

temple *muafi* villages does not contain a *theka* issued by the State (as for instance in the *ranivas* villages). This shows that the *debottardar* is given the right to issue his own *thekas*. The *pattas* are issued for a period of 5 years and the same form is used for all the villages of the estate. When the *theka* is to be renewed, the *thekedar* applies for renewal and pays a *balajipranam* of 15 to 20 per cent. of the village revenue. *Thekajama* is not varied.

The ryots enjoy the same rights and privileges as ryots of other State villages and pay their rents according to the entries in the record of rights. (But see para. regarding *begar*.)

13. There are twenty-three whole villages granted as *muafi* for maintenance, charity or in recognition of services or for the performance of worship, offering prayers, or for attendance at the palace, and so on. In some of the grants these purposes are mentioned together; some are for life only while other are perpetual. Sanads are in several cases not available.

The settlement record of *muafi* villages does not contain a *thekedari kabuliat*. The *muufidar* himself is treated as the *thekedar* and the *patta* of a *thekedar* is issued to him with the word *thekedar* substituted by the word *muafidar*. It is said that none of these *muafidars* have got *thekedars* of their own though the question whether the *muafidar* is able to create his own *thekedar* cannot be definitely answered in the negative.

14. There are 23 villages known as *ranivas* villages which are the personal villages of the Ranisaheba. At the time of settlement there were only 21 *ranivas* villages but before the report was completed, two villages were added. The income from the *manwar* lands in the *ranivas* villages forms the personal income of the Ranisaheba.

There are *thekedars* in the *ranivas* villages also. At the time of the settlement the State was under management and the *thekas* of these villages appear to have been issued by the Settlement Officer in the manner of an ordinary *theka* issued by the State. The question whether the Ranisaheba can create her own *theka* in the same manner as a zamindar or not, however is not free from doubt. The renewal of the *theka* is effected by the State.

There are no villages held as *muafi* by the Ruler.

15. In addition to the whole village *muafis* there are plots of land given rent free for purposes similar to the village *muafis*. Some of the grants are meant for rendering services to the Ruler such as *palki*-bearers. There are *muafis* held by villages servants like chowkidars, *baigas* and *mahatos*.

A register of *muafis* is in existence but it is not maintained up to date.

THE RYOTI TENURE.

16. So far there has been no regular revenue law for the State and the rights and liabilities of ryots and other interests in land are prescribed by the *wajib-ul-arz* prepared at the last settlement which applies to all areas except the Khudia zamindari.

17. The ryoti tenure in this State is simple and all ryots, whether in the zamindaris or in the State villages, have the same status. Their rights are few and they are liable to be ejected under the *wajib-ul-arz* on the ground of failure to pay rent on the due date, converting the holding or any part thereof for building or other non-agricultural purposes, wilful breach of any condition of the *wajib-ul-arz* (there are several trivial conditions) and disloyalty. Since the settlement, however, the ryot seems to have enjoyed considerable security though his theoretical status is quite weak.

18 The law of succession prescribed is descent to male heirs in the direct line of descent or, in default of such, to the widow for life or till remarriage. Collaterals do not inherit unless they are male agnates and were joint with the deceased at the time of his death. Daughters and their offspring have no right to inherit.

There is no right of transfer except by exchange or by annual lease. An illegal transfer may result in ejectment, or, the *thekedar* or a person entitled to inherit, may claim to be placed in possession. In practice this rule is susceptible of evasion to a considerable extent. The *thekedar* can clearly be bought. Mortgages were admitted by some villagers I questioned. Surrender and realotment by the *thekedar* is also possible.

19. Under the *wajib-ul-arz*, the *thekedar* is entitled to allot unreserved land for cultivation. In practice many petitions come to the State because the *thekedar* is usually not fair in allotment. If there is appreciable forest growth the

permission of the State is necessary. There is a proposal to cancel the clause permitting the *thekedar* to allot waste land. Land is allotted free on petitions which come up to the State if the petition is granted (*thekedars* levy *nazarana*). If there is any growth on the land, the forest officer is consulted. If a petition is granted, the forest growth is at the disposal of the forest department and the applicant is required to cut and stack it; he may purchase it if he likes. New land is supposed to be held rent free for three years but it is doubtful to what extent the *thekedar* who is entitled to assess the rent and appropriate it wholly till the next settlement permits this as there is little check. New land occupied by a ryot immediately becomes ryoti land.

20. Ryoti land may be surrendered by a registered document to the *thekedar* and land left uncultivated with rent unpaid for a year by a ryot who has left the village is regarded as abandoned. Such lands are at the disposal of the *thekedar*.

21. Improvements of land by digging tanks, wells or embankments or otherwise are permitted and improvements costing over Rs. 50 are exempt from enhancements for the period of one settlement.

22. Enhancement of rents during the currency of a settlement is not permitted and ryots are entitled to receipts. Receipts are recorded in *rasidbahis* of the C. P. type; they cost 4½ annas each. Only demands sanctioned by the State may be recovered from ryots.

22 (a). House sites are not transferable like other lands and if a house has to be sold a separate petition has to be made for the land. Every ryot has a right to a house site and threshing floor free of rent in the village site. It is not known if any payment is charged for the allotment of house sites by *thekedars*.

23. The *wajib-ul-arz* has a clause regarding land acquisition according to which land may be acquired for State purposes with "reasonable compensation for disturbance" in the case of occupied land. For a house, land and materials are given in exchange but if the house is pucca "it rests with the State to give reasonable compensation."

24. The *wajib-ul-arz* prescribes that ryots have the right to the produce of trees planted by them on their holdings but they are not entitled to the timber of such trees (nor can they cut them), unless they have been blown down, by the wind. They cannot sell the trees. Fruits of trees on waste land seem to be enjoyed by villagers generally but the *wajib-ul-arz* prescribes rights of enjoyment only in respect of planted trees.

25. Ryots have a right of way over embankments and fields and when the harvest is reaped embankments may be cut for passage to carts.

In the settlement report it was suggested that *tanr* lands were formerly held free of rent on account of *begar* and with the assessment of these lands *begar* was abolished. Nevertheless the *wajib-ul-arz* prescribed *begar* for the carriage of luggage of touring officials, the Ruler, his guests and Rajfamily members, for the shikar of the Ruler and for the cultivation and harvesting of *manwar* lands of *bhandar*, *thekedari* and zamindari villages. Villagers were also required to help in pitching tents, preparation of temporary huts and the supply of straw and fuel. In 1939 a proclamation was issued that from the 1st of January 1940 all *begar* except for the carriage of luggage of officials, the Ruler's shikar and the pitching of tents and construction of tents and temporary huts was abolished. Payment for the carriage of luggage at one pice per mile with an additional anna per day for distances over 12 miles and 2 annas extra per day for distances over 16 miles was prescribed. In the zamindari villages, however, *begar* for cultivation of *manwar* lands was said to continue and villagers of Kerady zamindari said they had to give three days' *begar* for ploughing, breaking clods and harvesting. In other villages which I visited (and in the zamindaris also), fuel has to be rendered at Dusserah by ryots and the ryots of Jharria village said they have to render thatching grass and repair the roofs (apparently of the Balaji estate); some payment is made for this work by the estate. In other villages the villagers said they had to render fuel, leaf plates and leaf cups (one hundred such) at Dusserah. The fuel has to be delivered at the forest office at the headquarters often a considerable distance away. The forest department is said to pay half the value but it is doubtful if even this reaches the villagers and the villagers of Sogra definitely denied that they received any payment (my notes on other villages are silent on the point unfortunately). The rendering of fuel and other materials at

Dusserah with or without payment is not mentioned in the *wajib-ul-arz*. The carriage of luggage of officers is regarded as a considerable hardship by ryots and sometimes they have to march appreciable distances before actually picking up the luggage. Payments mentioned by them seem to be less than the scale prescribed. I find it a little incomprehensible why the ryots should be burdened with those duties at all when *khojkayas* are available. Non-agriculturists of course go scotfree in these matters.

26. Ryots and *thekedars* are required to plant road-side avenues along public roads within the limits of their village and the fruits and flowers and dead wood belong to the planter. They are also required to maintain the village *gurhi* or rest house.

27. The hides and horns of animals belong to the owner but sale is permitted only to the State monopolist. Actually the villagers said that they were obliged to sell the skins and in one village it was said that the *thekedar's* servants took away the skin without payment.

28. All minerals belong to the State and gold dust must be sold to the State. Minor minerals required by *thekedars* and ryots for their domestic or agricultural purposes may be taken free of charge.

VILLAGE HEADMEN.

29. The general practice regarding village management is to lease them out to *thekedars*. Formerly the leases used to be for short periods and even now, in the case of zamindari and *muafi* villages, short term leases seem to be issued but in the State villages as a rule, the leases are for the period of the settlement. The settlement report of 1928 records that the *thekedars* used to be most oppressive and interested mostly in recouping the *nazarana* paid by them for the villages. They also exercised enormous powers, as they still do to some extent, and a great deal was done at the settlements to weed out the undesirable ones and grant *thekas* to genuine agriculturists.

30. *Thekedars* are bound by the terms of the *wajib-ul-arz*. The lease of a *thekedar* expires with the settlement and he has no right to a fresh *theka* but there are some *thekedars* (20) known as protected *thekedars* who have a right to a renewed *theka*. The *theka* is not alienable in any manner. A *thekedar* is liable to ejection for being guilty of oppression, grave misconduct, disloyalty, for non-payment of the *thekajema* and for breach of any conditions of the *kabuliat* or *wajib-ul-arz*.

When a *thekedar* dies the right of inheritance descends to a direct male heir or to the widow for life; daughters and their offspring have no rights. Ordinarily an elder son is given preference. When a *khalsa* or State village falls 'vacant' either through the removal of the *thekedar* or through his dying without heirs new *thekedars* are invited. The present practice in respect of such *thekas* is that the suitability of the candidate is the primary consideration and a *nazarana*, according to the discretion of the Superintendent, is levied; the posts are not auctioned for *nazarana*. During the Ruler's time the *nazarana* was the primary consideration and leases were freely given to the outsiders and undesirable people. No *nazarana* is charged at present in cases of succession.

All *thekedars* have *manwar* lands. *Manwar* is restricted to a limit of one-sixth of the occupied area of the village. In *manwar* lands the *thekedars* have cosharers, usually relatives, by private arrangement. These cosharers are not recognised by the State for the profit of the village and when the *thekedar* is ejected, cosharers are automatically ejected from the *manwar*. On account of the *thekedar's* liability to lose his *theka* many of them have converted *manwar* (before settlement) into nominally ryoti lands held by their relatives. When a *thekedar* is ejected, the *manwar* passes to his successor but the ryoti lands remain with him. The position regarding *manwar* in zamindari and other tenure villages is the same.

The *manwar* lands may be leased out temporarily and a *thekedar* may exchange his *manwar* land with ryoti land provided that the transaction is voluntary and is "fair in all respects" (the sanction of the State is necessary if the transaction is to be recognised).

Thekedars have to pay the *kamiljama*, a proportion of the village assets; this varies from 74 per cent. to 78 per cent. of the assets but the settlement records show that in individual villages, it may be as low as 50 per cent. in some cases. The assets of the village consist of the ryoti rents, *manwar* rents and the rent of other *muafi* lands. *Siwai* or miscellaneous income is not included.

(In Khudia zamindari, for the calculation of *takoli*, grazing dues are taken as *siwai* income.)

There are no villages the produce as well as *kamiljama* of which goes to the Ruler as his personal income.

There is a list of *thekedars* maintained at the headquarters but it is not up to date.

There are 66 villages, which have no *thekedars*, known as *bhandar* villages but the *manwar* lands of some of these have been leased out by the State for short periods of 3 to 5 years for cultivation, in the remaining villages the *manwar* lands are cultivated through paid servant of the State. Some *manwar* lands are leased out on *bhag* or share cropping and others, for cash rents. The cash income from the leased *manwar* lands is credited to general revenues and the produce of the remaining villages is made use of for jails, fodder for livestock, to meet the Dusserah expenses and the surplus, if any, is sold and the income is credited into the treasury. In the treasury there is a separate head designated as '*bhandar* department' into which the rent of the leased *manwar* lands as well as income from produce sold is credited. When the Ruler was on the *gadi*, the produce rent was entirely at his disposal, but there was a sort of *bhandar* department then also. There was no clear budget, however, and probably there was little distinction between *bhandar* and other income.

Bhandar villages, as the name indicates, seem to have been villages the produce of which used to go into the Ruler's granary; it is possible that they were personal villages of the Ruler but at present the term seems to be used to mean any village which is not held by a *thekekar* or tenure holder.

All the 66 villages were not *bhandar* villages at the time of settlement; there were only 46 then. Some villages have now become *bhandar* and other villages which were *bhandar* have become *thekekar* villages. There was a recent case of resumption of a *theka* under the orders of the Political Agent and the village was recorded as a *bhandar* village; two other villages which were resumed for misconduct on the part of the *thekedars* are shown as *bhandar* villages. The increase in the number of *bhandar* villages is apparently due to difficulty in getting *thekedars*.

31. *Thekedars* are entitled to settle ryots on waste land which has not been reserved for other purposes by the State and no new person or ryot may settle in a village without the written consent of the *thekekar*. Abandoned land may also be settled by them with new ryots and the rent of new cultivation is the property of the *thekekar* for the period of the settlement. The levy of *nazarana* on new cultivation is strictly prohibited by the *wajib-ul-arz* but, as may be expected, this prohibition is futile when the land has any value and it is said that *thekedars* do levy a *nazarana* in practice.

Thekedars are required to reside in the village but if a *thekekar* holds more than one village he must reside in one of them and maintain a house (probably a futile provision) and an agent approved by the State, in the others. No register of villages under agents is maintained.

Thekedars, like village headmen everywhere, have numerous other duties to perform such as reporting crime, looking after village sanitation, looking after State property and so on. The *wajib-ul-arz* prescribes payment of one per cent. of the village revenue as *salami* to the Ruler at the Dusserah Durbar and also a goat above one year of age. (Dusserah *salamis* in cash, goat and buffalo are also prescribed for the zamindars and the Sardar.)

3. The zamindars and the Balaji estate as already stated issue their own *thekas* to *thekedars*. Though the State *thekas* are for the period of the settlement, the zamindari *thekas* are for shorter periods usually, five years. In a *theka* of the Balaji estate issued in 1940 for five years; the *thekekar* is said to have no right to settle new ryots on new lands or abandoned lands. The *thekas* of the zamindaris differ from one another in conditions, some being rather vague.

The *thekedars* in the zamindaris pay their revenue to the zamindars direct. In the *khalsa* portions, *thekedars* pay their revenue in the State treasury direct and there is no intermediate agent.

There are no villages with more than one *thekekar*.

RECOVERY OF LAND REVENUE

33. Land revenue is payable in two instalments of twelve annas and four annas in the rupee in February and June. The main crop of the State is rice.

but spring crops *gondli* and *jatangi* are also grown to some extent. Ryots seem to pay the land revenue in several instalment in practice.

There are no rules (except some clauses in the *wajib-ul-arz*) regarding the recovery of the land revenue and the C. P. Land Revenue Act is taken for guidance. Arrest and detention is occasionally made use of and there was one such case last year. Movable property is proceeded against but not immovables.

Thekedars being responsible for the revenue of the village are proceeded against in the first instance. Movable property is attached and sold and if this fails the *thekeedar* may be ejected. Agricultural bullocks, implements and other articles are exempt according to the C. P. Land Revenue Act. (Household utensils had been attached in a case I saw.) Zamindars and *thekedars*, if they have paid up the *takoli* or land revenue, may make an application for recovery from defaulting *khorphoshdars*, *thekedars* or ryots within six months of the accrual of the arrears (*wajib-ul-ar*) otherwise they will have to file rent suits. The *sirdar* is not mentioned in the *wajib-ul-arz* but probably comes under zamindars.

In cases against ryots, ejectment from the whole holding may take place even if a part of the arrears have been paid. (In a case I saw a ryot was ejected from 17.23 acres for arrears of Rs. 24 after a payment of Rs. 4 had been made; the ryot asked for time saying he had leased out his lands.)

CESSES.

34. There are school and hospital cesses. The school cess is nine pies per rupee of rental and is levied throughout the State including such land as *manwar* held by *thekedars* or zamindars and others except *manwan* land of the *bhandar* villages of the State. (There is no definite order preventing this levy.) Dispensary cess is also levied at the same rate and in the same manner. These cesses existed before the settlement. The *thekeedar* gets a drawback of $6\frac{1}{4}$ per cent. for recovering the cesses. Cesses on the newly reclaimed lands go to the *thekeedar* and are not credited in the treasury. This order was passed by the Political Agent recently.)

REMISSIONS AND LOANS.

35. There has been no remission or suspension of land revenue since the last settlement and no rules on the subject.

In the State budget, provision is made for about Rs. 1,000 annually, under agriculturists' and land improvement loans. The zamindaris under management also budget for loans. The rate of interest charged is $6\frac{1}{4}$ per cent. The temple *muafi* estate lends out grain at 25 per cent. *Bhandar* produce is also lent out at 25 per cent. In khudia zamindari Rs. 2,000 have been provided in 1942.

VILLAGE SERVANTS

36. Village servants are chowkidars, *baiga* and *mahato*. The chowkidars have *muafi* lands, and, in addition to that, they get on every rupee of rental (including the rental of the *manwar*) 2 pailas of *dhan* from the ryots, *thekeedar* and *muafidars* (but not from the *baiga* and *mahato*). The value of this contribution is about one anna per rupee of rent. In addition to this, the villagers have to pay Rs. 5 to 7 annually for the dress of the chowkidar. The amount is collected by the village as a whole and paid to the chowkidar but in mauza Ghagra which I visited the villagers did not know the exact amount they collected; the *thekeedar* in this village was said to pay only on his ryoti lands and not upon his *bhogra*; agricultural labourers were paying one pice per house; the payment made by agriculturists was roughly proportional to the land revenue. The control of chowkidars has recently been made over to the police following Bihar practice but not on account of any administrative necessity.

The orders of appointment are however passed by the Superintendent on the report of the police. Ryots are sometimes consulted when village servants are appointed. The remuneration of chowkidars is recoverable through courts as land revenue.

The *baiga* and *mahato* do not get any paddy contribution apart from their *muafi* lands and they are not appointed like the chowkidars by the State. The *baiga* is the village priest. The *mahato* is supposed to "look after village management, subject to the advice of the *thekeedar*", whatever that may mean, but in practice he performs only *begar* and menial duties for officers visiting

the village. A former *mahata* of mauza Ghagra said that he gave up the *muafi* land as too many officers were visiting the village.

FORESTS.

37. Mr. Mooney has been the Forest Adviser since 1936. Certain forest rules have recently been drafted to be brought into force from April 1942 but do not appear to have actually been enforced yet. A working plan is under preparation. The forests have been demarcated completely just now. Forests are divided into A. & B. class reserves and village forests. (Village forests under the proposed rules include all village waste and individual trees or groups of trees except those recorded in the names of persons in the settlement records. The provisions regarding reservation of forests are similar to the Daspalla rules and other provisions are also similar). There is no village forest outside the village boundaries.

At the time of the settlement, certain areas were shown as reserved but these areas have been added to now by including portions of the forest inside village boundary. Demarcation has been carried out under Mr. Mooney's advice and instructions and the demarcation of the lines is now complete, and the forest officer says that action is actually being taken under the Forest Act in respect of forest offences. This position was quite unknown to the Superintendent before my visit and there has been no proclamation regarding reservation. The Superintendent of Land Records has received many objections from the villages which have not yet been dealt with; some are said to have been reported (to the Superintendent who usually asks the tahsildar to enquire and report). The objections *were still supposed to be under enquiry by the tahsildar!* No proclamation was issued regarding the proposal to alter the area of village forest.

A class reserved proposed is 281 square miles and B class 141 square miles. Village forest left is 705 square miles including Khudia; as all village waste is included in village forest, it cannot be said what area is real forest.

When demarcation of the lines was made daily labour was employed, and for annual clearing, Rs. 2 per mile is paid on contract basis to the villagers for A class reserves. The lines of B class reserve are cleared without payment.

In B class reserves, the villagers are expected to have the same rights as in the village forests subject to the control of the forest officer. In the proclamation of 1939 regarding *begar* and forest matters, a most important announcement was made. It was declared that all village and class B forests would be under the management of a village *panchayat* elected by the villagers and approved by the Superintendent (subject to instructions issued for guidance). The announcement contained clauses regarding the powers and duties of the *panchayat*. The new forest rules, however, make no mention of this.

The forest officer compounds cases up to Rs. 25. Cases are not sent to the Superintendent for information. Cases involving over Rs. 25 go to the Superintendent.

Grazing fees are levied in the State under the provision of the *wajib-ul-arz* for cattle grazing in the village waste and forest at two annas per cow and four annas for bullock (she-buffaloes, six annas). Six head of cows are allowed free per plough (buffaloes are counted as two cows). Grazing fees seem to have been abolished for agriculturists but I am not sure of this).

For *nistar* rights a commutation fee of Re. 1 per plough in the case of ryots and three annas per house for labourers is charged; shopkeepers and other non-agriculturists pay 0-8-0 per house but persons following professions like baskets-making have to pay Rs. 2 to Rs. 3 per house or furnace. The fees on shopkeepers and other seems to be pretty light. The pahari korwas do not pay any commutation fee being aboriginals. (The fees in Khudia *zamin-dari* are said to be half the above fees.) The *thekeedar*, under the *wajib-ul-arz*, is charged with the duty of issuing passes and controlling *nistar*. The cutting of any species of trees of over 2 ft. girth or any kind of tree bearing edible fruit and, in addition, six other species, is prohibited. The 1939 proclamation requires the *panch* to provide the local forester with a list of village requirements on which the State would pass orders permitting removal. In the village of Ghagra, *turis* (basket makers) complained that though they paid a fee of Rs. 3 they could not get any bamboos in the village forest and, in the reserves, they were charged again.

All lac bearing trees belong to the State and lac must be sold to the State or lessee. The produce of *mahua*, *palas* and *kusum* (whether on holdings or elsewhere) is shared by all villagers (*wajib-ul-arz*).

Shifting cultivation of about 500 acres is practised by Korwas in Khudia zamindari. Till about 2 years ago rent in kind was being assessed by the forest department and paid to the grain store run by the police. This is said to have been stopped, cash rent was proposed but it is the intention under the advice of Mr. Mooney to stop the shifting cultivation altogether. No rent has been levied either in kind or in cash for the last two years or so. The Police have a grain godown out of which loans are granted exclusively to korwas. The godown was introduced in 1923 after the State came under court of wards. The police have been placed in charge of the godown probably because the Korwas, being addicted to crime, are under surveillance. The rate of interest charged is 25 per cent, in kind. The sub-inspector keeps accounts.

MONOPOLIES.

38. Monopolies are *harra kendu*, *chironji*, lac, hides and skins. Monopolies extend to the entire area of the State. The *kendu* leaves are principally found upon the *tanr* land and the monopoly extends to these lands also. *Harra* may be kept for consumption and any surplus meant for sale must be sold to the contractor (see para. 27). The same is true of other articles also.

For the last 3 years lac was being worked on the licence system. The licence pays an export duty as well. The licences cost Rs. 10 each. This year the monopoly has been given to one person. (The Forest Adviser had noted in his note of 1941 that the lac *pattadars* were forming a ring and were not paying adequate prices. I do not know to what extent the substitution of a single monopolist as recommended by him has improved matters.) There was a system of monopoly before the licence system. The monopoly system has been re-introduced under the advice of the forest adviser. The lac monopolist does not pay initially but is obliged to pay minimum of Rs. 5,000 and Rs. 4 per maund export duty on any export in excess of 5,000 maunds has been reached.

There are no export duties on grain and other articles not mentioned in the forest schedule. No taxes are levied on trees either upon cultivated or on village waste land. Such trees are not leased out either.

CROP PROTECTION.

39. The number of crop protection licences is 54, *prima facie* an inadequate number, issue as well as renewal fee is annas four for muzzle loaders and Rs. 5 and Rs. 2-8-0 for breech loaders. People in the villages complained that even pigs could not be killed. Under the new forest rules provisions similar to the Daspalla rules have been made.

REVENUE ORGANISATION.

40. The State is regarded as an entire unit and has not been subdivided for purposes of revenue administration.

State officials have in some cases been given letters of appointment which state that they have been appointed to such and such a post, and the salary of the post but do not contain any other conditions. There are no rules regarding State servants but at present the ordinary provincial practice is followed.

During the minority of the Ruler the Political Agent is the highest revenue authority; the Superintendent has civil, revenue and criminal duties in addition to administrative duties.

The Assistant Superintendent is a relative of the Ruler. He is the manager of the temple and *bhandar* estate, the *ranivas* estate, and also looks after palace affairs. He has a certain amount of revenue work such as mutation, recovery and reclamation.

The Superintendent takes up nearly all important revenue cases for final orders or report to the Political Agent. The tahsildar enquires and reports in revenue cases and supervises the collection of land revenue. He goes out on tour in connection with the recovery of land revenue and looks after the rural development and village administration. He has criminal work but no civil work.

The land records staff is on C. P. lines and consists of a Superintendent, 3 Revenue Inspectors and 31 patwaris, and a clerk. The State has been divided into 31 patwari circles with the exception of the Khudia zamindari. The C. P. Land Records Manual is followed. The number of patwaris for an area of nearly 2,000 square miles is not adequate if land records are maintained on C.P. system.

The zamindaris do not maintain separate land records and do not contribute towards the cost of the Staff. The cost of the land records staff is given as Rs. 8,000 and if the salaries of the Dewan and other officers are taken into account as part time revenue officers, the cost can be estimated at about Rs. 11,000. The land revenue of this State is about Rs. 1,24,000 and the total revenue Rs. 3,62 lakhs.

MISCELLANEOUS

41. Jashpurnagar is a *bhandar* village. It has just become a municipality. In this town during the Ruler's time house sites used to be allotted on payment of *nazarana* which was expected to be utilised for the town improvement fund. At present no *nazarana* is said to be charged and there is no rent on the lands. In this town the residential area is not demarcated at present. There are no rules regarding conversion of agricultural land for non-agricultural purposes and conversion is not permitted by the *wazib-ul-arz*.

C. P. treasury rules are said to be followed. In respect of registration and stamps the provincial laws are taken for guidance. The registration fees for all documents irrespective of their character is Rs. 2. About stamp duties there are no sale deeds but documents like partition are charged the same fee, as under the Indian Stamp Act and schedule. All revenue petitions require a court fee stamp of 8 annas. Proclamation fees are Rs. 1-8-0 which seems higher than in most other States.

Revenue records are deposited by villages but with a running serial number and no separate classification is made. For copying the C. P. Judicial circulars are followed. There are 4 licensed petition-writers. Rs. 5 is charged as licence fees. The J. C.'s circulars for civil petition writers are followed. Petition paper costs 0-0-3 per sheet.

In 1922 there was serious agitation in the State on account of *begar*, purchase of grain at privileged prices, low prices for lac and various other imposts.

KALAHANDI

REVENUE HISTORY AND SETTLEMENTS

This State of the Chhattisgarh Agency, properly an Orissa State, has no proper settlement report even of the current settlement and little is known of its early revenue history. Like most of the Orissa States, it was formerly the domain of the Kondhs who have now retreated into the hilly and jungly southern tract known as the *dongarla* where they practise the *jhuming* cultivation so dear to their heart. In the portions of the State settled by advanced cultivators the system of village management by *gaontias* seems to have been imported at an early date from the Chhattisgarh plain and probably Maratha influence also played a part as they once held this State to tribute. This system prevails to a large extent now and has been extended even to the Kondh areas.

2. The State was under management from 1896-1917 and during this period a settlement was made in 1904. The whole State was not surveyed regularly and a large number of villages were surveyed by the *masahat* system of Cuttack. The settlement except of certain villages was summary. The *dongarla* was settled on the basis of seed capacity, plough or axe. The settlement resulted in an increase of revenue and the cost of the settlement was met by a patwari cess. The term proposed for the settlement was four years departing from the previous custom of triennial settlements with *gaontias* but settlement was not taken up again till 1911 when a thirty per cent enhancement was made and the period fixed as 11 years; individual enhancements amounted to 50 per cent. In 1922 a new settlement was made on the soil unit system; enhancement was made up to 100 per cent, in the case of individual ryots or villages and for the pargana it was limited to 60 per cent. Where the assessment was 100 per cent or more gradual enhancement over a period of ten years was prescribed. *Gaontias* were allowed a 'drawback' of 25 per cent (Maximum). The forest cess which was an acreage rate was converted into a rupee rate resulting in an enhancement of 36 per cent. This settlement a current now though its period of 20 years has expired.

The whole area of the State has still not been surveyed and a considerable portion to the south and east is still a blank on the map.

3. As regards the zamindaris the present position is roughly as follows :—
 The Karjapat, Mahulpatisa and Madanpur Rampur zamindaris have had "regular settlements." The Kashipur zamindari has also had a regular settlement. The term of the settlement varies from 10 to 15 years. No settlement reports are available. The first regular settlement of the Lanjigarh zamindari is now in progress. Considerable portions of the zamindaris, like the khalsa portion, have not been fully surveyed and the settlement in these areas is only a summary one. Little can be said about the quantity of the settlements but the way in which these matters are dealt with is seen from the Lanjigarh settlement. An officer of the rank of Assistant Settlement Officer or Revenue Inspector of the Patna State settlement of 1932 has been appointed as Settlement Officer and the settlement is said to follow the lines of the Patna settlement which was done on Orissa principles while the khalsa portion of the State anyway has been done on the C. P. system. The whole zamindari is not being surveyed and in the hilly tracts a summary settlement is being made. There is no preliminary report regarding the operations and no proposals have yet been made regarding rent and enhancement.

Surveyed villages have maps and boundary marks are said to exist. The records are of the C. P. type.

The settlement of the zamindaris is in practice made under State control though the extent of the control seems negligible. The land records of the zamindaris are maintained by the zamindars.

THE ZAMINDARI AND OTHER TENURES

4. There are five zamindaris in the State which were originally granted for the maintenance of the junior members of the Ruler's family. The old sanads are not available and it is reported that when a case of succession arises conditions are imposed regarding the submission of a budget for five years, the appointment of an approved kamdar, lease of forest produce only with sanction, *nazarana* and *takoli*. No conditions are imposed regarding revenue administration except what is contained in a general clause about efficient administration.

Two of the zamindaris are at present under 'financial control' by the State and one is under management on account of the minority of the zamindar. When a zamindari succession case arises a *nazarana* of about Rs. 1,500 is levied.

Strictly speaking the zamindaris are entitled to make their own settlements but in practice the State seems to have done it for them since a long time ago; probably this precedent was set up during the minority administration of the State as it is mentioned in the 1909 Gazetteer. The zamindaris have their own land records staff and maintain land records but here also the State exercises some control.

The zamindars pay separate *takolis* on the land revenue and excise and forest revenues. The land revenue *takoli* is 10.15 per cent. of the revenue and can be revised every 15 years; the forest *takoli* is 10 per cent. of the forest income; The whole income from the cesses which are the same as in the rest of the State is appropriated by the zamindars and no portion is paid to the State. The zamindars are entitled to the income from cattle pounds in the zamindari areas which are however managed by the State. The zamindars, it is said, are not entitled to manage pounds, levy tolls, octroi, etc.

The zamindars maintain their own schools and dispensaries. There are schools as well as dispensaries in the zamindaris (one dispensary in each zamindari). Schools and dispensaries are under the supervisory control of the State, including appointment of staff.

Zamindars apply to the Dewani for proceedings against defaulters; they do not issue their own processes. Similarly zamindars *gaontias* either file rent suits or make applications to the State courts. Rent suits are filed if the *gaontia* has not made payment out of his own pocket but if he has paid punctually he is entitled to file an application. Zamindars can appoint and eject their *gaontias* without reference to the State. If a *gaontia* is ejected the village is disposed of in the same manner as in the khalsa area, but the disposal is not communicated to the State. *Gaontias* in the zamindaris hold their *khogra* land rent free and their remuneration is not a percentage of the assets in the summarily settled village.

Zamindars make their own mutation of *gaontias* without reference to the State. They have been "circularised" to apply the same rate of mutation fee as the State. In the zamindari of Lanjigarh anyway the zamindar was levying

an additional fee of one per cent. of the land revenue when the *patta* was issued. A similar *sglami* has been sanctioned to be levied in the Mahulpatna zamindari at the settlement of 1922. A *dusserah tika* is levied in the zamindaris and the total amount in the Lianjigarh zamindari was Rs. 380. This is recovered from the villagers.

The zamindars can create their own *muafis* but it is said that the sanction of the State is necessary. In two zamindaris there are "sub-zamindars" created by the zamindars. They pay *takali* to the zamindars. The conditions of these sub-zamindaris are not available.

The control of revenue administration in the zamindaris is very slight considering that except the Dewan other State officials like tahsildars do not tour in those areas.

5. As usual in the Orissa States, there are numerous rent free grants such as *debottar*, *brahmottar*, *khorphosh* or maintenance and other grants. About three hundred whole villages are held as rent-free grants or pay only a small quit rent (including zamindari areas). There are no rules, etc., governing *muafis*. Ordinarily the eldest son succeeds but the grant is jointly enjoyed by all brothers. Mutation is granted only in favour of one person and partition is not officially recognised. The Land Records staff is expected to verify *muafis* every year. The patwaris verify whether *muafidars* are in possession or whether there is unauthorised cultivation of *jalcher* lands in *muafi*. No check regarding the performance of services or observance of other conditions seems to be exercised.

6. *Debottar* grants of the State are managed by the *debottar* department under the control of the Ruler's mother. The *debottar* lands and villages are settled in the same way as the other village and *pattas* to the *gaontias* and *parchas* to the ryots are given by the Darbar which hold good for the term of the settlement. The cultivators pay their rents to the *gaontias* under the *debottar* department or where there is no *gaontia*, to the department direct. The ryots on these lands occupy the same status as those of other ryots in *khalsa* villages.

7. *Brahmottar* grants like the grants of that name in the other States of Orissa are grants to Brahmins. All of them pay small quit rents.

8. The Ruler does not hold any village or land in the State in his private capacity. The 'female' relatives of the Ruler have got villages, and fields in villages, under deed of grant. The grantees are recorded in the registers as *muafidar gaontias* or ryots as the case may be. These are tenable for the lifetime of the holders and subject to resumption and assessment at full ryoti rates on their death. The cultivators have the same status as in other villages.

9. Apart from the service grants of whole villages and plots for special services, many of which do not seem to be rendered at present, there are service holdings for *chowkidar*, *jhankar* and *nariha* and other village servants.

10. In *muafidari* villages there are *shikmi gaontias* recognised by the State. From a case I saw these seem to be appointed by the State in the same way as ordinary *gaontias* and they may be regarded as *gaontias* holding villages with a *muafidar*. The lease in this case shows the *shikmi gaontia* as holding on behalf of the *maufidar*. It is possible however that *maufidars* may be creating their own *shikmi gaontias*.

THE RYOTI TENURE

11. There is no revenue law in the State and relations between the State and the *gaontia* and ryots is regulated by the terms of the lease granted to the *gaontia*. According to this document a ryot cannot be ousted from his holding except for non-payment of rent for or transfer of his holding. The rent of the ryots holding is also fixed for the period of the settlement. There is no clause regarding the inheritance of the holding Lands abandoned or surrendered (there is nothing in the lease regarding what constitutes abandonment or surrender are at the disposal of the *gaontia*. waste lands excepting land required for the purpose of supplying village in fuel and fodder, may be allotted by the *gaontia* for cultivation, but he can levy only the settlement rate of rent. This rent is appropriated by the *gaontia* for the period of the settlement. Ryots can sublet their holdings with the *gaontia's* consent but cannot transfer land by mortgage sale or otherwise.

12. Surrendered holdings, if belonging to an aboriginal or certain low castes must be reallocated only to a person of that class, otherwise it should remain fallow and the *gaontia* cannot cultivate them himself or give it to his

relatives, unless he belongs to that class. Actually permission for settlement of ryots of higher class is granted by the Ruling Chief. Ryots can make tanks in their holdings without permission. House sites vacated by persons leaving the village may be given to others for residence; there is nothing in the lease regarding the allotment of new house sites and whether they are rent free or rent paying. In practice they seem to be held rent free.

13. There are seven species of trees which may not be cut in village forests without permission. No fruit tree can be cut and the fruit are to be enjoyed according to the custom of the village; when the tree dies the wood will be taken by the owner or disposed off according to customs in the village. Though the lease makes the reservation applicable only in the village forest it is in practice applied to cultivated holdings also and a fee is charged for trees permitted to be cut. Generally cutting is not permitted on land under dry cultivation.

14. When new land is allotted for cultivation by the *gaontia*, the forest department expects that the cultivator should apply to the State. How exactly this dual control works out in practice it is difficult to say. In any case if there is valuable forest growth, cultivation is not permitted otherwise a charge is made for the forest growth and cultivation is permitted. The *gaontia* charges a *nazarana*, and the land may be assessed to rent immediately if the *gaontia* so wishes. In the zamindaris, the zamindars consult their own forest staff about permitting cultivation. In a case of 1939 the State had recovered Rs. 40 *nazarana* in addition to the value of the forest growth.

15. There is only one kind of ryoti tenure in the State.

16. Rasid-bahis of the C. P. type are issued in the State at 5½ annas each which seems to be rather more than the actual cost. In some backward villages where the *gaontia* is illiterate no receipts are given though there are patwaris.

17. There is a curious rule in this State that in villages where there are no *gaontias* ryots, have to pay a mutation fee of two annas and they are liable to a penalty if they do not apply for mutation (Rs. 2 per month of delay). The fee is actually two annas for every rupees fifty of land revenue of the holding inherited, the minimum being two annas. The object of this rule seems to be simply to make up for the loss of mutation fee due from a *gaontia*. In other villages, the patwari records mutations and no charge seems to be made.

18. There are no rules regarding the acquisition of land but on lands acquired by the State 20 times the land revenue is paid as compensation. Records of cases are not properly maintained and in two cases of 1927 and 1933 I examined only rents seemed to have been written off. In a case of 1928, where compensation was recovered from the railway, there is no record of payment to the persons concerned and I have only the assurance of the Dewan that payment was made.

19. There is an aboriginal population of kondhs in the south-eastern portions of the State, particularly Karlapat and Kashipur zamindaris. There are kondhs in the surveyed portions also of the *kalsa* but they all practise settled cultivation and are indistinguishable from others. In the unsurveyed portions they practise mostly *dongarchas* or shifting cultivation. There is settled cultivation also in the unsurveyed areas and people other than kondhs also. The settlement record of these areas contains details of only the settled cultivation. Shifting cultivation is not assessed but it is said that the *gaontias* sometimes realise land revenue for the shifting cultivation and appropriate it. Kondhs who practise only shifting cultivation are exempt from all taxes.

20. Though *begar* has been abolished since 1923 and a cess imposed, there is a complaint of forced labour on inadequate wages.

In the unsurveyed villages a *rasad* of one goat and thatching grass is supplied to the Ruler's mother. In surveyed villages *rasad* is supplied to the *muafidar* in *muafi* villages this *rasad* consists of grain of various kinds, ghee, etc. *Rasads* are recovered from the ryots by the *gaontias*. The reason for allowing these *rasads* is not clear as they do not seem to be levied in all villages. The *rasad* is not prescribed in the ordinary printed form of the *gaontia's* lease but a special manuscript entry is made.

21. Fisheries in rivers are leased out by the State but not in the tanks. Melon and other riverbed cultivation is recorded in the name of ryots, Minor minerals like sand and clay removed in small quantities are not charged for.

22. Hides of animals may be kept for personal use by the owner of an animal or sold but they may not be sold for export except to a monopolist who pays them according to a schedule of rates contained in his lease (cow 2 annas, to four

annas each, buffaloes 3 annas to 8 annas each according to age of animal and inferiority or superiority of skin). The conditions of the lease provide for the maintenance of a register and only persons who purchase for export may be proceeded against by the lessee. I cannot judge how far the conditions of lease are enforced in practice.

VILLAGE HEADMEN

23. All villages, except five in the *khalsa*, and a few held direct by zamindars and *muafidars* are managed by *gaontias* who execute a lease or *putta* as stated before. The *putta* does not state anything about protected or unprotected status as in several of the Chattisgarh States but certain *gaontias* are said to be protected and this seems to mean the same as in other States that is, protected *gaontias* are entitled to a renewal of their lease. The lessees are responsible for the revenue of the village.

24. The village headmen or *gaontias* hold lands appertaining to their office known as *bhogra*. Under the terms of the lease the *bhogra* may not be added to during the currency of the settlement. Formerly the *bhogra* was held rent free but now the *gaontia* is entitled to a 'drawback' of 20-25 per cent. on the assets of the village consisting of the total rental valuation of lands in the village (there is no *siwai* or miscellaneous income) and if the *gaontia* holds a large area of *bhogra* the limitation of the drawback to 25 per cent. may result in a small assessment on it while if the *bhogra* is very small the *gaontia* gets a portion of the rental paid by the ryots to make up the necessary percentage. A drawback is not allowed on cesses except the forest rate on which half anna per rupee is allowed. In unsurveyed villages the *gaontia* does not get a drawback but holds *bhogra* rent-free.

25. The *gaontias* right cannot be sub-leased or transferred in any way but the *bhogra* may be sub-leased. The right cannot be partitioned though privately the *gaontia* may share the profits of the village with others. It is said however that mortgages of villages are sometimes illicitly made. Though sub-leases are not permitted and I was told that there were no *shikmi gaontias* except in *muafi* villages, I saw a case of mouza Beharaguda in which there is a *lambardar gaontia* and a *shikmi gaontia*. When the *shikmi gaontia* died the *lambardar* was consulted regarding the appointment of a successor.

26. Generally speaking there is only one *gaontia* in a village but in one village there are two persons holding a single lease jointly. This village seems to have been leased out jointly to two persons originally but in 1903 the Superintendent ordered mutation in the name of the eldest son only; this order was apparently not carried out for, in 1922, the village was shown as held jointly and a joint lease was accordingly issued. I have noticed however that in the settlement records of unsurveyed villages some villages (some villages) are shown against two names as for instance village Thuangpadar.

Two villages are held by the grandmother of the Maharaja as *gaontia*.

27. In the *gaontiahi* succession cases, where only a successor has to be appointed and there has been no removal of the previous *gaontia* no *nazrana* is levied apart from the mutation fees and final orders in such cases are passed by the Dewan (see however para. on zamindars above). The mutation fees are four annas for every fifty rupees of the land revenue; from *muafidars* who hold villages direct and from their recognised *shikmi gaontias* half this rate is levied. A fine of two rupees per month is levied if there is delay in applying for mutation. In the *dongarla* villages, half rates are applicable. The low mutation fee seems to be made up to some extent of a heavy court fee; in cases examined by me the petitions all bore a court fee of Rs. 2-4-0.

28. When a village falls 'vacant' applicants are invited and the village is settled with a selected *thekedar* who is in good financial circumstances. A *nazar* is realised according to circumstances and is credited into the treasury under the head 'nazrana'. Villages are never auctioned, I was told by the Dewan, but the case of *Kandathera* of 1914 showed definitely a case of auction in which Rs. 800 was the highest bid. In some of the cases of disposal of villages, the Maharaja's order is not on record and there is only a note that the resettlement has been sanctioned by him. Arrears due from an ejected *gaontia* are realised from the new *gaontia* with whom a village is settled. The *gaontia* is expected to realise the arrears outstanding against tenants but as in some other States the arrears simply constitute an addition to the *nazrana* in the first instance. In a case I saw of a village in which the *gaontia* was eaten

by a tiger, arrears were recovered from the newly appointed *gaontia* but not a separate *nazar*. In another case in which a *gaontia* was ejected for mortgaging his village a payment of Rs. 200 as *nazar* was recovered in addition to arrears. The report of the State to the Political Agent on an enquiry made by him that arrears are recovered and paid to the State by the *gaontia* is not correct. In another case of a village being deserted on account of the activities of man-eating tigers attempts were made to recover arrears for the years during which the village was uninhabited.

Gaontias sometimes make an application on the ground that they are old or infirm requesting mutation in favour of a son or other relative. The application is sometimes granted. No surrender in favour of a particularly person is permitted. Guardians may be appointed for minors.

29. In unsurveyed villages the *gaontia* is given only a list of ryots and rental but separate *parchas* are not given to individual ryots. There are *gaontia* holding under a lease similar to other areas in the kondh village also. They are responsible for the land revenue of the village.

30. A *gaontia* is required to stay in his village or appoint a resident agent with the approval of the State. He has the right of disposal of waste land, abandoned or surrendered holdings and house sites. He is required to maintain a rest house, the village roads, tanks, etc., in good order. This of course he gets done through the ryots. *Gaontias* have in many cases built tanks or *hatas* (ponds) in their villages. It cannot be said to what extent this was done by *begar* taken from ryots; it may be taken for certain that *begar* has played a large part—but the tanks are all recorded as the private property of the *gaontia*. *Gaontias* are obliged to supply *rasad* but payment has to be made and recorded in a register. Payment for coolies has also to be recorded. How far this is effective I cannot say; an anonymous petition alleges that bogus entries are made.

31. While rice seems to be the commonest crop there is a fair amount of dry crops and spring crops also. Linseed and similar spring crops are largely cultivated in the hilly areas where shifting cultivation prevails.

RECOVERY OF LAND REVENUE

32. Land revenue is payable in two equal instalments by *gaontias* on the 15th January and 15th April; ryots have to pay a month earlier and both for rice and rabi crops the dates seem to be definitely too early and prices on these dates at their lowest. The rice harvest will not be complete by the middle of December *Gaontias* levy interest on defaulted kists at 12½ per cent. and interest is allowed in civil suits also. The same position exists in the zamindaris also.

Central Provinces' procedure is said to be followed for the recovery of land revenue and there are no separate rules. Against *gaontias*' movable property is proceeded against in the first instance; arrest and detention is also followed. If this also fails they are ejected. Houses may be attached, Plough cattle do not seem to be exempt from attachment from cases seen.

If a *maufidar* is himself a *gaontia* he can file an application against defaulting tenants.

Gaontias who have paid the land revenue of the village file applications against defaulting ryots; others file civil suits. Generally defaulting ryots are ejected and movable property is not attached for recovery. Collection of land revenue during the last ten years has not been quite satisfactory and the number of cases against *gaontias* is also large.

CESSES

33. Cess levied in the State in addition to the *nistar* cess of annas 4 per rupee, are school and dispensary cess at the rate of 6 pies per rupee of land revenue and a patwari cess of one anna per rupee. The so-called *nistar* cess really consists of two annas as a forest commutation rate and two annas as a *bethi* commutation rate. The villages in the *dongarla* do not pay the patwari and other cesses but pay the *bethi* cess. The entire income from this is shown under forest revenue. The cesses were imposed at the 1922 settlement. Owing to the great distances involved very few people seem to benefit from the few dispensaries. (In a recent report the cess has been called a vaccination school cess.)

REMISSIONS AND LOANS

34. There is no policy of granting any remissions or suspensions of land revenue. Every year taccavi loans of Rs. 18,000 to Rs. 20,000 are given. Interest charged is $6\frac{1}{2}$ per cent. Loans are given usually for the purchase of ploughs and bullocks. In the zamindaris also loans are granted sometimes.

VILLAGE SERVANTS

35. In the villages including zamindari villages there are chowkidars and *jhankars* and *narihas*. These have *jagir* lands except in the *bongarla* where they are entitled to certain payments from the ryots. There is no fixed rule about the payments to be made by the ryots in such areas. Generally chowkidars are said to collect cooked rice from the ryots for their consumption and at the end of the year a collection of grain is made. Uniform is supplied by the State in *khalsa* as well as in zamindari villages. The village servants except the chowkidar are appointed by the zamindars in the zamindaris. In the case of chowkidars they have to obtain the approval of the State. In villages where the service land of the chowkidar is inadequate, villagers give him a *barra* of paddy worth 8 annas. The *nariha* supplies water to the touring officers and the *jhankar* helps the chowkidar; he also worships the deity.

FORESTS

36. Mr. Mooney is the forest adviser of the State. The current forest rules of the State are dated 1923. There is a working plan prepared in 1932 and this is being followed at present. There are class 'A' reserves and village forests. Village forest includes all village waste lands which are not reserved forests or lands such as roads, burial grounds. Reserve forests are simply those which may be reserved and the rules do not prescribe any matter to be taken into account in making the reservation. The rules provide for the afforestation of cultivated land.

37. There are 16 reserved species; the list differs from that mentioned in the *gaontia* lease. Mr. Mooney has suggested that these should be reduced to six. These reserved species are reserved throughout the area of the State including cultivated holdings and the same position exists in the zamindari. The definition of village forest however does not include trees on cultivated holdings and under the forest rules the reservation is of trees in village and *nistari* forests.

38. The villagers are expected to clear forest boundary lines. They are paid at the rate of Rs. 2 to 6, according to the growth per mile.

39. As already stated a *nistar* cess is levied. In the village forests villagers take their needs except that for reserved species an application is necessary for the issue of a permit. In the *dongarla* the *nistar* cess is levied at 3 annas per plough but the cess does not apply to kondhs. The maximum distance of any village in the *khalsa* from forest is said to be 12 miles, a large distance for *nistar* payers to get their *nistar* from.

40. Grazing fees are realised only in villages within 2 miles from any forest, village or reserved at the same rate. Plough cattle and an equal number of cows are exempt from grazing fee; in the case of buffaloes the exemption is one cow for two pairs of plough animals. The fee is two annas per bullock and three annas per buffalo.

41. The forest officer compounds forest offences up to Rs. 25. Above this amount the cases are sent to the Dewan. Zamindars compound all cases connected with their forest and do not refer them to the State.

42. The zamindars have full rights over their forests and have their own forest staff. The question of control is under correspondence.

MONOPOLIES

43. Lac is produced on trees on cultivated holdings as well as in the *nistar* forest areas. The monopolist propagates lac in the *nistar* forest areas and the ryots on their own holdings. The ryots have to sell the lac from their holdings to the monopolist. Rates are fixed by the State having regard to the existing market rate. The monopoly is created by means of auction or inviting tenders. Lac is also produced in the Mahulpatna zamindari which is under State management at present and a separate monopoly is issued.

Other monopolies are harra, sahai grass, mahua seed and soapnuts and wild jute. Kendu leaves, mahua and harra grow on cultivated holdings. The monopoly extends to these areas also and the produce is purchased from the agriculturist but in these cases there is no fixation of price by the State. Usually

the cultivators do not get any more than plucking charges. The zamindars create their own monopolists with the sanction of the Ruler. Hides and horns are a State monopoly. The monopolist is entitled to purchase the hides at rates fixed by the State. Chironji and gum are the two other monopolies which extend all over the State. In some zamindaris there is a monopoly for *khair* also.

CROP PROTECTION

44. For the last four years cultivators are allowed to kill animals on fields for protection of crops; boars, panthers and tigers can be killed anywhere. The guns are not required to be deposited during any portion of the year. There are some 927 crop protection gun licences issued; in addition to these there are about 615 gun licences issued to kondhs free of charge. The fee are Rs. 2-8-0 for breach loaders and four annas for muzzle loaders.

REVENUE ORGANISATION

45. The Maharaja is the final authority in all matters and passes final orders in cases of appointment and ejection of *gaontias* and *muafidars*; in these cases there is, naturally, no appeal. The Dewan has revenue work as well as civil and criminal judicial work. The State, apart from the zamindaris, is divided into two tahsils, *sadar* and Thuamal Rampur. The tahsildars and naib-tahsildars at both these places have revenue work which consists mostly of enquiring and reporting on revenue petitions and have civil and criminal judicial work as well, they also look after the collection of revenue.

The revenue work of the zamindaris is expected to be looked after by the zamindars or managers. The land records staff consists of three revenue inspectors and 19 patwaris with 30-40 villages each in the zamindaris also there are patwaris having 12 to 20 villages each: in the Karlapat and Kashipur zamindaris there is one revenue inspector each. The appointment of zamindari patwaris is made by the State. One of the revenue inspectors is regarded as a Chief Revenue Inspector who looks after the work of the patwaris in the zamindaris as well. There are also two head patwaris. There are no separate rules or instructions regarding the patwaris and revenue inspectors and Central Provinces Manual is referred to. The charge of the patwaris as well as the revenue inspectors is an impossibly large one and their work cannot but be grossly inefficient.

The patwari cess has not been shown separately in the budget but the income from this cess (one anna per rupee) as well as the dispensary and school cess at half anna is Rs. 26,000. The cost of the revenue and land records staff of the State is shown as about Rs. 16,000 and the income from the patwari cess alone seems to be not less than this amount. The total land revenue of the State excluding cesses is about 2.15 lakhs and the total revenue 6.43 lakhs.

The tahsil organisation is similar to the Central Provinces tahsils.

NAZUL

46. There are two areas in the State regarded as towns, viz., Bhawanipatana and Junagarh. Bhawanipatana is a revenue mauza as well as a *nazul* or urban residential area. The revenue mauza is under *kham* or direct management Junagarh is also a *kham* village; there is no *nazul* here and homestead lands are held free. There are two railway stations where there are *nazul* areas and one in Lanjigarh but this has not been treated as *nazul* yet. Bhawanipatana has been surveyed and mapped.

In the zamindaris there is no area treated like *nazul* or called *nazul*.

Nazul lands are given out in transferable rights and a fee of annas eight for Rs. 50 subject to a maximum of Rs. 15 is charged on transfers.

MISCELLANEOUS

47. Government treasury rules are said to be followed. *Gaontias* sometimes send land revenue by ordinary money order, otherwise they credit direct. The chalaan navis prepares chalaans for them (2 pice per chalaan). In money order cases also the chalaan navis prepares the chalaan and 2 pice are deducted.

Records and copying: There are no rules but copies are generally given at annas three per sheet. Records are not maintained satisfactorily.

Petition writers are appointed by the State but there are no rules, etc. Petition paper is issued at one pice.

Registration is not compulsory in any case but the Assistant Dewan is in charge of a registration department. The Indian Registration Act and the same rates as in the Provinces are said to be followed.

For the last two years there is a ban on export of paddy and rice which should not be sent out, owing to bad economic conditions. There are export duties on oilseeds, gram, mung, bizi, kulthi. Small quantities are exempted on application. Zamindars cannot levy export duties.

Permanent deterioration or diluvion is dealt with by abatement of rent but no action is taken in cases of alluvial land.

KANKER STATE

REVENUE HISTORY AND SETTLEMENTS

The ancient method of land settlement according to a note of Mr. Chapman quoted in the 1909 Gazetteer of the Chhattisgarh States was that of assessment on the basis of the plough. The plough rate of assessment was fixed for each village and was periodically revised by the State officials with the assistance of a *panch* of neighbouring village headmen. The earliest form of assessment probably consisted in simply counting the number of working cattle in the possession of each tenant. It is said that the idea of a plough soon became associated with a certain fixed seed capacity. (This however seems to me a doubtful description as the seed capacity seems to have been the original system of estimation and the plough system a later and less widely prevalent system. The 1902 settlement report points out that the plough was not a uniform area and varied from place to place). The prevalent system of land tenure is said to have been 'ryotwari' and village headmen paid only a nominal *nazar*. The old form of land tenure will be described later.

2. The first settlement of which there is a record was a summary settlement carried out in 1893; assessment was carried out as follows; a simple jamabandi was first prepared by the patwari showing the area of land held by each tenant in ploughs and *khandis* and the rent of each. After these were checked, a *panch* was formed consisting of two headmen of the neighbouring villages and the number of ploughs held by each tenant in the village was finally determined. An enhancement was then made with the help of the *panch*. The settlement resulted in a large enhancement of the revenue on account of the increase in the number of ploughs assessed, and under-assessment in the past.

This settlement expired in 1900. But revision was delayed till 1901 on account of famine. At this revision settlement *khasras* were prepared showing the seed area of the land held by each tenant. In the event of dispute the holding was surveyed and the area in acres converted into seed area on the basis of 15 Kathas of seed to one acre. Flat rates were fixed according to the class of soil and rents calculated accordingly. It is on record that a hide cess which had been imposed at the previous settlement was abolished and it was recognised that owners had a right to the hides of dead animals. It is also recorded that certain dues in kind called *kathan* which were being paid to the Chief in addition to the land revenue was also abolished. The exact basis of the assessment is not clear. The area of land was also expressed in terms of the plough but this area varied from place to place. The period fixed for the settlement was 7 years like its predecessor. At this settlement there was no regular survey of land.

3. In 1909 fresh operations were started and a portion of the State which had developed considerably was surveyed. The settlement of the unsurveyed portion was made by estimation of area. In the surveyed villages patwaris laid down the boundary and did a cadastral survey also. The rates of rent were fixed empirically by comparison with the rates of the neighbouring district, the rates adopted were lower than the district rates. In the unsurveyed tracts the areas of fields were measured by means of the chain, and the seed capacity was also shown. The rent was fixed in the same manner. The rate fixed is said to have been practically the same as at the previous settlement. The settlement period was fixed as 12 years as it was realised that the period of 7 years was too short for an enhancement. In 1921 the third settlement operations were taken up and more villages were brought under survey. Assessment was not made according to rigid rates and it is recorded that it was made by the Ruler himself according to rates agreed upon by the tenants. The term was fixed as fifteen years. Villages were divided into two classes at the 1921 settlement according to development.

4. A settlement is at present going on. The forecast report and the forwarding note of the Superintendent shows that they consider that the profit from cultivation is such that a ten per cent. enhancement over the 1921 rates would be justifiable; it is pointed out that the existing assessment amounts to about one anna in a rupee of net income from the land and higher rates actually prevails in British Districts. It is however proposed not to make any enhancement in the rents but some rents are to be levelled up and new cultivation assessed. About 2 per cent. enhancement is expected from the levelling up of rents and the total increase in revenue including the assessment of new lands is estimated to be about ten per cent. The reason given for not enhancing is the economic depression and the cry of the tenantry against enhancement. What is not pointed out however is that the price of rice had fallen since the last settlement from about 5 seers per rupee to about 20 seers per rupee; further that the cropped area has increased to a negligible extent, from about 188,000 to about 191,000. I think these two facts should have ruled out any question of enhancement immediately. Comparison of rents with more advanced areas is likely to result in grave errors in assessment and in a comparatively jungly tract with poor communications progress is likely to be very slow if rents are enhanced frequently. Except for assessment of new lands, therefore, the settlement should probably never been taken up and the elaborate reclassification of lands and alteration of assessments which the Assistant Settlement Officer has proposed will result in considerable expenditure on the settlement; the new lands could easily have been assessed by the existing patwari staff at the settlement rates.

It is proposed to levy a special rate on lands benefiting from irrigation from tanks of any kind. It appears that owners of tanks charge a rate for use of water and if so this may amount to double taxation. One feature of the settlement is that areas formerly estimated in terms of seed capacity are now being measured and it has been found that many ryots possess much larger areas than those actually shown and this is assumed to be due to new cultivation. There is the possibility however of the estimate of seed capacity being wrong and if there has been in fact no new cultivation, assessment on the assumption of new cultivation would give rise to enormous enhancements.

One good thing however is that all villages have been traversed and cadastrally surveyed. In the areas where shifting cultivation is practised by Gonds also traverse and cadastral surveys have been made. All plots cultivated by one person by shifting cultivation have been recorded in his name and assessed as a whole and it has been left to the cultivator concerned to cultivate a portion each year as he pleases. The assessment is that of the lowest class of land; the actual rates are to three annas an acre. It is said that the Gonds have all agreed to the arrangement. The period proposed for the settlement is 20 years.

ZAMINDARI AND OTHER TENURES

5. There are no zamindaris in the State. Apart, therefore, from villages directly under the State the only tenures are grants of villages and lands of various kinds, rent free or subject to some payment. There are 17 temple grants, maintenance grants granted to various relatives and others, two villages held as service grants granted to *purohits*. Some maintenance grants for life only but others are hereditary. Both the service grants are whole villages.

6. In the existing *Kanunmal* or revenue law of the State there is a section (section 134) which lays down that grants in perpetuity are partible but grants for life only are not partible. The partibility of the hereditary *muafis* implies the creation of shares in the village but in the case of life grants the sharing is merely of the revenue or profits. *Muafidars* can sub-let their villages. They have the same right over the tenancy land of the village as ordinary *gaontias*. If a life *muafidar* dies his legal heirs get the village in ordinary *gaontiahi* right. Some hereditary *muafidars* do not pay even the cesses to the State; the cess paying *muafidars* pay Dusserah *tikas*. In the year 1925 the grants were all examined during the minority administration and proposals were submitted to the Central Provinces Government which passed orders regarding their continuance or conditions etc. Some cases have been left to the Ruling Chief to pass orders after he takes over management.

7. So far as the temple grants, corresponding to *debottar* in Orissa, are concerned, they amount to assignments of the land revenue of the village

while cesses and commutation dues are payable into the treasury. In the case of duties outside the State such as Shri Jagannath temple at Puri, the villages are managed by the agents of the grantees while in the case of the temple situated within the State, the villages are managed by the *Mahants* or *Pujaries* appointed by the State, who are required to submit accounts annually to satisfy the state that the purpose of the grants is fulfilled. The Rani Saheba holds one of the grants as *sarbarakar* of the deity.

The grantees enjoy no special privileges or rights. The *mahants* manage the villages just like ordinary *gaontias* in respect of suit, transfer, *nazarana* etc. The grantees are like other *muafidars* enjoying the land revenue of the village for the benefit of the temple. The status, liabilities and privileges of the ryots are the same as in the *thekadari* villages. There are no special agreements or leases except that the grantees have been given sanads conferring upon them the right to enjoy the land revenue during the existence of the temples. The system of rent collection is the same as in other villages. There are no rules or conditions governing these grants. In a temple *muafi* village I visited, the income of the village was about Rs. 1,000; out of this Rs. 350 was being spent for the deity and the rest was being appropriated by the *gaontia*. The income from the village in the shape of *nazarana* on transfer of land and other items was not being shown in the accounts.

8. The Senior Maharani holds nine villages as *nira muafi*, i.e., the land revenue, cesses and commutation are all appropriated by the grantee. In addition to these there are four parcels of land held in *muafi* by various members of the ruling family. The Senior Maharani holds a sanad granted by the late Ruler conferring upon her the right to enjoy the land revenue, cesses and commutation of the nine villages in *muafi*. (She also holds several villages as *gaontia*). The status is similar to that of a *gaontia* as far as wasteland, transfers of land and other matters are concerned. As regards the holdings, the grantees have been given no separate sanads but in the *patta* which is issued to the grantees like other tenants, the rent has been omitted (an assessment is however shown). These grants are recorded in the village *jamabandi* and also in the *muafi* register. No conditions regarding resumption or other matters are shown in the *patta*. The grantees have the right to sublet these lands but have no right to transfer them to others by sale or gift. *Muafi grants* of land are known as *reja* grants. The lands can be sublet indefinitely but cannot be mortgaged or sold. They are held for life only.

9. All *muafi* lands held for purposes of service as by *kotwars*, *lonars*, *raut*, *barber*, *thakur* etc., are known by the general name of *sir* with a suffix, *kotwar*, etc.

THE RYOTI TENURE.

10. The position of the ryots in the distant past is obscure and they do not seem to have had any recognised or recorded rights. They were probably holding the land without any conditions, except perhaps as to rent, and whatever was being done in such matters as transfers or lease is not a matter of record. Later, when the *thekedars* became powerful it would appear that several restrictions came to be applied. The 1902 settlement report records that they had no right of sale or mortgage, and even for leases the consent of the *thekadar* was necessary. At this time it does not appear that there was any distinction between ryots based upon period of cultivation. The 1902 settlement report records that cultivators were given the right to sell and lease their holdings. At the 1909 settlement, however, following the practice in the districts of the Central Provinces, ryots were divided into classes according as possession was continuous for more than 20 years or between 12 and 20 years or below 12 years. Ryots who held for less than 12 years were given the right to lease out land only with the consent of the *thekedar*, and other ryots had the right to sub-lease, mortgage or sell their lands. A law called the *kanunmal* was drafted incorporating these provisions which, with amendments, remains in force to-day. At the 1921 settlement, the *gaontias* seem to have been given a right to levy *bethnagar* (plough *bethi*) twice as year or 0/12/0 per *nagar* in lieu thereof and also a rate of Re. 1 per house of ordinary non-agriculturists and Rs. 2 from business men.

11. The *kanunmal* is I fear not the best piece of drafting I have seen; in repetition and obscurity and some extraordinary provisions it is difficult to surprise. The need for amending the law has been recognised and the

Dewan said that at the current settlement orders have been passed to record all three classes of ryots (other than under-ryot) as occupancy ryots]. Under the *kanunmal* as it exists at present there are 5 classes of tenants including ordinary tenants, sub-tenants, and village service tenants. A *maurasi* or occupancy tenant (who has held land for over 20 years) may sell or sub-let or mortgage his holding to a tenant or resident of the State with the permission of the State. Occupancy holdings are not liable to attachment in execution of a civil decree but mortgages can attach them with the permission of the State. The tenant of such a holding has the right to improve his holding by excavating a tank, well or other work. A *maurasi* holding will become *gairmaurasi* if it is attached and sold in execution of a civil decree; there is however another clause which says that the transfer of '*maurasi*' land will not affect its right. A non-occupancy (*gaimaurasi*) tenant (one who at the time of the settlement had held the land continuously for more than 12 years and less than 20 years) may mortgage, sub-let or sell his *gaimaurasi* holding to a resident of State with the consent of the *gaontia* and with the permission of the Dewan. The consent of the *gaontia* and the permission of a Revenue Officer are necessary if a *gaimaurasi* tenant wishes to make a tank or *bandh* or layout a garden. The *maurasi* right may be acquired by a tenant if he has held the land for 20 years and has improved it; no *maurasi* right will be granted if the holding has not been improved.

The ordinary tenant who held his land for 12 years or less in 1909 has no right to sell or mortgage but may sub-let for a period not exceeding 3 years. He cannot make a tank or lay out a garden, but, with the consent of the *gaontia* may construct a *bandh*. A *mamuli* tenant cannot acquire *gaimaurasi* right however long his possession unless he has 'improved' the holding but there are restrictions mentioned above on improvement itself.

A sub-tenant who is a lessee of *maurasi* and other land may himself sub-let the holding while he holds the lease.

A village service tenant is one who has granted rent free land by the *gaontia* or by the State for village service. His holding cannot be sub-let, mortgaged or sold.

Maurasi or *gaimaurasi* land sub-let continuously to the same person for four years passes to the sub-lessees as a *mamuli* holding. All holdings can be partitioned but a sub-tenant or village service tenant cannot effect a partition.

12. Reclamation of new land is done with the permission of the *gaontia*. The land is held rent free for one year, then at half rate for the second year. The rent payable is the rate agreed upon but if there is a dispute, the tenant may apply to the State. If the land is cultivated without the knowledge of the *gaontia*, it can be assessed to rent immediately; the tenant cannot be ejected so long as he continues to pay rent agreed upon. The *gaontia* charges a *malikana* on land allotted. Land may be surrendered to the *gaontia* orally or in writing before the 1st of April. Land is regarded as abandoned if a tenant leaves the village for a whole agricultural year.

I saw some cases (cultivation of land with forest growth on it requires sanction) of disposal of land with trees on it; though the price is ostensibly for the trees, no estimate of their cost is made and as much as the applicant can pay is taken.

13. Tenants has a right to the hides of their animals but cannot export them outside the State without paying a duty.

14. They have rights to grass on the embankments of fields and to the fruit and flowers of *mahua* trees on the border or inside the field and on waste land but not to the trees themselves; they have no right to myrobalans. Cutting of reserved species of trees requires sanction under Section 238 of the *Kanunmal*.

15. A tenant may be ejected by a *gaontia* for arrears of rent through a civil court but even after ejectment the *gaontia* can file a suit for the recovery of arrears.

If land is to be sold by a tenant the *gaontia* can purchase it himself but if he is not willing to do so he is entitled to a commission, on the sale proceeds, of 12½ per cent, in the case of *maurasi* lands and 25 per cent. in the case of *gaimaurasi* land; if he purchases the land he is entitled to make a deduction from the price to this extent. On lands gifted also, the *gaontia* has the same

right but the price is calculated at five times the rent payable by the transferee. No special restrictions seem to be imposed on sale of land by aborigines.

16. Land may be sold in execution of a civil court decree. The building of a house requires the permission of the *gaontia* but the law says that the *gaontia* must allot the site free. The site is not saleable but the materials of the house can be sold. 0.10 acre of house site is said to be free of rent. A ryot evicted from his holding is not liable to be evicted from his homestead.

17. A tax may be levied by a *gaontia* or his lessee for the use of the water of a tank constructed at his cost and similarly a tenant can levy a rate for water from his tank. The State can also levy a rate.

18. Land can be acquired by the State under section 37 of the *Kanunmal* on payment of "reasonable compensation"; three months' notice must be given to the holder under section 29 of the *Kanunmal* a village close to a jungle may be depopulated and afforested; compensation is payable only for a tank or a *bandh*. In one of the land acquisition cases I saw, 50 acres of land were acquired from 10 ryots all except one of whom had *maurasi* rights and all of them had the right to sell land but no compensation was paid and only their rents were abated. Another 30 acres was subsequently acquired and here also only rents were written off; the *gaontia* applied for reduction of the rent of the whole village and this was recommended with the remark that there was nothing in the *Kanunmal* about reducing the revenue but the *gaontia's* request seemed justifiable. In another case, two small holdings of *mamuli* ryots was acquired without compensation but on a third *mamuli* holding of 6.5 acres Rs. 50 was allowed as compensation though the holder had been in possession for 8 years and appeared to have spent nearly a hundred rupees in improving the holding.

19. The State does not charge a *salami* on transfers of land by ryots but a mutation fee of Rs. 3 is charged in addition to other fees like patwari fees and court fees (Rs. 2-8-0) proclamation fee (Rs. 2) amounting to about Rs. 5.

20. Only tanks in Kanker town and in the Mahanadi and other rivers are leased out, the former by the municipality and the latter by the State. Fishing rights in the State tanks in the villages is not leased out. In tanks held by ryots or *malguzars* they have the rights to fishery.

21. No charge are made for minor minerals like sand, clay etc.

22. Ryots have to render *begar* to the *gaontia* equal to 12 annas per plough or two days free ploughing—From labourers the *gaontia* gets Re. 1 per house per year. Carriage of officers' luggage is also one of the duties; no payment is said to be made. *Rasad* is renderable by the *gaontia* to the touring officers; in the villages visited on payment was said to be received. At Dusserah and *Raki* one rupee and a goat is contributed by the *gaontia* and villagers; the villagers share the cost of the goat.

The villagers of Malegaon said that a *tika* was levied in addition to mutation fees. The villagers of Kokpur said they had to supply fuel and timber at Kanker; this is compulsory but payment of four to six annas a cart is made. The ryots have to provide their own carts and generally two days are occupied in cutting and carting the timber and fuel.

VILLAGE HEADMEN

23. The system of leasing out villages to *thekedars* or *gaontias* has long been the practice in the State. The leases have been generally for the period of the settlement but it has not been usual to change the *gaontia* on the expiry of the lease, particularly in recent years. Formerly *gaontias* had no right of transferring the right in any way but at the 1902 settlement the right of sub-leasing the village with the permission of the State was given and this was later incorporated in the law of 1909.

24. The present position is roughly as follows:—

All villages have got *gaontias* except twenty which are under *Kham* management, i.e., the tahsildars recover the rent from these villages. The tenure is impartible and held for the term of the settlement though it is generally renewed in the same man's name. There is only one *gaontia* in each village and two *gaontias* are not permitted. There is however one case where the village has been recorded in the name of two persons but only one man is recognised as the *thekedar*. Members of a joint family are entitled to a share of village profits. Usually there seem to be co-sharers who, whether they are recognised or not, generally appear and put forward their claims in cases.

When a succession takes place a *nazarana* of Rs. 25 (the *gaontia* of Malgaon said he paid Rs. 70 *ilka*, others mentioned different rates) is levied in addition to mutation fees which are at the rate of Rs. 4 for Rs. 500 and 0/8/0 for every Rs. 100 over it.

A village may be leased out by auction when a *theke*dar is removed for any reason. The village may also be sold by auction for arrears of revenue. The auction proceeds in such cases are credited as *nazarana*. Attempts are made to recover arrears from the ousted *gaontia* and the arrears are recoverable for a period of six years.

Gaontias are not allowed to mortgage their villages but it is said that illegal mortgages do take place. Sub-leases of villages are permitted for the period of the settlement but require the sanction of the State. No charge is said to be levied by the State for the sub-lease. The practice in cases of petitions regarding sub-lease is to issue a proclamation inviting objections; if there is no objection filed, the sub-lease is usually sanctioned. The case of Mst. Sonarin Bai, a concubine of the late Ruler, who held a *muafi* village shows that she owed money to the Junior Maharani and had a decree passed against her for which an attempt was made to attach the village but the Agent to the Governor General held that this could not be done. The village was then sub-leased to a marwari as Mst. Sonarin Bai was mismanaging the village. This shows how casually the important post of *gaontia* is disposed of. I also saw a case where a sub-lessee said he had paid a *nazarana* of Rs. 100 to get the sub-lease recognised though I was told that no payment was levied for this purpose (this is probably true of the present minority administration only). *Gaontias* sometimes experience difficulty in getting back the village from the sub-lessees and disputes arise. Sub-leases may be for very short periods and I saw a case of sub-lease for 18 months. In all cases, little attention is paid to the need for a sub-lease or to any principle. I saw another case where a sub-lessee dug a tank and made other improvements with permission, Rs. 100 being paid as *nazarana*, but later, when he died his son was not allowed to succeed as his application was time-barred and the widow of the original holder was recorded. This shows what complications can arise and how *nazarana* can be levied even when an improvements is to be made. If a *theke*dar mortgages his village illegally he is liable to be ejected; registration of such a mortgage will be refused.

A *gaontia* who has held a village continuously for over 30 years and has improved it or one who has improved a deserted village and held it for 20 years gets protected status which means that he has the right to hold the village continuously if he accepts the assessment. The legal heir of a *gaontia* or sub-lessee who dies during the term of the *theka* is entitled to succeed till the expiry of the lease,

Sir land is the home farm land of the *gaontia* held during the lease; it is not transferable but can be sub-leased. The *gaontia* may himself break up and bring under cultivation waste land in the village during the term of his lease and such land is known as *khudkasht*; if the *gaontia* loses the villages the *khudkasht* land remains his as *maurasi*. Similarly ryots' lands surrendered to him or purchased by him remain his as *gair maurasi* if he has cultivated the surrendered land for four years. *Khudkasht* and ryoti land of the *gaontia* is transferable and partible. A sub-lessee of *khudkasht* or ryoti land for four years cannot be objected if he pays rent. Tanks or gardens made by the *gaontia* with the permission of the State are his property and he can sell or mortgage the property or lease it out; if the property is leased out continuously for 20 years the lessee acquires the property. The property can be attached and sold by a civil court.

A *gaontia* recovering anything in excess of the rent payable by a tenant as recorded at the settlement is liable to a fine not exceeding Rs. 25.

A *gaontia* who is reliably informed that a tenant intends to leave the village may prevent removal of the produce of the holding and take it into his custody and bring a suit in 15 days for arrears of rent; if the tenant furnishes surety for the rent the crop must be released; the tenant is liable to pay expenses incurred by the *gaontia* and the *gaontia* for damages. Improper distraint by the *gaontia* is punishable with a fine not exceeding fifty rupees if harassment is proved. Similarly the *gaontia* may detain the cattle of a tenant; a *gaontia* is responsible for the loss of cattle in his custody but not for their death.

Rent may be charged for a 'bari' or garden irrigated by a well; the section does not say that the well must belong to the *gaontia*.

A *gaontia* is bound to grant receipts for rents on pain of a fine of Rs. 25. He can take possession of a holding sub-let illegally by paying three times the rent to the person in possession of the land.

A *gaontia* has the right to the house of a 'run away' tenant if it does not cost more than Rs. 25. If it is worth more than Rs. 25 the tenant may sell it. The *gaontia* has the right to land in the residential area of a village (not of a town notified as such) but has to allot land free to agriculturists and others.

The *gaontia* has other minor privileges.

More than 50 per cent. of *gaontias* reside outside their villages and this means that they are usually people with few interests in the village. Sub-leases also seem to be fairly common and the sub-lessee may be expected to have even less interest in the village.

25. In villages under 'kham' or State management there is no *gaontia*. There is a *mukaddam* or *thakur* who cultivates the 'sir'; in the village of Kokpur I was told that there was separate portion of land which would be cultivated by the *mukaddam* if there was a *gaontia* as well. Revenue is collected entirely by tahsil agency. The State takes up the position of *gaontia* as far as allotment of land, acceptance of surrenders, transfers etc., are concerned. The ryoti *bethi* and its equivalent of the *gaontia's* *bethi* to the State is rendered to the *thakur*.

The *gaontia* of a village is usually the *mukaddam* or headman also with official duties to perform like the reporting of crime etc., but if a *gaontia* is not resident, a nominee of his is appointed *mukaddam*. The *mukaddam* is given lands free of rent or such remuneration as may be agreed upon. Generally the *sir* land is not cared for much by the *gaontia* as he has no permanent right in it.

26. With so many rights and such authority as noted above it may be expected that the *gaontias* would abuse their privilege. It is not therefore surprising to find the settlement Officer reporting that the *gaontias* not only levy 0/12/0 per plough but often *bethi* also, and the demands for ploughs are made at most inconvenient periods. Again, he reports that every *gaontia* had been recovering Re. 1 per head instead of per house of the charge known as *thelhai*. There are complaints against *gaontias* occasionally of dispossession failure to grant receipts, excess recovery charge of interest and so on. In the village of Deogiri I saw an example of the machinations of *gaontias*. A ryot had paid Rs. 15 for *gaonti*-ryoti land which he had been cultivating for four years and getting receipts for the rent. While preparing the settlement record, however, the *gaontia* got the patwari to enter the land as *gaonti*-ryoti. The sale of the land was admitted by the *gaontia*. There was another ryot who made a similar complaint. The *gaontia* had also allotted some new lands but was not giving receipts for the payment of rent. The cases against *gaontias* which I saw show gross oppression of ryots sometimes; in two cases where the *gaontia* was not in arrears he was simply warned, a quite inadequate punishment.

27. The village headmen get a drawback varying from 15 to 50 per cent. according to the rental value of the village the larger drawback being for small villages. The assets of the village consist merely of the rental value of all the cultivated lands including the home farm and *muafi* lands in the village. The number of ploughs in the village is computed, a plough being roughly about 10 to 20 acres, one rupee is taken per plough as nistar commutation dues and this amount is deducted from the assets of the village. The assets do not include *siwai* or miscellaneous income. Of the remaining amount, after the *gaontia's* drawback is deducted, which is credited into the treasury 16 annas or 32/39 are regarded as land revenue and 7/39 as cesses, namely road, hospital, patwari and school cesses. The individual amounts of these cesses are not computed. 7/39 is credited under the head cesses. In other words no surcharge of revenue is imposed but the revenue from the land is split up for purpose of the budget. The cesses are shown as -/1/- for school, -/1/- for patwari -/1/- for road and -/6 for dispensary.

RECOVERY OF LAND REVENUE

28. Land revenue is payable by the *gaontia* on the 1st February and 15th April, the first instalment being twelve annas in the rupee and the second four

annas. Rice being the main crop in the State the dates should not be inconvenient for the tenants. The *gaontia* can however, recover 15 days before the due dates from his *maurasi* tenants and one month before from *gairmaurasi* tenants, an amazing piece of discrimination. Rents may be paid in kind by tenants and the *gaontia* is bound to accept it, *Muafidars* are required to pay their cesses on the same dates as rents.

Both movable and immovable property of the defaulter can be attached and sold for recovery. The *gaontia* may be committed to civil prison for a period not exceeding 6 months if recovery cannot be effected from his property.

Sir land cannot be attached for recovery. If the property of a *gaontia* has been attached or he has been imprisoned, he is liable to be excluded from the village but the arrears can still be recovered within a period of six years. Usually villages seem to be auctioned first.

In the *kham* villages, recovery is made by the Tahsildar and others. Actually I think that the tahsil peons are sent out to recover, at least sometimes, and in one of the villages I visited I was told that the tahsil *jamedar* effected recoveries. Peons are often deputed to hold sales of movable property; agricultural cattle seem to be attached and there are the usual suspicious delays in executing orders.

No records of proceedings against *gaontias* for recovery of revenue seem to have been maintained before 1937-38 and figures of cases started are not available. The number of cases in subsequent years is fairly large but not unduly so. The number of rents suits against ryots works out to about 200 a year. Recovery of land revenue and cesses during the last ten years cannot be said to be good.

CESSES

29. No separate cesses are imposed and a portion of the land revenue is credited as cess. (See para. 27).

LOANS AND REMISSIONS

30. During the last two years the policy of granting agricultural loans has been followed according to the Acts prevalent in the Central Provinces. Normally Rs. 2,000 for land improvements and about the same amount for seed loans is provided; this year, owing to the failure of crop the amount has been raised. Formerly also some loans used to be granted but there has been no definite application of the Acts. For the last two years suspensions have been granted on the Central Provinces principles. No remissions have been granted. Formerly there were neither remissions nor suspensions.

VILLAGE SERVANTS

31. There are *kotwars* for each village. The *kotwar* has a service holding which he holds rent-free. He is appointed by the State. Large villages may have more than one *kotwar* and there may be one *kotwar* for more than one small village. The *kotwar's* duties are to patrol the village, report crime, offenders, births and deaths etc. The service holding of the *kotwar* is allotted from the *sir* land of the village. Some chowkidars however seem to have no service holding (*kokpur*). The ryots also pay 10 *kathas* of *dhan* each per plough.

There is a village grazier who has also some *sir* land. He is appointed by the ryots and *gaontia*. The *sir* land has been recorded at settlement. Ryots pay him 5 *kathas* per plough for rendering service to the State officers. Apart from this he gets an additional remuneration from the villagers according to the number of cattle for grazing duties.

The blacksmith is also mentioned in the *Konunmal* as a village servant. Village servants dismissed from their posts are evicted from the service holding.

FORESTS

32 Mr. Mooney is the Forest Adviser; the Indian Forest Act is said to be followed in the State. The *Kanunmal* contains a number of provisions regarding forests within village boundaries. A working plan has been prepared in 1940. There are 3 classes of forest, A reserve, B reserve open to public for nistar and grazing; and village forest for nistar. All the three classes of forests have been demarcated. Boundary lines are maintained by the forest department and the lines are kept clear on payment of Rs. 5 per mile; generally a contract is given to the villagers. Village waste is not included in the village forest which is said to be forest within the village traverse marks but there is no definition of this in the *Kanunmal*.

In the settlement records, however, village waste includes big tree forest, gochar, and other culturable waste. Cultivation is not permitted in areas other than small tree forest, than culturable waste which is recorded separately at the present settlement.

The village forest can be declared reserved. There is a section of the *Kanunmal* (section 29) under which any village close to a jungle may be depopulated and afforested; the section provides for compensation only for a tank or *bandh*.

The forest department is concerned with the reserved species which should not be felled from the village forest. The *gaontia* and the villagers are expected to apply to the forest officer if any portion of the village forest is to be cleared for cultivation. He passes final orders in these cases and usually application is made to him. The timber on the land is sold by auction by the forest department, but the applicant is expected to clear the land.

There is no rule regarding the manner of disposal of the forest growth and the forest officer says that discretion is made use of in such cases, unreserved species sometimes being given to the applicant. There are 7 species of reserved trees at present. The *Kanunmal* shows 16 species). Even in cultivated holdings trees like *mahua*, *harra*, *kusum* and teak are not allowed to be felled without permission; teak of 2½' girth at breast height can be felled without permission if on cultivated holdings but permission for trees of larger girth is necessary; no charge is made but the timber is appropriated by the forest department. Similar is the case of *kusum*. The *Kanunmal* however requires the *gaontia* and tenants only to take permission to fell the trees. There is also a provision in *Kanunmal* which says that all trees within the boundary of a village is the property of the State.

A tenant can propagate lac on trees in his field; the State can impose a tree tax on the propagation of lac. The *gaontia* can reserve a portion of the village waste as 'grass' and apparently he can prohibit grazing of village cattle. Tenants may take grass from the 'reserve' but have to give up half to the *gaontia*. Shifting cultivation is practised by Gonds to some extent along with settled cultivation.

There is no grazing fee in the village forest at present. In village forest, nistar of other than reserved species can be taken by the villagers. (The position regarding nistar from B class is mentioned in the working plan). Reserved species can be taken for agricultural implements etc. on payment of ¾ the normal rates. In B class forest, except areas coppiced within 5 years free and unrestricted grazing of cattle is allowed for local residents; in A class forest plough cattle may graze free. No forest tax is charged on people like *dhobi*, *kamar* etc. The *kanunmal* has a number of provisions regarding the grazing of cattle from outside the State.

MONOPOLIES

33. *Harra* is monopoly and all cultivators and others are expected to sell to the monopolist; *harra* cannot be exported by individuals. There are six contractors for *tendu* leaves. Cultivators and others are required to sell to the contractors who alone can export on payment of a duty. The lease mentions the jungles within village limits.

There is an export duty on lac and there are a number of licensed traders in three classes of whom only the A class can export. The licence fee ranges from Rs. 12 to Rs. 50. Free propagation of lac is permitted in village forest and also in A class and B class without any charge. Export of animals of any kind is subject to an export duty.

Hides and skins are subject to export duty but the monopoly has been abolished.

The export duties system is similar to the lac export system.

Export of food grains has been prohibited on account of scarcity.

CROP PROTECTION

34. The number of crop protection licences issued in 1940 and 1941 was 183 and 194 respectively against the maximum number of 200 which can be issued. The issue as well as renewal fee is Re. 1 only. There are no definite rules and killing of animals seems to be permitted.

REVENUE ORGANISATION

35. The Ruler (at present the Ruler is a minor and the State is under administration) is the final authority and can hear appeals, transfer cases, etc. The Dewan has appellate and other powers. Only the Ruler has the power

to settle villages with *gaontias*. There is a tahsildar for the State and naib tahsildars at Kanker and Bhanupratapur.

These officers have criminal and civil work in addition to revenue work. The tahsildar takes up revenue rent suits but the naib tahsildars merely enquire and report on cases.

The land records staff of the State consists of revenue inspectors and patwaris according to the Central Provinces system and they follow the Central Provinces land records rules. The patwaris number thirty and the revenue inspectors three and there is also a superintendent of land records.

The *Kanunmal* contains provision regarding appeals, limitation of suits, mutation fees etc., but in this cumbersome piece of legislation running to nearly 300 sections there is nothing regarding settlement. The organisation of tahsils and clerks is very similar to the Central Provinces system. The total cost of the land revenue establishment (excluding the special settlement staff) is about Rs. 16,000, the actual fixed land revenue demand being nearly Rs. 80,000 and the total revenue Rs. 3,28,000.

MISCELLANEOUS

36. At present there is only a general *wajib-ul-arz* for all villages and it is proposed to introduce a separate *wajib-ul-arz* for each village on the Central Provinces pattern. No village records are maintained by the *gaontia* or *mukaddam* with the exception of a rent roll showing the tenants and their rents. Other records are maintained by the patwaris according to the Central Provinces Land Records Manual. Revenue inspectors perform duties similar to those of revenue inspectors in the Central Provinces.

Record room, copying, treasury, *thouzi* etc., are all generally on the Central Provinces lines. Registration stamps, court fees, for these Central Provinces Acts are followed. It is said that very few documents of transfer are registered.

Stamp duty on documents is Re. 1 per hundred of the value of land and registration expenses come up to Rs. 2/4/- in addition to copying fees of -/2/6 per hundred words and registration fee of Re. 1 per cent. of value.

No agitation seems to have taken place in the State during the last forty years. Town lands are governed by the provisions of the *Kanunmal* regarding the disposal of house sites and the State takes the place of the *gaontia*. Nazul lands, as residential lands are called, cannot be sold or mortgaged and the sale of a house simply means the sale of the superstructure.

KAWARDHA STATE

REVENUE HISTORY AND SETTLEMENTS

The 1909 Gazetteer contains a good note about previous revenue administration. Villages used to be framed out to *gaontias* or *thekedars*. The unit of assessment was originally the plough approximately equivalent to 20 acres. There was a custom of periodical redistribution of land so that all tenants held an equal portion of land of each class. Revenue officers called *budhkars* were employed by the State for the assessment and calculation of land revenue for groups of villages. Ordinarily village *jama* consisted of rent collections and the *gaontia's sir* land was free of assessment. The settlement thus consisted of assessing the land and distributing it among the tenants. But there does not appear to have been any permanent ryoti tenure. The tenants could be ejected at any time by the *gaontias* in consultation with the *budhkar* and a *panchayat*. There was no fixed proportion of *sir* land. The system of regular and periodical revisions of village *jamats* seem to have been known for a long time though not always practised here. Till about a hundred years ago, the revision of the *jamats* was entrusted to a *panchayat* of *gaontias*, assisted by *budhkars*. Each tenant's rent was fixed in accordance with the plough rate fixed for the village. It is difficult to say what fixity of tenure was enjoyed by the *gaontia* as under the *nazarana* system he was always to some extent at the mercy of any person who could offer higher *nazarana* to the Chief. The system of assessment on seed capacity which presupposed the fair distribution of land of different classes, and was considered better than the system of assessment by the plough is said to have been introduced later but it may be noted here that the *hakablata* was a very old custom.

2. The first settlement of the State after it came under management was in 1888. Prior to this the richer portion of the State had been cadastrally surveyed. The method of settlement was to divide the whole State into territorial groups; assessment was made according to seed capacity and there was no classification of soils in view of the practice of distribution which formerly prevailed.

Gaontias were allowed to retain *sir* land free of rent up to a limit of 20 per cent. of the total village area.

In jungly villages not cadastrally surveyed, a rough assessment was made on the basis of the *nagar*; the Baigas were assessed at Re. 1 per axe for the shifting cultivation.

3. The next settlement was done in 1893 for 7 years. It was based on a complete classification of soils on the lines of a regular settlement. A large number of *gaontias* were given 'protected status' and their standard remuneration ranged from 20 to 25 per cent. of the village assets. The plough system was retained in jungly villages where shifting cultivation was prevalent.

4. On account of the famine a summary settlement was made on the expiry of the previous settlement in 1900. Rents were not altered and the gross revenue had to be reduced owing to a fall in the cultivated area.

This settlement expired in 1905 but was extended to 1909 as the State had not yet recovered from the famine.

5. In 1911 a new settlement was made for a period of 10 years. The *khalsa* area of the State was fully surveyed except for some forest villages. During the period between 1895 and 1911 the State had gone through two famines and, at the previous settlement, the land revenue fell on account of area which had gone out of cultivation. At the 1911 settlement over 25 per cent. of the cultivators had been placed in class D, i.e., in extremely bad economic circumstances and about 35 per cent. in class C or unsatisfactory circumstances. The rent of 10 per cent. of villages was allowed to stand, that of an approximately equal number reduced, and in the rest the rents were enhanced, in some, enormously, so that, on the whole, there was an increase of 12 per cent. in spite of the fact that the drawback of the *gaontias* was enhanced, as the majority of them were not supposed to be in good circumstances. The settlement report also shows that the rent of land sub-let by ryots or the "economic rent" was not much higher than the assessment, for the *sir* land of the *gaontias* which fetched an economic rent of 64 per cent, more than the assessment was considered to be of much better class. It is also mentioned in the report that at the settlement of 1893, the rates of which were maintained intact at the summary settlement made after the famine, there was much dissatisfaction.

In the three zamindaris which existed then, some villages were surveyed by traverse and cadastral survey, but mostly they were left unsurveyed. The zamindar was considered entitled to make his own settlement with the ryots and the *thekedars* and only an estimate of assets was made for the purpose of fixing the *takoli*. Among the forest villages, one was cadastrally surveyed but mostly they were left unsurveyed and the assessment on the basis of the plough was continued.

6. The next settlement was not taken up till 1927 or a period of 15 years since the previous one. At this settlement, there was an increase of only about 6 per cent. in the cultivation in the *khalsa* area while in the zamindaris there was a decrease which amounted to as much as 15 per cent. in the Rengakhar zamindari and it is noted that this was due to a failure of rains in the previous years. The classification of ryots shows a considerable decrease in the number of D class tenants and though this is to some extent vitiated by personal equation there may have been some recovery as the period was the boom period and agriculturists everywhere had benefited. Nevertheless the nature of the settlement is indicated by the fact that the settlement officer fixed the upper limit of enhancement of rent for D class tenants at no less than 75 per cent. against 12½ per cent. in 1911 (if there was a suspicion of rent concealment this limit was exceeded), and fixed no limit in other cases. The enhancement in the case of the *khalsa* areas amounted to 43 per cent. and in the Rengakhar zamindari which showed a considerable drop in cropped area there was an enhancement of 53 per cent. in the surveyed villages. *Prima facie*, therefore, the settlement appears to have been far from lenient and in view of the slump which followed shortly after it is not surprising that I received the impression,

during my visit to the State of an impoverished tenantry in deteriorated physical condition.

In the zamindaris, the same position, roughly, continued as regards surveyed and unsurveyed villages. A simpler soil classification was adopted in the surveyed villages than in the *khalsa* area. In the forest villages which were also left unsurveyed an acreage rate was proposed instead of the former plough rate, and seems to have been applied in some villages.

The term of the settlement was fixed as ten years except in the forest villages where 5 years was proposed. A resettlement has not been made so far.

7. Surveyed villages have maps showing traverse and cadastral survey. Maps seem to be satisfactorily prepared. Records prepared at the settlement are similar to the records used in the Central Provinces.

In unsurveyed villages, as far as ploughed fields are concerned, the patwari traces a rough map according to the spot and makes a rough estimate of the area. The crops sown on the land are also recorded by him, and on these data, rates are applied according to the crops on the land on the report of the Superintendent of Land Records; there is no soil classification. The *bewar* cultivation is dealt with by the forest department and the income is shown as forest income.

There are surveyed as well as unsurveyed villages in the zamindari areas. In unsurveyed villages it is said that there is only shifting cultivation. The shifting cultivation may be of two kinds, *bewar*, or cultivation without burning the jungle.

ZAMINDARI AND OTHER TENURES

8. There are at present two zamindaris in the State, Rengakhar and Bhonda paying *takolis* of Rs. 1,530 and 1,400 respectively. The *takolis* are not fixed in perpetuity and have been varied at settlements. The *takolis* is fixed on the 'assets' of the zamindari which means the land revenue from the villages and miscellaneous income, including *nazarana* and other items. It is 30 per cent. of the assets in Rengakhar and 32 per cent. in Bhonda. No sanads are available. Both the zamindaris are at present under management by the State. The *wajib-ul-arz* of the State is supposed to apply to the zamindaris as well but there is no provision in the *wajib-ul-arz* itself to that effect and everything goes to show that it is not enforced. The settlement records of *khalsa* villages have the *wajib-ul-arz* appended to them but this is not so in the case of the zamindaris. The zamindars appoint their own *thekadars* and issue their own *pattas* to them. In the 1911 settlement the settlement officer wrote that the zamindars could make settlements in their own areas and he merely made an estimate of rents for calculating *takoli*. In 1927-28, it was found that the zamindar of Rengakhar was leasing out the hides and horns of cattle which was prohibited by the *wajib ul-arz* of the State. The *pattas* given to the zamindari *thekadars* are quite different from the *wajib-ul-arz* and the *thekadars* do not accept the conditions of the *wajib-ul-arz* in their *pattas*. There has been practically no State control over the zamindari villages and in these areas ryots are said to have no rights of transfer of land.

The zamindars have no control over the zamindari forests which are all shown as State forest and no portion of the income goes to them. They have no right over minerals. They create their own *muafi* grants and issue *thekas* to their *gaontias*.

9. The zamindari *theka* for a village may be issued for 5 or 10 years according to the pleasure of the zamindars; *na-arana* is taken when a *theka* is issued. The zamindars did not use to auction the *theka* but now (under management) *thekas* are being auctioned. Fishery and such rights are not leased out. Rights in trees on recorded holdings are said to be with the holder thereof and the zamindar has no right but it is extremely doubtful if this is correct as even in the *khalsa* portion the ryots have no unqualified rights. In Bhonda village the ryots said they could not cut big trees of any kind.

There is no condition in the *theka* regarding the levy of *nazarana* when waste land is allotted by a *thekadar*. There is no *sir* land whatever in either of the zamindaris.

If a ryot surrenders his holding the *thekadar* may settle another ryot upon it or cultivate it himself. The position in this respect is not definite. The zamindars get only the land revenue of the villages and no other income but

they hold certain villages directly and not through *thekadars*. The zamindars have not been levying any cesses in the zamindari villages. *Thekas* are issued by zamindars on stamped paper of eight annas and mention: the period for which the *theka* is given, the *jama* and *rakumat* payable, that the *thekadar* has to stay in the village and keep the ryots contented, that he has to pay in addition to the land revenue the goat, cash, grain and *tika* mentioned, render *nagar-bethi*, grass for thatching and grain at privileged rates along with the ryots and be liable to pay any enhanced rent on account of any settlement the State may make during the currency of the *theka*, that he is to render *rasad* and not make improvements without the zamindar's consent (no rights accrue in any such improvements, made without permission), that he should not sublease the village, that he should report crime to the police station. The *nazarana* paid is mentioned. There is no mention of the State *wajib-ul-arz* in these *pattas* and no mention of allotment of new lands, surrender or abandonment.

10. Other tenures are some villages held rent free by members of the Ruling family, five villages held on quit rent of half the assessment as a reward for former services and one village given as a grant for the maintenance of a temple and for the performance of *puja* in that temple.

The income from the temple grant is spent on the maintenance and repair of the temple in Kawardha itself. The *pujari* is paid from the income of this grant and the expenses of the *bhog* are also met from the same income. The grant is managed by a committee consisting of four non-officials and one official member. The grant stands recorded in the settlement papers in the name of the temple which is considered to enjoy the rights of an ordinary *gaontia*. It is, however, recorded as a *muafi* grant and the temple pays no land revenue to the State. The ryots of this village enjoys the same status, liabilities and privileges as in other ordinary *gaontia* villages. Formerly there was a mahant who exercised the privileges of a *gaontia* in respect of this village but, since his death, the committee functions as a *gaontia*. The *sir* land of the village is cultivated on behalf of the temple which maintains plough cattle and employs farm labourers,

11. Eight villages are held by ladies of Ruler's family, all for life, except two held by the Rani who can gift the villages to any direct heirs, male or female, of her choice. All pay cesses except one. There are sanads in some cases and none in others.

The total number of quit-rent and rent-free grants of the State is 15.

12. Apart from these grants of whole, villages there are some lands held free of all revenue or paying cesses only. Most of these grants have been made since the last settlement to various retired servants of the State for maintenance. Two of them are grants for temples and two have been given to Brahmins. The total area of these grants is about 160 acres. There are village service grants like lands held by kotwars and others but these are not included here.

In the villages held as *muafi* some have been sub-let by the *muafidars* to *thekadars* of their own. The State does not exercise any control over these.

The cultivators in all the above villages have the same right and privileges as in the other *thekadari* villages.

THE RYOTI TENURE

13. The *wajib-ul-arz* of the State, a document attached to the *kabuliyat* or agreement of the *gaontia* and signed by him and valid for the period of the settlement is the only document which gives the rights and liabilities of ryots and the *gaontia*. Under the *wajib-ul-arz* a ryot has the right to hold continuously on payment of rent and cannot be ejected, except by a court, for disloyalty or breach of the conditions of the *wajib-ul-arz*. (Under an amendment made in 1940, a ryot's holding may be put to sale for arrears otherwise irrecoverable and the balance of the sale proceeds after recovery of the dues will be paid to him. Only such portion of the land may be sold as is sufficient to cover the arrears.) The land of the ryot can be inherited by direct male heirs and in the absence of such heirs the wife may inherit but for her life-time only. Daughters and collaterals who were not joint with the ryot at the time of his death cannot inherit. Land left without a claimant under this rule passes to the *gaontia*.

An amendment of the original *wajib-ul-arz* permits sale or gift (mortgage and exchange are not permitted) of the holding or part of the holding subject to the previous sanction of the State which is entitled to *nazarana* at 5 per cent.

(aboriginals and depressed classes) or 12½ per cent. (others); aboriginal and depressed classes are supposed as far as possible, to transfer land only to aboriginals and depressed classes. The clause about sub-letting land is the same as in Khairagarh and requires the permission of the *gaontia* if it is to be for more than one year. Surrender is effected by a registered document in favour of the *gaontia* but a registered document is not necessary in tracts where shifting cultivation is carried on. In Pondi village an old man said he was unable to cultivate the land himself and the *thekedar* was not permitting lessees to cultivate so that the land could be surrendered soon (the *thekedar* was present).

14. In the matter of allotment of waste land for cultivation, disposal of land surrendered or intestate or from which the ryot has been ejected, the levy of *nazarana*, house sites, grazing in waste lands, rights in trees and *nistar*, the *wajib-ul-arz* is practically the same as that of Khairagarh and Chhuikhadan. Waste land in the village is divided into two portions, reserved for grazing or free. The *gaontia* is not supposed to allot for cultivation the reserved grazing lands except with the previous sanction of the State.

15. Planted trees on holdings belong to the ryots thereof but green mango trees cannot be cut or sold except where the ryot is ejected when he may sell them to the *gaontia*. There are ten reserved species of trees at present (the clause in the *wajib-ul-arz* which mentions 14 species as reserved trees has not been amended though only 10 species are supposed to be reserved now) which cannot be cut unless planted by the ryot or *gaontia*. Payers of commutation dues are entitled to trees of unreserved species for agricultural implements, leaves, dry bamboos and dry wood, free of charge. In the open tract, no commutation fees are charged, and ryots are entitled to timber of unreserved species free of charge but have to take the permission of the *gaontia*. Harra and lac are the property of the State wherever grown. *Mahua* and other fruits on holdings belong to the ryots, and on waste land they are appropriated according to village custom; in some villages the ryots claimed no rights and in others they were enjoying the fruits of trees on waste land. Unlike Khairagarh no rate is charged on *mahua* and other fruit trees and also the right to the hides of animals is with the owner and no charge is made by the State or the *gaontia*.

16. The clauses regarding *begar* have all been cancelled including *begar* for the Ruler which in Khairagarh has been retained with modification. In the *muafi* village of the Rani Saheba I was told that two days' *nagarbethi* was being rendered; in another *thekadari* village also the ryots said they were rendering *nagarbethi* the *thekedar* being present.

Ryots and *gaontias* are liable to maintain a *gudi* or camp house for State servants in the villages.

17. The clause regarding acquisition of land is the same as in Khairagarh but by an order passed in August 1941 the State has adopted the Land Acquisition Act. There have been no cases of acquisition since the Act was applied. The report in case No. 228 of 1942 shows that a new road was made from the guest house to the palace in Kawardha; the lands on either side of this road are said to have been surrendered to the *gaontia* on account of the road, a somewhat surprising surrender of valuable land.

18. Ryots get receipts in receipt books which are of the same type as in the Central Province. For commutation dues, I was informed in Bhonda and other villages that payments are made to the *nakamunshi* but no receipts are granted; the payments they mentioned seemed to be considerably in excess of the scheduled rates. In Harichapur there was a villager who was paying one rupee more than his revenue demand (only the demand was acknowledged).

19. Permanent rights do not accrue to any sub-tenants or lessees and no permanent rights were granted at settlement to any lessee. Only in the case of the *khudkasht* land of the *gaontia* do permanent rights accrue in the event of a sub-lease.

20. In connection with the sale of lands by aboriginals since permission to transfer was granted in 1937, an interesting examination has been made by the Political Agent, Chhattisgarh. He has obtained figures which show that when permission was first granted without restrictions, persons who purchased lands were entirely or largely non-aboriginals; in the year 1937-40 in which there were no restrictions the percentage of aboriginal lands sold to non-aboriginals was 100, 78 and 85. In 1940 the present clause about transfer only to aboriginals if possible was introduced and the percentage of holdings sold in 1941 dropped to 37 per cent. It has been suggested that transfer by

aboriginals to non-aboriginals should be stopped entirely, as the only way of protecting the aboriginals but from my examination of cases I do not agree that this measure will have any beneficial effect on aboriginals. There are many instances in which aboriginal buyers are not available at all and not to permit transfer would mean that in some of these cases the land would go out of cultivation by abandonment or by surrender to the *gaontia*. In that case the aboriginal would lose his land for nothing whereas if sale to a non-aboriginal was permitted the transferring ryot would at least get some money in return. I do not contribute any support to the other aspect of the case that by sale to a non-aboriginal the ryot would probably get more money than by being obliged to sell to an aboriginal, and the restriction therefore results in a loss, though here again a hard and fast line cannot be drawn without causing difficulties because there are many Gonds, Kondhs and others settled in the plains who can hold their own with their neighbours and to compel them to sell to aboriginals would be an undoubted hardship. Total prohibition of transfer to non-aboriginals can be evaded also to some extent by *bonami*, transactions, leases, etc. On the whole, I am of opinion that restriction of transfers to non-aboriginals to only such cases as are specially permitted by the State is an adequate protection, and, if any failure is found, it will not be due to the rule but to a failure to apply it properly. Many cases of transfer by aboriginals as well as non-aboriginals are due to poverty, beyond doubt, the cultivator being unable to afford plough cattle or seed or implements. Transfers, further, are not always of entire holdings and usually a part of a holding is sold to furnish capital to save the rest and keep it cultivated.

21. No *nazarana* is charged on the gift of land but a registration fee of Re. 1 is charged at a uniform rate.

THE VILLAGE HEADMEN

22. There are protected (105) and ordinary *gaontias* in the State. The conditions for grant of protection are not prescribed in the *wajib-ul-arz* but the settlement report shows that *gaontias* who had held for over 20 years were recognised as protected. Protected *gaontias* are entitled to a renewal of the lease at settlement. A *gaontia* is liable to be ejected for disloyalty, for non-payment of revenue or for breach of the clauses of the *wajib-ul-arz* or the lease which he agrees to in his *kabuliyat*. The *theka* is impartible and not transferable; unofficially rights to shares of income may exist and will be recognised by civil courts but will all be extinguished if the *gaontia* is ejected. The *gaontias'* right may be inherited by a direct male heir; the rule in this respect is the same as in Chhuikhadan or Khairagarh. If a *gaontia* is ejected he loses all his *sir* land but will have the right to hold his *khudkashi* lands. The *gaontia* has the right to settle new ryots on waste land or abandoned or surrendered land or land from which a tenant has been ejected. Rent in such cases is determined by agreement between the *gaontia* and the ryot provided that in the case of an existing holding the rent is not less than the settlement rent; the *gaontia* is entitled to the portion of the rent which is in excess of the settlement rent. In allotting new lands for cultivation, the *gaontias* appear to give them out without any definite record of area or rent. I noticed this in Pondi village and saw also a suit in which the ryot declared that a portion of land given out was later taken back by the *gaontia* who said that the rent was only for the remaining area. The *gaontia* won the suit actually in the first court but in appeal the decree was reversed.

Nazarana is nominally prohibited but the rule about *nazarana* is of the same type as in the neighbouring State and practically encourages the levy of *nazarana*.

While *nazarana* is prohibited to *gaontias* (on paper) this prohibition has not been observed in a *kham* village which is directly under the State. In case No. 199 of 1942, in levying *nazarana*, the revenue officer remarked that as far as the State was concerned the levy of *nazarana* was in order on the analogy of levying it when a village was settled with a *gaontia*. In reallocation cases also *nazarana* is charged in *kham* villages.

23. The State recently proposed to grant the *gaontias* *malguzari* or proprietary rights in the village and proposals to this end were framed. The only advantage of granting such rights would be the levy of a large sum of *nazarana* in lieu of the right granted but this would result in a great loss to the State in the long run and, as in the Central Provinces and other areas, result in placing the tenant under a proprietor with all the consequent troubles.

and difficulties involved. The case for and against the grant of *malguzari* rights will be dealt with fully in the general report on the States.

24. Dusserah salami does not seem to be levied from *gaontias* in this State.

The clause of the *wajib-ul-arz* about *rasad* mentions that it is optional with the *gaontia* to treat a State servant as a guest and this of course leaves him little option.

25. The *gaontia*'s minimum drawback is 20 per cent. and the maximum 30 per cent; *sir* land is limited to one-fifth of the cultivated area of the village.

26. The general policy is to manage villages through *gaontias* but there are 27 villages at present which are *kham* or directly managed as *gaontias* have not been found for them. If a *gaontia* is available or there is competition the village is sold or auctioned for *nazarana*.

In the unsurveyed or forest villages of the State there are practically no *thekedars* (*gaontias*) and even if available they would be willing to pay only nominal *nazarana*. In the *kham* villages recovery of land revenue is made by the tahsildar through tahsil peons. In the zamindaris also there are some *kham* villages. The rights of zamindari *gaontias* are described in the paragraph describing the zamindari tenure. In a zamindari village visited by me there was no *gaontia* or *mukaddam*. Similarly in a *muafi* village of the Rani Saheba there was no *mukaddam*. A *mukaddam* is generally appointed in such villages.

27. A mutation fee of two per cent. on the land revenue of the village is levied in *gaontiahi* mutation cases, any part of a hundred rupees being taken as a whole hundred.

THE RECOVERY OF LAND REVENUE

28. Land revenue is recoverable in two instalments on the 1st February and 15th April from *gaontias* and *gaontias* can recover one month before these dates from the ryots. The dates had been changed to 1st March and 15th May by the Ruler but the Political Agent considered these dates unsuitable and the old dates were reverted to. The main crop of the State are *kodon*, 39 per cent., rice, 17 per cent. and wheat 14 per cent. The first two are harvested in November-December and payment on the 1st January is a bit too early. I do not know why the Political Agent considered the dates unsuitable. No rent is said to be payable in kind.

Thekedars (*gaontias*) proceed against defaulters by rent suits or by making a revenue application with a court fee of 12 annas. The application can be made only if he has paid up his *theka-jama*, otherwise he has to file a rent suit. When a revenue application is filed the tahsildar proceeds as in a *kham* village. In a rent suit decree, four months' time is given to the defaulter after which the tahsildar may be petitioned for execution. He proceeds against the movable property and, if recovery is not effected he proceeds to sell a portion of the defaulter's holding.

In recovery cases against *gaontias* the movable property is first proceeded against and if the sum cannot be recovered, immovable property, such as a house, may be put to sale. Sometimes both are proceeded against simultaneously. In *kham* villages, the movable property of the ryot may be proceeded against and if recovery is not effected his house may be sold, eviction may also be resorted to if recovery is not effected. According to the amended *wajib-ul-arz*, the land may only be put to sale.

No interest is awarded in rent-suits or in applications by *gaontias*, on defaulter *kists*.

Attached property is usually left in charge of the *sipurddars* and brought to headquarters only when this cannot be done. When movable property is to be sold the defaulter concerned is asked whether the property should be sold at a particular place and if he desires to have it sold in any place such as a market place the property is sold the *maljamedar* (peon) otherwise it is brought to headquarters and sold.

The collection of land revenue during the last ten years has been fair, though some arrears have accumulated since 1933. The number of cases reported against *gaontias* shows peculiar features; there were no cases started at all between 1931 and 1936 though arrears were accumulating, 18 cases were started in 1936 of which twelve resulted in ejectment of the *gaontia*, 214 were started in 1937 of which 18 resulted in ejectment, one in 1939 though arrears were considerable, and 90 in 1940. The number of rent-suits against ryots is not considerable, and the arrears against them is not known.

CESSES

29. There are no cesses except the payment made by *muafi* holders to the State at the rate of 0-2-0 in a rupee on the rental of the holding held in *muafi* or 0-2-0 in a rupee of the *thekajama* if a village is held as *muafi*. This payment is termed as cess and was introduced in 1892-93 when the first settlement was made. A cess called the *nagar* cess which was being levied has been abolished.

REMISSIONS OF LAND REVENUE AND AGRICULTURISTS' LOANS

30. There has been no regular system of granting *taccavi* loans but during the last two years loans have been granted. Formerly grain used to be lent from the private granary of the Ruler but it is said that this has now been discontinued. *Taccavi* loans during the last two years were distributed in kind. The rate of interest is 25 per cent.; to the aboriginals loans were given without interest; buffaloes were purchased for them with the money advanced with a view to encourage permanent cultivation. There are no rules regarding these loans.

Before last year no remissions or suspensions used to be granted. Last year, remission and suspensions were granted on account of partial failure of crop. In granting these remissions and suspensions, Central Provinces practice is said to have been followed, the less liberal of the two scales in vogue there being adopted.

VILLAGE SERVANTS

31. *kotwar* is the principle servant appointed by the State. He some times has a rent-free service holding. The *wajib-ul-arz* prescribes that ryots as well as *muafidars* and *gaontias* have to pay the *kotwar* remuneration in grain according to the land revenue payable by them or assessed on their holdings; a minimum payment is prescribed for the *gaontia* and if the *kotwar* has rent-free land the *gaontia* is entitled to an equivalent reduction. In the villages visited they paid at rates based on the rupee of land revenue; the rates seem to vary from village to village.

In addition to the payment in kind, *gaontias* and ryots have to pay one pice per rupee on sales of grain and other prescribed commodities whether sold within the village or outside it.

The *kotwar* has no right to alienate his service land in any way. The appointment of the *kotwar* usually follows heredity; an agent may be appointed during minority. Women are not eligible for appointment. Other village servants such as barber, *dhobi*, etc., are appointed by the *gaontia* in consultation with the villagers and may be dismissed by them; some of them hold service lands.

FORESTS

32. Mr. Mooney is the Forest Adviser. There are no forest rules at present and the Central Provinces Manual is referred to for guidance. The demarcation and survey of the forest is not complete yet and action to prepare a working plan is being taken. There are two kinds of forests, A and B, both being demarcated. Village waste lands are not included in the forest area and there is no forest classed as village forest. Only B class is used for the purpose of village *nistar*. The clearing of the lines is being done on daily labour in some places and on payment of Rs. 7 to 9 per mile in portions close to villages.

33. The *nistar* commutation rate is charged at rates varying from 0-8-0 to Rs. 2 according to the area of holdings held; labourers are charged 4 annas; *lohars kumhars* and others 8 annas. *Nistar* payers are allowed to take unprohibited species for agricultural implements leaves, fibres, dry bamboos, grass for roofing, dry wood for burning; rafters of unprohibited timber and green and dry bamboos may be applied for and obtained according to needs with the permission of the forest officer. An application has to be given and after scrutiny the amount sanctioned by the forest officer is permitted to be taken by the *naka moharrrir* and other officials. A joint application may be made by the villagers; no stamp fee is levied on such applications.

Villages situated in the forest area are liable to pay the *nistar* fee. Villages outside the forest which are two miles or more away have the option to pay *nistar* fee. Villages very distant from the forest cannot exercise the option to pay *nistar* rate. A separate receipt is not issued to each ryot but a joint receipt is issued to the *gaontia* of the village or *mukaddam* as the case may be. For

the collection of this rate half an anna commission per rupee is paid to the *gaontia*.

No prohibited timber is allowed for any purpose without payment.

34. Grazing fees are levied at 8 annas for buffaloes in *nistar* forest and 12 annas in others and half these rates for cows; 4 milch cows per house per plough are allowed free; plough cattle are free. The grazing fees seem high. Rates are frequently changed for some reason or other.

Village situated close to the forest have to pay the grazing fees but for other it is optional. There are separate grazing grounds to graze in which even agricultural cattle will have to pay a higher rate.

35. There are 10 prohibited species according to the forest officer. The *wajib-ul-arz* which has not been amended mentions fourteen which cannot be cut without State licence even if on cultivated holdings. (The statement of the forest officer is explained by the proposals made by the Forest Adviser in 1942 and which he had repeated in four previous years without action being taken; instead, he notes that there was a proposal to reserve two more).

36. *Bewar* cultivation without permission is prohibited. This kind of cultivation is practised almost entirely by Baigas. Proposals have been made by the Forest Adviser for its restriction and discouragement. *Bewar*, areas given out for 3 years are charged at the rate of Rs. 2-8-0, 1-4-0 and Re. 1 for each year per acre. A 'forest' patwari makes an estimate of the area. The rent is paid in cash. Any settled cultivation in this area is charged for by the Superintendent of Land Records. Income from shifting cultivation is estimated to be Rs. 2,500 for 1942.

MONOPOLIES AND DUTIES

37. Lac and *harra* are State property but some payment is made to producers; the Forest Adviser's inspection note shows that the rate is quite nominal and that the State reduced the rate when it should have increased it. Lac is purchased by the State. No tree tax is charged for cultivation of lac in any forest. *Tendu* and some other forest produce are given on *theka* to contractors and producers should sell to the contractors. No price is fixed by the State.

Export of rice and *kodon* has been banned on account of scarcity. Export duties are levied on the export of other grains also. Export duty is 1 anna per *khandi* of *kodon* and paddy and 2 annas on other grains. The ban on the export of rice and other grains has been modified by authorising some traders to export on condition that an equal value of rice is imported.

CROP PROTECTION

38. Crop protection licences are issued by the State. Except tiger, any animal can be shot within the boundaries of the cultivated fields while damaging crop. There are 70 crop protection licences. Muzzle loading guns are issued on payment of eight annas, renewal fee being the same, and breech-loading guns at Rs. 2-8-0. Guns have to be deposited between 15th April and 20th August.

Six pigs' tusks have to be produced as a condition for renewal of the licence.

REVENUE ORGANISATION

39. The Ruler is the final authority in revenue matters as in civil judicial matters. He usually takes appeals but in the settlement of *kham* villages in *thekedari* right, orders have to be passed by him. The Dewan does little revenue work but hears appeals. The Assistant Dewan does most of the original revenue work but has numerous other duties as well.

The tahsildar, in addition to civil and criminal judicial work, is mainly concerned with the collection of revenue but he takes up revenue cases also. The tahsil organisation is similar to that in Central Provinces except that there is no revenue *nazir* in the tahsil. The service of revenue processes is undertaken by the tahsildar and revenue peons. The land records staff is on Central Provinces lines and there is a superintendent of land records, two revenue inspectors and 22 patwaris. The total cost of the land records and revenue establishment including the pay of officers who do other work also is about Rs. 13,000 against a land revenue of about Rs. 95,000 and a total revenue of about Rs. 3.6 lakhs. The Central Provinces manuals are followed by the land records staff.

MISCELLANEOUS

40. All building sites within the municipal limits of the town of Kawardha are 'nazul' lands. All other lands belong to a village. These lands are leased out by the Municipality and so far the municipality has charged neither premium nor any rent, when a *nazul* plot has been leased out. This is said to be done with a view to encourage people to build better houses. There is no schedule of rent rates on *nazul* lands, and no rules regarding the conversion of agricultural lands to non-agricultural purposes.

For registration of documents, the Central Province Registration Manual is said to be followed, with a different schedule of rates.

Registration of sales is charged for at Re. 1 for Rs. 100 and 8 annas for every extra Rs. 100. An attestation fee of Rs. 2 is charged in every case as well as an endorsement fee of Re. 1 and a copying fee of twelve annas.

In respect of stamps the Indian Stamp Act is followed *intoto*. Copies are granted of judicial records on application on one anna stamp paper but there are no rules about copying or the record room. A charge of 4 annas per sheet is made for copies; the sheets are written on both sides if in manuscript.

There are petition writers appointed on payment of a registration fee of Rs. 2-8-0 per annum. There are no definite rules regarding them.

No agrarian agitation is said to have occurred in the State and trouble in 1922 is attributed to political causes.

KEONJHAR

REVENUE HISTORY AND SETTLEMENTS.

This is the largest of the Orissa States north of the Mahanadi covered by this enquiry. Its important features are the existence of two zamindaris and tracts inhabited almost exclusively by aboriginals known as the Bhuiyan and Juang pirs; apart from this there are other tenures like *debottar*, *brahmottar*, etc., common to all the Orissa States. The first revenue settlement was made in 1803 but details are not available. Settlements were made in 1858 and 1888 but these were not regular. Seed capacity was used for estimation of area. In Lower Keonjhar, Raja Todar Mal's system had been introduced; cash at this time was in cowries. A rather more elaborate settlement was made in 1899 which was current till 1913-14 but at this settlement also there was no regular survey of the entire area, but of only those portions of the villages actually brought under cultivation. This settlement was started in 1892 shortly after the Bhuiyan rebellion, an important cause of which was agrarian discontent. The unit of measurement was a bamboo pole of a given length which varied in different places and the area extracted was in *mans* and *gunths* which also varied in upper and lower Keonjhar. At this settlement, the settlement officer recorded that *gora* and other lands were not paying rent "since the tenants were also liable to *kiran* and *belhi*". The lands were assessed but "*belhi*" was only modified and *kiran* was abolished except in *debctur* villages. No reasons have been given for the belief that certain lands were not assessed because of *belhi*. All ryots did not hold these lands and even though assessment was made *belhi* has continued to the present day.

2. The next settlement operations commenced in 1911 and there was a regular chain and plane table survey. Assessment was made under the Bengal Tenancy Act, land being classified into two kinds with three grades in each. At the 1899 settlement 1/25th of an acre of the homestead was left unassessed in lower Keonjhar; in other places assessment was made. The survey did not cover the areas inhabited by the Bhuiyans and Juangs. The term of the 1914 settlement was fixed as 20 years but on its expiry revision settlement was not taken up.

3. I was informed that the survey records of the last settlement are not as accurate as desirable and mistakes are frequently noticed. The *pradhan*, under the record of rights, is expected to look after boundary marks but in practice these seem to be wholly neglected. In the Bhuiyan and Juang pirs, in the absence of any sort of survey there are sometimes disputes between the villagers as regards the boundaries of their respective villages and cases of rioting have occurred. In the Bhuiyan and Juang pir villages I visited, the villagers said that fixation of the village boundaries by the State would be very useful: they said that there were no disputes as regards the individual holdings and these are fixed by mutual agreement. It seems extremely

desirable to fix the boundaries of villages in both of these pirs by means of a plane table traverse survey. Such a survey for the fixation of only the village boundary would cost very little.

4. Settlement records of the State consist of an index showing the plot number, *khata* number, the ryot's name and the area; the *theriz* showing the name of the ryot, *khata* number, details of the holdings and the rent; and the *khatian* which includes a *khewat* which shows the various tenures, rent, etc., and individual *khata*s giving the number of the plot, the area, boundaries and rent as well as details of holdings and status. Each ryot in the settled areas gets a *patta* at settlement which is a copy of the *khata*; in the Bhuiyan pir a register showing the tax of each person is maintained and in the Juang pir there is no such register as the headman distribute the rent among the ryots. In the villages of the open tract, the village *pradhan* has an *ekpadia* (rent roll) showing the area, name and rent against each ryot. Mutation is entered in the *khatian* and the *pradhan* is intimated. No *ekpadia* is maintained at the headquarters. Village headmen are supplied with receipt books free of charge and no charges are made for the *ekpadia* either. No annual registers of rent are maintained by the village headman. A duplicate copy of the *patta* can be obtained on payment of Re. 1, but it is not certified as true and is not admissible in evidence though signed by the Sub-Divisional Officers. For certified copies an extra charge is made.

ZAMINDARI AND OTHER TENURES

5. The two zamindaris of the State are the Kaliahata zamindari and the Dhenka zamindari. Kaliahata zamindari had 33 villages but at the 1914 settlement 6 of these had been abandoned owing to the depredation of wild elephants. The Dhenka zamindari has only two whole villages and "three partial villages", that is portions of villages. The settlement of the zamindari areas has been done by the State. The zamindars were formerly required to pay 30 and 40 per cent. of the assets respectively but at the 1915 settlement these were raised to 35 and 45 per cent. respectively; the *takoli* is clearly not a fixed sum. The sanad of the zamindars has been issued more or less like a lease for the term of the settlement. The zamindars have the rights to allot waste land for cultivation at rates entered in the *kabuliyat* and to appropriate the profits. They have the right to appoint the *padhan* (village headman) but mutation is effected by the State. The zamindar has the right to dismiss a *padhan* also for "sufficient grounds". On such occasions as marriage in the Ruler's family *magans* are payable at the rate of so much per rupee (of what, the sanad does not state) and it is not stated that the *magan* may not be transmitted to the ryots. The sanad contains clauses regarding *rasad*, etc., similar to the ryoti liabilities. On the whole the sanad does not seem to confer adequate protection to the tenants and, on many points, seems to be deliberately vague. The zamindars apparently have rights to the forests in their areas as it is simply stated that the State forest rules will be abided by, but from the 1899 settlement report, these rights appear to have been taken away. Minerals are not mentioned. The zamindars can apparently issue their own *pattas* to their *padhans* and new ryots. Unfortunately I could not visit the zamindari areas.

6. The other important tenures of the State are *debottar*, *brahmottar* and *kharposh*. The *debottar* and *kharposh* villages are in their nature not essentially different from ordinary villages which have been made over for the purpose of temples and maintenance respectively. There are 85 temples with grants managed by the Ruler in the "Debottar Department". The affairs of temple whose income is small is managed by *marfatdars* or agents. Two entire villages are held by *marfatdars* or *sebayats*. The cesses of *debottar* lands and villages are paid to the State (except in one village). Four villages are held as grants for deities outside the State such as Jagannath of Puri.

7. The *brahmottar* villages, like grants of this nature elsewhere in Orissa, were originally settlement of a few Brahmins who have now increased in number. The State has not furnished sanads of these grants but enquiry in the villages shows that they did not contain any reservations or condition, even regarding minerals. One feature of the *brahmottar* grants of this State is that the reclamation of waste land in the village requires the permission of the State and new lands are assessed to quit rent. The Brahmins enjoy that same rights over the forest growth of the village waste as ryots in other villages. In some of the villages sub-tenants with permanent cultivating rights and rents fixed at settlement exist. These have no right to trees and render *begar* to the Brahmin tenants of about 5 days in a year. Some of the sub-tenants have only

homesteads shown against them. In one of the villages I visited, a portion of one of the sub-tenants' holding had been "resumed" by the tenant for failure to pay rent without reference to the court, but the *parcha* did not show any reduction of rent on account of the resumption. "The *brahmottar* tenants appoint their own *pradhan* but the *chowkidar* is appointed by the State and holds *jagir* lands". The forest and other cesses are levied *brahmottar* villages.

8. Lands held personally by the Ruler are known as *mihal nijchas or chirole*. It would appear that at the 1915 settlement when the lands were made '*khas*', the ryots who were holding the lands were not recognised as occupancy ryots and were entered as 'non-occupancy'. Their rents were fixed in kind and they were given annual leases known as "*chirole-pattas*", *prima facie* an unfair proceeding. The *chirole* lands at the 1915 settlement were 834 acres in area.

9. The *kharposh* or maintenance tenures are extensive and were over 6,000 acres at the settlement—many whole villages. The lands and villages held by the Patait and Rani Saheba are shown as 16 villages and 8 villages respectively in the 1914 settlement report (paragraph 45-C) but are now reported to be 32 and 10 respectively. A statement of grants has not been furnished by the State.

10. There are a number of grants including *debottar* and *brahmottar* which are quit rent paying. Many *paikali* grants were assessed and made ryoti at the last settlement but some were retained. The *paikali* ryots are liable to present themselves before the Chief and high officials.

11. Rent free grants cannot be transferred or partitioned but rent paying grants can be transferred with the permission of the State. The Brahmin grants can be transferred only to Brahmins. Sub-tenants in rent-free or assessed grants can acquire permanent rights after 12 years continuous possession but may be ejected if the period is less than 12 years. They are liable to render *bethi*.

A number of service *jagirs* like *chowkidari*, *dhobee*, *barbar*, etc., exist to-day most of which however merely render service to officials on tour. The number of *paiki* bearer *jagirs* was for some reason increased at the last settlement.

BHUIYAN AND JUANG PIRS.

12. In the Bhuiyan and Juang pirs there has been no settlement of land as such in view of the shifting cultivation but in the Bhuiyan pir a plough tax on agriculturists (six annas per plough) and a house tax of 11 annas on non-agriculturists have been imposed; and in the Juang pir a produce rent is fixed for the village as a whole and the distribution of the rent among the villagers is left to the village headman. The terms of both these arrangements do not coincide with that of the settlement and in the case of the Bhuiyan pir the period is 5 years while in the Juang pir it is 7 years. In addition to plough tax and house tax in the Bhuiyan pir a commutation cess (3 annas per house with plough and 0-1-6 per house without plough) is levied in lieu of *bethi* and *rasad* in addition to an education cess (2 annas per house). The village headman of a Bhuiyan village is also bound to supply two goats, one a year, and another six months old, in the month of *Aswin* the *patta* mentions the value of these as Rs. 2 and Re. 1 respectively. Further $1\frac{1}{2}$ *pahi* of grain is realised from each household for the Jagannath Thakur temple; the headman keeps $\frac{1}{4}$ *pahi* out of each *pahi* contribution as his own remuneration. All adult male villagers are bound to supply rope and materials for the preparation of Jagannath's car and help to pull it and do other duties. They are also bound to supply *Inda* wood and rope at the time of the *Inda* festival and carry the *Inda Chatra*; they will be remunerated for this 'according to prevalent practice'. They are also required to attend at *Parban Parba*, *Aghira Purnima* festivals and render services; to supply coolies to British officers, (for which they are responsible) who are entitled only to food; fuel straw, branches for huts are to be supplied free. Similar supplies have to be made for the Raja, members of his family and certain officers. If any of these goes outside the State coolies have to be supplied free of charge for 15 days (for longer periods wages will be paid). Attendance of all prominent persons at the headquarters in the month of *Chaitra* is obligatory. All these liabilities exist in spite of the alleged commutation of *bethi* and *begari*.

Rents and cesses are paid on the 15th February. In the Juang pir a year old goat has to be given at *Dussehra* by the headman in addition to the produce rent which is specified in the *patta* and is payable in February. The

patta says that the produce rent has to be deposited in the store-room of the Darbar. In addition to the produce rent, the *patta* prescribes in a schedule in which a manuscript entry is made other commodities to be supplied; in one such *patta* examined by me "broom grass" is prescribed to be deposited at the palace. Failure to supply articles prescribed or the produce rent entails attachment of movable property and sale. As in the Bhuiyan pir, $1\frac{1}{2}$ *pahi* of any kind of crop is realised from each house for Baldeoji (of the headquarters town), $\frac{1}{2}$ *pahi* being the collection charge of the headman. The following *bethi* is prescribed for Ruler: (a) thatching of a pig house and building of a *pachari* or wall, (b) supply of coolies, fuel, straw, leaf plates (coolies will get food), and (c) supply of coolies for visits outside the State on food only. For the deity at headquarters two ropes have to be supplied and the car constructed and other articles supplied for another deity, thatching of house, making of fence with material brought by themselves. Supply of coolies on food only, fuel, etc., have to be made for British officers but *rasad* is on payment. The *naiks*, *padhans* and others have to offer presents to the Raja, Rani, Tikait and the Dewan in *Chaitra* (March-April) for which they receive food. No cesses seem to be levied.

In the Juang pir I was told that the distribution of the land for cultivation as well as the produce rent was made by the headman and there were no disputes. The distribution of rent was made on the plough and was roughly 15 pais (pai=2 seers approximately) for one plough and 25 pais for two ploughs. The ryots said that they preferred to pay the rent in kind.

THE RYOTI TENURE

13. There is no revenue law in the State and matters of procedure as well as other matters like *salami*, and policy generally, are governed by *rubkaris* (circulars) issued from time to time (mostly issued when the State was under a Superintendent). The *rubkaris* are far from comprehensive or able to replace a revenue law, and of course they can be changed at will and their contents to a large extent depend upon the personal equation. There are *rubkaris* regarding the transfer of rent free grants and reclamation of land.

14. The record of rights lays down to some extent the rights and liabilities of ryots. The 'right of occupancy' exists in all lands entered as ryoti at the settlement and in practice rights of occupancy seem to accrue also in newly reclaimed lands. The ryot cannot be ejected except by an order of the court for failure to pay rent or to render such service in the shape of *begar*, etc., as he is required to render on payment of *khorki* (food or diet charges). Transfer of land by sale, mortgage, gift, etc., is not permitted without the sanction of the State and the practice of putting lands to auction on grant of permission to sell seems to be followed in some cases; it is said that the object of this is to obtain a better value for the person who wishes to sell it but it is clear that if there is any weakness in the executive this practice is susceptible of abuse and corruption. A proclamation inviting objections is issued in the first instance. The procedure involves considerable delay and may not be effective in fetching a good price except occasionally. Mutation fees of $12\frac{1}{2}$ per cent. of the consideration are charged in cases of sale, gift, will or dowry. A standard price is fixed on which the fee is charged, apparently as a minimum rate. The fee is charged even in cases where land which has been abandoned or surrendered is disposed of by auction and on exchanges, the fee is charged from both parties. No fee is charged in cases of succession. Aborigines pay only $6\frac{1}{2}$ per cent. If transfer without sanction is effected the State, according to the record of rights, can confiscate all the lands transferred; such transfers may be condoned on payment of a *salami* in addition to the mutation fees.

15. A ryot may not abandon a portion of his holding "except for sufficient reasons, the onus of establishment which will be on the ryot; he is liable to pay rent till it is settled with another ryot." New lands broken with the sanction of the State are held rent free for five years; dry lands may be converted without enhancement for a period of five years. Receipts are to be given free on payment of land revenue; land revenue is payable in two instalments of 12 annas and 4 annas in the rupee on 15th January and 15th April, but in the Bhuiyan and Juang areas the date is different. There are no complaints of unsuitability of these but payments in practice often seem to be made rather later.

16. In dealing with petitions for reclamation of land the forest officer is consulted and a proclamation (fee 8 annas) is issued to elicit objections. The

forest officer has to say if the grant may be made and to report the royalty on the trees. The charge payable for the land if sanctioned, is the royalty on the trees and *salami* if the area is large or valuable or there is competition for it. The *salami* is not prescribed in the rules and is discretionary. It is generally charged for homesteads and other valuable land. If several people want the same land it is auctioned and the proceeds are credited under the head 'miscellaneous.'

17. In cases of surrender the land is put to auction for resettlement. If abandoned land has been taken possession of by an unauthorised person, a *salami* is taken if the possession has been for long, say 10 or 12 years, the *salami* depending on the area and probably other factors. If possession has been for a short time only, the land is auctioned. Abandoned land is said to be settled sometimes temporarily by the *pradhan* to recover rents but this is irregular and he can be punished. According to the rules however he is bound to settle abandoned lands with the ryots (rule 16).

18. Lands formed by alluvion are settled by auction; in cases of diluvion the rent is remitted. If tanks are made on holdings the rent will be abated if the tank is entered as a State tank; otherwise the rent will be recovered as usual but the water can be enjoyed in either case by all ryots.

19. Ryots have now rights to all trees growing on their holdings whether self-sown or otherwise except *sal* trees whose girth exceeds 35 in; for such trees he has to pay half the royalty rates if he wishes to appropriate the trees. 'Excisable' trees are the property of the State.

20. The record of rights prescribes the liability to carry luggage or supply labour for this purpose on payment of diet charges at 2 annas per diem. The ryot is also liable to construct leaf sheds, supply firewood, straw and leaf plates free of charge to officials, the Ruler and members of his family. He is bound to supply logs for deities on payment of diet charges but for "small *sal* and *simli* logs of inferior description" he is not entitled to any payment within a radius of ten miles; for large logs he will get *khoraiki* (diet charges). He has to drag *rath* (cars of deities) free of charge. On the occasion of the marriage, death or investiture of thread in the Raj family ryots are required to construct leaf huts, provide fire-wood, leaf plates at the *garh* (i.e., the headquarters town) on payment of 2 annas per diem as *khoraiki* (actually they get only some food). That in matters such as *bethi* the record of rights confers little protection is shown by the fact that 'shikar *bethi*' which is not prescribed in the record of rights was abolished in 1938.

21. In the absence of a revenue law cases of encroachment are dealt with under the Indian Penal Code, an expedient of very doubtful legality, if not definitely illegal. If the encroachments are condoned they are settled on full rents and 5 years' rents as penalty.

22. The land acquisition act is said to be followed "in spirit"; it is clear that the Act is not followed substantially as there is a schedule of fixed rates each kind of land prepared as long ago as 1917 which is still in force.

VILLAGE HEADMEN

23. In the open tracts no *patta* or lease is issued to the village *pradhan* and he is appointed by a *parwana* of appointment. In the villages of the open tract the *pradhan* (headman) system is prevalent except in the Anandapur sub-division where collection is made through 21 kanungoes. The *bhogra* land of the *pradhan* is rent-paying 'service' land and not ryoti land. In each *dandpat* which corresponds to *pargana* there are *garhnaiks* similar to the *berapradhans* of Talehar State. (The *garhnaiik* or *sardar* system was formerly one of responsibility for the revenue of the whole 'dandpat'). The responsibility of the sardars resulted in oppression of the ryots and arrears began to accumulate also. It was then decided to alter the system into one of Tahsildars. The Tahsildars, which was the name given to such *sardars* as did not want to lease for the *jama* (revenue of the *dandpats* under them were now to file a list of the defaulters if any and their responsibility with regard to the arrears has ended." The *padhan* was similar. "He farmed for the rents of the village and distributed the village lands amongst the individual husbandmen, generally giving to each as much as he could cultivate. When a cultivator abandoned his holding** he made over the holding to any other and realised the arrears if any from him or*** the arrears would be distributed among the villagers and the lands made over to the tenant at the annual *jama* only." The *grahnaiiks* are expected to supervise the work of the other *pradhans* in

their circles and they hold *jagir* lands which do not pay rent but pay *nistar* cess. The *garhnaiks* are supposed to take charge of a dead *bradhan's* place till his successor is appointed but otherwise their main duty is, as far as I could ascertain, to collect the *paiks* for the purpose of rendering services to the officers on tour and other occasions as well as producing the villagers and others for *bethi* wherever these are required. The *pradhans* are appointed in consultation with the villagers and votes are said to be recorded. The practice of consulting villagers seems to be an old system. When *garhnaiks* are appointed, all *pradhans* and leading ryots are consulted. Ordinarily appointment of *pradhans* as well as *grahnaiks* follows the laws of primogeniture. In the Bhuiyan pir there are *pradhans* and *sirdars* in place of *garhnaiks* but in the Juang pir, though there are self-styled *sardars*, it is said that these are not officially recognised by the State. The *pradhan* in the open areas gets 20 per cent. of the collections and in the Bhuiyan pirs he gets $3\frac{1}{2}$ per cent. and the *sardar* $6\frac{1}{2}$ per cent. In the Juang pir the headman gets his remuneration in kind; his remuneration does not appear to have been fixed in the *patta*.

24. The *pradhan* holds *pradhani* lands on which rent is paid but without any permanent rights. The land cannot be alienated and any arrangements like partition, etc., made by the *pradhan* with members of his family will terminate on his ejection. The *pradhan* holds office for the period of the settlement. He is required to furnish security for an amount larger than the demand of the village. The record of rights does not mention any hereditary succession to the office. When a *pradhan* is appointed he has to pay a "*barakarari*" of Rs. 1/12/- to Rs. 17/8/- depending on the land revenue, for a piece of silk (*siropa*) touched by the Ruler. The fee is credited to the treasury under the head 'miscellaneous'. A fee of Rs. 20 is levied from *grahnaiks* and a fee of Rs. 10 from Bhuiyan *sardars*. The *pradhan* is liable to the same *bethi* as ryots. The *pradhani* system in the Anandpur sub-division is said to have been found defective and in-operative but reasons are not given in the settlement report.

RECOVERY OF LAND REVENUE

25. The *pradhans* and other village headmen are responsible for the revenue of the village and can be proceeded against in case of default. In tenure villages which generally do not pay rent the tenure-holders are themselves considered to be *pradhans* for the purpose of collection of cesses and any headman appointed by them is purely a private not recognised by the State. *Pradhans* have to pay land revenue and cesses in the instalments on the 15th February and 15th May; the dates for ryots are one month earlier. The Bihar and Orissa Public Demands Recovery Act is reported to be followed 'in spirit' in the State. Village headman and tenure-holders generally proceed against ryots by rent-suits.

In the Bhuiyan and Juang pirs the *patta* of the headman contains a clause that the movable property of the headman can be proceeded against in case of default. Movable property is proceeded against even in the case of default by the individual ryots in these pirs. The produce rent collected in the Juang pir is dealt with in the first instance by the "Domestic Department"; it is sold at a rate fixed by the Dewan and is partly purchased by the domestic and religious department and the rest, if any, is sold to traders also. The sale proceeds are credited under the head 'land revenue'. The goats also seem to be sold at fixed rates which are mentioned in the *pattas* (Rs. 2 for a one year old goat and Re. 1 for a half year old goat). Neither the produce nor the animals are auctioned.

CESSES

26. In addition to the land revenue there are two cesses, the school cess and the dispensary cess, at half anna per rupee of land revenue each. These cesses were imposed at the time of the 1915 settlement. The *nistar* cess which was imposed at the previous settlement is levied at 2 annas per acre of wet land and 1 anna per acre of *gora* lands. It is also levied at 4 annas per house on nonagriculturists. In 22 villages of lower Keonjhar the cess is not levied as there are no forests close by but I think there are other villages which get nothing in return for this cess. A "fluctuating cess" is shown as having been imposed in 1914, i.e., after the settlement. This cess is a rate of Re. 1 to Rs. 2 per year on "foreigners" who enter the State for service or trade. The rate imposed depends on the size of the family. "Foreigners" are persons with less than four to five acres of land.

VILLAGE SERVANTS

27. There are village servants like chowkidars, blacksmiths, barbers, priests, and so on. At the first settlement the rent free jagir holdings of many of these were assessed to quit rent but at the 1914-15 settlement they were again made rent free for some reasons. At present, except the chowkidar, most of the others render services without payment only to officials.

FORESTS

28. Forests in the State are divided into A class reserved and class B protected forests. It is in the B class forest that people are allowed to have *nistar*. A forest cess at the rate of one anna per acre of *bhogra* land and two annas per acre of wet land is levied; it is not a rate based upon each rupee of land revenue. It is uniform throughout the State except in the Bhuiyan and Juang pirs where no cess is levied on Bhuyanas and Juangs but on other residents of the pirs there is a cess of 4 annas per house. In addition to B class forest there are village forests called *khesra* forests which are neither surveyed nor demarcated but are managed by the forest department. The forest officer estimates that the area of these forests may be about 700 square miles. In B class and *khesra* forests wood for agricultural implements and fuel are taken free according to a scale depending on the amount of cess paid. Above 35 in. girth, the timber is not free. The village headman keeps a list showing the free allowance of each person and it is said that this system is working satisfactorily without any abuse as permits are not required. Grazing is not free but all plough cattle are allowed free in B class and in addition to plough cattle a certain number of other cattle are also allowed free grazing. In A class reserves a maximum of 10 plough cattle only is allowed free. In *khesra* forest there is no restriction on grazing except on foreigners, i.e., people with no land in the State and non-agriculturists. There are 13 classes of protected trees of which two are fruit trees.

There is no liability on the villagers for the maintenance of forest boundary lines.

CROP PROTECTION

29. The shooting of animals, except bison and elephant which do the greatest damage, is permitted while actually on crop but even this is purely nominal as there are only seven gun licences for crop protection and 31 for self-protection which can also be used for crop protection. The issue fee for crop protection licences was reduced from Rs. 3 to Re. 1 in 1940. Guns are required to be deposited from 15th January to 15th July. The depredation of wild elephants in the Juang and Bhuiyan pirs, which was noticed by me is appalling.

MONOPOLIES

30. The monopolies are *kendu* leaf, lac, and hides. The *kendu* leaves and hides of dead animals are leased out to a contractor. The *kendu* leaf contract extends to village forest and cultivated holdings as well. The hides of dead cattle are collected in the villages by the Kols who sell them to the contractor who pays them what may be regarded as labour charges for skinning, the owner of the animals getting nothing. For lac there are licensed purchasers who pay Rs. 5 per licence and they also pay royalty on the lac purchased. The licencees are entitled to purchase the lac from the producers. A similar system prevails in respect of cocoons. The zamindars are bound by the State forest rules and State monopolies.

REVENUE ORGANISATION

31. The Dewan hears the appeals against the orders of the Sub-divisional Officers and Tahsildars and the Rular is the final authority and hears appeals against the Dewan's orders. The State was under a court of wards administration for about 25 years and to some extent this administration has had a good influence on the actual handling of cases. The State has been divided into three revenue sub-divisions, Sadar, Anandpur and Champa. The Tahsildars are mainly collecting officers. Apart from the Tahsildars there are Kanungoes (21) in the Anandpur subdivision for collection. For land records work there are 5 amins who are paid servants. The total cost of the revenue and land records establishment is shown as about Rs. 30,000 apart from commission paid to *pradhans*, the land revenue being Rs. 5 lakhs and the total revenue Rs. 12 lakhs. The sub-divisional officers perform magisterial and civil duties as well.

MISCELLANEOUS

32. In respect of stamp duties on documents the Indian Stamp Act is said to be followed. Registration fees are charged at a scale of 4 annas up to Rs. 30, 8 annas up to Rs. 50, 12 annas up to Rs. 100 and 8 annas for every additional Rs. 100 or part. Proclamation fees are Re. 1 and amin fees Re. 1.

KHAIRAGARH

REVENUE HISTORY AND SETTLEMENTS

This State, the territory of which is interlaced with that of Nandgaon, Chhuikhadan and districts of the Central Provinces, was for long under the suzerainty of the Bhonsla Raja of Nagpur and the system of village management is similar to the system which prevailed in Maratha times in the Central Provinces. The basis of assessment of lands however is not known and there is no mention of the *ain* system prevalent in territories directly under Maratha control in the literature available. According to a report quoted in 1909 Gazetteer, the original unit of assessment in Khairagarh was the plough, that is, an area of land which could be kept in cultivation with four bullocks. The *jama* of each village was fixed at so much per plough. The *gaontia* or village headman held his *sir* lands or home-farm rent-free and was responsible for the payment of ryoti rents to the Raja. In addition to his *sir* land he also held a small area of land rent-free in return for which he was supposed to supply *rasad* to officials visiting the States. The settlements were formerly for periods of three years. For every 8 or 10 villages a *budhkar* was appointed whose function it was to estimate the paying capacity of the area. At each settlement, rents were enhanced by raising the plough rate at the instance of one of the principal *gaontias* in each *pargana* (*pargania*) chosen by the Raja. The enhancements were actually fixed by a *panchayat* of neighbouring *gaontias*. When the villages changed hands a large sum was paid as *nazarana*. In the period between 1872 and 1883 when the State was under administration due to the incompetence of the then Chief, two summary settlements were made for 5 years each. Two of the settlements were based simply upon and assessment of ploughs without any reference to the seed capacity of the fields. The *gaontia's* remuneration was fixed at from 20 to 30 per cent. of the village assets.

A settlement for 9 years was carried out in 1884. This settlement was based on a rough calculation of the ryot's holding in acres. The seed capacity of each field was worked out and from the seed capacity of each holding its acreage was roughly arrived at. Though the plough is frequently mentioned in connection with the early settlements I think this was not the system commonly used by the agriculturists and it was by the seed capacity always that they used to estimate the area and do so to some extent even now, in the districts where they are quite used to acreage figures and, to a large extent, in the unsettled States. A capacity of 20 *kandhis* was taken as equivalent to the old plough area. About 25 to 30 per cent. of the assets was left to the *gaontia* besides his *sir* and other holdings. 'Protected status' was for the first time granted to some *gaontias* at this settlement, the implication of this being that the *gaontias* were entitled to a renewal of the lease on its expiry; this obviously followed the principle introduced in the Central Provinces of protecting headmen from arbitrary eviction for the sake of premium of *nazarana*.

2. The first regular settlement was commenced in 1892. The cultivated area in all the villages was surveyed and the State was divided into 7 *parganas*, the settlement of each *pargana* being enforced as it was completed. The settlement which was finished in 1896 was for ten years, and the procedure followed was that of a settlement in adjoining British territory. The remuneration of the *gaontia* was about 25 per cent. All cesses were abolished and in their place a cess of 5 per cent. on the village *jama* was imposed; *kolwars'* (village watchmen) dues were maintained. The land held rent-free in return for *rasad* was amalgamated with the *sir* land.

In 1903 a summary settlement was made by which Khamaria *pargana* was resettled for a period of 10 years and other *parganas* was summarily settled for four years. The revision of this settlement was taken up in 1910 and finished in 1915; this settlement was also for a period of 10 years. A few years before 1894 the State had asserted a right to the hides of dead animals and issued a lease. As a result of this there was poisoning of cattle by *chamars* interested in the business and in 1912 it was decided to commute the rights of

the State to a payment of eight annas per plough and to allow the owners to dispose of the skins as they pleased. This payment was included in the rental and village assets. The State also claimed the *mahua* crop and in lieu of this a fee of one anna per tree had been imposed.

In 1925 a settlement for 15 years was taken up and the term of this settlement expired on the 31st May 1941 in the Khamara *pargana*; for the rest of the State the settlement ends on the 31st May 1942. At the 1925 settlement the assessment followed entirely the lines of the settlement of *malguzari* villages in the C. P. The assets of a village included the rentals of ryots' holdings, the rental value of the *gaontia*'s home-farm and *siwai* or miscellaneous income, the principal components of which were the hide commutation fee at eight annas per plough, the *mahua* tax at one anna per tree (if there were more than 50 trees, $\frac{3}{4}$ anna per tree was charged) and income from land in the beds of rivers. The *siwai* income represented an addition of about 4 per cent. of the rentals and rental value of the home-farm. The application of the Central Provinces system has resulted in a gradual creeping towards the *malguzari* usage of that province and in the settlement records may be found mention of State lands (*malkiyat sarkar*) as distinguished from the *gaontias*' lands though the *gaontias* have no proprietary status in the State.

3. The whole area of the State has been covered by survey and traverse and cadastral surveys have both been made. The maps and records seem to be satisfactory. Boundary marks have been planted on the actual boundary line and not on the traverse lines. The settlement records prepared are the *khasra*, *jamabandi* and subsidiary papers which are in use in the C. P.

4. The re-settlement of the State has been postponed. The general impression I received in the villages is that the land revenue assessment does not bear lightly on them. Many of the ryots are extremely poor and their physical condition is not satisfactory. Lands leased out fetch very little more than the assessment and in some cases I was told that it actually fetches less than the assessment. The State as a whole compares quite well in development with neighbouring British districts and there is no justification for short term settlements.

ZAMINDARI AND OTHER TENURES

5. There is no zamindari in the State but there are rent or revenue free grants, and grants paying quit rent. Some of these are in favour of charitable institutions and some for subsistence to relations of the Ruler or for meritorious services rendered to the State by them.

6. There are 15 villages granted from time to time as *muafi* by the previous Rulers for upkeep and maintenance of religious institutions in the State and outside. Out of these villages there are *gaontias* for 10 villages who pay the land revenue of their villages to the temples for which dedication has been made.

There is a temple committee since 1937 consisting of non-official members with the Assistant Dewan as President. Eight villages are under this committee of which five have *gaontias*; the remaining three are directly under the Committee which arrange for cultivation. The committee looks after the management of these grants and it is also seen that the grants are put to the use for which they were originally meant. The other seven villages are managed by the agents of the grantees directly.

In addition to these there are also three plots of lands in different villages in this State dedicated to temples and these are managed by the agents of the grantees. The status, liabilities and privileges of the ryots and cultivators are the same as in other portions of the State.

7. There are certain villages held by the Ruler and ladies of the Ruling Family. At the settlement of 1925 there were 17 villages held by the Rani Saheba, 8 of which were, however, in the Raja's name, and of these 5 were *muafi* villages. Other members and relatives of the Ruling Family held 84 villages of which 18 were *muafi*. Apart from these there were 61 villages mostly held by members of the family on quit rents. In 19 of the various *muafi* and quit-rent villages the settlement report records that there were *gaontias* of long standing who were entitled to the same privileges as *gaontias* of the State. [Three other *muafi* villages are also shown as having separate leases (for *gaontias*) by private arrangement]

Since the Settlement of 1925 two villages of a *gaontia* who died without heirs were appropriated by the Ruler for some time and later mutated in the names of the Rani Saheba and Ruler's brother respectively in *gaontiali* right. Two

other villages recorded in the name of the Ruler after ejectment of the old *gaontias* for breaches of the *wajib-ul-arz*, were subsequently re-settled with private persons, some villages were surrendered by the Dowager and re-settled with the Ruler or Rani Saheba and others, on the death of Rani Pandadahir Bai, were transferred to the Ruler's brother. One village recorded in the name of the Ruler was transferred to the Rani Saheba. This shows how villages may be transferred by the Ruler at will and the case of the two villages which fell vacant and were re-settled after being recorded in the name of the Ruler may be regarded as a case of private sale not permitted by the *wajib-ul-arz*.

It is reported that where villages are held by members of the Ruler's family in *gaontiahi* right, they have executed *kabuliyats* like ordinary *gaontias*.

Sanads or orders exist governing the grant of the villages. These villages are recorded in the ordinary *gaontiahi* or *muafi* registers of the State along with entries of other villages and no separate record is kept. The villages are shown as held on *muafi* ordinary *gaontiahi* or *gaontiahi* at a special rate as the case may be. There are no entries regarding resumption in the case of *gaontia* villages and those held on quit rent. As regards *muafi* villages conditions exist that they are either for life-time or in perpetuity. The cultivators of these villages enjoy the same rights as those of other villages.

8. A register of *muafi* grants is maintained. Sanads for many grants are not available but in the *muafi* register an entry of the investigation and report made at the settlement and subsequent orders have been made. Mutations are entered in the same register.

In *muafi* villages there are sometimes *thekedars* (*gaontias*) if the village has been given intact, i.e., *thekedar* and all belong to the *muafidar*; otherwise there may be no *thekedar*. It is said that there is one case of a *muafidar* being allowed to create a lease of a village for a certain period under the orders of the Political Agent. A *muafidar* may file a suit against the *thekedar* if he does not pay his dues. Rent suits will have to be filed if the tenants in such villages fail to pay.

In a *muafi* village of the Rajmata visited by me there was a *thekedar* or *gaontia* holding like ordinary *gaontias* and his name was mutated in the registers by the State; he paid a *nazarana* of Rs. 300 to the State (12 years ago) but nothing to the Rajmata. The cesses of the village are credited to the treasury by the *muafidar*. The Dusserah *salami* was, however, paid to the Rajmata (Rs. 5).

The sanad of a village granted in "*gaontiahi* right" to the brother of the Ruler shows that the whole revenue is not creditable like an ordinary *gaontia* but a special rate has been prescribed and only a portion of the cesses too is payable to the State.

9. Apart from grants held by the Ruler and members of the family and the temple grants which constitute the bulk of the grants, there are some grants; mostly of lands, made to Brahmins as charity on occasions such as funerals. There are also certain lands, shown as held by privileged holders at favourable rates.

10. The area of service holdings seems to be small and at the settlement only 493 acres were recorded under '*khidmoti*'; details are not available.

11. The total number of villages at present held rent-free is 44 of which six were granted between 1937 and 1941 by the present Ruler, five being for the "private expense" of himself, the Rani Saheba or family members and one to the Rajguru for the period he serves the family, 62 villages are held on quit rent or as assignment of revenue and, of these, two are recent grants to the Rani Saheba and the Ruler's brother. The revenue represented by these last mentioned grants comes to about Rs. 4,000 roughly, and the total revenue alienated under all grants is between Rs. 30,000 and 40,000.

THE RYOTI TENURE

12. The *wajib-ul-arz* is the only document which gives in the form of rules the rights and liabilities of ryots and *gaontias*. Formerly it was probably nothing more than the terms of the *gaontia's* lease as in the case of Bastar and even now the *gaontia* is required to sign it and also an agreement or *kabuliyat* accepting its terms. The English version of the *wajib-ul-arz*, differs somewhat from the Hindi version and conflicting decisions are given by courts. According to the *wajib-ul-arz*, a ryots is liable to be ejected by courts from his land for non-payment of rent or for a breach of the terms of the *wajib-ul-arz*. (Some of these terms are quite trivial such as defecating or skinning cattle only in specified

places, etc.); otherwise he cannot be ejected from his holding. The right to continued possession subject to payment of rent accrues immediately the ryot is admitted to the occupation of land by the *gaontia*. Succession to the holding is restricted to male heirs and in default of such the widow may get it for her life-time, after which the land passes to the *gaontia*. There is no right of transfer by sale, gift, mortgage or otherwise and leases for more than one year too are not permitted except with the sanction of the *gaontia*.

Ryots can dig wells and make other improvements which do not damage the holding of others. Rents on new lands are at a rate agreed upon with the *gaontias* and rent payable by ryots is liable to enhancement at settlement.

Surrender of land may be made to the *gaontia* 30 days before the commencement of the agricultural year; leaving the village and not paying rents for two years constitutes abandonment. The prohibition against transfer is evaded by surrender and re-allotment by the *gaontia* who is believed to levy a *nazarana*. Surrenders can be made only through a registered document and during the years from 1932 to 1941 there were 1682 cases of surrender. This large number may indicate partly surrenders by way of transfer and partly surrenders on account of economic depression and the incubus of land revenue.

13. Land required for State purposes or for inclusion in forest or for public or industrial purposes may be acquired on payment of reasonable compensation according to the *wajib-ul-arz*. There are no other rules or procedure prescribed. Land acquisition cases are not properly recorded and compensation seems to be given at a fixed multiple of seven times the rental; no procedure is followed and enquiries do not appear to be made. It is not possible to say if the compensation is "reasonable". The report made in 1941 that acquisition is made according to the Land Acquisition Act is not correct.

14. "Every ryot has a right to a site for a house in the *basti* and for a threshing floor. Field labourers and other residents of the village also are entitled to a house site free of rent". This provision does not make it clear whether ryots are entitled to house sites free of rent or not as is the custom in these parts.

If a tenant leaves the village he can cede his house to another ryot by which is meant only the sale of the materials of the house. House sites in the *basti* are in the gift of the *gaontia*.

15. *Begar* for the *gaontia* and State officials is recorded as abolished from 1936. In 1938 the supply of fuel to the Rajmahal was abolished but grass is still supplied (*khondi*), the cart hire payable being prescribed at eight annas for distances within ten miles and Rs. 2 beyond 30 miles, with intermediate rates, the cartload being a quantity of 3,000 poolas. The payment prescribed seems to be low even for cart hire for the longer distances, apart from the question of where the grass may come from. Payment for the carts is made through the local police stations. In a village I visited I was told that payment for the previous year had not yet been made. Payment for the grass was also said to be made, the amount mentioned being Rs. 1/8/- for 4,500 poolas, a low rate; the villagers said they had to work for four or five days at a time when they had to do field work. The *gaontia* does not render *khandi* unless he has ryoti land. The clause regarding *begar* for the Chief has not been cancelled and only a note has been added that for persons engaged while the Chief is out in camp for shikar rations are supplied and cash payment is also made.

The villagers and *gaontias* are required to maintain a *garhi* or camp house for officials and travellers. They are required to plant trees on the road-side and are entitled to the fruits and flowers of trees planted by them as well as dead wood.

16. The fruits of trees of spontaneous growth on holdings and the tree itself belongs to the ryot unless it is claimed as reserved. Planted trees may be appropriated but may not be sold except when a ryot is ejected, when he may sell it to the *gaontia* or to the person into whose possession the land passes. Ryots pay a tax of one anna per *mahua* tree on their holdings found during settlement and this payment is not altered during settlement even if a tree dies.

Ryots have no right in trees on State (groves), except that they are "open" to the public, as the *gaontia* gets the produce according to the *wajib-ul-arz* and the income is included in *siwai*, but actually the State auctions the trees according to the Dewan. On other waste land the *gaontia* seems to take the produce according to information obtained in the villages. Trees on home-

stead lands are recorded as the property of the person in whose compound they stand but it is also said that the rights are the same as on trees on ryoti holdings.

17. Ryots are entitled to irrigation from State tanks as lands near them have been assessed to a special rate. Ownerless tanks are the property of the State. The *wajib-ul-arz* does not mention anything about fishing rights. Some State tanks are auctioned but no rivers or streams are auctioned for this right.

18. Ryots have receipt books of the C. P. type and get receipts, the patwari writing up the demand side and the *gaontia* the payments. Some of the patwaris make a charge of one pice per receipt which is not an authorised charge. The *wajib-ul-arz* does not contain any clause penalising the *gaontia* for failure to grant receipts. *Rasidbahis* cost 4 annas.

19. Interest on defaulted *kists* is charged by some *thekedars* and in Pandrikela village, the villagers said that $\frac{1}{2}$ anna per rupee per month was charged. The *thekedar* said that he himself had to borrow at interest but he was unwilling to say whether the Rajmata (the *muafdarin*) charged interest.

20. No sub-tenants were given 'occupancy right' at the last settlement and there is no provision in the *wajib-ul-arz* regarding the accrual of such rights.

VILLAGE HEADMEN

21. The *gaontia* or village headman had been briefly mentioned in connection with the revenue settlements of the State. Before the policy of long term settlements began, the *gaontia* was a short term lessee of the village but in the remote past he was probably just a headman or leader of the villagers. The system of leases introduced a large number of outsiders whose tenure was insecure. The leases were either auctioned or a large sum was recovered as *nazarana* without an auction. The evil effect of this system was recognised early in the Central Provinces and following the policy there 'protected status' was granted to *gaontias* at the 1884 settlement. The system of sale of villages which were without a *gaontia* however continued whenever they could fetch money and there seems to have been some experimentation also. After the settlement of 1912, five villages belonging to the relatives of the Ruler were "transferred" to sub-lessees in discharge of heavy debts with the sanction of the State. In respect of four villages a system introduced by the Political Agent was tried, that is, instead of auctioning the villages for *nazarana*, the villages were given to persons who offered the highest annual land revenue on them; the amounts offered varied from over 100 per cent. in excess of the settlement *jama* in one case to about 60 per cent. extra in another. In one case the lessee absconded after two years without paying the land revenue and in the remaining three villages the lessees carried on till settlements when the revenue was reduced.

In all these cases the ryots' rentals were fortunately fixed and the extra payment thus came mostly out of the *gaontia's* *sir* lands.

22. At present the position in respect of *gaontias* as given in the *wajib-ul-arz* is as follows and deviations will be mentioned later. There are 'protected' and ordinary *gaontias* the difference between the two being that a protected *thekedar* (*gaontia*) has the right to a fresh *theka* on the expiry of the current one. There are 328 protected *thekedars* and 178 ordinary *thekedars*. The *theka* is impartible and co-sharers are not recognised when the *theka* expired but otherwise claims will be enforced. The *gaontia* or *thekedar* may be ejected for disloyalty to the Ruling Chief, for non-payment of revenue or for breach of any of the conditions of the *wajib-ul-arz*. A *gaontia's* *theka* may be inherited by a male heir, whether direct or a joint collateral. A widow may hold the *theka* in the absence of male heirs but daughters cannot inherit. A *theka* cannot be transferred, nor any right in the village, by sale, mortgage, gift, lease or sub-lease in any form. *Sir* land of the village is limited to one-fifth of the total occupied area of the village; the *gaontia* can cultivate other lands as *khudkasht* which is separately recorded and assessed; a *gaontia* may, by private arrangement, allot *sir* lands to his relatives, but they have no rights when the *gaontia's* right expires, *sir* land may be leased out to ryots.

23. No person can settle in a village without the *gaontia's* consent and the *gaontia* has the right to allot new lands, to accept surrenders or to take possession of and reallocate the land of persons ejected or dying intestate, the rent in such cases being as may be fixed by agreement but not less than the settlement rent; the *gaontia* appropriates this for the period of the settlement. There is an extraordinary rule about *nazarana*; the rule prohibits its levy but removes all limits on annual payments; if a tenant can prove the payment of *nazarana*, the *nazarana* will be remitted and an enhanced demand fixed upon the *gaontia*; if

the *gaontia* himself reports to the State that he has received *nazarana*, the *nazarana* will be returned but the ryot's annual payment to the *gaontia* will be increased. It is significant that the *gaontia* is not punishable with ejectment for a breach of this rule; and the rule is framed in such a way as to connive at a levy of *nazarana* in a way. Actually it is known that a rule of this kind is futile and in Nandgaon this has been recognised. The 1925 settlement report records that *gaontias* used to levy *nazarana* although it was illegal and formerly it used to be actually included in the *siwai* income. Neither the ryot nor the *gaontia* will come forward to admit payment of *nazarana* except very exceptionally and the only effect of the rule, if followed at all, is to commute a lump sum payment into a number of heavy annual ones, which can in no sense be regarded as a fair assessment on the land. The settlement report mentions the levy of heavy *nazarana* for the reallocation of land.

23(a). Ryoti rights accrue over new lands or *khudkasht* land let or sub-let by the *gaontia* whatever the terms of the lease. This is obviously an ineffective clause at least as far as leases of *khudkasht* land are concerned; enquiry in the villages showed that it is evaded by recording the land in the names of relatives.

24. No separate *patta* or lease is given to the *gaontia* at each settlement but he is required to sign a copy of the State *wajib-ul-arz* and *kabuliyat* which is incorporated in the settlement *jamabandi* register. When a *gaontia* succeeds another a mutation fee of 25 per cent. used to be charged but now no fee is said to be levied.

25. There is no village with more than one *gaontia* but some *gaontias* hold more than one village; if a *gaontia* holds more than one village, at his death villages may be bequeathed separately to his sons. There are certain villages in the forest area on the western portion of the State known as forest villages, for, which no *thekedars* are appointed by the State.

No village is said to have been sub-leased by a *gaontia*; the villages sub-leased by *muafidars* have already been mentioned; there are no rules in the *wajib-ul-arz* regarding these sub-lessees and presumably the sub-lessees more or less regard themselves as holding from the *muafidar* and subject to his influence.

In one case, sale of a village was specially permitted (1916 or 1917); another case of mortgage of a *muafi* or *thekedari* village is said to have occurred; the sale or transfer by the Ruler of certain villages held by him or members of his family has already been mentioned (para. 7), it is likely that in the case of numerous relatives special transfers or alterations may have taken place. Villages other than *muafi* are held by the grantees simply as *gaontias*, but it is clear that cannot be treated as ordinary *gaontias*.

The Ruler is the *gaontia* of Khairagarh revenue village, except the town area or *nazul* (see para. 45).

26. When a *gaontia* is evicted or dies without male heirs or widow, the village is auctioned unless the Ruler does something else with it. The auction proceeds are credited as *nazarana*. No civil court decrees are executed against villages. If a *gaontia* is ejected and the village auctioned for recovery of arrears, the *nazarana* is adjusted towards the arrears including arrears of Dussehra *tika*, and arrears are not separately recovered from the *gaontia* or from the ejected *gaontia*. The *gaontia* or his relatives who may pay arrears within one month of the auction may be put in possession, the auction being set aside. A commission has to be deposited in such cases to be paid to the bidder.

27. A *gaontia* who does not stay in his own village is required to appoint his *gumashta* for the management of the village. There is no such official as *mukaddam*.

28. The payment of land revenue by *gaontias* into the treasury should be made direct and they are not permitted to send the amount by money order. The road and school cess is realised at the rate of 5 per cent. (3 and 2 per cent. respectively) of the land revenue from the *gaontias*. The calculation of the cesses is made upon the total assets of the village including *muafi* and *siwai* income. The *gaontia* gets a draw-back varying from 25 to 35 per cent.; *siwai* is also included as well as rental of home-farm and *muafi* held by himself; other *muafis* are not included.

29. The *gaontia* has to pay a Dussehra *salami* consisting of cash and goats as entered in his *kabuliyat*. About *rasad* the clause in the *wajib-ul-arz*

lays down that no official is entitled to free *rasad* but a *gaontia* may choose to treat anyone as his guest; obviously the *gaontia* cannot very well ignore this provision. The *gaontia* is entitled to the produce and dead wood of groves reserved by the State as its property and the income is included in the *siwai*.

RECOVERY OF LAND REVENUE

30. Rents are payable by tenants to the *gaontia* on the 15th of January and the 15th of April. The cesses and *nistar* dues are paid on one or the other of these dates. The main crop of the State is *kodon*, a kharif crop, about 35-40 per cent. of the cultivated area being sown with it; rice comes next with about 25 per cent. and wheat and other spring crops make up the rest, wheat being about 19 per cent. The two instalments are equal. The dates fixed for payment by the tenants do not appear to be inconvenient. *Gaontias* pay a month later.

31. There are no rules regarding the recovery of State dues. For recovery of rent, movable property of the *gaontia* is proceeded against in the first instance and if this is not successful he may be evicted. The procedure here is uncertain and sometimes the defaulter is evicted and the village auctioned; at other times the village is auctioned first. If a ryot is a defaulter the *gaontia* has to proceed against him by rent suit. He cannot proceed by making an application to the revenue officer for recovery. A conditional decree is passed to the effect that if he does not pay within a time fixed he is liable to be evicted. The court which passes the decree executes it also. According to the present rules he is evicted from the whole holding; even if a portion of the arrears is paid up, the normal practice is to evict from the whole holding but the Dewan in a recent case gave time to clear the balance of 5 annas though an order of eviction was passed by the lower court. Movable property of the ryots is not attached. A case of arrest and detention is mentioned to have taken place some 5 or 6 years back. No interest or penalty is recovered from the *gaontia* if he does not pay his revenue on the due date; but in cases against ryots 6-12 per cent. or sometimes more is covered.

32. There were no arrears of revenue in 1931 and 1932 but since then there has been an accumulation which amount to nearly 15 per cent. of the annual demand. The number of cases started against *gaontias* shows a falling off since 1937 and similarly the number of rent suits filed by *gaontias* against ryots also a slight fall. Seventeen *gaontias* were ejected during the last ten years for arrears.

CESSES

33. The only cess recovered from ryots in this State is a patwari cess of one anna per rupee. The road and school cesses recovered from *gaontias* have been mentioned already (para. 28).

REMISSIONS OF LAND REVENUE

34. Suspensions and remissions of land revenue have been granted on four or five occasions during the last ten years on account of partial failure of crop or damage by hail storm. The C. P. rules are taken for guidance in this matter but the scale in force in the C. P. is not necessarily followed.

AGRICULTURISTS' LOANS

35. Taccavi loans are given when there are indications such as scarcity but no regular provision is made in the budget for such loans. Loans are said to be given for land improvement also. Some rules have been framed in 1941; loans are to be paid in two instalments and an advisory board has to examine the application of the first instalment before the second is granted. Interest is at 5 per cent. and the loan is repayable in ten instalments. The rules apply to land improvement loans only.

There are village granaries called *kothis* out of which loans are given. This seems to be a new fangled scheme by which the ryots are required to contribute one *katha* of paddy each out of their produce along with the land revenue and this in course of time will constitute the nucleus of a granary out of which loans are granted to the ryots themselves at 25 per cent. interest.

VILLAGE SERVANTS.

36. The principal village servant is the *kotwar* or village watchman. He is remunerated by a rent free service holding and by payments from the ryots and *gaontia*. In some villages there is no service holding. The payment of

the *kotwar* is in grain and is enforced under the *wajib-ul-arz*. The *kotwar's* post is usually hereditary and the appointment is made by the State. A woman cannot be a *kotwar*. Other village servants like washerman, *baiga*, etc. are appointed by the *gaontia* in consultation with the villagers and they hold rent free holdings. They may be dismissed by the *gaontia*.

FORESTS

37. The State has the advice of the Agency Forest Adviser. There are separate forest rules and a new working plan is being prepared.

38. The *wajib ul-arz* contains some provisions regarding forests. According to these area commonly known as "jungle", whether within or without village boundaries, is "State Forest"; other uncultivated land in the village is waste land or *banjar*. There were 11 reserved species but these were reduced to 8 in 1939 and permission was given to cut non-lac bearing palas in ryoti holdings. Villagers paying commutation rate were allowed free grazing and utilisation of unreserved species for domestic and agricultural purposes; in 1939 the grazing was reduced to certain specified number of cattle fee, a charge being made for others. In the *banjar* grazing is free but the *gaontia* can allot this for cultivation and can also restrict grazing with the permission of the State.

39. Under the new forest rules which were brought into force in 1940, reservation can be made without previous notification and unlike the Daspalla rules, no consultation with the revenue or settlement department is necessary. The rules are contrary to the *wajib-ul-arz* in some respects as pointed out below. Forests have been divided into A class, a few B class reserves, and village forest. These have all been demarcated. According to the forest officer all village waste is regarded as village forest though this is contrary to the *wajib-ul-arz* and the forest rules. There are 8 reserved species reserved throughout the State including the cultivated areas, this again being contrary to the *wajib-ul-arz* which permits reservation only in village forest and village waste.

Everything goes to show that there was no reservation of trees on cultivated holdings and homesteads formerly and this provision in the forest rules is definitely an encroachment. When land is allotted for cultivation by the *gaontia* the forest department is not interested except in respect of reserved species allowed to be taken on payment or is cut and disposed of departmentally. A fee (1/3rd scheduled rate) had to be paid if a cultivator desires to cut a reserved tree on his holding or in the village forest.

40. Certain backward villages situated in the forest area are referred to as forest villages. In these forest villages there is no assessed rate for land but a flat rate of Rs. 2 per house is levied for cultivation. (There is no shifting cultivation). Only external boundaries of these villages have been demarcated and the fields have not been cadastrally surveyed. There is no record in respect of lands in these villages but only a list of houses is maintained. They are mostly inhabited by Gonds who often desert the village and emigrate to Bhandara district or other areas. There is a headman appointed by the forest department but he is not responsible for the revenue and the forest department recovers revenue individually from the ryots. There are no *kotwars* in these villages but the *kotwars* of other villages also work for them.

In the open tract, commutation is optional and ryots can cut any unreserved species for agricultural implements but the *gaontia's* permission is necessary. The *gaontia* is entitled to the produce of all trees on his own lands as well as on *banjar* or waste land but ryots can take the produce of trees on their own lands only. The rules seem to contain a prohibition of *mahua* for which however a rate of one anna is being paid. The commutation rate is Rs. 1-4-0 per plough for agriculturists and Re. 1 per house for others. Apart from reserved species unreserved trees for any purpose are taken for *nistar* free of charge and *saja* only is given at 1/3rd rate.

41. Forest boundary lines which are 20 feet in width are maintained by the villagers who are paid 10 annas per mile for clearing them. It is said that there are only small shrubs growing on them now. demarcation was made two years ago.

42. Lac, harra and tendu and honey are given out to contractors. The cultivators are not allowed at present to propagate lac on their own holdings

or in the village forest. Harra and tendu must be sold to the contractor. Under the *wajib-ul-arz* the fruits and produce of harra, acher, bahera trees and lac, wax, honey, gum, and the bones, horns and hides of wilds as well as tame animals dying in the forest area belong to the State.

The forest officer compounds offences up to Rs. 25 without reference to the Dewan.

CROP PROTECTION

43. No fee is charged for the issue of a crop protection licence nor for its renewal. There are 67 crop protection licences. Cultivators can shoot only pig in the cultivated holdings. (The rules provide for the shooting of such other animals as may be specifically notified while actually doing damage to crops).

REVENUE ORGANISATION

44. There are no rules at present regarding conditions of service and theoretically employees hold at the pleasure of the Ruler. The State has a provident fund for servants drawing up to Rs. 1,000 and it is proposed to apply this to others. The grand-uncle of the Ruler is the "Revenue Minister". He is not regarded as a State servant and gets an honorarium of Rs. 1,200 per annum and fixed travelling allowance of Rs. 30 p.m.

The Ruler is the final revenue appellate authority but he does not hear final civil appeals and the Dewan acts as High Court for this purpose. The Dewan usually hears first appeals against the orders of the Revenue Minister. He has in addition the general administrative and criminal work. The Revenue Minister is under the Dewan and he deals with all original revenue work. He passes orders in miscellaneous and mutation cases.

Other revenue officers consists of a sub-divisional officer at Dongargaon who does mostly civil and criminal work but looks after the collection of revenue and reports on revenue cases sent to him, tahsildars (two) who do similar work and the Assistant Dewan who deals with rent suits and has other duties as well.

In addition to the above officers there is a Superintendent of Land Records, an Assistant Superintendent of Land Records, three Revenue Inspectors and 50 patwaris. In land records work the C. P. manuals are taken for guidance.

The total cost of the entire revenue and land records establishment of the State is about Rs. 16,000 against a land revenue of Rs. 2.81 lakhs excluding cesses and a total revenue of Rs. 5.4 lakhs.

NAZUL

45. Khairagarh is a village held by the Ruler as *thekedar*, apart from the area demarcated as *nazul*, in 1918. Similarly in Dongargaon and Khamaria as well there are *thekedari* as well as *nazul* portions. In Khamaria there is no *thekedar*. In the *thekedari* areas also there is residential area which is disposed of by the *gaontias*; being close to a town area house sites here must be quite lucrative. Agricultural lands in these places are also reported to have been let out for building purposes by the *gaontias*. There are no rules regarding the conversion of agricultural lands to such purposes. *Nazul* plots are usually auctioned for house building purposes and an annual rent of four annas per 100 sq. ft is also levied. Buildings, according to the *nazul* rules, cannot be sold without the previous sanction of the State and one-tenth of the consideration is recovered by the State when a sale is effected. Separate records are maintained of *nazul* land.

MISCELLANEOUS

46. There are petition-writers who have to be registered but no licence fee is levied. There are no rules regarding appointment and duties of the petition writers. Two pice per sheet is charged for the paper supplied to them on which only petitions may be written.

New land formed by alluvion is supposed to go to the *gaontia*; I saw a case of disposal of such land by a *gaontia* in which *nazarana* appeared to have been taken. If diluvion takes place no change is made till the next settlement. There is no rule about alluvion and diluvion in the *wajib-ul-arz*.

The export of rice and other grains has been stopped for some time. Shifting cultivation has been stopped for the last two years.

There are no rules regarding procedure of revenue officers and precedents are said to be followed. For limitation of suits and petitions, the C. P. Tenancy Act is referred to.

Villagers have the custom of setting apart a portion of land for grazing on which they pay rents.

There is no proper system of filing and indexing of revenue records and order sheets are not to be found in a number of cases. Only rent suits seem to be recorded regularly on C. P. lines.

Registration rules are said to be the same as in C. P. including schedule of rates. For stamps C. P. Stamp Manual is followed in toto. Deed of surrender of ryoti lands are treated like agreements and charged Rs. 8 stamp fee and the registration fee is Re. 1 with an endorsement fee of 4 annas and a copying fee of 2½ annas per 100 words.

KHANDPARA STATE

REVENUE HISTORY AND SETTLEMENTS

This State, like some of the other South Mahanadi States, has been under the 'court of wards' management during the minority of the Ruling Chief till recently. Actually the Ruling Chief assumed control from the end of January 1935. In common with many other States the records of early settlements and assessments of rent are not available and it must be assumed that settlements were being made empirically by the Ruling Chiefs on estimates made by the village officials of the seed capacity or plough capacity. In 1849 the State was under management and an attempt at settlement was made by the Government; fields being measured by means of the usual standard rod measuring 10 ft. 5½ in. Certain records were prepared and lands were divided into six classes apart from homestead lands but there is no report of the settlement and the basis of assessment is not known. Up to 1867 no further settlement was made but new lands seem to have been assessed by amins specially employed for the purpose. In 1910 a settlement was taken up; no report is available but the records show that villages were places in 3 classes according to natural advantages and lands were classified as *sarad*, or *bajefasal* and further sub-divided according to single or double cropping. Certain new rates were proposed and approved as very fair but it was found that the application of these rates would result in an enhancement of 144 per cent. (an example of what proceeding from detail to aggregate in the matter of rents produce), and hence an arbitrary increment of rates by 4 annas and 3 annas and 2 annas per rupee of rental was finally adopted. No maps were prepared and field measurements were done with the standard rod.

2. The current settlement was commenced in 1928 and a traverse survey as well as a cadastral survey was made. The traverse was carried out by sight-vane and compasses; the cadastral survey was made by Gunther's chain. The Bihar and Orissa settlement instructions were followed. The classification of land was again altered; in none of the settlements does it appear that a classification of land was made according to local usage understood by the raiyats but each settlement officer seems to have made a more or less arbitrary classification, so far as I can see, without an actual detailed examination of the matter in the field. These changes of classification are a feature of settlements in the States which have all proceeded upon no definite principles evolved from local circumstances but upon application, often with illconsidered modifications, of exotic systems. In addition to altering the classification of land the settlement officer abandoned the classification of villages. The rates were again more or less arbitrary.

The important change introduced at this settlement was the commutation of all produce rents. Special rates were applied to the lands of kondhs and their homesteads were not assessed. At this time the system existing mainly in the case of the ryots holding under tenure holders was produce-rent, and the rents of such lands were converted into cash rents fifty per cent. in excess of ordinary rates but in the case of the under-raiyats of *khamar* lands double the ordinary rate was imposed. In three villages held as *khamar* the ryots were all holding on the *sanja* system; many of the *sanjas* were holding for generations and there were also others holding on cash rents for a long time. These were rightly recognised as raiyats and given *parchas* but the propriety of fixing double the ordinary rent on them is doubtful and the grant of permanent rights is only a partial mitigation of a grievance.

3. The term of the settlement which was completed in 1931 was fixed as 10 years only. So far as superficial observation goes the traverse and cadastral survey has resulted in the preparation of satisfactory settlement records and maps but it is reported that 0.53 acre of raiyati land was wrongly recorded as Ruler's private lands and 28.97 acres of the Ruler's lands were recorded wrongly as raiyati and these have now reverted. If these mistakes could be made in respect of Ruler's lands it is likely that there are other mistakes.

For effecting mutations the method of making an entry in the remarks columns of the *khatian* with a separate mutation register in which there is a cross reference is followed. *Sarbarakars* maintain an *ekpathia* and corrections are issued to them.

ZAMINDARI AND OTHER TENURES.

4. Land tenures in Khandpara State are on the whole simple there being no zamindars and no entire villages held by tenure-holders. The tenure-holders are the usual *bramottar*, *debottar*, *khanja* and various kind of endowments and *jagir* grants. The general rule about grants is that they cannot be sold, mortgaged or sublet, or otherwise alienated without the sanction of the State but annual sub-leases are permitted without sanction and no lease is valid after the death of the lessor. Another rule says that all *lakhiraj* (rent free) grants are liable to progressive resumption at the rate of 25 per cent. on the death of each successive grantee. When transfers are permitted the land is said to be resumed and assessed to full raiyati rates but it is not known if occupancy rights accrue immediately. The total loss of rent to the State on account of these grants is about Rs. 43,000.

5. Apart from these there are lands held as State *khamar* which are the Chief's private lands. There lands are partly under direct cultivation and partly have been let-out to share-croppers. Lands held formerly on fixed produce rent or *sanja* or on cash rent were settled in 'occupancy rights' and are no longer classed as *khamar*.

6. The *debottar* grants which are meant for temples or religious institutions are managed by the Ruler or by an officer appointed by him. There are also *debottar* grants which are managed by separately recorded *sevak*s. There are no whole *debottar* villages. Some of the *debottar* lands are held on quit rent; at the 1910 settlement the quit rents were not enhanced but at the current settlement an enhancement seems to have been effected. The grantees pay cesses to the State.

7. *Brahmottar* grants are held by Brahmins and according to the land transfer rules prevalent in the State no service or *jagir* grants, *maufi*, *kharposh* or other maintenance grants shall be sold, mortgaged, sub-let or otherwise alienated permanently or temporarily without the written sanction of the State authority. Apparently transfers of these lands are sometime sanctioned. Some of these lands are held free and others are held on quit rent.

8. The *khanja* grants are maintenance grants held by the relatives of the Raja and some concubines and illegitimate children of former Rajas. They are liable to revert to the State on failure of male heirs. At the settlement there were nearly 7,500 acres of *khanja* lands. Some of the grants are extensive areas. I visited a village which was formerly held by a *khanjadar*. There was a *sarbarakar* appointed by the State. The raiyats were all formerly holding on *sanja* or produce rents. Now they are recorded raiyats but pay 50 per cent. more rent than other raiyats and cesses in proportion. The *khanjadar* now gets his dues paid by the *sarbarakar* who deducts his commission. It was said that the *khanjadar* had no right to the village waste or trees. The *sarbarakar* held *bhogra* land on which the assessment is at full raiyati rates. The *khanjadar* had rent free lands in the village which he was cultivating on *bhag*; the and as well as the share had been partitioned and the *sarbarakar* was paying each co-sharer separately; it was said that the shares were recognised and recorded. (All *khanjadars* are paid by *sarbarakars* direct except the *Rajmata* whose share is credited into the treasury and paid from it.)

9. Other grants made as reward for good services as a mark of favour, etc., may all be regarded as maintenance grants but usually these do not seem to have any conditions regarding resumption.

10. Then there are numerous 'jagir' grants for various kinds of service. The village *chowkidars* are the most important and will be dealt with later.