

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

Oriya-speaking and having racial affinities with Orissa. Politically, all the States of Orissa (except Seraikela and Kharsawan) as well as States like Jashpur, Surguja, Changbhakar and Korea which may be regarded as part of Chota Nagpur, were under the Marathas before they came under British control in 1815 and 1818, and have therefore been under Nagpur influence. Under British suzerainty, the Sambalpur Garjhat States of Bamra, Sonapur, Patna, Rairakhol and Kalahandi were for a long time attached to the Central Provinces, while Surguja, Jashpur, Udaipur, Korea and Changbhakar were for a time regarded as Chota-Nagpur States and attached to Bihar and Orissa along with Gangpur, Bonai, Seraikela and Kharsawan. The whole province of Bihar and Orissa was formerly a part of Bengal and the Bengal Tenancy Act has exerted considerable influence on tenancy legislation in Bihar and Orissa. The Chota-Nagpur Tenancy Act of 1907 is a Bengal Act, and the Orissa Tenancy Act of 1913 is similar to this Act in many ways. While in the absence of their own laws, officers in the States and Superintendents of States under administration have sought guidance in these Acts and the Central Provinces Land Revenue Act and Tenancy Act in the western States of the Agency, it will be seen later that these laws have not been followed sufficiently closely to mould the revenue system accordingly, and the present position in the States is radically different.

6. *The Origin of Land Revenue.*—To return to the early history of the States, the petty rulers who hewed out kingdoms for themselves, though they imported a higher civilisation into these backward areas, do not at first seem to have taken any steps to introduce any organised system of management, and it is very likely that the old tribal system of villages, managed almost entirely by village headmen, survived undisturbed for a considerable period. All that the early rulers were interested in primarily was to obtain sufficient revenue for themselves and for the purpose of setting up defences against neighbouring monarchs whose ambition could at any time result in an attempt at enlargement of their territories at the expense of neighbouring princes. Under the old Hindu system as devised and expounded by Manu, proprietary right in land of the persons who settled on that land and made it fit for cultivation was recognised by the kings who claimed only a portion of the revenue, but it is doubtful if this principle was ever recognised in the Orissa States though most of the Rulers claim Rajput origin. The question cannot in any case have been a troublesome one in those days when the sword was the final arbiter in most matters, and almost certainly, the revenue system was simply that of making certain demands upon the village headmen who were left to distribute the burden of the demand upon the cultivators in their village in any manner they considered suitable, this being more or less on a par with the *takoli* or quit-rent payable, by zamindars or the tribute paid by the Chiefs to the paramount power, in which a detailed consideration of how the amount was raised does not find place. Thus there was no system of assessment of revenue by the State. Each village was probably called upon to pay as much as it would bear and agreed to pay, without, of course, any understanding that there would be no additional demands for special occasions or special reasons; but probably the villagers agreeing to original demands must have anticipated that this was not the only burden. In those early days (even now in many of the States), there was more land for cultivation than cultivators available, and the possibility of cultivators pressed by too heavy a demand throwing up their cultivation and settling in other areas must have acted as a salutary check upon the capacity of the early rulers; also, the village headmen frequently wielded considerable power and could easily create trouble, so much so, that even the Maratha Rulers often took their advice. As regards the distribution of the burden of a village among the cultivators, though a village might have consisted of cultivators as well as agriculturists and other artisans, the burden would naturally be borne by the agriculturists proper only. In those days there can have been extremely few agricultural labourers, and the artisans who formed a part of the village organisation were almost entirely maintained for their purposes by the cultivators of the village, and consequently it was only the cultivator who could bear the burden of taxation. This, incidentally, seems to be the origin of the rent-free holdings

enjoyed by such people as blacksmiths, graziers, carpenters and others, and even today, in a number of States, such village servants are appointed and removed by the villagers. The demand on a village must therefore have been distributed entirely or almost entirely among the cultivators only whether it was intended by the Ruler that the demand on the village should be an agricultural assessment or not. This, as far as it is possible to look back into the past, seems to have been the origin of land revenue assessment.

7. *Early assessments.*—Regarding the distribution of the assessment among the individual agriculturists, it is somewhat doubtful if any systematic distribution was made among aboriginal cultivators practising shifting cultivation. Even to this day in the areas in the States where shifting cultivation is practised such as in the *juangpir* of Keonjhar State the distribution of the village assessment among the individual cultivators is made by the village headman who makes use of his local knowledge of the ability of each cultivator to pay and, probably, the area of land, allotted to him for cultivation every year. In other areas where cultivation was more or less settled, the seed capacity of a field was the unit according to which assessment was made. Reckoning by seed capacity is, as I have found, extremely widespread and stretches right from the Nagpur-Maratha plain to Orissa and the sea. Even to this day cultivators in most parts of the Chhattisgarh plain, including the States adjoining Bihar, express the size of their fields in '*khandis*' seed capacity. The origin of this system of reckoning seems to be the idea that only a certain limited quantity of seed can be shown on any given area if it is to produce a maximum return for the quantity sown, depending upon the quality of the land. The fertility of different soils was well known and fields were known by different local names. The advantage or disadvantage of position was also appreciated but, in the backward areas, combinations of both factors seldom seem to have been made use of to determine the paying capacity of the land. The estimate of area by seed capacity (paddy) seems to be fairly uniform everywhere and, roughly, a '*khandi*' is equal to about two-thirds of an acre. Another system of estimation of the magnitude of holdings was the plough capacity, that is, an area which could conveniently be ploughed with one Plough and a pair of bullocks (? in a day? cf. a "hide") was taken as a unit for comparative purposes. This method of reckoning is neither as common nor as widespread as the seed capacity method and is also definitely less reliable as the area which can be ploughed with one plough and pair depends on the nature of the soil and the surface and larger areas of light soils on flat fields can be ploughed than heavy soils or hilly surfaces. Thus the plough area varies in different parts and may range from 7 to 15 acres. Moreover, this method does not seem to be an indigenous one, and was probably introduced largely by settlement officers used to that system from settled districts elsewhere, after the commencement of British rule. In Berar, reckoning by *tiffan* which is a kind of plough or horrow is common and seems to be an old practice. The only other area which I am personally acquainted with where plough capacity is used are the Chhattisgarh districts of the Central Provinces where the practice seems to be of recent origin as *khandi* estimation is also used by villagers. In Bastar, the Gazetteer account of early settlements shows that the settlement officer first of all ascertained the seed capacity of fields and converted this system into a system of measurement by plough capacity. Other Chhattisgarh States settled by people with experience of the Central Provinces show similar procedure. In the unsurveyed areas of some of the States, enquiry elicits that the services of a *panchayat* of villagers and headmen were made use of in settling individual assessments though it could not be ascertained if the system is of great antiquity. A sort of *panchayat* system was definitely made use of in the Central Provinces during Maratha rule as the report of Sri Richard Jenkins (Report on the Territories of the Raja of Nagpur) shows.

8. *Moghul and Maratha influence.*—Whatever the system of distribution of assessment among the individual holdings was in the very early days, no attempt seems to have been made as far as our information goes, to evolve any regular system of assessment which was approved by the State. As comparison of areas obtained by survey with the old estimated areas shows, the old estimates were often grossly inaccurate and the

assessment was also haphazard, so that many a cultivator paid whatever was not too burdensome without any real relation to the area or quality of land by him. In the areas conquered by the Marathas and administered by them, detailed assessment and measurement of fields as in the Moghul system of Raja Todarmal was not made. Distribution of assessment of a village was left to the village headmen who may have proceeded either on the basis of rough measurements with a pole, or, probably by combining their experience as cultivators with an eye estimation of the area and agreement with the ryot. The system of distribution, in areas regularly administered by the Marathas, was to allot to each field and holding a certain factor, which depended upon the fertility of the field, its position and area. When the assessment of a village became known the revenue payable by each field in the village was ascertained by making use of this factor. Under the Maratha system the assessment of a village was not known before the harvest, and it was finally announced only after the nature of the season and the quality of the harvest became known. Consequently, a cultivator did not know the exact amount he would have to pay but only the proportionate part of the whole burden he would have to bear. Thus, if the factor allotted to a certain field was one anna, its actual assessment would be twice as much as a field with a factor of half-anna. The cultivators expected of course that the burden would be more or less the same as in previous years, subject to small fluctuations on account of either an exceptionally good crop, or a poor crop, or some special need of the administration. Here again, on account of the paucity of cultivators, the fear of cultivators abandoning the fields and settling in other places must have acted as a deterrent against oppressive assessment. The Marathas are reputed to have recovered enormous amounts from cultivators and this seems to have been possible only on account of their varying the assessments in accordance with the season, *i.e.*, if the season was good the assessment was high, and if the season was poor, the assessment was correspondingly light. In the Maratha system, the procedure was from aggregate to detail, that is, the total sum required and expected by the administration was ascertained first, and this was then divided among the numerous fiscal divisions called *parganas*, in the first instance. The *pargana* official divided the amount assessed on the *pargana* among the villages in consultation with the village headmen who, in their turn, announced the assessment of individual fields. This system of assessment does not seem to have penetrated the States to any considerable extent though in a few States of the Chhattisgarh Agency, or adjoining Sambalpur, there is evidence of its adoption. Even the system of measurement of Raja Todarmal was confined mostly to the developed areas of Orissa, and the hilly areas were left almost entirely untouched, except for a small portion of Keonjhar State. The inaccessible nature of the country comprising the States is of course responsible for this, and it is also suggested that the Marathas were simply interested in recovering as much revenue as possible from Orissa and troubled themselves very little with the administration. It may be assumed however, that in common with the fertile tracts of Orissa, detailed assessment of lands was made by the headman or *pargana* officials with the aid of a *panchayat*, probably on the seed capacity of the land and its quality as locally known. According to Maddox's settlement report of Orissa dated 1900, the earliest record of the system of land revenue collection prevalent in Orissa was given in a note recorded by Mr. Wickets in 1831. This note describes the zamindar in person,—where there was no intermediate tenant or gumastha patwari—in mukadami villages the mukadam, and in sarbarakari villages, the sarbarakar—as taking with him the papers of the previous years and summoning the ryots; each was questioned as to the quantity of land he cultivated in the past season, if the answer was that he tilled the same as in former years, and there was no reason for supposing that he tilled more, that quantity was entered. In case of doubt or dispute the other ryots and headmen were appealed to, and the area as finally settled was entered in the records. Thus, the system was more or less that of entering what the ryot had paid in previous years or agreed to pay.

9. *Settlements during early British Period.*—After the reestablishment of British rule, as already stated, development in the States followed to

some extent the development of the province to which they were attached for administrative purposes. This happened to a marked extent in connection with settlement of land revenue. Before the establishment of British rule, it does not appear that any attempts at regular settlements were made in the States though in Orissa the Moghul system of settlement prevailed and, in the Central Provinces, the Maratha system was prevalent. It is practically certain, as already indicated, that the Rulers were content merely with assessing entire villages to revenue and leaving it to lessees and headmen to make the detailed distribution. So far as records go, attempts at systematic settlement appear to have been made for the first time in the course of the 19th century. In some States, these attempts were made early in the century, and in others, much later. A few had settlements and survey only in the beginning of the present century or quite recently as in Changbhakar. In Korea, to this day, there has been no survey and settlement (a commencement has been made but the work has been interrupted) and in Surguja, for the first time, a systematic survey and settlement is going on. In Bastar, only a portion has been surveyed properly and, as in Udaipur, in the unsurveyed areas the settlement has been made on the rough *masahat* system. The early settlements were based either upon eye estimation or upon rough measurements by means of a standard pole. In neither case, of course, was any accurate result achieved. At the present day, most of the Orissa States have had detailed traverse and cadastral survey however unsatisfactory, but in a number of States like Keonjhar, Bonai, Ranpur and Kalahandi there are large areas inhabited by aboriginal tribes practising shifting cultivation which has not been subjected even to a traverse survey. Wherever surveys and settlements have been conducted they have mostly been done according to the province from which the officer came. In Patna, the current settlement has been made partly according to the Orissa system, in Gangpur, a Sambalpur officer applied the Central Provinces system, in Rairakhol, the current settlement is according to Orissa methods while the previous one was on the Central Provinces lines, in Jashpur a combination of both systems has been employed, and the settlement at Surguja is being done in general accordance with Orissa practice.

10. *The Village Headmen.*—The existence of headmen in each village has been referred to. This system, which has been extremely common throughout the Central Provinces and the States, must, to some extent, have arisen out of the very process of clearing the forest for cultivation. It was probably one settler, or a few settlers, who went and cleared the jungle and created a village by attracting other cultivators or by natural increase of their own numbers. The pioneer among such clearers or the oldest of them must have been looked up to by the other cultivators as a headman whose instructions they followed. Among the tribes, particularly, the system of a recognised headman is to this day extremely strong, and many tribes are entirely dominated by their own village headmen. There is evidence to indicate that where the headmen go the rest of the village has a tendency to follow, and comparatively recent instances have occurred in the Chhattisgarh districts of the Central Provinces where the deposition of village headmen has generally been the signal for the rest of his tribesmen to quit and settle down in other areas. It is these headmen whom the Rulers found could be conveniently held responsible for the revenue of the village and for controlling the other villagers. When the headmen were recognised by a superior authority such as the Ruler, they practically became officials of the Ruler. The village headmen were generally the descendants of the original headmen but, where tribal tradition is not strong and the original founder of the village has been lost sight of, there is reason to believe that the post was often held by a person chosen by the villagers; such a custom was noticed by me in Surguja which is being surveyed for the first time. (In this State it is recorded in the Gazetteer of 1910 that the village headmen were practically servants of the State; the system of leasing out villages had, however, already commenced and *thekedars* are mentioned in addition to *gaontias*). The practice of allotting large areas of waste land to one individual for the purpose of settling a new village and recognising him as the headman, prevailing at present in some of the States is one of the ways by which a village headmanship can arise.

So long as the Rulers did not become extremely rapacious or depose existing headmen in favour of favourites and others, the system worked extremely well. During Maratha rule, owing to the rapacity of some of the last Maratha Rajas of Nagpur, a system of auctioning villages or giving them out to favourites after deposition of long established headmen became rather widespread. It may be said that it was during these latter years of Maratha rule that the village headman as a hereditary incumbent began, to an appreciable extent, to be displaced by the lessee or *thekedar* of a village. It is difficult to say to what extent deposition of old headmen occurred as headmen were often influential persons and the rule of heredity was strong enough for its violation to cause serious resentment. As far as Orissa is concerned, it is recorded that the villages used to be auctioned in Nagpur and sometimes purchased by more than one lessee, and each of these came and attempted to collect what he could from the village. At the present day it is this system of hereditary village headmen or managers or lessees (*thekedars*) which exists throughout the States of the Agency with more or less modification. In Nilgiri, the system of village headmen was abolished in 1940 and in Atbgarh in 1937; in the Anandapur Sub division of Keonjhar, the padhans seem to have been eliminated at the 1915 settlement. Practically everywhere the *padhan*, *sarbarkar*, *thekedar*, *gaontia* or *ganjhu* as the headman is variously called, (the former names are common in Orissa) has the responsibility for payment of the entire village revenue to the State. The cultivators were of course expected to pay the land revenue to him but, from the point of view of the State, it mattered little whether, at the time the revenue fell due, all of them had paid the headman or not. This responsibility for the revenue, incidentally, seems to be a vestige of old times when the Ruler did not trouble how the amount assessed on a village was raised so long as it was paid, and supports that view. In view of this responsibility there are many villages in the States without headmen, as the circumstances of the villages are not such as to render feasible the acceptance of the responsibility. Such villages, in the past at least, seem to have started with headmen who were later removed on account of inability to fulfil their pledges in respect of the revenue, or surrendered the village for the same reason, or were removed for other reasons, and a new candidate did not appear on account of the unattractiveness of the village. I must mention here that the common practice in the States has been not to recognise the hereditary right to succession but to make the lease or *patta* of a village terminable after a certain number of years, or at the next settlement. During the currency of a lease the right of the son to succeed is commonly recognised, but after the expiration of the lease the Ruler or zamindar is at liberty to give it to some one else. In some States the headmen of certain villages have been granted protected status (following policy in the Central Provinces), though in practice the status is sometimes nominal (see report on Sakti), and this means that the headmen have the right to the renewal of the *theka* or lease on its expiry. The existence of the unprotected village headmen does not mean that their leases are invariably terminated and given to new persons. As already pointed out, such an occurrence, where the hereditary system has been strong in the past, would have caused serious resentment and trouble. (Recent instances of *gaontias* being ejected by the Ruler in an arbitrary manner and the resentment caused are known). Many villages have thus been held for generations by the same family. Where a village headship falls vacant through failure of heirs, removal of the headman for a breach of contract, or surrender of the village by him, or other reason, there only is a new comer ordinarily appointed, though instances of arbitrary removal and resettlement of villages with favourites or persons who offered financial inducement have not been uncommon. The system prevalent in the Korea State of offering a village to the person who offers the highest bid for the revenue; other things being equal, for a short term, is at present an exception though such a method seems to have been tried in Khairagarh. Where a village falls vacant the general practice has been to auction the headmanship for the highest *nazrana*, if there is competition for it, or for a fixed sum as *nazrana* or *salami*. Lucrative villages have occasionally been kept by the Rulers for their personal benefit occasionally or have sometimes been given to relatives (in Rairakhol at present there are two villages which

the Ruler wishes to retain against the advice of the Political Agent). There may be villages with headmen also held by the Ruler or relatives or grantees, and where this is on a large scale, and the grantee has the right to appoint the village headmen, we get the zamindari or analogous tenure. The fact that in many cases the *patta* was renewed in favour of the same headman does not mean that it was done free. Almost invariably a *salami* used to be levied, and even now this is done in some States, though in others it has been disguised under the name of mutation fees. *Nazrana* and *sulamis* sometimes at the present day become the personal income of the Ruler—of course of the zamindar—(Sonepur, Seraikela, Patna, Rairakhol, Hindol and Kharsawan) without entering the State accounts, and in other cases are credited as revenue. The levy of *nazrana* or *salami* or mutation fees where is not taken as personal income, does not mean that there is no private *salami* levied by the Ruler as well, in cash or kind. There is good reason to believe that this is a fairly common occurrence, and the recent instance of a village being auctioned in the Raigarh State (see Raigarh report) by the Ruler with a private *salami* of Rs 10,000 which was not shown on the record, is a good example. In connection with the Gangpur record of rights the Political Agent wrote: "In Rairakhol indeed, I believe though I cannot prove it, that already there is a double *salami*, one to the State to satisfy the enquiries of the Political Agent and the other to the Ruler privately" (See report on Rairakhol about this). It is for this reason that the Rulers always reserve cases of appointment of headmen for themselves and do not leave them to the Dewan. In the past, when village headmen had many more powers than they have at present (the appointment implied full right to settle ryots on land on their own terms, take possession of and dispose of surrendered and abandoned holdings, and even powers of ejectment and distraint), the *nazrana* which they paid must have been largely recovered from the ryots but I have not come across any such instances now though other illegal recoveries have been brought to notice. At the present day, village headmen in some States (Khairagarh, Nandgaon, Raigarh, Udaipur, Bastar — thekedars only, Gangpur, Palahara Korea, Sakti, Sarangarh, Kalabandi) still possess the right to allot wasteland for cultivation, in a number of States, to accept surrenders of land and reallocate such land or dispose of abandoned holdings. (In practically all States now the allotment of land with forest growth on it requires the sanction of the State and in Gangpur and Sarangarh the *thekedar* is expected to obtain previous approval). They have also the right to allot house-sites in the States mentioned. Their powers have been reduced considerably on the whole and in nearly all of the Orissa States they have hardly any powers apart from the collection of revenue. In Baudh indeed, the headmen are not given even the duty of collecting revenue at present, and their duties are confined to those commonly discharged by all headmen of reporting crime, looking after the interests of the State and so on. Wherever they still have powers they of course make use of them to their own advantage and harassment of ryots is the result. In the Central Provinces, the village headmen were given proprietary rights in their villages but fortunately nowhere in the States have they been given this status though in the Chhattisgarh States they are agitating for it. Only in Kanker is the practice of permitting *thekedars* to sublease a village current (the new *wajib-ul-arz* of Surguja contemplates sub-leases and, in Gangpur, *Ganjhus* can create *shikmi gaontias* with the permission of the State) and in Raigarh and Sarangarh, the practice of the State auctioning a village at the instance of the *gaontia* and sharing the proceeds in the ratio of -/10/- to -/6/- (State's share -/6/-) in a rupee is known. (In Raigarh, this practice has been stopped by a recent order of the Political Agent but the same procedure has not been followed in Sarangarh presumably because the matter was not specifically brought up). The *pattas* issued to *gaontias* invariably contain a clause against alienation or partition.

11. *Remuneration of village headmen.*—The common mode of remuneration of headmen is by land incident to the post known as *bhogra*, *sir*, *manwar* or *man*; these lands were formerly held rent free and the headman received no other remuneration. Most headmen had powers to reclaim new land and the home-farm was added to by them until it was found

that some of them owned a very large proportion of the village area as home-farm. In order to restrict this tendency which, incidentally, resulted in most of the ryots in the village becoming temporary tenants of the *gaontias*, restrictions were imposed in some States on the area a headman might hold as his home-farm, the limit usually being one-fifth of the total cultivated area. In most States, however, a percentage of the total rental of the village was fixed as the *gaontia's* remuneration and he received it either in the shape of rent free home-farm or a 'drawback' upon the village rental if the rental of the home-farm was less than the fixed percentage. There is, however, a certain amount of variety, and some headmen get a higher percentage than others. It has also been found necessary to allow a higher percentage where the revenue of the village is small. In a few States the *bhogra* lands have been all resumed and resettled on ryoti terms, and the headman get only the percentage of the land revenue; this has happened in Changbhakar and Hindol, and recently, in Nayagarh, where some dissatisfaction was caused by the proceeding; in Athmallik the *bhogra* lands are being resettled on payment of *salami*. In Pallahara, the *bhogra* lands are assessed to three-fourths of the ordinary rent. The *bhogra* (for the sake of brevity all these home-farm lands will be referred to as *bhogra*) lands pass from one headman to another and no proprietary rights accrue. Usually there are co-sharers not recognised for the purposes of the post) and these are also liable to be evicted if the headman is removed. In a few States (Gangpur, Keonjhar, Talcher, Daspalla and Patna) there is a sort of chief headman over a group of villages. These have been described in the individual reports. The position and status of the village headmen will be discussed further in dealing with the collection of land revenue and village management.

12. *Headmen without Proprietary rights.*—While in some Chhattisgarh States, and in Gangpur State in the Orissa Agency, the *gaontias* have been attempting to arrogate to themselves the status of proprietors as in the adjoining areas of the Central Provinces, in no case has proprietary status been granted to the village headmen. It is categorically laid down in the *patta* or *theka* of every *gaontia* that he is not at liberty to alienate or partition his right in any way, and any violation of this rule results in forfeiture of the *theka*. The *gaontias* are agitating for the right of transfer which practically means proprietary status, and though a close approach to it has been made in the Sarangarh practice of the State auctioning the post at the instance of the *gaontia* and sharing the profits, the *gaontia* getting the larger share, (the similar practice in Raigarh has been abolished) transfer is not possible and, save in rare cases, has not been permitted. The *gaontia* or *thekedar* is liable to be ejected for misbehaviour, breach of the terms of the lease and other reasons unlike the proprietary *malguzar* of the Central Provinces who can only be sold up for the recovery of his liabilities. Another difference is that if a *gaontia* does not accept the assessment offered at settlement, he is liable to be removed but the *malguzar* can only be "excluded" for the term of the settlement or till he accepts the assessment; no sort of *patta* or *kabuliat* is issued to the *malguzar* at each settlement, and he has full rights over the entire village waste and forest; the civil court can sell a *malguzar's* interest and he has full powers of transfer or partition. The *gaontias* in the States have not even the powers of the *gaontias* of Sambalpur who have proprietary rights with full liberty to transfer, in the *bhogra* land, and are entitled to hold the post of the *gaontia* permanently, the interest of management of the village following the ownership of the *bhogra*. In the Orissa States, even in Gangpur, generally speaking the village headman is a weaker person than the *gaontias* of Sarangarh, Raigarh, Sakti, Udiapur, Nandgaon, Chhuikhadan, Khairagarh and Kawardha. The village headman, then, throughout the area covered by this investigation is not in any sense a tenureholder or proprietor though he has in many cases paid a heavy *nizrana* or premium for the right to be the *gaontia* or *sarbarakar*. The implications of this payment and the rights of the *gaontia* will be discussed more fully later.

13. *Land Tenures* —The system of land tenures prevailing in the Orissa States and the Chhattisgarh States is essentially the same in spite

of superficial differences. Subject to the rights of zamindars and similar tenureholders, the entire area of the State is regarded as belonging to the State or Ruler (the distinction between the two is practically non-existent).

The various interests in land, apart from the Ruler, in the Chhattisgarh as well as the Orissa States, may be enumerated as follows :

1. Zamindars including *ilagadars* or *pirpattidars* (where they exist);
2. holders of grants of whole villages or assignees of revenues of entire villages such as *khorphoshdars* (maintenance grantees), *debottars* (temple grants) and numerous others like grants for service rendered or for rendering services, grants to Brahmins and *maths*, 'favour' grants etc ;
- 3 grantees of land for the same purposes and reasons as in 2, holding free of rent or on a quit-rent ;
4. the actual cultivating classes.

14. *Zamindaris*.—There are zamindars or *ilagadars* in the following States, that is, Gangpur, Seraikela, Keonjhar, Bonai, Bamra, Sonapur, Patna, Kalahandi, Bastar, Sarangarh, Raigarh, Udaipur, Kawardha, Surguja, Korea and Jashpur. The incidents of the zamindari tenure vary considerably from State to State, though there is a broad measure of uniformity throughout the Agency. Usually the zamindaris were created for military purposes, occasionally a relative of the Ruler has obtained this position, and, in most cases, they seem to be of considerable antiquity. At one time the zamindars, or practically all of them, were for most purposes independent and had their own criminal and civil administration in addition to revenue and forest administration, and used to enjoy powers of levying octroi, ferry dues, cattle pound dues etc. and maintained their own police as well as warlike levies. At the present day, no zamindar in Bastar the sanad issued to zamindars permitted them to exercise criminal powers if conferred but in practice these powers as well as management of the police conceded by the sanad have not been permitted) retains the powers of criminal and civil administration but their powers in other respects vary and are to a large extent undefined or only vaguely defined. Sanads, where they exist, are extremely vaguely worded where they do place any limitations on the zamindars powers, and in other cases the zamindars have no sanads and actually take up the attitude that the Rulers are not entitled to issue sanads to them, and refuse to accept sanads. The chief bone of contention between the zamindars and Rulers has been forest rights and rights to minerals. At the present day only in Gangpur and Surguja are any rights recognised in minerals by the State (in Seraikela also rights to minerals are recognised); in Gangpur a portion (6/16) of the income is given to the zamindars but the right of granting mining leases and licences is reserved by the State. In all other States, it has been finally decided that zamindars have no rights to minerals. In respect of forests, zamindars in Gangpur, Bonai, Kalahandi, Bastar, Surguja, Korea, Raigarh and Seraikela have recognised rights, the rights in Kalahandi, Surguja and Korea being wider than in the others. In these States, and in Gangpur as well, the zamindars have their own forest staff—though to some extent control has been exercised by the State, particularly in recent years. Generally speaking, it is the zamindars of the States where considerable forest rights exist who have enormous powers in revenue matters, practically equal to those of the Ruler, though the common factor to all zamindaris is the power to appoint and remove *gaontias* and *thekedars* but here again there is some variety. The Bastar sanads (and in Kalahandi as well), even where issued recently, contain practically no stipulations in revenue matters and the zamindars have powers of making settlements, maintaining their own land records, settlement and other staff. In Kawardha, (and in other places like Surguja, Korea and Bastar), the *wajib ul-arz* of the State does not in practice extend to the zamindaris and the zamindar issue their own *pattas* to the *gaontias*, and these often differ considerably from the *pattas* of the State. An order issued by the Ruler does not in many cases apply to areas other than the '*khalsa*' portion of the State and special requests have to be made to zamindars (Surguja, for instance) or they may be totally ignored (thus remissions in Korea by the State on account of bad crops do not seem to

have found a response in the zamindaris). In Surguja, though a settlement was made and new rents announced in many villages, the *ilaqadar* of Lakhanpur had not given effect to the new rents which happen to be lower than the old rents) yet. Many zamindars can create rent-free grants of their own with the sanction of the state like Bamra, or independently, like Korea. In Korea, Bastar and Kalahandi States, some zamindars have actually got sub-zamindars of their own and these have now been recognised as sub-zamindars. Zamindars in Surguja have the rights to levy export duties, create their own monopolies of lac, hides, and forest produce and, till recently, they seem to have exercised independent powers in respect of finding tenants or coercing them; the zamindars of Korea have similar rights. The right to exercise and other revenues like cattle pounds and ferries are also exercised in some cases.

There are instances of zamindaris being taken under management by the State for gross mismanagement or incapacity, as in Bastar or Kalahandi, or on account of minority. The zamindaris being mostly very distant and inaccessible I could not visit them except Lanjigarh in Kalahandi, Patna in Korea, Lakhanpur in Surguja, Tispalli in Raigarh and some in Gangpur and Jashpur, and could not form adequate impressions of the state of affairs. Control in these distant areas must necessarily be slack and where the zamindars consider themselves more or less independent, it may be expected that highly undesirable conditions either exist or can easily develop. Where the Rulers themselves can often be accused of maladministration, it is needless to suggest that much worse conditions can easily prevail in the zamindaris and the individual reports show instances of such where observed; the conditions under which zamindaris have been taken under management or resumed have been described in the report on Bastar. The control over private officials is likely to be very lax, and in Lakhanpur, (Surguja) I found that the *ilaqadar's* tahsildar takes a *salami* from the *thekedars* when they pay their revenue. It is clearly most undesirable to let zamindars enjoy powers in such vitally important matters as making settlements, maintaining revenue and land records staff of their own or exercising powers of coercion or restraint. In forest matters it has been found necessary for the Political Department to pass orders divesting the zamindars of powers of direct control over forests. In a far greater measure must it be necessary to divest them of revenue powers which affect more people than forest administration can. In respect of land revenue and cesses, in all the zamindaris where the State exercises adequate control, and settlements have been made by the States, land revenue and cesses have been imposed on the same principles as in the rest of the State and only in a few zamindars as in the zamindaris of Korea State can there be any essential difference. Where no proper settlement has been made, rents may be assumed to be in accordance with the earlier systems of fixation, that is, by the *thekedars* or *gaontias* by themselves or with the aid of *panchayats*.

I did not find any zamindars with cesses of their own (in the past there were no regularly levied cesses and such imposts as *abwabs*, *mangans* etc. were irregular and occasional). The difference between taxes levied in the State on such matters as propagation of lac or tussore and in the villages of tenureholders may be seen in the State of Kharsawan where information was specially obtained. Differences in such matters as *bethi* and *begar* found within my limited observations between what obtains in the State and the tenure-holders areas are mentioned in the individual reports. Differences may be expected to be considerable only in such States as Korea where the zamindars have wide powers. Generally speaking, during the last three or four years, the States have made strong efforts to persuade the zamindars to introduce such measures of reform as have been introduced in the States.

The powers of certain zamindars to make rent-free grants of their own have been referred to. Such grants are not allowed to interfere with *takeli*. While most zamindars have villages with *gaontias* or *thekedars* there are often villages, as in the *Khalsa* portion of the State which are either held directly by the zamindar as *kham* or *khas* villages, or may be temporarily 'vacant', and under direct management. Zamindars usually

* But the reasons for removing control over forests are NOT the same,

dispose of their villages in the same manner as the Rulers and realise *nazranas* or *salamis*. In a number of States like Patna, Raigarh or Udaipur the State makes the appointment, but the zamindar has the right to make a nomination but this does not radically alter the position. (In Seraikela the tenure-holders were asserting their rights to disposal of villages without reference to the State). In States like Bamra the zamindars are not supposed to evict *gaontias* without due cause but in most States the position is obscure, and, though arbitrary eviction does not seem to be common, the zamindars may theoretically claim the right to remove their *thekadars* or *gaontias*.

In respect of the remuneration of *gaontias* generally the position is the same as that prevailing in the rest of the State though there are variations as, for example, in Seraikela. Appointment of village servants also presents general uniformity with the rest of the State. The chowkidar in the States is usually considered a police official and his appointment is made by the State. Bastar seems to be an exception; here the chowkidars are appointed by the zamindars. In respect of other village servants, these are usually appointed by the villagers themselves (where they are not appointed by the State, as in the case of the *baiga* in Surguja) and the zamindar seldom has a say in the matter.

In respect of actual cultivators, usually the same system, or lack of it, prevails as in the rest of the State, except where the State has a *wajib-ul-araz* and the zamindari has not, in which case the only security the cultivator has got is that he is the goose which lays the golden egg. (In practice it is somewhat more than this as resort to the State courts or complaint to the Political Agent is possible). As is common in this area the *thekedari* or *gaontiahi* or *sarborakari* system of village management prevails, and the position of the ryot is similar to that under this system elsewhere in the State and no new system of relationship has come to my notice.

14. (a) *Zamindari Takoli*.—The zamindars generally make a payment called '*takoli*' to the State and usually this is a nominal sum fixed at the time the grant was made and bears no relation to the income of the zamindari. In some cases where the zamindars have a right to revenue other than land revenue it is calculated as a proportion of the total income of the zamindari and in others it is a certain percentage of the total land revenue. In Surguja, the Government of India has held that the *takoli* is a fixed payment which cannot be enhanced and a '*takoli* cess' has been imposed for covering administrative expenditure; in Korea a similar method has been adopted and in other States the *takoli* has been enhanced from settlement to settlement. The *takolis* including the *takoli* cesses are still rather small portions of the total income of the zamindaris and in a few States, like Bonai or Gangpur, are practically nominal. In the Sukri Pachora (Surguja) *ilage* the amount of Rs. 1,400 was being paid by the *ilagadar*, the total rental demand being about Rs. 4,500, and the amount was reduced by the Maharaja of Surguja to Rs. 800 three years ago.

15. *Non-zamindari tenures*.—In respect of rent-free grants, the Orissa portion of the Agency distinguishes itself by its copiousness and variety. In the Chhattisgarh area, there are comparatively few grants. In some of the Orissa States like Kharsawan, a considerable portion (66 per cent. of the area shown as cultivable, and 40 per cent of the area of the State) has been gifted away in various ways. Types of grants common to all States of the Agency are maintenance grants given to relatives or favourites, grants made as charity, as rewards for good service or as remuneration for rendering services or to show favour, grants for the purposes of deities or religious institutions (known as *debottar* in Orissa). These grants may consist of entire villages, or a single village, or merely portions of lands. Some of the grants are considerable. In Bastar, the temple estates consist of 198 entire villages, and the management of the estates has the same extensive powers in revenue matters of maintaining a staff and issuing processes as the zamindaris. In Dhenkanal and Surguja the estates granted to members of the Ruler's families are practically zamindaris. They are usually held free of rent but some pay quit-rents as, for instance, in Khairagarh.

In some States like Bamra and Talcher, certain rules have existed for some time and in others like Nilgiri and Hindol rules have been framed recently. The object of the latter rules known as "Lakhraj Control Order" is to 'control' the holders of rent-free grants and in Nilgiri it is stated to be an 'indirect measure' for resumption of the grants. Mostly, the rules provide for resumption in certain circumstances such as disloyalty, misbehaviour, alienation and so on. The introduction of the rules does not make much difference in the position except that they sometimes define the position in respect of alienation and sometimes prescribe *salamis* when alienation is permitted; also resumption may be effected on various grounds. Some of the grants are of great antiquity while others have been made quite recently, that is, in 1941 or 1942; for examples, the individual reports may be referred to.

The general rule regarding maintenance, favour and good services grants is that they are unconditional, or with nominal conditions, such as loyalty, but in some of the more recent grants conditions such as their being for the life time of the holder only are imposed in the case of maintenance grants. Some *khorphosh* grants, as the maintenance grants are known, simply imply a right to the income as in the case of Talcher but others carry other rights as well which, as stated above, may practically extend to zamindari rights. The sanads available, of the older grants, show extremely vague and sweeping wording but, usually, few *khorphoshdars* (Surguja and Dhenkanal) have the rights to minerals or forests. Many of these grantees along with the *debottar* and other holders of whole villages enjoy the right of appointment of their own village headmen, with or without the approval of the State, and quite a number of course hold their villages direct, taking the position of a village headman who pays nothing to the State of the revenue he receives from the ryots (or a portion only where there is quit-rent).

16. *Debottar Grants*.—The grants to deities or temples, or *debottar* grants as they are called in Orissa, are also extremely extensive in that area. Comparatively few such grants are to be found in Chhattisgarh. The extensive Bastar grants have been mentioned. A number of large grants comprising whole villages or extensive lands have been made to deities outside the State like Jagannath at Puri or *maths* at Gaya. Many of the grants are for deities inside the State and with the exception of small grants of holdings made for the purposes of village deities and managed by persons known as *sewaits* or *marfatdars* of the deities or, in common, by the villagers, are usually managed by the Ruler himself or by a member of his family through what is known as the *debottar* department or Thakur Mahal. The accounts of this department except where the State is under management are usually a private affair and are not subject to audit or examination except in some of the States under administration. The Lakhraj Control Order in Nilgiri does not apply to *debottar* grants in the *Thakur Mahal*, and in Hindol, the committee constituted to report on the management of these grants was debarred from examining grants managed by the Ruler. The States showed great reluctance to give me information about the way the income is spent and I did not press this as it may be assumed that as the deity does not consume all the income, a portion of it at least is bound to be used by the persons in charge in all cases, and in some cases, doubtless, the bulk of it. (See report on Kanker where a grantee was said to spend Rs. 350 out of an income of Rs. 1,400). Offerings to the deity will of course go to the palace or *bhandar* as the case may be. There is in practice no agency to examine the management of these grants even where the institution or deity concerned is within the State, and needless to say, there is nothing in respect of those at Puri or Gaya. The report on Athgarh will show in what manner the funds have been used by the Ruler and other instances have also been mentioned in the individual reports. The funds of *debottar* estates are often lent out at a high rate of interest for various purposes, and this shows that all the funds are not applied, and are not even required, for the purpose for which they have been granted. In most cases it may be assumed that the *debottar* funds form an addition to the income of the Ruling family. Generally speaking, *debottar* grants do not connote anything more than the deity taking the place, through the agent

or marfatdar, of a zamindar or *khorphashdar* or the village headman. Sometimes full rights exist in the village waste (as in Dhenkanal or Narasingpur) in addition to the right of appointing the village headman. In some cases there is nothing more implied than that the revenues are appropriated on behalf of the deity ; this is the case where there is a headman appointed by the State. Not all *debottar* grants are held rent free and some pay quit-rents, particularly some of the holdings of land.

17. *Brahmottar Grants*.—In Orissa, there is a type of grant known as *brahmottar* grants made to Brahmins which is not to be found in the Chattisgarh States except Patna and Kalahandi. These grants are often grants of whole villages but are quite commonly only lands. The grants usually constitute a rent-free settlement for Brahmins whose immigration as religious preceptors and learned men the Rulers formerly encouraged. The grants usually consist of villages, probably new settlements, or, it may be, villages from which the original cultivators were ejected, given to a group of Brahmins for themselves and their progeny, and the villages have become now villages of exclusively Brahmin landlords (the Brahmins do not lay hand to the plough), or holders of land who cultivate through labourers or paid servants. The sanads of these grants alienate them in perpetuity 'till the sun and moon last' and, in some cases where the Brahmin was taking no chances, 'even beyond', and contain no reservation of any sort in respect of forest or minerals, and the Brahmins claim them as absolute property. Usually the entire village area, cultivated as well as uncultivated lands, have been divided up between the residents. Rights of alienation are recognised in most places where the alienee is a Brahmin but in some States like Bamra alienation is not permitted. In some places also the Brahmins do not now claim any rights to minerals and, in a number of States (Keonjhar, Nayagarh and others), occupancy rights have been given to sub-tenants. There is no *gaontia*, *sarbarakar* or *thekedar* in the usual sense of the word in these villages as ordinarily no revenue is paid but most of them have some sort of recognised headmen for the purpose of collecting cesses where these are imposed, and in some cases (Keonjhar, Athmallik etc.) the tenure is quit-rent paying. New cultivation, if any, in these villages and the management of waste lands is not the concern of the State except in Keonjhar where reclamation requires permission of the State and the land is assessed to quit rent. The chowkidar and other village servants are usually nominated by the Brahmins. Another characteristic of these villages is that the Brahmins are not liable to any *bethi* or *begar* or any other levy of the type to which other villagers are liable. The headman of a *brahmottar* village does not obtain any formal order of appointment. Nowadays, cesses levied in other villages like school cess are levied in *brahmottar* villages but cesses paid by the villagers in lieu of the *bethi* they were liable to render are not recovered in *brahmottar* villages except in Hindol. Generally speaking, *brahmottar* villages may be regarded as an agglomeration of individual grants, if a record could be made of the cultivation and waste held by each Brahmin, or they may be regarded as a grant made collectively to a number of persons. In nature the grants differ little from an ordinary maintenance grant without any conditions. The village may be described simply as a village where all the holdings are rent-free grants and rights in waste land are also alienated. In Sonapur State there are villages known as *birtti* villages which are held by Brahmins. In these villages the ryots are often tenants and the holders have a limited right of alienation (transfer to a person who would inherit is permitted with the sanction of the Ruler) and cosharers are recognised and can get their rights partitioned separately. Such *brahmottar* or *birtti* villages do not exist in the non-Oriya States.

18. *Ruler's personal lands*.—Before proceeding to describe rent-free grants made on condition of service being rendered, it is convenient to mention here certain other villages which may be regarded as rent-free grants. These are villages held by the Ruler or members of his family in a personal capacity. As far as the villages held by the members of the family, such as Ranis, are concerned they may be regarded as indistinguishable from rent-free grants, except that in a number of States they are held without a sanad, while in a few there are sanads or conditions.

contained in the order making the grant. Conditions usually concern the period for which the grant may be enjoyed. There are also certain villages which are not held as rent-free grants but are held in the capacity of a village headman ; there are, for example, villages in Pal-Lahara of which the Rani is the *sarbarakar* and similarly there are villages held by members of the family as *gaontias* in Khairagarh and other places. Villages held by the Ruler or relatives are generally similar and in Sarangarh, for example, the Ruler holds certain villages exactly as a headman does ; in Patna, villages are held in *gaontia* status by the Ruler but there are certain differences as, for instance, all the cesses are appropriated by the Ruler, or all the *bhogra* land is held rent-free even though it is in excess of the prescribed percentage. Villages held by the Ruler or members of his family are known variously as *sir*, *nijchas*, *kham*, *bhandar* or *khamar*. In Jashpur the term *bhandar* is used in respect of all villages which have no *gaontia* or *thekedar* even if the *gaontia* has recently been ejected. The term must have been applied originally to the villages personally held by the Ruler and the present use of it is undoubtedly loose ; *bhandar* villages become ordinary *thekedari* villages when a *gaontia* is found for them, and in fact many of the villages are called *bhandar* simply because a *gaontia* has not been forthcoming. The income from the *manwar* or home-farm lands of the *thekedar* goes to the '*bhandar*' or 'granary' of the Ruler. Only in Bamra do *khamar* villages show a distinctive peculiarity. In these villages there is cultivation carried on partly by the Ruler's servants and partly by tenants without any rights in the land. Five villages were recorded as *khamar* since 1937 in the names of the Ruler, the Rajmata and Rani. Examination of the history of the villages as supplied by the Ruler shows that in some at least there were ordinary ryots whose rights, since the conversion into *khamar*, were abolished. In one of the villages recently made *khamar* it is reported that there are ryots who have been given the option of settling elsewhere. In most of the villages there was no *gaontia* before conversion, or he was dismissed for some reason. Tenants of these villages, though having no rights in their holdings, pay only the rent fixed at settlement, an indication that probably they had ryoti status at one time. (In some other States also, like Keonjhar, ryoti rights have not been granted in the lands regarded as the Ruler's land though there was a case for it). There are other villages also in Bamra designated as *khamar* held by grantees where also there are many cultivators cultivating for generations without "occupancy" rights. For a full description of these *khamar* villages the Bamra report may be referred to. The only parallel to the *khamar* villages of Bamra seems to be an area recorded as a village in Baudh. It is a sort of garden estate of the Ruler and the inhabitants are all the Ruler's private servants. Conversion of ordinary villages into *khamar* has been mentioned above. This is not peculiar to Bamra and there has been similar conversion in a number of other States. The opposite process has also taken place, that is, villages recorded as *khamar* have been converted into ordinary villages. This may have taken place for various reasons. In Rairakhol, the Ruler converted one of the Rani's villages because she wanted another in its place (the Ruler however reserved rights in trees and minerals in the village), and in Gangpur, the villages were disposed of for the purpose of raising funds. (See also report on Rhainagarh). Generally speaking it may be said that conversion of *khamar* villages into ordinary villages is done on account of the *nazrana* available for the post of *gaontia*. Transfer of villages from one member of the family to another has also taken place as in Khairagarh ; in that State two villages of which the *gaontias* died were recorded as *khamar* for a while and then resettled with *gaontias* ; the effect of this, is probably that the *nazrana* becomes personal income. In the villages held as *muafis* there are sometimes *gaontias*.

Apart from whole villages there are of course lands held by the Ruler as in Surguja known as *zirat*, or members of the family. Where they are held by members of the family they may be looked at as maintenance grants. In Surguja, the Ruler told me that *zirat* lands are "demonstration farms" but this, I fear, is pure camouflage as the lands have been

recorded separately in the settlement records, are cultivated by '*bhandar*' servants and the income goes to the '*bhandar*' as personal income of the Maharaja; the position is admitted by the Settlement Officer. Additions or subtractions similar to those in *khamar* villages have taken place. The lands removed from *khamar* are often disposed of in ryoti right, as for example in Hindol, the income being of course the Ruler's personal income. As the estate can be added to, the process may be made use of to circumvent State accounts. The question arises in connection with these lands and villages whether such additions and subtractions are sound policy. Apart from the increase of personal income, it is clear that disposal of such lands would be to the personal advantage of the Ruler who does it, and to the possible detriment of his successors.

19. *Babuan Jagirs*.—In a few States like Bamra, Pal-Lahara, Bonai or Patna there is a type of grant, sometimes a whole village (Bamra), known as *babuan jagirs*. These *babuan jagirs* are grants made to relatives of the Ruler, either free or on a quit-rent, and where the whole village is a *babuan jagir*, the resemblance to a *brahmottar* village is striking. Here also the grant was made originally to one or more grantees to be enjoyed by themselves and their progeny, and the land is divided among the present descendents of the holders. The grant is not however absolute and rent-free as is generally the case with *brahmottar* villages and a quit-rent is usually paid with liability to enhancement at settlement. These villages may also be regarded as villages in which all the land has been given out free of rent or on quit-rent.

20. *Service grants*.—Coming now to the grants rendered on condition of service being rendered, there are comparatively few whole-village grants if villages held mostly or entirely by *paiks* (feudal militia) are excepted. (These are mostly now rent-paying and were once similar to *brahmottar* villages). The number of entire villages held for service seems to be largest in Kharsawan and Gangpur. The individual reports of these States show the services rendered by these grantees; the services are either nominal or non-existent, and in Kharsawan, there is the case of the grantee who refused to perform the services required of him without any consequences. In Chhuikhadan, there is an old (1836) grant of land for the services of midwifery which is probably not rendered now. In Raigarh there are actually service grants of which the service to be rendered is not known! In Raigarh, as well as Bastar, there are service grants of whole villages for such purposes as supplying *pan* to the palace, for beating drums before the palace, for washing clothes, for carrying the bones of deceased Chiefs to the Ganges and so on. In practically no case are the grants held for any public service of importance, and where any service is rendered to the Ruler they must be regarded as an unseen addition to his privy purse.

Most important of the large numbers of land grants are the grants made to the old *paiks* or *khandaits*, known also as *gehandals* (Seraikela) who constituted the local militia in olden times. The *paiks* are to be found almost exclusively in the Orissa States. There are occasionally whole villages of them, as for example in Talcher, and in some places the bulk of the cultivators of a village consists of *paiks*. The *paiks* originally held their lands rent-free on the liability of being called up for military service but in several States (for example Talcher, Baramba) the *paiks* pay the full assessment on their lands while at the same time bearing the liability to service and having no rights in the soil. In some States there are now no *paiks* (Khandpara) and the land has been assessed and the *paiks* given the same rights as other cultivators in the soil. In Orissa Province, the *paiks* were settled long ago as occupancy ryots. These ancient militia men have now practically no value as militia but in some places, as in Hindol or Pal-Lahara, they are made use of for guard duties or as peons of officers, the Ruler etc. The assessed *paiks* and others holding rent-free also are not governed by the normal law of succession and only one person is permitted to succeed if he is considered fit to perform the duties of a *paik*. The *paiks* in most cases appear to have held the land for generations, and probably the land was cleared by them. Where whole villages of *paiks* exist they may be regarded as villages, the entire land of which consists of

'service holdings'. The headmen of these villages are known as, 'garhnaiks' or 'garhtias' usually. In Seraikela an attempt was made to organise the *gehandals* and make them liable to drill. An order was proposed in which the *gehandals* were made liable to receive training and one of the clauses proposed was that for 'mental or physical disloyalty' they could be proceeded against. The *gehandals* protested vehemently, and quite justifiably, against what was undoubtedly an attempt to impose new conditions upon them and the order, under the advice of the Agency, does not seem to have been applied.

Among other 'service *jagirs*' are those granted for various purposes such as beating drums on ceremonial occasions, washing clothes, dancing girls, barbers, painters, astrologers and numerous others. A detailed description of these would make this report needlessly lengthy. Most of these grants are at present either practically useless or the grantees appear, on ceremonial occasions only, before the Ruler, once or twice a year. The loss of land revenue caused to the State is shown approximately in the individual reports. Like most of the whole-village grants the grants for services to the Ruler or members of his family may be regarded as an addition to the income of the Ruler's family but much of it seems to benefit nobody but the grantees.

Then there are the village servants holding *jagir* like *barber*, *dhobi*, *kumhar* and so on. The origin of some of these has been indicated already. At present, most of these do not service to the villagers in return for their *jagir* except on payment and are utilised mainly by officers of the State for their purposes while on tour. Some of these *jagir*-holders like the *gudait*s of Surguja or the *narihas* of Gangpur do nothing but render menial service to the zamindar, or to officers of the State and members of the Ruling family, and the ryots are liable to remunerate the *gudait*s in kind. As mentioned in the report on Surguja, the *gudait jagir* was considered for abolition but was allowed to stand till the villagers object.

The most important among the *jagir*-holders of the village are the *chowkidar* or *kotwar* and his assistant known as *jhankar* or *dakua*. The *chowkidar* is usually regarded as a police servant and the police are usually consulted when he is appointed. In most States he has almost invariably *jagir* land though not always adequate for his maintenance. The burden which ryots have to bear in connection with the *chowkidar* and *jhankar* are mentioned in the individual reports. In some cases the paddy contributions made amount to considerable amounts. In States like Korea, Surguja, Patna or Sarangarh a levy is made for the dress of the *chowkidar* or *kotwar*. In Tigiria, there is the exceptional practice of the *chowkidar* making a levy for the grant of receipts for payment of revenue, and in Sarangarh and some other States, a sort of tax has to be paid to the *chowkidar* on sales of grain taking place in the village. The *chowkidars* of Korea must be mentioned here specially as they seem to be an oppressive lot, and in addition to the *chowkidar* there is a head *chowkidar* for a group of villages for whom also the villagers have to make payments. On the whole the number of village servants holding *jagir* or maintained by villagers or both seems to be greatly in excess of needs; it is only in large villages in the Central Provinces that there is more than one *kotwar*. The additional burden on the ryots in some States on account of the village servants seems to be two annas, or more, per rupee of the land revenue.

Where the village servants like graziers, blacksmiths, carpenters and others maintained by the villagers and paid for services rendered, these are really servants of the villagers and seldom render services to the State. Such servants are also usually appointed or removed by the *gaontia* or villagers. The rent-free holdings of most of these could be assessed to rent without any alteration in the position.

The enormous alienation of State revenue in the shape of grants has been pointed out in the individual reports. In some States many grants, particularly service grants like *paikali* grants have been resumed and reduced during minority administration. Nevertheless they are still considerable and as can be seen in the individual reports, the Rulers do not appear to have realised the effect of the policy of making grants has on

State revenue, and new grants, as recently as 1942, have been made. In the States like Nilgiri or Hindol where a policy of resumption is being followed, the method adopted is objectionable and causes resentment. The grantees have in most cases held the land for many generations, and almost certainly they were the original reclaimers of the soil. To eject them from such lands now, or to levy a *salami* from them, would appear quite unjustifiable. The policy followed in the provinces in respect of such lands is usually to assess them to revenue without ejecting the holders, the land becoming ryoti. It is clear however that all persons holding rent-free land cannot be treated on the same footing as, in the case of the village service jagirs particularly, the lands are often held for short periods by different persons. As an example of what is being done in the States in respect of grants (though no regular policy is being followed) it may be mentioned here that most States have accepted the proposition that grants given rent-free for maintenance should become rent paying in the course of four generations, the assessment being made at 25 per cent, at each generation. In Athmallik, the *brahmottar* grants are being assessed in this manner at each settlement. In connection with Seraikela there is a ruling of the Bengal Government (see report on Seraikela) that no Chief is bound by the grant by his predecessor and the Rulers sometimes make use of it. Resumed lands are sometimes included in the *khamar* of the Ruler (Ranpur and Daspalla).

It has been pointed out in respect of *debottar* grants that there is usually no proper control. This is true of all other grants as well and in a number of States there is no register even of all the grants. The Raigarh position of service grants with unknown service shows what the state of affairs is.

21. *The Ryots*.—The position in respect of the actual tillers of the soil can now be considered. As already mentioned, in former years and to a large extent even now, in the absence of proper laws binding upon the State and the intermediaries as well as upon the cultivator, the only security the cultivator has enjoyed in respect of his land has been the fact that he is a desirable person who contributes to the revenue of the State. This innate strength of the ryot must have been a powerful factor in the days when the States consisted almost entirely of forest and hill, for, without a population, the State could have little revenue, and forests and minerals had little inherent value in those days. Land, unless developed, had no value and large areas could obviously be had for the asking, and it is indeed conceivable that it was the cultivators who had to be bought or induced by one who would start an agricultural colony, rather than the land. Any possibility of harassment must have been therefore remote, and the cultivator was once a favoured individual whose threat to give up cultivation and go elsewhere was not to be taken lightly. As, however, the population increased, and more and more land became cultivated and forests receded, there was a change in the position. The cultivator must have found a gradual weakening of his position. No longer was he so much sought after as in the days when cultivation was scanty, and cultivators few. Cultivators could not indeed be harassed or dispensed with wholesale though wholesale desertion of villages on account of the foolish tyranny of a particular Ruler, or conqueror, or of a zamindar, or *thekedar*, occasionally occurred. Individual cultivators could, however, be turned out, or harassed till they went, with comparative impunity, for, there was a demand for land, particularly for land fit for immediate cultivation, and new cultivators could be found with ease. Also, on account of the same factors, it was more difficult for a cultivator to find new land for himself and a position was reached in many places where he would withstand considerable harassment for fear of losing his land. Thus as the strength of the cultivator declined, the *thekedar*, the zamindar and the Ruler became more and more powerful. Loss of his land became a serious matter for the cultivator and with it the need for rights in the land. Thus it is that the agitation for right in the land is of comparatively recent growth and even now, in considerable areas in the States, where there is mostly hill and jungle, the cultivator is not troubled much by the absence of rights, and, indeed, quite often gives up cultivation in one place to settle in other,

Where the position of the cultivator deteriorated, and *thekedars* and others received an accretion of strength, and sometimes began to misuse their powers and eject the cultivators, the need for protection against these began to be felt. Wherever *thekedars* and *gaontias* were given a *patta*, or some sort of record of rights was drawn up, a clause depriving the *thekedars* of powers of ejectment except for non-payment of rents and through the agency of a State court was inserted. This appears to have been done under the influence of policy in British districts, and probably first in the States under administration, as it is in these States that anything written first began to appear. At present, village headmen, wherever there is a written record of rights or *patta* are specifically debarred from ejecting ryots [in Korea this is contained only in the latest (1942) *pattas* issued], and if this occurs now it is not a common occurrence and is the result of the inherent defects of the *gaontia* or *sarbarakar* system as it exists at present, in which the *gaontias* still wield considerable power over the ryots. Simultaneously with the conferral of this protection against the headman, it was also recognised that the State or the zamindar should also not eject ryots arbitrarily, and in most *wajib-ul-arzes* it was laid down that a ryot would not be ejected so long as he did not make default with his revenue. This however was no conferral of a right by the State but only a promise, and, in fact, it was nothing more than the current practice as cultivators were not ejected by the State unless the land was required by the Ruler or the State and headmen were left to proceed against ryots for revenue. In all States the ryot could be ejected without compensation, if the land was required either for a public purpose or for the private purposes of the Ruler, or relatives, and to a large extent this position still prevails. In a few States in Chhattisgarh the *wajib-ul-arz* or record of rights says that reasonable compensation shall be paid, a clause which is usually interpreted to the State's advantage, and in others, no compensation is payable except for buildings (Baudh, Narsinghpur, Rairakhol, Ranpur). Instances of acquisition examined by me are given in the individual reports. The procedure, (in all cases of summary acquisition), must have at least in some cases caused considerable hardship (the Sakti and Patna reports particularly may be seen in this connection). The theory prevalent in the States is that all land being the property of the Ruler or Durbar, (usually the two things are indistinguishable), the ryots are not entitled to compensation, and compensation, if granted, is largely a matter of favour. Following from this conception, except in a few States like Ranpur, the ryot did not have any transferable rights in the soil till quite recently; in Ranpur the rights of transfer appear to have existed since before the current settlement which was made in 1899. Recently a number of States have conceded the rights of transfer, and the present position is that in Bastar, Changbhakar, Chhuikhadan, Jashpur, Kalahandi, Khairagarh, Korea, Nandgaon, Raigarh and Rairakhol transfer of lands is not permitted; in Ranpur, Athgarh, Bamra and Nilgiri transfer does not require sanction and in all the remaining States permission of the State, or headman, or both is required. This absence of rights of transfer does not mean however that the prohibition has been effective except to a limited extent. The cultivator has always considered that he has a right to the land he is cultivating and wherever the land has some value, he has made use of it, either to tide him over a hard time, or to pay his dues, or for other reasons. Thus transfers in the States in which a ban exists have been more or less freely carried out through the collusion of the headman, who has power to accept the surrender of land, and/or reallotment, by a prearranged sale, surrender to the headman, and reallotment by him to the person who has bought the land. The headman of course does this only for a consideration. In places where land has considerable value as in the States of Nandgaon and Raigarh, for example, this has become a recognised practice, and the *gaontia* takes 25 per cent of the consideration in Raigarh, and a variable percentage in Nandgaon. In Raigarh, the procedure of surrender and reallotment is a total farce; the parties concerned draw up a deed in which it is stated that the land is surrendered by the vendor and reallotted to the vendee, the consideration being mentioned in the deed. The *gaontia* is one of the persons who signs the document. This practice is so common that

I saw a case in which the parties complained to the revenue officer about the *gaontia*'s refusal to sign and the court considered this unfair and pressed the *gaontia* to agree, the case ultimately resulting in compromise. Even in Bastar where the policy of restricting transfer (even leasing out for more than one year) has been applied with some rigour, in the Jagdalpur tahsil where land has some value, evasion by surrender and reallotment (actually through the revenue court) is practised. Ranpur is probably the only case where for a long time the ryots have enjoyed comparatively unrestricted rights of transfer and in this respect they have enjoyed a privilege which even the ryots of Orissa province could envy till 1938, and not, I believe, with disastrous consequences. Restriction of the rights of transfer is of course one of the main grievances of the cultivators.

In the States in which permission to effect a sale is necessary it is usually obtained on payment of a *salami*; in some States the levy is not called a *salami* but is termed as mutation fee or registration fee; in some others a *salami* as well as a mutation fee is levied. In the States of Sonapur and Sakti, the *thekedar* as well as the State levy a *salami*; in Sarangarh and Kanker only the *thekedar* gets a *salami*. The *salamis* vary from 10 per cent to 25 per cent and the total expenses of a sale in most cases comes up to about thirty or thirtyfive per cent in *salami*, mutation fee and other payments.

In most of the States which permit transfer, I think all, the policy now is to permit sales by aboriginals to people of the same class as far as possible, and in some States, for example, Bamra sale by members of backward castes is also restricted in the same manner. In a few States (Kharsawan, Dhenkanal, Tigiria) transfer is restricted to holdings above four or six acres, and in some of the South Mahanadi States, a rental limit of Rs. 6 is taken for this purpose. As will be seen from the report on Tigiria, there are very few holdings above the limit of four acres fixed, and the complaint there is that transfer is virtually denied to nearly all ryots.

Rights of leasing out land are conceded in all States now though in a number there are restrictions about the period. In Baramba, leases were prohibited but are now permitted with the sanction of the State. In States like Khairagarh, Kawardha or Sarangarh, leases require the permission of the *thekedar* if they are for more than one year, and in Bastar the leases are restricted to one year, a restriction which is usually violated or evaded, particularly as no written documents is required. Mortgages are permitted where sales are permitted, but strangely enough in Kawardha where sales are permitted there is no right of mortgage. Sales of land through civil courts are not permitted in a number of States and mortgages in States like Khandpara or Kharsawan are usufructuary. Mortgages sometimes take the form of the land being taken by the mortgagee as interest upon the loan and is not liable to be returned so long as the loan is not repaid, thus practically amounting to a sale in many cases.

As regards the rule of inheritance some of the Chhattisgarh States (in Patna, Bastar and Kalabandi there is no rule of inheritance and it may be presumed that it follows personal law, differ from the Orissa States. Succession is limited to direct male heirs, and collaterals can inherit only if they were joint with the deceased ryot; widows can hold the land for life or till remarriage after which it passes to the *gaontia*. In the Orissa States, the rule of inheritance seems to be the personal law. In the Chhattisgarh States there is much dissatisfaction about the rule of inheritance as it is contrary to personal law.

22. *Disposal of State Land*.—Other aspects of the ryoti tenure are in connection with homestead lands, cultivation of new lands, surrender and abandonment of lands etc. In most of the States, land has very little value, particularly in the jungly tracts where new cultivation is started. The paucity of cultivators here still persists, while large areas are available for cultivation. Consequently, the States have to follow a policy of encouraging new cultivation and new settlements either directly, or through persons who offer to become headmen and start villages. The only value the land in these areas has got is the value of the forest-growth on it and

this gives rise to two different sets of circumstances. Sometimes the would-be cultivator is too poor to pay the value of the forest-growth and either this has to be taken by the State if the land has to be cultivated at all, or sold to others. At other times, particularly where the practice of allotting large areas for the purpose of founding villages is in vogue, the land is taken through a bogus cultivator, and after the forest growth is removed, the land is surrendered. In either case, in areas where the land has no value, it is only the trees on it, if any, which fetch anything. On the other hand, where (as in Udaipur), the land has a value, much more than the royalty of the trees is paid for the land though the forest department ostensibly takes only the royalty on the trees. The cases of Udaipur examined all show that a considerably higher payment than the estimated value of the trees is offered, and recovered and credited to the forest department thus inflating its revenue. Where the States find that there is a demand for the land in the shape of more than one applicant, there is always an auction (Keonjhar). Certain States like Baramba or Baudh levy a *salami* according to the value of the land while in others, as for example, Dhenkanal or Khandpara, *salami* is levied according to a scale. It is easy to infer that wherever the *gaontia* or *thekedar* has the right of allotment of waste land, as in a number of States of Chhattisgarh, he realises the value of the land if it has any value. There is a nominal prohibition of *salami* in some of the Chhattisgarh States like Khairagarh, Kawardha or Chhuikhadan, but there can be little doubt that it exists only on paper and in Nandgaon it has been recognised that the prohibition is futile and now the State, as well as the *gaontia* partake of the *salami*. The position is of course different where cultivation is scarce and land has no value. In a number of States now, the forest-growth does not come into the picture as far as the *gaontia* is concerned in such cases, except clandestinely, as the State steps in and recovers the value of the trees, and in Surguja, (also in Patna) the right of the *gaontia* to allot waste land has been taken away altogether. In some other States also the right has been modified as for example, in Rairakhol. In most of the States a period of grace is allowed before the ryot is made to pay the land revenue; in a few like Nandgaon, the land becomes liable to pay rent immediately. This exemption from assessment for a period is necessary in States like *thekedar* can make his own arrangement with cultivators. In places where the Changbhakar as an inducement may prove to be ineffective as the *thekedar* allots the land this concession with the ryot. Where the *thekedar* has this power, the fixation of land revenue is also according to agreement though rents paid by other ryots usually play a controlling part. In a number of States, the *gaontia* appropriates the rent of the new land till the next settlement. In Rairakhol, the *gaontia* gets twice the commission on the land revenue of a new ryot, and in Surguja, a similar encouragement is offered. As new cultivation is not usually brought on record in cases where the headman allots land, the States often resort to an intermediate settlement known as a *nayabadi* settlement during which all new cultivation is assessed. In most of the States, however, where the *thekedar* does not allot land, attempts are being made to keep the land records up to date. In Hindol State, a nominal fee is prescribed for the allotment of land for new cultivation in the rules, and either this means that land is being sold without full realisation of its value, or what seems more likely from the impression I got in the State, a private *salami* is levied by the Ruler, as Hindol is one of the more developed States.

23. *Disposal of surrendered or abandoned lands.*—Village headmen in some States (mostly Chhattisgarh States) have the power of accepting the surrender of lands, taking possession of abandoned lands and either re-allotting such lands or of cultivating them themselves. (In Patna the rights of the headmen in this respect have been taken away by the State recently). Headmen are not slow to take full advantage of this. Where the land is valuable and can be reallocated for a consideration the privilege is valuable and surrenders are looked forward to. I saw a rather pitiful case of this in Kawardha where an old man who had no sons or others to look after him complained that he was too old to cultivate the lands himself, and the *thekedar* would not permit lessees. The *thekedar* was in fact

pressing the old cultivator to surrender his land as he was falling into arrears with the land revenue. Cases of headmen taking possession of lands on the ground that they had been abandoned must have been of frequent occurrence and a number of *wajib-ul-arzes* contain clauses to regulate this. Usually non-cultivation and non-payment of revenue for one or more years constitutes abandonment at present in States where there is a *wajib-ul-arz* or rules.

24. *Ryoti Tenures Uniform.*—There is little variation in ryoti tenures at the present day throughout the Agency. In nearly all the States, a ryot acquired rights, such as they were, in land as soon as he started cultivating, and there is no old custom or practice regarding any period after which he acquired rights. The Settlement Officer of Seraikela, a Bihar officer, remarked this as it was new to him. In fact as ryots had no recognised rights in the land the question could scarcely have arisen. In two States, however (Hindol and Athmallik), following the Orissa practice which in turn followed Bengal, a period of 12 years' cultivation is prescribed before a ryot can claim exemption from arbitrary eviction. In both of these cases the distinction does not seem to arise out of any long-standing custom and has been made in the case of Hindol in the Tenancy Act of 1940 and, in Athmallik, there is only a clause in the record of rights which I have shown in the report of the State to be absolutely foreign to the local tenure. I hope to be able to show later that such a restriction is unjustifiable and absolutely arbitrary. The principle being quite new also there has certainly been no crystallisation of the practice. In the case of Narsingpur, there is a similar rule in the newly introduced Tenancy Act of 1938 but this does not make any difference in the ryoti tenure and operates only in connection with an allowance of rent-free homestead; even this distinction is purely arbitrary. In Orissa generally the terms '*pahi*' and '*thani*' used to be commonly used with reference to ryots who were not resident in the villages in which they had cultivation and ryots who lived in the villages where they cultivated. These terms are still used largely in some of the Orissa States adjoining the Mahanadi delta but are not common in States further west. Formerly there was considerable difference between the two tenures as described by Maddox in his settlement report of Orissa (1900). The *thani* ryots, according to Maddox, were the burgesses of the village. They held their houses rent-free and for their ancestral lands they paid a fixed rent determined by custom or the decree of the ruling power. They had several privileges in connection with the distribution of waste land, pastures, thatching grass and the firewood jungle, but in return for these privileges they paid higher rents than the *pahi* ryots or non-resident cultivator who had no permanent rights and held at a correspondingly lower rent. The distinction between *thani* and *pahi* ryots is now obsolete throughout Orissa including the States, though in the latter area the terms are still used to distinguish between resident and non-resident cultivators. In the Orissa Tenancy Act and in the settlement records of the province, the terms are no longer used. In the Chhattisgarh States, this distinction seems never to have been made and does not exist at present. In Chota-Nagpur there is a special kind of ryot right known as "*khunt-katti*" right, the chief implication of which is that if the tenancy commenced more than 20 years before the Chota-Nagpur Tenancy Act of 1908, the rent cannot be enhanced unless there is an agreement to the contrary at the time of commencement of the Tenancy Act, and if the rent is by an order enhanced, the enhanced rent cannot exceed half the rent payable by an occupancy ryot for similar land. There is also the system known as the *mundari khunt-kattidar* in Chota-Nagpur which will be described later. Briefly, these rights imply the right to hold wasteland for cultivation and certain privileges as regards rent. In no State do these rights exist; during the settlement of Kharsawan State, certain ryots of the Kolhanpur claimed *khunt-katti* rights but the Settlement officer found that the ryots did not have these rights. The only privilege conceded to ryots who were recognised as the original clearers of the soil was that of extending their cultivation without application to the State for permission and certain forest concessions such as fuel and timber for domestic purposes and exemption from tax on lac and tussore propagation within their village.

The rents in the Kolhanpir are less than rents in other areas, but this is due to the population being aboriginal and not to any special feature of the tenancy. At the 1927 settlement the rents were enhanced, which must have set at rest any doubts in the matter. No rights of a *mundari khuntkattidar* have been recognised in the States at any time and such rights were not found to exist nor were they claimed at the time of the first regular settlement. In Gangpur, during the recent agitation, however, such rights were claimed by the Mundas but this is purely due to the fact that the agitation was influenced by persons in Ranchi. No other type of tenancy has existed in any of the States.

25. *Sub-letting*.—Persons who cultivated the land of others on systems of cash rent or share cropping known as *adhai*, *sanja*, etc., did not acquire any rights in the land and were pure tenants-at-will. At recent settlements, however, some of these who have been in cultivating possession of the land for generations have been given rights in the holdings and settlement '*parchas*', but often the rents are much higher than rents paid by ordinary ryots (usually twice the normal rent). Permanent rights have in some States not been recognised in the lands held by the Ruler though there are instances of cultivators holding for generations.

26. *Non-agriculturist holders of Land and House Sites*.—The next kind of land tenure which is not really a different kind is that referred to as '*chandnadar*' in some of the States of Orissa. This is nothing more than a name given to a person who holds a house site but has no cultivation, particularly in the village of residence. A *chandnadar* may be described as a person who holds only a house site, with perhaps a garden in the village of residence, and is either a non-agriculturist, or cultivates in another village. Thus, a *pahi*, or non-resident cultivator of one village may be a *chandnadar* of another village. This type of land tenure of course exists everywhere as many non-agriculturists reside in the villages of the Chhattisgarh area also and often, cultivators do not reside in the village where they cultivate. Only the name is peculiar to Orissa. Throughout the Chhattisgarh plain and Orissa, right up to the sea, it has been a long standing custom for agriculturists, labourers and village artisans to hold a house-site free of charge and at the present day this is recognised in nearly all States, though there are variations as regards the maximum area allowed free. *Chandnadars* in Orissa seem to have been mostly assessed to rent. A marked difference between the Orissa States which have not been subjected to Central Provinces influence, and the Chhattisgarh States is that in the former the house sites have all been surveyed separately and recorded in the individual tenant's '*khata*' or statement along with his agricultural lands, while in Chhattisgarh, following the Central Provinces settlement practice, the '*abadi*' or village site, is shown only in outline and house sites are not surveyed nor are they usually assessed. In Surguja and Patna the house sites have also been surveyed as the Settlement Officer was a man with Orissa training, and in Rairakhol, the village site does not seem to have been surveyed in all cases. In most States, permanent rights are not recognised in the house site, and the ryot is not entitled to transfer it though in a few Orissa States transfer of assessed sites is permitted. In some of the Chhattisgarh States the material of the house of a ryot leaving the village belongs to the *gaontia* unless the ryot removes it but in the case of Kanker the *gaontia* is entitled to the house of a ryot giving up his land if it does not cost more than Rs. 25. The position regarding house sites in urban areas has been given in the individual reports. In Bonai where *bethi* is being '*commuted*', a new theory has been propounded that house sites have been held free in lieu of *bethi* but this, along with the argument that uplands have been held free in lieu of *bethi*, or rents were low in lieu of *bethi*, seems to me a purely specious argument designed to derive as much advantage out of the abolition of *bethi* as possible. Apart from homesteads in villages which have been usually allotted free of charge as the land had no value, in all important villages on lines of communications or having market, etc., and in villages like the headquarters of the State which may be conceded the status of a town, initial payments, even if it be only a *dhoti* for the headman, as stated in a village in Udaipur, have been levied and rents also assessed. In headquarters towns in the Chhattisgarh States and in Gangpur and Baudh, following Central Provinces practice special residential areas described as *nazul* have been demarcated and house

sites here have considerable value which is realised entirely by the Ruler personally as in Sarangarh or shared with municipal committees as in Raigarh or Surguja. In the Orissa States also a similar practice is becoming common or the headquarters village is in some States held by the Ruler. In Raigarh the tendency for the Ruler to eliminate *gaontias* in order to realise the value of these lands is well brought out. (In no other State in the agency is there at present such an important town as Raigarh with the possible exception of Nandgaon).

27. *Land Acquisition*.—Passing mention has been made of the position regarding the acquisition of land (see para. 21). The propriety of compensation has been recognised in most of the States though attempts are made to give as attenuated an amount as possible, which does not really compensate the owner (see reports about actual cases in Sakti, Patna, Bamra, and Raigarh particularly), but in Baramba, Baudh, Bastar, Bonai, Sarangarh, Changbhakar, Daspalla and Pal-Lahara there is no provision for compensation and only the revenue is written-off. In Narsingpur and Ranpur, no compensation is payable unless the ryot has incurred considerable expenses or there is a building. Some States claim to follow the Land Acquisition Act but actually cases do not substantiate this claim. In some of the States mentioned above there are no rules, and I could not see any actual cases of acquisition either.

28. *Improvements*.—Coming now to other incidents of a cultivator's tenure, in all States now the right to make simple improvements by digging wells is recognised though generally improvements like tanks cannot be made without permission.

29. *Conversion to Non-agricultural Purposes*.—In most of the States there are no rules regarding the conversion of land to non-agricultural purposes such as building a house and no attempt is made to take even the increased value. In some States, as for instance, Jashpur or Nilgiri, conversion is not permitted and presumably conversion is penalised by ejectment or is condoned by the levy of a *salami*. Only in Raigarh is there a definite system of permitting conversion on payment of a premium.

30. *Alluvion and Diluvion*.—Alluvion and diluvion caused by rivers is usually not taken notice of or provided for in the rules where any exist, though it is said that on the application of a ryot, abatement of revenue is granted on an area washed away or deteriorated by a deposit of sand.

31. *Trees*.—In most of the States, till the upheavals of 1938, ryots had few rights in trees on their holdings. The general position now is that ryots are allowed to do what they like with trees of unreserved species of which there were few formerly. On the reserved species, which are usually the more valuable species, a fee is charged which is supposed to be a concession rate. In Athmallik there was no restriction even on the reserved species but recently a fee has been made leviable. In Talcher also the Durbar had granted full rights in trees but later a fee was imposed. The number of reserved species before the agitation was enormous, twenty to thirty, but since then there has been a reduction to a number varying from 9 to 12. Permission is of course necessary before a tree (reserved) can be cut and this usually involves a petition with court-fee. The practice of reservation of trees in village forest seems to have started in the early years of this century and was introduced into the forest rules of the States from Angul. This reservation has now been made applicable to trees anywhere and all trees are included in the definition of village forest in some of the recent rules. Generally speaking the practice now about planted trees is that they belong to the planter.

Usually the fruits of trees on holdings are enjoyed by the ryot but in Surguja I came across a communal practice of *mahua*, and sometimes mango trees being divided among the cultivators without regard to the holding on which they stand. In no State has the full right to a tree standing on a person's holding been conceded at present. In some States like Khairagarh or Nandgaon a tax of one or two annas per *mahua* tree is charged, being fixed at settlement and added to the rental, and is payable without alteration even if there is a decrease in the number of trees.

32. *Trees on waste land.*—On trees on waste land, the position is similar. In most States, fruits of such trees are enjoyed in common by the villagers but in some States (Nilgiri only) the right is auctioned by the State and in some others like Ranpur or Baramba a new practice has been introduced of the village headmen making the distribution and taking one-eighth for himself. In Athmallik, the trees on waste land are either auctioned or, more commonly, ryots are persuaded to take them for the period of settlement at a high annual rate which the ryot has to pay whether the tree bears fruit or not.

33. *Irrigation.*—In no State is there any irrigation scheme worth mentioning with the possible exception of Talcher where there are some tanks from which canals lead out the water. No charge for irrigation is levied in Talcher or in other States except Nayagarh where a water cess of Rs. 1 per acre is levied but in most of them, lands favourably situated near tanks and utilising the water thereof or benefiting by percolation are charged higher rates at settlement. Many tanks have been recorded in the names of headmen who in some cases at least appear to have spent little on the tanks themselves but got them constructed through the labour of the villagers. Tanks constructed by villagers seem to have been recorded as State tanks in some places.

34. *Bethi begar.*—A feature of the cultivators lot round which much agitation has centred is the liability to forced labour, or rendering of commodities free or at privileged rates, either to the Ruler, or the *thekeदार* or headman, or to the zamindar or tenure-holder, or similar imposts. In a few States like Bamra or Bastar forced labour or *bethi* had been largely discontinued or limited during the periods of administration, but even in such States considerable *bethi* has been retained as for instance in Jashpur or Keonjhar (see reports on these States). In a few States like Seraikela or Kharsawan *bethi* does not appear to have existed for a long time. In other States where it existed there was a sort of commutation of it into an additional cess on the land revenue; in Baudh, for instance, a new cess of three annas per rupee was imposed in 1938-39 called an improvement cess but the orders abolishing *bethi* were not absolute, and villagers are liable to construct or maintain village roads, *deraghars* or rest houses, temples and to clear forest boundary lines; they are also required to "do their duty as usual during *rath*, Dusserah and other festivals." In Patna "*rasad* cess" was imposed in 1935 and road and other *bethi* has still been retained; it will probably be argued that this cess was in commutation of *rasad* and to get rid of *bethi* the villagers will have to accept another cess. After the enquiry of Mr. Bowstead, orders were passed (*cf.* S. No. 20 in F. 22 (4)-P./40), contrary to the Resident's recommendation, that as *bethi* had been commuted in other States, it should be commuted in the States like Bonai, Tigiria, Baramba, Narsingpur, Rairakhol and Talcher. *Begar* or *bethi* for road making either free of charge (Surguja, Patna) or at a nominal rate (Baramba or Narsingpur) is still being levied. Apart from this, in a number of States *begar* is rendered for other purposes. In Bamra, at the time of my visit, *begar* was, according to the villagers, levied for the cultivation of the homefarm lands in *khamur* villages. In a number of Chhattisgarh States, *begar* is rendered for the cultivation of the *thekeदार's* fields or for carrying the luggage of officers as well as for shikar. In Keonjhar also *begar* continues to a considerable extent. Rendering of commodities free or at privileged rates still exists in some States (Bonai, Jashpur, Khairagarh). In Hindol, *bethi* is taken in the *debottar* villages still, and the Tenancy Act does not contain any provision against *bethi*. In Narsingpur, the Act specifically provides for forced labour. The Political Agents have specifically permitted *bethi* for the construction and service of deities' cars and for village roads and other matters. Religion is doubtless a strong factor but within my experience the Eastern States are the only area where people have to be compelled to take part in religious festivities. My experience is that people construct or pull cars spontaneously and, as far as I am aware, it has not been found necessary in Puri, the very home of Jagannath, to impose *bethi* for this purpose. Also, one may wonder what happens to the large incomes of the *debottar* departments if it is necessary to extract free labour for the construction of cars. The question of commutation or total abolition will be discussed later. In Bonai, the commutation of *bethi* is taking the shape of a settlement. I have discussed this and the specious plea that *bethi* is taken in lieu of something else in the individual reports.

35. *Rasads*.—*Rasad* and *mangans* do not seem to exist now to any appreciable extent officially though unofficially it may be met with in a few places; only in Kanker and Surguja does it still continue to any extent. In Korea, a theory has been evolved that the rent-free lands of the headman are meant for this purpose. In Khairagarh and some of the neighbouring States it is left to the option of the *gaontia* to levy a charge or not, and it may be taken that this virtually means the retention of *rasad*. In practically all States the headman has to render at the time of Dusserah or other festivals a *salami* to the Ruler usually consisting of cash and or a goat or goats. In Udaipur, in one of the villages I visited, the ryots said that of the two goats to be rendered by the *gaontia* he was recovering the cost of one from them. In this village also an unusual levy of Rs. 2 on the occasion of a marriage in the village was mentioned. In Kalahandi, *tikas* paid by *gaontias* are recovered from the ryots; this prevails in Kanker also. In Raigarh, the Ruler recently attempted to increase the Dusserah *tika* from one per cent. to 25 per cent. of the land revenue of the village, and ultimately recovered two per cent. though receipts were given for only one per cent. Dusserah and other *tikas* are leviable by the use of coercive process if necessary. In the Bhumi-bidhi of Sonapur a *haldian patti* is mentioned which formerly used to be levied for travelling expenses but is now prescribed only for social functions of most members of the Ruler's family.

Among liabilities of ryots is that of attending at the headquarters on festive occasions as in Rairakhol or Keonjhar.

Generally speaking the position regarding *bethi* and other levies has improved a great deal during the last three or four years but there is still a most unfortunate attitude about it which may result in the old position being restored if control is relaxed.

36. *Grazing*.—Grazing is a matter in which there is some variety. In a number of States, no special fee is charged for grazing except in reserved forests. In others, a fee is charged usually upon cattle other than plough cattle or cattle considered as not being required for agricultural purposes and there is some variety here also. In Bastar grazing fees amount to about Rs. 66,000 and in other States the income is small. The charge is levied for grazing on village waste which is included in village forest and thus all grazing is charged for. In some States there are areas recorded in the settlement records as *charagan* or *charokhar* which connotes waste lands of the village meant for cattle. Generally speaking, my observations in the States are that in the areas classed as waste land or village forest there is practically no grass except during the rainy season, and waste other than village forest is negligible in area. In most villages even in the village forest (which according to the system in the States or in most of them includes all waste land) there is very little grazing; there are many villages without village forests, or the forests are distant, and the villagers graze their cattle in the open season on their own embankments and fields which provide a few blades of grass. In Sonapur, villages situated more than three miles from village forest are exempt from fees. Mr. Bowstead expressed the opinion that grazing fees except in reserves should be abolished and with this view the Governor and the Resident both agreed; the orders issued are that grazing fees should gradually be abolished. Mr. Mooney the Forest Adviser is, however, strongly in favour of grazing fees and is opposed to their abolition. His views and the case against grazing fees will be discussed later.

37. *Cesses*.—Although in practically all States (see report on Nilgiri and Korea) the principle that land revenue should not be subjected to fluctuation during the currency of a settlement has been recognised, and formerly also, except under the Maratha system of fixing demands from year to year according to the season, the revenue recoverable from a ryot was not lightly to be tampered with, this principle, probably to a great extent than in the past when *mangans* and *abwabs* were occasional and came probably like strokes of bad luck, has been violated by the recovery of imposts—called cesses in the States. An appendix has been attached to this report showing the cesses payable in each State. In several of the States like Patna, Dhenkanal, Talcher, Khandpara the cesses form a considerable percentage of the land revenue. In Talcher, the present total was reached

after reducing the 'miscellaneous cess' from 5 annas per rupee of land revenue to 3 annas. Similarly, in Dhenkanal, the 'local cess' was first imposed at four annas per rupee and later reduced, first to 2½ annas and then to two annas. Even excluding the forest cess which may be regarded as a commutation fee, the cesses in Patna and Khandpara amount to five annas, in Dhenkanal and Talcher to four annas in the rupee. Exceptional cesses are the *parbani* cess imposed in Nilgiri, the income from which does not enter State accounts but goes to the *Thakul Mahal* managed by the Rani Saheba, and the *parbaparbhani* cess also levied for religious purposes in Patna. In Rairakhol, a rate of 2 annas per house (*tambikya*) is levied and collected through officials of the forest department for the purpose of a religious festival at headquarters; it is not shown as a cess. The dates on which the cesses were imposed show that there is no hesitation in imposing a cess during the currency of a settlement. If a cess is a negligible addition to the land revenue as, for instance, in the provinces, there need not be any great scruple about this but it will be seen that the cesses imposed in the States amount to a considerable enhancement of the land revenue. In Dhenkanal and Talcher the cesses, before they were reduced to the present figures, stood at no less than six annas in the rupee and if the forest cess is included this amount is further increased. The addition to the land revenue today in Patna including the forest cess would come to about 7 annas in the rupee. In Patna, a patwari cess is being levied but there is no patwari system in the State; the cess was doubtless first imposed to meet the cost of a patwari establishment of the Central Provinces' type but there is no patwari system now, and the cess is shown as levied to meet the cost of settlement. Even if this object was proper I have shown in the report on Patna that the total amount recovered will be much more than the cost of the settlement. Similarly, in Kalahandi, a patwari cess is levied but the total amount spent on the entire revenue and land records establishment seems to be less than the amount raised. In Patna, the Land Revenue Act provides for the imposition of cesses at any time and no limit is placed on the amount. Cesses such as miscellaneous cess or local cess show that the States regard a cess as an addition to general revenue and not as a levy for specific objects. It was decided after Mr. Bowstead's enquiry that cesses like education cess, road cess and *nistar* cess might remain and the rest should be merged in the rent. In the case of Talcher, the miscellaneous cess was to be considered at the next settlement which was reported to be imminent. Cesses like the local cess and miscellaneous cess were really the commutation of various levies like *begar* and numerous other dues like those imposed at a marriage or other functions in the Ruler's family. In Sarangarh the *bhandar* cess which was being levied by the State has just been transferred to a newly constituted District Council, the President of which is the Dewan. Incidentally this move raises the possibility of evasion by imposition of cesses indirectly by means of controlled local bodies. While the cultivator is burdened with cesses there are instances of cesses being appropriated entirely or partly by tenure-holders or by the members of the Ruling family in *khamar* villages. For instance the 'local cess' in Dhenkanal is appropriated by tenure-holders, and in Patna all the cesses of *khamar* villages are appropriated by the Ruler. In Jashpur by an order (recent) of the Political Agent, the *thekedar* has been permitted to appropriate the cesses of newly reclaimed lands.

A rate called a cess but which is really a commutation rate is the so-called forest or *nistar* cess. This rate is based upon the rupee of land revenue in some States and on the acreage of a holding in others. In a few it is levied as a plough rate and upon non-agriculturists as a house rate. Usually it is not levied on aborigines in some States like Keonjhar or Kalahandi, in which shifting cultivation is permitted. In several States it is levied as an acreage rate at different rates on wet lands and other lands. At present, the orders [cf. S. No. 20 in F. No. 22 (4)-P./40] issued after Mr. Bowstead's enquiry are that it should be levied as an acreage rate in view of the liability of land revenue to increase while available *nistar* decreases. A uniform acreage rate is likely to increase the incidence of the tax as in the backward areas large areas of uplands on low revenue are held by cultivators and differential acreage rates on wet land and dry lands seem to be necessary.