higher degree. With a system of *thekedars* with powers to allot lands and accept surrenders, apart from the possibility of abuse and harassment, the land records cannot be satisfactorily maintained. Though leases may bring in a certain amount of *nazrana* it is clear that on the whole the State suffers a loss in the shape of a heavy "draw-back" intercepted by the *gaontia* and in the *nazranas* which the headman intercepts and which would in a system of direct management go to the State. The powers of *thekedars*, as already mentioned, have been reduced from time to time on account of abuse, and in view of the corrupt practices inherent in the system, it is essential in the interests of proper village management and State revenue to seek a different system. In Bastar the need for abolition of the *thekedari* system has been recognised and new *thekas* are not created while old thekas which are forfeited are not reissued. Throughout the Orissa States with the exception of a few like Gangpur or Pal-Lahra powers of allotment or reallotment of land have been taken away and *sarbarakars* in these areas are little more than collectors of revenue. In Patna recently the powers of allotment and allotment of land have been appropriated by the State. In the Chhattisgarh States of Surguja and Koreo there is a move towards the *ryotwari* system.

Thy system of farming out villages to headmen with responsibility for the revenue may now be regarded as a primitive method of management the utility of which, if any, has expired with the time when cultivators were difficult to find, and it is not suited to an age of rapid communications and rapidly increasing population; it has not fulfilled expectations of village improvements and has on the other hand resulted often in harassment of ryots and the powers of *thekedars* and *gaontias* have had to be reduced from time to time; the responsibility for the revenue of the village has resulted in the system breaking down in many places with the consequence that in two States (Nilgiri and Athgarh) the system of village headmen has been abolished altogether and in Baudh the headmen have been relieved from the responsibility of paying the land revenue. Nearly everywhere the States have been compelled to help the headmen with certificate procedure and other means (even in the Central Provinces *malguzars* seek the help of the tahsildar) and for many villages headmen willing to accept the responsibility for revenue cannot be found; the mass removal of headmen in Athmallik for quite trivial arrears of revenue in some cases is described in the report on that State.

The *ryotwari* system is moreover the only system which the States can have as a common factor and to prevent the loss of State revenue in the shape of heavy 'drawbacks' intercepted by the headmen.

CHAPTER VIII.—The Ryotwari System Proposed

78. The excellence of the system of direct management known as *ryotwari* and the uniformity of authoritative opinion in respect of it has already been noted. I am of opinion that this system should be introduced into the States. By suggesting a *ryotwari* system I am not suggesting anything new or foreign to the area; it will be shown presently how this system can be evolved out of the existing system; in a number of ways the position in many States where the headman has no rights of disposal of land is very similar to it. Briefly in the *ryotwari* system, there is a Village headman, who is, or should be, one of the local cultivators, with strong local interests and influence in the village. It is essential to the success of the system that the headman should, to the largest extent possible, be a local resident, and not as often happens under the *thekedari* system, (particularly so where easy money is the first consideration) an outsider. This headman, as far as possible the choice of the villagers, will be a sort of local agent of the State, responsible for the *collection* of the revenue and having other administrative duties to discharge. Being a local man and well known to the villagers, there will be greater confidence in him than in the case of a temporary peon who acts as collector and has opportunities of cheating as well with comparative impunity. The State can also place greater faith in him as a collecor of revenue. As a remuneration for the collection of revenue and discharge of other duties, the headman gets a remuneration which is usually a small percentage of the total land revenue. Having only the duty of collection to do, and bearing no personal responsibility

for the revenue, and having no such rights over village waste or land left without an occupant as the lessees have, and further with no payment to make in order to retain his office or to get it, the opportunities and incentives for the village headman to oppress the cultivators will be reduced to the absolute minimum. The post will as a rule be held hereditarily according to the law of primogeniture but the primary consideration will be the fitness of the person for the post and his ability to discharge the duties personally. This is the system prevalent in the ryotwari areas of Berar, Bombay and elsewhere.

79. *Conversion of the State System.*—How can the system in the States be converted into this and what will happen to the *gaontias* and *sarbarakars* ? The description of *ryotwari* management given above will already have provided an answer. It is not necessary to oust the *gaontias*, *sarbarakars*, *padhans* and others who have often held for generations. As already pointed out, the practice in the States is that the headmen hold their posts ordinarily hereditarily even where they have no protected status, though sometimes they have to pay a *salami* to do so. Thus a great many families have held the headmanship for generations and the resentment likely to be caused by disturbing them has on the whole been recognised in the States. There are indeed numerous cases of outsiders also but even they tend to become hereditary. The responsibility for the revenue is a thing a great many headmen would like to be relieved of though some of the *gaontias* who are getting a high commission would not mind retaining it if they felt that the commission or "drawback" would be reduced. They would also like to feel greater security in their tenure and in their *bhogra* land, particularly where they have paid a heavy *salami* for it; there are bitter disputes regarding the *bhogra* between private co-sharers and all these are liable to be ejected if the *gaontia* is ejected. All *gaontias* and *sarbarakars* have administrative duties to do which they will have to do also as headmen of ryotwari villages, In these matters then, there is much in common between the present position and the system proposed and there will not be any appreciable change in transition. The chief difference between the two system may be summarised as follows : In some States, (mostly the Chhattisgarh States of Nandgaon, Khairagarh, Chhuikhadan, Kawardha, Raigarh, Sarangarh, Udaipur, Kalahandi and one or two in Orissa like Gangpur or Bamra) the headman has the powers of alloting waste land for new cultivation but practically everywhere now this is subject to the sanction of the State if there is forest growth; also he has the powers of accepting surrenders of land or taking possession of abandoned land or of lands the owners of which have died intestate or where male heirs have failed. In Sonepur Nandgaon and Udaipur the *gaontia* can levy a consent-fee on transfers of land; in Nandgaon and Raigarh a fee is levied on connivance at a transfer not permitted under the rules by the process of surrender and reallotment and in Sakti an illegal fee is levied on transfers which require the consent of the State. The *gaontias* have *bhogra* or *manwar* lands which they hold only while retaining the office and are liable to lose when they are ejected. In most cases *nazrana* or *salami* has been paid for the village, and this is a heavy sum in some of the Chhattisgarh States where lands are valuable. As the headmanship does not convey proprietary or transferable rights, the payment for which the 'village' is purchased may be regarded as made for the following rights and liabilities :

Rights.	Liabilities.
1. Cultivating possession of *bhogra* or *sir* land.	1. Responsibility for the entire revenue of the village.
2. Perquisites obtained from the allotment or reallotment of land.	2. Liability to be ejected for non-payment of revenue or breaeh of rules.
3. Commission or remuneration unless this is provided by (1).	3. Liabilities to make payments when theka is renewed and insecurity of tenure.
4. Illegal perquisites.	

1 and 3 on the rights side are generally identical. In some places where there is 'excess' *bhagra* or *sir* this is held on assessment. If *bhogra* is inadequate the *gaontia* get a 'drawback' on the ryoti rents to make up the percentage of commission, otherwise the land is held rentfree and no commission is paid. Analysing the rights further, 2 and 4 are most valuable in a few States like Raigarh, Sakti, Sarangarh, Nandgaon, Khairagarh,

Chhuikhadan or Udaipur where land is valuable (see below, *nazranas* in most of these States are contrary to the *wajib-ul-arz*). Both of these are casual incomes and where land is really valuable there will be practically no case of surrender or abandonment, and cases of intestacy or failure of male heirs are also rare. It is in these areas also that the machinations of the headman for forcing a surrender of land may be expected. (Whether a change in the position of the headman is made or not, it is proposed to grant rights of transfer without any person's consent (except in the case of aboriginals) to ryots and also to alter the rule of inheritance in the Chhattisgarh States to the personal law). As regards illegal perquisites by levying *nazrana* and consent money in various matters where the consent of the headman is required, this is also a more or less casual income and is in some cases punishable; it is appreciable only in a few places as where there is close cultivation there is little land available for allotment and where the area is still undeveloped the land has little value and so on. The payment for the village may thus be regarded as very largely, if not exclusively, made for the *bhogra* or *sir* lands and (or) the remuneration for the post of village headman with the responsibility for the revenue. That headmen should no longer be allowed to exercise the powers of allotment of waste land, or accepting surrenders of land is clear. These powers should go in the interests of the revenue of the State and of better village management even if the practice of headmen with responsibility for revenue is retained. It is idle to give headmen these powers and not expect them to make money out of it or harass the ryots. The headman's potentiality for mischief has gradually been reduced from time to time and in most places there are very few such powers left now. Then again, in matters like transfers of land it is not proposed to leave this any long to the competence of the headman to sanction or not to sanction. In a number of States like Khairagarh, Chhuikhadan, Kawardha or Udaipur the levy of *nazrana* has been specifically prohibited where allotment of waste land is concerned and in no State is it a specifically authorised levy. This leaves us with the *bhogra* lands which are usually the best lands in the village, and this is generally what the headman paid his *nazrana* for. If therefore he gets permanent and transferable rights in the land, he will be adequately compensated for the payment. Then, on the liability side, if the headman is no longer personally held responsible for the revenue but is only expected to collect and credit the money, reporting cases of defaulters he cannot deal with to the authorities for necessary action, this is a distinct advantage for him and removes one of the chief causes of insecurity of tenure and so much trouble, as he originally had in many cases to borrow to pay, and then to file a civil suit or other proceedings, the costs of which first had to be paid by him. Further, on the ryotwari system, there is no question of removing him from the headmanship so long as he performs his duties and is not guilty of a criminal offence or gross misbehavious, and even if he loses the post he would not lose the lands which now become his permanently with rights of transfer. No payment of any kind except perhaps a nominal one would be recovered from him where, on account of death or removal, a fresh order of appointment is issued in favour of his son and there would be no periodical renewals of the '*patta*'. Thus, on the whole, the *gaontia* would definitely not lose anything on the new system. Provision has, however, to be made for the cases where a recent appointment has been made but without recovery of any *nazrana* or only a nominal *nazrana*. In the case of headmen of long standing, I do not think the question should arise at all as by virtue of long possession (probable being the original clearers of the land) and discharge of their duties the headmen have acquired a right to get the same rights as an ordinary ryot gets in his land, even if payment of *nazrana* cannot be proved. If therefore a headman has, either by himself or through members of his family from whom he has inherited, held a village for 20 years or more it is proposed to give him the same rights as a ryot in his land. If the possession has been for less than 20 years and the *gaontia* is a new comer, the *nazrana* paid, if any may be set off against the estimated value of the land when it was given excluding the value of improvements, if any, made by the *gaontia*; new additions to the *bhogra* since the *gaontiahi* was acquired, if cultivated for less than 20 years will be regarded as liable to be paid for. It is proposed to recover only half the difference between the *nazrana* paid and the estimated value of the *bhogra* if the village has been held for more than 12

years. It is not proposed to make any payment to the *gaontias* if any extra payment has been made in view of the removal of the responsibility for the revenue and insecurity of tenure. The *gaontia* will be given the right to file a civil suit if any extra payment is demanded from him for the *bhogra* land and he considers himself aggrieved. The new status proposed for the *gaontia* may be clearly seen from the relevant sections of the draft law. I do not think that there will be either much litigation or even a large number of cases for settlement as headmen who have held longer than 20 years, who numerous will have full rights in the land unless there are additions to the *bhogra* within 20 years. The *gaontia* will not be compelled to buy such new additions or any portion of the *bhogra* and he can give up possession of the land or a portion of it. The *bhogra* thus settled, we have all the necessary conditions for a ryotwari system. One very strong reason why it is essential to settle *bhogra* is that in many places the headmen have got co-shares in the *bhogra* land who have indeed no permanent rights in it and are not recognised as shares in the village headmanship. The co-shares can enforce their interests in the *bhogra*, and in some cases any agreement subsisting between them and the *gaontia*, in the civil court. There is constant friction between the *gaontia* and the co-shares and bitter litigation as the *gaontia* has to shares his *bhogra* but the co-sharers often refuse to take part in the liabilities of the *gaontia*. These disputes are sometimes said to have assumed serious proportions. This state of affairs will to a large extent disappear when the *bhogra* is settled. The States themselves have fully recognised the need for settlement of the *bhogra*. The difference between the proposals made here and their idea is that they would like to realise *salami* for all *bhogra* whereas my proposals restrict it to new *gaontias* who have not held for 20 years; in my opinion it would be very unfair to the *gaontias* to make them pay *salamis* for land they have held and developed for generations.

The next question is about the commission the headmen get. As stated before, this is a rather high percentage of the total revenue of the village in a number of States and with the removal of the resposibility for payment of the revenue there is a good case to reduce it wherever it is more than ten per cent., except in small villages the total rental of which is very little. A sudden reduction of these amounts will undoubtedly cause hardship and it is proposed therefore to effect a reduction in three steps at five-yearly intervals. This could be done at settlement when changes in the *wajib-ul-arz* and in other directions are usually made in the States but as it is difficult to say when settlements will take place in future a definite period is fixed.

80. *The Ryots under the Proposed System.*—We can now proceed to deal with the position of the ryots. As the headman has ceased to exercise any proprietary rights in the village, and is merely a collector of revenue and a village official, the ryots hold land directly under the State and deal directly with it. It is the State which will now take action against them if they fail to pay their dues (this is the position already existing in some States like Athmallik, Baudh, Nilgiri or Athgarh and in some villages of every State where there are no *gaontias*) and the *gaontia* will only report defaulters. It is the State too which will allot waste land for cultivation, accept surrenders of land and reallot surrendered land with recovery of premium. Coming now to the question of what the actual position of the ryot in land cultivated by him will be, it is hardly necessary to say that rights in the holding must have that absolute security which is essential for the prosperity and contentment of the cultivator, the improvement of cultivation and the consequent benefit of the State. Assuming that this is a proposition which nobody even in the States will now dispute and that the ryot will not be ejected from his land for any cause, other rights in which the cultivator is interested is how the land will descend after him, what rights he has in the matter of transfer by sale, gift, mortgage, lease, will or otherwise, what rights he has on trees and other produce growing on it, and whether he has any rights to make improvements.

(a) *Succession.*—As regards the right of succession, in most States there are no restrictions in this matter and inheritance seems to be governed by the personal law, but in a few of the Chhattisgarh States, there are restrictions to the effect that if direct heirs fail, succession is restricted to

males among collaterals and the right of adoption is not recognised except with permission, which means money. There is considerable feeling against this restriction. In the Central Provinces a similar restriction though less stringent used to exist in the case of occupancy tenants but this position has now been altered and occupancy tenants, like absolute occupancy tenants are governed by personal law in this matter. In Berar, succession is governed by personal law, and in Orissa and Bihar now, there seems to be no such restriction as exists in the States. There is no useful purpose behind the restriction except that it would offer the headman or the States a "windfall" now and then and in view of the feeling against it and the absence of such restrictions elsewhere I consider that it should be abolished and succession should be governed by personal law.

(b) *Transfers.*—Taking transfers, the position now in the States is that most of them allow transfer with or without the permission of the State but with the levy of consent-money or *salami* or mutation fee (disguised *salami*) and only in Ranpur, and probably now in Athgarh, is there the right of unrestricted transfer. The States in which transfer is not permitted at all have been mentioned before. There is undoubtedly strong feeling in favour of allowing transfer and in fact, wherever transfer is not permitted, it is often effected by illegal means or circumvention of the rules. Circumvention by surrender and reallotment and other practices have already been mentioned by me. Even in Bastar where the prohibition against transfer has been applied with some rigidity there is evasion of the rules as well as illegal transfer.. I do not think that in areas where land has value transfer can be effectively prevented without giving rise to the strongest feeling. In the Central Provinces, Bihar and Orissa this feeling has been recognised, and in all three provinces the right of transfer has been conceded. In Bengal, Bihar and Orissa, the rights granted are practically unrestricted. This has been done in spite of the strongest arguments of the opponents of transfer that such rights are not in the interest of the cultivators. As the grant of these right in surrouding areas does not by itself constitute a case for similar steps in the States, we might examine the position a bit more closely.

The Ryots' case for Rights of Transfer.—To do this we have to look back to the previous history of cultivation and village management. As pointed out earlier, at one time, it was the cultivator who was once in great demand, not the land. The land at this time had no value and even the forest-growth on it had no value in view of the plentitude of such material. Land was anybody's for the asking and the desire to cultivate. This position still prevails to a large extent in States like Bonai, Korea or Changbhakar where nobody would buy waste land, and in fact many bogus cultivators whose real interests is in the forest growth come forward to take the land only to abandon it, after taking the timber. It is after the cultivator has put his labour into it, cleared the forest growth and ploughed the land, embanked it or manured it, that the land becomes fit for cultivation. Before this process takes place there is little value in the land . The importance of this initial effort is seen from the fact that there are numerous professional cultivators, even in areas where land may be had practically for the asking, who cultivate habitually on the *sanja* or *batai* system paying more rent than land-holding ryots. Such cultivators when questioned by me said that they had not the means to bring new land under cultivation. Thus, in former days when there were vast areas under jungle, and even now in the land-locked, backward areas of the States, land had and has little value. On the other hand, there were areas in which cultivators started settling where the land was rapidly acquiring some value. The transition from the state where the cultivator probably required inducements to take up land, to the state where he no longer was sought after so keenly has been mentioned. Here, it may be safely assumed that the cultivator, before being permitted to take up the land, was made to pay whatever value it possessed. The village headmen in those days were very much more powerful than they are now, and exercising the powers of allotment as well as of ejectment as they did, there can be no question that they squeezed out every pie the land was worth, either in the shape of high rents or *nazrana*, particularly where they themselves

had to make a payment for obtaining the village or retaining the headmanship. Prohibition of *nazrana* is futile where land has any real value and neither the headman nor the cultivator would trouble about the restriction. Thus the position is that everywhere either the land had no value when the cultivator took it, or it had little value, which has been paid to the *thekedar*, and by the latter to the State in the shape of *nazrana*. The value of the land now is of course quite different from what it was when the land was acquired. Largely the present value has been given to it by the cultivator himself, and to some extent the enhanced value may be due to improvements in communications and other developments for which also the cultivator has paid and is paying in the shape of enhanced rent. Thus, on the whole, the value of the land has been put into it or paid for by the cultivator, and in view of this fact his feeling that he has a right to the value is natural. It may be mentioned that where land has so much value that there is competition for it the State often holds an auction, and the Udaipur practice where more than the royalty of trees is levied has already been noticed. In view of these facts, the State would not be making a gift of money to the cultivator by conceding the rights of transfer and in fact, by denying such right, the cultivator is being deprived of his legitimate rights. The levy of consent-money by the State or the headmen is an encroachment upon the cultivator's rights and deprives him of a part of the value of the land to which the State or the *thekadar* has contributed little that has not been paid for, apart from levying such duties as stamp duties and registration fees on him. In Patna this fee has been justified on the ground that the land does not belong to the cultivator. It has been pointed out in the report on that State that the value of the right is recovered when land is put to auction and the levy of a transfer fee on a transfer by the cultivator amount to depriving him of a part of the value he has already paid. Thus not only is the cultivator justified in his demand for the rights of transferring his land but is also justified in asking that there should be no restrictions or need for payment to middlemen.

Case for and against restriction.—The point to be considered now is whether the exercise of the right is detrimental to the interest of the cultivators and should be prohibited by the State in his interest. States which permit transfer on payment of consent money are not entitled to raise such a plea as they are really interested in aiding to the revenue. The arguments against permitting transfer are that the cultivator will soon start selling and losing his lands or will be deceived into doing so by wily money-lenders; soon, therefore, the cultivator will cease to be such, and become a labourer. While it is to some extent true that on account of his own extravagance or on account of the wiles of money-lenders, cases of cultivators losing their lands are not uncommon, it is by no means true that the grant of transferable rights results in cultivators as a general rule becoming labourers. The cultivator on the whole is strongly attached to his land, and recognises quite clearly that it means all the difference to him between a land-holder and a landless labourer, and this is evidenced by the way cultivators who have been ejected from land many years ago, still remember and speak of it as a grievance. If the cultivator would lose his land in the manner stated, there would be none but large landholders and land owning *sowcars* and agricultural labourers left in areas like Berar, the Bombay Presidency or Madras where the *ryotwari* system with unrestricted rights of transfer has prevailed for over a hundred years. Ranpur, where the cultivators have had such rights for a long time presents no such spectacle. It must be mentioned that during the great economic crisis through which the worlds has recently emerged (only to pass into a crisis of a different kind), large numbers of cultivators in the ryotwari areas of Berar lost their lands on account of the sudden fall in prices which coinside with a number of lean years. This was not due to the inherent defect of the ryotwari system but to the fact that during the preceding years of unprecedented prosperity the cultivator had entered into commitments which he excepted to be able to meet, but was suddenly placed in a different position. Had there been no rights of transfer it is perhaps possible that large scale expropriation of cultivators would not have occurred, but the restriction of credit would have had much the same effect and resulted in surrender of lands. Prevention of transfer, as

already pointed out, results in evasion and discontentment; it restricts the credit of the cultivator as the only security he can usually offer in his land, and results in heavy rates of interest; this restriction of credit means inability to invest any capital in it and improve it; it means much more than that; in view of the majority of holdings in this country being uneconomic, and the consequent need for the cultivator to borrow in order to keep himself going during difficult years, vicissitudes often compel him to give up his land on account of inability to cultivate it, and this has the same result as expropriation, whereas, by sale of a part, he may be able to save rest. There is little doubt that on the whole it is in the *ryotwari* areas that the cultivators are more prosperous than in areas where the right is restricted, and this speaks more than theoretical arguments. It cannot be denied however that where transfer is unrestricted there is at times an alarmingly quick passage of land from the cultivators to the money-lenders and the need for doing something to prevent or slow down this process is felt. Legislation designed to control usurious rates of interest and other debt legislation to some extent protects the cultivator but all these are to a large extent circumvented by the money lender with the full co-operation of the needy agriculturist whose thought generally is for the alleviation of the momentary situation. Thus even though courts may not allow high rates of interest, the cultivator agrees to pay, and actually does pay, a high rate of interest, fictitious amounts are mentioned in sale deeds, and so on. If debt legislation does not always enlist the co-operation of the agriculturist in its administration, it is doubtful if restrictions on transfer will. In places where sales require the permission of the authorities, the restrictions is often used as a source of revenue; even if no consent money is levied, the cultivator has to spend an appreciable sum at a time when what he wants is money, in the way of court-fee, petition-paper fee, petition writer's expenses, expenses connected with coming to court, proclamation or notice fees and so on. Having paid all these fees, the case generally drags on for several months. And finally at the end of all this expense and trouble, if the court passes an order refusing the sale, the irritation and annoyance caused to the cultivator can be better imagined than expressed though some people find it hard to do the former; even if permission is granted the cultivator will often not have been able to get his money when he most wants it. If on the other hand it is argued that cases of refusal are few, then either the restriction is inoperative, or the cultivator seldom sells his land unwisely, and the need for the restriction is not great; in any case the restriction simply means that the cultivator has to spend a certain amount to obtain sanction, and thus is robbed of a part of the value of the land. If this kind of restriction is abandoned and it is provided that land shall not be sold in execution of civil court decrees the cultivator may get a measure of protection without undue restriction of credit though it is not many cases which go to the civil court and the *sowcar* has enough cunning to circumvent it: in fact he may find the restriction to his advantage and insist upon conditional sale or take the land as interest upon the loan, and of course the loan is never repaid, and the land never goes back. On the whole it seems to me that restrictions are not successful, cause only inconvenience and expense to the cultivator, and engender a feeling of grievance and frustration; it leads to the concoction of ways of circumvention which are always based on dishonesty and thus has the effect of lowering the moral standard of the poorer classes still further. What can for instance be worse than the practice of *sowcars* getting an ante-dated deed written out and, with the mendacious co-operation of the cultivator, get a decree actually passed before advancing him the money ? And yet this is the sort of practice which is reported to be creeping in in some places in the Central Provinces on account of debt legislation against the moneylender. The Sambalpur Land Laws Committee mentions the existence of similar practices (page 36 of the Committee's report). It seems to me therefore that restrictions are ineffective and some other way of preventing accumulation of land in the hands of the money-lending classes must be sought. It seems to me that an attempt can be made in this direction by placing a disability on habitual cultivation through lessees of various kinds. If a person acquires large quantities of land, there must come a stage when direct cultivation is no longer possible or is at least very

difficult. Many lands are cultivated habitually through lessees and managed solely with a view to obtaining rent. When this stage is reached, if it can be provided that any cultivator who is cultivating that land may acquire the land for himself on payment of a *small multiple of the assessment on it, a process of land going back from the sahukar to the agriculturist will have been set up and the evil to some extent counteracted. Of course "habitual cultivation" will require some definition and here the possibility of circumvention arises. In the Central Provinces Tenancy Act, there is a section (section 40) † under which, if it can be shown that any land is being habitually sublet, the right of the original tenant can be extinguished. Land may be presumed to be habitually sublet if it is sublet for a total period of more than seven years during any consecutive period of ten years, subject to certain exceptions in the case of women, minors, religious institutions etc. The section was originally framed to meet the needs of certain areas where habitual sublease of the type mentioned was common. I have not much personal experience of the working of the old section except in one case and the amended section is only about a year old but I am of opinion that a provision on the analogy of this would help in preventing the expropriation of agriculturists. On the whole I am not in favour of restricting transfer among non-aboriginal classes and this is also the general trend of opinion of all persons and bodies who have studied and are interested in the question; a restriction may however be placed on the execution of decrees by sale and such decrees made realisable by usufruct only if considered fit. In Berar, where land can be sold in execution of civil court decrees the collector to whom such cases are transferred for execution exhausts all possible expedients for recovery of the decretal amount and it may be possible to adopt similar practical measures.

Aboriginals—As regards aboriginal classes, it is recognised, more or less, that they need protection, not merely from moneylenders but from more advanced classes as well. The general trend of legislation where transfer of land is permitted is to permit it only among aboriginal tribes without restriction and to restrict it in the case of others to sales carried out with permission. These are the provisions of the Central Provinces Land Alienation Act. In Berar, the Land Revenue Code gives wide discretion to the Deputy Commissioner and all transfers require his permission. Under the Chota-Nagpur Tenancy Act also transfer between members of aboriginal tribes is unrestricted. How far this restriction is effective and does not cause hardship to the cultivator is open to question. Like restriction in other cases, it is bound to cause hardship in some cases and to a certain extent is ineffective as well. It was recently pointed out by the Political Agent that in Kawardha, since the restriction on transfers between aboriginals and non-aboriginals, though sales of land by aboriginals had decreased, still more land passed from aboriginals to non-aboriginals, than *vice versa*. This is easy to understand on account of the inferior economic strength of the aboriginals. Often an aboriginal purchaser cannot be found for the land and the State permits sale to a non-aboriginal. If the sale is not permitted it would cause hardship in some cases, and the cultivator may be obliged to abandon the land which is rather worse than selling it, as the aboriginal does not get even the money. On the whole, I do not consider that we can go any further than the provisions of the Central Provinces Land Alienation Act or the Chota Nagpur Tenancy Act in imposing legal restrictions on transfer by aboriginals and correction, if any necessary in cases such as Kawardha, must come by an improvement in the administration of the restrictions rather by any different legislation (see discussion of this point in the report on Kawardha). In certain States there are special rules to prevent acquisition of land in aboriginal areas. I can make no definite recommendations regarding these rules as they require special study and provision is made in the law for the continuation of special rules in such areas.

Mortgages and Leases.—In considering transfer by sale, mortgage has been touched upon. States which have conceded the right of sale have, generally speaking, conceded the right of mortgage also but in Kawardha

*In the draft law, five times the assessment has been proposed.

†See Appendix V, Pages 108 *infra.*

such a right has not been granted though sale is permitted. The reason given seems to be that the grant of this right would complicate land transactions and result in excessive litigation; the Central Provinces Tenancy Act does not permit simple mortgage in the case of occupancy tenants and probably this is also taken as a ground. In Kawardha, however, it is not proposed to permit any mortgage. As many other States do permit mortgages and as the right of sale without the right of mortgage is a definite handicap to a person who would borrow money I am of opinion that mortgages should be permitted in all the States. The reasons given for the Kawardha restriction do not seem sound.

As regards leases, I do not think any restriction is necessary as it is easy to evade restrictions and new leases are easily issued. Habitual subletting has already been dealth with.

81. *Other Rights.*—The next point in connection with the ryot's land is other rights. The right of the State to minerals is everywhere recognised and this is accordingly reserved. All other surface rights must, in my opinion, vest in the ryot to whom the land belongs.

Trees.—The lack of rights in trees on holdings has been a long standing grievance of the cultivator and the trend of all legislation in the Central Provinces, Orissa and Bengal is to grant these rights. In Chota-Nagpur the position is rather complicated but the general rule seems to be that all new trees on a holding belong to the tenant and, if any *salami* has been paid when the land was acquired, the forest-growth all belongs to the tenant. The practice in the States is to class certain classes of trees as 'reserved' under the forest rules and to apply this reservation to all land including cultivated holdings. In most States, ryots have been given full rights in trees of their own planting but I do not consider that there is any justification whatever for applying forest rules to cultivated holdings and claiming trees on such holdings. In no State is land allowed to be reclaimed without a *salami*, at least for the forest growth on it, or, if the applicant does not pay the *salami*, the growth is auctioned, or the forest department gets it cut and stacked. If a tree is of spontaneous growth on a holding I do not see that the State can justifiably claim any right in it to the detriment of the occupant of the holding; in fact, it appears to me that if anybody has a right to the tree, it is the man who holds the land. In this connection I may refer to the opinion of Mr. Mooney who guides the policy of the States in this matter. Mr. Mooney in a letter to me on the subject says: "The number of reserved trees has, in most States, been reduced to ten or less against 20 or even 30 in some cases. This reduction was only made in 1939 and 1940. It is therefore very recent and, as it did represent a very considerable concession to the villagers, the absolute necessity for further concessions in this respect is, I think, questionable. In most cases, trees such as mango, tamarind and jackfruit are not reserved, as the people themselves do not generally cut such trees. Mahua and a few of the more valuable timber trees have been kept as reserved species. In most States (*e.g.*, Talcher and Nilgiri) my advice has been that even reserved trees standing on recorded lands may be cut by the tenant free of cost, provided the permission of the State (usually forest officer) is first obtained and provided he uses the timber for his own consumption. If he wishes to sell or export the timber, I have myself advised that he should pay some royalty (generally half). All States have not agreed to this and, in many cases, the tenant is charged something even if he uses it himself. It is my considered opinion that the tenants should have as exclusive right in all trees growing on his holding, including their fruit, but I am fairly sure that this is a more liberal view than the actual custom in either Bihar or Orissa". Mr. Mooney thinks that some restrictions are necessary in the interests of the tenants themselves who are usually short-sighted in the matter and this is the only reason why he wishes to make a charge. I am afraid that the view that 'concessions' have been made to the tenants does not sound concordantly with the opinion that the tenants should have an exclusive right in all trees. My view is that the reservation is really an encroachment upon the rights of the cultivator. It is admitted that the ryots would not cut down trees such as mango but actually in a number of States even these are reserved. If mango trees are not cut, this is much more so in the case of *mahua* which is often valued more than mango trees as it provides food

for man as well as beast, and often the cultivator finds it his only means of subsistance in difficult times. Reservation of *mahua* trees is even less necessary. As regards timber trees, while it is true that some of them may be cut down, I beg to differ from Mr. Mooney when he says that every tree would be cleared off irrespective of whether it was doing damage or not; for the agriculturist as to others, timber has a value for ploughs and other implements, and in areas where there is no restriction on cutting timber, trees are often allowed to stand on the edges of fields and guarded zealously. I fail to see why there should be insistence on "protecting" trees on cultivators' holdings when there is scope for planting trees elsewhere. In any case, the charge of half the royalty cannot be regarded as a check on the shortsightedness of individual tenants; it only means that the State cuts in and takes a portion of the income. In Orissa full rights have been granted in trees (except where the trees has already been recorded in the name of the landlord) and in Bihar the position seems to be similar. In Bengal full rights have existed since 1928 and in the Central Provinces also under the new Tenancy Act the rights in trees follows the rights in the holding. In the States, there is interference, not only with rights in trees (particularly such trees as *tendu* (Diospyros Melanoxylon) and *palas* (Butea Frondosa)) but I have noticed cases in Athgarh and Tigiria of fishing rights in flooded fields being leased out by the State to the deteriment of the tenants' cultivation. I do not cansider it necessary to place any restriction on any kind of tree on a cultivator's holding; the cultivator's absolute right to the produce of his holding except minerals must be recognised. Any protection to trees must be confined, as in the case of the Central Provinces, to trees standing on the waste land of the village. For the future, as happens nearly everywhere at present, when land is disposed of for the purpose of cultivation it is proposed that the State should, wherever possible, dispose of the land and trees on it by auction so that the full value is realised. This will leave the cultivator unrestricted rights in his land and a great source of friction will have been removed. In drafting the law, allowance will be made for certain local practices observed in connection with trees in the villages and mentioned in the individual reports.

82. *Abolition of Tree Taxes on ryoti holdings.*—The tree taxes levied or leviable on trees standing on ryoti holdings in States like Khairagarh, Udaipur, Korea, Seraikela, Sakti, Nandgaon, Changbhakar and Chhuikhadan, are recommended to be abolished, whether the tax is on loc-bearing trees or other trees (in Udaipur there is double taxation on lac bearing trees as there is a monopoly as well). The Forest Adviser recommended the abolition of taxes on trees in Korea and other States.

83. *Trees on Waste Land.*—In waste lands, ryots in almost all States enjoy the fruits of all trees but in a few places like Athmallik or Nilgiri the trees are either taxed or auctioned. In these places the practice seems to be of recent origin. In view of the commutation fee paid by ryots for the village waste I recommend that there should be no auction or tax upon the trees.

84. *Minor Minerals.*—With the exception of Nilgiri where it was said that a fee is charged for the use of gravel no fees are charged on minor minerals appropriated by ryots for domestic purposes and it is proposed to make this concession applicable in all States.

85. *Fisheries.*—In all States the right to fisheries in State tanks, rivers and streams is claimed by the State though leases are few. The right of the State will be recorded but leases should not be applicable to waters standing on ryoti lands.

86. *Conversion of land.*—In the matter of the use of the cultivator's land for non-agricultural purposes, apart from the erection of buildings or farm-houses necessary for the proper cultivation of the holding the assessment of the land is based on its agricultural use and diversion to more valuable non-agricultural purposes would afford a justification for enhanced land revenue, or premium, or both. This is usually recovered by the landlord or the Government nearly everywhere but in some States there are no rules about it and often no action is taken till settlement with consequent loss of rent. It is proposed to provide for the levy of a premium or *salami* on diversion and for the alteration of the assessment.

87. *Settlement of Waste Land.*—Settlement of waste land for cultivation and disposal or surrendered, abandoned and intestate holdings need regularisation and alteration with reference to the new position proposed. This is proposed to be made on lines recognised in the provinces. The headmen will have no powers of disposal of such lands and the State will have full rights.

The position in respect of waste land in the States is that in practically all of them all such waste land in the village is regarded as village foerst and is covered by the forest rules or is held to be so in practice. While there may be some practical convenience in this in areas where the village boundary has not been surveyed and laid down, I can see neither the justification for this practice nor its desirability in areas where there has been proper survey. The only reason for the practice I can see arises out of the claim of the State to all trees (including those on cultivated holding as we have already seen) and thus wherever there are trees there are State forests. I am of opinion that this practice should be put an end to. A very good case can I think be made out for the cultivator's rights and interest in forests at least within several miles of his dwelling; he has, since the time cultivation started, exercised a right of user in the forests, and reservation by the State is of comparatively recent origin and may be regarded as an encroachment on the rights of the people, and in some areas is regarded as such. The policy in making surveys and settlements and demarcating the boundaries of villages is to include land suitable for cultivation and sufficient forest for the *nistar* of the villagers wherever possible, and it appears desirable to exclude the area within village boundaries from the operation of forest rules. An overlapping of forest rules and land revenue rules would only cause confusion and subject the villagers to the harassment of two different groups of officials. The States of course want forest jurisdiction to continue on account of the 'reserved' species of trees, on account of the lac, *tendu* and other monopolies and to preserve animals for shikar. Any proposal to leave these forests always limited in area (excessive village forests seem to have been included in reserves in most States), exclusively to the villager subject to any restrictions imposed in his own interest and to confine monopolies and leases to reserve forest areas would probably meet the strongest opposition from the States. Nevertheless I would urge the exclusion of forest growth or waste land within the demarcated boundaries of the village from the forest rules and the imposition of any restrictions and regulations here done by means of revenue rules framed under the revenue law. The reserved trees of the forest rules are not always the same as the trees it is desirable to protect in village forests in the interests of ryots. In all States except Ranpur a cess or commutation fee is charged for the exercise of rights of *nistar* and such free grazing as is permitted. In spite of the levy of this fee, there are reserved species which the cultivator may not take without payment. I can see little justification for this double levy which I do not think exists in any of the neighbouring provinces. In Angul from which the States seem to have derived the practice of reservation of trees there is no cess in addition to reservation. In the *malguzari* and *ryotwari* village forests of the Central Provinces the villagers are not required to make any payments for grazing or *nistar* and a similar position seems to prevail in Sambalpur, Chota Nagpur and Orissa; in these areas also the village waste and forest are under the control of the revenue authorities and not the forest authorities. In the Central Provinces and Sambalpur, reserved species in village forest are all fruit trees and are reserved entirely in the interests of cultivators and no charge is made if permission is granted for the cutting. More will be said about village forests and their management later. As far as objections to the proposal to exclude village forests from forest rules are concerned leases such as lac or *harra* commonly applying to village forests in practice now can easily be made applicable to them without making forest rules applicable. Remains only the question of killing of animals; the question of crop protection will be dealt with separately but no difficulty can be caused in the matter of exclusion of village areas from forests if the forest rules regarding shooting or killing is made applicable to animals rather than areas. It is, in my opinion, most improper to ban the killing of such vermin as pig and the States are letting the interests of shikar go too far.

The Central Provinces Game Act gives protection to certain animals and pigs can be killed anywhere.

Assuming that the case for the exclusion of village areas from forest rules is clear, it is desirable to set apart at the time of settlement preferably or at any other time, in consultation with forest staff, the portions of waste land in each village which are best suited and can be spared for reclamation. This would greatly facilitate subsequest allotment of land and eliminate the need for elaborate and dilatory enquiries in dealing with applications for reclamation. In the report on Bonai instances are quoted of cases dragging on for months; if so much difficulty is felt in getting land allotted it is not to be wondered at that people are not coming forward for colonisation. Land, including trees on it, wherever it has any value would be sold to the highest bidder if there is competition, otherwise at such price as may be fixed by the revenue officer or by rules. In the backward tracts of course it may be necessary to allot land without any charge except for the forestgrowth on it and there may be cases where the applicant is unable even to take the trees on payment, in which case the forest staff could take the trees (after the applicant has cleared or paid for the clearing) and dispose of them separately. In any case once the land is alloted on realisation of its value, or without a charge because it has no value, the person to whom it is allotted gets full rights in the land and would be liable to pay land revenue on it after a period of grace, say, three to five years according to circumstances, after the allotment, and the land revenue would be recovered whether the applicant has worked on the land or not. The practice of allotting large areas for reclamation to a single individual, which is responsible for the practice of getting an allotment of land made with inter to remove the forest growth only, should be stopped, and persons intending to found villages should get the land allotted to individuals through the State, such persons may be recognised as headmen and, if necessary, provided with an incentive by allowing a high percentage commission on the land revenue. Provision on this basis has been made in the proposed law.

As regards abandoned or surrendered land or land which becomes the property of the State through intestacy, such land can be disposed of by auction or as stated above.

88. *Homestead Lands.*—The question of the homestead lands and residential lands in towns may be dealt with together. Both in Orissa and Chhattisgarh it has been the custom to allow a certain area of land free as homestead for agriculturists, agricultural labourers and artisans. The exact area differs from State to State and to allow for this the actual area will not be prescribed but will be left to be laid down in rules framed subsequently. As regards towns and building sites taken up by non-agriculturists, a number of Chhattisgarh States are attempting to follow the Central Provinces practice regarding *nazul* or town lands while in Orissa *chandia* is in some States assessed to a higher rent. It is proposed to leave details to rules and to lay down simply that conversion of agricultural to non-agricultural purposes will result in the leavy of a premium as well as enhanced rent, this rent being fixed on the premium or estimated premium. In Raigarh it has been pointed out that the Ruler has excluded the *gaontias* of seven villages on account of the value of the land for building sites, a measure of questionable fairness. Such difficulties will not arise under a *ryotwari* system. In zamindaris and villages which are under tenureholders where such a right is established, the tenure-holders will get the profits. Allotment in villages and towns should be made by an official of the State in accordance with a lay-out except in the smallest villages. There will be no objection to building farm houses in fields for the purpose of facilitating cultivation.

89. *Zamindari and Other Tenures.*—So much about the disposal of land and ryoti tenure. To come now to the zamindari and other tenures, while the various grants in the States are all much of a muchness, the position is complicated to some extent by the existence, in some cases, of the rights to minerals or in waste land or forest. Zamindars or *ilaqadars* have for instance rights in minerals and forests in a few places and none of these in others. Tenure-holders of other kinds have also different rights varying from proprietary rights to mere rights to revenue. There is much

vagueness also about their rights and bitter disputes have arisen in the past and may arise now. This is due to the fact that sanads are either non-existent or, are too vague to be of any use. Some zamindars have considerable and undefined powers in revenue as well as forest affairs which may be anything from powers to make settlements and appoint their own staff, to the summoning of persons to attend. Such powers, whatever foundation they may have had or whatever utility in the past, can no longer be allowed to be exercised in an area in which the chiefships themselves are petty. The Rulers have themselves proved incompetent to administer their States satisfactorily in some cases and this cannot be different in the case of the zamindaris a number of which are under the management of the State. It is therefore proposed to lay down in the law the matters in which the zamindars or tenureholders cannot have powers, and leave minor matters, if necessary, to be regulated by sanads or recognised practice. The zamindars have in some cases existed in a defiant semi-independence and it would be a good thing if their position could be cleared up by the issue of sanads but as this may not be necessary in all cases it is proposed to let custom be the guide in addition to existing sanads in matters not mentioned in the law.

In the law it is proposed to lay down that no zamindar or tenureholder will have the power to make a settlement and he shall be bound by the settlement made by the State; the State will have the power to appoint revenue staff and maintain records and the zamindar will have no power of distraint or coercion. The zamindar will not have powers to sell or lease villages and in the zamindari villages a settlement of headmen similar to that in the rest of the State will take place. The appointment and removal or discipline or village headmen will be made by the State only. If the zamindar has powers of alloting waste land, this as well as allotment of surrendered and abandoned land should be done subject to the same rules as in the rest of the State. Zamindars will be prohibited from making rentfree grants except with the previous approval of the State (See Section 48 of draft law). The rights of cultivators in all villages will be the same as those of ryots in the *khalsa* villages and the zamindars or other tenureholders will be debarred from levying any consent-moneys on transfer of lands. If a zamindari or tenure is at any time resumed or lapses to the State, the area will merge in the *khalsa* portion of the State.

In the draft Law, zamindars and others with a right to receive land revenue have all been defined as tenureholders and amounts payable by them to the State as *takoli*. Provisions have been made for the termination of tenures which are held subject to the performance of service, if the service is no longer required or has not in practice been rendered, as well as for the assessment or enhancement of the assessment of tenures the principle object of which is the maintenance of the holder. If any tenure is terminated, the *bhogra* lands, if any, held by the tenureholder, will be disposed of in the manner proposed for headmen. Perusal of Chapter IV of the draft Law will convey a clearer picture of the proposals. The creation or re-creation of tenures and grants except small grants of land to village chowkidars is not contemplated.

90. *Zamindari Takoli.*—The rights of zamindars in matters such as forests, will be discussed later. All zamindars make a payment to the State known as *takoli* which is usually a nominal payment. Sometimes it is based on the total revenue of the zamindari and at other times on the total income of the area; it is also a payment fixed in perpetuity in some cases while in other it can be enhanced. Formerly zamindars used to manage all the affairs of their zamindaris in a more or less independent manner, and practically all that the State expected of them was loyalty and military service, in addition to the nominal *takoli* fixed. The position is not longer tanable and in all but a few States like Bastar, Surguja, Kalahandi, Korea the zamindars have been divested of all administrative duties. In Bastar and Kalahandi, the zamindar have powers practically equal to those of the Rulers in revenue matters, and in view of the enormous importance of sound revenue management, it is desirable in the highest degree that all important revenue matters like settlement, court work or

maintenance of land records should be reserved by the State—like criminals and civil matters. As all this implies additional expenditure to the State the question naturally arises whether *takoli* can continue to be a nominal payment. The origin of the zamindaris shows that they were mostly the gifts of the Rulers, some of them meant for military purposes, others given to sons or brothers of the Rulers for the purpose of maintenance. *Takoli* seems to have been fixed as a token payment for the reason that the object of the grant would be defeated if a large portion of the income or land revenue was realised and there would be little left for the zamindar after meeting expenditure on the staff or military personnel. These conditions do not exist now, and if the State shoulders the burden of administration, law and order and other matters, it is reasonable and necessary that a larger portion of the zamindari income should find its way into the State coffers. Otherwise, there is a virtual enhancement of the personal income of the zamindar when the State looks after the administration. This position has existed in the States, and in the zamindaris of the Central Provinces the zamindars were a privileged class paying much less to the State than the proprietary *malguzars*. In the Central Provinces, *takoli* has recently been enhanced by special legislation. The need for such action in the States has already been felt and in cases such as that of the Surguja zamindaris where the Government of India ruled that *takoli* could not be enhanced, the imposition of an administrative cess was sanctioned. Some such action will have to be taken in other places where it is considered that the *takoli* should not be enhanced though perhaps it is much better to provide directly by law that *takoli* should be based on the income or land revenue so that with the enhancement of revenue there may be an automatic enhancement of the *takoli* in future. The *takolis* paid actually at present are very small in the following States: Bamra (9), Gangpur (5), Bastar (17 to 20), Jashpur (10), Kalahandi (10-15), Korea (12); the figures in brackets are approximate percentages; in Gangpur the actual percentage is probably less than five per cent. of the income; the *takoli* was to be enhanced but this was not done; the individual reports may be seen in this connection; in Bonai the zamindar pays a nominal *takoli* of Rs. 40. In the remaining States with zamindaris various percentages from 20 to 50 are paid, fifty being reached in Sonepur. I am of opinion that the *takolis* of all zamindaris should be increased to fifty per cent. gradually over a period of 15 years from now, directly or by the imposition of a *takoli* cess. The law will provide for a maximum percentage of 75 which may be reached at the second settlement to be made after the promulgation of the Law.

It will also be provided that such cesses as the State may impose for purposes such as maintenance or roads or schools mentioned in the Law and no others should be leviable in the zamindaris and the whole of such income except for collection charges payable to headmen, if any, should go to the State. This is more or less the position in most of the States (see however Kalahandi and Gangpur).

91. *Monopolies and Duties in Zamindaris.*— In the Surguja zamindaris the zamindars exercise the right of creating monopolies such as the hide monopoly, lac, tendu etc., within their own areas and actually levy their own export duties on articles exported from the zamindari. It is obvious that whatever powers in these matters the States enjoy, such powers, particularly those of taxing exports or imports should not be allowed to be exercised by the zamindars. In Surguja attempts are being made to persuade the zamindars to stop their export duties but I think something more emphatic is necessary to prevent zamindars claiming any such rights in future. As regards the other monopolies it is equally clear that whatever rights zamindars may enjoy over forests in their areas they should not be permitted to impose any monopolies which interfere in the least degree with the rights on cultivated land or village waste and it is necessary to be imperative in divesting them of these powers also. In Patna the zamindars have the right to income from ferries and pounds and their managements. I am of opinion that management of these should not be left to the zamindars whatever the State chooses to do in the matter of income. These matters are not included in the draft Law and the States may be given the necessary advice.

92. *Debottar Tenures.*—Coming now to tenures like *debottar*, *brahmottar*, the number of temple grants in the Orissa States particularly is enormous and the States lose thousands of rupees of land revenue on account of them. Many of the grants are to deities and institutions outside the State, and the State has no control over such institutions or over the use to which the income is put. Many large *debottar* grants are within the States itself and in most cases the revenue is administered by a special department controlled by the Ruler personally, or by members of the family. While no doubt some of the revenue is spent on religious functions like *melas*, *jatras*, or worship of the deity it is perfectly clear that a portion of the income in cash or kind, which may be considerable in some cases, cannot but be used for other purposes. Usually there is no audit of the expenditure. In Hindol State, when a request was made for information regarding the management of these grants, it was reported that there was a committee for looking after the management. When, however, during my visit to the State, I made a few enquiries about the committee, it transpired that a committee had been appointed in 1939 to make *recommendations* regarding the management of these grants, and actually had no powers of management, and further, that the committee had done no work since it was appointed. The misappropriation of all the *debottar* funds in Athgarh by the Ruler is mentioned in the report on that State. There can be no question that the *debottar* funds constitute an addition to the income of the Ruler or Ruling family. Any attempt to interfere with the administration of these grants will, of course, result in the cry of interference with religion. While perhaps it would be a difficult matter to do much in this matter now—and I do not propose to do anything more than insert an enabling clause in the law which will make resumption or assessment possible—the States should be strongly advised to consider the question of assessing at least those of the grants which are for institutions outside the State or beyond its control to a quit-rent. I note here that there are *debottar tanki* (quit-rent) grants in some of the States as well as *debottar nishkar* (rent-free). A close examination of the management of the individual land grants will probably reveal that some grants are not being properly used or alienation etc., may be revealed in which case resumption may be possible. It is proposed to lay down that *debottar* funds shall be strictly accounted for and any surplus after proper expenses of the deities have been met shall be credited to the State as revenue, except in the case of small land grants.

93. *Brahmottar Grants.*—Regarding *brahmottar* grants, most of these are held rent free and the sanads give what may be construed as absolute proprietary rights though in practice transfer is not permitted in most States or is restricted to Brahmins. Rulers in former days encouraged immigration of these men of learning and religion, considering it necessary not only for the well-being and culture of the countryside, but also for their own spiritual good. Whatever influence for good these people may have exercised in the past, it does not appear that their services are required to the same today. While nothing need be done which would break up these colonies of Aryan descent, there is no reason why the lands should not all be assessed fully to land revenue and converted into ryoti lands. The Rulers may want to levy a *salami* but I do not think there is any better justification for this than in the case of ryoti lands as the land has been held for generations and according to the sanads also the grants are absolute.

94. *Maintenance Grants*—Reference has already been made to maintenance grants. I am of opinion that all grants which are not meant for the maintenance of deities or religious and charitable institutions or on condition of definite services being rendered and are held by individuals, singly or jointly, for their own purposes or on nominal conditions such as praying for the Ruler or attendance should be regarded as maintenance grants and resumed that is, fully assessed to rent, if they have been held for a period of over fifty years; generally there are few such grants where the original grantee is living, it is provided in the law that the assessment should be made gradually over a period of nine years.

The lands held by the Ruler or members of his family need to be considered separately. It has been pointed out that the Rulers often add

to these lands and dispose of them also at will. This is not in the interest of the State revenue and in the case of private sale or settlement the State revenue does not benefit and the Ruler's successor is placed at a disadvantage. I think it is extremely desirable to prevent alteration in the Ruler's personal lands by addition or subtraction. It is recommended that the lands should be made inalienable and the position existing on the *1st June 1942 should be allowed to crystallise. Provision is made in the law accordingly.

As regards *khamar* lands held by members of the Ruler's family these are usually meant to be held for life, and the law provides accordingly. On the death of the holder the grants should lapse and future grants should not be made.

The Bamra *khamar* villages need separate treatment. In some of these villages there are ryots who formerly had occupancy rights and have been deprived of such rights (see report on Bamra). The Ruler should be advised to have these rights enquired into and get them recorded as ryoti wherever such rights existed before.

95. *Service Grants.*—Among the service grants there are many which appear to me quite unnecessary. These exist not only for village service but there are many for service at the Ruler's palace. There are numerous '*paikali*' grants which are of little use now and though some are made use of for guard duties, etc., there is a great scope for reduction. In Raigarh, Gangpur or Kharsawan where there are whole village grants for service, it has been pointed out that in some cases as in Raigarh even the service for which the grant was made is not known and in others the services are nominal, and can be dispensed with. These States should be advised to assess the grants immediately to the full extent where services are not rendered or can be dispensed with; I think that all the village grants can be resumed as the services are purely nominal.

In the villages there are many *jagirs* the holders of which do no village service except for remuneration and render menial services to officers such as fetching water, providing pots, etc. Most of such grants could, I think, be assessed to rent, the holder being given ryoti rights except where the land has been held for less than 20 years on the same principles as settlement of *bhogra*. Where full assessment is levied as on *paiks* in Talcher, ryoti rights should be immediately granted as well as exemption from service. The position regarding the *paikali* tenures is described in the report on Talcher. These ryots are in most cases the original clearers of the soil and have held for generation and there is no equitable case for withholding ryoti rights from them.

96. *General Proposals.*—Generally grants may be regarded as falling into three classes, those meant for deities, religious or charitable institutions, maintenance grants, grants held on condition of service being rendered. Any grant should become resumable with liable to ejectment if it is alienated or dealt with in such a way as to defeat the object of the grant. Resumption and resettlement of land under grants should be made on the same principles as *bhogra*, that is, there should be mere assessment if the grantee has held for over 20 years. The provisions of the draft law will make these proposals clearer. An early examination in detail of all grants is necessary.

CHAPTER IX:—Survey and Settlements.

97. *States requiring Survey—Settlements.*—The position regarding survey and settlement has been described. The States of Bastar, Kalahandi, Korea, Udaipur and Bonai require complete survey and in the areas which have not been properly settled, settlement also. Ranpur and Bonai require a revision survey and settlement as early as possible. Ranpur was last settled in 1899 and Bonai in 1913; in both these States the records are hopelessly out of date or useless and there seems to be much land under cultivation which is probably paying no assessment. In Korea survey and settlement of the whole State is necessary. In Keonjhar and Bamra, in

*The object of this was to prevent deliberate additions to the personal lands when these proposals become known before the law is introduced but as the Rulers may register strong protests the Law provides for the crystalisation of the situation existing as its commencement.