

19. *Bethi*, *begar*, *mangan* and other imposts which are mentioned in the *sarbarakari patta* of 1932 and used to be levied have been abolished subsequently. In this State *gora* and other lands (apart from a small area of homestead) have been under assessment since the first settlement. The rents have certainly not been lenient. *Bethi* and *begari* have thus not been levied in lieu of anything. In 1939-40 a 'road cess' was imposed as a 'commutation' of *bethi* and *begar*.

20. Fisheries in the State do not appear to be reserved except the tank at Nichgarh.

VILLAGE HEADMEN

21. There is no regular law or rule regarding *sarbarakars*, ryots and others. The *sarbarakari patta* is the only compilation which may be taken as a statement of rights and liabilities. This *sarbarakari patta* was issued at the settlement of 1932. The *sarbarakar* is responsible personally for the revenue and the cesses of the village which are payable in 3 kists on the 15th May ($\frac{1}{4}$), on the 15th November ($\frac{1}{4}$) and on the 1st February ($\frac{1}{2}$). The liability of the *sarbarakar* can, according to the *patta*, be enforced by attachment and sale of movable or immovable property and interest at $6\frac{1}{4}$ per cent. is leviable. The *sarbarakar* can file a list of defaulters but has to pay up the full amount by the due date all the same. The *sarbarakar* is also liable to dismissal if he does not pay the dues in time, and according to the *patta* he had numerous liabilities in the form of *bethi*, *rukumat* etc., though these are now abolished. The *sarbarakar*'s post, in practice, descends from father to son generally speaking, but auctions of villages or appointments of fresh *sarbarakars* have occurred fairly frequently. The post is auctioned if there is likelihood of competition, otherwise it is settled on fixed *salami* and mutation free. *Sarbarakars* hold *bhogra* land which has however been assessed to $\frac{3}{4}$ of the normal assessment; they are entitled to 10 per cent. of the rental of the village as remuneration and $6\frac{1}{4}$ per cent. of the forest and road cesses but no portion of the school cess is given to them. The *sarbarakar* has no permanent right over the *bhogra* lands and loses them if he resigns or is removed from office.

22. There are three villages in the State which have no *sarbarakars* at present. It is said that these villages being backward, the *sarbarakars* were unable to pay the dues and resigned in 1933-34. The land revenue of these villages is recovered by a *patwari amin*. In two villages there is more than one *sarbarakar* (two). I examined the origin of this in one of the villages and found that in 1933 there was only one *sarbarakar* against whom the ryots complained that he was taking excessive *bethi*, held ryoti lands but made the ryots do *bethi* for it, levied *panchas* for officers but misappropriated the amount etc. The Dewan recommended dismissal after examining his previous record but the Ruler ordered that he would give the *sarbarakar* a last chance, and for the better management of the village his brother should be appointed as assistant *sarbarakar* with half the *bhogra* lands and half the remuneration for collection.

23. Between the *sarbarakar* and the State there used to be an official apparently in charge of each pargana known as *berapradhan*. These officials were recognised at the time of 1932 settlement though it is not clear what their duties were or privileges. Since 1940 however all *berapradhans* have been abolished and the jagirlands which they held have now been resumed and assessed to rent. The *berapradhans* were however not dispossessed as they paid *salami* and they enjoy now ryoti rights. The only liability they had seems to be in respect of *bethi* and *begar* and they had powers of settling caste disputes only.

24. Wasteland in the village can be allotted by the *sarbarakar* without the permission of the State if the wasteland does not contain any reserved species of trees. No rent is to be charged for 5 years from the date of permission to cultivate. The *patta* is silent in the matter of the levy of any consent money. The *sarbarakar* is entitled to take the rent of the newly cultivated land till the period of the next settlement at half the prevailing settlement rate but there is no agency to regulate or check this.

RECOVERY OF LAND REVENUE

25. For the recovery of land revenue the *sarbarakar* is proceeded against. A notice is issued in the first instance and some time is usually granted if the defaulter asks for time. If payment is not made, a warrant of attachment of movables is issued and movables such as cattle may be attached; it is said that plough, cattle and agricultural implements are not attached. Wet lands

of a defaulter may be put to sale; if there is no purchaser the defaulter may be evicted. Arrest and imprisonment for default have never been resorted to. A *sarbarakar* may be dismissed for arrears.

As regards recovery by the *sarbarakar* from the ryots he usually proceeds by filing a list of defaulters and rent suits are not filed. As there are no entire *kharposh* villages no rent suits seem to be filed by *kharposhdars* and in the absence of tenants under *kharposhdars* there are no cases of rent suits or certificate cases and the latter are in fact not entertained.

Sales of land are left to the nazir to conduct and he is also responsible for the service of the processes. This responsibility of the nazir is susceptible of abuse and I saw some extremely suspicious cases of delay in executing the warrants.

26. Collection of land revenue is not bad though there are arrears which accumulated during the years 1933-35. Cases against *sarbarakars* have not been numerous except in the years mentioned above.

CESSES

27. There is a school cess at one anna per rupee of rent; the kols, juangs and bhuiyans have been exempted from this cess; Debottar lands and the service *jagir* holdings have also been exempted though the justification for exempting them is not clear. The forest cess is not a rate based on the land revenue but is levied at one anna per acre of rice lands and six pies per acre of *gora* lands. The cess is not paid by the tribes, and lands mentioned above, and in addition *brahmottar* lands are also exempt. These two cesses have been levied since the first settlement. In 1939-40 a cess called the road cess was imposed at two annas per rupee of land revenue as a commutation of *belhi* and *begar*.

REMISSIONS OF LAND REVENUE AND AGRICULTURISTS' LOANS

28. Some remissions of revenue seem to have been granted in bad years and about 1,000 rupees are provided as agriculturists' loans also every year.

VILLAGE SERVANTS

29. Only chowkidars and bhandaris have jagirlands now and no other village servants are said to be recognised, though there used to be several others such as *kumhars*, *dhobis* etc., recorded in the settlement report of 1932. In the bhuiyan *pir* chowkidars do not hold any jagirlands but get a cash remuneration of Rs. 3 per month. The *jagir*-holding chowkidars have 3 acres of *sarad* and 2 acres of *gora* lands. The appointment of chowkidars is usually done on the basis of heredity.

FORESTS

30. There are some old forest rules, of the time when the State was under a Superintendent, which to a considerable extent, are not followed now. According to these rules there may be reserved and protected forests. Actually there seem to be no protected forests. Under the rules *khesra* forest includes all lands other than reserved forests or lands held in settled tenure, homestead lands, tank, burial grounds etc., but any tract now under cultivation may be declared to be *khesra* or reserved forest. Under the rules some 25 species of trees (since reduced to twelve) are declared to be reserved in the 'Protected Forests' but actually the trees are regarded as reserved throughout the State including cultivated lands and ryots cannot cut trees of reserved species on their holdings without permission.

31. For those who pay the forest cess reserved species are allowed free on application for agricultural implements. Grazing is allowed without any charge in the *khesra* forest.

32. Lac and *kendu* leaves are under monopoly.

CROP PROTECTION

33. The total number of gun licences is 70 and a fee of 4 annas is charged for issue as well as renewal. I was told by a villager of Seegrah that the licence actually costs Re. 1 each year (four annas licence fee, four annas writing charges and eight annas *bakshish* to the police!). The licence conditions prohibit shooting of all animals or immature males of bison, deer, sambar, nilgai etc., and only wild boars may be shot in crop protection. Elephants are to be found in the portions adjoining Bonai and do damage to crops.

REVENUE ORGANISATION

34. There are no rules apart from the *sarbarakari patta* dealing with revenue matters nor are there any rules regarding the appointment, conditions of service etc., of State servants. Apart from the Dewan there is a revenue officer called the tahsildar who is in charge of the treasury as well as civil and criminal work. There are no rules of procedure but the Ruler is supposed to be the final court of appeal. He deals also with cases of remission of revenue, if any, and appointment and dismissal of *sarbarakars*. No cases of appeals were forthcoming as no appeals have ever been filed, apparently. The Dewan is the first appellate authority. He exercises also civil and criminal powers. Apart from these two revenue officers there is no other revenue staff with the exception of a patwari and the State is treated as one tahsil for the purpose of the maintenance of land records.

MISCELLANEOUS

35. The mutation fee levied till 1938 was Rs. 5 but it is now reduced to 12 annas for any mutation. *Sarbarakari* cases are also treated as mutation cases and mutation fee is charged in addition to a salami of Rs. 5. If the *sarbarakars'* posts are disposed of by auction the proceeds of the auction are treated as *salami*. There are no definite rules regarding the maintenance of various registers, of register of processes, grant of copies, inspection of records etc. The record keeper is expected to grant copies.

There are two licensed petition writers who have to pay Rs. 12 licence fee, a rather high fee. Petition paper is sold at one pice. There are no rules regarding petition writers.

PATNA

REVENUE HISTORY AND SETTLEMENTS

Like Kalahandi which it adjoins, Patna is an Oriya State attached to the Chhattisgarh Agency. For more than half a century it was under the dominion of the Marathas of Nagpur, and when finally it was taken over by the British Government in 1818, it was attached to the Bengal Presidency till 1861 in which year it was transferred to the Central Provinces. In 1905 it was attached to the Orissa Division till its transfer to the Chhattisgarh Agency. The early political history and territorial position of Patna have shaped its revenue system which is based upon the *gaontia* system of village management common in Sambalpur and Chhattisgarh tracts. According to the 1909 Gazetteer the system of settlement prevailing before 1871 A.D. was to lease the villages to the highest bidder for four years. The ryots had no rights in the land and could be ejected at the will of the *gaontia* though owing to the paucity of tenants this was rarely done. The rents generally continued to be same from one lease to another but the *nazarana* paid by the *gaontia* on renewal was increased. The village assessment was distributed by the *gaontia* and the tenants over the tenants' ryoti lands. For this purpose the tenants' lands were classified into a number of divisions which took into consideration the position and produce and were therefore not of the same size. (No assessment of actual revenue was made on the holding but the lands seem to have been given a factor in anna notation on which the actual rent was distributed.) This is very similar to the Maratha system of *ain* and is probably the same. The *nazarana* paid by the *gaontia* was recovered in part from the tenants according to their holdings. The *gaontia* had the right of disposal of such lands as were temporarily deserted or of new lands. He enjoyed all his *bhogra* free in return for the *nazarana* paid by him. The tenant did not know how much was legally payable by him and had to take the word of the *gaontia* for it, the *gaontia* could thus collect more than he paid to the Chief. Apart from the rent the Chief used to issue orders from time to time in writing as money was required for expenses and the *gaontias* had to recover and pay the sums.

Between the *gaontias* and the State, there were *umoras* who appear to have been *pragana* officials common in the Maratha areas and the land revenue was being paid through them.

2. Under British administration in 1871 a new settlement was made. There was a summary enquiry, and leases were given to the *gaontias* and *kabuliats* taken from them. The land revenue and the rental demand continued to be identical, the *gaontia* enjoying his *bhogra* land rent free and appropriating the rents of the new tenants or new lands.

In the new settlement made in 1876, the *gaontias* and tenants were again left to themselves to apportion the increased demand. It was found that at this settlement the *umraos* were obtaining more than double their former revenue from the tenants. In 1885, the fresh settlement recognised that the lump sum payment of *nazarana* had become a hardship to the *gaontia* who was usually compelled to borrow in order to meet it. The *bhogras* were therefore assessed to an annual payment not exceeding half its rental value.

In 1895, the better cultivated areas of the State were regularly surveyed by plane table. Where cultivation was patchy the survey was on the *masahat* system which found the area of a field in a rough and ready manner by taking its length and average breadth. The settlement was made on the soil unit system of the Central Provinces. The system of remuneration of the *gaontias* was changed, the *gaontias* being given a 'drawback' of about 20 per cent. of the village assets.

The next settlement of the State began in 1903 and dragged on till 1919. The whole State was surveyed regularly. There followed the settlement of 1932-37 which is the current settlement. While the previous settlements were made on the Central Provinces system, the settlement officer of 1932, being an officer of the Bihar and Orissa provincial service made the survey and prepared the records according to the Bihar and Orissa settlement manual. The settlement of rent was made according to certain special rules (not obtained) though he retained the system of allotting a factor to the various classes of land. These factors were raised by him in several cases as a result of his crop experiments; from his settlement report it does not appear that he understood the soil unit system of the Central Provinces. There was an increase of revenue by about 47 per cent. as a result of this settlement part of which was due to new cultivation and assessment of rent free holdings. There was no change in the 'drawback' allowed to the *gaontia*.

Village assets consist of only ryoti and other rentals and miscellaneous income is not included. An innovation made at this settlement was to divide waste lands into *thekedari* and State lands: this means simply areas which may be allotted by the *thekedar* (*Gaontia*) for cultivation, and those which may not be allotted without State sanction. If this was equivalent to deciding at settlement what areas are suitable for allotment for cultivation it was a useful step.

3. The records of the current settlement are on the Bihar and Orissa lines. The *wazib-ul-arz* of the 1st settlement is still current in addition to the new Land Revenue Act and the *thekedari patta*. The *thekedars* have a copy of the *khatian* with the holdings and rents of each tenant. There is a *theriz* which gives the holdings according to the serial numbers and other subsidiary papers dealing with irrigation, etc. In addition there is a *khewat* which gives all the persons with rights in the village, i.e., the State, intermediate tenure-holders and the *thekedar*. In a *kham* village only the name of the State is shown. The *umrao* also is shown as one of the tenure-holders but in *kham* villages the *umrao* does not seem to appear and presumably has no rights. The whole of the area of the State including zamindaris has been settled by the State. In the zamindaris, the zamindar is shown as an intermediary tenure-holder after the State.

The State wasteland, as recorded in the settlement seems to mean land unfit or not meant for cultivation and houses of *sukhbasis* (labourers) are also recorded under this head. In one of the settlement records the site of a local shop is shown under State waste and rocky areas of certain fields are also recorded under this head. No such distinction as State waste and *thekedari* waste had been made at the previous settlement. The roads and other communal lands are recorded as '*sarvasadaran*'. The areas recorded as State waste cannot be allotted for cultivation by *thekedar* and he can allot only *thekedari* waste. Big tree jungle and scrub jungle are shown separately in the settlement records and the *thekedar* cannot allot lands for collection from these.

The settlement records are neatly prepared and the maps are printed and seem to be well prepared.

The period of the settlement has been fixed as 15 years.

ZAMINDARY AND OTHER TENURES

4. There are three zamindaris, namely, Bangomunda, Loisingha, and Atagaon and two *khoraqposhakdaris*, Jarasingha and Agalpur, in addition to other *muafi* grants and service holdings.

Zamindari and *khorakposhakdari* tenures are impartible and resumable for breach of conditions in the sanad and lapse in the absence of direct heirs. Succession to the tenure is governed by the law of primogeniture subject to the approval of the Ruler.

Zamindars and *khorakposhakdars* have to pay the *takoli* fixed from time to time. The *takolis* were sharply increased at the last settlement and are now 22 to 26 per cent. of the assets in all cases except Bangomunda which pays 40 per cent.

Zamindars have no right over minerals and they have rights over forest only as far as domestic and agricultural use is concerned. They have the right to collect and appropriate land revenue and cesses, revenue from country liquor, pounds and ferries subject to control. They can nominate *thekedars* in 'vacant' villages but may not eject *thekedars*. The zamindars of Bangomunda and Loisingha are said to have given up their right to nominate, as they found it difficult to nominate *thekedars*. They cannot create any *muafi* without State sanction. There are other conditions regarding attendance at the Rulers Durbar, proper management of the estate, etc.

When a case of succession to the zamindari arises no fee is said to be charged when mutation is sanctioned.

The *pattas* of all *thekedars* including those in the zamindaris are issued by the State. The tenure-holders have no right of nomination when a succession case arises and it is only when a vacancy is caused by ejectment or similar reasons that the right of nomination arises. The State auctions such vacancies in non-zamindari areas but it is said that tenure holders are not supposed to do this—a statement which may not correspond to fact. In any case as the right of nomination exists it may be assumed that *nazarana* will be the decisive factor. The conditions of the sanad do not prohibit auction.

5. The position regarding mutation of *muafidars* is not defined and it appears to be as follows.

There are certain *muafidars* who have got a *thekedari patta*; others hold the *muafi* but without any *thekedari patta*. If there is a *thekedari patta* the mutation of the *muafi* would be governed by the ordinary *thekedari* mutation practice. If the *muafidars* have no *patta* mutation may simply mean an entry of a new name in the *muafi* register when the matter comes to notice during the annual verification. Sub-Divisional Officers are supposed to enquire into the conduct of the *muafidar* and whether he is alive or not. (In practice the names of *muafidars* are not mutated regularly in the register of *muafi* grants.) It is said that the police are expected to report on the death of a *muafidar*. Regarding the levy of mutation fees the position is totally obscure.

6. There are some 31 whole villages and grants of lands meant for the maintenance of various temples, some 'belonging' to private individuals and others in the State. The temples which belong to private individuals are managed by them with the income accruing from the lands or villages held on *thekedari* tenure. The *sebais* or *muhants* or *marfatdars* manage the affairs of the temples. There is a *debottar* department of the State which looks after the temples under the direct management of the State. The revenue of *debottar* villages or lands of these temples is realised by the *debottar* department and spent on the worship of the deities concerned, on the maintenance and upkeep of the temples, etc. The *debottar* department is said to supervise the affairs of the temples under individual grantees, *marfatdars* and others. The sanad of a *debottar* grant examined by me shows that the lands are held by the grantee and his successors subject to the performance of worship.

7. There are 5 villages in the State called *rajkhamar*. Of these three villages have been held as *khamar* for a long time. The fourth village was held by the Rajmata and was recorded as *khamar* after her death in 1940. The last village was a *thekedari* village and, on the ejectment of the *thekedar* for arrears, was made *khamar* in 1940. The *khamar* department is said to have paid the arrears (not the *nazarana* or premium) on the village. There is no sanad or deed of grant for these villages. The *bhogra* lands of these villages are regarded as the private property of the Ruler. All the five villages have been recorded as *rajkhamar* in the *khatians* of the villages. The rights of the Ruler in respect of *khamar* villages are just the same as of an ordinary *thekedar* of the State except that no rent is paid on the *bhogra* even if its rental value exceeds twenty per cent. of the assets and all the cesses of such villages are appropriated by the Ruler. There is no condition regarding resumption or otherwise of the *khamar* villages. The *bhogra* lands of the *khamar* villages in the State are cultivated

under the direct control of the Ruler and the rights of the tenants of these villages do not differ in any way from those of ordinary tenants.

There is land of about 66 acres in Balangir held by the Maharani Sahiba in perpetual *muafi* rights without any stipulation mentioned in the grant. This land was granted recently *i.e.* after the settlement, for making an orchard. Certain lands belonging to the Rajmata have been settled in ryoti right, apparently as a transaction of the *khamar* department, and the lands are not regarded as having lapsed to the State.

Other tenures in the State are *brahmottar*, *babuan* and other *muafis*. There are 14 whole villages all held free of revenue as *brahmottar* and the sanads of the grants show that they are of the absolute type common in Orissa; no conditions are attached and the grants are valid till the sun and moon last and vast full rights in all waste land, trees and waters. The zamindars also seem to have made such grants. The *babuan* *muafis* are grants made to relatives of the Ruler for maintenance. The sanad of one such grant obtained by me shows that the village has been granted to three brothers jointly; the grant is heritable but on inheritance is assessed to one fourth of the rent and, on being reinherited, is assessed to half rent. Other *muafis* are mostly maintenance grants except one village which has been granted for the supply of rice and *chuda* to the palace. The Durbar has not furnished a list of land grants.

The revenue of village Balangir has been assigned as *muafi* in appreciation of services as Honorary Magistrate and Judge.

THE LAND REVENUE ACT

Before 1940 the *wajib-ul-arz* and *patta* of 1937 were the only documents regarding revenue matters in the State but now there is an Act of 1940 called the Patna State Land Revenue Act, 1940. It follows to some extent the Central Province Land Revenue Act in force in Sambalpur and was probably drafted by the present Revenue Minister of the State who was formerly a Superintendent of the Deputy Commissioner's office in Sambalpur.

The drafting of the law, where it does not follow the Central Provinces Act, leaves much to be desired. Section 7 of the Act reserves arbitrary powers of appointment, suspension and removal of any revenue officers without any qualification. Section 22 which provides that appeals should lie to the Chief Controlling Authority and to the Ruler does not make the hearing of an appeal petition obligatory; it provides for rejection of the memorandum of appeal itself. Under section 25 the Ruler has powers to pass orders on any case pending before a subordinate court or disposed of by it "after hearing the parties whenever necessary". The Act makes no provisions regarding processes which may be issued by revenue courts. In connection with settlements the Act provides for the suspension or removal of the settlement officer without any qualifying clause: The Government may suspend or remove any officer appointed under this section". In section 31 there is provision for directions in respect of "any class or classes of cases to be outside the jurisdiction of the civil court" by the Ruler. In Patna all lands are the property of the State and this is stated even in the conditions attaching to zamindaris and khorposhdaries; still the Act reproduces sections regarding ownerless lands contained in the Central Provinces Land Revenue Act based upon proprietary rights vesting in malguzars and others, obviously a failure to understand the Central Provinces system. In respect of settlement, the Act provides for the assessment of every village as a separate unit but no principles or limitations are laid down regarding the assessment and the principles on which land revenue is to be assessed is left to be dealt with by instructions to the settlement officer to be issued "from time to time". Other provisions regarding offering a settlement or exclusion from settlement are not at all appropriate in this State where the *thekedar* has no proprietary right to the village. The Act does not specify any minimum period within which a settlement may not be revised and this is left to be fixed at each settlement. There is nothing in the Act also regarding the amount or percentage allowed as remuneration to the *thekedar* or headman. There are no provisions regarding the principles of assessment of rent on holdings of ryots and the maximum enhancement which may be made. There is provision that when the record of rights is prepared entries in it shall be assumed to be correct till the contrary is proved but there is no statutory provision for publication, invitation of objections, etc. The land revenue is not made a first charge on the land and exemption of such articles essential to a defaulter such as wearing apparel, cooking vessels, bedding, plough, cattle and

seed necessary for an agriculturist to keep up his livelihood, etc., is not provided for. Section 93 regarding a penalty for failure to apply for mutation in a given time provides for a fine which may extend to Rs. 50 for *each day* during which such neglect continues, a most unreasonable penalty. While there is provision in the Act for permitting inspection of records there is no provision regarding the grant of copies of revenue records.

The section regarding *thekedars* says that the *thekeedar* may enjoy the rights and privileges conferred by this *patta* and *wajib-ul-arz* of his village; the Act does not prescribe the issue of either of these nor are they defined in the Act; in the section regarding acceptance of assessment there is provision for signing "an acceptance *kabuliat* in writing." A *thekeedar* under section 103 may be ejected for failing to pay the village demand but section 75 (d) already provides for ejection for recovery of an arrear; then again, *thekedars* may be ejected for diversion of culturable land to non-agricultural purposes (not a serious offence), for infringing any of the conditions of his *patta* or *wajib-ul-arz* (these contain several comparatively trivial clauses), for conviction or a criminal offence involving moral turpitude and in addition to all these for "some serious act of commission or omission which render him liable to ejection". The very important matter of appointment of *thekedars* to vacancies caused by surrender, ejection and other causes is left entirely to rules (which do not seem to have been framed yet) and rules may also be framed for the punishment of *thekedars*. Under section 106 it is the duty of the *thekedars* to collect and pay the land revenue while by his *kabuliat* he is personally bound to pay the land revenue agreed upon.

Among the serious defects of the Act is section 129 which gives the Government unlimited powers to impose cesses "from time to time" for such purposes "as may in the interests of the administration be deemed expedient". This completely violates the principle of fixity of land revenue during the period of a settlement and at the same time prescribes no limit to this levy which is a surcharge on the fair assessment which the land may be expected to bear. The cesses levied in this State will be discussed in detail later; the section in essence retains the system of "abwabs" imposed arbitrarily in the olden days. Section 147 retains essentially the system of *begar* by providing that every ryot is bound to render "such services to the State for such purposes and in such manner and to such extent as the Government may direct from time to time by general or special order". Failure to obey a "reasonable order" made by a tenure-holder in pursuance of duties imposed by the Act is liable to be punished with a fine under the Act; this gives enormous powers to zamindars, *thekedars*, *khorphoshdars* and others.

These are some of the chief defects of this Act which fails entirely to make adequate statutory provision for the protection of the ryots in numerous matters concerning them. As already stated the *wajib-ul-arz* (except that the *thekeedar* is bound by its clauses) does not find a place in the Act which is based upon principles not applicable to the State. I think enough has been said about it and it is not necessary for me to go into minor inconsistencies and defects in drafting; other defects noticed are mentioned in the course of this Report. The Act makes no mention of the debottar department or the management of temple grants. The *khamar* villages of the Ruler or the lands of the Maharani said to be granted in 'perpetual *muafi* rights' without any conditions do not find any statutory mention. There is no provision for the remission or suspension of land revenue in times of distress.

UMRAOS

10. There are middlemen called *umraos* between the State and *thekedars* including among 'tenure-holders' in the Land Revenue Act; the probable origin of these has already been mentioned. They are similar to *thekedars* or *gaontias* in holding their tenure on a *kabuliat* for the period of the settlement. These *umraos* do not exist for the entire area of the State and there are many villages which are not under an *umrao* and they are gradually being eliminated.

There are 24 *umraos* at present including the zamindars; formerly there were 27 but three were ejected. The *umrao* is a *thekeedar* of at least one village in his circle. Where there are *umraos*, *thekedars* pay the land revenue to the *umraos* instead of directly into the treasury. In villages where there is a *shikmi thekedars* as well, the land revenue is paid by the *shikmi* to the *asli* who in turn pays to the *umraos*. *Umraos* get a maximum remuneration in some cases of 17 per cent. and the minimum is 5 per cent. The *umrao's* remuneration is a percentage of the total *theekajama* of the villages under him. The *umrao* may have land recorded as *bhogra* in the villages (other than his *thekedari* village) under him.

Under the Act, as well as under his *kabuliat* the *umrao's* tenure is not transferable but the *kabuliat* makes transfer permissible if the State sections it. Under the terms of his *kabuliat* he is responsible for the revenue of all the villages under him. He cannot eject *thekedars* but can nominate one for a vacant post; levy of *nazarana* is not permitted by the *kabuliat*. The *umrao* has few duties to perform apart from payment of the land revenue. There is no provision in the Act for the surrender of his tenure, by an *umrao* but this was offered and accepted by the Ruler in a case I saw.

THE RYOTI TENURE

11. The Land Revenue Act as already pointed out does not prescribe the rights of ryots though it mentions liabilities and penalties. The position regarding the ryoti tenure must be obtained from the *wajib-ul-arz*. According to this document a ryot cannot be ejected except by order of a competent court but the reasons for which the court may eject him are not specifically stated. The *wajib-ul-arz* contains no clause regarding succession to a ryoti holding. Transfers by sale, gift, or mortgage except with the previous sanction of the State are prohibited. A holding may be surrendered to the *thekeदार* but a portion may not be surrendered without the sanction of the State which will not be recorded if it is likely to result in a loss of State revenue. Holdings left uncultivated with rents unpaid are treated as abandoned if on proclamation the ryot does not appear in six months but the order of the court to that effect is necessary. The holding of a ryot leaving no heirs is treated similarly. Formerly surrenders of land could be effected only by a registered document, a provision necessary to safeguard the ryot from fraud by the *thekeदार* if registration does not mean the levy of a high fee, but it has, for some reason, been deleted recently. Annual subleases of land are permitted and the lessee acquires no right.

In practice a ryot is said to be evicted from his holding for non-payment of the rent or for transfer of his holding without the previous sanction of the State authorities. There are transfer rules framed in 1935 (before the Land Revenue Act was promulgated). It is under these rules that when permission for transfer is applied for, a fee of 25 per cent. of the consideration (or 12½ times the rental, formerly 33 times) is levied if the transfer is by sale or gift. In the case of sales, the State itself puts the holdings to auction. The fee is justified on the ground that the Durbar has the proprietary right over the land but in practice the State allots wastelands on payment of a *nazarana* or premium and vacant holdings are disposed of by auction. Assuming that a ryot purchases a holding at an auction and later wishes to transfer the land, the State would appropriate 25 per cent. of the consideration the purchaser would be willing to pay for it and this would be a loss to the seller. In the case of wasteland the value the land acquires on being cultivated by the ryot is all put there by the ryot who has paid a *nazrana* as well. The consent money of 25 per cent. charged is in addition to stamp duty and registration fees and proclamation fees of Rs. 2 in addition to *amin* fees.

No fees seem to be levied on mortgages which are said to be all usufructuary. There is nothing in the *wajib-ul-arz* or rules to this effect.

Incidentally, the *wajib-ul-arz* provides for the settlement of vacant holdings by the *thekeदार* with the sanction of the State but in practice the State itself makes the allotment by auction. Reallotment in the case of aboriginal holdings is supposed to be made with aboriginals but the allotment of wasteland by the *gaontia* is not referred to the State and no correction is made in the settlement records till the next settlement. The rent on this land is appropriated by the *thekeदार* according to the provisions of the *wajib-ul-arz*. Permission of the State is sought only when lands of the type of the *jalchar* or forest are required for cultivation. The lands are required to be held rent free for the first three years and at half the settlement rent for the period of the settlement; a fee or *nazrana* is not permitted. It is unlikely that either of these provisions is followed in practice where land has value; the State itself levies a *nazrana*. (The *thekeदार* is also prohibited under the *wajib-ul-arz* from levying a *nazrana* on resettlement of vacant holdings but now the State actually auctions such holdings.) The 1937 settlement report mentions that some *thekedars* were receiving *nazrana* for help in effecting transfers contrary to the rules.

When transfer of land by inheritance takes place it is left to the *thekeदार* to levy the rent from the new holder; in case of transfers requiring the sanction of the State such as sale, the *thekeदार* is asked whether he has no objection and he is also intimated of the transfer specially; the *thekeदार* can object to

a sale or mortgage under the rules but must prove his objection. *Thekedars*, in some cases I saw, objected to sales. This offers an opportunity for the *thekedars* also to levy some consent money. In one case, the applicant was asked to bring the *thekekar* who refused to come and the applicant had to pay for a special summons. One of the grievances which the local pleader put forward before me was the delay in these cases in sanctioning a sale. Cases examined by me show that this complaint is justified.

Under the 1935 rules, 100 times the rent was considered a fair consideration for the purpose of the consent money but this was reduced to fifty times in 1936-37. The transferor is required to prove that he has enough land left for himself and in 1941 Rs. 6 was prescribed as the minimum rental of land to be left with the transferor.

All ryots have *parchas* which may be regarded as an extract of the *khatian* concerning his own holding, showing the area, rent etc. *Rasid-bahis* of the Central Provinces type are issued to the tenants. The new *bahis* cost only 0-1-0 and contain 13 leaves. The *thekekar* has to give a receipt but no penalty is prescribed.

12. There are 15 species of trees mentioned as prohibited in the State. Ryots can cut unreserved species on their holdings without permission, but for reserved species permission is necessary and a fee is charged, or the timber is appropriated by the forest department. Ryots enjoy the fruits of trees on their holdings as well as on the wasteland. The right to trees on holdings and wastelands planted by a ryot is with the planter. Though it may appear that the mere taking of permission is no hardship, in nearly all cases I saw of applications for permission, the applicants had to pay for petition paper and writing the petition and court fee stamps from two annas to twelve annas had been attached on some petitions. The trees were mostly dry and useless trees and to get rid of them the applicant had to incur expenses as well as to proceed to headquarters.

13. Ryots and *thekedars* can excavate water reservoirs in their lands. If such reservoirs are recorded against their names in the settlement records, they are held rent free for the period of the settlement after which they become public lands; for the period of the settlement the ryot has the absolute right to the water.

14. *Thekedars* have the right to allot homestead lands to ryots and other residents of the State. It is not stated whether a rent or *nazrana* may or may not be levied. Non-agriculturists are not shown in the records as holding their homestead lands but the land is recorded as State land with a note about the occupant in the remarks column. In practice homestead lands are held free of rent.

15. There are *sukhbasis* who pay a 'chulapatti' of four annas each for fuel they get, in addition to a tax upon their professions, if any. *Sukhbasis* who own ploughs and cattle pay a rate of one rupee per plough in addition to the grazing fees.

16. Regarding *bethi* the Ruler issued a proclamation in 1937 that *bethi* for roads could not be abolished for road maintenance until the consequent extra expenditure could be met but all other *bethi* required by the State was discontinued and the State officials would not be entitled to any *bethi* for personal use. Some main roads were ordered to be maintained by the State Public Works Department. The position now in this respect is that ryots have to render *bethi* for the cultivation of *khamar* or *bhogra* land of the various tenureholders and *thekedars* with one plough and pair for a day and a day's *bethi* for harvesting; this *bethi* may be taken within three miles of the village.

Ryots have to maintain the cart track along the main road on which they are not permitted to ply their carts even outside the village limits. They are expected to look after the road-side trees and water them, but if they die the State takes the timber. If the trees die, the ryots have to plant new ones. The ryots are entitled only to the fruits of these trees and not the timber. The position regarding *bethi* for State servants is obscure as the clauses regarding it have not been specially deleted. In some zamindari villages thatching grass and repairing the home of the zamindar has been provided for. The clause of the *wajib-ul-arz* regarding *magans* has been deleted.

Shikar bethi is still levied; if a tiger is shot some payment is made which when distributed comes to one or two pice each according to the villagers. On this *bethi*, villagers are employed for one to four days a year. The road *bethi*

has been distributed according to rents. Many ryots have to employ *halias* for rendering this *bethi*.

17. Fisheries in the rivers and nullahs are leased out but not from tanks. Though no charge is made for the water taken from the tanks, a special rate is charged for the lands irrigated by this water. There is a proposal to lease the fisheries from the tanks as well. Pisciculture has been started in six of the tanks in the Balangir. No fee is charged for minor minerals taken for their own use by ryots.

18. In respect of acquisition of land an Act has recently been passed and it is very similar to the Land Acquisition Act except that the compensation for compulsory acquisition has been reduced from 15 per cent. to 5 per cent. The Act has not yet been given effect.

In a case of 1936 I saw, land required for a dairy farm was acquired. Notice was issued to the holders to cease cultivation and file objections, if any. After a considerable time, it was decided that certain plots should not be acquired and these were released; the cultivators must have been put to considerable trouble on account of this procedure. Compensation was offered at 20 times the revenue but the objectors said this was inadequate and wanted land in exchange which request was not granted. (The standard fixed by the State in cases of transfer as fair consideration is fifty times the land revenue see para. 11; it was 100 times once.)

19. Holdings of aboriginals are supposed to be settled with aboriginals as far as possible but no serious attempts seem to be made to observe this procedure. In a case I saw, in which the land was auctioned, the sub-divisional officer wrote that no aboriginal came forward to take the land; an aboriginal would have no chance in an auction if he did come forward. In another case the statement of the agent of the *thekedar* that he could not find an aboriginal was considered adequate. I saw another case also in which an aboriginal wanted to sell his land and an aboriginal candidate appeared but was unable to pay the amount of Rs. 400 and Rs. 100 *nazrana* which was fixed for the land. After the case had dragged on for about six months and considerable expense had been incurred by the would-be vendor, it was filed as the purchaser absented himself.

VILLAGE HEADMEN

The *thekedar* or lessee of a village holds under a *kabuliat* executed by him. This and the *wajib-ul-arz* of the State were the only documents binding on him till the 1940 Revenue Act was ushered in. Under this Act the *thekedar* is defined as a person who has accepted the assessment of the village but in Chapter XI he is shown as a village servant; he is also included in the definition of a tenure holder along with zamindars and *khoraqposhakdars*. Though certain conditions regarding his tenure are entered in the *kabuliat*, there are the same or similar conditions in the Act; the position is somewhat involved. The Act should have superseded all the *kabuliats* and other rules but has really been super-imposed on them.

Under the *kabuliat* the *thekedar* holds for a period of 15 years or till the next settlement. The tenure can be inherited only during the currency of a settlement, is impartible and cannot be transferred in any way. Only one person can inherit a *theka*. Unlike Khairagarh and other States the rule does not ban inheritance through female heirs; adoption also seems to be recognised. The *thekedar* holds *bhogra* land which is defined in the Act as land allotted in lieu of remuneration; surrendered and abandoned lands held by the *thekedar* and land broken from waste without proper authority is also regarded as *bhogra* (Patna is the only State in the Chhattisgarh Agency where the *thekedar* needs permission to break waste on his own behalf). Actually the remuneration of the *thekedar* is reckoned as a percentage (20 per cent.) of the total assets of the village and if there were no *bhogra* lands in the village this is what he would get; where there is *bhogra* the *thekedar* is supposed to get the income from the lands as well as they are not considered to belong to him even if he broke them from the waste and may have held them for generations.

The *bhogra* of the *thekedar* seems to be a very vexed question. Where the *thekedar* has held for generations there are "cosharers" in the *bhogra* who claim a share of other village "profits" as well and there is frequent litigation between cosharers and *thekedars* about these. In 1937, a note was inserted in the *wajib-ul-arz* that a cosharer could not have any rights in a village except in the *bhogra* lands of the village. This seems to have caused several disputes and in 1940 a notification was issued replacing the note by another which

made the share in the *bhogra* obtainable by "amicable arrangement only". In respect of profits from *bhogra* lands anyway cosharers not in possession of *bhogra* were given rights to a share of 13 pice per rupee and the thekedar was given the right to recover 13 pice per rupee of the rental value of the *bhogra* held by the cosharers, a rather involved arrangement; this clause was to be subject to any private agreement; the rental of excess *bhogra* (cf. 20 per cent. rule) was to be deducted and drawback for deficit added to the rental value in calculating the share. In the Act however there is a simple note which says that private arrangement may be made in respect of *bhogra* which will not be enforced by revenue courts. Difficulties about *bhogra* are not peculiar to this State and may be found wherever the system exists. They can be eliminated only by the grant of ryoti rights.

All *thekedari* leases (including zamindaris) are issued by the State. There are certain *thekedars* who appear to have created subleases known now as *shikmi thekedars* the lessors being known as *asli thekedars*. The State issues the leases or patta of *shikmi thekedars* also. The *asli thekedars* have no right to nominate the *shikmi thekedars*. New *salami thekas* are not permitted now. No extra remuneration is allowed in villages with *asli* and *shikmi thekedars* and there is only a division of 20 per cent. drawback between the two according to private arrangements. Whenever a *shikmi theka* falls vacant it is resumed and similarly if the *asli theka* falls vacant it ceases to exist.

In the case of default the *asli thekedar* is proceeded against in the first instance. The *asli thekedar* has to file an application against the *shikmi thekedar* for recovery. Applications are entertained direct against *shikmi thekedars* if the *asli thekedar* applies.

There is one village in which there are two *thekedars*, the patta being issued jointly. There is no partition except of the *bhogra*. There are instances of *thekedars* holding more than one village. The maximum number of villages held by a *thekedar* is 5. In *thekedari* succession cases if the *thekedar* holds more than one village resettlement may be made separately in the name of two sons. Similarly cases are known of a *thekedar* surrendering his village on account of old age. Surrender in favour of specified persons is not known; if a village is auctioned, preference is said to be given to cosharers.

On two occasions in a year *thekedars* (and *muafidars*) have to appear before the Maharaja and offer a *tika* of one per cent. of the revenue of the village on each occasion. Besides this, once a year they have to present certain commodities like rice, ghee, vegetables etc., to the Maharaja. These are prescribed in the *wajib-ul-arz*.

When a *thekedari* falls vacant by reason of eviction or surrender, it is disposed of by auction. In the case of a zamindari village falling vacant by eviction or similar cause, the zamindar nominates a *thekedar*. *Umrao's* and *khorposhdars* also have the right of nomination. In the case of aboriginal *thekedars* preference is given to aboriginals.

Mutation fees in *thekedari* cases are charged at the rate of 4 annas per Rs. 100 of land revenue including fractions which are taken as Rs. 100. Mutation applications bear a court fee of annas 12. No other nazrana or fees are said to be levied when a mutation is sanctioned. The levy of mutation fees is not prescribed in the Land Revenue Act and no standing order or rule could be produced either at the time of my visit.

RECOVERY OF LAND REVENUE

Land revenue is payable in two instalments on the 15th January and 15 March by *thekedars*. In villages with *asli* and *shikmi thekedars*, the *asli thekedar* is proceeded against for recovery in the first instance, the *asli thekedar* being left to apply for recovery from the *shikmi thekedar*. The Land Revenue Act provides for settlement with both *asli* and *shikmi thekedars* but it is not clear if this was done at the last settlement. In respect of *Umraos* the position is more obscure as the Act requires him "to pay the land revenue and cesses assessed on him", the *kabuliat* however states "I shall realise the revenue and cesses payable by the thekedars"; the *umrao* cannot, strictly speaking, be ejected under the *kabuliat* for not paying the land revenue but the Act provides that he may be ejected for failure to pay the demand "legally payable by him". Cases I have seen show that the *umrao* is held responsible for the revenue of all his villages.

The Land Revenue Act does not state clearly which of the three, the *umrao*, the *thekedar* or the *shikmi thekedar* should be proceeded against first. Arrears may be recovered by arrest and detention, by sale of movable or immovable

property or by ejectment from the village or tenure, As already stated, no property is exempt from attachment. Immovable and movable property may be attached and sold in the manner prescribed in the Civil Procedure Code in the absence of special rules. Tenureholders including the *thekedar* may either institute a suit or make an application for recovery, in which event, recovery is made by issue of the same process as in the case of an arrear payable to the State.

Interest is levied on arrears at 2 pies per month, that is $12\frac{1}{2}$ per cent. Collection of land revenue during the last ten years has been poor in some years after the last settlement and the number of cases started against thekedars and ryots shows a sharp increase since the settlement. For example for the years 1931 to 1935 the average number of cases per year was 31 while for the years from 1935 to 1940-41 it is 130 against thekedars. Against ryots the former figure is 165 while the second one is nearly 557.

Nazranas realised on sales of land are credited under head "Personal Deposit Maharaja"; they seem to be regarded as personal income of the Ruler and not as land revenue.

CESSES

The cesses current in the State are (1) school and dispensary cess at two annas per rupee, (2) patwari cess at one anna per rupee (3) *rasad jama* cess (village improvement cess) at one anna per rupee and (4) *parbaparbani* cess at one anna per rupee. There is a *nistar* cess but it may be looked upon as a commutation fee and is therefore dealt with separately under forests. The first cess was imposed at one anna per rupee in 1885 by Mr. F. C. Berry to meet the expenditure on schools and dispensaries. The patwari cess was first imposed at the settlement of 1896. The *parbaparbani* cess is a religious cess and was imposed in 1915 with the *nistar* cess. The *rasad jama* cess was imposed in 1935 and though first appropriated by the State, is for the last three years being given to village panchayats for village improvement and is called "improvement cess." As its name implies it was imposed in lieu of *rasads* levied.

As already stated no limit is placed under the Land Revenue Act to the cesses which may be levied. The Act prescribes two kinds of cesses viz, public cesses and village cesses. The public cesses "shall ordinarily be the patwari, school and dispensary and *parbaparbani* cesses." Village cesses are cesses recognised by custom approved by the Government. The "improvement cess" is classed as a "village cess." The object of the patwari cess, as its name implies, was clearly to maintain a patwari staff on the Central Province system but at present there is no patwari system in the State and the cess is now shown as being levied to meet the cost of the settlement; the *parbaparbani* cess is a religious cess for the purpose of meeting costs of religious ceremonies. It is actually credited to the head "P. D. *Debottar*" which seems to stand for personal deposit in the *debottar* account. The cess is levied in tenureholders' villages also and they are entitled to keep half the amount for religious ceremonies to be performed in their areas. The total cesses apart from the *nistar* cess amounts to five annas in the rupee, a surcharge of nearly 33 per cent. on the land revenue, if the *nistar* cess is included the percentage will be over forty. The levy of a religious cess in addition to one for the cost of settlement is probably unprecedented even in these States; the settlement provides an increase of revenue by itself, and the imposition of a cess for this amounts to making the cultivator, pay in order to levy higher payments from him. The net expenses of the settlement are shown as 2.6 lakhs whereas the patwari cess at Rs. 30,000 a year will bring no less than 4.5 lakhs in 15 years. In the villages I visited, people said they derived no advantage from the *parbaparbani* cess. Funds for religious purposes should, I think, be a matter of voluntary contributions and not an imposition to be recovered by coercive process.

In villages I visited the '*rasad* cess' was certainly not popular. In many villages the amount collected, even in several years would be quite inadequate to make any improvement in the village. The whole scheme really seems to be little more than an attempt to reduce the number of cesses shown under land revenue.

Thekedars and others have to pay the patwari cess at one anna per rupee on the *bhogra* lands.

REMISSION OR SUSPENSION OF LAND REVENUE

24. During the last 10 years, relief was granted in 1938-39, 1940-41 and 1941-42. The remission and suspension of 1938-39 was the first of its kind. In 1941-42 there has been only suspension. The remission or suspension was

granted on account of partial failure of crops in certain parts of the State, the basis adopted being that of crops being below 6 annas in outturn. No definite principles have been laid down but the question is discussed at a meeting of the cabinet if the crop is below 6 annas.

In 1938-39 remissions were given to individual tenants and there was no definite basis applicable to all the villages. Suspensions were also granted in some villages. In 1940-41 remission was granted on the following scale, i.e., paddy crop less than 2 annas and rabi crop unsatisfactory 40 per cent., rabi crop satisfactory 20 per cent., outturn 2 to 4 annas, rabi crop unsatisfactory 20 per cent., rabi crop fairly satisfactory 12½ per cent outturn 4 to 6 annas suspension of 50 per cent. to be recovered in 3 years including the current year, outturn 6 to 8 annas suspension 50 per cent. to be recovered in two years including the current year. These figures can hardly be called liberal. With a paddy crop less than 2 annas and rabi crop unsatisfactory the cultivator can pay land revenue only out of wages or by borrowing. Many cultivators do not sow any rabi crops.

In 1942 only suspension has been granted at the rate of 33 per cent. in villages with paddy outturn estimate at 6 to 7 annas, 60 per cent. where the outturn is 5 annas.

LOANS

25. Agricultural loans are not granted but loans are given for irrigation projects. Loans are granted from the *kham* granaries; the rate of interest charged is 25 per cent.

VILLAGE SERVANTS

26. Apart from the *thekedars* who are lessees, tenureholders and village servants all in one, the other village servants are the *chowkidar*, and *nariha* or waterman. The village servants all hold jagir lands. The *chowkidars* are entitled to hold land of Rs. 6 rental value revenue free. Their jagir lands in excess of this value are assessed. In most villages there is a *jhankar* who is a sort of assistant to the *thekedars*. This *jhankar* is not mentioned in the Land Revenue Act. In addition to muafi lands, the *chowkidar* and *jhankar* get some grain from every ryot and *gaontias* also pay this contribution. The ryots have to contribute towards the cost of the dress of *chowkidar* and *jhankar* every three years; the sum paid comes to Rs. 8 or 9 and is distributed among the villagers according to rental payments.

The *nariha* renders no service to the villagers and attends on officers.

FORESTS

27. Mr. Mooney is the Forest Adviser. There is a working plan and rules. (In his note of 1941 the Forest Adviser pointed out that there were no rules and suggested that they should be formed immediately: there are rules of 1928 which were probably unknown and unseen). The rules do not contain any provisions regarding the considerations on which reservation of forests may be made. There are 'A' and 'B' class reserves which have been fully demarcated. The village forest consists of areas other than A and B class reserve but the wasteland of the village is divided into *thekedari* wasteland and the State wasteland, and these are not included in the village forest. This is an innovation and is not contained in the forest rules.

At present there are 10 reserved species and the reservation extends to all portions of the State including cultivated areas. Under the forest rules the reservation of species extends only to village and protected forests. Cultivators can cut trees on their holdings and a fee is charged which is said to be one fourth of the royalty chargeable under the forest rules. The comments of the Settlement Officer of 1937 are worth quoting as they indicate how far rules are observed in the States: "Although the Forest Rules allow the ryots to cut down trees of any species standing on their cultivated and assessed lands*** in the interest of cultivation, the Forest Department has been very stringent in not allowing this privilege to the ryots with the result that large areas of lands*** get converted into jungles."

No fruit tree or any tree which is useful as a shelter for cattle can be cut by a cultivator on his holding without the permission of the State.

Forest boundary lines are kept clear by engagement of coolies. Formerly there used to be a system of paying the villagers so much per mile to keep the lines clear but since the abolition of *bethi* this system has been modified.

A nistar cess is levied and it is calculated according to the distance of the village from the forest. It is further levied at different rates according to the

class of land *i. e.*; dry or wet lands. The rates are two annas per acre on paddy fields and one anna per acre of *at* or dry lands in villages which are 5 miles of paddy fields and half anna per acre on *at* lands at a distance of five miles but within 10 miles; $\frac{1}{2}$ anna per acre of paddy fields and $\frac{1}{4}$ anna per acre of *at* lands above 10 miles. The rates are the same for all areas including kondhan and bhinjal areas. By a proclamation in 1939 the nistar cess was made optional. Nistar payers can obtain only unprohibited species. On prohibited species the royalty payable was reduced.

29. In 1939 grazing fees were abolished in about 400 villages which had no village forest within three miles and were paying grazing fees for nothing. Grazing fees have to be paid wherever cattle are grazed.

30. Composition of forest offences is made by the forest officer, who has got full powers in this respect.

31. Shifting cultivation is practised in one village of about 300 acres. This village is called Dudung and some wild kondhs were brought here specially by the Maharaja a long time ago on account of their special dances. The village is situated on the border of Ganjam. The rental of this village is Rs. 1/4/0 fixed at settlement. Settlement records show definitely areas on which assessment has been made. The total ryoti rentals add up to Rs. 1/8/0. Cesses are also levied. The *thekedar* has no *bhogra*. This village is shown under a *khorposhakdar*, *umrao* and *thekedar*.

MONOPOLIES

32. Monopolies are harra, kendu, char, gum, khair, sonari bark, sabai grass (mahua seed abolished since 1939). Lac is collected and sold departmentally. The cultivators get rates which seem rather low. The monopolies extend to the entire area of the State. The contractor, in the case of kendu, collects the leaves through coolies and also through cultivators as well. The contractor has the sole right to collect and export as well as the sole right to sell *bidis*; rates are fixed in respect of sale of *bidis* in the lease but no mention is made of any payments to cultivators for the leaves. The lease in respect of harra is similar. In practice the contractors, as in the case of other States, seem to pay some labour charges. These monopolies are a grievance of cultivators as they are not entitled to benefit from the produce of their holdings.

There is a monopoly of hides and skins, and skins of animals dying in the village are taken by the chowkidar and sold to the *thekedar*, the owner of the animal getting nothing. This is another grievance of the ryots who want to be able to retain the skins of their animals.

Mahua flowers have to be sold for a period of one month, if any person wishes to sell, to the excise contractor only.

CROP PROTECTION

33. There are separate rules regarding shooting of animals issued by the Shikarkana department in protection of crops. In a proclamation dated 2nd April 1939 the Ruler declared that permission would be granted for the destruction of wild animals entering fields and damaging the crops and that the procedure to be followed in filing applications would be notified separately. No such notification had been issued till the time of my visit in 1942. From enquiry in the villages I found that many villagers were not aware of any relaxation in the rules; a *jhankar* who had a gun licence for crop protection said that he could kill only 6 pigs and no other animals. This number is apparently entered in his permit.

There were 158 gun licences issued for crop protection. The issue and renewal fee is one rupee. The number of licences seems small.

ORGANISATION

34. The revenue organisation consists of the Maharaja who is the highest authority and passes orders in certain cases like the appointment and removal of *thekedars*, abatement of rent in land acquisition and other cases, etc., and hears appeals from the orders of the Revenue Minister who is the next authority; there are three sub-divisions in the State each under a sub-divisional officer and a tahsildar. In the headquarters sub-division there is a naib-tahsildar also.

Tahsildars generally enquire into revenue cases and dispose of some rent cases. They have magisterial and civil work as well. The sub-divisional officers have also criminal and civil judicial work.

There are no patwaris in the State. The tahsildar at sadar works as Superintendent of Land Records in addition to his own duties. He maintains the Settlement records and makes corrections in them.

The total cost of the revenue and land records establishment (the officers of which do a lot of judicial work) comes to about Rs. 20,000 against a land revenue, excluding cesses, of 1.60 lakhs and a total revenue of nearly 12 lakhs.

All land records are kept at sadar. There are registers of records deposited in the record room and cases are deposited according to villages but not according to subject-matter.

MISCELLANEOUS

In the case of registration, the Indian Registration Act and Manual are followed and for stamps Bihar and Orissa Manual with schedule is followed. These acts have not been promulgated but are followed for guidance.

Petition-writers are said to be examined before appointment. There seem to be no rules but the charges for writing out ordinary revenue petitions and adjournment petitions have been fixed by the State at four annas and two annas per petition respectively.

The cost of petition paper is six pies.

There are four nazul areas and these have been separated from the thekedari areas—Titilagarh, Patnagarh, Balangir and Kantabhanji. Nazul is defined as immovable property belonging to the State paying or liable to pay ground rent; the rules are of 1922 and no rules have been made under the Land Revenue Act of 1940 which makes no mention of nazul except that the settlement officer may have to proceed in respect of town areas in a manner different from ordinary rural areas. Lands in these areas are disposed of by auction usually but may be let on a fixed premium in certain quarters; plots are granted on leases renewable in perpetuity at intervals corresponding to settlements. Ground rents are leviable at one anna per rupee of the premium on lands of the more value classes and at 2 annas per rupee of the less valuable classes. Transfer of nazul lands requires sanction and a transfer fee of 5 per cent. of the consideration or five times the annual rent (compare ryoti lands) is payable. Separate survey and maps of nazul areas have been made in all the four cases.

Kantabhanji and Titilagarh nazuls were demarcated at the last settlement and Patnagarh in the subsequent year. Patnagarh was a kham village and Titilagarh and Kantabhanji were *thekedari* villages.

There has been no serious agitation in the State. In 1938 certain representations were made to the Maharaja regarding grievances and reforms announced seem to have prevented further developments.

RAIGARH STATE

REVENUE HISTORY AND SETTLEMENTS

This State more than any other in the Chhattisgarh Agency may be described as the strong hold of the *gaontia* system. According to the Gazetteer, in former times, the revenue of each village used to be settled in a lump sum, roughly estimated by a panchayat consisting of *gaontias* and a State official. The whole of the ryoti lands were split up into holdings called 'khuntis' for the fair distribution of the State demand. Each holding was given a relative value based upon its seed capacity. The *bhogra* of the *gaontia* was held revenue free and there was no rule placing any limitation upon its area.

Originally annual settlements seem to have been made with the *gaontias* but later leases were for 3 years and *nazarana* was recovered on renewal. *Nazaranas* were levied from *gaontias* on account of their *bhogra* but the greater part of this was recovered by the *gaontias* from the ryots. The system being abused was abolished in 1882. Revenue was originally payable in cowries but in 1869 cash payment of three fourths of the amount payable in cowries was introduced. *Tandkhars* were appointed to collect the revenue and were responsible for reporting to the Raja the condition of the villages under their jurisdiction for the purpose of enhancing or reducing the revenue demand, a cess being levied for their remuneration. One-fourth of the total revenue of each village was paid in kind. For the use of the Raja's family various cesses and *tikas* used to be recovered.

In 1885 after the State was taken under government management a settlement similar to that made in Bamra was ordered. This settlement was made

on the system prevalent in Orissa of measuring lands with a bamboo 10 ft. 5½ in. long. Villages were divided into 4 classes according to their fertility and general condition and soils were classified according to quality and position. The average land rate seems to have been worked out from the rate per khandi seed capacity.

In 1891 a cadastral survey and settlement based on the soil unit system of the Central Provinces was made for 10 years. The gaontias were allowed from 20 to 30 per cent. of the village assets for their remuneration. In 1906 a revised settlement in summary form was made for 12 years.

The current settlement was made in 1924-26 by parganas, the term being 15 years. This has been extended to 1945 now. It was made on the soil unit system used at the 1891 settlement. The whole state has been surveyed by plane table and chain except 69 villages in the jungly area which have been settled on the *masahat* system. The 1924-26 settlement does not mention the zamindaris though these were also settled at the same time. No other settlement reports are available.

The settlement records are the usual *khesra* with name of the gaontia as village holder, jamabandi and subsidiary papers. There is no *siwai* income and the village assets consists only of rents and rental value of home-farm. The gaontias get about 25 per cent. of the village assets as remuneration; some have been allowed slightly more and some less.

For masahat villages rough maps have been prepared. New cultivation since settlement has been indicated roughly in red ink. Traverse has been made in these villages but no cadastral survey. Stones are said to have been fixed on the spot.

ZAMINDARI AND OTHER TENURES

There are seven zamindaris but no sanad is available. The zamindaris are not compact areas and consist mostly of scattered villages. The zamindari villages were settled by the State the cost being recovered from the zamindars.

In all the zamindaris the gaontiahi *patta* is issued by the Ruling Chief at settlement and is the same *patta* as in the khalsa portion, the only difference being that the gaontia is required to pay the rent to the zamindar. The zamindars fix up the theka of a zamindari village if during a settlement a village is surrendered by a gaontia or falls 'vacant' for other reasons by a registered agreement. On the basis of this agreement which makes the *wajib-ul arz* of the State binding on him the gaontia applies for mutation which is sanctioned. The *nazarana* levied on the occasion is appropriated by the zamindar and the State does not interfere with the appointment. I saw two cases which showed that zamindars sometimes appoint 'sikmi gaontias' of villages held by them but these are not entitled to *pattas*.

In a mutation case of a gaontia of the Tispalli zamindari the case was sent to the zamindarin for 'enquiry and report'. A proclamation was issued and the moharrir of the zamindarin made an enquiry and recorded statements. A report was then sent to the Ruling Chief who sanctioned the mutation, the fee being credited to the treasury. There is no record of any *nazarana* paid to the zamindarin.

At present there are shikmi gaontias in two zamindari villages. The zamindar Mugdega holds five state *masahat* villages as gaontia and has created shikmi gaontias in these villages. These are not recognised by the State.

The zamindars pay *takoli* which is determined at settlement and liable to alteration but it is not a definite percentage of the income of the zamindaris. The zamindars have no right to minerals and only the Tispalli zamindar has forest rights which he enjoys fully but the forest is under the control of the State.

In 1939 the zamindarin of Tispalli applied for permission to lease out a lime-stone quarry for 3 years saying that the stone was being sold every year through licence. It was ordered that following British Indian practice the right should not be granted and this was communicated. The zamindarin applied again and the Forest Officer refused. It is doubtful if the zamindarin has finally accepted this position.

Zamindars have to apply for mutation in the same way as gaontias. In the case of Tarapur estate, the zamindar was asked to pay 25 per cent. of the land revenue as mutation fee which was the rate formerly applicable to

gaontias. The existing rule was silent on the point of zamindari mutation. (Other cases seen indicate the levy of a *nazarana* in addition to mutation fees.)

Apart from the zamindaris there are villages granted for various purposes such as the maintenance of temples maintenance of individuals and so on. Forty villages have been granted to various temples in the State and some outside at Allahabad and Puri. The villages are managed by the gaontias recognised by the State. They realise rent from the ryots and pay the *kamil jama* fixed at settlement to the grantee. The ryots have the same status as in the case of ordinary gaontiahi villages. There is practically no control over the expenditure of the funds from these grants.

There are certain villages held by the Ruler and Rani saheba as 'khamar' for which there is no sanad or deed of grant. They are recorded in the village jamabandi with the name of the Ruler shown in the column for khamar. Five of these villages were made *khamar* since the last settlement between 1933 and 1939. Most of them (7) pay a portion of the revenue as cess but in others nothing is paid to the State. There are no conditions regarding resumption or liability to assessment or quit rent on these grants. The *sir* lands of such villages are usually leased out to cultivators on temporary leases.

Other grants of villages are religious and charitable grants, grants for maintenance and service grants. In some cases the nature of the grants is not known and actually there are grants shown as service grants but it is not known for what service the grants are held. There are several service grants of whole villages the purpose of which is shown as 'service as cook' for washing clothes of Raj family, for carrying bones of deceased member of the Raj family and so on. Some of the villages are held as half-muafi that is a quit rent of half the revenue. All the muafi villages including the temple grants pay a 'cess' to the State which practically amounts to the levy of a rent.

In muafi villages there are thekedars appointed by the State and vacancies are filled by auction as in other villages. In some villages the muafidar himself holds the village as gaontia. The muafi villages yield an income of nearly Rs. 9,000 from the land revenue to the muafidars and the *khamar* villages an income of Rs. 4,300.

A list of holdings held rent free is not available. Mostly these consist of 'service grants' held by village servants.

THE RYOTI TENURE

The revenue law of the State consists of the *wajib-ul-arz* a document prepared at the settlement and binding on the gaontias for the period of the settlement as agreed upon in the *kabuliyat* executed by them.

The rights of a ryot in his holding are briefly continuous possession subject to payment of rent, inheritance only to male heirs in the direct line and joint collaterals. Sub lease for more than a year requires the consent of the gaontia and he has no power of transfer in any other way and the gaontia or heir who would inherit can claim the land if it is transferred. Transfer of land however takes place freely by the fardical process of surrender and reallotment by the gaontia. The documents I have examined show that the surrender and reallotment are both recorded in a single document and only the signature of the gaontia is necessary as otherwise the gaontia can apply for possession of the land. For his connivance at this transfer the gaontia levies a fee which is generally 25 per cent. of the consideration. The practice is a well known one, and is said to have existed since the time of the previous Ruler. So well-known is it that in a case (of Porena village) pressure was brought to bear on a gaontia to give his consent by the Revenue Officer. In these cases of transfer co-sharers of the gaontia some times claim the right to object to a transfer as their signature was not taken and disputes arise. The State levies a fee of Rs. 5 per cent. in the guise of registration fees and fees for the issue of a new *patta*. These fees are apart from stamp duty.

Waste land in the village is allotted by the gaontia who has also the disposal of land surrendered or abandoned or for which there are no heirs left under the rule of succession. There seems to be considerable feeling against the rule of succession as unmarried daughters are often left without maintenance and the land passes to the gaontia. Adoption is not permitted unless specially permitted by the Ruling Chief and this naturally entails expense.

There is no clause in the Raigarh wajib-ul-arz forbidding the levy of nazarana. Nazarana is believed to be levied even when village sites are allotted for residential purposes. (I was able to verify this in a zamindari village I visited.)

All ryots including those in the masahat villages have parchas and rent may not be enhanced during the currency of the settlement unless the gaontia has effected an improvement. Receipts are given in *rasid-bahis* which are purchased at annas six from the State which means that the State derives an appreciable profit.

A ryot or other resident of a village is entitled to a house site and threshing floor free of rent. Ryoti rights do not accrue in respect of *baris*. A ryot ejected from his holding does not lose his house site thereby. If he leaves the village the material of the house may be disposed of by him.

The clause in the wajib-ul-arz about acquisition of land is the same as in the Khairagarh wajib-ul-arz. Cases of acquisition arising in 1941 however have been dealt with on the principles of the Land Acquisition Act. In a case of 1929 land was acquired for the construction of a mill by some marwaris, obviously not a public purpose. The persons affected were paid a compensation of Rs. 256 but actually it is on record that the marwaris first offered Rs. 500 and undoubtedly much more was taken from them. The aggrieved persons appealed to the Political Agent but unfortunately the appeal failed. I have seen two other cases one of Village Urdana of 1939-40 and the other of Pakargaon of probably 1938. In both cases no compensation was paid and only at the time of my visit had the cases been reported for compensation (the State is under financial control) to the Political Agent for orders. In the latter case where the land was acquired for the construction of a palace even the rent had not been remitted.

In "open" villages with little or no forest, grazing in village waste is allowed free but in the villages where there are substantial forests villagers must commute. Village or gram forest can be allotted by the gaontia for cultivation but notice to the Tahsildar is necessary before clearance as all timber over 2 ft. in girth is the property of the State. 11 species of trees are declared reserved in the *grami* forest. Nistar in "open" villages cannot be taken in the case of green trees without the permission of the gaontia and trees over 2 ft. girth have to be paid for. For villagers who pay commutation dues free grazing is allowed in *grami* forest. In the zamindari village of Tarpalli I was told that a fee had to be paid to the gaontia for mahua picked up from waste land.

On their own holdings and homesteads "existing rights" in trees continue. Planted trees belong to the ryot who plants them; planting of trees in waste land or on another ryot's holding requires the consent of the gaontia or ryot. Unreserved trees of spontaneous growth may be taken by ryots if on their holdings. Cutting of prohibited timber requires permission though in the case of planted trees the timber belongs to the ryot.

The produce of harra and behera trees are the property of the State even if they are on ryoti holdings. The wajib-ul-arz prescribes reservation only in forest and village waste and the application of the reservation, to holdings is a contradiction.

Rights in tanks and dabis are practically the same as in Sakti.

Ryots are charged a fee for the removal of sand murram gravel, etc., in cart and *kawar* loads. Stones for building purposes are given to them at half rates.

Hides and horns of animals dying in the village belong to the owner who is however bound to make necessary arrangements for its disposal. If he does not make arrangements the carcase will be disposed of by the kotwar who will then be entitled to the hide and horns. The hide and horns may not be sold for export except to the contractor.

Ryots have to render begar for officials and the gaontia. The gaontia is entitled to the use of one plough and pair and a plough servant or begari for one day at the time of sowing and similarly in harvesting the crop, the ryot has to work for one day with a sickle; in default the gaontia gets six annas for the plough and three annas for the sickle. The same begar has to be

rendered in *khamar* villages. Ryots are required to assist the gaontia in maintaining the *gudi* or village rest house. Occasional begar seems to be taken for other purposes as well.

VILLAGE HEADMEN

Practically all villages in the State are managed by gaontias or thekedars. There are 12 villages in the khalsa out of 639 in which there are no thekedars but these are mostly *khamar* or *muofi* villages. *Khamar* or zamindari *kham* villages (16 villages) are managed directly by the holders thereof and there are no thekedars. The gaontias are given a patta for 15 years and execute a *kabuliyat* agreeing to pay the revenue assessed and binding themselves to observe the *wajib-ul-arz*. Generally there is only one gaontia in a village (including zamindars) but in one village in the State two gaontias have been recorded jointly.

There was a recent case (1939) in which a village was auctioned and three persons offered a joint bid of Rs. 35,000 on condition that the village was divided into three shares. This was contrary to the *wajib-ul-arz* but was agreed to by the Ruler and the purchasers applied for division of the village into pattis paying land revenue separately and the village was ordered to be divided into three separate villages according to the hamlets already there. There was difficulty in connection with partition of the bhogra lands and in the mean time the ryots registered a strong protest threatening to leave the village as partition was not to their interest. The sale was cancelled by order of the Political Agent in 1942 and a reauction was pending at the time of my visit. It transpired that in addition to the amount bid at the auction in 1939 the Ruler had taken a private salami of Rs. 10,000. (See para. on revenue organisation). There are some gaontias holding 5 to 8 villages. According to the *wajib-ul-arz* there are 'protected' and 'unprotected' gaontias who have the same status except that the former have a right to a renewal of the lease on its expiry and cannot be evicted when a new settlement takes place. Most of the gaontias of this State are 'protected'.

The theka of a village is impartible but private partition will be enforced by civil courts during the currency of the theka. The right to a theka can be inherited by one male heir only in the direct line and collaterals cannot inherit unless they were joint with the gaontia at the time of his death. Failing male heirs the widow can succeed for life or remarriage; daughters have no rights. The theka cannot be transferred in any manner by sale, gift or otherwise.

A gaontia is liable to ejectment for the same reasons as in the Khairagarh *wajib-ul-arz*.

Gaontias can allot waste lands available for cultivation to ryots at rents agreed upon and the ryot acquires ryoti right. Similarly he can reallocate lands abandoned or surrendered by ryots. The land revenue of the village is not enhanced during the settlement and hence the gaontia appropriates the rents of new land and excess rents of reallocated land.

The gaontia is expected to reside in his village unless exempted in which case he has to provide a *gumashta* approved by the State. As in other States he has several other duties to perform in connection with the welfare of the villages apart from paying land revenue.

When a gaontia dies and mutation is applied for a mutation fee of annas four per Rs. 50 of land revenue of the village is taken. Till recently the mutation fee was 25 per cent. of the land revenue. It is extremely unlikely that the mutation fee is all that the gaontia has to pay now in mutation cases. There is no rule regarding the action to be taken in case a gaontia is too old to manage and wishes to surrender in favour of a son or other heir. In a case I saw the special powers of the Ruling Chief were invoked to make this possible. In another case where there were several villages held by one gaontia mutation was sanctioned in the name of the eldest son on condition that he did not disturb the *defacto* possession of the other sons. Mutation cases are acrimoniously contested.

Though mortgaging of villages is contrary to the *wajib-ul-arz* this was sanctioned by the Ruler in a village put to auction in 1937. (The mortgage does not appear to have been actually effected on account of further developments). In another case the Ruler approved an exchange of villages. The *wajib-ul-arz* is clearly not considered binding on the Ruler.

In this State there was the practice of gaontias surrendering a village which would then be auctioned by the State 10/16 of the amount going to the ex-gaontia and the rest to the State. This was abolished in June 1941 and now, if a village is surrendered, it is reauctioned and the whole nazarana goes to the State.

The position in the zamindaris now is that the order regarding surrender and reauction may not be followed there as the zamindars can create their own gaontias. In zamindari kham villages the zamindars manage the village as if they were the gaontias. They have no liability to perform other duties which a gaontia performs though it is said that a zamindar's name is recorded in the patta of a zamindari kham village and the performance of these duties is left to the chowkidar.

As already stated five villages held by a zamindar as gaontia have been given to shikmi-gaontias. Similarly 5 other gaontias of the State have created shikmi-gaontias, another contravention of the wajib-ul-arz.

Formerly, there was no limit to the *bhogra* land of a village. The present wajib-ul-arz prescribes a limit of 1/5 of the cultivated area but in practice some gaontias have as much as half the village area as *bhogra*. There is no limit to land which may be held in ryoti right by the gaontia.

There are co-sharers in *sir* who are recognised by the civil courts but the rights of the gaontia and co-sharers in *bhogra* are the same as in the Khairagarh wajib-ul-arz and terminate when the gaontia is evicted. Land has a high value in most parts of Raigarh and there are bitter quarrels and litigation between gaontias and co-sharers. There are quarrels about payment of rent also among them.

Certain persons were recorded as shikmi ryots at the last settlement on *bhogra* lands. These seem to have no permanent rights but some were granted ryoti rights.

Tanks constructed by gaontias will not be regarded as private property. A gaontia has to apply for permission to build a tank in *bhogra*. Tanks are simply recorded as 'tank' in the settlement papers. Panchas may charge a fee for use of water and use the amount for improvement of tank.

Gaontias under the wajib-ul-arz are required to pay the Ruler a Dusserah salami of one per cent. of the land revenue of the village (minimum Re. 1 per cent) and if the land revenue is more than Rs. 125 he has to pay a goat and a seer of ghee also. In the Dusserah Darbar of 1941 the Ruler first asked the gaontias to pay 25 per cent. of the land revenue and later agreed to take twice the normal amount. Receipts were issued only for half the amount paid. The Political Agent advised refund of the extra payments.

RECOVERY OF LAND REVENUE

Paddy is the main crop of the State and land revenue is paid in two equal instalments in March and May.

For recovery of arrears gaontias may be proceeded against by arrest and detention (no actual cases for the last 10 years) attachment and sale of movable property, crops etc. Gaontias may be ejected; there was one case about 4 years ago. Gaontias file rent suits against tenants; interest is allowed at present according to legislation in force in the Central Provinces. The court grants a decree for ejectment and it is for the gaontia to apply for attachment and sale of property also. Gaontias may file suits against tenants either for ejectment or for recovery.

Zamindars file for recovery against gaontias. Similarly musafidars file suits against their gaontias. Between gaontias and tenant the position is the same as in other villages.

There are no separate rules regarding the recovery of State dues. Movable property is sold by the *maljermadar* on the spot. Property is not brought to headquarters ordinarily. In respect of sale of immovable property there is usually difficulty as materials belong to the old tenant and the gaontia claims the site. If a tenant is ejected from his holding he is not ejected from his homestead at the same time.

The statement of land revenue collections during the last ten years shows satisfactory collection and arrears are small. It is not clear however why the Dewan found it necessary during the last collection season to serve notices on the gaontias through the police. An effective method, he said I do not doubt it.

CESSES

There is a cess called 'land cess' levied in the State. This is a rate of two annas per rupee of assets levied in *muafi* villages. It is not levied in ordinary or zamindari villages.

No other cess is levied at present. As already stated the land cess is not paid in certain *khamar* villages.

REMISSIONS OF LAND REVENUE AND AGRICULTURISTS' LOANS

Taccavi loans are granted but not regularly and the rate of interest was 18 per cent. once. Last year the rate was reduced to $6\frac{1}{2}$ per cent. as in the Central Provinces.

No occasion was found to grant any remission or suspension during the last 19 years. Last year in some villages crops were considered poor and taccavi loan was given.

VILLAGE SERVANTS

The village servants are generally *kotwar*, *nariha* and *baiga*. All have service lands. The *kotwar* is appointed by the State for all villages including zamindari villages where the zamindar nominates the kotwars. The post generally remains in the same family and the rules of appointment are the same as in Khairagarh.

The other two servants are meant to attend upon officials on tour. The *wajib-ul-arz* mentions a *jhanakar* who is a sort of assistant to the *kotwar* in Orissa. The *nariha* and other village servants are appointed and dismissed by the villagers. The *nariha* is mentioned in the *wajib-ul-arz* but the *baiga* is not.

In cases of appointment of kotwars the police are consulted as well as the *gaontia* and *ryots*. In some cases unreasonable objections seem to have been raised by the police and *gaontias* which the revenue officer has rejected.

FORESTS

The State joined the Agency Adviser scheme in 1937. The Indian Forest Act was being followed to some extent but special rules are now being drafted. There is a working plan which is to be revised in 1943. It was drawn up in 1927 and is being followed now.

There are two classes of forests, reserve and *grami*. There was some protected forest as well (on paper) but it has now been converted into *grami* or reserve. In the *grami* forest the villagers have rights except in reserved species. At present there are 9 reserved species, sal, bija (over two feet) tendu (over 12 in.), mahua, char, kusum, harra and khair; the *wajib-ul-arz* shows 11. These are reserve throughout the State including cultivated holdings (see para). Reserved species can be taken only on payment of royalty. If a tree has been planted the planter can take it free of royalty but has to apply for permission. *Grami* forests include all waste land which is not reserved and so any reserved species of spontaneous growth growing on village waste belongs to the State. Re. 1 to Rs. 1-8-0 is charged for trees of prohibited species.

Cultivation of area included in *grami* forest is governed by the *wajib-ul-arz* and payment is made for the forest growth on the land to the forest department. The permission of the department has to be taken as well as the permission of the *gaontia*.

In villages there is 'ghas' land meant for grazing. It is not meant to be cultivated but exchanges of such land with other lands take place. There are encroachments on such land and such cases result in fine the encroachment being usually condoned. Exchanges are said to be common and the forest officer says that this should now be stopped.

Villages are known as *bangaon* or *danda*, according as there are forests attached or not. It is optional for *danda* villages to commute for forest produce but *bangaon* people must commute. *Danda* people are being discouraged from taking nistar from *grami* forests of other villages and it is proposed to open coupes for them but commutation for such coupes is not proposed to be granted. It is proposed to persuade the *danda* people to purchase these coupes in the same way as a contractor would. The *gaontias* are to bid. The villagers would then distribute nistar among themselves and presumably the *gaontia* if he is well to do or a contractor who purchases the coupe can charge his own rates. The scheme is hardly likely to appeal to the *ryots*. The

commutation fee is Re. 1 per plough (15 acres or part thereof *Sukhbasis* (non-agriculturists) have to pay annas four per hearth. In the *Bangaon* the commutation rate is annas eight per plough of 20 acres. Rate payers get timber for ploughs, fuel, grass, bamboos etc.

Grazing for eleven cattle per plough is allowed free in bangaon but the danda villagers have no graving. Grazing fees were recommended by the Forest Adviser in 1937 but now he has recommended free grazing in village forests except for cattle of professional graziers and this is shortly to be introduced; this meets the demand of the people for free grazing in the village forests as before. The grazing fee levied at present is 2 annas for cows and four annas for buffaloes; the rates were double in 1939.

Boundaries of forests are cleared departmentally on contract given to villagers at Rs 3 per mile. Formerly there was no payment but the growth cut was given free; the growth is not now given free.

The zamindar of Tispalli has separate forest staff but under the advice of the State Forest Officer. The villagers of Tarpalli complained bitterly about the reservation of forest adjoining the village in which they used to graze their cattle. They also said that they could not kill even pigs from the adjoining jungle and there was no gun licence in the village.

MONOPOLIES

Lac, bamboo, harra, chironji, tendu leaves, honey, wax etc., wherever grown are the subject of monopoly. The commodities which interest the cultivator most are harra, tendu leaves and lac. In the first two cases the monopoly is for collection and export and the last one is a purchase monopoly.

Export duties are also levied on certain articles.

CROP PROTECTION

There are no rules and shooting does not appear to have been contemplated though a number (76) of crop protection licences were issued nominally in 1941. A case of killing a pig was reported to the present Dewan for orders as even this was apparently a serious matter but he filed the papers. It is proposed to frame a rule to permit killing while crops are actually being browsed or damaged. Crop protection licences are granted free of charge but a court fee stamp of annas twelve has to be attached to the petition. The guns as in so many other States seem to be obtained for prestige even though they cannot in practice be made use of. Getting guns on crop protection licences is a less expensive business than on other licences.

REVENUE ORGANISATION

The Ruling Chief is the final authority in every matter, (cases now go to the Political Agent). He passes final orders in gaontia succession and other important cases. Private nazarana is commonly being taken in this State by the Ruler in granting leases of various kinds such as forest leases, reauction of villages etc. The Ruler used to hold some of the auctions in the palace. In the case of mouza Dhannardars the auction held by the Ruler fetched Rs. 5,000 but the village was subsequently reaucted on account of cancellation of the sale by the Political Agent in view of some irregularity. In reauction by the Dewan the village fetched about Rs. 14,700. In this case also as in the case of Bothaldah a private nazarana seems to have been taken.

In succession cases which the Ruler himself used to sanction till now there is reason to believe that such practice was followed in suitable contested cases.

The Dewan hears only appeals in revenue cases and acts as a High Court in civil judicial cases.

The Assistant Dewan takes some revenue cases and has civil judicial and other work as well. Apart from these officers there are two tahsildars and naib-tahsildars for the two tahsils into which the State is divided. These officers attend to revenue work (mostly enquiring into cases and reporting) in addition to other criminal and civil judicial work.

The land records staff consists of a Superintendent of Land Records, three revenue inspectors and 36 patwaris. Formerly the state was divided into patwari circles with 78 patwaris but about 1932 the arrangement was altered and all patwaris kept at headquarters on account of financial stringency. The patwaris now deal with each area biennially, an admittedly unsatisfactory arrangement. The tahsil organisation is similar to that of a Central Provinces

tahsil. There are no rules regarding procedure. The Central Provinces Tenancy Act has been repeatedly held to be of no application here. The cost of the revenue and land records establishment may be given as Rs. 12,000 against a land revenue of Rs. 1.17 lakhs and total revenue of Rs. 5.14 lakhs.

MISCELLANEOUS

For registration Central Provinces rules are said to be followed. Rs. 5 per cent. of the consideration for sale deeds (*i.e.*, transfer through a gaontia for a document of surrender and reallotment.) is charged as registration fee in addition to a similar fee for issue of a new *patta* (doubtful). On mortgages of nazul land Rs. 2½ per Rs. 100 is charged. These fees are practically a *nazarana* in disguise. The Stamp duty is levied according to the Indian Stamp Act.

Mutation fee at four annas per Rs. 50 of land revenue is charged only in gaontia succession cases. Petition writers have to pay a licence fee of Rs. 5 per year but no charge seems to be made for petition paper. There are no rules regarding copying. Copies of reports are not given but of orders only. On minor minerals, a royalty at annas two per cart load is taken by the Forest department.

NAZUL

There is land referred to as nazul in Raigarh and Kharsia as distinct from *abadi* which is at the disposal of private persons. *Abadi* really seems to mean land regarded formerly as village site. Nazul is land excluded from the gaontia's *theka*. In Raigarh, nazul land is given on a 30 years lease. Land is auctioned unless it forms a part of another site and premium levied; a ground rent is also fixed. Leases may be transferred by sale and the parties apply for mutation. There has been a nazul survey in 1916 and a map of the town prepared.

There is no revenue *mauza* of Raigarh and the town area consists of nazul, *abadi*, Ruler's *khamar* and a very small area of private cultivation. The Ruler's *khamar* is now partly recorded as *abadi* and partly as nazul; some portion of it is still being cultivated. The area of private cultivation has been declared vacant nazul for non-payment of rent and there is no lessee now.

The difference between *abadi* area and nazul is that in the *abadi* there is no ground rent payable. Transfer of land is permitted but sanction of the nazul officer (Assistant Dewan) has to be applied for; no fee is charged. In cases of mutation the original ground rent is enhanced at anna one per 100 sq. Ft. (-/-/3 in one area) if it is considered low. Mutation fee is annas eight for each case. A register is maintained showing name, area, rent etc. There is a nazul moharrir and nazul patwari. The nazul patwari recovers ground rent and pays four-fifths to the municipal fund. If ground rent is not paid in three years the land or movable property may be auctioned. If the property (plot) is found unsaleable the land may be declared nazul *i.e.*, vacant. Open plots are generally dealt with this way.

The residential area and waste land of seven villages adjoining Raigarh were declared nazul in 1936 without compensation. They are ordinary gaontiahi villages, except two which are *khamar*. It appears that these two villages were auctioned and a bid was offered on behalf of the Ruler. In these areas some gaontias used to realise *nazarana*.

The Dewan in recommending the formation of the nazul, wrote that he doubted if the gaontias had any right to levy *nazarana* on house sites allotted by them. He was quite right in saying that the *wajib-ul-arz* was not clear on the point and this is true of a great many other points as well. *Nazarana* in this case as well as in the case of transfer of lands is not a payment prescribed by the *wajib-ul-arz* and in so far as an unauthorised levy is not a lawful levy the gaontias have no just cause for complaint.

Mutations have been noted in the registers but the nazul map has not been brought up to date for the last ten years. The map is on too small a scale. The boundary and survey marks are said to be often missing.

When a plot is auctioned the whole premium goes to the State. Ground rent is fixed at a flat rate of anna 1 per rupee of premium.

There are some old nazul rules drafted in 1919 but these are said to be not followed strictly and new rules are being framed.

When an agricultural holding is diverted permission has to be taken and there is a rate for this diversion at Rs. 25 in the backward tract and Rs. 50 per acre in the open tract. These rates apply to all agricultural land.

In *kharsia* the Senior Ranisakeba is gaontia and there is abadi as well as nazul. There is no proper map or survey or maintenance of records there as there is no patwari. Otherwise the position is the same as that of Raigarh. Abadi is included in the area for sanitation purposes only.

AGITATION

In the year 1938 there was an agitation started in the rural area of the State owing to the grievances regarding begar, grazing and land revenue. Some concessions have been granted in the former two and it is considered that the grievance regarding land revenue was imaginary as the assessment in the State is very light.

Many begars were abolished, viz. system of supplying *khas* during summer, supply of fuel to the palace, practice of taking begar for loading and unloading luggages of the Ruling Chief and the members of the Raj family at Raigarh Railway station; practice of taking begar for harvesting crop of the khamar villages.

Several forest concessions were also allowed.

RAIRAKHOL

REVENUE HISTORY AND SETTLEMENTS

The *gaontia* system of this sparsely populated and scantily cultivated State is of course the result of its relations with Sambalpur and the Central Provinces till early this century. The Gazetteer of 1910 records that the revenue administration was in many respects similar to that of Sambalpur and the rules for the administration of revenue affairs framed for the States in 1889 were in force. Judging from present conditions, these statements appear to be complete misstatements and, apart from the fact that the *gaontia* system prevails, it is doubtful in the extreme if there was ever any systematic administration. As in practically all the States in the Agency there was no system of land revenue settlement either of the Maratha or the Moghul time and *gaontias* appear to have been left entirely to distribute the revenue of the village over the tenants. The Gazetteer says that a settlement was made by the Chief in 1905 but from the settlement report of 1932 it appears that the first regular settlement took place in 1898 and was followed by another in 1917. At both of these settlements nearly half the number of villages were left unsurveyed and the *masahat* system was employed. The 1917 settlement appears to have been made on the soil unit system prevalent in the Central Provinces and Sambalpur, a method which the settlement officer of 1932, accustomed to applying rigid rates on the Orissa system, failed to understand. At the 1932 settlement, the villages were all fully surveyed and the settlement of rent made on the system common in Orissa. Villages were placed in three classes and a table of ten rates was framed. Enhancement of rents was limited to 100 per cent. and such large enhancement was to be given effect in three steps of five years after which presumably the ryot was to be ready for a new settlement and further enhancement. The revenue was enhanced by fifty per cent., the average rate per acre going up from 13 annas to Re. 1 and in addition to this enhancement a forest cess of 1 anna per acre was imposed (there were school and dispensary cesses already at 1 anna per rupee each). By the imposition of uniform rates on the previous system it appears that some rents were actually reduced while others of course were unduly enhanced; from the net enhancement of the average rate from 13 annas to Re. 1, it can be judged that the enhancements in many cases must have reached the maximum of 100 per cent. The application of a new system of settlement without studying the previous one is not confined to Rairakhhol among the States. The complaints of heavy enhancements I heard in the villages do not seem to be without foundation. At the 1932 settlement, rents formerly paid in kind were abolished and converted to cash payments.

The term of the settlement has been fixed as 15 years.

The settlement records are the usual *khatian* and *khesra*.

Till 1935 it appears that there was no system of maintaining records up to date by entering new cultivation and changes and a *nayabadi* settlement.

was made in 1935-37. Since then an attempt has been made to record new cultivation but it is very doubtful if mutations are upto date. There are no rules regarding mutation but an order that a fee of two annas per rupee of rental should be recovered in cases of ordinary succession and four annas in other cases exists.

ZAMINDARI AND OTHER TENURES

There are no zamindari villages in the State but there are 14 *debottar*, four *brahmottar* and 14 *khamar* villages.

As in the case of *debottar* grants in nearly all the States the *debottar* grants of Rairakhol are under the direct management of the Chief (this is recorded in the settlement report) and the Dewan has nothing to do with them. The note regarding *debottar* villages furnished to me by the State seems to be a careful evasion of this fact. One of the *debottar* villages has been under direct management of the *khamar* or private department of the Ruler for the last 16 years, and another village, the *gaontia* of which died last year, has been placed under the *khamar moharrir*, no new *gaontia* being appointed.

Apart from the whole village grants, there are about 240 acres of land held by various *marfatdars* appointed by the Ruler for the purposes of twenty-three shrines. These lands are held rent free but cesses are paid to the State. It is said that the *gaontias* of the villages concerned are supposed to bring to notice any failure to render service properly; this of course means that there is no supervision and in the tour diaries of the Dewan and tahsildar over a period of two years there is not a single mention of these or any other grants.

The *gaontias* of *debottar* villages referred to as *sikmi gaontias* seem to be no different from the ordinary *gaontias*. The land revenue of the villages is paid to the *debottar* instead of to the State and the grant may thus be regarded as an assignment of revenue. The ryots have the same status as in other villages.

There are 14 villages held as *khamar* by the Ruler or by the members of his family. Out of these 6 are held by the Rani Saheba, one by the Jubaraj, one by the first daughter and one by the second daughter. Three of these villages were recorded as *khamar* in 1930, 1936 and 1938. In one of the villages the *gaontia* was ejected for transferring his *bhogra* land and after attempts made to find a *gaontia* (which the Ruler apparently did not find sufficiently lucrative) he recorded that the village would be made *khamar* as *khamar* lands were insufficient, and the village was a good one, and his late father also had the intention of making it *khamar*. Another village was a *muafi* village and after the death of the *khorposhdar* the Ruler gave the village to his daughter. In the third case, the village *gaontiahi* fell vacant and it was given out on a temporary lease for one year; at the expiry of this the *thekedar* applied for renewal for three years but the Ruler said that the village was developed by his ancestors and for some reason it had been made *gaontiahi* and declared it *khamar*.

Five of the *khamar* villages have *gaontias*. The cesses of all these villages are credited into the State treasury and the revenue is enjoyed by the holders, but in villages with *gaontias*, such *gaontias* get the usual amount of remuneration and pay the land revenue to the holders. The *gaontias* possess *bhogra* lands as in the case of other ordinary villages.

No sanad or deed of grant in the true sense of the term exists in respect of these villages. Some of the villages were under the possession of former Rulers and passed into the possession of the succeeding Ruler. In respect of other villages which have been taken under possession during recent years, orders are said to have been issued by the Ruler to the effect that a particular village would be enjoyed by a particular member of the Raj family during his life time (a sanad of 1938 examined by me shows that the village has been granted to the Ruler's daughter "for ever"). All villages are recorded in the ordinary village *jamabandhi* either in the name of the Ruler or in the name of the holder. The *gaontias* have the same status as in other villages.

Two villages, Jurapalli and Tribanpur being without *gaontias* and given on short leases, it appears, that the Ruler intends to make them *khamar*. The Political Agent however advised that the villages should not be made *khamar*. The Ruler seems to have taken no steps for the settlement of these villages and the Dewan said that he proposes to settle them with his son as *gaontia* and has applied accordingly to the Political Agent. (I could not see these cases as Raipur). In 1940, Banikbandh which was a *khamar* village of the Rani was ordered to be made *gaontiahi* as the Rani wanted a different village; the Ruler

directed that the right to bricks, stones, gravel, wood and trees of the village were however reserved.

At the last settlement there were five *brahmottar* villages but one of them was converted recently into a ordinary *gaontiahi* village. The *brahmottar* villages as the name implies are settlements of Brahmins. Two of the villages were left rent-free at the last settlement and the rest were assessed to quit rents of one-fourth of the normal rent except one which pays half the normal rent.

There are *brahmottar* lands of about 22 acres paying quit rents to the State.

Maintenance or *khoraqposhak* grants are about 21 acres in area and these also pay small quit rents.

There are many service jagirs in the State, viz., *chowkidar*, *burgi* and *jhankar*, sweeper, drummer, etc. The total area of these grants is 2,176 acres of which 928 are held by village chowkidars. Apart from the chowkidars, the rest mostly render personal services to the Chief or touring officers and, in some cases, worship deities.

There is a clause in the 'record of rights' regarding *muafi lakhraj* lands. It says "Rights in *muafi lakhraj* lands are heritable. These lands shall, in no case, be transferred. If transferred, they will be resumed. The lands will remain *muafi*, so long as the *muafidar* obeys the order of the State. Disobedience to the State orders will render the *muafi* lands liable to resumption **".

THE RYOTI TENURE

There is no regular revenue law in the State or any definite system and probably never has been. The Gazetteer does not mention anything about the rights of ryots and the settlement report of 1932 mentions that the ryots had no "occupancy rights". Ryots thus simply held the land and inherited it so long as they were not ejected by the Ruler or by the *gaontia*. With the exception of lands held as grants of various kinds, ryoti tenures all appear to have been exactly the same. The terms '*thani* and *pahi*' common in eastern Orissa do not appear to be in vogue here. In Chapter II of his settlement report, the settlement officer 1932 gave a list of rights and liabilities which to a large extent represented existing practices but partly also introduced new principles. This list, issued as an Oriya pamphlet, constituted what is now regarded as a record of rights, but there have been numerous changes, such as abolition of *magans* and *rasads* in 1941.

All ryots have the 'right of occupancy' in the lands recorded in their names however short the duration of the tenancy. They cannot be evicted without the permission of the State authority and then only for disloyalty, being in arrears for 12 months, letting the land deteriorate or transferring it without permission or violating any other condition or custom. A ryot's holding may be inherited (presumably according to personal law) but may not be partitioned without the sanction of the State. The settlement officer's list did not mention subletting but annual subleases are now permitted without the necessity for sanction. Rents cannot be enhanced during the currency of the settlement. Ryots may improve their holdings with the previous permission of the State for which no *salami* is levied.

Ryots are entitled to receipts. Receipt books are issued to *gaontias* in books of 25, 50 and 100 leaves and charges are 2½, 5½ and 7½ annas respectively. *Gaontias* charge one pice per receipt from the ryots which means that they make a handsome profit out of the transaction.

New lands for cultivation are sanctioned by the State but the *gaontia* is always consulted. (Waste land is divided into portions which can be allotted for cultivation and portions which cannot be so allotted.) No *salami* or *nazarana* is levied and the applications are exempt from court fee stamps. Forest growth on the land is required to be cut and stacked for departmental sale but in some cases *mahua* and other reserved species are not allowed to be cut. New land is held free of rent for five years in all cases; a surety is taken while making the allotment.

Homestead lands are allotted by the *gaontia*. In Rampur (headquarters) which is *khamar*, the Ruler allots homestead lands. The *khamar* moharrir said that no payment is taken for these lands. In Naktideul village however I found a case of recent allotment of a house site by the *gaontia* who took Rs. 5 as *salami*; there is reason, therefore, to doubt the *khamar* moharrir's statement.

Homestead lands do not pay rent but in Rampur a rent seems to be charged. (It is recorded in my notes that rents are shown in the settlement record).

Surrender of land may be made with the sanction of the State, a portion of a holding cannot be surrendered. The surrendered land is said to be re-settled in the same manner as *nayabad* lands, not a very clear statement of the position. I could not get a case of settlement of surrendered land for examination. The 'record of rights' does not mention abandonment of lands.

As there is no right of transfer, it is said that by arrangement with the *gaontia* land is surrendered and a new candidate is produced to take the re-settlement. It is said that there are a very few cases of actual application for permission to transfer.

By a notification approved by the Political Agent in March 1941 all *mangan* and *rasad* were totally abolished; but the tenants and the *gaontias* are to give *bethi* for the construction of *raths* (cars for the deities), the dragging of cars during the car and other festivals, the construction of and repairs to schools. A cess in lieu of *bethi* was said to be under consideration. Under the 'record of rights' every ryot is bound to attend the domestic and religious ceremonies in the Rajbati; this does not appear to have been abolished.

Green trees (of any species) cannot be cut by ryots on their holdings but dead trees may be appropriated as well as fruits or branches blown down by the wind. The fruits of trees on waste land are to be distributed by the *gaontia* who takes one-eighth after setting aside the Ruler's share. Planted trees are considered to belong to the planter.

The fish of all State reservoirs is distributed similarly, half being kept by the catchers and a share going to the Ruler; the *gaontia* gets four times as much as other ryots.

Under the record of rights, land may be acquired without compensation but if the land has been reclaimed or improved at much expense or, if there is a house, compensation will be paid. In recent cases of land acquisition, under the Political Agent's directions, a *panch* is constituted to assess compensation. In a case of 1940 when land was required for the forest department, the ryots were sent for and it is recorded that they agreed to give up the land; no compensation was paid.

Sub-tenancies (with 'occupancy right') do not seem to exist in this State.

VILLAGE HEADMEN

All the villages are managed for the purpose of recovering land revenue, etc., by the village headmen called *gaontias* except where villages are held direct by tenureholders. The Gazetteer mentions *pradhans* and *garhatias*, also headmen, the difference between them being that *gaontias* and *pradhans* pay a *tika* to the Ruler; the *pradhans* were apparently just headmen of the type existing before the system of leasing out villages began and the *garhatias* were headmen of villages of *paiks* or the feudal militia. *Pradhans* and *gaontias* do not find mention in the settlement report and in fact *paiks* do not seem to exist at present. The headmen hold lands known as *bhogra* which is assessed to rent and they get a commission of 15 per cent. on the village rental. The area of the *bhogra* is limit to one-fifth of the total cultivated area of the village. The *bhogra* lands go with the office and cannot be transferred or partitioned. The *gaontia* holds his post on a *patta* which is given for the period of 15 years. He is responsible for the revenue of the village whether he has actually collected the amount or not. The *patta* prescribes numerous duties such as looking after government property, boundary marks, forest, reporting offences, and so on. The *gaontia* is liable to ejection for default of revenue or breach of condition. He has to pay a *tika* to the Ruler twice a year according to custom.

Unlike his brother in the Chhattisgarh States, the *gaontia* has no right to allot lands for new cultivation but on new cultivation sanctioned by the State he is entitled to twice the ordinary collection charges. The *patta* is silent on the point of surrendered or abandoned lands; homestead lands are said to be allotted by the *gaontia*. The *gaontia* certainly seems to take part in transfers by surrender and reallotment.

The *gaontia* is responsible for the maintenance of a *deraghar* (rest house).

Usually the son of a *gaontia* is appointed when a succession case arises out of the death of the *gaontia*. A mutation fee of 12½ per cent. of the rental of the *bhogra* is levied.

In cases arising out of the removal of *gaontia* the village is auctioned, if possible, and given to the highest bidder, other things being equal. In some

villages where it is difficult to get a *gaontia* settlement may have to be made without a *salami*. In such cases no mutation fee is levied.

There are two villages given on short *thekas*. In one village the *gaontia* was removed in 1931 for disobedience of the Darbar's orders and another resigned as he could not pay the rents. These two villages have been settled from time to time since then for two to three years. The case is pending at present with the Ruler for a fresh permanent settlement. These villages have been mentioned already in connection with *khamar*.

In *debottar* villages the *gaontia* called a *sikmi gaontia* is appointed by the State and the *patta* is issued by the State. Mutation fee is levied in cases of succession and vacancies may be filled by auction. In *khanar* villages also the *gaontia-ship* is disposed of in the same manner. In *brahmottar* villages also there are *gaontias* appointed by the State.

There are two villages with two *gaontias* each and three *gaontias* with two villages each. There are cases in which father and son are *gaontias* of different villages. There is no case of a *gaontia's* son being appointed during the lifetime of his father. In some villages without *gaontias* the *bhogra* lands are leased out to *thekedars* who do not want to be *gaontias*. There is considerable difficulty in getting *gaontias* for certain villages on account of the responsibility for the revenue. I saw a case where the Dewan had directed the Tahsildar 'to see that the man took the *gaontiaship*'.

In all cases of appointment there is usually a private *salami* which is not noted in the records, according to the Dewan.

There are some villages of aboriginals but these are not different from ordinary villages. In the few, jungly villages where there is shifting cultivation the shifting cultivation is assessed at a different rate and recovery of rent is made by the forest department. There are no *gaontias* in these villages. There is a village for kondhs made by the forest department, the idea being to wean them from shifting cultivation. The cultivation is rent-free for a period of 5 years. The village is not held by a *gaontia* at present.

RECOVERY OF LAND REVENUE

Land revenue is payable in two equal instalments on the 15th January and 15th April. Paddy being the main crop these instalments appear suitable.

There is a clause in the *patta* that if a *sarbarakar* pays the full amount of the *kist* by the *kist* date and he files a list of defaulting tenants, the State will assist the *sarbarakar* to collect the arrears by certificate procedure.

The spirit of the Public Demands Recovery Act is said to be followed. Crops are attached but fields are not leased out in practice. There has been no case of actual detention for arrears though arrest was once used in the last three or four years. Land is not sold; ryots are liable to ejectment for recovery and so are *gaontias*. Plough cattle seem to be attached for recovery.

According to the Dewan land revenue arrears were formerly recovered by the police. Now process servers as well as tahsil peons are used for collection. In the tour diary of the tahsildar which I examined I found it recorded that receipts for land revenue had been given by amins, peons, and police, some in prescribed form and some on plain paper. This kind of indiscriminate collection affords a fine opportunity for misappropriation of money and deception of ryots.

The nazir is responsible for the service and the execution of the processes and the attached property is brought to headquarters sometimes and auction is held by the nazir. Sometimes it is sent to the local market direct from the house of the *jimedar* or surety and sold in the presence of a police officer and sometimes the nazir himself.

Arrears of land revenue have been accumulating since the last settlement and the number of coercive processes against the *gaontias* is also heavy—another indication that the land revenue enhancement weighs heavily.

CESSES

Cesses levied in the State are: Education, Dispensary and Forest. Each of these is levied at the rate of one anna per rupee of revenue. Education and dispensary cesses were imposed in the year 1902 and the forest cess was imposed in 1930. Cesses are paid to the State by *debottar* and other grantees.

There is a rate of 2 annas per house called *thambikia* levied throughout the State. This is meant for a temple at headquarters where a *jatra* is held annually on Ramnavami day. The rate is levied through the forest department.

as it was felt that if it was not recovered by forest department it would not be paid. The tax is not entered in the *parcha* of the ryots.

REMISSIONS

Except last year when certain remissions were granted on account of damage by flood, no remissions or suspensions have been granted during the last ten years. According to the 'record of rights', a ryot is entitled to remission for failure of crops due to drought, flood or other calamity and the settlement report records that the history of the State in this matter is "painful" and there is frequent damage by flood or drought. The remissions given last year were according to the damage done to the crop and where the crop completely failed the rent for the year was remitted. Where there was permanent deterioration of the land the rent was remitted permanently.

LOANS

Rs. 1,000 are provided in the budget every year as agricultural loans. Loans are granted for the purchase of plough bullocks and seeds. The rate of interest is $6\frac{1}{2}$ per cent. There are no rules regarding the grant of these loans. Grain loans are given out of the Rulers *khamars*, the rate of interest being 25 per cent. A *tika* of eight annas on each *pudu* (ten *khandies*) is paid as well as a measurement fee of one *tambi* for each *pudu*; stamp fee and writing charges come to six annas on each transaction.

VILLAGE SERVANTS

There are chowkidars for all villages but some chowkidars have more than one village in their charge. All chowkidars have jagir lands. The Dewan appoints the chowkidar and the appointment order is passed by him. Usually the son of a chowkidar succeeds to the post. He is recommended by the police in all cases. Usually the villagers are consulted.

There are *burgis* who perform services for officers like providing water, etc. Some villages have no *burgis*. They have *jagir* lands and there are *jhankars* who have *jagirs*.

Many *jhankar jagirs* were resumed recently by the Ruler on the ground that so many are not needed; there are 26 left now.

Ryots do not make any payments to village servants.

FORESTS

Mr. Mooney is the Forest Adviser. The forest rules are similar to the Athmallik rules and a working plan has just been prepared. There are A & B class forests and *khesra* or village forests which include all other waste land. A & B classes are all demarcated but there are village forests outside the village boundaries also. The forests were taken under management in 1927. There are coppiced coupes open in B class and people take their nistar from these forests.

There were 15 reserved species and these were reduced to 9 in 1939. Reserved species on cultivated holdings may be taken by agriculturists on payment of half the normal royalty.

Forest boundary lines are cleared on payment of Rs. 4 per mile. Villages are not required to take these contracts and need not do so. Where the line is only 15 ft. wide, Rs. 2 per mile is paid.

Grazing fees are not changed on four pairs of plough cattle *plus* one cow or buffalo; one cow may be substituted for each pair of bullocks not kept. For animals in excess of these, fees are charged at 0-2-0 per cow and four annas per buffalo. These fees are charged in *khesra* forest or village waste.

The forest cess is one anna per rupee of land revenue subject to a minimum of four annas per house; persons with homesteads only pay four annas per house. Cess payers are entitled to take free of cost unreserved species of trees for their private use; reserved species have to be paid for.

The forest officer compounds forest offences up to Rs. 25 and where the composition exceeds this amount the cases are sent to the Dewan with the recommendation of the forest officer.

A profession tax is charged on persons following professions which consume a large quantity of fuel.

Ram or shifting cultivation is practised in 12 unsurveyed villages in the northern portion of the State. In villages in the plains, *taila* cultivation is practised but this simply means that cultivation takes place at intervals of

two to three years. On *rama* and *toila* cultivation a 'cess' is levied. The *rama* cultivation is practised mostly by Kondhs and the Forest Adviser has advised that these should all be brought down and settled in the plains as conservation of the forest in these areas is essential. A surveyed village, Uparapara, in the forest area was abolished about 2 years ago and some kondhs were brought down to a new colony called Girischandrapur; this village was formerly a surveyed village but cultivation had been abandoned. The remaining kondhs were supposed to be brought down before the rains this year. Facilities in the shape of no assessment for a period of five to seven years and free plough cattle have been provided and a forest contractor is teaching them settled cultivation. According to the Forest Adviser's inspection note this settlement has made good progress and the village is likely to develop into a model village but the tahsildar has noted in his tour diary that the kondhs were complaining of lack of food and they looked thin and some of the women said that they would leave the village for want of food.

For *rama* cultivation permission fee of two annas per house is charged and acreage fee of Re. 1 per acre is charged on the actual *rama* cultivation. The area under *rama* is actually measured by the forest staff and assessment made.

A certain amount of illicit *rama* cultivation is said to go on occasionally in settled villages.

MONOPOLIES

Monopolies are *kendu*, lac, *sabai* grass, hides and *khair*. The lac monopoly extends to the whole State including cultivated areas. The contractor propagates his own lac as well as purchases from growers. The lease contains a clause regarding the payment to be made to the growers according to the price of shellac at the Calcutta market. The rate varies from 3 to 8 annas according as the price is from Rs. 20 to Rs. 40.

The *kendu* leaves monopoly extends to cultivated areas also. It has been granted for 5 years from 1941. There is a clause that the tenants may keep fruit and leaves of *kendu* for their *bonafide* consumption but shall not sell or export except to the purchaser. The agreement may be terminated by six months' notice on either side. No rate is fixed but it is stated that the purchaser shall employ inhabitants of the State at fair and reasonable rates and may not employ any person to whom the State forest officer objects. The contractor is said to pay at the rate of one pice for 400 leaves with lower rate for large quantities. Actually in the tour diary of the Dewan there is a note of the contractor paying two annas for 5,600 leaves and 1½ anna for 3,500 leaves; in Sambalpur the rate is said to be 250-350 leaves for one pice and the contractor was asked "to consider this".

The hide contractor takes all the skins and hides of animals dying in the village and no payment is required to be made.

There is a ban on the export of rice. Certain *mahajans* wanted to take rice and they were specially permitted on payment of eight annas per bag. For the last 4 or 5 years there was no prohibition regarding export. Year before last when the crops were not satisfactory export was stopped for a short time. There are no other export duties.

CROP PROTECTION

Crop protection licences are issued free of issue fees but the renewal fee is Re. 1 formerly a fee of Rs. 5 was levied for issue. There are 100 gun licences in the State the number of crop protection licences being 51, and licences issued for self-protection which may be used for crop protection are 49. Wild pig and nilgai are allowed to be killed for the last four or five years, according to villagers Nuktideul, though the rules do not place any such restriction.

REVENUE ORGANISATION

There are no rules or condition in the State and services of officers may be terminated at the pleasure of the Ruler. There is no practice of giving previous notice before discharge.

The Ruler who is the highest revenue and civil authority in the State passes final orders in all revenue cases. The Dewan and tahsildar simply enquire and report on revenue cases for the Ruler's orders. Revenue, criminal and civil work is all dealt with by the same staff.

The tahsildar supervises the collection of revenue and this is his main duty. He has some criminal and civil work also.

There are two patwaris who enquire into *nayabadi* cases and also do civil court work.

The total cost of the revenue and land records establishment of the State is given as Rs. 2,000 the land revenue apart from cesses being Rs. 38,000 and the total revenue Rs. 1,17,828.

MISCELLANEOUS

Documents are registered but there are no rules, stamp duties are charged only on documents of adoption and loans. 8 annas court fee stamp is charged on applications. There are two petition writers; there is no system of licensing and only an order of appointment is issued. There are no rules regarding them. Petition paper costs one pice.

In treasury matters, the Bihar and Orissa Treasury Manual, and in respect of records and copying the Record Room Manual is said to be followed; actually records are kept in a very unsatisfactory condition. The charge for copying is 3 annas out of which the copyist gets 2 annas.

RANPUR STATE

REVENUE HISTORY AND SETTLEMENTS

This State which recalls the murder of Major Bazalgette has been more than one rising. Before 1880 when rents were being recovered purely in kind, there was a rising caused by the oppression of the servants of the Raja and a summary settlement was made for three years. In 1880 another settlement was made in which part of the rent was made payable in money but the capacity of the officers-in-charge of grain collection caused serious dissatisfaction and in 1894 the payment of rent in kind was abolished altogether. There is however an area inhabited by kondhs in the State, which has not been settled at all, where the kondhs pay only certain commodities and are liable to render certain services to the Ruler as an assessment for the whole area in which they practise mostly shifting cultivation. In 1880 measurement was attempted with a rod of 10 ft. 5½ in. length and a rough estimate made of the cultivated lands.

The next settlement which was commenced in 1896 and which is still current was also made with the standard rod and there has been no proper traverse and cadastral survey of the State. At the 1880 settlement some khatians and other records were made partly on paper, but mostly on palm-leaf and even at the settlement of 1896 the records were prepared on similar material.

No village maps or State map was prepared at the settlement and the only map available is a newly purchased topo map of the survey of India. *Parchas* were not distributed to individual ryots showing the area, rental and other particulars of their holdings:

Lands were classed into four classes including homesteads and each class was divided into several grades. Orchards were left unassessed, certain peculiar rules regarding ownership of trees being framed; tanks also were all recorded as the property of the State.

The settlement was for 20 years but resettlement was not taken up apparently for want of funds. The position at present regarding records and measurement is most unsatisfactory and considerable confusion seems to prevail. There are lands, the ownership of which has not been properly recorded, and even *sarbarakars* are unable to say definitely to whom the land belongs. Similarly the land revenue demand register shows evidence of considerable confusion and often does not bear any relationship to the actual facts. Since the last settlement also there have been many changes in the actual position and in view of the vagueness of boundaries and records it appears as though some people have made use of this position to occupy larger areas of land than they own. There is a case of a *nazir* on record who obtained a certain area of land but there was no measurement or identification or proper entry in the records and the lands actually taken were other than those intended; this position appeared to have been deliberately created. Certain areas were recorded as the Ruler's *khamar* at the last settlement but this has been considerably augmented by taking possession of intestate lands as well as resumed grants. From the records available it is not possible to say exactly what the position is and there is urgent need for a resettlement with proper survey.

3. Mutations are entered if there is no objection, on proclamation, in the original *khatiar* in the remarks column and a separate register is also maintained with reference to the khatian entry.

Newly reclaimed lands are treated similarly. Intestate property is recorded as *khamar* if the Ruler takes it for personal cultivation, otherwise it is recorded as Rajsarkar. *Parvanas* are issued to the *sarbarakars* after mutation. Maintenance of the register however is not satisfactory. When land is reclaimed a *patia* is given showing the area and the rental which is the lowest rate applied at the settlement.

ZAMINDARI AND OTHER TENURES

4. The land tenures of this State are in some ways rather complex but on the whole there are no zamindaris and villages held on tenure roughly consist of *debottar*, *brahmottar* and *khanja* grants in addition to villages and lands held by the Ruler (*khamar*). There are of course numerous service jagir grants and other grants such as *khairat*, *anugrahi*, etc., which may be regarded as maintenance grants. Precise information about this is not available readily and the State has been able to furnish only the information contained in the settlement report, which however, is not up to date. The State also points out that the figure given for *debottar* grants in the settlement report is wrong and actually the area, according to the settlement records, is considerably larger. No sanads or rules regarding the various kinds of grants are available and the only information concerning them is to be obtained from whatever is on record in the settlement report of 1896.

5. The *brahmottar* grants are similar to such grants in other States and are held by Brahmins. There are whole *brahmottar* villages and lands held by the Brahmins are transferable, a *salami* of 25 per cent. of the consideration being levied; sales may be made to Brahmins only. The lands are otherwise held practically unconditionally, the Brahmins being required only to offer blessings. In *brahmottar* villages the waste has been partitioned already among the villagers and permission is not necessary for reclamation. They claim full right in trees, cultivation is generally by *halias*. I requested the Dewan to try and get sanads from the holders of the grants so far as available but apparently he has not been able to get any.

6. The *khanja* grants are rather complex. Cases I examined seemed to show that some *khanjadars* have only a right to the revenue (the *khanjadar* is usually the *sarbarakar* of the whole village and pays the *sarkari 'kismat'* to the State and appropriates the balance) while in other places there are definite portions of villages divided into different *tauzis* (revenue account) and known by such names as Gopalpur *sarkari kismat* and Gopalpur *khanja kismat*. In one village which I visited there were actually 4 *khanjadars* in the village, a portion of which was also *sarkari*. One of the *khanjadars* claimed rights over waste land while the others had none. A separate rent roll was said to exist for the portion of which the rent was collected by the kanungo as *sarkari* portion. One of the *khanjadars* was really the *debottar* department as a portion was held in the name of Radhakant Dev. In a case I examined, there was a *khanjadar* in a village in which there was no *sarbarakar*; collections were effected by the kanungo of the State and payment was made to the *khanjadar* later by the State. The *khanjadars* may either have the status of *sarbarakars* and pay part of the collection of the village to the State or they may have the whole of the collections for themselves. The *khanjadars* sometimes appoint their own agents for the collection and pay them commission. These agents are of course not recognised officially. *Khanjadars* partition their grants and I find that a number of them have mortgaged their right of collection to money-lenders for definite periods. Only the lands under personal cultivation (*niijot*) of the *khanjadars* may be transferred by sale, etc. Among the *khanjadars* are included certain deities such as Jagannath of Puri (the *math* at Puri enjoys the grant). There were in all 22 grantees under *khanja* at the last settlement. The Rani-saheba is also a *khanjadar*; she usually collects her rents through the agents. In villages where there are *khanja* grants and other grants all mixed up, there seems to be no definite portion of the village held by each *khanjadar* as a compact block, the *khanja* fields and ryoti and other fields are interspersed throughout the cultivated area and only the *sarbarakar* is in a position to state which field is *khanja* and which ryoti, etc. I could not obtain a sanad of a *khanjadar* for examination but the Dewan has sent me a copy of an order passed in 1903. According to this, some of the *khanjadars* have been assessed to pay

one fourth of the assessment of their holdings. It was found that practically all of them were holding lands in excess of the area given to them and the excess lands were all resumed, that is, simply assessed to revenue. Presumably these must now be regarded as held in ryoti right.

The order does not mention anything about other rights of *khanjadars*. The settlement report records that *khanjadars* have no right to alienate, the ryots have the same rights as in villages under direct management and *sarbarakars* are appointed by the Chief. Member of the Raja's family hold at his pleasure. Other relatives merely receive the revenue. The temple *khanjas* are supposed to have proprietary rights; rents of new lands are assessed by the Ruler but the income goes to the deity. Presumably the case is similar with members of the family.

7. As regards the *debottar* grants there are certain grants managed directly by the Ruler while there are others managed by *mathadhikaris* or *sevaks*. Deities outside the State have been allotted many lands. The account given in the settlement report indicates generally that *debottar* lands are meant for the purposes of the deity and are generally to be held subject to the performance of the necessary duties. Lands held on quit rent are not liable to an increase of quit rent. The position as regards the rights of ryots on *debottar* lands managed by the Ruler is said to be not definitely known in the report furnished by the State, but is probably very similar to the situation on the *khamar* lands of the Ruler, i.e., the lands are cultivated by *bhagchas* (share cropping) or mostly on the *sanja* system. I have since ascertained that there are ryots with permanent or "occupancy" rights as well but the position is not clear as these also seem to hold on *sanja* or produce rent. The *sanjas* have no right to the land and pay a fixed produce rent. Many of the *sanjas* seem to have been cultivating the land for many years and often through their ancestors. *Debottar* grants are said to be not transferable; there is no officer in the State who is able to throw adequate light upon the various kinds of tenures prevalent and only a detailed enquiry conducted at settlement will reveal the various practices which exist. Many of the *khandjadars* seem to cultivate through *sanjas* who pay a higher produce rent (which is at least 50 per cent. more) than the ordinary rent.

8. The lands of the Rani consist of scattered holdings, some cultivated by State ryots and others by *sanjas*. Some of these *sanjas* seem to be ordinary ryots paying produce rent and recorded as such at settlement. The position regarding the exact status of the lands is however obscure and it is not quite clear whether the lands may be regarded as State lands with the Rani entitled to revenue only (the settlement report says that she holds at the pleasure of the Raja) or as her private property. There are some lands in the Ranimahal cultivated personally through servants. It is reported that before 1939 part of the income of the Ranimahal grants was being credited to the Raja's personal account whereas State revenues were being debited with Rs. 3,000 per annum for the maintenance of the Ranisakeba. This was altered in 1939 and the whole income of the Ranimahal was paid to the Ranisakeba and the State grant was stopped almost completely. The position was however altered in 1940-41 and the income from the Ranimahal is credited in the first instance to State revenue and a maintenance grant paid out of it to the Rani any balance merging in the State revenue.

9. No whole villages are held as *khamar* but there are numerous holdings of land which have been added to from time to time by the appropriation of intestate, relinquished or resumed lands. The cultivation of these is done partly by *sanjas*, i.e., cultivators holding on fixed paddy rent and partly on *bhag* or share cropping but the cultivators told me that they had to provide everything, i.e., the rent was really 50 per cent. but they preferred the system to *sanja* as half had to be given whether the crop was good or bad. Annual leases are now issued to *bhag* cultivators.

10. Among the service jagirs, apart from village chowkidars and other servants there are many like physicians, doorkeepers, sculptors, flag carriers, sweepers, singers, arches, conchblowers, drummers, painters, etc. There are *paiks* or old militia who at present hold lands assessed to $\frac{1}{4}$ of the normal rent who perform guard duty at the treasury now. The general feature of these grants is that they are resumable at pleasure and the lands are not alienable. *Paiks* hold their homesteads free of rent and have the right of transfer subject to sanction (according to the settlement report). On sale the holdings are

liable to full assessment, otherwise their rights are similar to those of occupancy ryots. Enquiry shows that many of the grantees do little or no work, for instance, the persons who carry the dead Chief's bones to the Ganges do not have to do any work for many years at a time. Similarly as there has been no Durbar for three years, the one who holds lands for attendance, sceptre in hand, has done nothing during that period.

The total approximate rental value of grants shown at settlement is about Rs. 27,000.

THE RYOTI TENURE

11. In the list of British Indian laws the "spirit of which has been adopted", the Orissa Tenancy Act is shown as followed in part but there is nothing to show which part it is. (Similarly there are other Acts said to be followed in part without any definition).

12. It is difficult to describe the precise position but roughly speaking the ryots recorded as State ryots, *i.e.*, ryots on State lands, as distinguished from *khamar khanja* and other lands, have permanent rights and can transfer land without reference to the State and the land can be inherited or bequeathed according to the personal law but in cases of adoption a *salami* of 5 per cent. of the value of the immovable property is charged. In this State the right of transfer has existed for a long time and the ryots have therefore held a position superior to that of ryots in other States, and even in parts of Orissa province there have been restrictions. A mutation fee of Re. 1 per acre is charged; 0-4-0 as proclamation fee is also charged.

There is no difference between *thani* and *pahi* ryots. Homesteads are held free by certain castes only and not by all the ryots but the settlement report shows a small area as homestead held rent free by "poor classes". It is said that free homesteads cannot be transferred.

13. Lands are acquired for cultivation by application to the Ruler or appropriate officer and immediately become liable to payment of rent. The value of the forest growth is recovered at the time of allotment or it is sold by public auction. The *kabuliat* executed shows the grant as made till next settlement and the grantee agrees not to transfer the land. This seems to be a recent innovation. A separate *salami* is not charged but a mutation fee is levied at the rate of eight annas per acre up to half an acre and Re. 1 per acre. The patta issued to new ryots requires them to pay revenue in two instalments on the 15th November and 15th April. (15th November, an extremely inconvenient date, seems to have been changed recently to 15th January). The ryots who acquire lands from the State acquire rights immediately.

14. There are some rules regarding the rights of ryots including the levy of *bethi* formerly existing; in these rules it is stated that under-ryots of ryots and various grantees (practically all except *khanja*) cannot be ejected without going to the civil courts and on grounds such as non-payment, misuse, etc., if he has held the land adversely continuously for 12 years. For enhancement also of rent there are certain provisions. Under-ryots do not acquire the right to alienate the land.

It is quite unlikely that there has been any enforcement of these rules. Nearly 500 persons were shown as *shikmi* at the last settlement; most of these are under *debottar* but 61 are shown as under ryots of service jagirholders and 6 under ordinary ryots.

15. There are certain rules of 1882 regarding land acquisition. Land can be acquired for public purposes such as road, tank, building, etc., and a notice is issued and the holder of the plot may file objections in 15 days. If a plot is acquired without buildings on it the rent is remitted but otherwise no compensation is given, unless the land is one of the rent free grants, in which case waste land is granted in exchange. If there is a building on the land the owner may be given homestead land elsewhere and timber and bamboo will be supplied free from the State jungle (*i.e.*, free at the jungle) and "if considered desirable" expenses of construction will also be given. Compensation will be given for fruit trees on homestead but not on ryoti land.

16. No *bethi*, *begar*, *magan*, *rasad* and other imposts are levied in the State since 1939.

17. In the kondhmals the kondhs practice *toila* or shifting cultivation. The area can be roughly distinguished but has not been subjected to any sort of survey or settlement. The kondhs do not pay any rent but they pay only certain produce in kind to the Ruler. According to the list of articles to be

given by them contained in the settlement report the value of this is roughly Rs. 200 and it goes to the Ruler as personal income. I was not able to pay a visit to the kondhmal to see to what extent wet cultivation has been developed and the question of proper settlement and assessment of this area must be left to the settlement officer. The area seems to be very sparsely inhabited and apart from Shankjhor there are no villages but only a few scattered homesteads. The kondhs have a headman but he is not regarded as a *sarbarakar*. If the area is not considered fit for regular assessment it may be desirable to impose a house tax or plough tax upon the kondhs and the income of this should go to the State revenues and not as personal income to the Ruler.

Apart from the kondhmals *toila* cultivation is practised in portions throughout the State but this *toila* does not shift from one place to another. It is practised even by non-aboriginal cultivators. Land is cultivated at intervals of 2 to 3 years. It is assessed according to the crop grown and the rent on it is taken as the average of the previous two years. Probably the best way of dealing with *toila* patches in the open tracts is to treat them as upland cultivation and assess them to low rents. The measurement of the *toila* patches is made by the amins and the cost of measurement is added to the rent at 3 pies.

VILLAGE HEADMEN-

18. The *sarbarakari* system with responsibility for the revenue prevails but there are 56 villages in which there are no *sarbarakars* and collection is made directly by means of two kanungoes; these villages have small rentals and are not attractive to *sarbarakars*. These kanungoes are not treated as officials in the ordinary sense of the word and they are not required to attend office or perform specific duties. Land revenue is paid on the 15th January and 15th April in equal instalments.

The *sarbarakars* are entitled to 10 per cent. of the annual demand (*khanja sarbarakars* 5 per cent.) and do not hold any *bhogra* or home farm. The post is not hereditary (though claims of descendents are considered) and appointment is usually made by the Ruler on the report of the Dewan (since the State came under management the Political Agent makes the appointment). Ten per cent. of the annual demand is taken as *salami* when the appointment is made. Villages do not appear to be auctioned for the purpose of appointing a *sarbarakar*.

Sarbarakars have no powers to allot lands for cultivation or to accept surrender of lands. They are entitled to two annas share of village fisheries and fruits.

Sarbarakars are liable to be fined, suspended or dismissed. The *sarbarakars* are responsible for the revenue of the village and if they pay rent to the State in time, they are allowed to file certificate cases. Otherwise they will have to file rent suits. They deduct their commission from the demand before payment into the treasury.

In some villages there may be more than one *sarbarakar* and I have seen cases in which two persons were appointed joint *sarbarakars* of several villages. There seems to be some sort of division of the village among *sarbarakars* and "*eight annas kismat*" or "*khanja kismat*", etc., are spoken of. One *sarbarakar* may hold several villages.

19 In the villages under direct collection the kanungoes pay after collection; ryots also pay direct sometimes. In *brahmottar* villages there is no *sarbarakar* but there is a *dhanadyakya* or headman but he is not officially appointed. *Sarbarakars* maintain a village rent roll which they are supposed to correct when mutation takes place. They grant receipts to the ryots for land revenue and charge two pice per receipt (this does not appear to be authorised).

RECOVERY OF LAND REVENUE

20. Since the State came under management in August 1940 at least, the Bihar and Orissa Public Demands Recovery Act is supposed to be followed. Land revenue is recovered by attachment of property, movable or immovable, and sales are conducted usually by the nazir. The conduct of sales is certainly not according to the Public Demands Recovery Act. For example sales, are not conducted on the dates fixed in the proclamation and the period of 30 days required between proclamation and sale does not exist in practice. I saw a case in which the nazir sent a peon to hold the sale. The warrant simply directs the nazir to realise the amount or attach movable and immovable property, an excellent opportunity for corruption which the

nazir seems to make good use of. He sells movable property on the spot usually; immovable property is sold at headquarters. Land revenue is not treated as the first charge upon the land irrespective of ownership and in a case of 1939-40 where immovable property was attached, an objector filed a petition saying that it was he who held the land since 1909 and not the defaulter being proceeded against; upon this the objector was not asked to pay land revenue of the field he owned and it was not clear from the case whether the revenue of the field was recovered from the person proceeded against or not. I saw another case where a defaulter paid part of the dues by money-order but the sale was not postponed.

Collections during the last ten years except occasionally have been good.

CESSES

21. No cesses are levied in the State at present.

REMISSIONS OF REVENUE AND AGRICULTURISTS' LOANS

22. No remission of land revenue seems to have ever been granted for any reason. The State does not grant loans to agriculturists but the Ruler lends paddy from his *khamar* produce. An interest of 15 per cent. seems to be charged to *khamar* cultivators. It is not known if this is a general rate.

VILLAGE SERVANTS

Village Chowkidars hold *jagir* lands and there are various other kinds of *jagir* holders also. The chowkidars get a contribution of a bundle of paddy from ryots and 0-1-6 (one anna six pies) from each family by custom. I was told that some of the ryots do not pay their dues. The *khanjadars* do not pay anything even in respect of their ryoti lands. No other village servants are recognised and few such seem to exist.

In *brahmottar* and *debottar* villages also there are chowkidars. In one of the *brahmottar* villages I was told that the chowkidar gets a bundle of paddy every year from the ryots.

FORESTS

24. The Agency Forest Adviser has jurisdiction over the State; there are some rules issued in 1917; no working plan seems to have been prepared in the forest so far. It is proposed to have three classes of forests, reserve, protected and village or *khesra* forests and demarcation is going on.

The inspection notes of the Forest Adviser indicate that during the last four or five years little progress has been made in demarcation of forest and systematic working. In demarcating reserves it looks as if the Ranger is doing it more or less according to his discretion. It is noted in the 1940 note of the Forest Adviser that certain areas reserved were not so done under his instructions. Voluntary labour at three annas a day is engaged for clearing forest lines.

25. There are 9 kinds of reserved species of trees at present (Notification of 1941) against 33 formerly and unreserved species may be taken by ryots for domestic consumption; other subjects may take dead wood free. Jamun trees are allowed free for ploughs. Reserved species of trees on holdings may be cut and taken free of charge but with permission for their own use; for sale half the royalty has to be paid. Formerly fees used to be charged for fire wood in village forest but these were abolished in 1939. There is a proposal to introduce a *nistar* case. In B class and *khesra* forest no grazing fee is charged except for professional graziers. Composition of forest offences is made by the Dewan on the report of the Forest Officer.

It is interesting to note here that in the Forest Rules the definition of protected forest does not include cultivated holdings in which only reservation of various species of trees can be made. The Settlement Report records that on ryoti holdings only mango, jack and tamarind trees should not be cut without permission. Thus the application of reservation to ryoti holdings and the levy of a royalty is a comparatively recent curtailment of the customary rights of ryots.

26. There is a hide monopoly which fetches Rs. 700, but otherwise forest monopolies are restricted to *kochilla*, honey and honeycomb at present. Export of rice was prohibited this year on account of shortage of rice in South Orissa.

CROP PROTECTION

27. Regarding rights of crop protection, the licence conditions prohibit the shooting of animals in daylight even if found on crop. At night animals damaging the crop may be shot at within the boundary limits of the fields; a wounded animal cannot be chased (now permitted). The issue and renewal fee is one rupee per licence. The State keeps 100 muzzle loading guns which are according to the standing order issued between 1st August and end of February to the licencees but now the dates have been altered to 15th July to 15th April.

REVENUE ORGANISATION

28. The State is under management by the Political Agent since August 1940. The former officials who were notoriously corrupt and inefficient have been replaced by a new Dewan and Assistant Dewan. The Dewan mostly deals with revenue cases in original in addition to administrative duties and other judicial work. The Assistant Dewan takes civil and criminal work in original and such revenue cases as may be transferred to him; these are mostly certificate cases and cases for enquiry and report. The appeals against Dewan's orders go to the Political Agent at present; formerly the Ruler was the final appellate and revisional authority.

The State is not divided into separate sub-divisions except for purposes of collection by two separate kanungoes who collect the rents of villages under direct management. One of the kanungoes is a qualified surveyor; the kanungoes are made use of to enquire and report on mutation and succession cases, identification of land, etc.; they are also made use of by the civil courts.

The cost of the revenue establishment excluding sarbarakars may be given as Rs. 2,000 against a land revenue of about Rs. 45,000 and total revenue of about a lakh of rupees.

There are 16 petition-writers who pay a licence fee of Re. 1. Petition paper is issued at 2 pice per half sheet.

MISCELLANEOUS

29. The treasury had been mismanaged and rules were not being strictly followed. The Dewan says that the Bihar and Orissa Treasury Manual is now followed 'in spirit'. Similarly for the record room and copying Bihar and Orissa Manual is followed. There is a tauzi navis but no fresh demand register is prepared every year and only the old register is brought up-to-date so far as possible but as records are not being maintained properly the maintenance of the tauzi must be to some extent chaotic.

The Bihar and Orissa Registration Act is followed 'partly' and now the Stamp Act is said to be followed wholly under the orders of Political Agent. Formerly the Act was not wholly followed though shown in the list as such.

There is a Praja Samiti on which there are some elected members. At present this Samiti is consulted on important matters. It is an Advisory Body presided over by the Dewan.

SAKTI

REVENUE HISTORY AND SETTLEMENTS

This State, though the smallest of the Chhattisgarh States in area, seems to be the most densely populated of them, the density at the 1941 census being slightly over 400 per square mile; in this respect it compares with the thickly populated district of Bilaspur. Cultivation is extensive and the margin between cultivable area and cropped area seems at present to be very small; further extension of cultivation cannot take place without seriously reducing grazing grounds and village jungle.

The original system of settlement appears to have been to lease out the villages for periods of 3 years to *gaontias*. The State demand was fixed with reference to the ryoti rental of the village. No limit was assigned to the area of *sir* land held by the *gaontia*; *nazarana* was demanded from all *gaontias* when a village was leased out or a lease renewed.

A regular settlement of the State was made in 1893 for 5 years. The villages were demarcated and *khasras* and ryots' *parchas* were prepared on the spot. The settlement was made on the soil unit system prevalent in the Central Provinces. In fixing the State demand, the general rule was to take 80 per cent. of the village assets. At the 1893 settlement the area of *sir* land was limited to

20 per cent. and the rest was recorded as *khudkash*. Famines intervened and in 1904 a revised summary settlement was taken in hand and completed in 1906; this was for 10 years.

In 1915-16 a new settlement was made; at this settlement also, as in 1906, no survey and mapping was done. Rents were enhanced by 33 per cent. approximately. At this settlement a rate of 6 annas per plough was added to the rents of the cultivators as a commutation of the right to the hides of their animals; also the tax of one pice levied on mahua trees was raised to half anna per tree. The settlement was for 15 years.

The current settlement was done in 1930-31. No settlement report was drawn up and the settlement was carried out according to instructions given by Mr. C. L. Verma of the Central Provinces settlement office, Bilaspur. Mr. Verma jotted down a few brief instructions in pencil on a note which he has not signed; he seems to have given a rough indication of the grouping of villages into jungly, central and south, and added instructions to fix rates on the basis of last settlement "with reference to conditions of each village, multiply acreage rates by soil to find deduced rents."

On these instructions the settlement was carried out by a revenue inspector of the Bilaspur division. The rents were enhanced by another 30-33 per cent. The term of the settlement has been fixed, as 20 years. No survey appears to have been done and the maps of the 1893 settlement are current.

This State compares well in density of population and cultivation with the mostly densely populated parts of the Central Provinces. A railway runs through it and it is unlikely that great changes will take place in the near future. Had it been a bit of the Bilaspur district no reasons would have been found for four settlements in less than forty years. The settlement is for 20 years and the *theke-dari patta* has been made accordingly for 20 years.

ZAMINDARI AND OTHER TENURES

2. There are no zamindari tenures and no temple or other whole village grants. Among the land grants is a grant of 84 acres of land in Saktikhas held by the Rani Saheba. This is reported to be the only grant but the list of grants I have obtained shows its area as 139.22 acres and there is another area of 23 acres in Mouza Sonthi held by the Rani Saheba. It has been reported that no changes have taken place since settlement. There is no *sanad* and no conditions but the land is shown as *muafi* in the *jamabandi*. The lands are cultivated on annual lease; but no written leases are granted.

Apart from this area a few grants totalling about 14 acres are held for service in temple and masjid. There are service grants given to *kotwars*. There are a few grants given to *baigas*, *chamars*, *nais*, *rauts*, etc., for village service; mostly, these people perform menial services to officers. The area held by them amounts to about 700 acres which could probably be all assessed to rent.

THE RYOTI TENURE

3. A ryot under the *wajib-ul-arz* entitled to hold his land so long as he pays his rent punctually and does not commit any breach of the *wajib-ul-arz* or is not disloyal to the Chief. He can only be ejected by a court and not by the *gaontia*. The ryot is required to stay in his village unless exempted by the State or the *gaontia*. Succession to a holding is restricted to direct male heirs and collaterals cannot succeed unless living jointly with the deceased ryot for "sufficiently long". Widows may succeed for life but daughters are not entitled to succeed; there is a proviso to the effect that the *gaontia* should pay the maintenance charges of minor daughters till their marriage if the property passes to him. Sub-lease for a year, or with the consent of the *gaontia* for a longer period, not exceeding the term of the settlement, is permitted but transfer by any other means is not permitted except with the permission of the Ruling Chief. Land may be surrendered through the Revenue Officer who has to make an enquiry whether the surrender is *bonafide* or otherwise; the heirs of the ryot can apply for the surrender to be set aside on the ground that it is not *bonafide*.

4. In respect of transfers, there is nothing to the effect that consent money can be levied, in the *wajib-ul-arz*, but in practice a fee of 15 per cent. of the consideration is levied by the State apart from registration fees and stamp duty on the document. The Ruler told me that the land was put to auction so that a fair price could be obtained for the ryot but in practice the land is not put to auction. The *gaontia* and *panchas* of the village are consulted though this is not prescribed in the *wajib-ul-arz*. The Ruler was far from pleased when I suggested that the *gaontia* was probably levying some thing and denied

it with some remark about his being in Sakti for forty years. Yet, in both the villages of the State I visited, the *gaontias* admittedly levied ten per cent., actually 2 annas per rupee or $12\frac{1}{2}$ per cent. Though the State reported that no other fees were charged, I was told in the village that in addition to the court fee on the application of twelve annas, a patwari fee has to be paid. The total expenses on a sale thus amount to well over 30 per cent. of the consideration. The registration and stamp duties will be mentioned later. In a case of sale I enquired about in village Regjia, I was told that the *panchas* of the village were also treated to refreshment, *biris*, etc., for consenting to the sale. Exchanges of land seem to be freely permitted but mortgages seem to be not common. Land is not sold in execution of civil court decrees.

5. *Nazarana* is not officially recognised but it is believed that when a house site or land for cultivation is allotted the *gaontia* usually takes some *nazarana*; I saw a case in which payment was testified to by witnesses. In respect of land records as communal, encroachment cases are registered when such land is cultivated or built upon and penalty is levied by the State; the State does not levy any rent till the next settlement and this is left to the *gaontia*. In the village of Regjia I found that a number of ryots were cultivating land for which no *parchas* were given at settlement. It appears that *parchas* were not given for land which was under cultivation but in respect of which the formal consent of the Ruler or the *gaontia* had not been obtained, and the land continues to be held without a *parcha*. Obviously the consent necessary cannot be obtained without the payment of a substantial sum and the ryot probably prefers to hold the land without a *parcha* so long as there is no move to eject him. The Durbar charges a payment on encroachments which is greater than the *nazarana* ordinarily charged in the case of allotment and the amount can scarcely be regarded as a simple fine; encroachment is generally condoned. The payment is rightly shown as a *nazarana*.

6. There is a clause in the *wajib-ul-arz* regarding the acquisition of land according to which land required for the Raj family, State, public or industrial purposes or for inclusion in the State forest can be taken up with reasonable compensation for the land and structures, the rent being remitted. I saw a case of 1942 in which the lands of six persons were acquired for extension of the palace. Notices were simply served on the persons concerned to demolish the houses and surrender possession within a week. One Kisan complained about the amount of compensation pointing out that only a little while before, the State sold a smaller piece of land for Rs. 400. There is a note by the Dewan on the case that the Ruler declined to pass an order on this application and that Kisan had been informed to dismantle his house first. Rs. 40 were paid for this house. Four other persons first refused to accept the compensation on the ground that it was too low but they were paid only the amount fixed which varied from Rs. 9/8/- to Rs. 40. The compensation was said to have been assessed by *panchas* and covered only the superstructure without any addition for even the cost of dismantling.

7. Ryots may dig wells or make embankments or otherwise improve the holding. The *gaontia* is bound to give $1/16$ of his *sir* land on sub-lease for the cultivation of sugarcane, if required by a ryot, on 'reasonable' rent.

8. Mango trees planted on holdings belong to the ryots and, if a ryot is ejected, he can continue to enjoy rights in such trees on payment of suitable rent. Otherwise the trees pass to the new owners. Other planted trees also belong to the owner.

9. A ryot has the right to a house site or threshing floor but the *wajib-ul-arz* does not say anything about rent for it or *nazarana*. The *gaontia*'s permission is necessary. If a ryot leaves the village he is entitled to only the materials of the house. In practice homestead lands are rent-free but *baris* are assessed.

10. The ryot has to pay 6 annas per plough for the right to the skin of his animal and this is included in his rent. There are fourteen kinds of trees which are reserved and may not be cut without licence from the State. *Mahua* trees belong to the ryot or *gaontia* and a rate of one anna is levied per tree and is included in the ryot's rent. This rate was $\frac{1}{4}$ anna before the settlement of 1915-16 when it was enhanced to $\frac{1}{2}$ anna and obviously has been further enhanced later. The tax is fixed for the period of settlement even if the trees die. Villagers seem to enjoy the fruits of trees on waste land customarily.

On village *banjar* or wasteland (this seems to be distinguished on paper from village forests) free grazing is allowed; in any case, in villages without forest no fee is charged for grazing on wastelands in the village.

In villages without forest, trees on waste land may be cut for agricultural implements with the permission of the *gaontia*. In villages with *nistar* forest or having *nistar* forest nearby, a commutation fee may be paid; the commutation is optional for the village but not for individual villagers.

11. *Begar* has been abolished but it is still levied for the carriage of luggage of officials from one village to another though the clause in respect of this has been specifically deleted. The villagers are required to maintain the *gurhi* or camp house, village roads and boundary marks.

12. For the use of water from State tanks an extra assessment is made on the lands. The owners of private tanks have a prior right to the use of the water of those tanks but cannot charge a rate except in the case of sugar-cane fields and *baris*. A *panchayat* may control the supply of all tanks in times of drought. Ryots have *resid bahis* of the Central Provinces type and they are required to pay six annas for each, which seems to be blatant profiteering.

VILLAGE HEADMEN

13. All the villages of the State except nine are held by *gaontias* or *thekedars* under a lease for the period of the settlement. The *gaontia* agrees in his *kabutiyat* to pay the revenue and to be bound by the conditions of the *wajib-ul-arz* given with his *kabuliyat* and signed by him.

There are 36 protected and 80 unprotected *gaontias*. Protected *gaontias* have a right to a renewal of the *theka* on its expiry but unprotected *gaontias* may not get a renewal and the lease may be granted to someone else. Otherwise there is no difference between them. The *wajib-ul-arz* does not say who can earn protected status but the 1916 settlement report says that there were 43 protected *gaontias* then and protected status was conferred on 14 more for improvements to their villages. Thus there seems to have been a fall in the number of protected *gaontias* since 1916 which seems to indicate that the protection is only nominal. An unprotected *gaontia* is not entitled to compensation for improvements made by him if his *theka* is not renewed. A *gaontia* must reside in his village unless he holds several villages in which case he has to maintain a house and nominate a *gumashta* approved by the State. *Gaontias* have no transferable or partible right but the lease can be inherited by one person; inheritance of a *gaontia's* *theka* till the expiry of the term is not permitted except to direct male heirs or the widow if she does not marry a person other than the younger brother of the deceased. In default of heirs, *theka* lapses. Co-sharers may exist but are not recognised. Co-sharers during the term of *theka* may be in cultivating possession of *sir* land and may also be getting a share of the village profits. The *gaontia* can eject a co-sharer for contravention of the terms of the *wajib ul arz* but if the *thekedar* himself has committed a breach of the *wajib-ul-arz* he may forfeit his *theka*. Conditions agreed upon between co-sharers and the *gaontia* can be enforced by civil courts. The result is that there is ample scope for bitter litigation between *gaontias* and co-sharers as in the case of Raigarh.

There are 8 villages which have no *gaontias* and no homefarm (*sir*). These villages were not given on *theka* as *thekedars* were not willing to come forward for them. In one village the home farm or *sir* land is held by the Ruling Chief but the land revenue is directly collected and credited into the State accounts. There is a headman in these villages called *gumashta* or *mukaddam* and he holds *muafi* lands as remuneration, the area of that land being approximately 5 acres. *Mukaddams* bring and credit the revenue into the treasury. Revenue peons do not make any collections. In the village in which the Ruling Chief holds *sir* there is a *munshi* who collects and pays the land revenue. Clearly the Ruler holds the village in the same way as a *gaontia* but without any *theka*.

The *gaontia* is liable to ejectment for non-payment of revenue, for a breach of the *wajib-ul-arz* or for disloyalty to the Ruling Chief. *Sir* land which is the *gaontia's* homefarm is limited to one-fifth of the cultivated area of the village. Land in excess of this up to a limit of 5 per cent. of the village area may be held as *khudkasht*. *Sir* land can be leased out without losing its character but *khudkasht* land leased out becomes *ryoti* land.

The *gaontia's* permission is necessary for any person to settle down or cultivate land in a village. Land, whether waste land meant for cultivation or going into the possession of the *gaontia* by escheat or abandonment or surrender, may be allotted by the *gaontia* for cultivation. The rent on such land is as may be agreed upon; in the case of new land the rent is entirely appropriated by the *gaontia* for the term of the settlement or till the expiry of

his tenure but if the land has already been assessed the *gaontia* gets the difference between the settlement rent and that agreed upon. The *gaontia* is not entitled to levy any *nazarana* and the rule in this respect is the same as the half-hearted rule of Khairagarh.

There are 4 villages in which there are two *gaontias* each. There has been perfect partition, i.e. division into two land revenue paying units and there are two *gaontias* in each with tenants and *sir* lands noted separately against them. They pay their revenue separately and hold separate *pattas*. These villages with more than one *gaontia* have been in existence for a long time.

There are some *gaontias* who hold more than one village, the maximum number held by one *gaontia* being 3.

The *wajib-ul-arz* states that a lease or *theka* cannot be partitioned and the State recognises only one man as lessee or *thekedar*. The partition of one mouza Louzara however took place in 1927 and seems to have been made as a special case on account of bitter quarrels between the co-sharers. The four villages mentioned above probably had a similar treatment. There are no sub-*thekedars* or lessees of *gaontias*.

In villages in which the *thekedar* does not reside an agent is appointed with the permission of the State. The remuneration of the agent is a private arrangement. No sort of order of appointment is given.

When a *thekedari* succession case arises, a mutation fee of 4 annas for every Rs. 50 of land revenue is levied. No *nazarana* is levied. If a *thekedar* is ejected or removed, the village is settled on a new *theka* on payment of a *nazarana*. The village is not auctioned and no case of auction is said to have occurred during the last ten or fifteen years. The *nazarana* in such cases would be the personal income of the Ruler and does not enter the State Accounts. It is said that at the time of issue of new *thekas* at the last settlement some *nazarana* was paid by the *thekedars* when they received the *thekas* personally from the Ruler.

The *thekedars* get a 'drawback' of 20 per cent. of the total assets of the village. They are required to credit the land revenue of the village direct into the treasury. The assets of the village include *siwai* income consisting of income from the tax on *mahua* trees of one anna per tree (levied by the *thekedar* in *thekedari* villages and by the State in *kham* villages) and the hide rate of 6 annas per plough similarly levied.

Gaontias at Dusserah have to pay a *naza* or *tika* to the Ruler; they are given a piece of cloth by the Ruler. *Rasad* has to be paid for but the rule in respect of the *gaontia* treating people as guests leaves him no option but to give it free.

RECOVERY OF LAND REVENUE

14. Paddy is the main crop of the State and land revenue is payable by the *gaontias* on the 1st March and 1st June in two instalments and ryots have to pay a month earlier. In practice, ryots do not follow these dates strictly. The dates appear suitable but in Dhodki village the ryots said the *gaontia* demanded payment in one instalment.

There are no rules regarding recovery of land revenue and other demands apart from what is contained in the *wajib-ul-arz*. The State proceeds against the *gaontia* when he fails to pay the revenue. Formerly the *gaontia* had to proceed against tenants by means of rent suits entirely but now it is proposed to enable him to file applications against tenants for recovery whenever he has himself paid the land revenue.

Gaontias are proceeded against by notice of demand and by attachment of movable property. They may be ejected for failure to pay though this appears to have been done seldom. Arrest and detention has not been followed.

In the case of ryots the rent of holding according to the *wajib-ul-arz* is a first charge on the holding and the ryot may be ejected, but before doing so a notice has to be served demanding payment within a month. This period may be extended for a maximum period of four months. Movable property may also be attached but this is not mentioned in the *wajib-ul-arz*.

Interest not exceeding 12 per cent. can be recovered on the arrears. This is prescribed by the *wajib-ul-arz*.

Land revenue collections during last ten years have been practically full and there are no heavy arrears. The statement of processes against *gaontias* shows a total number of 16 in all but I doubt the reliability of these

245

figures as proper records have not been maintained and the figures are said to have been obtained from a file of warrants.

Attached movable property is kept with a surety in the first instance. If it has to be sold the property is brought to headquarters and the revenue officer puts them to sale.

CESSES

15. In addition to the levies on *mahua* trees and skins, cesses levied in the State are a school cess at one anna per rupee of land revenue and since 1938, when *begar* was stopped, a road cess of 3 annas per rupee was imposed, at present this is $1\frac{1}{2}$ annas in the northern part of the State and 2 annas per rupee in the southern part. There is a commutation tax for *nistar* paid at the various rates from six annas onwards according to the area.

REMISSIONS OF LAND REVENUE

16. There has been no occasion, I am told, for granting remission of land revenue during the last 40 years as it is said that there has never been crop failure. Last year there was some crop failure but it was held to be compensated by the rise in prices, and no remission was granted. This year it is proposed to grant suspension in six villages where crops are less than 6 annas.

I saw a case where villagers petitioned for suspension as the crop outturn was negligible. The *gaontia* also asked for time; the Superintendent of Land Records' crop experiment showed an outturn of no less than ten annas but the patwari reported that the crop was only 6 annas and ultimately suspension was sanctioned. The crop experiment was probably done in a selected good field.

AGRICULTURISTS' LOANS

17. No *taccavi* loans are granted the State. There is a system of grain *kothis* of which there are 20 in the State. These are managed by *panchayats* under the supervision of the tahsildar and others. The grain is lent out on *sawai* i.e., 25 per cent. interest. These *kothis* were started about 1919 by contributions taken from the cultivators themselves. There are no rules regarding their management. The rate of interest is said to be fixed by the *panchas* themselves.

VILLAGE SERVANTS

18. There are *kotwars* for every village. They are regularly appointed by the State. The son of a *kotwar* is usually recognised for succession. A *kotwar* may work through a *gumashta* if permitted on account of infirmity. In addition to the *muafi* land they hold, *kotwars* are paid in kind by the villagers at the rate of 3 seers per rupee of land revenue. The value of this is about $2\frac{1}{2}$ annas (per rupee).

In the case of other service *muafi*-holders no appointment is made by the State but usually the land remains in the same family. The *gaontia* makes the appointment "in consultation with the State according to the *wajib-ul-arz*." In a complaint by a '*nai*' of ejection by the *gaontia*, the *gaontia* contended that the '*nai*' did not shave his son properly. There was no "consultation with the State" in this case but the Dewan upheld the action of the *gaontia* on the ground that his was "the predominant voice in such matters."

FORESTS

19. There are no special forest rules and the Indian Forest Act is taken for guidance. Certain forests have been reserved recently as 'A' class and apart from reserved forests there is only the *nistar* forests. The area of forest in the State is small and the villagers have a legitimate grievance about this reservation. According to Mr. Mooney's note only about 8 per cent. of the State is forest which is "quite incapable of supplying all the needs of the State itself (meaning?) and of the local people". He considered that if the forest was not reserved it would disappear; from his note there appears to be a better case for protection of the forest rather than reservation. He recommended the gradual abolition of commutation as this would allow the State to control the working of the remnants of the forests. This step may increase the dissatisfaction of the villagers and the Ruler has so far not taken action as suggested.

Reserved species are reserved throughout the State including cultivated area. Trees on cultivated holdings if of reserved species may be taken with permission on payment of royalty.

Unreserved species can be cut without permission. Except in the southern portion of the State where there is no forest, there is a certain amount of forest attached to each village for the purposes of *nistar*.

The *gaontia* is not supposed to allow cultivation in *nistar* forest without application to the State. If land is to be allotted for new cultivation the royalty on reserved species and a *nazarana* (nominally prohibited for *gaontias*) for the land, is levied and the land is allowed to be cultivated without any assessment, till the next settlement.

A commutation fee is charged for *nistar* from *nistar* forests at rates varying from 6 annas to 12 annas with 6 annas extra for every 5 acres of holding over 15 acres. 6 annas per family is charged on non-agriculturists. On payment of this, grazing is free except to professionals, timber is allowed for the repair of houses and implements from unreserved kinds and dead wood of unreserved kinds for fuel, etc. Green wood is not allowed to be taken for fuel. Commutation is optional for a village but not for individuals.

Forest produce is disposed of by contract but the contracts do not appear to extend to agricultural land. A tree tax is charged on persons propagating *lao*, in the year of propagation only, at one anna per *palas* and two annas per *kusum* tree.

Maintenance of boundary lines is done departmentally through *kamias*, i.e., hired labourers. There is no working plan and the forest is worked according to Mr. Mooney's instructions.

CROP PROTECTION

20. There are no gun licences issued for crop protection. The forest officer says that animals can be killed on fields, if necessary for protection of crops. Jungles not being extensive, damage by wild animals is limited to a few villages but it is said that there are pigs, bears, barking deer and other animals and protection does not appear unnecessary.

REVENUE ORGANISATION

21. The State is divided into 10 patwari *halkas* and there are ten patwaris and a revenue inspector. There is a tahsildar who has civil, criminal and judicial work and supervises the collection work and enquiries and reports on revenue cases. The Dewan is a retired member of the Central Provinces civil service; in addition to civil judicial work he passes orders in all revenue cases except mutation of *gaontias*, sales of land and adoption cases which are submitted to the Ruler for final orders. The Ruling Chief passes final orders on cases submitted by the Dewan and takes appeals against the orders of the Dewan. The accounting of land revenue is done in manner similar to the tahsils in the Central Provinces. The cost of the revenue and land records staff may be taken as about Rs. 2,500 against a land revenue of Rs. 42,000 (excluding cesses) and a total revenue of Rs. 1.09 lakhs.

MISCELLANEOUS

22. There are many disputes regarding the settlement entries.

In the matter of registration and stamps the Central Provinces manuals are said to be followed. In cases of sale of land a registration fee of Rs. 3 is levied on all sale deeds; and the stamp duty is also a uniform rate of one per cent. As already pointed out the total levy on a sale may amount to well over 30 per cent. of the consideration.

Regarding revenue cases, there is no classification of cases and cases are deposited in the record room according to the serial number as they arrive. Copies are granted at four annas per sheet but there are no rules. There are petition writers who are required to charge only 4 annas per petition. No State paper is issued.

No agrarian agitation is said to have taken place in this State.

SARANGARH

REVENUE HISTORY AND SETTLEMENTS.

The settlement report of 1903 of this State gives a fair account of the revenue system which existed formerly. As may be expected from its situation and political history the system is similar to the *gaontia* system of the Chhattisgarh plain and the Maratha system of allotting to each field a factor, from which its proportionate share of the village land revenue could be reckoned, seems to have been known.

Until 1808 villages used to be settled annually with *gaontias* and this period was later extended to 3 to 5 years. For the purpose of assessment, the *khandi* or seed capacity of the field was the unit. "From time immemorial the Sarangarh villages have been divided up by the cultivators among themselves for the purposes of distribution of land and assessment of rent into blocks of land of similar class called *khars*. Each tenant used to hold as far as possible an amount of land of each class proportionate to the size of his whole holding". This is a system known as *lakhabata* formerly prevalent in Chhattisgarh.

The origin of this interesting system is not clear; perhaps it was considered that land in the village belonged to no individual but to the agricultural community as a whole and no one cultivator was entitled to possession of a large share of the good land of the village. The *lakhabata* involved a periodical redistribution of land so as to eliminate inequalities produced by fluvial action or by alteration in fertility. The system can be explained only on the idea of collective ownership. This ancient custom has long disappeared and it is not clear how and when it disappeared. Probably all that happened was that at a certain time periodical redistribution disappeared and each cultivator remained permanently in possession of the land with him after the last redistribution. It is likely that the introduction of regular settlements after the decline of the Maratha power resulted in the disappearance of this custom.

The ryoti rents constituted as a rule the revenue of the village; at one time the *gaontia* fixed the ryoti rentals and paid the Government what he had agreed to but in later years, when the ryoti rents were fixed, he held the *bhogra* lands of the village as his remuneration. When the idea of a fixed *bhogra* or fixed remuneration arose (this clearly arose as a result of certain *gaontias* holding a very large proportion of the village lands as *bhogra* the *gaontia* came to be regarded more as a collector of revenue than as a person given the sole right of settling ryots and managing the village in return for a certain annual payment.

Enhancement of rents was made at the instance of *pandkhars* whose duty it was to keep themselves in touch with the circumstances of cultivators. The actual enhancement of rents was made by the Raja in consultation with a *panchayat* of neighbouring *gaontias*. The enhancement was fixed in a lump sum for the whole land of the village and even the initial assessment of the village must have been fixed in a similar manner. The tenants distributed the fresh assessments among themselves without difficulty through the system of *khutis* into which the cultivation was divided. A considerable portion of the rents used to be paid in kind formerly, the actual amount being regulated by the Raja's requirements. Payment in cash up to 1869 was in cowries.

2. In 1885 when the State was under government management a summary settlement was ordered. The villages were divided into five classes according to the general excellence and fertility; the situation, soils, crops, existing rents, and rents in neighbouring villages were taken into account. Lands were classified according to position and soil. The average rent rate per acre was then fixed for each class of village; the villages of each class were not grouped together into blocks but were scattered throughout the State. Assessment was according to the rent rate and village papers showing the area, the quality of the land and the rent paid by each tenant were prepared. The *nazarana* of the *gaontia* was commuted into annual payments (and thus made practically an assessment on the home farm). For *bhogra* land which did not exceed $\frac{1}{4}$ th of the cultivated area the *gaontia* paid rent at $\frac{1}{4}$ th the ryoti rate, for land in excess of this but below half the cultivated area he paid at half the ryoti rate and for areas in excess of this, full ryoti rates. Limitation of the *bhogra* was found necessary as the tenants of the *bhogra* land were practically tenants at will. Measurement of land at the settlement of 1885 was roughly made by a standard rod of 6 feet length. The survey as well as settlement was thus very much on the lines common in Orissa.

3. The settlement was for 10 years but reassessment was postponed till 1904 owing to famine. In 1894-96 a regular survey including traverse and cadastral survey was completed. The settlement was made in 1903-4 and was based on the soil unit system of the Central Provinces. The difference between this method and the previous system is correctly expressed by the settlement officer. "The principle feature of the new system is that it is much more elaborate in determining a tenant's rental, that each village is considered separately and is rated on its own circumstances and not with reference to the particular circumstances of other villages falling within the group of which it forms a part. In

other words, the rates are village rates and not rates for the group. The standard rate for a group is at first proposed. This however serves only as a guide in framing the village rates.....". At this settlement, the *bhogra* lands of the *gaontia* were assessed in the same manner as ryoti lands and it was proposed to give them twenty to thirty per cent. of the village assets (total rental value of the assessed lands) as remuneration or 'drawback'. Ten years later this settlement was revised and the previous revenue, enhanced by about 24 per cent. over the revenue of the 1885 settlement, was enhanced by 42 per cent. This settlement was also on the same system. In 1924, a summary settlement was made by the Ruler on the ground that his illness had cost the State much and it was not desirable to make a settlement on an elaborate system. Enhancement seems to have been effected arbitrarily; there was practically no increase in area between the 1914 and 1924 settlements (+125 acres) and little between the 1904 and 1914 settlements. The average rental was enhanced from 9.17 annas per acre to 12.23 annas. The period of the settlement was fixed as ten years but a new settlement has not been made so far.

ZAMINDARI AND OTHER TENURES.

4. There are two zamindaris, viz., Dongripali and Karanpali in this State. The sanads issued to the zamindars are not available. The zamindaris are compact areas. The settlement of the zamindaris was made by the State. The *takoli* fixed has been enhanced at the various settlements and at the settlement of 1924 which is now current it was fixed at about 42 per cent. of the total revenue of both zamindaris.

The *wajib-ul-arz* of the State applies to the zamindaris also.

Gaontias of zamindari villages are appointed by the State and the zamindars are not consulted. If there is default of revenue the zamindar applies to the State. The removal of the *gaontia* is effected only through State courts. When a village falls vacant through removal of *gaontia* or through lack of heirs the village would revert to the zamindar. In a *gaontia* succession case, only mutation fee is realised by the State; *Chouthai* or 25 per cent. of the rental as *nazarana* is realised by the zamindar. The mutation fee is not paid to the zamindar. No case of *gaontiahi* surrender has come up in the last 10 years or so but surrender would be made to the zamindar; the disposal of the village would then be with the zamindar.

The zamindar used to be consulted in *gaontia* mutation cases about 10 years ago but this is not done now, *pattas* are now issued direct by the State. The zamindar cannot eject *gaontias* without the aid of State courts and *gaontias* are proceeded against by rent-suits. The zamindari *gaontias* file suits against their ryots. In the *khan* villages (i.e., villages held directly without a *gaontia*) the zamindar recovers rent through *mukhiars*. The *gaontias* can transfer their villages with the permission of the zamindar and the State but no actual case has occurred within the last 15 years. Before that there was a case in which zamindar got 0-6-0 per rupee of the *nazarana* and the out going *gaontia* 0-10-0.

Cesses levied in the zamindaris are paid entirely to the State. The zamindars do not levy any cesses not imposed by the State. The *gaontias* pay the rents direct to the zamindars. *Takoli* is paid in two equal instalments on 15th January and 15th April. The *gaontias* pay the revenue on the same dates and ryots pay some days earlier. No interest is paid by ryots or *gaontias* or zamindar on arrears.

The zamindars can create their own rent-free grants but the State will have to be intimated. Chowkidars and *baigas* are appointed by the State in consultation with the zamindar. *Gaontias* appoint *narihas* of their own accord.

The State forest staff manages the forest area. Income from these forests goes to the State. No portion of the income is paid to the zamindars. No grazing fee, etc., is charged by the zamindars. They can take forest produce for their own use but with permission. The forest and other *thekedars* (contractors or lessees) of the State operate in the zamindaris also and the zamindars do not create their own monopolies.

The *gaontias* render *tika* in cash according to their ability to the zamindar; every *gaontia* renders a goat at Dusserah but nothing is taken from the ryots. In *kham* villages of the zamindars if rent is not paid by ryots a civil suit is filed.

Zamindars have no right over minerals.

5. There are many grants in the State, *viz.*, for charities, maintenance, service, *puja*, etc.

In common with the non-Oriya Chhattisgarh States, Sarangarh has no tenures described as *debottar*, *bramottar* and the like. The Oriyas seem to have a proclivity for a large number of distinguishing names not only in respect of grants but, for example, in describing holders of land by such names as *thani*, *pahi*, *chandnadars* and so on. As in Orissa there are grants here also meant for the service of deities and these are simply regarded as *khidmati* or grants made for the performance of certain services. These grants are nothing like so extensive as in Orissa and are held subject to the performance of service; they comprise only about 125 acres; some of them make payments of nominal amounts or cesses. The grantees are responsible for the service and the State has no direct interest.

6. There are only two whole village grants. Where a whole village is held by a *muafidar* or *muafidars* it is held practically in the same way as a *gaontia* except in respect of the land revenue; in fact the *muafidar* was being spoken of as the *gaontia* in the village Kalmi which I visited. The whole village *muafis* are shown as four-fifths of the village or half the village but this means nothing more than that the *muafidar* pays one fifth or half the revenue of the village to the State, really a sort of quit-rent of half or one fifth. The sanad of Kalmi village shows that it is held *muafi* only for the lifetime of the Ruling Chief. The grant is shown as charitable grant.

7. The "charitable grants" also few in number are made mostly to Brahmins and are really similar to the *brahmottar* grants of Orissa but they are all individual plots and not whole villages. The grantees all pay cesses. There is a grant of 146 acres for maintenance, and a few which are apparently maintenance or charitable grants, the exact purpose being unknown. Among the service grants there is one for the supply of earthen pots.

8. There are 8 villages which are *kham* or held by the Ruler. Of these two were made *kham* since the last settlement when the *gaontias* died heirless. (A statement obtained however shows that seven villages were taken as *khamar* between 1929 and 1940 and of these four villages have been given to *gaontias* again, two of them in 1942 probably since my visit.) Sarangarh (headquarters) is a *kham* village. The Raja occupies the position of the *gaontia* of these villages. The income is credited into treasury as land revenue. The *bhogra* land in *kham* villages is cultivated by or on behalf of the Ruling Chief. There are *kham moharrirs* for collection. There are no sub-*gaontias* in these villages. The tahsildar looks after collection and management (nominal) of these villages. There are other servants also to look after the management and supervise the work. The tahsildar as Superintendent *Kham* issues notices demanding payment from the defaulters. If there are arrears a list is sent to the Ruler who ordinarily sends the list to the tahsildar for recovery in the same manner as State dues.

No *gaontiahi patta* is issued in the Ruler's name. Tenants have the same rights as in other villages and pay the usual cesses. No separate cesses are charged by the Ruling Chief. There are many village service holdings like chowkidar, *baiga*, *nariha*.

THE RYOTI TENURE

9. The rights of tenants are described in the *wajib-ul-arz* which is attached to the settlement record of every village. The tenant has the right to occupy his holding so long as he pays his rent and cannot be ejected except on the decree of a civil court; a distinguishing feature of the Sarangarh *wajib-ul-arz* is that the vague clause of "disloyalty" for which a ryot may be ejected in many other States is not present; it is provided that a decree for ejectment cannot be enforced at once but attempts must be made to realise the amount by attachment and sale of the movable property or immovable property such as house, trees, garden, etc. Apparently there is no restriction about agricultural implements and cattle. A tenant's holding may be inherited only by male lineal heirs or collaterals who were "sharers" with the deceased. In the absences of such heirs the widow or minor daughter gets a right for life or till marriage.

10. A tenant can transfer his holding by sale or mortgage or otherwise but only with the consent of the *thekedar*; the *thekedar* takes ten per cent. of the consideration when he gives his consent to a transfer and this is prescribed by the *wajib-ul-arz*; transfer to persons outside the State needs the sanction

of the Ruler. Land can be sub-let for one year without consent but for longer periods the consent of the *thekedar* is necessary and the transaction needs a registered document; a sub-lease may not continue beyond settlement and if a *thekedar* dispossessed his successor may require the lease to be terminated. Transfer of possession in lieu of interest is prohibited.

Land may be mortgaged with or without possession and the tenant can also take back his land at will, in which case for amounts still owed, the mortgagee has to go to the civil court.

11. If a tenant leaves his holding for two years uncultivated and rent unpaid he is deemed to have surrendered his holding unless circumstances beyond his control can be proved. The *thekedar* gets such a holding but is expected to give notice to the State before leasing it or cultivating it.

12. The settlement of waste land requires, in the first instance, permission of the State. If there is more than one applicant an auction is held, otherwise a *nazarana* is fixed by agreement. This is credited to the treasury as '*nazarana*'. The *wajib-ul-arz* prescribes that the permission of the *thekedar* is necessary before a new ryot can take up land in his village or an old ryot extend his cultivation and the rent of such land is fixed by agreement with the *thekedar*. Presumably the *thekedar* appropriates the rent though this is not specifically stated in the *wajib-ul-arz*. If there is no agreement, the land will be held rent-free for two years and will then be assessed to rent at the average rate of the village.

13. A ryot is entitled to make improvements on his holding but tanks may not be made without permission. Permission is necessary for tanks, wells, etc., on village waste.

14. There are no rules regarding the acquisition of land. I could not find any records of land acquisition.

15. House sites in villages are allotted by the gaontia. In Sarangarh, they are sold by auction. The income from the house-sites in Sarangarh forms the personal income of the Ruler.

Under the *wajib-ul-arz* house-sites, to which persons taking up residence in the village are entitled, are held rent-free; they are entitled to a *beara* or threshing floor as well. The *gaontias* in allotting house-sites levy a payment sometimes; this is not prescribed in the *wajib-ul-arz*. The tenant to whom a house-site is allotted does not get a right to the land or trees standing on it but he can take the materials if he leaves the site.

16. There are seventeen species of trees which may not be cut without a licence in village limits. The fruit and flowers of trees without owners may be enjoyed by ryots. If any trees of the unprohibited trees dies the *thekedar* has a right to the timber; on occupied lands existing rights are maintained but trees of spontaneous growth as well as planted trees belong to the ryot on whose holding they stand and he may cut and appropriate the wood if they are detrimental to cultivation except in the case of seven species.

17. The *thekedar* and tenants are responsible for the maintenance of all tanks and ponds in the village. They are entitled to the free use of water for all purposes.

18. There is a custom of the *thekedar* allotting portions of his *bhogra* for sugar-cane cultivation.

19. Subject to the prior right of the owner of the cattle the *ganda* has a right to the skins of all village cattle (*wajib-ul-arz*). Actually there is a hide monopolist who is said to take all hides through paid *chamars*. The system is said to be 7 or 8 years old. Among the villagers questioned some said payment was made while others denied it.

20. There was a *bhandar* cess payable in kind but according to the *wajib-ul-arz* this was not an addition to the land revenue but out of every rupee of rent half anna was payable in kind. Actually the cess was in practice recovered as a cess over and above the land revenue since the settlement of 1924-25 in spite of what is said in the *wajib-ul-arz*. In November last year, this cess, together with half anna per rupee of land revenue was made over to the District council and called an "education cess".

21. Ryots are liable to plant road side avenues on Public roads within village limits and are liable to look after them. The fruits and flowers of such trees will be the property of the person planting them and he may remove dry trees with the permission of the State.

22. Ryots used to render *bhethegar* to *gaontias* but this was abolished by a proclamation of 1939. *Begar* for the Chief and for State officials prescribed by the *wajib-ul-arz* have not been abolished.

23. Ryots get receipts in *rasid bahis* of the Central Provinces type. These used to cost annas four each and I was told in Kalmi that the price has been raised to ten annas. The price appears to be very much more than the cost of getting them made.

VILLAGE HEADMEN

24. Villages are held by *thekedars* or *gaontias* whose tenure is governed by the conditions of the *wajib-ul-arz* or village administration paper and his *patta*. The *wajib-ul-arz* shows all *thekedars* as having protected status. Only 29 *thekedars* (out of about 500) have however been reported to have protected status. Protected status simply means protection from arbitrary eviction and a *thekedar* with this status may not be evicted so long as he pays the land revenue fixed at each settlement. The *thekedari* right may be inherited by lineal male descendants living jointly with the deceased or in their absence by the widow for life or till remarriage or by a minor daughter till marriage. This rule appears to apply to protected as well as unprotected *thekedars* though the clause in the *wajib-ul-arz* speaks only of protected status. By a proclamation of 1939, the right of partitioning more than one village among sons of a *gaontia* has been granted, that is, if a *gaontia* has two villages and two sons the sons may get a village each.

Thekedars have no right to partition or to alienate their interest except with permission of the Ruler.

A successor by inheritance to the *theka* of a village pays a mutation fee of Rs. 5 to the State (credited under 'mutation fee'). A *chouthai* of 25 per cent. of the rental demand of the village exclusive of cesses is paid to the Ruler and is appropriated as personal income. A village falling vacant by removal of a *gaontia* or intestacy is disposed of by auction and the proceeds of the auction are generally the personal income of the Ruler; a separate mutation case is then started and Rs 5 is realised as mutation fee. A surrendered village is disposed of in the same way as a vacant village, i.e., the village is auctioned. There is the practice in this State of a *gaontia* surrendering his village to the State for the purpose of the *theka* being settled with some one else and in such cases 0-10-0 per rupee of the auction proceeds is given to the outgoing *gaontia* and 0 6 0 is appropriated by the State as revenue (credited as *nazarana*). This is said to be done under clause 3 of the *wajib-ul-arz* which declares that a transfer, unless made with the special permission of the Ruler on payment of reasonable *nazarana*, will result in eviction. (The same practice was prevalent in Raigarh till very recently; it has now been abolished.)

25. There is *bhogra* land in all villages without exception. 20 per cent. of the village assets forms the remuneration of the *gaontia*. The village assets include only ryoti and *bhogra* rentals and no *siwai* or miscellaneous income. In some cases there is less *bhogra* than 20 per cent. and in some more. In the former case a drawback is obtained from the rental. In zamindari villages also the position is the same. *Bhogra* lands may be leased out for the period of the settlement but may not be alienated otherwise; they cannot be added to by the '*gaontia*' and other lands held by him are treated as ryoti. *Bhogra* is often held by the relatives of the *thekedar* but their rights are recognised only as a private arrangement.

There are villages where there are two *gaontias* each with a *patti*. *Bhogra* is divided in such cases as well as tenants. There are some *gaontias* with more than one village; the maximum number is three. There are co-sharers in the villages but their rights are not recognised except as private arrangements and if the *gaontia* is ejected all the co-sharers are automatically ejected.

There is frequent litigation between co-sharers and the *gaontias*.

26. *Gaontias* have the right to take possession of lands surrendered or abandoned or left intestate by ryots for their own cultivation or to dispose of it on *salumi* and enhanced rent; the excess rent in such cases will be the property of the *gaontia* till the next settlement.

27. *Gaontias* have to provide supplies on payment but there is a clause similar to the Khairagarh clause about guests.

28. The *gaontia* is expected to stay in his village. There are *mukaddams* or agents of *gaontias* in villages where the *gaontia* is not resident; *mukaddams* nominated by the *gaontia* are appointed by the State.

29. There are 5 ryotwari villages, i.e., without *gaontias*, since last settlement. Jamgori village pays revenue through the Sub-Inspector of Police. The patwari reports defaulters for the purpose of coercive proceedings. The *rasidbahis* are passed by the patwari. The Sub-Inspector of police forwards the amount to be credited. No reason could be found for this special arrangement. In other ryotwari villages collection is made by the patwaris. It is not known why these villages remained without *gaontias*. 3 are jungly villages. the other two which are in the plains, have no residential area.

30 There are no villages having any member of the Ruling Family as *gaontia*.

31. Gaontias (and bhograhholders) are liable to pay every year at Dasehra a goat, a seer of ghee and a cash *salami* not less than Re. 1 per village according to their means.

RECOVERY OF LAND REVENUE

32. Paddy is the main crop of the State and land revenue is payable in two equal instalments on the 15th January and 15th April. No inconvenience seems to be felt in making payments on these dates. Under the terms of his *patta* the *gaontia* is liable to pay the revenue and his property may be attached and sold or he may be evicted from his village for arrears. In cases against the *gaontia* movable property is generally proceeded against and standing crops are also attached. In cases I saw bullocks, apparently plough-cattle, had also been attached. Arrest and detention is not practised. For recovery from their *gaontias* zamindars have to file civil suits and are not allowed to avail themselves of summary procedure; they consider this unfair.

Gaontias have to file rent-suits against the defaulting tenants. In a rent-suit against a ryot or a *gaontia* only a money decree is passed. The decree may be executed by attachment of movables; civil procedure is followed but the holding is not attached; standing crop may be attached. In *ryotwari* and *kham* villages, the arrear is certified and proceedings start. Ejectment is permitted by the *wajib-ul-arz*.

The *Nazir* executes revenue process. He has 13 process servers and peons who serve revenue, civil and criminal processes. Property attached is kept with a local surety; it is not brought to headquarters except for sale. The *nazir* auctions the property.

Land revenue credited as a result of recovery cases is sometimes kept by the *nazir* for long periods without credit into the treasury.

33. Collection of land revenue except in 1938 was well over 90 per cent. In the last four years the number of cases started against *gaontias* has been large.

CESSES

34. Cesses prevalent in the State are

(a) road cess imposed in 1942 at 0-1-0 per rupee of revenue by the newly instituted District Council.

(b) *bhandar* cess levied formerly under the *wajib-ul-arz* converted into "education cess" by order of the Ruler, dated the 25th November 1941 0-1-0 per rupee of revenue (see para. 20 under ryoti tenure).

(c) education cess (additional) at 0-0-6 per rupee of revenue levied by the District Council (1942).

REMISSIONS AND LOANS

35. In 1937 a flood of the Mahanadi destroyed crops and remission of land revenue was granted. In 1941-42 suspension in some villages when the crop was less than four annas was granted. The remission of 1937 was given in respect of submerged lands in which crop was totally destroyed. Principles followed in the Central Provinces seem to be roughly followed though much less liberally.

36. No loans are given to agriculturists. *Kham* tenants get paddy loans from *khamar* at 12 per cent. interest (average). Some private lending also is carried on by Ruler.

VILLAGE SERVANTS

37. There are *gandas* (village watchmen) in each village; they have all *maufi* lands except in Sarangarh where the *ganda* is paid Rs. 7 by the municipality. The *muafi* is from 1½—22 acres. The chowkidar is recommended by the Honorary Magistrate and Sub-Judge and appointment is made by the Dewan. Under the *wajib-ul-arz* the *ganda* is appointed by the *thekeedar* with the approval of the State.

There are *baigas* in practically all villages. They are village priests but perform duties similar to that of *ganda* and are appointed similarly.

The *nariha* is a servant appointed and dismissed by *gaontia*. The *wajib-ul-arz* says that he is appointed every year. The *thekeedar* has to provide a house for him and provide him also with a portion of the *bhogra* land for cultivation. The *nariha* is supposed to get some grain from tenants for grazing their cattle but in the absence of this custom he gets a handful of rice daily from the cultivator and a piece of cloth from owners of cattle. He is entitled to other customary dues also like milk and cash contributions. His work is to graze cattle and to perform menial services for officials in connection with cooking and cleaning pots and vessels. It is likely that more emphasis is laid on the latter duty. He is of course at the beck and call of the *thekeedar* by whom he can be arbitrarily removed.

The *ganda* and *baiga* jointly claim for every rupee worth of grain sold in the village, one handful (or one pice per rupee) from the seller, and 5 *tamis* paddy per plough or one anna per rupee on each tenant's rent; at the threshing season they get grain at rates locally fixed as their wages for watching crops and other property at night. The *thekeedar*, *bhogra* holders and ryots provide each *ganda* and *baiga* with a red and blue pagree respectively at their cost; in Kalmi village I was told that the cost of the dress of the *ganda* and *baiga* was Rs. 3 to 5 and was raised once in three or four years; the villagers themselves purchase and provide the articles.

The dues of the *ganda*, *baiga* and *nariha* can be recovered through the courts. There are other village servants like *dhobi* and barber but these are allotted lands by the *thekeedar* out of his *bhogra* and may be removed by him.

FORESTS.

38. It is said that the Indian Forest Act is followed but this seems to be done only where it is found convenient.

Certain rules are contained in the *wajib-ul-arz*. There are reserve, protected and village forests. Village forest means all village waste land. There is no area classed as village forest outside village boundaries reserve and protected forests are demarcated forests. Reserved species of trees are as mentioned in the *wajib-ul-arz*. Contrary to the usual practice ryots have no rights in protected forests but have rights in forests classed as reserved.

39. There is a commutation fee in all villages except five. This is for *sukhbasis* 0-2-0 per *chula*, 0-4-0 per plough for tenants; *sukhbasis* include all non-agriculturists. Except thorns, fuel and wood for ploughs other things are not free in reserve forest; in village forests also the position is the same and full rates have to be paid for other commodities. The five villages which do not pay are in Sambalpur territory; they use Sambalpur forests.

The forests of this State are not good and much of the waste land is bare rock or scrub jungle. Mr. Mooney is not the Forest Adviser for this State; he saw cursorily the forests in 1938 and thought that reservation of about 100 square miles could be made. I am not able to say what the effect of subsequent steps on the *nistar* of tenants has been as I could visit only two villages on the road side in this State.

40. Boundary lines are cleared departmentally by engaging coolies; 2-3 annas wages are paid.

41. *Darogas* can compound forest offences up to the value of Re. 1 and the Forest officer upto Rs. 5. Other cases go to the Jubraja Sahab. Cases compounded are reported for information to the Jubraj. I do not think composition by *darogas* is permitted anywhere else.

42. No fee is levied for grazing in village forests. For grazing in reserve forest a fee is charged. Grazing is not allowed in protected forest. Plough cattle are allowed free grazing in reserves up to a maximum of four per plough (one plough is reckoned as 8-10 acres). The fee is 1½ annas per cow or bullock and 3 annas per buffalo; the commercial rate is twice this. The same position exists in the zamindaris.

43. No shifting cultivation is practised in the State.

MONOPOLIES.

44. Hides, lac, *tendu*, myrobolams are monopolies. The monopolies apply to all lands in the State. The lac monopoly gives the right to propagate lac on

all trees in the village by employing labourers. No price of wages are prescribed. The other monopolies are similar. The hide monopoly requires that all persons should sell to the monopolist (see para. 19) at rates given in the lease (which expires on 31st December, 1942). Chamars and others are not entitled to purchase hides from the owners of animals and the monopolist can sell the hides at a "concession" rate of four times the purchase price, an indication that the purchase price is purely nominal. The lessee supplies thongs required by agriculturists at a high rate or deducts the amount from the price of the hide. The monopoly fetches about Rs. 6,500.

There is an export duty on all grains levied on any person who takes grain out of State.

CROP PROTECTION.

45. The issue and renewal fee is twelve annas. The number of licences issued in 1941 is 4, obviously an inadequate number. According to a notification issued in 1938 the ryots have been given the right of killing wild pigs by entrapping, or otherwise, and appropriating the meat.

REVENUE ORGANISATION.

46. The Ruler is the highest revenue authority. He passes final orders in mutation cases of *gaontias*, conversion of *bhogra* into ryoti lands, appointment and removal of *gaontias*, and other cases requiring approval under the *wajib-ul-arz*. He hears appeals from orders of the Dewan. Powers of the highest civil court have been delegated to the Dewan till the joint High Court is established. The Dewan deals with most other revenue cases in addition to being the High Court and having other administrative duties.

The Tahsildar and Naib Dewan are mostly reporting officers. They have miscellaneous duties as well.

47. The land records organisation consists of the Superintendent of Land Records, two revenue inspectors and 21 patwaris. There are no rules regarding their work but to some extent the Central Provinces rules are followed. There is a *kanungo* who looks after annual papers filed by patwaris. The State is divided into 20 circles (patwari) and there is a special patwari for the *sadar*. The total cost of the revenue and land records establishment is given as Rs. 5,496, the land revenue being about a lakh of rupees and the total revenue Rs. 2.46 lakhs.

MISCELLANEOUS

48. Court-fee on all petitions except those addressed to the Ruler is 0-12-0; petitions addressed to the Ruler cost Rs. 2.

Petition writers are appointed under the Judicial Commissioner's (Central Provinces) civil circulars; there are no special rules regarding revenue petitions. Petition-paper used to cost 2 pice but is charged 0-1-0 since 1st April 1942.

There are some special rules for registration of documents, and stamp fees. Stamp duty is Re. 1, up to Rs. 100, Rs. 2 up to Rs. 200 and Rs. 1-8-0 per cent. above Rs. 200. Registration fee is one per cent. of the value.

SERAIKELA

REVENUE HISTORY AND SETTLEMENTS

Territorially, the State of Seraikela (the Karaikela sub-division of which is divided from the main area by the Kharsawan State and British territory) forms part of the Chota-Nagpur division of Bihar; it forms an enclave in the district of Singhbhum to which it was formerly attached for the purpose of supervision and control. The Ruler was required under his sanad to consult and accept the advice of the Commissioner of the Chota-Nagpur division in all important matters, connected with land revenue and settlement. This territorial and administrative connection has not however resulted in a revenue system in Seraikela to which the Chota-Nagpur Tenancy Act of 1908 could satisfactorily be applied.

2. The information available about the previous land revenue history of the tract is scanty. The land revenue in the adjoining tracts of the Singhbhum district seems to have been originally a plough tax; in 1867 it was decided that the land should be measured but the assessment should still be shown as made on the plough, a relation however being established between the area and the plough. Area appears to have been expressed commonly in former days in