

## **CHAPTER VIII**

### **CONCLUSION**

#### **Concluding Observations:**

The administration of Collectorate in Maharashtra with special reference to land revenue administration in Nashik District is the study of a part of the District Administration. District is the important unit of administration in India headed by District Collector. Though it is a creation of British rule in India, similar territorial organisations were in existence right from the ancient period.

In the beginning, the Collector was assigned the total charge of the district in respect of land revenue, judicial and Magisterial powers. Due to concentration of powers, the authority of the Collector resembled like a despot and was used by British to protect the interests of British Rule in India. After independence many changes have taken place in the district administration. The separation of executive powers from judicial one, the spirit of democratic decentralisation, creation of separate departments at the district level resulted into decreasing the powers of the Collector but many new powers have been vested in him. In spite of creation of specialist departments the role of Collector is important one as he acts as the co-ordinator of all district level departments. He works as the representative of the State Government at the District level and empowered under 65 enactments of State and Central Government.

The reports of various Committees and Commissions have highlighted the different aspects of district administration, however, the land revenue administration has scarcely been studied by them. After independence, due to rise of other sources of revenue, the land revenue has lost its importance as a major source of revenue. The land revenue administration does not confine itself merely to the task of collection of revenue above but it performs so many functions in respect of land which are of great importance to the

Government as well as to the people.

The Collectorate and its field agencies perform the various land revenue functions as setting and defining the rights of the Government as well as those of the people of the land, maintenance of land records, management of land, implementation of various welfare measures concerning land, quasi-judicial functions concerning land and controlling the field agencies performing these functions. In the agrarian country like India, as land is the major source of livelihood of people from rural area, no development can take off without an efficient and co-operative revenue administration.

The organisational pattern of land revenue administration is determined by the Maharashtra Land Revenue Code 1966, and Maharashtra Land Revenue Manuals. With minor variations, the pattern is more or less uniform throughout Maharashtra as such, the four objectives of the study of Nashik District Collectorate as broadly be applied representative in character.

The first objective was to study the general pattern of administration of the Nashik District Collectorate. At the District level, Collectorate is the headquarter of revenue administration headed by District Collector, an I.A.S. officer. He is assisted by a team of Deputy Collectors belonging to the State Class I cadre as Resident Deputy Collector, District Supply Officer, Dist. Resettlement officer, Special Land Acquisition Officers, Dy. Collector for E.G.S. These officers are further assisted by the officers in the grade of Tahsildar and Aval Karkuns. Since 1992, the post of Additional Collector has been created in all the districts and as per decision of the government powers of 28 subjects have been allotted to him while the Collector has to shoulder the responsibility of 36 subjects.

The functions of Dist. Collector can be grouped into seven groups viz. the revenue, magisterial, developmental, crisis management, representative of Government, head of District Administration and miscellaneous duties. To carry out these functions the Collectorate is divided into branches each headed by

either a Deputy Collector or Tahsildar and assisted by Aval Karkuns and Clerks.

In Nashik District Collectorate 9 branches are headed by Deputy Collectors and 14 branches are headed by the officers of the grade of Tahsiladar. The Deputy Collectors can forward their papers directly to the District Collector or the Additional Collector as the case may be while the papers of 14 branches are forwarded through the Resident Deputy Collector. Except the functions of land management, land acquisition, minor minerals, N.A. permission in 'A' Class municipal area and Urban Land Ceiling Act all other functions of land revenue administration have been assigned to the Additional Collector.

In Nashik District there are 4 Sub-Divisions, 13 Talukas, 70 Revenue Circles and 545 Sazas. The land revenue administration cannot be studied without studying the field agencies, therefore, the second objective of the study was to study the organisation and functioning of these field agencies of the Collectorate.

Sub-Division consists of three Talukas headed by the Sub-Divisional Officer who also acts as a Sub-Divisional Magistrate. The functions of Sub-Divisional Officer include the supervision and inspection of Taluka and Village administration, the appointment transfer dismissal of Talathi, Police Patil and Kotwal, land acquisition for extension of gaathan scheme, regulation of encroachments, recovery of Government dues, quasi-judicial functions and connecting link between Tahsildar and the Dist-Collector. As most of the powers of Collector have been delegated to the Sub-Divisional Officer, the Collector relies on him for supervision of Taluka, Circle and saza administration. However, due to growing functions he is becoming ineffective in discharging the functions expected from him.

At the Taluka level Tahsildar is the head of revenue administration assisted by 3 to 4 Naib-Tahsildars, 4 to 6 Aval Karkuns and 8 to 16 Clerks. He also acts as the Executive Magistrate of Taluka and appointing authority to the inferior village servants like Kotwal. From view of decentrelisation of

administration, the Collector's powers of about 40 sections of MLRC 1966 have been delegated to him.

Tahsildar, unlike his superior officers, is also vested with powers, relating to various subjects viz. law and order, land revenue, supply, e.g.s., magisterial, quasi-judicial, co-ordination of various activities at the Taluka level, election, representative of govt. at the taluka level, inspection and supervision of the work of Circle officers and talathis, etc.

The area of Taluka is divided into revenue Circles each under charge of a Circle Officer appointed by the Collector on the basis of seniority from the talathis and clerks of revenue department. He has to keep control over work of 6 to 10 Talathis and his span of work ranges from 17 to 60 villages in a circle. Inspection supervision and guidance to talathis is his principal duty. The mutation entries of record of rights are certified by him, for crop inspection and crop cutting experiments he has to visit every village from his circle, therefore, he has to be on tour for 20 days in a month. He is the lowest revenue officer authorised to conduct various inquiries regarding matters of land revenue forming an important link between Talathi and Tahsildar.

Each revenue Circle is divided into sazas consisting of villages and headed by Talathi. The day to day contact of the people for land revenue and many other purposes comes with Talathi. Apart from collection of land revenue, maintenance of registers and records, inspection of lands, issuing copies of village forms he is responsible for a number of non-revenue functions as issuing ration cards, election work, preparation of electoral rolls, family planning, census, small savings, literacy campaign and any other function assigned by superior officers. Majority of the respondents identified him to be the most important village level worker supporting the statement that 'Talathi is the king-pin of revenue administration'.

Non-residence of Talathi at the headquarters non-availability in the office many times and undertable dealings in matters of certification of entries are

the common charges against talathi. Talathi is assisted by a class IV employee called Kotwal, However, due to ban on recruitment of Kotwal 840 posts were vacant in Nashik District. The diaries of Circle Officer have become a matter of formality and nobody tried to verify the entries. In Paint Taluka, some of the village records were not inspected by the Circle officers for 6 months. The lack of contact between Talathi and Circle officer is also one of the reasons for negligence in maintenance of village records.

The third objective was to assess the effectiveness of land revenue functions. The process of fixing land revenue demand is called as settlement which remains in force for 30 years. However, after 1941-42 no revenue settlement was declared by the Government. Collection of land revenue, consisting of ordinary land revenue and cess charged on it, is the primary duty of Talathi. It was observed that the collection of ordinary land revenue was always above 100% but the cess charges on it was in arrears. For recovery of revenue dues the coercive processes have been mentioned in the MLRC 1966, however, these were not used except using a notice of demand to the defaulter under section 178 of the code.

The remission in land revenue is granted on the basis of paise valuation (paisewari) of the crops in the village. The villages where paisewari is 50 or below it are entitle for exemption of paying land revenue of that year. The paisewari is determined by 'Village Paisewari Committee' which is almost ineffective as the non-government members of the Committee do not take active involvement in this procedure.

The partial audit of Talathi records is called Jamabandi. The entries of revenue recovered and arrears are tallied by the jamabandi clerk of taluka office and demand for new revenue year is fixed. Jamabandi inspection is the responsibility of Collector and Sub-Divisional Officer. One third of villages from Taluka are selected from rotation register and the talathi records of the concerned villages is inspected by the Aval Karkuns and Clerks of the

inspecting office. The paras drawn in the Jamabandi inspection show gross negligence of talathis and Circle Officers in the land revenue administration. Though the compliance of paras is expected within 30 days some paras remain pending for 4 to 5 years. This shows that Jamabandi inspection has become a matter of formality.

There is great potential of increasing revenue from minor minerals in Nashik District. As Circle Officers and Talathis cannot keep vigilant watch on the extraction and transportation of minor minerals, tax evasion takes place to a large extent. Full time inspectors should be appointed for collection of revenue from minor minerals by dividing the district into zones.

The function of management of land in the district is also vested in the Collector. He has wide powers of disposal of govt. land to various categories of persons for charitable, agricultural or non-agricultural purposes as laid down in the Disposal of Govt. land Rules 1971. At Nashik Collectorate, no register except inward and outward was maintained in this section. Some of the proposals remain pending for 4 to 5 years with the Commissioner or State Govt.

The removal or regularisation of encroachments on government land is also an important aspect of land management however, it has remained neglected due to paper tossing and political interference. The registers of encroachments are not maintained properly at the taluka level.

The District Collector and his line authorities also perform the function of granting permission for transfer of use of land from agricultural to non-agricultural use. There is need to remove imbalance of this N.A. permission work and avoid intentional delay.

Extension of village gaothan is a welfare measure implemented by Govt. through revenue department. The gaothan is required to be extended due to pressure of population or for resettlement of backward classes or for resettlement of flood affected areas. According to 10 years programme

sanctioned by the Collector, the land is acquired by Sub-Divisional Officer and plots are distributed by the Tahsildar and acquisition price if sanctioned as loan is to be recovered by the talathi.

Acquisition of land is done by the Collector to implement various projects of public purpose according to the provisions of the Land Acquisition Act, 1894. In Nashik District there were 10 special Land Acquisition Officers (SLAOs) of the grade of deputy Collector, however, their work was also not free from pendency. The posting of SDO as SLAO is considered as a punishment to the officer.

The function of maintenance of boundary and boundary marks has been neglected by the revenue authorities. Non-availability of the village map showing boundary marks was the reason for non-implementation of the programme of boundary marks repairs.

Record of rights is maintained at the village level by talathi which indicates all sorts of rights and liabilities of an individual in respect of land. Village form No.VII (record of rights) as provided jointly with V.F. VII-A and V.F.XII, is called as V.F. VII-XII. Any change in this form is called as mutation which is effected after certification of the mutation entry by Circle Officer. Pendency in certification of mutation entries was observed in all Talukas. Mutation entries were not certified in time and the delay caused was intentional delay with the expectation of bribe ranging from Rs.100 to Rs.1000. The experience of the people in obtaining copies of orders of revenue officers and revenue records from record rooms of taluka, Sub-Division and Collectorate is also not satisfactory due to intentional delay.

The revenue officers above the grade of Naib-Tahsildar are vested with quasi-judicial powers under MLRC, 1966 and under various Acts. At all the levels pendency of case work was observed upto 6 years denying quick justice to the applicants. Transfer of officers, adjournments, non-receipt of documents from lower court, non receipt of notices are the reason for this delay.To control

the casework temporary additional officers should be appointed as executive magistrate.

In the hierarchy of revenue administration, every superior authority controls the inferior ones. Internal audit wing, inspections, weekly statistical abstracts, diaries of revenue officers, meetings and touring are the devices of exercising control. In practice, it was observed that all these devices have become a matter of formality and higher authorities have lost their control over administration. Non compliance of audit paras and inspection paras for years together, target achievement oriented inspections, lack of disciplinary action and least involvement of officers in inspections are the causes which have resulted into loosening the control over administration. At many places the internal inspection remains on paper only.

The Collectorate and its field agencies have also implemented various Acts concerning land viz. Abolition of Watan Acts, Restoration of lands to Scheduled Tribes Act, Tenancy Act, Ceilings Act, Prevention of fragmentation and Consolidation of holdings Act. The people who were regranted lands as the effect of above Acts became occupant class II holders. They have to obtain permission of Commissioner or State Govt. for transfer of right over land. As they are in possession of land for a period above 20 years their status should be transferred to occupant Class I holder. This will relieve the revenue officers from talathi to the Commissioner from overburdening to some extent.

It is revealed from the records of revenue offices and views of the respondents that delay in decisions is the main issue that reduces effectiveness of land revenue functions. The land revenue functions are given third priority by the officers, indicates that their attitude towards these functions is of secondary functions. In addition to the growing workload of non-revenue subjects considerable time of revenue officers is also spent on the protocol duties in attending dignitaries and ministers. Frequent transfers of officers, lack of training to the clerks, talathis and circle officers, overburdening of work at

the Collectorate and Commissionerate level are also responsible for delay. However, people consider delay as a part of 'revenue culture' considering it as the intentional delay caused with expectation of bribe.

With a view to create efficiency in revenue administration and to eliminate most of the drawbacks 'Lakhina Experiment' was implemented in the Collectorates of Maharashtra. It was implemented only to bring out environmental changes neglecting training of staff, time bound decisions and breaking contact of the people with clerks resulting into partial success; but no encouraging results could be found out of it.

The interference of politicians in the land revenue administration is also an important issue. The transfers and promotions of revenue officers are influenced by ministers therefore they obey their orders, suggestions or instructions. In the view of the majority of the people, the revenue department has lost its credibility. Most of the people exert political and economic pressures to avoid delay in decisions by the revenue authorities.

The foregoing discussion, by and large, confirms the broad hypothesis that "In the present structure of district revenue administration land revenue functions have become secondary functions and matters concerning land revenue are not disposed of effectively"

The Committee appointed under Chairmanship of Principal P.B.Patil for evaluation of Panchayat Raj in Maharashtra has presented scheme of 'District Government' in its report in 1986. It recommended that the revenue function should be subordinated to the planning function. The growing importance of planning and development at the district level, the spirit of democracy and local self government compels one to think in terms of district as a 'third level of government'. The recommendations of P. B. Patil Committee have raised the issue of loss of supremacy of the Collector in the District, as a senior I.A.S. Officer is proposed to be appointed as District Development Commissioner (DDC).

In the first 5 years talathi establishment is to be transferred to the Gram Panchayats along with his revenue functions, in next 5 years revenue function of Thasildar will be transferred to the Panchayat Samiti and in next 5 years 5 years the revenue functions of Collector will be transferred to the Zilla Parishad. As this may result into losing the powers of control over Zilla Parishad and later on from land revenue administration, the prestige of Collector may be reduced in the eyes of the people. He will be held responsible only for law and order and supply functions.

Majority of the respondents from revenue officers considered the plan to be non-feasible. The experiment of transferring talathi to village panchayats was reverted in 1967, and experience of deterioration of administration in Municipal Corporations where officers of the grade of Commissioner were appointed are the reasons presented by them. They are of the view of that the functions of supply and law and order are sufficient to keep his prestige. The field officers rejected the idea of transfer of talathi establishment to the village panchayats on the ground that due to politicisation of administration illegal decisions would be taken and people would lose faith in the revenue administration.

It can be concluded that land revenue functions being regulatory functions dealing with ownership of land which is a means of livelihood of majority of the people, should, as far as possible be kept away from the direct influence of political representatives to have impartial decisions. Transferring talathis to the Village Panchayats will result into losing the contact of State Govt. with the villages.

Transferring the function of planning, co-ordination and control over local self-govt. institutions to the D.D.C. would relieve the Collector from overburdening to a large extent and he could perform the law and order, supply and land revenue functions effectively.

### **Suggestions For Improvement:**

The revenue administration in the district has been performing multifarious duties at the cost of land revenue administration. There will be no excuse from other functions as there is no other alternative before the State. The following measure, however, might contribute towards the better performance of land revenue functions.

- 1) The Revisional Settlement Survey, which has not only been declared after independence, should be declared not only for augmenting the rate of land revenue but also for solving many disputes of land about ownership, encroachments, unauthorised use of land for non-agricultural purposes, pathways from fields and installation of boundary marks.
- 2) The post of Shirastedar from office of the Sub-Division should be upgraded to the grade of Tahsildar. This will enable him to achieve co-ordination from tahsils as well as he could assist the S.D.O. in many matters.
- 3) Election branch should be a permanent branch at the District and taluka level with adequate staff. During no-election period this staff can be used in other branches to control the pendency of work.
- 4) For talathis and clerks pre-entry training should be organised at the District levels while for Aval Karkun, Circle Officers and Naib-Tahsildars, refresher courses should be organised at the division level.
- 5) To relieve the Collectorate from burdensome work of N.A. permission, except district headquarters all powers of granting N.A. permission should be delegated to the respective tahsildars. Decision about permission must be taken within 90 days. Use of computers will be helpful in taking quick decisions.
- 6) The mutation entries of record of rights must be certified within one month. To increase the supervision and contact of Circle Officer with talathis fortnightly meetings of talathis with their office record should be organised at the headquarter of the circle. This will be convenient to the higher officers also to conduct talathi daftar inspections at that place.

- 7) The inspecting officer should spend at least one full day per inspection leaving aside the formal or target achievement approach. The paras drawn in the jamabandi or office inspection, or internal audit must be complied with within one year failing which disciplinary action should be taken.
- 8) The staff should be appointed in proportionate to the workload of the office. The norm of work per clerk per day is 10 references at the Collectorate level and 12 references at the Sub-Division and Taluka level as recommended by the Bongirwar Study Group. Atleast two Kotwals per Saza should be appointed to assist talathis.
- 9) The time limit for disposal of quasi-judicial cases should be of 6 months from the date of receipt of first notice to the parties at the Taluka and Sub-Division level and 1 year at the District Level. Provision of ex-parte decision should be made by amending s.233 of the MLRC, 1966, in case the party remains absent continuously for 3 hearings.
- 10) Computerisation of village records has been started in Maharashtra that will solve the problem of obtaining copies of village forms. To avoid delay in supply of copies of orders and records from record rooms, Xerox machines should be made available in record rooms and copies should be issued with stamp and signature of the record keeper of the grade of Aval Karkun.
- 11) Use of Mass media should be favoured for recovery of land revenue and education of farmers on land matters as paisewari, partition, boundary mark,s N.A. permission etc.
- 12) The conditions on regranted Watan/Inam lands should be cancelled after charging reasonable transfer fee.The powers of Commissioner for transfer of Watan land and adivasi land should be delegated to the Collectors to avoid delay.
- 13) Specifically for Nashik District the proposal of division of Nashik and Ahmednagar districts as declared by the Government of Maharashtra should be executed without delay. The recommendation of Bongirwar study group

regarding Sub-Division consisted of two talukas should also be implemented for the effective supervision of Sub-Divisional Officer over taluka and field officers.

The District Collectorate as well as the revenue administration of the district collectorate is the hub of the district activities and in order to strengthen the supervisory functions at the headquarters level intricate mechanisms in the form of periodical reports and returns have also been made. There is however, wide gap between the norms and the practice. The norms are not followed in its proper spirit, either because the administration is over burdened or because it has developed vested interests in not following the recommended norms. Strengthening the revenue functions of the District Collector will go a long way in establishing the creditability of the government itself.