

need for a policy of loans at low rates of interest to agriculturists to save them from usurious money-lenders. Quite a number of Rulers recognise the advantages of money-lending also and lend grain, and occasionally cash, to agriculturists, the rate of interest being usually 25 per cent. as against the 6½ per cent. for loans under the Agriculturists Loans Act. In granting these loans, there are various levies such as measurement fees, receipt fees, giving the debtor unwinnowed grain while the grain returned is carefully winnowed, and so on, which make the rate of interest much higher. It is perhaps not merely the Rulers who do grain-lending but other members of the family as well, and loans are often granted by the *debottar* department (quite improperly in my opinion) from *debottar* funds. I doubt if it is of any use to advise the Rulers to give up personal lending; the advice can easily be evaded if the loans purport to come from, say, the Rani. The only way of mitigating this seems to be to make sure that the State grants adequate sums as loans every year. They may be advised to adopt the Agriculturists' and Land Improvement Loans Acts of the provinces with suitable formal alterations but not the rate of interest or other clauses.

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

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

CHAPTER XIV.—The Administrative Machinery.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

R. K. RAMADHYANI,
Officer on Special Duty.