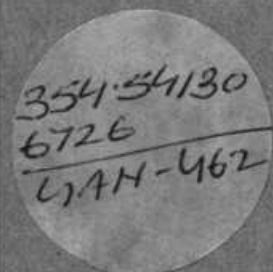




FINAL REPORT
ON
THE MAJOR SETTLEMENT OPERATION
IN
GANJAM EX-ESTATE AREAS
1938—1962



BOARD OF REVENUE, ORISSA



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FINAL REPORT
ON
THE MAJOR SETTLEMENT OPERATION
IN
GANJAM EX-ESTATE AREAS
1938—1962



By
SHRI N. C. BEHURIA, o.A.S. (1)
Settlement Officer

THE MAJOR SETTLEMENTS OF THE
STATE OF NEW YORK
IN
THE YEAR 1800

1800-1801

1801-1802

1802-1803

GOVERNMENT OF ORISSA
REVENUE AND EXCISE DEPARTMENTS

RESOLUTION

Bhubaneswar, the 10th October 1963

READ—The final report on the Major Settlement Operation in Zamindaries and Inams of Ganjam district with forwarding letter No. 4291—XIV-12/63-L.R.S., dated the 22nd April 1963, of the Director of Land Records and Surveys, Orissa.

1. *Previous History*—Till the 1st April 1936 the date on which the Province of Orissa was created, Ganjam was the northermost district of the Madras Presidency. A large part of the district had been permanently settled under Regulation XXV of 1802. Even though it was the very basis of permanent settlement that it would in no way affect the rights of ryots and others interested in land, yet section 2 of the Permanent Settlement Regulation could be interpreted to mean that the ryot was at the mercy of the Zamindar. The Madras Permanent Settlement (Interpretation) Regulation 4 of 1822 had therefore, to be passed. It declared that the Permanent Settlement Regulation was not intended to affect the rights of anybody else. It also prescribed the procedure for recovery of rent from tenants. There were subsequent Regulations for regulating the relationship between the Zamindar and the tenant and ultimately the Act VIII of 1865 defining a number of points in the landlord-tenant relationship was passed. But the provision of this Act relating to exchange of Pattas and Muchilkas had a ruinous effect on the rights of ryots. The Patta, which was intended to be a mere memorandum of the extent under cultivation in the year and of the particular crops harvested was interpreted by the High Court in 1871 to be a lease for a year. On this interpretation, the High Court ruled that by the acceptance of yearly Patta, the presumption would be that the Pattadar was a yearly tenant and no more. This ruling had far reaching consequences. The Zamindars managed to procure from their ryots Pattas in which a clause was inserted to the effect that the Zamindar was at liberty to lease out the land to anybody at his pleasure. The tenant faced a very difficult situation because of this and in order to prevent eviction, he had to pay a very high rent. Even though the legal position was subsequently corrected and a self-contained agrarian code covering almost all aspects of the landlord-tenant relationship was enacted in 1908 (Madras Estates Land Act, 1908) yet the demands for high rent continued and such rents were considered as nothing unusual. After the creation of the Province of Orissa Government considered that the ryots in Ganjam, who had been paying very high rents, were entitled to the benefits of a fair and equitable cash rent. Accordingly, in 1938 Government decided to conduct a survey-record-of-rights and settlement operation in all the Zamindaries of Ganjam district. The decision to include Inams which were estates within the meaning of the Madras Estates Land Act, 1908, was taken at a subsequent stage.

2. *History of the operation*—The operation had a chequered career. Due to outbreak of the Second World War it was suspended in the year 1942. It was resumed in the year 1947 and continued till 1954 when it had to be suddenly suspended on account of orders passed by the High Court in a writ case declaring the operation to be illegal. The operations were resumed after passing of the Ganjam and Koraput Survey and Settlement (Validation) Act (Act VII of 1956). In view of these unforeseen difficulties the operation which was originally programmed to be completed in the year 1944 at an estimated cost of Rs. 6.54 lakhs dragged on till the year 1962 thereby entailing heavy expenditure to the tune of Rs. 25,96,009.88 nP.

3. *Law and its working*—The Madras Survey and Boundaries Act, 1923 and the Madras Estates Land Act, 1908, governed survey, preparation of record-of-rights and settlement of rent. The Madras Estates Land Act did not contain any specific provision with regard to tenants of the ryots as a result of which such tenants could not be recorded in the record-of-rights. Similarly many intermediary interests could not be recorded as the Madras Estates Land Act did not define their rights. Now that the intermediary interests have been abolished or will be abolished in the near future, the omission to record them would not create much difficulty. But the omission to record the tenants of ryots who have been figuring more and more prominently for protection under various reforms measures would ultimately affect the quick implementation of these measures.

4. *Rent Settlement*—The rents realised in the area of operation were very high in comparison with the rents paid by the ryots in the neighbouring ryotwari areas. In the year 1947, the Madras Estates Land Act was amended by Orissa Act XIX of 1947 authorising the reduction of rent in Zamindary areas. Keeping this amended law in view, the rent settlement was conducted. The average rate of rent in these areas have not generally exceeded the existing rates of rent in the neighbouring ryotwari areas by more than 25 per cent. While fixing the rent of ryots of Inam villages, the rents already settled in the neighbouring Zamindary villages or ryotwari villages, as the case may be, were generally taken as the basis though quality of the soil, situation of the land, irrigation facilities, etc., are considered relevant for fixation of rent for different classes of land.

5. *Recovery of cost*—In ryotwari tracts of Ganjam, Government used to bear the entire cost for survey and settlement operations. The Zamindars and Inams were, however, governed by the Madras Estates Land Act, Section 180 of which provides that expenses of survey, record-of-rights and rent settlement or any part thereof as may be directed by the Government, have to be defrayed by the land-holders and ryots. On the authority of this provision, Government had ordered the recovery of survey and settlement cost from ryots and land-holders even though the operations were taken up *suo motu* by Government. But in 1962, Government decided that the demand for survey and Settlement charges from the ex-proprietors and ryots should be waived and such cost as has already been realised from them should be refunded.

6. *Acknowledgment*—Government fully endorse the commendation of Board of Revenue in favour of Shri N. C. Behuria, the Settlement Officer, who has prepared this report in a clear and concise manner. Government also agree with the Board of Revenue that the Settlement Operation in Ganjam owes much to the late S. C. Benerjee, who organised the operation in its initial stages with untiring zeal and industry.

ORDER—Ordered that the Resolution be published in the *Orissa Gazette*

By order of the Governor
B. K. MISHRA
Secretary to Government

BOARD OF REVENUE, ORISSA, CUTTACK

No. 4291-L.R.S.

Dated the 22nd April 1963

FROM

SHRI B. DAS, I.A.S., DIRECTOR OF LAND RECORDS AND SURVEYS, ORISSA, CUTTACK

TO

THE SECRETARY TO GOVERNMENT OF ORISSA, REVENUE DEPARTMENT
BHUBANESWAR.

SIR,

1. I submit herewith the Final Report on the Major Settlement operation in the ex-Estate areas of Ganjam district by Shri Nrusinha Charan Behuria, Settlement Officer, Ganjam-Koraput Major Settlement. Though the Survey and Settlement operations were carried on in some areas of the district in the past, no Final Report is available on these operations. This report is the first of its kind so far as the district of Ganjam is concerned.

2. The operations covered all the Zamindaries except Parlakimedi and all Inam villages in the district of Ganjam, which came within the definition of an 'estate' under the Madras Estates Land Act and did not cover the ryotwari and agency portions of the district. Settlement operations are now in progress in the Zamindary villages of Parlakimedi and in the ryotwari areas of the district. It has also been programmed to extend the operations to the agency tract of the district. Operations in these areas will form the subject-matter of a separate Final Report.

3. Prior to the formation of Orissa in 1936, Survey and Settlement Operations in some villages of different estates had been undertaken at the instance of the concerned Zamindars and ryots adopting the methods prevalent in the Madras Presidency, which were very costly and time-taking. Being isolated attempts made at different times they were not governed by any uniform policy or procedure. Different methods and procedure of survey and settlement were followed in different estates at different times as described in Chapters II, IV and VI of the Final Report.

In 1936 when the district of Ganjam was transferred to Orissa with the formation of a new province, a minor settlement operation under the Collector, Ganjam was in progress in some of the zamindaries. Mr. J. R. Dain, I.C.S., the then Revenue Commissioner, Orissa, was directed by Government of Orissa to submit a scheme of survey and settlement operation for the Zamindary areas. After studying the local problems in detail he was of the opinion that the entire Zamindary areas in the district should be brought under survey, record-of-rights and rent settlement operation under the Bihar and Orissa pattern as it was simpler, less costly and less time-taking. The suggestion of the Revenue Commissioner was considered by the Council of Ministers in 1938 and the Council decided that preparation of record-of-rights and settlement of rent should be ordered *suo motu* by Government in the Zamindary areas of the district. Accordingly, the major settlement operation was started in the year 1938 and the original programme covered 1,604 villages in the Zamindary areas including 27 Major Darmila Inams within these areas. According to this programme the operations were to be completed by the end of 1944 and the cost was estimated at Rs. 6.50 lakhs. Due to the outbreak of the Second World War the settlement operation was suspended in 1942 and consequently the programme could not be adhered to. After termination of the War the operations were resumed in the year 1947. The programme was also revised to include presettlement whole Inam villages which became estates as a result of an amendment to the Madras Estates Land Act by Orissa Act XVII of 1947. The revised programme included altogether 2,115 villages—1,577 Zamindary and 538 Inam villages. This programme of work continued amidst various difficulties till 1954, when the progress of the operation received a further set-back due to the judgment of the Orissa High Court in the Badagoda writ case, declaring settlement operation in Ganjam illegal. After passing of the Ganjam-Koraput Survey and Settlement Validation Act to validate the proceedings declared illegal, the operations were again resumed in the year 1956 and amongst vicissitude of fortune they have now come to an end except in 146 villages for reasons of litigation and various other reasons as explained in Appendix I of the Final Report.

4. Chapter I gives a brief history of the district and the administrative set up from the time of early European conquest down to the present days. It also gives the back ground history of the three systems of revenue administration, namely, zamindary, ryotwari and agency, prevailing in the district and incidentally describes the incidence of tenure in each system—particularly the ryotwari system and goes on to describe the circumstances leading to the initiation of the Major Settlement operation in the district. This chapter will be helpful for a proper appreciation of the systems of revenue administration now prevailing as it gives a clear picture as to how and in what circumstances a particular system was evolved.

5. Chapter II deals with the legal provisions regarding survey before the commencement of the Major Settlement operation and the changes in law and procedure that were introduced during the operation. This chapter is particularly helpful in appreciating the difficulties met by the officers in introducing the new method of survey. As has been mentioned, three types of villages were to be met with—one where no survey was done, the second where the Madras Survey Party had prepared maps and survey land registers under the provisions of the Madras Survey and Boundaries Act and the last where final publication and republication had been done besides the survey. The first category of villages did not present much difficulty as the Bihar and Orissa system could be applied with necessary modification after amending the statutory rules under the Madras Survey and Boundaries Act. Even then the outcome of this cannot be said to be very satisfactory. The Madras Survey and Boundaries Act provided an independent survey operation and finality of survey without reference to the record-of-rights and rent settlement operations. Therefore, subdivisions created during subsequent stages could not be shown in the village maps and consequently separate supplemental sheets had to be prepared in respect of the subdivided plots.

only. Thus the map does not give a final picture without reference to the supplemental sheets. The second category of villages, called revision survey villages in the Final Report also presented similar difficulties. In the third category of villages survey had been done either under the Field Measurement Book system or under the Khallikote and Athagada system by the Madras Government. In these villages only rent settlement was done in the major settlement operation after making the records and maps up to date by camp Bujharat during rent enquiry stage. The changes in the fields could be shown only in the Field Measurement Book or in the village maps as the case may be, but owing to the difficulties in plotting the new subdivisions in the old village maps which had become torn and brittle, the maps could not be reproduced and have been left as such. In this chapter the Settlement Officer has endeavoured to bring out the difference between the system of survey prevalent in Madras and that in Bihar and Orissa. The main difference is that under the Madras system a survey field is taken as the unit of survey whereas under the Bihar and Orissa system a village is taken as the unit of survey. Under the Madras system, the survey proceeds from the part to the whole, whereas under the Bihar and Orissa system it proceeds from the whole to part. Again the survey field is not the revenue field and may consist of more than one revenue fields or plots. Under the Madras system the boundary of a survey field is taken as final and subsequent changes in the field does not allow for correction of the boundary either in course of maintenance of records or during the subsequent survey, whereas under the Bihar and Orissa system plot boundaries can be corrected as per the state of things on the spot at any time. Under the Bihar and Orissa system most of the work is done in the field whereas under the Madras system most of the work, is done at headquarters after collecting data on the field. The most important difference is that under the Bihar and Orissa system a few stones at village trijunction points are only embedded, whereas under the Madras system a large number of stones are embedded at bends and corners of survey fields. In order to reduce the cost on this account a compromise was effected during the major settlement operation to embed stones at village trijunctions and at starting and closing points of quadrilaterals only. The changes introduced were not, however, appreciated by the public in the beginning of the operations. They are, by now, accustomed to the change.

6. In Chapter III the Settlement Officer has exhaustively dealt with the difference between the provisions of the Orissa Tenancy Act and the Madras Estates Land Act in matters regarding tenancy and survey and settlement procedures. He has also shown the impact of other legislative measures that were introduced during the course of the settlement operation in respect of the records prepared during the settlement operation. In course of the operation several amendments to the Madras Estates Land Act and the rules thereunder were carried out from time to time for smooth conduct of the settlement operation. The most important amendments were effected by Orissa Act XVII of 1947 and Act XIX of 1947. The former brought all pre-settlement whole-Inam villages under the definition of an 'estate' under the Madras Estates Land Act as a result of which the tenants of all Inamdars of such villages got occupancy rights and the latter Act authorised the settlement officers to fix fair and equitable rent in cash and to reduce the existing rent, if found unfair and inequitable. The most important legislative measure, enacted during the course of the settlement operation, which had far reaching effects on the tenures and tenancies, was the Estates Abolition Act. The effect of this enactment on the survey and settlement operation has been dealt with at length at para. 21(d) of the Final Report. The Madras Estates Land Act does not recognise tenure-holders (except certain categories of permanent tenures) and under-ryots. Hence, it does not provide for regulating their relationship with their landlords or tenants. Their relationship are left to be governed by contract. This presented some difficulty while preparing the record-of-rights. In consequence, the under-ryots have not been recorded during the settlement operation but some intermediary interests have been recorded following decision of the Revenue Commissioner in the revision case No. 23 of 1944. This was a lacuna in the Madras Estates Land Act. Though the Act has been repealed, still the rights and obligations of the ryots have been continued under Section 8(1) of the Estates Abolition Act. Any future tenancy legislation should take note of this.

7. Chapter IV deal with the method and procedure of preparation of record-of-rights with reference to the legal provisions under the Madras Estates Land Act.

Previously no khewats or the record of proprietary interests was being prepared in Ganjam. In the Major Settlement Operation four types of Khewats have been prepared. Khewat No. 1 has been given to the owner of estates including Inamdars, and Khewat No. 2 has been prepared for Government interested lands. Khewat No. 3 is a Samilat Khewat recording separately the interests of the Land-holders and the Government in cases where the pre-settlement Inam lands were paying quit rent to the Government and Kattubadi to the land-holders. Khewat No. 4 was prepared for irresumable major Darmila Inams which are estates under section 3(2) (e) of the Madras Estates Land Act.

Holdingwar Khatians have been prepared for the first time in the district. The most important and the most numerous status is the ryoti status. As the Madras Estates Land Act recognises only one class of ryots, namely occupancy ryots, there was no scope for preparing Khatas for other types of ryots. The record, therefore, does not exhibit a bewildering variety of statuses found elsewhere. This is a relieving feature.

A separate Poramboke Khata has been prepared for communal lands including village-sites and the area of this Khata has been excluded from the Khewat area of both the land-holder and the Government. The word Poramboke is a Tamil term, which means excluded places of outside tracts and was being loosely used in Madras for all uncultivable waste lands. In the Major Settlement Operation, Poramboke Khata has been prepared only for communal lands, corresponding to Sarbasadharan Khata of North Orissa Settlement. For other types of uncultivable waste lands another Khata called 'Abad Ajogya Anabadi Khata' has been prepared. The question of reversionary right was a subject to much controversy between the Government and the land-holders and it was ultimately decided by the Revenue Commissioner to leave the question open by not including the Poramboke lands in any of the Khewats. This controversy has now been set at rest as the Zamindaries have been abolished and the rights and interests of the Zamindars in these communal lands have been extinguished.

The legal position regarding private lands has been discussed at great length in para. 19 (i) (e) of the Final Report and also in para. 33 of the Report. Private land Khatas corresponding to Nij-jote Khatas of North Orissa have been prepared during the Major Settlement Operation for the Private lands of the land-holders. No Khata corresponding to Nij-chas Khata was separately prepared. The lands under the cultivating possession

of the land-holders which were not private lands have been included in the Parityakta-o-Bedakhali Ryoti Khata along with other surrendered and abandoned ryoti waste lands. This mode of recording was not appropriate and may lead to complications in determining the land in Khas possession of the intermediaries under the Orissa Estate Abolition Act. It would have been better to open a Nij-chas Khata for such lands. The distinction between the private lands and the Parityakta-O-Bedakhali ryoti lands held by the land-holders has lost much of its significance after the abolition of the estates except for private lands leased out before the date of vesting by land-holders having less than 33 acres.

The history of Inams and legal provisions governing them have been clearly set forth in para. 99 of the Final Report and the different divisions of inmas and minor Inams have been fully brought out in para. 28. This report will provide a useful guide for those who find Inam problems very complicated. All Inams are under process on liquidation. This tenancy which was the subject-matter of controversy in the Madras Presidency over a century will ceased to exist in no distant future. During the current settlement all minor Inmas in the Zamindari areas have been recorded with their special characteristics. The Madras Estates Land Act authorised survey and Settlement of Inmas which were 'estates' only. Survey and settlement operation had been taken up in a large number of Inmas presuming them to be estates. But some of the Inamdars sought protection in the Courts. The Courts have up-held their contention in some cases declaring their Inams not to be estates under the Madras Estates Land Act and in some other cases their claims have been rejected. In the former category of villages the survey and settlement operation has become *ab initio* void. The operations will be taken up in such Inmas afresh under the provision of the Orissa Survey and Settlement Act which authorises taking up of Survey and Settlement operation in all kinds of lands irrespective of their character.

7. A record of irrigation rights has been prepared and embodied in the Irrigation Khatian which forms a part of the record-of-rights in view of the importance attached to such rights in this district. The legal provisions and statistics regarding irrigation have been dealt with at length in paragraph 41 of the Final Report.

8. Chapter V deals with the preparation of records and is mainly concerned with certain technical aspects of settlement work and is more interesting and valuable to a Settlement Officer than to a general reader. Only one point of importance needs mention. Under the Madras Estates Land Act rent settlement is taken up after final publication of the record-of-rights. During rent settlement stage orders are passed effecting changes in ownership and extent, etc., of holdings. The law provides for amendment of the record-of-rights at this stage by incorporating such changes in the finally published record-of-rights and does not provide for preparation of fresh copies of record-of-rights for distribution to the parties concerned during republication stage. For holdings created during the rent settlement stage supplemental Khatas or 'Ka' Khatas had to be prepared as subsidiary Khatas of the parent holdings as the law did not permit opening of independent Khatas or insertion of entries relating to newly acquired lands in the existing Khatas of the ryots. This has led to much clumsiness in the records. But this was unavoidable.

9. Chapter VI deals with the methods and procedure of rent settlement and the principles followed in settling fair and equitable rent. In most of the Zamindaries and Inams the ryots were paying rent in kind and even where cash rent had been fixed, the fixation was not in accordance with any uniform procedure or fixed principle. In the current settlement cash rents in all cases have been fixed according to the principles laid down in rules framed under section 168-A of the Madras Estates Land Act as inserted by Act XIX of 1947.

The guiding principle in fixing fair rent and equitable rent was that the rent should not exceed 25 per cent of the rent prevailing for similar classes of lands in the neighbouring ryotwari areas. Rent Settlement was carried on keeping the above limitation in view. The over all effect of rent settlement was a considerable reduction from the previous rent as the policy of Government was to reduce the rent of Zamindari and Inam ryots to the level of the rent in the ryotwari areas which was generally low and had been fixed about 50 years before. The percentage of reduction has been shown in para. 70 and the reduction varies from 2 per cent in case of Athagada to 72 per cent in case of Inam villages of Aska and Sorada Taluks. This was a retrograde step. No doubt the intention was to give relief to the tenants, but it was carried to a point which drastically reduced the rent in spite of the fact that prices at that time were very high. After abolition of the Zamindaries and Inams Government have assumed the role of Zamindars and they now stand to lose. A revision settlement operation is, therefore, called for to fix a fair and equitable rent in consideration of the high prices now prevailing.

In making entries about 'cess' the rates then prevailing were overlooked and as such inaccurate entries have invariably been made in the record-of-rights as pointed out by the Settlement Officer. In spite of the inaccurate entries in the record-of-rights the legally payable cess will have to be realised. This will have to be brought to the notice of the district authorities.

10. Chapter VII deals with the consignment of records prepared during the Major Settlement Operation and gives indication as to how they should be properly maintained so as to keep the records up-to-date and useful. It is for the normal revenue administration to take full advantage of the records and rectify whatever defects there might be in these records by a searching mutation operation.

11. Chapter VIII deals with the settlement cost and its recovery. According to the original programme the operations were to be completed by the end of 1944 at an approximate cost of Rs. 6.50 lakhs but the ultimate cost of the settlement operation went up to Rs. 25.96 lakhs. The net cost is Rs. 1,490.85 nP. per square mile as against Rs. 893 in the last North Orissa Revisional Settlement. The net expenditure works out to Rs. 2.12 nP. per plot. The excess over the estimated cost is mainly due to the time-lag between the initiation of the settlement operation and its completion which increased the over all cost. Other contributing factors are increase in salary of employees, increase in cost of materials after the war and also addition of new areas within the programme of survey and settlement. Paucity of experienced staff contributed in no small measure to this high cost of the operation.

12. Chapter IX gives some useful statistics relating to the district. In this also is included statistics relating to soil, agriculture, famine, Floods and other natural calamities. It would have been helpful, if a separate chapter dealing with agricultural conditions, irrigation and natural calamities some of which items required a broader treatment had been added.

V

13. Chapter X gives details about each estate and the origin and evolution of Inam estates. This is mainly of academic interest at present owing to abolition of the estates.

14. The last Chapter gives a list of officers who worked in this settlement. Some of them as has been reported by the Settlement Officer, were promoted for their good work done in the settlement. It is not possible to comment on the work of individual officers at this distance of time but it may be mentioned that almost all of them had to work under unfavourable conditions in an area which was new to them and among people who were apathetic, if not hostile. The success of the operation is due to their collective effort and should receive due appreciation.

Shri N. C. Behuria, Settlement Officer has taken a lot of pains to write out this interesting Settlement Report after wading through a mass of materials accumulated over years. He had to study the old records and reports and the relevant law and rules with numerous amendments brought about from time to time to present this report in a clear and concise manner. For this excellent work the Board of Revenue recommends for special commendation of this work by Government.

It will not be out of place to mention that the Settlement operation owes much to late Shri S. C. Banerjee, I. A. S., who organised the operation in the beginning with untiring zeal and industry and who ultimately died a premature death while he was on leave after relinquishing his charge as Settlement Officer.

15. Before taking leave I have to say that some of the materials contained in this report will gradually lose much of their significance with the fact changing ideas about the landlord tenants relationship and with the process of eliminating all intermediaries having been set in motion. Still a full and careful examination of the Tenancy laws in Ganjam undertaken by the Settlement Officer would be of great value to the administration and specially to the Revenue Officers who find the laws and practices prevailing in the district bewildering and unintelligible.

Yours faithfully

B. DAS

20-4-63

Director of Land Records & Surveys Orissa

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FINAL REPORT ON THE MAJOR SETTLEMENT OPERATION IN GANJAM EX-ESTATE AREAS

CHAPTER I

INTRODUCTION AND BACKGROUND HISTORY

1. *General description of the district*—(i) Ganjam district as it originally existed was the northern-most district of the Division of the Madras Presidency called the Northern Circars. It lay between 18° 12'45" and 20° 25' 40" north latitude and between 83° 33'20" and 85° 15' east longitude and was bounded on the north by Puri district, Nayagarh and Daspalla ex-States and Khondmals district, on the east by the Bay of Bengal, on the south and west by Vizagapatam district. Its area was 8,313 square miles and population according to the Census of 1871 was 1,520,088.

(ii) In the beginning, Ganjam district, as it stood after the British conquest, was divided into three divisions (The charges of a SubCollector or Subdivisional Officer in Madras are known as Divisions and not Subdivisions), namely, Ghumsur, Chicacole and Berhampur. Each of these divisions contained a Government taluk besides a number of zamindari estates and in each of these taluks, as a matter of course, there was a Tahsildar assisted by the following Deputy Tahsildars for the revenue and magisterial work—

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| (a) Ghumsur Tahsildar | .. Surada Deputy Tahsildar |
| (b) Chicacole Tahsildar | .. Tekkali and Narasanapeta Deputy Tahsildar |
| (c) Berhampur Tahsildar | .. Ganjam, Purushottampur, Ichhapur and Sompeta Deputy Tahsildars. |

Besides these, there were the Berhampur Town Magistrate, the Sub-Magistrate of Aska and the Sub-Magistrate of Parlakimedi. A Magistrate was also stationed at Udayagiri in Pedakimedi Maliahas, i.e., at R. Udayagiri. Subsequently two divisions, namely, Chatrapur division consisting of portions of Berhampur and Ghumsur divisions and Balliguda divisions consisting of the whole of Ganjam Agency excepting the Parlakimedi Agency were created.

(iii) The district, as it stood on the 1st April 1936 after its separation from Madras when the Province of Orissa was created, comprised the whole of Ghumsur division, Chatrapur division, Balliguda division, part of Berhampur taluk and part of Ichhapur taluk in Berhampur division, part of Parlakimedi Plains and the whole of Parlakimedi Agency in Chicacole division. The old taluks of Chicacole, Narasanapeta, Tekkali, a part of Parlakimedi Plains, a part of Ichhapur, the whole of Sompeta and Sompeta Agency at present forming the taluks of Ichhapur, Sompeta, Tekkali, Patapatnam, Narasanapeta and Chicacole in Srikakulam district of Andhra were excluded from the district of Ganjam. The Parlakimedi taluk consisting of a part of Parlakimedi Plains and the whole of Parlakimedi Agency was first included in the district of Koraput on the creation of Orissa for seven months and was then transferred to Ganjam.

(iv) Before creation of Orissa, the whole of the Ganjam Agency area was divided into three taluks, namely, R. Udayagiri, G. Udayagiri and Balliguda and was known as the Balliguda division. A Revenue Divisional Officer, designated as the Special Assistant Agent, Balliguda, held charge of the division. After formation of the State of Orissa on the 1st April 1936, R. Udayagiri taluk was transferred to Berhampur division and Balliguda division was left with the two taluks of G. Udayagiri and Balliguda with its headquarters as before at Russelkonda (now Bhanjanagar) which was and is also the headquarters of Ghumsur division. The Agency areas were then administered under a set of special rules of administration framed under provisions of the Ganjam and Vizagapatnam Act, 1839 and the Collector of Ganjam as "Agent" to the Governor, (from which the word "Agency" has been derived) was in charge of enforcing the special rules of administration.

(v) On the formation of the State of Orissa, the Khondmals subdivision, which was separated from Anugul by the Princely State of Boudh, was constituted into a separate district for the purpose of Khondmals Laws Regulation, 1936, by which it is still governed, but was tagged on to the district of Ganjam with the Collector of Ganjam as its *ex officio* Deputy Commissioner for administrative purposes. The Special Assistant Agent, Balliguda, with his headquarters at Russelkonda, was appointed *ex officio* Subdivisional Officer of the Khondmals subdivision of Ganjam district with a Second Officer stationed at Phulbani to assist him in discharging routine duties. From the 26th January 1941, the office of the Special Assistant Agent, Balliguda, together with his headquarters, was shifted to Phulbani.

(vi) The historic event of the merger of the Princely States of India originated in Orissa on the 1st January 1948, thereby necessitating some changes in the existing boundaries of the district. On the 1st January 1948, the ex-Feudatory State of Boudh merged in Orissa and the district of Phulbani, consisting of Balliguda division, Khondmals district and Boudh ex-State, was formed. A separate Deputy Commissioner was appointed for the Khondmals with effect from the 1st January 1948 and the merged State of Boudh was formed into a district for the purpose of criminal administration. The Deputy Commissioner of the Khondmals was appointed as the *ex officio* District Magistrate of the Boudh district and the Collector, Ganjam, ceased to function as the Deputy Commissioner of Khondmals district. Although the Subdivisional Officer, Phulbani, ceased to be under his administrative control, still in his capacity as Special Assistant Agent, Balliguda, he continued to remain under the judicial control of the Collector, Ganjam, because the Ganjam and Vizagapatnam Act, 1839, specifically provided that the Collector of Ganjam would be the "Agent" for enforcing the special rules of administration. Subsequently, in February 1949, the Deputy Commissioner of the Khondmals-Phulbani was appointed as the "Additional Agent" of Balliguda division with powers to function as the Agent to the Governor with only a few limitations till the designation of "Agent" and "Special Assistant Agent" were abolished, due to repeal of the Ganjam and Vizagapatnam Act by the Koraput and Ganjam Agency (Repealing and Extension Laws) Regulation, 1951 (Regulation V of 1951) which came into

force on the 1st January 1953. Therefore, there was *de jure* separation of Balliguda division from the district of Ganjam only on the 1st January 1953. Since then there has been no further changes in the boundaries of the district.

(vii) On the 1st April 1936, the area of Ganjam district was 7,398 sq. miles (6,619 sq. miles out of old Ganjam district + 779 sq. miles consisting of Khondmals subdivision). On the 1st January 1948 the area of Ganjam district was 4,725 square miles excluding Balliguda division which was 1,894 square miles. The district thus constituted lies between 18° 45' and 20° 46' north latitude and 82° 47' and 85° 11' east longitude with a population of 1,624,829 according to Census of 1951. According to the Census of 1961 its population is 1,873,655.

(viii) The old Ganjam district consisted of the following estates besides ryotwari areas and agency areas.

1. Khallikote, 2. Athgada, 3. Palur, 4. Biridi, 5. Huma, 6. Dharakote, 7. Badagada, 8. Seragada, 9. Pratapgiri or Chinakimedi or Sanakimedi, 10. Vijayanagar or Pedakimedi or Badakimedi, 11. Chikiti, 12. Surangi, 13. Jarada, 14. Aska, 15. Kurla, 16. Debahumi, 17. Katingia, 18. Parlakimedi, 19. Jalantara, 20. Budarsing, 21. Mandasa, 22. Tarla, 23. Barua, and 24. Urlam.

Out of the above estates, serials 1 to 10 and serials 12 to 17 remained fully to Ganjam district when Orissa was created. A part of Chikiti Estate (sl. 11) named as Tala Tampara Mutha consisting of 43 villages having an area of 10 square miles which was in Sompeta taluk was excluded from Ganjam district and the area remaining in Ganjam district was 10.82 square miles. The area of Parlakimedi (sl. 18) as it had existed in the old Ganjam district was 639 square miles, besides Parlakimedi Agency which covered an area of 333 square miles. The portion of Parlakimedi Estate that remained in Ganjam after creation of Orissa had an area of 201 square miles, besides the whole of Parlakimedi Agency. Serial 17 is solely in Ganjam Agency. Serials 19 to 24 went fully to Andhra State. A short history of each of the above estates in the district of Ganjam will be found in Chapter X.

2. *Physical Feature and Climate*—(i) The district abounds in natural sceneries. The Eastern Ghats running on its western side approach to about 23 miles of the sea at some places. The district can be roughly divided into two well-defined physical divisions—the Maliahs or the hills and the plains, the former occupying the whole of the western half and is known as the Agency Tract of Ganjam. It is a wild country and is chiefly inhabited by the Khonds and the Savaras. The Mahendragiri, the highest peak in the district, is situated in this tract. The plains lie between the Eastern Ghats and the Bay of Bengal. The rivers, as may be imagined with the hills so close to the sea are neither large nor long and are, therefore, subject to sudden floods, but they seldom do much damage. The narrow strip of the plains area in Ganjam is solely due to absence of big rivers in Ganjam district. There are no vast alluvial deltaic plains as in the northern districts of Orissa. The Rushikulya which is about 100 miles long is the chief river of the district. It rises from Daringibadi in Balliguda Division, is joined by the Mahanadi (not the Mahanadi near Cuttack) at Aska and enters the sea at Ganjam (a place five miles from Chatrapur). The Ghadahada is the chief tributary of the Rushikulya.

(ii) The climate is pleasant and salubrious especially at places near the sea. In the rains which last from June to November with occasional showers it is oppressive but the heat is tempered by the rains. The hot weather lasts only about 3 months till about the middle of June while the cold weather is very pleasant. The heat in the interior is very intense and trying. The hills are cooler than the plains and in winter the cold is sharp and piercing.

3. *Administrative set-up*—(i) Excluding Balliguda division, the district was first divided into three revenue divisions, namely, Chatrapur, Berhampur and Ghumsur. The agency portion of the district consists of an area of 1,410 square miles while the area of the plains is 3,315 square miles. Berhampur division had an agency of 1,308 square miles while Ghumsur division had an agency area of 102 square miles. Chatrapur division with an area of 827 square miles consists of Chatrapur and Kodala taluks with headquarters at Chatrapur and Kodala, respectively. Berhampur division had at first an area of 2,207 square miles comprising Berhampur, Digapahandi, R. Udayagiri and Parlakimedi taluks. Ghumsur division had at first an area of 1,619 square miles comprising Ghumsur, Aska and Sorada taluks. In 1956, Parlakimedi division was created with Parlakimedi and R. Udayagiri taluks excepting Goudagotha, Merikot and Jarrou Agency Muthas which were included in Sorada taluk of Ghumsur division. Sanakimedi Estate was taken away from Aska taluk and included in Digapahandi taluk. The present area of Berhampur, Parlakimedi and Ghumsur revenue divisions, after their reconstitution in 1956 is about 892 square miles, 1,611 square miles and 1,395 square miles, respectively.

(ii) There is a District Magistrate and Collector at Chatrapur. Each of the revenue divisions is in charge of a Revenue Divisional Officer. The Revenue Divisional Officer, Berhampur, is designated as Sub-Collector. Each of the taluks is in charge of a Taluk Officer. The Taluk Officers were designated as Anchal Adhikaries after abolition of the Estates, which took place in the years 1953 to 1955 under the Orissa Estates Abolition Act, 1951 (Act I of 1952) in respect of ex-Estate areas. A part of Berhampur Taluk comprising the three estates Chikiti, Surangi and Jarada was constituted into one Anchal with headquarters at Chikiti. After passing of the Orissa Estates Abolition (Amendment) Act, 1957 (Act 23 of 1957), the management of the estates which had vested in the State Government was brought on par with that of the ryotwari areas. The Taluks and the Anchals are now called Tahsils and the Taluk Officers and the Anchal Adhikaries, as the case may be, are now designated as Tahsildars. Chatrapur division has got two tahsils, namely, Chatrapur and Kodala. Berhampur has got three tahsils, namely, Berhampur, Digapahandi and Chikiti. Bhanjanagar has got three tahsils, namely, Aska, Sorada and Bhanjanagar and Parlakimedi division has got two tahsils, namely, Parlakimedi and R. Udayagiri. Each of the tahsils is divided into several firkas and each firka is in charge of a Revenue Inspector. The main duty of the Revenue Inspector is to assist the Tahsildar in the revenue administration of the tahsil and he is the lowest Executive Officer of the Revenue Department. He is required to supervise collection of land revenue and the work of Village Officers. The villages in a firka are divided into convenient groups. Each group is in charge of one Karji (village headman), one Karanam (village accountant) and 2 or 3 Taliaries (village watchmen). Where the group is small, a single Village Officer discharges the functions of both Karji and Karanam with one or two Taliaries. The posts of Village Officers are hereditary. In ryotwari areas they are appointed under the Madras Hereditary Village Offices Act (Act III of 1895). In estate areas they are governed by the provisions of the Madras Proprietary Estates Village Service Act (Act II of 1894). The main duties of the Karanam are to record all crops raised in a particular field, detect encroachments, report cases of unauthorised use of water from Government irrigation sources, maintain village records, prepare the demand of the village, etc. The main duties of the Karji

are to collect land revenue, record births and deaths, maintain sanitation, report appearance of epidemics about bad character, etc. The main duty of the Taliary is to help the village headman in the collection of land revenue. The above three village establishments are governed by the Law of Primogeniture in regard to succession. The Supreme Court has ruled that this Law of Hereditary Succession is *ultra vires* of the Constitution. In conformity with the policy of the Government to introduce a uniform system of revenue administration in the entire State, the Hereditary Village Offices Abolition Act, 1962, has been enacted to abolish the Village Officer System. Arrangements are being made to introduce the Naib-Tahsildar system in the entire district after abolishing all Village Officers (The Village Officers' System has since been abolished with effect from the 1st February 1963).

(iii) Village administration in Ganjam Agency is different from that of Ganjam Plains. The normal laws of the country were not applicable to Ganjam Agency areas both under the Ganjam and Vizagapatam Act, 1839 and the Scheduled Districts Act, 1874. The civil, criminal, revenue and all executive administration vested in the Collector as "Agent" to the Governor. Special rules of administration called "Agency Rules" were framed by the Governor under section 6 of the Scheduled Districts Act "Agency Standing Orders" were also framed by the Agent to the Governor for the administration of these areas.

The Khonds manage their affairs by means of headmen variously called Malik, Majhi, Patro or Hodadar. Each village has one headman and he has under him a Pano or Paik to send messages, etc. Each Mutha in the same way has a headman called Mutha head or Patamajhi in the Kutia country. These headmen belong to the same tribe as the villagers—Khonds, Gonds or in the case of Oriya villages, Oriyas. Each collection of Muthas has for its chief a Patro—invariably an Oriya. They are also differently called in different Muthas as Bissoi or Behara Dolai. In Parlakimedi Maliahs they are called Bissois. The Khond people deem it their duty to submit to and obey the Patro unless he gives them offence. They are great sticklers for the right of descent in the case of these Patros, and are not easily satisfied if an heir is set aside without reason. The duties of Mutha head correspond to those of village headman in the plains. But he does not collect any land revenue as in the case of Plains. The Mutha head collects the Mamools described in the Taylor's memoirs. These mamools are different in different parts of the agency. The mamool system has since been abolished by the Government and the mamool has been commuted into cash. The Mutha heads are under the Muthadars who are the hill zamindars of the district and they have got Sanads from the British Government describing the incidents of the tenure under which they held the agency tract adjacent to their zamindaries in the plains. Government have held that their rights are those of a service holder which contention has not been upheld by the High Court in a writ petition filed by the Muthadars. The matter is still under litigation. The administration is gradually being brought on par with that of the Plains area.

4. (i) *Early History*—The district originally formed a part of the ancient kingdom of Kalinga which is supposed to have been founded in the 9th century B.C. and which extended from the Bengal frontiers of Orissa to the river Godavari, a distance of some 500 miles. The name still survives in the sea port of Kalingapatam, not far from Chicacole and in early times a place of importance, which was till the 1st April 1936 in Ganjam district. Conquered by the Mauryan King Asoka in 260 B.C. this kingdom seems to have passed later to the Andhra Kings of Bhengi. Both Asoka and the Bhengi Kings were Buddhists and Asoka had left an edict at Jaugada in Chatrapur taluk. In the 12th century an invasion from the South put an end to the Kasari line of kings and the invader Chodaganga Deba became the founder of the Ganga family and assumed the surname of Gajapathi. The Gajapathi princes gave to the country a long line of rulers and their descendants occupied considerable territorial possessions in Orissa including Ganjam. The Rajahs of Ganjam have always looked upon the kings of Orissa as their chief fountain of honour and they acknowledged the Rajah of Puri a descendant of the ancient Orissa kings as their chief. The dominions of the Orissan kings extended beyond the river Kistna and their power was at its height in the 13th, 14th and 15th centuries. The wild nature of the country in Ganjam rendered their administration merely nominal and they were probably induced by these considerations to establish their own servants as Rajahs or leaders of the masses to keep the wild aboriginal tribes of Khonds and Savaras in check. As late as the 15th century the aboriginal inhabitants, more especially the Savaras still occupied parts of the plains and it was probably not until the reign of Purushottam Deo who reigned from 1479 to 1504 that they were driven back into the hilly fastnesses where they still live. After the fall of Purushottam Deo's son Pratap Rudra Deb in 1532, dissensions seem to have arisen amongst the different members of the Gajapathi family and their power gradually declined during the 16th century which was taken advantage of by the Mohammadan rulers of India.

(ii) In 1512, the Kingdom of Golconda or Hyderabad was founded by one Sultan Kutb Shah, a native of Persia and his administration was so successful that at the end of a long reign, he left a territory extending from the Godavari to beyond the river Kistna and from the sea to a line west of Hyderabad, about 78th degree of east longitude. In 1520, Sultan Kutb Shah defeated the forces of the United Chiefs of Telengana at Kondapalli in the Kistna district and there is reason to suppose that Pratap Rudra Deb was one of the chiefs who suffered discomfiture. Although the Orissan Kingdom showed signs of decline, still the Gajapathi princes continued in power both in the Province of Chicacole and Rajahmundry until sometime late. About 1571, Ibrahim, the fourth monarch of the Kutbshahi line, took advantage of the uncertain rule in Orissa and made himself master of the Godavari and other districts in the north including Ganjam. For about 180 years, the Ganjam district then known as Chicacole Circar, was controlled more or less directly by the Mussalman authority from Hyderabad. In 1687, Emperor Aurangzeb conquered Golconda to assert his authority in the Deccan and the Governors of Srikakulam were thereafter appointed by his Subahdars of the Deccan. After the death of Aurangzeb, the Maharattas rapidly rose to power and, finding no one in Central India to oppose them, soon overran the country from west to east establishing themselves in the Province of Orissa, north of Ganjam, in the seventeen-forty. In the meanwhile, the district of Ganjam continued to be administered by the Mussalman Fouzdars at Srikakulam with the assistance of their Naibs or Deputies.

(iii) *Acquisition of Ganjam by the English*—The French were the first European power to take possession of the district of Ganjam. They built their fort at Ganjam, a place 5 miles from Chatrapur towards Cuttack, then the most important town of the district. The French got this district from one Salabat Jung, the Subedar of the Deccan, who assigned the Northern Circar to the French out of gratitude for the services rendered by the French to him. But Chicacole Circar, which then included Ganjam district, continued to be administered by a Mussalman Fouzadar at Chicacole subject to the authority of the French. By about 1752 the struggle

for supremacy between the French and the English was at its height. With the capture of Musalipatam, the French headquarters, in January 1759 by Clive's forces under Colonel Forde, the English gained the supremacy in the Northern Circars. Salabat Jung changed sides and made a treaty with Forde agreeing to cede to the English the Northern Circars excepting Guntur. This treaty of Salabat Jung was also confirmed by his brother Nizam Ali who murdered and succeeded him and this was also ultimately ratified by the Moghul Emperor's firman, dated the 12th August 1765. The Emperor by this firman "gave the Northern Circars as inam or free gift to his good friends, the English, from April 1762". However, it was not until another treaty, dated the 12th November 1766, was concluded between the English and Nizam Ali, and the Subedar of the Deccan, that the former took actual possession of the grant. The Subedar of the Deccan agreed by this treaty "to write letters to all the zamindars acquainting them that they were, to regard in future, the English Company as their sovereign and to pay their rents and obedience to the said Company or their deputies without raising any trouble or disturbance". It was thus that the Northern Circars including Chicacole Circars of which the Ganjam district then formed a part, were finally secured to the English. They established their headquarters at Ganjam Fort, which was the headquarters of the French. [This was abandoned in 1855 owing to outbreak of a very dreadful epidemic fever which, in a very short time, reduced the population of the town from 30,000 souls to less than 6,000. The treasury was first transferred to Mansurkota (i.e., Gopalpur, as it was then called), then to Berhampur and ultimately to Chatrapur].

(iv) Ganjam, however, took a longer period to be pacified than any area in the Presidency and it was not until 70 years later that it was finally "reduced to order". Most of the numerous zamindars in this area (who had 34 forts and 32,000 troops) were contumacious, frequently annexing Government villages and quarrelling with one another over disputed successions and declining to pay any tribute until compelled by force. Troops were used at different times against not less than 15 out of them but these expeditions, though they cost them money and often valuable lives, had little permanent effect. The East India Company found it difficult to control the district. Mr. Cotsford was the first Englishman appointed as Resident to take charge of Ganjam in the year 1767. He found the country north of Vizagapatam in a disturbed state, the zamindars in Ganjam having refused to submit to the authorities of the English and intercepting all communications between Bengal and Madras. It is needless to describe in detail the fight that took place between the British and the several Rajahs of Ghumsur, Parlakimedi, Vijayanagar (Badakimedi), Pratapgiri (Sanakimedi) and Mohiri who gave the British the greatest amount of headache from time to time. With regard to the tributes paid by the zamindars of the district the Resident remarks that they were in most cases out of all proportion to the size of the estates, and the ability of the zamindars to pay. He hoped that by gradually demolishing their forts and strong-holds they might be reduced to a state of obedience that would give the Company an opportunity of apportioning their tributes to the size of their respective estates. Mr. Cotsford was, however, of opinion that before this could be done, the zamindars must be reduced by arms, for he says, "they will not submit to it without compulsion. They will not even pay according to the agreements they now make without the assistance of an army in the field, which is the manner they have been accustomed to be treated in. The objections against depriving the zamindars of their territories and placing others in their stead are, that there will be in general great difficulty in finding any one who will accept such a place and can maintain himself in authority without the assistance of a considerable detachment from us, the Company running the risk of promoting a man equally unworthy as the one removed. The same may be said of them in the light of the Haveli lands, for our troops must support the renters in collecting the rents in which they will be much troubled by the adherents of the deprived Raja and have scope sufficient given them to defraud the Company if so disposed". The Company's troops were constantly employed either in demanding the tributes of the zamindars who but rarely paid without either compulsion or threat or in quelling disturbances. When a zamindar was refractory, the troops were quartered upon him and he was made to pay for their keep. For a somewhat detailed account of the fight between the Ganjam zamindars and the English resulting in the ultimate acceptance of defeat by the zamindars, the Ganjam District Manual by T. J. Maltby of late Madras Civil Service may be referred to.

(v) Upon the retirement of Mr. Cotsford in 1773, the form of the Government was changed and Mr. Smith was appointed Chief at Ganjam with a Council of three to assist him in the administration of affairs. In 1779, the Council was abolished and Mr. Morgam Williams was appointed to be Resident. In 1782 the office of Resident was again abolished and the council was again revived. It consisted of three but was subsequently increased to five members. Soon quarrel took place in the Settlement at Ganjam among the members of the council which continued without intermission till 1786 and it became so notorious as to call for the interference of Government of Madras. In 1790 the council was again abolished due to this quarrel and Mr. Crawford was appointed Resident. In 1794 the office of the Resident and Chief at all the Settlements along the coast was abolished and the office of Collector which office continues even till today was established and Mr. Walter Balfour was appointed Collector at Ganjam. In 1802 Chicacole division was incorporated with Ganjam and Mr. Cherry became the first Collector of the "United Province". Ganjam district now comprised all the territory north of the Langulya (Nagabali) river near Chicacole, and extended from Mofazbandar on the sea coast in the south to Prayagi on the Chilka lake in the north. It included four district Havellis * and 21 zamindaries including Parlakimedi.

(vi) During Mr. Cherry's time the Madras Permanent Settlement Regulation (Regulation XXV of 1802) was passed for making the assessment of the zamindaries permanent on the lines of the Bengal Permanent Settlement Regulation, 1793. With great disadvantages, Mr. Cherry gathered the information for the permanent settlement and successfully implemented its introduction in the district. Mr. Cherry wrote in December 1803: "I consider the introduction of the permanent settlement as offering the only prospects of permanent peace in the district". A Special Commissioner was appointed to investigate the extent of resources in the district with a view to arriving at a correct statistics of the tributes that might at all times be levied in perpetuity from each zamindary with safety and a fair prospect of realisation. The Commission reported to Government on 19th May 1804. In the same year the zamindars of Ganjam were declared full proprietors. The whole of the district was permanently assessed. The zamindaries were confirmed with their holders in perpetuity and the Haveli lands were parcelled out into small estates and sold by auction to the highest bidders. Some of the zamindars and other proprietors subsequently fell into arrears of revenue and between 1809 and 1850

*Haveli lands are crown lands reserved for the support of the Governors of the province or members of the royal family and their immediate dependants or for the support of garrisons and other establishments of Mussalman Rulers.

the estates of one after another eventually reverted to Government and formed the Government taluks known as ryotwari areas, that is, the areas where Government had direct dealing with ryots instead of through zamindars or proprietors.

(vii) Some of the zamindars in Ganjam such as Parlakimedi, Bodokimedi, Sanokimedi, Bodogada and others were hill zamindars, that is, they had zamindari both in the plains as well as in the agency areas. Before bringing in the agency portion of their zamindaries under the permanent settlement, the British Government wanted to know more details about the area. In these hilly tracts predominantly inhabited by Khonds and Savaras whose way of life was totally different from those in the plains, communication facilities were extremely meagre and living difficult. In these circumstances it was extremely difficult and time-taking to find out facts necessary for bringing them under a regular settlement. In the usual course, the hill zamindaries would have come under the permanent settlement. But the Ghumsur disturbances turned the course of events. In 1836 disturbances broke out in Ghumsur and the Raja had refused to pay peshcush. Mr. Russel, the then Member of the Board of Revenue, who was successful in quelling the disturbances in Parlakimedi was specifically appointed to control the disturbances at Ghumsur. The Raja fled to the maliahs and the Khonds showed extreme loyalty to him and fought for him. The Khonds became so turbulent that it took sometime before peace was restored in the area. Ghumsur and Sorada were forfeited to Government and with them the Ghumsur and Soroda maliahs (The town of Russulkonda, the headquarters of Ghumsur division, which has recently been renamed as Bhanjanagar, was named after Mr. Russel). To effectively deal with emergencies of this nature in future in these tracts, Government decided to remove the zamindaries—both in the hills and on the plains—from the jurisdiction of the normal administration and put them under the special control of the Collector as "agent" to the Governor with Assistant Agents to help him in administering these areas and for this purpose the Ganjam-Vizagapatam Act, 1839, was passed as earlier stated. Since then these areas are termed as "agency areas" (derived from the term "agent"). Subsequently, however, the zamindaries in the plains were removed from the operation of the Ganjam-Vizagapatam Act and were subject to normal rules of administration.

(viii) Thus we find that Ganjam district stood divided broadly into 3 more or less equal revenue divisions, namely, ryotwari area, the zamindary area and the agency area. The extent of zamindary area lying in the middle of the district was roughly 1,777 square miles, the extent of the ryotwari area lying to the north and the south intervened by the Zamindari area was 1,538 square miles and that of the agency area lying to the west of the district was 1,410 square miles.

5. *Early Land Revenue Settlement*—(i) In the earliest times the land revenue was the sole Government impost. The land revenue was levied by all Hindu Rajahs in the shape of a proportion of the gross produce and was taken in kind. The amount of Government share was very fluctuating varying from the traditional 1/6th to 2/5th, a third or a half of the gross produce. According to the institutes of Manu, "the state should take an eighth part, a tenth or a twelfth according to the difference of the soil and the labour necessary to cultivate it".

(ii) The organisation employed by the Hindu Rajahs for the determination and collection of the Government share of the produce was evolved out of the village communal system which gradually developed as the races of Southern India passed from a pastoral to an agricultural state. Geographically considered, a village was a group of land holdings collected in one place with one or more than one group of dwellings situated somewhere in the area and with a tract of scrub jungle and grazing ground attached. Politically considered, it resembled a corporation or township usually with its own proper establishment of officers and servants. In each village, there was an accountant who was required to keep a register of the quantity of land held by each cultivator, the part of it cultivated, his means of cultivation, the actual produce, the share payable by and received from him as the Government demand as well as the account of every other circumstance or transaction in his village that concerned the tenure under which the lands were held. Villages were grouped into divisions (Parganas and taluks) and districts (zillas or circars) over each of which officers with similar functions were appointed to receive and account for the revenue. Such was the prevailing aspect of revenue administration in the Hindu kingdoms in the Southern India. But historical and local conditions gave rise to variations in the system of collecting land revenue.

(iii) The Government dues were usually taken in kind. In those times when the boundaries of fields were ill-defined it was easier to divide the grain after it had been thrashed out than to calculate money payments according to the quantity and quality of the land actually cultivated. The Government grain was stored in granaries in different villages until the state of prices made it profitable to Government to dispose of it. The first beginning of the change from a mere levy of the share of the grain to a regularly assessed land revenue may fairly be traced to the Emperor Akbar's settlement which began in northern India in 1571.

The general principles of Akbar's settlement were the measurement of the land by an Imperial standard, the division of soil into three classes and the calculation of the average value of the produce upon an average price of 19 years. This period was selected because 19 years being the cycle of the moon, the seasons were supposed to have undergone a complete change. The Government share of the produce was fixed at 1/3rd. At a later date another settlement was carried out by the Mohammadan kings of the Deccan but that was only a copy of the Akbar's settlement.

(iv) The measures that were inaugurated may have been introduced by the Mohammadans into those parts of Southern India which came under their direct rule, but this was at least not introduced in Ganjam. Their occupation was strictly a military one and very little change seems to have occurred in the land revenue system. The Police and the Revenue Administration still remained for the most part in the hands of the native chiefs. Wherever such chiefs were not available farmers of land revenue were appointed.

(v) The village organisation, however, survived more or less in tact throughout the tumultuous times, for they were respected by chieftains and farmers of revenue alike, as being the means of enabling them to draw their rents. The dues were levied arbitrarily and each village was assessed at a lump sum which probably varied at the caprice or need of the chief and the cultivators either assessed themselves or were assessed by the headmen in shares of this lump sum. Thus when the administration of Southern India including the northern Circars fell into the hands of the British, the problem of how to manage the land revenue presented many complexities.

6. *Land Revenue Settlement under the British Government*—(i) The first general acquisition of the territory by the East India Company—the first from the revenue point of view—was the country around Madras. The next acquisition of the Company in point of time was the northern Circars five in number, which formed the present districts of Ganjam, Vizagapatam, Srikakulam, Godavari (East and West) and the Kistna. The circumstances under which the Northern Circars were obtained by grant have been dealt in para. 4. It was found that they consisted of large farms held by large renters called zamindars (as in Bengal) or in a few cases by native chiefs dating from the pre-Mohammadan period and of crown lands (Haveli lands) reserved for the support of the Governors of the province or members of the royal family and their immediate dependants. The zamindars were left in possession and the crown lands were parcelled out and leased to revenue farmer for a term of years. In the same year that the Madras Government entered into the management of the Northern Circars, the Bengal Government assumed that of Bengal, Bihar and Orissa and experiments conducted in the latter case were very much the same way as in the former. The Bengal Government, however, came earlier to a decision and when Lord Cornwallis arrived in India in 1786, the plan of the permanent settlement with the Bengal zamindars had already been arranged. A tentative settlement of the whole of Bengal for a 10-year period commenced in 1789 and in 1792 the experiment of a permanent settlement was declared to be confirmed.

(ii) Pressure was brought to bear on Madras by the Bengal Government to adopt the same policy and the Court of Directors sent out orders to that effect in 1795. The Madras Government was at first not willing to apply the permanent settlement to Madras. But in 1799, positive orders were issued from England that Lord Cornwallis's permanent settlement was to be adopted throughout Madras Presidency. A special Commissioner was appointed and between the years 1802 and 1804 the northern districts of Madras were permanently assessed under Regulation XXV of 1802. The lands already in the hands of the zamindary were confirmed to them in perpetuity, the assessment being fixed at 2/3rd to half of the gross produce, estimated at an average of the previous 13 years. While, however, the amount of assessment then fixed was unalterable, no increase ever being leviable on account of extension of cultivation to waste land, the disposal of which was left entirely in the hands of the zamindars, the zamindars were able to gradually appropriate as rent a larger portion of the produce of each field. The crown lands were parcelled out into estates of convenient size and assessed in a similar manner and sold as permanently settled revenue farms to the highest auction bidder. Regulation XXV of 1802 applied to both these descriptions of land-holders and proprietors and detailed the terms under which they held their property, which were embodied in a document called "Sanad-i-Milkiyat-Istimarar" or deed of permanent property. In this way the zamindaries and the proprietary estates in Ganjam (for detailed history of these estates, see Chapter X) came under the permanent settlement.

(iii) Doubts as to the desirability of extending permanent settlement to the new territories that had been added from time to time to the Company's possession were expressed as early as 1808, the main objection being the possible loss of revenue. The principles of permanent settlement were called into serious question and were considered to be detrimental to the prosperity of the country and happiness of the people. The Court of Directors, therefore, prohibited further extension of permanent settlement to any other part of Madras. Thereafter the system of village settlement was introduced and finally in 1812, the court of Directors ordered that in all the areas that had not come under the permanent settlement the ryotwari system should be introduced and that where rent on any other principle had been fixed, it should be terminated at the end of the term.

(iv) Thus, we find that in the Ganjam Plains, two revenue systems were prevailing till the abolition of the zamindaries under the Orissa Estates Abolition Act in the year 1953—one was the zamindary system and the other the ryotwari system.

(v) *Ryotwari Tenure*—In 1820, Munro became the Governor of the Madras Presidency and he took his seat in time to preside over the final establishment of the ryotwari system. The intention of the framers of the ryotwari system was to make the assessment on the land permanent. Colonel Read who first introduced the system in Madras issued a proclamation at the time of its introduction declaring that the assessment was fixed forever and Sir Thomas Munro once declared that it was "fixed" and "permanent". Subsequently, however, a change of view had come upon the authorities in England arising from the loss of prospective income to the State. Finally in 1883, the idea of permanency of the ryotwari assessment was formally abandoned.

It is difficult to define the ryotwari tenure in one or two words. Even the Bombay Revenue Code which was the law governing similar tenures in that Presidency avoided a definition of the tenure and merely described certain of its incidents, attributes and limitations. In Madras, there was and still is no law on the subject, Regulation XXV of 1802 having never been held to be applicable to the ryotwari lands. The difficulty of definition arises from no other cause than the inapplicability to oriental tenures of the phraseology of European landed property. The terms of the engagement can easily be enumerated and these terms are sufficiently well understood and practically acted upon by the persons concerned. They have since been embodied in a set of executive instructions of the Board, called the "Board's Standing Orders", which although is not based on any statute, still by usage and practice, has been regarded as having a statutory force. No serious difficulty has ever arisen owing to any difference of opinion as to the interpretation of the ryotwari contract. In ryotwari tenure, the Government deals with an individual who is technically assumed to be acting on his own account and not through a middle man. He is given a document called a patta which records the extent and assessment of each survey field or a portion of a field in his occupation. The patta does not assume to confer any title, but is only a document indicating certain fiscal arrangements between the Government and the individual mentioned in it. No document of acceptance is received by the Government from the ryot as it is considered unnecessary, the law making the land and its produce liable to attachment for arrears of the land revenue in preference to any other claim on the land. The occupant pays the revenue assessed on the area actually occupied by him and this area may be constant or may be varied from year to year by the relinquishment of old fields or taking up of new ones which are either available as waste or in consequence of having been given up by someone else. The patta is liable to revision every year so as to bring it into par with the actual state of affairs. The occupant thus enjoys all the rights of absolute ownership subject only to the payment of revenue due on the lands levied during the year. When he becomes a defaulter, the Government merely sells such portion of his land as is sufficient to cover the amount due and it does not dispossess him by any form of eviction other than that provided by the legislature under Madras Act II of 1864 (The Revenue Recovery Act). The land can be inherited, sold or burdened for debt in precisely the same manner

as a proprietary right, provided that the person in whose name the land is registered in the Government account pays the revenue due to the State. Other incidents of ryotwari tenure will be more fully described in the final report of the ryotwari settlement.

(vi) *Principles of Ryotwari Settlement*—The early ryotwari settlement had many defects, one of which was that there was great inequality in the incidence of rent as the rent was not co-related to the extent and productivity of the lands owing to the absence of any accurate survey and classification of lands. It was calculated that on the average, Government at that time took as its share 50 per cent of the gross produce of irrigated land and 35 per cent of the gross produce of unirrigated land, while to give the ryot any real interest in the land and to induce an extension of cultivation, it was thought that the utmost that Government should claim should be from 25 to 30 per cent. The early surveys, even the best of them, were defective. There were no maps—district, taluk or village and no permanent boundaries and the records or the surveys, such as they were, had been but imperfectly preserved. These early surveys moreover extended to only a few districts of the Presidency and there were districts in which the only records of the area liable to assessment were the unchecked entries in the accounts prepared by the village officers. Government decided in 1855 that a general revision should be made of the assessment of the Presidency founded on what seemed to be the only right basis of land revenue settlement—an accurate survey and a more or less exact classification of soils. The Survey and Settlement Departments were then constituted in Madras. The scheme of survey and settlement as originally sketched out was shown under the following 14 heads:—(1) a revenue survey showing all the principal variations in the surface of the soil as hills, jungles, roads, channels, tanks, topes, houses, cultivated and cultivable lands and also exhibiting accurately the sizes of the fields in these last two classes of land. (2) The minimum size of fields was to be one acre of wet and two acres of dry land. Interstitial holdings were to be treated as subdivisions of such fields. (3) Permanent boundary marks were to be established and field, village, and taluk maps prepared. (4) Assessment was to be ryotwar. (5) The terms of the annual settlement made with each ryot were to vary simply with the area or quality of the lands held by the ryot; and his use or non-use of water from a Government source. (6) Soils were to be divided into a few classes based on real tangible differences of composition. (7) The Settlement Officer was to estimate, as nearly as possible, the productive power of the land, stated in quantities of someone of the ordinary grain crops: paddy for irrigated lands, and cumbu, cholam or some other grain for unirrigated. These estimates (grain outturns) were to form the basis of the ultimate assessment. They were to be made on a carefully moderate scale so as to allow for indifferent crops and bad seasons. (8) The land was then to be valued with regard to nearness of village roads, markets, irrigation facilities and, etc., and the field or village was to be classed accordingly. (9) The assessment was to be moderate. Existing rates were generally based on 50 per cent of gross produce for wet and 33 per cent for dry lands. Sir Thomas Munro's maximum was 30 per cent and this was now adopted on the assumption that the average would run at about 25 per cent of the gross produce. (10) The ryots' payment was to vary with the rateable money value (or commutation price) of the standard crop fixed every 7 to 10 years on the average of the same period. (11) It was believed that it would not be found necessary to divide the country for the purpose of official scales of prices, i.e., one scale was to apply to the entire Presidency for the term adopted (But this principle was abandoned in practice, and commutation prices of every district have been calculated independently). (12) The grain outturns were to be unalterable for a period of 50 years. (13) It was to be opened to the ryot to compound for a fixed annual payment for a term of years. (14) The Survey Department and the Settlement Department were to be separate, the former under a Surveyor-General, the latter under a Superintendent of Settlement.

This scheme was accepted in the main by the Court of Directors. Objections taken subsequently with regard to certain detailed points were decided at different times as enumerated below:—

(1) The restrictions as to the size of fields has been removed. The maximum was once fixed at two acres for wet and 4 for dry lands, but now as a rule, each revenue field (i.e., each parcel of land on which previously a separate assessment was fixed) will form a survey field. In exceptional cases two or more revenue fields may be clubbed together subject to the following conditions: (a) Every survey field so formed must consist of entire revenue fields (b) No Survey field so united must exceed six acres of wet or 12 acres of dry land (c) The revenue fields forming a survey field should be held on the same tenure. Inam and Government land should not be taken together. (d) No existing revenue field need be divided, however, large. Subdivision of survey fields is allowed without limit of extent, except when it is for the purpose of relinquishment. In such a case it should not be less than two acres, if dry, and one acre, if wet, unless the portion relinquished has been destroyed or rendered useless by causes beyond the ryots' control.

(2) The assessment was to be made on the net produce, i.e., after deducting the expenses of cultivation and a percentage for vicissitudes of season, unprofitable areas and, etc. In 1864, the Government share of the net produce was fixed by the Secretary of State at one-half of the net produce.

(3) The term of settlement was to be 30 years, i.e., both grain outturns and commutation prices were to remain unalterable for that period.

(4) Leases for a term of years at reduced rents were found to be unnecessary for the encouragement of large holdings.

(5) The land assessments were fixed without reference to the facilities for irrigation. In districts subsequently settled, the assessment on irrigated lands was determined by a consideration of the value of the paddy crop grown on the best irrigated land, gradations of rates being formed to meet the conditions of inferior qualities of soil or defects in the sufficiency or regularity of the water-supply.

(6) Formerly, it was the practice to charge the rates settled for irrigated lands, on lands irrigated by wells, where such wells were situated within a distance of ten yards of a Government source of irrigation, although Government had incurred no expense in sinking the wells. The justification offered for this infringement of the rule, that improvements effected at the sole cost of the cultivator should not be subject to taxation was that the wells derived their water-supply by percolation from the Government source. Under recent orders, however, such lands are no longer assessed as irrigated, and the cultivator is allowed to enjoy the benefit of irrigation from his well free of any additional charge.

The settlement of Ganjam district on the above ryotwari principles in the areas held directly by Government was undertaken in Fasli 1287 (1877) and finished in Fasli 1289 (1879). In some areas it also extended up to 1884. The rates for wet lands varied from Rs. 5-8-0 to Rs. 1-4-0 and for dry from Rs. 4-0-0 to Re. 0-4-0 per acre. The expenditure on Survey Department was Rs. 8,74,613 and that on Settlement Department was Rs. 3,95,883. Final result of this settlement in the ryotwari areas was a net increase of Rs. 99,986 the previous demand of Rs. 6,66,409

having increased to Rs. 7,66,395. Unfortunately no final report of the then ryotwari settlement or of any revision settlement that took place, seems to have been prepared or, even if prepared, is not available. The principles of ryotwari settlement did not vary since then excepting in a very few cases and this may be found embodied in paragraph 2 of the Standing Order No. 1 of the Board of Revenue. The revision settlement in the ryotwari areas was done between the years 1904 to 1910.

7. *The Madras Estates Land Act, 1908 (Act I of 1908)*—(i) Whatever be the correct theory of law or political economy as to the nature of the rights of Government in respect of land, it is apparent that the Government, as representing the interests of the people, must exercise a considerable amount of interference in affairs connected with land. Whether this is called executive administration or exercise of a proprietary right, is not of much importance. In the case of zamindars, the land has been perpetually assigned by Government with a proprietary title, at any rate as against itself only. They held Sanad-I-Milkiyat-Istimarar under Regulation XXV of 1802. Even from the beginning, the British Government foresaw the possibility of rack-renting of the ryots by the zamindars. So in Regulation XXV of 1802, it is stipulated under section 14 that the zamindars should enter into engagements with their ryots for a rent either in money or in kind and shall grant to each ryot a patta defining the amount to be paid by him and explaining very condition of the engagement and shall grant regular receipts to the ryots. Since the permanent settlement regulation was misinterpreted as meaning that the ryot was at the mercy of the zamindar for his occupation of the land, Madras Regulation IV of 1822 had to be passed interpreting the permanent settlement regulation to be what it was. Madras Regulation IV of 1822 expressly declared that the Permanent Settlement Regulation of 1802 was not intended to "define, limit, infringe or destroy the actual rights of any description of land holders and tenants". Regulation V of that year was enacted for greater protection of ryots. In 1831, an attempt to amend Regulation V of 1822 proved ineffective. The idea to enact a Revenue Code in 1855 was also given up owing to difficulties connected with it pending the Imperial discussion. It was only when the Act VIII of 1865 was passed that the ryots got specific statutory protection to some extent. This Act was enacted "to consolidate and simplify the various laws which have been passed relating to land-holders and their tenants and to provide a uniform process for the recovery of rent". It contained provisions relating to exchange of pattas and muchilikas which had ruinous effects on the rights of the ryots. In 1871, the High Court interpreted the patta to mean acceptance by the ryot of the position of a yearly tenant. This interpretation of the High Court had far reaching consequences and the zamindars attempted to procure from their ryots agreements containing a stereotyped clause to the effect that the zamindar had much liberty to lease out the lands at his pleasure. The zamindars of Ganjam rarely did evict any ryot under this clause as they were interested in rent and not in the land and so long the ryot was not actually evicted, he was more or less prepared to sign anything. In 1882 a Bill was drafted for securing occupancy rights to ryots in zamindari areas but it was ultimately dropped. Another attempt was made in 1884 and that also met with the same fate. Four years later, the question was again taken up and a draft was prepared. This draft was revised from time to time and thereafter introduced in the Madras Legislative Council in 1905, which ultimately became the Madras Estates Land Act (Act I of 1908) under which preparation of record-of-rights and settlement of rent were conducted in the Major Settlement Operations in Ganjam.

(ii) This Act, in short, was the product of the anxiety of the part of Government to protect the interests of the helpless millions of the cultivating tenants. This laid down for the first time the provisions relating to preparation of record-of-rights and settlement of rent and the Government assumed the power to make an order directing that a survey be made and a record-of-rights prepared in respect of an estate or a portion of an estate either on the application of the ryots or *suo moto* by Government, where in their opinion the preparation of such a record was necessary in public interest. It was the first enactment defining the substantive rights and liabilities of the land-holder and their ryots. So far as Ganjam district was concerned it applied only to the estate or zamindari areas of the district. It made a general declaration of the existence of the occupancy rights of the ryots and proceeded on the footing that title to the land arose from occupation and gave legislative sanction to the ancient Hindu Law that Government or its assignee, the zamindar, was entitled to a share of the produce and not to the possession of the cultivated land. The Act made elaborate provision for enforcement of the rights of the ryots and in this respect followed more or less the provisions of the Bengal Tenancy Act. But it also took peculiar circumstances of Madras into due consideration and to that extent differed from some of the more important provisions of the Bengal Tenancy Act. For example, the institution of tenure-holder that played a very important part in the tenancy system of Bengal did not have any recognition in the Madras Estates Land Act, 1908, excepting to the limited extent that permanent under-tenure in certain circumstances would come within the definition of "Estate", whereas the Bengal Tenancy Act recognised three kinds of ryots, namely, (1) ryots at fixed rates, (2) occupancy ryots and (3) non-occupancy ryots, the Madras Estates Land Act, 1908 put all the ryots into one class with rights of occupancy. The difference in tenancy rights between the two Acts has been more fully described in Chapter III.

(iii) After 1908, there were certain amendments to the Act by Act IV of 1909 to make the provisions clear and to remove a few drafting inconsistencies. Since then other defects and difficulties inseparable from a first attempt in the field of land legislation were disclosed by numerous decisions of the Privy Council, High Court and the Board of Revenue. In 1913 and 1914 some bills were introduced for amending the Act. But before the Bills could be passed in the Legislature, the First World War intervened and their consideration was postponed. In 1922 and again in 1924 committees were constituted for considering the amendments necessary to the Act. The Amending Bill was ultimately introduced in the Council in 1932. This Bill ultimately became Law and it contained some major improvements over the previous Act. The more important clauses were—(a) the conferring of occupancy rights on persons in unauthorised occupation of ryoti land for a continuous period of 12 years, (b) improvements of the provisions of the Act relating to communal lands, (c) making commutation compulsory, (d) giving powers to Government to direct a Settlement of rent on their own motion, (e) abolition of the distinction between "old waste" lands and other waste lands, etc.

The history of the amendment regarding inam 'estates' has been given in Chapter X.

Before creation of Orissa there was one more important amendment to the Madras Estates Land Act, by Act VI of 1936 by which section 39-A was inserted as a result of the introduction of a non-official Bill in the Legislative Council in 1935 by Shri M. G. Patnaik of Ganjam which mainly intended to meet the situation caused by the phenomenal fall in the prices of staple food crops after the year 1931. By this amendment the ryots were entitled to proportionate reduction of rent on application, where the rent of the holding had been enhanced under section 30 or commuted under section 40 or settled under Chapter XII on the ground of reduction of prices by not less than 18½ per cent. A majority of the zamindari ryots in Ganjam did not, however, derive much benefit out of this provision as most of them were paying rents in kind.

(iv) Such was the position of the tenancy law in the zamindari areas of Ganjam on the eve of separation of Orissa on the 1st April 1936. It is clear that the enjoyment of the rights of the tenants conferred by any statute with respect to their lands was largely dependant on availability of record-of-rights based on correct survey which had been done in the ryotwari areas of Ganjam as has been stated in paragraph 6. The provisions of the Madras Estates Land Act, 1908 regarding survey, preparation of record-of-rights and settlement of rent were not availed of in most of the estates till the creation of Orissa. Even where a survey had been made or a record-of-rights prepared or rent settled, the work was generally unsatisfactory. The law provided that the record-of-rights operation could be initiated either by Government *suo moto* or on application by the party. But Government never bothered to apply the provision of the law *suo moto* in any of the estates as Government were not entitled to enhance revenue from these permanently settled estates. It was not, therefore, considered desirable to spend money in going through the elaborate process of survey and record-of-rights under the Madras Codes which was very costly. No landlord would like to apply for a survey and record-of-rights operation as there was always the definite possibility of the gross rentals being reduced by the settlement operation. This is because 50 per cent of the gross produce of the lands were charged as rent and settlement operation done on the scientific lines would naturally reduce the rent. The ryots were not organised in such a way as to apply for survey and settlement operations thereby incurring the displeasure of the zamindars who were considered to be men of importance by the Government. The provision of the law that the party applying for a survey and record-of-rights operation would deposit the cost in advance meant negation of the rights of the ryots. As the matter of survey and settlement was left to the initiative of the private parties, there had been no large scale settlement operation in the estate areas of Ganjam. Every where the zamindar claimed a right to half of the gross produce of the land as a "legal right" excepting Parlakimedi where the rents had been commuted as long ago as 1860. In Parlakimedi survey, preparation of record-of-rights and settlement of rent operations under the Madras Estates Land Act, 1908, were done once in the year 1913 and the revision settlement was done in the year 1939. Information regarding the system of rentals, etc., prevailing in each of the estates has been given in Chapter VI and information regarding the stage and method of survey, etc., in each of these estates has been given in Chapters X and II respectively. Generally speaking, the landlords were satisfied with a survey operation only, because the subsequent operation would, as they feared, hit at the source of their income. The Madras Law under the Madras Survey and Boundaries Act made provision for survey alone without preparation of record-of-rights and settlement of rent. There were, however, instances where landlords had initiated record-of-rights and rent settlement operations, as shown in subsequent chapters, but the rent settlement done in the minor settlement operation was not done on proper principles and so it had to be drastically reduced in the Major Settlement.

8. *Initiation and progress of the settlement operation*—(i) It has already been stated in para. 6 that the ryotwari tracts in the district of Ganjam were completely surveyed and settled. The Agency tracts could not be surveyed owing to difficult nature of the country and the absence of any landed right or land revenue proper. Only the Chakapad Khandam of Balliguda subdivision, which was then a part of Ghumsur taluk, was surveyed and settled on ryotwari principles. In respect of all the zamindari tracts of Ganjam, the position was very unsatisfactory. At the initiative of some zamindars and ryots, survey operations had been undertaken from time to time. Being isolated attempts made at different times, they were not governed by any general policy or uniform procedure. Thus as early as 1901 Seragada estate was surveyed and the last to have been surveyed was Chikiti in 1918. In Bodokhimidi estate survey was done under field measurement book system and that in Khallikote and Athgada estates under a new system introduced for the first time in Madras known as the Khallikote and Athagada system. A third system, namely, Punganur system was followed in Chikiti estate. These systems have been more fully described in Chapter II. Similar had been the difficulty with regard to the record-of-rights which was prepared at different times for different estates and generally the record-of-rights was not a complete document. It mentioned only the name of the ryot and there was no mention of the parentage and further description of the ryots' identification. When Orissa was created in 1936, a minor settlement operation under the control of the Collector, Ganjam, was in progress. It covered blocks of villages in Khallikote, Athagada, Dharakote, Surangi, Jarada, Bodokhimidi and Parlakhimedi estates. A Special Officer designated as Special Revenue Officer was in direct charge of the operation. In the latter part of 1937 Mr. J. R. Dain, the then Revenue Commissioner made an intensive tour in the district particularly in the estates where the minor settlement operation was in progress and in his inspection note discussed atlength the agricultural, social and economic condition prevailing in Ganjam estates, the provisions of the tenancy law (Madras Estates Land Act, 1908), the Madras procedure then followed in survey, preparing record-of-rights and in settling rent and the cost incurred in the operation, etc. He was of the opinion that the cost involved in record-of-rights and settlement operation was not commensurate with the results achieved. He opined that the entire zamindari areas in the district should be brought under survey, record-of-rights and rent settlement operation to be conducted under the Bihar and Orissa pattern. In the provisional conclusion he has observed as follows :—

"In the first place rent settlement as it is now being done ought to be stopped. It is not really a fair rent and is costing more than it is worth. The settled villages should be left as they are for the moment. Heroic remedies will probably produce rent no more fair than the rent which has been settled as yet we do not know how to fix fair rent. I would be inclined to order a record-of-rights and rent settlement for the whole of the remaining zamindari area. If done as a whole, it can be done at a reasonable cost. While preparing the record-of-rights we can study the existing rent and form an idea of how to substitute a fair cash rent for them. Rent settlement is essential. If we disturb the existing arrangements by definitions and record-of-rights, we must replace them by something else. I would be inclined to modify the form of map and record and to have a simple cadastral map as in Bihar. Whether we should settle rent by holdings as in Bihar or by plots as in Madras is a matter in which opinions may differ. It seems desirable to produce a ryoti khatian in addition to or in place of the present Khasara (which was then called the record-of-rights). It is beyond doubt that more of the work should be done in the field in the presence of the ryots with a field bujharat. The record should also extend to under-ryots or at least the village descriptive note should describe the customs by which they hold. All these are matters of details which should be considered later."

(ii) This was a turning point in the history of the settlement operation in the district and the valuable suggestion made by the Revenue Commissioner set the ball rolling. The suggestion of the Revenue Commissioner was duly considered by Government and the Council of Ministers held on the 9th April 1938 decided as follows :—

"Settlement operations will be taken up in two blocks, record-of-rights will thus take 3 years to complete. It is not necessary to consult the land-holders and ryots before Government order for preparation of record-of-

rights and settlement of rent for the remaining areas in the estates of the district. Settlement of rent will follow record-of-rights."

The Settlement Officer was asked through the Collector of Ganjam by the Revenue Commissioner, Orissa, to study the question and draw up a rough programme for settlement operations in Ganjam. Accordingly the Settlement Officer submitted a budget for Ganjam Major Settlement covering the period 1938 to 1944. The budget was approved by Government with slight modification for Rs. 6.54 lakhs. From the 1st December 1938 the Settlement Officer had been concerned solely with the major settlement in zamindari areas. The Major Settlement Office was transferred from Chatrapur to Berhampur on the 23rd January 1939. The minor settlement continuing in a few villages was under the charge of a Deputy Collector on special duty till the 30th November 1938 when it was transferred to the direct control of the Collector, Ganjam. The Deputy Collector was empowered as Collector under Chapter XI of the Madras Estates Land Act, 1908, to attend to the work of the minor settlement. The Settlement Officer, Ganjam, was also kept in charge of the settlement operations in Koraput district where the first experimental settlement in 20 villages of Boipariguda area had been taken up. This was followed by settlement operation in a wider scale in Koraput district in 1941. In Ganjam district the major settlement operation was started and continued at different stages in Blocks A, B and C from December 1938 to June 1942, when the operations were temporarily closed due to war emergency. The Settlement Office with all papers and records was shifted to Jeypore in Koraput district. The Tahsildar, Jeypore, attended to the routine files of the Settlement Office under the control of the Collector, Koraput. Government in their order No. 8079-R., dated the 8th December 1946, ordered to resume the Ganjam and Koraput settlement operations. A Special Officer was appointed from the 5th March 1947 for preliminary work leading to the resumption of settlement operations in Ganjam and Koraput districts. During 1947 to 1954 the major settlement operation in Ganjam continued at different stages in Blocks A, B, C and D (covering all inam estates) till the operations were again suspended suddenly on account of orders passed in the Bodogodo case No. O. J. C. 64/52 declaring the settlement procedure illegal. The operations were resumed after passing of the Ganjam and Koraput Survey and Settlement (Validation) Act (Act VII of 1956).

(iii) According to the earlier programme 1604 (i.e., 1577 zamindari villages and 27 Darmilla inam villages) villages lying in different zamindari and proprietary estates were taken up in Blocks A, B and C. After the passing of the Madras Estates Land (Orissa Second Amendment) Act, 1946 (Orissa Act XVII of 1947) all the pre-settlement whole inam villages came under the definition of "estate" and as the tenants of the inamdars were mostly paying kind rent and the inam villages were generally unsurveyed, Government decided to start survey and settlement operations in those villages. 476 inam estates and 35 Darmilla inam villages including 3 resumed pre-settlement inam villages were taken up in Block D from the year 1948 and they were scattered villages lying within the geographical boundaries either of the zamindaries including Parlakimedi or the ryotwari areas. In the meantime Madras Estates Land (Orissa Amendment) Act, 1947 (Act XIX of 1947) was passed inserting section 168-A of the Madras Estates Land Act, 1908, with a view to fixing fair and equitable rent in cash in the estate areas and reducing the rent where they were unfair and inequitable. The circumstances leading to the passing of this Act will be more fully described in the Rent Settlement Chapter at paragraph 65. In various notifications issued from time to time, Government ordered for fixing fair and equitable rent in 1562 zamindari villages, i.e., in the ryoti villages of all the zamindaries taken up in the major settlement operations. Accordingly settlement operations were taken up and completed in all excepting 4 villages for reasons given in Appendix I. The rent settlement operations in the inam estates were not taken up owing to Bodogodo writ case declaring the settlement procedure illegal. After passing of the Ganjam and Koraput Survey and Settlement Validation Act (Act VII of 1956) pending operations were resumed and rent settlement in the inam estates was also ordered. Rent settlement in 278 inam villages out of 538 such villages (i.e. 476 inam estates, 59 Darmilla inam villages and 3 resumed pre-settlement inam villages) have since been completed. No rent settlement was taken up in respect of 9 zamindari villages and 124 inam villages including 1 resumed pre-settlement inam village as there were no ryoti holdings in these villages. So out of a total number of 2,115 villages (i.e., 1,577 zamindari and 538 inam villages) taken up in the Major Settlement operation the work in respect of 1,969 villages has been completely finished. The operations in 146 villages could not be completed, as in case of 127 inam villages the Inamdars filed writs or suits in the High Court or Civil Court, as the case may be, the remaining 19 villages (i.e. 9 inam villages and 10 zamindari villages) were held up due to specific problems. The present position of these 146 villages has been given in Appendix I.

9. *Difficulty in having correct list of villages*—Great difficulty was experienced from the beginning of the settlement operation till the last stage in having an up-to-date list of estate ryoti villages, pre-settlement whole inam villages and Darmilla whole inam villages. Neither the land-holders nor the Collector were in possession of correct and up-to-date information. The reason for this is that the definition of village as given in the Madras Estates Land Act, 1908, was very elastic. It included hamlets also and a new village was created when a new hamlet sprang up or a separate land account was opened by the land-holder. The pre-settlement inam and Darmilla inam villages were scattered all over the zamindaries and ryotwari areas. Only a few inam villages had been surveyed from before and the majority of them had not been surveyed at all. In every case an enquiry had to be made whether the village had been previously surveyed and record-of-rights prepared and whether it was pre-settlement or Darmilla inam or a ryotwari village. Reports received from various Tahsildars of Kodala, Chikiti and Digapahandi showed that 26 scattered villages situated on the top of hills had not been taken up for survey by this Department. As this was discovered at a later stage, survey of these villages could not be taken up and they have now been included in the programme of ryotwari villages.

10. *Areas Excluded*—For the reasons given in the foregoing paragraphs (paragraphs 7 and 8) the ryoti villages of Parlakimedi which had been surveyed and settled before and the Government ryotwari villages were not included in the programme of the major settlement operation. There was no order of the Government for taking up agency areas for survey and record-of-rights. A programme for survey, preparation of record-of-rights and settlement of rent in the ryotwari areas, jeroiyati villages of Parlakimedi ex-estate and the agency areas have since been approved by Government to be taken up under provisions of the Orissa Survey and Settlement Act, 1958. The operations in the former two areas have commenced from the field season of 1960-61 and 1961-62 respectively. The operation in the Agency areas is programmed to be taken up in the field season of 1963-64. With the completion of operation in these areas, a separate final report for ryotwari and agency settlement will be prepared.

CHAPTER II

SURVEY

11. *General*—(i) Survey is a technical matter and has nothing much to do with the tenancy laws of the area, whereas record-of-rights and settlement operations are closely connected with the revenue and the tenancy system. The various laws relating to survey in different areas of the State were passed at different times providing for undertaking survey operations, embedding of stones to demarcate and preserve the boundaries of villages and fields and to give the Survey Officers powers to enter upon lands and to remove material obstructions to survey work. Revenue survey is not an end in itself but a means to an end, i.e., it helps in knowing the correct position and area of lands of the ryots and leads to correct preparation of record-of-rights and settlement of rent based on extent and classification. Preparation of record-of-rights and settlement of rent always follow survey. In the areas governed by the Orissa Tenancy Act, when a record-of-rights was ordered survey was done under the Bengal Survey Act. Similarly when a record-of-rights operation was ordered under the Madras Estates Land Act, 1908, survey had to be made under the Madras Survey and Boundaries Act as provided in section 164 (3) of the Madras Estates Land Act, 1908. While the broad principles of survey were governed by Statutory Acts and Rules, the detailed procedure and technicalities were left to be governed by executive instructions. The technical rules of Settlement Department of the Bihar and Orissa, Volumes I, II and III prescribe the method of survey under the Bihar and Orissa System. The Madras Survey Manual, Volumes I to III prescribe the procedure followed under the Madras system. The difference in the two systems of survey will be explained in subsequent paragraphs of this Chapter.

(ii) There are three kinds of surveys—(a) Trigonometrical—to ascertain the general bearing of the country, (b) the topographical for producing maps of which the typical size is 1"=1 mile and (c) the revenue survey which defines the boundaries of properties. The first is the most scientific and the third is practically the most useful. Triangulation forms almost the sole operation in the first. The revenue survey comprises two operations, namely, theodolite survey and cadastral survey. The first is a survey with theodolite and chain based on the trigonometrical work of the Survey of India. The second is a survey with chain, optical square, offset scale with or without plane-table based on the theodolite work just mentioned. The object of the theodolite survey is to provide a sufficient number of accurately fixed points for the Cadastral Survey. These points are about half a mile apart and include all junctions of three or more village boundaries. With the exception of these village trijunctions, the fixed points are not generally boundary marks. All the points are permanently marked with stones. As a rule, every square mile of cultivated land contains about 6 of these fixed points. It is not necessary here to give details of the technicalities of the theodolite survey. In less developed areas where great accuracy is not desired the purpose can be achieved either by Prismatic Compass Traverse or by Plane-table Traverse. The Cadastral Survey is based upon the traverse done by either theodolite, prismatic or by plane-table and there are several systems of cadastral survey as will be discussed in the subsequent paragraphs 13 to 14.

12. *Law regarding Survey*—(i) The legal provisions under which survey work in Madras Presidency was conducted were those contained in Act XXVIII of 1860 "An Act for the establishment and maintenance of boundary marks and for facilitating the settlement of boundary disputes in the Presidency of Fort St. George" and in Act II of 1884 "An Act to make further provision for the maintenance of boundary marks". Act XXVIII of 1860 dealt with the whole subject "*ab initio*" giving power to determine the boundaries of both of villages and fields and to settle disputes. Under this law, Government was to bear the cost of all stones at survey stations which were not boundary marks and of all boundary marks in unoccupied Government lands. The owners or occupiers were to bear the cost of boundary marks which defined their properties. A penalty of Rs. 50 could be levied by a Magistrate for removal or erasing of or wilful damage to boundary marks, half of the penalty going to the informer and half to the cost of restoration. Under section I of Act II of 1884 the owner or occupier was made responsible for the maintenance of the boundary marks of his estate and under the remaining sections the procedure was laid down in which the Collector was enabled to enforce the maintenance of the demarcation generally and to recover, if necessary, the expenses incurred in connection with boundary marks from the owner or occupiers of the lands in the villages. These two Acts were repealed by Madras Survey and Boundaries Act IV of 1897, "An Act to amend the law relating to survey of lands and settlement of boundary disputes". While embodying in effect the provisions of the two previous Acts, this Act enabled the Government to undertake the survey of the private estates on the application and at the expense of the proprietors. Act IV of 1897 was repealed in 1923 and a new Act—the Madras Survey and Boundaries Act, 1923 (Act VIII of 1923)—"An Act to amend the law relating to survey of lands and settlement of boundary disputes" was passed. The most important amendment in it provided that the record of the survey would be the conclusive proof that the boundaries determined and recorded had been correctly determined and recorded unless the survey was modified by a decree by a Civil Court within 3 years of the notification of its completion. There was some slight drafting amendment made to this Act by Madras Act II of 1925. So the Madras Survey and Boundaries Act 1923, was the law governing survey when the Province of Orissa was created on the 1st April 1936 and the Ganjam Settlement Operations started in the year 1938 and this law was applicable in the ryotwari as well as in the Estate areas.

(ii) The Statutory Rules framed under the Madras Survey and Boundaries Act provided that stones of durable quality and of the prescribed sizes should be embedded at the bends and corners of all survey fields and at village trijunctions and some other points of the village boundaries. A survey field consisted of one or more plots of land subject to a maximum of 5 acres of wet land and 10 acres of dry land and the plots within a survey field which were technically called subdivisions might belong to different persons and might be of different status. These survey fields without subdivisions appeared on the village maps and the subdivisions in respect of each survey number were shown with measurements noted on them in a register otherwise known as Field Measurement book. The unit of survey was, therefore, a survey field instead of the village as in the Bihar and Orissa system and the maps of the survey fields of a village were prepared in different scales according to their size and were independently shown in the field measurement book. Thus the land of a particular person could not be seen in its relative position to the lands of a village as a whole. Identification was difficult except with the village map as well as the field measurement book, whereas under the Bihar and Orissa system a single village map could serve the purpose. The time and the cost involved in the chain survey system as the system under the Madras Survey and Boundaries Act was generally called, was prohibitive and discouraging. Mr. J. R. Dain had, therefore, recommended the Bihar and Orissa pattern which was less costly. But this could not be done

without amendment to the Statutory Rules. Under the plane-table system of survey the village is taken as the unit of survey and after traverse by theodolite or plane-table, as the case may be, the area within the traverse boundary of the village is divided into morabbas or quadrilaterals for facility of survey. Detailed plotting or kistwar is done on sikimi lines or sub-lines run from one point of a morabba line to another point in the opposite side of the morabba. In Bihar and Orissa System, these morabba stations are not preserved by embedding stones or other permanent marks for facility of identification although stones are embedded at village trijunctions. A large number of adopted stations or permanent marks are surveyed in position within the village to serve as fixed points from which lines can be drawn for identification of fields or for formation of another system of morabbas in future survey. As the ryots in Ganjam had great sentimental approach to stones, it was not easy to altogether do away with the idea of embedding stones in the villages. A *via media* was, therefore, suggested by which stones were to be embedded at all morabba or quadrilateral points besides the trijunction of the villages. The necessary amendments were carried out to the rules under the Madras Survey and Boundaries Act in Revenue Department notification No. 4878-R., dated the 4th December 1940. By this amendment it was provided that stones should be embedded at the following points :—

- (1) Theodolite stones of the prescribed size—that is, of the size measuring 3'×9"×9" with a plummet hole cut on the top and a broad arrow on one side (in estates letters E, Z or any other distinguishing marks as may be decided on in consultation with the proprietor may be cut instead of the broad arrow) to be embedded at all trijunctions of villages and at all theodolite stations of all zamindari villages where they adjoin ryotwari or pre-settlement inam villages or villages of another zamindari or unsurveyed tract.
- (2) In areas surveyed under the system of preparing the detailed village map as the survey proceeds on the fields (this is the Bihar and Orissa System of Plane-table Survey), field stones of the size 2'×6"×6" with a broad arrow cut on one side—to be embedded at all the starting and closing points of quadrilateral lines where these points do not fall inside cultivated fields or do not coincide with village trijunctions or other points already marked with theodolite stones.
- (3) To suit special local conditions or requirements the Local Government by special order may direct the demarcation by stones of such points as the Director of Land Records and Surveys deems necessary.

By virtue of this amendment the system of embedding stones at all bends and corners of survey fields was done away with and embedding stones at morabba points was introduced.

(iii) Under the rules framed under the Madras Survey and Boundaries Act the following records have to be prepared by the Survey Officer :—

- (1) Field Register (also known as Survey Land Register or S. L. R.) showing the number and area of each survey field and subdivision and, as far as ascertainable, the tenure and ownership of the same.
- (2) Record of measurement or field measurement book plotted to scale and showing the measurements taken for each field and subdivision.
- (3) Map plotted to scale showing all survey fields with important topographical details.

These are completely different from the system of mapping and recording under the Bihar and Orissa System. To enable the Major Settlement Operation to carry on the work under the Bihar and Orissa System, this rule was amended in 1940 by adding the following proviso at the end of rule 3 of the rules under the heading "Rules under clause 2(b)" :

"Provided that if the Provincial Government by special order in any case so direct, the map referred to in item (3) shall also show all fields and subdivisions and such measurements as the Director of Land Records and Surveys may direct, and in such a case it will not be necessary to prepare the record referred to in item (2)". This addition of the proviso gave the necessary authority to prepare the village plans under the Bihar and Orissa System as subdivisions which correspond to plots could be shown in the village maps and where this was done the field measurement book (or F. M. B., as it is usually called) was done away with. But the provision in the rules regarding preparation of the field register otherwise known as Survey Land Register still remained. After a great deal of discussion it was thought desirable to amend the form of the Survey Land Register as it was considered time-taking and wasteful to prepare a Survey Land Register in addition to the Khatian which was to be prepared under the Madras Estates Land Act, 1908. The Board of Revenue, therefore, approved a combined form both for the field register as well as for the khatian which contained all the particulars necessary to be recorded under the Madras Survey and Boundaries Act as well as under the Madras Estates Land Act, 1908. The heading of the form was called "draft field register and draft record-of-rights". It may be mentioned in this connection that although the Madras Survey and Boundaries Act required the map to be made final, it did not contain any provision to finally publish the field register. After effecting necessary corrections in the draft field register in accordance with the orders passed in appeal, if any, under section 11, the draft field register was not finally published. That explains why in the final khatian form the words "field register" have been omitted. Introduction of a combined form for the field register and the record-of-rights also led to the issue of a combined notice under section 6 (1) of the Madras Survey and Boundaries Act and in Form No. I of the Statutory Rules under the Madras Estates Land Act. The provision of the Act regarding finality of survey after its notification under section 13 presented considerable difficulty in inserting the subdivisions created during rent settlement stages in the village maps. The subdivisions created during record objection hearing stage could be accommodated because as a general practice survey was not declared final under section 13 until the records were ready for final publication. But once the records were finally published and the survey made final, the changes ordered during rent objection hearing stage could not be accommodated either in the map made final under section 13 of the Madras Survey and Boundaries Act or in the record-of-rights finally published under section 166(2) of the Madras Estates Land Act. A workable solution was found by preparing supplemental sheets in respect of only of the subdivisions created during rent objection hearing stage and as such subdivisions were not shown in the village map itself, they are of little practical value for the ryots of those subdivided plots. Similar is the case with respect to preparation of supplemental or "KA" khatas in respect of new khatas prepared during rent objection hearing stage which will be

explained in Chapter VI, paragraph 69. [These difficulties were sought to be removed by introduction of a uniform law for survey and settlement in the entire State of Orissa. But by some chance, they continued when such a law was enacted in the Orissa Survey and settlement Act, 1958 (Orissa Act 3 of 1959). Ultimately these defects were removed by an amendment to Orissa Survey and Settlement Act by the amending Act 7 of 1962]. It has been stated that above rule 3 of the "Rules under clause 2 (b)" was amended to the effect that the map prepared should also show such measurements as the Director of Land Records and Surveys may direct, and this amendment was issued in Government Order No. 2153-R., dated the 8th August 1941. The Revenue Commissioner in his capacity as Director of Land Records and surveys issued orders in his Memo, No. 1172 (3)-L.R.S., dated the 24th August 1941, to show measurements of a diagonal line across each quadrilateral. This was modified in Revenue Commissioner's letter No. 864—L.R.S.-XXII-28/42, dated the 16th/17th June 1949, to the extent that when it was impossible to run a diagonal line in a quadrilateral this might be dispensed with, provided the corners of the quadrilateral would be definitely fixed with reference to the sides and a diagonal line of the adjoining quadrilateral. When, however, this was not possible, two other points might be taken on the sides and the position of these sides as well as the length of the line joining these points should be indicated in the map.

(iv) The difficulty of adjusting the provisions of the Madras Survey and Boundaries Act and its rules to the new idea of introducing the Bhiar and Orissa system of survey in Ganjam seems to have also led to the famous Bodogoda Writ Case in which the survey and settlement procedure in Ganjam was declared illegal. In the Bodogoda Writ Case the High Court held that the survey of the estate was not justified by law and was done without jurisdiction for the following main reasons:—

- (1) Non-appointment of Survey Officer under section 4(1) of the Madras Survey and Boundaries Act
- (2) Adoption of combined notice in Form No. 1 as prescribed under Madras Survey Manual and Form No. I prescribed in rule 6 of the rules framed under Chapter XI of the Madras Estates Land Act.
- (3) Modification of forms prescribed in Madras Survey Manual without orders of Government.
- (4) Recovery of survey cost from the parties when Government ordered the survey operation, *suo motu* and the manner of apportionment of survey costs.

I will deal herewith the points 1 to 3 leaving point 4 to be dealt with in Chapter VIII relating to cost and its recoveries.

Government issued a combined notification under section 17 of the Madras Survey and Boundaries Act for survey of the Estates and under section 164 of the Madras Estates Land Act for preparation of record-of-rights therein. The general notice to be served in the village under section 6(1) of the Madras Survey and Boundaries Act and under rule 6 of the Statutory Rules under Chapter XI of the Madras Estates Land Act were also a combined notice. Government in their letter No. 909-R., dated the 8th March 1940, observed that the khatian form prepared during the Major Settlement Operation fulfilled the requirements of both the Survey Land Register and the record-of-rights contemplated under the Madras Survey and Boundaries Act, and the Madras Estates Land Act respectively. In pursuance of this decision, the form of the notice prescribed in Form No. 1 of the Madras Survey Manual, Volume III, for service under section 6(1) of the Madras Survey and Boundaries Act and that of the notice in Form No. 1 prescribed in rule 6 of the Statutory Rules under the Madras Estates Land Act meant for service before initiation of the survey and record-of-rights were suitably modified and a combined notice was prepared and served. The High Court held that the Settlement Officer had no power to vary the form of notice as they were statutory notices and services of a combined notice was not legal. There was also another defect in that the notices that were served were signed by the Settlement Officers as Collector appointed under the Madras Estates Land Act and not as a Survey Officer appointed under the Madras Survey and Boundaries Act and so the notice purported to have been issued under-section 6(1) of the Madras Survey and Boundaries Act was not a valid notice. The difficulty was that neither the Settlement Officer nor the Assistant Settlement Officers were vested with the powers of a Survey Officer under section 4 of the Madras Survey and Boundaries Act. This was not done because probably it was held then that under the statutory rule 1(3) under Chapter XI of the Statutory Rules framed under section 215 of the Madras Estates Land Act a Collector appointed under the Madras Estates Land Act was invested with all the powers exercisable by a Survey Officer under the Madras Survey and Boundaries Act. The High Court did not accept the view and held that when a Collector made a survey it could not be said to be a survey made by a Survey Officer appointed under the Survey and Boundaries Act. But although Survey Officers were not appointed, whether due to mistake or otherwise, still it was curious that the notice issued under section 9(2) of the Madras Survey and Boundaries Act at the time of attestation of the record-of-rights by the Assistant Settlement Officer was signed by the Assistant Settlement Officer in his capacity as a Survey Officer. Subsequently all these irregularities have been regularised by passing of the Validation Act and the Board of Revenue in their notification No. 1607, dated the 26th July 1956 have appointed the Settlement Officer, Charge Officer, Assistant Settlement Officers Kanungoes, Inspectors and Amins by designation to be Survey Officers under particular sections of the Madras Survey and Boundaries Act. But since then no survey has been conducted in the Major Settlement Operation and hence this power has not been exercised.

(v) The following procedure is prescribed for survey under the Madras Survey and Boundaries Act :

First of all, the Government or any officer or authority to whom the power may be delegated by Government, may, by notification, order a survey of any Government land. Government land is defined to mean any land not forming an "estate" land. Then the Government or any officer specially empowered in this behalf will appoint by notification under section 4 of the Act, any person either by name or by virtue of his office, to be a Survey Officer for conducting proceedings under the Act. When a survey is ordered under section 5, the Survey Officer had to publish a general notification in the prescribed manner under section 6 of the Act inviting all persons interested in the land to attend either in person or by agent for the purpose of pointing out boundaries and supply all information in connection therewith. The Survey Officer is given power to determine and record both undisputed boundaries under section 9 and disputed boundaries under section 10. Appeal against his order under section 9 or 10 can be preferred to the prescribed officer under section 11 of the Act within 3 months from the date of service of notice under section 9 or 10 and before the issue of notification under section 13. When the survey of the land has been completed in accordance with the orders passed under

section 9, 10 or 11, the Survey Officer has to notify this fact in the District Gazette and a copy of such notification shall be pasted in the village chaudi, if any, of the village to which the survey relates. After this notification, the record of the survey shall be conclusive proof that the boundaries determined and recorded therein have been correctly determined and recorded unless the survey so notified is modified by a decree of a Civil Court. Under section 14, a suit can be instituted within 3 years from the date of the notification under section 13 to set aside or modify the determination of the boundary by the Survey Officer. Section 17 of the Act applies to survey of "estates". Under this section, the Government or any officer to whom power may be delegated by Government, may, by notification, direct survey of an estate or a portion of an estate either on application in writing of the proprietor of any person interested in the boundary or without such application whenever in the opinion of Government such survey is necessary—

- (i) for the better or more convenient assessment or levy of irrigation cess,
- (ii) for any other reasons to be recorded prior to issue of such notification.

The conduct of such survey and the proceedings of the Survey Officer shall be regulated according to the procedure laid down for survey of Government lands.

During the Major Settlement Operation in Ganjam, Government ordered *suo motu* for survey of the estates under sub-clause (ii) of clause (b) of section 17 and the reason given by Government for issue of this notification was to secure the ryots generally and the land-holders of the estates in the enjoyment as such of their legal rights. Such notifications were combined notifications for survey under section 17 of the Madras Survey and Boundaries Act and for record-of-rights under section 164 of the Madras Estates Land Act, 1908. (The Madras Survey and Boundaries Act has since been repealed by the Orissa Survey and Settlement Act, 1958). For the survey of Government lands, i.e., Government poramboke lands acquired under the Land Acquisition Act and other lands in which Government had an interest and pre-settlement enfranchised and unenfranchised minor inam lands which were situated within the boundaries of villages directed to be taken up for survey and resurvey, the Settlement Officer, Ganjam-Koraput, was authorised to exercise the powers delegated under section 5 of the Madras Survey and Boundaries Act (Act VII of 1923).

13. System of Cadastral Survey in Ganjam prior to Major Settlement Operation—

(i) The following systems were in vogue:—

- (a) Triangle,
- (b) Diagonal and Offset,
- (c) Khallikote and Athagada, and
- (d) Punganur

(a) *Triangle System*—Mainly ryotwari areas of Ganjam were done under this system. It consists in taking measurements from one stone of the survey field to other stones in the same survey field for the purpose of dividing the survey field into so many triangles. Offsets of field corners are not taken and shown in the field measurement book. Village maps are prepared on traverse basis as usual. No village in the estate area was surveyed under this system.

(b) *Diagonal and Offset System*—Under this system the survey field is divided into smaller number of triangles and offsets of the bends and corners of the revenue fields (plots) are taken on 'G' lines run from one stone to another stone which are generally embedded only at the ends of 'G' lines and not at all bends and corners of the survey fields except where the survey field is a poramboke land, unlike the triangle system where stones are embedded at all bends and corners of the survey fields. Village maps are prepared on traverse basis as usual. 346 villages were surveyed under the diagonal-offset system in Bodokimedi, Aska, Seragada, Biridi, Jarada, Paralakimedi, Palur, Surangi, Huma Estates and Aska Malukdari.

(c) *Khallikote-Athagada System*—This is a compromise between the diagonal-offset and the plane-table so called as this system was first introduced in the survey of Khallikote and Athagada estates. Lines are run between theodolite stations and offsets of all field bends are taken on these lines. Each plot is shown on the village map unlike any other system such as triangle or diagonal and offset where only survey fields are shown on the village map. Detailed plotting is, however, not done in the field unlike plane-table system. As in case of other systems of survey in Madras the plotting is done at Head Office on the basis of data recorded during field enquiry. A partial sketch representing a rough map of the village in which measurements and offset numbers are recorded is prepared in the field. The village is divided into khandams corresponding to morabbas under the plane-table system and the measurements of all lines are noted in the partial sketch. All offset points are numbered and the 'G' Book which corresponds to field book in the plane-table system show the offset distance of each field corner on the 'G' lines run from one stone to another. Stones are embedded only at theodolite points and khandam stations. The partial sketch and 'G' books are permanently preserved and form the basis of plotting of the village map. Under this system not field measurement book as in other systems of Madras Survey is prepared. 323 villages of Khallikote, 254 village of Athagada and 165 villages of Dharakote, Jarada, Palur estates including 3 villages of Berhampur and Chatrapur taluks were surveyed under this system of survey.

(d) *Punganur System*—Only 94 villages of Chikiti zamindari were surveyed under this system. This system is so called as it was first introduced in the survey of Punganur Estate in Madras in 1914—1916. As a principle, a single diagonal line is run across each survey field and all field bends are offsetted on this line. The survey field itself is plotted in the village map by taking offsets of the corners of the survey field on a bigger 'G' line run from one theodolite station of the village to another theodolite station on the opposite side of the village. Thus, there is material for checking the accuracy of the survey of the field boundaries from two independent data. In other respects, this resembles the diagonal and offset system. This appears to be the most accurate type of survey as yet devised but is costly.

14. *Difference between the Bihar and Orissa System and the Madras System*—(i) In Bihar and Orissa System, plane-tables are used whereas in the Madras System, plane-tables are not generally used as most of the work is done at headquarters instead of at field. The Bihar and Orissa System definitely discourages doing of any portion of

survey work at any place other than the spot. As a matter of fact, preparation of field books and plotting them subsequently at the dera of the Amin is prohibited in the Bihar and Orissa System. The idea of preparing a map in the office from the data collected in the field is basically wrong simply because this leads to inaccuracy as effective check of work of the surveyor is not always possible.

(ii) Under the Madras System, a survey field which consists of one or more plots or revenue fields (a revenue field, if occupied, is a distinct piece of land of one description of soil and held on one tenure by one man or jointly by more and if unoccupied, it is either poramboke or waste) is the unit of survey and is treated as final after notification of completion of survey under section 13 of the Madras Survey and Boundaries Act, whereas under the Bihar and Orissa System, the village is a similar unit of survey. In the village maps which are generally prepared $16''=1$ mile scale (there are also village maps prepared in $8''=1$ mile or $40''=1$ mile scale and sometimes two or more contiguous villages appear in one sheet), the boundaries of only survey fields which may not be strictly according to scale and position are shown whereas in the Bihar and Orissa map, all plots are shown not only in their relative position but also exactly according to scale. The maps are also generally in $16''=1$ mile scale but in congested villages, maps of higher scale, i.e., $32''=1$ mile or $64''=1$ mile scale are also prepared. Subdivisions of plots during subsequent stages of settlement operation or during maintenance operation are shown in the village map itself whereas in the Madras System, subdivisions within the survey field are not shown in the village map but in the field measurement book which is prepared separately for each survey field.

(iii) Plot numbering in the two systems is also different. Plots within the survey field in Madras system are generally denoted by the subdivision numbers of the survey fields to which they relate, such as $5/2$, $3/1$, etc., the numerator representing the survey number and the denominator the subdivision number within the survey field. Further subdivisions are represented by compound fractional numbers. Thus, if a plot, say, $5/1$ is subdivided into 2 plots, the portions are given numbers $5/1/A$ and $5/1/B$. If subsequently plot No. $5/1/A$ is again subdivided, the portions are numbered $5/1/A/1$ and $5/1/A/2$ and so on. In the Bihar and Orissa system of survey, when a particular plot, say, 5 is subdivided into 2 plots and the village has got, say, 500 plots, one of the subdivided plots is given the number 5 and the other is given the number $5/501$. If plot No. $5/501$ is again subdivided into 2 plots one is given the original number, namely, $5/501$ and the other portion is given the number $5/502$, the denominator always representing the last number of the plot of the village. In the major settlement operations, a *via media* was found in numbering the fields. If a plot, say, 5 was subdivided, it was given subdivision numbers $5/1$, $5/2$, $5/3$, and so on, the numerator representing the original plot number and the denominator representing the last number into which the plot has been subdivided. If $5/2$ was subsequently subdivided into two plots, the portions were numbered, $5/2$ and $5/4$, if $5/3$ was the last number of the subdivided plot and so on.

(iv) Under the Madras system, stones are embedded at all bends and corners of survey fields whereas under the Bihar and Orissa System, stones are embedded only at village trijunctions.

I have already shown in paras. 7 and 8 that during the major settlement operation, a switch over to the Bihar and Orissa system was decided in accordance with the recommendations of the then Revenue Commissioner, Mr. J.R. Dain, as the Madras system was very costly and time-taking. I have also said how adjustments had to be made in the Bihar and Orissa system in order to conform to the statutory requirements of the Madras Survey and Boundaries Act and the difficulties faced during the Major Settlement Operation in accommodating the statutory requirements under the Bihar and Orissa system of mapping and recording which have ultimately been removed by an amendment to the Orissa Survey and Settlement Act, 1958 in amending Act 7 of 1962.

15. *Preparation of maps*—(i) *In unsurveyed villages*—Out of 2,115 villages taken up in the Major Settlement Operation, 933 villages including 455 inam villages were completely unsurveyed. The number of such villages in different estates may be seen from the statement given at sub-para. (iv). In these villages, the usual method of plane-table survey was followed subject to modifications evolved to suit the statutory requirements, as explained in paragraph 13. Out of 933 villages theodolite traverse was done in 411 villages of different estates as shown below by the Deputy Director of Surveys, Bihar:—

1. Sanakhimedi Estate	..	104 villages
2. Kurla (Malukdari)	..	1 village
3. Devabhumi	..	10 villages
4. Aska (Malukdari)	..	14 villages
5. Biridi	..	1 village
6. Palur	..	16 villages
7. Humma	..	2 villages
8. Surangi	..	108 villages
9. Chikiti	..	46 villages
10. Jarada	..	14 villages
11. Bodagada	..	95 villages

The total area traversed by theodolite by the Deputy Director of Surveys, Bihar, was 274 square miles and the cost on this account was Rs. 41,017. In respect of the remaining 522 villages plane-table traverse was done. Stones of size $3' \times 9'' \times 9''$ were embedded at all trijunctions of villages and at all theodolite stations on the boundaries of the zamindari villages where they adjoined ryotwari or pre-settlement inam villages or any other zamindari or unsurveyed tract, and stones of the size $2' \times 6'' \times 6''$ were embedded at all the starting and closing points of quadrilateral lines where they did not fall inside cultivated fields. The stones were serially numbered from the north-western corner in the stone khaka and they were also noted serially in the stone register.

Stones after being embedded were made over to the Village Officers. These 2 papers, i. e., stone khaka and stone register have been treated as permanently preservable records for facilitating future survey. In North Orissa, a thanawar stone mujumuli was maintained to show the trijunction and special stones embedded in all villages but in view of the stone register and the stone khaka it was not thought necessary to maintain a stone mujumuli in Ganjam. Copies of the stone khaka and stone register were not, however prepared for supply to the village officers to enable them to maintain the stones properly. The original stone khakas have been handed over to the Collector at the time of consignment of the records. The quality of the paper used is so inferior that they would hardly withstand constant handling. The lengths of morabba lines and the corner lines of the morabbas have been printed on the final maps. Subdivisions of plots created during rent objection stage have not been shown in the village map as the plot boundaries are considered final after notification of completion of survey under section 13 of the Madras Survey and Boundaries Act. For such plots supplemental sheets have been prepared. After final publication and republication, the village maps and the supplemental sheets, as the case may be, were reproduced in the Bihar Survey Office according to the scale approved by the Commissioner.

(ii) *In villages in which survey was previously done*—These are called revision survey villages. In the notifications issued from time to time, Government had ordered survey of unsurveyed villages and resurvey of surveyed villages, except in respect of 329 minor settlement villages where only rent settlement under section 168-A was ordered. There were 853 such revision survey villages in different estates as shown in the statement at sub-para. (iv). In these villages fresh traverse was not done as the villages had already been traversed by theodolite. Stone embedding was also not done as stones had been embedded at the corners of the survey fields. In the major settlement operations, work started from the field bujharat stage with the help of the old records, i.e., Survey Land Register, Village Plan and Field Measurement Books. Subdivisions created during the preparation of record-of-rights, i.e., during the course of field bujharat, attestation and objection hearing under section 166(1) of the Madras Estates Land Act were incorporated in the village map itself within the survey fields shown in the previous map. But the side measurements of all the plots created during preparation of record-of-rights were shown in the map itself. Final maps were prepared with the following certificate of the Settlement Officer —“New subdivisions created during the preparation of record-of-rights have been incorporated in the map with measurements.” The subsequent stages for preparation of the map were as in the case of maps prepared for unsurveyed villages.

(iii) *In villages in which either final publication or republication had been done*—Out of 329 such villages, work in 3 villages, namely, Santabandha, Khasua and Jhadabandha has not been taken up. In 3 more villages, namely, Sanabaragan, Ambajharnuapalli and Bada Agula work was suspended as the original record-of-rights was lost. Out of the remaining 323 villages, 79 lying in Bodokhimedi, Jarada and Surangi estates were surveyed under the Field Measurement Book System (the three systems of survey, namely, triangle, diagonal and offsets and Punganur are together called Field Measurement Book system as in all these cases, field measurement book is the essential element) and 244 in Khallikote and Athagada system. In these groups of villages neither resurvey nor preparation of record-of-rights were ordered by Government. Only rent settlement under section 168-A of the Madras Estates Land Act was ordered. The maps were brought up-to-date by creating subdivisions during rent enquiry as well as during the rent objection hearing stages. In the F. M. book system of maps, subdivisions created during the minor as well as during the major settlement operations were shown in the field measurement books and not in the village maps. In the Khallikote and Athagada system of maps, subdivisions created during the minor settlement operations had already been shown on the village map. Those created during the major settlement operation were also shown in the village map in red ink with side measurements noted to distinguish them from the subdivisions created during the minor settlement operations in which no side measurements were given. A fresh ‘G’ book was prepared during the minor settlement operation for subdivisions then created. But during the major settlement operation, no such ‘G’ books were prepared as measurements were noted on the map itself. In all these 323 villages, subdivisions created during the minor settlement operations as well as during the major settlement operation were shown only on one copy of the field measurement book or the village map, as the case may be, and no reproduced copies containing the subdivisions were prepared. The old map containing the subdivisions had become brittle. Moreover without reproduction of the map containing all the changes effected during the minor settlement operation as well as during the major settlement operation, the map is not of any use to the ryots as they cannot have benefit of getting copies. To avoid this difficulty and also to keep uniformity with the other village maps prepared during major settlement operation Board of Revenue ordered to prepare fresh copies of maps with all the subdivisions effected during the minor settlement as well as during the major settlement operations and send them to the Deputy Director of Surveys for reproduction. As good Draftsmen in adequate number are not available in Berhampur Settlement Office, it has not been possible to undertake such a vast work at such a huge cost. Moreover under the programme of settlement approved by Government, all these villages will be taken up for revisional operation in the year 1966-67 and at that time fresh maps will be prepared under the Bihar and Orissa System under the Orissa Survey and Settlement Act. The Director of Land Records and Surveys in his last inspection of the Settlement Office in September 1962 observed that it was not necessary to spend so much money and time specially over this work as qualified staff were not available even for implementing the ryotwari settlement programme.

(iv) *Progress*—The following figures will show the progress of survey in different blocks of Ganjam district :—

			Revision	Minor	Original
BLOCK A					
Dharakote	..	..	110	11	Nil
Athagada	..	..	74	Nil	Nil
Total	..	..	184	11	Nil

BLOCK B

	Revision	Minor	Original
Athagada	64	76	Nil
Badakhimedi	120	24	Nil
Khallikote	166	126	Nil
Chikiti	93	Nil	Nil
Total	443	226	Nil

BLOCK C

Dharakote	Nil	37	7
Aska Malukdari	1	1	26
Sanakhimedi	..	..	160
Sheragada	30	..	..
Bodagada	..	..	129
Athagada	7	..	1
Khallikote	14	..	..
Badakhimedi	..	..	34
Chikiti	1	..	30
Surangi	..	19	92
Jarada	24	29	..
Palur	2	..	18
Biridi	67	..	4
Jharadapadaro	..	..	..
Humma	..	6	..
Karabalua	..	..	1
Total	146	92	502

BLOCK D

Dharakote	..	..	42
Aska Malukdari	..	..	2
Sanakhimedi	..	..	21
Sheragada	..	..	9
Badagada	..	..	37
Athagada	33	..	37
Khallikote	17	..	24
Badakhimedi	..	..	50
Chikiti	..	..	27
Surangi	..	..	18
Jarada	3	..	3
Palur	1	..	4
Biridi	..	..	12
Humma	..	..	2
Parlakimedi	23	..	37
Berhampur Taluk	2	..	19
Chatrapur Taluk	1	..	37
Ghumsur Taluk	..	..	50
Total	80	..	431

GRAND TOTAL—

2,115 Villages

16. *Boundary disputes*—Under the Madras Survey and Boundaries Act when the completion of survey is notified under section 13 of the Act, the village boundary is final unless it is modified by an order of the Civil Court. So in cases of revisional villages such cases of boundary disputes did not arise. There was no boundary dispute between Ganjam and other districts or between Orissa and other States. There were, however, some disputes between different villages in an estate in the case of originally surveyed villages and some disputes between different estates. There were 71 boundary dispute cases between different villages. Out of these, 36 cases went up in appeal and disposed of on merits. There were six inter-estate boundary disputes, out of which the following boundary disputes need special mention :—

(a) *Palur and Biridi*—During the survey operations of Biridi an Palur estates, the land-holders claimed to include certain bits of Nandighar hills in the adjoining villages in each of these estates. The boundary between these estates was the subject of a Civil Court decree which was upheld by the Additional Subordinate Judge, Berhampur. According to the Civil Court decree, the demarcation line of Mr. Forbes indicated by masonry pillars was the boundary between the two estates of Biridi and Palur. The contesting parties wanted to get the demarcation line of Mr. Forbes relaid through the Settlement Department by raising the question in a boundary dispute. This question went up in appeal before the then Settlement Officer. It was held by the Settlement Officer that the direction of the Civil Court was not for demarcating the boundary between the villages of different estates but between the two estates of Palur and Biridi which had been contesting for a long time about the proper identification of the boundary fixed by Mr. Forbes in 1862 and that Government direction was to survey all kinds of villages in the estates taken up for the operations and that there had been no direction to take up the survey of estate boundaries and as such it was not necessary to take up the survey of estate boundaries unless the estate boundaries also happened to be the village boundaries. It was left open for the contesting parties to get the demarcating line of Mr. Forbes relaid through the Civil Court.

(b) The Inamdar of Kontapoda Motho Makundapur on the strength of the Civil Court decree claimed for a revision of the boundary between Haripur Burudi belonging to Biridi estate and Kontapoda Motho Makundapur belonging to Palur estate in a petition filed by him in 1953. The Civil Court decree was passed in 1923. The initial survey of Haripur Burudi in Biridi estate was taken up in 1913 by the Madras Survey Party. The record-of-rights of this village were finally republished under section 170 (3) of the Madras Estates Land Act on the 11th August 1952. As such, the boundary of this village was made final long before 1952 and the boundary of this village could not be corrected as it was made final and the Civil Court decree remained inoperative having been barred by limitation. This is now the subject matter of a revision petition before the Board of Revenue.

17. *Printing of Maps*—(i) Generally 4 to 5 copies of not-final maps were indented for use. This indent was, however, increased in cases where either the land-holder or any of the ryots sent in requisition for such maps. Generally Deputy Director of Surveys, Bihar, sent back the original map with the not-final maps. Two copies were issued to the attestation camps for use of the Attestation Munsarims and Surveyor Munsarims. A third copy was given to the Collector with 9 (2) notices. The two maps used in the Attestation Camps were also sent to the Objection Camps. The subdivisions created during attestation and objection stages under section 166 (1) were incorporated in the original map and sent to the Deputy Director of Surveys, Bihar, for final reproduction. The Deputy Director of Surveys, Bihar, retained the original map and supplied copies of final maps as per the following scale ordered by the Revenue Commissioner :—

Collector	..	4 Copies
Reserve in the office of the Revenue Commissioner	..	5 Copies
Karanam	..	1 Copy
Proprietor	..	As many copies as are required by him (to be purchased).
For sale to the public in the Taluk Office	..	2 per cent of the number of plots in the sheet subject to the minimum of 10 copies of each sheet of each village.

No free copy was given to the land-holders. In case of supplemental sheets only 10 copies were indented for. As per orders of the Government the price of both final and not-final maps was uniformly fixed at Re. 0-12-0 in 1938, Rs. 1-2-0 in 1949, Re. 1 in 1952 and Rs. 1-4-0 in 1953. The following figures will show the cost of printing of maps by the Deputy Director of Surveys, Bihar year by year.

Year	Details of Printing	Cost
(1)	(2)	(3)
1938-39 ..	Nil	Rs. Nil
1939-40 ..	Nil	Nil
1940-41 ..	Nil	Nil
1941-42 ..	Blue prints and maps for attestation and miscellaneous reproduction of maps for sale and for administration.	3,512 10,871