VOLUME 15

The Ramadhyani Report

R. K. Ramadhyani, I.C.S. — Report on Land Tenures & the Revenue System of the Orissa and Chhattisgarh States: General Report, Draft Revenue Law, Individual States

15

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need for a policy of loans at low rates of interest to agriculturists to save them from usurious money-lenders. Quite a number of Rulers recognise the advantages of money-lending also and lend grain, and occasionally cash, to agriculturists, the rate of interest being usually 25 per cent. as against the 6¼ per cent. for loans under the Agriculturists Loans Act. In granting these loans, there are various levies such as measurement fees, receipt fees, giving the debtor unwinnowed grain while the grain returned is carefully winnowed, and so on, which make the rate of interest much higher. It is perhaps not merely the Rulers who do grain-lending but other members of the family as well, and loans are often granted by the *debottar* department (quite improperly in my opinion) from *debottar* funds. I doubt if it is of any use to advise the Rulers to give up personal lending; the advice can easily be evaded if the loans purport to come from, say, the Rani. The only way of mitigating this seems to be to make sure that the State grants adequate sums as loans every year. They may be advised to adopt the Agriculturists' and Land Improvement Loans Acts of the provinces with suitable formal alterations but not the rate of interest or other clauses.

In Sonepur there are certain rules which make the Ruler's private lending a regular State affair. The State should be advised to abolish these rules and to adopt the laws mentioned above for the State loans.

135. *Registration and Other Fees.*—In the levy of court-fees, mutation fees, stamp fees, registration fees, process fees, the States find opportunities to increase their revenue unduly, while outwardly other more noticed fees are kept low. For instance in Kalahandi, the mutation fees are nominal but on petitions for mutation a high court-fees is levied. (I noticed this in cases seen by me but I have not called for a report whether this is prescribed). *Nazrana* is often disguised as mutation fee as in Bonai. If process fee has to be paid, the stamp of the necessary denomination has to be stuck on petition paper, which of course is paid for. In some States, special forms are used for mutation petitions on which, doubtless, a profit is made (a form costs one anna). Petition paper is sold at one pice per sheet in Orissa and Bihar (not in the Central Provinces), but in some States this costs two pice and in a few one anna. Profits made on receipts given to ryots have already been mentioned. Unless all these sources of revenue are watched, the temptation to make up loss of revenue in any one direction by a levy in another will not be resisted by the States; sound methods of revenue administration by which the income of the State is safeguarded sometimes do not seem to make an appeal to them, and while indulging in such things as rent-free grants which cause loss to the State, the screw is put on the agriculturist in other directions. The only way of stopping the tendency to levy various kinds of fees and alter them in an undesirable manner is to require the States to submit annual statements of the various charges levied to the Political Agent or Resident and this is recommended. Attention has been drawn to the high registration and stamp duties in some of the States. A number of States claim to follow the Indian Stamp and Registration Acts and it is recommended that all States should be advised to follow the Indian Acts in these matters as well as court fees and to apply the rates prevalent in the Provinces. The price of petition paper should not be higher than in Bihar or Orissa. In a few States the licence-fee charged on petition writers is high; Rs. 12 in Pal-Lahara, Rs. 10 in Baudh and Chhukhadan; I do not think that this fee should exceed Rs. 5 per annum.

CHAPTER XIV.—The Administrative Machinery.

136. *Separation of Revenue and Civil Functions, if possible, and Appointment of a Revenue Adviser.*—It has been pointed out that the Rulers often act as revenue courts, not merely for purposes of appeal or revision, but in all important cases they pass the orders themselves so that no appeal is possible and only a petition for reconsideration can be made. The Ruler and revenue officers act also as civil courts and it is in not more than one or two States that a person aggrieved by a decision of the revenue courts can find an unbiassed examination of his case in the civil court (concurrent jurisdiction should of course exist in a few matters only). The effect of the Ruler acting as the final authority on the decisions of officers has also been noted before. In view of the connection between

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revenue and civil matters, the likelihood of revenue decisions being influenced by the financial interests of the State, as well as the summary nature of the enquiries on which decisions affecting title or interests are based and the need for civil courts to act as final arbiters in such matters, I recommend that there should, as far as possible, be a separation of revenue and civil functions; otherwise the existence of civil court will be of little use in such a matter as, say, disagreement between the revenue officer and an individual in the matter of compensation for acquisition of land, questioning the entries in the records of right made by revenue officers and so on. The Rulers should also cease to act as revenue courts or exercise powers except on the advie of a suitable Adviser and in the proposed law, the Darbar has been defined as the Ruler acting under the advice of a Revenue Adviser; (the position would then correspond to "Governor-in-Council" in the provinces); the Rulers are not qualified either by temperament or training to act successfully as revenue courts save as rare exceptions; revenue administration concerns the well being of thousands and millions of people, and being to a large extent technical, is not a fit subject for handling by amateurs; in any case, their personal interest in the matter, and the influence they are likely to exert on subordinate officers, indicates the need for a separate tribunal. The question then arises as to who should be the final and controlling authority in revenue matters. While in the larger States there may be Dewans or Ministers of sufficient capacity to be of some use in controlling subordinate officials or hearing appeals, it is essential that there should be an ultimate tribunal and controlling authority. The Dewans often have numerous administrative duties to perform and cannot spare adequate time or energy, and in the case of most of the State. they are hardly competent for the purpose; in many of the States they are officials of the type who are met with in charge of a tahsil or sub-division in the districts. Besides, the trouble with the administration of most of the States seems to be the lack of an inspecting agency which is necessary, considering the calibre of the officials employed. The need for a controlling revenue authority and ultimate tribunal with the necessary administrative and technical training is not altogether a need peculiar to these States. Such an agency exists in the provinces where, on the whole, much better staff is employed. Consequently the appointment of a Revenue Adviser or Commissioner is recommended. He would act as the ultimate tribunal in practice, though nominally the Ruler would be the tribunal, would be a supervising and inspecting agency, and would control and supervise settlements and thus obviate the need for settlement officers of superior grades who would cost a lot of money. Besides, a Revenue Adviser is essential if the law proposed is really to be given effect to in practice; the law as it stands needs to be supplemented by rules in each State which are necessary to cover individual requirements, and a number of executive instructions are also necessary for the proper functioning of the revenue staff. I quote here the opinion of Mr. Griffin who was till lately Political Agent at Sambalpur whom I consulted on the point: "I think that one of the best services which you can render to the States is to supply them with a sound revenue and tenancy law, as simple as possible. If codification is left to them, on the basis of the recommendations to be made in your report, we shall have appalling confusion (not due to any defect in your Report!) which no Political Agent, however industrious, will with the time at his disposal be able to smooth out.

3. It would hardly be practicable for you to draft a number of laws for different groups and this itself, given the importance of the law being framed by you, is an argument in favour of a uniform law for all the States. I do not myself see that there is any inherent impossibility in all the Orissa States being governed by one law, with the provision of individual rules, as you contemplate, to cover such divergencies as have to remain between the systems of each State.

4. Now that we are working for joint cadres it is clearly desirable that there should as far as possible be uniformity in the laws which they administer, and the revenue administration is a sphere where a joint cadre is probably more important than in any other branch of the administration. I hope too that there will be a joint officer in charge of the cadre—a man of experience and real qualification – who will be able to supervise the revenue administration including the settlement work. The last point

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I regard as of the greatest importance; the practical difficulty with which we are always faced here is to get a sufficiently experienced and responsible settlement officer on the small salary which the State can afford to pay, and the Political Department orders that the settlement officer must be approved by the Political Agent and that the Political Agent must supervise the work as closely as possible do not really solve the difficulty; obviously uniformity in the law would make the task of the joint "revenue Commissioner" whom I contemplate much easier.

5. The drafting of the individual rules under the uniform law will present difficulties. I doubt whether you will yourself have time to do them all, and it will presumably fall to the States to draft them. Here again is the likelihood of confusion owing to imperfect drafting which I mentioned in paragraph 2 above, but any how the magnitude of the task will have been reduced and eventually it should be possible to attain satisfactory and coherent rules." * *

Assuming that the need for a joint officer is conceded the area and population as well as the number of States is definitely far too large for one officer to work single-handed as an appellate authority as well as in general supervisory charge of the revenue administration of settlement. It may be possible for two officers to manage though I doubt if it can be done without assistance but I do not consider is advisable to have two separate officers in the initial stage until all the rules and instructions have been framed. What I recommend is therefore one officer, preferably an experienced officer of the Indian Civil Service should be appointed as Revenue Adviser for the whole Agency. In order to deal with appeals from the States where the Dewan himself is the revenue officer two officers may be appointed for different groups of States who may be fairly senior members of the Orissa and Central Provinces provincial service respectively. These officers will not be allotted States where there are separate revenue officers and the Dewan can be made an appellate authority. Both of them will, to some extent, act as assistants to the Revenue Adviser who will deal only with revisions or final appeals on behalf of the Ruler, and also perform the duties mentioned before. The appellate officers as well as the Revenue Adviser will be touring officers. These officers will of course need ministerial staff ; a stenotypist each would probably suffice. There will be of course menial staff and other details connected with office organisation but it is useless to go into details here before the proposals are accepted.

137. *Revenue Staff in the States.*—I have not mentioned other revenue staff necessary in the States. In most of them the revenue staff, particularly the staff required for the maintenance of land records, is inadequate for efficient administration, and in practically all States, a number of patwaris or additional patwaris will have to be appointed. It is not possible to make detailed recommendations about these here and to some extent this will depend on the system and material locally available. The details of land records will have to be left to a large extent to be prescribed by rules in view of what, already exists, and uniformity in these matters, which is desirable, can only be achieved after a number of years.

138. *Financial effects of the proposals.*—The reduction of revenue likely to be caused by the abolition of the cesses recommended for abolition only may de computed from the budgets of the States.* By restricting the leases to forests only a portion of the income will be lost and the exact amount lost cannot be estimated. The reduction of revenue occurs in only a few States and in no case will be heavy, except Bastar where it is desirable to reduce the grazing fees by abolishing it in portions of the State every year but if the *takoli* of the zamindars is increased, some of the loss can be made up ; it is not the whole of the grazing fee which will be lost as village boundaries will be demarcated and ryots may find it necessary to take their cattle beyond village forests.

The proposals made in this report do not result necessarily in financial loss; there will be considerable additions to revenue on account of the settlement of *bhogra*, premia on the sale of waste land or conversion of agricultural land, stamp duties on sales and other sources though some of these will accrue gradually, The States in future will get the premia on

* I have not found this possible from the information I possess.

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the sale of lands and diversion of agricultural lands steadily and the high percentage of the revenue intercepted by the *gaontias* in many places will also be gradually reduced; where a new *gaontia* is appointed he will get a smaller percentage. If the recommendations regarding the assessment of rent-free grants or increase of *takoli* are accepted much of the loss can be made up and in many cases there will be a definite increase of revenue.

139. *Alternative proposals.*—The proposals for a uniform law are based on the assumption that the *ryotwari* system which already exists to some extent will be introduced into the States and *gaontias* and *sarbarakars* will be converted from farmers of villages with responsibility for the revenue into village officials who only collect the revenue. If this proposal is not accepted as well as the proposals regarding rights of transfer of land, a single law will not be possible; as has been pointed out, there is variety in the States from those with no village headmen to those who have the responsibility for the revenue, and those who have other powers such as powers of allotment of land, accepting surrenders of land, or sanctioning leases. If it is desired simply to codify existing practices there will be 39 different laws for the 39 States or at best only a few less. It has already been pointed out that the provincial laws are not suitable for adoption by the States without so much modification that they would be different laws in each State. Of course, it may be argued that when a State has adopted a law, it may later, by virtue of its sovereign powers, modify the law in such a way that in a short time each State will have a different law. The answer to this is the joint supervision proposed and the elasticity of the law with reference to matters where variation cannot be avoided. As the basic system is the same, there will be little cause indeed for variation. I think the States are getting used to the idea that they are a single unit and I do not think fissiparous tendencies should be encouraged. The recommendation that there should be a single Revenue Adviser for the States is made with this end in view.

140. The recommendations made in this report will not exactly be to the liking of zamindars and tenure-holders and others who have for a long time held a privileged position at the expense of the ryot who has had to bear heavy taxation in various forms, largely on account of them. Even some of the Rulers will not appreciate them as they involve the disappearance of some *salamis* and the Ruler's powers are also restricted to a considerable extent, even though a sound revenue administration means, in the near future, a considerable increase of revenue. It is to be hoped, however, that most, if not all, of them will recognise that these measures are realy in their own interest.

141. I have now come to the end of my long and difficult task; I hope I have not laboured in vain. I must apologise for the obvious shortcomings of this report in drafting and arrangement which may cause some little difficulty in passing orders; I could not however, make the report more satisfactory in this respect without taking rather more time over it. The individual reports mostly contain a description of existing conditions and comments are occasional only; as far as possible I have included all the important recommendations in this report but a close study of the individual reports will probably show occasionally points on which the States may be given advice. The draft law contains certain provisions on which no specific recommendations have been made in this report

142. My thanks are due to the Provincial Governments of Bihar and Orissa whose officers have given me much help in studying their revenue system and lent me various manuals and reports, I am also indebted to Mr. B. R. Sen, the Revenue Secretary to the Government of Bengal who gave me much valuable help. To the Residents, Colonels Barton and Hancock, as well as other officers of the Agency, I am highly thankful for the interest they took in my work, and for the facilities enjoyed by me, for which they were responsible. The Rulers and Administrators of the States covered by this enquiry showed me much courtesy and hospitality in spite of the fact that my work was not exactly to their liking, and I am very thankful to them and to their officers; I hope that any resentment they feel is not personal.

R. K. RAMADHYANI,
Officer on Special Duty.

(8) 622 PD

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APPENDIX I.

COPY OF NOTES BY SIR FRANCIS WYLIE, POLITICAL ADVISER, DATED THE 10TH AUGUST 1941.

During the last few days I have had a number of discussions with Mr. Ramadhyani about his forthcoming enquiry into land revenue conditions in the Eastern States. I think that Mr. Ramadhyani now knows my mind on this subject in a general way and that is all that is possible without real local knowledge. It is for this reason that I have suggested that Mr. Ramadyani's terms of reference be drawn out in Calcutta where Col. Barton's local knowledge will be available. The draft terms can then be sent here for the Crown Representative's approval before they are finally conveyed to the Officer on Special Duty. The Resident has agreed to this and will take action accordingly when Mr. Ramadhyani reaches Culcutta.

2. Put very generally my own feeling in this whole matter is :—

(a) that there can be neither contentment nor prosperity in an agricultural community unless rights in the soil are both granted and effectively guaranteed. The expression 'rights in the soil' includes of course the fixation of the Land Revenue demand.

(b) that in the Eastern States, while in the soil may in some cases have been granted, practically nowhere are they really guaranteed ;

(c) that by the terms of their Sanads the Rules of these States are bound to accept the Crown Representative's advice ;

(d) that the necessity of both granting and guaranteeing rights in the soil is so urgent that the Crown Representative would be justified in tendering formal advice to all Rulers to put their Land Revenue administration in order forthwith including the grant of rights in the soil with the necessary concomitant of setting up the administrative machinery required to protect these rights.

3. There is no use however in tendering advice on the lines mentioned in (d) above unless we understand the technical aspect of the problem thoroughly. It is to provide us with a technical background that Mr. Ramadhyani has been placed on special duty. I may note a few of the questions to which I would personally expect him to provide an answer in his report :—

(a) What is the past revenue history of the cultivators in this part of India ?

(b) What rights in the soil if any subsist at present ?

(c) What administrative machinery if any exists to ensure the protection of these rights ?

(d) Assuming that a real proprietary title in the soil is to be granted by the Ruler what system is most appropriate in these particular States ? By system I mean 'malguzari', 'ryotwari' and so on.

(e) In what way if any does the system proposed differ from that obtaining in the adjoining Provinces ?

(f) What system of *village* revenue management is best suited to these areas ? Should "Thekedars" "Gaontias", etc., be abolished or retained ? If these functionaries are to be retained can rules be framed to ensure that opportunity for tyrannising over the cultivators shall be restricted ?

(g) What sample of administrative machinery requires to be set up which the limited resources of these small States will be able to support and which will yet be effective in protecting the cultivators in the enjoyment of their newly granted rights in the soil ?

(h) Is a Land Acquisition law necessary or feasible ?

(i) How can the villagers be most effectively protected in the enjoyment of their rights in village forests ?

The above list is by no means intended to be exhaustive but it may be of use to the Resident and to Mr. Ramadyani in framing formal terms of revenue for the enquiry.

4. I have drawn Mr. Ramadhyani's attention to the advisability of suggesting a Land Revenue reform approximating as closely as may be to the system obtaining in the adjoining Provinces. One principal reason for this is that the day may quite clearly come when these small States will disappear altogether and be merged in the neighbouring Provinces. If that time should come the more closely administrative conditions in this whole area approximate to those obtaining in adjoining Provinces the easier will the transition become.

5. Mr. Ramadhyani should I think accompany his report with draft laws. If we fund ourselves in a position to put across his proposals in the way of formal advice to the Rulers of these States it would be an immense advantage if the new laws which the States will be required to promulgate were ; if not identic, at least comparatively uniform. I realise that one law, *e g.*, a Land Revenue Act will hardly do for all the States. In fact there may have to be three model Land Revenue Acts ; one for the C. P. States ; one for the Orissa States and one for the States which lie next to Bihar.

6. I very much regret that I shall not be here when Mr. Rmadhyani's report comes up for consideration but I shall be grateful if, when the report is in print, I can have a complimentary copy which I promise to read with acute interest.

7. A copy of this note should be handed to Mr. Ramadhyani and a copy should also be sent to the Resident.

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APPENDIX II.

State.	Cesses. Education.	Dispensary.	Road.	Forest.	Others	Remarks.
1. Athgarh	0-2-3	0-1-3	0-1-0	0-0-6	...	
2. Athmallik	0-1-6	...	...	0-1-0	...	
3. Bamra	0-0-4½	...	...	0-1-0	0-1-0	(Kar & Kartali)
					0-0-1	(Chowkidari)
4. Baramba	0-1-0	...	...	0-0-9	...	
5. Bastar	...	...	...	...	0-1-0	(Patwari)
6. Baudh	0-0-9	...	...	0-1-0	(per acre of wet land)	
				0-0-6	(per acre of dry land)	
7. Bonai	0-1-0	...	...	0-1-6	(per acre of wet land)	
8. Changbhakar	0-0-6	...	...	0-8-0	0-0-3	(Kotwar cess)
	(includes dispensary cess also)			(per plough)		
9. Chhuikhadan	0-1-6	(Cess is called Education and Medical cess)				
10. Dhenkanal	0-2-0	...	...	0-1-3	0-2-0	(Miscellaneous cess)
11. Daspalla	0-1-0	0-1-0	...	0-1-6	0-2-0	Ditto
			(per acre of wet land)			
				0-0-9		
			(per acre of dry land)			
12. Gangpur	0-2-0	(School and dispensary cess)				
				0-1-4		
13. Hindol	0-1-0	0-2-0	...	0-1-3	(per acre)	
14. Jashpur	0-0-9	0-0-9	...	1-0-0	(per plough)	
15. Kalahandi	0-0-6	0-0-6	...	0-4-0*	0-1-0	*0-2-0 for road
					(patwari)	0-2-0 for bethi
16. Kanker	A portion of the land revenue is appropriated for school, dispensary and patwari.					
17. Kawardha	...	...	...	0-8-0 to 2-0-0	A cess of 0-2-0 is levied on muafiholders.	
			according to area			
19. Kharsawan			NIL			
19. Keunjhar	0-0-6	0-0-6	...	0-2-0	(per acre of wet land)	
				0-1-6	(per acre other lands)	
20. Khairagarh	...	...	...	1-4-0	(per plough)	
21. Khandpara	0-1-0	0-1-0	...	0-1-0	0-3-0	(Miscellaneous)
22. Korea	...	...	...	1-0-0	2-0-0	
			(per plough)			
23. Nandgaon	...	...	...	...	0-1-0	(patwari)
					0-12-0	Hide cess per plough
(The gaontia pays read, school and dispensary cess)						
24. Narsingpur	0-1-0	...	...	0-1-0	(per acre of wet land)	
				0-0-6	(per acre other lands)	
25. Nayagarh	0-1-0	...	0-2-0	0-1-0	1-0-0	Water cess per acre
	(includes dispensary cess also)					
26. Nilgiri	...	...	...	0-1-6 per man	0-0-3	Parbani cess.
27. Pal-Lahara	0-1-0	...	0-2-0	0-1-0	(per acre of wet land)	
				0-0-6	(per acre other lands)	
28. Patna	0-1-0	0-1-0	...	0-0-6 to	0-1-0	Patwari
				0-2-0	0-1-0	Rasad
			per acre according to the distance from the forest		0-1-0	Parbaparbani
29. Raigarh	...	...	...	1-0-0 to 1-8-0 (per plough)	A cess of 0-2-0 is levied from muafi villages only	
30. Rairakhol	0-1-0	0-1-0	...	0-1-0	...	
31. Ranpur			NIL			
32. Sakti	0-1-0	...	0-1-6 to 0-2-0	0-6-0	(for 5 acres approx)	
33. Sarangarh	0-1-0	...	0-1-0	0-4-0	(per plough)	
34. Seraikela	...	...	...	0-3-0 to 1-4-0	per bigha	
35. Senepur	0-1-6	...	0-1-6	0-1-6	per acre of wet land	
				0-1-0	per acre for others.	
36. Surguja	...	...	...	1-0-0	per plough or	
				0-2-0	per rupee.	
37. Taleher	0-1-0	...	...	0-1-0	0-2-0	Miscellaneous.
38. Tigiria	0-1-0	0-0-9	...	0-0-3		
39. Udaipur	...	...	...	0-3-0	0-1-0	land cess.
			per plough.			

Note.—All rates are per rupee of land revenue unless otherwise stated.

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APPENDIX III.

EXTRACT FROM THE REPORT OF AN ENQUIRY ON GRAZING AND NISTAR IN THE CENTRAL PROVINCES ESTATES BY MR. H. S. KAMATH, I.C.S.

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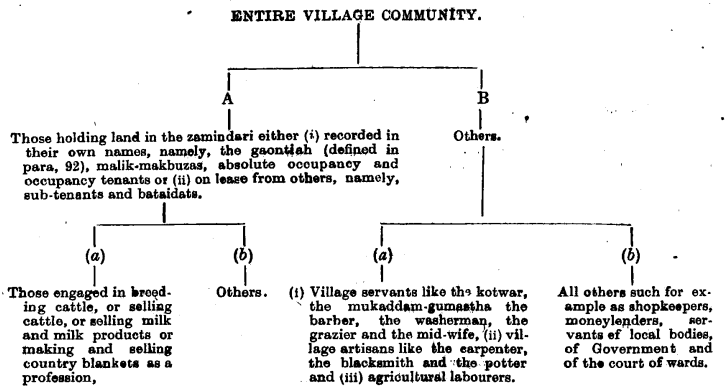
231. *Skeleton Proposals.*—(1) The entire village community will be divided broadly into two classes (i) agricultural and (ii) non-agricultural.

(2) The following table will show how this division can best be done :—



Note.—Village servants and village artisans, placed under this sub-class will naturally be those not holding the land ; for if they do hold land, they come under class A.

Classes A(b) and B(a) will be considered agricultural and classes A(a) and B(b) will be considered non-agricultural.

(3) Grazing will be free for all cattle belonging to the agricultural classes.

(4) A member of the non-agricultural classes will be allowed to graze free of charge a certain definite number and for extra animals the zamindar may require him to pay at such rates as he may fix.

(5) The basis for the free allowance will be the working plough in the case of class A(a) and the house in the case of class B(b).

(6) The free allowance per working plough will be something like four plough animals, two milch animals, all calves at foot, two goats and one pony.

(7) Calculations regarding the grazing concession and grazing dues will be based on the patwari's titamma which the zamindar will be expected to consult and a copy of which will, therefore, be made available to him on moderate payment.

(8) The free allowance per house will be two milch animals, all calves at foot, two goats and one pony or two bullocks.

(9) Hired bullocks, if used by a member of the agricultural classes, will be considered his own for the time being and will not be liable to pay grazing dues.

(10) A zamindar charging grazing dues *mala fide* to a member of the agricultural classes, for example to a person selling milk and milk products casually or buying and selling cattle at the commencement of each season for his own use or in respect of cattle hired for his own cultivation, will be liable to pay a penalty of Rs. 50 or five times the fees charged, whichever be the greater.

(11) Grazing, whether when free or when on payment, will be available, in the banjar of the village where the owner of the cattle lives or holds land and also in its neighbourhood, except that in regard to the latter, the occupied area will not be available when crops are standing, nor closed baris nor threshing floors.

(12) The banjar will be defined as all unoccupied area except what is set apart for specific communal purposes.

(13) The neighbourhood of a village will be defined as that area round about the village, but within the zamindari—not being part of the waste land mahal nor of an authorized reserve worked and closed to grazing—which the cattle can cover during the day, in order to be back home before dusk.

Note.—Reserves like that of Khujji regarding which grave defects have been pointed out will not be considered 'authorized' for the purpose of this proposal.

(14) Daihan grazing will be liable to be paid for at such rates as the zamindar may fix.

(15) Ordinarily daihan grazing will be confined to the waste land mahal. If, however, a zamindar wishes to have a daihan outside the waste land Mahal, he will be required to take the Deputy Commissioner's permission to open it. He will be entitled to have the permission in case the daihan has been in existence in that village for a period of five years continuously preceding the 1st January 1940. Otherwise, his application will be decided on merits.

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(16) Scrub and grass which are jointly recorded in the patwari papers today as scrub jungle and grass except in Bhandara will be separately recorded.

(17) The zamindar will be required to obtain the permission of a revenue officer not below the rank of a tahsildar if he wishes to alienate land recorded as grass or wishes to convert it to home-farm.

(18) A zamindar will be required to obtain the Deputy Commissioner's permission before reserving grass birs in the banjar during the currency of the settlement.

(19) An outsider setting up an establishment in a zamindari, in addition to the one he already has outside it, will be considered as belonging to class A(a).

(20) Cattle belonging to a resident of the zamindari, but to an establishment he has outside the zamindari, will be liable to be charged grazing dues.

232. *Proposals summed up.*—Briefly, the proposals contemplate—

(a) the division of the whole village community into (i) the 'agricultural' and (ii) the 'non-agricultural' classes ;

(b) free grazing for all cattle owned by the agricultural classes ;

(c) limits to the number of cattle that may be grazed free by the non-agricultural classes ;

(d) extension of the area available for grazing—whether when free or when on payment—from the village waste to the entire neighbourhood ; and

(e) measures to combat restrictions on grazing rights,—existing or extended.

* * * * * * *

APPENDIX IV.

Fees payable on transfers of Lands.

Athgarh	...	Stamp duty ...	About 1 per cent.
		Registration ...	Re. 1 for Rs. 25, Rs. 2 for Rs. 50, Rs. 2½ for Rs. 100 and Rs. 3½ upto Rs. 500.
Athmallick	...	Salami ...	Nothing on transfers.
		Mutation ...	Re. 0-4-0 per rupee, Re. 0-2-0 per rupee for inheritance. 10 times the rental on sale. 0-8-0 per rupee of rental on other transfers. (Fees are doubled if mutation not applied for within six months)
		Amin Fees ...	0-10-0 per day.
		Proclamation ...	Re. 1
Bamra	...	Stamp duties and registration fees are charged at about one-half per cent. and three-fourths per cent. *ad valorem* respectively.	
Baramba	...	Salami ...	10 per cent. of the consideration.
		Mutation fee ...	Re. 1 per acre for transfers. Re. 0-4-0 per rupee for inheritance.
		Stamp Duty ...	About 1 per cent. (Graded scale).
		Registration fee ...	About ½ per cent. (Graded scale).
		Amin fee ...	0-8-0 per day.
		Proclamation fee ...	Re. 1.
Bastar	...	No transfer fees ...	(Transfer not permitted).
		Mutation fee ...	0-8-0 in cases where ryots apply for mutation.
		Exchange ...	0-8-0 per rupee as court fee stamps.
		Stamp and registration fees according to Indian Acts.	
Baudh	...	Salami ...	No rigid rules,
		Mutation ...	Re. 1 in all cases.
		Stamp and Registration.	(Indian Acts are followed).
		Amin fee ...	Re. 0-12-0 for every 10 miles.
		Proclamation fee ...	Re. 1.
Bonai	...	Salami ...	25 per cent. of the consideration or 4 years rental whichever is higher.
		Mutation ...	2 to 8 annas on ordinary succession according as mutation is applied within six-months to over one year. Four times the annual rental if the transferee is a Bonai subject otherwise six times. 10 per cent. of the land revenue if succeeded by direct male heirs in gaontiahi succession cases. 25 per cent. by any other relation. 80 per cent. by a distant relative on an outsider.
		Amin fee ...	Re. 1 per day.
		Proclamation and process fees.	0-4-0 to Re. 1 according to its nature.
		Stamp and Registration.	Indian Acts are followed.
Chang Bhakar		Transfer not permitted.	
Chhuikhadan		No fee is charged.	(Transfer not permitted.)
Daspalla	...	Mutation ...	10 per cent. of the consideration in sale or gift Rs. 2 only on exchange.
		Stamp Duty comes to roughly one per cent. of the value.	
		Registration fee varies from 0-4-0 for bonds of Rs. 10 value to Rs. 3 for bonds with Rs. 100 and Rs. 2-8-0 for every extra Rs. 100.	

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Amin fee for the services of the amin is Rs. 1-8-0 to Rs. 3.
Process fee 0-8-0.

Dhenkanal ... Salami is charged according to the class of land transferred from Rs. 2 to Rs. 17.
Mutation fee 0-4-0 per acre to a maximum of Rs. 20.
The Stamp duty on documents of sale and mortgage comes to one-half per cent.
Registration comes to one-half per cent.
Amin fee 0-10-0 per diem.
No proclamation fee is charged.

Gangpur ... Salami on transfer by sale 2 annas per rupee of consideration.
About 10 per cent. on transfer of nazul lands.
Mutation 0-4-0 per acre or part of an acre subject to a limit of Rs. 5 with a minimum of Re. 1.
Stamp Duty and Registration according to Indian Acts.
Amin fee of 0-6-0 per diem is charged.
Proclamation fee 0-8-0.

Hindol ...

Mutation	...	12½ per cent. of the consideration or six times the annual rental whichever is greater in cases of sale. Re. 1 for each tauzi in case of inheritance. 0-3-0 per rupee of rent in all other cases.
Stamp Duty	...	Indian Stamp Act is followed.
Registration	...	About ½ per cent.
Amin fee	...	Re. 1 onwards according to area and distance.
Proclamation fee	...	Re. 1

Jashpur ...

Salami	...	One year's rental and a suit [private nazarana to the Ruler on succession of the zamindars.
Mutation	...	*Nil.*
Stamp	...	*Nil.*
Registration	...	0-2-0 per surrender deed.
Proclamation	...	1-8-0 per proclamation.

Other fee on applications 0-8-0.

Kalahandi ... No. rights of transfer.

Mutation	...	Re. 0-4-0 for every Rs. 50 in gaonti villages (payable by the new gaontia), Re. 0-2-0 for every Rs. 50 in muafi villages by muafidar, Re. 0-2-0 for every Rs 50 in hilly villages payable by gaontia and Re. 0-1-0 for every Rs. 50 in hilly villages payable by muafidars.

Homestead lands at the nazul towns can be transferred on payment of 0-8-0 for every Rs. 50 value subject to the maximum of Rs. 15.

Kanker ...

Salami	...	Nothing is levied by the State. But the Thekedrr is entitled to a nazarana from the transferee of 25 per cent. and 12½ per cent. in the case of transfer by sale of gairmaurusi and maurusi respectively.
Mutation	...	Rs. 3 uniform.
Stamp duty	...	Re. 1 per cent. on the value of land.
Registration	...	Re. 1 registration fee, Rs. 2 Attestation fee and 0-4-0 extra fee and copying fee 0-2-6 for hundred words.

Court fee on application Rs. 2.
Proclamation fee Rs. 2.

Kawardha ...

Nazarana	...	12½ per cent. for the tenants ; aboriginals 5 per cent.
Registration fee	...	Re. 1 up to Rs. 100 and 0-8-0 for every Rs. 100.
Attestation	...	Rs. 2.
Endorsement	...	Re. 1.
Copying	...	0-12-0.

Keonjhar ...

Salami	...	Rs. 2 to Rs. 3 in cases of allotment of nayabadi lands, homestead gora and pal lands.
Mutation	...	Nothing in case of inheritance. On transfer by sale 12½ per cent. from non-aboriginals ; 6¼ per cent. from aboriginals. By gift Rs. 32 per acre to Rs. 6 according to the class of land. In case of unauthorised transfer 12½ per cent. mutation is charged over and above salami.
Stamp	...	Indian Stamp Act is followed.

Registration charge is about ½ per cent.
Amin and proclamation fees Re. 1 each except in nayabadi cases where 0-8-0 each is charged.

Khairagarh ...

Stamp and Registration.		Indian Acts are followed.
Registration fee	...	Re. 1.
Endorsement	...	0-4-0.

and a copying fee of 0-2-6 per 100 words.

Khandpara ...

Salami	...	10 per cent. of the consideration in the case of non-aberiginals aboriginals and 5 per cent. in the case of aboriginals.
Mutation	...	0-4-0 per rupee of rental—minimum Re. 1. (If the mutation is not applied for in time, penalty is double fee till 12 months 0-2-0 daily afterwards.)
Stamp duty	...	About ½ per cent.
Registration	...	About 2 per cent.
Proclamation fee	...	Re. 1

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Kharsawan	...	Salami	... Varies from Rs. 2 to Rs. 200 per bigha for different kinds of lands in Sadant Pir and Kolhan Pir.
		Mutation	... 0-2-0 per bigha—minimnm Re. 1 : Maximnm Rs. 5, payable in court fees.
		Stamp duty comes to about 1 per cent.	
		Registration fee	... 0-12-0 per deed.
		Amin's fee	... Re. 1 per diem.
		Proclamation fee	... Re. 1 *plus* 0-6-0 for the price of printed forms, drumer's fee, etc.
Korea	...	Transfer not permitted.	
Nandgaon	...	Salami	... Gaontia gets 25 per cent. (generally not fixed on all transfers and pays to the State 25 per cent. of what he gets.
		Mutation	... No mutation on tenancy lands but on gaontia succession 0-2-0 for Rs. 50 mutation has to be paid.
		Stamp Duty	... Re. 1 for each deed.
		Registration	... Rs. 2 *plus* 0-2-6 writing fees for 100 words and 0-4-0 endorsement fee.
Narsinghpur	...	Salami	... 10 per cent. for sales, 5 per cent. for exchanges and 20 per cent. for gift.
		Mutation	... 0-2-0 per rupee of rental on bhogra or ryoti lands for direct succession, otherwise 0-4-0.
		Stamp duty about 1 per cent.	
		Registration fees comes to about ½ per cent.	
		Amin fee	... 0-8-0 within 5 miles and for 5 acres and 0-4-0 for every additional 5 acres.
		Proclamation fee	... Re. 1.
		On every application 0-8-0 court fee should be affixed.	
Nayagarh	...	Salami : Sale : Ryoti lands.	10 times the rental or 20 per cent. of the consideration whichever is higher.
		Brahmottar tanki	... 20 times the rental of 37½ per cent. of the consideration whichever is greater.
		Anugruhi jagir	... 20 times the rental or 40 per cent. of the consideration whichever is greater.
		Gift	... 3 times the rental.
		Exchange	... Rs. 2 per acre is taken.
		Mutation	... 0-4-0 per rupee of the rental—minimum Re. 1 (If mutation is not applied for in time penalty rate is charged).
		Stamp duty about 1 per cent.	
		Registration	... About 2 per cent.
		Amin fee	... Re. 1 per day.
		Proclamation fee	... Re. 1.
		0-2-0 for every kind of application.	
Nilgiri	...	No Salami.	
		Mutation	... 3 times the rental.
		Stamp Duty	... About ¾ per cent.
		Registration fee abount ½ per cent.	
		Proclamation fee	... 0-8-0.
		Mutation applications 0-12-0.	
Pal-Lahara	...	Nazarana	... 10 per cent. of the consideration.
		Mutation	... 0-12-0 per holding irrespective of the area,
		Stamp Duty	... 1 per cent.
		Registration fees	... About ½ per cent.
		Amin fees	... 0-8-0 per each enquiry.
		Proclamation fees	... Re. 1 for each case.
Patna	...	Nazarana	... 25 per cent. of the consideration or 12½ times the rental. Rs. 10 per acre for jalcher lands. Rs. 5 per acre for settlement of forest and waste lands.
		Mutation : Thekedari 0-4-0 for Rs. 100.	
		Ryoti	... 25 per cent. of the value of the land.
		Stamp and Registration fee.	According to Indian Acts.
		Amin fee	... Rs. 1 onwards according to the distance.
		Proclamation fee	... Rs. 2.
Raigarh	...	Nazarana	... 25 per cent. of the sale proceeds taken by gaontia.
		Mutation	... 0-4-0 for Rs. 50 gaontiahi mutation only.
		Stamp Duty	... Indian Act rates.
		Registration	... For surrender and transfer deeds Rs. 5. For mortgage Rs. 2-8-0 (Rest Indian Act rates).
		Patwari	... 0-2-0 per mile.
Rirakhol	...	Nazarana	... Not fixed but generally offered.
		Mutation	... 0-2-0 per rupee of bhogra or ryoti rent for direct succession; otherwise 0-4-0.
		Stamp Duty	... Indian rates.
		Amin fees	... 0-10-0 per diem.
		Proclamation fee	... Re. 1 per proclamation.
Ranpur	...	Nazarana	... 25 per cent. by Brahmottar holders only. 5 per cent. of the immovable property in adoption cases.

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		Mutation	... Re. 1 per acre with proclamation fee 0-4-0.
		Stamp Duty and Registration fees as per Indian Acts.	
Sarangarh	...	Salami	... 10 per cent. allowed to village gaontias on sales.
		Mutation	... *Nil.*
		Stamp Duty	... 1 to 1½ per cent.
		Registration fee 1 per cent.	
		Endorsement fee 0-8-0.	
		Registrar's fee Re. 1 per document.	
		Moharrir's fee 0-8-0.	
Sakti	...	Consent money at 15 per cent. on the consideration.	
		Mutation nil.	
		Stamp duty one per cent.	
		Registration fee Rs. 3.	
Seraikela	...	Salami	... Re.-1 to Rs. 200 per bigha according to the class of land.
		Mutation	... Re. 0-2-0 per bigha subject to a minimum of Re 1.
		Stamp Duty	... About ½ per cent.
		Registration about ½ per cent.	
		Amin's Rs. 1-8-0 to 5-0-0 according to the distance.	
Sonepur	...	Salami	... 10 per cent. to the village holder. 15 per cent. to the Ruler from the purchaser.
		Stamp, etc.	... According to Indian Acts.
Surguja	...	Consent money	... 12½ per cent. or 2½ times the rent whichever s great. One year's rent for exchange.
		Mutation fee	... 0-4-0 for every Rs. 10 of rent.
		Stamp and Registration fee.	Central Provinces rates.
		Amin fees	... 0-12-0 per day.
Tilcher	...	Salami is 12½ per cent. on sales.	
		Stamp duty sbout ¾ per cent.	
		Registration fee is also levied.	
Tigiria	...	Salami 1/8 and 1/16 of the consideration on the sale of the State land and sikmi lands. Re. 1 per gunth on allotment of waste land.	
		Mutation Re. 1 for Rs. 5 rental.	
		Stamp duty	... 1 per cent.
		Registration fee	... About 2 per cent.
		Amin fee Re. 1.	
Udaipur	...	Salami—25 per cent.	

APPENDIX V.

Section 40 of the Central Provinces Tenancy Act.

40. (1) Subject to rules made under section 109, a Revenue Officer may, either of his own motion or on an application made by a subtenant holding land from a tenant, declare such sub-tenant to be an occupancy tenant of such land on the ground that the land is habitually sublet and fix the rent payable by him for the land to the landlord of the village, mahal or patti in which the land is situate, and thereupon the right of the original tenant in the land shall be extinguished ;

Provided that no such declaration shall be made in the case of a sub-tenant holding land from a charitable or religious endowment :

Provided further that no such declaration shall be made in the case of a sub-tenant holding land under a lease made before the first day of November 1939 :

Provided also no land shall be deemed to be habitually sublet by reason of a lease made before the first day of November 1939.

(2) A declaration made under sub-section (1) shall take effect from the commencement of the agricultural year next following the date of such declaration.

Explanation:—For the purpose of this section land may be presumed to be habitually sublet, if it is sublet for a total period exceeding seven years during any consecutive perid of ten years, but no such presumption shall necessarily be made in the case of land of a minor or any other person subject to a legal disability or physical infirmity or a woman.

Section 62 of the Proposed Revenue Law.

62 (1) Any person in cultivating possession of land belonging to a ryot or tenant may apply to a revenue officer to be declared the ryot or tenant of the land, as the case may be, on the ground that the land is habitually sublet, and the revenue officer may make such a declaration on deposit by the applicant of a sum equal to five times the assessment for payment to the original ryot or tenant, whose right in the land shall thereupon be extinguished.

(2) A declaration made under sub-section (1) shall take effect from the commencement of the agricultural year next following the date of such declaration.

(3) For the purpose of this section land may be presumed to be habitually sublet, if it is sublet for a total period exceeding seven years during any consecutive period of ten years after the commencement of this Law, but such a presumption shall not necessarily be made in the case of land of a minor or any other person subject to a legal disability or physical infirmity or a woman.

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REPORT

ON

LAND TENURES & THE REVENUE SYSTEM

OF THE

ORISSA AND CHHATISGARH STATES

BY

R. K. RAMADHYANI Esq. I.C.S.
OFFICER ON SPECIAL DUTY

Volume II—Draft Revenue Law with Note.

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NOTE ON DRAFT LAW.

It has not been possible to prepare a detailed statement of objects and reasons ; such a statement would be voluminous and require considerable time for its preparation if an adequate explanation of all the provisions is to be conveyed. The general report will, I hope, serve the purpose to some extent.

2. A feature of the Law which may attract notice is that a number of matters are left to be dealt with by rules. This has been necessary on account of the differing practices in each State and though in view of the general uniformity in agriculture and country as well as the principles of administration it is possible to eliminate many of the differences, it is not advisable to do this without a careful examination in detail of the circumstances of each State and discussion. Another feature is that practically no difference has been made between cultivators in areas held by tenure-holders and cultivators directly under the State. This corresponds to a large extent to the practical position and, in view of the general tendency everywhere including the States, for the State to make settlements make the position of tenants correspond as closely as possible to that under a ryotwari system, it has been considered desirable to emphasise that cultivators, whether under tenure-holders or under the State, have the same rights and liabilities. No difference between rent and land revenue has therefore been made and the word "tenant" has been used to describe cultivators with permanent rights in land in tenure-holders' villages merely for the sake of brevity.

3. The draft Law is in some ways incomplete. No index has been prepared and sections have not been given a descriptive heading. I have noticed also after the fair-copying was done that there are no provisions for the disposal of produce-rent (provisions are necessary in view of malpractices, unless it is considered that the Revenue Adviser recommended should be able to stop them) and in respect of the sale of land held by aboriginals, provisions may be considered necessary for the regulation of sale by civil courts or by revenue courts for arrears of land revenue in view of the restricted right of transfer. The arrangement of the sections may need some alteration also. I have not considered it worth while to make the draft complete in all these respects as changes may be found necessary after orders have been passed on the report.

R. K. RAMADHYANI,
Officer on Special Duty.

REVENUE LAW.

WHEREAS it is expedient to consolidate and amend the laws or rules relating to land revenue, the powers of revenue officers and other matters relating to land, and the liabilities incident thereto, in the State of..... the Durbar, in supersession of all existing orders, rules, notifications or enactments relating to land, is pleased to make the following law—

CHAPTER I.

1. (1) This law may be called the.....State Revenue Law, 1942.

(2) It extends to the whole of the State of.....except such areas as may from time to time be constituted as reserved forest under the Forest Rules or any enactment for the time being in force relating to the forests of the State.

(3) It shall come into force on notification in the State Gazette or promulgation by any other customary means,

2. In this law, unless there is anything repugnant in the subject or context,—

(1) 'State' means the Government of the State of.....;

(2) 'agricultural year' means the year commencing on the first day of April or on such date as the Durbar may, in the whole of the State or in the case of any specified local area, by notification or other customary means, appoint ;

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(3) 'alienated land' means any area in respect of which the State has recognised or conferred, wholly or in part, the right, either by itself or in addition to other rights, of a person hereinafter referred to as a 'tenure-holder' to receive land revenue on his own behalf and the right of a tenure-holder is called a 'tenure';

Explanation.—A *gaontia* or other person holding a village on lease is not a tenure-holder.

(4) 'holding' means a parcel of land in respect of which the area, the name of the person entitled to possession, and the land revenue payable, are entered under a separate indicative number in the land records, or, a parcel of land separately assessed to land revenue existing apart from other lands similarly assessed ;

(5) 'improvement' means with reference to land, any work which materially adds to the value of such land, which is suitable thereto and consistent with the purpose for which it is held, and which, if not executed on the land, is either executed directly for its benefit, or is, after execution made directly beneficial to it, and, subject to the foregoing provision includes—

(a) the construction of tanks, wells, water channels, embankments and other works for the storage, supply or distribution of water for agricultural purposes ;

(b) the construction of works for the drainage of land or for the protection of land from floods, or from erosion or other damage from water ;

(c) the planting of trees and the reclaiming, clearing, enclosing, levelling or terracing of land ;

(d) the erection of buildings on land or in its immediate vicinity, elsewhere than in the village site, required for the convenient or profitable use of such land, and

(e) the renewal or reconstruction of any of the forthcoming works or alterations therein or additions thereto, but does not include temporary wells or other works or petty alterations or any repairs to such works as are commonly made by agriculturists of the locality in the ordinary course of agriculture ;

Explanation.—Work which benefits several holdings may be deemed to be an 'improvement' with respect to each of such holdings.

(6) 'land' means a portion of the earth's surface and where land is referred to in this Law it shall be deemed to include all things attached to or permanently fixed to anything attached to such land ;

(7) 'land records' means records maintained under the provisions, and for the purposes, of Chapter IX.

(8) 'Dewan' means the principal executive officer of the State or any officer declared to be Dewan for the purpose of this Law ;

(9) 'revenue officer' means any officer declared to be a revenue officer by this Law and any other officer whom the Durbar may, for any of the purposes of this Law declare to be a revenue officer ;

(10) 'ryot' means any person who acquires the right to occupy unoccupied unalienated land for agricultural or non-agricultural purposes in manner prescribed by this Law and any person who, prior to the commencement of this Law, has been admitted to the occupation of such land by any authority exercising powers in this respect, for agricultural or non-agricultural purposes, subject to the payment of land revenue ;

(11) 'village' includes any tract of land which at the last revenue survey of such land has been recognised as a village or which may be recognised as such at a revenue survey made after the commencement of this Law or which the Durbar may, by notification, declare to be a village for the purposes of this Law ;

(12) '*gaontia*' means any person holding a village as *gaontia*, *ganjhu*, *garhnaik*, *thekedar*, *padhan*, *patel* or *sarbarakar*, or a tenure-holder, holding the village directly that is, without any recognised lessee or headman at the commencement of this Law ;

(13) '*bhogra* lands' means lands held as an incident of his office by a *gaontia*, or recorded as *bhogra* in the land records of any village at the last revenue survey, and includes such land as has come into the possession of a

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gaontia to be held as an incident of his office under any customary right or the terms of any agreement between him and the Durbar or tenure-holder existing at the commencement of this Law ;

(14) 'Durbar' means the Ruler, or such other person in charge of the administration of the State during minority or other disability of the Ruler, acting under the advice of a Revenue Adviser appointed for the purpose of advising the Ruler generally on all matters concerning the administration of this Law and, in particular, the following matters :

(a) the conduct of revenue surveys and settlements ;

(b) the decision of appeals and revisions lying to the Durbar under this Law ;

(c) the framing and enforcement of rules and executive instructions under this Law ; and

(d) supervision and guidance of revenue courts and officers administering this Law ;

Note.—The Revenue Adviser will be a person appointed with the approval of the Crown Representative but in the absence of such a person the Dewan or other person appointed by the Ruler may be the Revenue Adviser.

(15) 'aboriginal' means the member of a tribe or caste notified by the Durbar as aboriginal in any local area or in the whole of the State ;

(16) 'prescribed' means prescribed by rules made under this Law ;

(17) '*salami*' means premium ;

(18) 'agriculture' and 'agricultural purpose' includes the raising of crops, the growing of trees, the cultivation of flowers or vegetables and the reservation of land for grass or fodder.

CHAPTER II.— Land and Land Revenue

3. (1) Save as otherwise provided by any law or rule having the force of law for the time being in force, all lands, public roads, lanes and paths, and bridges, ditches, dykes and fences on or beside the same, the beds of rivers, streams, nallahs, lakes and tanks and all canals and water courses and all standing and flowing water and all rights therein which are not the property of persons are, and are hereby declared to be, the property of the State.

(2) Where the State claims any right under sub-section (1) and the claim is disputed by any person, it shall be decided by the Dewan whose orders shall, subject to the provisions of sub-section (3) and (4), be subject to appeal or revision in accordance with the provisions of this Law, but shall not otherwise be contested before any court or other authority.

(3) Where an order of the Dewan made under sub-section (2) or an order in appeal therefrom, or any revision thereof, is in favour of the State, any person aggrieved thereby may institute a civil suit to establish his rights within a period of one year from the date of communication to him of such order.

(4) Where a civil suit has been instituted under sub-section (3) against any order such order shall not be subject to appeal or revision.

4. (1) Unless there is a customary right recognised by the State or it is otherwise expressly provided in the terms of a sanad or grant or order made by the State or recognised by the State, and such provision in the terms of the sanad or grant or order has not subsequently been cancelled, by any order or custom, the right to all minerals shall vest in the State which shall have all powers necessary for the proper enjoyment of such rights.

(2) The right to all minerals includes the right of access to land for the purpose of mining and quarrying and the right to occupy such other land as may be necessary for the purposes subsidiary thereto, including erection of offices, workmen's dwellings and machinery, the stacking of minerals and the deposit of refuse, the construction of roads, railways or tram lines and any other purposes which the Durbar may declare to be subsidiary to mining and quarrying with the approval of the Resident for the Eastern States.

(3) If the State has assigned to any person its right over any minerals, mines or quarries, and if for the proper enjoyment of such it is necessary that all or any of the powers specified in sub-section (1) and (2) should be exercised, the Dewan may, by an order in writing, subject to such conditions and reservations as he may prescribe, delegate such powers to the person to whom the right has been assigned, provided that no such delegation of rights sufficient to allow a person to prospect for minerals shall be made until notice has been duly served on all persons having rights in the lands affected and their objections, if any, have been heard and considered.

(4) If in the exercise of the right herein referred to over any land, the rights of any person are infringed by the occupation or disturbance of the surface of such land the State or its assignee shall pay to such person compensation for such infringement, and in the absence of agreement the amount of such compensation shall be calculated by the Dewan, or if the award is not accepted, by the civil court, as nearly as may be in accordance with the provisions of any enactment in force made for the acquisition of land.

(5) No assignee of the State shall enter on or occupy the surface of any land without the previous sanction of the Dewan, unless the compensation has been agreed upon or calculated by the Dewan and tendered to the person whose rights are infringed.

(6) If any assignee of the State fails to pay compensation as provided in sub-section (4), the Dewan may recover such compensation from him on behalf of the person entitled to it as if it were an arrear of land revenue.

(7) The exercise of the right of any person to minerals under the terms of a grant, or order, or recognised custom, shall be subject to the terms of such grant, order or custom and to rules framed under this section.

Explanation.— In this section 'minerals' includes any sand or clay which the Durbar, with the approval of the Resident for the Eastern States, may declare to have a commercial value or to be required for any public purpose.

5. (1) Except on land occupied for agricultural or non-agricultural purposes under the provisions of this Law or occupied for such purposes in any recognised or lawful manner before the commencement of this Law, all trees, shrubs, brushwood and other natural products wherever growing shall vest in the State and shall be disposed of in accordance with the provisions of this Law or rules made under it.

(2) In alienated lands trees, shrubs, under-growth, and other natural products shall vest in the State unless they have been alienated at the time the land was alienated and such alienation has not been subsequently cancelled by any order or custom.

(3) In all lands trees, shrubs, under-growth and other natural products shall be deemed to be a part of the land on which they are situated.

6. (1) All land, to whatever purpose applied and wherever situated, is liable to the payment of revenue to the State except such land as has been wholly exempted from such liability by special grant of, or contract with the State.

(2) Such revenue is called 'land revenue' and that term includes all amounts payable in cash or in kind to the State for land notwithstanding that such payments may be described as *salami*, rent, quit-rent or in any other manner in any enactment, rule, contract or deed.

7. (1) The assessment of land revenue on any land shall be made, or shall be deemed to have been made, as the case may be, with reference to the use of the land, (a) for the purpose of agriculture, (b) as sites for dwelling houses : and (c) for any other purpose.

(2) Where land assessed for use for one purpose is diverted to any other purpose, the land revenue payable upon such land shall, notwithstanding that the term for which the assessment may have been fixed has not expired, be liable to be altered and assessed at a different rate by a revenue officer subject to rules made under this Law.

(3) Where land held free from payment of land revenue on condition, expressed or implicit, of being used for any purpose is diverted to any other purpose it shall become liable to payment of land revenue.

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Explanation.—Where land is held as site for a dwelling house and a portion thereof is used for cultivation, such portion shall not be deemed to have been diverted to another purpose.

(4) Where land is diverted and land revenue is assessed thereon under the provisions of this section the Dewan shall also have the powers to impose a *salami* on the diversion in accordance with the rules made under this Law :

Provided that the *salami* shall in no case exceed five hundred rupees per acre ;

Provided further that *salami* shall not be levied under this sub-section in any village with a population of less than 1,500.

8. On all lands on which an assessment has not been recorded during a revenue survey the Dewan may make the assessment of land revenue in accordance with rules made under this Law.

9. Subject to rules made under this Law, the Durbar may fix rates for the use of water which has been made available in consequence of the construction, improvement or repair of any irrigation or other work by the State, in consultation with such local committee as may be prescribed. Such rates shall be liable to revision at such periods as may be determined and shall be recoverable as land revenue.

CHAPTER III.—Disposal of unalienated land and rights of ryots.

10. (1) A ryot shall hold the land to the occupation of which he is admitted, or is deemed to have been admitted, under the provisions of this Law, in accordance with the provisions of this Law.

(2) If any person has acquired the right to occupy land as a ryot prior to the commencement of this Law, all restrictions or conditions heretofore imposed on his right shall henceforth be of no effect in so far as they may be inconsistent with the provisions of this Law.

(3) Lands under shifting cultivation in an area where such cultivation is permitted, shall not be deemed to be held in the rights of a ryot notwithstanding that a tax is levied in the area.

Explanation.—Shifting cultivation means cultivation known as *dahia*, *rama*, or *bewar* or such other name as may be specified by the Durbar by notification.

(4) Land such as alluvial land in the bed of a river or garden land leased out by the State for periods not exceeding three years at a time shall not be deemed to be held in the rights of a ryot.

11. (1) Subject to rules made under this Law, the right to occupy unoccupied, unalienated land including trees or other forest growth shall be disposed of by the Dewan who may require the payment of a *salami* for such right or may sell the same by auction : provided that where the land is disposed of for the purpose of the erection of a building or for any purpose other than agriculture, such conditions as may be prescribed by rules under this section may be imposed in the interests of public health, safety or convenience.

(2) Nothing in sub-section (1) shall be deemed to derogate from the powers, if any, of a municipal or other body constituted for the purpose of maintaining public sanitation, to impose conditions in the interests of public health, safety or convenience.

(3) The disposal of the right to unoccupied unalienated land in any area inhabited largely or exclusively by aboriginals shall be made according to rules, if any, made specially for such area under this sub-section.

(4) In any local area, or in the whole of the State, the Durbar may, for the purpose of encouraging cultivation, by notification direct that the right to occupy unoccupied unalienated land shall be disposed of without the levy of a *salami*.

(5) The Dewan may order that land revenue shall not be recovered or shall be recovered at a reduced rate, on lands disposed of under sub-section (4) for such period and to such extent as may be prescribed.

(6) No *salami* shall be levied on lands, disposed of under sub-section (4) at a future date.

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12. (1) Subject to his personal law, the rights of a ryot shall, notwithstanding anything contained in any rules, agreement, orders or custom in existence before the commencement of this Law, be permanent and transferable, and on his death shall pass by inheritance, bequest, or survivorship as the case be : provided that in any local area which the Durbar may, by notification, specify,

(i) no land shall be sold in execution of a civil court decree for money only ;

(ii) mortgages of land shall be usufructuary only for such period not exceeding 15 years as may be prescribed.

(2) The rights of an aboriginal ryot shall not be transferred to a non-aboriginal without the sanction of the Durbar or, if he is empowered in this behalf, the Dewan.

(3) The rights of a ryot shall not be transferred to a person who is not a subject of the State without the sanction of the Durbar, or if he is empowered in this behalf, the Dewan, unless the Durbar by notification, otherwise directs.

(4) If the area of an agricultural holding is less than one acre the rights of a ryot in a portion of it shall not be transferred unless it is to form a portion of an adjoining holding.

(5) No fee shall be charged for the grant of sanction required under sub-section (2) or (3).

(6) All sales and mortgages shall be effected by means of a registered document.

(7) No registering officer shall admit to registration a document purporting to transfer by sale or mortgage of any kind or in any other manner the rights of a ryot in land held by an aboriginal to a person who is not an aboriginal, or by any person to a person who is not a subject of the State, unless the sanction required under sub-section (2) or, unless the Durbar otherwise directs, sub-section (3), as the case may be has been obtained and the conditions of sub-section (3) are fulfilled.

13. A ryot holding land for the purpose of agriculture is entitled by himself, his servants, lessees, agents or other representatives to build farm buildings, construct wells or tanks or make any other improvements thereon for the better cultivation of the land or its more convenient use for the purpose aforesaid : provided that such improvement does not cause damage or deterioration in any other land.

Explanation.—For the purpose of this section 'farm building' shall include a dwelling house inhabited by the ryot, his dependents or servants.

14. (1) If any person holding land for any purpose wishes to divert the holding or any part thereof to any other purpose he shall apply for permission to the Dewan who may, subject to the provisions of this section and to rules made under this Law, refuse or grant it on such conditions as he may think fit.

(2) Permission to divert may be refused only on the ground that the diversion is likely to cause a public nuisance.

(3) Conditions may be imposed on diversion for the following objects and no others, namely, in order to secure the public health, safety or convenience, or, in the case of land which is to be used as a building site, in order to secure that the dimensions, arrangements and accessibility of the sites are adequate for the health or convenience of occupiers and are suitable to the locality.

(4) If any land is diverted without notice being given to the Dewan, the Dewan, on receiving information thereof, may proceed in accordance with the provisions of sub-section (1) as if notice had been given, and he may also impose on the person holding such land a penalty not exceeding one hundred rupees which may be recovered as an arrear of land revenue.

(5) If any land is, or continues to be, diverted after permission has been refused, or if any condition imposed under the sub-section (3) is contravened, the Dewan may serve a notice on the person holding the land directing him, within a reasonable period to be stated in the notice, to use the land for its original purpose or observe the condition, and such notice

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may require him to remove any structure, to fill up any excavation, or to take such other steps as may be required in order that the land may be used for its original purpose or that the condition may be satisfied.

(6) If the person holding the land fails, within the period stated in the notice, to take the steps ordered by the Dewan, the Dewan may himself take such steps, or cause them to be taken, and any costs incurred in so doing shall be levied from the person holding the land as an arrear of land revenue.

(7) If the person holding the land fails, within the period stated in the notice, to take the steps ordered by the Dewan, or having taken the steps again diverts the land, or contravenes the conditions to which the notice related, or again diverts land or contravenes such conditions after the Dewan has taken steps under sub-section (2), the Dewan may impose upon him a penalty not exceeding one hundred rupees, and where the diversion or contravention of the condition is a continuing one, a further penalty not exceeding ten rupees for each day during which the diversion or contravention is persisted in, and such penalties shall be recoverable as arrears of land revenue.

(8) The Dewan may also, on the application of any person holding land and subject to rules made under this Law, summarily eject any person found in possession of any land which is being used for any purpose other than that for which it was last offered by the State.

15. (1) Subject to rules made under this Law, a ryot may relinquish his rights, that is, resign them in favour of the State but subject to any rights, tenures, encumbrances or equities lawfully subsisting in favour of any person (other than the State or ryot) by giving notice in writing to such revenue officer as may be empowered in this behalf before such date as may be prescribed; and such relinquishment shall have the effect from the first day of the agricultural year next following, provided that no rights which extend to less than a whole holding may be so relinquished.

(2) The ryot shall be liable for the land revenue of the holding for the agricultural year preceding that in which relinquishment becomes effective.

16. If a holding of less than such area as may be prescribed is relinquished, the Dewan shall offer the right to occupy such holding on such *salami* as he thinks fit to the ryots of adjoining holdings, and if there be competition among such occupants he shall sell such right to the highest bidder amongst them. In the event of the land being not less than the area prescribed or being not accepted by any of the ryots of adjoining holdings, it shall be disposed of under the provisions of Section 11.

17. If any person relinquishes his right to land the way to which lies through other lands retained by him, any future ryot or tenant of the land relinquished shall be entitled to a right of way through the land retained.

18. (1) If a ryot ceases to cultivate his holding either by himself or by some other person, and has allowed one years's land revenue to fall into arrears and has left the village in which he usually resides, a revenue officer may, at any time after the end of the agricultural year, after such proclamation and enquiry as may be prescribed, declare the holding as relinquished.

(2) If at any time before a holding is declared as relinquished any person pays the arrears of land revenue due on the holding, the proceedings shall be dropped.

(3) Any ryot whose holding has been declared as relinquished under sub-section (1) may, within a period of six months from the date of the order, apply to be reinstated on the ground that he had no intention of abandoning his holding, and the revenue officer may, after such enquiry as he thinks fit and on payment of arrears of land revenue, due on the holding and the costs of any processes issued under sub-section (1) reinstate the ryot.

(4) The revenue officer shall not proceed under section 16 till the expiry of six months from the date of the order declaring the holding to have been relinquished.

19. (1) If a ryot dies without any heirs, the Dewan shall take possession of the holding and shall issue a proclamation inviting claimants, if any, to

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establish their title within such period of not less than one year as may be prescribed in this behalf.

(2) If no claimant appears who can establish his title to the holding, the holding shall be recorded as unoccupied and may be disposed of under the provisions of section 11.

20. (1) Any person who unauthorisedly takes possession of any unoccupied unalienated land or any land set apart for any special purpose shall be liable to pay the assessment fixed under the provisions of this Law for the whole period of his occupation and shall also be liable to a penalty not exceeding one rupee per acre if the land has been occupied for purposes of agriculture or fifteen rupees per acre if it has been used for any non-agricultural purposes.

(2) The payment of the assessment or penalty mentioned in sub-section (1) shall not entitle the person on whom it is imposed to continue in possession of the land.

(3) For the purposes of sub-section (1) possession for a portion of year shall be taken as a whole year.

(4) Any person in unauthorised possession of any such land may be summarily ejected by the Dewan; and any building or any other structure erected thereon, if not removed after such written notice as the Dewan may deem reasonable, and also any crop on the land shall be liable to forfeiture by order of the Dewan.

(5) Any property so forfeited may be disposed of as the Dewan may direct and the cost of removal of any structure, earth-work or material erected or placed upon the land and all works necessary to restore the land to its original condition, if not recovered by sale of the property forfeited, shall be recoverable as an arrear of land revenue from the person who unauthorisedly took possession of the land.

(6) If the Dewan does not proceed under sub-section (4) but considers that the person unauthorisedly taking possession may be given the right to occupy the land, he may confer such right on payment of a *salami* equal to twenty-five times the fair assessment in addition to any penalty levied under sub-section (1).

21. (1) Alluvial land formed on any bank which adjoins unalienated land shall vest in the State but the ryot, if any, of the land adjoining such bank shall be entitled to the use of the alluvial land so added to his holding free from the payment of land revenue during the term of the current settlement unless the area added to his holding exceeds one acre.

(2) The disposal of alluvial land formed on any bank which adjoins alienated land shall be with the tenure holder or the State according as the tenure-holder has, or has not, the rights of disposal of such land.

(3) When the area of alluvial land added to a holding exceeds one acre the rights of a ryot or tenant in such land shall, with due regard to the interest of the public convenience, be offered to the ryot or tenant of the holding at a *salami* which shall not exceed ten times the assessment of the land so formed. If the ryot or tenant refuses the offer, the land may be disposed of in accordance with the provisions of section 11 or section 34, as the case may be.

22. (1) Where any holding is diminished in area by diluvion to the extent of one acre or more, the land revenue payable on such holding shall be decreased on the application of the ryot or tenant.

(2) A ryot or tenant may apply for the land revenue of his holding to be decreased on the ground that permanent deterioration of his holding has taken place and in dealing with such applications the Dewan or other revenue officer empowered in this behalf shall be guided by rules made under this sub-section.

23. (1) Whenever a ryot or tenant proposes to sell the whole or any portion of his interest in land, he may give notice of his intention to the ryots or tenants of lands adjoining his land who shall have a prior right to purchase the land subject to rules made under this section.

(2) Any ryot or tenant, coming to know of the intention of the ryot or tenant of adjoining land to sell the whole or any portion of his interest, may offer to purchase such interest for a price to be agreed upon and, in the event of a dispute, may refer the matter to a revenue officer.

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(3) Rules may be made for the purpose of giving effect to the provisions of this section.

(4) The provisions of this section shall apply to land held for agricultural purposes only.

CHAPTER IV.—TENURE-HOLDERS, GRANTEES AND TENANTS.

24 (1) Tenure-holders shall be of the following classes, namely,

(i) tenure-holders liable to render services as a condition of the tenure;
(ii) tenure-holders not so liable.

(2) Where a tenure is held in the name of, or for the purposes of, a deity, the person for the time being exercising the powers of management over such tenure or receiving the revenue thereof shall be deemed to be the tenure-holder.

(3) '*Takoli*' means any amount payable by a tenure-holder, whether known as '*takoli*' or otherwise, for the right to hold the tenure and includes a cess payable by the tenure-holder before the commencement of this Law in addition to the *takoli* or other payment.

Explanation.—Cesses imposed by the State on the tenants of alienated areas shall not be considered to be *takoli*.

25. (1) Subject to the provisions of this Law the rights and liabilities of a tenure-holder shall be governed by the terms of his sanad, deed, or order, if any, under which he holds, or by recognised custom, or any specific order or decision of the Ruler or the Political Authorities made before the commencement of this Law, in so far as they are valid at the commencement, and are not inconsistent with the provisions, of this Law.

(2) Where a tenure-holder has no rights in any matter, the State shall have such rights.

(3) Notwithstanding any previous custom or anything contained in the terms of a sanad, deed or order to the contrary, the succession to a tenure held in perpetuity shall be to direct male heirs only and in the absence of such heirs the tenure shall lapse and the lands shall be treated as unalienated.

(4) Save to the extent recognised before the commencement of this Law, a tenure shall not be liable to be partitioned or to be transferred by sale, mortgage or lease or in any other manner.

26. (1) Notwithstanding any custom, or anything in the terms of a sanad, deed or order to the contrary, no tenure-holder shall have the following powers :

(a) to make a revenue survey and settlement of the lands comprised in his tenure;

(b) save by a notice of demand, to take action against a tenant or other person in occupation of land in respect of recovery of land revenue or any other dues, otherwise than by applying to a revenue officer of the State;

(c) to impose on any person any cesses or levy anything not leviable under this Law or any other enactment for the time being in force;

(d) to compel the appearance of any tenant or other person not in his employ before himself or any other person appointed by him;

(e) to appoint, remove or punish village headmen or village servants;
(f) to impose fines or to eject any person in authorised possession of land;
(g) to acquire occupied land compulsorily;
(h) to maintain land records.

(2) A tenure-holder acting in contravention of the provisions of sub-section (1) shall be liable to be excluded from his tenure permanently, the tenure being resumed, or temporarily for such period as the Durbar may think fit, or to such penalty not exceeding the sum of five hundred rupees as the Durbar may impose.

27. (1) All persons recorded as in permanent occupation of alienated land in any survey or settlement record existing or current on the date of the commencement of this Law, or paying revenue or rent for lands hold by them directly to the tenure-holder, or to any person holding from him or authorised to receive revenue or rent on his behalf, and any persons how

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have succeeded to such land, shall be deemed to be the tenants of such land under this Law.

(2) Any dispute about the right of a person under sub-section (1) shall be decided by a revenue officer :

Provided that any person aggrieved by a decision of the revenue officer or by an order passed in appeal therefrom or in revision thereof may file a civil suit to establish his right within a period of one year from the date of the order.

(3) Persons acquiring the right to occupy unoccupied unalienated land under section 34 for agricultural or non-agricultural purposes are tenants of the tenure-holder :

Provided that any violation of the terms of that section by the tenure-holder shall not affect the rights of the tenant.

(4) All tenants, whether admitted to the occupation of alienated land under section 34 of this Law or deemed to be tenants under sub-section (1), shall have the same rights in land as a ryot under section 12 and a notification issued under that section may include alienated area.

28. The disposal of unoccupied land held by a tenure-holder with only a right to receive revenue shall be made by the State in accordance with the provisions of section 11 and the tenure-holder shall have no right to the *salami* :

Provided that if the tenure-holder has the right of bringing any land under cultivation by himself the provisions of this section shall not apply to lands occupied by the tenure-holder for cultivation.

29. (1) A tenant may relinquish his right in his holding and the provisions of section 15 shall be applicable as if he was a ryot :

Provided that if the tenure-holder has the right to accept a relinquishment the notice of relinquishment shall be given to the tenure-holder by registered post or in such other manner as may be prescribed in this behalf and land so relinquished shall be at the disposal of such tenure-holder.

(2) Rules may be made regarding the notice required under sub-section (1) and regarding the manner of disposal of relinquished land by the tenure-holder.

30. (1) If a tenant has not cultivated his holding either by himself or by some other person, and has allowed one year's land revenue to fall into arrears and has left the village in which he usually resides, the tenure-holder may, at any time after the end of the agricultural year, apply to a revenue officer for a declaration that the holding has been relinquished.

(2) The revenue officer to whom an application has been made under sub-section (1) may, after such proclamation and enquiry as may be prescribed, declare the holding as relinquished.

(3) If at any time before a holding is declared as relinquished under sub-section (2) any person deposits the arrears of land revenue due on the holding, the proceedings shall be dropped.

(4) Any tenant whose holding has been declared as relinquished under sub-section 2) may, within a period of six months from the date of the order, apply to the revenue officer to be reinstated on the ground that he had no intention of abandoning his holding, and the revenue officer may, after such enquiry as he thinks fit, and on payment of arrears of land revenue due on the holding and the costs of the proceedings to the tenure-holder, order reinstatement of the tenant.

(5) If an order has been passed under sub-section (2) the land shall not be disposed of by the tenure-holder till the expiry of six months from the date of the order.

31. The provisions of section 7 and rules made under it shall be applicable to the diversion of alienated land and the *salami* imposed shall be payable to the tenure-holder unless he has no rights in this behalf.

32. (1) If a tenant dies without heirs, the tenure-holder having rights in this behalf shall apply to a revenue officer, who may, after making necessary enquiries, authorise the tenure-holder to take possession of the holding before issuing a proclamation inviting claimants, if any, to establish their title within a period of one year from the date of the proclamation.

(2) If no claimant appears who can establish his title to the holding the holding shall be at the disposal of the tenure-holder.

33. A tenure-holder may apply to a revenue officer for the ejectment of a person in unauthorised occupation of alienated land and the revenue officer shall, after due enquiry, pass such orders as may be equitable and proper.

34 (1) The right to occupy unoccupied alienated land for the purposes of agriculture shall be disposed of by a tenure-holder having rights in this behalf by the levy of a *salami* or by auction, and no reservation of any rights in the land or conditions which cannot be imposed by the State under this Law may be imposed ; such reservations or conditions, if any, shall be null and void.

(2) No land may be disposed of by a tenure-holder for any non-agricultural purposes except with the permission of the Dewan who shall impose such conditions as are prescribed by rules made under section 11 as if the land were unalienated land and the tenure-holder as well as the tenant shall be bound by such conditions.

(3) Save where the assessment of the land has already been recorded at a revenue survey, the land revenue of such lands may be as agreed upon provided that a tenant may apply to a revenue officer to fix the revenue in the same manner as if the land were unalienated land.

35. (1) Where a tenure is held for the performance of any service or on condition of incurring any expenditure for a specified object, it shall be open to the Durbar at any time after the commencement of this Law to relieve the tenure-holder of the obligation to perform such service or incur such expenditure and the tenure shall thereupon terminate.

(2) Where a service for the performance of which, or an expenditure for the incurring of which, a tenure is held has not been performed or incurred, or for the performance or incurring of which there has been no occasion, during the three years immediately preceding the year 1942, such tenure shall be liable to be terminated by order of the Durbar under this Law.

(3) If a tenure is terminated under sub-section (1) or (2) the tenure-holder, if he has been appointed to perform the duties of a headman of the village or villages comprising the tenure, shall have the option of continuing as the headman of such village or villages and his remuneration may be fixed by the State in accordance with the provisions of this Law.

(4) If the tenure-holder does not desire to continue as the headman of the village or villages or there is a headman or headmen already appointed under this Law all rights of the tenure-holder except rights in such lands as he may have held in the same rights as a tenant shall forthwith terminate and he shall not be liable to incur any expenditure or perform any service.

(5) The right to the *bhogra* lands, if any, of the village or villages, shall be disposed of under the provisions of Chapter VI.

(6) The tenants of a tenure-holder whose services have been discontinued shall, on the termination of the tenure, forthwith become ryots of the State, and the lands shall be regarded as unalienated lands.

36. The Durbar shall be entitled to take such steps as may be reasonable and proper to satisfy itself that the service required to be performed by a tenure-holder liable to render service, or the expenditure to be incurred by a tenure-holder, is duly performed or incurred, and, in the event of the stipulated service and expenditure not being rendered or incurred to the satisfaction of the Durbar, to order the termination of the tenure or to replace the tenure-holder provided that the tenure-holder shall have an opportunity of showing cause against such termination.

37. (1) If a tenure is held in the name of a deity or in the name of any person or persons for the purposes of a deity, whether such deity is within or without the State, the tenure-holder shall maintain such accounts and statements in such manner as may be prescribed by rules under the Law.

(2) The Durbar may require the persons in charge of a tenure held by, or for the purposes of, a religious or charitable institution to maintain

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accounts and statements and to submit them for scrutiny in manner to be prescribed.

(3) The Dewan shall examine, or cause to be examined, by a revenue officer or other agency appointed in this behalf, the accounts and statements maintained under the provisions of sub-section (1) or (2), at such intervals as may be prescribed, and shall report to the Durbar, which shall be entitled to make such directions or pass such orders as may be necessary for the proper management of the revenues.

(4) Any portion of the revenue from the tenure which is not expended on, or is not considered to be required for, the purposes of the deity or institution, shall be credited to the revenues of the State.

(5) The Durbar shall have the right to remove, or to require the removal, of any person or persons in charge of the revenue of a tenure on the ground that such person or persons are not suitable for the purpose, but subject to this right, the appointment or removal of such person or persons shall be regulated by custom or by rules made under this Law.

38. (1) Where a tenure is held without any condition regarding the performance of any service, or the incurring of any expenditure for any specific object, the Durbar may, if the tenure-holder is not making any payment, or is making a payment less than twenty-five per centum of the land revenue, at any time after the commencement of this Law, required the tenure-holder to pay such portion of the land revenue not less than twenty-five per centum or more than fifty per centum, as *takoli* as may be considered proper.

(2) If the tenure-holder is paying a *takoli* to the State equal to or in excess of twenty-five per centum of the land revenue the Durbar may enhance the payment to such amount not exceeding seventy-five per centum of the land revenue as may be considered.

(3) If the amount payable by a tenure-holder has been enhanced after the commencement of this Law, it shall not be enhanced again till the settlement next following the one made after the commencement of this Law, unless the amount payable is less than fifty per centum of the land revenue.

(4) Notwithstanding anything contained in this section the Durbar may, at any time after the commencement of this Law, terminate any tenure the continuance of which is no longer necessary or desirable in the public interest.

(5) If a tenure is terminated under sub-section (4), the rights to the *bhogra* lands, if any, shall be disposed of under the provisions of Chapter VI.

(6) Unless a tenure is to be terminated the *takoli* payable by a tenure-holder shall not be enhanced beyond seventy-five per centum of the land revenue.

39. (1) Notwithstanding any previous custom, rule, order, or anything contained in the terms of a sanad, no tenure-holder shall be entitled to levy any *salami*, *nazrana* or other fee on the transfer by sale, mortgage or in any other manner, of land belonging to a tenant nor shall his consent be necessary for such transfer.

(2) In the case of aboriginal tenants the provisions of section 12 sub-section (2) shall apply.

40. Rules may be made under this law providing for the deposit and disposal of land revenue due to a tenure-holder from his tenants and not accepted by him, or in respect of which there is a dispute.

41. (1) Lands or tenures held by the Ruler in his personal capacity at the commencement of this Law, may be surrendered to the State but shall not be otherwise liable to be transferred by sale or mortgage or in any manner other than lease for cultivation for periods not exceeding three years at a time.

Explanation.—This section applies to lands or tenures known as *khamar* or *nijchas* or *sir* or similar names indicating personal cultivation or management of the Ruler. Lands bearing such discription merely on account of the absence of a *guontia* are not to be regarded as under personal cultivation or management.

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(2) Such lands and tenures shall be regarded as the personal property of the Ruler and shall pass to the Ruler's successor on his death.

(3) No lands or tenures may be acquired by the Ruler after the commencement of this Law except in the manner provided by section 12, or by private purchase, in the rights of a ryot.

(4) Tenures and lands held by members of the Ruler's family at the commencement of this Law except in the rights of a ryot shall, notwithstanding anything to the contrary in the terms of any sanad, order or rules, be deemed to be held for life only and shall lapse to the State on the demise of the holder.

(5) In respect of lands or tenures held by them the Ruler or members of his family shall not exercise any powers which a tenure-holder may not exercise under section 26.

42. (1) No tenure-holder shall, after the commencement of this Law, assign any of his rights in alienated lands to any other person, and such assignment, if any, shall be null and void.

(2) The right of any person enjoying as an assignee of a tenure-holder any of the rights of the tenure-holder shall, if recognised by the State before the commencement of this Law, continue to be enjoyed under this Law subject to the terms of any sanad or grant or order of the State or tenure-holder which are not inconsistent with this Law.

(3) No such person shall exercise in respect of his lands any of the rights which a tenure-holder may not exercise under section 26.

(4) If a tenure lapses to the State through failure of heirs, or is terminated at any time by the Durbar, the rights of any person holding under a tenure holder shall also be liable to be terminated unless the Durbar decides otherwise.

43. No new tenure may be created, nor shall any tenure which has lapsed to the State be re-created, after the commencement of this Law.

44. (1) The right to hold any land in any alienated or unalienated area free of land revenue, or on payment of an amount less than the assessment of the land, is called a 'grant' and the person in whose favour the right has been conferred or recognised is called a 'grantee' ;

Provided that in any alienated area 'grant' shall mean only such grant as has been made by the State before the alienation, or has subsequently been made at the instance of, or has been recognised by, the State.

Explanation.—The right to hold land free of revenue does not mean a right to receive land revenue.

(2) Grants which are held subject to the performance of any definite service, or in the name of, or for the purposes of, a deity, or a religious or charitable institution, shall be known as service grants.

(3) All grants which are not service grants shall be known as maintenance grants.

(4) If any question arises as to whether a grant is a service grant or a maintenance grant, the decision of the Durbar shall be final.

(5) Grants shall not be transferred by sale or mortgage or in any other manner unless this has been permitted before the commencement of this Law : provided that the land may be leased out for cultivation for periods not exceeding one year, (save in the case of service grants).

(6) The Durbar may terminate a grant which has been transferred.

45. (1) A service grant may be terminated at any time if the service performed under it is not required to be performed and shall be terminated if the service has not been performed for three years immediately preceding the year 1942.

(2) Notwithstanding anything to the contrary in the terms of the grant or any custom, rule or order, a maintenance grant shall be liable to pay the full land revenue from the agricultural year following the commencement of this Law if it has been held rent-free or at a rate lower than the recorded or proper assessment for a period of not less than fifty years before the commencement of this Law :

Provided that if the grant is held free of revenue or at a rate not exceeding fifty per centum of the recorded or proper assessment the Durbar

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may order that the full land revenue shall become leviable in such steps not exceeding three over a period not exceeding nine years.

Explanation.—Where the date of a grant is not known it shall be presumed to have been held for fifty years unless the contrary is proved.

(3) Any maintenance grant may be assessed to the full land revenue or at a lower rate at any time after the commencement of this Law on the ground that its continuance free of revenue or at a rate lower than the recorded or proper assessment is not desirable in the public interest.

46. (1) No grantee who has held the land comprised in the grant for a period of twenty years or longer, either by himself, or from persons from whom he would have inherited immovable property, shall be ejected from the lands notwithstanding that the service or expenditure for the performance or incurring of which it is held, is discontinued or has been discontinued, or that the land has become liable to the payment of land revenue under this Law, nor shall such grantee be liable to pay any *salami* for the retention of the land in the rights of a ryot.

(2) If the grantee has been in possession for less than twenty years but for more than twelve years, he shall be liable to pay half the present value of the grant as *salami* if the grant is terminated.

(3) If a grant is terminated under the provisions of section 45, sub-section (1) or sub-section (3) and the grantee has held it either by himself or through persons from whom he would have inherited immovable property for less than twelve years, he may acquire the rights of a ryot in the land on payment of a *salami* equal to the present value of the land.

(4) Lands, which at the commencement of this Law are held on payment of the full land revenue, shall be deemed to be held in the rights of a ryot if they have been held for a period of twelve years or more by the holders, either by themselves or through persons from they would have inherited immovable property, notwithstanding that they are described as a service grant or equivalent terms in any sanad, deed, rule, or order or other enactment existing at the commencement of this Law and the holders shall not be liable to render any service for the right to hold the land.

(5) In determining the present value of any land for the purpose of this section the value of any improvement made by the holder shall be excluded.

47. (1) The holder of a service grant shall cultivate the land personally unless he is permitted to lease it out for periods not exceeding three years by a revenue officer.

(2) If after the commencement of this Law it is found that any land of a service grantee is being cultivated by a lessee or other person, the grantee may be required to terminate the lease or other arragement, or the revenue officer may permit cultivation by the lessee or other person for such period as he would have permitted if permission had been applied for.

(3) A person in cultivating possession of such land as stated in sub-section (2) shall not be ejected without fair compensation to be determined by a revenue officer if he has held the land for a longer period than 12 years.

(4) If the grantee is unable or unwilling to pay the compensation determined under sub-section (3) the revenue officer may declare the grant terminated and proceed under the provisions of section 46, or he may declare the person in possession as liable to render the service required under the grant.

(5) If such person is unfit, or unable, or unwilling to render the service required, the revenue officer shall eject him and place the land in possession of such person as is able and willing to render the service but the previous grantee shall be liable to have the compensation assessed under sub-section (3) to be recovered from him as an arrear of land revenue and paid to the person ejected.

48. (1) No grants shall be made, and no grants which have been terminated shall be re-made, after the commencement of this Law except as service grants for village watchmen.

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(2) Grants, if any, made by a tenure-holder, except under sub-section (1) shall not be recognised by the State, and no reduction shall be made in the *takoli* payable by a tenure-holder except for grants made at the instance of the State under sub-section (1).

49. (1) The Dewan may confer on any person who has been in cultivating possession of land under a maintenance grant continuously for a longer period than twenty years the rights of a ryot or tenant under this Law.

(2) Any person found in cultivating possession of land under a grant and recorded as occupancy ryot or in other manner implying the right of permanent possession and cultivation, before the commencement of this Law, shall have all the rights of a ryot or tenant under this Law.

CHAPTER V.—OTHER RIGHTS AND LIABILITIES OF RYOTS AND TENANTS.

50. (1) Notwithstanding any custom or anything contained in the terms of any *kabuliyat, patta,* order, rule or enactment in force at the time of the commencement of this Law, no person shall

(a) employ any village headman, village servant, ryot or tenant or a member of the family of such village headman, village servant, ryot or tenant, or a servant or employee of such village headman, village servant, ryot tenant, or

(b) make use of any cattle or agricultural implement of such village headman, village servant, ryot or tenant.

(c) require any village headman, village servant, ryot or tenant to make any payments in cash or kind, or to render any commodity whatsoever as an incident of his office or right, other than land revenue or other payments required to be made under this Law, without making, or agreeing to make, payment for such employment or use or articles rendered at rates ordinarily paid in the locality for such employment or use or for the purchase of such articles, or against the will of such village headman, village servant, ryot or tenant or other person.

Explanation I.—The performance of their official duties of village headmen and village servants is not employment within the meaning of clause (a).

Explanation II.—The provisions of this section shall not be deemed to be contravened if any service or payment is rendered by a person, who is not a minor, of his own free will.

(2) No conditions regarding any of the matters prohibited in subsection (1) shall be imposed on any person admitted to the occupancy of land as ryot, tenant or lessee, or appointed as village headman or village servant, under this Law and any such conditions, if imposed, shall be null and void and such ryot, tenant, lessee, village headman or village servant shall not be liable to ejectment or other penalty for not observing such a condition.

(3) Any person who acts in contravention of the provisions of subsection (1) shall, by order of a revenue officer, be liable to pay such sum not exceeding ten times the value of such employment or use or commodity as compensation to the ryot or other person aggrieved and shall also be liable to a penalty not exceeding two hundred rupees.

(4) A petition for proceedings under sub-section (3) shall, notwithstanding anything contained in any rule, order or enactment for the time being in force regarding court-fees, be exempt from payment of court-fees, and no fees shal be charged for any notice, summons or proclamation issued in such proceedings.

(5) Any person making an allegation against any other person which can be proved to be false and frivolous or vexatious, shall be liable to a penalty which may extend to one hundred rupees and such sum, if recovered, may be paid to the person falsely complained against, as compensation.

(6) No payment prohibited under sub-section (1) clause (c) shall be recoverable under this Law.

51. (1) No village headman, village servant, ryot, tenant or other person in cultivating possession of land shall be compelled to sell any agricultural produce of the holding, to any person whether with or without payment.

Explanation.—'Agricultural produce' means the fruit and all part of anything growing on the holding, whether planted or self-sown and includes such commodities as lac or tussore propagated or growing on the holding.

(2) No person shall propagate agricultural produce on, or appropriate the agricultural produce of, any land in the possession or occupation of any other person without the consent of such person.

(3) No person shall exercise any right of fishery in any waters standing on a holding in the possession or occupation of a ryot or tenant or other person without the consent of such person.

52. (1) A ryot or tenant shall have the right to all trees or plants growing on his holding, whether planted or self-sown, and shall not be liable to pay any tax or fee other than land revenue for the propagation of lac or tussore or for the appropriation of *tendu* (Diospyros Melanoxylon) leaves or any other produce.

(2) Any tax or fee in force (other than land revenue or included in it) for the propagation of lac or tussore or for the privilege of collecting *mahua* or the produce of any other trees on the holding of a ryot or tenant shall, from the commencement of this Law, cease to be recoverable.

(3) Nothing in sub-section (1) shall be deemed to be contrary to any custom by which trees in a village are divided among the villagers by themselves for the right of user or to affect rights in trees recorded in the land records as belonging to or planted by any person other than the ryot or tenant.

53. (1) Notwithstanding any custom or anything to the contrary in any rule, order or enactment in force at the commencement of this Law, the right to the hides or horns or any part of the carcass of an animal shall belong to the owner thereof who may dispose of it as he pleases, and shall not be compelled to sell or surrender it to any person.

(2) If an animal dies in a village, the owner shall be responsible for the sanitary disposal of the carcass in the place and manner appointed for the purpose.

(3) If within twelve hours of the death of an animal the owner has not taken any steps for the disposal of the carcass, the village chowkidar shall take steps for its disposal and the owner shall forfeit all rights to the hide or horns or any part of the carcass.

(4) Any tax or fee leviable as a commutation of the right to the hide or horns or any part of the carcass of an animal before the commencement of this Law shall cease to be recoverable.

(5) During the prevalence of any contagious cattle disease, the Dewan may direct that in the area in which the disease is prevalent the entire carcass of a dead animal shall be disposed of by burning or burial.

54. (1) The rights to the fisheries of any tanks or rivers or streams or nallahs which are the property of the State shall vest in the State which may dispose of them as it pleases provided that the use of water for the purpose of irrigation or other purpose is not interfered with.

(2) A tenure-holder or other person shall have the right to fisheries in any tank or waters recorded in the land records in his name or over which his rights have been recognised.

(3) If the right to fisheries in waters over which the State or tenure-holder or any person has the right has not been leased out or otherwise restricted, residents of the village shall exercise such rights as are customary.

55. Ryots or tenants or other residents of a village may appropriate for their *bona fide* personal use such minor minerals as sand, clay, earth, or stone not notified as having special value, without any payment from any waste land within the boundaries, of any village.

56. The enjoyment of the fruit of trees growing in village forest or other waste land within village boundaries, except such lands as have been reserved as groves belonging to the State, shall be enjoyed according to custom and the State shall not levy any tax or fee on such trees.

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57. (1) Any resident of a village may be required by any officer of the State, village headman or village watchman to assist in putting out a fire, or controlling a flood, or at any other general emergency affecting the safety and welfare of the community, within a reasonable distance from his village.

(2) Any resident of a village refusing to comply with any reasonable requisition for assistance made under sub-section (1) may be punished by a revenue officer of not below such rank as may be prescribed with a fine which may extend to twenty-five rupees.

58. (1) Any ryot or tenant or other person in cultivating possession of land may take such steps as may be necessary for the protection of the land or agricultural produce of the land from wild anunals, and in the exercise of the right of protection conferred by this section, may shoot at, or kill any animal which is either causing damage, or is about to enter and cause damage, to the land or agricultural produce.

(2) The destruction of any animal other than pig by any person under the right conferred by this section shall, if it is so prescribed, be reported to the village headman or other authority in the village prescribed in this behalf, and the cultivator shall not appropriate the carcass of the animal destroyed, if it is so prescribed, but he shall not be required to convey the carcass or any part of it to any person, and shall not be liable to pay any fees.

(3) Pigs, and such other animals as may be specified by notification, may be killed anywhere within the boundaries of a village and the persons killing such animals shall not be liable to make any report.

(4) Rules may be made regarding the disposal of the carcass or part of a a carcass of animals so destroyed.

59. Any resident of a village may destroy within the boundaries of the village any carnivorous animal which has killed cattle (which term includes goats and sheep and all animals kept for milk or transport), or may be reasonably apprehended to be about to destroy such cattle and he shall not be liable to take any further action in respect of such animal killed by him than a person who kills animals in protection of land under section 58.

60. (1) Where a ryot or tenant pays for a holding revenue or rent in kind, or partly in cash and partly in kind, such ryot or tenant may apply to a revenue officer to have the revenue or rent commuted to a payment in cash.

(2) If the payment in kind, or partly in cash and partly in kind, has been taken at the revenue survey, at which it was fixed to be the equivalent of land revenue in cash at a definite rate, the payment shall be commuted to a cash payment at that rate.

(3) If the equivalent of the payment in kind has not been determined at the revenue survey, or there has been no revenue survey, the commutation shall be effected, taking into account, (a) the cash rates if any prevalent in the area, and (b) the value of the payment in kind at the average price obtained by cultivators in the locality during the preceding twenty years.

61. (1) A holding in any village may be held in the rights of a ryot or tenant by all or any number of the residents of the village in common for the purpose of grazing or a tank or other common object.

(2) The responsibility for the land revenue or rent of such a holding shall be on such person, if any, as has been recorded in the land records as the ryot or tenant thereof or on such person as the residents concerned may appoint.

62. (1) Any person in cultivating possession of land belonging to a ryot or tenant may apply to a revenue officer to be declared the ryot or tenant of the land, as the case may be, on the ground that the land is habitually sublet, and the revenue officer may make such a declaration on deposit by the applicant of a sum equal to five times the assessment for payment to the original ryot or tenant, whose right in the land shall there upon be extinguished.

(2) A declaration made under sub-section (1) shall take effect from the commencement of the agricultural year next following the date of such declaration.

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(3) For the purpose of this section land may be presumed to be habitually sublet, if it is sublet for a total period exceeding seven years during any consecutive period of ten years after the commencement of this Law, but such a presumption shall not necessarily be made in the case of land of a minor or any other person subject to a legal disability or physical infirmity or a woman.

63. Any person holding land under a ryot or tenant or person recorded as a ryot or tenant, on whom rights of permanent occupation have been conferred before the commencement of this Law, may apply to a revenue officer to be declared as the ryot or tenant of such land and the revenue officer shall issue such a declaration on deposit by the applicant of five times the proper assessment of the land for payment to the original holder of the land whose rights shall thereupon be extinguished :

Provided that no such deposit shall be necessary unless the applicant is paying to the original holder for the Land an amount greater than the normal land revenue or proper assessment imposed on lands in the locality.

64. Any person recorded as a ryot or tenant, or deemed, or declared to be, a ryot or tenant under section 49, may apply to a revenue officer for the reduction of the amount payable by him on the ground that it is heigher than the proper assessment or normal land revenue of lands in the locality, and the revenue officer may reduce the amount accordingly.

CHAPTER VI.—Village Headmen.

65. (1) There shall be appointed for each village a headman under this Law.

(2) More than one headman shall not be appointed unless the duties of the office cannot be efficiently performed by one.

(3) If the village is held by a *gaontia* on the date of the commencement of this Law such *gaontia* shall be the headman unless he does not wish to accept the office :

Provided that if in any village there is more than one person recognised or recorded as a *gaontia* responsible for the revenue or any portion of the revenue of the village, such persons may be appointed as headmen and they shall be liable to perform such duties and in such manner as may be prescribed.

(4) Notwithstanding any previous practice or the terms of any contract between the State or the tenure-holder and himself as *gaontia*, a headman under this Law shall not be liable to be proceeded against personally for the revenue of the village but it shall be his duty to collect the revenue assessed upon the ryots or tenants and to pay it at such places and in such manner as may, by order of the Dewan, be appointed for the purpose.

(5) A headman who is not a tenure-holder shall be remunerated at a rate to be prescribed having regard to the circumstances and the amount of land revenue of the village but not higher than 10 per centum of the land revenue of the village, excluding cesses, if the village has a land revenue in excess of twelve hundred rupees :

Provided that where the *gaontia* is enjoying at present a higher percentage, his remuneration shall not be reduced except in three equal steps at intervals of five years.

66. (1) Notwithstanding any custom or anything in the terms of an agreement between himself and the State or tenure-holder, no *gaontia* (other than a tenure-holder having such rights) or headman shall, after the commencement of this Law, have the right (a) to allot waste land for cultivation by others or to bring such land under cultivation by himself ; (b) to accept relinquishment of land or to take possession of abandoned or surrendered land or the land of persons dying without heirs.

(2) The consent of the headman shall not be necessary for the transfer of his rights in land by a ryot or a tenant by sale, mortgage, gift, exchange or lease or in any other manner.

67. (1) Where a person at the commencement of this Law has held *bhogra* lands as a *gaontia* continuously either by himself or through persons

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from whom he would have inherited immovable property for a period of 20 years or more, such person shall have the same rights as a ryot or tenant in the *bhogra* lands of the village and shall not be liable to make any payment therefor.

(2) Where a person has held the *bhogra* lands as *gaontia* for a period less than twenty years but more than twelve years in manner stated in sub-section (1), he shall have the right to acquire the *bhogra* lands in the rights of a ryot or tenant on payment of half the present value of the land :

Provided that in estimating the present value the value of any improvements effected by him or persons from whom he would have inherited shall be deducted :

Provided further that any payment made by him for the acquisition of the right to the village shall be set off against the amount payable by him.

(3) If a *gaontia* has held the lands in manner aforesaid for a period less than twelve years he shall acquire the rights of a ryot or tenant in the *bhogra* lands on payment of the present value (excluding the value of all improvements, if any, effected by him, or by persons from whom he would have inherited) of land : provided that any payment made by him for the acquisition of his right shall be deducted from the payment he has to make.

(4) Land in the possession of a person holding a village as *gaontia* at the commencement of this Law by virtue of his office, but which was taken into his possession on relinquishment or abandonment by a ryot or tenant or on account of a ryot or tenant dying without heirs within a period of twenty years before the commencement of this Law, shall not be regarded as land held as an incident of the office and the State or the tenure-holder shall have the right to dispose of such lands under the provisions of this Law :

Provided that the *gaontia* shall have the right to purchase rights in such lands on payment of the present value.

(5) Nothing in this section shall affect the land held by the *gaontia* in the right of a ryot or tenant.

(6) The burden of proving that the *gaontia* has not held the village or land for more than twenty years in the manner stated in sub-section (1) shall be upon the tenure-holder or the State, as the case may be.

(7) If it is found that the payment made by a *gaontia* at the time of the acquisition of his right to the village is higher than the present value of the *bhogra* land the Durbar may, if such a course is considered equitable in the circumstances, make a refund but the *gaontia* shall not be entitled as of right to a refund.

Explanation I.—For the purposes of this section 'present value' shall mean the estimated *salami* the land would fetch if disposed of under the provisions of section 11 or section 34.

Explanation II.—A *gaontia* shall be deemed to have held the *bhogra* lands notwithstanding that they, or any portion of them, are in the possession of co-sharers.

68. (1) Any *gaontia* aggrieved by a decision of the revenue courts regarding the valuation of the *bhogra* land previously held by him as an incident of his office or the amount payable by him, may bring a civil suit within a period of six months from the date of the decision of the revenue court to determine the valuation.

(2) When *bhogra* lands held by a person as *gaontia* before the commencement of this Law are settled with him under the provisions of the previous section, the lands shall be recorded in the Land records in his name in the rights of a ryot or tenant :

Provided that co-sharers whose possession has already been recorded in the revenue records may be recorded as ryots or tenants of the portions held by them :

Provided also that entries may be made in the revenue records in the name of such persons as may be agreed upon between the *gaontia* and the co-sharers.

(3) Nothing in this section shall affect the right of any co-sharer to establish by a civil suit his rights to any portion of the lands settled with the *gaontia*.

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(4) For the purposes of this section and section 67, "gaontia" shall not include a tenure-holder unless the tenure has been terminated, in which case the period of possession shall be reckoned up to the date of termination of the tenure.

69. (1) Notwithstanding any custom or previous decision to the contrary or anything contained in any enactment, rule, or order in force before the commencement of this Law the remuneration of a headman shall be received by him for the discharge of his duties under this Law and no other person shall have any claim to it or any share of it.

(2) A headman shall not be entitled to deduct his remuneration from the land revenue or rent collected by him and the whole amount collected shall be payable to the State treasury or to the tenure-holder as the case may be.

(3) The remuneration of the headman shall be payable on such date or dates or such instalments as may be prescribed by rules under this section.

70. (1) The remuneration, or any portion of the remuneration, payable by a tenure-holder to a headman, shall, on the application of the headman, be recovered by the Dewan as an arrear of land revenue due from the tenure-holder.

(2) If any tenure-holder withholds payment of the remuneration due to a headman, or any portion of it, except under the provisions of section 71, the Dewan may inflict a penalty which may extend to one hundred rupees on the tenure-holder, and such penalty or any portion of it, may, if recovered, be paid as compensation to the headman.

71. (1) Where there is reason to believe that a headman has not performed his duties in respect of collection of land revenue satisfactorily, and there is reason to believe that but for his failure to exert himself the collection would have been better, a revenue officer may, after recording his reasons, order payment of the headman's remuneration according to the percentage fixed by the rules under section 65, sub-section (4) only upon the amount actually collected by the headman.

(2) The headman shall not be liable to pay the whole of the revenue of the village by himself but he shall report within seven days of the date on which payment was due by a ryot or a tenant to such revenue officer as may be appointed in this behalf, or to the tenure-holder, the names of all defaulters together with an affidavit in such form as may be prescribed for the purpose of proceedings for the recovery of arrears from them.

72. (1) If in any village at the commencement of this Law the *gaontia* has leased out his right and such lease is valid under the provisions of any enactment or rules or orders prevailing before the commencement of this Law, the lessee may be recognised as the headman under this Law till the expiry of the lease.

(2) On the expiry of the lease the *gaontia* shall be eligible for appointment under section 65.

(3) No lease shall be permitted under this Law and a village headman who leases out his rights shall be liable to be dismissed.

(4) The provisions of sections 67 and 68 shall not apply to a lessee and for the purpose of reckoning the period of possession under those sections the *gaontia* shall be regarding as having been in possession of the *bhogra* lands during the period of a lease.

73. (1) If in any village before the commencement of this Law a permanent sub-lease (*shikmi theka*) has been recognised by the State, the holder of such right (*shikmi-thekedar*) shall be deemed to be a *gaontia* for the purposes of this chapter.

(2) The principal (*asli-thekedar*) of such a sub-lease shall, notwithstanding any previous custom, enactment or rule to the contrary, have no duties under this Law nor shall he be responsible for the land revenue of the village or be entitled to receive any remuneration :

Provided that nothing in this section shall affect his right in any *bhogra* lands held by him by virtue of his right and such lands shall be settled with him as if he was a *gaontia*.

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74. If it is found that any person has been collecting or crediting the revenue or any portion of the revenue of a village without any definite authorisation or practice recognised as valid at the commencement of this Law, the Dewan may terminate the arrangement and appoint only one headman for the whole village.

75. (1) Nothing in section 65 shall be interpreted as compelling any person holding the village in the right of a *gaontia* to continue to be a headman under this Law and nothing in that section shall affect his right to hold the lands settled with him in the right of a ryot or tenant in which such rights are recognised under section 67.

(2) If a *gaontia* has not acquired the rights of a ryot or tenant under section 67, sub-section (1) and does not take steps to acquire rights in the *bhogra* or other lands in his possession within a period of one year from the commencement of this Law he shall be liable to be ejected from the lands which shall be at the disposal of the State or tenure-holder as the case may be :

Provided that the Durbar may extend the period mentioned in this sub-section by a further period not exceeding one year in any case :

Provided further that the period allowed under this sub-section shall not be counted towards the period of possession for the purposes of section 67.

(3) If a *gaontia* does not wish to be appointed headman under this Law, or having been appointed resigns his office, the Dewan shall take action to appoint a new headman fit for the post within the meaning of section 77.

76. (1) A headman shall hold his office so long as he is physically and mentally able to perform his duties efficiently, and, if a headman has attained the age of 60 he may apply to the Dewan to be relieved, from the personal discharge of his duties and he may nominate an agent who shall ordinarily be a member of his family.

(2) Such person shall, if found fit to discharge the duties of a village headman, be appointed by the Dewan.

77. (1) On the death of a headman, the post shall descend to the seniormost person among his heirs subject to his personal fitness to perform the duties of the headman satisfactorily.

Explanation.—Seniormost in this section means seniormost from the point of view of relationship.

(2) No person shall be considered fit for the post of headman (i) if he has undergone imprisonment for an offence under the Indian Penal Code involving moral turpitude, (ii) if he has been adjudged an insolvent, (iii) if he is mentally unsound, (iv) if he is suffering from leprosy or other contagious disease, (v) if he is not a resident of the village and is not prepared to take up residence there or within five miles thereof, and is not exempted, (vi) if the residents of his village are opposed to his appointment or (vii) he is not physically fit.

(3) No woman shall be appointed if there is a male relative of the headman living.

(4) A literate person among the heirs shall be given preference over an illiterate person notwithstanding that he is not the seniormost in relationship.

(5) In the absence of heirs or relatives as aforesaid, any other person holding lands as a ryot or tenant in the village considered fit for the performance of the duties of the post, may be appointed headman.

(6) A headman shall reside in his village unless he is exempted by reason of his holding another village in which he is resident or other adequate ground.

(7) Rules may be made regarding the appointment of agents on behalf of women or minors during minority, about the appointment of agents to work on behalf of illiterate headman, or headmen holding more than one village or exempted from residence, the remuneration of agents, the educational qualifications which may be regarded as giving a preferential right to the post and such other matters as the Durbar may consider necessary.

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78. (1) No charge shall be made for the appointment of a headman nor shall the right to hold the post be offered in auction or sale by any other means.

(2) A fee not exceeding two rupees may be charged in court-fee stamps from the person appointed as headman for the issue of an order of appointment.

79. (1) If before the commencement of this Law any tenure-holder or other person had the right to appoint or nominate a *gaontia* or headman of a village such tenure-holder or other person may be permitted to nominate a headman on the occurrence of a vacancy but no person shall be appointed who would not be appointed under the provisions of section 77 if the tenure-holder had no right of nomination.

(2) If the tenure-holder or other person having the right of nomination under sub-section (1) does not nominate a suitable person within 15 days of being required to do so the Dewan shall appoint a headman as if the right did not exist.

80. Rules may be made regarding the procedure to be followed by revenue officers in connection with the appointment of a headman and the enquries to be made.

81. (1) The Dewan may suspend a headman from office during enquiry into alleged misconduct and may punish him for misconduct or neglect in the performance of his duties by suspension from office for a period not exceeding six months or by fine not exceeding one-fourth of the remuneration of his office.

(2) A fine inflicted under this section may be recovered from the remuneration payable to the village headman.

(3) A vacancy caused by the suspension of a village headman shall be filled by the appointment of a person who is not a member of the headman's family.

82. (1) A headman may be dismissed by the Dewan on the ground of misappropriation of money, or fraud or conviction of an offence for which he has been sentenced to imprisonment, habitual neglect of duty, or other grave misconduct.

(2) If a headman is dismissed under sub-section (1) the Dewan shall appoint a person who is not a member of the family of the headman, for a period not exceeding three years, provided that if it is considered that it is not desirable to appoint a member of the same family in the public interest, the Dewan may, with the approval of the Durbar, appoint a person who is not a member of the family, permanently.

83. (1) In addition to the duties imposed specifically by any section of this Law, it shall be the duty of a headman to look after matters concerning the village such as village sanitation, the reporting of offences, and unnatural deaths, the recording of births and deaths, the reporting of the presence of habitual offenders or the presence of suspicious strangers, the outbreak of contagious diseases among human beings or cattle, the condition of crops and prevalence of scarcity of food or fodder, the preservation of boundary marks, or the reporting of encroachments on State or communal lands, and the enforcement of rules meant for the preservation of the village forests, in such manner and to such extent as may be prescribed.

(2) Rules may be made under this section prescribing such other duties for the village headman as may be considered necessary in the interests of the village and general administration.

84. (1) "Group headman" means any person responsible for the land revenue, or the supervision of the *gaontias*, of villages for which they have been appointed or recognised.

Note.—This section applies to officials known *bera pradhan, mallik, umrao, head-ganjhu, sardar* or *garhnaik*, if any, appointed for a group of villages.

(2) The rights, liabilities, duties, remuneration, appointment, punishment or dismissal of group headmen shall be prescribed by rules.

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(3) Unless there is a recognised hereditary right of succession the Durbar may, after the death or removal of the present incumbent terminate the post.

CHAPTER VII.—The Recovery of Land Revenue.

85. (1) The land revenue assessed on any land shall be the first charge on that land and on the crops, rents and profits thereof.

(2) The primary liability for the land revenue assessed on any land shall be on the person in whose name the land is recorded as ryot, tenant or grantee, as the case may be.

(3) When there are more than one ryot tenant, grantee or co-sharer in a holding, all such ryots, tenants, grantees or co-sharers, as the case may be, shall be jointly and severally liable for the payment of the land revenue assessed on such holding.

86. The land revenue or *takoli* payable on account of any agricultural year shall be levied in such instalments not less than two or more than three may be prescribed and on such dates not earlier than 15th January, or later than 15th August of the following agricultural year, as may be prescribed :

Provided that the interval between any two instalments shall not be less than six weeks.

87. (1) Any land revenue or *takoli* due and not paid on or before the prescribed date becomes therefrom an arrear and the persons responsible for it become defaulters.

(2) Land revenue shall be paid to the headman of the village who shall grant a receipt for such sum in the form prescribed by rules and the granting of such receipts in the prescribed form shall be deemed to be a duty of the headman under this Law.

(3) If any instalment of land revenue is not paid on or before the prescribed date and the revenue officer is satisfied that the default has been made wilfully by the ryot he may, after recording his reasons in writing, impose a penalty not exceeding an amount equal to the land revenue payable but no interest shall be chargeable : provided that no penalty shall be charged for the non-payment of any instalment, the payment of which has been suspended by the order of the State in respect of the period during which the payment remained suspended.

(4) When land revenue is recovered under section 89 on behalf of a tenure-holder, he may apply to the revenue officer for the imposition of a penalty on the tenant who has made wilful default, and the revenue officer may proceed as in the case of a ryot under sub-section (3); and the amount of the penalty, if imposed, shall be payable to the tenure-holder.

88. The Durbar may accord remission or suspension of land revenue in years in which crops have failed in any area and such remission or suspension shall be determined in accordance with the rules made under this law.

(2) Every order by a revenue officer under such rules shall be final.

89. (1) A statement of account certified by a revenue officer, or filed by a village headman or a tenure-holder, with an affidavit in such form as may be prescribed, shall be conclusive evidence of the existence of arrears and of the person who is the defaulter unitl the contrary is proved.

(2) The Dewan may recover an arrear of land revenue or an amount recoverable as an arrear of land revenue by any one or more of the following processes, namely—

(a) by service of a written notice of demand on the defaulter ;

(b) by attachment and sale of the defaulter's movable property ;

(c) by attaching and leasing out for a period not exceeding three years, the holding on which the arrear is due ;

(d) if the defaulter is not a grantee, by attachment and sale of the whole or a portion of the defaulter's holding : provided that if the full arrear is likely to be discharged by sale of a portion of the holding the

entire holding shall not be put to sale : provided further that land shall not be put to sale for arrears of land revenue of a period less than three years ;

(e) if a defaulter is a grantee, by ejecting him from the holding on which the arrear is due ;

(f) in the case of an arrear recoverable as an arrear of land revenue, by the attachment and sale of any immovable property belonging to the defaulter.

(3) The processes specified in clause (b) of sub-section (2) shall not permit the attachment and sale of the following articles, namely (a) the necessary wearing apparel, cooking utensils, beds and bedding of the defaulter, his wife and children, and such personal ornaments as, in accordance with religious usage, cannot be parted with by any woman; b) tools of artisans and if the defaulter is an agriculturist his implements of husbandry and such cattle and seed as may, in the opinion of the Dewan, be necessary to enable him to earn his livelihood as such.

(4) Proceedings under this section shall not be taken for the recovery of land revenue due to a tenure-holder unless the cost of issuing and enforcing the processes required is paid.

90. The cost of issuing and enforcing any process specified in section 89 shall be deemed to be the land revenue assessed on the holding in respect of which the arrear is due and shall be recoverable as a part of that arrear.

91. The Dewan may order the execution of a process for the recovery of any revenue issued by another State or Government as if it were a process issued by him under this Law, if the execution of such process does not contravene the provisions of this Law, or may order the issue of a process under this Law for the recovery of an amount required to be recovered by another State or Government.

92. The attachment and sale of movable property shall be made, as nearly as may be, according to the Law for the time being in force for the attachment and sale of such property under the decree of a civil court :

Provided that the sale shall not be held except by, or in the presence of, a revenue officer of not below such rank as may be prescribed.

(2) Attachment of immovable property shall be made, as nearly as may be, according to the Law for the time being in force for the attachment of such property under the decree of a civil court.

(3) After an attachment has been made, any private transfer or delivery of the property attached or of any interest therein shall be void as against claims enforceable under the attachment.

(4) If any claim is set up by a third person of the property attached or proceeded against under the provisions of this Chapter, the Dewan shall enquire into the claim and may admit or reject it.

(5) The person against whom an order is made under sub-section (4) may institute a suit to establish the right he claims to the property attached or proceeded against but subject to the result of such suit, if any, the order shall be final.

93. (1) An arrear of *takoli* due from a tenure-holder may be recovered as an arrear of land revenue or by attaching and taking under management the villages or shares of villages or alienated lands held by him.

(2) The attachment shall be made in the manner prescribed by section 92 sub-section (2) and the Dewan shall issue a proclamation declaring the attachment to be in force.

(3) The management of the attached tenure shall ordinarily be effected through the agency of a co-sharer or relative of the tenure-holder, if any, in the village or land who, in the opinion of the Dewan, is most likely to discharge the duties properly and is able to produce security to the satisfaction of the Dewan for the proper discharge of his duties, and failing such co-sharer or relative, the Dewan may take the village or land under his own management or may appoint any suitable person as agent.

(4) During the continuance of such attachment the defaulter and any co-sharers shall be excluded from the possession of the village or share of the village or land attached and the Dewan or the agent appointed by him

shall have all the rights of the said defaulter to manage the same and to realise the rents and profits arising therefrom and shall be bound by all their liabilities as tenure-holders or co sharers to any tenants thereof.

(5) The surplus profits of any such village or share or land, after defraying the cost of attachment and management, shall be applied, first, to the payment of the land revenue becoming due in respect thereof during the continuance of such attachment, and next, to discharging the arrears for the recovery of which the attachment was made.

(6) Attachment shall continue until the arrear is paid or is realised from the profits of such village or share.

94. (1) If the sale of any immovable property has been ordered, the Dewan shall issue a proclamation of the intended sale specifying the property to be sold, the land revenue, if any, assessed thereon, the arrears due, the time and place of sale and any other particulars which may be prescribed by rules under the Law.

(2) Every sale of immovable property shall transfer the holding free of all incumbrances imposed upon it and all grants and contracts made in respect of it by any person other than the purchaser :

Provided that the Durbar may, by notification, direct that in any local area, or in respect of any class of arrears recoverable as arrears of land revenue, the sale shall transfer only the right, title and interest of the defaulter.

95. (1) Every sale of immovable property shall be by public auction held by a revenue officer not below such rank as may be prescribed,

(2) No such sale shall take place on any authorised holiday, or before the expiry of at least 30 days from the date on which proclamation thereof was published, or during the months of July to September.

(3) The officer holding the sale may, from time to time, postpone it for reasons to be recorded.

96. (1) No revenue officer shall, either in person or by agent, in his name or in the name of another, or jointly or in shares with others, purchase or bid for any immovable property which is being sold under the provisions of this Chapter.

(2) If a sale has been effected in which there is a contravention of the provisions of sub-section (1), such sale shall be void.

97. If the arrear in respect of which the property is to be sold is paid at any time by any person before the lot is knocked down, the sale shall be set aside.

98. (1) The person declared to be the purchaser shall deposit immediately 25 per centum of the amount of his bid, and in default of such deposit, the property may be offered to the next highest bidder at his highest bid.

(2) If such offer is not made or accepted, the property shall forthwith be resold; and the costs of the sale and any deficiency of price which may occur may be recovered from the defaulting purchaser by the Dewan as an arrear of land revenue. Any sum recovered as deficiency shall be deemed to be a part of the sale-proceeds.

99. (1) Unless an application has been made under Section 100 the full amount of purchase money shall be paid by the purchaser on or before the 15th day from the date of the sale, and if the purchase money is not so paid, the deposit, after the expenses of the sale have been defrayed there-from, shall be liable to be forfeited to the State, and the property shall be resold, and the defaulting purchaser shall forfeit all claims to the property or to any part of the sum for which it may subsequently be sold.

(2) If the proceeds of the sale which is eventually made are less than price paid by such defaulting purchaser the amount of deficiency may be recovered from him by the Dewan as an arrear of land revenue and such amount shall be deemed to be a part of the sale-proceeds.

(3) In case the deficiency is not recovered the loss may, if the Deputy Commissioner so directs, be made good out of the deposit forfeited under sub-section (1).

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100. Where immoveable property has been sold under this Chapter, any person either owning such property, or holding an interest therein by virtue of a title acquired before such sale, may, at any time within thirty days from the date of sale, apply to the revenue officer to have the sale set aside on his depositing, (a) for payment to the purchaser, a sum equal to 5 per cent, of the purchase money, (b) for payment on account of the arrear, the amount specified in the proclamation of sale as that for the recovery of which the sale was ordered, less any amount which may have been paid since the date of the sale on that account ; and (c) costs of the sale.

(2) If such deposit has been made within thirty days from the date of the sale, the Dewan shall pass an order setting aside the sale : provided that if a person applies under Section 101 to have such sale set aside, he shall not be entitled to make an application under this Section.

101. At any time within thirty days from the date of sale, any person whose interests are affected by the sale may apply to the Dewan to set aside the sale on the ground of some material irregularity or mistake in publishing or conducting it and the Dewan may, after giving notice to the persons affected thereby, pass an order setting aside the sale and may order resale; but no sale shall be set aside on such ground unless the applicant proves to the satisfaction of the Dewan that he has sustained substantial injury by such irregularity or mistake.

102. If no application is made under Section 101 within the time allowed therefor, all claims on the ground of irregularity or mistake shall be barred.

(2) Nothing under sub-section (1) shall bar the institution of a suit in the civil court to set aside the sale on the ground of fraud or on the ground that the arrear for which the property is sold was not due.

103. No sale after postponement for a period exceeding 7 days under Section 95 and no resale under Section 99 or 101 shall be made until a fresh proclamation has been published as prescribed under Section 94.

104. On the expiration of thirty days from the date of the sale, if no application under Section 100 or 101 has been made, or if such application has been made and rejected, the Dewan shall make an order confirming the sale: provided that if the Dewan has reasons to think that the sale ought to be set aside (1) notwithstanding that no such application has been made, (2) on grounds other than those mentioned in the application which has been made and rejected, or (3) notwithstanding that the period of thirty days from the date of sale has expired, he may, after recording his reasons in writing, set aside at any time before making an order confirming the sale.

105. If the sale of any property is set aside under Section 100 or 101 or 104 any amount deposited by the original purchaser shall be repaid to him.

106. If the sale of any immoveable property has been confirmed, the Dewan shall put the purchaser in possession of such property and shall grant him a certificate specifying the date on which the sale is confirmed, the property sold and the name of the purchaser.

107. The proceeds of every sale under this Chapter shall be applied, firstly, in satisfaction of the arrear on account of which the sale was held and to the expenses of such sale, and secondly, to the payment of any other arrear recoverable as an arrear of land revenue payable to the State by the defaulter, and the surplus, if any, shall then be payable to him, or, where there are more defaulters than one, to such defaulters according to their respective shares in the property sold : provided that the surplus shall not be paid to the defaulter or defaulters until after the expiry of two months from the date of the sale, in the case of moveable property or from the date of confirmation of the sale in the case of immoveable property.

(2) Notwithstanding anything in sub-section (1), the proceeds of a sale of property for the recovery of an arrear recoverable as an arrear of land revenue shall be applied, first, to the payment of arrears of land revenue payable by the defaulter for the immoveable property sold up to the date of the sale, and the surplus, if any, shall be applied in accordance with sub-section (1).

108. (1) If at a sale or adjourned sale or resale for the recovery of an arrear of land revenue no bid is obtained or accepted, and the arrear has not been recovered for a period of one year from the date on which the land was first put to sale, the Dewan may exclude the defaulter from the holding on which the arrear is due and take such steps as may be prescribed for the recovery of the arrears.

(2) If after a period of one year from the date of exclusion of the defaulter the arrear remains unrecovered, the Dewan may declare the land to be unoccupied and the arrear due on the land shall be written off as irrecoverable.

(3) Save as provided in this Section a defaulter shall not be liable to ejectment from the whole or any portion of his holding for the recovery of an arrear of land revenue.

109. If a grantee is ejected under the process mentioned in Section 89 clause (e), the land shall be liable to be treated as unoccupied unless the Durbar directs otherwise.

109A. If any holding is leased out under the process mentioned in clause (c) of section 89, sub-section (2) the rent realised shall be applied first, to the payment of land revenue becoming due during the continuance of the attachment and next, to discharging the arrears for the recovery of which the attachment was made.

110. The following moneys may be recovered as far as may be under the provisions of this Chapter in the same manner as an arrear of land revenue :

(a) All water rates, cesses, fees, charges, *salamis*, penalties, fines and costs payable or leviable under this Law or any other enactment for the time being in force relating to land revenue ;

(b) All moneys falling due to the State under any grant, lease, or contract which provides that they shall be recoverable in the same manner as an arrear of land revenue; and

(c) All sums declared by this Law, or any other enactment for the time being in force, to be recoverable in the same manner as an arrear of land revenue.

111. (1) Any amount recovered by a village headman as land revenue, or as any other State due, and not credited by him to the State, shall be recoverable from his property as an arrear of land revenue.

(2) Nothing in this Section shall be deemed to prevent the prosecution of the headman for any offence under the Indian Penal Code or any other enactment for the time being in force.

112. (1) Standing crops on a field may be attached by a revenue officer if he has reasons (to be recorded) to believe that the ryot or tenant in possession of the holding is likely to make a default of land revenue, or is likely to abscond from the place without payment of land revenue.

(2) Attachment shall be effected by the service of a notice on the person concerned or by affixing a notice on the land on which the crops are standing.

(3) The ryot or tenant or lessee shall not be prevented from tending his crops but removal of the crop shall not be permitted without the permission of such person as may be authorised in this behalf by rules made under this Law.

(4) Permission to remove the standing crops under attachment shall be given if the crops are ready to be harvested but the ryot or tenant may be required to harvest the crop and deposit it in the custody of the village headman; report of harvesting and deposit shall be immediately made by the headman to such revenue officer as may be prescribed.

(5) On receipt of the report mentioned in sub-section (4) the revenue officer to whom the report is made shall immediately take action, or cause action to be taken if the payment of land revenue has not been made, to sell a portion or the whole of the crop as may be necessary in the same manner as moveable property for an arrear of land revenue. The balance of the crop, if any, shall be released immediately from attachment.

(6) If at any time before the sale is effected the defaulter makes payment the crops shall forthwith be released.

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CHAPTER VIII.—SURVEY AND SETTLEMENT.

113. (1) The operations carried out in accordance with the provisions of this chapter in order to determine or revise the land revenue payable on lands in any local area are called a "revenue survey".

(2) The results of the operations are called a "settlement" and the period during which such results are to be in force is called the 'term of settlement'.

114. (1) Whenever the Durbar thinks that a revenue survey should be made of a local area it shall publish a notification to that effect and such local area shall be held to be under revenue survey from the date of such notification until the issue of a notification declaring the operations to be closed.

(2) Such notification may extend to all lands generally in the State or to such lands only as the Durbar may direct.

115. (1) The Durbar may appoint a settlement officer who shall; subject to the control of the Durbar, control the operations of the revenue survey.

(2) The Durbar may also appoint such other officer and other staff to assist the settlement officer in conducting the operations as may be considered necessary.

(3) The Durbar may invest the settlement officer, or any other officer appointed in connection with the revenue survey, with all or any of the powers of the Dewan or other revenue officer under this Law.

(4) The settlement officer or other officers invested with the powers of any revenue officer under this Law shall be deemed to be revenue officers for the purposes of Chapter XIII and Chapter XIV: provided that, the disposal of appeals, or the exercise of powers under section 188, or under the proviso to sub-section (1) of section 189, shall lie with such officers as the Durbar may by notification direct.

116. When a revenue survey has been undertaken the settlement officer may, by special order, or by general proclamation published in such manner as may be prescribed, call upon all holders of land and other persons in possession thereof in a village to assist in the measurement or classification of the lands to which the revenue survey extends by furnishing flag holders and, in the event of a necessity for employing hired labour for this or other similar objects incidental to the operations, may assess the cost thereof with all contingent expenses on the lands surveyed with the help of such hired labour and the amount so assessed shall be recoverable as an arrear of land revenue due on such lands

117. (1) Rules may be made under this Law regarding the allotment of indicative numbers or sub-numbers to the holdings or groups of holdings on the lands to which the revenue survey extends, the grouping of such numbers into villages, allotment of numbers to lands diverted to non-agricultural purposes, the determination of the area to be reserved for residential purposes or for purposes ancillary thereto, the setting apart or determination of lands required or used for purposes of grazing or nistar or other common use, lands available for cultivation, the preparation of records and generally, on all matters concerning unoccupied lands and the conduct of the revenue survey.

(2) Lands assigned specially for any purpose during a revenue survey by the settlement officer, or during the term of a settlement, by the Dewan, shall not be diverted to other purposes without the sanction of the Dewan.

118. (1) The villages of the area covered by the revenue survey may be formed into territorial groups or into separate classes as may be prescribed, having regard to the physical features, agricultural and economic conditions and trade facilities and communications, provided that for such local areas as may be specified a separate grouping or classification may be made.

(2) The classification of lands or soils shall be made as prescribed by rules.

119. A building site of such dimensions as may be prescribed in the village site of any village shall not be liable to the payment of land revenue if such site is occupied by, or is allotted to, a ryot or tenant of agricultural land, agricultural labourer or such village servant as may be prescribed.

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120. The boundaries of all villages shall be fixed, and all disputes relating thereto shall be decided, by the settlement officer subject to rules made under this Law: provided that during the currency of a settlement the Dewan shall fix the boundaries or decide the disputes.

121. (1) If the several parties concerned in a dispute relating to any boundary specified in section 120 agree to submit the settlement thereof to an arbitration committee, and make application to that effect in writing, the settlement officer or Dewan, as the case may be, shall require the said parties to nominate a committee of not less than three persons within a specified time, and if, within the period fixed, the committee so nominated, or a majority of the members thereof, arrive at a decision such decision may be accepted by the settlement officer or Dewan, as the case may be.

(2) If the committee appointed in the manner aforesaid fails to effect a settlement of the dispute within the time specified the settlement officer or Dewan, as the case may be, shall, unless he wishes to extend the time, decide the dispute.

122. The boundaries of all villages and of such lands or holdings as may be prescribed by rules under this law shall be demarcated by boundary marks which shall be of such specification and shall be constructed and maintained in such manner as may be prescribed.

123. Every holder of land shall be responsible for the maintenance and repair of the boundary and survey marks erected thereon and it shall be the duty of the village headman and revenue officers to inspect the marks from time to time as may be prescribed and take such action as may be necessary to enforce the responsibility of the holder for the maintenance of the marks.

124. The settlement officer or Dewan may on the application of a party interested demarcate the boundaries of his lands: provided that in the event of a dispute no permanent marks shall be fixed except upon the adjudication of a competent civil or revenue court.

125. (1) The settlement officer or Dewan may enquire into and decide claims by persons holding land to rights of way over the boundaries of other land.

(2) In deciding such claims the settlement officer shall have regard to the needs of cultivators for reasonable access to their fields.

(3) Any person who is aggrieved by a decision of the settlement officer under this section may within a period of one year from the date of such decision institute a civil suit to have it set aside or modified.

126. (1) The settlement officer shall draw up, if possible, a table of rates of assessment for each class of land in each group or class of villages.

(2) Where owing to variation in soil, or other reasons, it is not possible or desirable to draw up a table of rates, the assessment of holdings shall be made in such manner as may be prescribed.

(3) In drawing up the table of rates or in estimating the assessment on any lands or soils, the settlement officer shall have regard, in the case of agricultural land, to the profits of agriculture and rents paid by the lessees, and in the case of non-agricultural lands, to the value of the land for the purpose for which it is held.

(4) For the purpose of determining the profits of agriculture, the following elements shall be taken into account in estimating the cost of cultivation:

(a) the depreciation of stock and buildings;

(b) the money equivalent of the cultivator's labour and supervision;

(c) all other expenses usually incurred in cultivation on the land which is under enquiry;

(d) interest on the cost of buildings and stock and expenditure for seed and manure and on the cost of agricultural operations paid for in cash,

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(5) In estimating the profits of agriculture from any area, the settlement officer shall have regard to the nature of the climate, the history of rainfall and harvests since the previous settlement, the price obtainable by agriculturists at the place at which the crops are usually sold, the fluctuation of prices since the previous settlement, likelihood of future fluctuations in prices and such other matters as may be prescribed :

Provided that if there has been no previous settlement, the matters stated above may be examined over the period of twenty years preceding the settlement.

(6) In any revenue survey or settlement made under this Law the assessment shall be made only in cash :

Provided that in areas inhabited predominantly by aboriginals, the assessment, if a majority of the inhabitants of the area so desire, may be made in kind.

127. (1) Where the revenue survey relates to land held for the purpose of agriculture the settlement officer shall place his proposals for assessment rates for any area before a local committee consisting of the village *panchayats* of the area, if any, and also such persons or committee specially appointed for the purpose as the Durbar may, by general or special order, specify.

(2) The settlement officer shall make a record of any proposals or criticisms made by the local committee and shall submit such record along with his final proposals for assessment rates to the Durbar which shall publish them for objections, and may confirm them with such alterations as it thinks fit.

(3) Where the revenue survey relates to lands held for purposes other than agriculture, in an area notified as an urban area, the settlement officer shall submit his proposals for assessment rates to the Durbar for orders after consultation or publication in such manner as may be prescribed.

128. The settlement officer shall have the power to record an assessment on all lands to which the revenue survey extends whether such lands are liable to the payment of land revenue or not and no regard shall be had to any claim to hold land on privileged terms.

129. (1) The actual assessment on all lands shall be based upon the table of rates drawn up under sub-section (1), or the assessment deduced under sub-section (3) of section 126, as confirmed by the Durbar under Section 127.

(2) The enhancement of the assessment of any particular holding shall not exceed 33 per centum of the previous assessment if the land is held for the purpose of agriculture ;

Provided that for special reasons to be approved in each case by the Durbar an enhancement may be made to an extent not exceeding 100 per centum ;

Provided further that the Durbar may, for special reasons, for any local area, fix a higher limit than 33 per centum not exceeding 100 per centum as the limit of enhancement but this proviso shall not apply to any area where a revenue survey has already been made.

(3) The assessment on lands used for non-agricultural purposes shall not exceed 50 per centum of the estimated rental value of the land.

(4) Where improvement has been effected during the currency of the previous revenue survey in any holding held for the purpose of agriculture by, or at the expense of, the holder thereof, the assessment in such holding shall be fixed as if the improvement had not been made.

(5) Where the enhancement on a holding exceeds 33 per centum the Durbar may direct that the full enhancement shall not come immediately into force but shall take effect over a period not exceeding 9 years,

(6) The actual assessment on land held as a grant shall be made according to the need for continuing it as such, the previous circumstances or conditions under which it is held, and the orders passed, if any, under Chapter IV.

130. (1) The provisions of this Chapter shall apply to the revenue survey and settlement of all alienated lands under tenureholders and no special considerations shall be allowed to prevail.

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(2) The *takoli* payable by a tenureholder may be fixed at such percentage of the total assessment of the area having regard to the previous custom, and such other considerations as may be fit and proper, but nothing in this section shall affect the right of the Durbar to make an enhancement of the percentage fixed previously.

(3) The enhancement which can be made under this section shall be subject to the provisions of section 38.

131. (1) When the actual assessment of any land, and the *takoli* payable by a tenure-holder, if any, has been fixed in accordance with section 129 and section 130, notice thereof shall be given in manner prescribed and such notice shall be called the 'announcement' of the settlement,

(2) The assessment of land as finally announced under this section shall be the land revenue payable annually on such lands during the term of the settlement, unless it is modified in accordance with the provisions of this Law.

132. The term of the settlement shall commence from the beginning of the agricultural year next following the date of announcement or from the expiry of the previous term of settlement, whichever is later.

133. The term of a settlements shall be fixed by the Durbar and shall not be less than 20 years provided that (1) any assessment may be reduced during the term of the settlement in such manner, to such extent, and for such period as the Durbar, thinks fit ; (2) when the circumstances of any local area are such that a fresh assessment is in the opinion of the Durbar inexpedient, or when the completion of a new assessment has, for any cause, been delayed, the Durbar may, at the expiration of the term of settlement, extend it with reference to such local area for such period as it may think fit.

134. When settlement operations are closed under sectiou 114, all applications and proceedings then pending before the settlement officer shall be transferred to the Dewan who shall have the powers of a settlement officer for their disposal.

135. The Dewan, or a revenue officer specially empowered in this behalf, may, at any time during the term of a settlement, correct any error in the area or assessment of any holding due to mistake of survey or arithmetical miscalculations ;

Provided that no arrears of land revenue shall become payable by reason of such corrections.

136. In addition to the assessment on any holding cesses may be imposed, subject to the following provisions :

(1) Cesses shall be only for such specific purposes as the maintenance of schools, roads, or dispensaries from which local cultivators derive benefit.

(2) The total amount of cesses imposed for any or all of these purposes shall not exceed *three annas per rupee* of the assessment.

(3) Cesses shall be payable by all persons whether exempt from the payment of land revenue or not, on the assessment recorded under section 128, and the revenue from cesses shall be credited entirely to the State in the first instance.

(4) Cesses shall, as far as possible, be announced at the same time as the assessment.

(5) No new cess shall be imposed, nor shall the amount of a cess be increased, under this Law, during the currency of a settlement.

137. The assessment on land, cesses payable, and all settlements made before the commencement of this Law shall be deemed to have been made under this Law.

138. (1) Any amount recoverable as a cess before the commencement of this Law exceeding the total limit prescribed in section 136, clause (2), shall, from the agricultural year following the commencement of this Law, cease to be recoverable, including arrears, if any.

(2) The commutation fee in return for nistar and grazing in village forest or forest allotted for the use of villagers or any amount payable to village watchmen or other village servants shall not be regarded as a cess under this section, notwithstanding that it has been described as a cess in any rule or order.

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CHAPTER IX—LAND RECORDS.

139. (1) A record of rights shall be prepared and maintained in every village and such record shall include the following particulars.—

(a) the names of tenure-holders ;

(b) the names of all ryots or tenants ;

(c) the nature and extent of the respective interests of such persons and the conditions or liabilities, if any, attaching thereto ;

(d) the assessment of the land and the land revenue, if any, payable by such persons ;

(e) such other particulars as may be prescribed.

(2) Such other records in addition to the record of rights as may be prescribed shall be prepared and maintained.

(3) An entry in the record of rights shall be presumed to be true until the contrary is proved or a new entry lawfully substituted therefor.

(4) The Dewan may, at any time, correct or cause to be corrected any clerical errors and any errors which the parties interested admit to have been made in the record of rights.

140. (1) Any person acquiring any right or interest in land required by, or under, section 139 to be entered in the record of rights, shall report in writing his acquisition of such right within three months from the date of such acquision to such official as may be prescribed in this behalf who shall at once give a written acknowledgment for such report to the person making it in a form to be prescribed :

Provided that (1) when the person acquiring the right is a minor or is otherwise disqualified his guardian or other person having charge of his property shall make the report (2) any person acquiring a right by virtue of a registered document or under a decree of a civil suit or a certificate of a revenue court shall be exempted from the obligation to report and the registering officer or court concerned shall give intimation in manner prescribed.

Explanation : The rights mentioned above do not include an easement or a charge not amounting to a mortgage. The person in whose favour a mortgage is redeemed or paid off or a lease for a period exceeding three years is created or determined acquires a right within the meaning of this section.

(2) Any person neglecting to make the report required by sub-section (1) within the period prescribed shall be liable, at the discretion of the Dewan, to a penalty not exceeding five rupees which shall be recoverable as an arrear of land revenue.

141. (1) The official to whom a report is made under section 140 shall enter in a register of mutation every acquisition of right of the kind specified under section 139 which is reported to him or otherwise comes to his notice and issue such proclamation and give such notice as may be prescribed.

(2) A revenue officer empowered in this behalf shall, in manner prescribed, hear objections, if any, put forward by persons interested in the mutation and certify the entry in the register of mutations if found correct or after correction.

(3) An entry in the register of mutations certified in manner prescribed by sub-section (2) shall be entered in the record of rights.

(4) A fee not exceeding two rupees, in court-fee stamps, may be charged when a mutation is certified ; no charge shall be made for notices or proclamations or on any accounts other than measurement or demarcation made at the instance of the person concerned.

142. (1) The Civil Courts shall have jurisdiction to decide any dispute to which the State is not a party relating to any right which is recorded in the record of rights.

(2) The entry in the record of rights shall be corrected in accordance with the decree or decision of the Civil court so far as it adjudicates upon any right required to be entered in the record of rights.

(3) Rules may be made for the purpose of giving effect to the provisions of this section.

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CHAPTER X.—THE VILLAGE FOREST.

143. The term 'village forest' shall mean forest-growth growing on all forest or waste land within the boundaries of a village, or land classed as forest land, waste land, or scrub jungle or equivalent terms, in the record of rights relating to the village and shall include trees, self-sown or otherwise. The term shall not include forest-growth growing on the occupied area or on the area recorded as the village site or set apart for such purposes as camping grounds, resting places for cattle or such other lands meant for general use as may be prescribed.

144. (1) The management of the village forest of any village shall be entrusted to a *panchayat* consisting of such persons and appointed in such manner as may be prescribed by rules made under this section ; provided that revenue or forest officials may be appointed to give directions to, or to prepare a working plan for, the *panchayat* in connection with the management of the village forest.

(2) If at any time it is found that there is material violation of the provisions of this Law or rules made under it, or that protection of any village forest is necessary, the Dewan may, after recording his reasons, proclaim that the village forest of the village will be protected by the State.

(3) With effect from the date of such proclamation the jurisdiction of the *panchayat* over the village forest shall cease and the Dewan shall take such steps or issue such orders as may be necessary for the protection of the forest-growth and management of the village forest.

145. (1) All residents of a village shall have a right of user or *nistar* for any *bona-fide* agricultural or domestic purpose in the village forest.

Provided that the Dewan may, having regard to the condition of the village forest and the availability of forest-growth elsewhere, direct that persons following professions requiring large quantities of fuel or other forest-growth, shall obtain their requirements elsewhere.

(2) In the absence of land containing forest growth, or forest growth adequate for the needs of the residents of the village, the State may set apart other areas from which the residents may obtain their requirements, or permit *nistar* in the village forest of any other village.

(3) No fee shall be levied from the residents of a village for the right of user or *nistar* unless the village forest, or other area set apart for the purpose, is adequate to meet their reasonable needs in this respect.

146. (1) If it is found that there has been cutting of the forest growth in a village forest in contravention of the provisions of this Law and the village forest is likely to be exhausted unless protected, the Dewan may prohibit the taking of *nistar* or regulate it in such manner as may be considered necessary in the interests of preservation of the village forest.

(2) Rules may be made regarding the appointment of guards to watch the village forests, the recovery of the costs of such guards or management from the residents of the village as arrears of land revenue and such other matters as may be found necessary.

147. (1) Trees of the following species shall not be cut in village forests without the previous permission of the Dewan :—

Mango, tamarind, mahua, achar, jamun, harra, palas, kusum and jack fruit.

(2) Permission to cut fruit-bearing trees shall not be given unless the tree has ceased to bear fruit or unless no other timber is available and the tree can be cut without any substantial reduction in the *nistar* of the village.

(3) No fee shall be levied for permission to cut any tree.

148. (1) No shifting cultivation shall be permitted except in areas specially reserved and notified for the purpose ; provided that the cutting of forest-growth for the purpose of making nurseries for seed may be permitted in such areas as may be specified by the Dewan.

(2) In cutting timber trees, seed bearing trees at a rate of not less than 30 per acre of the principal kind cut shall be left ; and the total number of trees of all kinds left standing shall not be less than 90 per acre evenly distributed over the area in which cutting is effected,

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(3) Timber and brushwood shall be cut flush with the ground.

(4) In cutting bamboos all clumps of less than two years' growth shall be left in the clump.

(5) No cutting shall be done within 20 yards of either bank of a stream which ordinarily retains water until January.

(6) No tree shall be ringed for resin so as to cut the bark round the entire circumference and no tree shall be deprived of so much of its bark as is likely to cause it to die.

(7) No tree on waste lands not included in village forest shall be cut except by order of the Dewan.

149. Persons committing a breach of any of the provisions of sections 147 or 148, or acts in contravention of an order of the Dewan under sections 144 or 146, shall be liable, by order in writing of the Dewan, to a penalty not exceeding Rs. 200 or, if the breach be a continuing one, a penalty not exceeding Rs. 10 for each day during which such breach continues.

150. (1) The cattle of all agriculturists shall be entitled to graze free within the boundaries of the village.

(2) For the purposes of this section 'agriculturist' means a person who derives his livelihood mainly from agriculture, or such other persons or class of persons essential to, or forming part of, the agricultural community as the Darbar may, by notification, specify.

Explanation.—'Agriculture' does not include cattle breeding or dairy farming.

(3) The grazing of cattle of persons who are not agriculturists shall not be permitted within the boundaries of the village if there is reserved forest or other are available for grazing a distance of four miles from residential area of the village, unless the pasture available within the boundaries of the village is considered adequate for all the cattle of the village.

(4) A fee may be imposed on the cattle of persons who are not agriculturists, permitted to graze within village boundaries :

Provided that cattle actually used for cultivation may be exempted.

Explanation.—Cattle means cows, buffaloes, sheep or goats and the males of these animals.

151. (1) Notwithstanding any custom to the contrary, the residents of a village shall not have any right to propagate lac or tussore in the village forest.

(2) The State may permit the propagation of lac or tussore in village forest on payment of a tree tax or may lease out the right to a contractor :

Provided that if the right is leased out to a contractor, the State may require that the residents of the village shall have preference over others not so resident in being employed for the purpose of propagation.

152. (1) The residents of a village shall have no right to myrabolams (*harra*) or *tendu* (Diospyros melanoxylon) in village forest and the State may dispose of the right to them by lease or otherwise ;

Provided that where the residents have a customary right of appropriation of myrabolams or *tendu* for their *bona-fide* domestic use before the commencement of this Law, such right shall be recognised.

(2) If the right to myrabolams or *tendu* is leased out, the State may require the lessee to employ the residents of the village as far as possible for collection and fix the wages payable to them.

153. (1) No forest growth from a village forest or other uncultivated unoccupied land within the boundaries of a village shall be sold or leased out to any person.

(2) Cultivation of any area included in village forest shall not be permitted save in consultation with the *panchayat*, if any, appointed under section 140, and the forest officer of the State.

(3) A tenure-holder shall have no rights of user in a village forest other than as a resident of the village.

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CHAPTER XI.—Village Servants.

154. A person in authorised possession of a service grant for the time being for the purpose of rendering service to villagers or the State or its officers or both, is a village servant :

Provided that the village chowkidar or watchman shall be deemed to be a village servant whether he holds a service grant or not.

155. (1) For each village or group of villages there shall be appointed, in manner prescribed, one or more village chowkidars or watchmen.

(2) There shall be such other village servants as may be prescribed.

(3) The village servants existing before the commencement of this Law shall be deemed to have been appointed under this Law.

156. Where the services of any village servant, other than the village watchman, are not considered necessary, or where the services are not being rendered without separate payment, and the continuance of the service grant does not appear necessary, the Darbar may direct that any grant or any class of grants shall be dealt with under the provisions of section 45.

157. (1) The appointment, duties and punishment or removal of village watchmen and other servants shall be as prescribed by rules under this section.

(2) Village watchmen shall continue to receive under this Law such customary remuneration as they were receiving at the commencement of this Law :

Provided that

(a) any ryot or tenant may apply for the commutation of the payment made by him in kind, or partly in cash and partly in kind, to a payment in cash not exceeding one anna per rupee of the land revenue or rent payable by him ;

(b) any payment in cash exceeding the rate of one anna per rupee of land revenue or rent shall cease to be recoverable from the commencement of this Law.

(c) No payment shall be made to any village watchmen who holds a service grant of six acres or more in area.

158. (1) The remuneration of village watchmen shall be payable by all residents of the village, other than village servants or indigent persons who may be exempted, including the village headmen and tenure holders or holders of grants.

(2) The amount payable by residents who are in receipt of incomes from non-agricultural services shall be as prescribed.

159. The Dewan may reduce the amount payable by ryots or tenants on other residents if, in his opinion, the watchman is getting more than an adequate payment.

160. (1) If the amount payable by a ryot or tenant to a village watchman under section 157 is equal or equivalent to one anna per rupee of land revenue the ryot or tenant shall not be liable to pay the remuneration of any other village servant under this Law ; neither shall he be liable to make any contribution towards the cost of the uniform or dress of any village servant.

(2) The payments made by residents of a village to such village servants as graziers or blacksmiths for services rendered to them shall not be deemed to be a payment made under this Law.

(3) No payment which is not being made at the time of the commencement of this Law shall be levied under this section.

161. The remuneration of village watchmen and such other servants as may be prescribed may be recovered on application by a revenue officer as an arrear of land revenue from the person from whom the payment is due.

CHAPTER XII.—Administrative Divisions and Officers.

162. The Durbar may divide the State into administrative divisions to facilitate the revenue administration and may alter the limits of any such division or may create new or abolish existing divisions.

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163. (1) The Durbar may appoint such revenue officers as may be found necessary for the administration of this Law, who shall exercise such powers as the Durbar may, by notification, direct.

(2) The Durbar may appoint such other officials as may be necessary for the maintenance of land records and invest them with such powers as may be necessary to give effect to the provisions of this Law.

164. (1) The Dewan shall have all the powers of a revenue officer under this Law.

(2) The Durbar may by notification invest any revenue officer, either personally or by designation, with any of the powers of the Dewan under this Law.

165. (1) All revenue officers shall be subordinate to the Durbar.

(2) All revenue officers and officials appointed for the administration of this Law other than the Dewan shall be subordinate to the Dewan.

(3) Rules may be made under this section regarding the designation of officials and the officers to whom they are subordinate.

CHAPTER XIII.—Procedure of Revenue Officers.

166. All revenue officers and such other staff appointed for the purpose of land records and their servants and workmen when authorised, either verbally or in writing by them, may enter upon and survey land, demarcate boundaries and do other acts connected with their duties under this or any enactment for the time being in force ; provided that no person shall enter into any building or upon any enclosure, court or garden attached to a dwelling house, unless with the consent of the occupier thereof, without giving such occupier at least 24 hours notice, and in making such entry due regard shall be paid to the social and religious sentiments of the occupier.

167. The Durbar or the Dewan may for reasons to be recorded transfer any case or classes of cases from any subordinate revenue officer to any other such officer competent to deal therewith.

168. The Dewan, or such revenue officer as may be empowered in this behalf, may make over any case or classes of cases arising under the provisions of this Law or otherwise for enquiry or decision from his own file to any revenue officer subordinate to him competent to deal with such case or class of cases, or he may, for reasons to be recorded, withdraw any case or class of cases from any such revenue officer and may deal with such case or class of cases himself, or refer the same for disposal to any other such revenue officer competent to deal therewith ;

Provided that if after enquiry in a case, a report is submitted by a revenue officer to a superior revenue officer for final orders the latter shall, if the parties so desire, before passing the final order, give them an opportunity to be heard.

162. (1) Subject to the provisions of Sections 132 and 133 of the Code of Civil Procedure and to rules made under this Law, every revenue officer shall have powers to summon any person whose attendance he considers necessary, either to be examined as a party, or to give evidence as a witness, or to produce any document for the purpose of any enquiry or case arising under this Law or any other enactment for the time being in force.

(2) A summons to produce documents may be for the production of a certain specified document or for the production of all documents of a certain description in the possession or power of the persons summoned.

(3) If any person on whom a smmons has been served fails to comply with the summons, the officer by whom the summons has been issued may issue a bailable warrant for the arrest of such person.

(4) No person shall be ordered to attend in person if his presence can be dispensed with and no person shall be ordered to attend at a place more than twenty-five miles from his residence unless there is railway communication or other established public conveyance.

(5) Any person present may be required by any revenue officer to give evidence or to produce any document then and there in his possession or power.

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170. The service of processes by other States or by a revenue Court in British-India may be effected in manner prescribed.

171. (1) Every summons shall be in writing, in duplicate, and shall be signed and sealed by the officer issuing it or by such person as he empowers in this behalf and it shall specify the time, and place at which the person summoned is required to attend and also whether he is required to give evidence or produce a document.

(2) Every summons shall be served by tendering or delivering a copy of it to the person summoned, or, if he cannot be found, or refuses to accept the service of the summons, by affixing a copy of it to some conspicuous part of his usual residence.

172. Subject to the provisions of this Law, whoever is summoned to appear before the revenue officer to give evidence shall attend at the time and place named in the summons for that purpose, and whoever is summoned to produce a document shall either attend to produce it, or cause it to be produced, at such time and place.

173. Every notice under this Law may be served either by tendering or delivering a copy thereof to the person on whom it is to be served or his authorised agent or, if service in the manner aforesaid cannot be made, by affixing a copy thereof at his last-known place of residence or at some place of public resort in the village in which the land to which the notice relates is situated, or from which the land is cultivated.

174. Whenever a proclamation is issued under this Law copies thereof shall be posted in the court-house of the officer issuing it, at the headquarters of the sub-division, if any, within which the land to which it refers is situated, and at some place of public resort on or adjacent to which it refers, and, unless the officer issuing it otherwise directs, the proclamation shall be further published by beat of drum on or near the land to which it refers.

175. No notice or proclamation shall be deemed to be void on account of any error in the name or designation of any person or in the description of any land referred to therein unless such error has produced substantial injustice.

176. If any party to a case or proceeding before a revenue officer does not appear on the date fixed for hearing, the case may be heard and determined in his absence or may be dismissed in default.

177. (1) The revenue officer may, for reasons to be recorded, from time to time adjourn the hearing of a case or proceeding before him.

(2) The place of an adjourned hearing of a case or proceeding shall be intimated at the time of the adjournment to such of the parties and witnesses as are present.

178. (1) Except where a case or proceeding before any revenue officer has been decided on the merits, no appeal shall lie from an order passed under the provisions of Section 176.

(2) The party against whom the order is passed under the provisions of Section 174 may apply within 30 days from the date of such order to have it set aside on the ground that he was prevented by any sufficient cause from appearing at the hearing, and the revenue officer may, after notice to the opposite party and making such enquiry as he considers necessary, set aside the orders that have been passed.

179. A revenue officer may give and apportion costs incurred in any case or proceeding arising under this Law or otherwise, in such manner and to such extent as he thinks fit, provided that the fees of a legal practitioner shall not be allowed as costs in such cases or proceedings unless such officer considers otherwise for reasons to be recorded by him in writing.

180. All fees, fines, costs and other money ordered to be paid or recoverable under this Law shall be recoverable as if they were arrears of land revenue.

181. If possession of any immoveable property is adjudged, the officer making the order may deliver possession of the property in the same manner and with the same powers in regard to all contempts, resistance and the like as may be lawfully exercised by the civil courts in execution of their decrees,

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182. Save as otherwise provided in any other enactment for the time being in force, all appearances before, applications to, and acts to be done before any revenue officer under this law may be made or done by the parties themselves or by their recognised agents or by legal practitioners.

183. Every order passed under this Law shall be communicated to the parties concerned in open court or in such other manner as may be prescribed.

CHAPTER XIV.—Appeal, Revision and Review.

184. (1) Save where otherwise provided in this Law an appeal shall lie from every original order under this Law or the rules made thereunder to such authority as may be appointed in this behalf : provided that if the order has been passed by a revenue officer subordinate to the Dewan the appeal shall lie to the Dewan.

(2) No appeal shall lie after the expiration of 45 days from the date of communication of the order to which objection is made.

185. Every petition for appeal, review or revision shall be accompanied by a certified copy of the order to which objection is made unless the production of such copy is dispensed with.

186 (1) The appellate authority may either admit the appeal, or, after calling for the record and giving the appellant an opportunity to be heard, may summarily dismiss it ; provided that the appellate authority shall not be bound to call for the record where the appeal is timebarred or does not lie.

(2) If the appeal is admitted, a date shall be fixed for hearing and notice thereof shall be served on the respondent.

(3) After hearing the parties if they appear, the appellate authority may confirm, vary or reverse the order appealed against ; or may direct such further investigation to be made or such additional evidence to be taken as he may think necessary ; or might himself take such additional evidence ; or may remand the case for disposal with such directions regarding the procedure or further enquiry as he thinks fit.

187. (1) If an appeal is admitted, the appellate authority may, pending the result of the appeal, direct the execution of the order appealed from to be stayed.

(2) A revenue officer who has passed any order or his successor in office may direct the execution of such order to be stayed at any time before the expiry of the period prescribed for appeal if no appeal has been filed.

(3) If the execution of any order is stayed under sub-section (1) or (2), such security may be taken or conditions imposed as the appellate authority or revenue officer thinks fit.

188. The Durbar, or the Dewan, may, at any time, for the purpose of satisfying himself as to the legality or propriety of any order passed by, or as to the regularity of the proceedings of, any revenue officer subordinate to him, call for and examine the record of any case pending before or disposed of by such officer and may pass such order in reference thereto as he thinks fit ; provided that he shall not vary or reverse any order affecting any question of right between private persons without having given to the parties interested notice to appear and be heard in support of such order.

189. (1) The Durbar, or any revenue officer, may, either on his own motion or on the application of any party interested, review any order passed by himself or by any of his predecessors in office and pass such order in reference thereto as he thinks fit ; provided that if the Dewan thinks it necessary to review any order which he has not himself passed, or if an officer subordinate to the Dewan proposes to review any order whether passed by himself or by any predecessor he shall first obtain the sanction of the Durbar or the Dewan as the case may be.

(2) No order shall be varied or reversed unless notice has been given to the parties interested to appear and be heard in support of such order.

(3) No order from which appeal has been made or which is the subject of any revision proceedings shall, so long as such appeal or proceedings are pending, be reviewed.

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(4) No order affecting any question of right between private persons shall be reviewed except on the application of a party to the proceeding and no application for review of such order shall be entertained unless it is made within 90 days from the passing of the order.

(5) An order which has been dealt with in appeal or on revision shall not be reviewed by any revenue officer subordinate to the appellate authority or revisional authority.

CHAPTER XV.—MISCELLANEOUS.

190. Subject to such conditions and to the payment of such fees as may be prescribed, all revenue records, maps, and land records which have been prepared or are required to be prepared or kept under this Law or any enactment for the time being in force, shall be open to the inspection of the public at reasonable hours, and certified extracts therefrom or certified copies thereof, shall be given to all persons applying for the same.

191. All records in the custody of a tenure-holder relating to matters covered by this Law may be required to be produced or deposited at such place or in such manner as the Durbar may direct, and the tenure-holder shall have no right to the custody of the records from the commencement of this Law.

192. Notwithstanding any custom whereunder a cess or contribution or due has been levied in any village, no cess, contribution or due shall henceforth be leviable unless it is—

(a) a cess, tax, toll or fee leviable under this Law or under any rule, order or enactment not contrary to the provisions of this Law ;

(2) a payment for services or consideration received or to be received.

193. (1) Except as otherwise provided in this Law, or in any other enactment for the time being in force, no civil court shall entertain any suit instituted or application made to obtain a decision or order on any matter which the Durbar or any revenue officer is, by this Law, empowered to determine, decide or dispose of ; and in particular and without prejudice to the generality of this provision, no civil court shall exercise any jurisdiction over any of the following matters :—

(a) any claim against the State to hold land free of land revenue, or at less than the fair assessment, or to be assigned in whole or in part the land revenue assessed on any land :

Provided that the jurisdiction of the civil courts shall not be held to be barred in respect of the interpretation of any sanad, grant or contract or recorded order conferring a right to hold land free of land revenue or less than the fair assessment or in respect of the establishment of any customary right not contrary to the provisions of this Law.

(b) any question as to the validity or effect of the notification of a revenue Survey or any question as to the term of a Settlement ;

(c) the amount of land revenue assessed under this law ;

(2) Where under the provisions of this Law, a suit may be instituted against the State to set aside or modify a decision made by the Dewan or a revenue or settlement officer on any matter which such officer is empowered by this Law to determine, decide or dispose of, such suit shall not be proceeded with until the plaintiff proves that prior to the institution of the suit he has presented and obtained decisions upon all appeals or revision allowed under this Law in respect of such decision :

Provided that, where the period of limitation of such suit runs from the date of the order which is sought to be set aside or modified, such date shall be deemed to be the date of the last appellate or revisional order.

194. (1) All rules for which provision in made in this Law shall be made by the Durbar and shall be consistent with this Law.

(2) A rule may be general for the whole of the State or applicable only to such local areas as the Durbar may specify.

(3) In making any rule the Durbar may direct that any breach thereof shall be punishable with fine which may extent to two hundred rupees.

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(4) All rules proposed to be made under this Law except rules under section 165 shall be subject to previous publication and shall not be confirmed for a period of fifteen days after such publication.

(5) Rules when confirmed shall take effect on notification in the State Gazette or promulgation by other customary means.

195. (1) In addition to any power specially conferred by this Law, the Durbar may make rules generally for the purpose of carrying into effect the provisions of this Law.

(2) In particular and without prejudice to the generality of the foregoing power, the Durbar may make rules—

(a) regulating the procedure of revenue officers in issuing and enforcing processes under this Law, prescribing the form of processes, prescribing the agency by which such processes may be executed, and prescribing the scale of fees to be charged for issuing or executing such processes and the mode of their collection and prescribing the expenses of sales ;

(b) regulating the payment of expenses to witnesses and the recovery of such expenses from the parties ;

(c) for the licencing of petition writers and the regulation of their conduct ;

(d) prescribing the persons who may be the recognised agents of parties in proceedings under this Law and regulating their procedure ;

(e) regulating the sanitation of villages, the burial of the carcasses of animals, the protection and fencing of wells, the upkeep of village roads and like matters of village management ;

(f) regarding the mode of assessment, payments, recovery and other matters relating to taxes imposed in areas under shifting cultivation, the regulation of such shifting cultivation, the disposal of land in, and all other matters relating to village management or revenue administration in, such areas ; and

(g) generally for the guidance of revenue officers and all other persons in proceedings under the Law.

196. (1) All orders, rules, if any, existing before the commencement of this Law, shall, in so far as they are not inconsistent with the provisions of this Law, be deemed to have been made under, and for the purposes of, this Law.

(2) All enactments and rules, if any, existing before the commencement of this Law, regarding matters for which provision has been made in this Law, shall to that extent be deemed to be repealed, and are hereby declared to be repealed.

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REPORT

ON

LAND TENURES & THE REVENUE SYSTEM

OF THE

ORISSA AND CHHATISGARH STATES

BY

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Volume III — The Individual States

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ATHGARH

REVENUE HISTORY AND SETTLEMENTS

Management of land or villages in Athgarh State seems to have been done on the *sarbarakari* system for a long time and it is unlikely that the State, before 1800, attempted to go into the details of assessment of land. It is on record in the rent note drawn up at the settlement of 1922 that the first settlement of the State was attempted in 1844 A.D and there is no record of any earlier settlement. The records of the 1844 settlement are also not available. In this settlement, only the cultivated area is said to have been measured and it may be assumed that the measurement was probably done by some such rough means as standard stick or bamboo, if not a *nazarkut* or eye estimation.

The next settlement was made in 1861 and the whole State including cultivated and uncultivated areas was measured. This measurement again was rough and did not amount to any sort of accurate survey. The total area was recorded as 131,489 acres of which 21,780 acres were cultivated. 10,482 acres were assessed to the sum of Rs. 9,095. Another settlement was commenced in 1866 but it is recorded that only a few villages were resettled and some were altogether left out ; the rent-paying area is however shown as 13.825 acres assessed to Rs. 25,251. In 1900 a more elaborate settlement was taken up and villages were divided into six classes and lands into 4 classes. The survey is described as a *lathi* survey. The total area assessed at this settlement was recorded as 21,332 acres and the total assessment amounted to 41,683 rupees. The settlement was for 15 years.

2. Fresh operations however were not commenced till the end of the 1920. At this settlement, village boundaries were surveyed by plane-table and chain but the detailed survey of cultivated lands was done with a standard rod of 10′ 5½″, plots being roughly sketched on the map. The three recognised varieties of lands (*sarad; gora; pal*) were divided into 3 classes each and villages into three classes. The *taila* lands (lands cultivated irregularly) were placed in a separate class as in the previous settlement, and assessed at the same rate. The homestead lands had been divided at the 1900 settlement into 3 kinds and a large number of rates were assessed in various villages. These lands were assessed again at different rates according to the importance of the village or the class of persons holding it, such as merchants, ryots, and so on. The *thani* or resident ryots were enjoying one *gunth* (0.04 acre) of homestead land per acre of ryoti land free of rent like the *moghalbandi* ryots (ryots of Orissa who came under the Moghal system of settlement). This area of free homestead was continued at the 1920 settlement also. Certain homesteads at Athgarh which were held rent-free were exempted again and another cases excess homestead lands were assessed. *Bagait* (orchard) lands were recorded in the name of the State and ryots who planted fruit trees were to be allowed to enjoy the fruits on payment but in years of scarcity the State would distribute the fruits to the poorer villages. The settlement seems to have been based upon the Orissa Tenancy Act and general instructions issued by the Deputy Commissioner, Angul. Among the factors taken into consideration in classifying the land was the nature of the crop grown which is not one of the factors prescribed under the Orissa Tenancy Act.

At the 1920 settlement the measurements of the previous settlement were found defective but the 1920 settlement itself seems to be no better being also a *lathi* survey except for the traverse. I understand that many defects have been found in the map and measurements and there are many boundary disputes which cannot be adequately dealt with as there are no proper boundary marks, and measurements are unreliable. Only the State boundary has satisfactory boundary marks and village boundary marks appear to be totally neglected. The settlement expired in 1937 but a fresh settlement has not been taken up owing to lack of funds.

3. The settlement record consists of the *kharsa*, *khatian*, map, etc., of the whole State and are kept by the record keeper, and the revenue officer is supposed to be in charge of them. Under the record keeper there is a mutation *mohair*; there are *amins* who however work on special remuneration for each job given to them. The police and chowkidars are expected to report regarding the condition of boundary marks ; formerly sarbarakars were responsible for the boundary marks. The employment of police for this work is I think

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unique and the position regarding boundary marks has already been mentioned.

ZAMINDARI AND OTHER TENURES

4. There are no zamindaris in the State and no entire village is held by any tenure-holder or grantee though there are grants in almost every village. There are a large number of rent-free grants and lands held on quit rent, however. Given separate names, there are no less than 62 kinds of rent-free grants but these can all be classified under *debottar*, *brahmottar*, maintenance and service grants. Among the maintenance grants are included the '*khamar*' or '*khanja*' lands held by the Ruler or members of the family. The State neither maintains a register of grants (in this it has plenty of company) nor was one prepared for me as requested; I have therefore to refer to the figures available in the 1920 settlement report which must be quite out of date now. According to those figures there were 4756 acres *debottar*, 1403 *brahmottar*, 1116 *khamar*, 2203 service jagirs, the total of all rent-free holdings being 11,063 acres with a rental of Rs. 27,034.

Roughly one-third of the total cultivable area of the States seems to be held rent-free and the assessment of these lands is about half the amount shown as annual land revenue demand (Rs. 55,000).

5. An account of the *debottar* and other tenures is not to be found in the settlement report and in view of the fact that there are no entire tenure villages a lengthly description is not necessary. Examination of the few sanads which I could obtain shows that most of the grants, even service grants, are given unconditionally, "as long as the sun and moon last" and no liability to resumption is shown against them.

The recent grants (1915-16) contain a clause that nobody can sell the land and grants are in perpetuity but there is no mention of forest or mineral rights. The *debottar* grants are held by 519 deities of which 276 are outside the State and 13 are shown as managed personally by the Ruler (while in the State I found considerable reluctance in giving information about these grants and was told that the Rani Saheba was managing the Department) in the "*Debottar* Department". The deities of the *Debottar* Department seem to get the bulk of the rental of *debottar* lands. The deities outside the State are supposed to be looked after by "*shebayat marfatdars*" and it is unnecessary to say that there is no control over the application of the income.

As regards the deities of the Department enquiry from the Political Agent who is now looking after the administration shows that "the Raja's management of the Debottar Department has, on examination, proved to have been delightfully simple First, he took a loan of Rs. 1,45,000 from the Imperial Bank of India on the security of the *Debottar* Trust Fund, which he had no authority to pledge. Secondly, he has spent as far as I can see the entire principal of the Trust Fund, so that there is now nothing left. All this money has disappeared having been spent on his personal requirements,

The *debottar*, *brahmottar* and other lands seem to be cultivated to a large extent on *sanja* (produce rent) or *bhag* (corp sharing) tenure though some of the smaller holders cultivate personally.

The service holdings are for various purposes such as peons, carpenters, watermen, *paiks* (foot soldiers), etc., most of which seem to be quite useless now.

The 1938 rules prohibit sale of *lakhraj* (rent-free) *khanja* or any other *muafi* or *tanki* lands and this position has not been altered by the 1940 proclamation. These lands presumably pass by inheritance. *Lakhraj* lands can be transferred with the sanction of the Ruler but on transfer they become ryoti or rent-paying. This provision is contained in the Registration Rules though the Revenue Rules prohibit sales.

THE RYOTI TENURE

6. The ryots are described as *thani* and *pahi* according to as they reside in the village in which the cultivated lands are held or in some other village. There is no difference in the rights between the two kinds of ryots. Non-agricultural ryots, that is, persons who hold homestead lands only are described as *chandanadars*. Ryots presumably hold land continuously subject to the payment of rent and it is prescribed that sales can be held only under the orders of the revenue courts.

7, Transfer of lands was subject to the sanction of the Ruling Chief and 10 per cent of the consideration in the case of ordinary sales and 25 per cent,

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in the case of special sanction sales, *i.e.*, sales of land belonging to aboriginals or illiterate people (it is not known what special sanction means ; sales of all kinds used to require sanction but the rules regarding lands of aboriginals is that the *special* permission of the Ruling Chief is required, whereas in other cases the rule says that land cannot be sold without the sanction of the Ruling Chief), but under the proclamation of April, 1940, permission of the State is no longer necessary except in the case of aboriginals and non-resident outsiders ; *salami* is also said to have been discontinued. The old rules did not permit mortgage for a period longer than 5 years, but the proclamation removes the restriction except in the case of aboriginals and outsiders.

The proclamation does not appear to abolish the rules regarding the execution of wills, or gift deeds. Under these rules execution of wills in respect of ancestral properties when there are sons is prohibited and wills connot be executed in favour of persons other than wives, daughters and certain other relatives or local deities. The will or gift is void if such relatives do not reside in the State. A fee of Rs. 5 is leviable before permission is granted. It is also laid down that *murtaha panchak dana* (charity on the death of a person) should not exceed 10 *gunths* in area. In the case of illegal transfers they may be condoned on payment of double the usual fees or the land may be confiscated ; if the consideration is found low the tahsildar may order transfer to somebody else at a higher price.

8. The proclamation of 1940 granted full rights over trees in ryot, *lakhraj* or jagir lands.

9. Permission to kill wild boars on the fields was granted but on each boar killed two annas have to be paid to the village *panchayat* fund. (I did not find any village *panchayat* ; it is said no *panchayat* exists at present ; the 1908 rules prescribed *panchayats* but did not prescribe their duties.) As regards other animals the proclamation said that the matter was under the consideration of the Darbar but no fresh proclamation has been issued since 1940.

10. Reclamation of waste lands under the 1938 rules permitted on realisation of *salami* at various rates according to the quality of the land. Homestead lands were alloted on payment of *salami*; fruit trees on the lands were separtely charged for. The procedure prescribed is to recover the *amin's* fees on application depending upon the number of acres required and making an enquiry (through the *amin*) locally. The *amin* is expected to report the objections of local people and if there are forests the Ranger of the circle is consulted. If there is no objection the lease is sanctioned on payment of the *salami* and steps are taken to effect mutation on payment of mutation fees. The cost of reservee and tracing of reserved or protected blocks is realised from the applicant. If the land is forest land forest growth on the land is sold by the Ranger by auction and the auction purchaser is expected to remove the forest growth within two months; the *salami* prescribed is thus apart from the value of the forest growth. Rs. 10 per acre have to be paid as security as certain lessees relinquish the area after the forest growth was cleared. The tahsildar (who does not exist) is empowered to sanction leases up to 15 acres and the revenue officer up to 30 acres; above 30 acres the sanction of the Ruling Chief is required. Under the proclamation of 1940 rent is not assessed on *nayabadi* lands for "3 to 5 years as the case may be". Eviction proceedings will be started if after the expiry of the said period the ryot is not making proper attempts to reclaim and improve the land. If the ryot has appropriated the forest growth on the land, a penalty will be charged according to the value the growth would have had. The *salami* has been reduced to Re. 1 per acre of *taila* lands and Rs. 1-8-0 for *gora* lands by the 1940 proclamation.

Relinquishment of land can be effected by applying to the revenue officer or tahsildar who will try to settle the land free of *salami* (only value less land is relinquished) with a new tenant. Part of a holding is not permitted to be relinquished.

There is nothing in the rules regarding alluvion and diluvion which seem to occur fairly frequently as the land is subject to inundations from the Mahanadi and other streams. It is said however that cases of alluvion are dealt with in the same way as *nayabadi* while diluvion is treated as a case of abatement.

11. No land acquisition cases were available though land has been acquired for an aerodrome and other purposes and obviously the acquisition was made without payment. The 1938 rules prescribe that a case should be started and the record keeper asked to measure the area and report the annual rental. After this report is obtained a notice will be served on the land owner. The

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tahsildar is to judge whether the correct valuation has been reported and to report to the Ruling Chief to sanction the compensation proposed. The owner is expected to give up possession in one month in the case of cultivated or waste land and in three months in the case of homestead. Even these imperfect rules are not followed.

12. Mutation is effected in all cases of sale, gift, partition, exchange reclamation, etc. On receipt of a petition bearing 8 annas court fee, a proclamation costing Re. 1 is issued. If no objection is found mutation is effected on payment of mutation fees. Penalties are prescribed ranging from one to ten rupees if the documents are not produced for mutation in time and mutation will not be effected if the document has not been produced within 12 years from the date of execution. In case of inheritance mutation is effected on the spot by the tahsildar who recovers the necessary mutation fee. Disputed cases are dealt with after making the necessary enquiry and taking evidence. Fees for all kinds of mutation is 4 annas per acre subject to a minimum of Re. 1 and maximum of Rs 5.

13. At the last settlement it is stated that all tanks were recorded at Rajsarkar tanks with a note that the excavator has a prior right to the water. No charges seem to be made for the use of water for irrigation but 25 per cent of the income from fish is credited to the State. The fishing rights over the river Mahanadi are leased out by the State. The States also leases out certain *pats* which apparently flood cultivated lands also and in one of the villages I visited the lessee of such fishing rights complained that the ryots did not allow him now to take the fish from the water on their fields as was formerly the case. The area is not specifically mentioned in the lease; in a similar case in Tigiria which adjoins this State, the lessee was enforcing his rights.

Hides of dead cattles are appropriated by a contractor and owners have no right to the skins of their animals. The monopoly fetcher about Rs. 800.

The system of *rasad* and *begar* does not seem to have existed in this State to any appreciable extent since a long time ago though certain duties were laid on *sarbarakars* formerly. At present this system does not prevail. Certain other provisions regarding sale by "foreigners" of lands and house, trees, etc., are contained in the registration rules.

There seem to be no under ryots who have been granted rights in the land at settlement. In one of the villages I visited there was a ryot who was cultivating rent-free land for 8 years but did not claim any rights. In the villages visited by me I found dhobi and barbar jagirs but the ryots did not obtain any advantage on account of the jagir, and pay for services rendered to them. The barbar in one of the villages said that even if rent is assessed on his jagir the position would not be different.

VILLAGE HEADMEN

14. The *sarbarakari* system which used to exist before 1934-35 was abolished in that year. No definite reasons could be ascribed by the revenue staff except that the system was not working satisfactorily. The 1920 settlement report mentions that formerly the remuneration paid was neither uniform nor adequate and the posts were unattractive. From the "Rent Report" of the same settlement it appears that the *bhogra* land of the *sarbarakars* was not held rent-free but they were paying full assessment. There was more than one *sarbarakar* in some villages and this was causing trouble. At the 1920 settlement a uniform rate of commission of ten per cent, was applied and "double *sarbarakars*" were eliminated. It also appears that before then there were many non-resident *sarbarakars*. The decision to abolish *sarbarakars* does not appear to have been taken on account of bad collection; for in 1933-34 arrears were nil but from 1934-35 there has been a steady accumulation till in 1940-41 they amounted to Rs. 81,067. It probably had something to do with the resettlement of *bhogra* which would be vacant after the abolition of the *sarbarakars*. What was really wrong with the system was that pointed out in the 1920 settlement report ; responsibility for revenue of the whole village could not be accepted without adequate remuneration.

The Orissa States Enquiry Committee mentions the removal of *sarbarakars* from their *bhogra* lands.

RECOVERY OF LAND REVENUE

15. At present collection is effected directly by the State through the agency of the *kanungoes* who have got collecting clerks and peons under them. There are four permanent peons and during the collection season, for about six months thirteen temporary peons are engaged. There are four *kanungoes* with four

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circle clerks under them and 17 collecting clerks. The total cost of this collecting establishment is shown as Rs. 5,172 which is a little less than ten per cent. of the land revenue demand excluding cesses.

The *kanungo* maintains a register showing the demand of each village, each hook and other registers. The collecting clerks maintain cash books; the village demand register prepared from the village rent roll, receipt books, daily collection books and so on. Land revenue is not credited direct into the treasury by ryots but the *kanungoes* and collectors accept the money in the first instance and then credit into the treasury The system has been in force for six or seven years and judging from the collections it cannot be said to be satisfactory. The system of temporary peons is full of possibilities of misappropriation as well as fraud upon the land revenue payers and collection, as can be seen, is also poor; a collecting peon going round is seldom as effective as a local collector. I did not indeed find any instances of fraud or complaint in the few villages I visited round headquarters but this may be expected considering that people round about are more advanced and have easy access to headquarters I was told however in one of the villages that they credit the revenue direct into the treasury and the *kanungo* who accepted the money charged a fee of one to two pice for writing receipts. The old *sarbarakars* who were often people from other villages and had little interest in the village were not popular in the villages I visited.

I heard a number of complaints of failure to get receipts and double recovery in this State.

Land revenue is payable in two instalments in January and May, the first one being 12 annas in the rupee and the second one 4 annas. The predominant cultivation being paddy these dates are generally found convenient; the harvest takes place in November and December.

Under the new proclamation the instalment dates lose their significance as it has been announced that no certificate proceedings for arrears will be commenced until one year's time has elapsed except in the case of ryots who wilfully make default, when cases will be started two months after the expiry of the due date: it is said that this announcement has made collection extremely difficult and the accumulation of arrears can to some extent be attributed to it. As a policy for the collection of revenue it certainly cannot be recommended for any state. Wilful default is supposed to be decided by the Revenue Officer and "three elected representatives of the constituency". Actually nothing of the sort seems to be done. The figures of coercive processes show spasmodic efforts to collect. Interest used to be charged at 12½ per cent, from the date of the arrear but according to the proclamation no interest will be charged for one year from the due date; after this period 12½ per cent. simple interest will accrue only for one year.

According to the 1938 rules, land revenue is realisable by 'arrear rent suits' which the *kanungoes* are expected to file; a notice is issued on such a suit being filed intimating the tenant that if the dues are not paid within 7 days of the receipt of the notice he would be evicted. If the tenant does not pay accordingly, a general proclamation in respect of tenants who have failed to pay up will be issued and new tenants will be called for in the same proclamation. If however within 15 days of the proclamation the defaulting tenants pay all the dues and costs before new tenants are settled the land will not be given to others, otherwise new settlements are made and the new tenants pay the arrears and the cost of the suit. If within 30 days of the new settlement the defaulting tenant deposits the arrears, costs "and 25 per cent. as penalty over the demand" the land can be restored; the penalty is meant to be paid to the new tenant who has paid the arrears and the cost of the suit but the rule does not say that the amount deposited by him should be refunded. If a tenant possesses land in several villages and does not pay the rent of lands of one village, his lands in other villages where there are no arrears can be proceeded against. In other words, for the arrears of one land he may be evicted from all his lands,

Under the 1940 proclamation, it is declared that movable property of the defaulter will be proceeded against in the first instance and only just enough to cover the demand will be attached; if this does not result in the recovery of the arrears, the defaulting tenant will be given two months' time to sell his land in order to liquidate the balance; if he fails to do this the State will attach and sell just enough of the property to cover the demand by auction.

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Agricultural implements, seeds and plough cattle are exempted from attachment Other public demands such as forest dues, *debottar* dues (sic) and so on are dealt with as certificate cases under which a notice of demand is first issued and then a warrant of attachment for movables which may be put to sale within 7 days, after proclamation. If this does not result in the recovery of the arrears, immovable property will be attached and put to auction. In cases of necessity, lands can be sold before proclamation but such sales should be duly notified in the proclamation which is presumably subsequently issued and the sale is confirmed after the expiry of the time mentioned in the proclamation. As cases examined showed, sale may take place without a proclamation. The auction sales of land are usually conducted by *kanungoes*.

The position existing with the 1938 rules not fully cancelled but superseded in some respects, is typical of the general confusion in the administration. *Kanungoes*, drawing Rs. 25 p.m., would be among the last persons considered fit to conduct a sale in the provinces.

CESSES

16. There are education, hospital, road and fuel cesses upon the land revenue. The education cess is 2¼ annas per rupee, dispensary cess 1¼ annas per rupee, the road cess one anna per rupee and the fuel cess is ¼ anna per rupee; excluding the fuel cess which may be regarded as a commutation fee there is on every rupee of rent a surcharge of 4½ annas as cesses. The dispensary cess was imposed in 1923-24 and the road cess in 1934-35. The land revenue, includes also a tax of one anna per tree upon fruit trees.

Three annas per rupee charged as a road cess on rent-free grants.

REMISSIONS OF LAND REVENUE AND AGRICULTURISTS LOANS

17. No remissions of land revenue (except irrecoverable arrears) used to be granted formerly but in 1940, a promise is given that remission will be made "to some extent" in the riparian tracts affected by floods and also areas affected by drought. No principles are laid down.

Agriculturists loans are distributed [a provision of Rs. 2,000 exists under loans (1941) but it is not clear if this is entirely for agriculturists] and the rate of interest is 6¼ per cent. There are no rules regarding grant of recovery of such loans.

VILLAGE SERVANTS

18. The village servants recognised are chowkidar, dhobi, barber, etc., who hold lands rent-free. These persons also get payments in kind from the ryots. Apart from the chowkidars there seems no real need for the other village servants who are mostly made use of as menials by officers and others.

FORESTS

19. Forests are divided into two classes, reserve and protected, by rules made in 1924 which are not up to date now. Protected forests are all areas apart from reserve forest, and alienated arears, if any, and homestead lands, a sweeping definition. Rules applying to protected forests thus apply to practically all forest growth. By the proclamation of 1940, it was promised that *khesra* or village forest would be allotted to every village, as close as possible, and fuel, wood for agricultural implements, etc., would be allowed free, and the use of such forests would be regulated by the village *panchayat* (not yet in existence). There were 28 classes of protected trees but this number has been reduced recently to 14. There is a fuel cess of half anna per rupee of land revenue. Holders of rent-free grants do not pay this cess. Persons, paying fuel cess are allowed, after taking permits which are issued free, to remove unreserved trees from protected forest. It was admitted by the forest officer that there are many villages which get practically nothing from the forests. A special cess of one rupee used to be levied on washermen, blacksmith and others who need large quantities of fuel, but this has been abolished by the proclamaion of 1940.

The same proclamation also abolished grazing fees except for out-siders.

CROP PROTECTION

20. The position regarding crop protection licences has already been stated (para. 9). Pigs can be killed on crops but two annas have to be paid. 89 crop protection licences have been issued, the issue and renewal fee being Rs 1-8-0 per licence.

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REVENUE ORGANISATION

21. The total area of the State is 168 sq. miles and it has been divided into 4 revenue circles under *kanungoes*. There is one Revenue Officer for the whole State.

The Dewan has authority in revenue matters over the revenue officer and the Ruling Chief is the final authority in all revenue matters. The whole position regarding proceedure and administration has hitherto been chaotic, the defective rules of 1938 which are in many parts not followed having been made worse by the superimposition of the proclamation of 1940.

The Dewan is a retired officer of the Bengal Provincial Service who has been in the State for about 11 months. He does not seem to be interested in the work and is trying to find other employment for himself. There were many allegations of corruption against the Revenue Officer which seemed to be true though not enquired into (I understand that he was later removed when the State was taken under management recently on account of mal-administration).

MISCELLANEOUS

22. There are no rules regarding the grant of copies and inspection of records and the Dewan told me that he found the applications for copies generally unattended to for months together ; there is no separate copying clerk and the record keeper is expected to supply copies. It is said that the Bengal Records Manual is followed. (The Dewan who has recently come here is a retired Bengal Officer,)

Petitions are required to be written on "petition paper" costing ¾ anna per sheet (Orissa ¼ anna). Petition writers pay a licence fee of Rs. 10 per year.

The rules regarding wills and gifts in the 1938 manual do not specifically prohibit the gifting of *lakhroj* lands and it would appear from the registration rules which mention that instruments of gift of immovable property must be registered that this applies to all kinds of land such as ryoti, *brahmottar* and *lakhroj*.

The stamp duty on documents comes to about one per cent. *ad valorem*. The registration fee is one rupee up to Rs. 25, Rs. 2 up to Rs. 50, Rs. 2-8-0 up to Rs. 100 and Rs. 3-8-0 up to Rs. 500.

ATHMALLIK STATE

A REVENUE HISTORY AND SETTLEMENTS

The early revenue history of this State is not known. Colonisation by Oriya appears to have taken place in the 10th century, the settlers apparently coming up the Mahanadi. No regular land revenue settlement appears to have taken place till comparatively recent years and revenue was probably derived from villages as a whole, apportionment being left to the village headmen. The Gazetter mentions Central Provinces influence as responsible for the strong position held by *sarbarakars* in this State and this is of course certain though the present-day *sarbarakars* have practically none of the powers of the *gaontias* of the Chhattisgarh tract. The early settlements 1896 and 1911) were made by measurement with the *padika* or standard rod common in Orissa. At the settlement of 1911 *bethi* labour was commuted to a rate of 0-7-0 per rupee of rent but later, when this was pointed to be excessive, the rate was reduced to 0-4-0 per rupee by the Political Agent but *bethi* was reimposed on nominal wages. Lands and villages were classified according to practice in Orissa.

2. The first settlement of the State and cadastral survey accompanied by traverse was taken up in 1927 and completed in 1931. The settlement is for 15 years and expires on the 30th September, 1940. The classification of lands at the previous settlements was altered, the number being reduced. It is not clear from the settlement report on what basis the enhancement was decided on and crop experiments are not mentioned. When the rents were announced there were a large number of protests and a special officer had to be appointed to look into the objections and high classifications were reduced in a large number of cases and excess rents already collected were refunded. The revenue was increased by 32 per cent. (after the reduction), increase of cultivation being only about 6 per cent.

3. Settlement records are similar to those in use in Orissa Traverse boundary marks are said to be of stones and *amins* and *kanungoes* are expected to check these marks periodically. Three sets of records were prepared at the settlement ; one is issued to the *amin*, another used for mutation purposes and the third is kept intact. Mutations are effected by striking out old entries

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and new entries substituted ; the mutation copy is not a bound register. It is hardly likely that the few *amins* and *kanungoes* can exercise an effective check over boundary marks of the whole State.

ZAMINDARI AND OTHER TENURES

4. There are no zamindari tenures in the State but there are rent-free or quit-rent tenures like *brahmottar, debottar*, service and so on.

There is a 'record of rights' of these grants and of *lakhraj* (rent-free) grants, issued after the 1932 settlement.

5. *Debottar* endowments are made for the worship of the *thakurs* or deities and upkeep of religious institutions and the State reserves the right of *sabait* over them. There are 12 villages which are given as *debottar*.

The income from the villages is credited in the first instance into the treasury by the *sarbarakars* appointed by the State, and is kept as deposit in favour of the *debottar* department. The cesses of the villages are however credited to the revenue. The income of all *debottar* grants, whether whole villages or small holdings, goes to the *debottar* department. In the case of the separate holdings the *sarbarakar* does not collect the amount and the rent is deposited direct into the treasury through the *debottar manager* by the ryots concerned. The *debottar* department is practically a private department of the Ruler and the Dewan informed me that there is no audit or scrutiny of the accounts. *Debottar* grants are not transferable permanently or temporarily in any way and are not subject to any encumbrance created by the holder. Lands can be leased out for one agricultural year. Illegal transfers are likely to result in resumption of the grant.

The *debottar* grants which are whole villages are practically rights to revenue of the village.

6. *Brahmottar* grants are made to Brahmins for religious and intellectual pursuits and for the offer of prayers to God for the welfare of the Raj-family. They are heritable but may be resumed, at any time, at will or if the grantee's conduct is disloyal or he is of bad character.

The lands are not transferable but if transferred with the permission of the State to Brahmins they may retain the same status. The waste lands recorded in their favour may be reclaimed by the grantees. The *lakhrajdars* are prevented from taking from their under-tenants any *abwab* or enhanced rates.

The grants are being assessed progressively to rent at 25 per cent. a time since the 1915 settlement.

Brhmottar grantees have the rights and liabilities of ryots aud are subject to the control of the *sarbarakar*.

7. There are many land held by the Ruler which are known as *khamar* but not whole villages. The area of these lands at settlement was 1,306 acres. In the settlement records these lands are shown as '*khamarchas*' in the column for the nature of the holding ; no rent is shown against them. In the column for name of the tenant is shown *Rajsarkar*. There is a register showing the *khamar* lands, I was told that there was no addition to the lands since settlement but some of the lands have been settled in ryoti rights with tenants. (Actually a statement subsequently obtained shows about 50 acres newly added.) This is treated as a private transaction and the income from such cases is the personal income of the Ruler. No *salami* or mutation fee is however paid. There are cases of *khamar* land being recorded as *anabadi* or waste also under the orders of the Ruler (apparently unprofitable land.) At present there are 1,129 acres of *khamar*. There are no conditions regarding resumption or liability to assessment or quit-rent. All the lands are said to be cultivated by the Ruler through his servants.

8. There are no *khanja* or *khorposh* villages and grants which used to exist formerly have been mostly converted to a simple cash payment from the treasury.

There are however a few small grants, amounting to about 275 acres. When the grantees die the lands are to be resumed and cash payments made to heirs. The lands are not alienable and *khanjadars* are liable to pay cesses.

9. There are many service jagirs in almost all villages, for chowkidars, *dalbehras*, *kumhar* and so on and there are also several such grants for various persons for the purpose of rendering personal services to the Ruler (goldsmith, *Rajnijogi, darwan*, etc.). There are certain rent-free grants given since the last settlement. One grant of about 12.09 acres to Asha Kumari Anath Ashram was made last year. There have been some additional *khorposh* grants given

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since the last settlement; 10.77 acres the Pattait in 1938 and 53.65 acres to the illegitimate relations of the Ruler in 1937, 1938 and 1940.

10. The total revenue lost to the State on account of the various grants is about Rs. 15,000.

THE RYOTI TENURE

11. There is a 'Record of Rights' issued in 1932 according to which a ryot holding a land continuously for 12 years, has occupancy right over it. (This rule appears to have been introduced for the first time in 1932,). The record of rights does not mention anything about inheritance of land and this seems to follow the personal law of the ryot. Land cannot be transferred without permission of the State, except temporarily, under duly registered usufructuary mortgages for a period not exceeding 5 years. (Cases examined show that transfers are permitted on application. A proclamation is issued first at the cost of the applicant. How this works out in practice is shown by some cases I saw in which the petitioner wanted to sell a portion of his land to pay arrears of revenue but the case was filed because he did not, or could not, pay process fees.) No *salami* is levied on transfers but a mutation-fee of ten times the rental (*salami* in disguise) is levied; in the case of aboriginals this fee is halved. The fee was 25 per cent. of the consideration in 1938, was reduced to 12½ per cent. in 1939 and now stands at ten times the rental; this would probably make it about 20 per cent. of the consideration. Mutation fee on exchanges is Re. 1 from each person concerned and, in the case of will or gift, 50 per cent. of the rental is charged (Minimum Re. 1). (Under a proclamation of 1938 transfer of land by non-aboriginals is permitted without the sanction of the State if the lands are over 5 acres.) A ryot cannot relinquish a part of his holding during the term of settlement without the sanction of the State. No permission is required for letting out land on lease (but this is not mentioned in the record of rights). The record of rights does not mention anything about ryots without occupancy rights and these, from the remainder, of the record of rights seem to be the same in every way showing that the distinction is a new and unknown one.

12. The dates for payment of land revenue are 15th February and 15th April and the ryots are asked to pay two weeks in advance. An interest of one anna per rupee is charged on arrears.

13. The State allots new lands including new homestead lands. In the case of reclamation of new lands a *salami* of Rs 2 per acre is levied for dry cultivation but if it is meant to prepare the land for wet cultivation no *salami* is levied. The reason for this difference is that dry crop can be cultivated immediately. If it is proposed to make wet cultivation, the land is exempt from rent for 5 years but for dry cultivation the maximum period permitted without rent is two years. Royalty on trees standing on the land is recovered (if possible) but the *kabuliyat* issued prohibits the cutting of reserved species of trees. The *kabuliyat* binds the cultivator not to surrender the land till the next settlement. A surety is also taken. (The position about the *salami* is not clear. Under the forest rules the rate of Rs. 2 per acre is a forest royalty. Formerly Rs... per acre used to be charged but in 1939 wet lands were exempted and the royalty reduced to Rs. 2 per acre for dryland).

Lands surrendered, abandoned or left intestate are supposed to be resettled by the *sarbarkar* but he is required to refer to the State if there is competition; so the power seems to be largely nominal. *Salami* is realised or the land is dealt with by auction.

14. Homestead lands in Nijgarh (headquarters) are allotted on payment of a *salami* of Re. 1 per decimal and in the interior 4 annas per decimal is levied. This rule is relaxed in certain circumstances such as poverty or to encourage settlement. House sites are auctioned also where there is demand for the land. *Minha* or rent-free house site is granted to the agriculturists according to the rental paid for his holding, the minimum is four decimals and the maximum, 12 decimals. Non-agriculturists do not get any *minha* on the homestead in the mofussil.

Homestead lands are assessed at Rs. 4-11-0 per acre at Nijgrah; the rates vary according to the importance of the locality, lands in the business locality being assessed at Rs. 25 per acre (maximum).

15. There are certain lands recorded as *kot* at the settlement which are held jointly by the villagers, for the purpose of a deity, for instance, and the rental is paid jointly. In 1941 it was decided to allow the villagers to record

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their rights on *hathas* (watercourse) and water reservoirs, the rent being paid jointly to the State. The construction of tanks and reservoirs requires the sanction of the State.

16. Under the record of rights, a ryot has the right to cut any trees on his recorded wet land ; this is an amendment of the former provision which entitled the ryot to make any use of trees on his wet land. At present a fee which is said to be half the royalty is charged on trees of reserved species. Trees on homestead lands may be cut and used by the owner.

17. Rules regarding assessment of fruit trees on waste land belonging to the State within village boundaries were framed in 1939. Some trees were assessed at the time of settlement also and the new rules make the assessment applicable to trees not assessed and leased out in the past.

The rules provide for a lease of the tree for the period of the settlement at rates fixed by the State varying from Rs. 2 for jack fruit to 0-2-0 for lemon (per tree) and the lease is not given by auction. A lease, once accepted, cannot be surrendered unless another lessee is found by the person concerned. The result of this lease is that in many years the trees yield no fruit but the lessee has to pay the tax on the trees, nevertheless. In one village I was told that some of the trees taken on lease did not bear any fruit for eight years, and in another that the tamarind trees taken on lease bore fruits only in alternate years. The disability of a lessee in the matter of surrender of the lease and the fixation of high rates by the State are very objectionable features. The lessee is also responsible to see that the tree does not die and if it dies through his carelessness he is liable to fine. The impression I received is that the ryot is more or less saddled with these leases.

Trees not settled permanently are auctioned annually, or the fruits are sold departmentally. Before the system of leasing out fruit tree was introduced at the last settlement it is said that all the ryots used to enjoy the fruits, half being given to the Ruler.

18. Certain rules regarding the lease of fisheries were introduced for the first time in 1939. The rules provide for auction of water reservoirs recorded in the name of the State or, if auction was not successful, for departmental capture and sale of fish. Licences were to be issued for fishing in rivers and nalas. The issue of licences is said to have been abolished in 1940 on the representation of the people. It is said that fisheries used to be leased out before 1939 also. Under the record of rights people can take the fish of water not leased out.

19. The 1932 -settlement report classes ryots as *thani* (resident in the village of cultivation), *pahi* (non-resident) and *chandnadars* (persons who have only house sites). There is no practical difference between *thani* and *pahi* ryots.

20. No charge seems to be made for the use of minor minerals like sand, stone, etc., for domestic purposes.

21. Ryots are granted receipts by *sarbarakars* who have to buy receipt books costing four annas for 25 forms. They charge one pice per receipt from the ryots, that is, for 25 receipts they get 6¼ annas.

22. *Bethis*, *magans* and *rasads* were abolished in 1939.

23. There is a monopoly of hides and skins of animals dying in the village. The village chowkidars take the hides and sell them to the monopolist.

24. There are sub-tenants recorded as *shikmi* under *debottar* and *brahmottar* grantees. Sub-tenants are shown in the records in the column for the original tenants but there is an entry on the top showing that he is a sub-tenant of *khata* numbers so and so. Rent payable by sub-tenants is shown ; they pay cesses also. The rent is fixed at settlement. There are no *shikmi* tenants other than those under *debottar* and *brahmottar* grantees.

VILLAGE HEADMEN

25 The village land revenue is collected by *sarbarakars* who get an order of appointment. At the 1932 settlement a list of rights and liabilities was drawn up and this may be regarded as the *sarbarakar's* "charter".

26 At the time of the settlement, nearly all villages are said to have had *sarbarakars* except Nijgarh (headquarters) which his never had a *sarbarakar*. In 1937-38 a large number of *sarbarakar* were removed on account of default of land revenue as well as mismanagement of villages. By reinstatements and fresh appointments the number was brought up and the present number of

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villages without *sarbarakars* is 51. In 1941 there were 100 villages without *sarbarakars* but since then 50 have been settled. In some of the villages now without a *sarbarakar* the demand is very small and applicants are not available.

27. All *sarbarakars* had *bhogra* lands, *i.e.*, service holdings assessed to rent. The lands are inalienable and impartible and are held by the person holding the office. In 1937-38 conversion of *bhogra* was started. Conversion seems to have started on the application of a *sarbarakar* to convert the *bhogra* into ryoti land. On this application the Dewan put up a proposal to convert *bhogra* lands which at that time were paying rent, saying that *sarbarakars* were neglecting them as they felt that they had no right over them. The proposal was approved at 5 times the existing rent as *salami* but later this appears to have been raised to 10 times the rental. The background of the conversion is the dismissal of a large number of *sarbarakars* in preceding years for arrears of rent. (I feel that the real reason for this was the *salami* obtainable. In some cases I saw, *sarbarakars* have been removed for quite small arrears). In cases of dismissal *salami* was levied not only for settlement of the *bhogra* but also for the fresh appointment. There was a 'mass' dismissal of *sarbarakars* without even obtaining their explanation. Of the cases I saw, in only one did the arrears extend to three figures. In one case, arrears were paid up before the order of dismissal was passed but the dismissal recorded was not altered.

Conversion was started in all villages and in the villages in which there were *sarbarkars* the lands were settled with them on payment of 10 times the rental, some times less. In the villages in which the *sarbarakars* were dismissed or removed, conversion was effected by auction, *i.e*, the land was first auctioned for the highest bid but in cases where the old *sarbarakars* offered a bid for the land his bid was generally accepted by the Ruler, in preference to the bids of others. Out of the total of 557 villages, with *bhogra* holdings, conversion in 220 has been made.

28. The *sarbarakars* get a commission as remuneration on the village rentals. It is a sliding scale from Rs. 9-6-0 per cent. to Rs. 18-12-0 per cent. according to the rental of the village. The revenue of every village is credited by the *sarbarakar* into the treasury. He deducts the commission before crediting the net demand into the treasury.

29. There are protected and unprotected *sarbarakars* in the States. A *sarbarakar* who has held the *sarbarakari* for 20 years or more by himself or through persons from whom he inherited, or has made substantial improvements in the village, is granted protected status. The heir of a protected *sarbarakar* has a right to succeed.

30. There are *sarbarakars* in *debottar* and *brahmottar* villages appointed by the State. No villages are held by members of the Ruling Family as *sarbarakars*. There are 4 villages with more than one *sarbarakar*. These *sarbarakars* have separate rent-rolls and separate *bhogra* and tenants.

This duality arose, it is said, on account of two sons being recorded jointly as *sarbarakars*, partition being allowed later. There are 20 villages where there are two *sarbarakars* but no partition has been effected. No village has more than two *sarbarakars*.

There are instances of several villages being held by one *sarbarakar*, the maximum number being 4. Ordinarily the heir of a previous *sarbarakar* is appointed to the post. When the *sarbarakari* falls vacant by dismissal or death of the *sarbarakar* without heirs, the village is disposed of, generally, by auction. In a case of ordinary succession where the son is appointed, the *salami* is 10 per cent. of the rent plus 5 times the rental value of the *bhogra*, if any. The *salami* is credited into the treasury under the head *salami*. In *sarbarakari* cases, surrender of the post in favour of a particular person is not allowed but if a *sarbarakar* on account of old age wishes to give up office in favour of his son this is accepted.

31. The *sarbarakar* is empowered to settle all 'vacant', that is, abandoned, relinquished or intestate holdings. Cases of competition must be referred to the State.

32. *Sarbarakars* seem to be expected to reside in their village but this is not enforced. The *sarbarakars* record of rights says that no *sarbarakar* is entitled to protected status if he does not reside in his village. The forest officer of the State is the *sarbarakar* of a village several miles from headquarters. He has no agent even in the village and the ryots go to the headquarters to pay the land revenue.

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33. There are *kanungoes* appointed for collection for villages where there are no *sarbarakars*. There are 4 *kanungoes*. They do collection work, exclusively.

RECOVERY OF LAND REVENUE

34. The main crops of the State are paddy and *kolthi*. Land revenue is payable in two instalments on the 15th of February and 15th April and the record of rights says that a ryot should pay "before the kist days". Recovery starts in practice about a fortnight before the due dates. The dates do not appear to be inconvenient to me though I was told in a village that the second date was inconvenient.

If a *sarbarakar* pays the revenue of his village in full of *kist* days and files a list of defaulting tenants within a month, "the State would take the risk of collecting the dues from the defaulters with the default fine, for which the *sarbarakar* would not get the collection fees". This is an extraordinary provision considering that the *sarbarakar* will have paid out of his own pocket. By an amendment of 1940, *sarbarakars* are allowed to file a list of defaulters within seven days of the date and the State then proceeds to recover the dues. Under the rules as they exist the *sarbarakar* is liable to a fine of one anna per rupee of rent.

35. For recovery of land revenue the Public Demands Recovery Act is followed. This Act is included in a list of Acts shown as followed in the State but has not been formally promulgated. Movables and immovables are attached ; if movable are not found, the crops are attached. If this does not prove effective, the ryot or the *sarbarakar* is ejected.

36. Cases examined by me show that lands under attachment are leased out for recovery. Interest or defaulted *kists* is charged at the rate of 6¼ per cent.

Property up to Rs. 20 is sold by the process server locally in the presence of the *sarbarakar*. Property over Rs. 20 in value is dealt with by the certificate officer at his headquarters to which the property is brought. Immovable property on which there are arrears pending is proclaimed for sale through general notice, *i.e.*, applicants are invited. If there are applicants the property is put to auction (not necessarily the whole). After auction one month's time is given to the defaulters to pay the dues. If he does not pay sale is confirmed. The sale is held by the Sub-Divisional Officers or Certificate Officers. Cases however show that practically everything is done by the *nazir*. The handling of recovery cases is far from satisfactory. My notes of a long pending case, reproduced as an appendix, show how cases may be handled. This kind of handling is fairly common in the States.

37. The process servers attach property under warrants. In important cases, the *nazir* himself is sent out to effect attachment. The process servers do not collect land revenue but if they go with a warrant then they can receive due leviable under the warrant. There was a case of misappropriation by a peon recently, of payment realized by him ; he was prosecuted and convicted under Section 409 I. P. C. The misappropriation came to light as the result of proceedings against a ryot.

38. Grain loans from the *khamar* produce of the Ruler (which is practically private lending) are recovered by the use of the Public Demands Recovery Act, Land revenue or rent of *debottar* lands is recovered likewise.

39. Collection of land revenue since 1931-32 (settlement) shows considerable arrears and cases against *sarbarakars* and ryots have been numerous. They would indicate that the complaint I heard in the villages about the land revenue assessment has some foundation.

CESSES

40 *Bana kar* (forest cess) was assessed during the settlement of 1931-32 at 0-1-0 per rupee of rental. Formerly this tax was levied as an acreage rate.

A fuel cess of 0-4-0 was levied in 1933 on persons with homestead lands only. But in 1939 it was decided that those who have been paying 0-4-0 or less as forest cess should pay fuel cess of 0-4-0 each and those who pay more than 0-4-0 as forest cess are not to pay any fuel cess.

The Education cess was first levied at half-anna per rupee of rental in 1912, but it was raised to 0-1-0 in 1932 and was further raised to 0-1-6 in 1936 (said to be in lieu of *bethi*).

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REMISSION AND LOANS

41. During the last ten years, apart from the remission granted on irrecoverable arrears, no remission of any other sort has been granted. Lands in a number of village are liable to damage by flood. The settlement report records that land revenue was assessed at a reduced rate on lands subject to damage by floods but I doubt if this has provided the necessary relief.

Provision of about Rs. 5,000 is made in the budget every year for *taccavi* loans. The actuals of 1940-41 is Rs. 3,000. Loans are meant for improvement of land and purchase of ploughs and implements. There are no rules regarding the grant of these loans but enquiries are made regarding the necessity of the loan through *kanungoes* before they are granted. The interest charged is 6¼ per cent.

There is grain lending from the *khamar* at interest of 12½ per cent. Formerly it used to be 25 per cent. but after the introduction of the Orissa Money lenders Act in November, 1939, the rate has been reduced to 12½ per cent. Cash loans are also given. At the time of the flood in 1936 loans were advanced from *khamar*, it is said, without interest.

VILLAGE SERVANTS

42. There are chowkidars in every village but some villages have a chowkidars in common. All chowkidars have *jagir* lands of about 5 acres each. They get no payment from the ryots. The State supplies the uniform. The Dewan appoints the chowkidar on the recommendation of the Inspector of Police. Preference is given to the son of the previous chowkidar.

Apart from chowkidars there are *dal-baheras* appointed by the State. *Dal-baheras* are appointed to assist the touring officers. They have jagir lands of about 5 acres and appointment is made by the Dewan on the recommendation of the tahsildar. Usually the previous holder's son is appointed. He is used for such purposes as providing water and cleaning utensils. The *kumhar* is another village servant appointed by the State. He also has 5 acres of jagir land and supplies earthen pots to the touring officers.

FORESTS

43. Mr. Mooney is the Forest Adviser. (The forest officer is a local man who has been appointed as *sarbarakar* of a village; on 'Arbor Day' he planted a large number of trees on his own private land.)

The State forest rules divided forests into reserve, protected and *khesra*. *Khesra* or village forest includes all waste land not declared reserved or protected. Any forest may be declared reserved but a note to the rule says that it should be considered whether there is enough forest left for the needs of the tenants. Previous announcement of intention to reserve is not necessary. A note provides that previous consultation with the Political Agent is necessary if *khesra* forests are to be converted into reserve. Protected forests are meant to provide the ryots with a sustained supply of material. Rights in protected forests are practically the same as in *khesra* forest but grazing is not permitted in certain parts. *Khesra* forest is not surveyed but reserved and protected forests have been demarcated. So far there has been no demand for *nistar* from B class as there is ample *khesra* forest.

44. Under the forest rules, reservation of trees may be made in *khesra* forest and the same applies to protected forest. The number of reserve species was 22 in 1939 and it has since been reduced to 9. Reserved species may be cut on cultivated holdings but cannot be made use of. Reserved species in the *khesra* and on ryoti holdings are allowed at half rates to cess payers. Cess payers are entitled to take unreserved species free for *bonafide* personal use; no tree of more than 5 ft. girth can however be cut. The record of rights permitted the free use of all trees on holdings but this was later restricted.

45. Grazing fees in *khesra* forests were totally abolished in 1939. The taxes on persons following certain professions were also abolished in 1939.

46. Forest boundary lines are maintained on payment of Rs. 4 per mile to coolies. Previously Rs. 4 per mile used to be paid to villagers to clear the lands but it was found that they were not doing this work properly and the system was therefore abolished. (The new system seems to be a distinction without a difference.) B class boundary lines are cleared by villagers without payment.

The boundary between Angul and Athmallik is cleared at the rate of Rs. 6 per mile. It is cleared by the Angul forest department, and the necessary contribution of half is paid by the State.

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47. The forest officer compounds offences up to Rs. 35; these cases are not submitted to any magistrate for perusal. Cases involving over Rs. 35 are sent to the Dewan.

There are no entire kondh villages and no shifting cultivation is practised. In the reserved forest area in the northern part of the State there are some villages inhabited by aboriginals. These are however regularly surveyed and settled villages.

48. Tree tax (see para. 17) is not levied on trees planted on the 'Arbor Day' instituted at the instance of Mr. Mooney. 'Arbor Day' has been observed from 1938, in the month of July. A record of trees planted on that day is maintained by the forest department. Trees planted on this day are supposed to be the property of the person who plants them even if they are on wasteland. Fruit seedlings and grafts are supplied by the forest department free of charge.

MONOPOLIES

49. The monopolies are kendu leaves, khair, lac, gum, fibre, anchu bark. Local people can take the produce included in these monopolies for their own consumption but sale or export except to the monopolist is prohibited. In the case of lac monopoly a schedule of rates is incorporated in the lease and the schedule gives the variations of the rate also. This rate has been approved by the forest adviser. If there is lac on a cultivated holding and the cultivator himself does not propagate lac on it, other people may propagate lac on that tree. The terms of the lease are that the lessee can propagate, collect, etc., from the State forest, the lac produced therein. There is no mention of cultivated fields in the lease. As the *kusum* is a reserved tree, however, the lease is held to apply to trees elsewhere also. There is no order enabling one person to propagate lac on the tree of another and recently some people complained about this. The objection has been allowed but only because the cultivator himself wanted to propagate lac. The lac monopoly is for 5 years.

The *kendu* leaf monopoly is for 5 years. The *kendu* leaf monopoly also is according to the terms of the lease for the collection of *kendu* leaves obtainable from the State forest. In practice, he has the monopoly over cultivated fields also. The rate payable by the contractor to the residents of the State on account of the purchase is not fixed in the lease itself, but it is stipulated that he can purchase from the residents on payment of a reasonable price. The rate of one pice for 400 leaves has been fixed by a separate order. It was found that the contractor was paying one pice for 1,000 leaves and the rate of one pice for 400 was proposed in 1940. In the villages I visited the contractor was said to be paying one pice for five to six hundred leaves.

In respect of enforcement of the lac schedule, the contractor has got depots in various places notified to the State, and the forest rangers and guards are expected to exercise a check and make a note in their tour notes. The Calcutta rates are notified to the contractor from time to time. There have, however, been complaints of under-payment to the forest officer (5 to 10 cases a year).

CROP PROTECTION

50. Licences are issued for the protection of crops. The issue as well as renewal fee is Re. 1. The number of licences issued for crop protection is 124. The forest rules do not mention anything specific about crop protection. The destruction of pigs by driving them into pits seems to have been known. This was prohibited in 1936 but was permitted again in 1938; the order says that destruction in pits should be permitted "if they actually damage their crops". In the villages, ryots said that killing of only pigs was permitted.

REVENUE ORGANISATION

51. The service code of Bihar and Orissa is in force. It is said that permanent servants can be discharged on 3 months' notice and non-permanent servants on one month's notice.

For purposes of revenue administration the State is divided into 4 parganas. There are two divisions meant mainly for criminal purpose but 'certificate cases' are taken up for recovery according to these Sub-divisions by the Sub-Divisional Officers. The Ruler, who is the highest revenue and civil authority, passes orders on all important cases like appointment, dismissal or punishment of *sarbarakars*, ejectment of tenants other than in certificate cases, surrender of lands by tenants, resignation of *sarbarakars*, remission and abatement of rent, rent-free grants, etc. In cases disposed of by the Ruler as court of first instance there is no appeal.

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The Dewan in addition to criminal and civil judicial work (he is the superintendent of police also), does some revenue work.

The Sub-Divisional Officers are magistrates and munsifs but take revenue certificate cases.

The tahsildar (a distant relative of the Ruler) was in the State police as inspector till 1937 and was appointed as tahsildar from 1938 to 1940. He passes final orders in mutation cases, cases of reclamation up to 5 acres, re-settlement of surrendered lands and miscellaneous revenue work of village management. The tahsildar initiates all the certificate cases and enquiries but reports in cases in which the Dewan or Ruler passes final orders.

There is a nizarat under the tahsildar and there are 14 process serving peons. These peons are not at headquarters but they are stationed at different circle headquarters. Revenue processes are issued in the first instance to the police. A chowkidar is sent daily by each police *thana* to the headquarters, and this chowkidar takes any processes issued to his police station from the inspector's office. From this police station the processes are sent out through other chowkidars to the process servers in the circle. It is said that this system saves time, a claim which I think is quite unjustified. The total cost of the revenue establishment is given as Rs. 4,800, the land revenue (fixed demand only) being Rs. 98,000 and total revenue of the State Rs. 2,40,000.

MISCELLANEOUS

52. For registration of documents the Indian Registration Act is said to be followed. The registration fee is Rs. 3 for the first Rs. 100 of value and Rs. 2-8-0 for every additional Rs. 100 or part. This fee seems rather high. The stamp duty is Re. 1 per Rs. 100 or part (annas eight up to Rs. 50).

A court-fee of 4 annas is required for an ordinary application ; petition paper costs half an anna. There are six petition writers (one exclusively for revenue petition) who have to pay Rs. 5 annually. There are no rules regarding them, but before they are admitted to practise the Dewan usually examines them to see if they have a knowledge of law.

Export duties used to be charged on grain except for three months in the land revenue recovery season but this is now said to have been abolished except for traders. An export duty is leviable on the export of cocoons but the tree tax has been abolished. Regarding the abolition of export duties and grain a proclamation of 1939 said that grain had been sold to Mahajans at cheaper rates and declared that a marketing board which should purchase grain from the people at convenient centres would be established, consisting of substantial ryots and Mahajans. It is to be feared that such a board may have the effect of a monopoly.

APPENDIX

Proceedings for recovery against tenant:-The certificate-debtor asked for time and a month's time was granted. Movables had however been attached by the issue of warrant. The defaulter paid a portion of the money and asked for further time. The *nazir* was then asked to execute the warrant. In the meantime the defaulter paid some more money. A warrant of attachment was issued against the standing crops. This was in December 1937. In January 1938, the *kanungo* was asked to give an account of the crop attached. The case was fixed for a month later but it was not put up on that date, and, in fact, the case does not appear to have come up again till the 2nd April on which date the crop account was received. A general notice was then ordered to be issued. The case next came up on the 28th April and the crop was ordered to be sold and general notice issued. Apparently on the previous date no notice was issued case was fixed for the 30th May. On that date the *kanungo* reported that the crop had been sold ; the case was then fixed for 30th June and the *Jimedar* (surety) was ordered to appear. The next date the case was taken up was 13th August at the village. The Revenue Officer noted that the crops were in charge of some person locally and the defaulter was not ready with the dues on that day (considering that the crop had been under attachment it is not clear how the defaulter is expected to be ready with the dues). Sale warrant was then ordered to be issued. On the 14th November there was no payment and the case was adjourned to 16th December. On the 12th December the Revenue Officer noted that Krithi Bas peon paid Rs. 1-11-0 to Bola Nath who came last time as certificate clerk but it was strange that Bola Nath made no mention of this. Attached property had been sold in the meantime but the dues were not fully satisfied. The *kanungo* was again ordered to attach the crop, this crop obviously being that of next season. Bola Nath was asked to explain but no explanation had been received by the 27th January. Rs. 4-3-0

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had been realised of which Rs. 2-8-0 were still lying with *nazir* and had apparently not yet been credited into the treasury. On this date Rs. 2-9-6 was paid and the Revenue Officer noted that all dues shown were paid up in full. The crop was ordered to be released on the 30th January but this was not done by the *kanungo* till the end of February. Final note on the order sheet is that Rs. 1-11-0 may be sent to the *sarbarakar*. There is nothing on the record about Bola Nath's explanation or how the amount of Rs. 1-11-0 was recovered. The arrear in this case was Rs. 8-14-0.

BAMRA STATE

REVENUE HISTORY & SETTLEMENTS

The State of Bamra with a curious shape somewhat like that of a squatting camel with its head in Gangpur State was formerly one of the Sambalpur Garhjat States. Formerly in the Central Provinces, it was "transferred" in 1905 to Bengal from which province it was again transferred to Bihar and Orissa in 1911. For a comparatively large State of nearly 2,000 square miles in area and a present revenue of about 5 lakhs, progress in revenue administration has been slow inasmuch as the first regular survey and settlement did not start before 1927 and no report of the settlement is available except a preliminary report regarding the assessment. The previous revenue history is thus obscure and there is no satisfactory account of the development of the various tenures readily available The 1910 Gazetteer contains little information and the only thing that can be learnt is that there was an assessment of certain areas and there were *gaontias*, *padhans* and *grahtias*. No mention is made of the zamindaris. The assessment report of 1927 records that up to 1877 rents were fixed by appraisement of harvest, a system suggesting Maratha influence. Area was given in terms of seed capacity. In 1877, measurement of wet lands was made by means of a standard rod measuring 10′ 5½″. Villages were classified into 3 classes and lands as *awal*, *doyam* and *soyam*. No assessment was made on *gora* or uplands and certain *parganas* were omitted from the settlement. In 1888 89 a *tadaraki* settlement which included a larger number of *parganas* than the previous one was made but the classification of land and rates remained unaltered. There were complaints about cesses and *bethi* at this time but they were dismissed by the Commissioner on grounds which do not seem sound at the present day. In 1894-95 another settlement which was again partial (that is, did not include the whole area) was made, at which the uplands also were assessed according to the crops grown on it ; there were six different rates for each of the seven classes of crops grown on these lands. Two years later a portion of the State which was not assessed before was taken up and settled on the same basis. The period of settlement in each case was fixed at 10 years. In 1910 a *tadaraki* settlement resulted in the assessment only of excess and newly reclaimed lands without change of rates or classification. The settlement extended only to two tahsils and two other tahsils were settled in 1913-14. At all these settlements there was no proper survey of the State and this appears to have been taken up only at the 1927 settlement made by Mr. Macpherson. At this settlement the whole State seems to have been covered by traverse survey, the method employed being the plane table and sight-vane method. The cadastral survey by chain extended to all the settled cultivation including settled cultivation in the areas where the kondhs practise shifting cultivation In the bhuyan areas there seems to have been no cadastral survey but within the traversed boundaries of the villages shifting cultivation goes on. In the kondh area shifting cultivation is permitted outside the traverse area which includes only the cadastrally surveyed lands It is said that there are proper stone boundary marks everywhere. The boundaries of the State have been surveyed by theodolite. It is not easy to say to what extent the survey and settlement were satisfactory but while there was a stage known as *khanapuri*, i.e. filling up of the records by the local settlement staff after enquiry from the villagers, no separate attestation of the entries was done. The attestation seems to have been considered unnecessary and no budget provision was made for this stage when the cost of the settlement was estimated. Omission of the attestation which is necessary as a safeguard against mistakes in the entries would cause many disputes soon after the settlement and these I understand occurred though everything has more or less settled down now. At this settlement it appears that the former classification of lands and villages was maintained on the ground that though it was elaborate it had been in vogue for over 30 years and well understood by the people. On *gora* lands, however, the assessment of crops was abondoned. The village classification is reported to have been based on the fertility of the soil, liability

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to drought and destruction of crops by wild animals, means of communication and nearness of markets. An estimate of outturn at current rates was obtained by means of some crop cutting experiments. One feature of the estimate I noticed is that the cost per acre of cultivation is taken to be the same for all classes of lands, which seems to be of doubtful propriety. In addition to the assessment there was the impost of *kar* and *kartali* by which commodities had to be supplied at special low rates for the consumption of the Raja's household and establishment. This levy was subjected to alterations by reduction after 1877 and it is recorded that there were reductions in 1910 and 1922 and certain articles which were to be rendered such as lime-stone were also omitted. The Superintendent considered therefore that the ryots were much better off then than they were formerly and he also notes that the *gaontias* consulted were not against the retention of these impositions but desired that they should not be increased. The objections to the enhancement of rent proposed at the settlement were that the fertility of the land had been diminished and the existing rates were already high. The first objection was dismissed on the ground that there was no reason for such a belief as even though burning of the jungle by which ashes were obtained for the fields was abolished, irrigation had increased. The rates were found definitely higher than Sambalpur rate but the Superintendent held that the Sambalpur rates were notoriously low. He proposed to enhance the rates by 12½ per cent. and reckoned that this would be only 8½ per cent. of the gross profits except in the case of *soyam* land. The Superintendent found by enquiry that in the Central Provinces to which the State formerly belonged assessments were from 7 to 15 per cent. of the gross profits and considered therefore that the rates proposed were reasonable.

In the *gora* lands as already stated, only the classifications of lands were retained but assessment by crop was abolished. The number of rates were accordingly reduced. As regards *kar* and *kartali* the Superintendent proposed that the rate should not be increased but the quantity recoverable should be the same. The remarks of Mr. Scott the Political Agent about *kar* or worth quoting :

> "I should like to see *kar* abolished entirely * * *. Also I see no justification for this impost. The Rajbati has more than enough *khamar* lands to yield all the produce required. State servants should pay market rates for their requirements. This would remove one common source of dishonesty and close the door to many abuses affecting prejudicially the raiyats."

This *kar* and *kartali* was later commuted to a cess of one anna in the rupee and is at present being levied as *kar* and *kartali* cess. Enhancement of 12½ per cent. as proposed by the Superintendent was sanctioned but his remarks on the report indicate the disquiet which he felt in the matter.

2. No final report of the settlement was prepared and it is said that this was on account of the illness of the Superintendent. Even the rent report is available for only two tahsils. This is the settlement which is current at present and its term was for 10 years. It was completed in 1928-29 and the term was therefore expired.

3. A new settlement has however not been taken up. The rents in Bamra were always considered high compared with rates in surrounding areas and Mr. Bowstead expressed the opinion in his report that the rents were definitely high in Bamra. The Ruler thus fears that a settlement now would result in a reduction of revenue rather than an increase. The Crown Representative passed orders on Mr. Bowstead's report that liberal remission should be granted. Mr. Bowstead suggested that the rents should be revised during the impending settlement.

A *tadaraki* settlement is being made at present to assess the newly cultivated lands. The settlement is not being announced till the completion of this enquiry.

4. The settlement records consisting of *khatian*, *khasra*, village map and rent roll are maintained at the headquarters. A copy of the *khatian* and *ekpadia* is kept in the village by each *gaontia*. When mutations are effected slips are issued to the *gaontia* and apparently to the *tauzi navis*. The *gaontias* correct the *ekpadias* of the village but in the village of Bhojpur anyway no correction was entered in the *khatian*. Purchas are issued to occupancy ryots.

ZAMINDARI AND OTHER TENURES

5. There is no definite revenue law in the State but during the period when the State was under management certain rules were framed by the

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Superintendent regarding the various kinds of land tenures to be found in the State. The most important kind of tenure is the zamindari and there are seven zamindaris in the State, five of which are under 'court of wards'. The total number of villages under zamindari tenure is 66.

Certain rules have been framed during the time of the court of wards regarding the zamindari villages and *khorposh* grants as well as other *lakhraj* lands. These rules are imperfect and a number of important points are left vague. Apart from this they are not up to date and in some respects do not agree with the current practice, and other orders, a position which obtains commonly in the States.

6. Roughly speaking the position as regards zamindari tenures is as follows:-

The zamindars appoint their own *gaontia* without reference to the State and issue their own *pattas*. Sixteen zamindari villages have no *gaontias*. The conditions of the *pattas* are said to be the same as those of the State *pattas*. There are however orders passed at the time of court of wards regarding malpractices in the matter of appointment of *gaontias* and it has been ordered that *gaontias* must not be appointed for shorter periods than ten years. The *gaontia's* post is said to be ordinarily recognised as hereditary and in a case of simple succession the zamindar charges a mutation fee (really *salami*) equal to half the assessment of the *bhogra*. In the case of 'vacant' villages the village may be auctioned to the highest bidder. Zamindars can remove *gaontias* from office for remaining in arrears for 3 *kists*. (Interest is charged on arrears at 6¼ per cent.) There is a notification which says that *gaontias* must not be removed without a specific charge.

The *bhogra* is supposed to be held rent-free. Cash remuneration is also paid to some of the *gaontias* if the *bhogra* is considered inadequate.

The zamindars have powers to make rent-free grants in their zamindaris without the previous permission of the State and only intimation is given to the State for the correction of the settlement records. Such rent-free grants may be resumed by the zamindar also without the previous permission of the State. The State has no right to create any rent-free grants in the zamindari. The zamindari can be sold to the Ruler but are not partible.

The zamindars have no right over the forest except that they are allowed to take wood for their own use. Grazing fees go to the zamindari income. They can allot waste land for reclamation without the permission of the State but if this waste land is in the forest area the permission of the State is necessary.

Surrenders of lands are made to the *gaontias* who are responsible for the rent surrendered and abandoned holdings even if they are not settled with other ryots. The *gaontias* reallot surrendered and abandoned lands with intimation to the zamindars.

No special cesses are levied by the zamindars and only the State cesses are levied.

In the villages where the zamindars themselves reside there is no *gaontia* and the zamindars make their collections direct through servants. When a zamindar succeeds, a *salami* is probably taken by the Ruler though there is nothing on record about this.

The zamindars pay a *takoli* of -/1/6 in the rupee on the land revenue. The *takoli* is paid on the 1st July and 1st January. The position regarding enhancement of *takoli* or its fixity is not clear. The zamindars have no right over minerals and succession is governed by primogeniture. They have no administrative duties.

7. There are other tenure villages of various kinds such as *khorposh*, *debottar*, *brahmottar*, *nijchas* or *khamar*, *tabuvani mauji*, *anugrahi* the total number of such villages being 85 apart from the zamindaris.

8. There are at present 21 whole villages held at *nijchas* or *khamar*, 12 by the Ruler and 9 under others.

In these *khamar* villages, generally speaking, there are no ryots with occupancy status though in the village of Balam there were two who claimed to have occupancy rights. The other ryots have no kind of right in the land and are treated as tenants at will though they have been cultivating the land for a long time. The rent paid by them is however the same as the rent paid by other cultivators with occupancy rights but it appeared from both the villages of the kind visited that these tenants at will are liable to render a certain amount of *bethi* in cultivating the Ruler's or *khorposhdar's* lands. (This *bethi* is not officially prescribed.)

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They are liable to pay the cesses as well except the *kar* and *kartali* cess. There are similar *khamar* villages held by the Ranisaheba and Rajmatasahiba and the position here is just the same, that is, a portion of the land is cultivated by servants and the rest by tenants who have no occupancy rights. The position as regards rights in the waste land and other rights in these villages must be considered as indefinite and subject to the will of the Ruler as these villages are not considered to be ordinary *kharposh* villages and there are not conditions or rules regarding such villages.

Three villages Kaidanta, Pukuda and Barobhai were converted into the Ruler's *khamar-chas* since 1937-38. The following information has been obtained in respect of these villages : *Kaidanta* was a village without a *gaontia* and all ryoti holdings are said to have been abandoned ; *Pukuda* was reclaimed for *khamar* in 1938 39 and there was no ryot but Barobahal was a *gaontia* village and there were some ryots; the *gaontia* of Barobahal was dismissed and after the conversion of the village into a *khamar* village it is said that the ryots will continue to enjoy the status entered in the settlement record unless they choose to accept lands elsewhere in the same right. Enquiry about the other *khamar* villages which existed previouly however shows that in seven of them there were ryots who have since been entered as "non occupancy *dakholkar*" that is they are not occupancy ryots. Doubtless this is what would have happened to the ryots of Barobahal but for this enquiry.

Two villages Kurahibahar and Hodomunda were made the *khamar* villages of the Rani Sahiba and Rajmata respectively; in these villages ryots seem to have been evicted and given land of their choice elsewhere in ryoti right.

No cesses of any kind are paid by the holders to the State though they are realised from the ryots,

9. Apart from *khamar* and other villages held by the Ruler and his immediate relatives there are other kinds of *kharposh* grants granted to other relatives. There seem to be three kinds of such grants, entire village, grants of entire villages but with a certain portion of the revenue only being enjoyable by the *kharposhdar* any excess or enhancement of the revenue going to the State (these may be regarded as grants of assignments of a share of the revenue) and land grants in ordinary villages. In these *kharposh-khamar* villages also the ryots are almost entirely *halias* or tenants-at-will paying the same rent as the occupancy ryots but having no rights. They do not pay *kartali* cess but *nistar*, school and chowkidari cesses are paid. In the village visited *bethi* was said to be rendered in the same manner as in the *khamar* village of the Ruler *i.e.*, the lands of the *kharposhdar* are cultivated free of charge. In the *kharposh* villages which are grants there is no *gaontia* appointed by the State and the *kharposhdar* is himself responsible for recovery through an agent or personally. The *kharposhdars* can apparently create and remove their own *gaontias* for the rule says "*kharposhdar* cannot remove a *gaontia* injudiciously; they should act lawfully." There are rules governing *kharposhdars* and their rights framed during the time of the court of wards management ; under these rules *kharposhdars* have no forest or mineral rights or rights over intestate property. They cannot make any settlements of their villages. *Kharposh* grants are supposed to be resumed after the death of the holder and substituted by a cash grant. In practice *kharposhdars* seem to partition their grants ; the rules do not contain any specific prohibition against partition but there is no specific recognition of partition either. The rules do not make any distinction between the various kinds of *kharposh* tenures but in the villages which are not entirely *kharposh* and the *kharposhdar* is entitled only to a portion of the revenue, there is a separate *gaontia* appointed by the State. The assignees of revenue do not pay any cesses but the others seem to pay nominal *nistar* and, in some cases, school cess.

10. In the *babuvan maufi* villages which are also maintenance grants to relatives, the present position is that the *maufidars* all hold the village jointly. There are four such entire villages. The *babus* pay a *takoli* to the State the share of which seems to be proportionate to the land held by the *maufidars*. The assessment (*takoli ?*) remains unaltered and each holder pays his portion of the *takoli* directly into the treasury there being no *gaontia*. The *maufidars* did not use to pay cesses formerly but now pay all cessess except *kartali*. No new ryots can be settled in the village. The tenure gets partitioned automatically every generation. The tenure-holders cannot sell or mortgage the lands but can lease on *bhag* on share-cropping. The *takoli* can be enhanced at each settlement though the assessment of the land is said to remain constant. The *takoli* is of course a percentage of the assessment. The *maufidars*

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have no special right in trees, and cultivate new lands with the permission of the State ; there are also land grants and assignments of revenue held by *babus*,...The assignees of revenue do not pay any cesses ; otherwise most of the land grantees and some of the assignees pay a *takoli* or quit-rent,

11. In *brahmottar* villages (there are four entire villages) a *takoli* or quit-rent is paid which is 25 per cent. of the original asssessment on the grant. I visited Basudebpur which is entirely a *brahmottar* village. Cultivation of the lands is by leasing out or through servants. In this village there was a *gaontia* with a *patta*. It appears that payment of the quit-rent was made formerly through the *gaontia* but owing to some quarrels payment is now made direct. *Brhmottar* tenure holders claim full rights over forest and minerals ; they seemed to exercise full rights in the *kheSra* forest. They cannot transfer land by sale or mortgage even to other Brahmins. Sales may be made only to the Rajsarkar and usufructuary mortgages are permitted. It appears however from the rules and certain orders passed that *brahmottardars* were in the habit of mortgaging their *maufi* lands to others and even leaving the State after mortgage and, presumably, sale. Under the existing rules mortgages seem to be permitted with the sanction of the State. (The rules are contradictory.) Apart from whole villages there are numerous land grants and some which are shown as a right to revenue of certain lands. All grants pay a quit-rent and all pay cesses except those with only a right to revenue.

12. There is a separate *debottar* department which looks after *debottar* grants. These villages do not differ in any way from the ordinary State village where collection is made by the *gaontias*. Only the '*bhog*' and worship is supposed to be done out of the income and the buildings are maintained by the Public Works Department. The rental and cash value of the grants is shown as Rs. 4,200. The statement of grants does not show any whole villages.

13. A tenure which may be described as a conditional zamindari lease exists in this State and is known as "D. P. Canal."

Under this lease as area containing some villages as well as forest area considered fit for reclamation has been given out to the Raj Jejmata Saheba of the State on the condition that she constructs a canal estimated to cost Rs. 50,000 from Kala to Binda-pur. The grantee or her assignee is to enjoy the villages that may be created around the canal rent free for fifty years at the end of which the State may take over the villages on payment of Rs. 50,000 or allow the grantee to enjoy the grant for a further period of 50 years. The position in respect of the revenue of the existing villages is not clear from the term of the lease but it looks as if the grantee has only a right to levy a water cess in these villages ; the rent of lands already permitted to be reclaimed at the time of the grant is agreed to be paid by the lessee after the period stipulated in the reclamation *pattas*. The water cess to be levied is to be fixed by the State and ten per cent. of the income from the cess goes to the State. The lease stipulates that settlement operations will be carried out in the new villages according to State rules and the lessee is also bound by the State rules regarding the rights of *gaontias* and ryots and the issue of *pattas* to *gaontias*. The *gaontias* and ryots are liable to give *rasad* and *bethi* to State officials and are also liable to ceremonial *panchas*, road *bethi*, etc., leviable in *muafi* villages. The grantee is entitled to *kar* (a levy of produce at nominal rates) and *bethi*.

The position thus is that the villages are not substantially different from the ordinary State villages. It is not known what effect the abolition of *bethi* in the State has had on these villages which I could not visit. As even in *khamar* villages *bethi* is said to be given for cultivation it is not unlikely that some *bethi* continues here. The lease is dated 12th November, 1909 and the number of villages shown under D. P. Canal is 38. The total rentals of the various grants and assignments of revenue excluding the zamindaris come to over Rs. 50,000 (excluding service jagirs).

THE RYOTI TENURE

14. Ryots in settled villages have the rights commonly known as 'occupancy rights' except in some villages held personally by the Ruler or by *kharpashdars*. Some of these ryots with so called non-occupancy rights have been cultivating for long years themselves or through their ancestors and by all the criteria for the grant of permanent rights they should have occupancy rights.

There is only one kind of occupancy ryots and no distinction is made between *pahi* and *thani* ryots as far their rights are concerned.

15. Rights of transfer without State's sanction exist ; a portion of a survey number cannot be sold and a portion of a holding cannot be sold if the

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balance is of less than Rs. 6 rental value at the current settlement ; a ryot cannot sell to a person who is not a ryot (apparently even if he wants to become one) ; a rent-free homestead cannot be sold apart from the ryoti holding ; higher castes cannot purchase without sanction from lower castes and aboriginals. I saw a case where the State judge had set aside an order permitting the sale by a Muslim to a non-Muslim and holding that the sale should have been made only to a Muslim.

Transfers of lands are subject to mutation and according to the statement of the Barbut Sub-Divisional Officer, any way, the *gaontia* was entitled to object to a sale on the ground that the vendee was not a suitable cultivator or too poor to cultivate the land. The Sub-Divisional Officer quoted the case of a man who obtained some money by working at Jamshedpur or some such place and returned home to purchase some land. He could not however cultivate it and had to abandon it. This apparently isolated case was considered by him to be a justification for allowing the *gaontia* to object to a sale. It is clear that no person would ordinarily purchase land unless he expected to be able to cultivate it and the possibility of the *gaontia* extorting money as a condition to his consent was apparently not considered. Mortgage and lease of ryoti lands except to persons not resident within the State are permitted.

Mortgages are usufructuary mortgages restricted to 5 years in the case of cultivating ryots but in the case of non cultivating ryots the mortgage need not be usufructuary. In the case of simple mortgage the amount recoverable cannot exceed twice the amount lent. Fees at 0-4-0 per rupee of rental are charged for mutation of sales or mortgages (actually a transfer fee) minimum being Re. 1 apart from court fees.

Leases cannot exceed 5 years ; the mutation rules however seem to provide that sub-leases can be granted with the sanction of the *gaontia* for the term of the settlement.

Ryoti land cannot be sold in execution of a decree except for State dues.

All these rules are however qualified by a provision that they can be contravened with the written sanction of the State authorities "upon such terms and conditions as may by such authority be prescribed."

16. *Bethi* and *begari* seem to have been abolished at the time of the 'court of wards' and the *kar* and *kartali* which used to be rendered before has now been commuted to a cess of one anna in the rupee.

17. I was told that homestead lands are entirly unassessed though baris are assessed, even in Deogarh town.

18. No sub-tenancy rights are recognised and sub-tenants hold at will. No permanent sub-tenants have been recognised at the settlement.

19. Regarding land acquisition no rules seem to be followed. In cases examined by me the approximate value of the land was estimated by the Revenue Officer or overseer and the case is dealt with summarily on the report of such Revenue Officer or overseer. These cases do not seem to be registered as revenue cases at all and the order for compensation is passed by the Ruler himself.

VILLAGE HEADMEN

20. Briefly, every village is given to a *gaontia* who has a *patta* giving his liabilities and responsibilities, for the period of the settlement. The *gaontia* is declared a State servant with no right of property in the *bhogra* land which goes with the office. Ordinarily appointment is made according to heredity ; where heirs fail or a *gaontia* is removed villages are auctioned. If the villages are 'good', *i.e.*, having good rental value they are generally auctioned even if the previous *gaontia* has a son unless the *gaontia* is 'protected'. A *nazarana* is levied in *gaontia* succession cases. A village put to auction in court fetched Rs. 150, the revenue being Rs. 38 (apart from *bhogra*) and arrears Rs. 141 ; another with an arrear of Rs. 1,700 was given to a marwari on a *salami* of Rs. 550.

21. There are a number of villages where there are at present no *gaontias* (121), mostly because the villages are backward and in such villages collection is effected through patwaris. Some backward villages for which no *gaontias* are available are resettled with *gaontias* on reduced rent or as *maufi* for a number of years. In one case which I saw, the village was resettled as *maufi* with a bond to the effect that if the village was not improved within 5 years a penalty of Rs. 200 would be recovered.

22. *Gaontias* hold *bhogra* lands the rent of which is not recovered though it seems to be included in the total rental of the village in calculating the

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percentage remuneration. The percentages vary from 10 per cent. for villages with rental of over Rs. 500 to 17 per cent, in the case of small villages. Where the *bhogra* is small or does not exist the *gaontia* takes the cash equivalent of the percentage from the land revenue of the village.

23. It is said that 343 villages have *gaontias* with protected status; according to the rules protected status is acquired if the *gaontia* himself has established the village or has held possession for 20 years or more or has made substantial improvement. Protected *gaontias* are known as *khunt-katti gaontias*. No special *patta* is issued to protected *gaontias* but only a certificate of improvement is issued. *Gaontias* with protected status have the right of hereditary inheritance of their office by the son if he is physically and mentally fit.

24. There are some villages with more than one *gaontia*. These are usually large villages and the appointment of more than one *gaontia* is said to be made for facility of management. The custom is said to be of long standing. In the villages of protected *gaontias* a *sikmi-gaontia* may be appointed at the instance of the original *gaontia* and a separate *patta* is issued to such a *gaontia*; the *bhogra* is divided between the two and they are jointly and severally responsible for the rent of the whole village. There are no villages in which there are more than two *gaontias*. One *gaontia* may hold more than one village but in such cases he is expected to have a recognised agent in the village in which he does not reside. A *gaontia* does not acquire protected status in a village in which he does not habitually reside unless the village is within five miles of his residence.

25. *Gaonti's* are not allowed to allot waste-lands for cultivation and reallotment of surrendered or abandoned waste land is also done through the court (see below) though in view of the *gaontia's* responsibility for the revenue whether the land is resettled or not the *gaontia* has a voice in selecting a new holder. The *gaontia* has to apply for mutation of surrendered lands; I saw a case where a penalty was recovered for failure to do this. He has also to report cases requiring mutation. It is left to the *gaontia* to reallot lands of aboriginals to aboriginals as far as possible and permission of the State is necessary to allot to a non-aboriginal. All waste lands are included in the *khesra* forest and only the State can allot new land for cultivation.

In the Bhuiyan and Kondh area the *gaontias* have the same status as in other areas and the same *patta* is issued to them. The assessment in respect of wet lands of aboriginal cultivators is the same as that of other cultivators.

RECOVERY OF LAND REVENUE

26. Land revenue and cesses are payable in three roughly equal *kists* on the 1st June, 1st November and 1st January. The main cultivation of the State is paddy and the November and January instalments have to be paid when harvesting has just begun or has just been completed and prices are low. Actually the November *kist* seems to be paid only in December.

There are rules regarding the recovery of public demands, framed during the time of the court of wards. Recoveries can be effected by arrest and detention, attachment of movables or immovables and taking the estate under management. Proclamation is not necessary for the sale of movebles, otherwise civil procedure is supposed to be observed. Crops are attached in practice. *Gaontias* are permitted to file lists of defaulters for action by the revenue courts.

Arrears of land revenue are fairly heavy.

CESSES

27. The cesses existing at present are the school cess at 4½ pies per rupee of rent, the *kar* and *kartali* cess at 1 anna per rupee of rent and the chowkidari cess at 1 pie per rupee. *Nistar* cess is levied at one anna per rupee of rental value; formerly (before 1925) it was being levied at one anna per acre of wet land. The total of cesses is thus nearly 2½ annas. In view of the high rates of land revenue in this State and the fact that *kar* and *kartali* is a *feudal* levy for the retention of which there is no justification, it is recommended that all the cesses except the *nistar* cess should be abolished immediately. The Education cess brings in an income of Rs. 6,900 and the *kar* and *kartali* cess an income of Rs. 14,000. The chowkidari tax seems to fetch about Rs. 1,500. It may be pointed out that the total amount involved is much less than the remmission of 0-3-0 per rupee of rental said to have been granted on the birth of heir-apparent.

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REMISSION OF LAND REVENUE

28. After the enquiry of Mr. Bowstead the Ruler was advised to grant liberal remissions as the assessment was high. I do not think any definite action has been taken regarding this. Mr. Bowstead himself suggested that as a settlement was impending action should be taken to rectify the defect. No settlement has, however, been taken up and the Ruler does not proposes to take up a settlement now. He cannot be blamed either as money would be spent on the settlement in order to reduce income but I think relief can be given without a settlement. The State has indeed sent a report of "remission" made during the five years ending 1940-41 to the Resident but I have obtained a statement showing remissions for ten years. Every year the State finds a large sum irrecoverable on account of abandonment of holdings, failure of *guantias* to pay, etc. Except during 1937-38 when Rs. 35,000 of current demand and 18,000 of arrears, were remitted on account of the birth of the heir-apparent, I do not think much that could be recovered has been given up by the State. Since 1936-37 it is reported that remmissions were given for the following causes :—

(1) Failure of crop due to drought or flood, (2) depredations of wild elephants (3) abandoned or surrendered holdings which could not be settled, (b) "evicted" holdings or *gaunti* villages which could not be resettled on realisation of arrears outstanding against them, (5) the birth of the heir-apparent (general remission at 0-3-0 per rupee of rental), (6) irrecoverable dues. I think (3), (4) and (6) are all irrecoverable dues ; (1) and (2) are remissions of the type given in the provinces even if the assessment is considered, fair as the ryot has no means of payment and the bulk of the remissions do not seem to have been given for these reasons. In any case it is obvious that nothing new has been done since orders were passed on Mr. Bowstead's report. As no specific action was suggested, the Dubar has probably not taken any definite action. I think relief should be given definitely by remitting some of the cesses, particularly the *kar* and *kantali* cess which in my opinion should not be allowed to stand any longer. The revenue not recovered between 1931-41 is shown below :—

Year			Total Amount		
			Rs.	A.	P.
1931-32	...	...	5,078	10	11
1932-33	...	...	14,334	7	11
1933-34	...	...	7,336	7	8
1934-35	...	...	12,401	1	0
1935-36	...	...	10,537	11	11
1936-37	...	....	10,365	4	7
1937-38	...	...	53,658	4	11
1938-39	...	...	19,355	7	2
1939-40	...	...	25,862	9	6
1940-41	...	...	17,431	14	1

AGRICULTURISTS' LOANS

29. No taccavi loans are granted in the State but it is said that there is a famine fund of Rs. 1½ lakhs.

VILLAGE SERVANTS

30. There are chowkidars for all villages including zamindari villages and they are appointed by the Superintendent of Police with the approval of the Ruler. The chowkidars have jagir lands of Rs. 6-12-0 rental value. Succession is usually from father to son. A chowkidari tax sanctioned in 1932 during the court of wards management of the State is levied at one pie per rupee of rent.

In some villages there are *narihas* and *burgis* appointed to supply water and render services to visiting officers. These hold rent-free *jagirs*.

FORESTS

31. As regards the forests, the State has the advice of the Agency Forest Adviser. There are only 2 classes of forest, reserved and *khesra*. There is no protected forest. The existing working plans were prepared at the time of the court of wards. The rules are also of that time. All waste lands are included in the *khesra* jungle but this is not the definition of sadharan (*khesra*) forest in the rules.

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Applications for fresh reclamation now seem to be dealt with entirely by the forest officer in the first instance without any reference to the revenue department. A fee of Re. 1 is levied as enquiry fee. The applicant can purchase the forest growth according to the value of the timber or if he does not purchase it, he may be allowed to cut and stock it. After the land is cleared the forest officer has no concern with the futher cultivation of the land. Once land has been allotted for cultivation or *nayabadi*, clause 11 of the *gaontia patta* becomes operative and the *gaontia*, according to this clause, is allowed to recover assessment after 5 years at half rate until next settlement. It is not known whether the *gaontias* actually assess lands or not and in one or two villages it was stated that no assessment was made till next settlement; there was, however, no recent case of *nayababi* in these villages. The practice of treating the reclamation of waste land purely as a matter for the forest department seems to be known only in Bamra.

MONOPOLIES

32. Lac, tusser, *sodai*, *tendu* leaves, myrabolans and fibre are State monopolies but ryots are allowed to keep enough for their own consumption.

Export duties are levied on various commodities including agricultural produce and cattle under the forest rules.

There is a hide monopoly in the State and the skins of dead animals are taken by the chowkidar and sold to the contractor. The income from this monopoly is Rs. 3,000. Under the proclamation of 1938 "hides will be given to the people for agricultural purposes only according to their necessity free of royalty; they should obtain permission of thanadars for this."

33. Shifting cultivation is practised in the bhuyan and kondh areas. For shifting cultivation the assessement is made annually at the rate of 90,000 sq. feet (or about 2 acres) for one rupee for bhuiyans and the same area at 12 annas for kondhs. The charge for shifting cultivation is in addition to any assessment which the cultivator may be paying for ordinary wet cultivation. As already noted, in the kondh areas to *bringa* cultivation is practised outside the traverse limits but in the bhuiyan area it is within such limits.

34. Apart from fruit trees there are now 13 kinds of reserved trees which may not be cut without permission.

35. There is a *nistar* cess of one anna per rupee levied from the ryots. In return for this cess the tenants get free fuel from the village forest and minor forest produce and timber and bamboo for agricultural and house building purposes from the reserve forest according to the forest rules. On *sukhbasis* or non-agriculturists there is a tax of one anna per house per year except that those who own a plough and pair pay 3 annas. On persons practising profession like blacksmith, dhobi, etc., a *patki* or profession tax is charged at Re. 0-8-0 to Rs. 3 per year.

36. Trees of reserved species on ryoti holdings can be cut (not appropriated; see para. 38), with the permission of the forest officer but without payment.

37. A fee is charged for grazing in village forest. Apart from this grazing it is said that there are 40,000 acres available as *gochar* in the villages over which free grazing is permitted. In view of all waste being classed as village forest this *gochar* seems to be entirely without significance. The rate is one anna for local cows and bullocks and double rates for buffaloes. The income from grazing fees on local ryot's cattle in village forests is about Rs. 10,000.

38. Certain concessions were announced by the Ruler in 1939. According to this order, forest on the border of cultivation can be cleared up to a distance of 30 feet and people are permitted to cut trees of any description standing within their paddy fields, homestead lands and lands of any other description in their possession with the permission of the forest officer. The order, however states that the forest department will have the right to dispose of all timbers cut in the course of clearing forest on the border of cultivation, or within paddy fields, homestead and other lands. Timber for plough materials is given at half-royalty as well as green and dry trees for building purposes. Thatching grass can be collected from reserve without any royalty. Certain reserve forests were thrown open.

CROP PROTECTION

39. Male deers are permitted to be shot in cropped fields and in the case of sambhars, the males must have horns measuring 30-inch and above. (The

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plight of the cultivator who has to estimate the size of the horns is left to be imagined). Female spotted deer and barking deer as well as nilgai can be shot. If any one wants to sell the meat of the animals shot in the fields a fee has to be paid except for wild boars. Horns and hides have to be sent to the forest office. Dead animals cannot be broken up till inspected by a forest officer or local *panch*. There are 307 crop protection-licences; issue and renewal fee is 4 annas

REVENUE ORGANISATION

40. The State is divided into 4 revenue sub-divisions corresponding to the tahsils. There is a Revenue Officer for the whole State. The Sub-Divisional Officers have mostly civil and criminal work to do with a few cases except the Sadar Sub-Divisional Officer who has no revenue work. The Revenue Officer at present looks after revenue work and the '*thadaraki*' revenue settlement work ; this is a settlement which is being carried on for the assessment of the *nayabadi* or newly cultivated lands.

The Dewan has got no revenue powers or duties and orders in cases such as *gaontias*' succession, land acquisition, etc., are passed by the Ruler himself. Appeals from the orders of the Revenue Officer go to the State judge. The Dewan of the State is a retired provincial service officer of the Bihar and Orissa Government, who may be considered to be fully competent to deal with revenue matters and his careful exclusion from the revenue jurisdiction is not accidental.

The State judge was a pleader or advocate in Orissa before he jointed the State and had not worked as a judge at any time. It can certainly not be said that he has more experience of revenue matters than the Dewan and from what I have gathered it is considered that he is more likely to further the policy desired by the Ruler than the Dewan who is kept merely as a sort of figure-head in charge of comparatively unimportant matters. The final appellate powers vest in the Ruler himself. The Revenue Officer has no powers to hear any appeals and his functions seem to consist mainly of the settlement work being done now and to enquire and report on other cases. The Sub-Divisional Officers deal with cases of mutation, certain recovery cases and other cases sent for enquiry and report.

The remaining revenue staff consist of 4 head patwaris and 12 patwaris who perform local enquiries and the collection work in the villages under the direct management of the State.

There is a tauzi navis who prepares the annual demand register.

MISCELLANEOUS

41. Petition writers pay a licence fee of Rs. 5 at sadar and Re. 1 in the Sub-Divisions. State paper is issued at two pice per half sheet.

There are no rules regarding lands formed by alluvion and diluvion. The Bihar and Orissa Treasury manual is said to be followed. Copying and record room rules of the same province have been adopted but the maintenance of records leaves much to be desired.

Stamp duties and registration fees are charged at about one-half per cent and three-fourth per cent. *ad valorem* respectively.

BARAMBA

REVENUE HISTORY AND SETTLEMENTS

The revenue administration of this State does not appear to have been influenced by Marathas or Moghuls and the *sarbarakari* system of village management common in Orissa was in vogue. Land does not appear to have been measured for the purpose of assessment before 1860, and probably the land revenue of holdings was fixed by estimation of seed capacity, and what the cultivator agreed to pay. In 1862-63 a settlement was made by measurement with a standard rod but there was no classification of land or villages. The enhancement caused some dissatisfaction and rents were readjusted. A similar settlement was made in 1882 and villages as well as lands are said to have been classified. Before this settlement it appears that the village headmen used to be called *padhans* or *garhnaiks* according to the nature of the village but at the settlement they were all termed *sarbarakars*. At the next settlement they were all termed *sarbarakars*. At the next settlement which started in 1902-3 boundaries of villages were surveyed by plane-table survey but measurement of lands was done as before with the standard rod.

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2. The current settlement of the State took place in 1924-25 and lands have been fully surveyed by plane-table traverse and cadastral survey. Villages were not classified but separate sales were drawn up for lands; it appears that the attempt to classify villages was a failure and from the meagre report it is not possible to say on what basis rents were revised. From the letter of the Political Agent sanctioning rates it appears that considerable confusion prevailed and the system could not be revised "to bring it into more complete accord with the principles usually adopted in the assessment of rent in these parts." The term of the settlement was fixed as 20 years. The settlement took place during the minority administration from 1923-1935.

3. The settlement records consist of khasra and khatian of the same type as in other Orissa States. Mutations are not recorded in the settlement register but bundles of separate mutation slips of each village are maintained.

ZAMINDARI AND OTHER TENURES

4. There is no zamindari in the State and no whole village held by tenure holders. Other tenures existing in the State may be classed roughly under temple grants (*debottar* and *pirottar*) for the worship of deities, other religious grants such as grants to Brahmins known as *brahmottar*, maintenance grants such as *khanja* to relatives of the Ruling family and grants such as *anugrah*, granted as a mark of favour, *raktapata* and similar grants in recognition of meritorious service and jagirs, or grants made as remuneration for the performance of various services. The settlement officer of 1924-25 wrote in his report that except *debottar* and *pirottar* "there is practically no grant without a certain amount of work imposed on it." This is a complete misstatement. The *bebottar* and *pirottar* grants are held for the performence of worship in temple or mosque. The conditions of service attached to grants like *brahmottar* or *khanja* are purely nominal such as blessing the Ruler or attending his court; the Brahmins or Khanjadars hold these grants mostly as maintenance grants; similarly the *anugrah* and *raktapata* grants are given as rewards and there is practically no condition of service attached to them.

5. There are 2966 acres of land under *debottar* grants of which some are for deities outside the State and some for deities within the *rajbati*. For the management of the deities within the *rajbati* there is a *debottar* department and others are managed by their *marfatdars*. The *debottar* department is under the direction of the Ruler. There is no effective control of the use to which the income from the grants is put particularly in respect of the temples outside the State. The temples of the *rajabati* are situated inside the palace. Apart from the area mentioned above as *debottar* which is held rent-free, there is an area of about 583 acres which pays a quit rent. Since the last settlement the *debottar* rent-free grants have been increased by a fresh grant of about 11 acres.

The *debottar* lands are partly cultivated directly through temporary leases but there are ryots or tenants who have been given rights of permanent occupation and have rights similar to ordinary ryots. They pay mostly produce rents but some pay cash rents and some partly in cash and partly in kind. The rents are not the same as the rents of ordinary ryots and vary from 25 per cent. more than the ordinary rent in respect of cash-paying tenants to twice the rent in the case of *sania* tenants and half the produce in the case of *bhag* tenants.

Debottar funds and produce are made use of the grant of private loans. This may be taken as an indication of the extent to which the funds are made use of exclusively for the purpose of the deity.

6. The *brahmottar* grants which are practically maintenance grants to Brahmins amount to about 481 acres rent free and 663 acres paying rent. The area under rent-free *brahmottar* has increased since the last settlement by 25 acres while that under rent-paying *brahmottar* has decreased. The 1903 settlement report records that some *brahmottar* grants have been fully assessed to rent and others to one-fourth the rent. These tenures are heritable but only the *tanki* or quit-rent tenures are transferable with State permission.

7. The other grants like *anugrahi* which are also maintenance grants are said to be transferable with the permission of the State. *Khanja* tenures of the relatives and favorites of the Ruler are similar.

8. Among the *jagirs* or holdings granted for services to the Ruler are lands granted to servants like washerman, gardner, labourer, astrologers, physicians and so on. The total area of such is 973 acres with a rental of nearly Rs. 2,700. The jagirs are retained during performance of service.

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Deshahatta jagir lands are assigned to the professional classes in almost every village for rendering service to the village community. These are heritable but not transferable. The *paiks* of the old militia had jagirs but these have all been assessed to rent. The liability to serve has not however been removed.

9. Personal lands of the Ruler are recorded as *rajsarkar khamar*. The proceeds of these lands do not enter the budget and form the personal income of the Ruler. The area of such lands has fallen by about 20 acres since the last settlement and the land is said to have been partly transferred to the Rani Saheba and partly gifted.

There are *khamar* lands assigned to the ladies of the Raj-family. The holders have full right over the said rent-free lands assigned to them for their maintenance during their life-time and thereafter the lands revert to their original status. i.e., *rajkhamar*. Tenants can acquire no permanent rights on these lands. The Rani-Saheba has been granted 523 acres of *khamar* since the last settlement. Certain of the *khamar* lands seem to have *shikmi* ryots holding for a long time but these are said to have no permanent rights.

There is a separate class of land recorded as State-*khamar*. These lands are managed by the *khamar* moharir and income from these lands is shown in the budget under the head 'extraordinary-miscellaneous.' Sale proceeds of *khamar* lands, paddy and other produce are shown under this head. The produce is made use of for the feed of elephants, prisons, and the issue of taccavi loans.

10. The total area of land held rent-free or on quit rent under various grants other than chowkidari jagir is about, 7,500 acres with rental value of about Rs. 15,000. No whole villages are held by tenure holders or members of the Ruler's family.

THE RYOTI TENURE

11. There is no revenue law in the State of any kind. The settlement officer of 1903 made out a list of rights and liabilities of ryots and this has been reproduced in the settlement report of 1924-25. Ryots are known as *thani*, *pahi* or *chandna* according as they are resident in the village where the lands are, or not so resident, or hold only a house site. There is no difference in the status of *thani* and *pahi* ryots. Ryots hold land continually unless they are evicted for non-payment of rent or other reasons.

12. Lands are inherited according to personal law and, according to the list compiled by the settlement officer, were partible without reference to the State, but under mutation rules framed by the State in 1936 permission is required for partition. (Though no rules have been framed regarding the rights of ryots these mutation rules enable the recovery of a fee of Re. 1 per record or *khata* in the case of partition and a fee of annas four per acre or part of an acre in the case of inheritance.) Land cannot be transferred by sale, gift or exchange without the permission of the State which costs Rs. 1-4-0 for the application and proclamation inviting objections and Re. 1 per acre or part of an acre for the transfer. Transfer without the permission of the State or a registered deed results in eviction and 'resumption' of the land or imposition of a penalty. Sale by aboriginals or low class people to higher castes is not permitted except in special cases. The rules prohibit wills and mortgage without sanction but are silent on the point of fees for them or other considerations. In addition to the charges mentioned above ten per cent. of the consideration money is levied as consent money. The consent money is levied on a rate fixed by the State whether the actual consideration is higher or lower. Subletting of land was prohibited totally at settlement but recently this has been made permissible with the sanction of the State. Cases examined by me show that higher fees than those prescribed by the rules are levied. For instance in a case of succession to a father's lands, the area was 2.78 acres but a mutation fee of Rs. 1-8-0 had been paid in court fee labels whereas the fee should be only 0-12-0; in another case the land was 2.24 acres and 2-4-0 was charged. In a case of 1936 of village Madhuban, certain ryots who lived in a different village and had apparently been ordered to reside in Madhuban and failed to do so were ordered to be evicted from their lands which were resettled with some new applicants for land who promised to convert the lands into wet cultivation; they were told that they would be liable to pay Rs. 500 if they failed. Leases and mortgages are usually sanctioned on petition and the restriction is simply made use of as a fiscal measure.

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13. Waste lands are allotted by the State for new cultivation. On receipt of an application enquiries are made from the *sarbarakar* and forest officer and the land is then identified by the *amin* for whose services a fee is charged. A proclamation costing Re. 1 is then issued inviting further objection. If the grant is sanctioned a *salami* which is in the discretion of the Ruler is levied and in addition to this the mutation fee of Re. 1 per acre or part of an acre is charged for mutation. The value of trees on the land may also be taken in addition to the *salami* or the trees may be permitted to stand uncut. The land is assessed immediately to rent at the village rates.

14. Lands may be surrendered by ryots. Surrendered and abondoned lands may be resettled or auctioned by the State. Usually they are settled *salami*. *Salamis* are credited into the treasury.

15. The State allots homestead lands ; it levies a payment according to the condition of the land and the people. Annual rent is levied according to the village rates. If new homestead is allotted *minha* (free area) as a matter of practice is not granted. *Thani* ryots and *paiks* have been allowed 0.04 acre of land rent free at the last settlement. Homesteads of tenants which were free formerly continue to be free. Homestead lands which are free of rent cannot be transferred but if this is permitted under special circumstances the land is assessed to rent. If a ryot is evicted from his land he is not evicted from his homestead though it forms a part of the holding.

16. Ryots are not entitled to any compensation if the land is acquired for State purposes but the rent is remitted.

17. Cultivators do not pay any grazing fees. Ryots cannot cut trees of reserved species on their holdings without a licence. Under recent orders, on trees planted by the cultivator in his lands he has full rights. On trees planted on waste land, the cultivator has no right unless they are "assessed". Ryots can make improvements on their holdings ; this required permission formerly but now the position has been altered.

18. Ryots are entitled to receipts for payment of revenue. Receipts are given in the receipt books supplied to *sarbarakars* by the State at the rate of ten annas per book of 100 leaves. The *sarabarakars* can charge the ryots a half price for each receipt. Actually one pice is charged. The *shikmi* ryots who pay produce rent do not seem to get receipts.

19. Groves of fruit trees on State lands are recorded as State orchards. (There is a complaint in the villages that at the last settlement trees planted by ryots were recorded as State trees.) Fruits of such trees were not auctioned fomerly but during the minority administration and later under the advice of Mr. Mooney auction was adopted. This was subsequently abolished and now the tenants enjoy the fruits of all trees in the waste land. The *sarbarakar* and members of the *gramparishid* are charged with distribution and they get $\frac{1}{8}$th of the produce under recent orders.

20. The same position prevails in respect of fishing in tanks with the permission of the State authorities. Fisheries in the Mahanadi are auctioned but not the tanks. (In village Chankameri which I visited the villagers said they were getting no fishes ; the *sarbarakar* had stopped them taking fish on the ground that they fished without his permission.)

21. A number of *begars* levied formerly have been abolished in the last three or four years but the following liabilities of the ryot still remain, namely, construction and maintenance of school buildings, village roads, state roads at "concession rates", petty repairs to irrigation bunds, carriage of timber from the forest to the site of construction of the Jagannath car, clearance of forest boundary lines.

22. *Shikmi* ryots have already been described in connection with *debottar* grants. There are *shikmi* ryots on other kinds of *lakhraj* or rent-free lands also and even on certain ryoti lands. The ordinary ryot in such cases gets the difference between the rent paid by the *shikmi* ryot and the assessment on the land. *Shikmi* ryots have not been recognised under *jagir* grantees and *khamar* lands. *Shikmi* ryots according to the settlement report (1924-25) have to supply the landlord with a cart load of straw and some vegetables on *dityа-osa* day.

VILLAGE HEADMEN

23. Out of a total number of 136 villages 131 villages have *sarbarakars* who hold office under a *patta* made out for the period of the settlement. The remaining five villages are without headmen, and a *khas* collection moharir collects the revenue. These five villages came under State management, that is, the

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sarbarakars were eliminated, within the last 3 or 4 years. The *sarbarakars* of these villages were either removed for default of land revenue or gave up their villages on account of inability to realise rents. One of them is a village newly established about two or three years ago. The village had a *sarbarakar* but he was removed for default of rent. The elimination of *sarabarakars* in some of these cases serves administrative purposes also such as "removing refractoriness of the tenants in the matter of payment of land revenue, etc." in the words of the Dewan.

24. *Sarbarakars* hold lands known as *bhogra* as an incident of the post. These lands are fully assessed to rent. There is no rule regarding the area of *bhogra* and whatever was found at settlement as *bhogra* was recorded as such. *Bhogra* lands are held by the holder of the *sarbarakari* and he has no right to sell or otherwise alienate the land. There are 26 villages with no *bhogra* lands. Apart from *bhogra* lands *sarbarakars* get a commission of 12½ per cent. in villages in the forest area and in other villages 10 per cent. of the land revenue. The commission payable to the *sarbarakars* for collection is deducted by them before payment of the demand of the village into the treasury. *Sarbarakars* of *tanki* villages get the same commission as others. Co-sharers in *bhogra* lands if any, are not officially recognised.

25. There are six villages with more than one *sarbarakar*, the maximum number being 2. Separate *pattas* are issued to these *sarbarakars* and the *tauzis* (rent accounts) are also separate. The *bhogra* lands in these villages are also separate. Some *sarbarakars* hold more than one village.

26. In five villages with *tanki lakhraj* lands there is a Brahmin *sarbarakar* who recovers the quit rent from the Brahmin tenants, and there is another *sarbarakar* for recovery from other tenants. Both have *pattas*. In two of these villages the Brahmin *sarbarakars* have *bhogra* lands.

27. When a *sarabarakari* falls vacant the village is settled by inviting applications but preference is given to the relatives of the previous *sarbarakar*. No *salami* is said to be taken. The village is never put to auction.

28. The *sarbarakar* under his *patta* is responsible for the land revenue of the village whether he is able to recover from his ryots or not. He has numerous duties such as looking after State forests and waste lands, reporting offences against the laws, granting receipts to ryots, etc. His liabilities in respect of *rasad* and *begar* have been largely abolished recently but he still has to make a cash payment to the Ruler on *Sunia* day. He has no authority to allot lands to cultivators or take possession of abandoned or surrendered lands.

RECOVERY OF LAND REVENUE

29. Land revenue is payable in three instalments on the 15th December, 15th February and 15th April. The instalments are four annas on the 15th December and 15th April and eight annas on the 15th February. Peddy, harvested in November-December is the main crop of the State. The *kist* payable in December falls practically in the middle of the harvest when prices are lowest and ryots sometimes have to borrow.

30. There are certain rules framed in 1936 for the Recovery of Public Demands. Among public demands are included dues of the Ruler's (and family) *khamar* lands and the *debottar* department which looks after the deities inside the *rajbati*. Demands certified by the *tauzi-navis* or clerk can be recovered by arrest and detention of the defaulter, attachment and sale of movable or immovable property, taking the land or estate under management or leasing it out or by cancelling a settlement made with the defaulter. Movables essential to the calling of the defaulter may be sold if the arrears cannot be realised by sale of immovable property. The provisions of the code of civil procedure are applicable to be execution of the various processes prescribed.

In practice sales are conducted irregularly ; the nazir, a ministerial servant, conducts sales of land. The proclamations do not mention the date on which sales will be held and while thirty days are supposed to expire between the publication and further action, there is often much less time.

31. The figures of recovery of land revenue during the last ten years show that there are very few arrears but the number of cases started against *sarbarakars* is heavy during the last 6 years. *Sarbarakars* sometimes have to borrow in order to pay the land revenue in time. Interest is charged from defaulting tenants at 12½ to 25 per cent according to the statement of villagers questioned by me. *Sarbarakars* are permitted to file applications against

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defaulters for recovery within seven days of the due date if he has paid the land revenue himself but if he has not paid the dues or files his list after the short period of 7 days he has to go to the civil court for recovery.

CESSES

32. The cesses levied in the State are the school and forest cesses. The school cess is levied at one anna per rupee of land revenue and the forest cess of ¾ anna per rupee of land revenue. The forest cess was first imposed in the year 1905-06 and again revised in 1924-25. The school cess has been imposed in the year 1924-25 at settlement.

REMISSIONS

33. There was no case of general remission or suspension of land revenue in the last 15 or 20 years. Ryots are not entitled to claim a remission of rent in case of any calamity or drought according to the list of liabilities drawn up by the Settlement Officer.

LOANS

34. Annual provision is made for the grant of loans to agriculturists in the budget. This loan may be granted in cash or in grain from State-*khamar* produce, usually the loan is in cash as there is not much grain left in the State-*khamar*. The rate of interest charged on agricultural loans is 6¼ per cent. and for other loans 12½ per cent. Private loans are not granted out of the State-*khamar* or budget provision. The Ruler does not issue loans from his *khamar*.

Grant and recovery of loans are said to be governed by an order issued by the Political Agent in 1929. The order lays down that loans should be limited to Rs. 50 for an individual. "Proper security" should be taken and preference should be given to poor tenants who have lost their cattle during the epidemic. (The order was a special one meant for that year.)

VILLAGE SERVANTS

35. Every village has a chowkidar appointed by the State. Some villages have two chowkidars and all villages have at least one chowkidar each. In appointing chowkidar the son of a previous chowkidar is given preference. The appointment is made in consultation with the police and applications are made generally through the police. All chowkidars have service land. They get a bundle of paddy from each tenent in addition to holding jagir land. They get food on festivals and other occasions as well, though there is no obligation on the part of the tenants to supply food.

There are other servants like dhobi, lohar, barber, etc. For services they render to villagers they get payments in grain. Most of these jagirs seem to be unnecessary.

FORESTS

36. There are forest rules dated 1933. There is no working plan but instructions in Mr. Mooney's notes are followed.

There are A and B class reserves and village forest. In B class forests *nistar* cess payers are allowed to take their requirements. All waste land not included in A or B class forests are included in village forests ; an amendment of the definition prescribes that individual trees and groups of trees are deemed to be village forest. The village forest totals 1½ sq. miles. There are seven B blocks ; only 4 blocks are divided into 20 and 25 coupes but each block is divided into two felling series annually and out of them one coupe in each is opened for *nistar*. All villages pay *nistar* cess. The maximum distance of a village from the forest is four to five miles. Option has been given to the villages to pay or not to pay the forest cess if they do not wish to take forest produce,

37. Unreserved species can be cut, unless they are of 5′ girth, without permission. If the tree is of reserved species it will be felled and sold by auction if permission is applied for, by the department. There are 15 reserved species at present. Trees of reserved species on village lands are allowed at half the normal royalty ; for agricultural implements materials are supplied free from coupes ; for other purposes reserved species may be taken at ½-royalty. If sufficient materials are not available in B class, A class forests are said to be opened for such materials to *nistar* paying ryots and two coupes were so opened in 1937. No grazing fees are charged at present except professional graziers.

38. Boundary lines are cleared by the tenants at the rate of Rs. 3 per mile. Boundary lines of B class forests are cleared free by the ryots.

39. The forest officer compounds offences up to a limit of Rs. 25.

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MONOPOLIES

40. Monopolies are hides, kochilla, bones, horns and skins of wild animals. The hide contractor has the right to purchase hides but not to take them free. The State has fixed a schedule of rates for the skins; a higher amount is fixed for the first, and decreasing amounts for subsequent skins. The rates are 5½ annas to 7 annas. Skins of dead animals in the villages are taken by *hadis* and sold to the contractor. Enquiry in the village indicates that the contractor pays two to four annas, that is, less than the rates fixed ; the owner of the animal gets nothing. The kendu leaf monopoly has not been given out as none came forward to take them though there was an auction.

CROP PROTECTION

41. There are 51 gun licences issued for the protection of crops. The licence fee for these licences has recently been raised from Re. 1 to Rs. 1-8-0. Animals may be fired at only while in the crops and the skins and horns of animals have to be made over to the forest department or person authorised. Guns have to be deposited between the 1st April and 15th July. Elephants may not be shot at or killed unless specially permitted.

42. There is no shifting cultivation in this State except *toila*.

OFFICERS

43. The Ruler is the highest authority in civil and revenue matters. He passes orders himself in most cases and thus there is no possibility of appeal except by petition to the political authorities. The Dewan and others function mostly as officers who enquire and report. There is no separate organisation for civil judicial or criminal work and there is concurrent jurisdiction. A revenue case involving civil rights cannot therefore receive independent consideration. The Dewan and Assistant Dewan have of course numerous administrative and other duties to perform and give only a part of their time to revenue matters ; there are no other officers. Other revenue staff consists of clerks and two *amins* apart from a moharir who is used to make collections in villages without sarbarakars. The total cost of the staff employed on revenue administration and land records may be estimated at about Rs. 1,500 a year. The land revenue of the State is about Rs. 47,000 and the total revenue is slightly more than a lakh of rupees.

MISCELLANEOUS

44. Regarding treasury, the Feudatory States Manual is followed; resource manual is also made use of as well as the treasury manual of Bihar and Orissa.

In the matter of record room and copying Bihar and Orissa record rules are said to be followed. There is no fee for petition writers but a schedule of rates to be charged is given. Petition paper costs 2 pice per paper. Stamp fees on petition vary according to the nature of the petition.

Stamp duties are levied according to the Indian Stamp Act and amount to one per cent- *ad valorem* roughly. Registration fees are charged according to the 'Bihar and Orissa Registration Manual and amounts to one-half to one per cent.'

BASTAR

REVENUE HISTORY AND SETTLEMENTS

Not much is known about the revenue history of this, the largest and southernmost of the States of Chhattisgarh. Though much of the State is still primeval forest, the central portions of the State appear to have been colonised many centuries ago by people with an advanced knowledge of cultivation. Towards the end of the 18th century, Bastar came under the domination of the Marathas but long before this, practices prevalent in the Chhattisgarh plain seem to have found their way into the State. It is possible that the system of *thekedars* was imported from Chhattisgarh ; the later revenue machinery shows signs of Maratha influence.

2. The earliest account of the land revenue system and of assessment available seems to be that recorded by Captain Elliot in 1856. According to this note the land tax was levied on the plough or *korki*. The State was divided into sub-divisions called *taluks* and *garhs* under fiscal officials. Mr. Chapman in 1898 recorded that the unit of measurement was the plough, approximately equal to 10 or 12 acres, and periodical assessments were made by the *bahidar* who

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went to the village to be assessed, called the headman of the neighbouring villages together and made the assessment after enquiries about the number of cattle actually used by each cultivator. It is not clear if the headmen referred to were *thekedars*. The *malguzari* system of settlement is said to have been introduced in Samwat 1924 (1867 A.D.). At the settlement made then, the plough was the basis of assessment and continued to hold the field in this respect till 1904. Rents at the first *malguzari* settlement were fixed partly in cash and partly in kind (*dal, urad* and oil). In 1898 at the summary settlement, a curious procedure was adopted. The records of the previous settlement showed the assessment in ploughs and though the assessment was still made on the plough on the basis of enhancement of previous rates, the settlement officer proceeded to reckon up the seed capacity of the ryots fields in *khandis* and converted it into ploughs at the rate of 7½ *khandis* in the open tracts and 5½ in the jungly *parganas*. This seems to be explained on the assumption that the seed capacity was the method best known to the local people and in fact there is good reason to believe that in the entire Chhattisgarh plain as well as tracts round Sambalpur it is the seed capacity by which the ryots appraise the area of their fields and not the plough. The plough seems to be a basis introduced by early settlement officers after the States came under British control.

In 1897 A.D. a cadastral survey of the whole *khalsa* was commenced but it was decided to confine the operations to the fully developed portion of the Jagdalpur tahsil. By 1904 when a regular settlement was made on the soil unit system, 486 villages in Jagdalpur tahsil had been surveyed by the traverse and cadastral survey. 165 more villages had also been fully surveyed but in these, and 88 other villages, a settlement was made on the plough system.

In the areas where shifting cultivation was practised also, the assessment seems to have been a plough rate. A poll tax called *panipiai* is mentioned but this appears to have been a rate in addition to the land revenue levied throughout the State.

3. The present position as regards settlement and survey in the State is as follows :—The Jagdalpur tahsil has been mostly surveyed by traverse and cadastral survey but a portion has been surveyed only by *masahat* or estimation. The settlement expires between 1947 and 1950 and is for 15 years. There has been a cadastral survey of cultivated area without a traverse in the Kondagaon tahsil ; a settlement was made for 10 years expiring in 1934 but revision of the settlement has not been taken up; in view of the lack of traverse the survey is probably unreliable. In the Antagarh, Bijapur and Konta tahsils there has been no proper survey and assessment has been made on ploughs or seed capacity or a rough estimation of the area. These settlements have either expired (Antagarh) or will shortly expire.

In the zamindaris also there has been no traverse or cadastral survey and only *masahat* survey has been made in Bhopal-patnam, Sukma and Kutru. In Kutru zamindari most village records have been prepared by converting the seed capacity of lands held by the ryots approximately into acres ; the rents paid have also been mentioned in the *parchas*. In the Pamer zamindari there has been no sort of settlement but some maps are being prepared now. In the *masahat* area some rough maps of cultivated fields have been prepared.

In the Abujhmar tract which consists of zamindari as well as *khalsa* areas, the assessment of land was cancelled and a poll tax on every able-bodied male over 16 years of age imposed as more suitable. The tax is assessed every five years and is payable by the village community as a whole, the mukaddam being held reponsible whether payment has been made by individuals or not. If a person dies within the assessment period no alteration is made till the expiry of the quin-quennial period. Thus the poll tax in practice simply amounts to a lump-sum assessment on the village which could probably be made even without an enumeration of the number of able-bodied males every five years (one of these enumerations is made to coincide with the census), particularly as the estimate of age cannot claim any appreciable accuracy. It is estimated that over 400,000 acres of land are under shifting cultivation in this State.

The residential or *nazul* area of Jagdalpur has been properly surveyed but the *nazul* areas of other towns have not been surveyed. No proper settlement report is available and there are only separate rent reports.

ZAMINDARI AND OTHER TENURES

4. Formerly there were seven zamindaris but at present there are four in the State, three of which are under management. Like so many other zamindars

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in the States, the Bastar zamindars seem to have had no sanads in the past but in 1887 it was found necessary to issue sanads in order to specify their rights. The sanads issued in that year specify that the zamindars have no right to sell, gift or mortgage any village or land without sanction of the *sarkar* and if any grant is made to relatives it would last till the zamindari is resumed. The *takoli* is not a fixed payment and according to the sanad was fixed for 15 years. At succession a *nazarana* is payable. Land revenue, grazing and commutation dues will be enjoyed by the zamindars who are bound by the forest rules of the State. Minerals are not the zamindar's property. The sanad mentions that civil and criminal powers will be exercised as conferred by the State but police will be managed by the zamindars, but in these respects the zamindars have not in practice, been allowed to exercise these powers.

As far as management of villages and land revenues are concerned the sanad contains practically no restrictions as to the manner in which the management is to be done and there is only a broad clause to the effect that if there is trouble to the ryots on account of mismanagement "necessary orders will be passed regarding you." Thus the zamindars can exercise full powers in their areas and in practice maintain their own revenue and land records staff without control by the State. In the recent settlement of the Kutru zamindari the settlement was made by the State as the zamindari was under management but the zamindar was appointed honorary settlement Superintendent and allowed to announce the settlement and sign the parchas. In the Kutru zamindari 44 villages are held under a "Sub-zamindar". The villages of the zamindaris are managed direct except for one which is held by a *thekedar*, there are a few muafidars holding villages. I have examined a case relating to a *theka* village of Sukma zamindari. The *theka*, though perhaps the same as the State *theka* as the zamindari is under administration, was always the same. The period of the *theka* was formerly five years and it was granted without any conditions regarding improvement. In the Kutru zamindari there are three "sub-zamindars"; before 1940 these had no sanads and seem to have enjoyed the same rights as the zamindars. Under the sanad of 1940, the sub-zamindar is required to pay a *takoli* to the zamindar to be fixed by the Bastar Darbar, the amount being liable to revision ; he is required to manage the villages well and maintain the customary rights ; the levy of *nazarana* for land is prohibited. The *takolis* of the zamindars vary from 17 to 20 per cent.

The zamindari of Kutru was till recently under management and it has been made a condition of release that a fresh sanad should be issued and a new sanad has been drafted. According to this sanad the zamindar is required to appoint a manager approved by the Darbar, has to accept advice given subject to appeal to the Political Agent, the administration of police, excise and judiciary will be in the hands of the Darbar. Revenue matters have been left in the position created by the former sanads. It seems desirable to examine to what extent the leaving of such a matter as revenue, the administration of which affects a far larger number of people vitally than criminal or excise matters do, to the almost unfettered control of petty zamindars is justifiable. The Administrator has very kindly furnished me with the correspondence relating to the taking over of the zamindaris under management. I have also been given the correspondence relating to the forfeiture of the Paralkot zamindari in 1928. Among the charges framed against the zamindar were opperssion and criminal violence towards the ryot ; the correspondence shows that ryots had deserted the zamindari in large numbers on account of levy of *begar* and *bisaha*. To what extent illegal or improper recoveries were made has not been shown in the correspondence but the need for a revenue settlement after a few years management has been mentioned in the first proposal which was to take the zamindari under management. Apart from Paralkot two other zamindaris were resumed for similar reasons in 1909 and 1912. Regarding the zamindaris at present under-management Bhopal-patnam is under management on account of the inability of the zamindar to manage it properly on account of unsoundness of mind, Pamed, for gross mismanagement and Sukma, though actually on account of the minority of the present zamindar, would have been taken over for mismanagement. Among the allegations against the Sukma zamindar were taking forcible possession of land and cattle of tenants, levy of the rent of absconded tenants from those who stayed behind, firing of ryots, recovery of price of cattle killed by tigers from ryots, illegal levy of grain at privileged rates, milk without payment, *begar* of various kinds, etc.; in fact the majority of the items of mismanagement pertain to cultivators. The Pamed zamindar was guilty of

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similar charges. The Administrator wrote in respect of this zamindari: "Even in Bastar I have never seen a more emaciated and hopeless lot of men than the Pamer raiyats". In fact the mismanagement of these zamindaris which are under court of wards is hardly less serious than that which led to the forfeiture of Paralkot. In these circumstances it is questionable if there was justification for leaving revenue management in the hands of the Kutru zamindar. The history of the zamindaris everywhere has been one long tale of mismanagement, assumption under court of wards, improvements and return to zamindars for the circle to begin all over again.

5. There are many *muafis* like temple *bhandar*, etc. For many of the *muafi* villages there are no sanads and nothing in writing restricting the grantees in any particular direction. A register is maintained in the tahsil in which is recorded the verification of whether the maintenance grantee is alive or not, but no verification of whether service is performed, alienation, etc., is made.

6. There are two large estates comparable to the zamindaris in size and importance. These are the two temple *muafis* consisting of 57 villages dedicated to the temple in the Jagdalpur tahsil and 141 villages to the Shri Danteswari temple in the Dantewara tahsil. The former grant is looked after by a Manager who is also a Magistrate and Sub-Judge of the State, and is related to the Ruling family ; the latter *muafi* is managed by the tahsildar of Dantewara tahsil. These grants appear to have been managed formerly by members of the Ruler's family, a fairly common practice, particularly in the Orissa States. Both the *muafi* estates are at present under the direct management of the State. The pay of the Manager and establishment charges of his office (Jagdalpur temple *muafi*) are being borne by the *muafi* funds. No *takoli* is paid to the State, but management charges at two and three quarters per cent. on the actual income of the *muafi* are paid. There are no sanads for these two *muafi* estates and they seem to exercise all the powers of the zamindars in revenue matters and have separate revenue and land records staff. This is a unique position for temple grants in the Agency. 84 of these *muafi* villages are held by *thekedars* and the rest are being managed direct by the *muafi* management ; in one village a half-share is shown as held by a *thekedar* and the other half managed direct (the village consists of two separate *pattis*). The ryots in these villages have just the same privileges as in other villages and the conditions of the State *wajib-ul-arz* apply equally in these villages. No special agreement or leases in respect of these grants are available. These are perpetual *muafis*.

7. There are at present 14 entire villages and some fields held by the Rules of the State as '*bhandar muafi*' or his private property. As the Ruler is a minor, his villages and lands are managed by the State and the income therefrom is credited into his personal deposit account. There are no sanads or deeds. Some of the villages were made *bhandar muafi* since the last settlement (1913-14). The lands are recorded in the name of the Ruler in the village *jamabandi*, and shown as the private property of the Ruler. There are no conditions regarding resumption or liability to assessment or quit rent. The cultivator's in the villages held land in ordinary ryoti right and the State *wajib-ul-arz* is applicable ; but the cultivators of the fields held by the Ruler are regarded more or less as sub-tenants of *sir*. The villages and lands are managed at present by the tahsildar and some are leased out to sub-*thekedars*. No villages are held by the Ruler himself in *thekedari* right. Some relatives of the Ruler's family hold villages as *thekedars*.

Apart from the temple estates and their *muafis* mentioned above there are many *muafis* held for maintenance by relatives of the Ruler consisting of whole villages. There are also some whole villages held by Rajgurus and others for the service of supplying *pan* to the palace, beating of drums before the palace, cooks of the palace, for carrying the Rajah's *palki*, etc. There are also land grants for washing the Ruler's clothes, maintenance, service as cook to three Brahmins and so on. Some of the *muafis* pay small quit-rents. The total revenue involved in these grants in the *khalsa* portion of the State is about Rs. 45,000 ; some of the grants could probably be resumed without hesitation. In the zamindaris there are *muafis* amounting to about Rs. 3,000. *muafidars* had the right of partitioning their grants, and shares are recorded in the register, but new partitions are not permitted. Alienation to a person other than a co-sharer ordinarily entails resumption.

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THE RYOTI TENURE

8. The "revenue law" of the State consists of the conditions imposed upon the *thekedars* when a village is leased out, supplemented by a few executive circulars and orders. This document called the *wajib-ul-arz* does not mention anything about the rights of cultivators in their land except that they have a right to a house site and threshing floor free of charge. It mentions in some detail the laibilities of ryots such as payment of the Dusserah *tika*, the maintenance of *gudi* (camp houses), roads, survey marks, etc. and *begar* (abolished in 1929); it lays down that all trees planted by man shall be the property of the person who planted them and his heirs provided he holds possession of the land.

9. Though there is nothing written regarding the rights of ryots, the following principles are observed at least during the present minority administration. Ryots are not dispossessed so long as they pay the fixed rent which is not enhanced during the settlement; inheritance is allowed and there seem to be no restrictions regarding it and presumably the personal law of the ryots is applicable. Ownership of all land in the State is vested in the Ruling Chief and transfers by sale, gift or mortagage of lands is not permitted but exchange of agricultural lands is permitted. Subletting of land is permitted from year to year for a maximum period of three years; if the cultivator sublets the land for more than three years, the *tkekedars* can apply for his ejectment. It is not clear whether this rule means that the cultivator can sublet only for three years during his life time, or for three years continuously at a time. In practice, sub-leases are nearly always oral and cases of continuous lease come to court only when there is a quarrel.

The rule gives the *thekedar* a good chance of taking money to connive at the lease or to refrain from ejectment proceedings. I have obtained figures which show that there were about 170 cases of breach of the rule brought to court every year during the last three years. There must be many more which do not come to courts and the practice of '*odhai*' or share cropping on half produce which, by a recent order has been ruled to different from subletting, must facilitate nullification of the rule. The number of cases of breach of the rule is highest in the Jagdalpur tahsil where land has considerable value, as may be expected. Leases are usually given out on account of poverty or possessing more land than the holder can cultivate. The Revenue Circular in respect of sub-letting itself recognises that there may be cases where a tenant has come down in the world and may not be able to cultivate his original holding to the full and condonation of a breach of the sub-letting rules would be justified. On the whole, the rule is far from clear, is admittedly likely to be harsh in many cases and affords an opportunity of harassment of the ryot. It further creates a special position for the land of the *thekedars* and his relatives as there is no body to apply for his ejectment.

Mutation of agricultural lands in the names of direct heirs are permitted and ordinarily in such cases no fee is charged and the mutation is given effect to by the patwaris in the annual *girdawali*. In cases where the ryots themselves apply for mutation, annas eight as court-fee stamp is taken in every instance. Exchange of agricultural lands is also permitted on application with a court-fee stamp of annas 8.

If a ryot wants to surrender his holding, he can surrender to the tahsildar in *kham* villages and to the *thekedar* in *thekadari* villages before two witnesses in writing though this is not clearly stated in the rule. The *thekedar* or tahsildar as the case may be reallots the land if possible. Arrears of land revenue are recovered if possible in the *kham* villages from the person to whom land is reallotted and presumably the *thekedars* do the same thing. Cases of *nazarana* being levied for reallotment of land or when allotment of land is made for the first time have not come to light.

10. When new lands are taken up for cultivation, the first operation seems to consist of making a *marhan*, in the same manner as shifting cultivators do, by burning down the forest growth. Under standing orders no rent is levied on such *marhans* for the first five years. Where the *marhans* is not for permanent cultivation no period of concession is allowed, except in certain tracts and in areas where destruction of forest is not involved, and assessment is made immediately. An appreciable number of people from territory adjoining the State come to practice shifting cultivation and similarly the Marias of the Abuimarh tract go to other villages to do *dahi* and there is an order to

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prevent these. Resettlement of *viran* or deserted villages is treated as new cultivation but conditions in the State are such that people often go to these places to practise *dahi* for some time and then move to another place.

11. Trees on wasteland or anywhere else in the State are either the property of the State or the zamindar. Fruits are enjoyed by the villagers. Concessions are allowed by virtue of payment of communtation dues.

12. Transfer of land being prohibited by rules, surrender and reallotment in favour of a given person is followed often in the settled areas such as Jagdalpur tahsil. Even in *kham* villages this sort of transfer may take place with the *mukaddam* as a sort of sanctioning authority. Cases where there is reason to believe that consent money or *nazarana* has been takenby the *thekedar* are known. Cases examined by me show that the rules against sub-letting are made use of indirectly for a transfer. In one case the transaction was not detected till four years had elapsed, and was considered a sub-lease. Actually there was a heavy annual rent which taken together would constitute a premium ; the court settled the land on the lessee who had improved the land. In another case a tenant ostensibly sub-leased his land and left the village and the land is in cultivating possession of the "lessee" since then ; this was mentioned in a village I visited. The court settled the land in a case in which a tenant surrendered it in the name of the person who had taken it on 'lease' from him. There are other cases in which surrender and reallotment have taken place simultaneously, *i.e.* the person surrendering and the one wishing to take the land apply simultaneously to the court, an obvious transfer. Cases of 'abandonment' also look like transfers as somebody else is found cultivating the land and is ultimately recorded as tenant. The *thekedar* himself had committed a breach of the sub-letting rules in a case I saw and the sub-tenant had himself let the land out on lease showing the nature of the 'sub-tenancy'. The Administrator mentions a case of direct transfer recently noticed by him. In a case of the Kutru zamindari, the sub-tenants were allowed to retain the land as ryots on a penal rent though it was the original ryot who should have been penalised; the original ryot was of course "evicted" but he had already given up the land and did not want it. There can be no doubt that *mukaddams* and *thekedars* connive at these transfers of land. Cases of ejectment of both ryot and subtenants seem to be rare.

Usufructuary mortgages are effected particularly in the tracts bordering Orissa in the Jagadalpur tahsil.

13 .The term *pahikasht* refers to cultivators who cultivate in a village other than the one of their residence. This is used in the settlement records but there is no difference between the rights and liabilities of such ryots and resident ryots. It is said that *mukadams* objected to *pahikashts* on the ground that it is not easy to get them to render service required by the rules. There is a standing order against permitting *pahikasht.*

14. In parts of the State, notably Bijapur, Kutru zamindari and other sparsely populated areas ryots frequently give up cultivation in a village and go to other villages sometimes without paying arrears of revenue of the land previously held by them. In *kham* as well as *thekedari* villages, if the land has been abandoned for more than a year notice is issued to the ryot if his whereabouts are known and enquiries are made ; otherwise a proclamation giving two months' time is issued, after which period the holding is treated as abandoned. There is a standing order passed in 1935 about this. The reasons for abandonment of lands without proper surrender seem to be the inability or unwillingness to pay rent, likelihood of pressure being brought to bear to remain, superstition and probably a desire to cultivate new land on *dahia* on account of the poor yield of the old land. Surrenders in the proper way are obviously too much trouble and it may be also that the tenant may cultivate *dahia* and abandon the holding before he is called upon to pay for it. Such absconders apparently find it easy to cultivate by stealth for at least one year before they are discovered, and in *kham* villages also *mukaddams* permit cultivation of the land in manner similar to the *thekedars* before reporting to the patwaris ; this is clearly an attempt on the part of mukaddams to assume the powers of *thekedars.*

15. There are no rules regarding land acquisition and for land acquired no compensation is paid, only the land revenue being written off. In certain cases where land was being sublet to timber contractors for the stacking of

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timber, some compensation was paid and the land declared *nazul*. Agricultural land may not be used for non-agricultural purposes.

16. As already stated, in the Abujmarh tract inhabited almost exclusively by aboriginals practising shifting cultivation, there is no assessment of land revenues but a poll tax is levied on males over 16 years of age, the assessment being revised every five years. This tract has been made a sort of 'Garden of Eden' for the Marias and Murias and non-aboriginals were absolutely excluded from it. This isolation was apparently found a bit inconvenient by the Marias as they had to cover long distances to get supplies and, in December last year, the orders were modified permitting traders to visit a few bazaars in the area at their request. No land records are maintained in this tract. The poll tax varies from Rs. 1-6-0 per head to 0-14-0 in different portions.

17. On the occasions of Sankrant, Dusserah and several other festivals the ryots of certain villages are required to make various contributions in the form of labour, rice, goats, leaves, fuel, timber for the *rath*, etc. Fuel is supplied by some thirty villages. Rice at Dusserah and goats are rendered at one *paili* per plough and one goat per village respectively by practically all villages of Jagdalpur tahsil. Practically all these contributions are made by ryots and *thotas* or labourers are not required to render anything. Grass supplied at present to the mounted police is paid for.

18. The *wajib ul-arz* lays down that all forest within village limits is State property. There is an express prohibition in respect of all edible fruit bearing trees and myrobalans and five species of timber trees; trees over three feet in girth of 20 other species may not be cut.

19. The clause in the *wajib-ul-arz* regarding *begar* has been deleted but petty officials like patwaris take *begar*. When the patwari comes to the village, I was told in a village, the *mukaddam* supplies *rasad* and a contribution of ghee is raised from the villagers. The administrator of the State has at my instance very kindly made enquiries to find out if there is any need in the State for applying any sort of compulsion in order to get labour. It appears from his report that in certain parts the people are so indolent that a certain amount of persuasion is necessary by the headmen and other influential people. There is more reluctance when work of a recurring nature like clearance of forest lines is allotted to a village on payment of fixed sum than when daily wages at scheduled rates are paid. His report however does not suggest that any legal provision to apply compulsion is necessary and such compulsion does not appear to have been applied. The 1940 Administration report mentions that labour for Public Works Department and Forest Works was plentiful.

VILLAGE HEADMEN

20. Village management and collection of *revenue* in Bastar is carried *out* partly through *thekedars* and partly by direct *kham*, or raiyatwari, management. The *thekedari* system was formerly strong but the present policy is to discontinue it and manage villages direct. No new *thekas* of villages are issued and if a *theka* is cancelled or not renewed, the village stays under direct management. This policy is followed in the zamindaris also as they are all under the management (except Kutru which has been recently released).

Out of a total of over 2500 villages (inhabited) in the State, about one-third are held by *thekedars* and the rest are directly managed. The *thekedar's* management is based upon the terms of his lease or *wajib-ul arz* under which he holds the village for the period of the settlement and he cannot surrender it during that period. The village is held subject to the payment of the revenue on dates fixed. No proprietary rights such as right to sale, mortgage, lease, gift or partition exists in the lease and the *thekedar* can be ejected for breach of the *wajib-ul-arz* or his promise at the time the *theka* is issued to make improvements such as planting trees or constructing tanks or wells. The *thekedar* has to reside in his village unless exempted, in which case he has to appoint a *maihi* from one of the leading residents of the village with the sanction of the State, and give him not less than six acres of land rent-free. There are a number of *thekedars* holding large numbers of villages, from 20 to 100.

Protected status may be conferred on *thekedars* who have held a village for twenty years or more and established or improved it; the exact implica-

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tions of this status are not stated in the supplement to the *wajib-ul-arz* which prescribes this and the status is held subject to loyalty and conditions contained in the *wajib-ul-arz* like other *thekedars*. It seems to imply little more than the right to hold the village continuously but seems to have more liabilities (seed, money, etc., have to be supplied to tenants in time of need) than the ordinary *thekedar* who also gets his *theka* renewed ordinarily in practice. He has also to see that cultivation in his village increases rather than decreases.

In any given area all *thekas* are for the same period unless they are resumed for non-fulfilment of conditions and expire simultaneously. The policy of not creating new *thekas* has been followed for the last 14 to 15 years. No *nazarana* is levied at present when a *theka* is renewed but about 20 years ago *nazarana* used to be taken for the grant of a *theka*. A mutation fee at 8 annas per fifty rupees is levied. The *theka* is generally renewed in the same person's name except for special reasons such as mismanagement. The Revenue Circular regarding mutation of *thekedars* mention a special case where one village was recorded jointly in two names under the Ruler's orders and does not encourage such a practice but raises no objection to one grant of several villages being "severally mutated" in the names of different persons if this conduces to efficiency of management. A daughter cannot succeed to a *theka* but widows may succeed ; joint brothers may succeed. There are now 18 *thekedars* with protected status.

21. Generally 15 to 20 per cent. of the village assets are allowed as the *thekedar's* drawback ; the *thekedars* have no rent-free lands and any land in the village cultivated by them is held in ryoti rights. The assets of a village consist of the ryoti rentals, the *tothapatti* or cess on labourers, and other cesses. A *thekedar* deducts the drawback before paying the *thekajama* into the treasury or in other words the *thekajama* is the assets *minus* the drawback. If a tenant leaves his land the *thekedar* will still be responsible for the rent of that holding and if a new cultivator comes the *thekajama* is not increased for the term of the settlement. There is nothing in the *wajib-ul-arz* regarding the fixation of rent of new land allotted by the *thekadars*. The patwaris usually seem to assist in fixing the rent but lower rents are accepted and in some places higher rents may also be levied. The land may be assessed immediately as far as *theka* is concerned.

22. In the *kham* villages the rent of the new land is fixed by the tahsildar on the report of the land records department according to the official scale. In the *thekas* there is no restriction regarding the area from which land may be given for new cultivation; at the recent settlement demarcation of nistar jungle and other areas not meant for cultivation are said to have been made but the terms of the *theka* have not been altered. There is nothing in the *theka* regarding the levy of *nazarana* or premium on the land when it is allotted by the *thekedar*. As already stated arrears are recovered if possible in the *kham* villages on reallotted land and it may be taken as certain that *thekedars* levy a premium if the land has any value.

23. In *kham* villages there is a a mukaddam appointed by the State. He is selected by the villagers as a matter of practice and is appointed if on enquiry he is considered suitable. He gets one anna per rupee of rent as remuneration if there is no *muafi* land. The *mukaddam* has the responsibility of collecting the land revenue of the village. *mukaddams* (like *thekedars*) are encouraged to improve their village by attracting tenants ; they get in return a higher commission. Though the *mukaddam* is not responsible for the revenue of the village he is expected to stand surety for cultivators whom he permits to settle in the village. He also proposes ryots for abandoned holdings. In the zamindaris there is a *mukaddam* in every village. The State does not reserve the right to appoint the *mukaddams*. In Bhopal-patnam zamindari he gets a remuneration of 10 per cent. of the actual recovery but in the other zamindaris the rate is probably the same as in the *khalsa* villages. In the Abujmarh tract, there are *mukhaddams*, appointed in the same way as in other villages except that when a person is nominated by the villagers he is accepted by the State without further enquiries. The *mukaddam* is responsible for the sum assessed on the village and "it is left to the village community to decide what to do to an individual slacker" (Maria Gonds of Bastar by W. V. Grigson). The *mukaddam* gets a commission of 1¼ annas per rupee of revenue.

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The *mukaddam* has other duties besides collecting revenue to perform. In *thekedari* villages the *thekedar* can be a *mukaddam* himself. But in villages in which he does not reside the *thekedar* may nominate a *mukaddam* or *majhi*.

24. In addition to *mukaddams* there are *pargani majhis* and *chalkies* remunerated by the State at Rs. 24 a year. The *pargani majhis* are heads of *panchayats* and look after the general administration of the *pargana*. They do not collect any revenue but their influence is made use of to see that payment of rent for instance is not delayed. In the *kham* villages payment of Dasserah *tika*, etc., is not compulsory but in the *thekedari* villages it is laid down in the *thekedari patta*. *Nazar* is offered to the zamindars also at Dasserah.

25. The establishment of new villages in Bastar is governed by a special circular. If the applicant who wants to make a village and the area where he proposes to do so are considered suitable, the applicant is required to pay Rs. 5 as a *patelki tika* and land not more than 1,500 acres in area is allotted. The land is exempt from land revenue for three years, and during these years, the patel can levy rents mutually agreed upon from settlers who must not be residents of other *khalsa* lands (apparently there is no objection if ryots of the zamindaris are induced to settle). After three years the State assesses the lands at a rate not exceeding five annas an acre. After a further period (not specified) the land is assessed to full rate. The patel has to collect the assessment and credit it retaining 12½ per cent. The patel cannot occupy more than one-third of the area of the village for himself. A patel may be given *watandari* rights or rights to hold hereditarily after six years if he has improved the village. Ryots in these villages may inherit land but have no transferable rights and may be ejected for non-payment of revenue and other causes. A ryot has full rights on trees in his holding or *bari*. The rules provide for certain concessions in respect of grazing and nistar during the first six years.

26. One of the points on which emphasis is laid in connection with *thekas* is the condition regarding improvement. Usually the improvement the *thekedar* is made to promise is to make a *munda* or a tank and to plant a mango grove. Under the *wajib-ul-arz* the *thekedar* is not required to plant the grove in any particular place and if he plants them on his own holding the trees would belong to him in which case it may be regarded as a doubtful improvement of the village. Actually many *thekedars* do not fulfil even this promise as mango plants die and I have seen cases in which, when the *theka* came up for renewal, and mango plants had not been planted, and time was given to do so, and after nominal fulfilment of this promise the *theka* was renewed. The case of improvements like wells and tanks are also similar and it is said that there are not more than about 100 villages in the State in which substantial (average cost about Rs. 400) improvements have been made. The *theka* promises seem to be particularly hard to enforce where influential persons or officers of the State are concerned. I saw a case (pending) where resumption was not recommended as the *thekedar* was a minor though his uncle was managing the village; in an exactly similar case in 1940 the village was declared *kham*. A case I saw shows that *thekedars* get the help of their ryots in building tanks and the improvement is not really made at their own expense.

RECOVERY OF LAND REVENUE

27. Collection of land revenue is effected through *mukaddams* in *kham* villages and revenue peons go out and help but are said to be prohibited from effecting recovery themselves. *Mukaddams* are mostly illiterate and the patwaris, at the time of *girdawali* once a year, fill up the *rasid bahis* of the tenants. They make enquiries from the *mukaddams* and the ryots and make entries of admitted payments. No dispute has been brought to the notice of the tahsildar. The same procedure is followed in *thekedari* villages. The *rasid bahis* are of the Central Provinces pattern.

The main crops of the State are paddy and *kodon* harvested in November-December. The land revenue is payable in two *kists*, on 1st March and 1st June by the tenants as well as the *thekedars*. No interest is charged by the State for late payments. In the zamindaris also the same *kists* are said to be followed. There are no special rules regarding the recovery of land revenue and the Central Provinces manuals seem to be taken for guidance.

For recovery from *thekedars*, notice of demand, sale of movables and sale of immovable property such as a house are made use of; the *thekedar's* ryoti holdings are not put to sale. Arrest and detention could be used but actually has not been made use of. For the recovery of arrears of land revenue, the

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thekedar, cannot file a suit against his tenant. If the tenant is in arrears for 3 years of land revenue an application can be made to the tahsildar to get him ejected. This is the only process employed in the case of *thekedari* villages.

In *kham* villages movable property may be attached for recovery and eviction may also be made in the last resort. The tenant may be evicted from part or the whole of his holding. If part of the arrears is paid the tenant is evicted from a portion of the holding. In one case, a tenant was temporarily evicted from a portion of his holding which was leased out for the arrears but generally this practice is not followed. It is said that this measure proved effective in the case mentioned.

28. One of the special problems of Bastar seem to be the recovery of land revenue from *marhan* cultivators who abscond. The only way of dealing with this difficulty seems to be to distrain the crops before the harvest and prevent its removal till the land revenue is paid. This method does not seem to have been tried there. The village headman could be held responsible to report new *marhans* in time for the tahsildar to issue the necessary process.

29. Recovery of land revenue during the last ten years has been generally satisfactory and the number of coercive processes issued is small.

30. The zamindars and the temple *muafi* estate have all the powers of the State in the matter of recovery of land revenue and distraint, to sell property as well as evict tenants. They issue their own coercive processes, realise process fees and have their own collecting staff,

CESSES

31. There is a patwari cess in the State at one anna per rupee of rent. The cess is not levied in the Abujmarh tract. It is levied in the zamindaris and the income goes to the zamindars. The cess was being levied at different rates in the zamindaris and *khalsa* and has now been levelled up. No other cess is levied but commutation and grazing dues are levied. There is a tax on non-agriculturists occupying houses in a village at four annas each.

AGRICULTURISTS LOANS AND REMISSIONS OF REVENUE

32. *Taccavi* loans are granted regularly. The Central Provinces system is followed and 6¼ per cent. interest is charged. Paddy loans are usually taken by the cultivators who repay one and a half times the quantity borrowed. This is recognized and enforced by the civil courts.

Except in the Abujmarh tract remission or suspension may be granted on the Central Provinces lines.

VILLAGE SERVANTS

33. There is a village watchman or *kotwar* for every village or group of villages. The *kotwars* in the villages hold *muafi* land and get a contribution from the ryots in kind as well as *bartha* for going to the police station. The *muafi* land may not be alienated or sub-let except with the sanction of the State. The usual payment to the *kotwar* seems to be one *paili* of paddy per rupee of rent. In villages where there is no *muafi* the payment in kind is higher. If an animal dies in the village the *katwar* gets the skin of the animals as a village custom. In Abujmarh tract, *katwars* get contributions in kind and *bartha* from the ryots.

In the zamindaris, zamindars appoint their own *kotwars*. The *kotwars* are regarded as under the control of police and revenue officers.

In addition to the *kotwars* there are *chalkis* and *kankis* who are assistants to the *mukaddams*. In the Telugu area a *pedamunshi* may be appointed. These assistants are appointed in big villages where it is considered that one man cannot manage the whole village. The remuneration is also fixed by the State, the commission of one anna per rupee being divided between the *mukaddam* and his assistants. The assistant gets usually less than half.

Other village servants such as *pujari*, *sirha*, etc., are appointed by the villagers themselves.

FORESTS

34, 'A' class or reserve forests have all been demarcated and there is no 'B' class reserve ; all other forest and waste land is regarded as *nistari* forests. The demarcation of *nistari* jungle is going on still and the work has not yet been completed.

Clearance of reserve forest boundary lines is paid for at Rs 2-8-0 per mile. One-third is cleared every year. The villagers are expected to clear the lines,

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In 'A' class no shifting cultivation of any sort is permitted except *marhan* in the forest villages.

There are 95 villages known as forest villages within reserve forest. Some of the villages existed when the reserve was constituted and others were created later. The object of these villages is to provide a supply of labour for forest work and the forest department has a prior right to their labour on payment of a reasonable wage. The "forest villages" are very similar to the villages of that name in the Central Provinces.

There are many villages known as *viran* or deserted. Many of these are included in the reserve forest and the cultivators who were ousted from these villages are said to make attempts to return to them. The ousting of villagers was before 1910 and was probably one of the reasons for the rebellion of 1910. Now this policy of ousting is not followed and where necessary forest villages are formed inside the reserve. In regard to resettling of *viran* villages, if any objection is recognised it will be only the objection of the forest department on the ground that there is good forest growth on the land.

In other villages all over the State *marhan* cultivation is practised to a greater or lesser extent. *Marhan* cultivation means the cultivation of unembanked fields on which the forest growth is burnt ; the area is left after a year or two to lie uncultivated for some years and then cultivated again. It seems to be the same as the *toila* cultivation in the South Mahanadi States. Some *marhan* pathes are not cultivated again and are abandoned. In *dahi* cultivation practised largely by the aboriginals, forest growth is cut and burnt on the land which is to be cultivated. There is no restriction regarding the area out of which *marhan* cultivation may be practised but now *nistari* forests are being roughly demarcated and villagers asked not to cultivate within this area. *Marhan* cultivation co-exists with settled cultivation. *Marhan* cultivation is assessed at 3 annas per acre under the crop by the patwaris every year. Villagers allot areas among themselves simply informing the patwari about it. The usual period of rotation is about 3 years, *i.e.*, a plot cultivated by *marhan* lies fallow for 3 years before it is cultivated again. Old *marhans* recorded at settlement are supposed to be cultivated at the rate of one-third of the area every year and the rent is assessed only on that portion, *i e.*, if the area is 12 acres the assessment payable annually is on 4 acres and there is no annual measurement by the patwari of such old *marhans* which are recorded in the *jamabandi* against particular tenants. It is only the new *marhans* which have to be measured annually by the patwari. Prohibition of new *marhan* cultivation is considered futile and the method adopted to discourage it is to asses the *marhans* immediately without any period for grace as in the case of ordinary lands. The term *marhan* is said to be loosely applied to any land reclaimed by burning forest. In the Abujmarh tract *dahi* cultivation is commonly practised.

Teak trees are not supposed to be cut when the land is cultivated as it is the property of the State but it is very difficult to prevent this when land is cultivated by *marhan*. The forest officer says that actually in making *marhans* the cultivators do not worry very much whether there are teak trees or not but, according to the rules anyway, an area with a large unmber of teak trees could not be cultivated. Teak of any girth is reserved throughout the State. Sal of below 3′ girth may be cut but not above 3′ girth. Fruit bearing trees such as harra, kusum, palas are all reserved.

For agricultural implements, for making carts and for the purpose such as irrigation or wells, the reserved species may be given free as laid down in the rules on application.

35 As regards grazing, no distinction is made between village waste, village forest and reserve forest. Grazing rates have to be paid by all persons owing cattle as all waste land is included in *nistari* forest.

The rules divide the area into three zones according to economic conditions and rates are also different according as the cattle belong to agriculturists, nonagriculturists or professionals. Persons owing less than 6 acres will not ordinarily be considered agriculturists, I have no information about the size of holdings in Bastar but in view of the low value of land in most areas it is likely that holdings are large ; I doubt however if in the developed tracts like Jagadalpur and Kondagaon tahsils the 'mode' holding is likely to be not less than 6 acres. In other developed areas I have known, a very large percentage of holdings is below 5 acres. It is true that persons with extremely small holdings cannot but derive their livelihood from non-agricultural sources but I think the figure of 6 acres is definitely too large for the purpose of this

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classification. Non-agriculturists have to pay a higher rate than agriculturists. As land revenue constitute a heavier burden on small holdings and is felt less and less as the size of the holding increases, this rule probably adds to the burden on small cultivators. No cattle are exempt from grazing fee but the rates are divided into privileged concession and full rates, and the fees are assessed in that order.

Nistari forests, as at present constituted, are very large in area and if grazing is not charged for in this area the grazing revenue will be very small. Grazing fees were first imposed in 1930 and at this time there was some discontent. The rules have since been revised but the rates remain the same. The grazing fees are now said to be recovered without any difficulty. There were grazing rates before 1930 also but at a lower rate. The total revenue from grazing dues is Rs. 66,000. For the zamindaris the same rules apply because the zamindaris are under management ; the income from grazing fees is zamindari income.

36. Lac, *harra*, and *tendu* are monopolies. There is a hide monopoly also. At present the lac monopoly gives the monopolist the right of propagating lac upon trees on the cultivated holdings and as there is a grievance about this it is proposed to terminate the monopoly from this year.

The hide monopoly gives the right to purchase the skins of cows and buffaloes at a fair price (not specified) in addition to skins of wild animals. The income is only Rs. 250 a year apart from royalty on export.

The *tendu* leaf monopoly mentions only forest ranges; the *harra* contractor has the rights to purchase all *harra* and tenants may sell the produce from the holdings only to the contractor who is required to pay a rate which is a fair return for the labour. The lease says that all trees in village areas belong to the State but the *wajib-ul-arz* gives the tenant full rights in trees planted by him on his holding and these two do not seem compatible. The zamindars can have their own monopolists and the State leases do not extend to the zamindaris.

CROP PROTECTION

37. In the matter of crop protection, animals may be fired at only while on standing crop ; buffalo barasingha, black buck and bison cannot be shot without special sanction. If an animal is shot on the crops the rule so far has been that the skin must be delivered in good condition, within a week, *i.e.* after necessary curing and drying, etc. (an extra-ordinary rule) but now this rule has been altered by a recent order ; it is necessary now to show the skin to the *nakadar* and the horns have to be surrendered. The flesh of any animals shot may be disposed of on the payment of prescribed fees according to the zones (see para. 35 on grazing) varying from Rs. 8 to Rs. 3 for sambhar, Rs. 5 to Rs. 2 for chital, and for barking deer and nilgai Rs. 2-8-0. Pigs are treated as vermin and no fee is charged for shooting them. Black buck is said to be rare in the State but buffaloes are said to be a nuisance in Kondagaon tahsil as well as Barasinga. Bison are to be found in considerable numbers all over the State and the prohibition in respect of these animals is a considerable detraction from the facilities granted.

No fees are charged for the issue of crop protection gun licences. The guns are required to be deposited after the agricultural season is over. There are 404 crop protection licences.

Parads or tribal beats are customary in Bastar and there are rules to regulate these as large numbers of animals are annually killed. Guns cannot be be used and carnivores, bears and pigs can be killed without limit. Female deer except nilgai, and immature males cannot be killed. *Parads* are not permitted in reserve forest. The settling of nets or running the animals with dogs except for carnivores, nilgai, etc., is prohibited. In one *parad* not more than one sambhar, stag, or chital stag may be killed.

REVENUE ORGANISATION

38. The State has been divided into 6 tahsils for revenue and administrative purposes ; the zamindaris are regarded as separate areas for revenue administration. These have been formed into two Sub-divisions under sub-divisional officers.

All revenue officers have civil and criminal judicial work in addition to revenue work. There are no rules regarding procedure and the Central Provinces Manuals are referred to for guidance. The Administrator is the final appellate and revisional authority. As he passes orders in *thekedari* cases, only applications for revision or review can lie to him in these cases.

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There are 11 revenue inspectors and 102 patwaris in the *khalsa* areas ; in the zamindaris also there are revenue inspectors and patwaris. With the exception of the Abujmarh tract the State is divided into partwari circles for the maintenance of land records. On account of the interlacing of zamindari and *khalsa* territory particularly in Bhopal-patnam zamindari, there is some overlapping of jurisdiction but generally speaking zamindari revenue inspectors and patwaris manage only zamindari villages and *vice versa*.

In the zamindaris the revenue inspectors and patwaris are appointed and paid out of zamindari funds. As the zamindaris are under management now the distinction is without any practical significance but strictly the maintenance of land records like other revenue matters already mentioned in the zamindaris would be the responsibility of the zamindars themselves. For the zamindaris as well as the temple *muafi* estates there is a separate revenue staff.

The total cost of the revenue and land records establishment of the State comes to about 57,000 (apart from the Administrator). The staff employed by the zamindaris and estates costs about Rs. 17,000. The land revenue demand (fixed collections excluding takoli, etc.), is about Rs. 2.41 lakhs in the State. The demand of the estates is about Rs. 74,000. The total revenue of State is nearly 12 lakhs.

NAZUL

39. In Jagdalpur and Kondagaon and three other places special nazul rules apply. Jagdalpur for instance is divided into Jagdalpur '*kham*' and Jagdalpur '*nazul*'. The *nazul* area was constituted in 1892 and it was declared that in that area no person would be allowed to build without sanction and payment of rent. Houses and sites existing before 1892 were exempted from rent. In 1928 premium was levied for the grant of sites for commercial purposes and double the rent was charged. The *nazul* was settled in 1939 for 15 years and rents were fixed for that period. There is no right of transfer of the plot though buildings may be sold, in which case the State may charge a premium for a fresh lease. Premia may be charged on fresh grants also. In *nazul* there is some cultivated area also but these are assessed to heavier rent than the ordinary agricultural area ; agriculturists may be given house sites free of rent Similarly other towns are divided into *nazul* and *kham*. In Kondagaon some *bgris* has to the surrendered on account of excessive rates of rent prevailing in the *nazul* area. The land inside the *nazul* area is laid out and allotted on application on payment of a premium equal to 5 to 20 times the ground rent. In places other than Jagdalpur there is no layout or settlement. The land is usually not sanctioned. At the settlement of 1939 those who held free before 1892 were assessed at concessional rates for a certain period after which they will pay a full rate.

MISCELLANEOUS

40. It is said that the Central Provinces Registration and Stamp Manual are followed. There is very little registration of documents.

There are no rules regarding diluvion and alluvion. Copies of revenue records are granted only with the sanction of the administrator. There are no rules regarding copying. Each sheet is charged for at 4 annas. There are rules regarding the appointment and working of petition writers. No special paper is issued to the petitioner writers.

Export duty is levied on cattle and rice. The export duty on rice has been imposed as an emergency measure in view of scarcity. The export duty applies to agriculturists and non-agriculturists alike. The export duty on cattle is Re. 1 at present. It was formerly Rs. 2. Goats are also liable to export duty at 4 annas per animal. Export duties on cattle brings about Rs. 13,000. No agrarian agitation is reported in the last forty years and the rebellion of 1910 is attributed to other causes.

BOUDH STATE

REVENUE HISTORY AND SETTLEMENTS.

The previous revenue history of this State which fits like a crescent into the curve formed by the Tel and the Mahanadi is difficult to record except perhaps as a piece of minor research. Both Moghuls and Marathas had influence over this area, particularly the latter, but it does not appear that there was any system of assessment based upon measurement of land more than 60 or 70 years ago. The territorial division of *pargana* or *mutha* and the appointment of *sarbarakars* to these *muthas* in the Kondh areas of the State indicate that the State did not seriously concern itself with the assessment of land revenue in detail and left this matter to the *sarbarakars*. The Gazetteer records

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that in 1874 the Assistant Superintendent of the Tributary Mahals caused a summary settlement to be made and *pattas* issued in order to settle the troubles between the Chief and the Kondhs. The details of this settlement are not given.

2. The first settlement which may be termed regular was started in 1907; there was however no proper survey and lands are measured with a pole of 10 ft. 5½ in. called *padika*. Lands were classed into wet lands and *ata* lands and each class was divided into three grades. Homestead lands at headquarters were distinguished from such lands in the moffusil. Acreage rates were fixed which are said to have been reckoned as one-eighth of the net produce. There was no classification of villages. This settlement which may be said to have been based to some extent on methods common in Orissa was made for a period of ten years but at the expiry of the period it was found that the cultivators were in no position to bear an enhancement and resettlement was postponed from time to time till 1925 when survey and settlement operations were started. A theodolite survey was considered too expensive and traverse was made by plane-table and compass. At the 1900 settlement payments in kind were said to have been abolished altogether. The Kondhs were allowed 30 per cent. concession in the rates and their homesteads were not assessed. At the 1930 settlement tanks and bandhs and gardens which had not been assessed before were assessed, the object of assessing tanks being to take a return from them and give the ryots rights of 'occupancy'. The 1925 settlement was made on the principles (ostensibly) of the Orissa Tenancy Act. The old classification of lands was retained except that tanks and gardens were added as a separate class. Villages were not classified. The rates proposed represented a considerable enhancement except in the case of third class *ata* lands in which the old rates were retained and in the case of homestead lands in the urban area where they were reduced from Rs. 12-8-0 per acre to Rs. 12, the reason for which is not clear except as an instance of sympathy on the part of the Settlement Officer with the urban classes. Reduced rates were proposed for the aboriginals. The period of this settlement was fixed as ten years. The rates do not appear to have been based on any such principle as one-eighth of the net produce as at the former settlement but it was said that there was an increase of 50 per cent. in prices. The enhancements varied from 52 per cent. to 68 per cent. in the case of rice lands and 92 per cent. in first class dry lands. The total enhancement in the revenue was 117 per cent. which was partly due to increase in cultivation. The rates were all sanctioned by the Political Agent and Commissioner.

3. In 1938, though the period of the previous settlement had not elapsed, operations for resettlement were started. In February, 1939, a notification was issued that though rents were not liable to enhancement during the currency of a settlement a revisional settlement had been ordered in order to remove "the evils of the present one". Under the new system the State has been divided into ten units and the settlement goes on continuously one unit being done every year until, at the end of ten years, the first one is due for resettlement. Thus an instrument of perpetual motion has been devised for the cultivator. The settlement is being done by the Revenue Officer of the State, a graduate whose qualifications to be a settlement officer seem to be extremely doubtful. When questioned he told me that one field of every class was selected in a village for experiment and of the outturn obtained one-eighth was taken as the assessment. This of course gives one-eighth of the gross outturn and not the net outturn as was said to have been taken in the previous settlements. No other criteria, he said, were applied, and apparently he considered one crop experiment for each class of land adequate. He also said that the rates obtained from the crop experiments were being rigidly applied. Actually the rates being applied do not seem to be based on crop experiments at all. No forecast report of the settlement was sent to the Political Agent or Ruler but the rent report shows that villages have been divided into three classes according to facility for irrigation available or proximity to forest, the last class having neither irrigation nor an internal of more than one mile from jungle. At the last settlement 2-10-0 had been approved as the rate for first class of wet land. "Having Rs. 2-10-0 for an acre of first class wet land which had been approved by the Political Agent and Commissioner, Orissa States as the basis of calculation and bearing in mind the proposed classification of villages, increased rate of rent by one-third is suggested in first group villages and from the proposed rate of rent in first group villages, rate of rent by one-third is being deducted in second group villages and so on". Thus in villages classed as first class there is to be an enhancement from Re. 1-9-0 in 1930 before

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the last settlement to Rs. 3-2-0 at the present one. In villages of the second class there will be a reduction from 2-10-0 to 2-1-4 which still represents an increase, from 1-9-0 before the last settlement, of 33 per cent. In third class villages there is a reduction to Re. 1-6-3 which will be difficult to justify. The assessment on tanks has been reduced by about 0-2-0 per acre, the reason for which is not known ; similarly a reduction is to be made on garden lands ; these latter two will of course have little effect on the assessment. The forest cess is also to be altered from 0-1-0 per acre on rice lands and 0-0-6 on *ata* lands, to a uniform rate of 0-0-9. If, as is usually the case, large areas of *ata* lands are cultivated as in the jungly areas, this proposal will have the effect of an increase on those least able to bear it. The whole idea seems to be an attempt to redistribute the assessment so as to give some relief to backward villages without however sacrificing the revenue. This is to be achieved by sharply increasing the rent in certain places and reducing it in others to a figure below that of the last but one settlement, and procedure which is certainly objectionable. Further some portions of the State are to carry on with the present assessments for a period which may be till 1948. The heavy assessment of 1931 which the State seems to have recognised as a great burden on the cultivator did not prevent it imposing an "improvement cess" of no less than 0-3-0 in the rupee, in addition to the education cess already existing, of $\frac{3}{4}$ anna per rupee, and the forest cess.

4. It was found after 1907 that a resettlement could not be made after ten years and it had to be postponed. In all reasonable revenue administration it is first considered whether a settlement can be made before embarking on it and the period everywhere in British India is not less than 30 years but Baudh has provided for a settlement every ten years going like clockwork.

In dealing with the recovery of land revenue the effect of the settlement will be described further.

It was pointed out that at the settlement of 1931 the rate on homesteads was reduced; this was in the case of lands at Baudh ; the rate was not altered in the case of rural areas and remained at Rs. 6-4-0. At this settlement it has been proposed to reduce it on the ground that the rate in other places is lower, a reason which may help to judge the competence of the officer who made the proposals. The basis of the classification of villages proposed seems also to be quite unsound and it is certain that in some of the villages classed as first on this basis the enhancement will be quite improper. The certain of irrigation is more suitable for land than for villages, for even if three-fourths of the village is irrigated there will still be lands which will be assessed to a high rate simply because other lands in the village are irrigated. The resettlement of three of the ten units has been completed.

ZAMINDARI AND OTHER TENURES.

5. There is no zamindari in the State but many whole villages are held under *debottar* (also described as *khanja* grants for various deities when whole villages have been made over), *brahmottar*, *khorakposhak* (maintenance), *jhutapan* (spittle) and other grants. 56 whole villages are shown as held by tenure holders of which 21 are held as *khanjas* by various deities, some holding five to six villages. *Brahmottar* villages are 16 in number but these are not strictly speaking held by anybody and the villages are themselves non-rent paying. There are 19 *khorakposhak* grants and the rest are *jhutapan* and other villages. Including *brahmottar* villages there are 72 or more villages paying no rent. In addition to these whole villages there are others on which small quit rents are paid. The settlement report records that the *muafidars* in this State have only a right to revenue but at the same time it is recorded that the *muafidars* can settle vacant holdings of their villages with ryots with the previous sanction of the State. It is recorded also that their rights have been considerably reduced but it is not clear to what extent the tenureholders have acquiesced in this position. At present the officers of the State say that the grantees have no rights to allot wasteland. The Dewan mentioned that a settlement of vacant land by a *muafidar* without permission was challenged in a civil suit by a ryot but it is clear that the State *suo motu* took no executive action to stop this. Enquiry in Tetlanga, the village of a *khorposhdar* showed that he was accepting surrenders of land and resettling ryots on payment of *nazarana*. In Brahmachandrapur, the *brahmottardar* was said to have created his own rent-free grants. He also claimed rights to minerals on the terms of his sanad. It was also said that he allotted wasteland for cultivation.

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6. The *debottar* grants as stated above are khanja or maintenance grants for deities and apart from villages held rent-free or on quit rent there are an enormous number of small and large holdings held rent-free as *debottar*. The *khanja debottar* grants pay the education, forest and improvement cesses levied from tenants to the State (or portions of them). Two of the grants seem to be more assignments of revenue of 14 annas in the rupee. The small *debottar* holdings pay the forest and education cesses to the State but generally do not pay the "improvement cess". The *khanja* grants are managed by the Debottar Department which also claims to control other grants. The individual grants are managed by *sebaits*; some grants seem to be looked after jointly by the villagers. In *debottar* villages as in other tenureholders villages there are lands cultivated directly and recorded as *nijchas*. The ryots in *dobottar* villages have the same rights and liabilities as in other villages.

7. The *brahmottar* grants consist of whole villages as well as *tanki* or quit-rent paying whole villages and a few separate grants of land. They all pay forest and education cesses but some of them pay no 'improvement cess' (apparently those which have no *sikmi* tenants). There is one village which pays a quit of 2 annas or 12½ per cent.

8. The maintenance grants are mostly rent-free but pay all the cesses. The *jhutpan* and other grants, are similar to the maintenance grants.

9. The jagirs are grants of lands held rent-free in return for service. Apart from village chowkidars there are *dalbeheras* who supply water to touring officers and do menial duties, *bhandaris* who shave touring officers and do other menial duties, *dhobas* who wash the cloths of touring officers and supply fuel, *kumhars* who supply pots to touring officers. The lohars help the villagers in the construction of the deity's car. Apart from *jagirdars* who look after the needs of touring officers there are others like *bhitirias* who are private servants of the Chief holding jagirs in addition to pay and others like *bebarta* and *behuk* who render services to the Chief.

10. The total loss of revenue to the State on account of the grants other than service grants is, if the figures given by the State are correct, about Rs. 30,000 apart from premium on new cultivation and other sources. In addition to these there are the villages held by the Ruler and Rani saheba and other ladies. In respect of these villages there are no deeds of grant or conditions regarding resumption. Some 8 villages are held rent free and apparently cess free also by the ladies of the family. Villages held by the Ruler are shown as under his personal cultivation. In one village which was visited it was found that the residents were all the Ruler's servants; it appeared to be a garden estate rather than a village. The servants of the Ruler were paid in paddy monthly (2½ to 3 *khandis*) and an annual payment also of 17 to 24 *khandis* and some cloth. In the villages of the ladies there are ordinary *sarbarakars* and ryots. It is said that there is only one *khamar* village of the Ruler.

11. Some grants seem to be quite recent but a complete list has not been furnished by the Durbar.

12. Transfer of land by holders of rent free grants are not regulated or governed by any rules. *Muafidars* are said to transfer lands without permission but these lands are liable to become ryoti and assessed after the transfer. There are no cases of transfer of whole villages. The tenures seem to be partitioned fairly often.

THE RYOTI TENURE

13. The ryoti tenure is known as *thani* or *pahi* according as the ryot resides in the village of cultivation or not but in practice this distinction has no significance. Persons holding only house sites are regarded as ryots and called *chandnadars*.

There are certain *parganas* inhabited by Nanguli Kondhs. These do not pay revenue like ordinary ryots and pay only what they can. (They pay the *nistar* cess like other ryots but the education and improvement cesses are recovered at a reduced rate). About Rs. 1,300 are recovered from them annually as land revenue.

14. Before the 1930 settlement there was no right of transfer and there were a number of cases of transfer found at the settlement, the total *nazrana* levied on these amounting to about Rs. 75,000. After the settlement, transfer by sale gift, etc., was recognised. There is no fixed proportion of the consideration levied at present as *nazrana* or consent money on transfers and this

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is apparently discretional (said to be usually a year's rental). A mutation fee of Re. 1 is charged in addition to a proclamation fee of Re. 1.

There is a record of rights prepared at the last settlement regarding the rights and liabilities of ryots. Ryots have an 'occupancy right' in their lands and rents cannot be enhanced during the currency of a settlement. Land revenue is payable in two kists on the 15th January (10 annas) (seems to have been changed recently as the ryots in the villages said they were paying on 15th February) and 15th April (6 annas). Ryots can be evicted for failure to pay rent or habitual default or for keeping lands uncultivated for 5 years. Transfer of land is permitted subject to the liability of the purchaser for arrears and registration of the deed. A portion of a holding may be sold. Kondhs may transfer land among themselves but not to non-kondhs without permission. These rights were granted by a proclamation of August, 1941. Mortgage and gift are also permitted. Sub-letting is permitted and the under-tenant can have only a temporary right.

If lands fall 'vacant' the *sarbarakar* has to inform the police and produce a nominee for the land. The sanctioning officer should bear in mind the desirability of appointing an aboriginal tenant to the holding of an aboriginal.

New lands can be reclaimed with the permission of the *sarbarakar* who has to inform the State; new lands are held rent free for the first five years and at half rate till next settlement.

Ryots and *sarbarakars* can fish free in rivers and tanks in their villages unless it is reserved or belongs to private persons.

15. *Bethi* and *magans* have been abolished by orders dated 1939 except for upkeep and construction of the village roads, schools, deraghars or camp houses, tanks, temples, clearance of forest boundary lines. "Tenants shall do their duty as usual during rath, rasa, Dusserah and other festivals". *Rasad* was abolished in 1939. By an order of 1938 a general order has been issued that every resident is bound to render necessary help to an officer in the discharge of his duties; this is said to be prescribed by section 187 of I P.C. and clause 19 (7) of the record of rights (which applies to *sarbarakars* only).

16. Ryots are entitled to free receipts for payment of land revenue. In the village of Tetlanga the tenureholder was charging one pice per receipt which *sarbarakars* are prohibited from doing.

17. In reply to an enquiry by me it has been reported that there are no *sikmi* tenants in the State but the settlement report records that some tenants were so recorded. The basis of their recognition is unfortunately not given.

18. Homestead lands of ryots are all fully assessed.

19. When applications are made for reclamation, a proclamation inviting objections is issued. If there is forest growth the forest officer is consulted. There is no specific scale of *nazrana* but a fee of 0-8-0 to Re. 1 per acre is said to be levied according to the quality of the land. The reserved species of trees are auctioned by the forest department if the applicant has cleared the land but unreserved species of less than 5-ft. in girth are left to the applicant. If the applicant wants the reserved species half the royalty is charged. If any deserted villages are proposed to be reclaimed the whole area may be allotted to one applicant as *sarbarakar*. If there is more than one applicant for the same land it is sold by auction. In the Kondhmals, land is said to be given for cultivation on nominal rates as the Ruler pleases and this rate is recorded in the settlement papers. New lands are not assessed for the first five years. In reclamation cases the applicant has to make a deposit and execute an agreement that he will clear the land in a specified period failing which both deposit and land are forfeited.

Surrendered and abandoned lands are disposed of usually by auction. Mutation fees are recovered at the same time. Cases of abandonment seem to be fairly common.

20. There are no rules regarding acquisition of land. Compensation is not granted in ordinary cases but it is said that if there were buildings some compensation used to be granted. The Land Acquisition Act has been adopted this year "in spirit only temporarily" pending compilation of new rules. In cases I saw there were some in which land was given on exchange.

VILLAGE HEADMAN.

21. Before 1937-38 land revenue was being collected by *sarbarakars* and they were responsible for the revenue of the whole village. They were getting

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a remuneration of 15 per cent. of the land revenue and held *bhogra* lands which were however rent paying, as a perquisite of the office. The system of *sarbarakars* with responsibility was abolished in 1937-38 and 12 revenue inspectors were appointed for the purpose of collection of land revenue. Following the abolition of the responsibility for the revenue, the *sarbarakars* were retained to discharge other duties of the post on a reduced commission of 5 percent.

There are *sarbarakars* in most villages but there are some jungly villages without one. The *sarbarakars* in the kondh areas have no difierent status from the others. Appointment of *sarbarakars* is generally made in the same family but if no suitable candidate is found the post is auctioned. When a *sarbarakar* is appointed he was to pay a fee known as '*sadibandha*' fee at the rate of Rs. 40 to Rs. 22-8-0 according to three grades (presumably of the villages). In return for this the Ruler gives the *sarbarakar* a turban cloth. If the village is auctioned the '*sadibandha*' fee is levied in addition to the auction fees. A mutation fee of Re. 1 is also levied in *sarbarakari* cases. There are a few villages with more than one *sarbarakar;* the origin of this is not clear but probably arose in the shares into which the office used to be divided formerly, There may be women *sarbarakars* also; I saw a case in which one was removed.

The Ranisaheba is said to hold a village as *sarbarakar*. Minors are appointed sometimes as *sarbarakar* with an agent to work during minority. In tenure villages there is sometimes no *sarbarakar* and the holder himself acts as such. In seventeen villages held by tenure holders there are *sarbarakars*. In reply to a enquiry regarding the appointment of these it is reported that they are "ordinarily appointed by the State" In Brahmachandrapur the *brahmottardar* recovers the revenue from the ryots and there is no *sarbarakar*.

It was said that the *sarbarakars* found great difficulty in paying the village revenue and hence a separate agency was introduced for collection. The idea of making the *sarbarakars* responsible for collection only does not seem to have occurred and the Dewan simply said that the present remuneration is rather low for this purpose.

Sarbarakars have no proprietary rights in *bhogra* lands. By an order of July 1941, the *bhar* and *tika* payable by *sarbarakars* on certain festivals has been reduced; a *sarbarakar* is liable to punishment if he absents himself.

RECOVERY OF LAND REVENUE

22. There are no rules regarding the recovery of land revenue and the Public Demands Recovery Act is said to be followed in spirit. Collection of land revenue during the last ten years has been unsatisfactory obviously on account of the heavy burden it represents and at the end of 1941 there were some 8 lakhs including cesses representing nearly three years revenue in arrears. A detailed statement of coercive processes has not been furnished but the cases against *sarbarakars* in the years when they had the responsility were probably not small in number.

I questioned one of the tahsildars regarding arrears of revenue. The old arrears which particularly in the backward areas people find difficulty in paying have not been remitted but are being recovered in small instalments, ten or twenty, along with the two kists of current revenue. He also said collection starts well before the due date and small amounts are accepted at a time.

The Dewan declared that on produce rent was being paid in the State but enquiry in *debottar* villages showed that some rents are paid partly in kind.

Land revenue is now recovered direct from the ryots and the revenue inspectors file cases against defaulters. Attachments and sale of movable property as well as land is resorted to for recovery. Arrest and detention is not practised. Crops upon fields may be distrained for recovery. A penalty of two annas per rupee per annum is charged on defaulters. The tenure-holders recover arrear direct from the ryots; they file rent suits against defaulters. Eviction is also one of the methods of recovery but tenureholders are not allowed to make use of this process; in rent suits the land may be attached and sold. Attachment of land in civil cases other then recovery cases is said to be subject to the sanction of the Ruler but there is some doubt about this and a difference of opinion between the officers.

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The nazir is responsible for the service of processes and he conducts sales of both movables and land. Property is generally sold on the spot. Standing crops are usually attached in the first instance before movable property, for recovery. The execution of processes by the nazir and peons leaves little doubt, by their manner, that there is gross corruption and the Dewan admitted this.

CESSES

23. The cesses recoverd in the State are the education cess at 0-0-9 per rupee and the forest cess at 0-1-0 per acre of wet land and 0-0-6 per acre of *ata* lands. These two cesses have been in existence since before the 1931 settlement. In 1938-39 a new cess called the 'improvement cess' was imposed at 0-3-0 per rupee of land revenue and in lieu of this cess certain items of *bethi* were abolished; the items retained have been mentioned already. It is proposed to make the forest cess a uniform rate of 0-0-9 per acre during this settlement this is likely to affect those who have large areas of *ata* lands adversely. The income from the education and improvement cesses are Rs. 19,000 and Rs. 40,000 approximately.

REMISSION AND SUSPENSIONS OF REVENVE, AGRICULTURISTS LOANS

24. It is said that there has been no general failure of crop, and damage done by floods was small in the last ten years. No remission of land revenue has been granted except as abatement of surrendered or abandoned land.

Some loans are granted to agriculturists out of the State budget at 6¼ per cent. for purchase of seed, etc., but the amount is small. An ingenious scheme of paddy loans has however been instituted. Each village was required to make a certain contribution in grain; the grain so collected was lent out to the agriculturists on payment of interest and after four years the amount contributed by the villages was returned to them without interest but the grain collected as interest formed the nucleus of a granary from which advances are made at 25 per cent. interest. Some private grain of the Ruler is also said to have been added to this granary. It is to be hoped that this granary will retain its existence apart from other granaries of the Ruler; while there is nothing seriously objectionable in asking villagers to contribute to some sort of insurance scheme, a scheme in which 25 per cent. interest is recovered and which runs the risk of losing its public character cannot be applauded. It would have been much better if the villagers had been asked to make their own granaries in each village and manage it co-operatively or through a *panchayat*. There seems to be private grain lending also going on from *khamar* granaries.

VILLAGE SERVANTS

25. The chowkidar and *dalbehera* who are the principal village servants have got jagir lands of about 3 acres, first class, and 2 acres, second class, wet lands. The *dalbehera* is a sort of personal servant of the *sarbarakar*. The chowkidar is more of a village policeman. Villagers do not pay them anything in cash or kind

A mutation fee of Re. 1 is levied when village servants like the chowkidar is appointed. The chowkidar is appointed on the recommendation of the Assistant Superintendent of Police and relationship with the previous chowkidar is not a criterion.

FORESTS

26. There are three classes of forests, A, B and *khesra* or village forest. *Khesra* forest includes all wasteland. Mr. Mooney is the Forest Adviser. A working plan was prepared in 1936 for 20 years. The forest rules are in Oriya and I have not been able to examine them. They seem to be similar to the rules of other States.

The forest or nistar cess is levied in all villages. A. & B. class forests are demarcated and for the clearance of boundary lines it is said that Rs. 2-3-0 per mile are paid.

No grazing fee is charged in *khesra* or B. class forests for local people. There are villages which have no *khesra* forest and the villagers are expected to get their requirement from B. class forests.

Reserved species of trees are reserved throughout the State including cultivated lands but, on cultivated lands trees (except fruit bearing trees), may be cut "for *bona fide* use with permission free of charge.

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Sabai grass, lac honey, wax and kochila are State monopolies. There is no monopoly of hides and skins but there is a State tannery. Lac is not an important commodity.

Chandna ryots were assessed to 0-3-0 nistar cess per house at the last settlement, it is proposed to impose 0-6-0 on them in the operations now going on. There is a fee varying from Re. 1 to Rs. 3 on persons carrying on various professions like dhobi, etc.

The working plan records that *khesra* forest is badly distributed and, in the riparian tract, is five miles or more from the villages. Some class B. forests are kept to provide the requirements of these people.

Kendu leaves seem to be a monopoly fetching Rs. 4,000 a year.

Certain lands were recorded as *gochar* in the last settlement, *i.e.*, grazing grounds but these do not seem to be adequate.

CROP PROTECTION

27. Shooting of animals in protection of crops is permitted except that bison may not be shot at or killed.

REVENUE ORGANISATION

28. The Ruler, the Dewan, the Assistant Dewan and the Revenue Officer are the officers doing revenue work. Cases of appointment and dismissal of *sarbarakars* are dealt with by the Ruler who is the final appellate authority in other cases. The Dewan and others do various revenue work like mutation cases, recovery of land revenue, allotment of land and so on. The Revenue Officer is in charge of the settlement which is going on. All the officers have got civil court work to do in addition to various other duties. The State has been sub-divided into two parts in charge of which there are two tahsildars for the purpose of land revenue collection. The two sub-divisions have been further sub-divided and there are revenue inspectors in charge of these units and these also look after collection mainly. There is a separate establishment for the settlement which is going on. The cost of the revenue establishment is shown as Rs. 9,500 against a land revenue excluding cesses of Rs. 2,37,000 and a total revenue of Rs. 4,31,000.

MISCELLANEOUS

Petition writers are licenced at Rs. 10 per year. Paper for writing petitions is issued by the State at three pies per sheet.

Residential areas in the town are described as nazul following Central Provinces usage. As already stated the rate for town lands here was reduced at the 1931 settlement. A higher rate is levied on town lands than in the villages. If agricultural land is converted into house site the rent is not altered by the State till the next settlement which means a loss of revenue. Cesses are calculated upon the rent assessed on homestead land also.

BONAI

REVENUE HISTORY AND SETTLEMENTS

The State of Bonai seems to be among the most backward in Orissa from the point of view of development of cultivation and communications. The State is for the most part hilly and densely wooded and the population is also spare; the density in 1941 being only about 70 persons to the square mile, with 512 villages. Considerable portions of the State are occupied by aboriginal tribes who form than 60 per cent. of the population. Among the aboriginal tribes the Bhuiyans, Gonds, Mundas and Hos are prominent. The Bhuiyans for the most part do not practise settled cultivation and are addicted to shifting cultivation; there are however many Bhuiyans who have settled down in the plains, have lost all traces of their original tongue and are hardly different from their Oriya neighbours. A number of Kols, Mundas and Oraons from Gangpur and Singhbhum are also to be found in Bonai. In 1941 the population of Bonai was 93,000 as against 32,000 in 1891.

2. Owing to the scanty population, their aboriginal nature, and enormous areas of difficult hill and forest abounding in man-eating tigers and elephants, the State has much previous revenue history. There was no extensive cultivation in the past or even a large number of settled villages and the 1912 Gazetteer records that whole village communities frequently abandoned their holdings for now sites. Many of the aboriginal tribes even, like the Mundas, the Kols and Oraons are quite recent immigrants from the north;

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in 1901 there were more Bhuiyans than Mundas but the 1911 Census showed that the Mundas were the most populous tribe in the State. It seems likely that in former days the cultivators were almost exclusively a few Bhuiyans and other aboriginals who practised shifting cultivation among the hills. The later colonists consisting of Hindu settlers from other parts of Orissa seem to have brought in the system of measurement or estimation common in surrounding areas, namely the seed capacity known as *khandi*, and this was the unit found prevalent in Bonai in 1880 when, for the first time, a summary settlement was undertaken under the orders of Mr. Hewitt. This settlement, apart from being summary, was also extremely restricted in scope and only a small area of wet lands was assessed. Measurements at this settlement seem to have been done partly by eye estimation and partly by means of a pole of 7½ in. length. No reliable records however, appear to have been prepared. At this settlement, there is a note, dated 6th January 1881 by the Commissioner, Mr. Hewitt, about the uplands and garden lands. "It is admitted that by local custom no rent was paid for uplands or garden lands." This is not linked up with the custom of *bethi-begari* and apparently rent does not appear to have been linked formerly with *bethi-begari*. It appears that this link was first established by Mr. Hewitt following Singhbhum practice, for he writes : "There still remained the question of *bethi-begari* to be settled and this was postponed till the matter had been discussed between that Raja and the *Gaontias*. The accordingly came to me again this afternoon in a body and asked me to determine what reduction in rents should be allowed for the retention of Bethi-Begari. As in Singbhum it is customary to commute Bethi-Begari at the rate of 8 per cent., I consider that Rs. 8 in hundred should be allowed as a reduction in the land revenue from the full rates now charged and accordingly it was laid down that in consideration of a reduction of that amount the Gaontias and ryots should give the customary Bethi-Begari for the repair and maintenance of the Raja's house and for all work required to be done in Bonai. * * *". That this conception was new is shown by the fact that at first the *gaontias* continued to levy full rates from the ryots. In 1883 however the ryots of six villages applied to Mr. Hewitt complaining that though a reduction was made in the *gaontias* rent on account of *bethi-begari* it had not been passed on to the ryots. On this petition orders were passed that a reduction in the ryoti should be made. As will be explained later it is very doubtful if this reduction was in fact made.

3. The first regular settlement of the State with a survey was taken up in 1910 and completed in 1913, but the settlement excluded areas occupied by the Bhuiyans, these being not subjected to survey. Only the villages in the valleys of the Brahmani were surveyed by traverse and cadastral survey but the traverse was a plane table and sight vane survey as in the case of the most of the Orissa States. The waste lands do not appear to have been properly surveyed even in the valley of the Brahmani. In the hill country regular survey was attempted in a few villages which showed sufficient development and some of them were summarily settled. This settlement was for a period of 10 years. The Bhuiyan areas seem to have been assessed to a plough tax of Re. 1 per plough in former years and this apparently was continued in the villages which were not subjected to regular survey and settlement but was abolished where settlement was done. At the time of the Kelly settlement (1913) a number of payments in kind were commuted to cash rental. The term of the Kelly settlement expired in 1923 but the period was extended by another 10 years. It is extremely important to note here that at this settlement there was no suggestion of any reduction in the rent on account of *bethi-begari*. The settlement Officer here assumed that the uplands and homestead were held free of rent in lieu of *bethi-begari*. He writes : "A third incidence, which affects the unassessed uplands and homestead of the ryots is Bethi-Begari, a system of free labour. Under this the ryot is bound to accept in cultivating the lands in actual possession of his proprietor and the bhogra lands of the Gaontia, to helf in the preparation and yearly repairs of village roads and buildings of his landlord and to do a certain amount of transport work for the Chief and his officers on tour. In lieu of full wages for this he occupies his uplands and homestead free of rent and is given his food...". It will be seen that *bethi-begari* rendered by the ryot seems to have grown since the settlement of 1881. The reduction of 8 per cent. ordered by Mr. Hewitt does not appear to have been given effect at all for Mr. Kelly

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