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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

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records that he found the ryots paying at Mr. Hewitt's original rates (Rs. 2, Re. 1-8-0 and Re. 1) for their old lands (paragraph 54). At the Kelly settlement it was indeed found necessary to reduce the rate and apply new rates, apparently on account of defective measurement and underestimation of area at the previous settlement, but there is no suggestion that the rate is either low or was reduced on account of *bethi-begari*. In fact the settlement Officer points out that except in the valley of the Brahmini no enhancement could be expected after 10 years and even in that valley he has suggested that fair enhancement could be made only after taking all factors into consideration (paragraph 59).

4. A revisional settlement was started in 1930 but, on account of financial difficulties, was not carried to completion and was stopped when the survey of about 250 villages had been completed. In 1934, it was decided to resume operations and complete them block by block in 1939. This was not done however and a *nayabadi* settlement to assess only the new cultivation was taken up in 1934. The records and maps prepared during the revisional settlement of 1913 were utilised as far as possible but these records were incomplete. 8 villages in Kumari and 18 villages in the Pabri pargana had been subjected to survey in 1930 and during the *nayabadi* settlement these villages appear to have been subjected to assessment. The whole position at present is however one of obscurity and confusion and in any case there seems to be considerable extension of cultivation even after the 1930 incomplete operations and the 1934 *nayabadi* operation. In the Bhuiyan areas even the village boundaries have not been laid down and it appears urgently necessary to take up the complete survey and settlement of the State as early as possible. The present land revenue of the State is Rs. 45,117.

5. The commutation of *bethi* which is being done at present more or less like a settlement needs mention here. Papers connected with this show that it was first contended that uplands, homestead and *baris* were held free of assessment on account of *bethi* being rendered but this was subsequently expanded to include what was called a low rate upon wet lands. The commutation now has taken the form of not only an assessment upon all the uplands baris etc., but enhanced rates are also being imposed upon the remaining wet cultivation, and at different rates for different classes of land. Though there is nothing to indicate that the holders of any particular class or quality of land are liable to render more *bethi* than others different rates of commutation are being assessed upon different qualities of land. I have pointed out while discussing the settlement that there is no foundation of fact for the suggestion that rent was assessed at a low rate in lieu of *bethi*; I have also pointed out that the entire plea taken in this connection is a purely specious one. *Bethi* being most oppressive the cultivators in many places seem to have consented to this assessment upon unassessed land and enhanced rent on the assessed land apparently hoping that there will be no further enhancement for a period of years but as a revisional settlement will soon be necessary it is likely that the Ruler will claim a further enhancement on the ground that what was done before was a commutation of *bethi* and has nothing to do with a revision of the settlement. The position as regards commutation has been specialy brought to the notice of the Resident by me and it has been suggested that there should be no commutation of *bethi* (which should be abolished) but a badly needed revision settlement should take place.

ZAMINDARI AND OTHER TENURES

6. The important land tenures in the State are a zamindari known as Sawant zamindari and two *jagirs* known as Dandpat and Mahapatra respectively. The zamindari consists of 27 villages on a hereditary feudal tenure with a nominal tribute of Rs. 40. The tribute, as far as I can see, is a fixed one and in any case it has not been altered since the last settlement. The sanad issued to the zamindar in 1931 simply mentioned that the zamindar should continue to pay the customary annual tribute to the State. The tenure is held subject to the payment of this tribute and such cases as may be imposed by the State. The probably leaves a loophole for the imposition of a "*takoli cess*" as in certain other zamindaris. The conditions of loyalty, the maintenance of grants made for the workship of deities in rent-free conditions the maintenance of the rights of all tenants are among the important stipulations; the State rules seem to be applicable to the management of the zamindari forest and zamindar is not permitted to exerise rights of excise

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and hide monopolies which are reserved to the State. The terms on the whole are very vague and leave a large number of points concerning the appointment of village headmen, village servants, the allotment of new land, the surrender and abandonment of cultivated lands, etc., untouched.

The practice in respect of the appointment of village headmen so far as I could ascertain appears to be for the zamindar to nominate a *gaontia* who is formally appointed by the State. The *gaontia* can be removed only by the State but the State usually does not proceed against him except at the instance of the zamindar. The recognised village headman can have an agent under him if he is not capable of discharging his duties himself and the State appoints the agent on the nomination of the *gaontia*; but the *gaontia* has no right to remove the agent on his own initiative. In the event of the appointment of an agent the *bhogra* land is divided equally between the *gaontia* and the *mukadam* 80 per cent. of the rent is taken as a *salami* on the appointment of a new *gaontia* who is not the heir of the previous *gaontia*. The *salami* seems to go entirely to the zamindar. In case of appointment on account of inheritance the *salami* fixed by the State is said to be handed over to the zamindar. The State levies a mutation fee for the issue of a *patta* amounting to Rs. 5. The incidents of *gaontiaship* otherwise seem to be similar to those in villages directly under the State.

The royalty on trees on waste lands is divided equally between the zamindar and the State, and for the reclamation of waste land the zamindar's consent as well as permission of the State is necessary. The *gaontia* also seems to allot land for reclamation independently of the zamindar and the State and gets *salami* without the knowledge of the zamindar. The zamindar is said to recognise the reclamation and it is possible that recognition may be withheld until a *salami* is paid.

Newly reclaimed lands are assessed after 3 years and the assessment seems to be made by the gaontia by agreement with the tenant and probably in consultation with a few people of the village. The rights and liabilities of cultivators in the zamindari seem to be the same as in the *khalsa* area.

The forests in the zamindari are subject to the ordinary rules regarding State forest and the zamindar has no reserved forest of his own.

In the matter of *bethi* and other imposts, *bethi* is taken for the cultivation of the zamindar's lands (food is given), free *bethi* is taken for the zamindari roads and *bethi* on payment of Rs. 2 per mile for the State roads. The *gaontia* gives free *rasad* to touring officers and luggage is to be carried free. Paddy for State elephants is sold at concessional rates (*hathi dhan*). The zamindar seems to levy a *dashera* tika of a goat given either free or for a nominal price; the cultivators in the village I visited stated that they are liable to double levy in case of default.

7. In the two *jagirs* half the net land revenue of the villages and half the proceeds from the sale of timber in the forest, the tax on artisans and grazing dues have to be paid to the State. The *jagirdars* are liable to render military aid to the Chief when required and to accompany him on journeys when ordered to do so. The *jagirs* are hereditary, and in addition to retaining half the land revenue of their own areas, each *jagirdar* holds a certain amount of land rent-free. No fuel tax is imposed in these areas and the ryots pay at lower rates of rent than in the *khalsa* villages. *Jagirdars* have kept portions of forests in the *Jagirs* reserved. Both the *jagirs* are of 13 villages. The cesses are paid entirely to the State. In the *jagirs* also the *jagirdar* has the right to nominate the *gaontia* and the State appoints the *gaontia* nominated. The State levies mutation fees and issues the *patta*. The *jagirdars* of Dandpat does not appear to levy any *salami*. The *jagirdar* can report a *gaontia* to the State for removal. Cases of the *Dandpat* having removed *gaontias* without reference to the State and appointing his own sons are said to have occurred. When a *gaontia* makes default *jagirdar* usually issues a notice of demand on him and he can file a civil suit for arrear. If a *gaontia* makes default for 3 years continuously he is usually removed. The *jagirdar* has no power to attach the property of any *gaontia* or villagers of his own initiative. All the jagir villages do not seem to have *gaontias* and in some villages recovery is effected direct by the *jagirdar* but in those villages for which there is no separate *gaantia* no *patta* is issued in the name of the *jagirdar* as *gauntia*. The *jagirdar* has the power to allot land for reclamation. Assessment of reclaimed land is made after 3 years according to the seed capacity. The

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nayabadi reclaimed or the assessment imposed is not communicated to the State and does not require its approval. As the jagirdar holds on conditions that he pays half the total of land revenue the amount payable by him will be enhanced only after the next settlement. In the *jagir* villages of Dandpat no fuel cess is levied, school cess is paid intact to the State. There are no grazing fees and fuel is taken free by the cultivators. The jagirdars have been a troublesome lot and since about the middle of the last century there has been constant friction between them and the Ruler. Disputes have now been mostly decided but seem to be unending. As lately as 1930 the *jagirdar* of Dandpat claimed the right to make mutation and the report of the 1935 *nayabadi* settlement shows that the *nayabadi* land revenue was not accepted and there were disputes also about villages.

8. Other kinds of tenures prevalent in this State are the usual maintenance grants, *brahmottar*, *debottar* and *anugrahi* grants as well as various kinds of jagirs. A recent maintenance grant to one of the favourite ladies of the Raja makes the rent enjoyable by the gantee but the cesses have to be paid entirely into the treasury. In respect of the appointment of the *gaontia*, chowkidar, etc., there are no specific clauses and it may be assumed that the position will be more or less as in the zamindari and jagirdari villages. The sanad says that after the death of the grantee the villages will be allotted to those members of the *Rajbati* who are entitled to it. The *nayabadi* rent is payable by the grantee and this means that subject to that payment the reclamation of wasteland can be freely made. Another maintenance grant issued in 1931 specifically permits the grantee to collect and appropriate land revenue and enjoy *bethi*, beggar, etc., to establish new tenants and realise rent, *betht*, etc., and to bring portions of unoccupied land under homefarm. The grant also conveys permission to excavate tanks and make improvements, cut trees without restriction and to establish *haths* (bazaars) on the land and utilise the profits thereof. School and forest cesses are however payable to the State.

9. There are some whole villages held as *debottar* and lands also. There is a committee of officials and non-officials to look after the management of some of these grants and it is reported that recently such committees have been set up for other grants also. There is no "*Debottar* Department."

10. The *brahmottar* grants which also comprise some whole villages and individual holdings are absolute grants made to Brahmins. The Brahmins are not liable to *bethi* and other impositions. Some of these are shown as only rights to revenue.

11. The *jagir* grants seem to be similar to these in other States and are held subject to the condition of service. There are a number of *paiks* holding *jagirs* assessed to a concessional rent and they are expected to attend at the palace for various kinds of menial service and guard duties as well as carriage of dak. Only one *paik* has entirely rent-free lands. A total area of nearly 10,000 acres with a revenue of about Rs. 10,000 is held rent-free apart from zamindaris and village service grants, No rules exist regarding these grants or regarding check and control.

12. The Ruler holds certain lands known as *khamarchas* personally. These are leased out but many ryots cultivate continuously for a long time. It is reported that there are some whose rents are fixed in perpetuity. I did not enquire into this when I was in the State and I doubt if any occupancy rights are recognised as stated.

There are five villages without *gaontias* (the *gaontias* were probably removed for some reason and the villages became vacant), which the Ruler has made into "*Tikait fund*" villages. The revenue of these villages has been struck off from the land revenue demand register and payment is made direct to the Ruler. This seems to be nothing more than the appropriation of the revenue of the villages by the Ruler without the sum being shown in the budget.

THE RYOTI TENURE

13. In Bonai State, the distinction made in the eastern portion of Orissa regarding *thani* and *pahi* ryots does not seem to be known. The settlement report of 1914 records that the ryots in Bonai hold directly from the proprietor of the village and not under the *gaontia* though the *gaontia* has the power to dispose of abandoned holdings and wastelands with certain restrictions. All ryoti holdings are of one class and a ryot who has cultivated for

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long time does not acquire any better status than other. The Bhuiyans and others who practise shifting cultivation pay a plough tax.

At present the position seems to be that land is allotted to a cultivator free of any consent money (this is not certain though land has little value in most parts of the State) and after 5 years (3 years in the zamindari) he becomes liable to pay rent. It is not unlikely that the *gaontia* himself allots waste land in the village for new cultivation as I found that in the zamindari the *gaontia* admitted such a practice; the *gaontia* in such cases takes a *salami* and fixes the rent; from the report of the *nayabadi* settlement it appears that the rents fixed are often quite arbitrary. The rent of the cultivator is not enhanced during the currency of the settlement and cases of ejectment do not seem to be common.

14. The sale of holdings is permitted with the sanction of the State; a *salami* as such is not levied on that occasion but four times the annual rent or 25 per cent. of the consideration whichever is higher is levied as mutation fee and if the vendee is resident outside the State, the fee is six times the rent. (The Dewan's note connected with this shows that seven times the rent used to be charged in some cases.) The *gaontia* also seems to have a say in the matter. If a person belongs to a scheduled caste (I did not see a schedule) he has to sell only to a person of a scheduled caste except with the permission of the Ruler. The cultivator can lease his land and mortgage it as well but there seems to be no definite rule about this; and the only document which recites the rights of a cultivator is the settlement report of 1913 which however says that a ryot may be ejected in the event of alienating his land by sale, gift or mortgage.

Permission is now necessary for a mortgage but it is said that no case has come up which probably means that the rule, if any, is not observed. Mutation fee is 12½ per cent. of the rental but the penal fee may be up to fifty per cent. if report is not made in a year. The ryot's land seems to be acquired by the State without any compensation and thus the 'occupancy rights' if any are very obscure.

15. Receipts are generally given by *gaontias* but in the zamindari I was told that a fee of one pice per receipt is charged by the *gaontia*.

16. Homestead lands in Bonai as well as *baris* have not been subject to any assessment so far but in lieu of *bethi*, assessment of these lands is being made at present (see paras. 2 to 5).

17. The ryots seem to have a right to the enjoyment of fruits of trees on waste lands. They have no rights over trees of reserved species even on their own holdings.

18. *Bethi* for various purposes such as making roads, buildings, schools and various other houses, harvesting the crops of the Ruler, etc., used to be levied and is being levied at present. Even in the areas where it is supposed to have been commuted (see Para. 5) the Dewan told me that it is being levied by *gaontias* and others, *Bethi* has actually been decreed recently to the Rajguru by the civil court. Cultivation of Zamindaris' lands on *bethi* continues, but food is said to be given. All the *bethi* is not free and in the case of roads and forest small payments seem to be made.

Paddy is still being recovered at concession rates for the elephants of the State but I understand that the Ruler appropriates and trades in this to some extent. A note by the Dewan, dated 10th December 1941, showed that a Munda headman complained about non-recovery of "*hatidhan*" and a report was called for; also that a *gaontia* misappropriated grain collected a "*hatidhan*". Straw and firewood have also to be supplied at concession rates to the palace.

18(a). There are no under ryots or lessees who have been recognised as having permanent rights.

19. For the allotment of land for new cultivation which is an important matter in this jungly State the procedure is as follows:

On obtaining an application either for a small holding or for an area large enough to be made into a separate village the application is forwarded to the forest officer who reports whether the area may be given out for cultivation. Land is given out for cultivation out of *khesra* or village forest. If the forest officer has no objection he states the value of the forest growth of the land and enquires if the applicant is willing to pay the amount. If the

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applicant is not willing, the forest growth is usually offered to a contractor and sold. The cleared land will then be available to the applicant for cutivation. No bond is taken from the applicant to bring the land under cultivation. Usually five years' time is given for reclamation when the State allots land before assessment begins.

The record of new cultivation is not satisfactorily made as the *gaontia* also allots land for reclamation. It is said that since the *nayabadi* settlement of 1935 an attempt is being made to record new cultivation but the staff available is quite inadequate. From the fact that there are instances of failure to intimate even revised rents to *gaontias* it may be judged how accurately the records are kept.

It appears that what usually happens is that the land is applied for by a contractor or other non-agriculturist interested in the forest growth through some other person and after the land has been allotted the forest growth is removed, and then the land is surrendered after some time by the applicant.

An examination of the cases of reclamation shows that the procedure is not merely very lengthy (there are cases pending for more than a year without result) but is also susceptible of corruption. Considerable time is taken by the forest officer to send a report and I have seen cases where the forest growth was subsequently offered to a contractor for less than a fourth of the sum quoted to the applicant as the value of the forest growth. No proclamation was issued though the forest officer is supposed to have invited tenders from a number of contractors. The original applicant was of course not offered the same forest growth at the reduced rate.

In a State like Bonai where plenty of land is available for cultivation but cultivators are few it is somewhat difficult to induce cultivators to come and settle. The practice at present seems to be to allot large areas to one individual who is made the *gaontia* and he is allowed a certain period within which to make a new village. Theoretically a *salami* is not levied but I have seen cases where *salami* has in fact been recovered; papers connected with the *nayabadi* settlement also show that *salamis* are levied. In one of the cases where the applicant was made *gaontia* of the new village, a *salami* of Rs. 30 was outwardly ordered to be paid, a period of *ten years* was granted for reclamation, nothing else was charged for the forest-growth and a tika of Re. 1 per annum was ordered to be paid; I have no doubt at all that in this case a heavy *salami* has been privately levied.

The best procedure to deal with the cases of reclamation seems to be to decide at settlement in consultation with the forest officer what areas may be allotted and what areas may not be allotted and to permit raclamation only in such areas. No second consultation with the forest officer would be necessary and this would save a lot of time. The disposal of land where more than one applicant comes forward may be by auction subject to the highest price for the trees but concession rates may be allowed in backward areas or the premium may be waived altogether. It is also possible for the forest-growth to be removed departmentally by the forest department in backward areas where aboriginal cultivators are unable to pay the value of the forest growth. The colonisation of land could probably be induced by the payment of a commission to any person who brings cultivators.

20. There are no rules or any fixed procedure regarding acquisition of land by the State. In fact lands seem to be acquired without previous intimation or any payment of compensation and the Dewan tells me that there are cases where even after acquisition the cultivator continues to pay the rent and cesses upon the acquired portion. In a number of cases land was acquired for the construction of the 'Trunk Road' to Calcutta and a number of cultivators who are affected by this acquisition have applied to be compensated. It is proposed to remit the rent and cesses. I could not find any records regarding the acquisition of this land.

VILLAGE HEADMEN

21. In the absence of any definite rules or regulations the position both as regards rights of the cultivators as well as the duties and liabilities of *gaontia* is obscure. The *patta* prescribed for *gaontia* in 1913 still continues to be issued though the position in practice does not exactly correspond to what is laid down in this *patta*. The *gaontia* of the State has the responsibility for the revenue and has to make payments on the due dates whether the

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ryots pay or not. He is also held liable for the payment of cesses imposed upon the holders of *maufi* plots as well as the collection of other cesses. The *patta* lays down that the ryoti rents and the revenue of the village have been fixed for 10 years and cannot be enhanced during that period. The *gaontia* is liable to pay interest at 12½ per cent. on arrears and he is similarly in a position to recover from his ryots interest at 12½ per cent. (reduced to 6¼ per cent.) on arrears by a suit in the State courts. He can also file a list of defaulters and proceed by 'certificate procedure.' He has not the right of transferring his right to hold the village in any manner and cannot create a *sikimi gaontiahi* right.

The old *patta* gives the *gaontia* the right to lease out all ordinary waste land which may be cultivated and converted into rice land and it prohibits recovery of a *salami* as well as rents for 3 years though of course there is no enforcement of this rule. The *gaontia* can lease out abandoned holdings but to cultivate it himself he has to obtain the permission of the State. He is precluded from leasing out the abandoned holdings of an aboriginal to a non-aboriginal, a restriction which is probably quite futile.

The ryot's disability regarding transfer of the holdings is mentioned in the *gaontia patta* as well as the similar disability in the case of *maufi* holders. The *gaontia* has a number of other duties regarding forest and trees on the waste lang, reporting offences and so on.

The *bhogra* land is not alienable heritable or partible; it passes to the next *gaontia*. The *gaontia* enjoys rent-free *bhogra* land to the extent of 12½ per cent. of the annual land revenue of the village. If the *bhogra* land is not equal to such value he is entitled to a rebate in cash to make up the percentage. The *patta* says that no *nazarana* or *salami* will be demanded from the *gaontia* or his heirs but *salami* does in practice seem to be realised at 10 per cent. of the land revenue of the village (admitted by the State) if a near relative such as son, grandson, brother or brother's son succeeds, and at the rate of 25 per cent. if the successor is more distantly related; if the village is given to a *gaontia* not related to the previous *gaontia*, 40 per cent. is charged (reduced from 80 per cent. by order, dated 21st February 1941). Usually the post is hereditary but the offer of a high *salami* may result in the village passing to another family. Mutation fee also appears to be charged in such cases. These *salamis* are credited to State accounts under head "Miscellaneous". Thus the position at present is very different from what it should be according to the *gaontiahi patta*.

In some villages more than one *gaontia* exists. The position seems to be most peculiar; some are self-styled *gaontia* and pay land revenue and cesses of the portions of the villages which they claim, direct into the treasury; others seem to be recognised and these seem to be *gaontias* of sections of the village like the section of the *paiks*, the gonds and the ordinary ryots. If in a village there is *khorposhdar* he credits the cesses he is liable to pay for his portion to the treasury direct. Reclamation of land in one village by the Kumar H. C. Deo has resulted in payment direct for that portion. There is a case of two *gaontias* being appointed on account of factions in a village. The State does not seem to trouble about these multiple *gaontias* so long as the revenue is paid. In one village there are no less than thirteen persons paying land revenue direct and claiming to be *gaontias*. The number of such villages with more than one *gaontia* seems however to be very small.

The *gaontias* are required to give free *rasad* to touring officers. At the time of *Dashera* they have to offer goats to the Ruler who however returns the carcases, only the head being retained. On *paus purnima* they have to supply a goat for 8 annas; similarly they have to sell fowls for a nominal price.

RECOVERY OF LAND REVENUE

22. The main crop of the State is paddy. The rent is payable in two equal instalments in December and February. The crop usually ripens in December and most of the cultivators feel it as a hardship to have to pay rent in this month. The *kists* (instalments) seem to be payable on the same dates throughout the State. *Gaontias* sometimes borrow to pay the *kist*

For recovery of land revenue the *gaontia* is first proceeded against, a notice of demand and a warrant of attachment of movables being issued simultaneously. A single case used to be registered against all the defaulting *gaontias* of a *pargana* resulting in a very confusing record but the new Dewan has stopped this practice. Immovable property does not appear to be attached for

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recovery, and if recovery is not effected the *gaontia* may be evicted. Interest at one anna per rupee is recovered from defaulting *gaontias*. The *gaontia* has to file rent suits against defaulting ryots for recovery He is also permitted to file a list of defaulters in the revenue court on which the revenue peons go out and effect recovery. Interest at one anna per rupee is also charged from ryots who have defaulted for more than 21 days. Arrest and imprisonment do not appear to be resorted to for the purpose of recovery. The Zamindar and other tenure holders may file civil suits for recovery of rent but the State also grants certificate proceedings on application by them. There are some process servers but the police are often made use of to recover such items as school fines (recoverable as land revenue), mutation fees, enquiries about appointment and dismissal of *gaontias*, settlement dues, etc. Under a new decision, if a *ryoti* holding is sold for arrears, the amount realised after meeting dues, costs, etc., will be payable to the ryot.

Arrears according to the statement of collection of revenue furnished are not large except in 1939 and 1940 but the Dewan has written that he is unable to vouch for the authenticity of the statement "as the Demand Register is fictitious."

CESSES

23. There is a cess of one anna per rupee of land revenue called a school cess.

REMISSIONS AND SUSPENSIONS OF LAND REVENUE AND AGRICULTURISTS' LOANS

24. The *gaontia patta* mentions that neither *gaontia* nor ryots will get remissions or suspensions on account of crop failure, floods or any other reason and in practice also they do not seem to have got any remissions or suspensions on any account. The amount of money allotted at *taccavi*, about Rs. 3,000, seems to be quite inadequate and this is probably the reason why the Ruler carries on a flourishing grain lending business. The interest on the loans is 25 per cent. Seven seers have to be paid for every 80 seers to the measurer and in addition. two handfuls of grain for each measurement to the measurer. Three annas per *pudlug* have to be paid as a preliminary to borrowing and seven pice per *pudlug* while repaying the loan. Winnowed grain should be returned though winnowing is not permitted while lending.

VILLAGE SERVANTS

25. Village servants in Bonai State are the chowkidar and a few others like *kalo* (priest), *nariha* (waterman), the *kumhar* (potter) and the *kamar* (blacksmith). These servants are under the general control of the headman but sanction of the State is necessary for new appointment. The chowkidar throughout the State is appointed by the State but in the *jagir* and other villages the nominee of the *jagirdar* or zamindar is appointed. The *kalo* and others do not seem to render any useful service except menial service to officers and others on tour. In most villages the villagers by custom seem to make a payment to the chowkidar in kind in addition to his *jagir*

FORESTS

26. There are only two classes of forest, Reserve forest and *khesra* forest. *Khesra* or village forest includes all waste land. Reserve forests are demarcated and the boundary lines are required to be kept clear in the "*bethi*" areas by the villagers on payment of Rs. 3 per mile while in non-*bethi* villages wages are paid at 0-2-6 to 0-3-0 per day. There are at present eight reserved species of trees, all timbers except one viz, *mahua*. The reservation applies to all areas including cultivated holdings and reserved species cannot be cut without permission and payment of royalty; by a recent order crooked and useless trees are allowed to be taken. For free issue of sound trees for plough, house-building, etc., application has to be made to the Forest Officer.

Ryots pay fuel cess but do not pay any grazing fee. The fuel cess is 0-1-6 per acre of wet land; rent-free grantees pay 0-2-3; nothing is levied upon upland. The ryots of the jagirs do not pay the fuel cess. The forest department has a scale of trees which may be taken by the ryots paying the cess under free permits. Non-agriculturists pay at the rate of annas 2 per year and use firewood free of royalty during the whole year. For house-building, etc., they have to obtain timber on full payment.

The ryots can obtain such timber as is necessary from the area of the village forest set apart for nistar for repairing houses, making agricultural

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implements, etc., but no timber can be sold nor trees over 4' 6" in girth cut down.

For cess payers unreserved trees are allowed without a permit; for reserved species there is a scale depending on the payment of land revenue which, if actually enjoyed by the cultivator, seems adequate. No grazing fee is charged except on professional graziers.

Special professional rates are charged for people like blacksmiths, *dhobi*, etc.

MONOPOLIES

27. There is a monopoly over tusser cocoons and this seems to be the subject of many complaints. The contractor is said to pay much lower rates than those obtainable outside. (On a petition by the propagators of concoons it was ordered that they should pay Rs. 400 royalty and sell the concoons wherever they pleased. The petitioners agreed to pay and declared that if they were compelled to sell to the contractor they would keep the concoons themselves. No orders had yet been passed on this petition.)

Lac, so far, has been departmentally cultivated but from this year is proposed to be given to a contractor under the Forest Adviser's advice. The reason for this change is not clear; considering the harassment contractors sometimes subject people to I should not say it is the best system. Lac is a State monopoly and the cultivator must sell the lac from his land and khesra forests to the State or the monopolist.

Kendu leaves are also a State monopoly.

There is a monopoly of hides. The chowkidar takes the skins of dead animals from the village and sells them to the monopolist for about four annas; the owner gets nothing.

There is a prohibition of the export of any kind of grain but this does not operate against grain from the Rulers's khamar granaries.

In the areas under *jhooming* or *dahi* cultivation a plough tax of Re. 1 per plough is imposed, the ploughs being counted at settlement. The aboriginal villages also have *gaontias* who get 12½ per cent. commission and are issued the same *patta* as in other areas.

CROP PROTECTION

28. It is said that there is no restriction about the shooting of animals actually found in standing crops but there are very few gun licences in the State and for the purpose of crop protection only 15 have been given and for self-protection 13. The licence fee for a muzzle loading gun is Rs. 2-8-0 and for renewal also the same fee is paid. Not merely herbivorous animals which devour crops but man-eating tigers are common in this State, vast areas of which are jungle. Elephants which probably do more damage than any other animals cannot be shot under any circumstances.

REVENUE ORGANISATION

29. There is practically no revenue organisation worth the name in Bonai. The whole State is under a single revenue officer who performs other duties such as magisterial and civil court work. There is no land record staff though certain temporary appointments have been made on account of the '*bethi* commutation' which is going on. There is no procedure in the matter of disposal of revenue cases or appeals and though probably the Dewan is treated as the first appellate officer and the Ruler as the second appellate officer, the Ruler himself takes up cases direct sometimes. The brother of the Ruler does work corresponding to a Sub-Divisional Officer but here again ,there seems to be no system and not even definite standing orders. The revenue officer is at present doing the work of '*bethi* commutation' in addition to his other duties. There is no definition of powers or jurisdiction of the various officers and powers are confined or limited as occasion may require. The civil court organisation being just the same as the revenue organisation, a person aggrieved by an order of the revenue court which is interested in the State's revenue is practically final. There is a Private Secretary to the Ruler who can also take up matters, revenue, civil or criminal at any time.

There seems to be no systematic touring by the revenue officer and in fact there is no touring practically. The revenue officer had not toured for even a single day during the touring season till my visit. There being only one officer who has other duties to perform as well as touring does not appear to be even contemplated. The commutation of *bethi* apparently is going on without the revenue officer even going out on tour.

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The maintenance of land records, as already stated, is not satisfactory in the absence of adequate staff. The nazar who has numerous other duties to perform has to keep the land revenue registers. The *Kanungo* is a temporary hand liable to be discharged after the '*bethi* commutation'.

An inspection note of the Dewan shows that the register of land revenue demand had not been prepared though seven months of the financial year had expired.

MISCELLANEOUS

30. There are three petition-writers for the whole State who have to write petitions on special paper issued to them at ½ anna per sheet. Rs. 5 is the licence fee per petition-writer.

For stamp duties and registration the Indian Acts are followed.

CHANGBHAKAR

REVENUE HISTORY AND SETTLEMENTS

This landlocked area, bounded on three sides by the Central Indian State of Rewa, was formerly included in the Chota Nagpur States under Bengal, though it is more properly a part of Central India, apparently on account of its historical connection with Korea. In 1905 it was transferred to the Central Provinces. It is among the most sparsely inhabited States of the Agency and has the smallest revenue among the Chhattisgarh States. Land in the interior of the State has little value and it is difficult to get cultivators or *thekadars*.

Like most of the States in the Agency villages, management in the past was through *thekadars* or *gaontias* who were given leases of villages for short periods usually three years. Some villages also seem to have been settled on the system, prevailing today in Korea, of giving them to the person who offered the highest annual payment or revenue, and others, on a lump sum bid or *nazarana* offered at the outest. Lands were assessed according to seed capacity and in later years the quality of land also seems to have been taken into account. *Dahia* cultivation was common and payments were mostly in kind and by barter. Unlike some of the other States, there was no system here of paying only for low lying lands and cultivating uplands free.

Enquiries in the State show that before the recent settlement most of the villages which were not *manji* used to be given out to *thekadars* on leases of 2 to 5 years. The lessees paid a *nazarana* which formed the private income of the Ruler without entering the State accounts, and held on an annual sum fixed by the Ruling Chief, apart from various other dues. The settlement report records that the *gaontias* held the best lands in the villages and settled their relatives on equally good lands paying low rent, and in some cases were recovering much more than the land revenue of the village from the ryots.

2. The first regular survey and settlement of the State started in 1935. A survey by estimation was attempted but it was found later that it was not much less expensive than a cadastral survey and a complete cadastral survey was made. After some viscissitudes the operations were completed at the end of 1937, a certain amount of work being left over for the permanent staff.

3. All the villages now seem to have been fully surveyed by traverse and cadastral survey. The quality of the work done cannot be judged but is probably commensurate with the expenditure. The settlement report, a meagre document, does not give information as to how the assessment was made. The assessment simply seems to be an enhancement by about 25 per cent. of the existing rates, the Resident having remarked that more than 20 per cent enhancement is against all civilised practice. The enhancement of the land revenue of the State as a whole was about 22 per cent. The settlement officer seems to have Central Provinces practice to some extent and the records prepared were the same as in the Central Provinces. Certain cesses formerly levied were abolished at the settlement. A number of complaints were received at the end of the operations about the assessment and in some villages rentals had to be reduced.

A *wajib-ul-arz* was proposed after the settlement but was not passed for various reasons. The Superintendent proposed direct management of villages on account of the tyranny of the old *gaontias* to which was attributed the depopulation of many villages, but there was some hesitation about reducing the privileges of the *gaontias* and the system of leasing out villages was maintained. Leases have been issued for ten years.

ZAMINDARI AND OTHER TENURES

4. There are 21 villages held by various muafidars and other grantees for maintenance. None of these is said to have leased out the village to *thekadars*. No lands in this State are given to any temple. There are some maintenance grants—one village to the Junior Rani Sahiba and 4 villages (divided into 4 at settlement) to the Yuvrani Sahiba—granted by the late Ruling Chief. Deeds of grant exist. The villages are recorded in village jamabandi as well as demand register as *muafi* villages. The grants are held for life only and the grantees are entitled to the land revenue of their villages but cesses are recovered by the State. The sanads of most of the other maintenance grants, however, show that they are meant to be held hereditarily. One of the villages is held on quit rent. The grantees have no right over forest. The right of ryots in these villages are the same as in others.

5. Apart from whole village grants there are land grants to relatives of the Ruler for maintenance; these are not extensive and are only about 150 acres in area. All these lands pay cesses.

THE RYOTI TENURES

6. In the absence of a *wajib ul-arz*, the *thekadar's patta* is the only code which regulates revenue administration. Under the patta, the *thekadar* cannot recover more from the ryot than is entered in his *patta* and possession of a tenant's land cannot be taken without the Superintendent's permission. New lands are allotted by the *thekadar* and may be held rent-free for two years. The ryot is entitled to land free of rent for his house and *bari* and to *nistar* from the village forest. The *thekadar* is not entitled to fell certain trees, mostly fruit trees, without permission, and presumably the ryot cannot cut these trees as well.

7. The ryot is not liable to *begar* except for carrying the luggage of touring officers to the adjoining villages. If a ryot is taken outside the State or beyond the adjoining village or engaged for a full day he is entitled to payment at annas two per day, a low payment even for Changbhakar. (Actually ryots and others are taken for many days from their villages for the maintenance of the fairweather road connecting Bharatpur to the Rewa-Sahdol road which is 30 miles in length, in the Rewa State mostly, and are paid in rice at 2½ annas per day. This *begar* falls particularly heavily on certain villages on the northern border of the State and it was complained that the villagers were being "killed by *begar*" for the maintenance of this road from October till the beginning of the rains, repairs being necessary several times. The payment in rice seems to be nothing more than giving food, and the ryot does not get an adequate remuneration for working so far from his village. In addition to working on the road he has also to carry the luggage of the overseer and peon in charge). Nothing has been paid so far for the clearance of forest boundary lines; an inadequate amount of Re. 1 per mile has been proposed. No steps have been taken to enforce the prohibition of *begar*.

The *patta* does not contain any other provisions regarding ryots.

8. Ryots have no recognised rights of transfer in their land but actually transfers of land do take place as I found in the villages. Land is also leased out to share-croppers. I also came across a case of land being held by a money-lender in repayment of a loan; the mortgagor was supposed to go on paying the rent of the land till the total payment equalled the amount borrowed unless payment is made earlier. I reckoned that the interest would not be less than 25 per cent. and if the borrower did not repay the amount it would take 20 years to redeem the land by payment of rent alone.

9. There are no rules or cases of land acquisition. In some places schools have been made in the *bari* of private persons and in such cases the rent of the area under the school has been remitted.

10. Owners of cattle have to pay a *tika* at the rate of Re. 1 per 20 buffaloes or 40 cows; persons owing less then 20 animals are not required to pay any *tika*.

11. *Gaontias* are expected to give receipt to their tenants in a form in duplicate with a counterfoil. The receipt books are given to the *gaontias* at 4 annas each book containing 100 leaves.

12. There is a tax of 2 annas per mahua tree on cultivated holdings and in the *nistari* forest which it is proposed to abolish.

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13. In order to encourage agriculture and new settlements in this backward and scantily populated State, concessions such as exemption from assessment for a certain period, free grazing, timber, etc., have been announced. There seems to be, however, a sort of competition for ryots between Korea and Changbhakar and certain rivalry between Rewa and Changbhakar has acted in favour of Korea.

14. House sites and attached gardens up to 15 decimals are not assessed to rent.

VILLAGE HEADMEN

15. As already stated, most villages have been given to *thekadars* but for about one third of the total number it has not been possible to find *thekadars*, Some of the *thekadars* who have accepted *pattas* seemed to have required considerable persuasion. The new *patta* has been issued to *thekadars* without recovery of any *nazarana* or *salami*. Under its conditions, the *gaontia* or *thekadar* is responsible for the revenue of the village, to be paid in two instalments on the 15th January and 15th May. He can allot new lands for cultivation and ten per cent. of rents on these lands will be given to him, similarly he can reallot lands surrendered or abandoned at rents agreed upon. He is not permitted to take possession of surrendered or abandoned land without the permission of the Superintendent of the State and cannot accept a surrender without permission. The rights conferred by the patta cannot be alienated in any way. Succession, during the term of a *theka*, is recognised in favour of the eldest son. The *thekadar* is not entitled to any compensation for any well or tank or garden constructed by him, after the *patta* has expired (this should effectively prevent improvement). The *thekadar* is entitled to a commission of 10 per cent. of the rental collections. He can recover only such rents as are entered in the tenant's *patta*. The *thekadar's patta* does not contain any prohibition of *nazarana* on lands allotted by him.

16. Villages which have no *thekadars* are called *kham* villages. The collection of these *kham* villages is made by the revenue inspector and patwaris. *Thekadars* do not hold any home-farm land or *sir* as their remuneration now. The *sir* land which was formerly held by the *thekadars* was assessed to rent and is regarded as their ryoti land. *Sir* land in the *kham* villages is either lying fallow or has been taken up by the tenants.

17. There are 4 villages with one *gaontia* and 15 *gaontias* who hold two villages each. These villages were formerly *tolas* of the same village. Villages in this tract have often *tolas* associated with them. At the present settlement a number of *tolas* have been recorded as separate villages being at a distance of 1 to 2 miles from the parent village. In such cases one *gaontia* may be found holding several villages.

18. The *gaontias* may appoint their private agents in the villages where they are not residing. These are called *mukaddams* In some cases *gaontias* may themselves be *mukaddams*. In the *kham* villages there are *mukaddams* appointed by the State who are paid commission ranging from 3 to 5 per cent. The *gaontia* or *mukaddam* gets a percentages on cesses as commission.

19. *gaontias* have to pay a *dusserah tika* of Re. 1 per cent. of land revenue.

20. The commission of the *gaontia* and *mukaddam* is paid in the months of May and June after the accounts of the year are closed, and they are not allowed to make deductions direct as is the common practice in the Chhattisgarh as well as the Orissa States. Sometimes they are paid as the *gaontia* or *mukaddam* comes and asks for it.

RECOVERY OF LAND REVENUE

21. Rice is the main crop of the State but a considerable quantity of *kodon* is grown. The *gaontia* is required to pay the first instalment on the 15th January and if he recovers revenue from the ryots much earlier, the date is unsuitable as the harvest will be barely complete and prices at their lowest level. In practice, however, many ryots seem to pay late in January or in February. The *gaontias* also pay some time after the due date.

22. If a *gaontia* fails to pay on a notice of demand, the only practicable course of coercive process is to attach and sell his movable property, The houses are usually mud houses which will fetch no value. Against a defaulting ryot, apart from sending the revenue peon to help the *gaontia*, there is only attachment of movable property. No movable property, whether agricultural cattle or implements or religious ornaments, etc., seem to be exempted from

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attachment and I have been seen cases where plough-cattle and all property have been proceeded against. No cases of eviction have taken place; and as regards sales, land has little value here. Arrest and detention may be resorted to as a process of recovery. The Superintendent's reader maintains a register of processes in addition to other registers.

23. Before credit in the treasury the revenue is collected mostly by the revenue inspector and patwaris who prepare *chalans* and credit the money into the treasury. No security is furnished by the patwaris; neither has the revenue inspector furnished any security. *Gaontias* seldom credit money into the treasury direct but they are not debarred from doing so. The patwari or revenue inspector may credit the recovery of a large number of villages at one time but a list of recoveries and a *goshwara* are furnished at the same time along with the *chalan*. The duplicate copy of this *chalan* is given to the revenue inspector or patwari as the case may be. The revenue inspector and patwari are required to issue receipts to the *gaontias* from whom they collect. The *wasul-baki navis's* demand register is filled up from the statement furnished with the *chalan* by the patwari or the revenue inspector. Revenue peons also collect money and issue receipts. The collections made by them are brought to the revenue inspector who checks the counterfoils of the receipts against the *chalan* and initials the *chalan*. The *chalan* is prepared by the crediting peon, patwari, etc. Receipt books are in duplicate. The revenue inspector maintains a demand and recovery register, recoveries being entered from the list sent in with the chalans. It is the revenue inspector who sends in reports for the purpose of starting cases for recovery of arrears.

It is said that there would be some difficulty in getting *gaontias* to credit money direct into the treasury. The revenue inspector and patwaris were appointed only since the settlement started and before that it appears that while some collections were effected through revenue peons, mostly *gaontias* used to come at Dusserah with their dues and credit the money into the treasury. Hardly any pay into the treasury direct now. The method adopted for collection and credit into the treasury is full of possibilities of misappropriation of funds and collection through peons is also open to serious objection for the same reason. The consequences of such methods have been seen by me elsewhere. The procedure in the treasury also does not seem safe.

CESSES

24. The cesses recovered in the State are—a *kotwar* cess at the rate of three pies per rupee for the *kotwar's* dress, a cess for school and post recovered at the rate of six pies each per rupee of rental. There are 15 schools in the State but only one post office at headquarters.

REMISSIONS OF REVENUE

25. During the last 10 years there has been no remission or suspenison of revenue, but this year, in 9 villages a suspension of 4 annas per rupee has been given as there was almost total failure of crop; *prima facie* this relief appears inadequate.

AGRICULTURISTS' LOANS

26. For the last 3 or 4 years taccavi loans are being granted. About 3 to 4 thousand rupees are provided in the budget. Interest was charged at 12 per cent. but now, from this year, it has been reduced to 6¼ per cent. There are some state granaries belonging to the Ruler out of which loans are granted on '*siwai*' system. Certain rules have been made regarding grain loans. These rules limit the interest to 25 per cent. but on every loan of grain the State charges a stamp duty ranging from Re 0-1-0 to Rs. 2-0-0 (over 80 *khandis*), and this has to be paid whenever a loan is taken or repaid, once by the borrower and once by the lender. This rule appears to be unique. It is hardly likely that the lender will bear the duty and the rule really amounts to a double levy on the borrower in addition to the numerous malpractices associated with the grant of loans in kind. Then again, though the rules penalise the levy of more than 25 per cent., in the two cases in which complaints of excessive levy were made to the Superintendent, he ordered the excess to be repaid and filed the papers with a warning; it is hardly likey that the rules will afford effective protection at this rate.

VILLAGE SERVANTS

27. There is a *kotwar* for each village but some *kotwars* may have three or four villages under them. *Kotwars* have no *muafi* land but they are paid in

kind by the ryots of the village. At Deogarh village a payment of 6 pallies of rice was being paid per rupee of revenue; the cost of this was about 4 annas at prevailing rates and 2½ annas at old rates. The total cess on account of the kotwar thus amounts to not less than 3 annas a rupee.

Other village servants like *lohar* are not appointed by the State.

FORESTS

28. Mr. Monney is the Forest Adviser for this State. There are special forest rules. Forests are divided into two classes, reserved, and *nistari* or village forest, which includes, all waste lands in the village and elsewhere. In making reserves the State is expected to leave enough *nistari* forest, and reserves have to be notified, but no preliminary notification is necessary. No working plan has been prepared and demarcation of forests is just going on.

29. Sixteen species of trees are shown as reserved in village forest, the definition of which does not include cultivated lands but the forest officer said that in practice the reservation was applied to trees on cultivated lands as well. For reserved species, a special permit for cutting is necessary and trees have to be marked. According to the *patta* of the *gaontia* there are only 9 reserved species. Apart from the 16 reserved species mentioned above, no trees of any species over 3' in girth may be cut without permission.

30. Commutation or nistar fees are levied in all villages at annas 8 per plough; non-agriculturists pay annas 8 per house. This payment entitles the payee to the use of unreserved species for domestic purposes. Professionals such as dhobi. potters, etc., are charged Re. 1 or so.

31. The forest officer compounds forest offences up to Rs. 15.

So far nothing has been paid for the clearance of forest boundary lines. It has been suggested now that it should be cleared annually at the rate of Re. 1 per mile.

32. No shifting cultivation is practised anywhere. A tax of 2 annas per mahua tree in cultivated, and nistari forest, area is in force. The imposition of this tax was recommended by Mr. Mooney in 1937. It is proposed to abolish this now.

33. Nistar fees do not confer exemption from grazing fees which are levied since 1934. The fee is realised from all persons who have more cattle than a grazing fee value of Rs. 2, that is, from the total grazing fee payable, Rs. 2 are deducted. The payment of nistar fee *prima facie*, confers little on the agriculturist in this area where cultivation needs encouragement.

34. Mahua, tendu and various other forest produce are under monopoly. The tendu leaf monopoly extends to all tendu leaf in the State and covers cultivated lands as well; the contractor can take all leaves.

Hides were a monopoly till two years ago but as nobody was willing to take a monopoly, only an export duty is levied. The rate of export duty on hides varies from 2 to 6 annas according as the animal is a calf or a buffalo. Grain was also subjected to an export duty before the export was prohibited two years ago.

CROP PROTECTION

35. Crop protection licences are issued up to a maximum of 100. Licences are issued free of charge. Last year 98 licences were actually issued. Under the rules, animals except bison may be fired at whilst actually in the crops. There is a separate rule which prohibits the shooting of females and immature stags and, according to the forest officer, cultivators are permitted to shoot only male animals. The licence rules prohibit the shooting of pigs, bison, sambachital, nilgai and barking deer without permission. All these rules must leave the cultivator somewhat bewildered.

REVENUE ORGANISATION

36. The Ruler being a minor, the final authority in revenue and civil matters is the Political Agent. The Superintendent is the only officer in the State at present and deals with all revenue as well as criminal and civil judicial work. Apart from him there is only a revenue inspector and four patwaris in charge of collection and land records work. Including the small clerical and menial staff, the revenue establishment costs the State about Rs. 2,000. The total land revenue excluding Dussehra *nazarana* (this would probably not be included in State accounts when the Ruler takes over) and cesses is about Rs 22,000 and the entire revenue of the State is about Rs. 52,000 (?).

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The patwaris are expected to perform *girdawali* of all the villages (183) and maintain a *khasra, prima facie* an impossible task for four patwaris to perform, except purely nominally. The land records are similar to those in the C.P.

There are no process serving peons and processes are served through the police. Revenue peons may also be made use of for this purpose, when they are free.

The revenue inspector is responsible for the recovery of the revenue and the supervision of land records work. The patwaris and peons also recover land revenue. They work on lines similar to the C. P. patwaris but not exactly in the same manner.

MISCELLANEOUS

37. There is a register of miscellaneous cases which shows a few cases (21 in three years) of various kinds. It may be that very few applications are made, as a court fee of 8 annas means considerable expense, but the register shows entries of only the last three years (no previous register) and does not show signs of proper maintenance; disposal of the type mentioned in connection with the complaints of recovery of excessive interest is hardly likely to encourage cases.

There is a petition-writer for the last 7 or 8 years but formerly petitions used to be written by clerks and others under the orders of the Ruling Chief on payment of Re. 1 per petition—an exorbitant charge. The petition-writer can charge 2 annas on ordinary petitions, 12 annas for criminal complaints and Re. 1 for civil complaints, but it is not known what he actually charges in practice, The State does not issue any petition paper. Copying fee of 8 annas per 100 words (apparently a high charge) is charged by the Superintendent's office which grants copies.

CHHUIKHADAN

This fragmentary sovereignty, the smallest of the Chhattisgarh group in area except Sakti, consists of four fragments one of which is completely surrounded by Nandgaon territory, and can hardly be see-on the map. Formerly a zamindari of the Bhonsla Kings, its revenue history as well as soil and crops is similar to that of the neighbouring erstwhile zamindaris of Khairagarh, Kawardha and Nandgaon in the the midst of whose territories it is situated.

2. It is recored in the Gazetteer of 1909 that about 1850 the practice was to lease out villages, to *gaontias* from year to year. The thekadars (*gaontias*) were responsible for the payment of the collections to the State and cultivated the *sir* land as their remuneration. After a few years triennial settlements were introduced and from 1875 these triennial settlements are said to have become necessary. The *gaontia* paid nazarana at the commencement of each settlement and was given a patta he also executed a *kabuliyat* which was filed in the State records. At each resettlement a lump enhancement was fixed for the village by a panchayat of the neighbouring *gaontias* and this was rateably distributed among all the ploughs in the village by the *gaontia*. Each tenant held a more or less equal proportion of each kind of soil arising out of the old practice of redistribution called *lakhabanta*. In addition to cash rent, each tenant had to pay to the Chief a cerain amount of grain on every rupee of rent as well as a certain amount of grass. The payment of grass was discontinued by the State after a time but the Gazetteer records that the *gaontias* of some villages continued to take it from the tenants. A state official called *budhkar* was appointed for each group of 7 or 8 villages whose function it was to furnish fiscal information about the villages.

Towards 1892, owing to the attempt of the Chief to levy rent for *sir* land and the levy of nazarana at the triennial settlements, there was considerable dissatisfaction and, in that year, a new Dewan was sent to make a summary settlement and alse a complete cadastral survey of the State. The summary settlement was based upon the *khandi* (seed capacity) as the unit of assessment. Fifteen to twenty per cent. of the village assets was left as remuneration to the thekadar. It appears that it was at this stage that the practice of estimating the assets of the village as a whole and then taking a certain proportion of it as land revenue was introduced. Formerly the thekadars simply seem to have held the *sir* land rent free as their remuneration but the introduction of a percentage of the assets was probably an advantage to them in some cases where the *sir* land was small in area, and acted as an assessment at a privileged rate where the area of *sir* was large. The settlement officer's proposals were not approved

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by the Chief who enhanced the *jama* with the result that the thekadars refused to accept the settlement and many were evicted. It was at this settlement that the *pandhari* tax upon non-agricultural incomes as well as a tax of 2 annas on all mahua trees and a tax of 8 annas per plough on all agriculturists and 4 annas per house on all non-agriculturists for the ordinary use of jungle in 26 villages adjoining the State forest were introduced. For other villages regular grazing fees and a system of licences were introduced.

3. The cadastral survey and settlement carried out in 1892 was revised during 1897-98 but the revised settlement did not become operative owing to the famine and a summary settlement on the existing assets was made.

The first regular settlement of the State was commenced in 1911. The settlement was made on the "soil unit" system of the Central Provinces and the *gaontia's* remuneration was fixed as a percentage of the total village assets which included the rental value of all lands and *siwai* income consisting of a tax of 2 annas per tree on mahua trees and income from mango and guava trees. The *siwai* was only about 1 per cent. of the assets; the percentage of the assets allowed to *gaontias* was between 20 and 40, the majority having about 25—30 per cent. The reason for the variation is that various factors concerning the village and the circumstances of the *gaontia* were taken into account. In three villages there were no *gaontias*, one was a muafi which paid only the *siwai* income to the State and four villages held on quit rent by the relatives of the Chief.

4. The whole State has been surveyed by plane table survey. All villages have been surveyed cadastrally, The settlement records consist of village map, *khara*, *jamabandi* and subsidiary papers. One copy of the *khasra* is maintained by the patwari who does *girdauli* and mutations are entered in the 4 year *khasra* maintained by the patwari. As there is maintenance of records by patwaris, they seem to be fairly up-to-date. The settlement of 1912 was made for 7 years but so far there has been no resettlement.

5. No villages were visited by me in this State as I spent only a few hours there.

ZAMINDARI AND OTHER TENURES

6. There are no zamindaris and no temple grants. But there are four whole villages held in muafi rights. Of these three are grants made since last settlements (1926) to the Rani Saheba. No records are available regarding these grants which are presumably maintenance grants.

7. There are a few grants of land shown as maintenance or religious grants made to Brahmins and others. One is a service grant made to a midwife in 1866 and it is very unlikely that any useful service is rendered now.

Cesses seem to be recovered from the holders of muafi lands. In the Rani-Saheba's villages cesses are recovered from the ryots but are not credited to the State.

8. *Muafi* villages are recorded as such in the village jamabandi and revenue demand registers of the State. They are held direct and the *sir* land are cultivated through an agent. No condition exists regarding resumption or liability to assessment or quit rent. The actual cultivator in these villages have the same rights as in other *gaontiahi* villages.

THE RYOTI TENURE

9. The *wajib-ul-arz* of the State which is a document containing provisions regarding the rights and liabilities of the *gaontias* and ryots attached to the *kabuliyat*, or agreement taken from the *gaontia* when the village is leased out and signed by him, is the only thing which may be called the revenue law of the State. The *gaontia* in his *kabuliyat* agrees to abide by the conditions of the *wajib-ul-arz*.

10. According to the *wajib-ul-arz* a ryot can remain in continuous possession of his land so long as he pays his rent and cannot be ejected except by a court for disloyalty, non-payment or for a breach of the conditions of the *wajib-ul-arz*. Holdings may be inherited by direct male heirs or in their absence, by the widow for life, or by joint collaterals, if any, but daughters have no right to inherit. If heirs fail, the holding passes to the *gaontia*. Subleases for the period of the settlement are permitted but must be to a person approved by the *gaontia*. If therefore a person is unable to cultivate his holding, the *gaontia* can so manoeuvre that soon the holding will have to be surrendered to him for inability to pay rent; this is not hypothetical and I saw the records of certain cases; an opportunity of levying consent money is also afforded). Except sub-leases no kind of transfer is permitted. Ryots have

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the right to plant trees on their holdings and the trees belong to them; they can dig wells and make other improvements. They are entitled to a house site in the village site but it is not stated whether it is rent-free.

11. There is no clear provision in the *wajib ul-arz* regarding the surrender of land and under the heading 'surrender' the only provision is that a ryot who leaves the village and leaves his rent unpaid without the permission of the *gaontia* is deemed to have surrendered his holding which may be taken possession of by the *gaontia*. Ryots in practice used to make surrenders of land to the *gaontia* but there was nothing in writing and the practice caused a lot of friction and litigation between *gaontias* and ryots. An order was therefore passed in 1939 requiring surrenders to be made by a registered document. Another order was passed in 1939 by which a *gaontia* is required to apply for permission to take possession of an abandoned holding or house—a notice is thereupon issued and if no objection is received in 60 days permission is given to the *gaontia*. The *wajib-ul-arz* however remains in the original wording.

12. New lands for cultivation from the village waste or surrendered or abandoned lands or lands from which ryots have been ejected are allotted by the *gaontia* who has disposal of them at rates agreed upon. The rent of new lands is appropriated by the *gaontia* till the next settlement but in the case of assessed lands, the difference between the settlement rent and the rent agreed upon is appropriated by the *gaontia*.

13. *Nazarana* is prohibited by the *wajib ul-arz* which contains a clause that the *gaontia* can take what he likes as an annual payment but not *nazarana*. If a tenant can prove that he paid *nazarana* (this can hardly ever be done as the *gaontia* is an influential man) the *nazarana* will be refunded to him and an enhanced payment of revenue imposed on the *gaontia*, but if a *gaontia* himself comes and admits recovery of *nazarana*, the *nazarana* will be returned to the ryot but his annual rent will be enhanced. No penalty such as ejectment is prescribed for a breach of this rule and it is clear that it is not a serious attempt to prevent the levy of *nazarana* even if such an attempt was likely to be successful. In practice *gaontias* levy *nazarana* when land is allotted or re-allotted. The right of continuous possession accrues when the land is occupied for cultivation on allotment. I saw a number of records of civil suits by ryots against the *gaontia* for unlawful ejectment.

14. Under the *wajib ul-arz*, the State claims no right to the hides and skins of dead animals and these belong to the owner of the animals. No cess is included in the *siwai* income in lieu of this.

15. There are 8 species of trees which cannot be cut without the sanction of the State if they have not been planted by the ryot. The produce of *mahua* and *harra* trees belong to the ryot on whose holding the tree is situated but a levy of two annas per fruit bearing *mahua* and four annas per *harra* is included in the *siwai* income of the village. The fruits of trees on waste land belong to the *gaontia* and the income is included in the *siwai* income. All dry wood may be taken for fuel and wood for agricultural implements may be taken with the permission of the *gaontia*.

16. The *wajib-ul-arz* provided for various kinds of *begar* to the *gaontia*, officials, the State and the Chief, but in 1939 an order was passed abolishing all kinds of *begar* and *rasad*.

17. There is a clause in the *wajib-ul-arz* which states that compensation will be paid for any land which the State may require for public purposes or for the Chief. No records of acquisition were available and it is said that recently at least there have been no cases of acquisition.

18. No lessees or *shikmi* ryots appear to have been given permanent rights in land at the settlement and the *wajib-ul-arz* contains no provision for this.

19. No fisheries are being leased out by the State. Ryots get minor minerals such as sand, clay, stone etc., free for domestic purposes. They are required to apply for permission (?)

20. Alluvial land belongs to the *gaontia*. No reduction is made for lands washed away by diluvion.

VILLAGE HEADMEN

21. 'The right of an ordinary or unprotected *gaontia* ends with the expiry of his theka or settlement'; by inference a protected *gaontia's* right does not end and he remains in continuous possession. The conditions on which the

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protected status may be acquired are not mentioned in the *wajib-ul arz*. There are 103 unprotected *gaontias* and 36 protected *gaontis*.

22. The *theka* is impartible and cannot be transferred in any manner; courts will not enforce claims to a share in the profits. It can be inherited in the same manner as a ryoti holding. The *gaontia* is liable to ejectment for disloyalty, non-payment, breach of any of the conditions of the *wajib-ul arz* or the *kabuliyat*. '*Sir*' land is limited to 1/5th of the total cultivated area of the village; any excess will be recorded a *khudkasht* and assessed to land revenue provided that the *gaontia* has the right to choose which part of the land in his possession shall be recorded as *sir*. If the *gaontia* is ejected from his *theka* he loses his *sir* land but will continue to hold his *khudkasht* as ryot.

Sir land may be sublet without losing its character but nominally *khudkasht* land let out becomes ryoti land whatever the terms of agreement, aprovision evaded in practice by recording the land in the name of relatives.

23. The *gaontia* settles ryots on the wasteland on rent agreed upon between him and the ryot and such yearly rent is the property of the *gaontia* till the settlement. Similarly abandoned or surrendered holdings or the holding of a ryot who dies without any heir or is ejected is settled by the *gaontia* and the difference between the rent agreed upon and the land revenue assessed at settlement is appropriated by the *gaontia* till the next settlement. *Nazarana* is prohibited nominally.

24. The *gaontia* is required to reside in his village. *Gaontias* who have more than one village must maintain a house and a *gomashta* or agent in villages in which they do not reside; it is extremely unlikely that the clause about a house is enforced.

25. A *nazarana* is not said to be levied when a *gaontia* succeeds but "vacant" villages are put to auction.

26. A Dashera *salami* has to be paid by the *gaontia* at Dashera and this is entered in his *kabuliyat*.

27. The *gaontia's* remuneration has been mentioned already. It varies from forty per cent. or more to less than 20 per cent., but is generally about 25 per cent. of the village assets. On grazing and commutation dues he gets 10 per cent. of the demand.

28. There are 8 villages *kham* or under direct management of the State without *gaontias*; a *gaontia* could not be found for one of the villages and for some of the other villages an adequate bid was not forthcoming. For 3 villages situated including the headquarters town there have been no *gaontias* since before the last settlement. In these 8 villages the patwaris collect revenue or sometimes it is paid direct into the treasury. Sometimes the Tahsildar collects while on tour.

In the *kham* villages the *sir* land is let out by the State so long as the village is under *kham* management.

RECOVERY OF LAND REVENUE

29. The *wajib-ul-arz* does not contain any provisions regarding the recovery of revenue. Land revenue is payable by the *gaontias* on the 15th February and 15th May in two equal instalments. The ryots have to pay the *gaontia* one month before. In these areas the main crops are rice and kodon but there is an appreciable amount of wheat also and the dates seem to be suitable. No interest is charged on *gaontias* for default.

Arrears are recovered from *gaontias* by attachment of movables or house property or in the last resort by eviction from the village, the village being auctioned. The *gaontia* can be arrested and detained also for recovery.

Land revenue is recovered by *gaontias* from defaulting ryots by rent suits. The suits may be simply for the amount or for ejectment. In the latter case an extra court fee of 5 times the rent is charged. The charge on rent suits is according to the scheduled rate under the (Court-fee) Act. When a decree for ejectment is passed, 4 months' time is normally given before ejectment and ejectment is made only in the last resort.

If the suit is for money, only movable property or the house can be proceeded against. If the decree is for ejectment, ejectment may take place even if a portion of the decretal amount is not paid.

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When movable property is attached it may be brought to headquarters or kept on surety at the spot. Sale of the property is effected by the officers through the chaprasis. The bid is subject to confirmation by the Tahsildar. Sales of villages sanctioned by the Political Agent are held personally by the Superintendent and reported for confirmation. The nazir maintains a register or processes issued and there is no mal-jemadar. No revenue processes are served through the police.

The collection of land revenue during the last ten years has been satisfactory and the number of cases against *gaontias* and tenants except in one or two years is not large.

CESSES

30. A cess of -/1/6 in the rupee is levied on each rupee of rent from ryots as well as on the home-farm lands of the *gaontia* and is paid in its entirety by the *gaontia* without any drawback. The cess is called "medical and educational cess." At settlement it was one anna per rupee, but was later increased to As. -/2/3 and now stands at As. -/1/6.

REMISSIONS OF REVENUE AND AGRICULTURAL LOANS

31. No remissions of rent have been granted during the last 10 years and no suspensions also. It is said that last year time was granted for payment.

Last year agriculturists' loans amounting to Rs. 2,500 were provided for. Formerly there was no system of granting loans. The C. P. Act is followed in respect of loans. Formerly money and grain lending used to be carried on by the Rani Saheba. At present this does not exist as she is outside the State.

VILLAGE SERVANTS

32. The *kotwar* is the principal village servant appointed by the State. He is appointed in consultation with the villagers and the post is generally hereditary. He gets a certain amount of grain from the ryots and the *gaontia* as his remuneration and may also hold rent free service land. He is the village watchman. There may be other village servants but these are not appointed by the State.

FOREST

33. The area of forest in this State is 16 sq. miles. The C. P. Forest Manual is said to be followed. A class reserve is 6 sq. miles, B class 3 sq. miles and there are 7 sq. miles of village forest. A & B classes are all demarcated except for a small area which is being done. No fee is charged for *nistar* from village and B class forests and no grazing fee is charged except from professional graziers and in the A class reserves.

The boundary lines are cleared by the department on payment of daily wages. There are lac, tendu leaf and bones monopolies. Lac and tendu from cultivators holdings may be sold to the thekadar at rates fixed by the State. The rates are fixed from time to time. Hides and skins of cattle are not subject to a monopoly.

CROP PROTECTION

34. There are 4 crop protection licences. The issue and renewal fees are Rs. 5 per annum. Crop protection guns are deposited in the month of April and taken again in the month of August. Animals permitted to be killed while on the standing crops are wild pig, bears and deer (hiran or black buck).

REVENUE ORGANISATION

35. The revenue organisation of the State at present consists of the Superintendent who in addition to administrative duties and civil and criminal judicial work takes up all important revenue cases, the Assistant Superintendent who deals with rent suits and ejectment cases in addition to judicial and miscellaneous work, the tahsildar who in addition to judicial work mostly enquires and reports on cases but in a few petty cases like kotwari appointment;cases passes orders himself sending the cases for information to the Superintend ent there is an additional tahsildar who performs similar duties.

There is a *washilbaki navis* who prepares the demand register annually. The other revenue staff consists of four revenue peons, one Superintendent, Land Records, one Revenue Inspector and 10 patwaris and a peon. The records concerning mutations of villages are maintained by the Superintendent, Land Records; the *washilbaki navis* is also intimated. Mutation cases are instituted in the tahsildar's court.

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The C. P. Land Records Manuals are followed by the revenue inspector patwaris. The total cost of the revenue establishment including officers may be taken as about Rs. 5,000 against the land revenue of about 60,000 and a total revenue of about 1.22 lakhs. If the *gaontia* re-allots the land, mutation will be recorded by the patwari.

MISCELLANEOUS

36. There are pleaders and petition-writers. Petition-writers used to pay Rs. 50 for appointment formerly but now they pay Rs. 10 per annum. paper costing half an anna is issued to them for writing petitions. There are no rules regarding the appointment or duties of petition-writers and no schedule of charges they may make but they are expected to note the charges on the petition.

There is no export duty on grains and the export of rice was temporarily stopped last year on account of scarcity. It is said that the ban on export of rice and other grains did not achieve any useful purpose.

There was a serious outbreak of agrarian agitation in the State in 1938 owing to the excessive exaction of *begar*, improper assessment of grazing taxes and high rates of mutation fees, etc.

The agitation subsided after the assessment of grazing dues was modified, mutation fee and exaction of *begar* in all forms were abolished, cess reduced from 9 pice in the rupee to six pice and the rent of *barej* land from Rs. 10 per acre to Rs. 5.

DASPALLA

REVENUE HISTORY AND SETTLEMENTS

Daspalla, another State carved out of the ancient dominions of the Kondhs and noted for the picturesque Barmul gorges near which the Marathas put up their last unsuccessful resistance in Orissa in 1803, has had no long history of settled cultivation and development. Oriya penetration and colonisation is generally confined to the areas close to the Mahanadi and the Kondhs have mostly retreated into the jungle fastness of the *Mal* area. A certain number have however assimilated the way of the Oriya cultivator and are more or less Hinduised.

2. A little is known of the system of revenue administration since colonisation began. The system of *sarbarakars* which prevails today was probably introduced from the east; it does not appear that there was any system of measurement of land till the nineties of the last centurys and *sarbarakars* and the headmen of the Kondhs probably contracted for the entire village demand. It is not known if the Marathas exercised any influence; they did not trouble themselves much about the administration of these territories at the periphery of their dominions. Rents appear to have been paid mostly in kind. In 1871, a record of rents being paid appears to have been attempted. In 1874, levy of excessive rent and cesses caused serious discontentment and the Superintendent of the Tributary Mahals took a pledge from the Ruler that he would make a *nazarkut* or settlement by eye appraisal But this, instead of allaying discontent, seemed to make it worse and some people are reported to have left the State. A settlement based on measurement was then ordered but there were allegations that the Raja had corrupted the *amins* who showed excessive measurements and finally the Superintendent decided that the existing rents in cash and kind should stand for a period of ten years, *i.e*, up to 1889, and records were accordingly prepared. Mismanagement and oppression by the Ruler, however, continued, the misfortunes of the people being aggravated by a famine in 1889 till the administration was taken over in 1894. As land revenue was the main cause of the trouble, a settlement by measurement with the *padika* or rod of 10 ft. 5-1/3 in. then in use was attempted and completed in 1897.

The Kondhs previously used to pay through their chieftains gifts of goats and forest produce for all their villages. When Oriya immigration commenced it is said that first of all the rental was fixed at so many cowries per head along with a certain amount of produce. Gradually these levies were added to by means of *magans* or cesses until discontent started.

The settlement of 1897 was to stand for a period of 15 years. The next settlement which has not yet been revised was taken up in 1914 but the operation was interrupted by a rebellion of Kondhs in 1914 and scarcity in 1915-16 and again in 1918-19. The operations were completed in 1921. At the previous settlement the Oriya cultivators were assessed to cash rents but the Kondhs

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were required to pay a rate per house which was the commuted value of previous payments; in some parganas, however, payment was continued in kind.

3. At the current settlement *sarbarakars* were asked to indicate the boundaries of their villages by burying stones. A traverse was then made by plane table and compass; cadastral survey was made by chain. All villages of the State were traversed including Kondh villages but in a number of villages cadastral survey was not done as they were not being cultivated,

At the previous settlement villages had been divided into three classes. The Kondh areas were not measured at all. At the 1921 settlement also all villages including Kondh villages were divided into three classes. An arbitrary enhancement of about 2 annas an acre as in the case of the Nayagarh settlement appears to have been adopted for the Oriya tract. In the Kondh tract a lower rate was adopted. In the Nayagarh settlement the uniform rate of 2 annas enhancement meant a very small increase in the case of land with high assessment and a high increase of about 33 per cent. in the case of poorest lands. All rents seem to have been fixed in cash.

Lands were classified according to single or double cropping there being three classes, *saradh*, *pada* and *pal* (not double cropped). Each of these was divided into three grades. *Toila* and homestead lands were not classified except homestead where a difference was made for business villages and purely rural villages. The rates of *toila* and homestead land were not enhanced. The *pada* lands were assessed irrespective of village classification in the Oriya tract as there was not much variation but in the Kondh areas they were assessed according to village classification. Lower rates were applied in the Kondh villages but the enhancement was at the uniform rate of 2 annas. In the Kondh villages which did not take part in the rebellion of 1914, half rates were applied.

At the 1921 settlement the area of forest included in village boundary was reduced considerably. These areas are regarded as protected forests.

The Kondhs appear to be fairly advanced cultivators in this State. The settlement report mentions that palm trees have been planted to act as boundary marks. It is not clear to what extent they exist now; it is stated that the trunks are valuable as timber.

At the settlement produce rent was abolished that on *khamar* lands *sanjas* paying 1/3rd of the produce were continued. The *sanjas* are shown as holding from year to year as tenants at will. The term of the settlement was fixed as 15 years, but a re-settlement has not been taken up so far.

4. It is said that the records prepared at the last settlement, particularly the maps, are said to be reliable but I note that on two occasions during the operations when the Political Agents, applied checks they found mistakes. It is said that mistakes are found sometimes in the *Khatians*.

ZAMINDARI AND OTHER TENURES

5. There are no zamindaris in the State and no entire villages held by tenure-holders. The land tenures apart from ryoti are *debottar*, *brahmottar*, *khorakposhak* and similar grants including lands held for various kinds of service.

6. The area of *debottar* recorded at the settlement was 2,883 acres held by various deities at headquarters and other places in the State. The deities at headquarters are looked after by the "Debottar Department" under the control of the Ranisaheba. It is said that there are committees to look after the other deities and the Debottar Department supervises the work of the committee. The settlement report records that during the minority administration it was found that the worshippers of the village gods and goddesses mortgaged the lands and spent the money on their own account. Under the *debottar* lands there are tenants who have been granted occupancy right having held the land for more than 12 years continuously. The rent of these ryots is realised directly by the Debottar Department or the Committee. In other cases the land is leased out to *sanjas* who pay one third of the produce as rent. Some of the land have been assessed to quit rents which are nominal.

7. The *brahmottar* grants are lands granted to Brahmins and are held by them on condition that they offer the Ruler their benediction daily and perform worship. There are tenants recorded in occupancy rights in *Brahmottar* lands also and some of them are assessed to small quit rents.

8. Other grants such are *dutta-anugraha* and *raktapata*, —granted to show favour or as a reward,—may be regarded as maintenance grants. Chief among

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the maintenance grants are the *khanja* grants given to relatives of the Ruler. Some of the *khanja* grants consist of land as well as an assignment of revenue of lands paid through the *sarbarakar*. These are shown as heritable with the sanction of the State. There are tenants with occupancy rights under most of these grants. There are quit rents on some of the grants.

9. The service jagirs have been divided into two kinds, those rendering service to the State or the Ruler or and those who can be called village servants. Among the former are the *paiks*, and various people like cook, musician, tailor, physician, etc., the total area at the last settlement apart from *paiks* being about 500 acres. Among village servants are the chowkidars, artisans, like carpenters, ironsmith, etc , and there are also others like astrologer, musician, drummer and so no. The total area of jagir land apart from *chhatia* or chowkidari is about 600 acres. A number of these 'jagirs' seem to be unnecessary as such and could be assessed to rent and converted to ryoti. There are 112 *paiks* at present holding rent free land and this number could probably be reduced. No persons have been granted occupancy tenancy under service *jagir*.

10. The *khamar* lands of the Ruler and members of the family are personal lands. The land held by the ladies merges in the Ruler's *khamar* on their death. The lands are held free of rent and cesses and are said to be given to cultivators on lease from year to year on the *sanja* system of one third of the produce. The lands are now 1,031 acres though at the settlement there were only about 780 acres. They have been added to from village service and *paikali* and other *jagir* lands.

11. There is an order passed in 1940 called the Lakhraj Control Order which lays down that the grants are hold subject to good behaviour in addition to the conditions of the sanad and grants given for a specific object may be resumed if the object is not being fulfilled. The lands cannot be transferred by mortgage, sale, gift or will without the written permission of the Ruler and fresh conditions may be imposed on transfer. Leases are not valid beyond the lifetime of the holder without the Ruler's sanction and the lands cannot be sold by civil courts without the Ruler's sanction. Finally, the Ruler, may, at his pleasure, exempt any land from this order. No grants are shown to have been made since the last settlment.

12. The *Mal* areas inhabited by Kondhs may be described among tenures as special rules apply to it. The rules do not apply to Kondhs only but to all aboriginals. "Aboriginal" is vaguely defined as any person belonging to an aboriginal caste and observing tribal laws and customs of the caste. Lands in the Kondhmal may not be pledged, mortgaged, or otherwise alienated if it belongs to an aboriginal unless the person concerned is also an aboriginal. Civil courts cannot attach or sell such lands unless the decree-holder is an aboriginal. The penalty is fine and forfeiture of the land which is to be re-settled by the *sarbarakar*. Loans must bear simple interest not exceeding 12½ percent. and interest must not exceed the amount of the principal. The restrictions are not applicable to property to be sold or recovery of State dues. I cannot say to what extent these rules have conferred protection on the aboriginal.

THE RYOTI TENURE

13 There is no record of rights or other document which lays down the rights of ryot and there is only a paragraph in the settlement report of 1923 which attempts an enumeration. This contains a number of items about *bethi* which has recently been abolished. At present the position is roughly as follows.

Ryots are known as *thani* or *pahi* or *chandna* according as the yare resident in the village of cultivation or elsewhere or only possess a house site; they cannot be evicted so long as they pay rent for arrears of rent land apart from the homestead may be put to sale by a court; and cannot be sold, martgaged or otherwise transferred without the sanction of the State. It is reported that no *salami* or *nazarana* is charged on transfers but this is only a subterfuge as mutation fees are charged at ten per cent. of the consideration on sales and gifts and annas four per rupee of the rental value of the land subject to a minimum of Re. 1; only the latter fee is charged on partition or sucession; Rs 2 is charged on exchanges. Proclamation fees and process fees are also charged during mutation. Sub-letting of land is prohibited. Improvements can be made if no harm is caused to anybody. Lands can be relinquished on payment of all dues before the end of the year.

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Ryots cannot cut trees of reserved species, fourteen in number, without permission.

14. The Land Transfer Rules provide that a portion of a holding cannot be sold unless the balance left bears a rental of not less than Rs. 6. A share of a joint family holding may not be sold without consent of the co-sharers. Rent free homesteads (a *thani* ryot is entitled to 0.04 acres of free homestead) cannot be sold unless the holding is sold with it. Mortgages of cultivated land must be usufructuary. The transfer rules, contrary to the prohibition recorded by the settlement officer and quoted in the current list by the State, permit annual leases. Land may not be sold by a civil court except for execution of a mortgage decree of recovery of a State due. Low caste ryots cannot sell to high caste ryots without permission. It is stated that sales take place contrary to the rules.

15. There is no difference between the rights of *thani* and *pahi* ryots and tenants with 'occupancy rights' have the same rights. I saw a case, however, where a tenant of a grantee sold his land and when he asked for mutation the grantee registered an objection which he withdraw after he was paid a *salami*. The *lakhrajdars* levy 25 per cent. of the consideration as *salami*.

16. Lands of persons who have died intestate or abandoned lands are sold by auction. in the case of intestacy after a year, and others, after 2 years.

For partition of lands application has to be made and demarcation fees at 4 annas per acre (minimum Re. 1) paid ; after this is done a separate application has to be paid for mutation on which presumably the formalities of proclamation, etc., are also gone through.

For reclamation of land, demarcation fees have to be paid before an application can be entertained. After due enquiry the lands can be settled on payment of "prescribed fees" (not prescribed in the rules ; a change seems to be made according to the circumstances). Forest growth on the land is sold after clearing, by the forest department. The land is assessed to rent at the lowest rate. The fees are generally within the discretion of the Ruler.

17. Ryots are entitled to receipts for land revenue for which *sarbarakars* charge one pice per receipt. In the Kondhmals receipts are not granted as *sarbarakars* are not usually literate.

18. Alluvial lands are assessed according to the crop from 12 annas to Rs. 12/8/0 per acre.

19. The ryoti patta contains conditions regarding extinguishing forest fires and supplying wood for the car of Jagannath of Puri (Rs. 1,000 worth of wood is said to be supplied from the forest) and the local car and also liability to pull the car.

20. For acquisition of land there are no rules and no cases are said to have occurred during the last 20 years. The settlement report records that a ryot is not entitled to any compensation for land acquired and only the rent is abated when the land is acquired.

21. In State tanks ryots usually fish free of charge but for taking water for irrigation, permission is required.

22. Under-royats are not mentioned in the settlement report but a number of them under tenure-holders seem to have been given occupancy rights on the basis of more than 12 years possession.

VILLAGE HEADMEN

23. Between the ryots and the States there is the village *sarbarakar* who is responsible for the revenue of the village but some 27 villages have no *sarbarakars* because they are small and recently settled. There are a few villages with two *sarbarakars* ; these *sarbarakars* are said to work in rotation in alternate years. Some *sarbarakars* hold more than one village. All *sarbarakars* hold lands known as '*bhogra*' as an incident of the post ; the *bhogra* is assessed land and its assessment is deducted from the commission payable to *sarbarakars*, *Sarbarakars* get remuneration at 8 per cent. of the rental of villages with rental up to Rs. 200 and 5 per cent. if the rental is more than Rs. 200. The posts are not hereditary but are held up to the end of the settlement. Generally the same man is reappointed or his son is appointed in the case of succession. When a *sarbarakar* is appointed ten per cent. of the rental of the village and five times the rental of the *bhogra* land is taken as *nazrana*. Security is not from the *sarbarakar*. Literates cannot be found in the Kondhmals for the post.

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In some villages there is no *bhogra* land; at the last settlement attempts were made to give *sarbarakars* 10 acres of *bhogra*. It is recorded that there was a lot of trouble caused by partition of *sarbarakari bhogra* among co-sharers.

24. In making appointments wishes of the villagers are sometimes consulted. In the Kondhmals the same type of *sarbarakar* is appointed as elsewhere. The *sarbarakars* are given a '*patta*' on appointment in which the conditions are stated. No commission is paid on the amount of cesses collected.

They have to pay the land revenue in two kists on the 2nd January and 1st March. Ryots have to pay a week earlier. *Sarbarakars* are liable to a penalty of 8 annas a day per Rs. 100 if they make default, for the first seven days, and thereafter at 12½ per cent. interest in addition to the penalty. If the *sarbarakar* pays the dues he is entitled to file a list of defaulters for recovery; otherwise he has to file rent suits. *Sarbarakars* have no power to allot waste land or accept surrenders of land.

Under the term of his *patta* the *sarbarakar* have several duties such as reporting encroachments on waste lands, granting receipts, looking after boundary lines, keeping accounts, reporting offences and so on.

25. At the head of each *pargana* there is a '*sardar*' who gets a small remuneration in cash. The settlement report records that *jagirs* have been given to them in the Kondhmals. The *sardar* is probably a relic of the time when *sardars* were appointed as *pargana* officials. At present he has scarcely any duty to perform and the land revenue is not paid by or through him. He is sometimes said to be consulted in the appointment of *sarbarakars*. No order of appointment seems to be issued to him. His post is one of prestige rather than of duties.

RECOVERY OF LAND REVENUE

26. Recovery of land revenue is effected under the Public Demand Recovery Rules framed in 1929 when the State was under minority administration. The *sarbarakar* can be proceeded against by attachment and sale of his movables. Immovables can also be attached and auctioned. These processes can be used against ryots as well. Recovery from the tenants of *khamar* and *debottar* lands is effected by the revenue courts under these rules; others have to file rent suits. If immovable property is sold, the auction bidder has to apply separately for mutation. Transfer fees are realised at ten per cent. of the consideration. The rules contain no provisions regarding the conduct of sales or about the disposal of sale proceeds. Interests at 12½ per cent. is realised from defaulters. Cases examined by me show strange procedure. In one case the defaulter would not pay and had no movables; certain share-croppers who cultivated the land on *bhag* were then noticed and asked to pay which they naturally refused to do. The *sarbarakar* was then asked to find a new tenant for the land which means eviction. The *sarbarakar* could not get new tenants and ultimately the defaulter himself paid the dues. In another case a warrants of attachment of movables was issued but the land was attached on the same warrant. The land was proclaimed to be sold on the 14th April but was not sold on that date and the *nazir* who was supposed to sell the land asked for time and reported later that none came forward to buy the land. Ultimately the land was resettled with another tenant who paid the arrears and process fees. In other cases also sale was not held on the date mentioned in the proclamation and the matter is usually left to the *nazir*. In a case of 1339-40 standing crops were attached and later put to sale after the *nazir* got them harvested and a portion of the land was also sold. The bidder paid only a portion and asked for time. Four months later he paid some more and asked for time. The whole amount was not paid till five months later. All this time the presence of the defaulter in court was insisted on though he showed no interest. In case No. 2/42 of 1938-39 the *khamar* department (Ruler's domestic department) the moharrir filed a case for recovery of a paddy loan and certificate procedure was granted for this.

Sales of movable and immovable property are conducted by the *nazir* (a ministerial servant). Sales are always held at headquarters. The court has to confirm the sales.

Collection of land revenue in the State is good and the number of coercive process is small.

CESSES

27. Since 1906 there has been a fee levied for the use of forest produce at the rate of 0/1/6 per acre of wet land and -/-/9 per acre of other land. At the

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last settlement, *i.e.*, in 1918., an education cess of -/1/- per rupee of rent was imposed. Subsequently in 1938 two new cesses were imposed, the road cess at -/1/- per rupee and the miscellaneous cess at -/2/- per rupee of the rent. The total cesses now being paid by the cultivators is -/4/- per rupee of rent apart from the forest rate. The road and miscellaneous cesses seem to have been imposed in lieu of *bethi begar* which has been abolished. The income from these two cesses is about Rs. 10,000.

REMISSION OR SUSPENSION OF LAND REVENUE

28. During the last ten years remission of land revenue was granted only for certain fields damaged by a deposit of sand. Remissions are not given for any other reason and the settlement report mentions among the incidents of ryoti tenure that they are not entitled to remissions on account of flood, drought or other calamity.

AGRICULTURISTS' LOANS

29. There is a fund called the Peoples Trust Fund out of which loans are granted to agriculturists on 6¼ per cent. interest. This fund is said to have been built up from money paid to villagers who worked on the roads and who did not want payment but requested the opening of a cooperative society. There are no rules regarding the management of this fund. About Rs. 1,500 to Rs. 2,000 are said to be granted as loans every year.

VILLAGE SERVANTS

30. The village servants are the chowkidars, *dhobi* and other *jagir*-holders. The chowkidar is the most important and there is a chowkidar for every village though sometimes a chowkidar has more than one village to work for. The *jagir* held by the chowkidar is of about 3 acres. Ryots pay him a bundle of paddy per plough. The appointment of the chowkidar is usually made according to inheritance As regards the other *jagir*-holders, a report is sent if any of them dies and the Ruler considers if a fresh appointment is necessary, otherwise the land is taken into the *khamar* of the Ruler.

FORESTS

31. Mr. Mooney is the Forest Adviser. There are three classes of forests, A, B, and *khesra* or village forest. At the 1928 settlement considerable areas of jungle which were included in village boundaries were excluded and the settlement report shows that there were nearly 45,000 acres left as jungle and hill included in village boundaries. In addition, 1,100 acres of waste land have been shown under pasture. Forty square miles of the village waste have recently been constituted as B class reserve; the village waste left is thus about 30 sq. miles.

There is a working plan prepared in 1938 and current for 15 years. Some new forest rules to come into force from April, 1942 have been prepared. In these rules *khesra* forests are defined as all waste land not declared reserved or protected and in addition individual trees or groups of trees standing over any lands are also to be considered as forest. This is an innovation and is not to be found in the rules framed about 20 years ago for these States though in practice trees standing on cultivated lands have been regarded as forest. In the rules it is stated that the State Land Records or Settlement Department shall freely consulted in making a reservation of forest, but in preparing the working plan of 1938 no such consultation was made and the plan was prepared exclusively by forest officials. While it is stated that one of the facts to be considered is whether there is adequate village forest left, there is no provision for the previous proclamation of the State's intentions in the matter of reservation so that interests affected may have an opportunity to put forward their views and reservation is still largely a departmental affair as it has been so far. B class forests are meant for the use of villagers as they are constituted by the reduction of *khesra*; there is provision also for the sale and export of produce from these forests and they are not exclusively kept for villagers. The rule states that such use of the forest may be made provided there is a surplus after the local demand is met but in practice it is difficult to say when the local demand is met and it is easy to make use of this provision contrary to the interest of the villagers. Consequently the formation of B class reserves should be based on the same considerations as A class reserves and I think the primary consideration should be whether there is enough village forest. If there is enough village forest there should really be little need for B class forests at all except for villages which have no *khesra*. The more B class reserves there are the more the boundary lines to be cleared. Under the rules

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every resident is bound to come for clearing boundary lines and other lines, on such rates of payment as may be ordered by the State authority. This seems to be another provision which can be abused either by the state or by its officials. There can be no reasonable objection to a clause requiring the assistance of villagers even without payment in the matter of putting out fires but for routine clearing of boundary lines and fire lines I do not think that labour should be other than voluntary, particularly when the clearing is to be done before the 15th February. Labour is said to be plentiful (working plan).

In *khesra* forests, the definition of which practically includes cultivated holdings if there are trees on it, there are 14 species of reserved trees of which *mahua* is the only fruit tree. Mango and jack are not reserved on tenants' holdings. In return for the payment of *nistar* cess trees of unreserved species can be taken for domestic use. Reserved species can be taken on permission at 'concession rates' and the trees have to be marked first. Even from *khesra*, timber may be given for sale or export if there is surplus over local requirements. In addition to the reservation, trees of any species over 5 ft. girth cannot be cut without permission except on tenants' holdings. Timber can be removed for public objects or State purposes from *khesra* forests; such extraordinary demands could probably be met from reserved forests much better. There is also provision for the sale of timber to traders from *khesra* forests and permits may be issued by Range officers and foresters.

Grazing of one pair of plough bullocks and two cows is permitted free for ryots having up to seven acres of land, double for ryots with lands up to 15 acres and three times for bigger ryots. Non-agricultural residents may graze two cows free. For extra animals charges are made at 1 anna to 4 annas per head. Persons following professions like washerman, potter, etc., have to pay rates varying from 4 annas to Re. 1 per house. Another forest rule is that skins, tusks, horns found *within the State* are the property of the State. The rules do not contain provisions regarding entry upon private land or houses for the seizure of suspected property.

MONOPOLIES

32. Apart from commodities which are found entirely in the forest, there are monopolies of *kendu* leaves, hides, horn and bones, betel, *beedies* and coconut. The monopolists have the privilege of free collection or of exclusive purchase or sale. The Ruler had issued an order that the betel, *biri* and coconut monopolies would be abolished from April, 1942. The income from the hide monopoly is about Rs. 700; generally the chowkidar or other low caste man in the village takes the skins and sells them for three or four annas to the contractor but the owner of the animal gets nothing. The amount paid is nothing more than skinning charges. For the sale of *kendu* leaves also only a nominal payment is made.

CROP PROTECTION

33. For crop protection free licences may be issued (actually a charge was being made at Rs. 5 for breach loaden and 4 annas for other weapons) but animals may be fired at only whilst actually in crop and the skin and horns have to be made over to the State or the licencee. No elephant or pea-fowls may be shot or killed. It is not clear from the rules whether the restrictions regarding the killing of hornless, or females of certain animals during the breeding seasons apply to persons shooting in protection of crops or not as these rules are rather sweepingly worded. The rules do not seem to contemplate protection of crops by any other method such as bow and arrow, snares, etc.; under the rules even such animals as pigs may not be shot at outside crops.

34. No shifting cultivation is practised in the State but there are patches of *toila* cultivation.

35. There are no export duties except on forest produce. No lac or tosser cultivation exists.

REVENUE ORGANIZATION

36. The Ruler, the Dewan and the Assistant Dewan are the revenue officers of the State. Apart from them there is a *kanungo* and two *amins* and a clerk (*tauzi navis*). The Ruler passes orders in certain cases and hears appeals. The Dewan hears revenue appeals from the Assistant Dewan. The same officers deal with civil cases and they have other work as well. The cost of the revenue staff is given as Rs. 2,500 against land revenue of Rs. 48,000 excluding cesses and total revenue of Rs. 1,42,000.

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MISCELLANEOUS

37. Correction of records is effected when there is mutation.

There are 11 petition-writers who pay a licence fee of Re. 1. Paper for writing petitions costs half an anna per sheet. Stamp duty on documents comes to roughly one per cent. of the value. Registration fee varies from 4 annas for bonds of Rs. 10 value to Rs. 3 for bonds with Rs. 100 and Rs. 2/8/- for every extra Rs. 100. Amin fee for the services of the amin is Rs. 1/8/- to Rs. 3.

DHENKANAL

REVENUE HISTORY AND SETTLEMENTS

Dhenkanal is one of the typical Orissa States. The earliest record of settlement here is in 1846-47. Another settlement is said to have been made in 1883-84 and apparently a detailed settlement was made in 1901 for the Gazetteer records that it took 7 years to complete. The earlier settlements do not appear to have been accompanied by a proper survey. The current survey and settlement was commenced in 1912 but was interrupted in 1918 owing to the death of the Ruler to be taken up again in 1922 and completed in 1925. The whole State has been covered by traverse and cadastral survey but the traverse survey was not a theodolite survey and does not appear to have been made sufficiently accurately. The boundaries of the State are properly defined and pillar boundary marks exist but it is said that village traverse marks were in many cases not fixed at all and trees were taken as traverse marks. Further there has been no proper maintenance of the marks and a number of them have probably ceased to exist. Both the civil and revenue courts find difficulty in deciding disputes which are said to be numerous. No field books or other settlement records showing the measurements, traverse marks, etc.; have been preserved. Thus the State appears to be in need of an accurate survey and proper fixing and maintenance of boundary marks.

2. The current (and the previous) settlement of the State has been done on Bengal and Orissa principles. The State was divided into two groups of villages, A and B, according as they were in the open tract or jungly tract. At the previous settlement, it was considered that there were too many classes of land and the three main types, saradh, palo, bajefasal, were divided into three classes each. Homestead lands were also divided into two classes but the irregularly cultivated *taila* lands were not sub-divided. There were separate rates for A and B groups. The villages in each group were divided into three classes. 1/25th of an acre of homestead was allowed free of rent to ryots and the homestead of labourers were left unassessed. "Amlas and gentlemen of the Nijgarh Town" were exempted from assessment "as in the last settlement": the homestead of Marwaris and business men were assessed at special rates. Rs. 50 per acre to 9-6-0 per acre. Groves were assessed, the ownership of planted trees being given to the planter.

3. The term of the settlement was fined as ten years no reasons being given for this short period but a resettlement has not yet been made. There seems to have been some agitation at the end of the settlement about the penalties and other fees imposed. In some villages which I visited there was a complaint about the land revenues; the cesses including the "local cess" amount to enhancement of the revenue by 33⅓ per cent.

ZAMINDARI AND OTHER TENURES

4. There is no zamindari in the State but a number of tenure holders, particularly the holders of maintenance grants, have rights superior to those of mere rent free grantees. The sanad issued, for instance, to the Patayat Saheb specifically grants all forest, water, mineral, wood, stone and fishery rights and no rent is charged for the grant. *Debottar* grants carry the right to minerals, forests, etc., and the *brahmottar* sanad obtained shows rights in homestead, trees and fisheries. The sanad of the Pattayat specifically says that the grant cannot be alienated without the previous permission of the Ruling Chief, in whole or in part. It shows the total area of the grant as if it consisted of mere lands but from the statement of grants it is seen to consist of four entire villages; the grant for the Patayat's residential mansion consists of lands taken from several villages and made into a new village.

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There are 164 villages held under *debottar* (69), *brahmottar* (74), *khanja* (18) charitable grants (3) and, in addition tenure holders hold portions of 8 villages.

5. The *debottar* grants are all managed by the debottar department under the Ruler's brother, the Ruler being the final authority. The *debottar* estate consists of lands given as service grants given to *shebaits* of temples, land cultivated directly or through lessees, and jungles. In connection with this department resolutions were passed at public meetings alleging that the lands were being managed as if they were the Ruler's private property and suggesting vesting the management in a public Committee.

6. In the *brahmottar* villages (entirely *brahmottar*) the holders are all Brahmins and they usually cultivate through servants but there seem to be recorded sub-tenants with occupancy rights also in some cases. These sub-tenants pay rent to the *brahmottar* holders; they have rights of transfer and their rents are fixed at settlement. A quit-rent is levied on *brahmottardars* but some seem to be *lakhraj* (rent-free) also. There are headmen in the *brahmottar* villages known as the *mukaddams* who collect and pay the cesses.

7. In certain villages, some lands under ryoti tenure are held as a rent-free grant. Actually at present the rent of such lands is collected from the ryots direct by the grantee or through an agent but the grant can be regarded as a revenue assignment. In such a village there may be a *sarbarakar* for the "khas" or unalienated portion. The tenureholders sometimes collect through a paid agent and there are "*sikmi sarbarakars*" also by private arrangement but these do not appear to be recognised by the State and recoveries cannot be effected from them by "certificate procedure." The tenure holders can create their own rent-free grants probably a pure waiver of rent, and grants created by them ought to lapse if the main grant is resumed but there is nothing definite on the point.

8. The record of rights of 1924, shows that *brahmottar* and other rent-free and quit-rent paying tenures are heritable but not saleable without the permission of the State. The tenures were liable to forfeiture formerly if transferred, but according to the proclamation of 1938 transfers by sale are permissible without *salami* but the holdings become ryoti holdings on such transfer.

9. Apart from these important grants there are many village service *jagirs* and other *jagirs* as well. The village servants will be discussed to some extent later. An important class of "*jagir* holders" are the "*paiks*" who were formerly foot-soldiers; 675 of these *paiks* are recorded as retained at the settlement but their lands have been assessed to rent. The *paiks* get Rs. 6 per annum out of the land revenue of the village. They perform guard and patrol duties. In spite of the fact that the land has been assessed the *paik* has no ryoti rights in his land, and if he is removed, he loses the land. His heir gets the land only if he is fit to perform the duties of a *paik*.

10. The rights of ryots in tenure villages are the same as in ordinary villages of the State.

THE RYOTI TENURE

11. Apart from certain rules regarding transfer, mutation and succession there is no revenue law in the State and the only document giving the rights of ryots is the record of rights which is simply chapter X of the 1926 settlement report. According to this document ryots could hold at a fixed rent during the currency of the settlement but are liable to be ejected for arrears, for rendering the land unfit for the tenancy or for leaving it uncultivated for three consecutive years, for transfer by sale or mortgage without previous permission, for violation of a special or customary condition of the tenure and for disloyalty proved in the course of a judicial proceeding (the exact nature of the proceeding is not mentioned, *i.e.*, whether criminal, civil etc., and disloyalty is not defined). As modified by the proclamation of 1938 the present position is that there will be no eviction for arrears of rent but a part of the holding sufficient for the recovery of the arrears is liable to be attached and sold, similarly for unauthorised transfer the ryot will be ejected from only that portion of the holding which has been subject to unauthorised transfer.

Formerly the holding could not be partitioned without consent but this has now been allowed. The ryot has rights of succession, and partition is allowed. Sale of land is subject to a *salami* based upon the nature and classification of the land (highest rate Rs. 17 per acre now, formerly Rs. 20) and no *salami* is

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charged for mortgager of 5 years; for periods longer than this *salami* at 2 per cent. of the consideration money can be recovered according to the proclamation.

Aboriginals and persons of low caste cannot sell lands to persons of non-aboriginal or high caste without permission. Part of a holding measuring 5 acres or less may not be sold unless a tenant has other land in the State which, with the residual holding, amounts to 5 acres or more in area. Part of a holding of more than 5 acres may be sold if the residue is not less than 5 acres. Holdings of less than 5 acres may be sold entire with the exception of homestead area the transfer of which is optional. Rent-free homestead may be sold on the same conditions subject to payment of *salami* but on transfer is liable to be assessed for rent. *Paikali* land may be sold to a resident ryot but the purchaser will be liable to render service. Infraction of the rules entails liability to resumption.

Salamis are also charged in cases of exchange, adoption without permission, usufructuary mortgage, testamentary succession without previous permission. A mutation fee at four annas per acre of land or part of an acre (maximum Rs. 20) is also charged.

12. Land could formerly be acquired by the State whenever required without payment of compensation except for any building or expensive improvement but according to the proclamation of 1938 the Land Acquisition Act is now in force in the State. Since the promulgation of this Act there has been one case of acquisition but the person concerned is shown as having accepted the compensation and the provisions of the Act were not applied.

13. Though ryots are distinguished as *thani* and *pahi* according to whether they reside in the village in which the cultivation is situated or in some other village, there is actually no difference at all in rights over the holdings. The other kind of ryot or tenant found in these villages in the *chandnadar* or ryot without any agricultural holding. Ryots with agriculture holdings are allowed 1/25 of the area of the holding as free homestead and areas in excess of this are assessed at Rs. 6 per acre. If the agricultural land is converted for non-agricultural purposes no action is taken till the next settlement when assessment is made at the rates for homestead.

14. The settlement of new ryots on wastelands in tenure-holders' villages is made with the consent of the holders. The consent of the tenure-holder is not necessary for the sale and the land is liable to pay sale *salami* to the State.

15. Tenure-holders are expected to grant receipts to the ryots for payment of land revenue but there is no rule for punishment in cases of failure though it is said that proceedings have been occasionally started against them. *Sarbarkars* are now expected to grant receipts free of charge to ryots on receipt books which are to be supplied free to them. The *Sarbarakars* used to refuse to accept part payments but have been directed now to accept them.

16. When waste land is reclaimed no period is allowed to lapse between reclamation and assessment and land revenue at third class *sarad* rates is usually assessed with immediate effect. Before land is allotted for reclamation a general notice inviting objections is issued.

The reclamation of waste lands is permitted on payment of *salami* of Rs. 3-12-0 per acre. If the area of the land exceeds 5 acres the Ruler's sanction is necessary.

Intestate lands are confiscated by the State and settled with other ryots. In such cases there is no hard and fast rule regarding *salami* as there may or may not be demand for such land; if there is demand, usually a *salami* is taken.

17. In some villages land called *'deshkot'* lands held in common and paid for in common by all the ryots of the village exists.

18. Under the new proclamation ryots can enjoy the fruits and flowers of all trees on their recorded holding and can cut trees of unreserved species without permission. Reserved species can be cut with permission and according to a further proclamation of 1939 the royalty on such trees is reduced to ¾ of the original royalty. According to the "record of rights" a ryot has full rights in trees planted by him on his homestead or holding.

19. Improvements on the holding such as construction of water reservoirs is allowed with the permission of the State. The owner of a tank is entitled to fishery rights in it and has the prior rights to take water for irrigation but water has to be distributed to all ryots in time of drought. The proclamation permits the owner of the tank to levy a charge for the use of the water.

20. All *bethi* and *begari* have been abolished by the recent proclamation and in the villages I visited there were no complaints about this.

VILLAGE HEADMEN

21. The *sarbarakari* system is in force in this State except in some villages where the State has not been able to get satisfactory *sarbarakars*; *sarbarakars* are responsible for the land revenue of the village. *Sarbarakars* are said to be appointed in consultation with the villagers. When a *sarbarakar* is dismissed or dies, the vacancy is not filled by auction. Generally the son of a deceased *sarbarakar* is appointed. A *patta* is issued when an appointment is made; no *salami* is taken. In the tenure villages the tenure-holders themselves may be considered as *sarbarakars* though no *sarbarakari patta* is issued to them, where the tenure is rent-free, only the cesses are collected by the tenure-holders and, with certain exception such as the fuel cess and "local" cess, credited to the State.

22. The chief qualification for the appointment of *sarbarakars* are literacy and solvency. Some difficulty is found in the jungly area of the State in getting suitable *sarbarakars* as none is prepared to shoulder the responsibility for the rent and, owing to the lack of proper communications and unsatisfactory economic conditions as well as the depredations of herds of wild elephants, the ryots also find it difficult in such areas to pay the rent.

23. The *sarbarakars* have no powers to allot waste land or abandoned land.

24. *Sarbarakars* do not hold any rent free land.

25. The *sarbarakari* system does not appear to be working satisfactorily. Arrears of land revenue are heavy (1.72 lakhs in 1941 excluding cesses) and the *sarbarakars* in the villages I visited said that they had to borrow money at 18 to 25 per cent. interest, in order to pay by the due date. The instalments of revenue are payable on the 15th January and 15th April respectively and are equal. The *sarbarakar* gets a commission of 12½ per cent. from the State and the net demand made by the State upon him is the rent of the ryots minus his remuneration. Formerly the State used to file certificate cases against the *sarbarakars* only if they failed to send in their arrears lists within two months of the instalment date. Now, however, cases are filed against the *sarbarakars* who in turn institute cases against the ryots; the cases against *sarbarakars* and ryots often proceed simultaneously. A *sarbarakar* who is in arrears for three *kists* is liable to be dismissed. In practice no interest is said to be charged on *sarbarakars* for arrears. The rules regarding recovery from the *sarbarakars* seem to be rather oppressive. They cannot file rent suits within two months of the due date and, unless they make payment within one month, they are liable to lose the collection charges but cases are started against them one month after the due date. Only if a *sarbarbarakar* has made payment out of his own pocket can he file rent suits. The rules thus try to compel him to pay out of his pocket in the first instance. It may be mentioned that tenure-holders, unlike *sarbarakars*, may file rent suits within two months. The lands of the *sarbarakar* may be proceeded against for recovery of the arrears of the village. He is responsible for the revenue of deserted holdings for two years. The present procedure based on notes by the collector with certain other proposals by the Chief Minister is far from clear and it does not show any great understanding of the position of *sarbarakars*. *Sarbarakars*, after paying the revenue, may get a revenue peon to help in collections.

I think it is clear that the *sarbarakari* system in its present form will break down soon unless there is a great improvement in economic conditions. Where *sarbarakars* cannot be found, the State has been obliged already to make collections directly through Tahsildar. The responsibility of the *sarbarakars* for the revenue results in many of them getting indebted.

RECOVERY OF LAND REVENUE

26. The position regarding *sarbarakars* has been described in the previous paragraph. The Public Demands Recovery Act is declared as adopted subject to certain modifications. A "certificate notice" is not necessary when the collector proceeds against movable property and a proclamation of sale is also not necessary if the property does not exceed Rs. 20 in value. The attaching peon may sell property worth Rs. 5 or under. In the case of immovable property it has been approved that sales of land up to one acre may be effected by the Tahsidars. Interest or *kist khilapi* is charged on ryots in addition to the

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costs of the proceedings. The orders and modifications and notifications in all these respects create considerable doubt as to what the real position is.

Cultivation in the State is mostly paddy which is harvested in the months of November and December and the ryots in some of the villages complained that the first *kist* in early January was inconvenient. The best prices for rice are obtained only in the months of September and October. The *kists* fixed in the record of rights are 1st January and 1st April.

CESSES

27. In addition to the land revenue, there are the school and the forest cesses. The forest cess is one anna three pies of the land revenue and the school cess 2 annas per rupee. *Bethi* and *begar* were abolished by the proclamation of 1938 but in the place of these exactions a cess called, "local cess" was imposed. This was first four annas in the rupee, was reduced to 2½ annas from 24th September 1938 and later to two annas at which it stands at present.

The local cess is appropriated by the *khanjadars* and *debottar*-holders; the forest cess is also appropriated by *khanjadars*; it is not levied on the personal cultivation of grantees. Education cess is paid to the State by all except the *chandnadars* of *khanja* and *debottar* villages. *Chandnadars* pay a special cess called chandna of four annas per family instead of the ordinary fuel cess.

Excluding the forest cess which may be regarded as a commutation fee the cesses amount to a surcharge of 25 per cent. on the land revenue; when the local cess was four annas, the cesses constituted a surcharge of about 40 per cent.

SUSPENSION AND REMISSION OF LAND REVENUE AND AGRICULTURISTS' LOANS

28. There are no rules nor any general principles regarding the remission or suspension of rents; rents are not liable to be remitted except for deterioration of soil. Rents which cannot be realised are written off and shown under remission. Some remissions and suspensions were granted on account of drought a year ago. *Taccavi* loans are sometimes granted to ryots at 6¼ per cent. usually for the purchase of cattle but there are no rules in this respect also.

VILLAGE SERVANTS

29. Village servants are chowkidar, barber, *dhobi* and others. All of them hold rent-free holdings. The barber and *dhobi* are mostly expected to serve the officers of the State and so are the carpenter, blacksmith and potter where these exist. In all the villages I visited it was said that these people do not render any service free of charge to the ryots and no hardship would be caused if the land was assessed.

In the tenureholder villages as in the ordinary villages, the chowkidars are appointed by the State and the tenure holders cannot remove them without the previous approval of the State. In the *brahmottar* villages I was told that the appointment and removal of the chowkidar was made in consultation with the *brahmottardars*.

FORESTS

30. There are forest rules dated 1924. According to these rules, "open forests" means forests allotted for the *bonafide* personal use of ryots but in practice all waste land other than reserved forest is treated as open forest.

Under the record of rights and the forest rules all produce like lac, *mahua*, cocoons, catechu, etc., are the property of the State. Most of the agitation in this State centred round the administration of the forest rules particularly the monopolies, and the manner of dealing with forest offences. Even the privileges allowed under the printed rules seem to have been denied in practice as the concessions announced (1938) show.

The number of reserved species is now reduced from 27 to 11 and ¼ royalty is charged for these in open forests. Clearing of forest up to 50 feet from cultivated lands is now permitted.

Grazing is permitted free of charge in open forests for ryots who pay the forest cess; grazing is not permitted in closed coupes of less than 5 years duration.

Ryots are allowed to take fuel from coupes on reduced payment and also wood for agricultural implements free of royalty. Wood for building houses can be obtained from the forests at concession rates.

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MONOPOLIES

31. The State has a monopoly over lac, cocoons, *sabai* grass, *kendu* leaves, myrobalan, hides, tamarind and the bark of sunari. Aboriginals are permitted to sell to anybody within the State but others must sell only to the monopolist. In the villages for the custom as regards hides and skins is for the chowkidar to appropriate it sell to the State monopolist.

CROP PROTECTION

32. Under the proclamation of 1938 animals can be shot while damaging crops but elephants cannot be shot. Elephants cause more damage to crops than any other animals and in the Murhi sub-division, particularly, one of the main grievances seems to be the damage caused by elephants. Since the abolition of *bethi* and *begari* there have been no *kheddas* for the capture of wild elephants.

603 guns are reported to be licensed for crop protection the issue and renewal fee being at present Re. 1. This is a surprisingly large number for a a State in which till recently, no animals were allowed to be shot in protection of crops and the inference is that the licencees keep the guns for prestige. If animals are shot, the skin and horns have to be made over to the forest department in three days; the flesh will be disposed of by the *sarbarakar* and the sale proceeds paid to the Range Officer, such a nuisance that it is better not to shoot. Permits are required for shooting under the forest rules.

REVENUE ORGANISATION

33. For the purpose of revenue management the State has been divided into six revenue circles called tahsils each under a tahsildar. The tahsildars are directly controlled by the collector at headquarters and though there are sub-divisional officers these exercise no revenue powers. The land records staff consists of a mutation officer and his moharrirs and the tahsildars are also expected to do land records work.

The appeals from the orders of the collector and mutation officer lie to his Chief Minister. The Ruler does not appear to deal with any revenue cases but he and the Chief Minister both entertain appeals and applications.

The annual cost of the revenue and land records establishment of the State is estimated as Rs. 12,000 against land revenue including cesses of about Rs. 300,000 and a total revenue of Rs. 578,000. The commission of the *sarbarakars* is not included in the demand or expenditure. It is estimated at about Rs. 30,000 (including commission paid to kanungoes). The actual rental demand is thus about Rs. 3,30,000.

MISCELLANEOUS

There are no rules regarding grant of copies and the inspection of records. There is a copying section with three copyists attached to the record-room and there are 11 petition writers attached to the courts.

The Stamp duty on documents of sale and mortgage comes to roughly one half per-centum and registration fees to about the same amount. Fee for measurement is ten annas per diem.

GANGPUR STATE

REVENUE HISTORY AND SETTLEMENTS

This State, though it formed part of the dominions of the Mahratha Rajas of Nagpur, was not directly under them as it was under the suzerainty of Sambalpur. It was ceded to the British by the treaty of Devgaon but reverted in 1806. In 1821 the feudal supremacy of Sambalpur was cancelled. The previous history of the State is interesting, for, though the State adjoins the Chota Nagpur plateau and much of its original population seems to have come from that area in comparatively recent years the system of village and revenue management including terms like *gaontia* bears strong resemblance to the Sambalpur and C. P. systems. The 1910 gazetteer quotes Sir William Hunter on the Chota Nagpur states (which is among the earliest accounts): "Villages in Gangpur are held either on feudal tenure or on farming leases. The feudal tenures date back to the early times when the vassals of the Chief received grants of land in consideration of rendering military service and making certain payments in kind; * * * All the other villages whether belonging to the Chief's demesne lands (khalsa) or not, are held by small farmers called *gaontias* under a simple lease-hold tenure for a term of from three to five years which shows no signs of becoming hereditary, and is not usually held by

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any of the indigenous tribes. The *gaontia* pays a stated annual rent, and is remunerated by the surplus collections from the tenants on account of new lands brought into cultivation and by certain *bhogra* or service lands held rent free. The yearly rent is seldom changed, but whenever the lease is renewed, the *gaontia* pays a bonus. * * * * Under this system there has been little or no interference with the individual cultivators". In the 1911 settlement report which is the first settlement report available, it is stated that "the villagers were held by headmen with whom the settlement was made. In what manner these headmen recovered from the ryots the amount they had to pay and whether they recovered rent largely in excess of what they had to pay or not there is nothing to show. The arrangement with the headmen appears to have been made after a rough estimate of the land in the village or by mutual agreement and the headmen in their turn distributed this amount or more than it among his ryots, the State not coming into direct contact with it at all." * * The system of village headmen was extremely convenient in the olden days when measurement and survey of land was not common or was difficult and the superior landlord was unable to assess the rents payable by each ryot; it was far cheaper and much less trouble some, easier to hold some particular man responsible for the revenue fixed, allowing him to make whatever arrangement he liked with the ryots. The earliest record of revenue administration was a jamabandi of 1865 A. D. which merely gave the rent and abwabs payable by each village. In 1874 the Chief attempted a "*nazar-kut*" or survey by eye estimation. This however covered only a small number of villages, and a uniform rate was applied to all lands, the area being given in terms of seed capacity. Part of the revenue was payable in kind. The areas not covered by *nazarkut* were subjected to a percentage enhancement.

2. The first proper settlement of the State commenced in 1907 and was furnished in 1911. A traverse survey was done by means of plane table and sighting instruments but not with theodolite. A cadastral survey was also done of the villages surveyed by traverse. The uplands which had not been subjected to assessment before were left unassessed. Classification of land was made according to the local system, according to the levels of various kinds of rice land; upon the levels depended the moisture retaining powers of the soil as well as accumulation of fertile matter. The settlement officer considered that little was to be gained by making a further classification and in view of the fact that the local classification was well understood by the ryots and rice was the dominant crop, this view seems to be quite sensible. The settlement resulted in a nearly 100 per cent, enhancement. A record of rights was for the first time drawn up which is at the present day the only document which governs to any extent the revenue administration of the State though it has hardly much real significance for the ryot as circumscribing autocratic administration.

Features of the revenue system of Gangpur which to a large extent prevail today, are the existence of zamindaris which are the "feudal tenures", the incidents of which will be described later; the headmen of aboriginal villages in the zamindaris known as '*ganjhus*' and the system of groups of *ganjhu* villages under a 'head *ganjhu*'. It is necessary to mention there that in the aboriginal zamindari areas the *ganjhus* are probably the descendants of the original clearers of the soil. Originally, it is likely that wherever a village was founded by clearing the jungle, the person who took the initiative in the matter became the headman of the village and it was with him that the Chief or Ruler came to an agreement regarding the revenue of the village. The system of leasing out villages to farmers was a comparatively later development and was introduced mostly when the aboriginal settlements of Gonds and others was intruded upon by a more sophisticated class of people who found the primitive headmen easy to put aside. The gazetteer significantly records that "the *gaontias* are usually Aryans, either Brahmans, Goalaas, Telis or Agharias". The Settlement Officer found during the 1907-11 settlement that many villages in the Nagra and Hathibari zamindaris were of comparatively recent origin, that is within 20 or 30 years. In view of the inferior development of the zamindaris the system of farming out villages by ousting aboriginal headmen had apparently not taken place to any appreciable extent. The *ganjhus* were thus different from the *gaontias* in that succession to the post was by inheritance and the gazetteer records that *ganjhus* paid nothing in the case of inheritance during the currency of a lease. It is also necessary to mention here that at the 1907-11 settlement, it was found that a number of inhabitants of the zamindaris were recorded as having been born in the Ranchi

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District at the 1911 census. At the 1901 census 19,000 Mundas were recorded in Gangpur State. These facts are mentioned here to show that at the first settlement of the State, when the development of the aboriginal areas where Mundas are in appreciable numbers was comparatively recent, no such rights as '*khuntkatti*' rights or villages of '*khuntkattidars*' were found to exist and the settlement officer did not record any such rights. An agitation for *khuntkatti* rights (mentioned in the Chota Nagpur Tenancy Act) has been set up among the Mundas but as far as the previous history of the tract goes, there is no reason whatever for conceding such rights to the Mundas now, and certainly such rights cannot be given to them, with due justice to other aboriginal ryots and others who have probably been in the tract for longer than the Mundas and are as much the original clearers of the soil. If such rights are to be conceded the only reason for it would be that Mundas in another part of the country enjoy such rights. It must be pointed out however that they got those rights because they were already enjoying them and not because they were Mundas. 'The head *ganjhus*' seem to correspond to the '*pargana*' or '*dandpat*' officials of other areas, with a number of villages under them. The 'head *ganjhus*' usually hold a village direct within the group and the land revenue of the group is paid through the 'head *ganjhu*' who formerly probably engaged for the revenue of the entire group with the State and distributed the burden over *ganjhus* below him. The status and incidents of the *gaontia*, *ganjhu* and head *ganjhus* posts as it exists now will be described later.

At the 1907-11 settlement, the rights of *gaontias* and ryots were recorded in the record of rights for the first time. It was recognised that a ryot could not be ejected except by the order of court and then only for non-payment of rent. Rent could not be enhanced during settlement except on the ground of increase in area. Transfer by mortgages, sale, etc., was not recognised, and the settlement officer records that this was a salutary prohibition. Sub-leases with the consent of the headmen were permitted but could not remain after the end of the current settlement. A portion of the holding could not be relinquished without the headman's consent except at the end of the settlement. Uplands could be converted at pleasure into rice lands but new land could not be broken without the consent of the Chief or zamindar which had to be obtained through the headmen. New rice lands were rent free for the first three years. Ryots could enjoy the fruits and leaves of all self-grown trees within their villages but the right to timber of all trees, whether planted or self-sown, was with the Chief or zamindar, and ryots could cut no trees without his permission. Wood and fuel from reserved area could be taken only with licences issued by the Forest Department but fuel, etc., for personal consumption could be taken from unreserved jungles. The propagation of lac and silk worms was subject to such terms as were agreed upon between the ryots and the Chief or the zamindar. A ryot had the user, with the consent of the headman, of the water of any State stream, tank, etc., in his village for the purpose of irrigation, but the consent of the Chief or zamindar was necessary to make a tank or pond or to construct a pucca building.

The *gaontia* was responsible for the revenue and cases, he had to pay a *salami* to the Chief or Zamindar equivalent to one year's rent of his village, once during the current settlement after 5 years from the date of *patta*, and thereafter a *salami* for every fresh period of settlement. He had no right to partition the village or the home farm lands or to lease out his village. The rent on his home farm was exempt to the extent of $\frac{1}{4}$ of the rent of the village and he was entitled to a proportionate 'drawback' on any deficiency of bhogra. With the consent of the Chief or Zamindar, he could let out waste lands. In the case of *ganjus* no *salami* during the period of a settlement was required and he was required to pay only a succession fee equivalent to one yesr's rent on being appointed to headmanship. He had the right to appoint *sub-ganjhus* with the permission of the Chief or Zamindar. He could not be ejected on the expiry of each settlement like the *gaontia* and was exempted from payment of rent in all *bhogra* land held by him; if the land was less than the equivalent of one fourth of the village rental he was entitled to a drawback up to that limit. He could let out waste lands without consulting the Zamindar or Chief.

The 1907-11 settlement was made for a period of 10 years but on expiry of the period, a revision was not taken up. The economic condition of the ryots was found most unsatisfactory and besides, in 1916, the late Chief imposed a 'pancha' of not less than 12 annas for every rupee of rent on the occasion of thread investiture and another of two annas per rupee of rent to defray a

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portion of the expenditure of a wedding. A *'nayabadi'* settlement of settlement of newly cultivated lands was therefore made and revision postponed.

The revision settlement of Gangpur was commenced in 1928 and was completed in 1936 after a number of delays. This settlement was done by an officer from Sambalpur who applied the soil unit system. Villages were devided into 5 classes and the lands which were originally placed in three classess were now classified into six, the only reason for this classification being that it was desired to divide the main class into a superior and inferior class. The superior class is distinguished by the prefix *'pani'* for example *'pani bahal.'* The settlement officer did not considered that this differentiation was not really necessary and that the prefix *'pani'* was a misnomer as it indicated irrigated land as against unirrigated land. He however accepted this classification as it had been made before he took over and the State apparently wanted such a classification (para. 29 of his report). In addition to this the *gara* or uplands which had not been assessed at the previous settlement and various other lands, like homestead lands, baris, sugar-cane lands, land in the bed of rivers were subjected to assessment. The classification of villages was also an innovation and probably was responsible for some of the trouble which arose after the settlement. The main feature of the settlement was that the whole State was surveyed and all lands assessed. The result of assessing lands which were formerly held free of assessment was a steep rise in the total assessment payable by the aboriginal classes particularly, as in the backward villages they hold large areas of *gora* lands which they cultivate irregularly. This effect of the settlement was probably overlooked by the settlement officer and the assessment as a whole was accepted by the great majority of the cultivators. On account of the agitation which broke out in the Munda territory however, the assessment as well as cesses had to be reduced by a considerable amount.

It is necessary to mention here certain points about the assessmet of the *'gora'* or uplands as a suggestion has been made sometimes that these lands were not assessed in view of *bethi* and *begar* which was being levied from ryots. In reporting the *nayabadi* settlement, the Dewan (a Bihar officer) wrote that there was a mistaken "belief that *gora* lands are held free of rent in lieu of rendition of *bethi* and *begari* and are not *praedial* to the cultivation of paddy and *'gora'*." He pointed out that throughout Chota Nagpur, till recent years *'gora'* lands were considered valuless and in fact were so; the ground was stony and was of little value except for a rapidly maturing catch crop as even a few days break in rain spelt total loss. "When therefore the rent of paddy lands was a few annas an acre it was impracticable and not worth while assessing rent on *gora*; added to which is the fact that paddy lands were limited in extent and in demand, *gora* was unlimited and in small demand. The ryot therefore was permitted to cultivate any extent of *'gora'* he wished free of rent ***".

The term of the settlement was proposed to be ten years. The main real son given for this by the Dewan was that the minor Chief would soon attain majority and it was not desirable to tie his hands down for a long period. The Settlement Officer, who was asked to give an opinion did not, from the wording of his letter, give an opinion of his own but rather agreed to the period of ten years proposed by the Dewan pointing out that the margin of profit to the agriculturist as reckoned by him was large. Not only is the calculation itself questionable but in giving the figure as if it must be correct to the last digit the settlement officer showed that lack of understanding of the viscissitudes of agriculture and problems of the agriculturist which is a fairly common feature of settlements in these States and to some extent elsewhere. It is interesting to note here that the same Dewan who proposed a period of ten years, which he himself recognised as short, wrote only a few years before in reporting the *nayabadi* settlement, "As I have said the immense majority of our ryots pinched by the most galling poverty, and just living from hand to mouth, have remained in a state of stupid debasement, broken by incessant misfortune, and generally abjectly submissive before their superiors," remarks which are true today in many of the States.

The settlement records prepared in the State is the *khatian* which contains also the rent roll or *ekpadia* and the khewat. No settlement records are maintained in the villages except the ekpadia. The copy of the *khatian* originally prepared at the settlement is not used but another copy is prepared for use in the mutation branch. In addition to this copy of the *khatian* a general rigister of mutation is maintained. From this register separate registers in the same form are prepared for each village. Additions to the village mutation register

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are entered in this copy of the *khatian* kept in the mutation office. The *khatian* together with the village mutation register shows the existing position. Before the last settlement the original *khatian* itself used to be corrected, but since the completion of the last settlement this new system of keeping a village mutation register has been introduced. It seems to be working successfully. The *gaontia's ekpadia* is also corrected when a mutation is effected. If a part of the plot is transferred the correction is made on the village map. The *gaontia's* copy of the *ekpadia* is corrected at the time of settlement and entries in it are checked by the tahsildars. Mortgages are not recorded in the mutation register. There are no mutation rules but mutation fees are prescribed by a standing order. *Gaontia's* succession cases are treated as mutation cases and a succession fee is charged. The mutation register entry in such cases shows the change in respect of *bhogra* land; the existing *patta* of the *gaontia* is corrected and a new *patta* is not issued.

Cases of reclamation are not brought on to the mutation register. A separate register is maintained for cases of reclamation. This is because the State does not get any income from the newly reclaimed land until the next settlement and the *gaontia* appropriates the whole of the income from such new land. The *ekpadia* of the *gaontia* only is corrected. The *gaontia* is expected to obtain the approval of the State to the allotment of new land but it is not unlikely that many cases of allotment without approval exist. Unless the *gaontia's* powers to allot land are unmistakably taken away it is unlikely that the records will be reliable.

In the case of abandonment of holdings, the *gaontia* settles a ryot on land; this is usually approved by the court. In the case of reallotment of abondoned holdings as well as on the allotment of new land the *gaontia* in many cases levies a *salami* though the existing record of rights does not authorise this; there is no specific prohibition of *salami* or a penalty for its recovery in the record of rights.

ZAMINDARI AND OTHER TENURES

There are 4 zamindaris, *viz.*, Nagra, Sargipalli, Sarapgarh and Hemgir. Recently the village Kopsingha was declared to be a zamindari though somewhat indirectly, being mentioned in an order of the Commissioner, dated 1898, relating to the forest rights of Deogaon village, in the following terms: "I would add that there is no question as to plaintiff's right to hold Kopsingha village as zamindar or ilaqadar in permanency at a fixed rent of Rs. 25/8/-. There is no forest there and the Raja has no claim to any forest rights in that village". No sanads have been issued by the State to the zamindars and thus there is no clear definition of their rights. It would appear that the four zamindaris first mentioned are of very long standing and the zamindars at one time must have exercised what were, for all practical purposes sovereign powers. Subsequently the rights were to some extent whittled down. The zamindars are at present unwilling to accept a sanad as this would mean definition of rights and a possible curtailment. (The question of forest rights arose acutely in connection with the agreement entered into by the Raja with the Bengal Nagpur Railway Co. in 1891. It was ruled that the zamindars of Hemgir and Nagra had permanent rights in their zamindaris and the Raja had no right to the forests or to levy a royalty on forest produce). In respect of forests as well as minerals which are the two important matters apart from land, disputes between the State and the zamindars have resulted in the decision that they are entitled to all rights over forests in their zamindaris and have rights over minerals also in the proportion of 6 annas: 10 annas (the latter amont goes to the State). A certain amount of control is exercised by the State over the management of the zamindari forest and though they have the full rights, they are expected to manage the forest in accordance with the existing rules. The working plans and rules in respect of these forests are expected to be the same as the State rules. The zamindars maintain their own forest officials. In the management of minerals the zamindars have no control of allotment and exploitation, and are only entitled to six annas per rupee of the income. The *takoli* which they pay is a nominal amount and seems to have been fixed many years ago. The decisions in respect of *takoli* which of course the zamindars contend to have been fixed in perpetuity are not clear. There was a decision according to which it was held that the *takoli* should amount to 5 per cent. of the total income of the zamindari till the expiry of the Connolly Settlement after which it was expected that it would

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be enhanced to 10 per cent. but no such enhancement seems to have taken place. The Nagra zamindar was given an under taking in 1879 that the *takoli* would not be enhanced during the Chief's lifetime but there was no enhancement even later, and the present position is that the zamindars have been holding at a fixed *takoli* for a considerable time. The previous history however shows that there is no definite undertaking that the *takoli* will not be revised.

When a zamindar succeeds he has to pay a *salami* to the Ruler equal to one year's *takoli*, this *salami* is a private *salami* and does not enter into State accounts.

The allotment of waste land is said to be governed by a State rule that one third of the village area should be left as waste. In many villages in the zamindaris as well as the State there is not much waste land left. The allotment is subject to the zamindar's and *gaontia's* consent and consent money is said to be taken by both; in the Nagra zamindari the Manager said that royalty, only on the reserved species of trees, is charged; there is no specific authorisation for levy of *salami* nor is there any specific prohibition; in the khalsa area no *salami* is said to be charged by the State. Cases of resettlement of abandoned land are dealt with by the State courts(?); the transfer fees go to the zamindars but not mutation fees.

The appointment of *gaontias* in the zamindaris is made with the approval of the State. The present position is that a succession fee is levied and in the zamindaris the succession fee goes to the zamindar; succession fees are charged up to a maximum of Rs. 5 and it is not unlikely that there is a private *salami* as well. Where a *gaontia* dies intestate and there is no heir, or if there is a case of ejectment of a *gaontia*, the post, as in the case of khalsa villages, is sold by auction the proceeds being appropriated by the zamindar.

The State appoints the village chowkidars in the zamindari villages.

Nistar cess in the zamindaris is appropriated by the zamindars. School and dispensary cesses in the Nagra zamindari are collected and spent by the zamindar. As the zamindari is under management now, the State is controlling it directly for all practical purposes. There is an old order also, according to which the State has full control over education and dispensaries in the zamindaris. The *nistar* cess is levied at the same rate all over the State, namely, 16 pies per rupee of land revenue, though it was 2 annas per rupee in the Nagra zamindari till recently; school and dispensary cesses also are levied at a uniform rate of 2 annas per rupee of revenue.

The *takoli* is paid by instalments which coincide with the ordinary *gaontia* instalments.

Apart from the zamindars there are three *parganadars* who hold groups of villages. One of them (Raiboga) gets 50 per cent. of the rental of his *khamar* villages and 50 per cent. of the land revenue his *gaontiahi* villages. The other two get certain fixed cash remuneration irrespective of village assets. All three enjoy their home farm (*nijchas*) lands free of rent. Then there are the usual *debottar* and *brahmottar* grants and khorposh grants as well as the common service jagirs. Unlike most of the Orissa States the number of *debottar* and *brahmottar* grants is not large. The *brahmottar* grants of course are given in perpetuity (as long as the sun and moon last.)

There is a separate establishment for the management of *debottar* grants which are not individual grants. 18 *debottar* villages are under the Durbar (at present managed by the Regent Ranisaheba through the Dewan) and the income from the villages is credited into a separate "Personal Deposit Account". There is no *gaontia* in these villages and the *bhogra* lands are cultivated by share croppers every year. The ryoti tenure in these villages is same as in other ryoti villages. Apart from these villages there are lands in 53 villages held by grantees subject to absolutely no control of any description; even if the grant is not made use for the purpose for which it was meant, it is said that nothing is being done at present. In *debottar* villages no forest rights are recognised but clearly the *salamis* from reclamation, resettlement of abandoned land are realised by the "Department". No cesses seem to be paid to the State but presumably they are recovered from the ryots. The chowkidars of *debottar* villages are appointed by the State. There are *debottar* as well as *brahmottar* grants in the zamindari areas.

Fourteen entire villages are held for 'rendering certain services to the Ruler.' It is reported in respect of thirteen of the villages that the services are being rendered: the services are performing puja, giving a sacred thread in gold when the Chief is installed for shaving the Chief, for worshipping the family

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deity, for praying for the prosperity of the Ruler, for supplying a bamboo from a particular bamboo clump when a Chief is installed. It may not have been considered extravagant in the spacious old days to grant one or more whole villages for such purposes but the alienation of revenue involved is hardly likely to be considered proper now. In respect of one of the villages it is reported that "it will now be excluded from service grant", this is the village the holder of which is supposed to pray for the prosperity of the Ruler and it was apparently not realised till I enquired that no service of a tangible kind was being rendered. There are *khorposh* or maintenance grants such as those held by the minor Chief for his "pocket expenses" or by the Regent Ranisahiba as *sendurtika*, etc. These grants are for life and afterwards they will become *khamar* villages. There have been many changes in the *khamar* estate which may be regarded as the Ruler's personal estate since the first settlement of Mr. Connolly. Two villages which were held by *khorposhdars* and one *gaontia* village have become *khamar*, and during the minority of the previous Ruler some 12 villages were "sold" in order to make "extra income by sale". 17 villages were similarly "sold" as the estate was considered unmanageably big. Among the service jagirs are the village service holdings and others for personal service (?). In *brahmottar* villages, the *brahmottardars* actually cultivate their fields and transfer of land except to a person who is a member of the same family as the holder is not permissible. If such a transfer is made ejectment may take place. In *brahmottar* villages there are a few *shikmi* ryots (tenants or under-ryots) and in one of the villages I visited there was a *shikmi* ryot. He paid rent and cesses as well to the *brahmottardar* from whom he had acquired the lands; he enjoys in other respects rights similar to those of State ryots but in lieu of *nistar* cess he gets no return. The *brahmottardars* appropriate school cesses as well. They pay neither rent nor cesses to the State. Sukhbasis (labourers) pay rent to the *brahmottardars* on their homestead lands. The *brahmottardars* enjoy free rights in the village forest of their village Waste land in a *brahmottar* village can be reclaimed without permission. The village chowkidar is appointed by the State but the other village servants are appointed by the *brahmottardars*. The *brahmottardars* claim the right to minerals in the village. Certain villages held by *babus* (relatives of the Ruler) as maintenance grants are being assessed to rent at 25 per cent. cash generation and now only one is holding at 25 per cent. of the assets. They are practically the same as *gaontia* villages with a different "drawback."

THE RYOTI TENURE

The position of the ryots under the record or rights prepared at the first regular settlement has already been described. The rights of ryots in land are at present in a somewhat confused position. The right of occupancy, which meant that so long as rent was paid the ryot was entitled to remain in possession, was recognised at settlement,, but no right of transfer of any kind was conceded. At present transfer with the permission of the State on payment of a *salami* of 12½ per cent. of the consideration money is permitted. On nazul lands (*i.e.*, town lands in residential area) the fee is Re. 1 for every Rs. 10 up to Rs 50. and at reduced rates for larger, amounts, that is, the salami is a higher percentage of the consideration money for agricultural lands than for a town lands which are more valuable. In the case of agricultural lands, however, no stamp duty or registration fee is shown as charged and registration is not compulsory. No mutation fee is charged in either case. Mutation fee (minimum Re. 1, max. Rs. 5) is charged on gift or exchange but not *salami*. Succession fee for inheritance has been abolished recently. Leases and mortgages also seem to be permitted. There are no definite rules but occasional orders have been issued by the Dewan regarding rights of transfer. Aboriginals may transfer, according to these orders, to only aboriginals and no person outside the State can acquire land without permission of the State. Land is not permitted to be sold either for arrears of revenue or for private debts and only eviction can take place. This is an anomalous position considering that sale of land is permitted. The *ganjhus* or *gaontias* usually apply for eviction in the event of arrears. It appears that every few evictions have actually been effected. For the execution of civil court decrees land is not sold but instalments are granted and recovered by attachment of movable property, standing crops, etc.

Other rights in land seem to extend to improvement by digging of a well but for the excavation of a tank permission is necessary. In trees on holdings

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there are no rights except that fruits and leaves may be appropriated. A small area of land (.20) is allowed free as homestead and the rest is included in the assessed lands of a ryot. *Bethi* and *begar* do not seem to be levied these days. There is no distinction between resident and non-resident ryots.

No charges are usually made for ordinary each, clay etc., required for building houses and it is said that the Bihar and Orissa Mining Manual is followed.

There is no monopoly of hides in this State. Till recently the export of rice from the State was forbidden but this ban, which used to result in loss to the agriculturist, has now been lifted.

The acquisition of land is not governed by any laws or rules. The only case I could see was not treated as a revenue case. The compensation levied and paid depends upon whether the lands are in a tenure village or in a khalsa village. If it is in a tenure village 15 times the rent plus 15 per cent extra is taken as the capitalised value payable to the tenureholder; of this three-fourths goes to the tenure-holder and one fourth to the *gaontia* or *ganjhu*. The cultivators get 10 times the rent *plus* 15 per cent. Analogous procedure is probably followed if a head *ganjhu* is involved but no case seems to have occurred.

There is no rule for the disposal of the land formed by alluvion and the rent is not increased for the additional area till the next settlement. If there is diluvion or deterioration of land reduction may be given if the case justifies it.

Certain ryots have been recorded as *shikmi* or under-ryots and given *parchas* at settlement. It appears that they were given *parchas* at the settlement of 1907-11 in view of long possession of the land. The original ryots seem to be mostly grantees but there is one case of an ordinary ryot also. The under-ryots were continued in the same position at the 1928 settlement also. The rent paid by these shikmi ryot have been recorded at settlement and is the same as the assessment of ordinary ryots.

VILLAGE HEADMEN

Village headmen in Gangpur State are known as *Gaontias* or *ganjhus* according as they are in the khalsa area or in the Munda country. A portion of the Gangpur State, mainly Nagra zamindari, is almost entirely a Munda country and is of interest as having been comparatively recently, that is, within last 50 or 60 years, colonised. There are no *mundari khuntkatti* villages of the Chota Nagpur type here but the village headmen either have a single village and are known as *ganjhu* or there are head *ganjhus* with several villages and village *ganjhus* under them. In the khalsa area there are the *gaontias*. The position of all these at present is practically that of lessees who hold for the period of the settlement. *Gaontias* who have held for more than 20 years are supposed to be given 'protected status' and not liable to be expelled on the expiry of the term; actually there are no protected *gaontias*. In the case of other *gaontias*, though renewal is granted as a matter of course, they have no right to such renewal. The *bhogra* land of *gaontias* as well as *gnajhus* is not held in ryoti rights and if a *gaontia* or a *ganjhu* is evicted, the *bhogra* land passes to the next holder of the post. If a post becomes vacant on account of the failure of heirs or on account of eviction of a *gaontia* the vacancy is usually disposed of by auction both in the *khalsa* as well as in the zamindaris. In the zamindaris the zamindars gets the sale proceeds. The *gaontias* and *ganjhus* are allowed to make private arrangements and create cosharers in their *bhogra* lands though this is not recognised by the State. The *bhogra* land is declared to be not transferable nor partible and the right of a *gaontia* or a *ganjhu* cannot be sold or otherwise transferred. The headmen are of course responsible for the payment of the revenue of their villages. The commission allowed, however, is 25 per cent.—this may be regarded as either the rent of *bhogra* land held free, or it may be considered that the *bhogra* land is also assessed and the headman gets 25 per cent. of the total revenue of the village—and as this is a large percentage there seems no difficulty about finding headmen in all villages. Some headmen hold *bhogra* in excess of 25 per cent. of the village rent and in such cases pay rent on the excess. Others hold less than 25 per cent. and are entitled to a 'drawback' upon the village rental.

Ganhjus have the special privilege of protected status *i.e.*, they canno tbe evicted on the expiry of a settlement and, in addition, if they have held more than 25 per cent. of the cultivated land as *bhogra* land they are allowed to

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hold it rent free and the remuneration is correspondingly greater. *Ganjhus* under the record of rights have also been given the right to appoint *shikmi gaontias* (sub-lessees). The *ganjhus* cannot make this appointment of their own accord but have to approach the State. In the case of head-*ganjhus* these have several villages (ten or more) under them but in one of the villages which is referred to as *khamar* there is no separate *ganjhu* and the head *ganjhu* himself acts as the *ganjhu*. His *bhogra* land is known as *nijchas*; he gets 45 per cent. of the total revenue of the villages under him paid by the *ganjus*. In respect of the village held by him without a *ganjhu* he pays only 55 per cent. of the rental *i.e.*, he may be regarded as a *ganjhu* enjoying 45 per cent. commission. The head *ganjhu* has no duties to perform like the ordinary *ganjhus* and, usually, he only acts as a channel for the land revenue of the *ganjhu* of any village to pass through. It is said however that police and revenue officers expect him to give the same help in the discharge of the State duties as *ganjhus* are expected to do. Formerly *ganjhu* used to be appointed by the head *ganjhus*; now the head-*ganjhu* gets a salami from his nominee who is appointed by the State. *Ganjhus* and *gaontias* have the power to allot waste land with the approval of the State which is usually accorded and to appropriate the revenue of the newly cultivated lands till the next settlement. All certainly levy a *salami* in such cases as well as in cases of surrendered lands. I came across a case of *ganjhu* levying a fee of one anna for writing receipts also.

Village headmen have to pay a mutation fee of -/2/- for every Rs. 50 of village revenue, the minimum being -/4/- and the maximum Rs. 5. Head *ganjhus* pay the same fee. There are no headmen in villages like the Ruler's *khamar, debottar* and certain *zamindari* villages.

RECOVERY OF LAND REVENUE

Land revenue is recovered in two instalments on the 15th December and 15th February. The general feeling in the villages is that the December *kist* is inconvenient. This is easy to understand considering that rice, the main crop of the State, is harvested in November-December and prices are lowest at this time.

No interest seems to be levied by the *ganjus* or *gaontias* from defaulters. Formerly interest used to be charged.

For the recovery of arrears the State proceeds first against the *gaontia*. His movable property is attached; I saw a case in which his house had been attached; the ryoti lands are not attached. If recovery is not effected by a attachment of movables the *gaontia* is ultimately evicted and the vacancy put to auction. Out of the auction proceeds the arrears are first credited and the rest will be credited as *salami*. Similar action is taken against head *ganjhus*.

Zamindars can proceed against *gaontias* by civil suit for realisation of arrears or apply to the Revenue court for eviction. *Gaontias* similarly can either proceed against ryots in the civil court for recovery of the arrears or for eviction; the holding is not saleable. About 200 cases are started against the head-men on an average. The number of cases started by headmen against ryots shows a sharp increase after the settlement in 1936-37. Collection is on the whole not quite satisfactory in spite of the *gaontia* system and arrears in several years during the decade have been heavy.

CESSES

The cesses charged are *nistar* cess, school and dispensary cess. The *nistar* cess is really a forest commutation rate and will be dealt with later. The school and dispensary cess is levied at 2 annas per rupee of rent and has already been mentioned.

Nistar cess in the zamindaris is appropriated by the zamindars. School and dispensary cesses in the Nagra zamindari are collected and spent by the zamindar. As the zamindari is under management now the State is controlling it directly for all practical purposes. There is an old order also according to which the State has full control over education and dispensaries in the zamindaris. The *nistar* cess is levied at the same rate all over the State namely, 16 pies per rupee of land revenue though it was 2 annas per rupee in the Nagra zamindari till recently; school and dispensary cesses also are levied at a uniform rate of 2 annas per rupee of revenue.

REMISSIONS AND LOANS

No remissions or suspensions seem to have been given in the past except of irrecoverable arrears, but a famine fund is built up now. *Taccavi* loans are granted at the rate of 6¼ per cent. The State has now started giving paddy loans out of *khamar* produce at 25 per cent. interest.

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VILLAGE SERVANTS

The chief village servant is the chowkidar. He has rent free jagirlands but the ryots each pay three annas and 12 seers of paddy annually. The ryots complained that this was a heavy charge. The *nariha* is a jagir holder meant for the supply of water to touring officials. Only officials observing caste scruples are interested in his maintenance as a jagir-holder, otherwise he does not render any service to the villagers for which he is not paid. There is also a *'jhankar'* and a *'kalu'* who hold jagirs.

FORESTS

The forests of the State come under the Agency Forest Adviser scheme. There are reserved forests, protected forests and village *khesra* forests. All waste lands is included in the village *khesra* and if any portion of waste land is to be broken up the forest department has to be consulted. According to the existing rules however *khesra* forest is forest set apart for the use of ryots and does not include all waste land. The rules are old and unlike recent rules individual groups of trees do not form part of *khesra*. The reservation of trees apply only to *khesra* and the rules contain no restriction regarding trees on cultivated holdings. The rule supposed to be followed is that an area equal to one-third of the cultivated area of the village must be left as village waste. There are 10 reserved species of trees; formerly there were 25. The *nistar* cess now is a uniform rate of 16 pies per rupee throughout the State and, in return for it, according to a recent proclamation, cess payers can get fuel of unreserved species, plough timber; house-building timber of unreserved species from village and protected forest. In reserved forest half rates are charged. There is not a great deal of difference between cess-payers and non-cess payers. Grazing is free in the village forest, but in the reserved and protected forest as a whole, a fee is charged. These concessions are said to be conditional on payment of land revenue on the dates fixed.

Kendu leaves are a general monopoly of the State. Lac is also a monopoly and producers can sell it only to licensed purchasers.

In the Munda areas a recent agitation has been started, obviously engineered in Ranchi where *mundari khuntkatti* villages exist, that mundas are the owners of all the forests; even in Ranchi no such rights exist though in the *mundari khuntkatti* villages the mundas are allowed to clear any land without taking special permission.

Part of the Munda agitation centred round forests. They complain that they have to pay royalty on reserved species though they pay a cess. Before the agitation, and the Simko incident forest, cess used to be levied even from villages which get no *nistar*. This was altered and *nistar* cess was made optional. Forest officials make much of the fact that certain villages which gave up the *nistar* cess later asked for its imposition. This means nothing except that individual royalties are high. The monopolies apply to the zamindaris also but the zamindars get the income.

CROP PROTECTION

The cultivator has no right to protect his crop against animals and though 65 gun licences for protection of crops have been issued no shooting is permitted except by special permission. The charge for issuing and renewing the gun licence for crop protection is eight annas.

REVENUE ORGANISATION

There are two revenue sub-divisions in the State and two Sub-divisional officers. Only the *sadar* sub-division has got a tahsildar and a naib-tahsildar; the other sub-division is in the Nagra zamindari. The sub-divisional officers deal mainly with civil and criminal cases and a few mutation and other recovery cases. There is no land records staff and a revenue inspector and 4 amins are maintained. In the absence of land records staff, annual records are of course not prepared and even the survey or boundary marks are not attended to properly; the *gaontia* is said to be responsible for their maintenance. The Dewan obtained as estimate of cost if the patwari system is introduced into the State; it was estimated that Rs. 16,000 will be required as recurring expenditure and Rs. 2,000 as non-recurring expenditure. The estimate includes 8 revenue inspectors and one Superintendent of land Records. There are no rules of procedure for revenue officers and the only convention is that the orders of all subordinate revenue officers go up in appeal to the Dewan and the appeal against the Dewan's orders go to the Ruler or the Regent Rani Sahiba.

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The Civil Procedure Code is said to be followed to a certain extent as a guide. The exact cost of the revenue and land records establishment is not known but may be about Rs. 15,000 against a land revenue of Rs. 1,48,936 and total revenue of Rs. 8.22 lakhs.

MISCELLANEOUS

There are certain areas classed as nazul, a Central Provinces term for town lands. These areas have been surveyed and at the last settlement the lands were divided into three classes and assessed at rates varying from Rs. 25 per acre to Rs. 6/4/- per acre. Poor areas containing sweepers houses were not assessed.

HINDOL

REVENUE HISTORY AND SETTLEMENTS.

There are no settlement reports and little information is available regarding the previous revenue history of this State. The revenue system seems to have been similar to that of other States surrounding it. Since 1900 there were two regular settlements—one in 1901-02 during the time of the late Ruler, and the other in 1912-13 which is current. This settlement was done when the State was under the administration of the Deputy Commissioner, Angul, and the settlement records are in the forms used in the neighbouring States. The settlement report, it is said, was not written and the former settlement reports are also not available. The rent report also is not available though there is correspondence to show that such a report was submitted.

2. The village maps show that some kind of traverse and cadastral survey has been done but it is said that none of the traverse marks exists.

Separate copies of the *khatian* and *khasra* are maintained for the purpose of mutation and the entries are corrected. Maps are not corrected. The entries in the settlement records seen to have been made very casually and there is no uniformity in the manner in which the various tenures are recorded. In respect of under-ryots the position is particularly obscure.

ZAMINDARI AND OTHER TENURES

3. There are no zamindari tenures; but there are brahmottar, debottar and other tenures. Only *brahmottardars* and *debottardars* hold whole villages as *muafi*.

4. There are about 600 *paikali* jagir holders in the State holding about 1,314 acres with a rental of Rs. 1,867 rent free. The *paiks* are called up by rotation to the headquarters for the purpose of attendance at the palace, dispensary and other places; mostly they are used as peons. At the palace they are said to keep watch at night. About 30 to 32 *paiks* are at headquarters at a time on any day. The period they are required to attend depends upon the extent of the *paikali* holding roughly being 7 days per acre (?). Nowadays they are not required for shikar and other purposes.

5. There are 8 whole villages and individual holdings amounting to 2,163 acres with rental of Rs. 3,050 held as *debottar* grants, for the service of various deities. Some of the *debottar* "grants are managed exclusively by the grantees; and the State through a committee set up for the purpose" (letter No. PXII-2-C/42-11, dated 15th January 1942 to the Secretary to the Resident). The grants standing in the name of four deities are managed by the Ruler through an officer in charge of the Thakur Mahal. During my stay in the State I made further enquiries about this committee and elicted the following information. A committee was set up in April 1839 consisting of 12 members, official and non-official, to report on the present system of management and maintenance of accounts and make suggestions for better management. The committee were not required to report on the grants managed by the Ruler. Till April 1942, that is for three years, the committee had not made any suggestion though it is said that it met several times. In any case the grants are certainly not managed through a committee as stated in the report called for and I am afraid this is nothing more than a piece of disingenuousness.

The *debottar* lands are recorded in the name of the deities who are the ryots of those lands. The tenants in actual cultivation of those lands are regarded as sub tenants. They are heritable and so long as they pay rent to the *debottar* fund, they are not liable to be evicted. They have no right of alienation either by way of sale, exchange or gift without the express consent of the

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Durbar in writing. There is no special agreement or lease with the tenants in actual cultivation of the *debottar* lands and the rent payable by them has been fixed in current settlement papers.

There are three *debottar* villages, which pay rent in cash as well as in kind. I visited on of these villages and found that the ryots were not greatly pleased at this arrangement. The value of the produce rendered is much more than the value entered in the records. The ryots have to take the produce-rent themselves to the headquarters, I was told, monthly, and they have to render *bethi* of five to ten days for every Rs. 10 of rental. They have to supply grass for thatching also. The *bethi* is taken in the months of May and June when ryots are usually pre-occupied with agricultural occupations. The road cess which is a commutation of *bethi* is not levied in these villages.

6. *Khamar* or the Ruler's personal holdings are shown with the name of the ryot as Rajsarkar and the nature of the holding is entered as *khamarchas*. There are sub-tenants on such holdings. No new lands have been taken as *khamarchas* since the last settlement but a portion of the *khamarchas* has been sold out in occupancy right by the Ruler. No other member of the Ruler's family has any lands in the State. The actual cultivators of such lands, even in cases where the land is let out to them for a term, have no rights whatsoever, and occupancy rights cannot accrue in such land. No whole village is held as *khamar* by the Ruler. The total area of *khamar* land is 1,671 acres with a rental of Rs. 2,506 at present.

7. There are 11 whole *brahmottar* villages. In these villages the entire lands including waste lands are divided among the Brahmins who are practically proprietors. Cultivation is done largely through halias and under-ryots. The villagers have all rights in the village waste including trees of prohibited species. No rent is paid but all the cesses are paid. Formerly there used to be freedom of transfer but now under the Lakhraj Control Order permission of the Ruler is necessary. There are also separate *brahmottar* holdings. The total area of all kinds of *brahmottar* land is about 1,756 acres with a rental of Rs. 2,536.

8. Other grants are grants in recognition of service, maintenance grants, "favour" grants and so on. There are many grants (48) totalling up to over 400 acres with a rental of about Rs. 550 for persons rendering service at the palace and seventeen grants of about 97 acres for supply of earthen pots to the palace and the deities. There are some quit rent grants, the purpose of which is not known and some village service grants apart from chowkidari grants.

9. Transfer of *debottar* and other lands including the private lands of the Darbar requires sanction (needless to say no transfer fee is charged in the last case). Rent free lands when they are transferred case to be rent free.

There is an order known as the Lakhraj Control Order in the Revenue Rules under which grants may be resumed for improper behaviour towards the State, the administration, the Ruler and member of the family, disloyalty or seditious movements, etc.

REVENUE LAW AND RYOTI TENURE

10. A Tenancy Act and some Revenue Rules have been framed for Hindol in the years 1940 and 1939 respectively. The Tenancy Act follows closely the Orissa Tenancy Act in many of its provisions (there are however only 52 sections in the Hindol Tenancy Act). No settlement report of the State is available and a detailed account of tenures in land formerly existing is missing. The 1940 Gazetteer says that the revenue administration of this State was of the same type as in the other Tributary Mahals of Orissa and the *sarbarakari* system was in force. The revenue system of the State appears therefore to have been quite simple, with the ryots holding directly under the State except where whole villages were held under *debottar* or *brahmottar* or similar tenures. Hindol is surrounded on all sides by States and the Government estate of Angul and there is little reason to believe that it had any radically different or more complicated system than in the other States.

11. Under the Tenancy Act, there are ryots, occupancy ryots, non-occupancy ryots, settled ryots and under-ryots apart from tenure-holders and others who are all classed as tenants. Occupancy rights in land are acquired by cultivation for twelve years, and a settled ryot, that is a ryot who has cultivated continuously in a village for twelve years, has occupancy rights in any land held by him for the time being. The section regarding occupancy rights, however, does not prescribe continuous cultivation. Occupancy rights do not accrue in lands let out annually. Occupancy rights imply the right to

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use the land for the purpose of the tenancy, full rights in trees on the land (unless another person has the right over them) except *mahua, kusum, imli, sal* and *kendu* trees which may not be felled without permission, and immunity from ejectment except on the ground that he has used the holding in an improper manner or has broken a condition consistent with the Act. The rent of occupancy ryots is as fixed at land revenue settlement "or otherwise by the Darbar from time to time". Lands held in occupancy right are inherited in the same manner as other immovable property subject to any custom to the contrary, provided "that in any case in which under the law of inheritance the ryot is subject to his other property goes to the Crown, his right of occupancy shall be extinguished;" (presumably by crown here is meant the Durbar as there is no definition of it in the Act); lands may be sold without the consent of the State or transferred otherwise except to a person who is not a resident of the State; formerly a *salami* of 25 per cent. used to be levied but now a fee of 12½ per cent. of the consideration or six times the rental, whichever is greater, is levied as a "registration fee"; this same fee is called a mutation fee in the revenue rules and there is a separate fee for registration under the Registration Act or Rules. Arrears of rent on a transferred holding are a first charge on the holding and both the transferor and transferee are jointly and severally liable. Usufructuary mortgages are limited to nine years except with the consent of the Darbar. The Act provides that *money rent* (not produce rent) may not be enhanced by more than two annas in a rupee but the circumstances in which rent may be enhanced have not been mentioned (except that rents may be levelled up to the highest rates prevailing, as a specific ground of enhancement), and reduction of money rent may be allowed only on the ground of permanent deterioration or reduction of area. (The Orissa Act is rather different here.) Non-occupancy ryots are liable to ejectment, in addition to the grounds for which occupancy ryots may be ejected, for non-payment of rent or for not agreeing to rent determined by the Darbar. Occupancy rights cannot be acquired in the Darbar's private lands. Sub-leases of land otherwise than by a registered document are not valid unless made with the consent of the Darbar. Under-ryots, unless their rents have been fixed at settlement, are not liable to pay more than 50 per cent. more than ordinary rent (25 per cent. if not under a registered lease).

Lands belonging to aboriginals are ordinarily saleable to aboriginals but when such purchasers are not found with reasonable offer the sale may be effected to higher class people." Co-sharers are expected to be given preference in sales but no right of pre-emption is given. Lands are not saleable by a civil court except for mortgages if the judgment-debtor has only two acres or less or will be left with less than 2 acres.

12. Homestead lands are allotted to the ryots and others on payment. The allotment of land whether for homestead or for other purposes is done on the same payment as in the case of agricultural lands but in the case of homestead rent is Rs. 6-4-0 per acre. In two villages, Raso and Dudukot, there are portions where the land has been assessed at Rs. 18-12-0 per acre. Special rates are not levied in Hindol town in order to encourage settlement. Under the Revenue Rules every ryot has a right to a house site and threshing floor free of rent. The land cannot be sold but houses can be sold. The Rules contain no provisions regarding the allotment of house sites.

13. Mutation of lands even where a sale has been effected through a court (if more than three months have elapsed) requires separate petition and a proclamation fee is charged at Re. 1 for each *tauzi* or land revenue account affected though in the case of inheritance only Re. 1 has to be paid irrespective of the number of *tauzis*. Mutation fee is levied at 3 annas per rupee of rent except in cases of sale; in cases of inheritance the fee is Re. 1 for every *tauzi* affected. Among the cases I examined was one of mutation in which the widow of the deceased ryot and his daughter applied for mutation and the brother of the ryot objected. Though mutation fee of Rs. 3 was ordered to be deposited and Rs. 2 had also been paid in court fee stamps, the parties were directed to the civil court (not a case in which a decision could not have been given by the revenue court) by the Jubraj who was dealing with the case and the mutation fees were not even refunded. Mutation fee is levied even in cases of allotment of new land.

14. For acquisition of land a notice is served on the person affected and a valuation of the land is made to which he may object. The compensation is sanctioned by the Darbar which means that there is no appeal and there is no provision for a civil suit.

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15. Waste lands may be reclaimed with the consent of the State. On petitions for allotment of waste land an *amin* fee is charged at Re. 1 or Rs. 1-8-0 for the first ten acres and 8 annas for every additional ten acres. If there is forest growth on the land the forest officer is consulted and if it is decided to grant the land, the lease is sanctioned on payment of the fee prescribed and the price of the forest produce or the forest produce may be auctioned separately in which case the land is granted free of *salami* (it is far from easy to follow these provisions which seem to contradict one another). If there is no forest growth, the land is given at Rs. 2 per acre or part thereof. According to section 41 of the Tenancy Act the land is assessable to such rent as may be agreed upon but in the Revenue Rules (a separate enactment passed before the Tenancy Act) it is laid down that in all new leases the area is to be assessed at prevailing settlement rates. The lease may be sanctioned without assessment for the first three years. If there is more than one applicant for the same land it may be sold by auction. Land in this State is not without value and the way in which cases of reclamation are handled indicates that there is a private *salami* in addition to the fee prescribed.

16. A ryot not bound by a lease may surrender his land at the end of the agricultural year, but unless he gives three months' notice of his intention he will be liable to pay the rent of the year following. Holdings are regarded as abandoned if the ryot has left the village and has not cultivated the lands or arranged to pay rent in any year. A proclamation is necessary before the State takes possession of the abandoned holding but no period is prescribed between the proclamation and entry. Abandoned and surrendered holdings may either be let out to another tenant or taken under '*khas*' cultivation of the State. The rules do not contain anything about the manner of re-settlement of such lands but in practice they are auctioned if possible or re-settled on recovery of arrears if any. Lands left intestate are also sold by acution.

17. Ryots are entitled to a receipt in form prescribed and if a *sarbarakar* fails to grant a receipt the ryot may institute a proceeding to recover a penalty not exceeding twice the amount of the rent. The cost of the proceeding may be easily several times the rent even if the ryot succeeds in proving payment. A summary enquiry is also provided for by the District Magistrate of his own motion and curiously enough in such a summary enquiry a fine up to Rs. 30 may be inflicted. Receipt books are issued to *sarbarakars* who are charged Re. 1 for a book of 100 receipts (seems to be nearly twice the printing charges). *Sarbarakars* recover a fee of one pice from ryots for every receipt that is, they also make a profit; there is provision in the Act for sale of receipt books to *sarbarakars* but there is no provision for the recovery of the fee of one pice made by *sarbarakars*. The Act contains two sections with identical provisions in this respect *viz*., sections 33 and 43, the only difference between the two being that section 33 begins, "The Durbar shall" etc., while section 43 begins "Local Govt. shall", etc. [There is another instance of this; section 48 is practically the same as section 34 (a).]

18. Trees on waste land or groves recorded as *bagait* are usually leased out and the land itself may be leased out. Trees on the sides of public roads, paths or communal lands are not leased out.

Fisheries are leased out. If *bagait* land is leased out a charge of Rs. 0-8-4 per acre is made but on individual trees the rate is one pice per tree.

19. *Rasad* is not levied except on payment of full prices. *Begar* and *bethi* are not prescribed in the Rules or Act nor is there any prohibition of *bethi* (see para. 5). Ryots are liable to plant road-side trees; the fruits and flowers belong to them and they can take dead trees with the permission of the State. *Bethi* has been commuted to a road cess of two annas per rupee imposed in 1936-37. It was first imposed as a "miscellaneous cess" of three annas and later reduced to two annas (1938). *Magan* for auspicious occasions, according to a proclamation of reforms introduced in 1938 has been made voluntary but it is added that the Jubraj's *magan* has been reduced to two annas from four annas.

20. There are numerous instances of sub-tenants under the ordinary ryots and the entry of such sub-tenants is made in the remarks column in the settlement records in an indefinite manner. Rents of these sub-tenants are not shown against each sub-tenant but at the end of the *khatian* exists what is apparently an abstract entry showing the numbers cultivated by the sub-tenants and the total rent payable by all of them. Most of these pay higher rents than settlement rents.

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There are under-ryots, under tenure-holders also.

Shikmi ryots or under-ryots who have held land continuously for twelve years cannot be ejected under section 29 (a) but under section 49 (1) a landlord may eject him, without a civil court decree, for arrears of rent. There is no provision for the grant of receipts to under-ryots. Petitions for deposit of rent have to be accompanied by a fee to be prescribed by rule.

21. The Hindol Tenancy Act does not contain any provisions regarding settlements and preparation of land records and these are not to be found in the Revenue Rules either. There is no provision for the commutation of produce-rent and in fact its commutation does not appear to be contemplated. There are similarly no rules regarding the diversion of agricultural holdings to non-agricultural purposes though a tenant could probably be ejected for this. There is no definition of *chandnadars, jagirdars* and others mentioned in the Tenancy Act and the position regarding these and *debottar* and *brahmottar* whole villages is left obscure. There is nothing in the rules regarding village chowkidars and other village servants. Other defects have already been pointed out and in spite of all these and numerous drafting errors the Hindol Rules are probably the best attempt in the Agency at framing a proper revenue law.

VILLAGE HEADMEN

22. All villages are managed by *sarbarakars* but two or three villages at present are without *sarbarakars* on account of resignation, death, etc. *Pattas* were not issued to the *sarbarakars* after the settlement though a draft was prepared. Now only orders of appointment are issued. The duties and responsibilities of *sarbarakars* are defined in the revenue rules.

The *sarbarakar* gets 9 per cent. of the total collections of land revenue and cesses as his remuneration and no special rates exist. He can deduct his commission if he is not in arrears and if the full amount has been collected and credited.

The post of *sarbarakar* is not hereditory, but when a new appointment is made the heir of the old *sarbarakar* will be given preference. A *salami* equal to 9 per cent. of the revenue is prescribed by the rules. A *sarbarakar* may be a person not resident in the village when other candidates are not available; in such cases an agent may be appointed. In cases of appointment seen by me there is no record of the *salami* levied and it cannot be said whether the rule was followed. *Salami* in these cases as well as in cases like settlement of land is appropriated as the personal income of the Ruler and does not appear on the record.

There are *sarbarakars* in all the *debottar* villages but in the *brahmottar* villages the persons who perform similar duties are known as *mukaddams*. They are appointed by the State and get the same percentage of commission on the cesses they collect.

There is one village, Karandha, with a rental of about Rs. 4,000 which has two *sarbarakars* who have separate rent rolls and separate orders of appointment. It is said that this arrangement has existed for a long time. Some *sarbarakars* hold more than one village, the maximum being 2.

None of the *sarbarakars* hold any *bhogra* or other lands appertaining to the office. (These were "resumed in 1932 and resettled on payment of *salami*.")

In the villages without *sarbarakars* the tahsildar makes collections direct.

The receipt books of the *sarbarakars* cost Re. 1 per book of 100 leaves, The *sarbarakar* charges one pice for granting each receipt. This is not prescribed in the rules.

RECOVERY OF LAND REVENUE.

23. The land revenue is payable in three *kists*, As. 4 on the 15th April, As. 4 on the 15th November, and As. 8 on the 15th January. Rents have to be paid before the sunset of the day on which it is due under sec. 31 (1) of the Tenancy Act but rule 17 of Chapter III of the Revenue Rules permits the *sarbarakar* to realise revenue and cesses one month before the due date. As paddy is the main crop of the State, recovery is made at an inconveniently early date in respect of the January and November instalments. The harvest of kharif crops is usually not complete till the end of December. Interest is charged at 12½ per cent. from the ryots in arrears by the *sarbarakar* and from the *sarbarakar* by the State. A *sarbarakar* refusing to accept rent is not entitled to interest but this provision is contradicted by another which says that not withstanding anything to the contrary a *sarbarakar* who pays his dues in time

is entitled to charge interest from tenants in arrears. Under the recovery rules interest from the date of the certificate till the date of realisation is leviable only at 6¼ per cent.

If a *sarbarakar* is in arrears, he is proceeded against by 'certificate proceedings'. The Revenue Rules contain provisions for recovery of State dues which are similar to the provisions of the Bihar and Orissa Public Demands Recovery Act. Sarbarakars can file an arrear list of defaulters on or before 20th May December or February and the ryots in arrears are proceeded against by certificate procedure. *Sarbarakars* are not required to file suits against ryots. Non-occupancy ryots may be ejected for arrears of rent whether a decree has been obtained or not.

When movable property is attached it is left in the custody of a surety. If it is to be sold, the property is ordinarily brought to the headquarters and the certificate officer or *munsif*, as the case may be, sells the property. Immovable property is sold ordinarily at headquarters by the *nazir* who attached the property. Attachment of property seems to be often effected through the police and I saw a case where the attached property (crops) was sold also through that agency. In another case of recovery a *paikali* jagir on which no arrears were due was also attached. In a case of recovery of land revenue the land was to be sold but the *sarbarakar* produced two tenants with whom the land was settled. No auction was held and there is a note that as there were no bidders there was no auction. This case looks definitely fishy as there were two persons available and the procedure is contrary to the rules which make an auction compulsory; in yet another case the *sarbarakar* produced a tenant and the land was settled without auction.

Recovery of land revenue is fair. The number of cases instituted against ryots shows a sharp increase since 1936-37, probably the result of permitting *sarbarakars* to file arrear lists against ryots.

CESSES.

24. The school cess is levied at one anna per rupee of rental; road cess at 2 annas per rupee while forest cess is 0-1-3 per acre. Forest and school cesses were imposed at the time of settlement, 1914-15. The road cess was imposed in 1936-37.

REMISSIONS AND AGRICULTURAL LOANS.

25. Apart from amounts remitted as irrecoverable there have been no other cases of remission for any other cause during the last ten years. The rules do not provide for the grant of remissions or suspensions in the event of crop failure.

There is no system of agriculturists' loans in the State but loans are granted out of *khamar* produce (*i.e.*, Ruler's private lending). The rate of interest charged is 20 per cent. It cannot be said what approximate quantity of loan is given from this source.

VILLAGE SERVANTS.

26. There are chowkidars in every village. All of them have jagir lands, roughly about 5 acres each. The chowkidar is appointed on the recommendation of the police. The villagers are also consulted. The son of a chowkidar is given preference, other things being equal. The chowkidars get a bundle of paddy and sometimes a meal at night from each village. No cash payment is given by the villagers.

There are no other recognised village servants apart from chowkidars. There are however other service jagir holders like *kumhar, dhobi* and these are appointed by the villagers.

FORESTS.

27. Mr. Mooney is the forest adviser since 1935. The position regarding forest rules is obscure. The Indian Forest Act is shown as adopted in a proclamation dated 15th January 1939. At the time of my visit there were some rules a copy of which the State has not supplied me for study but some new rules have been produced which have not yet been passed. There are three classes of forest, reserved, demarcated protected and *khesra*. The reserved forests appear to have been increased by 20 sq. miles between the settlement of 1921 and that of 1912-13 at the expense of the village forest. Certain reserves were converted into "protected forests" after the agitation in 1939. The Indian Forest Act may be shown as in force but seservation does not seem

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to be made in the manner required by it. No working plan has been prepared. Land shown as jungle and all waste land within village boundary are included in the village forest. There are three blocks of demarcated protected forests. Cess payers get free timber, fuel, timber of miscellaneous species in *khesra* and B class coupes, and reserved species for their implements, etc., at half-royalty in *khesra* and ¼ royalty (temporary) in coupes. The number of reserved species was reduced to 11 in 1939.

The maximum distance of any village from *khesra* or protected forest is 8 miles. All villagers are obliged to pay nistar cess except kondh villages. One of the complaints I heard in this State is that timber and bamboos are allowed to be taken from the village forests by traders, thereby reducing the *nistari* of the villages. I was not able to verify this but I mention it as in many of the States the rules provide for sale of timber from *khesra* and protected forests. Forest boundary lines are maintained by hired labour at 3 annas per day per labourer. Villagers have no liability regarding the maintenance of these lines.

Forest offences up to Rs. 20 are compounded by the forest officer and other offences by the forest controller, *i.e.*, the Jubraj. Cases compounded by the forest officer are not reported to any Magistrate.

There are about 10 kondh villages the inhabitants of which do not pay and land revenue. They make a payment to the Ruler at Dusserah. They render pumkins, fruits, mahua, honey, charcoal, etc. The payment is not according to any fixed rate. These villages have not been surveyed There are no special rules for kondhs. Within the village area the kondhs practice *toila* cultivation.

Grazing is free in the *khesra* as well as in the demarcated protected forest except coppiced coupes.

MONOPOLIES

28. Monopolies are sabai grass, sonari bark, *kendu* leaves, *khair*, lac, horns and skins of wild animals, myrobalans, bamboo, matchwood, sal and other species of timber. Kendu, harra and other monopolies extend to all protions of the State. In practice the *thekadars* take the produce from cultivators' holdings as well. The *kendu* contractor pays about ¼ anna for five hundred leaves which seems hardly a fair labour charge.

Under the Revenue Rules, hides of animals belong to the owner of the animal but sale is permitted only to a monopolist. *Pan* and other monopolies were abolished in 1939.

No fee is charged for minor minerals like sand, stone, clay etc.

There is only one fishery of a small stream which is leased out annually for about Rs. 20.

CROP PROTECTION

29. Licences for crop protection are issued free of charge but on renewal a fee of four annas has to be paid; this is a curious arrangement and looks very much like an evasion of the declaration made in 1939 that licences would be issued free. There are certain conditions regarding the use of arms.

The total number of licences issued is 52.

REVENUE ORGANISATION

30. The Ruler who is the highest authority in the State in civil as well as revenue matters passes orders in all important revenue cases himself and thus there is no appeal available to an aggrieved party. The Jubraj also passes orders in certain cases. The Dewan and Assistant Dewan have powers to pass orders in cases like mutation, unauthorised possession, etc. They have criminal and civil work in addition to the work of reporting on revenue cases to the Ruler.

Apart from these there is a tahsildar who is mostly in charge of 'certificate' cases and supervises the collection of revenue. There are two kanungoes who assist in collection work as well as in supervising the accounts of *sarbarakars*.

The cost of the revenue and land records establishment is shown as Rs. 9,720 (This appears to be an over-estimate.) The total land revenue is Rs. 67,000 excluding cesses, and the total revenue Rs. 1,60,000.

There is no definite allocation of cases between the Dewan and the Chief Executive Officer in revenue matters.

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MISCELLANEOUS

31. There are rules for recovery of land revenue, for mutation (para. 13) acquisition of land (see para. 14), land transfer (see para. 11), etc.

By a declaration dated 15th January 1939, the Indian Stamp Act, and Indian Registration Act have been promulgated in the State as well as Indian Forest Act. The schedule of the Court-Fees Act of Orissa is also adopted. Petition paper costs half an anna (reduced in 1939) and court fee on petitions is As. 12.

There are no orders or instructions regarding touring. No tour diaries are maintained by any officer.

JASHPUR

REVENUE HISTORY AND SETTLEMENTS

Jashpur was, till 1818, a tributary State of the Bhonsla Rajas of Nagpur. After it came under British control, it was attached to the Bengal Government till 1906 when it was transferred to the Central Provinces, and remained attached to that province till recent years. It does not form part of the Chhattisgarh plain and a portion of it at any rate can be regarded as a part of the Chota Nagpur plateau. The population contains elements found in Chota Nagpur but there are very few Mundas and there are considerable numbers of castes like the Rauts and Ahirs of the Chhattisgarh plains. The language is a dialect of Hindi, similar to Chhattisgarhi.

2. The majority of the villages used to be framed out to *thekedars*, generally for 3 years and occasionally for 5 years. On the renewal of a lease the *thekedars*, according to the Gazetteer, paid a *salami* of one-fourth of the rental, and during the currency of the lease only three-fourths of the estimated rental per annum. The *thekedars*' home farm which was held rent free was known as *manwar* or *majhia*. The lease of a village was generally renewed on succession and it is said that no *nazrana* was levied. The *thekedars* had no rights beyond the term of the *theka* and could not transfer, mortgage or sublet their rights.

Measurement of land was not known and the area of a field used to be expressed in terms of seed capacity. The Gazetteer mentions that area of land is expressed in terms of *katchias*, annas and rupees according to the rent paid. This is probably the Marathi system of *ain*, or a factor rather than the actual rent. The ryots paid rents on wet lands but uplands or *tanr* were exempt.

3. An account of earlier settlements is not available. Measurement, in the first settlements based on measurement rather than eye estimation, seems to have been done with bamboo poles in a manner yielding little better results than estimation of seed capacity. The first regular survey and settlement of the State was started in 1924. A theodolite survey was not undertaken on the ground of expense and the village boundary was fixed by appliances like the sight vane, compass and plane table; a cadastral survey of the fields was made by chain measurement. The settlement officer was an officer used to the C. P. system of settlement but he did not adopt the soil unit system of that province for the assessment as he found a flat rate in use. "The idea of adopting flat rates was that the local people were cognisant, in view of the previous history of assessment, of only flat rates. * * * Flat rates though defective in some respects were very suitable for Jashpur". The classification of lands was made mostly according to levels and not according to soils. *Tanr* lands which had not been assessed before were assessed at this settlement; *bari* or garden lands attached to homesteads were also assessed. Though flat rates were decided upon the settlement officer followed C. P. procedure in not applying them rigidly but regarding them as "deduced rents" and in assessing a village he first decided what enhancement it would reasonably bear and then distributed the land revenue over the holdings within the deduced rents. According to the Orissa procedure, the land revenue of the village would have been derived from the rent of the holdings reckoned from the flat rates. In other respects as well, the settlement officer followed C. P. procedure and the land revenue of villages was taken as a percentage (75 to 80) of the village "assets", the rest being the "drawback" of the *thekedar*. The enhancement was 33—40 per cent. for the various tracts and 37 per cent. for the State as a whole; in the group of villages known as the Bhandarchuan group the enhancement was higher still and came to about 50 per cent. and in the zamindaris, 49 per cent. The "assets" of the village consisted of the rentals of

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land only and no *siwai* or miscellaneous income is included. In the Bhandarchuan group of villages, the individual villages were not assessed to *thekajama* but the actual income to the holder from villages on lease as well as given by him for by him for maintenance to relatives was taken and of this a portion was fixed as the land revenue of the State for the group of villages. Only three of the four zamindaris were settled but in fixing the *takoli* of the zamindars the income from *thekedari* villages was taken in the same manner as in the State villages. While the new settlement did not cause dissatisfaction among the cultivators, it increased the profits of *thekedars* and zamindars enormously.

The settlement of 1924—28 was sanctioned for 8 years and should have expired in all the areas by 1934 but resettlement has not been taken up.

4. The whole of the State has now been surveyed. The usual records on the C. P. lines have been prepared. There is a copy of *wajib-ul-arz*, *patta* and *kabuliat*. In the records of the zamindari villages the *kabuliat* and *wajib-ul-arz* are not attached at the end as the zamindar issues his own *kabuliat* and the *wajib-ul-arz* is also different.

ZAMINDARI AND OTHER TENURES

5. There are four zamindaris, *viz.*, Khudia Ara, Keradih and Pharsabahar. I have seen the sanads of Khudia (1887) and Ara (1926). (These are not sanads issued when the zamindari was first created.) The Khudia sanad simply required that the zamindar should present himself when called upon, be loyal, and pay the amount fixed. The Ara sanad contains the same conditions but lays down that property left intestate, treasure troves, trees, forests, minerals, etc. belong to the Darbar, and the zamindar is required to obey orders regarding *bethi begar*, etc.

6. Khudia is a compact block as well as Pharsabahar but the other two zamindaris consist of scattered villages. The Khudia zamindari is at present under management owing to the minority of the zamindar.

Khudia zamindari was not settled along with the rest of the State in 1928 and its settlement was completed in 1940. The settlement report of the zamindari was said to be under reparation at the time of my visit to the State and apparently has not been completed yet as the Superintendent has not been able to send it as requested. A traverse by sight vane and compass is said to have been done for all villages; a complete cadastral survey has also been done. The rents are lower than in other areas. The average enhancement for the whole area is 22 per cent. which implies a much heavier enhancement of individual rents.

Khudia zamindari does not show any special tenures and the ryoti and other tenures are the same as in the rest of the State.

The Superintendent passed an order that "all foreigners who have settled in Khudia and are cultivating lands must not be recognised as ryots unless they have held possession of the same lands continuously and have thereby acquired occupancy rights therein." This principle seems to be quite foreign to Jashpur and no such distinction was applied to the rest of the State at the 1928 settlement, and provides an instance of the confusion which prevails in the States in revenue matters.

The rents are lower than in the rest of the State as the area is inhabited by Korwas and other aboriginals. The period of settlement has been fixed as ten years. As the zamindari is under administration it is proposed to issue *thekdari pattas* for the period of settlement as in the State villages.

The Manager of Khudia zamindari said that before the present settlement *thekas* were given on the highest *nazrana* bid for the village. The rent of a village was fixed. The *thekas* were issued for three to five years and after this period the newly cultivated lands used to be assessed and the village *thekajama* increased. The zamindar had all the powers of ejecting tenants and taking any action he wished against the ryots who were in default. He was appointing and ejecting *khorposhdars* also. Nowadays (that is, under administration) *thekas* are renewed generally on the individual merits of the *thekedar* and no *nazrana* is taken.

7. The *takoli* of the Khudia zamindari has not yet been fixed and it is proposed to fix it on the same proportion as the previous *takoli* to the actual rent, existing before the settlement. As the annual rents of the villages have been varied continuously it is likely that the *takoli* formed a much higher proportion of initial rent of the zamindari villages than the rent immediately preceding the settlement, and if this principle is applied it is likely that the new

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takoli will be a rather small proportion of the new rents. At the 1923–28 settlement, the revised *takoli* was fixed on this basis, and even from that an amount of Rs. 172 was deducted to make it a round figure.

Takoli in the other zamindaris was fixed at the last settlement as about 10 per cent. of the assets of the villages. The *takoli* in all the zamindaris of the State is an amount which may be revised.

8. In all the zamindaris of the States there are maintenance grants and *muafis* created by the zamindars but new grants are not being made and it has been laid down that the zamindars will not be permitted to make these grants. In the Khudia zamindari the position till settlement was that the zamindar had powers to make his own rent free grants.

None of the zamindars have any rights in forests except the right of taking fuel and timber, etc., for his own personal domestic consumption and not for sale.

They have no rights to minerals or any portion of the income from minerals. Only the zamindar of Khudia has got the right to levy grazing fees on non-agricultural cattle and on professional cowherds. The grazing fees which can be levied have been prescribed by the orders of the Resident at the time of the settlement. It is a different rate from the fees current in other parts of the State. The commutation fees are also levied in the Khudia zamindari at a different rate from that of other parts of the State and the income is State income. The zamindars have no rights in new villages which may be created within the zamindari area by the State.

9. A peculiar tenure of this State is that of the group of 24 villages known as the Bhandarchua group. The holder of these villages is known locally as *sirdar*. The *sirdar* seems to have been little more than an ordinary *thekadar* but apparently on account of the large number of villages held by him and the lax control prevailing in the State, he arrogated to himself the status of a zamindar and claimed this right at the last settlement. He seems to have assigned some of the villages under him to *khorposhdars* or maintenance grantees and other were leased out by him to *thekedars*. To some extent his claim to be a zamindar was accepted at the settlement and not only was the group treated as a single block for the purpose of a privileged assessment similar to a zamindari but he was actually recorded in the settlement records as the zamindar, the entry being scored out later under special orders. The total assets of the group have been estimated as Rs. 9,400 and the revenue of the State has been fixed at Rs. 800, a quite nominal amount. The previous payment also appears to have been small though it is not known what the assets of the village were when it was fixed. The Ruling Chief passed an order in 1928 regarding the status of the *sirdar's* holding that he was neither a zamindar nor an *ilaqadar*; the *sirdar* was also restrained from making and new *khorposh* grants as this was contrary to his sanad. This *siraar* at present has the privilege of issuing his own *thekedars* of his villages, like the zamindars.

10. The *wojib-ul-arz* contains provisions regarding the succession to the zamindaris and other rights and liabilities. Succession is in the direct line to the eldest son; failing male lineal heirs the Ruler may select male collaterals. On succession, the zamindar is required to execute a *kabuliat* and pay one year's *takoli* to the State as *salami* together with "a suitable private *nazar* to the Ruling Chief". Zamindari villages may not be alienated by sale or mortgage except to the Rulling Chief; the creation of new *khorposhdaries* is not permitted but relatives may get villages on *theka*. Zamindars are required to present themselves at Dusserah and are liable to be called up for guard duties at the palace during the Ruler's absence.

Settlements of the zamindaris are made by the State and zamindars are liable to bear the cost.

11. Other tenures in this State are *debottar*, service, *ranivas*, etc.

12. The temple *muafi* is known as 'Balaji's estate in this State and is similar to the *debottar* estates of Orissa. This consists of 10 villages, without *thekedars*, under *kham* cultivation, and 6 *thekedari* villages dedicated to the God Balaji. The estate is under the control of the Superintendent of the State, and the Assistant Superintendent has been appointed Manager of the estate. If the State was not under management, the estate would have been under the direct control of the Ruler.

The *manwar* lands in the *kham* villages are cultivated by the servants of the estate and by the *thekedars* in *thekedari* villages. *Thekas* are granted on the same conditions as in other State villages. The settlement record of the

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

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

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

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

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

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

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

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

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

THE RYOTI TENURE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

VILLAGE HEADMEN.

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

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

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

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

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

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

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

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

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

There are 66 villages, which have no *thekedars*, known as bhandar villages but the *manwar* lands of some of these have been leased out by the State for short periods of 3 to5 years for cul ivation, in the remaining villages the *manwar* lands are cultivated through paid servant of the State. Some *manwar* lands are leased out on *bhag* or share cropping and others, for cash rents. The cash income from the leased *manwar* lands is credited to general revenues and the produce of the remaining villages is made use of for jails, fodder for livestock, to meet the Dusserah expenses and the surplus, if any, is sold and the income is credited into the treasury. In the treasury there is a separate head designated as '*bhandar* department' into which the rent of the leased *manwar* lands as well as income from produce sold is credited. When the Ruler was on the *gadi*, the produce rent was entirely at his disposal, but there was a sort of *bhandar* department then also. There was no clear budget, however, and probably there was little distinction between *bhandar* and other income.

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

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

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

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

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

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

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

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

RECOVERY OF LAND REVENUE

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

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

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

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

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

CESSES.

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

REMISSIONS AND LOANS.

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

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

VILLAGE SERVANTS

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

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

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

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

FORESTS.

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

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

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

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

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

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

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

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

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

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

MONOPOLIES.

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

For the last 3 years lac was being worked on the licence system. The licence pays an export duty as well. The licences cost Rs. 10 each. This year the monopoly has been given to one person. (The Forest Adviser had noted in his note of 1941 that the lac *pattadars* were forming a ring and were not paying adequate prices. I do not know to what extent the substitution of a single monopolist as recommended by him has improved matters.) There was a system of monopoly before the licence system. The monopoly system has been re-introduced under the advice of the forest adviser. The lac monopolist does not pay initially but is obliged to pay minimum of Rs. 5,000 and Rs.4per maund export duty on any export in excess of5,000 maunds has been reached.

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

CROP PROTECTION.

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

REVENUE ORGANISATION.

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

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

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

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

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

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

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

MISCELLANEOUS

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

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

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

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

KALAHANDI

REVENUE HISTORY AND SETTLEMENTS

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

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

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

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3. As regards the zamindaris the present position is roughly as follows :—

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

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

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

THE ZAMINDARI AND OTHER TENURES

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

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

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

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

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

Zamindars apply to the Dewan for proceedings against defaulters; they do not issue their own processes. Similarly zamindari *gountias* either file rent suits or make applications to the State courts. Rent suits are filed if the *gountia* has not made payment out of his own pocket but if he has paid punctually he is entitled to file an application. Zamindars can appoint and eject their *gountias* without reference to the State. If a *gountia* is ejected the posal is not communicated to the State. *Gountias* in the zamindaris hold their *khogra* land rent free and their emuneration is not a percentage of the assets in the summarily settled villages.

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

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

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

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

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

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

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

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

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

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

THE RYOTI TENURE

11. There is no revenue law in the State and relations between the State and the *gaontia* and ryots is regulated by the terms of the lease granted to the gaontia. According to this document a ryot cannot be ousted from his holding except for non-payment of rent for or transfer of his holding. The rent of the ryots holding is also fixed for the period of the settlement. There is no clause regarding the inheritance of the holding Lands abandoned or surrendered (there is noting in the lease regarding what constitutes abandonment or surrender are at the disposal of the *gaontia*. waste lands excepting land required for the purpose of supplying village in fuel and fodder, may be allotted by the *gaontia* for cultivation, but he can levy only the settlement rate of rent. This rent is appropriated by the *gaontia* for the period of the settlement. Ryots can sublet their holdings with the *gaontia's* consent but cannot transfer land by mortgage sale or otherwise.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

VILLAGE HEADMEN

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

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

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

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

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

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

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

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

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

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

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

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

RECOVERY OF LAND REVENUE

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

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

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

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

CESSES

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

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REMISSIONS AND LOANS

34. There is no policy of granting any remissions or suspensions of land revenue. Every year taccavi loans of Rs. 18,000 to Rs. 20,000 are given. Interest charged is 6¼ per cent. Loans are given usually for the purchase of ploughs and bullocks. In the zamindaris also loans are granted sometimes.

VILLAGE SERVANTS

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

FORESTS

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

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

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

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

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

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

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

MONOPOLIES

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

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

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

CROP PROTECTION

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

REVENUE ORGANISATION

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

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

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

The tahsil organisation is similar to the Central Provinces tahsils.

NAZUL

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

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

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

MISCELLANEOUS

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

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

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

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

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

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

KANKER STATE

REVENUE HISTORY AND SETTLEMENTS

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

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

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

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

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

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

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

ZAMINDARI AND OTHER TENURES

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

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

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

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

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

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

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

THE RYOTI TENURE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

VILLAGE HEADMEN

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

24. The present position is roughly as follows:—

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

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

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

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

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

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

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

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

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

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

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

The *gaontia* has other minor privileges.

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

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

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

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

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

RECOVERY OF LAND REVENUE

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

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

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

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

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

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

CESSES

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

LOANS AND REMISSIONS

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

VILLAGE SERVANTS

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

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

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

FORESTS

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

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

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

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

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

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

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

MONOPOLIES

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

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

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

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

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

CROP PROTECTION

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

REVENUE ORGANISATION

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

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

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

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

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

MISCELLANEOUS

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

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

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

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

KAWARDHA STATE

REVENUE HISTORY AND SETTLEMENTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ZAMINDARI AND OTHER TENURES

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

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

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

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

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

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

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

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

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

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

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

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

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

THE RYOTI TENURE

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

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

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

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

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

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

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

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

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

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

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

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

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

THE VILLAGE HEADMEN

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

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

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

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

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

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

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

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

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

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

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

THE RECOVERY OF LAND REVENUE

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

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

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

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

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

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

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CESSES

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

REMISSIONS OF LAND REVENUE AND AGRICULTURISTS' LOANS

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

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

VILLAGE SERVANTS

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

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

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

FORESTS

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

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

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

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

No prohibited timber is allowed for any purpose without payment.

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

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

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

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

MONOPOLIES AND DUTIES

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

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

CROP PROTECTION

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

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

REVENUE ORGANISATION

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

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

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MISCELLANEOUS

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

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

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

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

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

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

KEONJHAR

REVENUE HISTORY AND SETTLEMENTS.

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

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

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

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

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

ZAMINDARI AND OTHER TENURES

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

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

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

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

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

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

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

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

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

BHUIYAN AND JUANG PIRS.

12. In the Bhuiyan and Juang pirs there has been no settlement of land as such in view of the shifting cultivation but in the Bhuiyan pir a plough tax on agriculturists (six annas per plough) and a house tax of 11 annas on non-agriculturists have been imposed; and in the Juang pir a produce rent is fixed for the village as a whole and the distribution of the rent among the villagers is left to the village headman. The terms of both these arrangements do not coincide with that of the settlement and in the case of the Bhuiyan pir the period is 5 years while in the Juang pir it is 7 years. In addition to plough tax and house tax in the Bhuiyan pir a commutation cess (3 annas per house with plough and 0-1-6 per house without plough) is levied in lieu of *bethi* and *rasad* in addition to an education cess (2 annas per house). The village headman of a Bhuiyan village is also bound to supply two goats, one a year, and another six months old, in the month of *Aswin* the *patta* mentions the value of these as Rs. 2 and Re. 1 respectively. Further 1¼ *pahi* of grain is realised from each household for the Jagannath Thakur temple; the headman keeps ¼ *pahi* out of each *pahi* contribution as his own remuneration. All adult male villagers are bound to supply rope and materials for the preparation of Jagannath's car and help to pull it and do other duties. They are also bound to supply *Inda* wood and rope at the time of the *Inda* festival and carry the *Inda Chatra*; they will be remunerated for this 'according to prevalent practice'. They are also required to attend at *Parbani Parba, Aghira Purnima* festivals and render services; to supply coolies to British officers, (for which they are responsible) who are entitled only to food; fuel straw, branches for huts are to be supplied free. Similar supplies have to be made for the Raja, members of his family and certain officers. If any of these goes outside the State coolies have to be supplied free of charge for 15 days (for longer periods wages will be paid). Attendance of all prominent persons at the headquarters in the month of *Chaitra* is obligatory. All these liabilities exist in spite of the alleged commutation of *bethi* and *begari*.

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

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