

FINAL REPORT
ON THE
REVISION SETTLEMENT
OF
ORISSA
(1922-1932 A. D.)

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OF
ORISSA
(1922-1932 A.D.)

BY
W. W. DALZIEL, I.C.S.,
SETTLEMENT OFFICER, ORISSA.

SUPERINTENDENT. GOVERNMENT PRINTING,
BIHAR AND ORISSA, PATNA
1934.

TABLE OF CONTENTS

CHAPTER I.

AREA UNDER SETTLEMENT

	PAGES.	PARAS.
General Description and early settlement—Provincial and Revision settlements—Revenue and Rent Settlement—Area under the present settlement—Areas excluded ...	1—3	1—5

CHAPTER II

POPULATION AND MATERIAL CONDITION.

Population—Increase in cultivation—Material prosperity—Price of rice—Emigration—Exports and imports—Labour wages—Halia system—Rural indebtedness—Landlords' indebtedness—Co-operative Societies—Changes in habits and ideas—Caste—Eradication of water-hyacinth—Health ...	4—8	6—20
--	-----	------

CHAPTER III.

AGRICULTURE, FLOODS AND THE CANAL SYSTEM.

Principal crops—Soils—Agricultural stock—Agricultural farms—Work of the Agricultural Department—Experiments in flooded areas—Flood-resisting paddy and other crops—Cost of paddy cultivation—Profits of paddy cultivation—Profits of <i>pan</i> cultivation—Profits of sugarcane cultivation—The river system—The flood problem—Floods of recent years—The canal system ...	9—16	21—41
---	------	-------

CHAPTER IV.

THE RECORD-OF-RIGHTS.

Particulars recorded—Recording of status—Revenue-free proprietors—General and special numbers—Classes of baheldars—Recording of revenue-free estates—Escheats of revenue-free properties—Tenure-holders—Sub-proprietors—Tanki baheldars—Other sub-proprietors—Recording of sub-proprietors—Miadi and Maurasi sarbarakars—Privileged and ordinary tenure-holders—Raiyati statuses—Bajyafiti status—Encroachment on bajyafiti lands—Utbandi tenants—Jagirdars—Tankidars—Non-agricultural holdings—Incidents of Chandna right—Rent-free tenancies—Under-raiyats—Nij-jote lands—Nij-chas—Anabadi, Sarbasadharan and rakhit—Nij-dakhal—Recording of special rents—Declared channels—Minha Jagannath roadside lands—Government lands—Navigable rivers—Miscellaneous points ...	17—26	42—76
--	-------	-------

CHAPTER V.

PREPARATION OF THE RECORD.

Arrangement of blocks—Obstruction to the work—Training of the staff—Punishment of the staff—Bribery case—Health of the staff—Traverse work—Amalgamation and division of villages—Determination of new villages—Thana numbering of villages—Scale of the maps—Double Plotting—Inception of survey—Progress of survey—Survey difficulties—Boundary discrepancies—Preparation of khewats—Areas recorded in acre system only—Disputes about laggi measurements—Partial of survey and		
--	--	--

TABLE OF CONTENTS.

CHAPTER V—concl'd.

	PAGES.	PARAS.
khanapuri—Form of khatian and distribution of parchas —Inking of maps—Printing of not-final maps—Thana maps and lists—Trijunction mark maps and registers— Khanapuri—Boundary disputes—Settlement Officer as Boundary Commissioner—Cadastral recess—Method of attestation—Progress of attestation—Remeasurement— Objections under section 11c—Settlement recess—Cases under section 130—Application of section 67—Use of sections 136 and 137—Number of copies of maps repro- duced—Deposit of records—Improvements in procedure —Operations in Cuttack town—Statutes in Cuttack town —Bajyafidars in Cuttack town—Government and railway lands—Village notes 	27—45	77—121

CHAPTER VI.

RENT SETTLEMENT.

Rents at Provincial settlement—Rents at Revision settle- ment—Present rent settlement—Rents of bajyafidars— Rents of Chandnadars—Proposals for rent settlement in Puri—Treatment of flood-affected areas in Puri—Proposal for rent settlement in Cuttack—Rents of privileged tenure- holders—Rents of ordinary tenure-holders—Rents of bajyafiti raiyats—Rent settlement procedure—Section 123 —Appeals under section 125—Section 128—Commutation cases—Assessment of resumed Desheta jagirs—Tanki bahel tenures previously unassessed—Commutation of rent under sections 118 and 119—Date from which settled rents took effect—Entry of cess—Rent settlement in Cuttack town—General results 	46—57	122—144
---	-------	---------

CHAPTER VII.

REVENUE SETTLEMENT.

Principles of revenue settlement—Proportion of assets taken as revenue—Valuation of nij-jot and nij-chas lands —Valuation of produce-rented lands—Assessment of tenures—Sairat valuation—Assessment of resumed Chaukidari jagir lands—Chaukidari jagirs in perma- nently-settled area of Balasore—Difficulties created by recent partitions—Date from which the new revenue took effect—The form of the kabuliyats—Objections to the clauses of the kabuliyats—Objection about miadi sar- barakars—Redemption of petty estates—Problem of the Satais Hazari and assessment of Rahang estate—Rahang estate—Procedure of sairat investigations—Distribution of assets of sub-proprietary tenures—Temporarily-settled killajat estates—Confusion caused by sub-proprietary partitions—Extent of partition—Revenue settlement procedure—Revenue appeals—Treatment of estates affected by the Janardan and Routra ghais—Assessment of tauzi no 110 of district Puri—The Dattapur resumption case—Closing of separate accounts—Reopening of separate accounts 	58—71	145—173
--	-------	---------

CHAPTER VIII.

PREPARATION OF THE NEW A—D REGISTERS.

Defects in the old system of mahalwar registration— Proposals for amendment—Procedure in re-writing the registers—Re-writing work in permanently-settled estates—Working of the new system of registration ...	72—76	174—180
---	-------	---------

TABLE OF CONTENTS.

CHAPTER IX.

STATISTICAL ACCOUNT OF CUTTACK DISTRICT.

	PAGES.	PARAS.
Situation and area—Communications—Fair weather road across Kathjori—Population—Caste—Education—Trade and industries—Drinking water—Soils—Agricultural stock—Agriculture—Outturn of paddy—Extension of cultivation—Embankments—Flood problems—Revenue settlement—Sub-proprietary tenures—Sairat-Nijjote and nij-chas—Produce-rented lands—Rent-free area—Cash-rented tenants and rent settlement statistics—Reserved and communal lands—Revenue-free estates—Khasmahals—Cuttack town and Cantonment Khasmahals—Sale of occupancy rights—Mortgage of holdings—Sales of proprietary rights—Redemption of estates—Utikan estate—Mandal estate—Rattan estate—Pandua estate—Resumption cases—Relations between landlords and tenants—Transfer and subdivision of estates—Cuttack town municipality	77—91	181—218

CHAPTER X.

STATISTICAL ACCOUNT OF BALASORE DISTRICT.

Situation and area—Communications—Population—Caste—Education—Industries—Chandbali port—Drinking water—Soils—Agricultural stock—Agriculture—Outturn of paddy—Extension of cultivation—Reclamation on the coast—Further extension of cultivation—Flood problems—Embankments—Revenue settlement Statistics—Sub-proprietary tenures—Sairat assessment—Fishery Mahals—Statuses and rents—Nij-jota and nij-chas—produce-rented lands—Rent-free area—Cash-rented tenancies and rent settlement statistics—Communal and reserved lands—Revenue-free estates—Khasmahals—Sale of occupancy rights—Mortgage of holdings—Sales of proprietary rights—Amalgamation and redemption of estates—Transfer and subdivision of estates—B. L. Mukharji Trust estate—Resumption case of Becher's estate—Mabarakpur estate—Kasba estate—Dograi Dolsahi estate—Other estates—French territory	92—107	219—260
---	--------	---------

CHAPTER XI.

STATISTICAL ACCOUNT OF PURI DISTRICT.

Situation and area—Communications—Population—Caste—Education—Trade and industry—Drinking water—Soils—Agricultural stock—Agriculture—Outturn of crops—Extension of cultivation—Embankments—Flood problems—Area under settlement—Revenue settlement Sub-proprietors—Sairat—Nij-jote and nij-chas—Tenancies on produce rents—Rent-free holdings—Cash-rented tenancies and rent settlement—Rakhit and sarbasadharan—Revenue-free estates—Sale of occupancy rights—Mortgages of holdings—Khasmahals—Settlement of rent by agreement in Khurda Khasmahal—Balukhand Khasmahal—Kodhar Khasmahal—Sales of proprietary rights—Kotdesh estate—Rahang estate—Krishnachandra estate—Krishnanagar estate—Delang estate—Relation between landlords and tenants—Transfer and subdivision of estates	108—122	261—299
--	---------	---------

CHAPTER XII.

THE PERMANENTLY-SETTLED ESTATES.

Killa Kanika—Previous settlements—Classification of areas—rent roll—minha—Fisheries—History of rents—Rent settlement in Balasore under section 128—Rent settlement in Cuttack under sections 136 and 137—Result
--

TABLE OF CONTENTS.

CHAPTER XII—*concl'd.*

	PAGES.	PARAS.
of rent settlement—Public rights of way and irrigation—Gochar—Record of Debottar properties—Nij-jote lands—Rights in trees—Jungle management—Causes of discontent—Management of endowments—Transferability of holdings—Accretions on the coast—Killa Chhedra—Killa Kalkala.		
Killa Sukinda. —History—Area under cultivation—Principal crops—Tassar cultivation—Statuses—Village servants—Religious grants—Grants of maintenance—Nij-jote lands—Reserved lands—Rent enhancements—Illegal cesses—Rent compromise under section 137—Internal management—Chaukidari jagirs—Sale of raiyati holdings.		
Killa Patia. —Situation and Description—Crops—Rents—Industries—Nij-jote lands—Relationship between landlord and tenant—Brahmottar question—Sankharisahi—Transfer of holdings—Rights in trees.		
Killa Kujang. —Court of Wards Settlement—Statuses—Grazing lands—Palanda lands—Transferability of holdings—Rights in trees—Rights in jungle—Effects of floods—Rents.		
Killa Bishunpur. —Statuses—Transferability of holdings—Grazing—Rights in trees—Nij-jote—Cropped area—Jungle—Management.		
Killa Harishpur. —Statuses—Rents—Transferability—Rights in jungle and trees—Grazing lands—Nij-jote—Management—Cultivated area.		
Killa Marichpur. —Cultivated area—Rents—Excess areas—Statuses—Transferability—Rights in trees—Fisheries—Rights in jungle—Dispute about village Kusadiha—Claim of Mahant of Emarmath—Resumed Chaukidari jagirs—Sautia jagirs.		
Killa Aul. —Cultivated area—Nij-jote lands—Statuses—Rights in trees—Rakhit lands—Transferability of holdings—Abwabs—Rents—Revenue—Management.		
Ekhrajat Mahal. —History—Statuses—Sarbarakari jagirs—Nij-chas—Communal and reserved lands—Rights in trees—Rents—Transferability of holdings—Management—Crops.		
Nimkibadal estate. —North Balasore.—Transferability of holdings—Cash-rented lands—Sanandi Niskar—Rents	123—144	300—419

CHAPTER XIII.

COSTS AND RECOVERY.

Recovery of costs—Recovery in the permanently-settled estates—Recovery in revenue-free areas—Recovery in Balukhand Khasmahal—Recovery in Cuttack town—Total recovery—Estimate of the cost of the operations ...	145—148	420—426
---	---------	---------

CHAPTER XIV.

THE TENANCY LAW.

Thani and Pahi raiyats—The twelve years' rule—The Bengal Tenancy Act—Objects of the Orissa Tenancy Act—Security of raiyats—Protection of proprietors' private lands—Sections 153 and 154—Nij-jote recorded at this settlement—Working of the present law Judicial rulings on occupancy rights in nij-jote—Sub-proprietors under the Act—Bajyafidars—Transferability of occupancy holdings—Introduction of section 31—Working of section 31—Rate of registration fees—Proposed legislation—Effect of allowing transfer—Extension of section 31 to permanently-settled estates—Tanki baheldars—Defect in section 67—Sub-proprietors—Law relating to embankments—Position of non-agricultural holdings—Rights in trees—The amendment bill of 1929—Miscellaneous points	
---	--

TABLE OF CONTENTS.

v

CHAPTER XIV—concl'd.

—Rents for special crops—Pasture problem—Clause 8 of the kabuliyat—Khatians of recorded lands—Present position—Procedure for dealing with encroachers—Proposed legislation—Reserved tanks Reserved lands in permanently-settled estates—Desheta jagirs in temporarily-settled estates—Desheta jagirs in permanently-settled estates

PAGES.

PARAS.

149—165

427—466

CHAPTER XV.

OFFICERS.

Settlement Officers—Assistant
Acknowledgments ...

Settlement Officers—
... ..

166—167

467—469

FINAL REPORT

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CHAPTER I

Area under Settlement

1. *General description and early settlements*.—The three districts under settlement stretch for 200 miles along the Bay of Bengal between the Bengal and Madras Presidencies. They are for the most part a flat alluvial deltaic plain with a fringe of jungle and sand along the coast and with some hilly tracts inland on the border of the Orissa Feudatory States. An area of 168 square miles at the extreme north end was originally part of the district of Midnapore which was ceded to the East India Company in 1760 along with Burdwan and Chittagong. This part came under the Permanent Settlement Regulation of 1793. The remaining area of the three districts did not come under British control until the successful military campaign of Colonel Harcourt in 1803. In the succeeding years various regulations were passed by which permanently-settled status was granted to the zamindars of the ancient Killa estates which lie on the sea-coast or bordering on the Garhjats. These were Kanika, Aul, Kujang, Harishpur, Bishunpur, Marichpur, Chhedra, Patia, Sukinda, Kalkala, Madhupur, Darpan, Dompara and Khurda. The *Jagir mahals*, including Parikud, were also confirmed in perpetuity. Khurda was later resumed as a result of the rebellion of the Raja, and became a Government estate, out of which the *Ekhrajat mahal* was carved in 1858 to provide for the upkeep of the Puri Temple.

The rest of the area covered by the three districts was not brought under permanent settlement, but was subjected to annual or triennial settlements until 1822, after which a settlement for five years was made, and later extended until the completion of the first detailed revenue settlement, that of 1834—43. The revenue was then settled for a period of 30 years from 1837. As the expiry of the term of this settlement coincided with the terrible famine of 1865 the settlement was extended for a further 30 years.

The early regulations provided for the investigation of all claims to hold lands revenue-free. In the settlement of 1834—43, systematic proceedings were undertaken to decide these claims, and those found valid were confirmed in perpetuity. In this way about 330,000 acres of land were exempted from revenue. The class of tenants known as *bajyafidars* originated in the failure of some of these claims, the lands being then resumed (*bajyafiti*) and, where they were of small extent, placed under the adjoining temporarily-settled *mahals*.

✓ 2. *Provincial and revision settlements.*—The Provincial Settlement of 1890—1900 covered the whole temporarily-settled area, including the petty revenue-free estates, as well as Killas Darpan, Madhupur and Aul, the Ekhrajat and Khandaiti *mahols*. In 1899 Mr. Maddox, the Settlement Officer, submitted a draft Bill and rules for the maintenance of the records. The question of maintenance was discussed at great length by Government and various experiments were tried between the years 1904 and 1912. The Revision Settlement was indeed primarily undertaken to clear the way for the continuous maintenance of the records. A full account of these discussions and experiments will be found in the second volume of Mr. Maddox's report from page 134 and in Chapters X and XVII of Mr. James's report of the Revision Settlement. At first a scheme of annual maintenance was tried but found to be too expensive and in 1910 Mr. H. McPherson, I.C.S. (now Sir Hugh McPherson), drew up a scheme for triennial maintenance, which was approved by Government. Mr. J. Reid, I.C.S., the Director of Land Records, in forwarding the final report of the Revision Settlement to the Board, wrote that "the cost of the triennial scheme . . . ought not to exceed Rs. 1,60,000 per annum. It provides for the attestation of the records by a staff of gazetted officers, but not for the adjustment of rents, the settlement of disputes, or the final publication of the records It remains to consider whether there is any reasonable expectation that the maintained record can be made the basis of the next Land Revenue Settlement . . . and whether its existence will not obviate the necessity of a second extensive and elaborate revision."* Mr. Reid concluded that a revision of the maps and the preparation of a fresh record would indeed be essential at the next revenue settlement. He urged the abandonment of the attempt to maintain land records in Orissa, pointing out that the tenants were apathetic and the landlords hostile, and that the records had no evidentiary value and were rarely used by the courts. He later recommended that the operations "should either be suspended or abolished altogether, or put on a legal basis".

The Provincial Government recommended to the Government of India the abandonment of the maintenance scheme. It had already been agreed that the chapter in the Orissa Tenancy Bill, dealing with maintenance of records, should be omitted, thus greatly facilitating the passing of the Bill. The maintenance scheme was ultimately ordered to be abandoned by the Government of India.

Against the possible contention that the money spent on the revision settlement had been wasted it was pointed out by Government that "it has had three most important results. It has furnished Orissa with an up-to-date record at a point intermediate between the conclusion of the last revenue settlement and the next settlement of land revenue . . . Further the revision operations have brought prominently to notice the unsuitability of the Bengal Tenancy Act to Orissa conditions and led to the enactment of the Orissa Tenancy Act which supplies that division with a self-contained agrarian code. Lastly the revision in Orissa has yielded experiences which have been most instructive in working out the procedure to be followed in the much larger revision programme of the Bihar districts."

3. *Revenue and rent settlement.*—In the Provincial Settlement the revenue of the temporarily-settled estates was revised and fresh engagements taken for a period of 30 years from 1897. The rents of the tenants were settled under section 104 of the Bengal Tenancy Act. In the Revision Settlement, revenue was unaffected, but settlement of rents was done by application of the parties under section 105 of the Bengal Tenancy Act. In this settlement the temporarily-settled estates have been brought under resettlement for a further period of 30 years from 1927 to 1957, under Regulation VII of 1822; and rents have been resettled under Chapter XI, Part II of the Orissa Tenancy Act, 1913. The detailed figures are given in the Appendix to this report. The Government revenue from the

*Letter no. 3746, dated 17th June 1914, from Director of Land Records and Surveys to Board.

temporarily-settled estates, which was increased at the Provincial Settlement from about 14 lakhs of rupees to more than Rs. 21 lakhs, has as a result of this settlement been increased further to Rs. 28 lakhs.

4. *Area under the present settlement.*—The present settlement operations included the resurvey and revision of the record-of-rights for the temporarily-settled area and the revenue-free estates within it. Resurvey and revision of the record-of-rights were also done in the permanently-settled estate of Killa Aul which had previously been done both at the Provincial and Revision Settlements. Similarly revision settlement was done of the Bishunpur estate, which was brought under settlement for the first time at the Revision Settlement, and of Chhedra estate which was included in the Provincial but not in the Revision Settlement.

The following areas were brought under survey and settlement for the first time :—The small estates in the extreme north of Balasore district and the revenue-free estates lying in that area; Harishpur, Kalkala, Sukinda and Patia in Cuttack district; and Marichpur in Puri.

Killas Kanika and Kujang had previously been surveyed in 1887 to 1889 under Act V of 1875, when the estates were under the Court of Wards. No official settlement was made under Chapter X of the Bengal Tenancy Act, which did not then apply to Orissa, but amicable settlements were made under the Court of Wards. In these estates a resurvey has been done and an authoritative record-of-rights has been prepared for the first time.

The Ekhrajat *mahal* had previously been surveyed and settled both at the Provincial and Revision Settlements, and has now been resurveyed and resettled.

The settlement operations covered an area of 6,278 square miles, of which 2,056 square miles are in district Balasore, 3080 square miles in district Cuttack and 1,142 square miles in district Puri. Of this area 4,130 square miles are covered by temporarily-settled estates, 1,356 square miles by permanently-settled estates, 670 square miles by revenue-free estates, and 122 square miles by Government lands.

Original survey has been done for an area of 723 square miles and revisional survey for 5,555 square miles. A record-of-rights has been prepared for the first time for an area of 1,261 square miles and the previous record has been revised for 5,017 square miles.

5. *Areas excluded.*—The large *khas mahals* of Khurda in Puri district and Banki in Cuttack district were excluded from settlement, as the records-of-rights for those estates did not require revision. Khurda had been resettled in 1912–1914 and Banki in 1918. In Khurda *khas mahal*, however, an enhancement of the tenants' rents by 2 annas in the rupee was effected by agreement.

Of the permanently-settled estates, Killas Dompara, Darpan and Madhupur in Cuttack were excluded, as were also the *Jagir mahals* in Puri. These were all included in the last revision settlement, except Dompara which was separately revised in 1915. Other excluded areas were certain jungle tracts along the coasts, some lands belonging to a Midnapore *khas mahal* in Balasore, the lands of Hukitola, Jambu and the False Point Light House in Cuttack, * revenue-free portions of Puri municipality, some small scattered lands of religious endowments in Puri district and village Madhuban of Killa Patia in Cuttack. 1,913 square miles were thus excluded out of a total area of the three districts of 8,191 square miles.

* Hukitola Jambu and Light House were surveyed and *khanapuried*, but at attestation it was decided to exclude them. The village maps were printed in not-final form.

CHAPTER 11.

Population and material condition.

6. *Population.*—The variations in population of the three districts can be seen from the following table :—

	1901.		1911.		1921.		1931.	
	Total.	Per sq. mile.	Total.	Per sq. mile.	Total.	Per sq. mile.	Total.	Per sq. mile.
1	2	3	4	5	6	7	8	9
Cuttack ...	2,060,313	564	2,109,139	577	2,064,678	565	2,176,707	596
Balasore ...	1,073,642	515	1,055,568	506	980,504	470	990,600	475
Puri ...	1,017,284	407	1,023,402	410	951,651	381	1,035,154	415

Between 1911 and 1921 there was a fall in all districts. The 1921 census followed closely on a period of scarcity, and on epidemics of influenza and cholera, while malaria also obtained a greater hold in that decade.

In Cuttack there has been a rise by 5.43 per cent in the last ten years bringing the total to 5.65 per cent above the 1901 level and 3.24 per cent above the 1911 level. In Balasore the rise in the last ten years by 1.03 per cent still leaves the population 7.73 per cent below the level of 1901 and 6.16 per cent below that of 1911. In Puri the advance in the last ten years is by as much as 8.77 per cent and brings the population to a level 1.76 per cent above that of 1901 and 1.15 per cent above that of 1911.

7. *Increase in cultivation.*—On the other hand the increase in area under cultivation has been observed to be by $5\frac{1}{2}$ per cent in Cuttack, 9 per cent in Balasore and $4\frac{1}{2}$ per cent in Puri.

In Cuttack the advance in cultivation has at least kept pace with that of the population. In Balasore the population is actually less than in 1901 while there has been a substantial increase in the cultivated area. In Puri both population and cultivated area have increased slightly, the latter by rather more than the former. The pressure of population is therefore on the whole lighter than at the close of the Provincial Settlement.

The area still left open for the spread of cultivation is very small except in some parts of the coast and in the jungle country on the western border of the districts.

8. *Material prosperity.*—Mr. James noticed some slight advance in material prosperity between 1900 and 1910, which he ascribed to the coming of the railway and the rise in the price of rice, combined with the facilities which the inhabitants enjoy for earning wages in industrial centres outside the province.

9. *Price of rice.*—The movements in the price of rice in Orissa show a curiously rhythmical rise and fall between 1900 and 1930, with a steady upward movement on the whole. Expressed in terms of seers to the rupee the average price rose to 15 in 1901, steadily dropped in the next three years to 20 in 1904, rose sharply to 10 between 1904 and 1907, dropped again to 15 in 1910 and 1911, rose between 1911 and 1915 to 9, dropped to 13 in 1917 and 1918, then rose very sharply to 7 in 1919 and to 6 in 1920. This was the highest point reached. There was another three years' decline to 12 in 1923, followed by recovery to 8 in 1924 and 1925. This level was maintained in 1926 and 1927 but it dropped again to 10 in 1928 and 1929.

and to 12 in 1930. Then came the serious slump, when the price dropped right down to 16½ in 1931, reaching 18 in November of that year.

It is not within the scope of this report to go deeply into the causes of this rise and fall. The comparatively high peak reached in 1907 and 1908 can be attributed to floods in Orissa and famine in North India. The normal rise in 1919 and 1920 was probably mainly due to improvement of world markets after the great war, while the flood of 1920 also contributed. The price seems then to have sought a more normal level until a series of flood years in 1925 to 1927 caused another rise. The recent remarkable drop is of course a world-wide phenomenon to which many factors have contributed.

10. *Emigration.*—The tendency of villagers to emigrate to industrial centres and earn wages there has increased considerably since Revision Settlement. Oriya labour in other countries constitutes an invisible export of some importance in the balance of trade of Orissa. In some parts of Orissa there is scarcely a household which does not send one member to Calcutta or elsewhere for some months in the year, while in an area in which the rice crop has been destroyed by a severe flood it is common to find that the majority of the male population has emigrated and the local post office receives a steady flow of money-orders. A comparison of the figures for the periods 1915—20 and 1925—30 shows an advance in the yearly average value of remittances from Rs. 95 lakhs to Rs. 144 lakhs. Orissa is notoriously lacking in industries of its own and it is natural that the surplus men, whose labour is not required for the cultivation of the land, should turn their attention to fields of employment outside the province. Calcutta, Jamshedpur and Rangoon are the main centres which receive these emigrants. Different localities are found to favour different industrial centres for emigration. The inhabitants of Khurda subdivision generally go to Rangoon, while Killa Aul in Cuttack district supplies many servants to Calcutta households.

11. *Exports and imports.*—The opening of the railway has encouraged trade, but the sea-borne trade has of course diminished. Taking the weight of rice at two-thirds of the paddy the following figures of rice export are quoted :—

Year,		Railway borne, Mds.	Maritime trade. Mds.	Total Mds.
1926-27		1,837,453	146,061	1,983,514
1927-28		2,153,048	148,288	2,303,336
1928-29		2,830,779	142,755	2,983,534

1926-27 and 1927-28 were bad years with severe floods, although in the latter year the rice crop benefited in some areas by silt deposit from the floods of the year before. 1928-29 was a good year, perhaps a little above the normal. I would place the average surplus available for export midway between Mr. Maddox's estimate of 29 lakhs and Mr. James's estimate of 26.73 lakhs of maunds.

Kerosine oil and sugar are imported in large quantities. The comparative figures are as follows, in maunds :—

Article of import.	1901-02.	1909-10.	1928-29.
Kerosine oil	141,623	247,864	343,250
Sugar, refined	46,891	96,850	} 198,841
Sugar, unrefined	113,408	130,481	

The decrease in import of sugar may be attributed to the spread in sugarcane cultivation. The increased importation of kerosine oil indicates some advance of prosperity as also does the increased expenditure on opium. The amount of opium consumed had advanced between Provincial and Revision Settlement from 372 to 500 maunds. In 1928-29 it is found to be 470 maunds but as the price per tola was advanced from 8 annas in 1901 to 12 annas in 1910 and to Rs. 1-8-0 in 1928-29, the sum spent on the drug has risen. The revenue obtained from this source was

Rs. 6 lakhs in 1901, Rs. 12 lakhs in 1911 and Rs. 19½ lakhs in 1928-29. There is also a considerable quantity of tobacco imported as the following figures show :—

1926-27	...	...	...	...	2,386 tons.
1927-28	...	...	...	...	2,683 „
1928-29	...	...	...	...	2,834 „

12. *Labour wages.*—The wages of labourers have risen along with the price level. The following table shows the figures of the three censuses of rural wages in the years 1911, 1916 and 1924. The figures are for unskilled labour in the agricultural areas :—

District	Year of census			Increase in percentage of 1924 over 1916.
	1911.	1916.	1924.	
1	2	3	4	5
	Rs. a. P.	Rs. a. P.	Rs. a. p.	
Balasore	0 2 0	0 2 6	0 4 3	+70
Cuttack	0 2 0	0 2 0	0 4 0	+100
Puri	0 2 0	0 2 6	0 4 0	+60

Mr. Maddox remarked that money wages had not risen in the same proportion as the prices of staple food crops between 1814 and 1898. Mr. James noticed the same phenomenon holding good up to 1910. There seems to have been little if any rise in money wages between the Provincial and Revision Settlements. There was a slight rise between 1911 and 1916, and a very sharp rise between 1916 and 1924. The wage level has remained constant since 1924. The rise since the Provincial Settlement was roughly in the same proportion as the rise in prices.

The system of paying wages in produce, however, still persists, but is not so prevalent as it used to be. The level of wages in kind does not vary much, the average being 4 seers 3 chataks of paddy per day.

The above applies to agricultural labour. Carpenter's wages, paid in cash are now Re. 0-8-0 to Re. 0-12-0 a day, a considerable advance on the figure of Re. 0-2-6 given by Sir William Hunter in 1875 and that of Re. 0-4-0 to Re. 0-6-0 given by Mr. James at Revision Settlement. Blacksmiths generally do piece work, but when they get daily wage it is generally Re. 0-8-0 a day, as compared with Re. 0-2-6 in 1875.

§13. *Halia system.*—The casual day labourer in agricultural parts is known as a *mukha*. A system, however, still prevails by which labourers are retained on undefined contracts from year to year. These are designated as *halias* or *kothias*. The *halia* is engaged yearly on *Dol-Purnima* day. The basis of his contract is a loan or advance of pay from his employer, varying in amount from Rs. 5 to Rs. 50, and the *halia*, although engaged for the year, cannot free himself from the obligation to work for his employer until he has repaid this advance. He gets a cash wage of about Rs. 5 to Rs. 10 for the year, and a daily wage of Re. 0-2-0 to Re. 0-3-0 cash or 2½ to 3 seers of paddy on the days on which he works. He generally gets an area of about 20 to 25 decimals of land as his *heta*, which he is allowed to cultivate with ploughs and seeds provided by his master. He also gets 4 to 8 sheaves of paddy per acre ploughed and one in 8 to 12 sheaves of paddy reaped. He is given one *dhoti* and one *gamcha* during the year. His total income from all these sources will amount to about

Rs. 60 per annum. Interest on the loans taken by the *halias* is nominally 25 to 37½ per cent for cash advances and 50 per cent for paddy. But actually only half these rates are charged unless the contract of service is broken. The *halia* system does not appear to lead to oppression, as the servant can generally free himself from his bond if he really wishes to. Cases of long continued service under one contract are rare.

✓ 14. *Rural indebtedness*.—The indebtedness of the rural population of Orissa came within the scope of the investigations of the Provincial Banking Enquiry Committee presided over by Mr. J. A. Hubback, I.C.S. in 1929-30. On the subject of rates of interest charged by the ordinary village money-lender the Committee reported "In the Orissa coast districts much of the annual borrowing for seed and maintenance is in kind. The general rate is 25 per cent payable soon after the harvest, the loan running for a period of 4 to 8 months only. For seed grain, however, 50 per cent is frequently demanded. On the other hand an occasional rate of 20 per cent is met with. For cash loans the rate of 18½ per cent for the full year is not infrequent but the general rate is either 25 or 37½ per cent. . . . The village co-operative societies lend to their members at 15½ per cent as a rule though a few have managed to get the rate down to 12½ per cent".

The Committee's investigators observed an average indebtedness per household of Rs. 73 but the figures calculated by members of the Committee themselves gave an average of Rs. 130. From the Committee's figures it would appear that about one-fifth or more of the households are free from debt, while about one-half are lightly in debt from Re. 1 to Rs. 105. 16½ per cent were found by the Committee to be heavily in debt over Rs. 211. Comparison with the figures for other parts of the province shows that the burden of indebtedness is, on the whole, considerably lighter in Orissa than in Bihar and slightly lighter than in Chota Nagpur.

✓ 15. *Landlords' indebtedness*.—As regards indebtedness of landlords, the analysis made by the Provincial Banking Enquiry Committee shows this to be lighter in Orissa than in the other divisions of the province. Fifty per cent of the Orissa landlords are found to be free from debt, as compared with 40 per cent in Chota Nagpur and 34½ per cent in Bihar. Among those indebted, the proportion of those lightly indebted (from Re. 1 to Rs. 945) is 70 per cent in Orissa, 31 per cent in Chota Nagpur and 28 per cent in Bihar. The average indebtedness in Orissa is calculated to be Rs. 800, in Chota Nagpur Rs. 11,000, and in Bihar Rs. 4,000. These figures are not of course, claimed to be scientifically accurate, and it has to be remembered that in general the Oriya landlords are men of much smaller means than those of Chota Nagpur or Bihar. But it is reasonable to conclude that the landlords of Orissa, as a class, are not heavily burdened with debt.

16. *Co-operative Societies*.—The co-operative movement has made considerable progress since the last settlement. In 1912 there were 2 central societies with a working capital of Rs. 1, 13,671 and 82 affiliated societies. The figures of 1928 are 10 central societies with a working capital of nearly Rs. 40 lakhs, and 1,730 affiliated societies. In that year, however, the proportion of "bad" societies in Cuttack Circle was very high. Among the societies are a number of non-agricultural ones, for instance 6 for bell-metal workers in Cuttack Circle, but these are not doing well.

There should be a large field for co-operative credit in the assistance of projects for the development of valuable crops such as sugar, and indeed in a few isolated cases useful work has already been done in this direction.

✓ 17. *Changes in habits and ideas*.—The Oriya mind is naturally conservative and unenterprising. Hence the spread of new ideas is slow, and little change can be observed in the habits of the people. The common diet of the Oriya villager is still *pakhal* or boiled rice and water, taken in the morning and evening. Tea-drinking is, however, gaining ground. The consumption of opium continues to be heavy, and it is still administered to children, although Government have instructed the Excise, Public Health and Education Departments to conduct propaganda against it. The Bihar and Orissa opium Smoking act of 1928 has recently come into effect and

should effect some improvement. In the more "advanced" areas habits of litigiousness are observed to be growing. In reporting on the state of education in their camps the Attestation Officers very commonly remarked that there was a tendency for the brighter pupils to turn their superior education to account by becoming village *mamlathars* or touts and stirring up trouble among the more ignorant villagers.

✓ 18. *Caste*.—The castes of Orissa have often been described elsewhere. The ancient Sasan system, by which Brahmins were settled in villages and given a sort of spiritual jurisdiction over the surrounding area, survives in the village names but is for most purposes defunct. Many families were found to have improved their caste designation since last settlement, or attempted to do so at this settlement. These changes were given effect to in the records only in exceptional cases, when the claim was found to be particularly well-grounded. In this way many families designated as Jena at last settlement, sought to be recorded as Rays or Mahapatras at this settlement and Khandaits wished to become Mahalayaks or Karans, Bariks or Lenkas to become Patnaiks, and Chasas to become Khandaits. Similarly among the different grades of Brahmins Pandas would style themselves as Satpathis or Mahapatras. The census figures tell the same tale. For instance in Cuttack district there has been an abnormal increase of Khandaits between 1921—1931 and a decrease of Chasas. In Balasore the decline in the number of Chasas is still more marked—from 18,168 to 11,541.

In Orissa the dhobi is also a hewer of wood, and the *Bhandari* (barber) generally performs the function of minister to the village idol. The Gours traditionally work as palanquin bearers, but a strong movement has arisen among the members of this caste to improve their status and to ban this work as degrading. This is consequent on the contact with civilization which many of their members obtain by working as servants in Calcutta.

19. *Eradication of water-hyacinth*.—The weed known as water-hyacinth spread rapidly in Orissa after the Revision Settlement, and became a serious menace to crops and to health. Ever since the question was raised in 1918 Government had encouraged local bodies to frame by-laws giving them power to issue notices for the removal of the weed and to prosecute persons who failed to comply. In 1928 Mr. N. F. Peck, I.C.S., as Collector, started a vigorous campaign and was so successful that by the end of 1929 the district of Cuttack was practically cleared of the pest. In Balasore and Puri the Collectors have followed suit and have also gone a long way towards the eradication of water-hyacinth. The unprecedented efficacy of Mr. Peck's methods has made this campaign a model to other districts and provinces. The beneficial effects of the removal of this weed are manifold, as crops, fisheries, and the health of the people are alike saved from serious harm.

20. *Health*.—Malaria is the most prevalent disease in Orissa. Epidemics of cholera and small-pox occur yearly at certain seasons with varying intensity. Skin disease, dysentery and diarrhoea, due mainly to the bad state of water-supply, are also common.

CHAPTER 111.

Agriculture, Floods and the Canal system.

21. It is proposed in this report to deal with each district separately so far as possible, but certain matters require broader treatment. The present chapter is devoted to a general description of agricultural matters, the flood problem and the canal system.

22. *Principal crops*—Mr. Maddox dealt exhaustively with the crops of Orissa and the method of cultivation. I do not propose to repeat his descriptions, but to give some account of the changes and developments since the Provincial Settlement.

The principal product of Orissa is of course rice, which is grown in three main crops. *Beali* is the autumn rice harvested in August and September. *Sarad* is the winter rice harvested from October to January. *Dalua* is the spring rice sown in water-logged depressions in the cold weather, and harvested in March and April.

The other crops which are sufficiently important to require mention are, among cereals and pulses, *mandia*, *kulthi*, *biri*, *mung*, *harar* and *chana*; among oil-seeds linseed, *til* (sesamum) and castor; among fibres cotton and jute; in addition sugarcane, *pan*, *tobacco*, *brinjal* and potato.

The position found by Mr. Maddox at the Provincial Settlement is described at pages 102-103 of his report. Reviewing the situation as it now appears from the figures of the present settlement, one finds the general outlines unchanged. Rice retains its predominant position. In fact the proportion of rice-growing area has advanced from 88 per cent to 93 per cent. (As the areas under settlement are different, I have quoted percentages for purposes of comparison.) It appears that this gain has been largely at the expense of homestead lands, as these have decreased from 108,899 acres to 48,804 acres, thus indicating a tendency to reduce homesteads to the minimum in order to grow more rice. This increase is not to be found in the *dalua* area, which has actually fallen from a proportion of 1.4 per cent to 0.9 per cent of the net cropped area. The proportion of *sarad* has risen from 80 per cent to 84 per cent and that of *beali* from 6.7 to 8.1 per cent.

There has been a marked decline in the cultivation of *Mandia*. At the Provincial Settlement this crop was grown on 17 acres in every thousand while now it is only found on 9 acres in every thousand. On the other hand cereals and pulses such as *mu g*, *biri*, *kulthi* and *harar* show an increase. These now cover 12 per cent of the cropped area compared with 10 per cent at Provincial Settlement. As *mandia* is essentially a food of the poorer classes, while *mung* and others are more highly esteemed, this may reasonably be regarded as some evidence of increased prosperity.

The area under oil-seeds including mustard has also increased, from 47 to 95 acres in every 10,000. Cotton-growing has dwindled into complete insignificance, and it is only found on 246 acres at the present settlement. On the other hand those other valuable crops, jute, sugarcane and *pan*, have advanced in a very marked manner, although the areas covered by these crops are still only a few thousand acres in each case.

Jute is now grown on 5,860 acres, i.e. on 2 acres in every thousand, and its proportion has been multiplied nearly seven times. Sugarcane is found on 4,525 acres, and its proportion has doubled, assuming Mr. Maddox's figure to be correct (he himself suspected it to be an underestimate). This crop is not generally grown for many years in succession on the same land.

The area under *pan*, has increased from 469 acres to 1,180 acres since the Provincial Settlement. Although some of the new area is in Kujang, which was not previously under settlement, it is certain that the increase in *pan* cultivation is very great.

The area under tobacco has decreased, and its proportion is not much more than a third of what it was. The total area recorded under this crop is 1,456 acres. But the area varies from year to year and it is certain that the cultivation of this crop was suspended during the years of settlement to avoid assessment of higher rent on the lands. In some parts, indeed there has been a real decrease owing to sand deposit, rendering the soil unfit to grow this crop. It is nearly always found on river-side lands where silt is deposited.

There are 282,968 acres growing more than one crop. The proportion of twice-cropped area has increased since Provincial Settlement from 8 per cent to 11 per cent.

23. *Soils*—The soils of Orissa are described by Mr. Maddox at paragraph 120 of his report. They are generally either clayey or sandy or an admixture of both. *Matal* is the name given to the stiff clayey soils and *balia* to the loose sandy soils. In *dorasa* the admixture of sand and clay is about equal. *Balia matal* is a generic name given to sandy loams of varying fertility. These are the most common types. *Matal* is the most fertile and *balia* is a poor soil. *Dorasa* is found suitable for *beali* and *rabi* crops. The lands near the coast become saturated with salt and are called *numia* or *sunajami*. The rich alluvial *pattu* soils which contain the silt deposited by river floods are very fertile and are used for growing tobacco and vegetables. *Kala mati* is the name of a black soil and *kelua mati* of a blackish muddy soil. *Ranga mati* is a reddish soil, *kala kelua* a sticky clay and *teli balia* a sticky clay with an admixture of sand.

In flooded areas, except where sand is deposited, the soil becomes enriched with river silt. The irrigated areas are immune from flood and drought but on the other hand lose this advantage.

24. *Agricultural stock*—The number of draught cattle in the area under settlement, as it appears from figures prepared at *khanapuri* is 687,949 or 1 in 4 cultivated acres. The number of ploughs is 326,936 or 1 in $7\frac{1}{2}$ cultivated acres. The proportion is larger in Cuttack and smaller in Puri. The cattle census of 1930 indeed gave higher figures. For purposes of comparison it may be stated that in Palamau the proportion of ploughs to cultivated acres is 1 to 10, in Ranchi 1 to 8 and in Hazaribagh and Manbhum 1 to $6\frac{1}{2}$. The general impression among the people is that one plough is necessary for every 6 acres.

The number of carts was found to be 32,763. The number of cows and she buffaloes is 620,588, or one to 5 or 6 of the human population.

The cattle of Orissa are of a very poor type, the bullocks being feeble and the cows giving a very low yield of milk. Neglect, under-feeding and the absence of any control of breeding are the causes. The Agricultural Department is giving its attention to the problem, particularly in the direction of experimenting in the growth of fodder crops and introducing them in the villages. In view of the difficulty of finding adequate pasture in Orissa this appears to be the best solution of the problem of food supply for cattle.

25. *Agricultural farms*—At the time of the Provincial Settlement there was no Government agricultural farm in Orissa. The Cuttack Farm, situated in village Bidhyadharpur, was opened in 1904 with 70 acres of land, and was expanded in 1908 to 120 acres and in 1917 to 150 acres. A branch farm was started in the same year at Balia, in Balasore district, for the study of upland crops, and another at Puri in 1925 for the study of cocoanut cultivation in the sandy tracts. A branch farm has been opened at Kujang in 1928 for experimenting in special crops suitable for flooded areas.

26. *Work of the Agricultural Department*—The floods of 1926 and 1927 brought clearly into prominence the unsuitability of the unprotected

parts of Orissa for the cultivation of ordinary varieties of paddy, and the Agricultural Department is now engaged in an attempt not only to introduce special strains of paddy that are better suited to these areas, but also more particularly to encourage the growth of *rabi* and special crops. The policy of the Department is clearly described in the following note, which Mr. H. L. Dutt, at present Deputy Director of Agriculture in the Orissa Range, has kindly supplied to me :—

27. *Experiments in flooded areas.*—"The problem of the flooded areas in Orissa is one of the greatest importance and it has been engaging the serious attention of the Agricultural Department for the last few years. With a view to solving this serious problem a special farm was started in 1928 within the flooded areas at Kujang, outside the protective embankment, and another small temporary farm of 5 acres, on rented land, has been started more recently in 1929-30, within the ring-bundh of Aul. Experiments are being conducted on these farms (1) to select or evolve a variety or strain of paddy which will stand satisfactorily the severe conditions prevailing in flooded areas—strong tearing current and prolonged submergence under water ; (2) to discover a strain of paddy which will grow satisfactorily on the extensive saline tracts on the Orissa seaboard, where nothing can be grown at present on account of the saline salts in the soil, and (3) to find out, by trial, more remunerative crops which may replace the uncertain paddy in the monsoons or which may be grown more successfully and with better results on the flooded areas in winter, after the recession of the flood, to compensate the loss of their monsoon crop.

28. *Flood-resisting paddy and other crops.*—The Agricultural Department has already found a flood-resisting paddy which shows promise, as well as a paddy suited to saline lands. One of the recommended sugarcanes also has been found to do quite well on saline soil. It is recognized that the cultivators of Orissa attach too much importance to their paddy crop, and that in the flooded areas other crops could be cultivated with better results. The value of the silt brought down by the floods is lost sight of; the silted land is eminently suitable for paying crops such as wheat, gram, peas, barley, lentils, etc. Propaganda is being carried on to encourage people to plant other crops, and a sugarcane which stands waterlogging has already won the confidence of the cultivators in Kujang and has spread over some 700 acres. Interest is also being aroused in intensive crops such as potato and onion. For all these dry season crops irrigation is essential and accordingly a scheme is under consideration for demonstrating cheap pumping installations."

29. *Cost of paddy cultivation.*—The average cost of cultivating an acre of paddy land was worked out by many Assistant Settlement Officers, but there was considerable divergence in the figures which they produced. The following appears to be a fair estimate of the cost in an area growing *sarad*:—

					Rs. a. p.
(1) Ploughing raking					
(Kalamohi) reploughing					
(Behushan)...	...	...	...	...	2 0 0
(2) Manure ...	...	...	...	...	0 8 0
(3) Seed ...	...	...	...	...	2 0 0
(4) Puddling and dressing	...	...	...	...	1 0 0
(5) Weeding ...	...	...	...	...	2 8 0
(6) Harvesting..	...	...	...	...	3 0 0
(7) Storage and threshing ...	...	...	...	...	1 8 0
(8) Repairs and repurchase of tools	...	...	...	...	1 8 0
Total	...	...	...	...	14 0 0

The above is the cost of cultivation when all the labour has to be paid for. In actual practice of course a great part of the labour is often done by the *raiyat* himself and his family members.

30. *Profits of paddy cultivation.*—The average outturn of paddy in all the three districts according to crop-cutting experiments done at this settlement was 14 maunds and 36 seers. At the price of Rs. 2 per maund, which was common before the present depression, the value of the product would be Rs. 29-12-0. If the value of the straw is taken at Rs. 5, the total value of the product will amount to nearly Rs. 35. This clearly leaves a good margin of profit, even after payment of rent, say Rs. 3. In the irrigated areas the *raiyat* also has the water-rate to pay, but he also gets a greater average outturn of paddy, which as shown elsewhere, should more than cover the water-rate.

The recent depression in prices has, of course, very greatly reduced the value of the product. At the same time the cost of living has also fallen. In the statistical statement issued by the Director of Industries in September 1931, it was shown that the average cost of living in Cuttack in June 1930 was 28 per cent higher and in June 1931 4 per cent lower than the level of the five years preceding 1914. There can be no doubt however that the financial condition of the cultivators has considerably deteriorated owing to this depression.

31. *Profits of pan cultivation.*—The cultivation of *pan* has increased greatly since the last settlement. This crop is grown on very small patches of ground. The cost of cultivation is heavy but the crop is nevertheless extremely profitable. Rai Bahadur Rajendra Kumar Sen, the Sub-Manager of Kujang Estate, has provided me with an interesting statement of the details of expenditure and income for a plot of 10 decimals of land growing *pan*. This statement tallies substantially with the estimates worked out by various Attestation Officers during this settlement. The initial expenses are put down at Rs. 125 and the annual recurring expenses at Rs. 174, which in fifteen years would amount to Rs. 2,610, making a total expenditure of Rs. 2,735. Assuming that the garden produces 15 *balads* (1 *balad* = 16,000 leaves), and the market price is as low as Rs. 20 per *balad*, the yearly income will be Rs. 300, and the income for fifteen years Rs. 4,500. The profit on a plot of 10 decimals over fifteen years will then be Rs. 1,765, or Rs. 118 per annum. The average life of a *pan* garden is about fifteen years, and when it is finished the land is left in a state scarcely suitable for cultivation.

32. *Profits of sugarcane cultivation.*—Sugarcane is also a profitable crop. Mr. H. L. Dutt, in the note which I have quoted above, has stated that the flood-resisting variety No. C. L. 5 brings in a profit of about Rs. 100 to Rs. 200 per acre.

33. *The river system.*—Four large rivers find their outlets to the sea in the plains of Orissa. The Subarnarekha has its mouth at the extreme north end of Balasore district and is quite separate from the extensive and intricate deltaic system formed by the Baitarani, the Brahmini and the Mahanadi. These latter three rivers enter the plains from the hilly country of the Feudatory States, and thereafter branch into numerous channels which spread their net-work over the face of the country from the southern part of Balasore district to the Chilka Lake. The branches of the three rivers intermingle with each other forming in effect one large deltaic system. The main streams of the Baitarani and Brahmani meet again near Chandbali and reach the sea in a common estuary, known as the Dhamra. The central streams of the Mahanadi come together near the sea forming an estuary at False Point. Other streams find an outlet at the Debi estuary and others after meandering through Puri district find their way into the Chilka Lake.

34. *The flood problem.*—The main flood problems affecting each district will be dealt with in the separate district chapters. The whole question has been dealt with recently by the report of an expert committee in 1928. That committee described the flood problem in Orissa as due first of all to the three rivers reaching the plains at a high velocity carrying silt, which as the

velocity decreases is deposited, so as gradually to raise the level of the streams and form ridges with lower land between them. Two factors which accentuate the problem are the heading up of water in the estuaries during the monsoon, and the littoral sand drift which forms bars across the river mouths preventing the improvement of the estuaries. In the flood season the various channels are not able to take the full discharge which comes down these rivers in the rainy season and flooding is inevitable. The erecting of embankments to protect particular areas merely diverts the flood to other areas and the unsystematic disposition of such embankments aggravates the whole problem by holding up the flood water, which would do less damage if allowed free passage to the sea. The general recommendations of the committee therefore are that systematic action should be taken to clear away such obstacles and to regulate their future construction and management. It is also proposed to improve, where possible, the outlets to the sea. Such action will of course result in larger areas being inundated, but it is anticipated that the flooding will be for shorter periods and will do less damage. Further it will be expected and will therefore cause less anxiety than is felt under present conditions in those semi-protected areas where the embankments are periodically breaching and being repaired. As a corollary to these recommendations it is suggested that the cultivators should be persuaded to grow *dalua* paddy and *rabi* crops in preference to the winter rice on which they concentrate at present. It is admitted that this change will necessitate further facilities for irrigation, for which purpose it is suggested that small temporary installations for pumping water should be introduced:

35. *Floods of recent years*—The following is a brief account of the floods that have occurred since the Revision Settlement :—

1913 was a year of heavy floods. In Balasore the Matai breached the Coast Canal and sea embankments, the Burabalang damaged several embankments, and the Baitarani also caused heavy injury, as did the Burha in the north of Cuttack. Further south the rivers rose high but less damage was done.

In 1917 there was some damage in Puri by breaches and surreptitious cutting of embankments in the high floods.

In 1919 there were floods of unprecedentedly long duration in the Mahanadi and Kathjori and the floods in Puri were unusually high.

1920 was a year of very exceptional floods, which came down three times in quick succession. All the three districts were affected. Breaches were numerous, especially in the north of Cuttack and the south of Balasore. About 900 square miles were affected in Jajpur subdivision and the north of Kendrapara. The Brahmini and Kharsua reached an unprecedented level and a vast quantity of sand was deposited at the head of that delta. In Balasore the Subarnarekha, Panchpara, Matai and Baitarani did much damage.

In 1923 the Brahmini made a breach at Narsinghpur. There were also breaches on both sides of the Monaguni in Puri.

In 1925 there were high floods and many breaches, particularly in Puri district in the parganas near the Chilka Lake.

In 1926 the floods were again abnormal. The Brahmini broke through the Pattamundai Canal at Indupur and swept across Kendrapara subdivision. There was also heavy damage done by a breach 1,730 feet long in the Surua right embankment at Korkor.

In 1927 abnormal floods occurred for the third successive year, and embankments were again damaged extensively. This year it was the Baitarani which distinguished itself by breaching through its left embankment above the railway and demolishing 11 miles of the line. Thana Dhamnagar was heavily flooded. The Brahmini broke through its left bank at the Janardan *ghai* and other places and devastated pargana Olas. The Kharsua

also broke through its right at Routra and deposited sand on a large area. There was a very high flood in the Subarnarekha, and the people of this area cut the Bhograi embankment at five places. There was also a flood of unprecedented height in the Panchpara. In the Mahanadi and its southern branches the floods of this year were moderate.

In 1929 there was some damage to embankments of south cuttack and Puri.

In 1931 the Damerpur circuit embankments was overtopped and breached. Thana Kakatpur in puri was damaged by floods of the Devi and Bindhan.

36. *The canal system.*—An adequate account of the canal system of Orissa has been given in the last two settlement reports. The following table will show the length of each canal, and the acreage commanded by each :—

Name of canal.	Length in miles.	Area irrigated in acres.
Taldanda Canal and its branches	52	73,371
Kendrapara Canal	75	100,260
High Level Canal, Range I	33	23,602
High Level Canal, Range II	12	1,053
High Level Canal, Range III	19	23,822
Jajpur Canal	6	22,057
Dudhai Canal	46	903
Total	243	245,069

At the end of 1929 the total mileage of canals was as follows :—

- (a) Navigable channels (also used for irrigation), 205½ miles.
- (b) Branch canals (for irrigation only), 122 miles.
- (c) Distributaries, 1,302 miles.
- (d) Village channels, 26 miles.

The total mileage of canals has not increased since 1911, but there has been an increase of 56 miles in the mileage of distributaries.

37. The following table will show the areas irrigated in triennial periods from 1911 to 1929 :—

Triennium	Acres irrigated in average annually.			Remarks.
	Kharif.	Rabi.	Total	
1	2	3	4	5
1911-12 to 1913-14	272,140	6,105	278,245	
1914-15 to 1916-17	272,932	6,162	279,144	
1917-18 to 1919-20	275,755	6,448	282,203	
1920-21 to 1922-23	276,182	8,031	284,213	
1923-24 to 1925-26	243,331	3,892	247,224	
1926-27 to 1928-29	241,343	3,726	245,069	

It will be seen that the irrigated acreage advanced slightly from 1911 to 1923, but thereafter there has been a decrease, which is particularly noticeable in the *rabi* area.

38. An account of the lease system will be found in paragraph 48 of Mr. James's report.

From 1912 the rate charged for long leases for the *kharif* season was Rs. 2 per acre, but in 1920 it was increased to Rs. 2-8-0 and in 1922 to Rs. 3-8-0. For *dhoya* or water-logged lands the rate is lower, viz. Re. 0-12-0 in 1912, Re. 1-8-0 in 1920 and Rs. 2 in 1922. These rates have been reduced in 1931, and are now Rs. 3 and Re. 1-12-0 respectively for all canals except the High Level Canal, Range III, where they are Rs. 2-8-0 and Re. 1-8-0 respectively.

The rate for season leases for the *kharif* season was reduced in 1931 from Rs. 4-8-0 to Rs. 4-4-0 (Rs. 4 in case of High Level Canal, Range III). The same applies to provisional leases.

The rate for *rabi* season leases has been reduced from Rs. 2-8-0 to Rs. 2 for all canals.

For sugarcane there are special rates, viz., Rs. 7-8-0 for the period of cultivation, Rs. 5-8-0 for the period 1st April to 16th June and Re. 1-5-0 for a single watering.

The figures of areas irrigated, quoted above indicate that the raising of the rates in 1922 caused a decrease in the demand for irrigation. The recent reductions may raise the demand again, but in the present period of financial depression this cannot be expected for some time.

39. The following table shows the areas irrigated under different leases in the years 1923, 1926, and 1929 :—

Kind of leases.	Average of triennial period ending—			Remarks.
	March 1923.	March 1926.	March 1929.	
1	2	3	4	5
	Acres.	Acres.	Acres.	
Long term	275,714	241,487	244,794	
Season leases	7,566	4,891	6,366	
Other	934	846	94	
Total	284,214	247,224	251,254	

The different crops irrigated are as follows (the figures are for 1928) :—

- (1) Paddy lands, 244, 136 acres.
- (2) Jute lands, 55,905 acres.
- (3) Sugarcane lands, 339 acres.
- (4) Cereals and pulses, 54,843 acres,

40. Crop-cutting experiments are made annually by officers of the Public Works Department to show the comparative outturn of paddy on irrigated

and unirrigated lands. The following table shows the results during the last twelve years (omitting the year 1919-20) :—

Year,	Irrigated land (outturn per acre).				Non-irrigated land (outturn per acre).			
	Experi- ments.	Paddy.	Straw.	Value.	Experi- ments.	Paddy.	Straw.	Value.
		Mds. srs.	Mds. srs.	Rs.		Mds. srs.	Mds. srs.	Rs.
1917-18 ...	80	22 10	48 0	39	73	20 8	46 0	35
1918-19 ...	75	22 25	40 0	...	65	10 12	24 0	29
1920-21 ...	71	22 19	42 0	73	66	17 4	30 0	59
1921-22 ...	74	23 37	44 0	63	66	18 33	33 0	49
1922-23 ...	68	26 1	47 0	59	63	21 5	...	47
1923-24 ...	30	24 2	38 0	54	30	17 36	31 0	42
1924-25 ...	55	24 27	37 0	76	51	15 27	23 0	49
1925-26 ...	28	23 11	39 0	81	27	19 7	31 0	67
1926-27 ...	24	22 36	37 0	72	22	15 31	26 0	50
1927-28 ...	26	24 32	40 0	80	25	17 3	28 0	54
1928-29 ...	26	25 7	39 0	60	23	18 12	33 0	46
Total 11 years ...	557	262 7	451 0	657	511	191 18	305 0	527
Average per year...	51	23 33	41 0	59 12 0	46	17 16	30½ 0	47-15-0

It will be seen that the average for the irrigated lands is 23 maunds 33 seers and for the unirrigated lands 17 maunds 16 seers. The experiments done by the Settlement Department in recent years show an average of 19 maunds 21 seers in the irrigated area 15 maunds 29 seers in the unirrigated area.

The estimate of the comparative value of the Produce in irrigated and non-irrigated areas made by the Public works Department officers shows that an irrigated acre produces about Rs. 12 more than an unirrigated acre. Experiments and calculations made by the Settlement Department bring out a difference of Rs. 7-8-0.* The margin appears to be sufficient to cover the amount of water-rate as well as the heavier rents that are paid in the irrigated areas,

41. The Taldanda, Kendrapara, High Level and Jajpur canals are used for navigation. The following table will show the volume of traffic in the canals between 1913 and 1928 :—

—	Boats.	Estimated value of cargo.			Passengers	Total tollage (receipts)
		up.	down.	—		
		Rs.	Rs.	Rs.		Rs.
1913-14 ...	41,020	60,41,848	79,70,880	1,40,12,728	71,236	73,991
1918-19 ...	40,811	55,43,428	59,70,474	1,15,13,902	63,413	71,392
1926-27 ...	30,926	36,24,332	47,80,575	84,04,907	78,292	89,076
1927-28 ...	31,365	48,98,458	61,13,140	1,10,11,598	33,588	85,031
1928-29 ...	36,051	90,56,932	64,66,881	1,55,23,813	31,518	90,168
Total ...	180,173	2,91,64,998	3,13,01,950	6,04,66,948	278,047	4,09,658
Average of 5 years ...	36,035	58,33,000	62,60,390	1,20,93,390	55,609	81,932

The total tonnage carried by the canals was in 1898-546,766 tons, in 1911-309,884 tons and in 1929, 297,248 tons. The figures indicate that canal traffic declined after the opening of the railway. Most of the cargo carried consists of rice, but building materials and Jute are also important. Bamboos are also floated down the canals in large quantities, after coming down the rivers from the feudatory States.

*For this purpose the price of paddy has been taken at its previous level of Rs. 2 per maund. Adjustment will have to be made to suit existing prices.

CHAPTER IV.

The Record of Rights.

42. *Particulars recorded.*—The order of Government under section 112 of the Orissa Tenancy Act, on which this settlement was started, specified the following particulars to be recorded :—

- (a) the name of each tenant or occupant;
- (b) the class to which each tenant belongs, that is to say, whether he is a tenure-holder, *bajyastidar*, *raiya*, occupancy *raiya*, non-occupancy *raiya*, under-*raiya* or *chandnadar*; and if he is a tenure-holder, whether he is a permanent tenure-holder or not and whether his rent is liable to enhancement during the continuance of his tenure;
- (c) the situation and quantity of the land held by each tenant or occupier;
- (d) the name of each tenant's landlord;
- (e) the name of each proprietor in the local area or estate;
- (f) the rent payable at the time the record-of-rights is being prepared;
- (g) in permanently-settled estates for which no record-of-rights has been framed before, the mode by which that rent has been fixed whether by contract, by order of a court or otherwise;
- (h) if the rent is a gradually increasing rent the time at which, and the steps by which it increases;
- (i) the special conditions and incidents (if any) of the tenancy;
- (j) any right of way or other easement attaching to the land for which a record-of-rights is being prepared;
- (k) if the land is claimed to be held rent-free, whether or not rent is actually paid, and if not paid, whether or not the occupant is entitled to hold the land without payment of rent, and, if so entitled, under what authority.*

43. *Recording of status.*—In the present settlement the recording of status was done in such a way as to preserve the distinctions which the Act recognizes while eliminating as far as possible those which have no longer any legal significance. Thus many old expressions such as *thani*, *pahi*, *biswali pura jama*, etc. will not be found in the new records. The following account will show how the various statuses were recorded.

44. *Revenue free proprietors.*—The revenue-free proprietors or *lakhiraj baheldars* who have been recorded in *Khewat*, Part II, have still been described according to their different classes, e.g. *debottar*, *pirottar*, *brahmottar*.

The proprietors of Killa Patia and of the Ekhrajat mahal have been recorded in *Khewat*, Part II, although these estates are on a different footing from the ordinary petty *bahel* properties. Patia does not differ from the other permanently-settled Killas, except that it pays no revenue.

The ordinary revenue-free or *lakhiraj bahel* properties are those numerous small grants and endowments which have been exempted from revenue from the time of the earlier rulers and which were declared to be valid and confirmed in perpetuity under Regulations XII of 1805 and II of 1819. The detailed enquiries into the validity of all claims to hold such properties free of revenue were started in earnest at the settlement of 1837

*A notification was also issued under section 150 for the record of proprietor's private land.

and as a result an area of 331,641 acres was confirmed as revenue-free in perpetuity. The accuracy of this figure was doubted by Mr. Maddox, who found an area of 334,900 acres revenue-free. The total figure at this settlement is 337,638 including 1,936 acres in the permanently-settled tract of North Balasore.

45. *General and special numbers.*—When the systematic investigation of revenue-free claims was taken up in 1837 every claim within a village received a consecutive serial number in a general register. In Puri and Balasore the land shown under one entry in this register was treated as an estate but in Cuttack the number of entries was so large that all the entries referring to claims by one person under one *sānad* or batch of *sanads* were brought together in a special register under one entry. Each revenue-free property had thus in Puri and Balasore one number, the "general number", in Cuttack both a "general" and a "special number".

46. *Classes of baheldars.*—The main classes of revenue-free estates are *debottar*, *pirottar*, *brahmottar* and *amritmanohi*. *Brahmottar* grants are grants to Brahmins which become the absolute property of the individuals to whom they are assigned. *Debottar* and *pirottar* grants are grants to Hindu idols or Muhammadan shrines and are essentially properties held in trust for those religious objects. *Amritmanohi* is a special term for grants in endowment of the Jagannath Temple at Puri. The management of these religious grants to deities or *pīrs* lies with trustees who are designated *sebait*s or *marfatdar*s in the case of *debottar* grants and *matwali* or *daroga* in the case of *pirottar*. The local usage of the terms *sebait* and *marfatdar* varies. The word *sebait* is generally used for the trustees in whom the property is vested on behalf of the idol, while *marfatdar* is applied to those who look after the management and the routine duties in connection with the endowment. But occasionally the use of these terms is reversed, the superior authority being described as *marfatdar* and the actual manager as *sebait*. In this settlement the former usage has generally but not always been employed.

47. *Recording of revenue-free estates.*—The following extract from the *khanapuri* rules will explain the method of arranging and numbering the revenue-free *khewats* in Cuttack and Puri:—"These estates will be given the number (if any) which they bear in Register D, Part II. There will be a separate *khewat* for each Register D, Part II, and no land should be added to or taken from the land which is recorded under that entry. In Cuttack the special numbers comprised in each estate of Register D, Part II, will be entered in the remarks column of the *khewat*. In the district of Cuttack some estates of less than two acres do not appear in Register D, Part II. These will be entered in the *khewat* after the estates which do have Register D numbers. . . For those estates the special number will be entered in column 5, or if special number cannot be found, then the general number will be entered. If in the same village two or more estates which do not appear in Register D are found to be in possession of the same set of proprietors they should be amalgamated into one estate and one *khewat* entry." The method of recording adopted at this settlement has resulted in fewer estates and larger units.

In Puri the numbering of revenue-free *khewats* had to be based on the D Register, which was rewritten after the fire of 1916.

The operations in Balasore were taken up before these rules were framed and in this district the revenue-free estates are known by their general numbers. The numbering of the *khewats* was in the serial order of the general numbers.

Great care was taken to see that revenue-free areas were accurately recorded. * The present areas were compared with those of last settlement in recess after *khanapuri* and discrepancies noted for enquiry in the attestation camps. In janch it was seen whether the discrepancies had been reconciled by the attestation staff.

* More particularly to see that land was not recorded as revenue-free which was not really revenue-free. P. T. M.

48. *Escheats of revenue-free properties.*—In the course of the settlement operations some revenue-free estates were found to have no legal claimant and were reported to the Collectors as escheated properties for action under Chapter XVI of the Board's Miscellaneous Rules. The following are the figures:—

District					Number of cases reported to Collector.	Number of cases treated as escheats by Collector.
Cuttack	...	...	...	...	13	2
Balasore	...	...	...	...	2	2
Puri	...	...	...	...	Nil	Nil
Total	...	...	...	...	15	4

49. *Tenure-holders.*—Tenure-holders have been recorded in *khewat*, Part III, or when their tenures are very small, in Menta Khatas.

50. *Sub-proprietors*—In Orissa there are certain classes of tenure holders whose position approximates to that of the proprietors of estates. Until the passing of the Orissa Tenancy Act in 1913 those "sub-proprietors," as they are called, had suffered some degradation, owing to their not being recognized by the statutory law. Those sections of the Bengal Tenancy Act which had been made applicable to Orissa made no mention of any such superior class of tenure-holders, and consequently they were in danger of becoming merged in the common body of tenure-holders. It was one of the objects of the Orissa Tenancy Act to restore the sub-proprietors to their proper position.

51. *Tanki baheldars.*—*Tanki baheldars* have been classed as sub-proprietors by the Orissa Tenancy Act, but their origin and position are peculiar. They are persons who at the British conquest were found paying quit rents, and whose title to hold their lands for ever on those quit rents was declared valid under the Cuttack Land Revenue Regulation of 1805.

52. *Other sub-proprietors.*—The other sub-proprietors hold their lands on temporary engagements to pay land revenue through a proprietor or (in a few cases) through another sub-proprietor. Their revenue is reassessed in the course of Land Revenue Settlement along with that of the proprietors. During the last century there has been a growing tendency towards uniformity in the position of the various classes of sub-proprietors.

At the Provincial Settlement elaborate enquiries were made into the rights of each class of sub-proprietor, and these are explained at some length in Mr. Maddox's report (paragraph 294). The tenures were held to be hereditary and divisible, but no division of rents can be made without the consent of the proprietors. The sub-proprietors exercise the same rights within the village that the proprietors exercise in their *hastabud* villages. The tenures are liable to sale on default of payment of rent. On recusancy the *shikmi zamindars* and *khariadars* of the first class, and *padhans* are entitled to a *malikana* of 5 per cent and also to claim re-entry at the ensuing Settlement, the *makadams* and the *knaridadars* of the second class entitled to 5 per cent on recusancy but not to re-entry. *Sarbarakari* and *khariadars* tenures of the second class are destroyed on recusancy.

53. *Recording of sub-proprietors*—The tenure-holders of the sub-proprietor class, who were always recorded in *Khewat*, Part III, were described with their special designations of *makadam*, *sarbarakar*, *padhan purscthi*, *khariadar*, *shikmi zamindar* and *tanki bahelder*.* These tenure-holders occupy a distinctive position under the Tenancy Act, but the various classes are all on the same footing except that (1) *tanki baheldars* have their rents fixed in perpetuity, but they alone among sub-proprietors are not allowed to hold privileged lands (*nijjote*) and (2) *sarbarakars* alone have no

*The word sub-proprietor has been added in all cases where they were found to be such. P.T.M

statutory power to transfer their tenures without the consent of the landlords, and are governed by the provisions of section 16 of the Act. It appeared from enquiry during the settlement that the old distinctions between the various classes of sub-proprietors do not now have much effect. Tenure-holders of the sub-proprietary classes are all of permanent status and so it has not been considered necessary to add the word *istamarari* (permanent) to the entry of their status.

54. *Miadi and maurasi sarbarakars*.—At last settlement a distinction was recognized between two classes of *sarbarakars*, *maurasi* and *miadi*. The latter, as the name implies, were of a temporary character. Mr. Maddox at paragraph 285 of his report quotes a rule of Government by which "in cases in which hereditary succession or uninterrupted occupation cannot be shown, but the claimant himself has been long in possession and is in possession at the time of settlement, the Collector may.....propose a temporary admission of the tenure". It is clear from the following paragraph that even at that time the dividing line between *maurasi* and *miadi sarbarakars* was becoming very thin, and Mr. Maddox states that "in the present settlement no distinction except in name has been made in the engagements taken from temporary and permanent *sarbarakars* and their tenures are protected for the next thirty years".

At this settlement it was considered equitable to readmit the *miadi sarbarakars* to engagement, and not to preserve the distinction in status between them and *maurasi sarbarakars* although in a few cases the term *miadi* has been inadvertently repeated. These tenures are found in the estates of Rahang, Krishnanagar and Krishnachandra in Puri district, which are under one proprietress, who objected to this treatment of the *miadi sarbarakars* and sued them in the Civil Court for ejectment. The Hon'ble High Court has just given a decree for ejectment of the *miadi sarbarakars* subject however to the proviso that it is not to be executed in respect of such further term of appointment as the Collector may see fit to grant to them.

55. *Privileged and ordinary tenure-holders*.—Among tenure-holders not of the sub-proprietary classes the main distinction is between privileged and ordinary. The Act gives the *shkimi kharida*, *kharida jamabandi*, and *bajyasti* tenure-holders the statutory right to free transfer under section 15. They are permanent tenure-holders. The rents of *bajyasti* tenure-holders are fixed for the term of the settlement, and they only occur in temporarily-settled estates.* A number of *kharida jamabandi* tenure-holders in Balasore have, since the Provincial Settlement, been recognized as sub-proprietors.

Ordinary tenure-holders, when their status is permanent, as is generally the case, are recorded as *istamarari madhyasatwadhikari*. In the permanently-settled estate, however, if the rent of the tenure-holder is not fixed in perpetuity the words *kintu chirasthayi jama nuhe* (but not on fixed rent) are added. Where the rent is fixed in perpetuity the status is recorded as *istamarari chirasthayi jama madhyasatwadhikari*. In the earlier seasons, however, the word *mukarrari* was often used instead of *chirasthayi jama*.

Temporary tenure-holders, when found, were recorded as *ijaradar* (lease-holder) or *miadi madhyasatwadhikari*. These are extremely rare.

Tenures held for maintenance are recorded as *khorak poshak madhyasatwadhikari*. They are fairly common, especially in the permanently-settled estates and in the temporarily-settled estates of the *killadari* type, such as Ambo and Balarampur. When granted to females they are ordinarily for life only, but when granted to males they are usually held until failure of heirs in the male line. The incidents column was used for specifying under what conditions these tenures are held.

The peculiar statuses found in the different permanently-settled estates are dealt with in the Chapter on those estates.

A *patni* tenure was found in Balasore district under tauzi nos. 1322 and 1357, which are temporarily-settled estates. It was created in 1877 by

*A very few *bajyasti* tenure-holders and *raiya*s have been inadvertently recorded in permanently settled estates in Balasore and Puri. These cannot be real *bajyastidars* within the meaning of the Act and have not been treated as such for the purposes of the statistics.

a Bengalee landlord. The *patnidar* had to pay a small quit rent and in addition the Government revenue and cess. The tenure was not recognized at Provincial Settlement. In this settlement the tenure was recorded as an ordinary one and assessed to rent.

59. *Raiyati statuses*.—The simplification of status entries was particularly applied to those of *raiya* holdings. I quote the attestation rule from the rules published in 1927 which were in turn based on the rules in force before that:—"In this record only five terms will be used for *raiya*s as follows:—

- (a) *Chirasthayi jama, raiya*s at fixed rents (in P.S. estates)
- (b) *Sthitiban*, settled *raiya*s.
- (c) *Dakhal satwa bisishta*, occupancy *raiya*s who are not settled *raiya*s.
- (d) *Dakhal satwa sunya*, non-occupancy *raiya*s.
- (e) *Bajyafti sthitiban* or *bajyafti dakhal satwa bisishta*."

For the guidance of Attestation Officers it was also laid down that "the following statuses found in the Revision Settlement will now be recorded as *sthitiban*:—*Thani pahi sthitiban, pahi sthitiban, sabik chandna sthitiban, jagir bajyafti sthitiban, biradaran patiadar pahi sthitiban, sanja pattadar sthitiban, biswali bajyafti pura jama sthitiban, biswali kharidadar thani sthitiban, chandna pahi sthitiban* and *thani sthitiban*". Those old statuses were not considered worth retaining as they all come within the category of settled *raiya*s under the Tenancy Act.

57. *Bajyafti status*.—Similarly the different varieties of *bajyafti* status found in the previous settlement records have been ignored, and all tenants who are real *bajyafti raiya*s under the Act have been recorded as *bajyafti sthitiban* (the entry would be *bajyafti dakhal satwa-bisishta* if the tenant did not happen to be a settled *raiya*).

The term *bajyaftidar* has been employed strictly in the sense given to it in section 3(2) of the Act, i. e. as referring to holders of land that was resumed under the Regulations at the settlement of 1837. As the word was more loosely used at previous settlements this has meant that the number of tenants recorded as *bajyaftidars* has decreased. Careful enquiries were made at attestation when any doubt arose whether a tenant was a real *bajyaftidar* or not. The guiding rule was laid down that "for practical purposes those whose status in the last settlement included the words *lakhiraj bajyafti* or *tanki bajyafti* will now be recorded as *bajyaftidars* and no others". But further "it is likely that *adha jama bajyafti sthitiban, nisfi bajyafti sthitiban, kamil bajyafti sthitiban*, and *pura jama bajyafti sthitiban*, may be true *bajyaftidars*. Any one whose status was *jagir bajyaftidar* will not be a *bajyaftidar*". These rules were laid down after a careful study of the use of these various expressions at last settlement. Doubtful cases were referred for orders to the charge Officers and Settlement Officer. *Bajyaftidars* were recorded as tenure-holders or as *raiya*s according as they were one or the other at last settlement (see section 6, Orissa Tenancy Act).

58. *Encroachments on bajyafti lands*.—A number of small encroachments by ordinary *raiya*s on the lands of *bajyaftidars* were detected. Even when these encroachers had acquired title to the land by adverse possession it was not held that they had a right to be recorded as *bajyaftidars*, as they had not in effect exercised the privileges of the *bajyaftidars*. The lands thus generally became merged in the holdings of the encroachers and lost the attributes of *bajyafti* status.

59. *Utbandi tenants*.—*Utbandi* tenancies were occasionally found in *char* or *diara* lands. The lands recognized as such were those lying between the high banks of rivers, and according to the attestation rule *utbandi* status was given to tenants of such lands when it was found that the land settled with each *raiya* and the rent payable by him are changed from year to year. If no such custom existed the tenant was recorded as a non-occupancy *raiya* if he had not held for twelve years and as an occupancy or settled *raiya* if

he had. Some landlords were found to be treating lands as *diana* which were not really of that nature. In Utikan estate some lands on the banks of the Brahmini were being so treated by the proprietor, who fixed rent every year at high rates. Where the lands were not clearly real *diana* lands the tenants were given occupancy status by the application of the ordinary law and fair rents were settled after special consideration by the Rent Settlement Officer.

60. *Jagirdar*.—The term *jagirdar* was defined in the attestation rules as "one who holds land rent-free or on a low rent in return for services rendered, and who is liable to ejectment on failure to perform such services." Care was taken to distinguish real *jagirdars*, as thus defined, from persons who are termed as such but who are really *raiya*s, who by arrangement with their landlords are rendering service instead of paying rent. In deciding this point the origin of the holding was enquired into. If it had originally been settled as a *raiya*ti holding and then rent had been commuted to service, *raiya*ti status was given. In such cases, on failure to perform services, the landlord is entitled to impose a fair rent but not to eject the tenant. True *jagirs* are those holdings which are held purely on condition of service, where the holder is liable to ejectment on his services being no longer required. The decision of this point was sometimes difficult especially in the cases of holdings such as the *ghenan jagirs* of the Aul estate, which pay quit rents but at the same time are burdened with conditions of service.

61. *Tankidars*.—The status *tankidar* is often found in use in permanently-settled estates. It was not recorded at this settlement, but such tenants were given their Proper status under the Tenancy Act—generally that of *raiya*s at fixed rates. When the status *tankidar* was found in temporarily-settled areas the landlords generally claimed that they were *jagirdars* holding on low rents, and it had to be decided whether they were in fact *jagirdars* or *raiya*s.

62. *Non-agricultural holdings*.—The treatment of homestead lands and non-agricultural holdings caused some difficulty and a uniform practice was not worked out until the operations had been in progress for a few seasons. Many of these holdings have *chandna* status. Mr. Maddox describes the *chandnadars* in paragraph 327 of his report. "Tenants other than *husbas* or respectable *thani* and resident *raiya*s have always paid rent for their homestead lands. In the case of the cultivating classes such lands were generally part of their *Pahi* holding, but the shopkeepers, artisans and labouring classes who having no arable lands in the village pay rent for their homesteads only are called *chandnadars*. *Pahi raiya*s also who having their home in one village hold house or homestead in another are sometimes known as the *chandnadars* of the latter village . . . At the last settlement *chandnadars* were given leases securing to them fixity of rent for the term of the settlement and the incidents of the tenure do not materially differ from those of *thani raiya*s, except that they are governed by the Contract Act and not by Act X of 1859." At the Provincial Settlement the *chandnadars* again had their rents fixed for the term of the settlement. The Orissa Tenancy Act recognized them as a class of tenants and so they are now governed by that Act. *Chandnadar* is defined in the Act as "any person holding land which has been recorded as *Chandna* in the course of a settlement and for which a rent has been fixed for the term of that settlement". Thus all tenants recorded as *chandnadars* in the temporarily-settled estates at the Provincial Settlement had to be recorded as such again.

According to the attestation rule framed in 1927 homesteads belonging to agriculturists, who are not *chandnadars*, were recorded under the status *sthitiban* unless the landlord objected and could prove that *sthitiban* right could not be acquired in homestead lands. * Homesteads of non-agriculturists in the temporarily-settled estates were recorded as *chandna* if they had been so recorded at the last settlement or if they were not on leases for a fixed period, or had been described as *chandnadar* in a lease or in the landlord's papers. If not they were to be recorded as *Pannadars*.

* This is in accordance with High Court rulings (see Technical Rules, Vol. I Page 278).

In permanently-settled estates the status of *gharbari* was given to the homestead of a non-agriculturist who had made his permanent home in the house, and that of *pattadar* to those who were only renting the holding for a period. The status *chandndar* could not be given to any tenant in the permanently-settled areas even when found so recorded at previous settlements, in view of the definition in the Tenancy Act.

In urban areas under temporarily-settled estates it was often a matter of doubt whether tenants were entitled to be recorded as *chandnadars* or as *pattadars*. If the last settlement records did not make this clear the point had to be decided whether under the terms of the agreement between the parties the tenant was liable to have his rent resettled at time of revenue settlement under the Tenancy Act or whether he was a lease-holder governed by the Transfer of Property Act. *Pattadars* are not tenants under the Orissa Tenancy Act and their rents are not liable to be resettled under that Act.

63. *Incidents of chandna right.*—The Tenancy Act has left the incidents of *chandna* tenancies to be regulated by local custom and usage [section 236(2)]. Thus the decision of any question regarding the permanency of a *chandnadar's* tenure must depend on the custom of the locality. Some *chandna* holdings had been recorded at last settlement as *istamarari chandna* and these were again at this settlement recorded with this status, which was also given to some others who proved that they had permanent rights in their holdings. But the mere fact that the word *istamarari* is not found in the entry of a *chandnadar's* status should not be taken to imply that he is a mere tenant-at-will. Recent decisions of cases in the Jajpur subdivision have been to the effect that *chandnadars* are mere tenants-at-will in certain areas. It appears to me that the position of a *chandnadar* who is a mere tenant-at-will is a very anomalous one, as he is not liable to have his rent enhanced during the term of a revenue settlement, yet he can be ejected at the option of his landlord. This power to eject must render the fixity of rent ineffectual to all intents and purposes.

64. *Rent-free tenancies.*—The method of recording rent-free tenancies necessarily differed according as the land was in a permanently-settled or a temporarily-settled estate. In the former, to ensure the correct recording of such tenancies, the Attestation Officers had to draw up formal *niskar* proceedings in each village before making the entries in the rent columns of the *khatians*. If the tenancy was found to be rent-free in perpetuity the entry of rent was *chirasthayi niskar*, whereas if it was rent-free at present but assessable to rent at any future date the entry was *niskar jamadharjya-jogya*. In temporarily-settled estates no rent-free tenancy is recognized by Government (except in the case of *desheta jagir* and *minha* lands). Where the tenant has the right to hold the land rent-free as against the landlord the entry made was *zamidar diake niskar* (in the special incidents column), and the revenue settlement the land was valued at the village rate. Where the tenant has no such right even against the landlord the entry *jamadharjya-jogya* was made in the column for existing rent and the holding was duly assessed to rent at rent settlement.

65. *Under-raiyats.*—Tenants holding, whether immediately or mediately, under *raiyats*, are classed as under-*raiyats* in the Tenancy Act. Their status was entered as *shikmi*. Where such tenants were found to have occupancy rights, by local custom or by consent of the landlords, their status was recorded as *shikmi dakhal satwa bisishta*. In attesting the rents of under-*raiyats* care was taken to see that they did not exceed the legal limits laid down in section 56. It was quite frequently found that they did.

66. *Nijjote lands.*—Proprietors' private lands as defined in sections 153 and 154 of the Tenancy Act were recorded as *nijjote* in separate *khatians*. In the temporarily-settled area it was only necessary to ensure that all lands recorded as *nijjote* in Revision Settlement or as *nijchas* in both the Provincial and the Revision Settlements were recorded as *nijjote* according to section 154. To ensure this, from Block B onwards, extracts were taken from the two previous records for guidance. In the permanently-settled estates which had not been included in the previous settlements it

was necessary for the Attestation Officer to decide after inquiry what lands answered the description given in section 153(i) (a) or (b), i.e. land which had been cultivated as *nijjote* by the proprietor for twelve years continuously before the passing of the Act or cultivated land recognized by village usage as *nijjote*.

When settled *raiya*s were found in occupation of *nijjote* lands and were not holding them on temporary leases they were recorded as having occupancy rights in those lands, as laid down in section 55(a). The status is *sthitiban babat nijjote*, or if the tenant is not a settled *raiya*, *dakhal satwa bisishta babat nijjote*.

67. *Nijchas*.—The term *nijchas* was used for lands in cultivating possession of the proprietors, when these lands are not proprietors' private lands as defined in sections 153 and 154. Separate *nijchas khatians* were prepared.

68. *Anabadi, sarbasadharan and rakhit*.—Uncultivated lands in possession of the landlords were recorded as *anabadi* in separate *khatians*. But lands over which the public have acquired a right of way or other easement were generally entered in separate *khatians* as *sarbasadharan*. The only types of land so recorded were roads, *melan parias*, *bhagbat ghars*, and cremation or burial grounds. In some estates, especially those of petty revenue-free proprietors, no *sarbasadharan khatians* were prepared but the rights of the public were entered in notes in the remarks column of the plots, which were all included in the *anabadi khatians*.

Reserved lands were recorded in separate *khatians* as *rakhit*. The lands so recorded were those grazing grounds, cattle-paths, water channels, tanks and banks of tanks, which were reserved with the consent of the proprietors.

69. *Nij-dakhal*.—In petty revenue-free estates no separate *khatians* for *nijchas* and *anabadi* were as a rule prepared. All lands in direct possession were included in one *khatian* as *nij-dakhal*.

70. *Recording of special rents*.—Tenants are frequently found to be paying abnormally high rents for lands that are growing special crops such as *pan*, sugar, or tobacco.* The Tenancy Act does not give to the landlord any power to enhance the rent of a tenant by contract by more than 2 annas in the rupee (except on the ground of an improvement). The growing of a special crop is not recognized by the Act as a reason for any larger enhancement, nor indeed is it included among the grounds on which an enhancement can be claimed by suit (section 35). Hence where such abnormally high rents were found to have been imposed on holdings that had been held on a normal rate of rent at last settlement, these were treated as illegal and the old rents were recorded. Where the holding had been created since the last settlement and the high rent imposed *ab initio*, there was no illegality and the actual rent was recorded. In many cases of *pan* gardens the parties had agreed that the high rent should only be payable so long as *pan* was grown on the lands. In such cases a note was made in the special incidents column to this effect.

71. *Declared channels*.—The question of the proper method of recording streams that are "declared channels" under section 40 of the Bengal Irrigation Act III of 1876 came up at this settlement. These are natural drainage channels which are prohibited from being obstructed. The Gobri river is a typical example. At the Provincial Settlement these channels were recorded under the Public Works Department. At this settlement they have again been recorded under the proprietors (with notes on the *khatians* to indicate that they are "declared channels") as the notification of a stream as a "declared channel" does not divest the proprietor of his right, although it obviously restricts his exercise of it.

72. *Minha*.—The term *minha* has been used in this as in previous settlements to describe the homestead lands held rent-free by *raiya*s

*In Kujang the current rates for *pan* gardens are Rs. 50 to Rs. 75 per acre. Some first class tobacco lands in thana Kendrapara were found paying rent of Rs. 62-8-0 per acre although the usual rate for tobacco lands was only Rs. 8 in that area.

according to ancient custom. This right to hold rent-free is recognized by Government even in temporarily-settled estates and the areas recorded as *minha* are excluded from assessment to revenue. The liberal interpretation of Government orders in this matter at last settlement, described by Mr. Maddox in paragraph 466 of his report, was continued at this settlement, and the lands were still treated as *minha* even when in the hands of persons who possessed no other land in the village.

73. *Jagannath road-side lands*.—The Orissa Trunk Road, commonly known as the Jagannath Road, is in the charge of the Public Works Department. But some of the road-side lands are administered by the Collectors on behalf of the Jagannath Road Fund, the profits of which are utilized for the benefit of pilgrims. These lands have been recorded in the *khatians* of the Public Works Department along with the other lands of the road but an entry of "Jagannath Road Fund" has been made against every plot that is under the fund and the names of the occupants are also noted. The Collector of Cuttack made a request that these lands should be taken out of the *khatian* of the Public Works Department and recorded in separate *khatians* in the name of the Jagannath Road Fund but this method of recording the land was decided to be inappropriate, as the connection of the Public Works Department with the lands is not permanently cancelled by their administration on behalf of the Road Fund, and indeed the right of that department is mentioned in the leases.

74. *Government lands*.—An attempt was made to secure the accurate recording of lands under various departments of Government. In the early seasons, especially in Balasore, a number of mistakes were committed in this respect, but on their detection they were corrected by the exercise of the Settlement Officer's inherent power to correct obvious mistakes, due notice being given to all parties interested to be heard. Most of the departments showed a tendency to take no interest in the proceedings until it came to light that the record had not been prepared according to their wishes, and then to raise objections which at a late stage in the operations caused much unnecessary trouble and expense.

Lands acquired by Government were recorded under *Bharat Samrat* as well as any found to be occupied by Government without payment of rent. When they were occupied rent-free for any purpose with a condition that they were to revert to the proprietor when no longer required for that purpose this condition was entered in the incidents column.

The position of Government in some lands of the cantonment *khas mahal* was in issue in four cases which went on appeal to the High Court in 1916 (appeals from original decrees nos 7 to 10 of 1916). In his judgment, Mullick J. gave a detailed account of the history of these lands since the conquest in 1803. Some of the lands taken over by Government after the conquest for military purposes were held by persons who claimed to be revenue-free proprietors. Some time after 1828 an enquiry was made into the validity of these claims and 29 acres were confirmed as revenue-free while 63 acres were resumed. The whole question of buying out or otherwise compensating the proprietors had been discussed at great length but apparently never finally settled until 1837. In respect of the resumed lands the East India Company for some reason devised the very complicated arrangement of paying a certain sum annually to the *bajyaf idars* and then receiving back the same sum as revenue. In the cases of 1916 Government took up the position that they were permanent tenants under the *bajyaf idars*. Their lordships of the High Court were clearly of opinion that in reality the sums paid to the *bajyaf idars* as well as to the confirmed *lakhirajdars* were not rents but annuities intended as compensation. But as Government had chosen to take upon themselves the position of tenants, the only question that had to be determined was what was the nature of the tenancy. The finding was to the effect that the tenancy was a permanent one. This explains why in cantonment *khas mahal* Government are recorded for some lands both as proprietor and as permanent tenants under the *bajyaf idar* tenure-holders, with under-tenants in some cases under them.

75. *Navigable rivers.*—At this settlement the question of the right of property in the beds of large tidal and navigable rivers in the coastal Killas was raised for the first time. At the Provincial Settlement the same question was raised with reference to the navigable rivers in the temporarily-settled area. The Advocate-General indeed pronounced the opinion that the property in the beds of navigable rivers belongs to Government but as these river beds had been included in the area of estates at the previous revenue settlement and were of little value, it was not considered worth while to record them under Government, except in Balasore. The lower reaches and estuaries of the Baitarani, Mahanadi and Devi lie in permanently-settled estates which were not included in the Provincial Settlement. The question was first taken up in 1928 in a section 116 case of which the subject matter was the bed of the Baitarani in Kanika estate, in so far as it had been surveyed in this settlement (the mouths of this and other large rivers, where they are not included in villages, were not surveyed). The beds of the Mahanadi and Devi and other rivers in Kujang, Harishpur, Marichpur and Bishunpur were also dealt with in section 116 cases in the following season. As a result of these cases the beds of the large tidal and navigable rivers were recorded as the property of Government. Several rulings were referred to, the most important of which is that in the case of Satcourie Ghosh Mandal *versus* the Secretary of State in Council (I. L. R. 22 Cal., p. 257), where it was held that "it may be accepted as the law on this side of India that the beds of tidal and navigable rivers are vested in the Crown, and that the right of *jalkar* (fishery) as also the bed of the river itself may be granted by Government to private proprietors subject, of course, to the right of navigation and such other rights as the public has in such rivers". The landlords of the estates attempted to prove that their original treaty engagements contained a grant of the river beds, but this was not found to be implied in these documents. They equally failed to prove the acquisition of a right by prescription. It was therefore held that the ordinary law should prevail, and the river beds were recorded under *Bharat Samrat*. The specific question of fishery rights was not adjudicated upon. It appears that by long and uninterrupted use the landlords have acquired the full right to the fisheries, which are incorporeal hereditaments and capable of acquisition apart from the ownership of the soil.*

The decision to record navigable rivers under Government was limited in its application only to the greater rivers. In Kujang the Mahanadi, Paika, Chitratola, Nuna, Jambu, Gangana and Gandaka rivers were so recorded, in Marichpur the Devi, and in Harishpur the navigable part of the Alanka. In Bishunpur the Alanka was recorded under the proprietors.

76. *Miscellaneous points.*—The glossary attached to this report will explain most of the terms used in the record-of-rights. The following points may be mentioned here :—

- (1) The column for *abadi* area in the *Khewats*, Parts I and III, is used for entry of all areas included in holdings, and does not correspond exactly to the cultivated area.
- (2) When a holding had been transferred and the landlord had not recognized the transferee, the name of the original *raiya* is entered first in the *khatian* and the transferee's name is then entered after the words *kharid sutre dakhal*, meaning that the latter is in possession as a purchaser.
- (3) The status of *mafi kharidadar*, which Mr. Maddox describes in paragraph 289 of his report, has again been recorded at this settlement.
- (4) The column in *Khewat*, Part III, for extent of interest is only used when the tenure is in respect of a specific share in the estate, and not in respect of specific lands.

*It is reported that this view was not accepted by the Collector [of Cuttack, who leased out some of this fisheries as a test case, P. T. M.

CHAPTER V.

Preparation of the Record.

77. *Arrangement of blocks.*—For the purpose of the operations the whole area was divided into blocks, and one block was taken up for survey in each successive field season. At first a programme was framed for completion of the work in six blocks containing about 19 lakhs of plots each. But as it was not found possible to keep up with this programme it was subsequently decided to form seven blocks and extend the survey over seven field seasons. Owing to the exclusion of the Khurda *khas mahal* and other areas, the last block G was very small, and as it contained practically no temporarily-settled area it was possible to finish it at about the same time as block F. Cuttack town was treated as a separate unit in which the work was begun in 1927 and dragged on until the end of the settlement.

The blocks were formed so as to take up the extremities of Balasore and Puri in the early seasons and finish up with the area close to Cuttack.* The Ekrajat *mahal*, however, was taken up in the last block. The arrangement was as follows :—

Block	District	Thanas
A	Balasore	... Jaleswar, Basta, Baliapal, Balasore, Soro, Bhograi, Singla Remuna, Samilia and Kharia.
B	Balasore	... Basudebpur and Chandbali.
	Puri	... Puri, Brahmagiri, Satyabadi, Pipli, Baliana, Balipatna, Nimapara, Delang, Gop and Kakatpur.
C	Balasore	... Chandbali, Dhamnagar and Bhadrak.
	Cuttack	... Jajpur and Aul.
D	Cuttack	... Salepur and Dharamsala.
	Puri	... (Balukhand <i>khas mahal</i>).
E	Cuttack	... Jagatsingpur, Tirtol, Salepur, Kendrapara, Patamundai, and Aul and one village of Dharamsala.
F	Cuttack	... Cuttack, Jagatsingpur, Tirtol, Kendrapara, Patamundai, Kakatpur P. S., Cuttack town and Killa Marichpur.
G	Cuttack	... Thana Cuttack (Patia), two villages of Dharamsala and three villages of Tirtol and one village of Kendrapara.
	Puri	... Khurda (<i>ekhrajat</i>), two villages of Satyabadi, one of Brahmagiri, three of Banpur.

78. *Obstruction to the work.*—In the early days of the settlement the field work was considerably hampered by the obstruction of political agitators. When survey of Block A was started it was found that except in the permanently-settled area the villagers refused to give the *amins* lodgings or to assist them in any way. Pamphlets had been distributed advising the public not to take service in the Settlement Department. The survey operations had to be postponed while the local authorities took legal action against the agitators. Even after the work had been started it proceeded slowly for a time owing to the general apathy of the public. This apathy continued throughout the settlement as regards survey and *khanapuri* operations, in which the people took little interest. At attestation stage, however, the *raiya*s generally showed sufficient interest in the proceedings, and disputes and applications for re-measurement were numerous.

For some time after the beginning of the settlement attacks continued to be made in some sections of the press. These sometimes took the form of personal allegations against Assistant Settlement Officers,

*In the first season the headquarters were fixed at Balasore and the intention was to work from North to South. Owing to the unhealthiness of Balasore in that year and the difficulty of accommodating the staff there, the headquarters were removed to Cuttack, and the programme revised. P. T. M.

presumably by those dissatisfied with their decisions. One such attack was made against an Assistant Settlement Officer in December 1924 in the *Sakti*. Mr. Mansfield as Settlement Officer made an enquiry and finding the allegations false obtained Government sanction to prosecute the editor, who was convicted under section 500 of the Indian Penal Code and sentenced to a fine of Rs. 250.* In the next year there were fewer attacks in the local press against officers. There was, however, one false complaint of rape, which led to the prosecution of the complainant for defamation. A criminal charge was also brought against a probationary Munsif on settlement training for an alleged attempt to kidnap an unmarried girl. The allegations were found to be entirely false. In later years such open charges were not made but anonymous petitions were fairly frequent.

79. *Training of the staff.*—At the beginning of the settlement many of the gazetted officers were inexperienced, few of the ministerial officers were really competent, and the subordinate staff were in general ignorant and were often lazy and dishonest. The majority of the staff were of course Oriyas. In 1925 there were 560 Oriya *amins*, 230 Biharis and 40 from Bengal or "up-country". The Bihari was on the average much more efficient than the Oriya, his work being both faster and more accurate. The attestation staff was also mainly Oriya but some Biharis were taken in from the Chota Nagpur Settlement and did well after they had got used to the language. An analysis of the composition of the staff in 1928, when the operations were in full swing, shows that out of 2,211 men, 1,692 were Oriya Hindus, 319 Biharis, 113 Bengalees, 41 domiciled Bengalees, 32 Muhammadans, 11 Christians and 3 Telugus. Messrs. Toplis and Mansfield as Settlement Officers devoted much attention to the training of the staff and inculcation of habits of accurate work. All second and third-class *amins* were examined in recess and given further training when necessary. Attestation *peshkars* were also examined and graded, and every officer in Janch had to spend some time each day in instructing the staff in the rules. Mr. Mansfield also encouraged any suggestion for the improvement of the progress and quality of the work, and organized competitions among the officers and staff for the best ideas on this subject. Several improvements were actually introduced as a result of ideas contributed by officers and staff. Annual conferences were also held in which officers were invited to put forward their suggestions for improving the procedure.

80. *Punishment of the staff.*—The difficulties experienced in training the survey staff can be gathered from the fact that out of some 700 *amins* employed in the season 1923-24, 9 had to be dismissed for bad work, 5 had to be prosecuted for bribery and 87 were discharged as not worth retaining. Between 1924 and 1930, 64 *amlas* were dismissed and proscribed and 19 were prosecuted and convicted in the criminal courts. In 1931 it came to light that several maps had been tampered with in the drawing section. The maps affected were of the Jagatsingpur area of Block F, where many *amlas* have their residence. One draftsman was dismissed. This illustrates the necessity for very strict control of the maps during preparation. These tamperings have been as far as possible set right. If any remain it will be possible to detect them by comparing the areas entered in the record-of-rights, which were not altered to correspond with the tamperings. Two gazetted and four non-gazetted officers were removed from service for misconduct.

81. *Bribery case.*—In 1928 a *mahant* of thana Jagatsingpur was prosecuted and convicted for offering a bribe of Rs. 100 to an Assistant Settlement Officer. The Magistrate ordered the quite inadequate punishment of a fine of Rs. 80 but on a reference to the High Court, this was altered to three months' imprisonment.

82. *Health of the staff.*—The field work was much delayed by ill-health of the officers and staff especially in the early years of the settlement. The season, 1924-25, was perhaps the worst. The Settlement Officer and four Charge Officers suffered a great deal from fever and Mr. Reuben's health broke down completely. Twenty officers fell ill and six had to take leave.

* Reduced to Rs. 25 by the High Court.

On the cadastral side 655 cases of illness were reported among 1,097 persons employed in the field. In November 1924 Babu Bindu Charan, a non-gazetted Assistant Settlement Officer, died under an operation. Two *amins* died of fever and two peons of cholera. After this season it was decided not to begin the field work until about the 1st of December, as much damage had been done to the health of officers and staff working in the field in November. In 1925-26 also many officers suffered from illness, including three Charge Officers. There were 543 cases among the cadastral staff and two *amins* died of small-pox. Fever was particularly bad in the *khanapuri* Circle in Sukinda, where a camp hospital was opened for about a month. On the settlement side illness attacked 261 persons and resulted in a loss of work of 153 days. Mosquito curtains were supplied to 14 of the unhealthy attestation camps with satisfactory results. In the next year sickness was not quite so bad, but still affected the progress of the work considerably. Seven men died during the field season and seven during recess, when a cholera epidemic broke out in Cuttack. One officer, Babu Sudhir Chandra Ray, died of malaria contracted in camp. In the subsequent years, illness was distinctly less severe. In November 1928, however, a serious epidemic of cholera hampered the survey work in the Khurda subdivision. Mr. Scotland's health broke down while he was Settlement Officer and he was compelled to go on leave in February 1929.

83. *Traverse work*.—The great bulk of the survey work of this settlement was revisional and was done on blue prints of the maps prepared at last settlement. But in some areas the survey was original, while in others the maps of last settlement could not be used as the basis of the resurvey owing to the extent of the changes which had taken place since the last survey. In these areas traverse had to be done before starting survey. Generally the traverse work required in any block was taken up in the field season preceding that of survey and *khanapuri*. In 1920-21 the traverse work was done by a special traverse party under the control of the Director of Land Records and Surveys. But in October 1921 the traverse section was amalgamated with the Bihar and Orissa Drawing Office, and thereafter the work was done by the Deputy Director of Surveys on the requisition of the Settlement Officer.

84. *Amalgamation and division of villages*.—In the areas under revisional survey the unit of survey was generally the village as mapped at previous settlements. But in many cases the old villages were found to be inconvenient units, sometimes because they were too small, so that time and money were wasted in preparing separate maps and records, and sometimes because they were too large and the records became unwieldy. In order to remedy this, proceedings were taken up under rule 49(d) of the Government rules under the Orissa Tenancy Act for amalgamation of two or three small villages into one or for the division of large villages. For purposes of division the rule applied was that each village should consist of not more than three to four thousand plots, and in making the divisions convenient natural boundaries were looked for, pre-existing *tolas* being adopted as units where found. The total number of amalgamation and division cases were 1,164 and 192, respectively, and the net result was a reduction of the number of villages by 1,066.

85. *Determination of new villages*.—In areas where there had been no previous survey, or new villages had come into being by reclamation since the last survey proceedings were taken up under section 49(e) of the Rules under the Orissa Tenancy Act to determine the area to be included in the village. Four hundred and ninety such boundary determination cases were disposed of.

86. *Thana-numbering of villages*.—As the village units had become changed by amalgamation and division, it was necessary to alter the thana serial numbering of the villages. This was done in recess after *khanapuri*.

In Blocks A and B, which consisted of revenue thanas Jalasore, Baliapal, Basta, Balasore, Soro, Basudebpur and Chandbali in Balasore district and Puri, Pipli and Gop in Puri district, the police-stations were

taken as units in numbering the villages. In subsequent blocks the unit was the revenue thana, but each police-station was kept compact in the serial, which ran on from one police-station to the next within the revenue thana.

No re-numbering of the villages was done in Khurda subdivision. The only part of the subdivision which came under the operations was the *Ekhrajat mahal*, and here the old village units were not interfered with by amalgamation or division.

Where some part of a thana had been excluded from the operations, and it was necessary to alter the village numbers (as for instance in the cases of Darpan, Madhupur and the *Jagir mahals*), numbers were allotted to the villages according to the new serial, and these were reported to the Drawing Office at Gulzarbagh and to the Collectorates for inserting new numbers on the old maps and records.

87. *Scale of the maps.*—The scale of the village maps was as a rule 16 inches to a mile as in previous settlements. In some irrigated areas, however, where the plots are very small, in thanas Jagatsingpur, Tirtol, Kendrapara and Cuttack, maps were prepared on the scale of 32 inches to a mile.* This scale was also applied throughout the *Ekhrajat mahal*, and in some villages inside the towns of Jajpur, Bhadrak, Balasore and Kendrapara. The maps of Cuttack town area were on the scale of 64 inches to a mile, as also were some villages of Kendrapara town and of village Balukhand of Puri town.

88. *Double-plotting.*—In many cases portions of a village had to be mapped on a scale double that of the rest of the village, owing to congestion of plots in those portions. This double-plotting was done on another part of the same sheet, if space was available, or if not on a separate sheet.

In the first blocks it was left to the inspectors to select the portions suitable for double-plotting, but in the last two blocks a preliminary selection was made by the head draftsman in office, and the portions to be double-plotted were encircled in pencil on the blue prints. Inspecting officers had to see that at time of survey all necessary double-plotting was done. It was generally necessary to double-plot the village sites. In the last two blocks the practice was introduced of plotting the outer boundaries of the large village sites on double scale in office and sending them to camp for detailed survey.

89. *Inception of survey.*—The first year's programme (Block A) included the original survey of the permanently-settled estates in the north of the district. In spite of a late start due to obstruction by political agitators and some delay caused by bad weather and sickness the whole programme was completed in the year, with the exception of six villages in which owing to much extension of cultivation a fresh traverse was found to be necessary.

The following is Mr. Mansfield's account of the difficulties experienced in the first year's survey :—

"The method of revision survey used was the North Bihar method ; blue prints of the previous maps are taken and the *amin* divides the sheet into quadrilaterals by means of the trijunctions marks, traverse stations, and any other permanent marks which he can identify in the map and ground. He then runs *shikmi* lines and revises the map, and adds in new fields wherever they have occurred.

The first difficulty was that in the first season the blue prints had been taken from the maps of the revision survey, and it was found that these maps had become so distorted that the blue prints were almost useless as the basis of accurate revision. This was due to the fact that in the revision settlement the maps had not been properly cared for, but were evidently carried about and often folded under the *amin's* arm. At any

* In the next settlement, I think it will be necessary to adopt the 32-inch scale more extensively. The plots are so small that they cannot be shown satisfactorily on the 16-inch scale. P.T.M.

rate area extraction shewed that the area of villages had (apparently) decreased by one or twelve per cent. the average being 3 per cent. It was, therefore, decided that in future years (i.e. in Block B and onwards) the blue prints should be taken from the maps of the Provincial Settlement. This was done, and though there was still, as a rule, a slight shrinkage (rather less than half a link in a chain, or one per cent in area) the maps were still suitable for all practical purposes*

The second difficulty was that in Orissa the *amins*, many of whom had worked in state surveys and in the revision survey, had got into the habit of relying on 'pole survey', or what they called the 'Orissa method', i.e. merely putting in newly-created field ridges by pole survey from the nearest field corner shewn in the old map. This tendency was perhaps aggravated by the system which was at first adopted of running diagonal lines in each quadrilateral. This was intended to be a guide to show how much revision was necessary; if no fields had changed at all, it might be unnecessary to run any *shikmi* lines at all. But the result was that the *amins* (except those who had worked in North Bihar), having run their diagonal lines, rarely or never bothered to run any *shikmi* lines. The system was gradually modified and in the last three blocks the whole survey was done by *shikmi* lines"

90. *Progress of survey.*—Survey on blue prints of the Provincial Settlement maps was thus introduced in Block B in season 1923-24. Experienced *amins* were enrolled and others were given training in this method of survey. It was found useful to show the square marks from the original maps on the blue prints for guidance in double-plotting and other purposes and this practice was adopted from Block B.

In Block C a rule was introduced towards the end of season 1924-25 forbidding the running of two diagonal lines across each quadrilateral and insisting that at least three *shikmi* lines should be run in every quadrilateral. At the same time *katan partal* by the inspectors was abolished. These changes made the work a little slower but led to greater accuracy.

In the first three blocks the increase in the number of plots since the last settlement in the areas under revision was comparatively small, being 15 per cent, but in Block D an increase of 25 per cent was found, mainly due to the large number of partitions. In Block E the increase was 24 per cent, and in Block F 31 per cent.

In the first four blocks *khanapuri* was done simultaneously with survey, the record being written up for each quadrilateral after it had been mapped. In two circles of Block E it was decided to do *khanapuri* after survey had been finished, as many of the *rai-yats* had emigrated, owing to floods, and it was hoped that attendance would be better at a later stage in the season. The system worked well and in the next season, 1927-28, it was introduced throughout Block F. It was found that this did not make the work appreciably slower and that it was, on the whole, done better.

In the later field seasons considerable improvement was observed in the quality of survey work, particularly among the Oriya *amins*.

The *kistwar* and *khanapuri amins* were paid on the contract system.

91. *Survey difficulties.*—The main difficulties experienced in revisional survey arose from alteration of the configuration of fields and disappearance of boundary marks and traverse marks. This was especially found in areas subject to annual floods. In a few parts, for instance, Sukinda, Patia and Kujang, the survey of thick jungle caused trouble. The survey of the congested urban area of Cuttack town was extremely difficult.

92. *Boundary discrepancies.*—In Block F some simplification was introduced in dealing with boundary discrepancies in revision survey areas. In former blocks, no alterations in the old boundaries were made except

* Government sanctioned the additional sum of Rs. 1,56,000 which the change of system was estimated to cost.

after regular proceedings, subject to the approval of the Settlement Officer. In Block F discrepancies of less than one chain in width were adjusted by the Assistant Settlement Officers, provided there was no dispute. In larger cases proceedings were drawn up and recommendations made for the approval of the Settlement Officer. Where the last settlement boundaries of both villages coincided exactly, but at this survey another boundary was found, the last settlement boundary was maintained, unless both parties agreed to accept the new boundary. Where the last settlement boundaries differed and the parties did not agree on a common line, the matter had to be decided as a dispute.

93. *Preparation of khewats.*—Writing of *khewats* was done by inspectors, but a rule was made that the *khanapuri* officer should write the *khewats* of one village in each *halka* and the *kanungo* those of five villages in each *halka*. Great importance was attached to getting *khewats* written early and correctly.

In Block F it was decided to give no copy of Register D to the *khanapuri* staff, and to dispense with the writing of the *khewat ekhtilaf* (in which the *khewat* writers used to enter all the discrepancies between the present facts and the Register D). This had been considered necessary for the guidance of the Collector in rewriting his Register D after the settlement. But this work had now been given to the settlement staff to do. The non-supply of copy of Register D led to more careful *khewat* writing, as the inspectors, when supplied with a copy, tend to rely on it too freely and to shirk enquiry on the spot.

Block G work.—The field season of 1928-29 was a short one as Block G was very small and was divided into three compact circles to expedite the work. There was some difficulty in surveying some of the original survey villages of Patia, as the traverse marks had been washed away or disappeared in sand. In Ekhrayat *mahal* difficulty was caused by the inter-mixture of *khas mahal* plots in Ekhrayat villages. The work however, was completed by the beginning of March.

94. *Areas recorded in acre system only.*—When taking up survey and *khanapuri* of the permanently-settled area of North Balasore which had never been settled before, it was considered whether the areas of plots should be recorded in the local measures as well as in acres. This was not, however, decided to be necessary, as the people of Orissa are by this time used to the acre-decimal system, and the Board of Revenue approved of the proposal to enter the area in acres and decimals only.

95. *Disputes about laggi measurements.*—Throughout the settlement in estates which had not been settled before, and especially in North Balasore, frequent disputes arose between landlords and tenants over the length of the local *laggi* or *nala*, on which depends the interpretation of the areas found in the *jamabandis*. These areas are generally entered after periodical measurements of the land by the *laggi* or *nala* and the preparation of *bhourias*. In North Balasore the length of the *nala* was very difficult to determine, as the tenants produced extracts from the *nala* Register maintained in the Midnapore Collectorate under the orders of the Bengal Board of Revenue in 1837, while the landlord produced certified copies of the list of *nalas* prepared in 1849, and kept in the same Collectorate. These documents were of little value as they differed not only from each other but among themselves. Great difficulty was therefore experienced in estimating the amount of excess areas liable to assessment.

96. *Partial af survey and khanapuri.*—Check or *partial* of *kistwar* and *khanapuri* was done by inspectors, *kanungoes* and Assistant Settlement Officers.

The standard minimum of *partial* set for inspectors was (1) quadrilateral *partial* by actual measurement of 400 chains for a fortnight for the first

* In case work the length of the *lagga* was decided on the evidence in each case, and a percentage allowed for inaccuracy of measurement. P. T. M.

month, and thereafter 200 chains, (2) 250 chains of *kistwar partial* and (3) 100 plots of *tukra partial* (after commencement of *khanapuri*). In addition the inspectors had to check all the trijunction stones, 10 per cent of the adopted stations by actual measurement and the rest by comparison of the *khaka* with the map, and one boundary line in each village, and they had to do one line of *basti partial* in each *basti*.

After the *amin* had finished survey, some final or independent *partial* was done. The minimum of independent *partial* was 12 chains per 100 acres, and it was laid down that every quadrilateral should contain a final *partial* line. Occasionally the *Khanapuri* Officer himself did the final *partial*. Mistakes found at final *partial* were corrected. In a very few cases it was found necessary to order a complete re-survey. In these cases the *amin* was discharged and forfeited his earnings.

At *khanapuri* the inspectors had to check the recording of at least 10 per cent of the plots and the officers and *kanungoes* had to do as much check as they could manage.

The average incidence of *kistwar* check over the whole settlement was as follows :—

- (1) Inspectors' check—2.45 linear miles per square mile.
- (2) Assistant Settlement Officers' and *kanungoes*, check—.76 linear miles per square mile.
- (3) Independent or final *partial*—.70 linear miles per square mile.

The number of plots checked at *khanapuri* was 1,474,661, or 13 per cent of the total.

97. *Form of khatian and distribution of parchas*.—In the first three blocks the draft *khatians* were written up on the elaborate triplicate *parcha* form no. 64 (see page 385 of the Settlement Manual, 1927). This form of *khatian* contains 19 columns, all of which, except the area columns, are reproduced in triplicate in the landlords' and *raiya*t's *parchas*, while the form also includes landlords' and *raiya*t's area slips. The practice at first was to let the *amins* give the *raiya*t's their *parchas* as soon as the first entries were made in them, the *raiya*t's being required to produce them from time to time to get subsequent entries made. The landlords' *parchas* were distributed by the *amins* at the end of *khanapuri*. In Block C, however, the method was tried of having both the landlords' and *raiya*t's *parchas* distributed by the Assistant Settlement Officers and *kanungoes* at the end of *khanapuri*. But this did not work quite satisfactorily as many parties failed to appear so that the *parchas* had to be returned to headquarters and distributed at attestation. The area slips were written up in recess after area extraction, and were distributed just before attestation.

From Block D a simplified form *khatian* was introduced for use in the areas under Revision Settlement. The new form is smaller in size and easier to handle. On the obverse the columns dealing with rent are reduced from 5 to 2 and on the reverse the column for "nature of rent if not paid in cash" is omitted. The area slips are omitted and instead there are columns for area on the reverse of the landlords' and *raiya*t's *parchas* thus in effect making a combined *parcha* and area slip. These were not distributed until after cadastral recess, when they were made over with the areas entered, shortly before *bujharat*.

98. *Inking of maps*.—For the purpose of inking the maps after survey several modes of procedure were tried in the course of settlement. For the first five seasons the maps were inked up in the *khanapuri* circles after survey and *khanapuri* (which were done together) either by the tour clerks or by the *amins* themselves if the latter had passed the test in inking. In some cases, however, the maps were not finally inked up until recess, when the work was done by draftsmen. In the meantime they were inked up in cobalt blue. In the subsequent seasons the maps were inked up by draftsmen deputed to the circles for the purpose. Generally the field boundaries only were inked up in the circle, and the plot numbers left for recess, but some times the plot numbers were also inked up in the circle.

The sheet margins and village boundaries were never inked up in black until they had been thoroughly checked in recess.

The system of deputing draftsmen to the circles for inking worked satisfactorily and produced the best results. It is of course open to the objection that the *Khanapuri* Officer is not in a position to exercise very close supervision over the draftsman, who if he is dishonest may tamper with the maps.

99. *Printing of not-final maps.*—After the village maps had been prepared in the field and checked in recess they were sent to the Survey Office for not-final reproduction, in order to have copies for use in attestation camps and at later stages. In the first three blocks only two copies of these van-dyke maps were prepared for use in camps, the original being kept at headquarters and corrected from time to time. But as it was found that the original map deteriorated with frequent handling, in the later blocks three copies of the not-final maps were obtained, one being kept at headquarters to show the corrections. The original maps remained untouched until the last stage, when all the necessary corrections were effected on them prior to their despatch for final reproduction.

In Killa Patia (Block G) an extra copy of each village map was prepared and given to a leading *raiyyat* of each village before attestation in order that the *raiyyats* might more easily understand their *parchas*.

100. *Thana maps and lists.*—In the first three blocks skeleton thana maps were prepared in the Drawing Section from the new village maps after reproduction by the Survey Office, but this practice was thereafter given up, and we simply supplied the Survey Office with copies of the old thana maps, after showing the changes due to amalgamation and division or to orders in boundary disputes, and entering the correct village names and new thana numbers. From this the Deputy Director of Surveys prepared the new thana maps. These maps were on the scale of 1 inch to a mile, and the unit was the revenue thana, even when the police-station had been taken as the unit for numbering of villages.

The proofs of the thana maps were sent to the Settlement Office by the Deputy Director of Surveys, for checking before final reproduction.

Thana lists, or jurisdiction lists, were written up in the cadastral office. The Attestation Officers prepared registers, containing the correct names of all the villages, and these were used for guidance in preparing thana lists. The lists were printed at the Government Press at Gulzarbagh, and sent to the cadastral office for check,

101. *Trijunction mark maps and registers.*—Maps were prepared, generally on the one-inch scale but in a few cases on the two-inch scale, showing the villages with their trijunction marks, which were numbered. In the later blocks it was not considered worth while to strive for accuracy, in the village boundaries on these maps, which are simply indexes to the trijunctions. The unit of the maps was the police-station. Where some parts of the police-station were unsurveyed at this settlement, no numbers were given to the trijunction marks in these parts. The maps were reproduced in the Survey Office.

Trijunction mark registers were also prepared, showing the numbers of the marks and the villages to which they belonged. These were only prepared in manuscript and made over to the collectors, along with the receipt registers which contain the signatures of the *chaukidars* to whom the stones had been made over. The *khanapuri* officers had to see which stones were missing and to embed stones to replace those missing. The stones were then made over to *chaukidars*. At attestation the stones were again checked and *khanapuri* inspectors who were found to have neglected this part of their duties were punished,

102. *Khanapuri.*—At *khanapuri* the *amins* wrote up the *ghasras* or lists of plots in numerical order showing the description of the land in

each plot. They also made entries in all the columns of the *khatians*, except regarding area, status and rent, which were left for attestation.

When any contest arose about an entry in the record at *khanapuri* a dispute was entertained and decided by the Assistant Settlement Officer, or in a few cases by experienced *kanungoes*.

The cadastral survey and *khanapuri* work began in the field season of 1922-23 and was completed in that of 1928-29. The number of plots *khanapuried* in each season and the number of disputes entertained are shown below :—

		Season.	No. of Plots.	No. of disputes.	Percentage of disputes to plots.
1		2	3	4	5
A	...	1922-23	1,495,057	8,803	0.6
B	...	1923-24	2,158,426	8,767	0.4
C	...	1924-25	2,002,011	12,653	0.6
D	...	1925-26	1,559,952	9,562	0.6
E	...	1926-27	1,783,710	9,785	0.5
F	...	1927-28	2,036,554	13,074	0.6
G	...	1928-29	174,420	1,574	0.9
Cuttack town	...	1927-28	25,326	618	2.4

103. *Boundary disputes*.—Many petty disputes and discrepancies regarding village boundaries had to be dealt with. The more important ones are referred to below.

The Kharsua river forms the boundary between the Kanika and Aul estates. As the river had altered its course many boundary disputes arose. It was found that a definite custom of *skikast-paiwast* exists between these estates, so that the middle line of the stream remains the boundary. Some difficulty was experienced in determining this middle line as Kanika was surveyed two years later than Aul and the course of the river had shifted slightly in the meantime.

Between Kanika and Kujang also many discrepancies arose. No custom of *skikast-paiwast* was found, and so the old boundary was relaid. In 1928-29 demarcation was done of the boundaries between Kanika and Aul and between Kanika and Kujang.

The proprietor of Patia tried to raise a boundary dispute with the Khurda *khas mahal* but he made out no *prima facie* case. In some places, however, the present pillar boundary was found to differ from the last settlement map of Khurda. The discrepancies were reconciled and the boundary relaid.

Many discrepancies were found between the last settlement boundaries of Khurda *khas mahal* and those of the Ekhrayat *mahal*, and also with the present boundaries according to possession. These were dealt with at attestation. Generally the present boundary according to possession was adopted.

A dispute concerning over 2,000 acres of land arose between Harishpur and Marichpur estates. It was decided by a Charge Officer,

who gave about 350 acres to Marichpur and the rest to Harishpur. Cross-appeals were filed to the Settlement Officer (Mr. Scotland) who gave the whole disputed area to Harishpur.

104. *Settlement Officer as Boundary Commissioner.*—The area under the present operations is bounded on the north-west side for a distance of 320 miles by some of the Orissa Feudatory States. As questions frequently arose in the course of survey which required an authoritative decision Government appointed the settlement Officer to be *ex-officio* Boundary Commissioner for all disputes that might arise between the Feudatory States and British India.* Many parts of this boundary lie in hilly country covered with dense jungle. The previous demarcation had often been inadequate or had not been carefully maintained. Difficulty was occasionally experienced in relaying the boundary, and disputes arose at several points. It was frequently urged by the Feudatory Chiefs that they had had no official knowledge of the previous surveys of British India. It is therefore important to place on record that all the border States have received proper notice of the present operations, have had opportunities to make objections, and have generally taken a keen interest in boundary questions. All claims put forward have been carefully investigated.

The following Boundary Commissions were held by the Settlement Officer, the first four by Mr. Mansfield and the other two by myself :—

The whole boundary between Dhenkanal State and Killa Kalkala was disputed. The Boundary Commissioner inspected the area and passed a boundary based partly on the natural features of the land and partly on the topographical map of 1894. The decided boundary was demarcated by cairns and pillars.

A dispute arose between Dhenkanal State and Killa Sukinda regarding the boundary from the Keonjhar trijunction to the Brahmini, but this had already been settled by Mr. Cooke, the Superintendent of the Tributary *mahals* in 1894 and demarcated in 1903, and this line was upheld. Another dispute between the same parties concerned the bed of the Brahmini river in mauza Pankapal, and in this the midstream line was declared to be the boundary.

The Keonjhar-Sukinda boundary was settled by the Boundary Commissioner but without dispute. It was determined in detail and temporarily demarcated, the parties being requested to take steps for permanent demarcation.

Another dispute arose between Keonjhar State (the detached portion near Jaipur Road Railway Station) and village Chhatrapur. The boundary had previously been decided by Mr. Cooke in 1895 but not demarcated, and neither the Provincial Settlement nor the Revision Settlement maps showed the line according to the decisions. Mr. Cooke's line was now adopted and was temporarily demarcated.

The Boundary between Killa Dalijora and the Feudatory States of Dhenkanal and Athgarh caused much trouble in traverse and survey on account of the thick jungle and difficulty in finding boundary marks. The western part of the Dhenkanal-Dalijora border was strongly contested, the State claiming a different line from that surveyed in both the previous settlements. I decided the dispute during an inspection of the boundary in 1931 as Boundary Commissioner and disallowed the State's claim. Demarcation of the line by stones and masonry pillars is pending. †

On the Athgarh-Dalijora border in village Kuchila Nuagan it was discovered that a line of pillars runs some 40 chains to the east of the boundary as surveyed at the last two settlements, and it came to light that this actually represents the line passed by Mr. Cooke in a dispute of 1896. This line was adopted, the Dalijora proprietors consenting when the facts

* Order no. 2168, dated 3rd September 1926.
† The demarcation has since been completed.

had been placed before them. I made an inspection of the whole border between Athgarh and Dalijora in 1931, and this part of the line was undisputed. Several petty disputes and discrepancies arose in other parts of the boundary and the disputes were decided and the discrepancies amicably adjusted at my inspection. The boundary where it runs in the bed of the Mahanadi has been altered by the decision of Mr. James Taylor in a dispute between Athgarh and the Motri *zamindars* in 1913, and Mr. Taylor's line has been adopted in this settlement. It runs down the middle of the Mahanadi to a point opposite Naraj then turns south-east to the *anicut* and runs skirting the *anicut* and on to the *bhuasuni* tree and then turns north to a point in village Banmalipur. But a narrow strip of river in villages Tapanda and Banmalipur are left in British India. At my... boundary inspection there was some dispute about the boundary of villages Mahalpara and Kakhari on the Mahanadi side, and I passed the line of the river bank as it appears on the Revision Settlement maps. This leaves a strip of the present river in Cuttack district.

The Athgarh State was also found in the course of this settlement to be in possession of 288 acres of land in village Bidyadharpur, which is on the Cuttack side of Mr. Taylor's boundary in Killa Patia. This was claimed as part of the State but this was not allowed as the boundary had been clearly settled by Mr. Taylor. With the sanction of Government the Rajah of Athgarh was recorded as a tenure-holder under the proprietors of Bidyadharpur.

A dispute between Baramba State and Bañki *khas mahal* was also made over to the Settlement Officer as Boundary Commissioner, although this area was not included in the settlement operations. Mr. P. J. Scotland decided this dispute.

105. *Cadastral recess*.—In recess after *khanapuri*, defects in inking of maps were removed, and boundaries and margins were checked, and inked up. Areas of plots were extracted and entered in the records. *Khatians* were arranged alphabetically under the proper *khewats*, and some check was done of the records, including a scrutiny of the *bahel* and *bajyasti* areas and lands of public bodies. The *milan khasras* and crop statements of the villages were written up. In the first blocks a combined *terij* and rent schedule was prepared showing last settlement rents and *jamabandi* rents, with areas, but from 1926 this was abolished and a rough *terij* only was written for purposes of comparison of areas (*anka milan*). At first too many *badars* used to be written during check, but later this was discouraged and apparent errors were for the most part merely marked for the attention of the Attestation Officers.

106. *Method of attestation*.—In the attestation camps the method of *bujharat* and attestation was as laid down in the Technical Rules. In temporarily-settled areas the Attestation Officer had to see that the proportion of *rakhit* plots was sufficient, to cancel those that were unsuitable, and to try to persuade the landlord to reserve more plots if the area was insufficient. In particular he had to see that at least one tank was reserved in each village. He also did some work in preparation for the rent settlement and revenue settlement stages, by writing up the assessment notes of each village, and enquiring into *sairat* collection. (In some permanently-settle estates also assessment notes were written up to afford guidance in dealing with rent problems). He also had to submit a report containing an estimate of the damage done by floods and their frequency. The policy of giving these miscellaneous tasks to the Attestation Officer is justified by the fact that this officer can obtain a very thorough first-hand knowledge of his circle in the course of six or eight months in it. I think, however, that if too much additional work is given to him it tends to be hurriedly done, as the officer is mainly interested in keeping up with his programme of attestation.

107. *Progress of attestation*.—Attestation work was started in Block A in the field season of 1923-24 and finished in Block G in that of 1929-30.

The work done in each season and the number of disputes entertained are as follows :—

Block.			Season.	Plots attested.	Disputes.	Percentage.
1			2	3	4	5
A	...	...	1923-24	1,525,302	21,606	1'4
B	...	...	1924-25	2,140,917	21,743	1'0
C	...	...	1925-26	2,040,926	30,383	1'5
D	...	...	1926-27	1,597,361	17,501	1'1
E	...	...	1927-28	1,802,881	18,657	1'0
F	...	...	1928-29	2,063,902	24,290	1'2
G	...	...	1929-30	177,881	1,543	0'9
Cuttack town	...	...	1929-30	28,565	2,425	8'4
Total			...	11,377,735	138,148	1'2

In Block A the attestation programme was completed within the year. The staff were mostly inexperienced and required careful training.

In the next season there were 28 camps for Block B, 5 in Balasore and 23 in Puri. At the beginning of the season a sufficient number of *munsarims* could not be sent out to the camps as men had to be kept in headquarters for recess work. Many new men had to be taken on and trained, and their work was at first very slow and unsatisfactory. The attestation staff was mainly Oriya, but in this year some Biharis were taken on from the Chota Nagpur Settlement, and were found more efficient than the Oriya in spite of their unfamiliarity with the language. In this Block the system was introduced of paying *munsarims* according to outturn in order to improve progress. This was not found to have an adverse effect on the quality of the work.

In Block C, there were many petty estates to be dealt with, and a considerable number of partitions after *khanapuri*, which involved much laborious work in correcting the records. Some improvement in the efficiency of the staff was noticed. The system of payment of *munsarims* according to outturn was continued, and this year the practice was introduced of paying the men by monthly advances according to the recommendations of the camp officers and adjusting the accounts at the end of the year. This was necessary as men employed in big villages often had to wait a long time before receiving any payment. The attestation programme was completed in the year except one village of which *re-khanapuri* had to be done.

In Block D the work was disposed of more quickly due to the smaller number of disputes and remeasurements.

In Block E there was very slow progress in the two camps in Kanika estate (Cuttack district), where the work was much delayed by illness and by detailed enquiries having to be made into the legality of the rents.

In Block F there were as many as 2,068,209 plots attested. Four and a quarter lakhs of plots were in the permanently-settled estates of

Kujang, Harishpur, Marichpur and Bishunpur. No previous record had been prepared in these estates with the exception of Bishunpur.

Block G only contained 177,887 plots, and five small camps completed the work in an average of four and a half months. There was some delay at the start owing to important general problems about *debottar* and *brahmottar* properties in Patia Estate and transferability of occupancy rights in Ekhrajat.

The average outturn of the attestation camps excluding Cuttack town, was 10,000 plots per month, and the average time taken by a camp to complete its work was 6½ months.

In Cuttack town, one mauza, Sutahat, was attested in the hot weather of 1928 in order to discover the difficulties. The other mauzas were taken up in the hot weather of 1929 but the work was extremely slow and intricate and was not finally completed until November 1930.

108. *Remeasurement.*—The general apathy of the *rai-yats* at survey and *khanapuri* led to frequent demands for remeasurement of plots at later stages. The progress of attestation was seriously hampered by this, and at section 116 and section 123 stages applications were still received in large numbers. To prevent unnecessary remeasurement, the rule was made that a remeasurement already done at attestation should not be repeated at a later stage unless it could be shown that the procedure at the previous remeasurement had been defective. In 1927 the fees for remeasurement at section 116 and section 123 stages were raised to Re. 1 and Rs. 1-8 0, respectively, whereas previously they had been 12 annas at all stages.* But the volume of applications still remained large.

The total sum received in remeasurement fees was Rs. 1,51,740. In the attestation camps of Blocks A, B, D and E the average amounts received per camp were between Rs. 800 and Rs. 900. In Block C it was as high as Rs. 1,177 owing to the litigious character of the people in Jajpur and Dharamsala and to the frequent subdivision of plots at partition after *khanapuri*.

109. *Objections under section 116.*—The work of deciding objections under section 116 of the Orissa Tenancy Act was taken up for Block A in 1924 after the attestation and draft publication of the records. The volume of cases filed was unexpectedly large, being 28,956 in the first block. Many of them were applications to record transfers as recognized after the purchasers had obtained the consent of the landlords. The disposal of these cases delayed the commencement of rent settlement rather seriously. Most of them were disposed of by the Attestation Officers themselves, but where they were appeals against their own orders they were given to the Assistant Settlement Officer of a neighbouring camp for disposal. This system was not found very satisfactory, as the transferring of cases from one camp to another involved waste of time. From the next year therefore special camps were started for disposal of section 116 cases, only a small proportion of the simpler cases being disposed of by the Attestation officers. The system was introduced from 1925 and was found better and more economical.

In Block B the number of cases rose to 36,299. In Block C they were as many as 53,706, and the disposal of these contributed largely to the retarding of recess work in 1926. Nearly half the cases of Block C were left for disposal in the next year. In Block D 33,691 cases were filed, and progress was better. In this block the practice of disposing of some undisputed cases at attestation was abandoned, as it had been found to handicap the Attestation Officers and to lead to some confusion in the registering of cases. The new system worked satisfactorily but led to slight delay in the supply of records to recess office.

The volume of cases continued about the same, there being 34,221 in Block E and 42,433 in Block F. In these blocks the important cases

* These were the fees for four plots or less. For plots in excess of four, one quarter of these amounts was charged per plot, i.e. 3 annas, 4 annas and 6 annas, respectively,

about the right of Government to the bed of tidal and navigable rivers in the permanently-settled estates were taken up under this section. In Block G only 2,742 objections were filed.

In Cuttack town there were 1,248 objections which were for the most part strongly contested.

The total number of objections under section 116 was 226,731 of which 84,338 were allowed and 142,393 disallowed. The proportion of allowed cases is thus 37 per cent.

110. *Settlement recess*.—In Block A *janch* or check of the records in recess after draft publication, was taken up after settlement of fair rents. This worked unsatisfactorily, as the records were much delayed in the rent settlement camps pending disposal of objections under section 123. In subsequent blocks *janch* was done immediately after disposal of objections under section 116.

The draft rent rolls of the temporarily-settled villages were then prepared in office and checked, after which rent settlement was taken up in camp. After rent settlement was disposal of objections under section 123 some further check had to be done, particularly to see that the orders passed at rent settlement and section 123 stages had been properly carried out, and the fair rents correctly entered in the working records. At the same time some re-check was done to test the efficiency of that already done in *janch*. This stage was known as *re-janch*.

The working records of permanently-settled areas were fair-copied immediately after *janch*, and those of temporarily-settled areas immediately after *re-janch*. Three fair copies were made. The copy intended for binding and preservation in the Collectorate as the official record was first prepared from the working record. A second copy was made from the Collectorate copy, to be given to the proprietors and tenure-holders, and a third copy of the *khatians* was made from this second copy, to be given to the *raiya*s. Each copy of a village record was made by a different *munsarim*. The fair-copying was checked by comparing the third or *raiya*ti copy with the original working record, and on discovery of a mistake the other copies were examined to see if the mistake occurred in them.

The recess work done after fair-copying consisted of *mukabila*, or comparison of the fair copies with the working records, *moina* or a further check of the record, and preparation of the plot index. The check done at *moina* stage was directed to seeing that no unauthorized cuttings or interpolations appeared in the records, but also included some check of *janch* and *re-janch badars*, of the totalling of shares in the *khewats*, and of *goswara* and *terij*. The check done at this stage was reduced after Block E to the minimum necessary.

111. *Cases under section 130*.—The number of cases filed under section 130 was 7,050 in all. Of the 6,664 cases disposed of up-to date 2,399 were about possession, 993 about rent, and 3,272 about other matters.

Appeals were brought before the Special Judge against the decisions of the Assistant Settlement Officers in 98 cases. The orders of these officers were upheld in 59 cases and reversed in 13 cases, while in 6 cases they were modified, and one case was remanded. Nineteen cases are still pending with the Special Judge.

112. *Application of section 67* —Camp officers were instructed to report any cases of failure on the part of the landlords to grant rent receipts in proper form, and information of such cases was forwarded to the Collectors for action under section 67 (4) of the Orissa Tenancy Act. The number of cases thus sent up was 62. In 57 cases the landlords were fined a total amount of Rs. 1,415 and in 5 cases they were discharged. Magistrates were at first disposed to inflict inadequate fines, but after the attention of the Collectors had been drawn to this tendency, they became more severe on the offenders.

In one case the Subdivisional Officer of Bhadrak accepted the landlord's plea that his agent had not "refused" to grant a receipt as he intended to do so when he had leisure. This was brought to the notice of the Collector who disapproved of the action of the Subdivisional Officer. Another question that was raised in the course of the settlement was whether a landlord can be proceeded against for failure on the part of an agent to grant proper rent receipts. The Government pleader gave the opinion that the landlord could not be held responsible. The wording of sub-section (3) clearly indicates that this view is correct. But it would be more just and also more convenient if the landlord were made liable to fine conjointly with his agent.

The number of reported cases does not convey an adequate idea of the extent to which the landlords habitually neglect to give proper rent receipts. The Attestation Officers especially in the early stages did not as a rule devote sufficient attention to the matter, and when they did they had to overcome the reluctance of the Oriya *raiya* to make open complaint against his landlord. It was indeed observed in the later seasons that some landlords had begun to grant proper receipts through fear of proceedings under this section. But it is unlikely that they should continue to do so after the fear of detection by the settlement authorities has passed. In the petty estates it is unusual for receipts to be granted with all the particulars required by the law, and it is almost unheard of in any estate for proper receipts to be given for produce rents.

113. *Use of sections 136 and 137.*—It was the policy of the settlement to encourage the use of sections 136 and 137 of the Tenancy Act by parties. Under section 136 a Revenue Officer in the course of settlement operations must give effect to any lawful compromise between landlord and tenant. Under section 137 a Revenue Officer specially empowered may give effect to any compromise about fair rent even if the terms would not ordinarily constitute a valid contract under the Act (e.g. where an enhancement by more than two annas in the rupee is agreed to). These facilities for an inexpensive settlement of the rent question were used in Sukinda, Kalkala, Ekhrayat *mahal*, and part of Kanika Estate (the details are given elsewhere), and might with advantage have been used by other estates. In Harishpur Estate the parties compromised with much additional trouble and expense, after section 128 cases had been filed, and got ready for hearing. In Block F the Attestation Officers were instructed to suggest to the landlords and tenants of revenue-free estates that these sections might be taken advantage of, but the response was quite negligible. The Sakhigopal estate entered into compromises along with the Ekhrayat *mahal*, and effected an enhancement of the rents of 321 holdings by two annas in the rupee.

114. *Number of copies of maps reproduced.*—In the matter of fixing the number of village maps to be printed various formulæ were adopted in different blocks. In the permanently-settled area of North Balasore one copy was given free to each party and in addition ten copies were printed for administrative purposes and five for sale. Thereafter they were sold at 4 annas each, but the price was raised to 6 annas in December 1928, when also rule 355(d) of the Board's Miscellaneous Rules was amended so as to allow parties to obtain maps at the Collectorates by direct payment. In the earlier blocks of Cuttack district the formula was 5 per cent of the number of plots, and 15 for administrative purposes and margin. This was found to result in an excessive number being printed. Eventually the formula was reduced to 2 per cent of the plots (1 per cent in some permanently-settled areas), plus 10 for administrative purposes and margin, subject to a maximum of 40.

The copies intended for administrative purposes were 5. They were meant for the Collector, the Subdivisional Officer, the sub-inspector of police and the Chakala *kanungo*, and one for general purposes. In irrigated villages a sixth copy was given to the Irrigation Department and from February 1931 two copies were given to that Department.

The maps were sold in the camps at the time of distribution of *khatians*, and also in the headquarters office. In 1931 the Collector of Cuttack intimated that there was no space in his offices for the storing of the large number of maps being made over. From January to April 1932 a *kanungoe* was specially employed to sell maps in the *mufassal*.

115. *Deposit of records*.—The records were deposited in the Collectorates by thanas after noting of decisions in cases after final publication. The deposit of Balasore records was done from 1927 to 1930, that of Puri records in 1929 and 1930 and that of Cuttack records from 1930 to 1932. At first the Collectorate staff in Balasore showed a tendency to make an unnecessarily minute check before taking delivery of the records but later the check was confined to the matters prescribed in the Settlement Manual.

116. *Improvements in procedure*.—The efforts made to introduce simpler and less expensive methods of procedure have already been mentioned. The most important innovation was perhaps the abolition of the second reading of the rent rolls. In September 1929 a conference of settlement Officers was called by Mr. Mansfield as Director of Land Records and Surveys at Ranchi and various ideas for simplifying the procedure were discussed. Most of the suggestions approved at this conference could not be applied in the Orissa Settlement as it had already reached its closing stages. One important innovation was, however, introduced in attestation of Block G—that of not reopening at attestation disputes that had been decided at *khanapuri*.

In my opinion the improvement of settlement procedure has to be looked for first in simplifying the processes leading up to draft publication. The present practice is for the draft to be written up in the first field season along with survey or immediately after it, leaving aside questions of status and rent. This is called *khanapuri*. The drafts are arranged and checked in recess, and in the next field season they are completed, read out by a *munsarim* to the assembled parties (*bujharat*), again read out by an Assistant Settlement Officer (attestation), checked by camp *peshkar* and again read out at draft publication. The statutory opportunity for bringing objections is of course after draft publication. But disputes are also heard at *khanapuri* and attestation. The idea of not reopening *khanapuri* disputes at attestation is a sound one. When the *raiya*s are more fully educated in settlement matters it should be possible to prepare the draft record by a much less elaborate procedure and then hear all objections in one stage as expressly provided in the Act. The present tendency is for *khanapuri* to be done in an unsatisfactory manner, leaving the shortcomings to be made good at attestation. This gives rise to lengthy mistake lists at attestation and these in turn increase the volume of items requiring check at later stages. Thus if the preparation of the draft record could be done carefully in one stage much time and labour would in the long run be saved. One of the reasons why *khanapuri* is unsatisfactory is that the *raiya*s take little interest in it, feeling that it is unnecessary to waste time and trouble at this stage when they will have ample opportunity to do so at attestation. If they did not have this feeling they would make every effort to get their interests recorded at the outset.

A careful systematic check of the record before its final publication is essential. In this settlement the draft record was checked by the attestation camp *peshkar* before draft publication. The check in recess office (*janch*) was done after disposal of section 116 objections, and in the case of temporarily-settled villages there was some re-check (*re-janch*) after rent settlement. After fair-copying some further check was done along with the comparison of the fair copies with the original (*moina*).

In the course of this settlement a definite effort was made to establish an improved system of check, placing the main check in the earlier stages and dispensing with unessential items of check and clumsy procedure. In *janch* the *munsarims* were always inclined to raise unnecessary points and this was discouraged by issuing instructions as to the types of mistakes requiring notice. At first the practice was for the *janch munsarim* to write

in his "mistake list" a description of all mistakes detected. They were later allowed to make certain obvious corrections without any entry. In 1929 the experiment was tried of dispensing with the writing out of mistakes and the *munsarims* were simply told to make a note of the *khatians* and plots where the mistakes occurred, and put them up to the officer of the section for orders. This system worked well and in my opinion it is based on a sound principle. A great deal of labour is wasted in writing out detailed description of mistakes, and it is more satisfactory for the officer who passes the order to do so after scrutiny of the record itself and not blindly on a perusal of the *munsarim's* entry. It was thought that this method would take up more of the officers' time but in fact this did not appear to be the result.* Unnecessary and over elaborate check in *janch* was discouraged. The check done at *moina* stage was reduced to a minimum, and at *re-janch* it was also reduced in the later blocks. The detailed check of old and new areas was done in cadastral recess instead of in attestation camps. In the *khassra* section of cadastral recess also the comparison of names between the *khassra* and the *khatian* was abolished, and a system was introduced of marking the draft record with red or green pencil instead of writing out *badars*.

117. *Operations in Cuttack town.*—The Cuttack municipal area, excluding some part of the Kathjori bed in villages of Killa Patia, was taken up as a separate unit for the purpose of the operations. It included 652 acres under petty revenue-free estates, 6,747 acres under temporarily-settled estates and 2,372 acres under various public departments and the Railway Company. Of the temporarily-settled area, 621 acres are in the Town *khass mahal*, tauzi no. 2616, and 374 acres in the Cantonment *khass mahal*, tauzi no. 5458. The rest is under private landlords.

Correspondence was started by Mr. J. A. Hubback as Director of Land Records and Surveys with the Board of Revenue in December 1924 as to whether the settlement of the municipal area should be done under the Municipal Survey Act (I of 1920). Mr. P. W. Murphy as Commissioner of Orissa recommended that the settlement should be done under the Municipal Survey Act, and Mr. A. D. Tuckey as Director of Land Records and Surveys suggested that it should at least be done under that Act for the area vested in the municipal commissioners. But as the municipal commissioners did not apply for survey and preparation of record-of-rights under the Municipal Survey Act, being unwilling to bear the cost, this project was abandoned and the Board of Revenue approved of the Survey and Settlement of the whole of Cuttack town under the provisions of the Orissa Tenancy Act. The sanction of Government for this had already been given in the notifications issued for the district as a whole.

The traverse was done in the hot weather of 1927, the scale adopted being 64 inches to a mile, except for the river bed, which was on 16 inches to a mile.

As the survey was done under the Orissa Tenancy Act the plot unit was the area held by one tenant or set of tenants under one landlord in one right. The details within a plot, such as buildings, were shown on the maps, but their boundaries were crossed with 'f' marks to show that they are not plot boundaries, and they were not given separate numbers.

In *khanapuri* a special form of *khassra* was devised for the urban area, the ordinary form being used for the rural area within the municipality. But only one plot serial was maintained in each village.

In the last settlement, *khass mahal* plots were given a separate serial in English, but in this settlement all plots have been given one serial in the vernacular.

The areas of plots have been recorded to three places of decimals at this settlement.

* The results were most satisfactory. P. T. M.

Pukka holdings have been shown on the maps with hatching. They are described as *makan* or *kotha*, and *kutch*a houses as *ghar*. Land used as "house gullies" as defined in the Municipal Act have been shown on the maps if broad enough to be plotted separately. If too narrow for this, a note of the right of entry of the municipal sweeper has been made on the record in those cases in which the sweeper passes through the holding in order to reach a latrine or cess pit in another holding.

Many roads and drains of the municipality were recorded at last settlement under private landlords as "settlement *minha*" in favour of the municipality. All such lands have now been recorded in the *khata* of the municipality under *Bharat Samrat*, except in the case of such lands in the *khas mahals* where the municipality had made an agreement with Government that the latter should retain the proprietary right.

118. *Statuses in Cuttack town.*—In recording tenants in the town care was taken to distinguish mere renters of houses from parties who held an interest in the land. The former, who are known as *bharadars*, have not been recorded at all, as the record was prepared under the Tenancy Act and is only concerned with rights in land.

A large number of unintelligible statuses were recorded at Provincial Settlement and such terms as *pattadar*, *bajyasti* and *chandnadar* seem to have been used rather loosely and indiscriminately. In this settlement we had to make careful enquiry to determine which tenants were entitled to *chandna* status under the Tenancy Act and which were holding under terms of a contract subject to the Transfer of Property Act. In the *khas mahal* areas the tenants hold under written leases and their rents are fixed only for the term of the leases; they are clearly *pattadars*. A proposal to change their status to that of *chandnadars* by agreement in order to enable their rents to be settled by Revenue Officers at time of settlement was rejected by Government. In the temporarily-settled area it appeared from enquiry that most of the urban tenants are really *chandnadars*. Their description in the last settlement *khatian* or *teri*j generally includes this term, and they were also found to be so described in the revenue assessment reports. Their rents had been fixed for the period of the settlement. Even leases granted after last settlement generally show the rents to be liable to alteration only at a new settlement. Such tenants come under the definition of *chandna* in the Tenancy Act.

It was generally found that tenants who had taken leases since last settlement had been given permanent right. Those who specially claimed this and proved it were recorded as *istimarari chandnadars* or *pattadars*. But the absence of the term *istimarari* does not necessarily imply that the tenant is holding on a temporary lease.

A few tenants even in the urban area were found with status *sthitiban*. Even when inappropriate to the present nature of the holding this status was maintained, as no action had been taken to cancel it.

Under-tenants in various degrees are recorded as *daripattadar*, *daradar*, *pattadars*, *darchandnadar* and *daradarchandnadar*, etc.

119. *Bajyastidars in Cuttack town.*—The term *bajyasti* is found in the status of many holdings at Provincial Settlement. The question whether these holdings are real *bajyasti* according to the definition in the Tenancy Act had to be decided after considering the evidence available. The result was that 678 holdings were recorded as *bajyasti sthitiban* and 75 tenures as *bajyasti madhyasatwadhikari*. The status of *bajyastidar* was not recorded at all in the town *khas mahal* and was only given to a few tenure-holders in the Cantonment *khas mahal*. The expression *purba lakhiraj bajyasti* is found in the Provincial Settlement record of some holdings but in the *khas mahal* settlement of 1913 this status was deleted. In a case between the *kaas mahal* and a leading tenant. Babu Priya Nath Chatterjee, the latter claimed to be a real *bajyastidar* with permanent rights and obtained a decree in his favour in the original Court, but the case was compromised on appeal.

to the High Court and this point was left undecided. At this settlement no tenant claimed *bajyasti* status in the town *khas mahal*. Some revenue-free lands recorded as such in Register D, Part II, were found to have been recorded under *khas mahal tauzis* at last settlement. This mistake has been rectified and the revenue-free lands recorded under the *khewats* of the *baheldars*.

120. *Government and railway lands*.—Much trouble was experienced in determining the boundaries of Government lands and of lands under the Bengal Nagpur Railway, and in reconciling the present survey with old maps and land acquisition plans. In the case of railway lands the problem was made much more difficult by the failure of the Railway authorities to maintain proper boundary marks.

121. *Village notes*.—In permanently-settled areas the Attestation Officers wrote up village notes describing the agricultural and economic facts of each village. The customs regarding jungle in these estates were only treated in some selected villages. I think that this work would have been of greater value if a regular procedure had been adopted, with issue of notice to the interested parties. Some attempts were made to induce landlords to apply for protection of the forests under the Forest Act, particularly in Sukinda and Marichpur, but these were not successful. The Raja of Pachkote as lessee has applied for protection of his tenure in Dalijora. Protection is also being taken up in the Ekhrayat *mahal*, where jungle *khatians* are being specially prepared by the settlement staff. In several places, it is desirable that some such measures should be taken to save the forests. It is particularly necessary in the sea-coast *killas* where the jungle fringe serves as a natural barrier against salt water floods, and in Sukinda.

CHAPTER VI.

Rent Settlement.

122. *Rents at Provincial Settlement.*—The history of rents in Orissa up to the Provincial Settlement is set forth in the interesting account of Mr. Maddox in his Chapter XXII, Part I. At that time no rent settlement had been done since the Revenue Settlement of 1837, 60 years before. Mr. Maddox found that the average incidence per acre of rents of settled and occupancy *raiya*ts had been at the previous settlement Re. 1-9-0, and that in the pendency of the settlement it had risen to Rs. 2-3-0, an increase amply justified by a rise in the price of rice by about 140 per cent. The result of the Provincial Settlement was to enhance the incidence very slightly to Rs. 2-5-0, per acre. The rents assessed at Provincial Settlement therefore represent a considerably smaller proportion of the value of the produce than those of the 1837 settlement. At Provincial Settlement the price of rice was 18 seers to the rupee so that the average rent incidence, expressed in terms of produce, amounted to 41½ seers. Mr. Maddox calculated the average produce of paddy per acre to be 13½ maunds in irrigated lands and 12 maunds in unirrigated lands. Assuming the proportion of rice to paddy to be 5/8, an area of irrigated land produced 337 seers of rice and an area of unirrigated land 300 seers. The rent assessment was therefore rather light.

123. *Rents at Revision Settlement.*—The Revision Settlement was not essentially concerned with rent but landlords in the areas finally published after August 1911 had an opportunity of applying for enhancement of rents, as the statutory period of 15 years expired in September of the next year (see Mr. James's report, paragraph 149). This area included 50 lakhs of plots, covering more than half of Cuttack district and the whole of Puri, "Only 1,439 applications for enhancement were filed. Most of the cases were settled out of court or withdrawn; in 599 cases enhancement was allowed from 2 to 2½ annas in the rupee. The average enhancement was at 2.08 annas." Mr. James attributed the small number of applications partly to the short time allowed for filing them and to "the consideration that subdivision of *tauzis* and tenancies had made the rent of the average *khatian* so small that the enhancement to be expected is hardly worth the expense of a case under section 105".

124. *Present rent settlement.*—The first area taken up for rent settlement was in Balasore district. At the beginning of the field season 1923-24 Mr. J. A. Hubback, as Director of Land Records and Surveys, wrote after consulting the Settlement Officer, Mr. Toplis, a preliminary note on rent and revenue settlement problems in Orissa, in which after examining the previous history of rents he suggested that "the general principle to be adopted should be to enhance all ordinary *raiya*ti rent at a uniform rate based solely on the rise in prices, except where for special reasons such as sand deposit, loss of irrigation facilities or flood protection concessions may rightly be given".

During the same field season Mr. Hubback went more fully into the problem of rent settlement in Balasore with Messrs. Toplis and Mansfield and on February 1924 submitted definite proposals to the Board of Revenue. I quote the following from his letter to the Board —

"I will discuss in the first instance the case of the ordinary settled and occupancy *raiya*ts of Orissa. Their rents can only be enhanced on the ground of a rise in prices, and the pitch of such enhancement must be conditioned by general economic factors. No one could justly impose a material enhancement if it were found that the present rent demand pressed

so heavily that the land was going out of cultivation for sheer inability to cultivate at a profit. It will probably be urged by those who oppose enhancement that the population of the Orissa coast districts has decreased and that this is due mainly to agricultural distress. There is no doubt some truth in this, but if the argument be developed that the distress is caused or even seriously augmented by the high level of rent, it ceases to have any weight. The causes for the decrease of population in these districts have been fully analysed in paragraphs 59—66 of Mr. Tallents's Census Report (Volume VII, Part I). They have suffered no doubt during the last twenty years from agricultural calamities of a serious character, as well as from epidemics, some of which are connected with those calamities."

"The effect on the population may partly be judged by the following figures of the incidence per square mile at different census years :—

—			1921.	1911.	1901.	1891.
1			2	3	4	5
Cuttack	...	...	565	577	564	530
Balasore	...	...	470	506	515	478
Puri	...	...	381	410	407	378

Cuttack has much the same population as in 1901, and Balasore and Puri scarcely differ from 1891. Thus taking the whole thirty years' period of the current settlement, there has been, on the whole, no very striking variation in the population, the effect of the calamities of the more recent years having done no more than efface the increase caused by the comparative immunity of the earlier years. Indeed, it would be surprising if, in the absence of some marked improvement in the system of agriculture, or some considerable development of industries, the population of a tract where cultivation has already extended over most of the available land, should show a material increase over a long period."

"That the pressure of population on the land has in 1900 nearly reached the limit, which could not be exceeded without a reduction of the standard of living, was fully recognized by Mr. Maddox (paragraph 198. Volume I of his report). It is possible to ascribe the stationary character of the population to the pressure of rent incidence. The rents of the majority of tenants were not increased at the last settlement, and consequently they are now paying what they paid in 1897 and probably for many years before that date. Yet the population in all three districts steadily increased between the years 1881, 1891 and 1901, and while practically stationary in Balasore and Puri continued to increase in Cuttack up to 1911. None but the most insignificant alteration in rent demand was made at Mr. James's Revision Settlement, and hence there is absolutely nothing to connect rent pressure with the check in growth of population. The legitimate conclusion is that the rents settled at the Provincial Settlement were such as the people could well bear at the time."

"It may now be considered what the pitch of those rents really is. The average produce of unirrigated land in Balasore according to Mr. James's report (paragraph 62) was $13\frac{3}{4}$ maunds of paddy per acre. Some 800 experiments have been made this year in the attestation area, and although they have not been fully tabulated and examined, we were able, from an examination of the registers of a number of camps, to judge that the average of this year, which is about a normal year, is not very far from

Mr. James's figure. Mr. Maddox arrived at a higher figure for the three districts taken together, but it seems probable that Puri and Cuttack are more fertile as the higher rates of rent would indicate."

"The equivalent in rice ($\frac{1}{4}$ of the paddy) is 344 seers. The average incidence of rent for settled and occupancy *raiya*s in Balasore is about Re. 1-12-0 an acre. On the basis of the average prices of 1887-96 of 17.9 seers per rupee, a *raiya* would have to sell 33.3 seers of rice to pay his rent. For the decennial period 1903-12 the average price was 12.6 seers per rupee, and the *raiya* would have to sell 22.1 seers. For the ten years 1913-22 the average is 9.3 seers per rupee and the *raiya* would have to sell only 16.2 seers. Even if the rents are enhanced by 25 per cent to Rs. 2-3-0 only 20.3 seers will have to be sold or less than two-thirds of the amount required to pay the rent at the time of the Provincial Settlement. Such a rent is scarcely more than one sixteenth of the yield in grain, leaving aside by-products. It cannot be characterized as oppressive."

"It is true that it is higher than the rent paid for similar lands in some parts of Santal Parganas and in Sambalpur. In Dumka Damin the rent for second-class rice land is 18 annas an acre and for third-class 12 annas. I have recently seen a good deal of that area and of Balasore and would place the average land of Balasore between those two classes. Hence the Balasore rate is high compared with the Dumka Damin rate. Again in Sambalpur similar land would probably be put as having about 24 soil units and would bear a rent of from 9 to 12 annas. In the Kolhan the rate is 12 annas. All these tracts are, however, notoriously low rented as might be expected in areas still under development. In Manbhum similar land would pay from Rs. 2-4-0 to Rs. 2-8-0 and in Ranchi and Hazaribagh from Re. 1-8-0 to Rs. 2-4-0. In Palamau private estates second-class rice land is rented at anything between Rs. 4-3-0 to Rs. 7 an acre, and third-class from Re. 1-11-0 to Rs. 4-3-0. In the Government estate of that district the range is from Rs. 2-7-0 to Rs. 4 for second-class and from Re. 1-5-0 to Rs. 2-3-0 for third-class rice land. It is more difficult to compare with rents in South Bihar where rates do not exist and the problem is complicated by the greater extent of *rabi* areas and by the prevalence of produce rents. It can, however, scarcely be denied that in South Bihar *rabi* land is on the whole, less valuable than rice land or that the rent derived from produce-rented lands is more than that obtained from cash-paying lands. Hence it is significant to find that the average cash rent in south Monghyr is Rs. 3-8-0, in Shahabad Rs. 4-1-0, in Gaya Rs. 6-1-0 and in Patna Rs. 7-8-0. I know South Monghyr, Shahabad and Gaya very well and Patna to some extent. Leaving aside the areas in the three latter districts fully protected by the Sone Canals, I am convinced that the land in all four districts is not markedly more productive than Balasore. In Patna about 15 per cent of the net-cropped area is so protected and the district yield of paddy was estimated by Mr. James at 13 maunds for broadcast and 16 maunds for transplanted. In Shahabad about 23 per cent is protected, and the district yield of paddy has been estimated by Mr. Tanner at 12 maunds per acre. Compare these figures with the Balasore yield of certainly more than 12 maunds and possibly as much as 14 maunds per acre, and it is apparent that, if the rent incidence in South Bihar were distributed in rates based on classification, land equal to the average of Balasore land would bear a rate of anything from Rs. 3 to Rs. 6 an acre at least. To go beyond the limits of our own province it is equally significant that in the thanas of Midnapore district that lie nearest to Balasore, Dantan, Egra, Ramanagar and contai, the average rent incidence for settled *raiya*s is Rs. 2-14-0 an acre. Excluding the part of that district that resembles the upland of Chota Nagpur much more than the coast districts, Mr. Jameson finds that the average rate is Rs. 4 an acre, and estimates the yield of paddy for that area at 16 maunds an acre."

The conclusion is a fair one that among the districts of the province that are fully developed Balasore has at present a low rent incidence, and compares favourably in that respect with Midnapore, and there is consequently no ground for arguing that a substantial enhancement will raise the rent incidence unfairly high."

After discussing the economic situation as deducible from trade statistics Mr. Hubback continued :—

"The formula of section 38 of the Orissa Tenancy Act permits an enhancement of $16 \times \frac{O-N}{N}$ annas in the rupee, where O is rate in seers per rupee for the first decennial period and N is the rate for the second decennial period. According to the statement on page 664, Volume II of Maddox's report the average for the period 1888—1897 for Balasore was 18 seers 7 chataks. But Mr. James found reason to doubt this and took instead the rate of 17 seers 14 chataks (paragraph 38 of his report). I adopt this figure. The figures for the periods 1903 to 1912 and 1913—1922 have now been compiled and are to the nearest chatak, 12 seers 9 chataks and 9 seers 4 chataks, respectively. The enhancement strictly due on a rent which has not been enhanced since the Provincial Settlement would thus be very nearly 10 annas in the rupee, while for the comparatively few rents enhanced at the Revision Settlement an enhancement of $3\frac{1}{2}$ annas would be admissible. Mr. James enhanced by 2 to $2\frac{1}{2}$ annas in the rupee."

"In view of these figures and the discussion in the earlier paragraphs of this letter, I see no reason why a general enhancement of four annas in the rupee should not be imposed in the case of rents of ordinary *raiya*s which have not been enhanced since 1897, and of two annas in the rupee in the case of those enhanced at the Revision Settlement. Such enhancement would bring the rent incidence of occupancy *raiya*s up to about Rs. 2-3-0 per acre in Balasore. There is very little land in the district which has been recently settled. But it may be noted that the rate paid by the *raiya*s in the tract between the Coast Canal and the sea near Chandipur is Rs. 3 an acre. In the villages on the skirts of the hills near Kupari new settlements are being made at 25 to 100 per cent above the village rate plus a *salami* of Rs. 10 to Rs. 25 an acre. As far as they go, these facts support the case for a substantial enhancement. It may also be noted that there is good reason to believe that rents were under-stated at the Provincial Settlement and that higher rents than those shown in the record-of-rights actually paid in many villages."

"While recommending a general enhancement of 25 per cent I do not mean to exclude the possibility of taking a smaller enhancement, or even none at all, in tracts where there is clear evidence of deterioration since the Provincial Settlement or probable future deterioration as the result of the action taken on the report of the Flood Committee which is about to begin its sittings."

There is then some description of the flood-affected tracts. "I do not, however, intend that the Settlement Officer should accept without question the proposition that because an area is liable to flood it should therefore escape enhancement of rent as a matter of course. The pitch of the rents now current, and the question whether the liability to flood is long-standing or not will have to be examined. Besides it is well established that floods, if not too frequent, are on the whole beneficial rather than the reverse."

Government orders were communicated at the end of March 1924. As regards rents of ordinary *raiya*s Government considered "that it will ordinarily be sufficient to impose an enhancement of 25 per cent on the rents fixed at the last revenue settlement and of $12\frac{1}{2}$ per cent on those fixed in the revision operations. These enhancements, of course, will be independent of any alterations of area under section 60 of the Orissa Tenancy Act. They will also be liable to modification in the areas subject to injurious inundation".*

*Letter no. 2593-R., dated the 31 March 1924, from the Secretary to Government, Revenue Department, to the Secretary to the Board of Revenue.

125. *Rents of bajyafidars.*—The rents of *bajyafidar raiyats* required special treatment. These were first assessed to rent at the revenue settlement of 1837. The Orissa Tenancy Act does not recognize any distinction between different classes of *bajyafidar raiyats*. But in previous settlements they were placed in two main categories, *kamil bajyafiti* and *nisfi bajyafiti*. The former were nominally assessed at full rates but Mr. Maddox points out that in reality this was not done and the average incidence of the original assessment was only 1+ annas, and "curiously enough it was higher by 4 annas in Puri than in Cuttack". The average incidence at the time of Provincial Settlement was only 12 annas. The result of that settlement was to enhance them by 53 per cent and to raise the average incidence to Re. 1-5-0 per acre. *Nisfi bajyafiti raiyats* were allowed the privilege of holding nominally at half rates and in fact the assessment was much lower, viz, 7 annas per acre. The actual incidence at the Provincial Settlement was only 6 annas. The original assessment at half rates was expressly for the term of the settlement. At the Provincial Settlement those *nisfi bajyafiti* rents underwent a large enhancement and the average incidence rose to Re. 1 per acre, which was however still a light assessment. It is to be borne in mind that *bajyafiti* rents were fixed in 1837 for the whole term of the settlement and were again so fixed at the Provincial Settlement. At this settlement the question whether the *bajyafidars* should be allowed to retain their privilege of light rent assessment was discussed. Mr. H. T. S. Forrest, I.C.S., as Commissioner, pointed out that "Mr. S. L. Maddox, I.C.S., while on special duty in connection with the Orissa Tenancy Bill had . . . recommended that at the next settlement the rates of rents of *bajyafidars* should be favourable". *

The orders of Government were that it would be unfair and impolitic to deal harshly with this important class of tenants. They have therefore decided that . . . in no case should the rent of a *bajyafidar* be increased so as to exceed two-thirds of the amount found by multiplying the cultivated area of his tenancy by the new village rate. Within that limit, Government considered that *bajyafiti* rents might ordinarily be enhanced by 50 per cent.

126. *Rents of chandnadars.*—About *chandnadars* Mr. Hubback wrote† "In ordinary villages it may be presumed that the money value of their profits or wages has increased in proportion to the rise in prices of staple crops. It is therefore reasonable to call upon them to pay the same increase of rent for their dwellings as is proposed for agricultural tenants, viz., 25 per cent. In the larger bazars it may be proper to enhance rents to a greater extent, if there is any indication that letting value of land occupied by such tenants has increased more rapidly than the general rise in prices. This may be left to the Settlement Officer to decide subject to the usual course of appeal." Government accepted this proposal, and remarked‡ that "the Settlement Officer may take letting value into account in the larger bazars."

127. *Proposals for rent settlement in Puri.*—The general principles of rent settlement were worked out with reference to Balasore, which was taken up first. In 1925 in proposing a policy for rent settlement in Puri district the Settlement Officer pointed out that the rise in the price of rice between the decennial periods of 1887—1896 and 1915—24 had been from 18 seers 5 chataks per rupee to 9 seers 2 chataks per rupee, i.e., by almost exactly 100 per cent. Thus an enhancement by 10 annas 8 pies in the rupee on the rents settled at Provincial Settlement would be admissible on this

* Letter no. 255-R., dated the 24th February 1924, from the Commissioner of the Orissa Division to the Board of Revenue.

† Letter no. 562/XXIII-324, dated the 4th February 1924, from Director of Land Records and Surveys to the Secretary to the Board of Revenue.

‡ Letter no. 2593-R., dated the 31st March 1924, from the Secretary, Revenue Department to the Secretary to the Board of Revenue.

ground. The average price in the decennial period of 1901—1910 was 13 seers per rupee. The rise since then rendered admissible an enhancement of the rents settled at Revision Settlement by $4\frac{1}{2}$ annas. After considering all the circumstances affecting the question of rents in Puri Government ordered the same general enhancement of rents in that district as in Balasore. Factors appearing to justify a higher enhancement in Puri were, that the rise in prices had been greater in that district, that crop-cutting experiments had shown a rather better outturn of paddy, that the double-cropped area is proportionately greater and that the average sale price of *raiya* land was higher. On the other hand, it was pointed out that in Puri district cultivation had well-nigh reached its limit, that the existing rate of rent was slightly higher than in Balasore, and that a much larger proportion of the rice land grows *beali*, which is less valuable than *saradh*.

128. *Treatment of flood-affected areas in Puri.*—The orders finally passed by Government in this matter were as follows:—"Discretion must be given to the Settlement Officer to interpret the policy now defined and its relation to the actual conditions which he finds prevailing on the spot the procedure which Government have in view is that instead of taking the flooded parganas as a whole and attempting to classify them in zones as previously directed, those areas should be marked out which are liable to frequent flood. In the villages so situated let the normal enhancement be taken at two annas in the rupee, but in those villages which have suffered and are liable to suffer most, to a degree which is markedly detrimental, let no enhancement at all be made. But on the other hand the Settlement Officer may exercise a discretion in imposing an enhancement of more than two annas in villages in which, firstly, the rents are already disproportionate or were understated at the last settlement, or secondly, where the circumstances of the villages are definitely improved for particular local reasons, i. e., the possibility of growing a *rabi* crop, the existence of effective protective embankments, or any other cause."

129. *Proposal for rent settlement in Cuttack.*—In proposing a policy for rent settlement in Cuttack district the Settlement Officer pointed out that the average price of rice in the district in the decennial period 1887—1896 was 19 seers 9 chataks, in 1901—10, 14 seers 2 chataks and in 1915—24 9 seers 11 chataks. The rise since Provincial Settlement was therefore just over 100 per cent, rendering admissible an enhancement by 10 annas 11 pies, while that since Revisional Settlement was by 7 annas 4 pies, rendering admissible an enhancement by 4 annas 10 pies. These figures differ very little from those of Puri district. The same general enhancement was therefore ordered in this district.

130. *Rents of privileged tenure-holders.*—After the general principles of rent settlement had been passed by Government with reference to Balasore district rules were drawn up. The only point which caused much difficulty was to devise a method of calculating fair rent for privileged tenure-holders which ensured that land that had been brought into cultivation since the last settlement did not escape assessment. The most obvious method of doing this would have been to compare the old and new areas of cultivated land but this would have involved much labour in referring in detail to the records of the Provincial Settlement. Various alternative proposals were put forward. The method finally adopted was to calculate the rent at two-thirds of the village rate applied to the cultivated area; it was again calculated by enhancing the existing rent by 50 per cent, if the former figure were the greater the mean between the two was settled, while if not the former itself was settled.

131. *Rents of ordinary tenure-holders.*—The method of assessing the rents of ordinary tenure-holders was somewhat similar. Rent was first calculated by adding 80 per cent of the settled rents of cash-rented tenants under the tenure-holder to the valuation of other cultivated areas at the

new village rate* and again by enhancing the existing tent of the tenure in the same proportion as had been applied to the rents of ordinary *raiya*s; the rent settled was the mean between these two calculations.

At the suggestion of Mr. Mansfield as Settlement Officer a proviso was added to the effect that, if the whole of a tenure is let out to *raiya*s on cash rents and the tenure-holder can prove that this has been so since the Revision Settlement, the enhancement of his rent should not exceed the total enhancement of the rents paid to him. The object of this proviso was to prevent the new settlement of rents from causing an actual decrease in the tenure-holder's income, as would happen in the case of a tenure-holder whose assets consisted entirely of cash rents which were enhanced by less than the enhancement of his own rent.

132. *Rents of bajyasti raiya*s.—The rule framed about rents of *bajyasti raiya*s was that they should be enhanced by 50 per cent, any excess areas being assessed at the village rate. Where, however, the old rent enhanced by 50 per cent exceeded the assessment of the holding at two-thirds of the village rate, the latter assessment was adopted. Where, on the other hand, the old rent enhanced by 50 per cent was still much below the assessment at two-thirds of the village rate the reason was inquired into by the Rent Settlement Officer, and in many cases an enhancement beyond the usual 50 per cent was passed.

In many such holdings at last settlement the entire area was uncultivated, and the holdings were left unassessed to rent with a note to the effect that they will be liable to assessment when cultivated. When these lands were found to be still unproductive the same treatment was again given to them. When they were found to have been brought under cultivation, they were assessed at two-thirds of the village rate applied to the cultivated area, and when they were found to have been built upon they were similarly assessed at two-thirds of the village rate or lower if this appeared excessive. The general result of the new settlement of *bajyasti* rents is an enhancement by 51 per cent.

133. *Rent settlement procedure*.—In the first block rent rolls were prepared in camp after disposal of section 116 objections, and rent settlement was then taken up. This system did not work well, and from block B onwards the rent rolls were written and checked in recess office after *janch*, and rent settlement camps were then started. The Rent Settlement Officers made local enquiries, where necessary, regarding points raised in the course of *janch*. In Block A no process-fees were charged for filing objections under section 123 but from Block B they were charged in all cases which were not merely objections to the fair rent settled.

In Block A special notices under rule 79 of the Government Rules under the Tenancy Act were issued to tenants who had failed to attend on the general notice. It was found, however, that the general notice was an adequate intimation to the tenants and Government were moved to alter the rule so as to abolish the special notice. This was done in April 1925, and thereby the procedure was greatly simplified.

In the first three blocks the settled rents were at first read out by the Rent settlement Officer as provided by rule 79 of the Rules under the Tenancy Act, and then, after fresh issue of notice, draft publication was done by reading out the rents a second time under rule 81. The draft rent roll was then kept open for one month under section 123 (1), and objections were received. This procedure was too elaborate, and it was found that very few tenants attended the second reading at time of draft publication. Hence Government were moved to modify rules 71,

* From Block D onwards a 10 per cent deduction was made from this valuation of non-cash rented areas.

79 and 81, and this was done in September 1927. Thereafter draft publication was done simply by issuing notice and keeping the draft rent rolls open for one month from the date of the first reading out and settling of the rents by the Rent Settlement Officer.

Following the principles laid down in the orders of Government, the rents of ordinary *raiya*s were in the majority of cases enhanced by four annas in the rupee, but smaller enhancements were made when the lands of the village were found to be incapable of bearing such enhancement because of liability to flood or for any other reason. In fixing the enhancement to be imposed on the rents of ordinary *raiya*s the unit taken was of course the village, although in a very few cases different rates of enhancement were applied to different portions of the same village on the ground that these portions were of widely different quality. Much preliminary work had already been done at attestation with a view to rent settlement. The Attestation Officers prepared an assessment note for each temporarily-settled village, showing the statistics of existing rate of rent, rate of new settlement, rate of sale of occupancy holding, and average produce per acre, with remarks as to the effects of floods, if any, and other relevant matters. He also made proposals as to what would be a fair rate of enhancement in each village. The assessment notes were scrutinized by the Charge Officers, who entered their opinions as to the proper enhancement, and orders were finally passed by the Settlement Officer. The rate fixed by the Settlement Officer was applied in writing out the draft rent rolls and settling the rents, but in some cases further local enquiries were made by the Rent Settlement Officer on the petition of the villagers, and on that officer's report the rate of enhancement was sometimes modified by the Settlement Officer.

The points that were mainly considered were the liability of the village lands to injurious flood, or drought, any deterioration or improvement of the soil that might have occurred since last settlement, the existing level of rents in comparison with that of other villages similarly situated, the sale price of *raiya*ti holdings and the rate at which new lands are settled. Where the existing level of rent was found to be abnormally low without sufficient reason in some cases an enhancement by 5 or even 6 annas was allowed. The statistics of rent settlement will be found in the separate district chapters and the appendix.

134. Section 123.—This section provides for objections to the rent roll, and its intention appears to be to allow an opportunity to object to the rents settled. But it is so worded as to allow parties to object to any entry that appears on the rent roll, and in fact it is much more freely used to reopen matters or status and possession, as the following figures show :—

Name of Block.	No. of cases instituted.	Regarding rent.		
		Allowed.	Disallowed.	Total.
1	2	3	4	5
Block A	14,652	1,619	2,167	3,786
Block B	11,241	356	732	1,088
Block C	19,171	693	705	1,398
Block D	10,577	721	536	1,257
Block E	12,016	1,593	1,524	3,117
Block F	10,974	783	1,001	1,784
Cuttack town	537	136	115	251
Total	79,168	5,901	6,780	12,681

It can be seen that objections about rent were not very numerous. In average they represent 0.6 per cent of the number of holdings.

135. *Appeals under section 125.*—Under section 125 of the Orissa Tenancy Act an appeal lies to the Settlement Officer from any order passed by an Assistant Settlement Officer under section 123. It has been pointed out that the wording of section 123 enables parties to reopen at rent settlement stage all manner of questions besides those concerning rent, and section 125 of course enables them to carry the process one step further. In the early years of the settlement, indeed, the section was freely resorted to by parties on frivolous or inadmissible grounds, but this tendency was later checked by giving instructions on the printed form of applications as to the proper filing of these appeals, and by explaining the use of the section to the public through the officers of the section 123 camps. As a consequence the number of appeals was greatly reduced.

The following table shows the number of appeals in each block and their results :—

Block.			No. of cases.	Allowed.	Rejected.	Modified.	Remanded.
1			2	3	4	5	6
A	...	...	602	13	262	45	282
B	...	...	452	16	299	101	36
C	...	...	158	...	95	7	56
D	...	...	94	...	65	27	2
E	...	...	95	9	52	30	4
F	...	...	159	14	116	27	2
Cuttack town			19	4	11	4	...

In order to assist in the disposal of appeals Mr. Scotland was specially empowered as Additional Settlement Officer to hear them in 1927, and I was similarly empowered in 1928.

Under the same section a second appeal lies to the Commissioner. In 1927 the point was raised before the Commissioner whether such second appeal lies on questions not affecting rent and the Commissioner held that it was only from orders settling fair rent that such an appeal lay to him.

In the course of the settlement, excluding Cuttack town, only two appeals were filed to the Commissioner under section 125, and these were unsuccessful. Three appeals were filed in cuttack town and are still pending.

136. *Section 128.*—The work of rent settlement under section 128 in the permanently-settled estates is described elsewhere. In the revenue-free estates also rents were settled on applications under this section. The enhancements were asked for mostly on the ground of rise in prices. The principles that governed rent settlement in the temporarily-settled area were applied equally in the revenue-free area. Due consideration was given to the lands which were found to be injuriously affected by floods or any other natural disadvantages. Normally the same rates of enhancement were allowed as in the temporarily-settled areas, with allowance for the fact that existing rents were already rather higher. The result has been an enhancement on the average by 21 per cent.

137. *Commutation cases.*—An opportunity was afforded to the produce-rented occupancy *raiya*s to apply for commutation of their rents under section 47 of the Orissa Tenancy Act. The cases were tried by Assistant Settlement Officers, with an appeal to the Settlement Officer and a second appeal to the Commissioner.

The number of cases filed in each district and their results are shown below :—

District.	No. of cases filed.	Allowed.	Disallowed	Area commuted,	Rent.	Average.
1	2	3	4	5	6	7
					Rs. a. p.	Rs. a. p.
Cuttack ...	4,404	2,184	2,220	2255.22	13,753 4 0	6 1 6
Puri ...	638	238	400	399.53	2,044 8 6	6 0 4
Balasore ...	2,224	878	1,346	1112.05	3,587 5 9	3 3 7

The greatest volume of cases was in Block E, in which there were no fewer than 1,755 applications. This was ascribed to the *raiya*s having at length become fully alive to their opportunities under the section. But in Block F the number of applications fell to 53 only. This suggests that the *raiya*s, especially in flooded areas, were disappointed at the results of the commutation cases, as they had hoped to get their rents commuted at the village rate, but the drop is also partly explained by produce rents being less common and by the landlords being more powerful. The intelligent landlord discovered that it was better for him to commute the rent out of court, leaving the produce rent on the record so that the valuation of the holding at revenue settlement would be at the village rate.

The large percentage of disallowed cases also requires explanation. Some of these are, of course, due to the application of sub-section (6) of section 47 in favour of Brahmin landlords with small means or of religious endowments dependent on their produce rents. But more often the cases were disallowed as they were not *bona fide* commutation cases but attempts to reopen questions of status or rent. Moreover, many cases were withdrawn, either because the landlord had brought undue influence to bear, on the tenant, or because he had accepted *salami* to commute rent out of court.

The numbers of appeals to the Settlement Officer and second appeals to the Commissioner with their results are shown below :—

First appeal to Settlement Officer.					Second appeal to Commissioner.			
No. filed	Allowed.	Modified.	Rejected.	Remanded.	No. filed.	Allowed.	Rejected.	Remanded.
1	2	3	4	5	6	7	8	9
263	2	48	164	49	53	7	35	13

The seven appeals allowed by the Commissioner formed a batch of cases tried jointly.

138. *Assessment of resumed desheta jagirs.*—Some holdings in the temporarily-settled area, which had been recorded as *desheta jagir* at last settlement and not assessed to rent, were found to have been alienated to

persons who did not perform the services for which they were held rent-free by the previous holders. It was suggested that the transfers should be ignored, as in contravention of section 235 of the Orissa Tenancy Act, and restored to the village servants. But the Board of Revenue did not consider this practicable and it was not apparent that the villagers had suffered from the passing of these lands from the hands of the village servants. Accordingly Government ordered that these holdings should be recorded under the present holders and assessed to rent at the village rate.

139. *Tanki bahel tenures previously unassessed.*—Some *tanki bahel* tenures were left unassessed at last settlement because the lands were uncultivated. When these had now been reclaimed they were assessed to rent at the average rate of *tanki* tenures found in the village.

140. *Commutation of rent under sections 118 and 119.*—The question was raised whether commutation of produce rents could be done with the consent of the parties as part of the settlement of fair rents under sections 118 and 119. The Legal Remembrancer gave the opinion that applications for commutation cannot be dealt with under sections 118 and 119 as the Act had provided a special procedure for commutation in section 47. There was, however, no objection to settling as fair rent any cash rent agreed upon by the parties under section 119 (a). An attempt to settle cash rents by this means was tried in Block A, but it did not produce much result, and was found inconvenient as it held up the disposal of rent settlement. It was not attempted in subsequent blocks.

141. *Date from which settled rents took effect.*—Section 139 of the Tenancy Act lays down that in temporarily-settled areas the newly-settled rents should take effect from the expiration of the period of the current settlement or from such other subsequent date as may be fixed by the Revenue Officer. The period of the last settlement expired with the second *kist* of the year 1927. Rents which had been confirmed before the next succeeding *kist* (i.e., the *Chaitra kist* of 1928) came into effect from that *kist*. The bulk of the rents settlement work, however, was done later than this, and the rent subsequently settled were recorded as coming into effect from the *kist* next after the confirmation of the rent roll. Great difficulty was experienced in devising a concise but at the same time clear and definite form of entry of the date of taking effect of the newly-settled rents, especially in view of the need for making it applicable to those estates in which the custom is different from the usual one of paying the rent in instalments falling due on the last day of each half of the agricultural year.

In Blocks A and B the entries were respectively *san 1335 fasal tharu deo* and *san 1335 fasal sunya tharu deo*, meaning in each case that the new rent became payable from the first *kist* of the year 1335 (normally this would be first payable in March 1928). Later the practice was adopted of entering the actual date on which the first instalment of the new rent would, according to the usual custom, be payable. For instance the entry was made *1335 sal 30 Chaitra re deo*, which meant that the first instalment was payable in March 1930, or *1337 sal 30 Aswin re deo*, which meant that it was payable in October 1930. This left some doubt in the minds of the landlords and tenants of estates in which 30th *Chaitra* and 30th *Aswin* are not the customary *kist* dates. It was explained to them that in their cases the first instalment of the new rent became payable from the first *kist* date that falls after the 30th *Chaitra* or 30th *Aswin*. The landlords were not entitled to collect the new rent on any *kist* date anterior to the date entered on the record. This was also made clear on the order sheets of the rent settlement proceedings.

142. *Entry of cess.*—Ordinarily cess was not noted in the tenure-holders' *khewats* in view of the fact that a revaluation was imminent. But in Kanika estate cess was entered on the proprietor's objecting to its omission.

Cess of cash-rented *rai-yats* was entered after calculation at half an anna in the rupee of rent, but no cess was recorded on rents below four

annas. In the case of produce rents the rule was to enter *dhulibhag mai cess* or *sanja mai cess* where no cess is separately realized.

143. *Rent settlement in Cuttack town.*—Rent settlement under Chapter XI. Part II, of the Orissa Tenancy Act was done in Cuttack town only in the case of tenants under private *tauzis* with statuses which bring them within the Act, e.g. *chandnadars*, occupancy *raiya*s and *bajyafidars*. The level of rents in the *zamindari* area of the town has remained practically unchanged since the Provincial Settlement. On the other hand, there is overwhelming evidence of a great advance in the value of land. This is particularly striking in the area contiguous to the Railway Station, where the sale value of land has increased tenfold. The rents in the Town *khas mahal* were enhanced in 1913 and although not unduly high are still much above the level of those in *zamindari* areas. The normal enhancement by 4 annas in the rupee was clearly not appropriate to the town rents. In settling these rents the *zamindari* area of each village was divided into blocks, each being of a uniform quality, and the enhancement to be applied to each block was laid down after comparing the present level of rents in the block with that of other blocks having the same characteristics, and considering the sale price of land in the block, the rents paid by under-tenants and other available data. When the existing rent was below the average of the block the rent settled was the mean between the new block rate and the existing rent enhanced by the proportion applied to the block,

This method of rent settlement resulted in an enhancement of rents by 49 per cent. After reductions made on objection under section 123 the enhancement was by 46.3 per cent. There were 251 such objections about rent. There were 11 appeals on the subject of rent under section 125, in 2 of which a slight further enhancement was allowed while the other 9 were disallowed.

The rent settlement embraced 4,349 tenancies of which 1,867 were *chandna*, 1,640 were *sthitiban*, 678 *bajyafiti sthitiban*, 86 *kharida jamabandi* tenures and 68 *bajyafiti tenures*. There were in addition 1,780 under-tenancies (*shikmi raiyati* or *darchandna*). As a result of the settlement the average rate of rent of the *sthitiban raiyats* is Rs. 4-8-0, that of the *chandnadars* is Rs. 12-4-0 and that of the *bajyafiti raiyats* Rs. 10-4-0 per acre. The average rent of the under-tenants is Rs. 18-1-0 per acre.

144. *General results.*—The general result of rent settlement over all the three districts is shown in the following table :—

Class of Tenancy,	Number of holdings	Area under present settlement.	Rents.		Percentage of increase over existing rent.	Rental incidence per acre.	
			Existing.	Settled.		Existing.	Settled.
1	2	3	4	5	6	7	8
			Rs.	Rs.		Rs. a. p.	Rs. a. p.
<i>Kharida jamabandi</i>	40,293	41,712	62,073	83,808	35	1 7 10	2 0 2
<i>Bajyafiti tenure and tenancies.</i>	293,311	268,903	2,78,679	4,21,875	51	1 0 7	1 9 1
Settled and occupancy.	1,426,294	1,354,737	30,32,135	37,68,135	24	2 3 10	2 12 5
<i>Sthitiban babat nijjote.</i>	45,562	23,468	...	73,051	...	...	3 1 10
Non occupancy ..	6,092	8,441	13,171	16,635	26	1 9 0	1 15 4
<i>Chandna</i> ..	31,012	5,658	28,692	35,949	25	5 1 2	6 5 8
<i>Chaukidari resumed jagir.</i>	26,883	18,623	39,838	49,424	24	2 2 3	2 10 6
Ordinary tenures ...	10,935	33,415	45,916	59,492	30	1 6 0	1 12 6

CHAPTER VII.

Revenue Settlement.

145. *Principles of revenue settlement.*—Revenue settlement of Block A was started in May 1927. Before the work was taken up the main principles of assessment had been laid down by Government after some correspondence with the Settlement Officer, the Director of Land Records, the Commissioner and the Board of Revenue. The period for which the new settlement was to run was fixed at 30 years from 1927, the year in which the term of the last settlement expired. The general principle has already been laid down that settlements should usually be for this period, which is quite appropriate to Orissa in view of the moderate rate of development of the assets of the estates.

146. *Proportion of assets taken as revenue.*—In fixing the proportion of assets to be taken as revenue Government maintained the same percentages as at the last settlement, viz. 50 to 55 per cent, as the normal limits. In dealing with injuriously-flooded areas, however, where there was little or no increase of rent, some leniency was to be exercised, and if the proprietor's income was being reduced the revenue percentage was not to exceed 50 per cent. In treating individual estates the Settlement Officer was instructed to use his discretion. The decision to maintain the normal revenue ratio at the level of 50 to 55 per cent was taken after considering all relevant factors, as for instance that rents had not increased much since the last revenue settlement, and the increase in the assets of the estates would be largely due to enhancement of rents by the settlement itself, so that the adoption of the same principles as at last settlement would normally result in an increase in the proprietors' incomes.

For calculating the assets of estates certain principle were laid down,

147. *Valuation of nijjote and nijchas lands.*—As regards landlord's *nijjote* and *nijchas* lands the rule laid down at last settlement ran as follows:—"The Assistant Settlement Officer will make the normal valuation for *nijjote* and *nijchas* at the village rate but should so far as possible at the time of settling fair rents assess *nijjote* and *nijchas* lands at the actual valuation (letting value) rather than at average rates." At this settlement the rule laid down was that where the lands were at last settlement valued at the village rate or less they should now be valued at the new village rate, but that where at last settlement they were valued at more than the village rate the last settlement rate should be increased by the same proportion of enhancement as was given to the ordinary cash rents of the village. This is clearly a lenient method of valuing lands in the possession of the landlord, and it was not adopted without considering some other suggestions, such as that the valuation should be at one and a half times the new village rate. This latter suggestion was made by the Director of Land Records and supported by the Commissioner and the Board of Revenue. It was indeed tentatively assented to by Government when the subject was first discussed along with the rent settlement policy. The Director had pointed out that such lands, as observed by Mr. James, were valued for cess purposes at Rs. 8 per acre. Government considered that "theoretically there is no reason why the cess valuation which is a measure of the landlord's profits from this class of land should not be taken as the valuation of the land in reckoning the assets It is desirable that assets should not be obscured by any under-valuation of private land. On the other hand . . . *nijchas* and *nijjote* lands at last settlement were ordinarily valued for revenue purposes at the village rate, and it would excite opposition if in the present revision the same lands were assessed at rates which are about four

times the average village rate on the whole Government are inclined to think that valuation 50 per cent in excess of village rates is moderate and reasonable ”.

It was partly in consideration of the fact that the normal revenue percentage was not being lowered that the still more lenient method of assessing these lands was ultimately decided upon. It had also been urged by Mr. P. W. Murphy, as Commissioner, that the landlord should not be charged a higher revenue if he chose to keep his lands *khas*, as he was entitled to do. Government's final order stated that “it is true that assessment at the village rate may result in under-valuation but on grounds of policy Government are of opinion that the rate of assessment adopted at the last settlement may be continued for the next settlement also ”. Experience shows that the decision was justified. Throughout the revenue settlement operations it has been found that, even with this generous system of assessment, the valuation of these lands is perhaps the most common ground of objection by landlords, especially in these cases where they are assessed at more than the new village rate or where they were assessed at a very low rate at last settlement, and assessment at the new village rate has meant a considerable increase in the valuation. I do not think such objections have any very solid ground, but it is apparent that disturbance of the old ideas on the subject of valuation generally evokes opposition.

The rule of assessing *nijjote* lands at the village rate was generally adhered to even when these lands were held by tenants on cash rents.

148. *Valuation of produce-rented lands.*—In the matter of valuation of land held on produce rent also it was considered whether those should be assessed at one and a half times the village rate, in view of their comparatively greater value to the proprietor, and this was indeed recommended by the Board and all officers subordinate to it. Government, however, did not consider it worth while to depart from the practice of the last settlement according to which such lands were valued at the village rate.

A similar decision was made regarding valuation of land held by co-sharer proprietors under section 26(2).

149. *Assessment of tenures.*—In dealing with land held by ordinary tenure-holders the question came up whether these were to be valued on the basis of the assets enjoyed by the tenure-holders, on the principle that Government revenue should not be adversely affected by the creation of an intermediate tenure, as seems to be contemplated by rule 602 of the Settlement Manual. Government, however, accepted the recommendation that the rents paid by the tenure-holders should be taken as the assets. But where the rent appeared to be a beneficial one due to heavy *salami* having been taken or to any other cause, the tenure was to be valued at a fair rent not exceeding the new village rate.

150. *Sairat valuation.*—As in previous settlements the miscellaneous income of the proprietors from such sources as fruit trees, fisheries, jungle fees, markets and ferries were duly calculated as assets of the estates under the head *sairat*. The point was referred to Government whether mutation fees were to be considered as *sairat* income for purposes of revenue settlement. It was calculated from the sale statistics collected that the landlord's income from mutation fees legally realized must be on the average not less than 6 per cent of the rental*, and including fees realized in excess of the legal limits it must be about 8 per cent of the rental. Such income had never been assessed at previous settlements, and it was apprehended that the effect of assessing it would be rather to stimulate the landlords to still greater exactions. Orders were passed by Government that mutation fees should not be included as *sairat* income of the estates.

151. *Assessment of resumed *chaukidari* jagir lands.*—At the time of Provincial Settlement the *chaukidari* assessment in Orissa was found to be in urgent need of reform, and as a result the *Chaukidari Act* (VI of 1870)

*Final statistics show that the income at legal rates would be about 5 per cent of the rental.

was extended to the whole temporarily settled area of Orissa, the *chaukidari jagirs* being resumed and settled with the holders. The lands were included in the estates within which they lay, and an allowance of 15 per cent of the rent was made to the *zamindars*, the remaining 85 per cent being taken as revenue. At this settlement it was suggested by the Settlement Officer that it was not worth while maintaining the distinction between former *chaukidari* lands and other lands of the estates as no distinction any longer exists in the rights attaching to such lands, and that the same percentage of the rents of such lands should be taken as revenue as in the rest of the estate. Government, however, did not adopt this proposal, but ordered that in this settlement also 85 per cent of the assets from former *chaukidari jagiri* lands should be taken as revenue. This made it necessary to identify these lands and record them separately, a difficult task involving a good deal of extra labour.

152. *chaukidari jagirs in permanently-settled area of Balasore.*—In the permanently-settled estates of North Balasore certain lands were found to be still held as *chaukidari* and *paikari jagir*, never having been resumed. A list of these lands was obtained from the Collector and was returned to him after verification by the Attestation Officers. The question of the resumption of these lands and their subsequent treatment was discussed. The Commissioner expressed the opinion that the resumption proceedings would be expensive and of doubtful issue and not worth the gain to revenue that might possibly accrue. The Board accepted this view and the matter was dropped.

In 1928, however, Mr. P. J. Scotland, as Settlement Officer, raised the question of the treatment of the peculiar case of the *paikari jagir* estate, known as *Mahal Mangaraj Batitanki* bearing tauzi no. 1392. The proprietors were paying revenue of Rs. 49-10-0 for the estate, which has an area of over 500 acres, and were still liable to perform certain police duties which were no longer in fact necessary (apparently they still continued to appear at the police-station on *hazri* days). It was clear that the estate had been settled with them for a nominal sum on condition of their performing police duties. The Director of Land Records proposed that the revenue should be enhanced by agreement with the proprietors through the Collector. This proposal was approved but the Collector later reported that his attempt to enhance the revenue by amicable agreement had not been successful, whereupon the Board ordered the matter to be dropped.

153. *Difficulties created by recent partitions.*—In the course of revenue settlement some difficulty was experienced in dealing with those estates which had been partitioned since the preparation of the record-of-rights. Protests were in fact made by the Settlement Department against the practice of effecting partitions between the preparation of the record and revenue settlement. But these were unavailing. In those cases the partition had not of course been given effect to in the finally-published record-of-rights, and in order to give effect to it in revenue settlement it was necessary to make a minute examination of the partition record to ascertain which holdings had been included in each of the estates by partition. Moreover, when this was done and the ordinary rules of revenue assessment were applied to the settlement of each estate, it was found that the distribution of the total revenue between the individual estates was very often in a proportion widely different from that of the revenues allotted by the partition Deputy Collector. The main reason for this lay in the different treatment of lands in possession of the proprietors. These as mentioned above, were generally assessed at the village rate by the Settlement Department, but in the Collectorate in partition cases a very much higher valuation is made. For example in tauzi no. 814 of district Balasore the rate of valuation of such lands in revenue settlement was from Rs. 1-10-0 to Rs. 2-7-0 per acre, whereas in a partition case they had been valued at Rs. 6 per acre. A simpler and more equitable method of assessing such recently-partitioned estates was therefore introduced with the sanction of Government in March 1927. The new revenue was first of all calculated in the usual way for the parent estate as it stood recorded in the record-of-rights, the percentage of increase of revenue was then worked out, and the existing revenue of each

individual estate, as fixed on partition, was enhanced by that percentage. In this way the new revenues of the individual estates remained in the same proportion to each other as the existing revenues fixed on partition.

The proprietors of those recently-partitioned estates use to complain that they would be put to great inconvenience owing to the absence of any record, showing the extent of their estates after partition. For such proprietors, on their paying the costs, statements were prepared of the tenancies and rents under each new estate according to the partition papers. These statements were signed by the proprietors. This procedure was adopted in 188 estates (covering 28 parent estates).

Estates which had been partitioned in the course of last settlement also gave rise to difficulty at revenue settlement, owing to the valuation of *nijchas* lands having been done on a different principle in the partition cases from that adopted in this settlement. The estates which had received a large area of *nijchas* were much more lightly assessed than they had been on partition, and in fact the burden of the increase in revenue fell excessively on the estates with least *nijchas*. This had to be counteracted by varying the proportions of assets taken as revenue. Tauzi no. 377 of district Balasore is a typical example. On its partition, tauzi nos, 4002 to 4012 were formed. In the partition proceedings the *nijchas* lands were valued at rates varying from Rs. 3 to Rs. 12, and the total assets were calculated to be Rs. 2,700. At this settlement, the *nijchas* lands being more lightly valued, the total existing assets were put down as Rs. 2,276. In tauzi no. 4002 the *nijchas* area was about one quarter of the total assessed area, while in tauzi no. 4009 it was less than one-twentieth. The revenue allotted to tauzi no. 4002 on partition was Rs. 70. At the new revenue assessment the existing assets of this estate were calculated, according to the settlement method, to be Rs. 86 only. According to this calculation the estate was paying more than 80 per cent of the assets as revenue. As a result of rent settlement the assets rose to Rs. 100. It was necessary to take 70 per cent of these assets as revenue in order even to maintain the existing revenue of the tauzi. In tauzi no. 4009 a revenue of Rs. 37-5-0 had been fixed on partition. In this settlement the existing assets were worked out at Rs. 117, so that the revenue was only 32 per cent of these assets. The finally-settled assets were Rs. 151, and by taking 50 per cent only, the revenue was more than doubled.

A minor cause of such discrepancies is that occasionally at partition the proprietors agree to assess waste lands at 2 annas per acre. Waste lands in direct possession of the proprietors are not assessed at all by the Settlement Department.

154. *Date from which the new revenue took effect.*—The engagements entered into at the Provincial Settlement expired with the November *kist* of 1927, and the new settlement was due to come into effect at the April *kist* of 1928. In Blocks A and B the rents of the tenants had already been resettled by this time, and were recoverable by the proprietors at the November *kist* of 1927 or before. But in Block C the newly-settled rents became first payable at the *Chaitra kist* of 1335, i.e. on 11th April 1928, and the question arose whether the new revenue, based on those new rents should be payable from the *kist* of 28th April 1928 or at the next *kist*, that of November 1928. It was decided that an estate in which the new rents came into effect at the April *kist* should not have to pay the new revenue until the November *kist*, for if the new revenue had been made payable from the April *kist*, the date from which it became due would have been earlier than the *kist* date for rents, although the last day for payment would have been later. This principle was followed in Block C and subsequent blocks. Thus in the later blocks proprietors remained liable for the old revenue until the *kist* one half-year subsequent to that from which the new rents of the tenants took effect.

It was also discussed whether in the interval between the expiry of the old settlement and the coming into effect of the new settlement based

on the enhanced rents, the estates should become liable to an intermediate increase of revenue based on the increase of assets due to extension of cultivation and other such causes. It was, however, decided by Government that this should not be done.

155. *The form of the kabuliats.*—Mr. D. E. Reuben, I.C.S., as Settlement Officer in August 1926, submitted for Government approval the forms of *kabuliats* to be executed by proprietors and sub-proprietors at this settlement. The forms proposed are based partly on those prescribed in the Settlement Manual* and partly on those used at the Provincial Settlement, with some modifications.

In the 1st clause of the proprietors' *kabuliat* the longer form used in the Provincial Settlement was preferred to the shorter one in the Settlement Manual, as it was felt that the latter might be misinterpreted to mean that a proprietor transferring a portion of his estates is liable for the revenue until the transfer is registered and not after.

The 3rd clause, regarding remission or suspension of revenue and rent on the occurrence of any agricultural calamity, was not included in the Provincial Settlement form, and was taken from the Settlement Manual from, clause 5th, with some alterations to make it clear that the total amount of rent remitted or suspended should correspond proportionately to the total amount of revenue suspended or remitted, †

The same remark applies to the 4th clause, with concerns reductions or remissions on account of deterioration of soil or failure of improvements.

The 6th clause was copied from the 4th clause of the Provincial Settlement form, which was considered to be better than the corresponding clause in the Settlement Manual form, which leaves some doubt as to whether the legal representative of the engaging proprietor is entitled to receive *malikana*.

The 7th clause reproduces the 5th clause of the Provincial Settlement *kabuliat*. The correspondence leading to the insertion of this clause is printed in Mr. Maddox's report, Volume II at pages 129 to 133.

The first paragraph of the 8th clause is taken from the Provincial Settlement form, which differs from the Settlement Manual form in placing no restriction on the proprietor's right to receive the rents derivable from all waste lands brought under cultivation during the period of the settlement. The second paragraph is also based on the corresponding paragraph in the Provincial Settlement and Settlement Manual forms, but the wording has been altered to make it clear that reserved tanks may not be used by the landlord in such a way as to make them unfit for drinking purposes. Moreover, the duties of the proprietors in respect of grazing lands are made more definite, by binding them to report all trespassers thereon to the Collector.

The 10th clause has also been amplified by adding the obligation to grant rent receipts and to maintain proper accounts of rent.

The 12th clause reproduces the 10th clause of the Provincial Settlement form, but adds a few lines to provide for the period intervening between the expiry of the present settlement and reassessment of revenue at the next settlement.

Similar departures from the existing forms were of course made in the *kabuliat* to be executed by the sub-proprietors.

* This refers to the form reproduced at page 335 of the 1908 edition of the Manual.

† It does not appear to me to be entirely just that the remission in revenue should invariably be proportionate to the remission in rent, as it may happen that a flood damages a large area of the proprietor's *mirch* lands justifying a remission of revenue with no corresponding remission of rent.

The 12th clause of the Provincial Settlement form has not been reproduced at all, as due provision for the recovery of the amounts payable by the sub-proprietors has been made in the Orissa Tenancy Act.

In the Provincial Settlement form the schedule to the 1st clause contained a column (no. 3) for the "month in which the *kist* was due," and another (no. 4) for the "latest day of payment." Mr. Reuben drew attention to the fact that these columns are meaningless in the light of the Orissa Tenancy Act, which makes the amount payable by the sub-proprietor recoverable as if it were rent. The latest day of payment must therefore be governed by section 62, and must ordinarily be the last day of each half of an agricultural year. After the Collectors had been consulted on this point the Commissioner recommended that these two columns should be combined into one column, the heading of which should be "date on which rent falls due". The dates would usually be 30th *Chait* and 30th *Aswin*, and in other cases according to agreement or usage. This was approved by Government.

156. *Objections to the clauses of the kabuliat.*—The forms of the *kabuliats* were approved by Government in March 1927. In the course of the operations a number of objections were put forward by the landlords to some of the clauses.

By the 9th clause of the *kabuliat* the proprietors agree to the reservation in the hands of Government of right to "all minerals except laterite and lime-stone". In the Oriya *kabuliat* the word used for minerals is *dhatu drabya* and that used for laterite is *mankada pathara*. The wording of the *kabuliat* caused the proprietors to feel some uneasiness lest their right to take stones should be too closely restricted. The matter was referred to Government, who "did not think it desirable or necessary to make any alteration in the terms either of the English *kabuliat* or the Oriya translation thereof". They instructed me, however, to make it clear in this report "that while Government have the right to all minerals in temporarily-settled estates and are entitled to a right of way and all other reasonable facilities for working and carrying away such minerals they will not interfere with the proprietors of temporarily-settled estates in the exercise of the rights allowed to them in respect of stone other than mineral-bearing rocks and strata, so far as such rights can be exercised without injury to the rights of others".*

The wording of the 12th clause of the *kabuliat* also gave rise to some misunderstanding. Binding the proprietor not to object to resettlement of the estate at the expiry of the present settlement, it corresponds to the 10th clause of the *kabuliat* taken at the Provincial Settlement, but in the present form the following words are added:—"and until such reassessment of revenue is made, I shall hold the estate on summary settlement from year to year and shall not require from Government any notice of its intention to revise the settlement". Some proprietors appeared to apprehend that this clause would enable Government arbitrarily to impose any assessment on their estates at the expiry of the present settlement. On receipt of a memorial on this point, Government remarked that "a reference to the explanation of summary resettlement in rules 646 and 695—697 of the Settlement Manual should remove any apprehensions that the memorialists may feel. They apparently fear that on a summary resettlement they might be bound to pay enhanced revenue without being able to realize any amount of excess rent from their tenants. The summary resettlement mentioned in their *kabuliat* is, however, that of the third type described in the explanation to rule 646, and rule 697 makes it clear that the enhanced revenue could not be based upon any assets except those that were in existence at the time and could not be based on assets to be obtained from a future enhancement of rent. The rules in the Settlement Manual, therefore, in the light of which the

* Resolution no. 955-R.R./S 105, dated the 23rd September 1930.

kabuliat has to be read, show that the apprehensions of the landlords are ungrounded. Moreover, Government consider that this method of settlement is more lenient than antedating the effect of a regular settlement and requiring the payment of arrears from the date of the expiry of the old settlement. Government, therefore, are not prepared to make any alteration in clause 12 of the new *kabuliat*, but they are prepared to state that summary resettlement will not be made without giving an opportunity to each landlord to make a representation of his case".*

An objection was also made to the 8th clause of the proprietors' *kabuliat*. The landlords urged that the obligation to report all trespassers on reserved lands was too rigorous. It was pointed out in reply that the proprietors had previously neglected their duty as regards preservation of grazing lands, and that without some such provision encroachments could not be prevented. It is clearly the landlord's duty to assist the authorities in this matter. Government rejected the petition for amending the clause.

Objection was put forward by some landlords of Puri district against the 5th clause of the *kabuliat*, Parts I and II, which began with the words "I shall respect the rights of all tenure-holders". They apprehended that if they signed the *kabuliats*, they would be precluded by the 5th clause from proceeding with suits against persons who had got their names wrongly recorded in the record-of-rights. It was not the intention of Government to debar the proprietors from their rights of appeal to the civil courts against the settlement record, but in order to remove all anxiety Government approved of the proposal to amend the 5th clause making it begin with the words "I shall not interfere except by process of law with the rights of tenure-holders". No steps, however, could be taken to give retrospective effect to the order by amending the *kabuliats* previously executed. It was observed that there is no clause in the sub-proprietary *kabuliat* similar to clause 5th of the proprietary *kabuliat*, but it was not considered worth while to insert such a clause, as many *kabulats* had already been taken when this point was raised.

An objection was raised by some sub-proprietors to the 14th clause of their *kabuliat*, which gave power to the Collector to take the lands under direct management, on application by the proprietor, on breach of any of the conditions of the *kabuliat*. It was proposed to confine this penalty merely to the breach of the 9th clause (about preservation of reserved land). Government, however, ordered that only the conditions of the 1st and 2nd clauses should be excepted, thus protecting the sub-proprietors from having their lands resumed merely for default in payment of rent. The clause, as it stood previous to this emendation, was inconsistent with section 74 of the Orissa Tenancy Act, which protects the sub-proprietor from ejectment for arrears of rent. In a case in 1906 it had been held that the contract implied in this clause was bad in law, as in contravention of section 65 of the Bengal Tenancy Act, which corresponds to section 74 of the Orissa Tenancy Act (4, C. L. J., page 521).

157. *Objection about miadi sarbarakars.*—The proprietors of taluk Rahang in Puri district represented that certain of the *sarbarakari* tenures which were described as *miadi* in the last settlement were mere temporary rights as distinct from the *mourasi sarbarakari* tenures which were permanent. They wanted the *kabuliats* to be so modified as to suggest that these *sarbarakars* had no permanent right. The settlement courts, however had recognized no distinction between these two classes of *sarbarakars* and had left the proprietor to contest the matter in the civil court. The proprietor of Rahang was allowed some time to file ejectment suits and did so before the Sub-Judge of Cuttack. The decree of the High Court in one of these cases is referred to in a previous chapter.*

*Latter no. 11729-R/S 105, dated the 23rd December, 1930.

158. *Redemption of petty estates.*—In the course of revenue settlement a number of very small estates were found paying revenue of one rupee or less. The retention of such estates on the tauzi rolls is merely an inconvenience and it was therefore decided that the proprietors should be given the option of redeeming the estates by the payment of 25 times the revenue. The revenue adopted as the basis of these payments was that newly assessed at this settlement. On such payments being made the estates were struck off the rolls of revenue-paying estates and entered in the registers of revenue-free estates. The proprietors received *rubakaris* printed in the vernacular and signed by the Settlement Officer.

In the three districts 22 estates were actually redeemed for a payment of Rs. 761.

159. *Problem of the Satais Hazari and assessment of Rahang estate.*—Before the taking over of Orissa by the British the temple of Jagannath at Puri held certain endowments, which were partly in the form of proprietary interest in lands, and partly in the form of assignments of a part of the rents of villages. The British Government recognized all these endowments, but in 1809 the management of the temple estates was taken over by the East India Company, which took upon itself the liability to contribute a fixed sum of Rs. 56,342 a year to the temple. In 1843, however, the endowments were handed back to the temple in lieu of the money payments, and thereafter the temple derived its income directly by collection of the rents and profits of these properties. The partial assignments of rent referred to above amounted to a fixed yearly sum of Rs. 5, 274-13-4, and were attached to 45 villages of the Rahang estate. It appears that when Government restored to the temple the management of the endowed properties, the temple authorities also began to make their own arrangements for collecting this fixed sum directly from the 45 villages. This was probably due to the fact that Government was at that time managing the Rahang estate on account of the recusancy of the proprietor, and was anxious to detach itself from direct concern with the temple affairs. At any rate from thenceforth the temple authorities seem to have regarded themselves as co-sharer proprietors of the 45 villages, collecting rents amounting to the fixed sum stated above. The legal position of the temple had all along been a subject of dispute. The temple authorities claimed to be revenue-free proprietors. The question came up again at this settlement and was fully investigated by Mr. Sumuel Das, Deputy Collector and Assistant Settlement Officer, in a case under section 116. Mr. Das found that the temple was not a proprietor at all in these 45 villages but merely a beneficiary entitled to a fixed annual payment of Rs. 5,274-13-4 out of the rents of the villages. This view was accepted by the higher authorities. The arrangement made was that the proprietor of Rahang should collect the total rents of the villages and pay revenue to Government which might be fixed at as high a percentage of the assets as 60 per cent, and that Government should pay the fixed assignment to the temple. This arrangement was convenient as well as fair to all parties.

160. There are other smaller assignments attached to the Rahang estate which are detailed below:—

					Rs. a, P
Kanak Durga	...	...	...	...	266 10 8
Bimali Thakurani	...	...	...	...	2 10 8
Loknath Deb	...	...	...	...	200 4 3
Sankaracharjya or Gobardhan Math...	...	...	...	...	140 0 0
Bahel tankidars of Pratap Ramchandrapur	...	...	...	...	147 10 8
Bahel tankidars of Biramchandrapur	...	...	...	...	14 14 8

161. *Rahang estate.*—The total of the assigned amounts is thus Rs. 5,777-10-11.