

PART I.

CHAPTER I.—INTRODUCTORY.

Terms of Reference.—The terms of reference of this enquiry had not been settled at the time of my appointment, and in the communication regarding the creation of this post for examination of the land tenures of the Orissa and Chhattisgarh States, I had instructions to proceed to Simla to take charge of my office and discuss the terms of reference before proceeding to my headquarters at Calcutta. At Simla, where I arrived and took over on the 6th of August, I had a number of discussions with the Political Adviser to His Excellency the Crown Representative, Sir Francis Wylie, after going through the report of Mr. Bowstead in connection with the Orissa States and certain other papers given to me. After these discussions, the Political Adviser gave me a confidential note laying down in broad outline the needs of the case, and suggesting some of the main points to which he expected that the enquiry would provide an answer. It was suggested in this note that the actual terms of reference should be drawn up at Calcutta where Col. Barton's (the then Resident) local knowledge would be available. It was also suggested that I should take into account the systems in adjoining provinces in view of the possibility of the States one day disappearing and forming part of the adjoining provinces, and that I should accompany my report with draft laws. This important note which formed the basis of my final terms of reference, and in some ways forms the real terms of reference, is reproduced as Appendix I. I arrived at Calcutta on the 13th August.

The terms of reference, as drawn up at Calcutta and approved by the Crown Representative for communication to the States, were as follows:—

“To examine and report on (1) the revenue history and existing systems of land tenure from the point of view of cultivators and proprietary interests, if any, (2) the existing systems of settlement and the assessment of land revenue on land under cultivation, waste land and land converted for non-agricultural purposes, (3) the system of collection of land revenue and village management, (4) the existing revenue and tenancy (including land acquisition) laws and procedure, (5) generally all other matters affecting the interests of agriculturists such as grazing, forests, nistar etc. In making this enquiry the Officer on Special Duty will study and take into consideration the revenue history and systems obtaining in adjoining provinces.

In obtaining the Crown Representative's approval to the communication of these terms of reference to the States, it was explained that the points mentioned in Sir Francis Wylie's note would form the confidential background to these terms and I would be guided by it.

2. While there are points of similarity between the twentythree States constituting the Political Agent's charge in Orissa, and the sixteen States of the Chhattisgarh Agency, the reports on the individual States will show clearly how many dissimilarities exist which need to be taken into account in drafting a law or laws. In fact there was no material available in sufficient detail to show clearly the similarity and without a study in considerable detail it would have been a rash act to attempt to frame a law. Mr. Bowstead in para 7 of his report [F. 22 (4).P./40] wrote that the States may broadly be said to follow the Orissa Tenancy Act, the Chota Nagpur Tenancy Act and the Sambalpur manual, but the observations recorded by me show that this is indeed an extremely broad statement. Perhaps in view of this statement, but most probably because my terms of reference had not been clearly framed at the time, the term of my post was sanctioned in the original order of appointment for a period of three months in the first instance. It was also expected that it would be possible for me to make an adequate report after visiting some of the States in the Agency only. I pointed out to the Resident however that the examination of the revenue affairs of so many States in the conditions which seemed to me to exist in the States on paper only, was most undesirable, and pressed that I should visit every State for at least a day each, in order to make personal observations to supplement information

available on paper. On this basis, it was agreed that extension of my term up to the end of March 1942 should be recommended. Later, I found that it was hopeless to attempt to collect information in one day in the conditions prevalent in the States. The States were not exactly enthusiastic about giving me information, and in fact an officer in the States with any real knowledge of the revenue system of the State, often itself an interminable matter was a surprising exception. Many of the States had complications in the shape of zamindaris and numerous other tenures, the position about which was either unknown, or no definite information could be furnished immediately, rules and regulations, if any, were often only on paper. I was compelled therefore after visiting Seraikela and Kharsawan in October (1941), to ask for an extension of my term till the end of June 1942, and later, on account of my illness which prevented touring, till the end of July 1942 (Even this has proved inadequate). The comprehensive terms of the enquiry, the number of States covered and the complete—consistent with the time taken—examination made of the affairs of each State will, I hope, show clearly that my task has been far from easy, in spite of the extension of time granted. In fact, the nature of the enquiry in the conditions prevalent in the States demanded much more time for one who would undertake the responsibility of drafting a revenue law. Had I not visited all the States and made personal enquiries and observations but attempted to collect information through correspondence, I have not the least doubt that little useful information would have been obtained; even the few simple statements which I obtained from the States by correspondence showed such curious interpretations and misunderstanding that to obtain the bulk of the information I required would have been a hopeless task. No unnaturally, the States have a tendency to show in correspondence that there is nothing wrong with their affairs, and if their statements and reports are accepted at their face value, one would come to the conclusion that this enquiry is a waste of time and money as well as an unpardonable intrusion into their internal affairs. My insistence on visiting every State in the Agency was, I think, fully justified and such visits were absolutely necessary. It may be pointed out here that Mr. Bowstead who had previous acquaintance with the States considered a special visit to every State in the Orissa Agency necessary for his enquiry.

3. *Mode of Enquiry difficulties and limitations.*—Being unacquainted with the conditions in the States except to the limited extent provided by the reports of Messrs. Bowstead and Lothian, and certain notes Sir Francis Wylie had made after his tour in the Agency (which, in fact, gave me the first real picture), I had to make a preliminary study of the gazetteers and such other literature as I found available on arrival at Calcutta. These of course provided me only with a certain amount of historical material. The States had been asked to provide reports showing the revenue rules and regulations existing in their States and these meagre replies helped me to get an idea of the 'revenue laws' of the States, as Mr Bowstead courteously called them. As the rains were at their height when I took over, and touring except to a very limited extent was not possible (most of the States cannot be reached except after November and some only after December), I utilised the two weeks of August left and the whole of September for a study of material available and the making of rough notes.

This preliminary study helped me to decide on the mode of enquiry and I requested the Resident to inform all the States that my study of the revenue system would include an examination of actual case-work in the revenue courts, where necessary, as well as a perusal of old records. I proposed to study the revenue system in the States by catechising the local officers and others who could be expected to know the system, by a study of actual cases, and finally, by visiting as many villages as possible and questioning the villagers. This afforded three different sources of information which, apart from supplementing one another, acted as a check, and also showed that what is found on paper can be widely different from what actually happens or is practised and that reliance on any one source of information, particularly the officials, would have resulted in total misimpressions and inaccuracies. The limited use of the officials in obtaining

information was pointed out by Sir Francis Wylie in his note of his tour in the States. The officials were particularly annoying when, as happened occasionally, they did not know the revenue system well but were unwilling to admit this and persisted in answers which were obviously wrong and which later they themselves were forced to withdraw. The proposal to investigate the revenue affairs of the State had a used no little resentment among the Rulers and real co-operation was perhaps hardly to be expected. Except in a few States most of which were under administration, there was no attempt to give me information which I did not directly ask for; even some of the Superintendents of States under administration were inclined to feel that any facts which they thought might come under criticism would be a reflection on their own administration and often gave evasive replies. What success I achieved in getting information from the States was therefore by not giving the least expression to any sort of opinion, and making it clear that what I wanted was facts and I had no opinion of any sort to express before studying the whole system and viewing it in its correct perspective. In spite of the fact that after I commenced touring in the States, the Rulers and officials exchanged information secretly about what I did and what information I collected on tour and even circulated detailed lists of questions asked, the position was not altered considerably. While, on the whole, the States supplied me at least the information I directly asked for, without placing any serious obstacles, in one State the Dewan resented the idea of my getting cases picked at random for perusal, and desired that I should see only those selected by him, remarking that this was not an inspection but a case of obtaining such information as was given. Apart from these matters, no settlement reports were to be found in Hindol and Bastar, (except in diffuse form) and Sonepur and in some States like Changbhakar the settlement report was anything but informative.

As regards the cases, while in a number of States which have recently been under management or are under management, records are satisfactorily maintained; in others like Sonepur, Tigiria, Surguja and Kawardha records could only by courtesy be termed as such, and I found great difficulty in examining such as were available. The deposit of records in the record room in all except a few States was unsatisfactory and records of any particular kind could be obtained only after a laborious examination of a serial register in which they were all entered in rough chronological order. In Sarangarh the greatest difficulty was experienced in this respect, and in Sakti it was admitted that there were no proper records of cases started for recovery of revenue but only a pile of warrants; in Surguja there has been no record room so far. Cases examined by me were of course few in number and picked at random.

In visiting villages I tried to visit as many as I considered necessary to give me an idea of the different kinds of tenures and generally one of each kind was visited. These naturally had to be either on motorable roads or at short distances from it in view of the limited time at my disposal, (the longest stay I made was four days, in Surguja, and the shortest a few hours each, in Tigiria and Chhuikhadan) and I could not of course visit those remote places the *thekedar*, the travelling constable and the tiger hold more or less undisputed sway. I visited however the *juangpir* in the Keonjhar State, or rather the outskirts of it, and was able to see this stronghold of shifting cultivation. A visit to the distant zamindari would, I have reasons to believe, have brought surprising knowledge. On the whole, I visited about 140 villages during my tours. I must mention here my illness which necessitated an operation in December 1941 and which, for the major portion of my tour, prevented any great physical exertion (In spite of this I think many of the State officials wished I was less energetic!).

While I have spared myself no pains to ensure accuracy in the information which I have collected, I must point out that in the conditions prevalent in the States limitations cannot perhaps be avoided. As I have already mentioned, officers in the States knew little of the system or what was going on under their noses, and my enquiry brought to light many a fact unknown to them; some of the information obtained from this source could not occasionally be verified. Orders, proclamations and notifications,

modifying or cancelling previous ones which perhaps existed on paper, (and some of the newer ones only exist on paper), have followed one another with bewildering rapidity particularly in the last three or four years in some States. In the last three or four years also, many real changes have taken place and the position has been one of flux, though in view of tendency to stampede, the States were advised not to make changes till this enquiry was completed and the Crown Representative's orders were obtained on the report. In addition there has been the tendency for *suppressio veri* and the general hostility towards this investigation. Nevertheless I can assert confidently that the facts reported are correct and inaccuracies, if any, may be found only in immaterial detail, and the responsibility for any such will obviously be on those who gave me the information. This does not mean that if the report is published there is not much material which the States will not indignantly repudiate or attempt to put a different aspect on; I have met hot denials of facts brought to light during my investigations already. The fact, however, is that none of the investigation was done except in the presence of officers of the States, and notes were dictated to my stenographer within their hearing, and often with their approval. In Dhenkanal the Raja Sahib himself was kind enough to take me to some of the villages; in Seraikela, the brother of the Ruler, and in Talcher, The Pattayet Saheb, accompanied me to the villages; in Sakti and Sarangarh the Jubraj was present during part of my enquiry. In fact, preferred to have an official of the State with me, as then, I could be certain of immediate contradiction if any untrue information was given by the villagers.

4. *General Background.*-The affairs of the Orissa States were brought sharply into the limelight by the happenings in the States of Dhenkanal, Ranpur, Nilgiri and Gangpur in recent years and the publication of the Orissa States Enquiry Committee's report in 1939. Following this, Mr. Bowstead was appointed to enquire and make a report. In para 48 of his report [In F.-22 (4)-P/40] he remarked, "With a self-contained administration for each State, however small its income, the quality of administration must depend to a very great extent on the personality of the individual Ruler and the smaller States start with a greater handicap than those with larger income*** The incidence of taxation is not as high as in British India and, in spite of what has been said to the contrary I consider that the general condition of the tenants is certainly not worse than in the neighbouring districts of British India. They have, moreover, a definite advantage in having simple revenue laws and in not having the complicated system of tenures which is prevalent in British Orissa where there are often three or four intermediaries between the State and the actual cultivators". The first portion of Mr. Bowstead's conclusion seems to be contrary to some extent to the rest of it. According to the second portion, in spite of a higher taxation, the administration of British India has not secured anything better for the tenants than in the States and in spite of a lower taxation all that can be said for the States is that the condition of the tenantry is not worse than in British India. In the first portion it is admitted that there are factors which are not conducive to sound administration. Mr. Bowstead has however come to the conclusion that it seems essential that some of the smaller States should combine if they are to keep abreast of present day conditions. The essence of the problem seems however to rest largely upon the fact that none of the States in the whole Orissa and Chhattisgarh agency can on its present revenues, afford to maintain a Prince with ruling status, as well as an efficient administration without limitations one way or the other. The princely status of some of these far from princely dominions has been a fortunate accident for them while many others with larger area as well as income have had to be content with the status of mere zamindaris. Even without personal vagaries, the princely status often results in the expenditure of a larger proportion of the State revenue than is justifiable, on matters not leading to an efficient administration. Under pressure from the Political Department, - unfortunately that pressure has been too light in the past - the tendency for a Ruler is naturally to try and maintain his own standard as well as provide an adequate administration; this can scarcely be done except by increasing the burden of taxation on the people in various ways.

proper and improper, and augmenting the revenue. In most of the States there has been a tendency to extract the largest revenue possible but it cannot be said that a serious attempt has been made to provide an adequate administrative machine. It is this tendency which must be carefully borne in mind in dealing with any matter connected with petty States which cannot yield a large revenue. It is as a result of this tendency that there have been so many monopolies, export duties and royalties in the recent past and to some extent exist now; it is chiefly on account of this fact that settlements of land revenue are more frequent than in the districts, that there has been no revenue law which would tie down the Rulers' hands, that there have been and are so many cesses and exactions and numerous corrupt practices. The facts mentioned in my individual reports on the States should enable one to judge, whether the opinion that the general condition of the tenants in the States is certainly not worse than in the neighbouring districts of British India, is justified, or not. (Personally, if I was offered the choice between being a tenant in these States and in the neighbouring districts I would not be long in making up my mind!). Mr. Bowstead has stated that the States have simple revenue laws, actually not one State in the whole Agency had anything which could, except humorously, be called a 'revenue law'. All that existed was a list of practices or rights jotted down in the course of a settlement report by the settlement officer, or a document of conditions imposed on the headman of a village, these extending to an enumeration of the rights and liabilities of a ryot as well, in some cases. The Sonapur and Talcher and other 'laws' are examined by me in the individual reports. (Some of the States—Narsingpur, Hindol and Patna—introduced revenue laws for the first time in 1939-40). It is to me surprising that these should be considered adequate, even more advantageous. In some States such as Nilgiri, Baramba, Korea Rairakhol and Surguja even these do not exist. (Mr. Bowstead's remarks did not apply to the States of the Chhattisgarh Agency) Apart from imposing conditions on *thekedars* and others, these never had the force of a law and in fact were often mere agreements between the *thekeदार* and the State. There was nothing to bind the State's relations with the ryots, regarding the methods of recovery of revenue, or the procedure of revenue officers and others. Such a state of affairs, in fact, far from being simple or advantageous, allowed the Rulers full scope to do what was financially advantageous to them, and even the meagre *wajib-ul-arz* or *patta* was not proof against anything which the Ruler chose specially to do. There are many people who complain about the intricacies of the law in the districts, of the machinations of lawyers and pleaders, and contrast the conditions there with the happy position prevalent in places where there is comparatively little legal administration and simple *ma bap* rule prevails such as in the Santhal Parganas or Kondhmahals. While certain laws in British India have certainly become rather complicated on account of experiments tried and mistakes made by early administrators, I fail entirely to see eye to eye with those who hold that legalisation has resulted in much evil and believe in *ma bap* rule. Such a view is held mostly by persons who hate the mental effort required under a legalised system and find it delightful to administer according to momentary needs and impressions without legal fetters. That such a system is bound to result in a mess in the long run it is hardly necessary to point out; it can be seen in many places. Different Rulers and officers have different ways of dealing with things as well as different outlook and background, and much of the difficulties felt in British India can, I think, be traced to *ma bap* rule in the past. In any case, whatever can be said in favour of such administration, it is entirely unsuited to the needs of the States. While officers without local interests who may be expected to administer an area with paternal benevolence may succeed in keeping the people in their charge happy and prosperous, such a thing cannot be expected in these States except under a very exceptional Ruler. As Mr. Bowstead himself says the quality of the administration must depend to a very great extent upon the personality of the individual Ruler; and I think it can safely be said that a Ruler who is a successful *ma bap* is indeed very exceptional. The "hash" which many Rulers, who have received a satisfactory education and training, have made of their affairs shows that the

circumstances and atmosphere surrounding them are such that it can only be a very exceptional person who can wield autocratic powers without abuse. Besides, in these States with far from princely revenues, efficiency of administration cannot well go hand in hand with a large privy purse, and generally the interests of the people become opposed to the interests of the Ruling Chiefs. As the Ruling Chiefs have the advantage of wielding powers over their subjects with comparatively little restriction, the result is that these powers are wherever possible likely to be made use of to extort the maximum revenue possible. If this clash of interests is borne in mind it will be seen at once that restrictions upon transfers of land, upon the cutting of trees, upon adoption, and numerous other items some of which may be considered desirable in the interests of the persons concerned by well meaning people, assume a sinister significance (See reports on Kanker and Nilgiri for *nazranas* even on improvements). The restrictions are usually inoperative even when they are salutary if there is sufficient lucre in the matter and, in other cases, are definitely made use of, and likely to be made use of, for the purpose of augmenting income. In this category also come the reservation by the Ruler of powers of appointment of village headmen or disposal of villages and lands, and the numerous *salamis* and *nazranas* and *begars* levied so commonly in the recent past and prevalent to an appreciable extent even now. As will be seen in the individual reports on the States, in several of the States these *salamis* and *nazranas* constitute the personal income of the Ruler, and either do not enter the treasury of the State at all, or do so only as a personal deposit. Not only the Rulers but zamindars, *thekedars*, *gaontias* and other also make use of such powers for similar purposes. In the past, it was common for a Ruler, a zamindar, or even a *thekedar*, to levy anything from the people at will for almost any purpose, so long as they were powerful enough to do so, and relics of these numerous imposts (*mangan*, *abwab*, *patta* etc.) are to be seen today. The principle of fixity of land revenue during the currency of a settlement is probably regarded as a nuisance and the States endeavour to carry on the old practices by giving them different names such as cesses. (The tendency to call something objectionable by a different name has often caused me amusement in the States). Thus, while nominally fixing the land revenue for a period, the States leave themselves free to impose cesses at any time in spite of the fact that the cess as well as the land revenue has to be paid from the same source of income. The Forest Adviser of the Agency wrote in respect of the forest management of one of the States that the administration was a mere matter of rupees, annas and pies, and this could be said with much greater aptness of the revenue administration of most of the States. If these features are appreciated it will be obvious how urgently necessary proper revenue laws are in order to protect the interests of the cultivators and give them adequate security. At present, orders, if committed to writing at all, are occasionally changed even before they become properly known and in many places the position is so uncertain and fears of punishment so great, that even if a restriction has been removed, the people often hesitate to avail themselves of a concession for fear of making a mistake. One of the prominent complaints in Dhenkanal and Nilgiri, is the frequent change of orders. In Bonai, the ban on bullock carts using the road which was lifted seemed to have been reimposed orally later as the people told me that the previous '*hukum*' was cancelled and they, were told later by the police not to use the roads (the new Dewan was with me at the time). If it is desired to make the ground infertile for agitation it is essential to see that the numerous irksome restrictions and levies which bring in little revenue and cause a great deal of irritation are removed.

Another important feature of the administration of the States to be borne in mind is that a law or rule can remain in existence only on paper. In fact in some of the States, many rules and regulations which exist are often not strictly followed. The individual reports will show instances where one thing is written and a quite different thing done in practice. The rules are not regarded as having the inviolability of laws and any deviation can be permitted by the Ruler, and is permitted without hesitation often, in circumstances the impropriety of which can scarcely be questioned.

Finally, in all these States the Rulers themselves administer the various laws and rules, the administration of which, apart from the strong desirability of an agency not so directly interested in the issues as the Ruler, requires special training and experience. A great deal of improvement has been effected in the last three or four years and the very institution of this enquiry has had a salutary effect in many ways, but I fear that it will be only a passing phase (the Ruler of Dhenkanal told me that all this interference in their affairs caused by Congress agitation would last but a few years), unless steps are taken to provide a regular law and machinery for its proper and efficient administration. These to my mind are the considerations to be borne in mind in tackling the problem of these States.

CHAPTER II.—THE REVENUE SYSTEM OF THE STATES.

5. *The Territorial and Historical Position.*—The thirtynine Orissa and Chhattisgarh States included in the Eastern States Agency, which form the area covered by this investigation are usually considered as falling into three broad territorial divisions according as they may be regarded as a part of the Chhattisgarh plain, or the present Orissa province or areas contiguous to, or forming part of, Bihar (Chota-Nagpur). The Agency itself is divided into two parts, under two Political Agents, and one of them is regarded as the Chhattisgarh area, and the other, as the Orissa States. In the Chhattisgarh area, the States north of Raigarh, viz., Udaipur, Jashpur, Surguja, Korea and Changbhakar, may either be regarded territorially as a portion of Chota-Nagpur, or, particularly Changbhakar and Korea, as a portion of Central India and the Central Indian States. Among the States included in the Orissa Political Agent's charge, Gangpur, Kharsawan and Seraikela really adjoin the Chota-Nagpur plateau and the latter two States, in fact, form a part of that tract. Roughly speaking, the Orissa States are contained in the hilly area between the great Chhattisgarh plain and the delta of the Mahanadi. This area consists of a mass of hill and jungle and may be regarded as the backwaters of colonisation by the Hindu settlers and, probably, was among the latest areas in India to be colonised by advanced Hindu settlers. Into the seclusion of the mazes of hill and jungle comprising the area of the States retreated the primitive tribes consisting of Kondhs, Kawars, Sawras, Bhuyans and others, before the advancing waves of Hindu colonisation. The fertile Chhattisgarh plain and the Mahanadi delta were naturally occupied first by these settlers, and the primitive tribes, which were not absorbed into the Hindu-fold, retreated and settled down in areas least disturbed and least attractive to these early settlers. This is true of the Chhattisgarh States as well and practically all of these States consist of hilly and inaccessible areas. Apparently, however, the tribes did not remain undisturbed for long. As the population increased, and probably as the result of changes taking place in Upper India on account of Moham-medan incursions and changes in kingdoms brought about thereby, a number of soldiers of fortune and princes without thrones who happened to visit Puri on pilgrimage found that these areas were easy to acquire and to hold. The aboriginal Kondhs, Sawars and others who inhabited and ruled over these areas, were either driven off or subjugated by these founders of new kingdoms. The early history of many of the Orissa States indicates that this is how they came into being.

Though the States are regarded as territorially forming part of the Chhattisgarh plain of the Central Provinces, or the Chota-Nagpur plateau, or of Orissa proper, other considerations do not reveal unmistakable affinities with these units in all cases. It is true that an appreciable number of Mundas and Oraons are to be found in the States adjoining the Chota Nagpur plateau or included in it; it is equally true that there are movements of population to some extent between these areas and political movements in the Ranchi district have found a reaction in the neighbouring States. But the population of Gangpur and Bonai speaks Oriya predominantly either as mother-tongue or as a subsidiary language, in Seraikela and Kharsawan also a large proportion of the non-aboriginal population is Oriya-speaking and the official language is Oriya. The Patna and Kala-handi States, which have long been under the Central Provinces Government, are still included in the Chhattisgarh agency though predominantly