

except in one or two States. In Sarangarh; forest *darogas* are permitted to compound cases upto a limit of Re. 1, *prima facie* a most undesirable practice. In view of the fact that forest officers in most of the State are persons of the rank of rangers it is questionable whether they should be permitted to compound offences at all. In any case I do not think composition of cases without reporting them to a Magistrate should be permitted.

CHAPTER IV.—Survey, Settlement and Land Records.

48. *The Need for Survey.*—To some extent settlements in the States have been considered in dealing with the revenue history of the States and the position in the States has been briefly mentioned. Whether land revenue is regarded as a tax upon agricultural income or as a rate for the privilege of cultivation under the protection and facilities provided by the State, it has, throughout India except where shifting cultivation is practised, come to mean an acreage rate and according to most or all modern methods of settlement, is supposed to bear relation to the productive capacity or income from the land. An agricultural income tax has been imposed recently in Bihar but the object of this Act seems to be to get round the permanent settlement and the assessment takes into account the land revenue paid on the land. Land revenue then, is primarily an acreage rate, and its proper assessment is bound up with an accurate measurement or survey of the surface of land so as to give the area cultivated, or in the possession of individual persons, or persons acting jointly. Survey is also necessary for the determination of areas of land likely to be cultivated in the future, for the determination of areas which may not be cultivated and are required for other purposes such as the common purposes of the villagers, for residential use and for the assessment of revenue on such lands as well. Smooth administration also depends on it and in areas without survey disputes between individuals or communities may commonly arise. Generally, it may be said that for proper revenue and civil administration, survey is one of the most important desiderata. These prolegomena are meant to show that in a number of States, this primary requisite of sound revenue administration is missing altogether or exists only in an unsatisfactory condition. In several States like Bastar, Udaipur, Bonai, Keonjhar, Ranpur and Kalahandi, large unsurveyed areas exist while practically the whole of Udaipur and Korea is yet to be surveyed. In some States, notably Ranpur, Athgarh and Dhenkanal the survey made is very unsatisfactory and unreliable.

49. *Boundary Marks.*—In practically all the Orissa States there is no agency for the maintenance of land records in an efficient manner and I have no doubt that survey marks in most places are defective or missing altogether in the absence of proper supervision; this is admitted in places like Dhenkanal or Hindol. In the States of Chhattisgarh where there is a land records staff of patwaris, as in the Central Provinces, the conditions may be better though in most of them the number of patwaris is quite inadequate; in States like Kalahandi, Udaipur or Changbhakar the patwaris have impossibly large charges. In Raigarh, the patwaris do a village once in two years. Even in the Central Provinces the maintenance of land records and boundary marks often lacks efficiency on account of the field work and physical exertion involved in supervision and the position in the States can certainly not be better. In the Orissa States, *sarbarakars* are required to look after boundary marks but nobody sees that they discharge this duty. In no State in the Agency has the survey except of the boundary of the State been done by theodolite but survey by less expensive methods can, if done with proper care, produce records sufficiently accurate for most practical purposes. With the exception of the States mentioned above, and probably a few others like Sonapur and Rairakhol, satisfactory settlement maps seem to exist, of surveyed areas. Defects have however been found occasionally as stated by local officers but it has not of course been possible for me to examine this matter except superficially. In many cases, a considerable time has elapsed since settlement, and disputes arising from defects in survey and record have mostly been settled, and it is not possible to give a definite opinion without a special examination. Instances of *prima facie* unsatisfactory conditions have been commented on in the

individual reports. The States are only just beginning to realise the need for survey and though the failure of most of them to get a proper survey made is attributable to financial grounds, preference has been given to less important matters as in Korea and Surguja which could have easily arranged for a survey long ago. Surguja is having its first survey and settlement, and in Korea, a commencement was made but the work has been interrupted. Complete survey in all States, if only to lay down only a traverse round the villages where shifting cultivation is practised seems an urgent necessity.

50. *Land Records*.—Similar is the position with reference to other records prepared at settlement and while a number of entries are doubtful and even now disputes arise, in surveyed and settled areas, there are more or less satisfactory records with the exceptions pointed out in the individual reports. In the unsurveyed areas where there is settled cultivation, in some places rough maps have been drawn (Bastar, Udaipur) by eye estimation and the records are prepared by either estimation of area or by reference to seed or plough capacity. Comparison of maps in some recently surveyed villages shows that these rough maps are too rough to have any value.

Resettlements in Bonai and Ranpur are urgently necessary. The records in these States are totally out of date and it is likely that the State is probably losing much revenue.

51. *Assessment*.—As regards the assessment of land revenue the early methods of assessment on seed capacity with the aid of village headmen and a *panchayat* and an eye estimation have been mentioned. This is the assessment current in areas where there has been no proper survey. In other areas it has already been mentioned that the mode of assessment has depended upon whether the officer who did the settlement had training in Bihar and Orissa, or in the Central Provinces, and in two or three cases, like Gangpur or Kairakhol, the assessment has been done once in one way and once in the other. The States of course have no settlement principles or rules of their own neither is there any formal application of any particular system. Settlements are in fact regarded as merely a means to augment the revenue, and the method adopted is of little importance so long as this purpose is served. That is why in Sarangarh or Sakti it was considered unnecessary to do a proper settlement and a 'summary' settlement was made (see individual reports). Generally speaking, throughout the States, both survey and settlements have been done by officers who held no higher post than that of Assistant Settlement Officer in provincial settlements, (occasionally lowers posts as in Sakti) and to this fact may be attributed the defects in places like Athgarh; the individual reports on Kalahandi and Baudh may be seen in this connection. Settlement reports in some States are absent (Hindol, Bamra, Bastar Sonapur), or defective and the report of one State (Nayagarh; see report on that State) shows that the increase of land revenue sanctioned by the Political Agent and Commissioner was at a uniform rate of 2 annas per acre resulting in an increase of about 4 per cent. on the best class of land and 33 per cent. on the worst class. In the matter of classification of villages and lands, on the whole, much arbitrariness has prevailed and each settlement officer has more or less given scope to his own previous training and background without a proper study of conditions in the State. It is not easy to criticise a settlement without a good knowledge of the country and examination of many local factors, and I have refrained from comments except in cases where the settlement showed obvious grounds for criticism. (See reports on Baudh, Kawandha, Rairakhol). On the whole the States seem to have been unfortunate in getting for their settlement, officers who would not be considered fit to be in independent charge of settlements in the provinces, retired officers or officers on the verge of retirement, sometimes too heavy to move about much.

52. *Period of Settlement*—As regards period of settlement, much variety and capriciousness prevails. The terms vary from seven to twenty years, most States having ten or fifteen years. In some States like Bastar and Sonapur there are different periods for different tracts—the periods in Sonapur being most peculiar with 11 years in some parganas, 12 in some and 15 in others. The period of settlement in the provinces is generally a minimum of 30 years but some provinces like the Punjab have adopted 40 years. In nearly all States it has not been found desirable or practicable

to make a settlement after ten or fifteen years and in some States like Chhuikhadan or Ranpur more than thirty years have elapsed since the last settlement. Economic conditions in the States have not been changing at any great rate inspite of the backwardness of most of them and the possibilities of development, and there is nothing to indicate that there will be great changes in view of the financial circumstances of most of them. A number of States like Raigarh, Sakti, Nandgaon, Tigiria, Ranpur, Gangpur or Nilgiri show growth of agriculture, population and even trade and communications, comparable to the districts. I can see no probability whatever that these States will develop at a faster rate than the districts. If therefore States like Khairagarh or Nandgaon do not desire to commit themselves for long periods, the reason is obvious. In Kharsawan and Seraikela the first settlement of 1907 was fixed for twenty years but the term of the subsequent one was shortened to 15 years and there is no satisfactory reason for the shortening that I can see and none has been ascribed. Frequent settlements, even for the maintenance of records, are quite unnecessary if there is proper maintenance of records, and in fact the State as well as the cultivator is likely to find a lot of harassment and loss in such operations. In the States where the *gaontia* allots land and appropriates the revenue till a revision of the settlement, much revenue is lost to the State. The attitude of the States towards settlements is shown by the system evolved in Baudh in which State Mr. Bowstead has reported that the assessment is high. Here, the State has been divided into ten parts in each of which settlement will be taken up every year. By the time the ten divisions have been completed the first division becomes due for settlement again as the period of settlement is ten years, and the next round automatically begins. Attention is invited to the report on Baudh in which the present operations, the position as regards assessment and other factors are discussed. The State commenced the present operations even before the term of ten years of the previous settlement had expired and there seems to be some idea of redistributing the rents. It is clear however, that some of the sections will continue under the present assessment for periods varying from ten to 20 years. If it was recognised that the previous settlement was bad, there was clearly no case for the imposition of a cess of no less than three annas per rupee in 1938-39, in addition to the existing one of three-fourths anna per rupee (apart from the forest cess). In Talcher, after 15 years, it was proposed to start a settlement again and I have advised against it. In Gangpur, the period of the last settlement which has caused so much trouble is 10 years, and the reason given for this is that the minor Ruler is to come of age and it is not desirable to tie his hands down for a long period! Even taking the undeveloped condition of many of the States into account, the pace of development is in no case sufficient to warrant consideration of a re-settlement within a shorter period than 20 years and even then that period cannot be applied as a hard and fast rule irrespective of circumstances. Shorter periods have in fact been found impracticable. The main consideration should be whether profits from agriculture have increased sufficiently to justify the imposition of an extra burden on the agriculturist. Settlements are revised usually to effect an enhancement and a settlement which does not result in an increase of revenue is a waste of money, and if the operation is meant for a revision of records only it may be comparable to burning a house to roast a pig. Whenever a settlement takes place, it is often not easy for a cultivator to readjust his economic life and a period of years may be necessary. If mistakes have been made it is only after a considerable number of years that cultivators will cease to feel the effect of them. It is easy to show profits on paper even after a short period by manipulation of crop experiments and other factors and, no doubt, when a settlement officer is appointed some such thing is expected of him.

53. *Settlement Staff.*—The danger of appointing low paid officers from whom little more than routine work can be expected without supervision is obvious. Settlement and survey being technical matters, what the settlement officer does is practically final. The position of the States may be contrasted with the position in the Central Provinces for example where the Settlement Officer, usually a picked man, has the Settlement Commissioner and others to guide him and against whose decisions there is provision for appeal. In spite of the employment of inferior officers with low pay,

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 'nayat' 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