

settlements in the States do not appear to have been inexpensive on account of the inefficiency of the staff and the long period taken. In view of the vital importance of settlements and the amount of harm an unimaginative settlement can do both to the agriculturist and the administration, the introduction of a competent joint agency for the framing of settlement rules and instructions and for the actual supervision of settlement is urgently necessary. The importance of such a controlling agency is clear as few of the States can exist as such independently and employ a really competent settlement staff.

54. *Maintenance of Land Records.*—As regards the maintenance land records, the position in the Orissa States may be said to be on the whole unsatisfactory though in some of the States like Gangpur the records are probably more reliable than in the others. Generally speaking, in all the States in which the village headman has powers to allot land for new cultivation or accept surrenders and reallocate land without reference to the States, the settlement record is not maintained up to date and only after a 'nayabadi' settlement (*i. e.*, a settlement for the purpose of assessing new cultivation) is order restored to some extent. In the Orissa States, generally speaking, there is no field staff for the maintenance of records. New cultivation, if permitted only by the State, is generally recorded at the headquarters and the services of 'amins' are usually employed for purposes of surveying new lands, etc. Mutations where they are intimated to the State are recorded but there must be many which are not reported or brought to notice for long periods in spite of the penalty levied for delay. In fact some of the States are more interested in the penalty than in keeping the records up to date. The instances mentioned in the report on Narsingpur where mutations which have actually taken place were not recorded on account of some trivial irregularity in the petition may be recalled here. In the Chhattisgarh States which mostly employ patwaris as land records staff and maintain the records on the Central Provinces system, the records are maintained better and more systematically though in some States the number of patwaris employed is quite inadequate. In States like Bastar or Kalahandi the Zamindars maintain their own records and the effectiveness of supervision is doubtful, particularly in the latter State. In the Agency as a whole, it may be said that the maintenance of land records leaves much to be desired. The maintenance of a land record staff on the Central Provinces system is of course expensive but if the Chhattisgarh States have been able to do this there is no reason why the Orissa States should not do the same. The cost of the revenue and land records staff in many States is very small (see individual report). An alternative to the system of employing separate patwaris is to train the village headman in survey and make use of them but this can only come about gradually. Perhaps a compromise is possible in the States and would suit them best, namely, by giving the headmen certain duties which the patwari performs, such as preparation of crop statements which does not require technical training, and the employment of a limited patwari staff which would then suffice for a larger area. The details will of course have to be worked out by the Agency which will be recommended for controlling and supervising the settlement and revenue affairs of the States.

## CHAPTER V.—Recovery of Land Revenue.

55. *The Responsibility of the Headman.*—The part played by the headman of a village in the collection of land revenue has already been mentioned. In practically every State in the Agency, wherever there is a *sarbarakar*, or *thekedar* or *gaontia* in a village, he is expected to bear the responsibility for the entire revenue of the village. It has been pointed out that on account of this responsibility there are many villages in every States for which headmen cannot be found. On account of the responsibility for the revenue the States often seek a man who has financial capacity, for, often the ryots may fail to pay or delay payments, and the headman should then be capable of paying out of his own pocket. This criterion often compels the States to seek an outsider with no local interest to be the *thekedar* and this feature is rather prominent in some States like Kanpur. My enquiries show that only in Gangpur where the high commission of 25 per cent. is paid and in a few other States of Chhattisgarh

where the *gaontia* gets a high remuneration is the system of headmen with responsibility for the revenue satisfactory. Many headmen have to borrow in order to pay their '*kists*' in time as the normal remedy against defaulting ryots is to file a civil suit. In most States the headman is now permitted to file a list of defaulters in the revenue court for the purpose of summary procedure but 'certificate procedure' is permitted only if the headman pays the due on the due date or within a specified time and files a list of defaulters within a given period. In one or two States like Athmallik or Hindol the headman is absolved altogether from personal responsibility for payment if he files a list of defaulters. In the States of Nilgiri and Athgarh the system of village headmen has been abolished and collection by peons resorted to, a system susceptible of serious abuse, and the results are not satisfactory. The employment of temporary peons during the collecting season particularly, is fraught with serious danger of the villagers being duped, and as the peons, have many villages in which to collect, collection cannot be as satisfactory as if there is a local man. The result of this kind of mechanism is also likely to cause serious inconvenience as the tendency for tahsildars is to go to certain villages and require the villagers of neighbouring villages to attend. With the system of collecting peons, of course, there is no possibility of a local agent of the State for various other purpose and the chowkidar cannot be an adequate substitute. In Baudh State, the *sarbarakar* has been relieved of the duty of payment of revenue and while he is retained as a village headman, there is a separate staff for collection. In Athmallik State, a large number of headmen were removed between the years 1936 and 1939 for failure to pay the revenue. (Many of them have been reinstated since but a larger number of villages are still vacant). In most of the States, the headmen hold lands known as *manwar* or *bhogra* which follows the post and in view of the fact that in most cases a *nazrana* or *salami* has been paid for the headmanship or the post is 'purchased' in auction, the *manwar* lands have really been paid for and ejection from the post is therefore a serious loss when the headman is not really to blame, as it is the ryot who defaults in the first instance. Generally speaking, the position of *sarbarakars* or *gaontias* with responsibility for the revenue is becoming difficult throughout the Agency. Mr. Bowstead in his report [F. 22 (4)-P./10], suggested that the *sarbarakari* system was beginning to outlive its utility and seemed to think that the system of collecting peons was better though he made no specific recommendation or analysed the causes. What is wrong with the system of village headmen is really the fact of the responsibility for the whole of the revenue whether the ryots pay or not, and the fact that in most cases he has to pay first and then incur the expense and trouble of a civil suit. The possibility of village headmen without responsibility for the whole of the revenue but responsible for *collection*, i.e., working as the local collector of revenue on behalf of the State (to which practical position he has been reduced in some of the States) does not seem to have been envisaged. The States, or some of them, still feel that in times of agitation or trouble it would be useful to hold one man responsible and make him pay but it is obvious that nobody would accept the position if he did not feel that recovery could be effected from the ryots. It would not indeed appear desirable to eliminate village headmen who have in many cases held the village for generations, and, in the States as well as in other places of which I have experience, rendered excellent service to the village as well as the Government concerned. Collection of land revenue is not the only duty a village headman performs and he has numerous other functions to perform such as reporting crime, looking after the interests of the States, the sanitation of the village and so on. In discussing the maintenance of land records it has been suggested that the headman could probably be made use of for that purpose. The Partially Excluded Areas Committee of Orissa made a recommendation similar to that of Mr. Bowstead but admitted (see para. 35 of the Report) that they had no satisfactory alternative for the discharge of other duties. They made a vague recommendation that they realised "that this question presented some difficulties but they are not insuperable." A change in the present situation is desirable and this will be dealt with fully later. The system in Baudh of retaining village headmen as well as employing a separate collection staff seems to me a waste of money to a large extent as the village headmen could certainly be made use of as local collectors, known to the villagers and

mostly having a strong interest in the village. In villages where there are no *sarbarakars* or *gaontias*, collection is effected usually through specially appointed patwaris or tahsildars or *amins*.

56. *Date of Payment.*—The next point about the collection of land revenue is the time and manner of its payment. In a large number of States, the ryots are required to pay the revenue in two instalments, in December to February and between March and May. In a few States payment is made in three instalments, in November, January, and April-May. Now practically throughout the Agency, rice is the main crop though small quantities of other crops are also sown, the proportion of these increasing as we go from east to west. The rice harvest begins in October for the early varieties which however are sown over a very small area and the bulk of the harvesting is done in November-December and is complete by the end of December or first week of January at the least. Other 'kharif' crops like *kodon*, *mung* or *jatangi* also ripen about the same time as rice or slightly later. Except in the western-most States of the Agency there is no appreciable 'rabi' or spring crop. Most cultivators seem to pay their land revenue by sale of the rice crop, particularly where they have to make payment in November or December but some cultivators sell the 'miscellaneous' crops for this purpose and nearly always pay the second instalment out of the sale of such crops. The price of rice seems to rise steadily more or less through the season, being lowest in November and rising to a maximum in September-October, after which it falls as the early varieties are harvested and begin to come in. Thus the cultivators who have to pay their revenue in November-December or early in January generally have to sell the paddy at a time when prices are lowest, as well as before harvesting is really complete, and are thus put to loss as well as inconvenience. For this reason, practically every where cultivators have stated that payment of the first *kist* in November or December is inconvenient. Those who have to pay late in January or February have no complaint about this and usually there is no complaint about the second *kist*. Those who pay a third *kist* in October-November seem to borrow money in anticipation of the harvest at a high rate of interest. The *kists* are mostly equal but in some States are levied at 12 annas and 4 annas in the rupee. The village headmen usually have to pay fifteen days to a month after the date fixed for the ryots. In actual practice cultivators in some States, like Udaipur, occasionally pay up their land revenue in one instalment but sometimes in dribblets of three to four payments as they obtain money. Often they try to retain the entire paddy crop for their own use and pay the revenue out of wages, sale of minor crops, or other sources of income. Usually in the zamindaris and other areas under tenure-holders, the same dates seem to be fixed for the recovery of revenue as the rest of the State.

57. *Rules and Procedure.*—We now come to a consideration of what happens when the cultivator or headman fails to pay his revenue. Some of the States on either side of the Mahanadi have rules usually framed during minority administration for the recovery of land revenue but in most States there are no rules or binding procedure for the recovery of land revenue. An officer may refer to the Orissa Public Demands Recovery Act when he is at a loss to know what to do, or the Central Provinces Land Revenue Act, but even where these laws are included in a list of laws shown as followed in the State, the actual procedure is generally different and in fact these laws are not meant for the circumstances in the States though portions may be applicable. Generally speaking, whenever default is made by a headman with responsibility he is proceeded against in the first instance; a notice or sometimes a warrant of attachment of movables is issued against him. If he does not pay, the movables are put to auction. If this does not result in recovery the headman may be ejected and the post auctioned or resettled otherwise. On the whole, in recent years, except in Athmallik (see separate report) where headmen were ejected by the hundred a short time ago, I did not come across cases of frequent resort to this measure. In most of the States, agricultural implements, cattle, etc., mentioned as exempt from attachment in the Civil Procedure Code are not attached, at least in theory, but in some States like Narsingpur or Changbhakar these articles are not exempt. The service of warrants and execution is the responsibility of a ministerial official known as *nazir*, and definitely in most of the Orissa



States and probably in the others as well, the *nazir* and his peons are corrupt and make use of this responsibility to their advantage. This is clearly shown by the deliberate delay in making attachments or sales observed in so many cases, and the Dewan of Baudh State admitted this position. In some States, property is given to a Sub-Inspector of police or Head Constable to sell in a local bazar (Udaipur, Rairakhol). In the States such as Nayagarh also in which immovable property is put to sale for recovery, matters are left almost entirely to the *nazir*. The proceedings in these cases are most irregular, and property may be notified for sale on one date and sold on quite a different date, and sometimes at short notice. The period of thirty days for proclamation prescribed in the laws said to be followed is certainly not followed in practice. In Nilgiri, the practice of the process server or peon finding bidders for immoveable property is so full of possibilities of corruption that it would be amazing if it were not abused. In most of the States there is no restriction against process-serving peons accepting payment of dues and in some like Changbhakar this is freely practised. In hardly any State could I see adequate strictness in all these matters.

Arrest and detention is not employed as a process in the States to any extent though in one or two States like Jashpur there are occasional cases. Other process employed for recovery are lease of the land for the arrears, ejectment from land or from a part of it (a recent practice). In the State of Surguja, where the maintenance of records till a year or so ago was practically non-existent, it is said that no coercive processes were issued for recovery of revenue formerly. In the last two years however, need has been found for such processes but there is nothing to indicate any particular change in the ryots attitude. It is admitted however, that land revenue has not been recovered in full every year and also that peons had to be sent out. The position is thus mysterious but in any case it is a good thing that regular records are now being made. How zamindars and other tenureholders used to exercise pressure is also not known.

Statements obtained by me regarding collection of revenue show satisfactory collection in many States but in some, collection is poor, and the number of coercive processes heavy. The individual reports may be referred to in this connection.

58, *Receipts*.—Except in Athgarh where a number of villagers complained about not getting receipts for payments, and in some part of Surguja or Kalahandi where no receipts are granted, the position in the rest of the area, as far as I could observe is satisfactory though in Kawardha I found a case of a man who seemed to be paying a rupee more than what he was given a receipt for, and what was shown as his assessment. Also in this State no receipts appeared to be granted for forest dues and some cultivators seemed to be actually paying more than what they were liable to be charged. (In other places joint receipts for the whole village or for a number of houses were said to be given). In Athgarh, where collection is direct, some people said that clerks in the office charged a fee for receipts. In the Orissa States, receipts are given on slips with counterfoils, the counterfoil being retained with the headman. The headman usually purchases the receipt book from the State and charges one pice for each receipt. In Tigiria, I came across a unique charge of half a pice per receipt to be paid to the chowkidar of the village. In some States of Orissa the charge for the receipt book of the *sarbarakar* seemed to be rather more than its printing charges, that is, the State was making a profit out of it. In Rairakhol a receipt book of 100 leaves was said to cost  $7\frac{1}{2}$  annas but the headman was charging one pice per receipt and thus making a profit of more than one rupee.

In Chhattisgarh States (except Surgurja) the Central Provinces system of the ryot keeping a bound '*rasid-bahi*' which contains enough leaves to last for 15-20 years is followed. This '*rasid-bahi*' shows the area and rental of a ryot's holding as well as cesses payable and every year a new demand leaf including arrears of the previous year, if any, is entered by the patwari and the headman acknowledges receipts on the opposite page, every payment being shown as it is made. The cost of the '*rasid-bahi*' is about 3 annas (in the Chhattisgarh States also a profit is made on the sale of *rasid-bahis* either by the State, or improperly by the patwaris who sell

them) and it is available for many years and the ryot has thus a permanent record of all his payments over a number of years at a very low cost. The Orissa receipts are loose and easily liable to be lost or torn and cost more than twice what the Chhattisgarh cultivator pays. In the Chhattisgarh States, I noticed the following malpractices *viz.*, fees being charged for writing receipts, patwaris through whom the *bahis* are sold charging more than they were entitled to, and also charging fees for writing. Most of these are due to the inefficiency of the local officers and slack administration.

## CHAPTER VI—Other Matters.

59. *Village Servants.*—In connection with rent-free grants held for the performance of services, village servants like the chowkidar, have been mentioned to some extent. The most important village servant is the chowkidar who is to be found in all States. In some States he has an assistant called a *jhankar*. Only two States in the Agency (Korea and Tigiria) have a sort of head chowkidar the need for whom is far from clear. The chowkidars and other village servants nearly all hold jagirs and in addition get payments from ryots. In some States like Korea, Sarangarh, Surguja or Patna, a fee is levied, usually triennially, for the dress of the *kotwar* or chowkidar. In Korea and Surguja (see reports) the headmen seem to make a profit out of this. The appointment of the chowkidar usually follows the rule of primogeniture. In a few States his appointment is usually made on the recommendation of the police.

60. *Procedure and Laws.*—Among the Orissa States, Narsingpur, Hindol, and among the Chhattisgarh States, Patna and Kanker have got a codified revenue law, the first three having been framed during the last two or three years. Sonepur has a '*bhumi-bidhi*' which lays down certain revenue matters, Talcher and Athgarh have certain rules and a few others like Dhenkanal or Daspalla have rules for special purposes such as mutation or recovery. The remaining States have a *wajib-ul-arz* or a *patta* executed by the headman, or none at all. These rules and laws have been examined in detail in the individual reports. Some States declare that they follow the Orissa Tenancy or the Chota-Nagpur Tenancy or the Central Provinces Revenue Laws where there is nothing in their own rules or *wajib-ul-arz*. In Ranpur, the Orissa Tenancy Act is shown as 'partly' followed but it is not known which part it is which is followed. In some other States it is the 'spirit' of the Act which is said to be followed. With the exception of the first few States there is generally nothing governing the procedure of Revenue Officers and many other matters, and the laws of neighbouring provinces cannot be, and, in practice, is not followed in the States. Generally, the few laws which have recently been framed are defective in many ways and contrary to sound revenue principles and practice, and are very badly drafted, in the other cases the *wajib-ul-arzes*, the *pattas* etc. are quite useless as revenue laws, and in practice do not have the force of laws; instances of the *wajib-ul-arz* being violated by the Ruler and others are known and more matters are left uncovered by these documents than are mentioned in them. I have already mentioned that in view of the small revenue of these States, the law must be designed to confer adequate protection to the agriculturist from unjust or excessive demands and the machinery must be such as to enforce this law.

61. *The Rulers As Revenue Authorities.*—Regarding the enforcement of the laws, such as they are, in practically all of the States, the Ruler or corresponding authority passes orders on all or most of the important cases and is also the final authority in the matter. In Bamra, orders passed by the Revenue Officer go in appeal to the District Judge and the Ruler is the final authority but passes the first order in all important cases. In Patna, a similar position prevails, there being a Revenue Minister. It is clear that the position practically throughout the Agency is that neither is there an adequate law nor is there any possibility of remedy for aggrieved persons in view of the Rulers acting as Revenue Courts except that of a petition to the Political Agent which is sometimes dealt with by an