

Among others there are many such as pipers, drummers, dancing girls, sweepers and so on. Mostly they are expected to perform services at Dusserah. There are also a large number paying a quit rent. Many of these could be assessed to full rents and the services abolished. *Paikali* jagirs have all been converted into ryoti.

### THE RYOTI TENURE

11. As far as ryoti rights are concerned, raiyats are referred to as *thani* and *pahi* in the settlement report according as they reside in the village of cultivation or not but actually the terms are of no practical significance and their rights are the same. [Persons occupying homestead lands only are recorded as chandnadars.] The rules mention that a *thani* raiyat is entitled to rent free homestead up to a maximum of 0.15 acre but it is clear that a *pahi* raiyat can become a *thani* raiyat by taking up residence in the village and it is only when he requires a site that the rule applies; the distinction simply means that a *pahi* raiyat is regarded as a non-cultivator in the village of his residence.

12. There are certain rules regarding the rights and liabilities of the raiyats which seem to have been framed in 1939. According to these rules 'occupancy' rights are acquired in respect of new holdings by twelve years continuous possession. The settlement report following a note of Mr. Scott, says that the "spirit of sections 23 and 24 of the Orissa Tenancy Act" is followed. Mr. Scott's exposition of occupancy and non-occupancy rights is based more upon the Orissa Tenancy Act than upon actual custom in Khandpara. There is nothing in the past history of these areas to indicate that there was any such distinction as occupancy and non-occupancy in addition to the *thani* and *pahi*. Formerly there used to be considerable difference between *thani* and *pahi* but now these distinctions are obsolescent. Actual practice in Khandpara in connection with the allotment of new lands shows that such a distinction is quite unjustifiable. New land in this State is given out on payment of a *salami* and becomes rent paying immediately. The *salami* must be regarded as the value of the land and forest growth on it; the rules lay down that all raiyats who are paying rents on lands assessed in their name have occupancy rights. Though the distinction made by Mr. Scott is mentioned in the settlement report no raiyats seem to have been recorded under non-occupancy and only *thani* and *pahi* have been shown. Under the present rule though the ryot reclaims the land and spends labour and money on it, and in spite of the payment of *salami* and purchase of the forest growth, he acquires no permanent transferable right for a period of 12 years. This position seems to be inequitable.

13. Transfer of land is now permitted subject to certain restrictions contained in the land transfer rules; a portion of a plot cannot be sold and rent-free homestead or a portion of it cannot be sold unless the entire ryoti holding is sold with it. Permission of the State is necessary for the transfer of lands by aboriginal (kondhs) and semi aboriginal (not defined) ryots to "higher classes." Homesteads need not be sold when ryoti land is sold. Mutation cases examined by me show that the total cost of a sale transaction apart from stamp duty and registration fees works out to more than 20 per cent. in most cases. 10 per cent. of the consideration is payable to the State apart from the mutation fees (0-4-0 per rupee of rental value; minimum Re. 1-0-0), registration and stamp fees but in the case of aboriginals only 5 per cent. is payable. Mortgages of agricultural land must be usufructuary only. There are rules regarding transfer by gift or will and about sub-leases. Occupancy holdings are heritable and partible.

14. If a ryot fails to cultivate his land for 3 years continuously he is liable to be ejected; he may be ejected for disloyalty, for conversion of his land to non-agricultural purposes and for failure to pay rent. He is not entitled to any remission on account of failure of crop through drought or calamity. A ryot who obtains a lease of wasteland will be ejected if he fails to reclaim it within 5 years; sub-lease is permissible only from year to year but by a registered document it may be for five years. Sale of land by courts, except for recovery of State dues or for execution of decrees with the sanction of the Ruler, is not permitted. A ryot may not cut or appropriate 'reserved' species of trees on ryoti land except on payment of half royalty. He has however a right to fruits and dead wood. Improvements are permitted but with previous permission. Ryots enjoy the fruit of trees on waste lands. In dealing with petitions for the reclamation of waste land the forest officer is consulted if there is forest growth on the land. If the land is to be given the forest growth is sold to the applicant or disposed of by auction. For the land a *salami* is levied; according to

a rule apparently framed during minority it should be five times the rental as assessed by the *amin* but in practice it is more or less according to circumstances. The land becomes rent paying immediately. 0-12-0 are charged as *amin* free but actually the *amin* gets only 0-8-0.

15. In cases of surrendered land, the land is resettled on payment of a *salami*. Sales of land by aboriginals to higher castes are usually sanctioned if no person of the aboriginal caste comes forward to buy the land. There are no rules regarding land acquisition and no cases either. It is said that no land has been acquired.

16. Ryots get receipts free of charge since 1940.

17. *Bethi* and similar levies do not seem to exist in the State at present.

18. One of the important questions which arose at the settlement was the treatment of *sikmi*-ryots. Not only did the tenureholders including holders of service jagirs have under-ryots who cultivated lands for long years under them but even ordinary ryots appear to have had *sikmi*-ryots paying a higher rent. Some confusion seems to have prevailed at previous settlements and at the 1930 settlement, ryots who were recorded as *sikmi* and found to have held land continuously for 12 years under a tenureholder were recorded as occupancy ryots under the tenureholders. If the land was however service jagir, occupancy rights were not conceded as the Political Agent laid down that occupancy rights could not occur in service holdings which were really State lands held temporarily for service. Where it was found that ordinary ryots had *sikmi* ryots cultivating continuously for 12 years under them, the actual cultivating ryots were recorded as State ryots direct under the State and the intermediate rent-collecting ryot was ousted. A number of *jagirs* were resumed "permanently" certain others "temporarily" during the minority of the Chief though there was nothing to show when the resumption was actually effected, that the resumption was temporary. The Ruler now wishes to levy *salami* from these jagirdars whose lands were temporarily resumed. A period of nearly 12 years have elapsed and the Political Agent has advised that a *salami* cannot in equity be levied now. The Ruler desired to levy *salami* even on those who had the lands permanently settled with them, an action which would be clearly improper. This and similar difficulties are caused by the fact that there is no definite law in these matters and the Rulers often do not hesitate to offend propriety for the sake of comparatively small amounts.

In the lands which were resumed and also in those which were continued there are under-ryots. In respect of those who were on lands which still continued as *jagirs* no occupancy rights were to be conceded but in respect of those *jagirs* which were resumed, the under-ryots would become State ryots according to Mr. Scott's instructions. These instructions mean that the *jagirdar* should disappear but actually when the *jagirs* were resumed settlement was made with the *jagirdars* and they remained as holders of the land in ryoti right with under tenants under them who perhaps have not even got occupancy status. It is recorded in the settlement report that many of the under-ryots have not only held the lands "from time immemorial" but have also effected improvement at their expense. Partitions are also said to have taken place and in practice the *jagirdars* have been unable to evict the under-ryots without the intervention of a civil court. These under-ryots are now left in an insecure position and the *jagirdars* who continue to serve, as well as these whose *jagirs* have been resumed, remain as holders of the land. Special provision in the proposed law seems necessary to deal with the situation.

At the settlement, Mr. Scott suggested that in order to prevent this type of trouble occurring, ordinary ryots should not be permitted to sub-lease except for one agricultural year, a restriction which is evaded with the greatest ease. He also suggested that tenure-holders should not sub-lease except with the permission of the State; service tenure-holders should not be permitted to sub-lease and if they do sub-lease it should be treated as a breach of conditions liable to be punished by eviction of the holder.

#### VILLAGE HEADMEN

19. The *sarbarakari* system prevails and *sarbarakars* including *sarbarakars* in the kondhmal areas are responsible for the payment of the revenue of the village. *Sarbarakars* are expected to be residents of the village or to live at a short distance, and to be literate. Appointment of the *sarbarakar* is subject to the payment of a *salami* of 1/10th of the rental he has to collect plus 5 times the rent of the *bhogra* land; the *salami* is not strictly levied according to the rule; it may be more or less.

There are 307 villages in the State but there are 377 sarbarakars. Thus some villages have more than one sarbarakar. Collection of some 36 villages and portions of two villages is however directly made by the State through a tahsildar. The sarbarakars collect rents of *khanjadars* and other grantee as well and are responsible to the *khanjadars* for payment; the *khanjadars* can file suits against *sarbarakars* for recovery of their shares. If the *sarbarakars* files a list of defaulters after payment of the dues, and within a fortnight of the due date, the State permits him to file certificate cases otherwise he will have to proceed against defaulters by rent suits. The *sarbarakar's* term extends only till the end of next settlement. The villagers seem to be consulted to some extent when a *sarbarakar* is appointed and the system of auctioning the village does not seem to prevail. When an appointment is made preference is usually given to the previous *sarbarakar's* son. It is said that even in the kondhmal villages literate *sarbarakars* are available. There is one woman *sarbarakar* in the State who works through an agent.

*Sarbarakars* get 10 per cent. commission on the rental which they deduct before payment into the treasury. If proceedings are started against them for recovery they are liable to lose the commission. The *sarbarakars* hold lands regarded as *jagir* which are not alienable. They may be fined suspended or dismissed and arrears may be recovered from movable or immovable property belonging to them or to their heirs or successors. All *sarbarakars* have not got *bhogra* land. They have no power to accept surrender or allot waste land. *Bhogra* lands are assessed lands paying rent.

20. Cultivation in the State is mostly rice and the rent is payable in two equal instalments in the last week of December and the last week of February. The cesses prevalent in the State are all payable in the month of February. Ryots may pay their rents in one instalment if they like.

#### RECOVERY OF LAND REVENUE

For the recovery of land revenue there are certain rules in force according to which movable and immovable property of the defaulter may be proceeded against or the land may be attached and taken under State management of leased out for a period which may extend to 5 years. Arrest and detention of the defaulter in civil jail is also permissible but the rule says that there must be good reason to believe that the defaulter is concealing his property. Females and minors below 18 years are not liable to this process. The examination of cases however shows that the rules are not strictly followed. Sales do not take place on the date fixed in the proclamation and the *nazir* seems to carry out the sale on any date convenient to him. Delays in executing the sale warrants which usually indicate corrupt practices are noticeable and bid lists are often missing. Immovable property seems to be attached quite commonly without any attempt to attach movables in the first instance. In one case the *nazir* obtained a bid of Rs. 54 at first but when this was considered too low by the Revenue Officer the same bidder later offered a bid of Rs. 120; finally a portion of the land was sold by the Revenue Officer personally for Rs. 70. In another case the *nazir* reported there were no bidders but the revenue officer found on enquiry that there was "no lack" of them. Dues of the Debottar Department are recoverable under these rules. Interest is charged on arrears at rates varying from one pice to one anna per rupee according to the period of default.

Collection of land revenue during the last ten years is fair and there were no heavy arrears except of the 'Road and miscellaneous' cess imposed in 1937-38.

#### CESSES

21. The cesses are forest cess at 0-1-0 per rupee of land revenue, education cess 0-1-0 per rupee, medical cess 0-1-0 per rupee and a road and miscellaneous cess of 0-3 0 per rupee, the total cesses amounting to 0-6-0 per rupee. The road and miscellaneous cess is a commutation of *bethi* and has been imposed since 1937-38 when *bethi* was abolished. The road and miscellaneous cess may be regarded as 0-1-0 for the roads and 0-2-0 'miscellaneous' respectively though there is no such actual division. The income from the road and miscellaneous cess is about Rs. 19,600. The education and medical cess amounts to Rs. 12,300 and the forest cess about Rs. 8,000.

#### REMISSIONS OF LAND REVENUE AND AGRICULTURISTS' LOANS

22. Remissions of revenue have been granted where there has been failure of crop due to drought or flood and the outturn is reduced below what the ryot

should normally get. Remission may be total or partial. A detailed list dealing with each tenant is prepared and given to the *sarbarakar*. Enquiry on the spot is made by the Revenue Officer. If there is damage by insect pests, etc., no remission is granted. Cesses are not usually remitted. There are no rules or principles regarding the grant of remissions. *Khanjadars* may or may not give remissions.

Provision of about Rs. 5,000 is said to be made for grant of *taccavi* loans Rs. 6½ per cent. interest is charged. The Ruler carries on a grain lending business out of *khamar* produce. Funds from *debottar* and other funds are made use of for the grant of loans for marriages, house building, purchase of land, etc.

### VILLAGE SERVANTS

23. Generally there is a chowkidar for each village but sometimes there is one for several villages. They have usually *jagir* lands but some have no such lands; such chowkidars without *jagirs* are paid by the villagers; no scale of payment is fixed by the State. At headquarters there are two chowkidars for the remuneration of whom a tax of 0-1-0 per house is realised; at Kantilo Rs. 163 are collected from the villagers for the maintenance of four chowkidars; Rs. 12 are paid to the *sarbarakar* as commission and Rs. 7 are utilised for uniform of the chowkidars. Appointment of chowkidars is made by the State, preference being given to the previous chowkidar's son.

No other village servants are recognised and *jagirs* have been resumed. *Khanjadars* sometimes have a '*bhandari*' but this is usually a private arrangement.

### FORESTS

24. The State is under the Agency Forest Adviser and there is a forest ranger in charge. There are forest rules dated 1929; according to these rules there are A and B class forests and *khesra* jungle. All reserve forests are demarcated. There are 15 reserved species of trees at present throughout the State including cultivated holdings; actually under the rules the reservation should apply only to *khesra* forest.

Ryots have full rights to unreserved species growing on their holdings; half royalty is charged on reserved species in *khesra* and B class forests and raiyati holdings. A forest cess of one anna per rupee of land revenue is levied. In *khesra* and B class reserve, free grazing is permitted for all plough cattle + 5 heads. A fee is charged for cattle exceeding this limit. No charge for grazing is made in villages which have no *khesra* forest within 3 miles but forest cess is charged.

Forest boundary lines are cleared on contract at Rs. 2 to Rs. 4 per mile. The village *sarbarakar* is responsible to get the lines cleared and payment is made to him.

### CROP PROTECTION

25. There are 40 gun licenses for crop protection of which 3 have been issued to officers. The issue and renewal fees where State guns are given are Rs. 2 but if no gun is given by the State the fee is only eight annas for muzzle loaders. It is free for khonds. The rules regarding protection of crops permit the shooting of sambar, barking deer and wild boars on crops from 1st August till harvest. The killing of an animal has to be intimated to the forest officer or police officer or failing these to the *sarbarakar*, who has to satisfy himself by enquiry that the animal was killed on crop. The skin and horns have to be made over to the State Forest Officer and fees (pig Rs. 3-8-0, sambar Rs. 5, barking deer 1-8-0, other deer 2-8-0) have to be paid. The rules direct that if the killer is unable to pay the fee the carcass should be auctioned but if the carcass has been disposed of or has decayed the fees will presumably be recovered from the killer.

The ranger compounds forest offences up to Rs. 15 but submits the cases to the Dewan for formal approval; other cases go to the Dewan.

26. During the last two years export of rice and paddy is prohibited. It is said that there is no lac or tusser cultivation in the State. Kendu in *khesra* forest only is given out as a monopoly. There are no export duties. There is a hide monopoly; the village chowkidar usually takes the hides and sells them to the contractor. The hide monopoly (including bones, horns, skins, etc.), fetches Rs. 2,500.

## REVENUE ORGANISATION.

27. The State is not subdivided for revenue administration and the Dewan does revenue work such as *nayabadi*, surrender, *sarbarakari*, etc., in addition to civil and criminal work and other general administrative work. The Ruling Chief is the highest authority and he hears appeals against Dewan's orders; as he passes orders in *sarbarakari* and *nayabadi*, surrendered land and similar important cases, there are no appeals in practice. There is a second officer who does civil and criminal and revenue cases such as certificate cases, rent suits, enquiries and reports on *sarbarakari* and other cases sent to him. Mutation cases and miscellaneous cases are sent to an honorary magistrate. There is a third officer as well who has been appointed in a newly created post. He does mostly criminal and civil work and enquires into the *nayabadi* cases and miscellaneous work. There are 4 *amins* one of whom only is a permanent servant. He enquires into the *nayabadi* cases and is employed in civil cases and encroachment cases.

He does not keep any register and reports encroachments when he happens to find them. The *nazir* is responsible for the service of process and conduct of sales and the *thouzi navis* maintains the usual demand registers. The total cost of the revenue staff excluding commissions to *sarbarakars* which is not included in the demand is less than Rs. 3,000 against a land revenue of Rs. 96,000 including cesses and a total revenue of 1.76 lakhs.

## MISCELLANEOUS

In matters of treasury, copying, etc., Bihar and Orissa rules are said to be followed; there are special registration rules. Copying is in charge of the record room clerk. No special rules exist. Stamp duty on documents comes to about one half per cent. and registration fees are 2 per cent. *ad valorem*. Petition writers pay a licence fee of Rs. 5 annually. No shifting cultivation exists.

## KHARSAWAN

### REVENUE HISTORY AND TENURES.

The revenue and political history of the State of Kharsawan is linked up closely with that of Seraikela which it adjoins, formerly it formed a part of the State of Porahat along with Seraikela and was at one time a fief of the Seraikela State. Its previous revenue history may be taken to be the same as that of Seraikela as far as systems of assessments and village management go. It was settled regularly for the first time along with Seraikela by Mr. Connolly in 1904-07. The record of rights drawn up by Mr. Connolly applied to both States. The various kinds of tenures such as *khorphosh*, *nokran* etc., were very similar to those of Seraikela and the only notable difference was the so-called *khuntkatti* rights of the Kolhan tract inhabited predominantly by aboriginals. These *Khuntkatti* rights are quite different from those recognised in Chota Nagpur and simply imply the right to convert uplands into low-lands (this is common to all raiyats) and to make new lands without anyone's consent, right to all fuel and wood for houses or agricultural implements and jungle produce free for their own use though not for purposes of sale, and the right to grow lac and tussore in their own villages free of cost, the right to hold at a fixed rent which cannot be enhanced has not been recognised. (In practice it is said that all raiyats in the Kolhanpir including non-aboriginal enjoy these rights). The position about *Khuntkatti* was finally cleared up at the settlement of 1927 when rents of the Kolhanpir were also enhanced. In Kharsawan also, a uniform rate of rent used to be charged for all kinds of land; at the Connolly settlement land was divided into different classes and *gora* land (formerly unassessed) was assessed. The Connolly settlement was for a period of 2 years. The next settlement which was completed in 1927 was, like the Seraikela settlement, fixed for 15 years only. At this settlement homestead lands which were not assessed at the Connolly settlement were assessed. They were divided into two classes *bastu* and *udbastu* and assessed at different rates but a uniform rate was adopted for the whole State without any distinction as to the importance of the area. Apparently cultivators and others holding homestead lands which have not been entered in the *jamabandi* and not subjected to assessment are liable to ejection at any time without compensation. This state of affairs prevails in Seraikela also. The original record of rights was altered slightly at the time of the 1927 settlement.

2. The State has been fully surveyed by traverse and cadastral survey and traverse marks are maintained in the form of pillars with stones around them. The *thekedars* are responsible for the maintenance of the marks in their villages. The field embankments act as boundaries in the case of wet land, in the case of *gora* land there are usually no embankments. It is said that there are no boundary disputes in the State.

The Amin is expected to visit every village in the course of a year (I did not see indications of this being enforced), the State is more particular about recording mutations and keeping its records upto date than Seraikela but it is admitted that the mutation rules are not properly observed in the Kolhanpir and tenure-holders' raiyats are particularly remiss in applying for mutation or record of new lands.

### ZAMINDARI AND OTHER TENURES

3. As regards the tenureholders, the ruling of the Government of Bengal in a Seraikela case that lands alienated by one Ruler can be resumed by another, applies here also. In 1905, following the order of the Commissioner of Chota-Nagpur division, a *rubkari* (circular) was issued making it clear to all tenure-holders that they could only alienate their grants by transfer to their heirs according to rules of succession, by the system of granting maintenance grants to their own family members and by the lease of the *khas* lands of a cultivating tenant to another according to the rules of the State. Alienation by sale, gift, will etc. is otherwise prohibited.

The *kabuliat* of one of the *khorposhdars* issued in 1899 shows that the grantee had full enjoyment of jungles and all other valuable minerals. A specimen *brahmottar* grant shows that it is granted in perpetuity and is expected that the grantee will bless the Ruler's family at morning noon and evening prayers; there are no other conditions. *Brahmotiadaars* can settle raiyats on their lands. The *patta* of a service grant shows that the grantee is liable to do any military or administrative duties he may be required to perform and has no right over minerals and cannot alienate, both maintenance and service grantees are liable to pay cesses.

4. There are 20,370 acres held by 59 *khorposh* grantees, 4,348 acres by 213 *brahmottar* grantees, 478 acres under 5 *lakhraj* grantees, 4,057 under 24 service grantees (ten of these hold whole villages), 9½ acres under one *nokran* jagirdar, 10½ acres under *debattar* grantees, one of whom is a *khewatdar* or proprietor, 201 acres under 4 mahatran, 32 acres under 3 *panpik*, 17 acres under 5 *purohit* and other jagir and 51 under *mukarrara* grantees. The *debottar* grants of this State come to 10.5 acres only and there is no *debattar* department.

Thus nearly 40,000 acres are held free of rent. Most of the service grants are held without any appreciable service now and some of them are so large that the loss of revenue to the State cannot be regarded as other than serious, in practice all those grantees are mere maintenance holders.

While the date of many grants is not given and they are apparently old, numerous grants have been made in the last 20 years and one *brahmottar* grant of about 20 acres is dated 1941. The two *mukarrara* grants are said to have been made by tenureholders. In addition to these grants held by so-called *khewatdars* who enjoy rights which may be described as proprietary, there are numerous other grantees who have no proprietary rights. The area held by grantees amounts to 66 per cent. of the area, shown as cultivable and 40 per cent of the total area of the State.

Among the villages which may be regarded as grants is a village, Simudiri which is shown as having become the personal property of the Ruler in 1931; of course the income of such villages and lands which the Ruler grants to themselves cease to figure in the budget though they contribute to his privy purse. A large number of abandoned or surrendered lands are shown as having become *khas* or personal since the last settlement, but some of these are also shown as liable to be resettled.

5. I made enquiries about the whole village grants held for service; in five of them, help during disturbances and attendance upon the Ruler when he goes outside the State (apparently as body-guard) are to be rendered but no occasion for such service has arisen for a long time. The service grantee of Hundangda who is expected to perform guard duties at the palace was once called upon to perform the service but failed to comply with the orders and so nothing more seems to have been said about it. Three other grantees perform personal service

to the Ruler (such as clerk or attendant), the grants thus contribute to the privy purse. Reference will be made later to tenureholders in discussing various fees.

Apart from the *khewaldars* tenureholders, there are many non-*khewaldars* whose rent free holdings add up to several hundred acres, they are mostly for various kinds of service such as guard duty, palanquin bearer, washerman, suppling pots, flowers, astrologer etc. The revenue of all these lands must be regarded as a loss to the State.

6. The tenureholders have been assessed to a '*takoli* cess' which is said to be 20 per cent. of the total income including homefarm and forests. The actual amount was fixed on the rental of the first settlement. The rental of the revisional settlement was not taken into account as the cess was imposed in 1926, i.e., shortly before the revisional settlement. Thus the *takoli*-cess appears to be much less than 20 per cent. Part of the *takoli*-cess is payable in kind. The tenureholders pay a police cess which, according to the settlement report, is calculated at 0/1/6 per rupee for rental. It is reported that the police cess is not recovered by the tenureholders from the raiyats but the matter is not free from doubt. There is a small payment of about Rs. 5 made by a tenureholder known as *khandiani* which is supposed to be a contribution to a temple but is credited as land revenue. Tenureholders issue their own *pattas* to their tenants, they can settle raiyats in *prajali* right on waste lands and can reallocate surrendered and abandoned lands.

### THE RAIYATI TENURE

7. There is no revenue law of the State and the 'spirit' of the Chota Nagpur Tenancy Act is said to be followed where it is not inconsistent with State practice or custom. The record of rights states that a raiyat has the right of 'occupancy' in lands entered as such at the settlement, this is because *sikmi* raiyats are also entered as raiyats. The mutation rules of the State provide for the entry of new waste land leases and presumably therefore raiyats do not remain un-recorded for a long time.

8. The 1907 record of rights did not permit transfer and it is recorded that this rule was freely evaded by surrender and resettlement. It is being practised even now to a large extent. The 1927 record of rights permitted transfer with the sanction of the Ruling Chief and the mutation rules issued in 1929 regarding transfer, resettlement, settlement of waste land etc., prescribed that *salami* may be realized according to the discretion of the Ruling Chief. Transfer *salami* is levied by the State according to a schedule the basis of which is not clear but which seems to make it from 20 to 40 per cent. of the value. In the tenureholders estates, while most of them are reported to levy *salami* according to the State schedule, two of them levy a fixed rate of 25 per cent. of the value, while two others treat transfers as surrender and reallocation and levy according to discretion. If an exchange takes place both parties have to pay *salami*. It is laid down by rules that the *salami* (not in the case of tenureholders) is to be paid to the *nazir* who will deposit it in the treasury to the personal account of the Ruling Chief. No *salami* is recovered for a lease or a mortgage for a period of five years or less. Under the new transfer rules transfer to persons who are not tenants of the State, and transfer by an aboriginal to a non-aboriginal (Kols, Santals and Bhumijis only) is prohibited; part of a holding measuring 5 acres or less cannot be sold unless it is to form portion of an existing holding, the residue of the holding must not be less than 5 acres, may be sold. Only usufructuary mortgages are allowed.

9. According to the 1927 record of rights, a raiyat cannot be ejected from his homestead lands for failure to pay rents but as in the case of Seraikela ejection, (theoretically) may take place from other lands for failure to pay rent on the homestead lands though movable property is usually proceeded against. Homestead lands were assessed at the 1927 settlement.

10. The 1927 record of rights was in most other respects similar to the 1904 record of rights but by a later amendment in June 1941, raiyats were given full rights to all trees grown on the raiyati lands including the timber of such trees, but it was provided that they had no right to any *sal* tree even if grown by them when the girth of such a tree exceeded one foot at breast height. If such a tree is cut with the permission of the landlord, the timber will belong to the landlord and not to the raiyat. No *kusum*, *kuli* or *asan* trees exceeding one foot in girth at breast height may be cut without the sanction in writing of the Ruling Chief. The rule says that when such consent is given no charge would be made for the timber so cut but it does not say to whom the timber belongs.

The raiyat has the full right to cut trees not exceeding one foot in girth at breast height. *Kusum*, *kali* and *asan* trees not exceeding one foot in girth on homestead and bari-lands may be cut without the sanction of the Ruling Chief but trees exceeding this girth cannot be cut. Normally, the rules of this nature should be meant for the protection of trees till they have reached a certain girth, by this rule the cutting of young trees below one foot girth is encouraged. The idea obviously is to protect existing large trees in the interest of the landlord and the Ruling Chief, who are entitled to the timber.

In the record of rights, the *thekeदार*, as in the case of Seraikela, has the right to allot or reallocate waste or vacant lands, but here also this right seems to have been in practice taken away by the State. *Salami* in such cases is levied according to discretion and is the personal property of the Chief or landlord. For the lease of waste-lands, in all cases including the State, the *salami* is levied according to the nature of the lands and the capacity of the applicant. The variation of rates and practices (see paras. 8 and 14) shows to what extent the record of rights and State rules is heeded by the tenureholders.

In respect of such matters as receipts, the making of lands, the relinquishment of lands etc. the raiyats have roughly the same rights or disabilities as in the case of Seraikela.

10. (a) In the case of land acquisition 20 times the rent is awarded as compensation as a fixed rate though it is claimed that the Land Acquisition Act is followed. Examination of the cases shows that the claim cannot be upheld.

11. There seem to be some sub-tenants recorded at settlement on lands such as the 'khamar' lands of the Ruler paying produce-rent. These have no *prajali* right and permanent rights are said to have been granted in only one case in 1936-37 under a *muafidar*. Tenants normally do not acquire permanent rights.

12. Regarding the protection of crops an order issued by the Ruler says that if wild pigs are found to be doing depredation the tenants are entitled to destroy them within their cropped land but not outside the boundary of their own land by chasing them. If any pig is killed while destroying the crops the nearest police officer should be informed and the carcass handed over. The State apparently regards the permission to kill these vermin as a concession to the raiyats but the clause about informing the nearest police officer and handing over the carcass should be a sufficient deterrent against the enjoyment of this favour.

13. *Nayabadi* lands are subject to the same conditions of rent as in Seraikela, viz., no rent for the first year and half rate till next settlement. Encroachment cases are dealt with under the Indian Penal Code, an expedient of very doubtful legality. The record of rights is silent about allotment of house sites, the *thekeदार* or landlord seems to allot these and as in some places the land is so valuable that transfer *salami* is realised, it is certain that sites are not allotted free.

14. According to the record of rights, a cess on the propagation of lac and cocoons can be levied at the rate of annas four for big trees and annas two for small ones on bari or homestead lands; this does not seem to apply to trees on holdings. In respect of lac, no tenureholder is shown as charging a different rate but on cocoons, two tenureholders charge Re. 1 per head, one at -/12/- per head and another at Rs. 2 per head, in flagrant disregard of the record of rights. An export duty is levied on the export of lac. I am informed that as an experimental measure the tax has been abolished in order to increase the propagation of lac but apparently this has no effect on the tenure areas.

15. There is a contractor who has the monopoly of all hides which fetches about Rs. 800. The village *chowkidar* appropriates the hides of dead animals and sells them to the monopolist.

16. The Connolly settlement did not record the existence of any *begar* and as far as I could see this practice does not exist.

17. *Rasad* is required to be made on payments. *Salami* at Dusserah is paid by some tenureholders and by the *thekedars* of the Sadantpir (non-aboriginal area).

#### VILLAGE HEADMEN

18. The system of village headmen is the same as that of Seraikela State. *Thekedars* hold on a *patta* for the term of the settlement and there are no *thekedars* in a large number of villages belonging to tenureholders. The appointment of *thekedars* in tenureholders' villages is subject to the approval of the

Ruling Chief which is given unless there are objection on the ground of loyalty or fitness for the post. The record of rights states that if the thekedar is not appointed within 60 days of the post falling vacant the Ruling Chief will make the necessary appointment himself, as there are no thekedars in a number of villages the rule is obviously not strictly followed.

Out of 199 villages only 107 have thekedars. It is said that no *salami* is taken by the State when a thekedar is appointed or a new *patta* is issued. A thekedari succession is recorded as a mutation and mutation fee of Rs. 5 and a *patta* fee of Re. 1 is realised, the mutation rules do not specify this and at least in the case of tenureholders the position is likely to be different as only the formal approval of the Ruler is required. The tenureholders issue their own *pattas* to tenants and thekedars.

A Dusserah *salami* is realised from the thekedars of the Sadantpir.

19. The thekedars is remunerated by commission at 0/2/6 per rupee on the total rental of the village or by 'man' land held rent free. Almost all the thekedars are remunerated in cash; they pay only the net demand of the village and only one village has 'man' land.

### RECOVERY OF LAND REVENUE

20. Land revenue is recovered in two kists of 6 annas and 10 annas in the rupee in the months of November and January except in the Kolhanpir where there is only one instalment paid in January, neither the settlement report nor the record of rights prescribes one instalment only for the Kolhanpir. Some cultivators said that the dates for the kists, particularly the first, were not convenient but in another village they said that no difficulty was caused. In the Kolhanpir the villagers said that one kist in January caused no inconvenience. In practice many cultivators seem to pay the whole land revenue in one instalment in January. The cultivation being chiefly paddy, January seems suitable. The tenureholders pay takoli-cess in cash in two instalments in December and March and any payment in kind is made in December.

The thekedar is responsible for the rent and will be proceeded against in case of default, and is liable to pay interest at 25 per cent. on arrears. A tenant in arrears of two kists is liable to ejection. Recovery of land revenue is usually effected by the attachment of movable property except seed paddy, agricultural bullocks and implements. The defaulter can also be arrested and imprisoned with the Ruler's permission.

The thekedar proceeds by rent suit against the tenant; the primary responsibility for the revenue is that of the thekedar. If the suit is decreed the raiyat is given a month's notice and if no payment is made the lands may be sold. The thekedar is allowed 12½ per cent. interest

21. The statement of demand and collection in the State for the last ten years does not show a satisfactory state of affairs and there are heavy arrears. The figures of 1940-41 (demand Rs. 65,637/9/0 and 277 maunds of paddy, collection Rs. 46,488/2/6+277 maunds of paddy), are typical. In the remaining years of the decade the number of cases started for recovery against headmen and tenureholders is very small.

### CESSES

22. There are no cesses in the State apart from the police cess and the takoli cess levied from tenureholders.

### REMISSIONS OF LAND REVENUE

23. Remissions of land revenue seem to have been granted in recent years (1938-39 and 1939-40) but there is no definite policy or principles regarding it.

### VILLAGE SERVANTS

24. The record of right, as in the case of Seraikela, mentions the 'dakwa' and 'chowkidar' but in the 1927-28 record there is an additional village servant 'pahan' appointed by the villagers. Only the chowkidar is of importance and most of these chowkidars have got rent free service holdings. There is a chowkidar cess in four villages (Porahat) but this is not a general cess. Chowkidars are remunerated in addition to their rent free holdings, by a payment of five to ten seers of paddy costing about eight annas from each household in the village.

No dakuas seem to exist now.

## FORESTS

25. There are forest rules dated 1930. According to these, forests are reserved protected and *khesra* or village forests. The protected forests are meant to supply the requirements of local people. *Khesra* forests include all village waste. The tenureholders exercise full rights over their forests and apparently are not bound by the State rules with any degree of strictness. *Khesra* forests may be declared to be protected. The boundary lines of protected forests are required to be kept clear by the villagers exercising rights therein, free of cost. There are 22 kinds of reserved trees in *khesra* forest which may not be cut without permission or royalty but Kols may cut any tree except the *sal* in the Kolhanpur. There are certain rules regarding the cutting of trees in the forest which are meant to regulate cutting and to preserve forests. The rules requiring the *thekedar* to see that no land is cultivated without State's permission is contrary to the rules in the record of rights.

The right of collection of *kendu* leaves has been given out to a contractor by the State; the tenureholders have also done the same. It is reported however that there are practically no leaves on raiyats' lands.

Raiyats outside the Kolhanpur have no right to free fuel and have to make payment. No fee seem to be charged at present for timber for ploughs and agricultural implements.

Raiyats in the Kolhanpur are entitled to free timber and other concessions for domestic purposes but permits have to be issued and this system, the raiyats in Byang, stated, results in their having to pay bribes to forest officials in addition to other expenses.

Grazing is free in every village and areas other than reserved forest, and coppiced coupes less than five years old have been thrown open for free grazing, but sheep and goats are not allowed to graze in protected forest as their grazing is detrimental to the growth of the forest. No fees are charged even on professional graziers at present. The rules however contain restrictions and have not been amended.

The tenureholders in most cases charge their own rates for fuel and other wood. No shifting cultivation is reported in the State.

## CROP PROTECTION

26. No gun licences for crop protection have been issued though the killing of pigs has been allowed as a concession. (See para. 12).

## REVENUE ORGANISATION

27. The State forms one revenue division under the charge of the Dewan but for the purpose of collection, division into three circles has been made. The collection of each circle is done by a tahsilder who is really a tauzi-navis (clerk) under the supervision of the magistrates. The revenue staff consists of the Dewan, Assistant Dewan and the third officer and land record staff consists of a moharrir and his assistant and a State amin. The Ruler deals with cases of appointment of *thekedars*, transfers of land, etc. and is the ultimate revenue authority. The Dewan and the other two officers are also the criminal and civil authorities within the State.

Processes are served through a 'nazir' who controls the process serving peons. The total cost of the revenue and the land records establishment including the pay of the Dewan and other officers who perform other duties amounts to about Rs. 8,000 (excluding commission given to *thekedars*) against a total revenue of Rs. 1½ lakhs and a land revenue of about Rs 45,000 (part of the *takoli* cess which is paid by one tenureholder is paid in kind and this is kept in the granary and utilised in the jail and for the feeding of the elephant but it is said that of late, payment is being made in cash). The land revenue of the State would be a great deal more than it is but for the grants and lands held by the Ruler. There is no touring worth mentioning by the revenue officers though the State is small and even a few days annually would suffice.

## MISCELLANEOUS

28. There are petition writers attached to the civil and criminal courts and these write revenue petitions also. Water marked papers are issued for writing petitions at half anna per sheet. A register of revenue petitions is maintained. Mutation fee is 2 annas per biga (minimum Re. 1 and maximum Rs. 5). Stamp duty on documents is rupee one per cent. and registration fee is uniformly twelve annas.

## KOREA STATE

### REVENUE HISTORY AND SETTLEMENTS

KOREA is a particularly interesting State as its revenue system is perhaps the most primitive in the Agency. As yet there has been no survey of the State; a beginning in this direction was made about two years ago but the operations have been discontinued and the maps prepared are probably not reliable. Study of the revenue systems of the States have led me to believe that the old system of estimation of area was by the seed capacity of the land and the idea of a plough was introduced by settlement officers from the Central Provinces, and it is interesting to find that this is the method prevalent in Korea and it is also mentioned in the 1909 Gazetteer. The Gazetteer mentions that there were different rates for the rice lands and nothing was paid on the high lying lands. There was much shifting cultivation practised by the primitive tribes and a rate of one rupee per axe was being levied upon them. It is recorded that in the Patna zamindaris *gaontias* have vague reminiscences of the zamindar fixing the assessment of an area  $36 \times 36$  cubits at Rs. 3/15/-, and on the basis of this standard the *gaontia* made a *nazar pai-maish* or eye estimation. In the developed areas the *gaontia* system seems to have been introduced at an early date and they contracted for the village *jama* and were left to settle ryots on rents agreed upon. This system prevails to this day but in 1942 when the State was under management during the minority of the present Ruler, a schedule of rates at Rs. 2 for good and Re. 1 for inferior, rice lands per acre was prepared, apparently to prevent exorbitant demands by *gaontias*; it is significant that at this time rates were drawn up for the high lying lands also; indicating that they had attained a value and *gaontias* had started assessing them (the Gazetteer was written only a few years before). This schedule is still current but rents are still settled between the ryots and *gaontias* and the schedule is applied only when there is a dispute.

### ZAMINDARI AND OTHER TENURES

2. There are about 12 zamindaris. Only some of the zamindaris seem to have *sanads*. The zamindari *takoli* is not fixed but is said to be alterable every 20 years. This seems to me doubtful as a cess has been imposed which is larger than the *takoli*. The position seems to be similar to that in Surguja where there is a ruling of the Government of India that the *takoli* is fixed but an administrative cess may be imposed. The *takoli* has actually not been enhanced since the 'court of wards' administration. The *takoli* seems to be an arbitrary amount not bearing any relation to the income of the zamindari. In some cases the cess is said to be merged in the *takoli*. In a recent resumption and regrant, the *takoli* has been made variable. The zamindars manage their own villages without any interference as far as revenue is concerned and only cases of complaint or maladministration are taken notice of by the State.

The zamindars issue their own *pattas* to the *thekedars*. The *patta* of Patna zamindari examined by me shows that it was issued for 12 years for land revenue and a separate cess amounting to about 12 per cent. of the revenue, payable in two equal instalments on 1st February and 1st June. The *patta* seems to have been issued during the minority administration. Under the conditions attached, ryots are not liable to ejectment so long as they are of good behaviour and pay proper rent; the rate prescribed during the administration is mentioned. The land cannot be sub-let or transferred without the consent of the *gaontia* and the zamindar; partition requires the *gaontia's* consent. The *gaontia's theka* is impartible and cannot be transferred; he has the right to lease out waste land or land, which is intestate, or from which a ryot has been ejected, or surrendered land. The *gaontia* is entitled to one day's *begar* for sowing his *manwar* land, one day for reaping crop, and one day for thatching his house. He has to supply *rasad*. He is liable to a penalty of 12½ per cent. on arrears. Ringing of trees, *bewar* cultivation, etc., are prohibited. The ryot is entitled to fuel, wood for implements or house-building, etc., free but there are reserved species of trees, (all fruit trees and seven others) which he cannot cut and he had no rights in the zamindari reserve forests. When the *patta* expires tenders will be invited and the village offered at the highest tender to the old *gaontia*; if he does not accept, a new *gaontia* will be appointed. The *patta* does not say who has the authority to eject ryots or punish them, and presumably the zamindar exercises this authority. Sanction is said to be necessary for the creation of *muafi* and other grants in the zamindaris though the basis of this assertion is not clear. Some of the zamindars have full rights

in the forests, and some have an equal right with the State and some have none. In zamindaris where the rights to forests exist, trees in wasteland as well as forests may be auctioned as the zamindar pleases. In zamindaris with no forest rights, zamindars cannot auction trees in areas regarded as forest but other village waste may be allotted for cultivation by the zamindars. It is said that in zamindaris without forest rights, the zamindar has no right to the trees in the wasteland.

3. No zamindar has any right over minerals.

4. In zamindaris, the *kotwars* are appointed by the State. The same amount in cash is recovered for the *kotwars'* dress and clothing in the zamindaris also as in the *khalsa* portion of the State.

5. At headquarters only a register of *takoli* payable and recovered from the zamindars is maintained and there are no details of *gaontiahi* payments to the zamindar. Over zamindari villages the State has no jurisdiction in the matter of levying any cesses from *gaontias* or tenants. The zamindars have the right to impose any levies like *belhi*, *rasad*, etc., without question by the State as long as there are no complaints and the impost does not amount to the maladministration. The zamindars have no rights of levying their own excise, ferry, cattle pound and other dues. There is no interference as regards the period of a *theka*.

In zamindaris the *gaontia* may approach the zamindar for recovery from defaulting ryots and procedure here would depend upon whatever is entered in the zamindari *gaontiahi patta*. In the *patta* of the Patna zamindari examined by me there is nothing about resort to a court and probably, either the *gaontia* or the zamindar, exercises powers of ejectment. The Dewan could not give me any definite information about this and apparently cases from the zamindaris do not come to the State courts usually.

6. Zamindars probably claim the right to make their own settlements and I was informed by ryots of Banjaridhand in the Khargawan zamindari that last year a rough survey by estimation and seed capacity was made and rates enhanced.

7. Under some of the zamindars, there are sub-zamindars who have been granted all rights in their villages in perpetuity on payment of a fixed sum, which is practically a token payment only. In view of the cess imposed upon the zamindars in addition to the *takoli* the sub-zamindars also have to pay a cess. Generally speaking it may be assumed that the zamindar has transferred all his rights in the village to the sub-zamindar.

I visited a village in the Patna zamindari held by a sub-zamindar. Though the sub-zamindar has the right of sub-lease he was holding the village direct. In this village the *takoli* was said to have been increased. The ryots said their rents had been enhanced several times in the last 15 or 20 years. Land revenue or rent was being paid in two equal instalments (not so in the *khalsa*) and interest at two annas per rupee was being charged on arrears. The sub-zamindar was recovering a rate of one rupee per plough as a *nistar* rate and grazing fees except on plough cattle. The *patta* of a *gaontia* of course was not binding on him and he was levying *nazarana* on the allotment of land. The State had granted a remission of three annas in a rupee owing to bad crops but the zamindar had not followed suit. A decision against the levy of export duties by sub-zamindars was given during the minority administration.

8. In addition to sub-zamindars there are *khorphoshdars* or maintenance grantees of the zamindars who practically are the same as sub-zamindars except perhaps that they do not pay any *takoli*. There are also *khorphoshdars* of the State (outside the zamindaris). I have seen two agreements executed by the Superintendent of the State during the minority; they were both issued as revised *sanads* after resumption of the maintenance grants for refusal to accept a revised *sanad*. A *takoli* gradually enhanced to 32 per cent. is payable. The State can make settlements and its orders are valid throughout the *tappa*. Forest rights are granted; disputes are to be referred to the Political Agent.

Apart from zamindari and *khorphosh* grants no other grants are shown except land of about 10 acres called *jagir* assessed to a nominal rent. Some lands are held by the Ruler personally as *sir* and no ryots have acquired any rights in them. No detail of these lands are available and they have not been mentioned in the statement of rent-free grants.

#### THE RYOTI TENURE

9. There is nothing which may be called a revenue law in the State other than a list of terms agreed upon by the *gaontia* or lessee of a village. Under the latest one (most *gaontias* still hold on old *pattas*) issued by the State, the ryot

cannot be ejected except for non-payment of revenue or breach of the conditions of the *gaontias patta* or for "extreme misbehaviour". The *patta* requires the *gaontia* to go to a revenue or civil court to get the ryot ejected. The rent payable by the ryot will be as agreed upon between the *gaontia* and himself. Surrender of land can be made in writing in the month of April; if the *gaontia* does not accept the surrender it can be sent through a court. Transfer of land except by annual lease cannot be effected without the sanction of the court.

Among the cases examined by me was a case of purchase of lands by certain ryots. The *gaontia* complained and ejectment was ordered as purchase was illegal and "against the policy of the State." In a case of sub-lease for a period of ten years both lessor and lessee were ordered to be ejected out, the Ruler ordered the lessee to be reinstated and the lessor was referred to the civil courts. Direct male heirs or the wife, for her life time or till remarriage can inherit a ryot's land but daughters and collaterals cannot inherit unless joint. Partition requires the sanction of *gaontia*. Improvement on land are immune from enhancement of revenue for the period of settlement (presumably the period of the *gaontia's patta*) following the current one. Land is regarded as abandoned if the ryot has left the village and has not paid a year's land revenue. The land revenue of a ryoti holding is not fixed during the term of a *theka* and it is possible for the *gaontia* to make changes anytime during the term if the ryot does not take the matter to court; the *gaontia* could perhaps fix the rent in any manner, such as according to the crop. The schedule fixed in the "court of wards" time would be applied if a case comes to court. In this State development of agriculture is very poor and the position still is such that the ryot is more in demand than the land. One of the matters which is considered to be an improvement is the settlement by a *gaontia* of ryots, from outside the State. For new cultivation in a village, a ryot is entitled to hold free of rent, after the field is ready, for one to three years according to the condition of the waste and the kind of field prepared. For ryots coming from outside the State, materials for house building are given free. A *gaontia* who brings ryots from outside and improves his village will be considered favourably for a renewal of his *theka*.

Cultivation of waste other than reserved jungle, grazing grounds, etc., is permitted on application.

All fruit trees and ten other species specifically mentioned are not to be cut without special permission. The free *nistar* allowed is as in the zamindari *patta* already described. Beware cultivation is not permitted.

Ryots are liable to the levy of a *chanda* or contribution for the maintenance of *gudis*, village roads (not main roads maintained by the State), market places, wells, the uniforms of *kotwars* (more will be said about this in describing *kotwars*). Forest boundary lines adjoining villages are required to be kept clear by ryots.

A *gaontia* has to see that his ryots buy *rasid-bahis* and record payments of revenue in them; apparently a ryot who does not buy a *bahi* may not get a receipt.

According to the old *patta* which must still be current in many villages, ryot may be ejected without reference to a court though he has the right to complain to a court. The *gaontia* is entitled to *begar* for the cultivation of his manwar lands and officials are also entitled to *begar* and there was *begar* for State work also. *Begar* is shown by the State as abolished and clauses regarding it are not to be found in the new *pattas* but enquiry in the villages tells a different story.

Ryots of the Khargawan zamindari said that in their village a fee one anna per receipt had to be paid to the person who wrote out the receipts. They were required to cultivate the *manwar* of the *gaontia*, reap and store the crops at the *gaontia's* place. They also said they had to pay the rent in one instalment only in the month of January. They were required to thatch the house of the *gaontia*, to pay a school cess of 8 annas per plough (not prescribed by the State), to supply fuel to the zamindar at Dusserah and a payment of 2 pailies of pounded rice per plough to the *gaontia*.

A grazing fee is levied in the *nistar* jungles of the zamindari except for plough cattle. (For payments to village servants, see relevant paragraph.)

In the *khalsa* village of Mansuk, the villagers said that the entire cultivation of the *gaontias manwar* was done by them with their ploughs and cattle. *Begar* was taken for the carriage of the luggage of officers (the village is on the road). At Dusserah, fuel is rendered at Baikunthpur and the villagers have to stay

three or four days there, presumably for other work. Rendering of a goat has been stopped since last years. In Salba also *nagar-bethi* is levied.

In the Patna zamindari village visited, interest was being levied at 2 annas per rupee on arrears, and one pice was charged for receipts. Ryots were not allowed to propagate lac on trees in their holdings and this right was reserved by Bhuiyans apparently employed by the lac *theke*dar. They have no right to trees even on their holdings but enjoy the fruits. *Begar* of various kinds is taken and it amounts to 9 days in a year. Fuel, grass and leaves of trees have also to be supplied. A tax of 2 annas per mahua tree is levied. The sub-zamindar appears to levy *nazarana* on lands; a ryot mentioned payment of Re. 1 for allotment of abandoned land (payment admitted). Rent is paid for homestead land.

10. Regarding acquisition of land there are no rules and I was not furnished with any cases either. In August 1941 the Ruler wrote that compensation is paid if the land is acquired for public purposes and the amount depends on the class of the improvement made on it.

11. I saw a number of cases which started as revenue cases, went on for a considerable time and the parties were then directed to go to a civil court. This procedure practically amounts to denial of justice as few people, particularly ryots can afford to go to a civil court after spending money in a revenue court.

In a case of unlawful ejection by a *gaontia*, the *gaontia* returned the land and no further action was taken against him.

There was a case of complaint of excessive assessment in which survey was ordered and some alterations made after which the case was filed. The Superintendent of Land Record reported that some 'mistakes' were found; it is not stated to what extent, if any, there was rack renting.

#### THE VILLAGE HEADMAN

12. The *gaontia* of a village is bound by the conditions of the *patta* which he agrees to accept when appointed. By this *patta* the *gaontia* agrees to pay a certain land revenue for the village annually. All *thekas* do not begin and end in the same year though all of them begin and expire on fixed dates in a year. 20 to 30 *thekas* are said to expire in a year. Usually the period of a *theka* is 3 years but longer periods are also fixed. The Dewan said that short leases are given because it is expected to make a settlement but examination of cases shows that short periods were quite common.

When a *theka* expires sealed tenders are invited for the *annual land revenue* or *thekajama*. The village is offered for the highest amount tendered to the previous *gaontia* as in the zamindari, if he accepts. No *nazarana* is levied and the practice is thus the direct opposite of that in most States where the *thekajama* is fixed and a *nazarana* is levied. When a *theka* expires the patwari visits the village and makes a report regarding the minimum *thekajama* which may be expected and this is used as a sort of reserve bid. Generally about 20 per cent. more than the ryoti rents of the village is accepted as the *thekajama*. The experiment of leasing on *thekajama* has been mentioned in the case of Khairagarh. I saw a similar case of village Badi where the *thekadar* accepted a *jama* of Rs. 684 and had to leave the village.

13. There are no villages with more than one *thekadar* in the *khalsa* area, and probably not in the zamindaris also. There are 28 villages referred to as *kham* on account of inability to get a *gaontia* or for special reasons.

14. There is no restriction in the *patta* regarding the area of *manwar* land the *thekadar* may cultivate and there is no record of it; *manwar* may be leased out without ryoti rights accruing but may not be alienated in any manner. As however there is no record of *manwar* land the condition is nominal. *Manwar* land in the village, according to the Dewan, is supposed to be held for the purpose of feeding petty officials when they visit the village. This is not mentioned in the *patta* of the *gaontia* even in the zamindari; on the contrary the *patta* prescribes that all *rasad* supplied by the *gaontia* is to be paid for. No mention of this custom is made in the Gazetteer and it seems to be an entirely new conception in this State though the Gazetteer mentions in respect of Khairagarh that besides *sir* (the equivalent of *manwar*) a portion of land called *sirha* used to be held for the purpose of supplying *rasad*.

*Manwar* passes to the next *gaontia* if a *theka* is not given to the same person but the *ex-gaontia* is entitled to retain such lands as he himself has won during the currency of the *theka* without the help of ryots and such land as he formerly possessed in ryoti right.

15. The *theka* of a *gaontia* is impartible and the rights of inheritance (during the currency of a *theka*) are the same as in ryoti land. *Gaontias* can give out for cultivation lands from waste or surrendered lands or lands left intestate or from which the ryot has been ejected in ryoti rights.

A *gaontia* can be ejected for failure to pay revenue on due dates, for breach of the terms of the *patta* or State laws, harassment of ryots or extreme misbehaviour. The *gaontia* is not entitled to levy *nazarana*; there is little scope for this except in a few villages.

The *gaontia* is required to protect the forests and prohibited trees and prevent *bewar* cultivation. He is expected to reside in his village unless he has more than one, in which case he can appoint an agent whose name is simply intimated to the State; the State exercises no control over the agent's appointment.

16. Maintenance of *gudi*, village roads, etc., is done by him through the ryots. The *gaontia* can levy subscriptions from the ryots for the dress of the *kotwar*, for the maintenance of *gudi*, wells, etc., and for the sanitation of the village. He is required to keep camping places and rest houses clear and in good condition. The forest boundary lines adjoining the villages have to be kept clear by the *gaontia* and ryots.

### THE RECOVERY OF LAND REVENUE

17. Rice is the main crop of the State though some other crops are grown and land revenue is payable by the *gaontia* in two instalments,  $\frac{2}{3}$  on the 15th March along with cesses, and  $\frac{1}{3}$  on the 1st June. In default a penalty of three-fourths anna per rupee is levied for default up to three months, and higher rates after this the maximum being  $1\frac{1}{2}$  anna per rupee. The dates should be convenient to the ryots.

In cases of failure to pay the revenue, the *gaontia* may be proceeded against by attachment of movables or immovable property such as a house. In practice there has not been arrest and detention of a *gaontia*. A *gaontia* may be evicted for failure to pay.

18. Against the defaulting ryots the *gaontia* has to go to the civil court. The ryot may be proceeded against by attachment of movables or by attachment of immovable property such as a house or by eviction from the holding. Eviction is the usual procedure.

In a case for recovery of arrears the ryots pointed out that certain lands had been surrendered by them in lieu of arrears on the rest; this was not considered adequate and ejectment was ordered.

19. Movable property attached is left in the village under surety in the first instance and if sale is ordered later the property is usually brought to headquarters but sales may be held at the spot also either by the *jamadar* or the *wasil-baki-navis* or by the Sub-Divisional Officer in important cases. Sale of immovable property such as a house is done by the Sub-Divisional Officer at headquarters.

Tahsil peons, in practice, may collect revenue. Recovery of dues like the dues of a caste headman or claims of maintenance against a zamindar are treated as revenue cases.

20. Collections of land revenue during the last ten years have been poor, less than 50 per cent. of the amount shown as demand in 1936. There seems to have been no record of cases against *gaontias* between 1931 and 1936 as, in spite of heavy arrears, no cases are shown. In the remaining years the number of cases is not heavy but proportionately the number of cases by *gaontias* against ryots seems to be large.

### CESSES

21. There is a cess of 2 annas per rupee without any name but meant for administration levied on each rupee of *thekajama* of a village. The *gaontia* recovers the cess from the ryots. This is said to be in vogue since the time of the minority administration and may be taken to be about 30 years old. The zamindari cess has continued since the time the zamindaris were granted. The last revision of the zamindari cess was made in 1920.

### REMISSION OF LAND REVENUE AND AGRICULTURISTS LOANS

22. Remission may be granted in individual or general cases on application at the discretion of the Ruler but there is no general policy regarding the grant of remissions for general reasons.

23. There is no system of granting agriculturists' loans in the usual sense of the word.

The loans for improvement of land may be given to the *gaontia* and he will be responsible for them. The villagers may help in building a tank, etc., and the *gaontia* may levy a rate for fields benefitted by the tank but the tank is recorded in the *gaontia's* name. It is said that the *gaontia* is expected to employ the villagers in constructing the tank. There are no rules or agreement regarding such loans. The application may contain particulars of the *gaontia's* intentions.

#### VILLAGE SERVANTS

24. Chowkidars or *kotwars* in villages are appointed by the State. All of them hold rent free holdings. Small villages may be grouped together under one *kotwar*. There are no villages with more than one *kotwar*; it is said that he may, in practice, appoint an assistant unofficially. The *kotwar* is entitled to receive payment in grain from the villagers - 10 chataks of paddy from each house and Rs. 5 from the whole village, which the *gaontia* distributes among the ryots, and Rs. 2 for winter clothes which is also distributed in the same way. In the Khargawan zamindari the *kotwar* is said to get 17 kurois of paddy per plough and 6 pailies of rice from every ryot in addition to two annas per ryot for his dress. In addition to the chowkidar known as a *kotwar* there is a *gudiat* whose duties are probably similar to the *kotwar's* but who is mostly made use of for menial services. The *gudiat* gets remuneration similar to that of the *kotwar*. In Salba village, the non-agriculturists were said to be paying 2 annas for the *kotwar* and *gudiat's* dresses each, i.e., four annas per house. Though Rs. 5 are prescribed for the dress, in practice, a larger sum seems to be levied. In the zamindari village of Mohara, the *gaontia* levies annas 6 per plough for the dress the total amount levied comes to about Rs. 15 out of which about Rs. 5 or 6 are spent on the dress of the *kotwar* and *gudiat* and the rest is appropriated by the *gaontia*.

Above the *kotwars* there is an official who is a sort of head-*kotwar* known as chowkidar locally. There are usually about 5 *kotwars* under each chowkidar. The chowkidar holds *muafi* land like the *kotwar* and *gudiat* and villagers have to contribute grain in the same way as they contribute to the *kotwar* and *gudiat* but not on the same scale. He is entitled to Rs. 5 for his dress from the whole 'circle' but the village of Salba alone was said to be paying Rs. 3 for this purpose. On the whole, the maintenance of the chowkidar and others is an enormous burden on the ryots who seem to be subjected to quite improper and excessive levies and the impression the villages gave me was that these servants were awful tyrants. The total payments made to them in grain and cash seem to amount to a surcharge of not less than 33 per cent. on the land revenue. The State exercises little control and the *gaontiahi patta* does not contain any clauses regarding their remuneration except that the *gaontia* can recover it from ryots. It appears also that the trio of chowkidar, *kotwar* and *gudiat* is a much heavier imposition than in most States and certainly heavier than in the Central Provinces where there is usually only a *kotwar* in each village. The *kotwar* and chowkidar are supposed to perform police duties. The *gaontias* do not seem to contribute to the *kotwar's* dress. The service land of the chowkidar is what has been held as service land from previous years and there is no record of such land. There seem to be other village servants.

The ryots of Khargawan zamindari said that in addition to the *kotwar* and *gudiat* there was a *lohar* for services to officials who is paid 5 kurois; he provides water for officials. In the *khalsa* village of Salba however the ryots said the *lohar* sharpens the implements of the agriculturists and he is appointed by them.

#### FORESTS

25. The State has special forest rules but there are no working plans prepared yet. The forest rules are similar to the Khairagarh rules and were prepared in 1940. The reservation of forests started in 1936 or 1937 under Mr. Mooney's advice. It does not appear that any careful enquiry regarding the *nistar* of villagers has been made. The demarcation of forests started in 1937 and is yet to be completed.

There are reserved, protected and village forests the last of which includes all village and other waste land not included in the first two classes. Individual trees or groups of trees when not grown by individuals on their own lands are also included in village forest. "Village forest" does not include cultivated land but the clause in the *gaontia's patta* mentions trees which may not be cut so that all lands are covered.

There are 15 species of trees reserved in the village forests which *nistar* payers may not take except on payment of a fee. *Nistar* rate is levied at Re. 1 per plough from cultivators (minimum 8 annas) and 0-4-0 per house from non-cultivators except people like *chamars*, basket makers and others on whom higher rates are levied. *Nistar* payers get timber of unreserved species for implements and house building, bamboos for house building, fuel, leaves, etc.; the list is different from that given in the *gaontia's patta*.

Grazing fees are charged except on three animals per plough.

In the zamindari villages the same charges are supposed to be levied. According to the forest rules the forest boundaries adjoining villages have to be maintained by the villagers.

Forest offences are compounded up to Rs. 20 by the forest officer and for amounts above this the case is sent to the Dewan who compounds up to Rs. 50.

26. The fruits of trees on wasteland of the villages are auctioned every year. Fruit trees standing upon cultivated holdings are not the subject of auction, but there is a tax upon fruit trees; there is a tax upon all mahua trees including those on wasteland. The Forest Adviser has recommended the abolition of this tax in his latest inspection note. In the Patna zamindari, a sub-zamindar was charging two annas per tree.

#### MONOPOLY

27. Lac, harra, tendu, etc., are monopolies. The zamindars seem to have their own *thekedars*. The lac monopoly has been leased out for four years. The Forest Adviser point out that very low rates are being paid by the *thekedar*; the *thekedar* is entitled to the purchase of lac propagated on cultivated holdings. The State before 1941 was purchasing lac departmentally and was not paying a much better price. Under the lac monopoly the *thekedar* can get lac propagated on trees in the villages by himself or through his agents.

The hide contract is for the sole right to purchase skins sold by ryots and others; the agreement prescribes minimum prices. The harra lease is issued only for forest.

#### CROP PROTECTION

28. As regards crop protection, animals may be fired at only while actually in the crops and elephants may not be shot or killed. The skins, horns and flesh of deer must be deposited with a forest official in 24 hours; if the flesh is to be retained it has to be paid for Rs. 15 for sambar, Rs. 8 for nilgai and Rs. 4 for other deer. Apparently in these cases rules do not sufficiently deter the would be agriculturist from protecting his crops; there are only 22 licences issued for crop protection. The licence fee is annas eight for issue and annas four for renewal (the forest rules prescribe free licences).

#### REVENUE ORGANISATION

29. The State is sub-divided into two sub-divisions with headquarters at Baikunthpur and Manendragarh. These are further sub-divided into tahsils. Khargawan zamindari is a tahsil and the Manager of the zamindari seems to be treated as a person with functions similar to a tahsildar. The revenue organisation of the State consists of the Ruler with all powers, the Dewan, two sub-divisional officers and a tahsildar at Ramgarh. There is no definite distribution of duties or delegation of powers and it is a matter for discretion which cases are to be sent to the Ruler. All important cases like settlement of *gaontias* go to the Ruler. The Sub-Divisional Officers have to look after the collection of revenue and deal with some revenue cases. The Dewan and Sub-Divisional Officers have criminal and civil judicial duties as well. The tahsildar mostly looks after revenue collection.

Apparently in connection with the proposed survey of the State there are some land records staff with revenue inspectors and a few patwaris but there is as yet no regular land records organisation as in some of the other Chhattisgarh States. The tahsil organisation resembles the Central Provinces tahsili. The total expense on the revenue organisation seems to be about Rs. 4,000 against a land revenue of Rs. 47,000 and a total revenue of nearly 10 lakhs.

#### NAZUL

30. In the towns of Manendragarh, Baikunthpur, Chirmiri, Khurasia and Jhagrakhand, the residential areas are termed *nazul* and excluded from the operation of *thekedari* rights. In Baikunthpur, there is no *thekedari* area but in Manendragarh there is a *thekedari* as well as a *nazul* area. The *nazul* of the

towns of Chirmiri, Khurasia and Jhagrakhund was constituted only last year. In the *nazul* areas land is disposed of by the State on payment of premium and ground rent of one or two annas per rupee of the premium. Premium is said to be foregone when the plots are not attractive. The maximum premium is Rs. 4 per 100 square feet and the minimum annas eight. The *nazul* areas include agricultural lands as well and when agricultural land is set aside for building purposes (apparently under State orders) it is laid out into plots after hearing objections. Usually the previous occupier is said to take the lands for building purposes. It is not clear if a premium is levied in such cases.

#### MISCELLANEOUS

31. The State reserves the right to all fishery. No fee is charged for clay, sand, etc., which may be used by agriculturists but the State reserves the right to all such minerals. In the case of fishery also actually no lease is given out.

It is said that diluvion and alluvion do not occur in the State.

Petition writers are engaged after paying Rs. 5 for examination. Paper costing 2 pice per sheet is issued to the petition writers

For keeping records and copying, Central Provinces rules are said to be followed.

### NANDGAON

#### REVENUE HISTORY AND SETTLEMENTS

The State consists of four parganas which were originally zamindaris subordinate to the Maratha Rulers of Nagpur. It may be expected therefore that the revenue system of the area has been considerably influenced by the Marathas in the past. According to a note quoted in the Gazetteer there were sub-divisions called *parganas* and one of the principal *gaontias* (lessee or headman of a village) was appointed as *pargania* and acted in all matters as the Raja's intermediary with the *gaontias* of his *pargana*. The settlement of the 4 parganas was carried out in rotation, the period of the settlement being 3 years. The process by which rents were revised was called *chaukasi*. The Raja was represented at these settlements by a *panch* consisting of the *pargania*, one or two State officials and the same number of respected *gaontias* of the *pargana*. The *gaontia* whose assessment was to be revised was represented by 5 neighbouring *malguzars* nominated by him. A list was prepared of the rents actually paid by the ryots. This, together with the statement of rents at the last settlement, was put before the *panch*; a sort of bidding then took place between the two *panches* and a final decision was then arrived at enhancing or reducing the *gaontia's jama* as the case might be. When the revision was completed for all the villages of the *pargana*, the *gaontias*, formally accepted the settlement before the Raja. The *gaontia* enjoyed his *sir* land free of revenue. He also held a 'plough' of land from which to provide *rasad* for the Raja or official visiting his village. There were various cesses and other levies. It is recorded that a check was imposed upon the amount of *sir* land held by a *gaontia* as there was always a tendency for him to acquire the best lands and a disproportionate share in the lands of the village. To remedy this the State fixed the proportion for every village and it was generally a fifth or a sixth according to the size of the village. The ryot or the *gaontia* had the right to apply to the State for redistribution of the *sir* land if either thought that his rights had been infringed by the other. This was called *lakhbata*; tenants' lands were generally redistributed at the same time. Details of the assessment of the ryoti holdings are not however given. Apart from the description given in the Gazetteer, the settlement reports contain practically nothing of the old revenue system.

2. A regular settlement based on a cadastral survey was completed in 1894 and was in force for a period of 7 years. The *gaontias* were granted 25 per cent. instead of 20 per cent. of the village assets; apparently even in the previous summary settlements the land revenue was a percentage of the village assets. The settlement expired in 1901 but famine delayed revision. The 1894 assessment was regarded as heavy and there was an agitation by *gaontias* and tenants which is attributed in part to the hope that *malguzari* or proprietary rights might be squeezed out of the State. The settlement report shows however that the famine had severe effects and large areas of land had gone out of cultivation. Lower rates had therefore to be fixed and

there was a general reduction of the assessment of the cultivators as well as the *gaontia's* lands. The settlement seems to have been made according to methods used in the C. P.; a uniform rate appears to have been taken for the 'deduced' rent in each group of villages and applied to the *sir* land of the *gaontia* as well which was formerly held at higher rates. The village assets included *siwai* or income from grass, hides and *mahua* and other commodities. The *gaontias* used to lease out the right of taking the hides of dead animals to the village chamars who started poisoning cattle in order to increase their profits. The settlement officer recommended the abolition of this practice. The land revenue of the village was taken as 75 per cent. of the 'assets' in most villages but in some for which new *gaontias* were found willing to accept at a higher percentage, higher rate was applied. The term of the settlement was fixed at four years.

The next settlement took place in 1908 and was made on the same principles. As there had not been sufficient time for recovery the land revenue was not enhanced. The hide monopoly was converted at this settlement into a payment of annas 12 per plough to be paid to the *gaontia*. The period was fixed as 7 years but a revised settlement was not taken up till 1922 on account of the war. At this settlement also there was little change in the classification or grouping of villages and ryoti rates were applied to the *sir* lands of *gaontias* in all but a few villages. The revenue was enhanced by about 20 per cent. The report of this settlement which is the only one which is fairly detailed shows that on account of the prohibition of transfer of lands, ryots were in the habit of surrendering the land and getting it reallotted by the *gaontia* who got about 25 per cent. of the consideration and 11 per cent. of the ryoti land had been transferred in this way; the *gaontias* used to levy *nazarana* when they reallotted surrendered land; ryots used to sublease their lands in discharge of debt; there was a tax of 2 annas per *mahua* tree added to the rental of the holdings except in some jungly villages; the hide tax was continued at annas 12 per 'plough' (25 acres); the total *siwai* or miscellaneous income amounted to about 3 per cent. of the total rental. The period of the settlement was fixed as 12 years but the term has been extended till 1942. In this well developed tract there is no excuse for revising settlements earlier than once in 30 years which is the period in surrounding districts. The State has been surveyed fully by traverse and cadastral survey.

### ZAMINDARI AND OTHER TENURES

3. There are no zamindaris in the State. There are grants such as *muafi* grants for temples, maintenance grants and so on. There are 10 *muafi* villages in the State given from time to time for the maintenance and worship of different temples either within the State or in Bindraban. Under an order of 12th June 1895 called a *yad-dash* these villages are being managed in the  *khasgi* or domestic department by the Dowager Rani Surya Mukhi Bai. She has continued to do so till today even after the death of the Raja. The register prepared at the settlement of 1922-23 does not show who managed the  *khasgi* department before the late Raja Bahadur transferred the management to his wife. Dowager Rani Surya Mukhi Bai manages and maintains the accounts of these villages but she tenders no annual accounts to the State. There are sub-lessees in seven out of these ten villages since a very long time ago. These sub-lessees have the same rights and privileges as the ordinary *gaontias* of the State under the State *wajib-ul-arz* and the villages go from father to son. Similarly the tenants enjoy the same rights and privileges as ryots of other villages managed by *gaontias* in *khalsa*. The land revenue and cesses are collected by the Rani Saheba; the cesses are paid to the State and the remaining amount is supposed to be spent on the temple.

Besides these villages there are 4 *maufi* plots given in charity by Rani Jotkuar Bai in 1869 to a Brahmin during the illness of her son. They are now held by his grandsons in *maufi*, who pay only cesses to the sub-lessee of a *maufi* village of the Dowager Rani Saheba.

In addition to the management of the above 10 villages, the Dowager Rani has 22 other villages as *maufi* grants for maintenance. There are no sanads available. These villages are given to her in perpetuity (according to the memorandum issued by the late Raja Bahadur Balram Das, dated the 12th June 1895). No conditions regarding resumption or liability to assessment or quit rent are shown against them in the *maufi* register prepared in the current settlement of 1922-23 but there is a quit-rent of Rs. 25 in respect of

village Nandgaon in the *kist-bandi*. In 11 villages there are *gaontia* who have got the ordinary *gaontia*'s rights as defined in the *wajib-ul-arz*.

Mutation of these *gaontias* is made by the State as for example in the case of Balbhadra Das. The 11 others are managed by her direct. The *maufidarin* pays the cesses of all the 22 villages to the State. Apart from whole village grants she has *muafi* plots in seven villages with similar rights and records.

In the village of Nandai the Rani has created some rent-free grants of her own.

There are two other life-time grants of four villages given to some members of Ruling family- On one of these there is quit rent of Rs. 25.

One village is held in perpetual *maufi* or *makta* tenure by the Bhonsla Estate, Nagpur. No villages or lands are held as the private property of the Ruler. No case record of *maufi* grants, even of recent ones, is available and in respect of the maintenance grants of the Rajmata there is only a letter or report on which orders have been passed. No mutation cases are available either, though in some cases mutation has occurred, as can be seen by a note in the register.

### THE RYOTI TENURE

4. The rights of a ryot in his lands are permanent possession so long as he pays rent and he can be ejected only through a competent State court. The only document prescribing the rights and liabilities of ryots and village headmen and other village servants is the *wajib-ul-arz* of the State (the English version of which differs from the Hindi version which is attached to the agreement of the village headman. The wording is ambiguous as admitted by the Deputy Commissioner of the State. A ryoti holding may be inherited by direct male heirs or by collateral male heirs or in the absence of heirs by the widow for life but daughters are not allowed to inherit and in the absence of male heirs the land is at the disposal of the *gaontia*. (This is a rule in respect of which there is considerable dissatisfaction). Sub-lease for a year or, with the consent of the *gaontia*, for a longer period, is permitted but no rights of transfer exist and if a transfer is made the heirs have a right to obtain possession through a court.

A ryot is entitled to improve his holding by making a well or other work which does not cause damage to others.

Land left uncultivated with rent unpaid for two years is regarded as surrendered and lapses to the *gaontia*. Surrenders, by orders issued in 1931 were required to be made by registered deeds in order to prevent litigation between *gaontias* and ryots.

5. The rule prohibiting transfer is usually evaded by surrendering to the *gaontia* who reallots the land on recovery of a *nazarana* of about 25 per cent. (ten to fifty per cent.); this is not an authorised levy. In the villages visited one of the grievances put forward is the lack of rights of transfer. When surrendered land, or land otherwise coming into the possession of the *gaontia* through intestacy or ejectment is reallotted, the *gaontia* generally levies a *nazarana* and the rent, even though the land may have been assessed at settlement, is as may be agreed upon by the *gaontia*. Cases examined show that though transfer is prohibited, actually there is connivance at the procedure of surrender and reallotment, and pressure was brought to bear on a *gaontia* in a case of refusal. (As the *gaontia* would not agree the Superintendent said the land was required for State purposes; the case was still pending.)

6. Except the fruits and produce of harra, achar and bahera trees, raiyats are entitled to the fruits and flowers of other trees on waste-land. There are 9 species of tree which may not be cut without permission and in the case of certain timbers a special licence is required if they are above 2 ft. girth.

Trees planted on one's own holding or on another's holding with his consent belong to the planter. Trees of spontaneous growth belong to the owner if they are not of the reserved species. For the enjoyment of the produce of *mahua* trees a tax of 2 annas per tree, included in the land revenue at settlement, is payable to the *gaontia*. Some ryots give a portion of the flowers to the *gaontia* in lieu of the payment.

7. In respect of the hides of dead animals these are now at the disposal of the owner but a yearly payment of annas 12 per plough has been included in the assets of the village and the amount is payable to the *gaontia*.

8. Raiyats are bound to supply *begar* to the *gaontia* at the rate of one plough and pair and a plough servant for one day each year. Defaulters are liable to pay six annas. Other *begar* rendered to officials has been abolished, but in practice luggage of officials is carried free of charge. The raiyats and *gaontias* are required to maintain a *garhi* or rest house for officials.

9. According to the *wajib-ul-arz*, land required for State purposes or inclusion in forest may be taken up with "reasonable compensation" in the case of occupied land; no procedure is prescribed. In a case of acquisition of lands for police lines some land was given in exchange; the land was occupied before the matter was settled.

10. The *wajib-ul-arz* mentions a custom of joint sugarcane cultivation and the *gaontia* is bound to give land out of his *sir* land for the purpose. The old system of *lakhabanta* or periodical redistribution of lands prevalent in these parts does not appear to be practised now and the *wajib-ul-arz* prohibits it without State sanction.

11. Ryots and other residents of a village are entitled to a house site free of rent but this does not mean free of initial payment, and *gaontias* levy a premium. The ryot is not entitled to the site and if he leaves the village he can dispose of only the materials but not the land or trees. There is a provision which gives proprietary rights in trees in the compound of the person in the village site. (Apparently contradictory to the general rule regarding trees.)

12. Ryots are entitled to the water of tanks and wells for ordinary purposes free of charge but lands irrigated from State tanks are subject to special assessment or a rate. Ownerless tanks are the property of the State.

13. When new land is allotted by the *gaontia* it becomes rent paying immediately; the rent being the amount agreed upon. "Ryoti rights" accrue immediately when the land is occupied for cultivation.

14. Fisheries are at present not leased out and the position regarding them is not clear. The ryots seem to enjoy the fisheries in tanks and streams.

15. The Central Provinces system of *rasidbahis* is in vogue here and raiyats get receipts but there is nothing in the *wajib-ul-arz* requiring the *gaontia* to grant a receipt. A *rasid bahi* costs annas four which seems to be rather more than the cost of production.

16. No subtenants under the various *muafi* holders or others were granted occupancy rights at the last settlement, and sub-tenants do not acquire permanent rights

#### VILLAGE HEADMEN

17. With the exception of a small number of partially abandoned villages in the jungly tracts of the State, every village is held by a *gaontia* or *thekedar*. The *gaontia* is given a *patta* showing the lease of the village as given to him for the period specified and the duties expected of him as well as penalties. The *gaontia* executes a counterpart in which he, *inter alia*, accepts the conditions of the *wajib-ul-arz* as binding on him. According to the *wajib-ul-arz* (in English) the *thekedar* has the right of renewal when a *theka* or lease expires at settlement

18. There is no village with more than one *gaontia* but there are *gaontias* who hold several villages. The villages which are without *gaontias* are placed under the forest department for collection and the revenue is collected by the forest department. Some villages (e.g. Chikli) are held by the Rajmata as *thekedar*. (There is no agent in Chikli and the vital statistics, etc., are maintained by any body. Some *charokhar* land was also said to have been leased out by the *thekedar* to the disadvantage of the ryots who have little waste land left.)

19. When a *gaontia* dies, normally his son is appointed. If a *thekedar* dies without heirs the lease of the village is disposed of by auction. If the eldest son is not suitable, or there is no son, the village may be given to the widow (for life) or to joint collateral heirs; daughters and their off-spring have no right to inherit. Recently however a village was given to a *gaontia*'s daughter at three-fourths of its price, i.e., for Rs. 3000 instead of Rs. 4,000. (A proclamation issued recently was brought to my notice by the Ruler of Khairagarh in which it is stated that the right of daughters would be recognised in future.) The village from which a *gaontia* is evicted may be disposed of by auction. When a successor to a *gaontia* is appointed, a mutation fee of 2 annas per Rs. 50

of land revenue is levied ; no other fee is levied. The auction bid of a village put to auction is credited as *nazarana*.

Partition or transfer of a village or sublease or mortgage cannot be made by the *gaontia*. Maufidars have sublet villages with the permission of the State ; the Dowager Rani is an example. The sub-lessees are appointed in the manner of an ordinary *thekedar*.

20. The home farm lands of a *gaontia* recorded at settlement is known as *sir* land. Formerly it used to be unlimited, but a rule was made that it should not exceed one-fifth of the cultivated area of the village and is now restricted. The *gaontia* may have other farm lands known as *khudkasht* which are lands cultivated by the *gaontia* from waste, or land surrendered or abandoned by the ryots, which he is cultivating. There are usually co-sharers in *sir* lands and these are recognised, but if the *gaontia* is ejected all of them are liable to be ejected also. The *khudkasht* land of the *gaontia* remains as his ryoti land if he is ejected. The land is in fact referred to as ryoti land in the *wajib ul-arz* and the term *khudkasht* is not used. Some villages seem to have no *sir* land.

The remuneration a *gaontia* gets amounts to 15 per cent. in jungly villages and to 25 per cent. in the open tracts of the total village assets which consists of the rentals of all lands in the village and miscellaneous income known as *siwai*. The *mahua* cess at 2 annas per tree (levied in the villages in the plains but not in the jungly tracts) the hide cess levied at the rate of 12 annas per plough of 25 acres, and other income from grass, etc., is included in the *siwai* income. (*Nazarana* is not included in *siwai* income but sale proceeds of *abudi* land is included in *siwai*.) The *gaontia* holds the village on the amount specified in his lease which is the net revenue after deducting the *gaontia*'s drawback.

21. The *gaontia* is entitled to settle new ryots and in fact no person can settle in the village except with the *gaontia*'s consent. The rent of new lands is determined by agreement between the *gaontia* and the ryot. The *gaontia* is also entitled to take possession of surrendered lands, or "intestate" lands or lands from which the ryots have been ejected and to resettle them. In such cases also the rent is as may be agreed upon. If the *gaontia* leases or sub-lets his ryoti lands the lessee acquires ryoti rights in it. It is doubtful if this is conceded in practice.

Among the waste lands of the village is the land recorded as *charokhar* which simply means grazing ground; other waste lands are known as *ghas* or grass land. There was presumably some rule in the past that the *charokhar* should not be cultivated but the remaining grass land could be let out by the *gaontia*. The State appears however to have developed the idea that the *charokhar* may be leased out by the State, the restriction being thus relaxed, and at present the idea is that *charokhar* is State land while other waste is at disposal of the *gaontia* and is sometimes referred to as belonging to him. The State does not exercise any control over the disposal of waste lands by the *gaontia* except when there is a complaint that there is not enough grazing left. The *gaontia* has no right over land recorded as reserved jungle in the settlement records. The *wajib-ul arz* prohibited levy of *nazarana* when land is newly allotted but this prohibition was found futile and, in 1931, the Tahsildar wrote that the *thekedars* did realise *nazarana* and the ryots never came forward to complain against the breach of the rules. Orders were therefore passed permitting the levy of *nazarana* requiring the *gaontia* to report the matter to the State in the hope that this would prevent exorbitant levies and concealment of true figures.

Cases examined by me show that there is often friction between *gaontias* and ryots on account of lease of *charokhar* lands or other lands which the villagers consider should be kept open for grazing.

22. 25 per cent. of the *nazarana* levied by the *gaontia* on new lands belongs to the State under these orders issued in 1931. The members of the Ruling Family are not paying this and the Superintendent has held that this must be recorded, in a case which has arisen. In another case the *gaontia* took the plea that the land reallocated was his *khudkasht* land and that no *nazarana* was taken; the S. L. R. however reported a sale deed. This shows how evasions are practised. The practice now is for the State to recover one-fourth of the *nazarana* in all cases such as surrender and reallocation where *nazarana* is levied. The 1931 order however mentions only new lands.

*Gaontias* are required to pay a *Dusserah salami* not exceeding one per cent. of the land revenue or less than Re. 1 to the Ruler. This was not strictly levied during the minority administration but fresh orders were issued in 1931 requiring *thekedars* to make payment at 1 per cent. of the revenue; if the amount was not paid it was to be collected along with the revenue.

23. *Gaontias* are liable to be ejected for non-payment of land revenue, for disloyalty, or for breaches of the *wajib-ul-arz* (which might mean breach of any trivial condition theoretically). Free *rasad* formerly paid by *gaontias* and ryot was abolished in 1929. In villages (85) where the *gaontia* does not reside, an agent of his is required to stay; the *gaontia* is required to maintain a house but it is doubtful if this is done in practice. Under the *wajib-ul-arz*, a *gaontia* must stay in his village unless exempted. There are a number of *gaontias* who do not reside in their villages. As already stated transfers are effected through the *gaontia* by surrender and allotment and the *gaontia* levies a *nazarana*. There is no provision for this in the *wajib-ul-arz* and the practice is an evasion of the rules.

24. Land revenue is payable by ryots in two instalments on the 15th December and in April. Rice is the main crop harvested in November and December.

### RECOVERY OF LAND REVENUE

25. Recovery of State dues is governed by an order of 1938 called the "Public Demands Recovery Darbar Order". This order simply provides that arrears certified to the Dewan may be ordered by him after enquiry to be recovered in the same manner as an arrear of land revenue but there is nothing in the *wajib-ul-arz* or elsewhere to show how arrears of land revenue may be recovered except that there is a clause for eviction. The rules are meant for demands other than land revenue.

26. From *gaontias* recovery of land revenue is effected by attachment and sale of movable property or by eviction. Defaulters are not subjected to arrest and detention. If a *gaontia* is evicted and the village is auctioned, arrears are recovered from the new *gaontia* in addition to the *nazarana* bid at the auction. Coercive measures are not taken against muafidars as most of them are ladies of the Ruling family.

When a *gaontia* fails to recover from a ryot he files an application for recovery, and the Revenue Officer proceeds to evict the tenant after giving him time for payment. The tenant is evicted from the entire holding. Ejectment of a tenant from the whole holding takes place even if part of arrears have been paid; the tenant loses the land as well as the money. The cases are not treated strictly as rent suits.

Attached movable property is generally brought to headquarters. Sales are held by the *maljamedar* (peon) who is also responsible for the work of the process serving peons as in the C.P. The tahsildars sanction sales held by the *maljamedar* and submit the case to the Deputy Commissioner for confirmation.

27. Recovery of land revenue during the last ten years has been satisfactory on the whole but the number of cases against *gaontias* and ejectment of ryots is not small.

### CESSES

28. A 'patwari cess' is collected with rent from all tenants and *gaontias* at the rate of anna one per rupee of the rent and the rental valuation of home farms (not on total assets including *siwai*) and the total amount is credited into the treasury with the first *kist* of the village revenue. The cess is also levied in *muafi* villages. The *gaontia* gets no drawback on this collection.

*Hadki* or hide cess is collected from tenants at the rate of annas twelve per plough along with the rent.

The *gaontia* pays a road cess, a school cess and a post cess from the *siwai* or miscellaneous income of the village. These cesses are not recovered from tenants. The rates are 3 per cent. as road cess, 1½ per cent. as school cess and annas eight per cent. as post office cess on the land revenue.

## REMISSIONS OF LAND REVENUE AND AGRICULTURISTS' LOANS.

29. There is no regular practice of granting *taccavi* loans. Last year some loans were given. Within the last ten years land revenue was suspended only last year on account of general crop failure on principles followed in the Central Provinces.

### VILLAGE SERVANTS

30. Village servants are *kotwar* and *gazier* and others such as *baiga* and blacksmith. The *kotwar* is paid 10 *kattas* of grain in addition to his rent-free service holding by the ryots. The service holding of the *kotwar* in some jungly villages is cultivated for the *kotwar* by the ryots of the village, the seed being supplied by the *kotwar*. The *kotwar* is entitled to a payment on sales of grain held in some villages but he is expected to weigh the grain. A *kotwar* is generally appointed from the family of the previous incumbent, unless he is unfit or the previous incumbent has been dismissed. A woman cannot be appointed a *kotwar*. The *kotwar* is required to report births and deaths, crime and other matters and to keep watch and ward in the village. Annas five is assessed at settlement, in addition to grain, as *kotwar's* dues. In some villages *kotwars* have no rent free land and villagers seem to pay 20 *kattas* of paddy each. Other village servants are appointed and dismissed by the *gaontia* in consultation with the ryots. Some of them hold service-holdings which follow the office.

### FORESTS

31. Mr. Mooney is the Forest Adviser. There are no rules or working plans and the India Forests Act is followed. Reservation and demarcation of A class forest has just been finished. There is only A class and village forest and no B class forest. No shifting cultivation is practised in the State.

Reservation of species has been made under a separate order. The number of reserved species has been reduced to five since 1940. In the village forests, the forest department looks after only reserved trees and palas trees on which propagation of lac is to be made. No grazing fee is charged in village forest at present.

*Nistar* cess is paid by villages which have village forest, for taking *nistar*. The cess is annas twelve per *nagar* (plough) in Pata pargana (jungly tract) and Rs. 1-8-0 in other areas. The cess is recovered by the *gaontias*. The non-*nistar* villages can get *nistar* from A class forests on payment of scheduled rates. *Nistar* cess payers cannot take anything from A class forest free. In villages paying *nistar* cess reserved species can be taken on payment of  $\frac{3}{4}$  the ordinary rate.

All waste land in the village is included in village forest. When waste land is cultivated, the forest department is consulted only when there are reserved species of trees. The trees are first offered to the villager at three-fourths of the royalty and if he does not accept, the trees are sold by the department by auction or at scheduled rates according to conditions of trees.

Ryots are not entitled to propagate lac in village forest but they can do it on their own holdings; this right is said to have been given in 1940. The ryot is obliged to sell the lac to the licencees or pattadars. In 1940 the Forest Adviser recorded that the lac contractor was paying less than he should and suggested the announcement of rates.

Honey in village forests is taken by a contractor. Harra and tendu are also contracts and tenants are bound to sell to the monopolist. No export duties are levied on domestic animals or grain.

Boundary lines are maintained by the forest department on daily labour. The forest officer is entitled to compound cases up to Rs. 20; only cases involving larger amounts are referred to the Superintendent.

A ryot, to appropriate a reserved tree on his holding has to pay three-fourths of the normal royalty if the tree is of spontaneous growth. Over a planted tree he has full rights. *Kusum* is not a protected tree but it cannot be felled during lac bearing months.

32. The tendu leaf monopoly extends to cultivated holdings and the contractor is entitled to take leaves from holdings free of charge; there is a complaint by the *thekeedar* that tenants prevented this; the tenants seem to have claimed the plants for themselves as they were in the holdings, but the contractor's right has now been allowed.

Grazing on the unmetalled land of the main road used to be leased out till recently but has been abolished for the last two years. In Anjore village the ryots said they had set apart 25 acres of ryoti land for grazing as waste land was inadequate and they paid rent on these lands.

### CROP PROTECTION

33. Beats for pig have been permitted in 1941 by the Superintendent, following the practice in C. P.; before this, villagers used to be fined for killing wild pigs.

### REVENUE ORGANISATION

34. The Ruling Chief (at present the P.A.) is the final appellate and revisional authority in revenue matters. The Superintendent hears mostly appeals in revenue cases. He passes final orders in appointment and ejection of *thekedars* (but not mutation cases where the son or relative is appointed) and such other revenue cases as may be referred for final orders by the Deputy Commissioner. The Deputy Commissioner passes orders in all other cases, enquiry being usually made in the first instance by the tahsildar or naib-tahsildar or S.L.R. There is no definite distribution of work and all cases are supposed to be disposed of by the D. C. but certain cases of trivial nature are marked by him to the tahsildars. The cases are however registered in the D. C.'s own court and final orders of filing are passed by him. The tahsildars and naib-tahsildars are in charge of different areas. They have practically the same powers. Both of them are concerned mainly with the recovery of land revenue and miscellaneous dues. Sometimes civil and criminal work is given to them. The Superintendent and the Deputy Commissioner have criminal and civil judicial work as well as numerous other duties to perform. The S. L. R. apart from land revenue work enquires and reports on certain cases and is in charge of record room.

In the tehsili there is a *wasulbakinavis* who prepares various demand and recovery registers. There is a *maljamadar* who is responsible for the service of process.

The land records staff consists of six revenue inspectors and 75 patwaris as in the Central Provinces. They prepare the same records as in the province.

The total annual cost of the land records and revenue staff excluding the Deputy Commissioner and the Superintendent is about Rs. 18,000 against land revenue excluding cesses, of 2½ lakhs and a total revenue of over 5 lakhs.

### MISCELLANEOUS

35. There are no rules regarding procedure and the Deputy Commissioner says he follows civil procedure. In such matters as maintenance of records and copying the C. P. rules are said to be followed to some extent.

There are no rules regarding mutation of ryoti lands. Mutation is generally recorded where there is no dispute by the patwari without reference to the court. A large number of applications are however said to be filed in the D. C.'s court mentioning the death of the previous holder and requesting mutation of the name.

36. A practice in this State which does not appear to obtain elsewhere is the charge of fees from legal practitioners for appearance in each case. Legal practitioners licensed to practise in the State have to pay a fee of annas twelve before subordinate courts and Rs. 2-8-0 before High Court. For pleaders from outside Rs. 25 is charged (reduced from Rs. 50 in 1939). Petition paper is sold at half anna per sheet. A stamp duty of Re. 1 is charged on a deed of surrender and the same duty on a deed of reallocation. Registration fee is Rs. 2 per document.

In 1938-39 there was agrarian discontent in the State and the main 'plank' of the agitation is said to have been the discontent caused in the interior by the enhancement of grazing rates from annas two to annas four per head of cattle by the then Dewan. After this agitation the area of reserve forest was reduced and grazing fees were abolished outside reserve forest. The number of reserved species were reduced and permission was given to cut trees on holdings. The *nistar* allowance was also increased.

According to the nazul rules framed in 1904 applications for the lease of residential lands in Nandgaon town are first sent to the Secretary, Municipal Committee for report and on receipt of his report the Nazul Officer sends his

recommendations to the Superintendent. If the plot is to be granted a lease is given. Rules regarding premium or rent are not strictly followed in practice; the premium is generally fixed by the Superintendent in accordance with the premium formerly levied for the neighbouring plots and the importance of the site, but some times the land is put to auction. Annual rent is usually fixed at anna one on every rupee of the premium.

The leases are generally for a period of 30 years at the end of which the rent can be revised at the discretion of the State. Pattas are issued to the lessees. The transfer of nazul lands is prohibited in practice though the rules do not make such a provision. The income from the nazul is divided between the Municipality and the State in the ratio of 4:1.

Waste and *padao* lands within municipal limits are not leased out. There are no rules regarding the conversion of agricultural lands into building sites. In the village of Chikli which adjoins Raj-Nandgaon, sites are given out even from the *dharsa* land (paths) and there is a complaint about this from the villagers under investigation. There are no rules regarding the conversion of agricultural into non-agricultural land in the *wajib-ul-arz* in respect of rural areas also.

## NARSINGHPUR STATE

### REVENUE HISTORY AND SETTLEMENTS.

In common with most other States in this area, Narsinghpur till comparatively recent times had no systematic revenue administration. Villages were managed by headmen known as *padhans* who agreed to pay a certain amount for the whole village and this was paid partly in kind and partly in *cowries*. The settlement report of 1918 records that till 1879 there were no records of any kind and the Chief did not know what was the income or expenditure. The amount payable by the village as a whole was distributed over the ryots by the *padhan* who was "all in all" in the village. In 1881, under the instructions of the Superintendent of the Tributary Mahals, a settlement was made on measurement of land with a standard pole and the lands were assessed to an amount of Rs. 41,000 (the previous revenue appears to have been about Rs. 16,000). The cultivators protested and the amount was reduced to Rs. 30,000. A similar settlement was made in 1895-99 and the revenue was increased to Rs. 42,575, partly as a result of increase in cultivated area. The basis of assessment is not clear and it appears that there were numerous rates of land revenue.

The next settlement followed in 1914-18. At this settlement there was a survey by plane table of the boundaries of villages and cadastral survey of fields was also made. The settlement was made according to Orissa practice, villages being divided into six classes and lands also classified and graded.

The thirty five rates proposed included non-agricultural holdings one of which was assessed at Rs. 100 an acre and others at Rs. 50 and various other rates. There was practically no increase of cultivation during the settlement period and the revenue was enhanced by increasing the assessment rate. Some of the heavy enhancements were allowed to take effect gradually during the period of settlement. The net increase was nearly 21 per cent. The report of the settlement does not give any details of crop experiments or prices. The period of the settlement was fixed as twenty years but this has now been extended by another ten years till 1948.

In Nukkapada village which is held under a *debottar* grant for a deity at Puri, the villagers protested that a wrong classification was made and rents had been enhanced on that classification. On examination this was found to be a justifiable grievance and the Superintendent ordered that the village should be placed in a lower class. the *debottar* grantee appealed to the Political Agent who reversed the order of the Superintendent on ground that the village had already been notified as first class and if the tenants were not satisfied they could go to the civil courts. As may be expected the tenants did not find this a practicable proposition.

2. The usual records like *khasra* and *khatian* were prepared. The records do not present an appearance of careful preparation. The rent payable by the *sikmi* ryot (under ryot) in respect of whom statutory provisions now exist is not shown in the *khatian* nor in the *khasra*. The village maps seen show ex-

treme fragmentation of holdings. There are quite a number of civil suits arising out of the entries made in the settlement records.

No *pattas* are said to have been issued to the *sikmi* ryots and only their names are recorded in the settlement papers. No mutation is made when a *sikmi* ryot dies and the matter is left entirely to the tenant concerned.

### ZAMINDARI AND OTHER TENURES

3. There are no zamindaris in the State but there are 8 villages held as *debottar* grants for certain deities, apart from many grants of lands. Some of these grants are held by deities outside the State, others by deities in the State and some are apparently private deities of the Ruler under the "debottar department" under his control. The sanads of the grants show that the income from the grant is required to be spent on the *bhog* of the deity; in the case of one grant (Dhanipur and Bughdaria) the grantee is also expected to feed persons visiting the *math* and there is also a clause to the effect that the grantee may realise one *gauni* of paddy and one pice in the areas granted, to be spent on charity. The grants make over practically all rights in the village to the grantees. No control is exercised over the use to which the income is put where the deity is outside the State and I do not think that much control is exercised on other deities. In the case of the debottar department practices established during the minority administration probably continue and it is reported that there are separate budgets and savings in cash are credited to the treasury in the name of each institution. I saw a case in which the *mahants* of the maths of three *debottar* villages died and new *mahants* were not appointed. The *moharrirs* of the maths were working as *sarbarakars*. The death of the *mahants* seemed to have occurred a long time before the matter came to notice and proceedings were started. This may be taken as a measure of the control exercised.

The total area of these grants including separate holdings is 4,418 acres. Of this area, 1,729 acres are held rent free, about 1,329 acres pay quit rents varying from one-fourth to one half the normal rent, while others are fully assessed.

Certain *debottar* grantees have the right to settle ryots on waste land on such terms as they please; others are supposed to take State sanction. This is said to depend on previous custom or the terms of the grant (usually vague as indicated above) and in fact the position is rather obscure. The grantee, where there is a right of settlement of the land, is only expected to inform the State of all settlements of land from time to time but there seems to be no definite obligation in this respect. In the village of Nukkapada I was informed that the grantee takes all the 'intestate' lands for *nijchas* or personal cultivation. The grantee also gets the consent money charged on transfers of land. The *sarbarakar* of this village was appointed by the State but the grantee is said to have the right of nomination. In respect of tenants recorded at settlement, the rights seem to be the same as that of ordinary ryots but in respect of others, the position seems to be totally obscure; rents are fixed as may be agreed upon and the tenure also seems to be as may be agreed upon. In cases of dispute which come to the court the rents may be fixed at a fair and equitable rate.

*Debottar* lands cannot be transferred permanently though this may be allowed in special cases, but may only be leased out annually for a period not exceeding three years.

*Debottar* grantees recover rents from tenants by filing rent suits but the debottar department is entitled to institute "certificate cases".

The area of rent-free *debottar* has increased since the last settlement by about 360 acres to 2,099 acres.

4. Lands held by the Ruler or his family personally are recorded as '*khamar*'. The Ruler's personal lands are said to amount to 734 acres now; there were 864 acres at settlement and some of the lands are said to have been settled with tenants. Information has not been furnished in respect of other *khamar* lands.

There is no sanad in respect of these lands. The Ruler is the absolute owner and the lands are rent free and cess free. These lands are generally in *khas* possession of the Ruler, and if the lands are settled in ryoti or other right, such right is recognised for the purpose of record.

5. Apart from *debottar* and *khamar* lands, there are grants to Brahmins, known as *brahmottar*, *khorakposhak* or maintenance and other grants most

of which are for maintenance of the grantees. Under the rules, maintenance jagirs which are specifically granted for maintenance become liable to pay full assessment but the land may also be settled with persons other than the holders. *Brahmottar* and similar land do not seem to be regarded as maintenance grants; the holders are ryots holding "rent free" lands.

6. There are jagirs or grants for various kinds of service such as door-keeper, *palki* bearer, personal servants, cooks, painters and so on. There are about 50 *palks* holding 380 acres on quit rent and liable to render services when called upon for four to sixteen days a year.

7. The total area of land under grants either rent free or under quit rent is about 7,500 acres. There has been an appreciable increase under most of them since the last settlement.

There are "service" holdings in every village. These generally pass by inheritance to heirs. There are chowkidari, dakua, nai jagirs, etc.

### THE RYOTI TENURE

8. The ryoti tenure of the State has been modified by a revenue law drafted in 1938 by the present Dewan. The settlement reports gives information about the tenure as it existed. According to this report, in common with other areas of Orissa, ryots were known as *thani* or *pahi* according to residence in the village of cultivation or otherwise. There was no difference in the status of these ryots and they had the same rights and obligations. "As long as a person holds any land as a tenant in any village and pays rent, he obtains all the benefit of a settled ryot." Such rights as a ryot was entitled to according to custom seem to have accrued immediately he was admitted to occupation of land. There were no rights of transfer or sub-lease and no rights in trees. Ryots had various liabilities in the shape of *begar*, *magans*, etc.

According to the law of 1938 which bears a superficial resemblance to the Orissa Tenancy Act, in addition to *thani* and *pahi* ryots (who do not find separate mention in the Orissa Tenancy Act on account of the lack of difference between them) a new definition of a "resident raiyat" is introduced, a resident ryot being one who has held land continuously for a period of 12 years in a village. "Resident raiyat" seems to mean the same thing as *thani* ryot and the sole object of this innovation seems to be connected with the grant of 00.2 acres of homestead lands rent free only to resident ryots whereas, according to the settlement report, this concession was allowed to all tenants and in fact is customary in these parts. According to this custom, a *pahi* ryot taking up residence in the village where his lands lie would automatically get a certain area of homestead free (if he did not reside, he would not want a house site) whereas under the new rule, he would not get this concession unless he has resided 12 years.

There are some additional complications. "A resident raiyat may acquire the *thani* rights in a land with the express sanction of the State, which he held as a *pahi* raiyat"; a *thani* ryot is also described as a resident ryot and a *pahi* ryot as a non-resident ryot; *thani* and *pahi* raiyats have *thani* or *pahi* rights in their land and these raiyats have the right of "occupancy" in the land which has been defined nowhere. Though a resident ryot may acquire *thani* rights as stated above, if a ryot goes to live permanently in the village where he has cultivation, he cannot become a resident ryot till 12 years have elapsed. The rules do not state what right a person acquires when he is admitted for the first time to occupation of land. There are under-ryots referred to as *chasi* or *shikim chasi*, the implication of which is not mentioned. This complication of a comparatively simple system is aggravated by repetition of provisions and bad drafting except where a section has been transferred in its entirety from the Orissa Tenancy Act. Section 66 of the rules lays down that the rent and cesses of a holding shall continue for twenty years and also that a settlement of land revenue may be postponed when it becomes due, section 147 however lays down that the settlement of land revenue shall "ordinarily continue for twenty years but this period may be reduced or extended". Other features of the ryoti tenure under the rules will now be mentioned.

9. A ryot has no right to claim compensation if his holding is acquired by the State. If a house is acquired he is entitled to compensation to be fixed by the State having regard to the condition of the house, materials and value. The State may acquire the land "for any purpose or cause". In a case of

1940, a ryot applied for abatement of the rent of his land on the ground that it had been acquired for a school in 1924. No record of acquisition was found but it was a fact that the school actually stood there. Rent was abated from 1940 but a refund of rent paid was not allowed on account of the "gross negligence" of the applicant. (This case indicates what a cultivator may put up with before he protests). In another case where land was surrendered the school cess was not abated till 3 years had elapsed.

10. Ryots, in addition to paying rents and cesses fixed for the holding, are liable to obey orders communicated through sarbarakars (nature of orders not specified) and to render such assistance as may be reasonably required of him in which case he "may be entitled to get some remuneration as may be fixed by the State authority." Ryots may be ejected for putting the holding to a use which renders it unfit for the purpose of the tenancy, for not agreeing to pay rent fixed or for not obeying orders or not rendering service required of him or for transferring the property without the sanction of the State.

11. Succession to a holding is in the same manner as other immovable property but adoption requires special sanction; it is also provided that the "legal next heir" has no right if he has been living separately unless this is specially sanctioned by the State. I saw a case where mutation was not permitted in favour of female heirs and the land was recorded as intestate. A mutation fee of two annas per rupee of rental is charged apart from process fee necessary for publication.

12. Land may not be sold, mortgaged or leased without permission. Aborigines may be refused permission if they wish to transfer to higher castes. If an application for transfer is made there are various considerations on which it may be refused such as the transferee being a habitual defaulter of rent or a person who for any reason should not be made a tenant of the State, the vendor has less than five acres besides the area proposed to be sold, etc. If no objection is found the transfer is permitted, a transfer fee of ten per cent. of the consideration fixed at a *sanctioned rate* in the case of sale, 5 per cent. on exchanges and 20 per cent. in the case of gifts being charged; in addition to this a mutation fee of four annas per rupee of rental is charged and a separate application for this is necessary (bearing of course a court-fee) and in spite of the fact that the court has already made the necessary enquiry, proclamation, etc., have to be issued and, according to the law, the court may disallow the mutation. (For mutations certified copies of orders were also necessary but this was abolished in 1938). Mutation cases last for two to three months even if the case arises out of a sale sanctioned by the State. I saw a case in which the applicant filed a duly stamped application; after proclamations had been issued and the *sarbarakar* had reported, the applicant was asked to file a new petition simply because the *sarbarakar* reported that the applicant had brothers and this had not been mentioned in the petition; the petition already filed could easily have been amended. As it happened, a new petition was not filed apparently on account of the expense and the case was filed. In another case in which the petitioner had spent not less than two rupees, the papers were filed and he was asked to present a fresh petition simply because the *sarbarakar* reported that there was a mistake in the area mentioned. In all mutation cases there is a separate mutation form costing an anna.

In cases of sale as well as permission to lease, much expense has to be incurred by parties in filing petitions, copies of various documents and processes and considerable delay occurs before permission is granted. Objections are often filed with private motives.

Transfer fee is levied on civil court sales and sales for recovery of rent also. "On confirmation of sale, a sum equal to ten per cent. of the sale price and the arrears of rent, if any, due in respect of the holding sold, shall be utilised and the balance, if any, shall go to the satisfaction of the decree or certificate and the surplus, if any, be paid to the judgment debtor or certificate debtor." The purchaser has to get his name *separately* mutated.

Rent free homestead may not be sold unless the whole ryoti holding is sold with it

Exchanges also require permission and the usual proclamation and enquiry, and after this, mutation in the same way. In the case of gifts also the same procedure is followed. Mortgages are restricted to five years in the case of

usufructuary, and six years in other, mortgages. In simple mortgages, interest is limited to an amount equal to the principal. No fees are levied for transfers by mortgage except that of processes and registration. Lease on *bhag* (share cropping) does not require sanction. No transfer fee is charged on leases; leases require registration unless they are annual leases on *bhag*.

Ryoti land is not saleable by a civil court except in cases of mortgage. Partitions may be made privately but on application for recognition, the court can enquire whether it is just and proper and whether fertility will be decreased or whether unreasonably small holdings created.

13. A ryot has full ownership to the timber of the trees standing on his homestead lands which he may enjoy without permission of the State, and also he has a similar right to the timber of trees of unreserved species, standing on his other lands. In respect of fruit bearing trees of reserved species, such as mango, tamarind and jack, he may use, without permission, the timber, when the trees naturally become dry or dead, and not otherwise, and of reserved species whether green or dry, he has a prior right to the timber on payment of half royalty; he is entitled to the fruits of such trees.

Ryots have no right to the fruits of trees in the sarkari wasteland but if any trees have been planted by ryots on wasteland with the permission of the State, they can enjoy half of the fruit exclusively, the other half being supplied to the *rajbati*; they have no right to the timber.

All ryots have *parchas*. Grant of receipts is prescribed in the rules, but if the sarbarakar fails to grant a receipt, the ryot has to institute a *suit* to recover from him a penalty not exceeding double the rent, a provision which probably penalises the ryot more than the *sarbarakar*, if it does not deprive him altogether of a remedy. Ryots are charged one pice for each receipt by the sarbarakar.

14. *Bethi* for the maintenance of roads is paid for at the nominal rate of Rs. 10 per mile. Forest boundary lines have also to be cleared by ryots on a nominal payment. The ryots of Nukkapada said that they have to send thirty people to clear the lines six miles away and the payment was  $5\frac{1}{2}$  annas. *Rasad* was abolished in 1938. No other *bethi* seems to exist at present.

15. No charge is made for minor minerals like stones clay, sand or building stone. Fisheries in jhils of the Mahanadi are auctioned.

16. When application for allotment of new land for cultivation is made the *sarbarakar* is consulted, a proclamation is issued and a report called for from the *amin* at the expense of the applicant. If there is forest growth, the forest officer is consulted. If it is considered that the land can be leased out and if it is fit for immediate cultivation assessment according to the usual village rate is made, otherwise a period of 3 to 5 years is allowed to lapse before the land is assessed. According to the rules the lease may be granted "on such terms and payment of prescribed fees (not prescribed in the rules themselves) or such amount as may seem to him just and proper."

Forest growth on the land is required to be disposed of by the forest department. Under the rules the rent may be such as is imposed. *Utbathi* lands or State lands given out on temporary leases are assessed according to the crop grown. If the land is fit for immediate cultivation, a *salami* is charged according to the classification; otherwise not.

Homestead lands are allotted on payment of *nazar* (Rs. 200 per acre). Lands are liable to pay rent and in all cases of new land the whole area is assessed and no *minha* is allowed.

Land may be surrendered two months before the end of the agricultural year with the sanction of the State; part of a holding may not be surrendered. Lands in respect of which the ryot has not paid rent or cultivated for a year and has quitted his residence are regarded as abandoned. Lands surrendered or abandoned or left intestate for which there may be more than one applicant are disposed of by auction.

Ryots may improve their holding by the construction of wells tanks embankments and so on; the construction of tanks, ditches, etc, requires the sanction of the State.

17. There are special provisions in the rules for aboriginals who are persons "belonging to any aboriginal caste who observe the custom and tribal laws of the caste." In areas inhabited by *kondhs*, no person who is not a

kondh may settle down without State sanction. In these areas transfer of land is restricted to aboriginals. Abandoned and surrendered lands in these areas must be resettled with aboriginals. These restrictions do not apply if State dues are to be recovered by sale of lands.

18. The rules in respect of "under-ryots", that is, persons holding from ryots, prescribe that the rent shall be as agreed upon but not less than the assessment of the land, an apparently superfluous provision as sub-leases are hardly likely to be created at a rent below the settlement rent if this is reasonable, and further, an unnecessary concern of the State whose revenue is otherwise safeguarded. The under-ryots, recorded as such at settlement, may pay cash rent to the ryot. The rent of the under-ryot is limited to 25 per cent. more than the assessment if he does any work for the State (*bethi*) or 50 per cent. if he does no work. There are various provisions regarding the ejectment, succession, etc., of under-ryots taken more or less from the Orissa Tenancy Act. The explanation to section 27 says that it is the general principle of the State not to allow sub-tenancies and only those—sub-tenancies recorded at settlement are recognised and new "shikmi right" is not recognised in any case.

The number of sub-tenants recorded at last settlement was largest under *brahmottardars*. The total number was 475.

#### VILLAGE HEADMEN

19. For collection of revenue, each village is in charge of a *sarbarakar*, and where there is no *sarbarakar* available, a collection moharrir has been appointed by the State. Of the 216 villages in the State 46 villages are under *khas* or direct collection, 7 *debottar* villages are managed by the State—there is one *debottar* village under a tenure-holder. The remaining villages are under *sarbarakars*. The 46 villages came under *khas* collection on account of the failure of *sarbarakars* to collect the dues and consequent eviction, failure of fresh candidates on the death of *sarbarakars*, and some cases of surrender with no candidates coming forward.

The *sarbarakars* are paid *malikana* or remuneration at the rate of 10 per cent. of the total rental of the village and  $6\frac{1}{2}$  per cent. of the forest cess, but nothing on the school cess; under the rules they are liable to be paid less for less than full collection. The rules do not lay down that the *sarbarakar* is responsible for the revenue of the village and speak only of collections but in practice he is responsible and the penal clause also provides for his removal if he does not credit the full demand. They enjoy *bhogra* lands for which they pay revenue and cesses like ordinary ryots and this amount is included in the total rental or cess of the village. There are some villages in which there is no *bhogra*. The *bhogra* lands are not the property of the *sarbarakar* and he may create no right in them. The *tauzi* demand of each village is the net amount after deduction of the commission of the *sarbarakar*.

Each *sarbarakar* maintains a rent roll supplied by the State and *wasul baki* and daily cash books. Receipt books are not sold by the State but the *sarbarakars* are expected to provide themselves with their own books privately. The form is prescribed by the State.

If a *sarbarakar* dies, preference is usually given to his son, but the rule says that the post is not hereditary. At the time of appointment a *nazar* of 10 per cent. of the village *jama* as well as 5 times the rental of the *bhogra* is charged, but sometimes, if the *sarbarakar* is unable to pay, the amount may be reduced. A village is never auctioned.

It is said almost all *sarbarakars* are literate.

There are 3 villages with more than one *sarbarakar*. These are big villages and have been partitioned for convenience in collection. The *sarbarakars* of these villages have separate rent rolls and separate *bhogra* also. They have been issued separate *pattas*. One of these double *sarbarakars* was created since the last settlement. I noticed a case in which separate *sarbarakars* were appointed in a village because a portion of it (or hamlet of it) was inhabited by Kondhs.

Some *sarbarakars* have more than one village and the maximum number of villages held by a *sarbarakar* is 3.

There are 23 kondh villages towards the forest area and the *sarbarakars* of these villages are appointed in the same manner as other *sarbarakars* with responsibility to pay the revenue but the villagers are exempt from all cesses

and no interest is charged on defaulted arrears. In the kondh villages surrendered or abandoned lands are settled by the *sarbarakars* with the other tenants who report the matter to the State. No *nazar* is levied on such resettlement. There are special rules regarding aboriginals in the tenancy and revenue rules.

20. I saw two cases in which the *sarbarakar* of the village had died but the State did not come to know of this for three years in one case and five years in another; the efficiency of the administration may be gauged from these cases. In one of the cases, the son of the deceased *sarbarakar* said he was too poor to file a petition (this was supported by the villagers). Probably the relatives of deceased *sarbarakars* do not come forward on account of the *salami* levied on appointment while there is a chance of carrying on without formal appointment for years.

### RECOVERY OF LAND REVENUE

21. The *kist* dates for money rent and cesses are April 15th, November 15th and January 15th, and the instalments are one fourth, one fourth and one half; the cesses are payable with the first two instalments. Produce rent is payable at the time of the harvest. Payments by a tenant may be appropriated towards arrears unless there are reasons to apply them to the particular instalments which he declares. The *sarbarakars* are allowed to start recovery some time before the due date according to the *sarbarakari patta*. Apparently because the system of payment by *sarbarakars* before they themselves collected from the tenants was not working smoothly, an order was passed in 1939 permitting payment as they collect till one month after the due date. A list of defaulters has to be filed at the end of one month from the due date. The November *kist* is not convenient as ryots are busy with the harvest. Rice is the main crop. Payment of the November *kist* is usually made with difficulty by the *sarbarakar*. Collection of revenue is fair but is not effected without a good number of cases against *sarbarakars*.

For recovery of arrears movable and immovable property of a ryot may be attached and put to sale. A habitual defaulter from whom rent and cesses have been realised for five years by coercion may be evicted from his holding. Homestead lands, wearing apparel and ornaments and other items as mentioned in the Civil Procedure Code are exempt from attachment and sale. Plough-cattle are, however, liable to attachment and sale. Unoccupied homesteads are also sold. Agricultural implements are not considered worth while attaching. In the case of *sarbarakars* their private lands may be attached and sold if movables are found insufficient. Defaulters can be arrested and imprisoned, according to the rules, but there have been no actual cases for the last ten years. *Sarbarakars* are liable to pay interest at  $12\frac{1}{2}$  per cent. interest on arrears of land revenue; a penalty may be imposed in addition. If a *sarbarakar* pays the land revenue on or before the due date he may file a list of defaulters to be proceeded against. Otherwise he will have to file civil suits. Interest at  $12\frac{1}{2}$  per cent. in addition to the costs of the case may be realised from defaulting ryots.

When movable property is attached by the peons it is left with a surety and latter brought to court if required for sale. The sale is held by the *nazir* in the court premises. In the case of immovable property the peon is accompanied by an *amin* for the purpose of identification of the land and the sale of immovable property is held by the officer in the court. (A case examined by me showed that the *nazir* sells immovable property also). In case satisfactory bidders are not available in the court from the *amin* puts the property to sale on the spot. The provisions of the Civil Procedure Code are prescribed to be followed in conducting sales. If an officer having any duty to perform has taken part in the sale of property without the sanction of the State, "he shall be taken to task for breach of official discipline and misconduct in such manner as the State authority may direct".

For collection in the villages without *sarbarakars* there are *asul moharrirs*. The *asul moharrirs* grant receipts for payments received by them. Personal security is taken from these *moharrirs* for about Rs. 300. Process serving peons who take a distress warrant accept money if payment is made and pay it to the *nazir* who credits into the treasury.

### CESSES

22. Cesses in the State are school cess and forest cess. Both were imposed in 1910. The school cess is one anna per rupee of rent. The forest or nistar cess is mentioned under forests.

## REMISSIONS AND LOANS

23. Remissions are given in case of drought or flood or deterioration of land. Crops are damaged fairly often in the villages bordering the river. The remission to be given is found by local enquiry. No remission is given if the outturn of the crop is more than 4 annas. If the crop is below 4 annas full or half remission may be given. The remission given during the last *ten years* amounts to Rs. 406, on account of damage by floods and Rs. 77 on account of crop failure due to drought.

Provision is made, for *taccavi* loans, of about Rs. 2,000. 6½ per cent. interest is charged. Grain is also lent from *debottar* and *khamar* granary. interest charged being up to 25 per cent. Cash loans are granted for the purchase of bullocks, seeds, etc.

## VILLAGE SERVANTS

24. Village servants are chowkidar, *dakuas*, barbers, etc. Only chowkidars are appointed by the Ruler on the recommendation of the police. In every village there is a chowkidar. All of them have jagir lands. There is no fixed area of land given to the chowkidar. Usually the area held is 4 to 5 acres. The ryots pay something to the chowkidar according to the arrangement between themselves (seems to be a bundle of paddy per ryot but the sarbarakar does not pay) and no amount is fixed by the State. A levy used to be made five or six years ago for the dress of the chowkidar. In succession cases preference is given to the heirs of the previous chowkidars if found with satisfactory antecedents and ability to work. No fee is charged.

No other servants are appointed by the State but *dakuas*, barber, washerman, etc., in some villages hold jagir lands and these are ordinarily inherited.

There are no duffedars or intermediate servants between the Chowkidar and the State.

## FORESTS

25. Forests are divided into 3 classes, A, B, and *khesra*. There are rules dated 1933. Under these rules, in making a reservation of forest, consideration has to be given to the amount of *khesra* forest left before reservation can be made. (All reservation however seems to have been made before the rules were framed). Previous announcement regarding reservation is not prescribed. In connection with the reservation of forests the Forest Adviser has recorded in his inspection note of 1939 that the villagers of Barbhun had put in an application for the exclusion of a portion of reserve for their *nistar*, and this village had sufficient *khesra* forest and in any case, whether they had or not, the village should not be permitted to encroach on reserve forests. The *khesra* forest includes all waste land not included in reserve or Class B forest. The current and first working plan was prepared in 1941.

There are 7.5 square miles of B class forest which is divided into 2 blocks of 20 coupes each. One in each block is thrown open every year. The maximum distance of villages from B class forests would be 7 to 8 miles but there are *khesra* forests within 2 or 3 miles. There are portions of *khesra* forests which do not come within the boundaries of any village. Traders may take timber or forest produce from *khesra* forest on permits issued by the State under the rules. (This would amount to subtracting something from even the meagre allowance given to the cultivator)

There are at present nineteen reserved species of trees and forest rule 32 declares them reserved in *khesra* forest. In practice the reservation is extended to cultivated holdings also. Section 16 of the revenue rules which speaks of reserved and unreserved species, contains no definition itself. The working plan of 1941 says that before 1885 there was no reservation of trees and tenants could take any tree for their use. In that year, the Deputy Commissioner of Angul introduced reservation which has now been expanded to include cultivated lands.

*Nistar* cess is paid at one anna per acre of wet lands and half anna per acre of other lands. Non-agriculturists pay four annas per house. *Nistar* payers are entitled to take for their personal use from the *khesra* or B class forests trees of unreserved species provided they do not exceed 5 ft. in girth or standing on the bank of any stream or tank. Kondhs are exempted from *nistar* cess. The *nistar* cess was imposed for the first time in 1918.

Ryots can graze ten head of cattle free (seven extra cattle for every ten acres over ten acres of land cultivated) and fees are charged for excess cattle

at four annas per buffalo and two annas per cow. The villagers of Nukkapada which I visited said they grazed only in the village limits as the forest was far away. The settlement report of 1919 records that out of 211 villages in the State there was no forest within village boundaries in 98, and in 87, there was no grazing ground even. "In the remaining *mauzas* there are bushy jungles or bare hills not even fit to meet the fuel supply of the village." At the time of the last settlement there was no grazing fee except on professional graziers.

Maintenance of forest boundary lines is divided among the villagers and Rs. 3 per mile is paid.

Forest offences up to Rs. 25 are compounded by the forest officer and the record is sent to the Dewan.

### MONOPOLIES

26. From the 1st April 1939 monopolies of *pan*, *biri*, *gurakhu* and cocoanut were abolished. Fees payable in lieu of sugarcane pressing monopoly were also abolished but in lieu of these fees a rate of Rs. 2 per acre of land under sugarcane was imposed.

*Kendu* leaves, *kochilla* fruits, *sabai* grass, resin, sealing was, *sonari* bark, *mahua* are monopolies. The *mahua* fruit monopoly extends to the whole State and tenants who wish to sell *mahua* have to sell it to the contractor. The *kendu* monopoly extends to the whole State including cultivated areas. *Kochilla* includes all areas. The hides of animals dying in the village are taken by the monopolist. The contract prescribes certain rates to be paid. Actually skins are taken by *hadis* and sold to the contractor. Persons can be compelled to sell all skins to the monopolist.

The income from hide monopoly varies from Rs. 400 to 1,000. No export duties are levied.

27. A restriction which I have never heard of elsewhere and which never occurred to me to enquire about exists in this State in respect of bullock carts of ryots. There was apparently a prohibition of the sale of old carts but in December 1937 an order was passed permitting sale of old carts among tenants of the State without permission but not to tenants of other States. Registration of carts is compulsory.

### CROP PROTECTION

28. Licences for crop protection are issued and renewed free of cost. The rules regarding crop protection are practically the same as in Baramba. Skins and horns of animals have to be handed over in three days to the forest department. As is the case of the Baramba and other rules, it is not clear if the restrictions against shooting female animals and shooting certain animals within a specified period applies to agriculturists also.

The number of licences for crop protection issued is 45 in 1941-42.

### REVENUE ORGANISATION

29. The Ruler is the final civil and revenue authority. As in other States, the revenue, civil and criminal work is performed by the same staff. The Dewan and Assistant Dewan are the only two officers in charge of all work. Though these officers pass orders in cases specially made over for disposal, nearly all important cases go to the Ruler for orders. The revenue rules provide for appeals against orders but, as the Ruler is the highest authority, this provision is practically of no use at all only petitions for reconsideration can be made by an aggrieved party.

There is no regular land records staff for the maintenance of records. Mutations are recorded by the Record keeper and the two amins seem to be made use of mostly for special work. It is said that the land records are up to date but this can hardly be the case when even mutations brought to the notice of the courts are not made on the ground of some irregularity in the petition see para. 12).

The total cost of the revenue and land records staff is shown as Rs. 2,352 the land revenue excluding cesses being Rs. 49,000 and the total revenue Rs. 1.3 lakhs.

### MISCELLANEOUS

30. There is no shifting cultivation of the *dahia* or *bewar* type. Alluvial land on the sides of the river are given out from year to year by the State; actually the tenants cultivate these lands and the amins report later when intimation is received from the *sarbarakar* and assessment is made according

to the crop grown. Crops such as tobacco, brinjals, seed potatoes, kulthi, mustard, etc., are grown on these lands. Lands classed as *toila* are cultivated regularly now.

Bihar and Orissa Manuals are followed for registration and stamps. The stamp duty is about one per cent. of the value; the registration fee varies from one per cent. for the lower values to  $\frac{1}{2}$  per cent. for higher values. Registration has to be made in a specified period and a fee is charged for extension of time (case seen). Petition writers have to obtain a licence on payment of Rs. 3 per year. There are no rules regarding their appointment and work. Petition paper is sold at 2 pice per sheet.

Amin fee for identification or measurement of lands is charged at 0-8-0 per day if the area is not more than 5 acres and the distance within five miles of headquarters; for longer distances 0-12-0 per day is charged and 0-4-0 for every 5 acres or part in excess of 5 acres. I think the State makes a definite profit from these fees. The fee in force at present is a reduced one and higher fees prevailed before 1937.

For records and copying the High court circulars of Patna High Court on the civil side are followed. The rules of the Feudatory States Manual are followed in connection with the treasury. Petitions have to bear a court fee of 0-8-0.

## NAYAGARH

### REVENUE HISTORY AND SETTLEMENTS

The antecedents of this State which formerly used to pay tribute to the Marathas and is said to have been founded by members of the Rewa Ruling family are difficult to trace in the absence of old settlement reports. The State came under the East India Company for the first time in 1803. It may be assumed that there was no special feature of the revenue system which distinguished it from neighbouring areas and the general system of administration was through farmers of revenue or *sarbarakars*. There is an area called the Kondhmals in the State inhabited by Kondhs who did not settle down in the open tracts but retreated into the hills. These were not regular cultivators and till recent years used to pay to the Ruler a contribution more in the shape of a tribute than as land revenue, consisting largely of forest produce and a few easily grown crops like maize and kultha.

2. It does not appear that till 1852 there was any system of assessment of land revenue based on measurement though *sarbarakars* may have had a system of assessment in terms of seed capacity. In 1852 some sort of settlement and definition of the rights of tenants and tenureholders was attempted by the government tahsildar who was deputed for the purpose. The settlement was for five years on the expiry of which a revision was made for the inclusion of the freshly reclaimed areas. There were further settlements at intervals more or less summary and unsystematic in nature, one of which took ten years to complete. The period of this last mentioned settlement which was completed in 1902 was fixed as 16 years. The next one commenced in 1913 and claimed to be better than the others but as yet there was no proper survey, and measurements were made roughly, and the boundary marks were also often trees and similar objects. Fields were measured in some detail and records prepared. The assessment was however made very crudely on the basis of a flat rate increase of 2 annas on all of the 9 rates which prevailed at the previous settlement. This amounted to 4 per cent. increase in the case of the highest rates and 33 per cent. increase in the case of the lowest rates; this flat rate was applied in spite of the fact that the settlement officer made an estimate of the profit from various kinds of land; the rates proposed show that the assessment was about 8 per cent. of the profit on the best land and about 25 per cent. on the worst land, an instance of how incapable settlement officers in the States have been of anything more than routine. The rates were however sanctioned by the Political Agent. There was no classification of villages. Homestead lands in this State were all assessed at various rates with the exception of lands granted free as *minha* at the previous settlements, but where these had been transferred, they were assessed at full ryoti rates; some poor people were allowed free homesteads.

3. At the next settlement (1928-32) a fairly reliable traverse and cadastral survey of the State appears to have been made and maps prepared. The traverse was by sight-vane and compass and not by theodolite. The Mal area

of the kondhs was also surveyed at this settlement and a record of rights prepared. Assessment of the rent is said to have been made on the basis of crop experiments and the rates do not exceed ten per cent. of the profit. The classification of land was again altered. The position regarding homestead is not clear but it appears from the rent report that homestead up to 0.1 acre, was allowed rent-free for every agricultural holding; special rates were applied to homesteads in Nayagarh town. In the backward tracts inhabited by Kondhs, the lands were not assessed according to measurement but the actual rents being paid by them were recorded in terms of cash irrespective of the area held by them. In the case of certain other backward villages the rates of the previous settlement were left unaltered. Where enhancements were more than 100 per cent., progressive enhancement was allowed. Rent in kind was almost entirely commuted except under a few tenure-holders; the commutation was done at a rate not exceeding double the settlement rent. The term of the settlement was fixed as 10 years as it was considered that the enhancement of 20 per cent. was low. It is somewhat difficult to state on a cursory examination to what extent the survey and settlement was accurate but the number of cases of identification of lands as well as civil suits seems to be large. The State was settled while under management during the minority of the Ruling Chief till 1933. Registers of mutation are maintained at the headquarters office. All new leases of land are entered in this register a reference being made to the original settlement register.

#### ZAMINDARI AND OTHER TENURES

4. Apart from a few villages shown as held by a special tenureholder known as the Khalikot jagirdar and a few villages held as *debottar* all the villages in the State are held directly, though there are numerous grants of various kinds in them. Actually it appears that even these Khalikot villages are not entire tenure villages as at the 1932 settlement the village boundaries were enlarged to include other area and this was done in the case of other tenure villages as well. Thus at present no village is wholly a tenure village and from the 1932 settlement report it appears that the tenures are little more than assignments of revenue : “\*\*\*all the villages of the State are now Mahal villages. The principle \*\* is \* that between the State and the actual tiller of the soil there is no middle man \*\*. The State or Rajsarkar is the proprietor in respect of all lands of the State. Only in certain cases the State has conceded the right to certain people to enjoy that rent paid by the ryots.” In every village now it is the State which appoints the *sarbarakar* who after collecting the revenue pays the *khanjadar* or treasury as the case may be.

5. The tenures are the Khalikot jagir (which, according to the copper plate sanads, is granted in perpetuity no conditions being mentioned), *brahmottar*, *debottar* *anugrahi* and other *lakhraj* grants as well as service jagirs of various kinds.

6. The *brahmottar* grants in this State can be sold but if the sale is to a Brahmin other than a *namaskarania* Brahmin the land is liable to assessment and transfer fees.

7. The *debottar* grants which are numerous and extensive are partly held for the purpose of deities outside the State and partly for deities in the State. The deities in the State are mostly under the supervision of the *debottar* department of the State under the Ruler. The lesser deities are under the charge of *sebaits* or villagers who can pass the position to others and not the land, but according to the settlement report, the manager of the *debottar* department has the power to scrutinise their accounts and only interferes where there are any cases of maladministration. The management of the grants for deities outside is not interfered with by the State. The area of *debottar* grants at the settlement was nearly 13,500 acres. There are other religious grants totalling about 400 acres. All the *debottar* grants are not rent free and some pay small quit rents. The department holds waste land which is leased out on payment of rent and *nazar*. The department pays half the rent of lands (which pay twice the normal rent) to the State.

8. The grantees of these *brahmottar*, *debottar* and other religious grants have rights over trees which are not reserved species, rights to fisheries and right to cultivate wasteland recorded in their names. The right is heritable and partible but with permission.

*Sarbarakars* in these villages cannot be appointed or dismissed by the grantee and occupancy ryots cannot be ousted. The rights enumerated in the settlement report also preclude the realisation of private *bethi*, *abwabs* or other

levies or the realisation of the rents from the recorded ryots except through the sarbarakar. Sale or mortgage requires the previous sanction of the State. Maintenance grants known as *khanja* (except the grant of Korapitha or Khalikot) have been ruled to be held for life only, and in practice they are assessed to 25 per cent. of the rent on each succession. The Khalikot jagir though formerly an absolute grant has had its privileges reduced; the jagirdar is now precluded from enjoying a hide monopoly and mutation fees and trees of reserved species. Otherwise he seems to have the right of a zamindar, practically, and pays no rent to the State. He has the power to cultivate wasteland recorded in his name. No new sanad has been issued to him however and it is quite likely that there are matters which he can contest. He is liable to bear the cost of a settlement.

9. Other *khanja* grants and grants like *rakṭapata*, *anugrahi*, etc., which may be regarded as given for maintenance are not heritable and partible except where specified; *rakṭapata* and *anugrahi* grants are heritable but not partible. The land cannot be sold or mortgaged without sanction and the grantees have no other rights. Some *khanja* grantees pay quit rent to the State.

10. There used to be many villages recorded as *khamar* or Ruler's personal property before but now these have all been recorded as State villages and only certain lands are left recorded as *khamar*. These are held rentfree. *Khamar* lands are held by the Ruler, the Rani Saheba and the Rajmata. These are cultivated mostly through leases of 5 years. The lease has a clause to the effect that surrender cannot be made during the period. Collection of these rents is done by the domestic department or Ranee Mahal.

11. *Tanki* rents assessed on grants were not altered at the 1932 settlement except where they were 50 per cent. of the ordinary rent. The reason for this is not clear. About 13,000 acres were held rent-free at the 1932 settlement excluding chowkidari and other village jagirs; the *tanki* lands are 27,000 acres and pay Rs. 15,000 roughly.

12. For the sale of *brahmottar* lands 20 times the rental or  $37\frac{1}{2}$  times the consideration whichever is higher is taken as transfer fees; the figures for *anugrahi* and other jagirs are 20 times the rental value or 40 per cent.

13. No rent free grants are said to have been made since the last settlement.

14. At the 1932 settlement drastic action was taken by the Political Agent in respect of the numerous service holdings or jagirs and all were resumed except three village service jagirs (sarbarakars, chowkidars and dakuas) and four others for services rendered to the Chief (umbrella-bearer, dancer, *pradhani charchabahera*). The sarbarakari jagir at the 1932 settlement was found to be sometimes in excess of ten per cent. of the rental value of the village and sometimes less. It was decided therefore to settle the excess and this was done, preference being given to ousted sarbarakars, on payment of nazar and the lands was converted into ryoti. Since the settlement, the Ruler has resumed all *sarbarakari* jagirs one-fifth of the land in villages with more than 5 acres *bhogra* being given to the Sarbarakar in ryoti right on payment of 5 times the rental as nazar and discharge of arrears of village rental. A compensation of  $2\frac{1}{2}$  times the rental of the portions resumed and not resettled with *sarbarakars* is given till 1942 unless the *sarbarakar* dies or resigns earlier. This settlement does not appear to be fair as many *sarbarakars* must have been holding their villages for generations.

15. The chowkidars hold roughly 5 acres as jagir and the *dakua* has 2-3 acres. The number of *dakuas* has been reduced at the last settlement. The other jagirs could I think be resumed but the area under them is small.

16. There are separate rules for the area known as Kondmals. Persons other than Kondhs are not allowed to settle here or hold land under these rules (1927) without sanction. Lands in the *mal* cannot be alienated to non-resident kondhs by mortgage or sale, etc., and decrees cannot be executed by sale of land unless the decree holder is a resident. Lands forfeited for breach of this rule can be resettled by the *mallik*.

Loans bear simple interest only, the maximum rate being  $12\frac{1}{2}$  per cent., and the maximum amount recoverable is double the amount lent. There are provisions regarding forest concessions allowed to Kondhs.

Though *pradhans* are not appointed by the State the rules prescribed certain police duties for them and for chowkidars. *Malliks* to be recognised as such require the sanction of the State. The rules do not contain any provisions

regarding the manner of appointment of the *malliks* or their duties. *Pradhans* are appointed by the *mallik* but the important duty of the *pradhan* in the matter of collection of revenue is not mentioned in the rules.

The restrictions regarding the sale of land do not apply to sales for the recovery of State dues. Without a detailed examination it is not possible to say to what extent the rules are followed by the State and what protection they confer on the *Kondhs*. The letter from the Political Agent to the Superintendent in connection with the framing of the rules mentions that orders had been issued in 1914 preventing the acquisition of lands by non-aboriginals but it was found that lands had nevertheless been acquired by *Sundhis*, *Telis* and others and that the *kondhs* were heavily indebted.

In this State as in other places there are *kondhs* living outside the *mal* areas known as "*desua*" *kondhs*; these *kondhs* are settled cultivator and have adopted the language, manners and customs of the *Oriyas*. They are said to live in 31 villages which have been settled. These "*desua*" *kondhs* seem to be able to hold their own against others and one is led to wonder whether isolation is really any protection for the aboriginals. Rules may delay the process of their extinction in the aboriginals state but perhaps the best chances of their survival is by their gradual assimilation in the same manner as the "*desua*" *kondhs*.

### THE RYOTI TENURE

17. As regards ryoti rights, it is seen from the 1918 settlement report that ryots were known as *thani* (resident in the village of cultivation) *pahi* (non-resident cultivators) *chandna* (non-agriculturists having homesteads only). A class known as *chandnachas* is also mentioned but this only means a ryot with a small area of wet cultivation near the homestead (these are the same as *thani* except that they were not allowed any rent free homestead). Ryots called *paikan* ryots were *paiks* whose lands were all assessed and converted into ryoti. There was no difference between resident and non-resident ryots and every ryot whether resident or non-resident had the right of occupancy in the lands assessed in his name however short the duration of his tenancy.

At the 1932 settlement, the settlement officer who was an officer from the Central Provinces introduced the system of recording tenants as *thani mourasi* and *pahi mourasi*. No difference was made between the two as far as rights were concerned and the separate classification seems to have been really unnecessary.

18. Rights recognised at the settlement were that an "occupancy ryot" cannot be evicted except for disloyalty or arrears for three consecutive arrears; sale is permitted subject to certain restrictions; land cannot be sold without sanction to an outsider; an aboriginal or low caste ryot cannot sell to a high caste person without sanction; a portion of a plot cannot be sold, nor a plot with less than Rs. 6 rental, nor a portion which would leave a residue of less than Rs. 6. rental; land cannot be sold to a person who does not reside in the village, nor to one who has more than 30 *mans* without sanction; if there is a co-sharer, land may be sold only to him; no sales are permitted to other than a cultivating ryot or to a person who does not cultivate himself. These restrictions are a considerable reduction in the rights which ryots used to enjoy since 1881 and it is doubtful if they have all been strictly enforced in practice; in 1926 the right of transfer was considered dangerous and rules were framed to prevent exportation of agriculturists. Twenty per cent. of the consideration money or ten times the rental value whichever is higher is payable to the State in addition to mutation fees of 25 per cent. of the rental; this was ten per cent. during the management, was raised to 25 per cent. and was later reduced to 20 per cent. in 1939 after the disturbances. Mortgages by ryots may be usufructuary only and are limited to a period of 5 years. There are restrictions regarding transfers by gifts or will also and special fees are levied. The ryoti holding cannot be partitioned except with sanction. Annual sub-leases are permitted. All these restrictions can however be circumvented if the State gives special sanction on "such terms and conditions" as may be imposed.

19. A ryot has a right to fruit trees on his homestead and bari-lands but he has no rights to trees on his agricultural lands. Ryoti lands cannot be sold by a court except for State dues.

20. An important feature of the 1932 settlement was the grant of occupancy rights to a large number of sub-tenants. Where the original tenants were ordinarily ryots they seem to have been ousted, the sub-tenants becoming the

ryots but under the various kinds of tenureholders such as *debottar* and *brahmottar* they were recorded as occupancy tenants of the tenure-holders.

### VILLAGE HEADMEN

21. The *sarbarakari* system has been long prevalent in the State. The *sarbarakars* used to hold *bhogra* land till recently but now the *bhogra* lands have all been resumed by the State as already stated. They have been ousted from the remaining land which has been either included in the *khamar* or the Rani *khamar* (in case No. 89 of 1933-34 this was done). The present position therefore seems to be that the *sarbarakars* hold merely on a commission basis. It is said that quite a number of *sarbarakars* had no *bhogra* lands at all even formerly. There are no villages with more than one *sarbarakar* (these were eliminated at the settlement) but some *sarbarakars* hold more than one village. A certain number of villages have no *sarbarakars* and collection is made directly by the State. It is said that the absence of *sarbarakars* in these villages is temporary and the posts are to be filled up. The *sarbarakar* is responsible for the land revenue, but can file a list of defaulters in one month after paying up the revenue from his own pocket. He is not entitled to cultivate waste or settle it with other or accept surrenders or take up abandoned lands. He distributes the fish of tanks among villagers and gets four times the share of an individual villager. If the *sarbarakar* does not pay or file a list of defaulters in a month he can only file a rent suit to recover his dues.

In the Kondhmals there is a modified *sarbarakari* system; each village in these mals has got a *pradhan* who appears to be appointed by the villagers and the State has no concern with his appointment. Groups of these villages are held by *malliks* appointed by the State who are responsible for the revenue of all the villages held under them. The *mallik* gets the same *patta* as a *sarbarakar* does. There seems to be no rules regarding the relations between *malliks* and *pradhans*. In one of the *mal* area villages visited the *pradhan* was reported to have been appointed by the villagers without any payment to the *mallik*; the commission he gets from the *mallik* for collection of the land revenue being 1 anna per rupee; the State does not pay this commission.

22. *Sarbarakars* get commissions ranging from 15 per cent. in the case of villages with a revenue upto Rs. 100, to 10 per cent. for villages of rental exceeding Rs. 250. Only 5 per cent. of the demand is paid on cesses collected by the *sarbarakars*.

23. In the appointment of *sarbarakar* a *nazar* of ten per cent. of the rental of the land and five times the rental of the *sarbarakari jagir* lands is levied. Usually difficulty is experienced by the person appointed in paying the *salami* but in case No. 23 of 1939-40 the *sarbarakari nazar* was remitted by the Ruler for some unknown reason though the candidate did not express inability to pay. In another case the local police were asked to find a candidate for the post. The villagers are sometimes consulted in the matter.

In the *khamar* lands there are no *sarbarakars* for collection and lands are managed by the so-called domestic deptt. All tenants in these land are tenants-at-will.

24. Receipts are granted on payment but some *sarbarakars* charge a fee which was one pice per receipt in the village visited.

### RECLAMATION OF LAND

25. Reclamation of land is sanctioned by the State and the *sarbarakar* has no powers in this respect. Applications are sent by the Dewan to the Tahsildar who in turn sends them to the *amin* for enquiry and report. No enquiry is usually made by the Tahsildar himself. A *nazarana* is recovered when the land is allotted. Homestead lands are also allotted by the State and a *nazarana* is recovered. When land is given for reclamation, rent on it may not be recovered for a period depending on its condition, the maximum being 5 years. The royalty on forest growth is recovered. In a case I saw, the applicant refused to take the land after the forest growth was cleared.

### ACQUISITION OF LAND

26. It is said that Bihar and Orissa procedure is followed but examination of cases shows that this is not so. The *amin* is asked to report and on his report the Tahsildars is asked to take action. In case No. 72 of 1936-37 the owner was questioned but in case No. 743 of 1940-41 no such procedure was followed. The compensation given is 20 times the assessment.

## RECOVERY OF LAND REVENUE

27. Certain rules were made during the administration of the State regarding recovery of public demands. Recovery of State dues can be effected by attachment of movables and immovables and by arrest and detention of the defaulter in the order given. Movables essential to the calling of the defaulter may be sold only if the demand cannot be satisfied by sale of part of the immovable property. Arrest may be resorted to only if there is reason to believe that the defaulter is concealing his property, and females and minors are exempt from this process. The provisions of the Civil Procedure Code are expected to be followed in effecting sales except that no proclamation is necessary for the sale of movables. Sales of movable property are conducted by the nazir but the tahsildars conduct sales of immovable property.

Cases examined by me show that the provisions of the Civil Procedure Code regarding the conduct of sales are not really followed in practice. Sales of land are often held without a proclamation of the date. In one case recovery was attempted by leasing out the lands as no purchasers appeared. Some of the lands were leased out and in respect of one field which could not be leased out the *sarbarakar* agreed to try and recover the due from the next year's crop of the defaulter. The Ruler however ordered that cases of purchasers not being available were becoming frequent and there were really cases of sale and consideration passes, but to avoid transfer fees it is shown that purchasers are not available and the land should therefore be confiscated; this was done.

Khanja tenure holders are allowed to proceed against *sarbarakars* for recovery of their dues by 'certificate procedure'. Land revenue is payable by raiyats on 15th January and 15th March in two equal instalments. The main crop of the State being paddy these dates cannot be said to be inconvenient; the former dates of 15th December and 1st February must have caused loss and trouble to the raiyats.

28. Collection of land revenue in the State is good but about 200 cases on an average are instituted against *sarbarakars* (maximum number 391) and about 500 cases against raiyats (Maximum 1,500 in 1940-41). Interest at 6½ per cent. is charged against raiyats if proceedings are instituted.

## CESSES

29. The cesses levied are a water cess at the rate of Re. 1 per acre of irrigated area, irrigated from the Public Works Department tanks of the State (all tanks were recorded as State tanks at the settlement; the water cess is added to the rent and is recovered whether water is taken or not), a road cess at 2 annas per rupee (reduced in 1939 from 3 annas but not for jagirdars who have to pay 3 annas per rupee) imposed in 1934 as a commutation of *bethi*, a school and dispensary cess at one anna per rupee on assessable rent, i.e., not on actual rent paid. *Muafidars* pay the school and dispensary cess. The cesses which amount to three annas per rupee fetch an income of about Rs. 50,000 including the water cess (Rs. 1,600).

## REMISSIONS OF LAND REVENUE AND AGRICULTURISTS LOANS

30. There have been no remissions or suspensions of land revenue during the last ten years. In the 1918 settlement report it was recorded that ryots are entitled to remission for flood or drought but the new rules do not mention this.

Taccavi loans are granted to the extent of Rs. 5,000.

## VILLAGE SERVANTS

31. There are chowkidars for every village. They hold their jagir lands of about 5 acres free of rent and cesses. In villages where jagir lands are less than 5 acres chowkidars are entitled to get one dish of cooked rice per month and one bundle of paddy from each tenant at the harvest season. When there are no jagir lands as in the case of some kondhmal villages chowkidars are paid in cash by the State.

There are a few *dakuas* holding jagir lands.

## FORESTS

32. The forests of the State are under the supervision of Mr. Mooney. So far there have been only A class and *khesra* forest. *Khesra* forest means village forest in which all rights of the people exist except those withdrawn. Prior to 1900 there were no reserved forests of any kind. This year a class B forest of about 1,000 acres has been made as an experimental measure. A new working plan has been recently prepared.

There are 12 reserved species of trees throughout the State (this is contrary to the rules which restrict the reservation to *khesra* forest only) but 8 of these species can be felled if on agricultural land without permission and without charge. Trees like kamlagundi, mohul, amba and kusum cannot be felled without permission but no charge is made. (The proclamation of 1939 mentions actually kamlagundi, tamarind, jack, amba.)

There is a forest cess of one anna per rupee of land revenue the minimum being annas four levied from all except khonds in the *mal* area; this cess was formerly being levied as an acreage rate. *Muafidars* have to pay this cess. A separate cess called "professional fees" is charged upon people like *dhobis*, etc. *Chandnadars* pay 4 annas.

In the proclamation of 1939 it was declared that villages with no *khesra* forest within 3 miles would be exempted from the fee. It was also declared that the management of the *khesra* would be entrusted to a panchayat or committee. The income from this cess is Rs. 23,000.

33. No shifting cultivation is prevalent anywhere in the State including the kondhmals. A grazing fee is levied for grazing in reserved forest as well as in *khesra* forest. For tenants paying forest cess free grazing for plough cattle to a maximum number of 8 pairs and an equal number of cows and she-buffaloes is permitted (maximum 16). Unreserved species of trees can be removed free from *khesra* and the B class reserve.

34. Forest boundary lines are cleared on payment of Rs. 4 to 9 per mile - this is said to give more than the daily wage of 3 annas.

35. There are leases of sabai grass, kendu, etc., but the owners of cultivated holdings are not obliged to sell to the contractor whose contract is said to be restricted to reserve and *khesra* forests.

#### CROP PROTECTION.

36. There are 142 crop protection licences and rupee one is charged for issue and renewal. The licences are valid between 1st June and 15th February. Animals except elephants, bison, or wild buffalo, may be killed in crops or in the village forest but fees have to be paid ranging from Rs. 4 for sambar to Rs. 2 for chital (no charge for pigs). Persons killing animals other than pigs have to report to the Forest Officer before disposal of the carcass and pay the fees.

#### REVENUE ORGANISATION.

Please see heading Sub-divisions and Staff below.

#### SUBDIVISIONS AND STAFF

37. Except for collection of revenue the State is not subdivided for revenue administration. For collection there are three circles in-charge of 3 tahsildars. The Dewan, Assistant Dewan and the Mutation Officer are the Officers in-charge of revenue work. The Ruler is the final and highest authority and passes orders in all important cases like appointment of *sarbarakars* and allotment of land. The Dewan is in-charge of all revenue cases in the sense that the cases going to the Ruler all pass through him. He is the District Judge for civil cases; he hears appeals in certain cases from the Mutation Officer's orders. The Assistant Dewan does no revenue work except reporting on a few cases sent to him by the Dewan.

There is no permanent land records staff and only some amins are employed and paid for actual work, one of the tahsildars does criminal work in addition to his revenue work.

The total cost of the land revenue staff is shown as Rs. 4,700 against a land revenue of Rs. 1,60,000 (excluding cesses) and a total revenue of 4 lakhs.

#### MISCELLANEOUS

38. Mutation fees are 25 per cent. of the rental in addition to the application fee of 2 annas; there is a proclamation fee of Re. 1 and Re. 1 Amin fee.

Stamp duty is charged at one per cent. and registration fees at two per cent. *ad valorem*.

#### NILGIRY

#### REVENUE HISTORY AND SETTLEMENTS

On the map this State looks like something attached to the lower part of Mayurbhanj State. The previous revenue history of the State is obscure and

there are no signs of previous settlements on the Mughal system of measurement though this is an area which was once under Mughal as well as Maratha influence. Along with other similar tracts it may be assumed that the revenue of villages was recovered through *pargana* and village farmers, and the *sarbarakari* system was prevalent till quite recently. The first settlement based on measurement seems to have been made between 1819 and 1853. The officer deputed to do the settlement was an officer of the Bengal Government. In the absence of previous records this officer was unable to find out on what principle or at what rates the tenants were paying rents and he himself seems to have simply applied certain Bengal rates which, apparently, the cultivators accepted. No record is said to have been made regarding the principle followed in applying these rates. Lands were measured by means of a rod 8' 3" in length but no maps were prepared. The next settlement was commenced in 1886-87 and was completed in 1897, after a lapse of about ten years. It appears that the officer first deputed to make the settlement left in 1891 after submitting a report that the work nearly complete and subsequent officers who took up the work found a most unsatisfactory state of affairs. In this settlement also measurements were taken by means of a rod 8' 3" in length and the maps prepared were found quite useless.

Ninety three different rates were adopted but there seems to be no record of the principles and reasons for the various rates. It is recorded that the settlement officer was guided by certain rules framed by the Manager of the State and approved by the Raja but the rules did not appear to have the sanction of the Bengal Government. The next settlement and survey commenced in 1917 when the previous settlement expired, after a period of 20 years. Boundaries were laid down by the plane table traverse and a cadastral survey was made. This survey covered all the villages and it is said that the map and records prepared are fairly reliable. Certain rules were approved by the Political Agent regarding principles on which the settlement was to be conducted. Villages as well as lands were classed according to their nature, situation, advantages, disadvantages, etc.; at the previous settlements there was no classification of villages. The rates proposed were based on the productivity of the different classes of land and on the price of the produce. The enhancement seems to have been done under section 32 of the Bengal Tenancy Act in consideration of the rise in prices. It is mentioned that the rate of rent had reference to the profit which could be obtained from each acre of land. This settlement was for 15 years which expired in 1936 as the settlement was given effect in 1921; a new settlement has not been taken up owing to the present economic circumstances and the old settlement has been extended.

2. The settlement records consist of  *khasra*  and  *khatian*  and  *ekpadia* . Boundary marks do not appear to be maintained at all and many are said to be missing. It is said however, that there are few disputes between rights about boundaries. Formerly  *sarbarakars*  were supposed to be responsible for the maintenance of boundary marks but during the last 12 years there has not been a single report about them and the revenue officer has paid no attention to them. There are two clerks and three assistantants who deal with cases of mutation and maintain the settlement records and also deal with cases such as reclamation of waste land and encroachments.

3. The principal cultivation in the State is paddy of various kinds and there is very little other cultivation though til, mung and other cereals and vegetables are cultivated to a small extent. The number of aboriginal cultivators is not large; a few Bhumijis and Santals exist particularly on the portions bordering Mayurbhanj State. The majority are good cultivators and there is no shifting cultivation prevalent in the State.

#### ZAMINDARI AND OTHER TENURES

4. There are the usual  *brahmottar* ,  *debottar*  and other  *lokhraj*  lands in the State. The total area held rent free is shown as 28,000 acres (there is some doubt as a detailed statement adds up to only 11,000 acres)—a considerable portion of the State.  *Kotchas*  are the Ruler's personal lands cultivated usually on paddy rents by lessees (at least permanent rights are not recognised in such lands). Lands of persons dying intestate are taken as  *kotchas*  if of superior quality, otherwise they are resettled on payment of  *salami* . There are also  *jagir*  lands held by  *paiks* ,  *paliki*  bearers, sweepers and other as remuneration for services rendered by them, free of rent.

5. The 1921 settlement report indicates that the "service  *jagirdars* " have no proprietary or transferable rights. Possession is subject to the faithful

performance of duties and misconduct or disloyalty will result in ejection. The *jagirdars* can enjoy the fruits of trees on their holdings but have no right to the trees themselves. The *chowkidars* of villages, usually supposed to be *jagirdars*, had little or no land formerly and used to live mostly on the charity of villagers. At the 1921 settlement they were given 3 acres of land each. Among the *jagirdars* the *bethias*, who were mostly aboriginals, were required to carry the luggage of the Chief and officers on tour. At headquarters, they used to come for other work such as the fencing of gardens attached to the palace, etc., and were paid wages at 1½ anna per day. Their homestead and *dahi* (shifting cultivation) lands were generally held free of rent and they were required to render service for shikar also. The Ruler proposes to abolish the *bethia* jagirs which at present pay a heavy rent but is not willing to concede permanent rights without the recovery of *salami*. Many of these people have held the land for generations and now stand under the threat of ejection unless they pay *salami*. They are not being ejected at present as the Ruler is doubtful of the attitude the political authorities will take. The rent on the *bethia* jagirs was fixed at one third the produce converted at Re. 1 per maund. (This was recently reduced by 25 per cent.)

6. In the case of *debottar* and *vaishnabottar* which are religious endowments, entire villages or detached holdings have been granted for the upkeep of temples and *pooja*. The Chief controls these grants and retains the right to dismiss the grantees if the conditions are not fulfilled. The succession requires the approval of the Ruler. The *Thakurmahal* is the largest *debottar* endowment consisting of 152 villages. The Senior Rani has been recognised as the *marfatdar*. The management is subject to the control of the State. It is laid down in an order of the Superintendent of the Tributary Mahals, dated 1906 that *debottar* money will be kept as a separate fund and not merged in State revenues; and while the Rani is recognised as the Manager, the State retains the control. In this order it is mentioned that the Raja borrowed Rs. 15,000 from the *debottar mahals*, a fact which reminds one of Athgarh *debottar*. It was also found when the State was taken under management that the affairs of the *Thakur mahal* were in much confusion owing to the incapacity of the manager Jagannath Babu. There were no proper records or accounts available. In the account of the *Thakur mahal* obtained by me it is stated that the *Thakur mahal* has certain lands which are cultivated direct or through share croppers. Ryots in *debottar* villages are the same as in other villages, *debottar* villages being simply ordinary villages assigned to the *Thakur mahal*. The *Thakur mahal* takes the fuel cess and the *pardani* cess and presumably allots waste land for reclamation and appropriates the income. The *parbani* cess is reported to be not paid by the tenants of individual *debottar* grantees but I was told at the village which I visited that it was the *debottar* grantees who did not pay the cess.

7. Brahmostar grants are lands granted rent free for religious and intellectual purposes to Brahmins and consist of entire villages or detached holdings. The holders are required to present coconuts and consecrated thread to the Ruling Chief and offer benediction three times daily. Other grants are mostly petty maintenance grants.

8. *Lakhraj* *dars* do not carry special rights with regard to the transfer of holdings. They have to take the permission of the State to transfer and have no right over trees on their holdings except fruits. At the 1921 settlement, unless the sanad contained the words "*durobast lakhraj mauza*" the *lakhraj* was confined to the area clearly mentioned in the sanad, if any, but otherwise the surplus land, unless contained within the cultivated portion, was included in the next village and assessed to rent. If the service of a *jagir* were rendered to an idol other than that mentioned in the sanad, the State was at liberty to appoint another person. Transfers of *brahmottar* land to non-Brahmins, unless done with the sanction of Ruler, were not recognised as valid.

9. At present there exists an order of 1939 called the Lakhraj Control Order, the object of which is "to ensure loyalty of the holders of lakhraj tenures, to take an indirect measure for gradual resumption of rent free lands and to ensure proper application of the income of the *debottar* grants to the purpose for which they were originally made". The order does not seem to apply to service *jagirs*. The present Chief who has been following a policy of gradual resumption of lakhraj lands told me that it was necessary in order to effect resumption of these lands "to find fault with the *lakhraj* *dars*" and if this is the main object of the orders, it is unfortunate. Resumption of course

means ejectment of the grantee and resettlement on *salami* and rent unless the grantee himself agrees to pay *salami*. The *lakhradjars* doubt the bonafides of the rules and in a resolution passed by them they have declared that "with a view to abolish these rights the authorities have promulgated various rules". It is certain that resumption by ejectment or levy of *salamis* will result in much resentment; the attitude of the Ruler regarding the *bethia jagir* (See para. 8) had given rise to a good deal of feeling.

According to the Lakhraj Order grants known as *dahijya*, *duta*, *panpika* and *anugrahi* are to be held at the pleasure of the Ruler who may, at any time, resume them and order assessment as ryoti land. All *lakhradj* tenures, in addition to being subject to the conditions in the sanads, are to be held subject to the condition of good behaviour and loyalty on the part of the holders in all their relations with the State and a breach of this condition involves an escheat of the grant. In the case of grants given under *brahmottar*, *khorphosh*, *panpika*, etc., the holders must be of the same caste and religion as the original donee unless transfer is effected with permission. *Debottar* lands cannot be transferred by mortgage, sale, gift or will without permission. *Lakhradj* lands when sold in execution of the decree of a civil or a revenue court will become liable to be assessed as ryoti land. A lease of *lakhradj* land like *brahmottar*, *khorphosh*, etc., is not valid beyond the life of the holder or after 9 years. *Debottar* lands cannot be leased out for any period except with permission. The holder of every *debottar* tenure whose annual income is Rs. 25 or more is required to maintain certain registers and accounts. The *debottar* tenure lapses if the holder ceases to be a Hindu, loses the idol, is convicted or disobeys orders or wilfully neglects the duties with regard to the idol, is of unsound mind or is physically infirm. *Debottar* holders are liable to contribute subscriptions amounting to 2 per cent. of the annual income, in addition to expenses which they incur under the sanad, "whenever any special measure of general character is to be taken for the better management of the affairs of the idol", a rather vague clause. The rules do not apply to the *debottar* estate called *Thakur mahal* which is managed by the Ruler or Ranisaheba (it is difficult to say who actually manages them; the rules say that the Patsamanta is *shebait*) on account of its "being efficiently managed under the direct control of the Ruler".

Many of these rules and clauses are of course a new addition to the conditions of the old sanads and are as such resented by the *lakhradjars*. The rules do not prescribe any appeal against orders passed and the decision of the Ruler is made final and not liable to be questioned in any court. Other rights and liabilities of *lakhradjars* are not included in this order. Under the sanads of course it may be claimed that the *lakhradjars* have unrestricted rights in the lands including trees but in practice these rights have been gradually reduced by the State.

10. The *lakhradjars* have now mostly the same rights in trees on their holdings and homestead lands as ordinary ryots. They are entitled to recover rent from their tenants by regular suits and are bound by the rent rules of the State. (There are no rent rules in the State). The land in possession of the *lakhradjar* may be used in any manner which does not materially impair the value of the land or render it unfit for use. *lakhradjar* may bring under cultivation culturable waste lands in the *lakhradj* estate. They are entitled to rear and enjoy fish in tanks and reservoirs in their holdings but have no rights over jungles and what are called public lands in their tenures. They are liable to pay forest cess at  $1\frac{1}{2}$  annas per *man* of land brought under use.

#### THE RYOTI TENURE

11. There is no revenue law or any rules of procedure. There is not even what is called the record of rights which exists in some States. In 1921 the settlement officer made an attempt to note down the rights and liabilities which he "ascertained with due regard to the established usage of the State", but some of which seem to be more likely what he considered should exist. The State does not consider this a record of what is followed at present and has sent a separate list of the rights and liabilities "as gleaned out from scattered orders and actual practice"; the portion within quotation marks is in fact a suitable description of the conditions prevalent in respect of the revenue administration; neither the actual practice nor the scattered orders have, I fear, much permanence. One of the complaints made by the president of the local Praja Parishad was the frequency with which orders were passed and changed and this complaint certainly seems to have justification. According to the list

of rights compiled by the settlement officer in 1921, the rent assessed at settlement is not liable to be enhanced or commuted but I notice that in the rights and liabilities which the State has "gleaned out" there is a significant difference; according to this compilation the rent assessed is not *generally* enhanced or commuted during the term of the settlement; in other words the principle that rent should not be enhanced during settlement is not accepted as binding. The ryoti holding is shown as heritable and transferable now except that transfers by aborigines to non-aborigines is subject to the sanction of the Ruler but without any fees. In respect of the use of land and the ejectment of ryots the clauses of the Orissa Tenancy Act (a ryot may be ejected for using the land comprised in his holding in a manner which renders it unfit for the purpose of the tenancy) have been reproduced, but these are strictly speaking devoid of any meaning in the State. Subletting for a period not exceeding nine years is now permitted.

12. Trees on ryot's holdings cannot be cut or appropriated but the ryot is entitled to the fruit; he can cut and appropriate trees on his homestead and *bari* lands. With the previous permission of the State improvements including tanks or bunds can be made (according to the settlement officer's list) and it appears that *salami* used to be levied in granting permission; the present list is silent on this point. A ryot was entitled to a receipt in the form sanctioned by the State and was not liable to have any of the unauthorised cesses or mangan levied from him; but the last clause is now absent. The instalments of rent are required to be paid 15 days before the due date; if there is default, interest at one anna per rupee if paid within a month, (or at double the rate if later) is levied. A ryot is said to be entitled to remission of rent if there is general loss of crop due to drought, flood or other calamity but in practice I understand that no remission of rent has ever been granted and when there was a flood recently only loans were granted.

13 Other incidents of ryoti tenure mentioned are that a ryot is entitled to one *gunth* (1/20 acre) of homestead land free (this is mentioned in the 1897 settlement); he can relinquish his holding in the month of *Falgun* after paying rent and all cesses; he is liable to pay forest cess at one anna per *man* (= .62 acre) of land and *parbani* cess at one pice per rupee of rent for worship of the Goddess Durga. Partition was not formerly permitted without sanction according to the settlement officer's list of rights, but I doubt if any notice was taken of such a restriction in practice.

14. The present position regarding the abolition of permission required to transfer lands, the right to trees on homestead lands and the reduction of the rate of interest on arrears was reached after the troubles of 1938 by a special proclamation. Though transfer *salami* has been abolished a mutation fee of three times the rent has been substituted for sale, gift or will in addition to a stamp fee of 12 annas.

15. Among ryots there are *thani* and *pahi* ryots and *chandnadars* who hold only homesteads; there is no difference in the rights between *thani* and *pahi* ryots.

16. Persons known as *Vajiaftidars* i.e., holders of lands which were formerly rent free but are now assessed have no special rights. At the last settlement under-ryots of *lakhraj*dars and others were recognised and were given *patias*.

17. Under the mutation rules of the State which are supposed to have come into force in 1922 (it is doubtful if they have really come into force, as the rules furnished are marked as a draft proposal by the Superintendent) there is no occupancy right in the State and transfer in any manner cannot be effected without sanction of the State. (Actually it is recorded in the 1921 settlement report that the rule was freely violated and many transfers had taken place; heavy penalties and *salamis* were recovered on these). Transfers of lands by aborigines can only be permitted to aborigines. *Lakhraj* grants cannot be transferred in any manner without the permission of the State and similarly no *jagir* or service tenures can be transferred; prohibition in the latter case is absolute. The mutation rules contain provisions regarding registration. On the receipt of an application for a transfer and registration there is a proclamation, and objections are heard before the transfer is permitted. In 1938 certain amendments were made but the clause prohibiting transfer without permission was retained. Subsequently the clause was deleted by another order, the date of which is not given. The present rate of mutation fees is three times the rent assessable on the land according to the classification. A

fee of Rs. 10 used to be levied in the case of rent free lands as permission fee in addition to the mutation fee, but this was also shown as deleted. A penalty of double the mutation fees is required to be paid in the case of delay in applying for mutation. Mutation fees are not now charged on jagir mutations.

18. It is said that the spirit of the land acquisition act is followed in dealing with cases of acquisition. The land acquisition act has not been adopted and in practice no definite legal procedure seems to be followed. I could see only one land acquisition case which had just been registered.

19. The position as regards both ryots and lakhrajders as "gleaned" from various orders and practices is rather confusing to me, and must be even more confusing to the people to whom they apply.

20. The proclamation referred to above also gave the right to the protection of crops by killing wild animals while actually damaging the crops but elephants cannot be killed. My enquiries in the villages however, showed that these orders have not been given enough publicity and exist only on paper to a large extent. Elephants cause the greatest damage to crops and no right of crop protection which is not available against elephants is worth anything.

21. The heavy mutation fee charged (mutation fee is really salami given a different name), the high rate of interest on arrears, lack of rights in trees on their holdings, the lack of right of enjoyment of the fruits of trees on waste land and lack of grazing land are complained of by the ryots.

22. There are no rights over trees in the waste land which are all auctioned or leased out by the State. Grazing in the village waste is not subject to any payment.

23. There were no complaints of *bethi* and *begar* and other dues.

24. Sikmi ryots (under-ryots) have the same rights over trees in their holdings as other ryots. A large number of persons in cultivating possession of lands were recorded at the last settlement as shikmi or under-ryots. The rents payable by these were not fixed by the settlement officer and in view of the insecure position of ryots themselves, there was no mention of "occupancy rights" for them. They however, seem to hold continuously without being ejected at will in practice and the Dewan reports that in the absence of a contract 25 per cent. in excess of the normal assessment is decreed as rent in civil suits.

#### VILLAGE HEADMEN

25. The collection of land revenue used to be effected till 1939 by means of *sarbarakars* who were responsible for the land revenue of the village. They used to get a commission of 12½ per cent. of the rent and cesses collected by them but were not allowed to hold any land as remuneration. It appears that there were cases of one *sarbarakar* for several villages far away from his place of residence. The system was abolished as unsuitable and now there is no system of village headmen. Collection is made by means of five tahsildars and five peons under them. At the time of recovery some 25 temporary moharrirs are appointed for about four months in the year. The system has been working only for a short time. In one village which I visited close to headquarters, the people were against the appointment of a *sarbarakar* saying that he was giving them a lot of trouble and said that they preferred the present system; in others there was no such feeling against *sarbarakars* and it was said that for the payment of their revenue they had to go to certain places fixed by the tahsildar for collection. Before the system was abolished the recovery of land revenue was being made in full; the *sarbarakars* being responsible for the revenue of course paid up the whole amount and recovered later by means of "certificate cases." in the direct collection which was introduced last year the arrears were about Rs. 3,000; it is said that the arrears actually due in the previous year when the *sarbarakari* system was prevalent was Rs. 7,000 from the ryots though nothing was left due to the State. The great danger of using temporary collecting peons is that of imposters posing as recovery peons and collecting money from the ryots as well as of misappropriation. The other disadvantage is that tahsildars are liable to ask people to go to certain places to pay their rent while the headman resident in the village would collect the revenue in the village itself. The present collecting agency is said to be less expensive than the *sarbarakari* system but 12½ per cent. of the land revenue of the village was used to be paid to *sarbarakars*.

*Sarbarakars* in this State had formerly powers to distrain crops and levy a rate of one anna per rupee of rent on their own behalf on account of *sunia belhi*.

### RECOVERY OF LAND REVENUE

26. Land revenue is recoverable in two equal instalments on the 15th December and 15th February. As rice is the main crop and the bulk of the harvest takes place in November-December, the date of 15th December fixed for the recovery of the first instalment of revenue is inconvenient and is complained of by the ryots.

27. For the recovery of land revenue movable property is proceeded against in the first instance. The number of cases against ryots is considerable. In the absence of movables the present procedure is to sell only a portion of the land and not the whole of it; plough-cattle, seed etc., are exempted from attachment. The revenue peon who makes the attachment obtains bidders on the spot and the court then fixes a date for sale issuing notice to those persons whose names are reported by the peon. The bids are then 'reopened' and sales effected.

28. The procedure regarding sales of land for the recovery of land revenue is based upon the remarks of M. Phillip, Political Agent in 1921, in an inspection note. Mr. Phillip suggested that when a warrant was issued for attachment of property, both movable and immovable property should be attached and no separate warrant should be necessary. Mr. Phillip went on to say that the procedure of selling ryoti lands for arrears of rent was not the one ordinarily followed in other States and he actually desired the Superintendent to consider substitution of ejectment from land instead of sale. He approved of the procedure of deputing a peon to attach the property and serve the sale proclamation and ask for bids, the property being then sold in the court on the date fixed to the bidders brought by the peon. This practice may be simple but to depute peons to obtain bids for immovable property would, I think, not be considered fit for incorporation in the best of revenue systems.

### CESSES

29. A cess called the *parbni* cess is recovered at one pice in the rupee of rent from all ryots. This cess is levied for religious festivities during Dushera by the *Thakur mahal* and does not enter the State accounts at all. It is however, recoverable in the same manner as rent and along with it and is shown in the ryoti *parchas*. During the enquiry of Mr. Bowstead it was reported that the people whole-heartedly joined in and enjoyed religious festivities, but I found that this cess was resented in all the villages I visited and the President of the Praja Parishad also mentioned it as one of the general grievances. The total income from this cess is Rs. 1,402. (The *nistari* or forest cess is mentioned later).

### REMISSIONS AND AGRICULTURISTS' LOANS

30. Remission of land revenue, as already stated, has never been granted.

Loans are granted to agriculturists but there are no rules regarding their grant or recovery and the rate of interest— $1\frac{1}{2}$  annas per rupee—is higher than in any province; not so long ago it was 3 annas per rupee.

### VILLAGE SERVANTS

31. The chowkidar is the only recognised village servant. Formerly he used to get only a little paddy and food from the ryots but now they often hold small areas of rent free service jagirs. Other village servants, like barber and washerman, do not hold rent free lands.

### FORESTS

32. In respect of forests the State comes under the Agency Forest Adviser. The Forest Rules are of 1940. (Features of these rules are that unlike some of the more recent ones the *khesra* forest does not include individual trees or groups of trees within village limits or cultivators' lands; reserved trees of less than 3ft. girth on cultivated lands may be cut without permission; no trees cut can be sold without payment of royalty and for every reserved tree cut the cultivator is bound—an amendment made since my visit says "encouraged"—to plant two trees on his holding).

33. There are A class and B class reserves in addition to village or *khesra* forests. Nistar cess or commutation fee is levied at  $1\frac{1}{2}$  annas per *man* of land on persons holding rent free lands, and one anna per *man* by ryots. They are

entitled to take trees of species not declared reserved free for their own use from *khesra* forests. From certain other forests timber is allowed to be cut at half the royalty from the 15th December to 30th June; fire-wood is allowed at one anna per bullock load for cess payers. Non-cess payers, on the contrary are allowed to take unreserved species free but it is said that there are very few non-cess payers. Non-cess payers also pay half royalty for timber but full royalty is charged to outsiders. The *nistar* forests of some villages are about five miles distant from the villages. All cess payers do not actually avail themselves of the timber, and if they did, the area allotted for *nistar* would be inadequate according to the forest officer. The rules however provide for the sale of timber from *khesra* forests to traders. Reserved species of trees are said to be found in large numbers in the *khesra* forest; there is not enough of unreserved species to be found in the *khesra* forests and this means practically that *nistar* has to be paid for even though a cess is already paid. There were formerly 24 reserved species but now there are only 11 and a new list has been approved by the Forest Adviser. In the *khesra* forest half royalty has to be paid for reserved species.

The Forest Adviser advised on 15th August 1940 that the whole of a certain felling series should be declared B class but this had not been done at the time of my visit as the suggestion had not been approved by the Darbar in spite of the fact that one of the main complaints in the State was about the inadequacy of the forest allowed for *nistar*. The area allowed for *nistar* seemed to be *prima facie* inadequate, but of course this is not an opinion based on a full examination.

34. In the *khesra* forests, wherever *asan* trees are found tusser is propagated. It is sold to a contractor as a monopoly and the monopolist gives out holdings to the ryots. The amount he pays to the ryots is not regulated. There is no monopoly in respect of *sabai* grass but *kendu* leaves are generally leased out in all forests. Kendu trees are among the reserved species.

All residents of the State, under the Forest Rules are bound to render assistance in clearing forest boundary lines and it is the special duty of villagers living within five miles of the reserved forest. Payment of daily wages at current rates is however prescribed.

In the case of reclamation of land there is no definite period after which assessment is made. Assessment is made after "a reasonable period". If the land is waste land which does not require clearing, only one year is allowed in practice. *Salami* is levied at rates varying from Rs. 10 to Rs. 25 per *man* ( $\frac{2}{3}$  acre) according to the quality of the land.

All fruit trees on village waste land which in most places are enjoyed by ryots are leased out by the State. Fishing in streams is also leased out.

#### CROP PROTECTION

35. Under the forest rules regarding shooting, the skins and horns of animals killed in protection of crops must be made over to the Forest Department or person authorised. The flesh may be appropriated but may not be sold. The number of gun licences issued in the State for crop protection is 49, not a large number. The licence fee is 6 annas, including petition fee. The position regarding shooting of animals has been mentioned already (para 20).

#### REVENUE ORGANISATION

36. The revenue organisation consists of the Ruler, the Dewan and a revenue officer who is also designated as the Second Assistant Dewan. The present incumbent of the last-mentioned post is not a graduate though he has studied up to that extent. This revenue officer looks after the land records and is assisted by two clerks.

The total cost of land revenue and land records staff is Rs. 7,748 against a total revenue of Rs. 2,14,589 and a land revenue (apart from cesses) of Rs. 89,704. The Dewan, a retired Deputy Collector of Orissa, did not strike me as a particularly bright or desirable individual.

#### MISCELLANEOUS

37. A cart tax is imposed upon all bullock cart men using roads. They have to pay Rs. 5 every year. No distinction seems to be made between carts which ply habitually for hire and those which are used merely for the transport of agricultural produce. There are no rules or principles regarding the assessment of this tax and it is said that the names of all cartmen using the road are recorded.

The collection of gravel or stones even from village wasteland for the purpose of building houses is subject to the payment of a fee.

Stamp duty and registration duties are levied at roughly one per cent. and  $\frac{3}{4}$  per cent. respectively.

### PAL-LAPARA REVENUE HISTORY AND SETTLEMENTS

Like Bonai which it adjoins this is another sparsely populated State inhabited to a considerable extent by aboriginal tribes like bhuiyans, juangs, gond, etc. There are of course a number of Hindu castes as well. The total population of the State at the 1941 census was 34,000 which means a density of about 80 persons per square mile. At the 1932 settlement only about 32,000 acres were under cultivation and the rest of the State consisted of reserved and village forest. Like Bonai, the State has no long revenue history and its colonisation and development is comparatively recent, except for the aboriginal tribes who practise shifting cultivation. At present shifting cultivation seems to be limited to the Baburi pargana in the northern part of the State adjoining Bonai; bhuiyans and juangs are the principal tribes who practise shifting cultivation. Rice is the main crop of the State, mostly harvested in November and December.

2. A first attempt at settlement appears to have been made in 1875. The survey was '*nazarkut*' (eye appraisal) and the seed capacity of each plot was the basis of assessment. Measurement by means of a standard rod 10ft. 5½ in. in length was first undertaken between 1893-1896, when another settlement was made. At this settlement, there was classification of villages according to their productive capacity, situation and facilities for irrigation. The settlement (as did the previous one), extended to gora lands, and homestead lands were also subjected to assessment at the same rate as the gora lands but with a free area called '*minha*'. Culturable wasteland also seems to have been assessed at one fourth the village rate. Between this settlement and 1909 nayabadi lands were assessed but the next revisional settlement was taken up in 1914. This assessment was completed in 1918 and the village boundaries were demarcated by means of a plane table. Measurement of cultivated lands was however made with the *padika* rod in the same manner as before. The Baburi pargana inhabited by the Bhuiyans was excluded from the survey. Villages were placed in three classes and lands including gora and pal lands in three classes each. Toila lands (lands under irregular cultivation by burning forest growth) were not sub-divided into separate classes. The lands of certain aboriginal tribes were assessed at three fourths the ordinary rate and others at half the rate. Juangs who resided outside the Baburi reserve were allowed remission for the first 5 years and then assessed at three fourths the ordinary rate, the object of this being to encourage them to give up shifting cultivation. The 1918 settlement was for 15 years.

3. The next settlement which was done in 1932 extended the survey and settlement to the *bhuiyanpir* villages and homestead lands as well as uplands under permanent cultivation were cadastrally surveyed. Temporary cultivation was shown on the map by dotted lines. This assessment of cultivated lands by measurement does not appear to have been a success and as far as the bhuiyans are concerned the State has given up levy of the usual assessment but levies the former house tax of Rs. 1/2/- and 20 seers (value about Rs. 1/9/-) of *birri* per house. The *birri* is sold and the sale proceeds are credited into the treasury. No cesses are levied upon the bhuiyans. Other cultivators in this pargana however pay normal assessment as well as cesses. There are no sarbarakars in the bhuiyan villages but each village has got a headman; the headman is not officially recognised and no sort of *parvana* or *patta* is issued in his name. Bhuiyans, I was told (also mentioned in 1932 settlement report) have to come to credit their revenue direct into the treasury. The position in this respect is not clear as I find a report also that the headmen get ten per cent. collecting charges. The present position as far as survey and settlement is concerned is that the whole State appears to have been surveyed by traverse at least; cadastral survey has been made in most of the villages though it is of little value in the Baburi reserve. It cannot, of course, be said to what extent the maps are accurate. The term of the settlement was fixed for 10 years only on the ground that there was no increase in the rates after the 1918 settlement. In this connection it is noted that, though the settlement officer wrote in 1918 that the assessment was *unduly lenient*, it is recorded (1932 Settlement Report)

that the new assessment operated harshly and many ryots abandoned their holdings, and some entire villages were also abandoned. This shows that the officer who did the settlement apparently judged the assessment by standards he was used to rather than by actual circumstances; in States like Pal-Lahara and Bonai, land has little value and agriculture scarcely brings any profit even if the administration did not exploit all possible ways of adding to revenue.

4. The settlement records prepared at the settlement are the *khatian*, *ekpathia* and *khasra*. The procedure followed in regard to mutations is to correct the *khasra* itself as well as the *ekpathia*; the map is also corrected if necessary. Nayabadi mutations are recorded on the map in pencil only. There are no mutation rules as such. When an application for mutation is received a proclamation is issued, a fee of Re. 1 being charged if the mutation concerns a transaction like sale, mortgage, etc. If it has been done without the permission of the State, a penalty according to the circumstances of the applicant is realised, there being no scale, and consent money is also realised. The consent money is nominally 10 per cent. of the consideration but in practice it is arbitrarily fixed. If the application for mutation is not made within six months of the transaction a further sum is charged according to the circumstances. *Parvanas* are issued to the patwaris for corrections and the *sarbarakar* is also informed.

The allotment of new lands is not shown in the existing settlement records but separate *nayabadi* registers are written up. These *nayabadi* registers however appear to be imperfectly maintained in view of the fact that *sarbarakars* can allot lands under the *patta* on their own initiative without reference to the State and appropriate the rent till the next settlement. Even in cases where *khesra* forest is allotted by the State the rent goes to the *sarbarakar*.

#### ZAMINDARI AND OTHER TENURES.

5. There is no zamindari in the State and no complete village has been given out as a grant with the exception of two villages given in 1932 as '*sindhurtika*' to the Ranisaheba. In this connection it is interesting to note that the Ruler wanted to abolish the *sarbarakars*' posts of both villages but the Commissioner and Political Agent did not agree. These two villages have thus got *sarbarakars* and it is stated that the Ranisaheba simply enjoys the land revenue only of the villages, and the management is not different from that of other khalsa villages. The land revenue collected is deposited by the *sarbarakars* into the treasury for payment to the Ranisaheba but cesses go entirely to the State. There are however three villages including the Nijgarh of Pal Lahara of which the Ranisaheba is said to be the *sarbarakar*, I could not find out how exactly this position was created and it is reported that the villages has been so held since the time of the last Ranisaheba. The *sarbarakari patta* is said to be actually issued in the name of the Ranisaheba for these villages although of course she manages them through an agent. The significance of the post of *sarbarakar* is that the *bhogra* land are held for personal cultivation and waste lands can be allotted for cultivation with appropriation of *salami*, if any, and rent for the period of the settlement.

6. The various *khorphosh*, *debottar*, *brahmottar* and jagir grants are all areas of lands and entire villages and thus there are practically no tenureholders in the State except the Ranisaheba in respect of her *sindhurtika* villages.

7. Apart from these villages grants in the State are not numerous, comparatively speaking, and the area including chowkidari jagirs seems to be only about 1,700 acres with a land revenue of nearly Rs. 3,000. One of the *khorphosh* grants was made in 1940, a *debottar* grant in 1932 and a number of the grants have been made since 1900. Among the service grantees are some *khajuris* who supply brooms to the Rajbati, *kamars* who supply iron nails, barbers for rendering 'special service', and *paiks*, a fairly large number who perform guard duties, carry *dak* and perform other menial duties. There are also a few service jagirs for drummers, goldsmiths, priests, water carriers etc. There are 42 *paiks* of which 12 are for the rajbati and 12 for the Dewan.

8. Of the total area of about 120 acres under *debottar*, 43 acres at Pal Lahara are under the direct management of the "*Debottar Department*" of the State, i.e., by the Ruler for practical purposes. The rest are managed by individual grantees. The lands are mostly cultivated on *sanja* or produce-rent.

9. There are 189 acres of *khas* lands held by the Ruler. These are cultivated by his domestic servants. Many *brahmottar* grants and the *khajuria*

grants pay quit rent. The *bramottar* quit rents were enhanced slightly at the last settlement.

10. In the *sarbarakari* patta, it is mentioned that the jagirholders and the lakhrajdaars have no rights of transfer. *Debottar* land will go to the maufidar in hereditary right and similarly *brahmottar* land. *Babuvan jagirs* which are grants to the relatives of the Ruler for maintenance are held rent free for life only, according to the sanads, and are subject to the payment of cesses but no *belhi* or *begar* is required from them. *Brahmattars* and *babuvan jagir* holders are required to attend on ceremonial occasions. In practice after the death of a *babuvan jagirdar* the *jagir* is partly resumed; the *patta* says that the partial resumption shall be according to the rules in force but there seem to be no other rules. The settlement report however records that the *jagirs* are settled with the heirs of the deceased *jagirdars* on half *jama*. It is said that *jagirs* will be resumed fully after four generations.

#### RYOTI TENURE

11. At the 1932 settlement the ryots were recorded as *thani* and *pahi* and those with no cultivated lands in the village apart from the homestead lands were recorded as *chandnadars*. Actually however I found that the villagers in this State, like Bonai, were not familiar with the terms *pahi* and *thani* and these terms seem to have been simply used by the settlement officer with Orissa experience. In any case, there is no difference in the status of these ryots and the distinction seems to be of no practical significance whatever.

12. There are no rules regarding the accrual of permanent rights to sub-tenants and usually sub-tenants are tenants at will. At the first settlement, however, some seven cultivators of *babuvan jagir* holders were recorded as sikmi tenants and at the current settlement also they were recorded in the same right. The rents they pay are the same as those of other ryots and they cannot be ejected without the order of a court. At the 1932 settlement the settlement officer recorded that ryots had no right to transfer their lands by sale, gift, mortgage or otherwise and they were thus indifferent towards the improvement of their lands. It was proposed however to grant them such rights when the revised *sarbarakari patta* was issued, and in the present *patta* the rights of sale subject to the permission of the Ruler are recognised. It is laid down that permission to sell will not ordinarily be granted where the purchaser is of higher caste than the vendor or is not a resident of the State. Sanction of a sale is subject to the levy of fee of 10 per cent. as well as payment of a mutation fee of annas twelve (it was Rs. 5 till 1938); though the consent money is said to be 10 per cent. of the consideration in the cases which I examined showed that it was actually much more than this and though the possibility of giving a low consideration in the document of sale is there, I did not notice any attempt on the part of the revenue officer to estimate the value of the land, and the *salami* seems to be fixed more or less arbitrarily by the clerk, obviously an undesirable practice. As a proclamation is necessary, there is an additional expense of Re. 1. Transfer of land by gift or will is invalid without the written sanction of the State or, if contrary to the personal law of inheritance of the transferor.

13. A ryot can surrender a part of his holding to the *sarbarakar* by means of a declaration in writing and the *sarbarakar* is entitled to appoint a new ryot with the permission of the State; but the surrender does not entail the ejection of the ryot from his homestead land.

14. Transfer by usufructuary mortgage by a stamped document is permitted and the debt with interest deemed to have been discharged after a period of 10 years.

15. There is nothing in the *sarbarakari patta* about acquisition of land and there were no land acquisition cases.

16. Ryots get receipts for payments of land revenue but have to pay one or two pice for each receipt. On arrears of land revenue the pay interest at one pie per rupee per month.

17. There is a State contractor for hides and skins and these have to be handed over. The chowkidar usually takes the skins and sells them to the contractor. The contract fetches Rs 650.

18. Though the November instalment of revenue (see paragraph on village headmen) causes some inconvenience, the villagers in the villages I visited preferred the present arrangement.