1,46,764	1,74,087	30
Tufanganj	3,62,726	54,801	93,516	1,48,319	40
Total :	23,78,367	1,14,542	5,30,449	6,44,991	27

There was a decrease of 71,765 bighas of waste and uncultivated area at the time of the resettlement in comparison with the first settlement. Though there has been a decrease of waste and uncultivated lands by 10% over the figures of the first settlement. There is still a large area of 6,44,991 bighas of waste land exists in the country at the time of resettlement operation. This makes up about 25% of the total area of the State, and is a little larger than the extent of pargana Cooch Behar which is the biggest of all parganas. These huge waste lands are kept by the people for the purpose of grazing their cattle. These area also supply them with fuel or firewood without any cost⁸.

There are two types of waste or uncultivated area in the State of Cooch Behar, they are

- [1] San or thatching-grass land.
- [2] Patit lands, sub-divided into -
 - [a] Laik, or fit for cultivation, and
 - [b] Garlaik, not so fit.

The following statement shows the distribution of these lands during the period of re-settlement of Cooch Behar State⁹ :-

Table : VI-3

Name of Pargana	San or thatching grass land	Patit Land			Ground Total
		Laik	Gar Laik	Total	
1. Mekhliganj	10,450	56,279	12,359	68,638	79,088
2. Mathabhanga	13,262	93,411	7,424	1,00,835	1,14,097
3. Lalbazar	8,978	50,008	3,823	53,831	62,809
4. Dinhata	14,293	60,176	6,689	66,865	81,158
5. Cooch Behar	14,360	1,37,523	9,241	1,46,764	1,61,124
6. Tufanganj	6,608	90,126	3,390	93,516	1,00,124
Total :	67,951	4,87,523	42,926	5,30,449	5,98,400
% of each kind on total lands	3.2	22.9	2.0	24.9	28.1

It will be seen from the above table that more than 28% of the re-settled area is composed of San or Thatching grass land and patit land, which are not cultivated by the farmer presently. The thatching grass and Garlaik Patit lands, or a little above 5% of the entire area, are never expected to be cultivated. These two classes of lands, therefore may be called the permanently unbroken lands within the assessed area.

Laik Patit lands, which form about 23% of the total area under re-settlement, are on the other hand temporary jungles which form a sort of reserve fund of the cultivator and which will be in time brought under cultivation. Thus, the larger is the quantity of this lands in a holding the better off is the rayat from the stand point of agricultural economy.

These lands are the source of future income or reserve fund of the cultivator. This type of area is the largest in Taufanganj and the smallest in Dinhata. This inequality of the Laik patit lands in the different Parganas shows the progress of cultivation made in the State since the first settlement. Many jotes under re-settlement were in existence at the time of the first settlement. These lands had been under cultivation for more than 20 years before the re-settlement was made. During the period of interval between 1st Settlement and re-settlement large clearance must have been made and when the lands were classified during the re-settlement, there was not probably much patit land in them. In some places, a good number of jotes became injured by the action of the rivers and other reasons and lands that had been cultivated in 1872 came to be patit in 1890, such charges in cultivation appears to have increased since 1872¹⁰.

The table given below compares the position of Patit lands existing at the time of the re-settlement with those at the time of the first settlement¹¹ :-

Table : VI-4

Name of Pargana	Quantity of Patit lands at		Variation in Bighas	Percentage of variation
	The first settlement in bighas	Re-settlement in bighas		
1. Mekhliganj	82,349	68,638	- 13,711	- 16.6
2. Mathabhanga	94,968	1,00,835	5,867	+ 6.1
3. Lalbazar	55,067	53,835	- 1,236	- 2.2
4. Dinhata	77,012	66,865	- 10,147	- 13.1
5. Cooch Behar	1,36,589	1,46,764	+ 10,175	+ 7.4
6. Tufanganj	1,15,697	93,516	- 22,181	- 19.5
Total :	5,61,683	5,30,449	- 31,234	- 5.5

From the above table it is clear that except in Parganas Mathabhanga and Cooch Behar, patit lands decreased everywhere, and that the total for the whole State shows a decrease of 31,234 bighas or 5.5% of the lands recorded at the time of 1st Settlement. This decrease is partly due to the increase of cultivation, and partly to diluvion or relinquishment of bad jotes or waste lands. Thus, while on the one hand old wastes are expected to gradually disappear to a great extent, new ones will as surely come into existence, and make up the deficiency caused by the annual clearance. In this way some expense of waste and uncleared areas will continue to cover the face of the country and can never be fully expunged.

The tribals specially Meches and Garos are very good "breakers" of jungles. The local farmers encouraged them to settle on the tract to be cleared by the advance of paddy and money. These tribal people generally live in the jungle. They took up the work of clearing the jungle on behalf of their masters and after the work they leave the place to make room for the local tenants. Sometimes these tribes take out a lease directly from the State and settle down as jotedars. But they are so shy and fond of roving that they can very seldom be counted among the permanent settlers¹².

The clearance of a jungle lands are made by burning down the grass and weeds. This is generally started in the month of March, when the leaves become dry. The ground is then tilled. In the first year of operation heavy tilling is neither necessary nor possible. The farmers make it a point to any how raise a crop on the clearance, both with the object of keeping down the jungle and of making some income on the capital outlay, and in this they are generally successful without a thorough ploughing, owing to the innate richness of the virgin soil.

5. PAL SYSTEM OF CLEARANCE OF WASTE LANDS

The Pal system is in vogue in the country. The practice of giving jungle lands to rayats for clearance free of rent for the first few years of the tenancy is called the Pal system. The term of the Pal or remission of rent, generally varies from 1 to 5 years, according to the nature of the jungle. After the expiration of that period the land is brought under assessment.

This system of granting Pal for the purpose of effecting a clearance of jungles is not always advantageous to the cultivator. The assessment of land is made according to the nature of the soil, the rate for jungle land is two annas per bigha and that for the cultivated land of the lowest class is four annas and more. When a man takes a plot of jungle land for a fixed term which is in no case less than ten years, he gets the whole at two annas a bigha, if he begins to pay from the commencement. But under the Pal system, the assessment is made after the land has been brought undercultivation, and thus full rates for cultivated lands are charged as soon as the land is taxed. This means that after the first five years the liability on account of revenue becomes at least double of what it would otherwise have been. And as a settlement concluded at this stage may often be for a long term, the rayat practically becomes a loser.

In Cooch Behar State there was no specific rule for the settlement of waste land. But in other parts of British India there were many rules from time to time for the settlement of waste lands. In Assam the first step in this direction was suggested in 1835 by Jenkins and on 6th March, 1838 First Special Grant Rules known as the lease hold grants, were issued by the Government of Bengal. These rules were applicable to the Assam Valley Districts only.

In spite of very favourable terms for the settlement of waste lands in this rule, very few persons, however, availed of them, and those who availed them, the majority failed in their speculation¹³. On 23rd October, 1854, revised rules for leasehold grants were issued.

The scheme of disposing of land in free sample originated in Lord Canning's minute of October, 1861, The Secretary of State took objection to some of the provisions and fresh set of rules was issued on 30th August, 1862. The rules issued by Lord Canning provided for the disposal of land to the applicant at fixed rates. These Rules were in force till August, 1872 when the Lt. Governor of Bengal stopped further grant pending revision of Rule¹⁴.

In February, 1874 revised fee-simple rules were issued. The changes introduced in the revised rules were intended to ensure a more accurate definition of land granted and more careful enquiry into the existing rights. The revised fee-simple rules worked well. These rules continued to be in force until April, 1876. Immediately after the publication of these rules, the province of Assam was separated from Bengal and was formed into a chief Commissionership.

In 1876, sale in fee-simple with revenue-free title was abolished and new rules for the settlement of waste land for Special cultivation were issued. Under these rules, the land was leased for 30 years at a progressive rates. These New lease Rules gave a permanent, heritable and transferable right of use and occupancy in the land leased, subject to the payment of land revenue, and local taxes and cesses. After the expiration of the 30 years period, the land was to be assessed in accordance with the law for the time being in force in the district in which the land was situated. But the rate of assessment under no circumstances was to be more than that already in

existence for the most highly assessed lands in that district cultivated with rice or other ordinary agricultural produce¹⁵.

The New lease Rules of 1876, with the modification mentioned above continued to be in force in the province of Assam. In 1886, when the Assam Land and Revenue Regulation was passed, these rules were revised and re-issued¹⁶.

Western Duars was the neighbouring British District of Cooch Behar State. In Western Duars there were several rules introducing time to time for settlement of Waste lands.

In 1875 the Scheduled Districts Act (Act. XIX of 1874) was declared to be in force in the Western Duars. In the same year another act known as waste land claims Act was also extended to this district. In 1895, the Bengal Rent Act of 1859 was extended to the Western Duars, with its amending Act of 1862. These acts remained in force until Bengal Tenancy Act was extended to the Western Duars in the year 1899. The Bengal Rent Act was extended in the Western Duars with some modifications. The Bengal Tenancy Act did not apply at all to any lands in the Duars leased under the Waste Land Rules.

The first British Settlement of the Western Duars was made by Mr. W. O. A. Beckett in 1877. The Second Settlement was made in 1880. The next Settlement was made in 1889 - 1895 by Mr. Sunder who was followed by Mr. Milligan in 1906-1916. The last Settlement before independence was made by Rai Bahadur Bejoy Behari Mukherjee in 1931-35.

The Arable waste land Rules were first issued in 1875. These were amplified and revised in 1888, 1917 and 1936¹⁷.

In Bengal, the waste lands were settled without any survey ; most of them included and were freely allowed to include as their own - as much of the waste as naturally adjoining the Estate. It was always contemplated, that, as the land Revenue was fixed in the lump for the whole estate, the extension of cultivation into the parts at present waste should be wholly for the benefit of the estate ; making the Revenue burden lighter and lighter more and more success in this direction was attained. But a time went on and as estates became better known and their limits practically fixed, attention was called (in 1819) to the fact that lands were being taken up that really did not belong to any estate. The first thought was only to make them pay the proper land revenue ; the title by mere occupation was allowed, or at least passed over in silence. But in 1828 Regulation 111 asserted the right of Government (which had always existed in theory) and then various efforts were made to separate the waste tracts and deal with them. These waste lands were henceforth taken in hand and afterwards leased to cultivators, or made into public forests¹⁸.

The Policy followed by the State for the Settlement of waste land had its effects on the economy of the State. It has been mentioned earlier that no special rules had been in operation in Cooch Behar State for the settlement of waste land.

In Jalpaiguri, Darjeeling and in Assam, favourable terms offered for the settlement of Waste land encouraged the tea planters. Both the European and Indian Tea Planters took up land for the cultivation of tea. The tea industry developed. In the beginning it developed near the river routes. Later, when the area was not available remote areas were taken up for the cultivation of tea. The development of tea industries in those areas were

mainly responsible for the overall economic Growth of that area¹⁹. But in Cooch Behar this type of initiative was not taken in respect of waste land settlement.

The Policy for the settlement of Waste land, of course, encouraged speculation in land and the Government had to take measures to stop it in Assam and other parts of Bengal. Speculation in business is normal. Without speculation business activity cannot increase. The risk of business which are not insurable are minimised by speculation. But speculation in real estate cannot be regarded as helping business activity and therefore, such kind of speculation is to be discouraged and if possible, stopped altogether.

This type of problem was not in existence in Cooch Behar because waste land was not settled permanently with the landlords.

SUMMARY

Patit or waste land does not yet pay any revenue, because it is still waste and unoccupied. When British rule began in Bengal, it was estimated that from one-third to one-half of the total area of the province was waste and uncultivated.

In Cooch Behar the quantity of land lying waste at the time of first settlement was 7,16,756 bighas, out of total 23,34,487 Bighas of assessed and khas lands, 7,16,756 bighas or 30 percent was waste and uncultivated. The largest quantity of waste land are in Tufanganj Pargana i.e. 50% of the total land. The best cleared tracts of the State were Dinjata and Lalbazar, where waste land formed only 24 percent of the total land.

The first settlement of Cooch Behar State, concluded with the Jotedars varied from 8 to 13 years and ended in 1883-84. In the meantime

another petty settlement known as the Patit Charcha Settlement had taken place, between 1884-1886. This settlement was taken in hand to assess the waste land which had come under cultivation since the first settlement. The increase of revenue by the patit charcha settlement was Rs. 68,824/-. The total quantity of Patit land shown as assessed in the first Settlement was 5,68,721 bighas. There is no doubt that a portion of this Patit (waste) land had already been under cultivation. The rate of rent for Patit land is an anna a bigha, while that for cultivated lands the rate is 8 annas a bigha.

At the time of re-settlement of Cooch Behar State i.e. in the year 1877, the area covered by waste land was 6,44,991 bighas. There was a decrease of 71,765 bighas of waste land at the time of re-settlement in comparison with the first settlement. Though there has been a decrease of waste land by 10% over the figures of the first Settlement, there is still a large area of 6,44,991 bighas of waste land exists in the State at the time of re-settlement operation. These large area of waste land are kept by the people for the purpose of grazing their cattle. These area also supply them with fuel or fire wood without any cost.

The waste land which form a sort of reverse fund of the cultivation and which will be in time brought under cultivation. Thus, the larger is the quantity of this land in a holding the better off is the rayat from the stand point of agricultural economy. These lands are the source of future income or reserve fund of the cultivator.

Waste land decreased everywhere in the State, and that the total for the whole State shows a decrease of 31,234 bighas or 5.5% of the lands recorded at the time of 1st Settlement. This decrease is partly due to the increase of cultivation, and partly to deluvion or relinquishment of bad jotes

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In Cooch Behar State there was no specific rule for the settlement of waste land. But in other parts of British India there were many rules from time to time for the settlement of waste land. The Policy followed by the State for the Settlement of Waste land had its effects on the economy. In Jalpaiguri, Darjeeling and in Assam, favourable terms offered for the settlement of waste land encouraged the tea planters. The development of tea Industries in those areas were mainly responsible for the over-all economic development of that area. But in Cooch Behar that type of initiative was not taken in respect of waste land settlement. The Policy for the settlement of waste land in Assam, Jalpaiguri and Darjeeling, of course, encouraged speculation in land. But this type of problem was not faced by the rulers of the Cooch Behar State.

NOTES AND REFERENCES

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- [4] B.H. Baden - Powell, Op. Cit., P.61.
- [5] Correspondence Relating to the Patit Charcha Settlement and the Re-settlement of the State of Cooch Behar, printed at the C.B. State Press, 1903, letter No. 704, dated, Cooch Behar the 8th August, 1882. From Capt. A. Evans - Gorden, Deputy Commissioner of Cooch Behar, To the Commissioner Rajshaye, and Cooch Behar Division.
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- [19] D. D. Mali - Op. Cit., P. 164.