

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

CHAPTER VI—Other Matters.

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

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

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

assistant with a few years' service. The manner of disposal of such petitions is often to call for a report from the very authority whose order is complained of and records are seldom examined. If the Rulers were not to act as revenue authorities, the position would be little better in view of the low calibre of officials employed, particularly in the smaller States, and could conceivably be much worse. The best officials employed in the States at present are retired officials of provincial services and even if these are used the need for a final tribunal not influenced by local considerations will be clear from what has been said already. The reason why the Rulers desire to keep so much revenue work, particularly those involving village headmanship, transfer and allotment of lands etc. in their own hands will have been clear from the preceding pages; these matters usually involved *nazranas* and *salami*. It will be seen that the functioning of Rulers as Revenue Authorities has the effect of influencing subordinate officials and of denying normal remedies to aggrieved persons. The position in this respect may be contrasted with that in the provinces, where even if the final order is supposed to be passed by the Governor it is usually a formal one based on the advice of a special tribunal or member of the Council.

62. *Concurrent Civil Jurisdiction.*—Apart from being Revenue authorities the Rulers, so far anyway, are with few exceptions the final civil authorities as well. In most States the Revenue officers are also judges. The effect of this combination is obvious. Revenue matters are often connected with civil rights and in matters such as title, or custom, Revenue courts cannot give any except summary decisions unless the staff is adequate to deal with revenue matters in the same way as civil suits. Usually such matters require specialisation and cannot be dealt with by revenue officers. Besides, in revenue matters the State is a highly interested party and it is greatly desirable therefore to have separate civil tribunals. In this matter also the position in the States is not conducive to satisfactory administration. It is true indeed that a similar system prevails in such area as Santhal Parganas or Angul but as is obvious the position is not the same.

63. *Revenue Staff.*—The officers of the States have been mentioned before. In a number of States retired provincial service men have been employed as Dewan or Chief Minister. I am afraid that the policy of appointing retired officers is on the whole a failure. These officers having given their best in the provinces while in service look upon the States in most cases as places where they can give their minds gentle occupation in their declining years, and hardly any of them has been able, or seems strongly inclined, to influence policy in the States. The Rulers indeed use some of the more distinguished among them as a window-dressing. The Dewan of Bamra—Rai Bahadur A. K. Bose—is a good example; the Chief has not given him any revenue powers. There are other retired officials as well, such as retired Revenue Inspectors who are now Superintendents of Land Records and Forest Rangers who are forest officers. The younger officials in the States are on the whole much better and more interested though suffering from lack of supervision and guidance. The insecurity of tenure mentioned by Mr. Bowstead is of course a strong factor. While now the position is that any arbitrary removal of officers would be taken notice of by the Agency the officers in most of the States in the Agency are still not governed by any definite rules either regarding their conduct, or terms of service. The need for these has already been recognised and it is not necessary for me to expatiate on it. There is one point about security of service which I would mention. Security should not mean that an official should remain and grow old in the State. Long residence, particularly in these small States, often results in strong local interests being developed, and in British districts it has often been found undesirable to leave an official too long in any one place. This is a matter to be borne in mind in dealing with the problem of these States.

64. *Remissions.*—Before 1938, land revenue was never suspended or remitted for any cause in practically all the states except where the revenue was irrecoveable. Since then the need for such action has been impressed upon the States and in the last two or three years some relief has been granted. There is no definite policy or principles in this respect however. The

individual reports may be referred to for a detailed description of the present position.

65. *Loans.*—The need for loans to agriculturists has been recognised for a longer time than remissions or suspensions, but in most cases the interest has been extremely high and even now in Udaipur a rate of 9 per cent. is levied against $6\frac{1}{2}$ per cent. in other States. The Rulers have often practised grain lending, and occasionally money-lending, and the rate of interest is generally 25 per cent. The *debottar* funds have also been misapplied for the purpose of lending. The individual reports give the position regarding loans which is by no means satisfactory. There are no rules or principles in most of the States in this matter. In Sonapur, the rules practically place a legal stamp on the Ruler's private lending.

66. *Registration and other Charges.*—Coming now to other matters affecting cultivators and agricultural interests, these are matters such as court fees, registration fees, stamp duties, process-fees, mutation fees, petition writers and papers etc. Petitions in the States with one or two exceptions like Bastar are to be written on paper specially issued by the State. This practice is prevalent in Bihar and Orissa also where a fee of one pice is charged per sheet but not in the Central Provinces. In many of the States two pice is charged, in Athgarh three pice, and in Sarangarh and Surguja one anna. This is definitely making an unduly high profit at the expense of a cultivator who at the same time is compelled to make petitions for a number of things. Petition-writers exist in all States (I cannot say about their adequacy) and usually the rules prescribed by High Courts for civil petition writers are said to be followed and there are no separate revenue petition writers (I cannot say if this is necessary). The licence fee for petition writers in one State is Rs. 12 per annum; in the rest they vary from nothing to Rs. 10. Court fee stamps seem to be manipulated in some States and petitions with court fee stamps have to be filed in Tigiria for indicating presence in court of a party or for presence of witnesses (that is what I saw in cases but the Dewan reports that it is not required). In some States different fees seem to be prescribed for different kinds of petitions.

Stamp duties and registration fees are rather high in some States. For example in Athgarh the fees amount to about four per cent. or more for values up to Rs. 50 and $2\frac{1}{2}$ per cent. for values up to Rs. 100. In Nandgaon Rs. 2 is charged for registering any document in addition to writing and endorsement fees. In Raigarh Rs. 5 is charged for a deed of transfer. In Tigiria the registration fee is about two per cent. Stamp duties in a number of States amount to one per cent. or more. The Indian Registration and Stamp Acts are said to be followed in a number of States.

67. *Revenue Case Records.*—The maintenance of revenue records while reaching a satisfactory standard in States like Bastar, Nandgaon, Patna, Keonjhar and generally in the States which are or have recently been under management are definitely unsatisfactory in Sonapur, Surguja (improving now) Rairakhol, Kawardha, Bonai. The system of indexing and deposit of records however is unsatisfactory in nearly all States. There are no rules in the States and the Central Provinces Manual or Bihar and Orissa rules are said to be followed; from what I have seen these rules are followed no better than most other rules which the States say they follow. Copies are said to be given of orders but there are no rules. I could not examine this in detail in the brief time spent in each State and I know nothing to the contrary.

68. *Touring and Inspections.*—Officials go out on tour for an adequate number of days on the whole from what I hear. Here again I could not make a close examination. From my own visits to villages it seems to me that work done on tour is hardly ever directed to finding out whether the rules are properly enforced and whether the interests of ryots are safeguarded. In one or two States tour diaries even are not maintained. Inspections of various offices by the Dewan and others seem to be far from efficient, if done at all, except in a few States.