

In 1893, and again in 1897, enquiries were made to ascertain how far these *Kists* were observed in practice, and there is a consensus of experience that while the *Kist* days determine the date of suits for recovery of arrears, the practice is to take rent whenever it can be got, and then about a fortnight before the latest date for the payment of revenue to turn every available man even temporary hands, on to the collection of the share of the rent necessary to meet the revenue. It is also agreed that the payment of half the rent in November entails great hardship on the raiyat. The staple crop of the district is the winter rice, of which the early (*laghu*) variety is reaped in November-December, and the late (*guru*) in December-January. Before either of these is reaped, threshed, and in the market, a month or two must elapse, so that the raiyat cannot realise on them before February or March. He is thus thrown back on the spring (*biali*) rice and the *bhadai* crop of cotton or *mandia*, which together form in most Parganas a very insignificant part of his harvest, and are besides required to feed him for the three months from September to December. The result is that the raiyat is forced to borrow, and does so as a rule on the *karhia* system, the conditions being that the raiyat will repay the money in February with interest in kind at the rate of two *gaunis* (six to ten seers Cuttack weight) of paddy per rupee of the loan.

On the other hand there is an apparent absurdity in the proposal to afford relief to a tenant by anticipating four annas of the rent by six months, and it has been said that in the case of the larger raiyats, the effect of so doing will be to force him to sell at the cheap season the grain that he would otherwise have held up for better prices in September-October.

It is indeed difficult to fix instalments which shall be equally suitable to all classes of tenants and to all parts of the district, but it is generally admitted that not more than a quarter of the rent should be paid out of the *biali* and *bhadai* crops, and that the remaining three-fourths should be paid between February and May out of the winter rice and the *rabi* harvest.

The dates recommended by the most experienced officers consulted have been—

Mr. Nathan—	Annas.
1st November...	4
1st January ...	4
15th February ...	4
1st June (from the <i>dahua</i> rice crop) ...	4

Mr. Maude—	
End of December ...	4
End of February ...	8
Middle of April ...	4

Babu Jamini Mohan Das—	
15th November ...	4
15th March ...	12

Mr. Stevenson, when Collector of Cuttack recommended,* four *kists* viz.—

	Annas.
In <i>Agrahan</i> = 1st December ...	4
In <i>Pus</i> = 1st January ...	4
In <i>Magh</i> = 1st February ...	4
In <i>Chaitra</i> = 1st April ...	4

In this office letter No. 2349 of 3rd November, 1897 I expressed my opinion that the most desirable instalments would be—

	Annas.
Due on 15th November or 1st December ...	4
Do. 1st January ...	4
Do. 1st March ...	4
Do. 15th April ...	4

The first *kist* would be met from the sales of *biali* rice and the *bhadai* crop; the second from early sales of winter rice; the third from the winter rice, and the fourth from the late *rabi* or the *dahua* crop. The division would be of

* Letter No. 2029 of 9th February, 1893 to the Commissioner.

great benefit to the raiyat, but its introduction is almost certainly impracticable unless the proportions in which revenue is payable are likewise altered and three-fourths demanded in April. It must also be borne in mind that in villages in the possession of sub-proprietors the rents should be in the hands of the latter at least one month before the latest day of payment of revenue. Assuming, then, the present revenue *kists* to be maintained, the revenue being payable half before the 28th April and the balance before the 8th November, I would suggest as the *kist* days—

			Annas.
<i>Magh</i>	=	15th February	8
<i>Baisakh</i>	=	15th May	4
<i>Ashin</i>	=	15th October	4

345. When a zamindar begins collecting his usual procedure is to summon the raiyats to his nearest cutcherry (or office) where he or one of his servants sits. Each tenant's payment is noted in the daily cash book (*siaha*) and on payment of a small fee [*kharara spani* of one or two pice per rupee, a receipt (*pauti* or *kharara*)] is given. This receipt is generally on palm-leaf and merely sets forth the amount received and the account on which it was paid. In a few estates of Cuttack the practice of giving receipts on paper and keeping counterfoils has of late years been introduced, but it is unusual to find full details as to the holding and the rent entered.

At the end of the year the payments of each tenant entered in the daily cash book are carried into the ledger (*rokar* or *jamakhareh*); and from this is prepared a statement (*jamawasilbaki*) of demand, collection, and arrears, for each tenant. This in big estates is made up every year, but very often in smaller or ill-managed estates the tenant's account runs on for several years without any attempt to strike a balance. Then the tenant is called up and after some haggling, and probably a very small concession to the tenant by way of remission of the miscellaneous collections (*kharcha*), the parties come to an agreement (*rafa*), and on payment of a few pice and the balance of his rent the tenant can obtain an acquittance in full (*bisodhan*).

If a tenant is refractory and will not pay, the zamindar has various means of compelling him. In the first instance he sends a peon to the tenant's house and the latter has to feed the peon and pay a small fee (*piyada-miyadi*) of one to six pice per visit. If he still declines to pay, the landlord can distrain the standing crop, and may require the aid of the Collectorate *kanungo* in so doing; and a powerful zamindar may deprive a raiyat of the services of the village barber and washerman. Finally, the landlord can bring a summary suit under Section 32 of Act X of 1859, and having got a decree may take out execution against the person or movable property of the judgement debtor, or if the tenure be transferable may apply for its sale: and he might, under the old law, either separately or at the same time as he brings a suit for the arrears due, apply for the ejectment of the tenant.

In the case of a raiyat without rights of occupancy, the landlord may for arrears due summarily eject the tenant under Section 21 of the Act, and where the zamindar is strong and the raiyats weak, this provision is practically applied to all tenants who are not protected by *pattas* on *kabuliyats*.

346. It has always been admitted that the zamindars in Orissa do not collect in full the rents nominally payable and the enquiries made in this Settlement have been complicated by the difficulty of ascertaining what the real rent is.

In 1895 I expressed my opinion that the rents recorded in our *khathians* were, to a great extent fair rents ascertained by Assistant Settlement Officers on the best evidence they could get.

Since then the settlement of fair rents has added greatly to our knowledge of the payments actually made by raiyats, and it has been made clear that in the greater part of the province the rents recorded in the *khathians*, and forming the basis of the settlement, are actually those recognised by zamindar and raiyat. The cases in which they are not such are either where, as in Balasore, large recent enhancements have led to bad feeling between the raiyats and their landlord, so

that they cannot come to terms and rents have had to be ascertained by striking the mean of the parties' statements, or where landlord and tenant have combined to show lower rents than are actually collected. Sometimes it has been possible to determine the true rent by an examination of receipts, but this is very difficult, and more often the rent recorded is a fair rent. Striking instances of the first class of cases were to be found in some villages of Saibir, where for years practically no rents had been paid, as the tenants refused to admit the landlord's demand to be correct; here soil maps were prepared, the tenants agreed to certain rates, and rents were attested accordingly. Some of these disputes have brought to light an unexpected stubbornness on the part of the raiyats. I have found a village (Jobra) near to Cuttack where most of the tenants held palm-leaf *pattas*, dating generally from just after the great famine, and assigning lands at very low rents. Despite all efforts of the zamindars, the tenants had successfully resisted enhancement, and attempts to get more rent had only resulted in the withholding even of that admitted to be due, and in the present settlement they contested vigorously, and with much success, the attempts to enhance their rents.

These extreme instances are, however, uncommon, and the understating of rents, by tenants and landlord in combination was both more common and more troublesome. The chief offenders were the *muqaddams* and *sarbarahkars* who were themselves raiyats and relatives of raiyats and depended rather on the profits of cultivation, than on the collection of rents for their livelihood. Petty resident zamindars, such as the Mastan Brahmins of Deogaon, were on the same footing, and perhaps the greatest offenders of all were farmers of out-of-the way villages, the property of non-resident zamindars, who realised to their advantage the principles of the unjust steward. The practice of understating rents was common in the unprotected tracts of all three districts, but was most serious in Puri owing to the comparatively small increase in the assets, whereas in the other two districts rents, even if understated, showed a great increase since the last settlement and the zamindars would have been the real gainers by recording higher rents. Great pains however were taken to check the rent rolls with actual collection papers, and I do not think that the rents attested are often lower than the average collections, though no doubt much less than the nominal demand.

To ascertain whether the rents recorded are actually realised all proprietors were asked to file their original collection papers at the time when they preferred objections to the revenue proposed for their estates, but only a small number complied with the request, and of the papers filed, the majority were copies and very many obvious fabrications. From the figures accepted by Assistant Settlement Officers in Cuttack, the following abstract has been prepared for 82 of the principal estates; the figures show from five to ten years demand :—

			Rs.
Opening balance	....	....	1,65,404
Demand	....	....	10,95,642
		Total	12,61,046
Collections	....	....	10,29,368
Remissions	....	....	31,642
Arrears	....	....	2,00,036

It will be seen that the collections are 94 per cent. of the admitted demand; that the outstanding arrears increased by Rs. 34,632, and that Rs. 31,642 were remitted. The total amount out of pocket was Rs. 66,274, or 6 per cent., and this included the very bad year of 1895-96 in which there was both flood and drought. Generally collection vary from 90 to 98 per cent., but fall as low as 43 per cent. in the flooded parganas of Kuhunda Jaipur. I do not believe this last figure to be correct, but collections have been bad owing to a succession of floods from 1891 to 1896. Bad collections in Sargara are chiefly due to disputes between zamindar and raiyats, and in Suhang and Kodinda to floods and damage by sand.

On the whole, I assume for Cuttack that 95 to 100 per cent. of the demand may be collected in the protected and irrigated Parganas; and not less than 90 per cent. in the Parganas exposed to flood and drought, except in villages damaged by sand. For the most heavily-flooded tracts, the demand is of a more or less fluctuating nature; but I think that 90 per cent. of our settled assets will on an average be easily collected.

*Statement showing the collections in the Estates with Revenue exceeding
Rs. 1,000 in the District of Cuttack.*

Name of Pargana.	No. of Estates for which information is available.	No. of years for which figures are given.	Opening balance.	Current Demand.	Remission.	Collection.	Closing balance.	
1	2	3	4	5	6	7	8	9
			Rs.	Rs.	Rs.	Rs.	Rs.	P.C.
Matkatnagar	6	...	7,192	54,325	545	53,231	7,741	98
Saraswati ...	2	...	2,871	27,745	42	26,726	3,848	96
Painda ...	4	...	10,629	83,944	57	80,458	14,058	95
Kanchikhand	1	10	307	8,956	152	8,769	342	98
Tiran ...	3	5	42,185	1,26,069	51	1,35,637	32,566	107
Kate ...	4	5	...	9,236	...	8,044	1,192	87
Hariharpur...	7	...	21,387	87,367	...	85,488	23,266	98
Kodinda ...	4	...	4,750	72,043	829	63,559	12,385	81
Kuhunda Jaipur ...	1	3	5,646	9,739	...	4,153	11,232	43
Sargara ...	1	3	...	603	...	388	215	64
Hatimunda...	1	10	3,908	69,281	1,254	66,085	5,580	96
Keruakhund	1	8	950	17,568	...	16,403	2,115	94
A'pila ...	1	5	3,602	14,881	686	14,466	2,881	98
Suhang ...	1	3	3,041	7,008	1,750	4,320	3,979	61
Cuttack Haveli ...	1	4	...	1,617	58	1,238	321	77
Khandi ...	6	5	6,805	35,884	58	35,749	6,882	99
Kurnia ...	1	5	1,279	5,774	Not given.	5,382	1,671	94
Bardiala ...	1	5	11,052	27,324	1,570	28,660	8,146	105
Alti ...	9	...	22,886	3,07,741	24,417	2,72,976	33,234	91
Padampur ...	6	...	9,093	56,188	137	51,529	13,615	92
Karimul ...	5	...	2,637	27,814	...	25,572	4,879	92
Benahar ...	14	5	5,204	36,940	86	34,381	7,677	92
Bakhrabad ...	3	5	Nil	7,535	Not shown	6,154	1,441	82
District Total	83	...	1,65,404	10,95,642	31,642	10,29,368	2,00,036	94

348. Mr. McPherson in his reports on the Puri District gives the following account of his enquiries:—
Collections in Puri.

"An elaborate examination was at the time of completion report work made of a large number of old *patwari* papers brought from the Puri Collectorate. The papers were more or less selected at random. They ranged over many years from 1880 onwards.

"The results of the examination are detailed below. The bazyafti figures are entered separately and printed in bold figures.

"Name of Pargana.	Total demand (arrear included).	Total collection (arrear included).	Percentage of collection.	Remarks.
1	2	3	4	5
"Kotrahang ... {	48,387 8,140	46,032 7,720	96 89	Excluding <i>Killa</i> Baliani, where I suspected the accuracy of the returns.
"Paschimudai ... {	97,885 1,766	94,318 1,548	96 87	
"Kotdes ... {	1,10,000 8,732	98,000 8,416	90 96.4	
"Lembai ...	42,039	45,495	101	
"Chaubiskud ... {	15,917 4,704	14,487 4,467	90.1 95	
"Serai ... {	25,431 1,867	22,265 1,832	87.5 98	
"Rahang	32,042	29,447	92	
"Total ... {	3,71,701 25,209	3,50,044 23,983	90.2 95	

349. In Balasore Mr. Kingsford * estimates the proportion of the demand realised as varying from 70 per cent. in the case of small estates belonging to non-resident landlords to 90 per cent. in the case of large and well-managed properties; and 80 to 85 per cent. as the minimum for the average estate in the District.

This appears to be very poor considering how much lower rents are in Balasore than in the other districts, and that the zamindars are considered to be more powerful and arbitrary in their dealings with the raiyats. In Balasore however, the demand is not in many estates fixed or even known to the tenants. I am therefore inclined to think that on the whole 87½ per cent. or 14 annas in the rupee of demand is collected.

350. I have already alluded† to the alleged difficulty in collecting from proprietary tenure-holders, and some interesting figures have been filed by Rai Hariballabh Bose Bahadur relative to the collections from *muqaddams* and *sarbarahkars* in Balasore. The figures relate to 87 tenures and to a total demand of (including cesses) Rs. 1,00,887; of this 91 per cent. has been collected, while the expenses incurred in rent suits are 1½ per cent of the demand. Thus only some 90 per cent. of the demand was realised; a very poor result seeing that the zamindars allowances are only from 10 to 20 per cent. of the gross assets of these villages and not more than a quarter to a third of the amount to be collected from the *sarbarahkars*. This matter however, does not properly belong to this chapter, in which I am only concerned with collections from raiyats.

Some guide to the percentage that may reasonably be expected to be realised may be obtained from a comparison with the figures of the estates under Government management. In Kujang and Kanika, which are liable to suffer both from drought and inundation, the collections during five years have reached an average of 92 per cent. practically the whole demand being realised except after the flood and drought of 1896. In Madhupur the collections average 96 per cent. their having been a very bad year in 1893 when little more than two-thirds of the rents were paid.

In Khurda for the last fifteen years collections have averaged more than 94 per cent. and in the recusant estates of Serai, Chaubiskud, and Rahang only 90 per cent. has been collected on an average in the last ten years. It is to be remembered

* Paragraph 214 of Balasore report.

† Paragraph 299.

however that the bulk of remissions were made for lands near the Chilka in Khurda (zilla Balbhadrapur) as well as in Serai and Chaubiskud.

Putting together all the figures thus compiled I think that we shall not be far wrong in assuming collections as varying from $87\frac{1}{2}$ to 94 per cent. in unprotected tracts and from 92 to 100 per cent. in protected and irrigated villages; or, on an average, 90 per cent. for the unprotected and 95 per cent. for protected estates.

351. It is a universal complaint of all landlords that it costs more to collect rents than it did formerly, and the expenses, under this head are variously stated at from 10 to 20 per cent. of the *mufassal jama*.

To the petty resident zamindar with a compact estate the cost is practically nothing, and even if he does not collect himself he can get one of the tenants to act as his *gumashta* for a trifling consideration. If however the estate consists of many scattered parcels of land or if the small zamindar, by which I mean a proprietor with *mufassal* collections of Rs. 500 or less, resides at a distance he is absolutely at the mercy of the men whom he appoints to act for him. He cannot afford to pay a *tahsildar* for his whole time and must be content to collect through a resident village headman or well-to-do raiyat, generally a *Karan* by caste, in each village, paying him amounts small in themselves but large in proportion to the rental; otherwise, he must go round himself from village to village and do a little work for his living, which is just what he (in many cases) does not want to do. On the whole however I do not think the petty zamindar has any right to complain. If he looks after his property and makes his own collections he will realise the most if not the whole of the demand at a most trifling cost; if he does not choose to take this trouble, he must be prepared to surrender a considerable portion of his income in return for the luxury of ease.

The larger estates have a much more elaborate organisation, and it is in their case that the complaint of expense is most strongly pressed.

The best managed are generally those of the Bengali proprietors who appoint capable *naibs* to look after their interests. The large estate of Utikan belonging to Rai Manomatha Nath Mitter, and the estates of the Tagores in Hariharpur, and those of Umesh Chandra Mandal in Balasore and Cuttack are excellently managed; so too are the estates of Babu Kailash Chandra Rai Mahashai and of Rai Hariballabh Bose Bahadur, the Government pleader of Cuttack; but many of the oldest families, such as Kritibas Das Chaudhri of Binjarpur and Balaram Bhramarbar Ray have no proper system of control or collection.

Mr. Kingsford writes :—

"The estates of Raja Baikuntha Nath De and Babu Radha Charan Das of Balasore Rai Hari Bullabh Bose of Cuttack and Narendra Narayan Rai Mahashai are amongst the most efficiently managed. The late Abdul Manan Mian of Bhadrak displayed considerable energy and ability in this direction; his sons take little interest in the property. Among proprietors who have enjoyed some commercial training like Babu Hemendra Chandra Mondal, or who have business instincts like those above noted, there is naturally a propensity for systematic organisation and for an efficient method of accounts. The Lakshman Nath Mahashai already referred to preserves an excellent system of accounts and closely supervises the management of his estates. But with others who have come less into contact with commercial ideas and exhibit a preference for obsolete standards, whose only recommendation is their age, there is often to be observed sheer absence of organisation coupled with a system of accounts intelligible only to the *tahsildar*."

It is quite impossible to give any estimate of the cost of collecting where there is neither system nor supervision and where a number of jealous co-sharers are wrangling with one another over their respective rights, but I have made some enquiries as to the establishment required in a well-managed property of fair size.

Mr. Kingsford gives the following establishment for the estates of Babu Radha Charan Das with a *mufassal jama* of Rs. 11,000 :—

				Per month.		
				Rs.	A.	P.
One <i>naib</i>	....	....	....	12	0	0
One "	....	....	....	8	0	0
Two <i>muharrirs</i> at Rs. 5	....	....	....	10	0	0
Two <i>muharrirs</i> at Rs. 4-8	....	....	....	9	0	0
Two <i>cutcherry</i> guards at Rs. 2-4	....	....	....	4	8	0
Five <i>chatias</i> and <i>nagdis</i> at Rs. 2-8	....	....	....	12	8	0
Contingencies	....	....	....	1	0	0
Total				57	0	0

The annual cost is thus Rs. 684 or 6 per cent. excluding recourse to litigation which is not usually an item of considerable expense. But such a staff is not only engaged in collecting rents. In addition to miscellaneous work they manage the paddy-lending business of the zamindars, which is a source of income often almost as important as that derived from the zamindari proper. Debiting the cost of maintaining the *cutcherry* and of a portion of the establishment at Balasore to the account of the "*mahajani*" business, 6 per cent. will still be somewhat more than should be fairly taken as the cost of rent collection. Probably no increase of staff will be necessary to collect the settled rents, but litigation may occasionally prove requisite, and on the whole the cost is not likely to decrease.

This seems to me a fair estimate of the cost of collecting rents in a large and compact property. In an estate such as the Patamundai *taluk* the cost would probably be about 5 per cent. and might be as high as 10 per cent. in smaller estates with a demand of Rs. 1,000 to Rs. 5,000. Of course in some estates the expenses are heavier. In the Gopinathpur *taluk*, which consists of lands scattered over several villages in six Parganas with a total *mufassal jama* of Rs. 8,000 raised by this settlement to Rs. 9,300 odd the staff for collection is —

				Per month.
				Rs.
One manager	....	....		25
Six <i>muharrirs</i>	at Rs. 4 each	....		24
Six <i>thasildars</i>	at Rs. 7 each	....		42
Five <i>chaprassies</i>	at Rs. 2 each	....		10
Two <i>muharrirs</i>	at Rs. 5 each	....		10
Total				111

or Rs. 1,332 per annum.

They make collections for this estate and some petty estates worth Rs. 500 so that the establishment alone swallows up 16 per cent. of the rental. This is of course an extreme case, and may be taken to represent the highest level of cost of collection.

352. Adding cost of collection and litigation to the amount irrecoverable by reason of default and remissions the deductions to be made may be assumed at from 12½ to 25 per cent. and on an average about 19 per cent. in unprotected and partially protected estates. It would be difficult to give figures to bear out this estimate, but it is certainly not far wrong. Collection expenses alone vary from 5 to 10 per cent. in ordinary estates, and I have assumed that collections vary from 87½ to 100 per cent. Expenses of litigation, though a great deal is said about them, are small except where a landlord is a bad manager or unpopular, and after the tenants have become accustomed to the new rents should not exceed 2 per cent. The minimum profit that reaches the proprietors pocket may therefore be taken at 70 per cent. (*i. e.*, allowing collections of 88 per cent.,—16 per cent., for ordinary collection expenses, and 2 per cent., for litigation), and in a vast majority of cases the nett collections should be not less than 80 per cent. of the *mufassal* demand.

CHAPTER XIII.

INTRODUCTION OF THE TENANCY ACT.

353. By way of preface I would wish to express my obligation to Babu Srigopal Bhattacharjya, Deputy Collector and lately an Assistant Settlement Officer, for the valuable assistance he has given me on this subject. In two places I have already dealt with the Tenancy Act, *i. e.*, under—

Preface.

(1) Proprietary tenureholders. (Chapter XI paragraphs 301 to 304).

(2) Raiyats. (Chapter XI, paragraphs 330 and 331.)

It seems worth while to go briefly through the Act and consider whether so much having now been introduced, it is advisable to introduce the whole Act or nearly the whole. I may say that when I came to Orissa seven years ago the Collectors of Cuttack and Balasore (Mr. G. Stevenson and Mr. R. Cornish) as well as the Commissioner (Mr. G. Toynbee) were not in favour of the introduction of the whole Act.

It was of course impossible at that time to form any independent opinion, but I am now prepared to say that the status and classes of tenants having been recorded under Chapters II, V, VI, and VII, and the rent Settlement proceedings having been held under Chapter X, there is a case for the introduction of nearly the whole Act.

In all that follows I do not wish to be considered to have overlooked section 2 (2 of the Act. I understand its meaning to be that any section of any Act (specially Act X of 1859) inconsistent with any section of the Tenancy Act introduced into Orissa is repealed. My opinion is that the area being a temporarily settled one the rent-suits should be retained within the jurisdiction of the Collector who is responsible for the land revenue, but that in all other respects the relations of landlord and tenants should not now be different from the rest of Bengal. These principles should guide the introduction of the Act. It should be a matter for consideration also whether after the new settlement has been in force for five years the whole Act should be introduced.

I propose therefore to examine in detail the different sections of the Tenancy Act, and to submit a few remarks as to their applicability to Orissa.

Detailed examination of the unextended sections.

354. Section 1 is formal and calls for no remarks.

Section 2. Only clauses (2) (3) and (4) ought to be extended, as clause (2) will prevent a conflict of interpretation between the sections already extended, and the corresponding sections of Act X of 1859 repealed by necessary implication; clauses (3) and (4) will also be useful for interpretation.

Clause (1) ought to be withheld together with Schedule I in order to keep some of the sections of Act X alive. The necessity of this will appear below.

Section 3 to 5 are already extended to Orissa.

Section 6. On tenures held since permanent settlement.

Section 18. On incidents of holding at fixed rates.

Section 50. On rules and presumptions as to fixity of rent.

These three sections would have no application, even if extended, so far as they relate to the temporarily-settled portions of Orissa, *c.f.* also section 3, 4, and 16 of Act X of 1859.

Section 7 has already been extended.

Section 8 should be extended at once. Under the orders of the Board I have already proposed *rasadi* increase for the rents of certain *sasan tanki bazyafidars*.

Section 9 should be extended, though section 113 protects all rents fixed under Chapter X, in the case of tenure-holders for fifteen years.

Sections 10 and 11.—Rampini, J. (page 53) explains that a permanent tenure is created (1) by law, (2) by contract, and (3) by custom or the course of dealing therewith.

The proprietary tenures of Orissa are instances of permanent tenures in the last sense.

There is no reason why section 10 should not be extended. It imposes no new penalty on the *sarbarahkars* at any rate.

Section 11 needs careful consideration. Mr. Rampini remarks that the provisions of this section make a change in the law, for hitherto some permanent tenures have been transferable, and others non-transferable. Now all permanent tenures are made transferable and heritable "subject to the provisions of this Act." These words, no doubt, have reference *inter alia* to the provisions of section 183, which lay down that nothing in this Act shall affect any custom, usage or customary right not inconsistent with or not expressly, or by necessary implication modified or abolished by its provisions. It is, therefore, an open question whether permanent tenures, not transferable before, are made transferable now. (Rampini, page 45, Second Edition.

Babu Sriram Chandra Bose, Deputy Collector, late an Assistant Settlement Officer, gives his opinion, that—

Sarbarahkari tenures are neither saleable nor divisible without the consent of the zamindar, *vide* I. W. R. 522 I. L. R. 9, Cal. 126 and I. L. R. 11, Cal. 699.

Mugaddami rights can be transferred in part without the zamindar's consent, and the zamindar is required to register the name and extent of interest of the transferee, but he is not bound to divide his rental and take a proportionate share of it from the latter, *vide* section 27 of Act X of 1859.

In case of succession to a *mugaddami* or a *maurasi sarbarahkari* tenure, the zamindar is bound to register the names of all the heirs of the deceased tenure-holder, but the latter remain jointly responsible for the rent, and the land lord is not bound to split up his *jama*.

"Notice of division must in all cases be given to the zamindar, and it is the interest of the new tenure-holder to have his name recorded in the landlord's *serishta*.

As a matter of fact, permanent tenures are frequently transferred and bequeathed in Orissa, although the High Court have held in some cases that the *sarbarahkari* tenure is not transferable without the zamindar's consent.

In practice *sarbarahkari* tenures are always sold without the zamindar's consent and *after* the sale the purchaser generally silences the zamindar's opposition by giving him a fee at the time of registration of his name in his *serishta*. Practically, therefore, the zamindar's vetoing power consists in demanding a fee at the transfer of the *sarbarahkari* tenure. In my remarks below on sections 12 to 17, I propose to maintain the zamindar's right to a fee with this difference, that, whereas now the scale of fees is very uncertain and varies according to the strength and weakness of the practice, if the sections be extended the equitable scale of fees provided in the law will protect the interests of the weak zamindars or of the weak *sarbarahkars*, as the case may be, from coercion by the strong party on the other side.

Mugaddamis Kharidas and other permanent tenures are freely transferred and bequeathed. I do not think that Orissa zamindars have any better grounds for taking exception to section 11 than the Bengal land lords have, and I would recommend its extension to Orissa as it will only legalise a right that has already the sanction of custom.

Sections 12 to 17, I have already suggested that these sections should be extended. The advantages are that they provide a fee and practically compel the zamindar to keep a *serishta*, whereas under section 27 the *serishta* is generally in a state of chaos. The moderate scale of the fee is certainly a point in the tenure-holders' favour. In Balasore some of the new tenure-holders complained that they could not obtain registration in the zamindars *serishta* on account of the exorbitant demands of fees made by their landlords. This will not be possible under the new rules.

Section 18 (see remarks on section 6).

Sections 19 to 49 have already been extended.

Section 50 (see remarks on section 6).

Section 51 may be extended. A tenant is to be presumed, until the contrary is shown, to hold at the same rent and under the same conditions as in the last preceding agricultural year.

Sections 52 to 75 have already been extended.

355. Sections 76 to 83. Out of these section 80 has already been extended.

Extension of Chapter IX.

The sections are more or less related to one another and section 80 having been extended, the others may come in as well. Although 'improvements' have not been effected by the raiyats on a very wide scale, there are none the less many individual instances of improvements effected on their holdings by the raiyats, more specially in the sea-side Parganas, such as Bhograi, &c., in the Balasore District and in other parts. The difference, if any in this respect between Orissa and Bengal is one of degree only. Sections 76 to 79 and 81 to 83 may be extended to Orissa.

Section 84. There is no reason why the section should not be extended except that the intervention of the "Civil Court" in such a small matter will be rather anomalous in Orissa, where Revenue officers perform the functions of the rent courts of Bengal. No practical inconvenience is felt for the absence of this section.

Section 85 will probably be a dead letter for some years to come, but there is no objection to its extension.

Sections 86 and 87. *Surrender* and *abandonment* prescribe formalities which the Uriya raiyat and his zamindar will not follow for many years. I do not think that Section 19 Act X of 1859, which contains corresponding provisions is much followed. Section 87 might be of use to raiyats who may be obliged to abandon their holdings if a serious famine occurred. This section may also be useful to migratory raiyats in the sea-board Parganas (e.g., Bhograi, Ankura in Balasore District) where instances of voluntary surrender or abandonment are common among people who come from distant villages, cultivate for a season or so and many of them perhaps never resume the cultivation. To meet such cases these sections may be useful to the landlord. I recommend the extension of these sections.

Section 88 is, I think, necessary, more especially if Section 17 is introduced. Section 88 already applies by custom to *sarbarahkari* tenures. It is however somewhat contrary to the incidents of *muqaddami* tenures, divisions of which are permitted by Section 27, Act X, and are recognised by custom.

The Government Pleader (see his opinion, Chapter XI, paragraph 306) says, that it would be only just and proper to make Section 88 applicable to *muqaddami* tenures with similar incident rights as to alienation and Subdivision.

Section 89 may be extended, especially as Sections 25, 44 and 49 have been extended. The terms of Section 89 are wider than those of Sections 21 and 22 of Act X which refer only to decrees under the Act (Act X).

Sections 90 to 92 are fair and may be introduced. The landlord could not under Act X measure rent-free lands within his estate, (Rampini).

Sections 93 to 100. Appointment of common manager. It is very necessary to introduce these Sections at once (see Chapter VIII, paragraphs 270 and 273).

Chapter X. Sections 101 to 115 have already been introduced.

356. We have interpreted the spirit of this Chapter and have extended it to the *nij-jot* of proprietary tenure-holders. The instructions given to officers run as follows :—

Nij-jot is still governed by Act X of 1859, but the spirit of the Tenancy (Act definition must be followed, with the exception of clause (1) (a) of that section (Section 120). The real guide will be the custom of the country.

The Board have already (see correspondence on Mr. Nathan's Kotdes report ending with Government order No. 2604 L. R. of 10th May, 1894) held that legislation on behalf of proprietary tenure-holders' *nij-jot* is unnecessary as being too small a matter. Section 116 can I think, without great straining include sub-proprietors more especially as in the last Settlement papers as well as now the same word *nij-jot* and *khudkast* are applied equally to the private lands of proprietors as to those of proprietary tenure-holders. I submit that it is necessary to introduce the Chapter. See also Chapter XVIII, paragraph 458, and Appendix A (2) b, paragraph 14.

357. Chapter XII on Distraint.—Sections 121 to 142 deal with distraint.

Extension of Chapter XII on Distraint.

Section 121 gives jurisdiction to the 'Civil Court' to entertain applications for distraint. It is, therefore, doubtful whether in rent suits Deputy Collectors can legally exercise

the powers under this Chapter if it be bodily extended to Orissa. This technical objection will not apply to the other sections as they speak of 'courts' a term that equally applies to the courts of the munsiffs as well as of the Deputy Collectors.

Assuming that rent suits will continue to be tried by the Collectorate staff, it is hardly necessary to amend the law in order to make this Chapter operative in Orissa, as the existing provisions of Act X of 1859 on the subject of distraint are sufficient for the necessities of this Province. These provisions will survive if Chapter XII be not introduced. I do not recommend the extension of this Chapter at present.

358. Chapter XIII on judicial Procedure.—Sections 143 to 153 need careful consideration. The framers of the Tenancy Act recognised the necessity of providing the zamindars with some facilities for realising arrears. The judicial procedure in this Chapter resembles the Small Cause Court procedure in many respects. In view of the large increase of the Government revenue in Orissa at this settlement I see no reason why the Orissa zamindars should not have the advantages that were conferred on the Bengal landlords by the simplified procedure in the trial of the rent suits.

I think the provisions that the summons should be for final disposal [Section 148 (c)], that the summons may be served by post [Section 148 (d)], that the written statements should not be filed [Section 148 (e)], and the abbreviated form of recording evidence [Section 148 (f)], are decided improvements over the existing Act X procedure, and that the introduction of these will materially assist the prompt disposal of rent suits.

The other sections of this chapter will also be more or less useful. I may particularly notice Section 133 (b). It may be possible to vest some of the officers of proved ability with this power when circumstances call for a whole-some restraint on appeals to prevent needless harassment of the zamindars. Again, the provision for prompt execution of decrees contained in Section 148 (g) is likely to be conducive to the best interests of the zamindars and of the Government revenue.

While holding the above views about the useful character of the procedure sections of this chapter, I would at the same time maintain my opinion that the existing jurisdiction of the revenue authorities over the rent suits should be retained. The Collectors and Deputy Collectors under the supervision of the Commissioner (Section 151, Act X) have all along been trying these suits. The experience obtained by the revenue authorities at the settlement may be brought to bear on this important work to the advantage of all parties. I would therefore suggest that the most careful attention of the District Officers may be directed to the working of the rent suits and the effect of the new Settlement in Orissa.

I accordingly recommend that except Section 144 the rest of this chapter be extended to Orissa, after due consultation with the Commissioner and the Collectors.

The withholding of Section 144 will remove the rent suits from the purview of the Civil Courts, Original and Appellate, and the jurisdiction sections of Act X will therefore survive. Thus the Original Jurisdiction of the Deputy Collectors and the Appellate Jurisdiction of the Collectors, of the Judge and of the High Court will be retained.

The proviso to Section 153 will give the Judge a new and a wider revisional power, but there can be no objection to this (*c.f.* Section 160, Act X).

359. Chapter XIV. Sections 159-177, on Sale for Arrears under Decree. There is no objection to the introduction of this chapter. Section 163, which allows attachment and proclamation to be issued simultaneously will be very useful for the prompt satisfaction of the decrees.

It may be noted that ACT VIII (B. C.) of 1865 is found very useful by the zamindars in the sales of tenures. They will not be deprived of this advantage by the introduction of Chapter XIV of the Tenancy Act.

Mr. Rampini says that Act VIII (B. C.) is not repealed by the Tenancy Act, so that tenures on which the right of selling has been especially reserved continue saleable under Act VIII (Rampini, Second Edition, Paragraph 232). I may add that Section 4 of Act VIII of 1865 reserves under the jurisdiction of this

Act (VIII of 1865) such under-tenure as are saleable under Section 105 of Act X of 1859. I am of opinion that neither Act VIII of 1865 nor Section 105 of Act X will be repealed by the introduction of this Chapter XIV.

360. Chapter XV. Sections 178 to 183 should be extended immediately.

Extension of Chapter XV. They have apparently been omitted by oversight.

Section 178 is absolutely necessary to prevent raiyats contracting themselves out of their occupancy rights under Section 7 of Act X. During the *Khanapuri* inspection of 1892-1894 we invariably interpreted the Section as if it was extended. Section 183 is also specially necessary.

Chapters XVI and XVII. Sections 184 and 185 may be introduced; the provisions are stronger than those of Section 119 of Act X. Section 187 and 188 may be introduced. They will apply only to such sections of the Act as may be introduced. Sections 189 to 192 are already introduced. Sections 193 to 196 may be introduced at once.

Schedule I ought not to be introduced, in order to keep some of the sections of Act X operative in Orissa. This schedule taken with Section 2, clause (1) will repeal the whole of Act X. I have therefore withheld clause (1) of Section 2.

Schedules II and III may be introduced at once.

361. To sum up, I think that the status and rights of the tenants having

Summary. been recorded under the portions of the Tenancy Act already in force in Orissa, the extension of

many provisions of the Act is absolutely necessary, as I have noticed in the preceding remarks.

As regards some of the remaining provisions it may be generally remarked that although they may not be indispensable still they may be useful. The Tenancy Act embodies some of the advanced ideas regulating the relations of landlord and tenant that find no place in Act X of 1859. Now that we have already extended most of the sections dealing with substantive rights a large part of the procedure sections may as well be extended in order to give the zamindars better facilities for the realisation of their arrear rents. For reasons already recorded I would reserve at the same time the jurisdiction of the Collectorate staff over these suits. In order to effect this object some of the sections have to be kept back.

Turning next to details, I submit that —

(a) Section 3 to 5, 7, 19 to 49, 52 to 75, 80, 101 to 115, 189 to 192 are already introduced.

(b) the following sections must, I submit be introduced at once (being dependent on sections already in force or because they have been already used by the Settlement Department), Sections 2 (2) (3) (4), 8, 9, 51, 76 to 83, 89, 116 to 120, 178 to 183.

(c) The following sections may be introduced at once, i. e., after reference to the Commissioner and Collectors :—

10 and 11, 12 to 17, 88, 93 to 100. For the benefit of zamindars and proprietary tenureholders.

84. Acquisition of holding by the landlord.

85 to 87. Surrender and abandonment.

90 to 92. For the benefit of the landlords.

143, 145 to 158. Judicial procedure, section 144 on Jurisdiction being held back.

159 to 177. On sale for arrears.

184 to 185. Limitation.

186. Penalties for illegal interference.

187 to 188. Regarding representation of landlords.

193 to 196. Pasturage, &c., conditions binding on landlords and savings for special enactments.

Schedules II and III.

(d) The following sections would be inoperative except in permanently settled areas :—

6, 8 and 50; as somewhat analogous provisions exist in Act X (see sections 3, 4, and 16) they may be introduced.

(e) The following sections should not be introduced for the present :—

Section 1, which will more properly come in when the whole Act comes into force.

Section 2, clause (1) which ought to be withheld in order to keep alive a part of Act X.

Sections 121 to 142 on Distraint.

Section 144, on Jurisdiction in Tenancy Act proceedings.

Schedule, I, which must be kept back with clause. (1) of Section 2.

I venture to suggest therefore that the sections recorded in (b) should be introduced without delay, and that those in (c) and (d) be introduced after reference to the District Officers and the Commissioner.

As regards the sections mentioned in (e) I cannot recommend their introduction at present, but having introduced nearly the whole Act I would suggest that the most careful attention of District Officers may be directed for the next five years to the working of rent suits and the effect of the new Settlement in Orissa. After that period it will be possible to gauge the result of the introduction of the portion of the Act extended to Orissa and to determine whether special courts are to be constituted. In case the whole Act is to be extended after five years the Judicial Department of Government will have time to provide the machinery for the trial of rent suits.

The principle which I would suggest in introducing the sections of the Tenancy Act at once should be the extension of all sections except those which provide for trial by the Civil Court of rent suits (including suits by proprietors against proprietary tenureholders) and the sections auxiliary to this procedure. In following this principle it is probable that I have proposed certain sections for introduction which should be excluded and have omitted others which should be included. The district and legal officers will easily be able to correct these mistakes.

Part IV.

CHAPTER XIV.

GENERAL INTRODUCTION TO THE CHAPTERS ON PROCEDURE.

362. We read that the proceedings in connection with the early British Settlements of Orissa (from 1803 to 1843) occupied "A full third of a century and during the first twenty years the master masons (who built the edifice of rights) had to labour with the sword in one hand and the pen in the other." I may add that assessment records of the last settlement (1834-1843) bearing dates as late as 1845 are in fact found. If therefore we add the ten years of the present proceedings (1889-1899), we find that for half a century Orissa has been more or less occupied with Settlement operations.

363. The attitude of the people has been tolerant through out the present proceedings while that of the zamindars has been extraordinarily apathetic. Work has been stopped in certain areas owing to flood, scarcity and sickness and even through fear of a well-known tiger, but never on account of obstruction. A few attempted obstructions were overcome. At Remna in Balasore stone-throwing into the camp at night was effectually stopped by the capture and immediate castigation of the ringleader. The tiger was kept away by the help of the local trumpeter (holder of a *turia-jagir*) who was requisitioned to escort raiyats home from the attestation camp at night.

In another case the army (*paiks*) of Keonjhar captured and deported a *sarbarahkar's* son, but did not appear before the officer deputed to relay the boundary. In fact the army remained in hiding while the Assistant Settlement Officer, a well-armed *shikari*, completed his work in the presence of the raiyats both from Keonjhar and the Mogulbandi. Assistant Settlement Officers were in some cases treated badly by the villagers with whom they camped, but the bad treatment was generally traced to the machinations of a dismissed zamindar's servant or *sarbarahkar* or disappointed litigant. One or two thefts of public money occurred, but it so happened that in each case the cash box was stolen from under the bed of the nazir while two peons were on guard outside his tent. Such thefts, so cleverly managed, were of course ascribed to professional thieves, but no cases occurred after the revision of the rules for security bonds of nazirs.

364. There has often been severe sickness in the camps, and for one field season, during which work was going on in the Banpur-Mals and in the north of the Balasore District, medicines were purchased and distributed to the camps of Assistant Settlement Officers. We have lost many valuable *muharrirs* from fever and a few from cholera, but I am very thankful to say that with three exceptions the gazetted officers have been spared. The valuable lives of Mr. Reily, Settlement Officer, and Babu Chakulal Sirkar, Assistant Settlement Officer, were lost by accidents, while Mr. H.A. Boyd died of typhoid fever brought on by exposure. In many cases, however, serious illnesses and in one case madness of Assistant Settlement Officers have been caused through over-work. Not a few officers also have suffered damage to their eyesight.

365. Sir Charles Elliott paid no less than four visits to Orissa between 1892 to 1895. Sir Alexander Mackenzie held a conference at Cuttack in January 1897 at which many important questions, *e.g.*, term of settlement and percentage of assets to be retained by Government were fully discussed and finally settled. In December 1898 Sir John Woodburn visited Cuttack and Puri. He inspected the assessment work and allayed the fears of the zamindars as to the curtailment of their privileges by the terms of the *kabuliyats*.

366. The members of the Board of Revenue under whom the work has been carried on have been the Hon'ble Mr. (now Sir) C. C. Stevens and the Hon'ble Mr. G. Toynbee. The

former visited Orissa in March 1896 and framed or revised the principal fair rent rules. He again visited Orissa in January 1897 and attended the conference held by Sir Alexander Mackenzie. Mr. Toynbee has either framed or revised the rules for assessment of revenue, and has dealt with the assessment reports of a large number of estates.

367. When settlement work began Mr. M. Finucane, C. S. I., was Director of Land Records. He drew up the earliest programmes, estimates, and rules. He was succeeded by Mr. W. C. Macpherson early in 1892. Mr. Macpherson went on leave early in 1896 till the end of the year. During this time Mr. P. C. Lyon officiated and again took charge permanently in the end of 1897. Between May 1892 and February 1896, and again in 1897, Mr. Macpherson either drafted or revised the rules and forms for record-writing and attestation, and laboured with all the officers of the Settlement staff in Orissa and elsewhere to amend the settlement provisions of the Tenancy Act and the rules under it, and to establish principle of the settlement of rents and revenue in Orissa. During the period of his deputation to Orissa (July to September 1897) he worked out the subjects to be included in the revenue reports and settled many important principles of assessment. Mr. Lyon was responsible in 1896 for the amalgamation of all the settlement work in the Province under one head and for the location of covenanted assistants in Cuttack, Balasore, Puri, and Khurda. He drafted all the important rules and returns for settlement of rents in 1896 for Orissa and for Khurda, and from 1897 onward has controlled the procedure for assessment of revenue, dealing with recusancy, &c

368. The officers in charge of the survey in Orissa have been Mr. Patterson, Mr. Ewing, Colonel Sandeman and Captain Crichton. The work of Survey Officers. Colonel Sandeman first, and Captain Crichton afterwards, helped the Settlement Department under Mr. W. C. Macpherson and Mr. W. Maude to evolve the rules for the working together of the camp and circle officers and Colonel Sandeman organised the whole survey campaign in Orissa. Mr. Maude in his report for 1893 acknowledges the services of Captain (then Lieutenant) Crichton as follows : "His thorough acquaintance with details and constant appreciation of the necessity of the Survey and Settlement Departments working as one, made my introduction to the work a particularly pleasant one."

Of the Assistant Superintendents of Survey Mr. R. C. Ewing and Mr. A. W. Smart did good work both in the course of the Orissa and Khurda Settlements. They organised the work, kept it up to the mark, and exacted accurate results from enormous establishments.

369. The settlement work was first actually started in 1889 in the Puri District under Mr. A. K. Roy and Mr. D. N. Mukherji. The work of Settlement Officers. Mr. H. R. Reily was appointed Settlement Officer of Orissa in 1891, and at his death in October 1892, Mr. Maude was appointed. Mr. Reily had not time to thoroughly organise the work or to bring out detailed rules. When Mr. Maude joined, he completely re-organised circles and programmes re-cast scales of establishment, and after securing uniformity of office procedure, evolved the detailed rules for *Khanapuri* and attestation which were subsequently followed. Mr. Maude left in February 1896; Mr. Nathan, Mr. Radice, and Mr. Walsh had given Mr. Reily valuable assistance and the two first continued to do so under Mr. Maude. Mr. Walsh left the department in the end of 1892, Mr. Radice in 1893, and Mr. Nathan in 1894. No doubt if the health of Mr. Nathan had been able to stand the strain he would have succeeded Mr. Maude. The work of Mr. Walsh and Mr. Nathan in Puri has been most useful at the time of assessment. Mr. Nathan's report on Kotdes has proved a very valuable contribution to the literature of the settlement of Orissa. He had the advantage of close consultation with Mr. Maude and with Mr. W. C. Macpherson. The work of Mr. Sen and Mr. Mitra should not be passed over. Mr. Sen had a very remarkable knowledge of Orissa. The valuable work done by Mr. J. G. Cumming in the early part of 1894 also deserves recognition. I cannot of course do more than mention the work of Mr. Maude; he restored method, order and uniformity at a most critical stage. A great deal of the work already done had to be done over again by Mr. Maude, and his careful methods and supervision secured cheap and efficient results in re-attestation.

370. I joined as Mr. Maude's Assistant in October 1892. In October 1894 the charge of Balasore was separated from that of Orissa, under myself as Settlement Officer. In February 1896, on Mr. Maude's departure, Balasore was re-united with the rest of Orissa and the whole was placed under my charge. The revision of the Khurda Survey had started in November 1895, so that the whole area in February 1896 amounted to nearly 6,000 square miles, some 80 lakhs of plots and about 17 lakhs of tenants. The greatest strain of work was in year 1896-1897 when our staff consisted of 46 officers, and the year's programme was to settle rents for 8 lakhs of tenants. Four covenanted Assistants and a European Deputy Collector were in direct charge of Puri (1), Cuttack (2), Balasore (1) and Khurda (1). The most anxious period was the beginning of the fair rent work; but the timely visit of the Senior Member of the Board (Mr. Stevens) and the Director (Mr. Lyon) in March 1896, and the formation of the rules, gave confidence to the staff and pacified the agitations of *bazyaftidars* and others. The organisation of the settlement of the Province under one head with Assistants in-charge of Districts was made by the Director (Mr. Lyon) who had had experience of work on a large scale in Behar, and by the alteration in certain account rules as to countersignature by Assistant Settlement Officers in charge of all bills for fixed establishments, the time of the Settlement Officer was set more free for inspection. Mr. W. B. Thomson joined the Department in 1894, and remained for more than 2 years till his health failed early in 1897. For nearly a year he was in charge of Balasore and rendered great service in the inspection of fair rent work. He gave us many practical suggestions for the assessment rules. Mr. D. H. Kingsford joined in the end of 1895, and after service in Khurda, Puri and Cuttack as Assistant Settlement Officer in charge relieved Mr. Thomson early in 1897. For 2½ years he rendered conspicuous service as Assistant Settlement Officer in charge of Balasore. He has still less than 5 years' service in India, so that his organisation in that District, inspection of fair rent work, judicious assessments to revenue, and lastly his very able report on the settlement of Balasore are most remarkable. Mr. J. E. Webster joined in March 1896 at my special request. He was from the beginning in charge of the Cuttack District, sometimes alone sometimes assisted by other covenanted officers. It is impossible to value his work too highly. Many of the rules for procedure introduced after he joined us have been either drafted, or suggested, or improved by him, or framed by his advice. He has worked throughout with unflagging energy, ability and loyalty. His great knowledge of the present procedure as well as of the literature of the last settlement is clearly shown in the pages of this report, by far the largest portion of which has been drafted by him. Mr. H. McPherson joined in November 1896 and was in charge of Puri for more than 2 years. His capacity for organisation, his energy and ability were invaluable, and he did much to remove the *slur* on the early work in Puri. During his intervals of leisure as Collector of Cuttack in July-October 1898 he wrote a very interesting account of the Puri Settlement. Mr. H. D. Carey joined in March 1897 and served for 2 years in joint charge on Cuttack with Mr. Webster. He worked throughout with characteristic energy and rendered special service in re-casting rules and instruction. He drew up the forms attached to the completion reports in their present shape. As Collector of Cuttack during the past 6 months he has given us great assistance.

371. Among the Deputy Collectors Mr. James Taylor deserves particular mention. He was in charge of Khurda for 2 years and supervised the settlement of rents for nearly 2 lakhs of tenants. Special acknowledgement of his important services has been made in the separate report on Khurda. Conspicuous among the Deputy Collectors are Babu Jamini Mohan Das, Babu Prasanna Kumar Banerjee, Babu Srigopal Bhattacharjya, Babu Sriram Chandra Bose and Babu Jotindra Mohan Sinha. Babu Jamini Mohan Das held a very responsible position at Jajpur, in semi-independent charge of northern Cuttack. Babu Prasanna Kumar Banerjee and Babu Srigopal Bhattacharjya were the pioneers of the fair rent work in the Province; the report of Babu Sriram Chandra Bose on Utikan is remarkably good, and Babu Jotindra Mohan Sinha did sterling work in the Deogaon Pargana of Cuttack. Of the Sub-Deputy Collectors the best work has been done by Babu Hara Krishna Mahanti in the Sunaut Pargana of Balasore. He was also in charge of large establishments at Bhadrak. Amongst the others Babu Abhoy Prosad Das and Maulavi Chainuddin

deserve special notice. The services of Babu Jagannath Dutta Sadar Kanungo of Balasore, as an Assistant Settlement Officer for nearly 4 years, have already been acknowledged in the Khurda report.

372. I cannot close this portion of the report without mention of Babu Jogendra Narayan Mitra, Personal Assistant to the Settlement Officer. Mr. Maude will, I feel sure, agree with me that for 7 years he has successfully filled a position of very great responsibility. His services as Assistant Settlement Officer and as Personal Assistant have been of remarkable value.

373. It is very invidious out of a long list of Deputy Collectors and Sub-Deputy Collectors to single out for mention so few when notwithstanding many difficulties so many worked with the greatest loyalty and devotion. Many of them remained in camp and in tents year after year and right through the year. Those who know Orissa will appreciate the hardships encountered, and others will understand when we tell them that to a European except for 3 months in the year a tent is almost intolerable. Nearly all the Deputy and Sub-Deputy Collectors joined the Department as junior officers and brought their youthful energy to bear upon the work. It would be of course a much easier task to record the names of two or three officers whose work has brought open discredit upon us, but perhaps it is only necessary to make general remarks on this subject. The appreciation of officers by the quantity of their outturn has paved the way for a great deal of bad work. It was impossible for us inspecting officers to avoid some such appraisal when the number of camps and their scattered situations are taken into account. The fact remains that a few officers, usually Sub-Deputy Collectors, desirous of promotion, have been occasionally led away by the glamour of large outturn. Again, we have had one or two officers who even before taking the field and without knowledge of the area within which their work will lie, have desired to know the number of rents to be settled every month and the general monthly percentage of enhancement which would secure to them the approbation of Government.

On the whole, however, we have had officers of the very greatest judgement and conscientiousness, possessing also the moral strength to work where necessary, slowly and surely.

374. Not the least difficulty which have had to encounter has been in bringing to gether and training suitable establishments for our work.

To start with the *kistwar* survey, an Uriya *amin* could rarely be taught to survey more than 10 acres a day, while the outturn of an up-countryman would be more than 30 acres. Moreover the work of the latter showed much more neatness of hand than that of the Uriya.

In *Khanapuri* I have always preferred the Uriya *amin*, because, although it is quite impossible to prevent the exaction of payments from villagers, his scale of charges is smaller and his methods more intelligible to his fellow Uriyas. Uriya *amins* in the cases where they had been trained before being sent into the field did excellent *Khanapuri* work. *Attestation* work, and fair rent work, so far as *muharrirs* were concerned, is purely mechanical, but no praise can be too high for the head *muharrirs*, i.e., the men picked to command and control batches of *muharrirs* in each camp. They received pay of from Rs. 20 to Rs. 30 a month, and were the first to come in the early morning and last to leave at night. The names of these men have been submitted to Collectors with recommendation for permanent employ. It is hoped that they will get posts as *kanungos* (and *putwaris* if the Maintenance of Land Records scheme is introduced). They are also to be recommended to zamindars as *gumahstas*.

The demand for English knowing clerks was difficult to supply. The reason of course was that, outside the Government offices, there had hitherto been no use for clerks with knowledge of English. At first we obtained nothing but "rolling stones" and men who had escaped from the Criminal Courts on technical grounds, e. g., my first clerk on Rs. 20 had been a Municipal Overseer on Rs. 120 and Mr. Radice's clerk had been a collectorate nazir—both had escaped "justice" from the Sessions Court. After a time young men came forward and after a course of training have done excellent work. In fact we have now scarcely a clerk

whose age more than 30. The mistakes made by copyists have got the Department into trouble more than once, both with the Commissioner and the Director. I am glad to say that some of our best clerks have already received appointment from Collectors and the names of others have been submitted in registers with suitable recommendations to the Collectors of the three districts.

375. The chapters on procedure which follow may appear somewhat dull, but a perusal of them will show that they must be of vital importance to our successors—the Settlement Officers of 1927. It is impossible for me to criticise the action of my predecessors without putting myself out of sympathy with the readers of this report, but a very conscientious attempt to put together all the salient features of the procedure in the present operations has been made by Mr. Webster. He has succeeded so well in his task that I have practically to make no alterations. The chapters on *Khanapuri* and Attestation must be perused before my remarks will be readily intelligible.

376. In this introduction I would wish to say a few words on the position of Revenue Officers.

It appears to me, and submit my opinion with the greatest deference, that at a future settlement the Commissioner should be Director and Head of the operations, and Additional Commissioner being appointed to carry on his other work. In each district, too, the Collector should be the Settlement Officer and his Joint Magistrate should carry on his other work. I should not like to be misunderstood in what I have said or shall say in this matter.

The Settlement department owes its gratitude to the Commissioners and Collectors in Orissa for the last ten years and acknowledges its obligations most gratefully, but nevertheless I am conscious that there has been delay and loss of time in acquisition of necessary information by the Department.

In the first instance it is my opinion that many difficulties would have been avoided if a senior officer had been appointed as Settlement Officer from the very beginning.

It is necessary to have one officer for the sake of uniformity, and it is necessary to have a senior officer for the sake of authority.

The next important point is that the officer in charge should be the head of the Province. All our work has of course been closely bound up with the Collectorate, but the Collector of Land Revenue could not help regarding the Revenue settlement Department as one which threw an enormous amount of extra work on his shoulders.

Again, on the Magistrate's side, the Settlement Department has no authority and to the Magistrate (and Judge) the Settlement Department have indirectly caused more breach of the peace and litigation than any other set of causes combined during the last ten years. Nor is the end yet—rent suits and title suits and maintenance of possession by violence must continue for a year or two longer.

At the last Orissa settlement the charge of the operations in each District lay in the hands of the Collector and at their head was the Commissioner who was the controlling authority for the whole Province. Our work has of course been closely bound up with the Collectorate and the separation of the Department from his control has placed us at a disadvantage, and not only has there been waste of energy in acquisition of information, but possibly also a certain loss of information; again, the advantages of having the Commissioner at the head of the Provincial settlement are equally great. The traditions of the last settlement survive in full vigour, and Commissioner's authority commands the highest respect in the Province.

While making the preceding observations on the advisability of placing the future settlement work in the charge of the local authorities, I should not be understood to overlook the value of the assistance obtainable from the Director of Land Records and Agriculture. His wide experience obtained in supervision of the settlement work throughout the Provinces of Bengal, Bihar and Orissa adds a special value to his suggestions and supervision. The lessons learnt in one Province are materially useful in the organisation of the work in another, and uniformity of practice so far as the local conditions of each Province allows is indispensable to proper control. My own experience is that in many matters the practices in Bihar and Chittagong settlements were found useful in Orissa. I have elsewhere notice

how largely the present Orissa settlement is indebted to Messrs. Finucane, Macpherson and Lyon, who have been Directors of Land Records, and I venture to think that in the next settlement, too, the wide and special experience of the Director of the time may be utilized with advantage.

To sum up, I think that at the next settlement the work may with advantage be placed in charge of the Collector and of the Commissioner as the central controlling authority in the Province. This arrangement will secure smooth progress of work and will have generally important administrative advantages. Under this arrangement the work will have also the full benefit of the Collector's and Commissioner's local experience.

It is further necessary to retain the Director's connection with the settlement in order that the lessons furnished by the settlement work in other Provinces may be utilized and that important matters of principle and procedure may have the benefit of the Director's broad experience.

In conclusion, I venture again to hope that I have not said anything invidious, but it is certain that these questions will arise at a future settlement, and I feel bound to put my experience down on record because, as it appears to me, there has been some loss of efficiency by the arrangements made at the present settlement and because it has been impressed upon me more than once that while the Magistrate and Collector and his subordinates have the full confidence of the Uriya, Revenue Officers and their assistants are regarded as troublesome and less entitled to respect.

377. In this connection (the position of Revenue Officers) one special point
 The relations of survey and Settlement Officers. in the chapter on *Khanapuri* procedure deserves mention. It seems to me absolutely necessary that all the officers of the Survey Department should be subordinate to the principal Settlement Officers. The settlement officers in the early days blamed the Survey Department for bad work, and the latter blamed the Settlement Department for want of instructions. From the field season of 1892 onward these recriminations ceased because the heads of the two Departments came to an understanding. Of what happened before October 1892 I can say very little, but from that date onward at least two Assistant Settlement Officers were deputed to each camp and were armed with full instructions to supervise the *Khanapuri* work. Even so, after the record writing was completed the records were returned to the Survey Office for extraction of areas and compilation of statistics and there was sometimes considerable delay. It will be remembered of course that in the last settlement of Orissa no field to field maps were prepared and beside the field books the Survey Department had only maps on the scale of 4 miles to the inch to work upon. For this reason the Department had to remain longer with us than it would otherwise have done. At a future settlement it may not be necessary to employ the Survey Department at all, but if it is necessary I would suggest that the officers of the Survey Department be placed directly in subordination to the Settlement Officer. I may add that in Khurda the revision of survey was carried out smoothly and expeditiously by such a procedure.

378. A great deal concerning the Tenancy Act will be found in the
 The Tenancy Act. chapters which follow. Nearly all the work, *i. e.*, all except the settlement of rents for some 60,000 tenants, was carried through under the old Act before the introduction of Act, III. B. C. of 1898. It was anticipated that even "by keeping within the four corners of the Act," there would be great difficulty in settling rents according to the Civil Procedure Code for 17 lakhs of tenants. The rules however of 2nd November 1895 framed under Section 189 of the B. T. Act prescribed that in the first instance proposals of fair rents should be made, and if the proposals were accepted it was not necessary to go through the formalities of the Civil Procedure Code. After the first two or three months objections became extremely rare. As soon as raiyats understood that until the contrary was proved the existing rent was presumed to be fair and equitable, they ceased to object. *Bazyaftidars*, at first encouraged to hope that as in the permanently-settled district of Midnapur the rents of *bazyaftidars* were not enhanced their own rents would also be left alone, were disposed to object to the enhancements. When, however, their attention was called to their *pattas* on which the fact was recorded that the rents were

settled up to 1274, i. e., 1867 (extended after the famine to 1304, i. e., 1897) and when they saw the Government orders of the last settlement limiting the fixation of their rents only to the term of settlement, and lastly after noticing that no attempt to level their rents up to raiyati rentals was made, they gave way and accepted enhancements grudgingly at first and afterwards with resignation.

The amended Act very much simplifies the procedure in areas under settlement of land revenue and places the subordinate officers at every stage under the control of the Settlement officer or confirming authority. It is now necessary to draft, publish immediately after attestation, to frame a rent roll, publish it, here objections, and submit it with the objections for confirmation to the higher authority (in the case of Orissa the Settlement Officer). After confirmation the roll is incorporated in the record and finally published. All disputes are settled summarily and may be appealed to the Settlement Officer. By this procedure expensive suits are avoided, but the work of the Settlement Officer (if he is the confirming authority) is very much increased, because in proceedings for settlement of land revenue the Special Judge does not exercise jurisdiction. No doubt if the Act had been introduced when we had 40 officers in the field, Government would have vested the covenanted Assistant Settlement Officers with the powers of a confirming authority. The Act not having been introduced till the end of 1898, the Settlement Officer had only to confirm some 200 villages' rolls and hear about 90 appeals. This does not of course include several objections to rents which had to be examined and disposed of. The general result of my experience is that it is impossible to prevent officers from showing zeal by excessive enhancements, and for that reason I should like to have seen the procedure for areas under settlement of revenue extended altogether, i. e. to applications in permanently-settled areas. It seems to be better for the higher revenue authority to interfere of his own motion in cases of hardship than that he should have to advise raiyats to go to the expense of an appeal before the Judge, for fear he (the superior Revenue Officer) should incur the charge of executive interference with judicial discretion.

379. The area from time to time under the charge of the Orissa Settlement Department has included areas other than the temporarily settled portions of the three districts.

From 1896 onward the Khurda Government estate, an area of 883 square miles, has been settled at a cost of Rs. 1,92,000, the gross demand having been increased from Rs. 3,09,000 to Rs. 3,77,000.

The small *khandaiti jagir* or Jumna Jharpara, with area $2\frac{1}{2}$ square miles, was settled at a cost of Rs. 487, the accertained rental of the estate being Rs. 448.

The *Satais Hazari* and the *Ekhrajat* estates belonging to the Puri temple with areas of 11.8 and 105.5 square miles respectively have been re-settled. In the case of the *Satais Hazari*, which was intermingled with the revenue-paying temporarily-settled area, Government paid for the preparation of the record of rights and the proprietor bore the cost of Settlement of rents amounting to Rs. 680. The rents of 3,024 tenants were raised from Rs. 11,302 to Rs. 15,143.

In the case of the *Ekhrajat* estate the proprietor bore the whole cost of operation amounting to Rs. 29,500; the rents of 14,621 tenants was raised from Rs. 23,391 to Rs. 31,558. The new demand for all the tenants on the estate is now Rs. 37,469.

The Madhupur permanently-settled estate having an area of 64.8 square miles with 14,700 tenants was re-settled entirely at the cost of the Court of Wards. The demand was raised from Rs. 24,199 to Rs. 31,552, at a cost of Rs. 29,002.

In addition to this, the Bhubaneswar Endowments, with an area of 2,090 acres, have been re-settled. The demand of 305 tenants has been raised from Rs. 799 to Rs. 948 at a cost of Rs. 1,920, and the work is still unfinished.

The Uparbast Endowments, with an area of 371 acres, has been re-settled at the cost of the Committee amounting to Rs. 400, the demand having been raised to Rs. 397.

Other small revenue-free properties intermingled with the Government estate of Khurda have been resettled at a cost of Rs. 1,372, borne by Government, though Rs. 454 has been recovered from the proprietors in stamps.

In the two *khandaiti jagirs* of Khurda, Haldia and Malipara, with an area of 9,738 acres, and assets of Rs. 2, 530, settlement has been effected at a cost of Rs. 2,130 to Government. Lastly in the permanently-settled areas of Darpan and Derabisi a survey was made at the expense of Government, and now at the cost of the proprietors a record of rights with a view to settlement of rents is being and has been made. These last operations have been handed over to the Collector of Cuttack for completion.

It will be seen from the above that in addition to the *comparatively* simple work in the temporarily-settled area a large number of complicated operations have occupied a portion of the time of the Department.

CHAPTER XV.

SURVEY AND DEMARCATION.

380. The first step towards the beginning of the survey was the demarcation of the village boundaries. This was done, by revenue officers under the orders of the Collectors of the districts, by erecting small bamboo sticks, with earthen mounds at their bases, at the trijunction and salient points of the village boundaries. The demarcation officer was supplied with lists of villages and issued a proclamation, under Section 5 of the Survey Act, V. B. C. of 1875, to the owners and occupiers of the lands about to be demarcated. Then he proceeded to the spot and marked on the ground the boundaries as pointed out by the villagers, sending lists of the villages and the boundary marks to the officer in charge of the survey.

When the work began, the villages demarcated were those shown in the last settlement papers, and in Puri and Cuttack the work was practically finished before the orders to demarcate the recognised local village came into force.

381. The traverse survey of the temporarily-settled estates of the Puri District began in 1889-90 under the supervision of Mr. Patterson, and in 1890-91 the work was in full swing. The party was divided into three sections, two under Mr. Ewing and Mr. Madras being engaged on cadastral work in Puri and Cuttack respectively, and the third on traverse only. In the following season the number of sections was increased to five, three for the cadastral and two for the traverse survey. In the first two seasons the unit of traverse survey was the settlement village as demarcated, but in 1891 it was decided to follow the revenue survey instead and ultimately, as a slavish adherence to the revenue survey was found impracticable, the existing village as pointed out by the villagers was made the unit. All traverse work was plotted roughly on the 4" scale and comparisons were made with the old 4" village maps of the former survey, and wherever any serious difference was found it was noted for the information of the Settlement Department. In practice such notes were rarely if ever made, and there is no trace of them in the records. Differences in area were generally detected and recorded at the attestation stage. All *tahsilalahida* blocks* over 50 acres in area were also traversed round but not plotted separately, i.e., they were plotted and surveyed with the village in which they lay.

In the earlier traverse the *tahsilalahida* lands were commonly plotted and mapped separately, but this error was in most cases subsequently rectified.

In Kokhuakhand and Tapankhand and other Paraganas near Cuttack villages were found wholly lying within other villages. They have for settlement purposes been treated as separate villages, but they are all on one map and have generally been given a single number. In the Puri District some difficulty was caused by Khurda lands lying within Puri villages. These, though shown on the map of the Puri villages, were for all settlement purposes treated as part of the Khurda village to which they belonged, and a separate record prepared.

382. The traverse supplied to the cadastral sections skeleton village maps on the scale generally of 16"-1 mile, showing the theodolite stations. With these skeleton maps as the basis of their work the *amins* mapped the village boundary and plotted in the fields on the "quadrilateral" system as laid down in Chapter 6, Part II. of the Survey and Settlement Manual of 1895.

383. The unit of survey was the *khet* or field, consisting of all the lands of one kind lying within a single boundary and belonging to the same cultivator, as opposed to the *kita* or *kiari*, the plot or portion of a field surrounded by a *hira* or dividing *bund*. The number of *kitas* in each *khet* was however counted and shown in the settlement records and in some maps the *hiras* are marked by dotted lines (in the revision areas and Khurda, also revised).

*Vid e Chapter XIII., Paragraph 364.

In the season of 1890-91 it was found that the average size of a *kita* in Cuttack was .16 of an acre or about $2\frac{1}{2}$ to the field, and in Puri about $1\frac{1}{2}$ to the field, so that if every *kita* had been separately mapped the number of plots, and therefore the size of our records, would have been about doubled.

384. With the exception of those of the revision survey area and of the large towns all maps were prepared on the scale of $16''=1$ mile, but where, as often was the case, it was not found possible to show all the details of the village site on that scale, the houses and homesteads were taken out and shown in the margin of the map on the $32''$ or $64''$ scale.

385. Cuttack town was surveyed in 1894-95 on a scale of $64''=1$ mile, the Cantonments only, which had been previously surveyed on a $12''$ scale, being omitted from the maps. Other large towns, such as Balasore, Bhadrak, Jaipur, Kendrapara, Chandbali, were surveyed on the $32''$ and occasionally on the $64''$ scale.

386. All trijunction points were marked with stones obtained at a cost of Rs. 56.4 per 100 delivered at any convenient centre. Smaller stones costing Rs. 37.8 per 100 were originally used to mark the satellite stations of each trijunction, but early in the season of 1891-92 orders were given that the smaller stones should be embedded at stations at intervals of about 40 chains, taking care that each stone was so placed that the stations in advance and behind it might be visible. Other stations were marked only by a little mound of earth with a small clay cylinder embedded.

387. An attempt was made to use *patwaris* and local *amins* for the cadastral survey and the writing of the record, but the progress made was very unsatisfactory. The Surveyor-General's report for 1890-91 shows that owing to the slow rate of progress made by the Uriya *amin*, and the consequent increased expenditure on cooly labour, the cost amounted to anna 1 pie 9 per acre against pie 9 in the case of a second class Hindustani *amin*. *Amins* were paid at the contract rate of Rs. 3 per 100 acres and only earned Rs. 3 to Rs. 4 per month; *patwaris* were paid nothing, so that the total cost per acre in their case came to anna 1 pie 3 for coolies.

In 1892 Lieut. Crichton, then in charge of the survey, wrote:—

"The Uriya will do no more work than he is absolutely obliged to do in order to obtain a bare living. It is only by the closest supervision and constant coercion that the Uriya *amin* can be prevailed upon to produce a moderate day's outturn of work. As a Surveyor his laziness makes him practically useless; his rate of work has been proved to be this season one-fifth that of an up-country *amin*. In Orissa no labour is given free by the villagers as in the case in the Upper Provinces. Each cooly has to be paid 1 anna or 2 annas a day according as he is working in his own village or outside it. As each *amin* requires about five coolies it is evident that cooly hire is a very expensive item in Orissa, more especially so when the Uriya is employed as a field surveyor. The Uriya *amin's* out-turn being 6 acres a day and 5 or 6 annas being paid for coolies the cooly bill alone adds one anna per acre."

"In order to reduce the expenditure on detail survey, this branch of the work was gradually handed over to up-country *amins*, the Uriya being employed on *khanapuri* work."

388. In Cuttack, 364 square miles had been surveyed for the Irrigation Department on the $32''$ scale in 1878-79 and in 1892 the maps were revised and new records written. "The old survey was on the $32''=1$ mile scale, and the original unit of survey was the *kita* (each *kita* having a number and its area extracted), and there was no distinction made on the map by which the "field" or occupancy of the cultivator *khet* could be recognised; nor had the house in the villages been separated from the fields or compounds. The revision procedure adopted was to give the *Khanapuri amin* the map, and he, while he did the *Khanapuri* ascertained which lines on the map, denoted the boundaries of a *khet* and which the *kitas*, the latter he scored across in red ink and then gave a number to the *khet*. On the traces the *kitas* have been, and on the fair maps will be, shown by dotted lines. In cases where the *khet* had not altered since the former survey, the area was obtained by the simple addition of the areas of the *kitas* contained in it, as given in area the statement of the former survey. Where there were difference, and there were many owing to distributary canals having been cut and other changes which must be expected in a period of 14 years, areas had to be re-extracted.

The *amins* were paid Re. 1-8 per hundred acres *i. e.*, half of what¹ was paid for fresh survey, and the work cost about Rs. 64-14-0 per square mile; exclusive of the cost of finally dressing the records, about Rs. 16 per square mile. This was a very considerable saving on the cost of original survey and *khanapuri*, which, including traverse and stone embedding, came to about Rs. 198 per square mile in the rest of Cuttack.

In 1893-94 the maps of the Temple (*Ekhrajat*) lands in Puri prepared 1876 were revised. The cost was Rs. 7,126 for 105 square miles or Rs. 78 per square mile.

Revision of *Ekhrajat* Survey.

CHAPTER XVI.

KHANAPURI

389. The detailed survey of a village or part of a village being complete, the next stage was the *Khanapuri* or the filling up of the columns in the draft records. It was, as had been said before in treating of the cadastral survey; found advisable to entrust to up-country *amins* the actual mapping of the village, but the records were almost invariably written by an Uriya. As the up-country man worked faster than the Uriya it was found more economical to allow the map to be made first and to then hand it over to the Uriya *amin*, who, while filling up the records, corrected in red ink any mistakes that he found in it.

Explanation to the term.

Forms.

390. The records to be filled up by the *Khanapuri amin* consisted of :—

- (1) A field index or *khasra*.
- (2) A detailed record of each tenant's lands called a *khatian*.
- (3) An abstract record of the rights of proprietors and tenureholders known as a *khewat*.

Subsidiary forms to facilitate the check and correction of the draft records were also prescribed, viz., a *parcha* or abstract of the draft *khatian* to be given to the tenant and a dispute list,

The forms finally determined on for the Settlement, together with the rules for their preparation, will be found in Appendix B. Briefly their essential features are :—

The *khasra* is a list of the fields in the village arranged in the order of their serial numbers with the names of all owners and occupiers, the area, and a description of the land and crop entered against each.

The *khatian* is a list of tenants showing the fields held by each one, their area, the rent payable, and the status of the tenant and certain special incidents of the tenancy.

The *khewat* shows for each property for which it is prepared the names of the owners, and character and extent of their interest.

The further details shown in these records depend on local considerations but so much as is stated here is essential.

391. Work began in 1890-91 in the parganas of Rahang, Serai and Chaubiskud in the District of Puri.

Mr. A. K. Ray was Settlement officer from December 1889 to December 1890, but does not appear to have issued any instructions for the guidance, of the Survey Department, who had to work on the lines laid down in the Survey Manual supplemented by rules drawn up by Mr. Ewing who was in charge of the cadastral party.

392. With Mr. Reily's appointment as Settlement Officer the system was changed; to each survey camp were attached one or more Assistant Settlement Officers whose business

Rules of 1891.

was to supervise and check the *khanapuri* while it was in progress and to attest the records on their receipt from the Survey Department. Detailed rules for the guidance of the Assistant Settlement Officer of Tangi Circle were drafted by Mr. Reily in April 1891 and were criticised by the Director of Land Records and by the Commissioner. The main points insisted on were :—

- (a) The issue to the occupiers of the land of *jamabandi* slips or *parchas* i.e., extracts from the records giving the number of each field and its boundaries, the class of soil and crop.
- (b) The actual check on the ground of a certain proportion of entries in the *khasra* by the Assistant Settlement Officer and the reporting of all serious errors to the officer in charge of the survey camp.

393. There continued, however, to be a considerable diversity of practice, and towards the end of the year 1891 fresh rules were drawn up by Mr. Reily dealing with the procedure for the settlement of boundary disputes and the preparation of draft *khewats*; but no complete instructions for the writing up of the records were issued until Mr. Finucane, the Director of Land Records, visited Orissa in March 1892; and the Uriya translation of the rules then agreed upon was not placed in the hands of the Survey Department until the 1st June of that year. Most of these rules were taken from the instructions drawn up Mr. Lyon (then an Assistant Settlement Officer in Orissa) for the benefit of the survey camp under Mr. A. W. Smart at Jajpur.

The *khanapuri* of the Puri district was completed by the survey party under Mr. Ewing by the 1st May 1892, and he then moved into the Cuttack District, where two parties under Messrs. S.O. Madras and A.W. Smart were already working.

By the 30th September 1892 the *khanapuri* of the whole of the temporarily-settled area in Puri, excluding Khurda 371 square miles, had been finished; and in Cuttack, the records of 1,443 square miles or nearly two-thirds of the area under Settlement had been written. The balance of work remaining consisted of 831 square miles in Cuttack, 105 square miles of Puri Temple Lands in District Puri, and the whole of the Balasore District.

394. For the area in which *khanapuri* work had not been done, revised rules were drawn up at a conference of Orissa Settlement and Survey Officers, and these after approval in November 1892 by Mr. Macpherson, the Director of the Department of Land Records, and by Lieutenant-Colonel Sandeman, the Director of Bengal Surveys, were at length, in March 1893, printed in their final form. The survey officers worked on them from the beginning of the field season of 1892-93, and with but few alterations they remained in force until the completion of the record writing in Orissa. They are to be found in their final form in Appendix B, Part II. to this report.

395. From this brief account it will be seen that the record-writing in the District of Puri was done by the Survey Department without much assistance from the Settlement officers other than that of such supervision and advice as the Circle Officers, who had at that time little or no experience, could give them. More than half of the Cuttack District was completed in similar circumstances, and it is not surprising that the Survey Department complained of the difficulties of the work. I quote here the list of difficulties mentioned by Colonel Sandeman in his report on Bengal Surveys in the year 1891-92.

Difficulties in khanapuri.—"The difficulties in *Khanapuri* have been very great during this season:—

"*Firstly.*—The slow rate of work of the Uriya.

"*Secondly.*—The number of changes in procedure during the field season. No less than four different forms of *Bhowriah* (*khasra*) and three different forms of *Warajah* (*khatian*) were successively brought into use during the field season.

"*Thirdly.*—Although the Settlement Department at the commencement of the season were supervising the *khanapuri*, no distinct instructions were received as to the filling up of the records until Mr. Finucane, the Director of Land Records, visited Orissa, when on the 26th March 1892 a *Hidyatnama* was published; but it was not till the 1st June 1892 that Uriya translations of these instructions, although repeatedly called for, were received from the Settlement Department.

"*Fourthly.*—Almost throughout the entire area *Khanapuried* no draft *Khewats* had been prepared by the Settlement Department, they had therefore to be prepared by the Survey Department and compared with the A, B and C Registers of the Collectorate. In some parganas draft *Khewats* had been prepared *Mahalwar*, but these were practically useless as they had to be converted into *Mauzawar*. In addition to this, there was great delay in the supply of the *Khewat* forms, some Parts (I. and II.) were not received till 8th and 12th August 1892.

"*Fifthly.*—With some exceptions the *Khanapuri* officers supplied by the settlement to aid in the supervision of *Khanapuri* and settlement of disputes were quite inexperienced, and had to be taught their duties. Until they had learnt their work they did not help greatly.

"*Lastly.*—The establishment of *Khanapuri amins* necessary for the large area expected could not be obtained.

396. Naturally the errors in the *khanapuri* were numerous, and the early correspondence abounds in complaints of the inaccuracy of the records.

Errors in Khanapuri.

Want of rules in early stages of Khanapuri.

In October 1891, Mr. Sen in the Tangi, and Mr. Walsh in the Serai and Chaubiskud Circle, reported that they found so many mistakes that their *muharrirs* had to go over the whole ground again field by field.

Mr. Reily compiled a list of these in four circles and found that in a total of 62,643 fields, 21,334 mistakes had been found, or 1 in every three plots.

In the recess of 1892 Mr. Walsh reported that the number of corrections made in the records of his circle exceeded the total number of fields, while apart from the subdivision of *Khatians* the proportion of mistakes found in the *khassra* to the total number of fields entered was in the recess of 1892 reported to be—

Per cent.			Per cent.		
In Kotdes	....	16*	In Tangi	....	90
In Rahang	....	40.35	In Kotrahang	....	30

It does not appear, however, that the *khassras* were really so defective as might be inferred from these figures. From the details of the list of mistakes compiled in 1891 it was found that of the total number of corrections about 10 per cent. were in the area columns, 2 per cent. in boundaries, 8 per cent. in the numbering of fields, 30 in the name of occupants, 7 per cent. in the demarcation of *tahsilalahidas*, 19 per cent. in the class of soil, 18 per cent. in entry of names in the wrong column, and 6 per cent. in the entry of last settlement field numbers.

The class of soil is at best a debatable matter, and the only serious mistakes would be those in the wrong entry of names, wrong areas, wrong numbering, and in the demarcation of *tahsilalahidas*; say, half the total.

397. Much of the *khanapuri* procedure is so closely connected with attestation that it will be simpler to consider the points raised when dealing with the latter subject, and I propose in this chapter to deal only with :—

Khanapuri Procedure,

- (a) The relations of *Khanapuri* and Survey Officers.
- (b) The entry of areas in the field.
- (c) Requisition of rent-rolls from proprietors.
- (d) Distribution of *parchas*.
- (e) Entry of status by *amins*.
- (f) Entry of rent at *khanapuri*.
- (g) Employment of *Kanungos*, *Patawaries* and *Chaukidars*.
- (h) Identification of last settlement fields.
- (i) Treatment of disputed entries.
- (j) Boundary disputes.
- (k) Unit of survey (*i.e.*, under survey).
- (l) Preparation of draft *khewats*.
- (m) Progress and out-turn.

398. The Settlement Officer and Deputy Superintendent of Survey exercised joint control over all establishment utilised for survey and *Khanapuri* simultaneously. They corresponded directly with one another, and when they could not come to a compromise in any matter of principle referred it for decision respectively to the Directors Land Records and Surveys. The Assistant Superintendent of Survey, or camp officer, had the immediate control of the whole establishment entertained for survey and *Khanapuri*, and was entirely responsible for the accuracy of the survey. The business of the *Khanapuri* officer was, with the help of his inspectors, to check the correct writing up of the records and to dispose of all disputes. He had the powers of an Assistant Superintendent of Survey as well as of a revenue officer under the Bengal Tenancy Act, but had no power to punish or dismiss any of the survey establishment except through the camp officer.

399. During the early part of the work the *amins* doing *khanapuri* left the column for area blank and areas were extracted and *khatians* prepared in the camp after receipt of the records from the *amin*.

This system had the double disadvantage of leaving the raiyat without any idea of the area entered in his name up to the time of attestation and of overburdening the Survey Department with work to be done in recess. For the

* Does not include mistakes in soil classification.

† See Appendix B.

season of 1891-92 Colonel Sandeman adopted the new procedure * of having *khatians* prepared day by day and extracting areas by skilled computers in the field immediately on the completion of the *khanapuri*.

This system was continued to the end of the work and is thus described in a note of the 4th March 1893 by Messrs. Sandeman and Macpherson :—

An *Uriya amin* will do the *Khanapuri*, also correcting the foreign *amin's* map in red whenever the rights in the land are incorrectly shown. When available, a second *Uriya amin* will write the *Khatian* and *parchas* while the first writes the *hasra*, entry for entry, the object of employing two men being to check corruption and hasten preparation of the records for final attestation. The *Khanapuri amins* will also fill in the *lakhiraj bahal*, *minhu jagir* add *nij-jot* statements as laid down in the rules following.

The *Khanapuri* of the records being thus finished the areas will simultaneously be extracted and entered in them all. The *hasras*, *khatians*, and the statements mentioned in rule 8 accompanied by a trace of the map, or when delay would be caused by the preparation of a trace by the original sheet, will then be despatched to the circle officer for final attestation. The areas will be entered in the *parchas* if brought by the tenants, to the circle or sub-circle office at the beginning of the attestation proceedings.

Foreign inspectors will check the survey. *Uriya* inspectors will check the *Khanapuri* unless the Settlement Officer will accept the best of the foreigners aided by *Uriya muharrirs*.

When the records are finally received back in the Survey Office after attestation, they will be completed and statistics extracted.

400. Before the *amins* took the field the proprietors and tenure-holders were served with notices requiring them to file Requisition of rent-rolls form proprietors. rent-rolls for the villages under survey.

These notices were at first served by peons, but it was afterwards decided to use the agency of the post office, and the notices were sent in registered covers, the postal receipt being taken as evidence of delivery. The form of these rent-rolls locally known as *ekpadia* varied considerably from simple lists of tenants with the area held and the rent payable by each to elaborate statements of demand and collection arranged status by status and raiyat by raiyat. Strictly speaking the production of existing documents only could be enforced, but as nearly all zamindari accounts in Orissa are kept on palm-leaves which were very bulky and inconvenient to handle it was the practice to demand extracts in some fixed form.

This procedure necessarily left room for misrepresentation and collusion, but it is very doubtful whether the proprietors could have been induced to give up their original papers while they could generally be made to bring them at the time of attestation when so required.

The *amin* when going to the village took with him these *ekpadia* papers which formed the basis of his *khatians*, no deviation from the names given therein being allowed except with the consent of both landlord and tenant, or on the orders of the *khanapuri* officer. †

401. *Parchas* showing the name of tenant and numbers of field were prepared in the season of 1891 by the Survey Department and issued to the tenants, except in the Rahang, Serai and Chaubiskud Circles. Mr. Reilly considered the information given to be insufficient and prescribed a counterfoil *jamabandi* slip showing the class of holding, the boundaries of the field, the nature of the crop grown, the area, and the rent as stated by the landlord and by the tenant.

Before commencing *khanapuri* in 1891 the *amin* gave to each tenant a *parcha* foil taking a receipt on the counterfoil, and entering on both the tenant's name. As *khanapuri* proceeded he entered each field in the counterfoil and in the *parcha* produced by the tenant. When the next field was found the tenant produced his *parcha* to have the field shown on it. At this stage the column for area was left blank to be filled up at attestation. ‡

In the season of 1892-93, arrangements having been completed for the extraction of areas in the field, an attempt was made to collect the *parchas* before the *amin* left the village in order that the areas might be entered in the camp office and the *parchas* returned to tenants in time to allow of their verification before the final attestation of the village. This plan was not, however, successful and was

* Letter No. 732, dated 26th December 1891, from Colonel Sandeman to the Settlement Officer.

See Appendix B. II., Rule 16.

See Appendix B. III., Chap. 4, Rule 3.

abandoned before the end of the season. The collection of *parchas* created a panic in the minds of the raiyats and the re-distribution was accompanied by great corruption.

Down to the end of the season of 1893, *i.e.*, during the whole time of *khanapuri* in the Cuttack and Puri Districts, the *amin* was required to obtain the signature of both landlord and tenant to the *parcha*, and if he could not do so, entered the holding in the dispute list for the orders of the Assistant Settlement Officer.

During the season of 1891-93 the columns for rent and status were filled up by the *amin*; in 1893,94 they were filled up by the *khanapuri* inspectors; and from 1894 onwards were left blank to be filled up at attestation.

402. It has always been held that the entry of the status of a tenant cannot safely be left to an *amin*, but must be personally attested by a revenue officer in the case of every raiyat, and rule 15 of the Rules 4th March 1892 runs thus: "The survey *amins* will in no case enter the status or length of occupancy of raiyats".

In the next season it was proposed that the preliminary attestation of the record and the *khanapuri* should be combined into one process, and the *amin* was required to enter both the status and length of occupancy of each tenant. In the rules for 1893-94 however it was provided that all entries of status should be made by the *khanapuri* inspectors. This rule was withdrawn in March 1894 and the only entry of status made at the *khanapuri* was in the remarks column of the *khasra*.*

The reason that appears to have influenced Government in arriving at this decision was the fear that tenants would not rightly appreciate the importance of the correct entry of status, and might not perhaps understand the meaning of the entries made. During the recess of 1893 Mr. Maude took very great pains to draw up the rules in as complete a manner as possible. I wrote to him as follows:—

"As regard status I cannot see any necessity for an entry by the *amin* as to a raiyat's status for every field recorded in his name. The Assistant Settlement Officer has each raiyat up before him at attestation in the persence of the zamindars or his agent and in the presence of his fellow raiyats with all his proofs. A few questions will elicit his status and the Assistant Settlement Officer can record it with his own hand once for all in the *Khatian*".

On the other hand it was impossible, without a previous entry of status, to prepare separate *khatians* for the lands held by a tenant under different titles, and in fact Mr. Finucane's rules of March 1892 appears to have contemplated the inclusion of lands of all descriptions in the occupation of a single tenant, even of those held under different landlords in one *khatian*. The *khatians* so prepared represented no *holding* and were incomprehensible alike to landlord and tenant. There can be but little doubt now that by far the best plan would, where the *amins* could not be trusted to enter status correctly, have been to have left the preparation of *khatians* to be made in an attestation camp.

403. In the season of 1891-92, *amins* were absolutely forbidden to make any entry of rent, the revenue officer being required to ascertain and enter the rent himself. For convenience, however, this order was commonly disregarded, and by the rules for 1892-93 *amins* were required to enter in the *khatian* and *parcha* the rents stated by landlords and by tenant, and to note in the *khasra* the rate of rent if known.

In 1893 the whole question of the entry of rent and status in the field received the special consideration of Government in connection with the Bihar survey, and a long succession of changas were made in the rules.

In August 1893 I gave my opinion that—

"The record of rates of rent in *khasra* and rentals in *khatians* by the *amins* have been useless for the Assistant Settlement Officers's purpose. Such entries are made by the *amin* in collusion with raiyats and zamindars and have a fruitful source of illicit gains. It has been my experience that zamindars often put one rate of rent of the *khasra* which if multiplied by the *ekpadia* area would give a different rental from what is stated in the *ekpadia*, and again a different one from that entered in the *khatian* and different from that ascertained at attestation by the Assistant Settlement Officer".

* See also para. 429.

Mr. Radice in a note of the 18th August writes: As to entering rents I would decidedly prefer that they be not entered at all in the *khatian*. The rayat's ideas of the rent he pays are generally so vague and inaccurate that it is all but useless to record them except at attestation by the attesting officer himself. The rent according to the landlord can best be recorded by insisting on *ekpadia* papers being filed before the commencement of field operations."

Orders were accordingly passed by Government that all entries of rent should be made by the *khanapuri* inspectors and not by *amins* and these orders were embodied in the Orissa rules. Mr. Maude wrote on this, in his letter No. 2112 of 25th September 1893 to the Director of the Department of Land Records and Agriculture:—

"You will observe that I have accepted in full the alteration made by the Government rules as to entry of rents by inspectors only, and as to the postponment of all entries of raiyati status until the time of alteration when this function will be performed under the Revenue Officer's own eye. The question whether inspectors can enter rentals with their own hand without the necessity of their staff being so increased as to materially augment the cost of survey is one which the Survey Department will be most fitted to discuss. My own belief is that unless the staff of inspectors be doubled, they can only carry out the order at the expense of their ordinary inspection duties, on the faithful performance of which it will be seen from the rules drafted for the supervision of *khanapuri* that we must chiefly rely in aiming at a correct preliminary record".

In letter No. 1161 T. R. of 22nd. September 1893 from the Government of Bengal to the Secretary to the Government of India it was laid down that rents and status should, at the *khanapuri* stage, be entered on the *parchas* only by inspectors, and in Government order No. 509 L. R. of the 26th January 1894 the following procedure was enjoined:—

"The rent will be entered by the inspectors after enquiry in the village, and with his own hand, on lists showing (i) names of tenants and landlords, (ii) rent as stated by landlord, and (iii) rent as stated by tenant. The inspector will file these lists with the Settlement Officer or the Assistant Settlement Officer under whose orders he is placed after the entries have been copied into the headings of the *parchas*. The *amin* will fill up the columns of the *khassra* and those in the body of the *parcha* as the work proceeds, field by field, noting in the *khassra* against the first field where each tenant's name appears the rent entered in the heading of the *parcha*. If the *amin* discovers, during the progress of his work, any discrepancies between the rent entries in the inspector's lists, and actual facts as stated by the parties to him, he will enter what he finds to be the facts in the *khassra* and in the body of the *parcha* in red ink, and will note such discrepancies, in a separate paper, for the orders of the inspector or of the Assistant Settlement Officer.

"When either of these officers has passed orders on the discrepancies, the correction (if any) will be made in the headings of the *parcha*, if the inspector's first figure is wrong; in the columns of the *khassra* and of the body of the *parcha* if the *amins* figure is wrong."

This rule did not come into force in Balasore until March 1894 and only a fourth of the villages of which the records were written during the season were done on this system. Mr. Maude, reporting on the working of the rules in August 1894, wrote:—

"In my opinion the lists are of practically no value and are not worth the expense of any extra *munserims*. As pointed out in my letter No. 701, dated the 2nd March 1894, to your address, the rule must interfere with the *khanapuri* work and the provision of the inspectors unless special or extra men are appointed; and the appointment of special or extra men means descending to a lower class of inspectors. Every rental has to be gone into again attestation, and it would be better and cheaper to leave the entries to be made entirely at that time."

The rule was in October 1894 set aside by the orders of the Government of India, who, in their letter No. $\frac{3028}{43}$ of the 16th October 1894, wrote:—

"Entry of status and rent at attestation is the old-established practice in Bengal. It appears to have been followed with complete success in Bihar in 1887; and experience has shown that it involves no material additional expenditure either of time or of money. The Board of Revenue, whose advice in a matter peculiarly within their functions must carry great weight, have expressed a decided preference for the continuance of this practice, and in these circumstances the Government of India trust that His Honour the Lieutenant-Governor will agree with them in thinking that its continuance is essential in order to safeguard the accuracy of the entries of rent and status.

"For these reason the Government of India desires that, as the system of entry by the Inspector is not regarded as satisfactory by His Honour the Lieutenant-Governor, the old rule of entry by the Revenue Officer at attestation should be followed, the columns being left blank at *khanapuri*".

The result was that the preliminary entries have since then been made by the *muharrir* in the attestation camp and not by the *amin* in the field.

404. The *patwari* in Orissa still exists only in a few estates. He is the Mahomedan counterpart of the village accountant *Chukidars* on survey and settlement. (bhoi) of the early Hindu village. He was responsible for the collection of the revenue of the village to the divisional accountant or *Bhoimul*, the *Kanungo* of the Mahomedan system. Under British rule his duties and powers were defined by Regulation XII of 1817 and have been further described in the Revenue Officer's Manual. In the settlement of 1833 may *patwari jagirs* were resumed and it is only in the larger *taluks* that *patwaris* are now found.* Altogether there are in Cuttack 100, in Puri 321, in Balasore 56. The *Kanungos* play a far more important part in the district administration of Orissa than the *patwaris*. There are altogether 45 in the Province, viz., in Cuttack 25, in Balasore 12, and in Puri 8, besides three chief, or *sadar Kanungos*. Each *Kanungo* has a circle or *chakla*, comprising two or more Parganas, and within this area he collects rents from the tenants of Government and cesses from petty proprietors, maintains a record of proprietary rights, reports on all local calamities, fluctuation of prices of food grains, and other matters connected with the local revenue administration, and make such local enquiries as are ordered by the Collector of the District.

Proposals for utilising the services of *Kanungos* and *patwaris* in the Orissa survey and subsequently for the maintenance of the land records were made by Mr. Finucane in 1888 and were accepted by the Board of Revenue in their letter No. 973 A. of the 17th December, 1889.

The Government of Bengal in a letter No. 270, dated 22nd. January 1890, expressed entire approval of the scheme and urged that every effort should be made to overcome any difficulties that might be encountered. Survey schools for the training of *Kanungos*, *patwaris* and village headmen, were started in Cuttack, Puri and Balasore under the control of Mr. Patterson, the Deputy Superintendent of Survey, and 328 *patwaris* obtained certificates.

Orders were passed by Government in their letter No. 339 L. R. of the 16th March 1891 approving of the proposal of the Board to place all *patwaris*, *Kanungos*, and *Chaukidars* under the control of the Settlement Officer, who for his purpose was vested with the powers of a Collector under Regulation XII. of 1817.

The *kanungos* in the Puri District were accordingly placed at the disposal of the Settlement Department and relieved of their ordinary revenue duties. They continued however to be paid from the general administration funds, and it was stipulated that they should carry out any written orders sent them by the Collector of the district.

In Cuttack the Collector expressed his inability to give up the *kanungos* until he should be provided with substitutes, and in their letter No. 397 T. R., dated 21st. September 1891, the Government of Bengal sanctioned the appointment of a special establishment to perform the ordinary duties of *kanungos* while the latter were on deputation with the Settlement Department.

In accordance with these orders 25 out of the 26 *kanungos* of Cuttack and all the 13 *kanungos* of the Balasore District were placed absolutely at the disposal of the Settlement officer and received their pay from the Settlement budget.

The *sadar kanungos* were employed at the headquarters, and their acquaintance with the records of the old settlement enabled them to render services of great value.

The other *kanungos* were employed partly at the headquarters in supervising the preparation of draft *khewats* and comparative statements, and partly under the Assistant Settlement Officers in the field. Their work was not found satisfactory, and in October 1892, Mr. Walsh wrote :—

“On the whole, however, I am strongly of opinion that their agency has not been nearly so effective as an agency of specially appointed *muharrirs* or *munserims* appointed by the Settlement Department, and I would strongly recommend that their services be returned to the regular line, and in their place the amount of their salary be placed to the credit of the Settlement budget for the appointment of special *munserims* to discharge the duties on which the deputed *kanungos* are now employed or which may be allotted to them. The expense is Rs. 13,200 per annum. This amount, if credited to the Settlement Budget, would procure a far more efficient agency for the purpose, and the services of these officers might be returned to the Collectorate.”

* Vide para 331.

In November 1892 the Collector of Cuttack raised objections to the employment of *Kanungos* otherwise than on field work within their own circles. The adoption of his views still further limited the usefulness of the *Kanungos* and in a letter No. 1665 dated the 8th July 1893, Mr. Maude wrote as follows to the Commissioner of the Division:—

‘Not only is the Settlement Officer unable to get full value for the money spent in maintaining the *kanungos*, but such work as they can be put to is given grudgingly and under constant compulsion, and with the idea that they are not in reality responsible to the Settlement Officers. I should be unwilling however to lose their services altogether, as some of them do really useful work when in the mufasal, where they have of course the great advantage of local knowledge. Both Mr. Nathan and Mr. Radice and the other Balasore officers have *kanungos* working under them at the present time and they are doing work in these districts. In these circumstances I would strongly advocate that, if practicable, the system prevailing in Puri may be extended to Cuttack and Balasore, that is to say that the services of the *kanungos* may be again made over to the Collectors and the acting men abolished, but that they may receive orders to work under and assist the Assistant Settlement Officers whenever work is actually going on in their *chaklas*. By this means a great saving will be effected to the settlement budget, the duality of control will be done away with and the Assistant Settlement Officers will, at the same time, secure the service when required of such *kanungos* as are able and willing to help them. The system has worked so far in Puri and I see no reason why, if the Collectorate and Settlement Officers are in harmony, it should not work equally well in the other two districts.

If however this is considered to be impracticable I would recommend that the *kanungos* be handed over again to the Collectorate and the money now spent by the settlement on their maintenance be devoted to such substitutes as may be necessary. We should then at least have an establishment by the reduction of which we could economise when the full number is not required, and out of which we could exact strict obedience and a full tale of work, consideration which I consider far outweigh the local knowledge possessed by some of the *kanunges*’.

These opinions were accepted by the Commissioner and the Director, and in a letter No. 1532 A. of the 11th November 1893 the Board of Revenue ordered that the *Kanungos* should revert to general duty, but that when settlement work was going on in his *chakla* a *Kanungo* should lend such assistance as might be required of him. All the *Kanungos* were allowed to revert at once except 1 in Cuttack, 2 in Puri and 9 in Balasore. Six of those in Balasore were retained till the end of the work and with one exception did extremely good work.

I found them thoroughly trustworthy. They possess a complete knowledge of the last settlement records and a great deal of local knowledge. The work done by Baistabunand Mahapatra and Hari Misir deserves special recognition. The former supervised copying and classification of some 2,000 records, and the latter did exceptionally good work in several assessment camps.

405. The employment of *Patwaris* appears to have been even less successful than that of the *Kanungos*.

In June 1891 Mr. Reily wrote:—

‘The *Patwaris* I have seen at work are only turning out three to three and a half acres a day that is, about 100 acres a month. It is true that we are getting the *Patwaris*’ services free, but we are paying the chainmen, and if the *Patwari* only turns out 100 acres a month, the chainmen are costing us an additional Rs. 12-8-0 for every 100 acres. It follows that every 100 acres surveyed by a *Patwari* is costing the state Rs. 12-8-0. A paid *amin*, however, can do 10 acres a day or 300 acres a month, and for this he is paid Rs. 3 per 100 acres. To the Rs. 3 per 100 acres will have to be added the Rs. 3-12-0 for chainman per 100 acres. Therefore the paid *amin* who can do 10 acres a day though he is paid Rs. 3 per 100 acres, costs the State only Rs. 6-12-0 per 100 acres, while the 100 acres done by unpaid *Patwari* is costing the State Rs. 12-8-0 per 100 acres. It would seem therefore to be far cheaper to employ paid labour than utilise the incompetent free labour of the *Patwaris*’.

Their work does not appear to have improved much as time went on, for in the annual report for 1891-92 Mr. Walsh wrote:—

‘The reports given by circle officers regarding their work are very unsatisfactory. On account of the difficulty of obtaining control over them or enforcing orders to procure their attendance the *Patwaris* have been of comparatively little assistance in either Puri or Cuttack.’

Meanwhile in Balasore the *patwaris* proved even more intractable. In spite of the establishment of Survey Schools at Bhadrak and Balasore, they would not attend, and up to the end of August 1893 only six out of 56 were reported to be duly qualified in survey.

Only two were employed in the *kanapuri* in 1892-93, while five put in an appearance for a few days in the recess of 1893: 16 were employed on attestation, but appear to have attended very badly.

The attempt to use the *Patwaris* was indeed an utter failure and was quietly dropped. They were too well off and had too long enjoyed a practical independence to willingly accept the hard work and rigid routine of an *amin's* life, and Government wisely abandoned the attempt to exact its quota of service and contented itself with making the *patwari* pay rent for his land as will be described hereafter.

406. The services of the village watchmen or *Chaukidars* were requisitioned for the purpose of summoning tenants and dragging chains, &c. They received no pay while in their own villages, but if taken outside them were given a subsistence allowance.

Difficulties cropped up at the very outset. In May 1891 Babu Chakulal Sirkar, the *khanapuri* officer of Tangi Circle reported that most of the *Chaukidars'* beats extended over more than one village and that they were expected to attend at one and the same time on more than one *amin*; that the local police had persuaded the *Chaukidars* that they were not bound to obey the orders of the Settlement Officers, and that the *amins* themselves were disinclined to use the *Chaukidars* as chainmen, lest by so doing they should be debarred from making their expected profit, while the *tindals* objected to pulling chains with men of such low caste.

Again in June, 1891, Mr. Reily wrote :—

“The services of these *Chaukidars* have been utilised on the strength of orders, or rather a wish expressed by His Honour at the conference held at Cuttack in January last. I think it would be well if His Honour would express in writing his desire that the services of *Chaukidars* should be used in survey work. There is no doubt that very great difficulties are placed in my way. The police are very much opposed to it, and it is but natural that they should be, as they are deprived of the services of *Chaukidars*. The Survey Department are opposed to it. The *amins* dislike it, as these *Chaukidars* are mostly low caste men, whom these *amins* pretend they cannot touch. The *Chaukidars* themselves are opposed to it.”

In August 1891 a circular letter was issued by the Deputy Inspector-General of Police desiring the District Superintendents to issue positive orders to all their subordinates that the *Chaukidars* should serve as chainmen or render any other assistance in the survey work when called upon by the Settlement Officer.

At this time *Chaukidars* were made to serve outside their villages, though never at a distance of more than three miles; but in 1893 orders were passed by the Magistrate of Cuttack that they were on no account to be employed outside their own villages.

In spite of this restriction and the positive orders issued from headquarters the difficulties appear to have subsisted to the last, for in May, 1893 Mr. Maude wrote to the Magistrate of Balasore complaining that “the Police of that district refuse to assist when required in the serving of processes or warrants.”

Khanapuri being over, comparatively little assistance was required from the *Chaukidars*, and in the stages of attestation and settlement of fair rents they have usually done willingly enough the little that was expected of them in the way of summoning tenants, or helping to re-measure with the *padika*—one of their customary duties.

Besides these three classes of *kanungos*, *Patwaris* and *Chaukidars*, it appears to have been thought that the village headmen (*muqaddams*) and the *sarbarahkars* could be compelled to assist in the survey, and they were called upon to qualify themselves in the training schools; but when it was found that they possessed quasi-proprietary rights the proposal was abandoned.

407. The form of *khasra* first in use contained a column for the old *bhauria* number, i.e., for the number assigned to the plot in the *bhauria* or field book prepared in the last settlement. It was not however an easy task to identify the present survey with the last settlement fields. The *amins* had not got the old *bhaurias* and were dependent on the zamindars and tenants for their information and the latter very often did not know the numbers. Even if a copy of the *bhauria* was produced the process of relaying it was tedious and difficult, all measurements having to be referred back to some landmark that could be identified even after 50 years. The result was that in August 1891 there complaints from Assistant Settlement Officers that the old numbers had not been entered and that the attempts made to write up numbers in the survey office had not been successful.

It was decided that the numbers should be entered at attestation by the settlement *muharrirs*, but, during his visit to Orissa in February 1892, the Director ruled that the identification of the last settlement survey number was unnecessary, and in 1892-93 the column for old *bhauria* number was omitted from the *kharsa*. Had it been possible to get an accurate record of the *bhauria* numbers they would certainly have been of the greatest use in the identification of revenue-free and privileged lands, but the expense of the identification would have been absolutely prohibitive. The *bhauria* has been used a good deal in the settlement of boundary disputes and other claims, the expense being paid by the disputants, and in a few villages almost the whole of the *khanapuri* has been revised after the identification of the last settlement fields.

One very large village in Cuttack, Nagpur, containing about 7,000 fields, was attested in this way at a cost of Rs. 140 paid by the proprietors, and all parties appear to have been thoroughly satisfied.

408. The general principle followed has been to give the *amin* no power whatever of deciding disputes, it being certain that most of them would use such power to extort gratifications from the villagers.

Treatment of disputed entries. At first the *amins* were required to leave blank every disputed entry, entering the substance of the dispute on the dispute list for the orders of the revenue officer and encircling the blank space with a red line.

It was however found to be impossible for a revenue officer to deal with all disputes while the *khanapuri* was going on, and in the season of 1892-93 the rule was for the *amin* to make the entry that appeared to him correct, encircling it with a red line and recording the substance of the dispute in the dispute list. This was again modified in the case of entries in column 7 of the *kharsa*—name of raiyats and under-raiyats—the entry being left blank by the *amin* and subsequently made in accordance with the orders of the inspector. This is the procedure laid down in the final edition of the rules.*

The *Khanapuri* officer when visiting a village was expected to decide all pending disputes, to check and revise the inspector's orders, and in addition to this to examine the records and check a few entries. With 100 to 500 *amins* or more in the field it was obviously impossible for him to cope properly with the work, and except in Balasore when there was a very strong staff who enjoyed the benefits of the experience gained in Puri and Cuttack, the decisions were at best extremely summary and formed little more than a basis for the drafting of the record.

409. The determination of village boundaries is governed by Rule 4, Chapter VI of the Rules under the Bengal Tenancy Act, which runs as follows :—

"4. (a) In the demarcation of village boundaries care shall be taken to preserve, as far as possible, for the unit of survey and record, the area contained within the exterior boundaries of the village maps of the revenue survey.

(b) Where there is no dispute the boundary of the village according to possession should be followed, and where that boundary does not differ substantially from the boundary of the revenue survey, the latter need not be separately shown in the map.

(c) Where there is considerable difference between the boundary according to the revenue survey map and the existing boundary of the village as ascertained by the Revenue Officer, the latter should be followed for the purposes of map and record, but the boundary of the revenue survey map should also be marked on the new village map.

(d) Where there is a dispute as to village boundaries, the Revenue Officer shall decide the disputes under the Bengal Survey Act V. (B. C.) of 1875".

The rules drawn up by Mr. Raily for the guidance of *khanapuri* officers in 1891-92 provided that the Survey Department should send to the circle officer lists of all boundary disputes with disputes traces.

That the circle officer should arrange these disputes in local groups, complete the traces, and depute a *kanungo* to the spot to enquire and settle the dispute if possible.

That in all cases where the area in dispute was over 50 acres, or where the *kanungo* failed to arrive at a settlement, the circle officer should himself proceed to the spot and decide the case after local enquiry and record of evidence.

*See Appendix B, II, Rule 52, etc.

A good deal was however left to the discretion of the circle officer and the procedure varied considerably.

If at the *khanapuri* stage no decision had been arrived at, a separate set of numbers were given to the fields in dispute and a separate *khassra* and *khutian* prepared; the records of the villages being completed after their return from the Settlement office to the survey camp.

It was held by Mr. Maude that no boundary disputes could be instituted after the close of the *khanapuri* and that claims put in at the time of attestation should be dealt with as ordinary objections.

His orders were generally interpreted by Assistant Settlement Officers to mean that the exterior boundary of a village could not be altered save by an order under the Survey Act V of 1875, and the correction of the records at the time of attestation was generally made by creation of new *tahsilahidas*. It has, however, been subsequently held that an Assistant Settlement Officer framing a record under the Bengal Tenancy Act has power at any stage of the operations to enquire into disputes as to the village within which any lands are situated and in cases tried formally under section 105 and section 106 a good many external boundaries have been changed.

Besides the ordinary disputes between villages in the Moghulbandi, it has been necessary to decide a good many between the temporarily settled and the permanently-settled area, and some between the Moghulbandi and the Tributary States. In the early correspondence it was laid down by the Board of Revenue,* that the Survey and Settlement officers could survey the entire boundary, reporting disputes with Tributary Mahals to the Superintendent for decision under Act XX of 1850.

In 1892-93 a procedure was agreed upon whereby in every case of a dispute with a Tributary Estate an enquiry should be made by an Assistant Settlement Officer in conjunction with an officer deputed by the Superintendent of the Tributary Mahals, and the result of their enquiry reported to the latter officer for a decision. In accordance with these orders reports were submitted by Assistant Settlement Officers as to the boundaries of Nilgiri and Keonjhar in Balasore district, and of Keonjhar, Dhenkanal, and Atgarh in Cuttack, and have been decided by the Superintendent. Generally the revenue survey line has, as far as possible, been followed, but the maps of the wilder portions being on the scale of 1" = 1 mile only, it has been difficult to relay them with any great degree of accuracy and the parties have generally agreed to a fairly straight line.

The Balasore disputes are by far the most important and unfortunately owing to the omission to give effect to the so-called *monocasa* decisions in the revenue survey maps they had to be re-opened in 1893. These were decisions given by competent authorities, before the final completion of the Revenue Survey proceedings, which modified boundaries as laid down in the Revenue Survey maps.

Act XX of 1850 having in the meantime been repealed by Act XI of 1893 the powers of the Superintendent were such as he holds under clause 10 of the sanad, and the Settlement Officer was vested with powers of a Commissioner under clause 10 for the purpose of deciding their disputes, an Assistant Settlement Officer and the Dewan of Mohurbhanj being appointed as assessors for the purpose of the preliminary enquiry.

410. Up to June, 1891 when the demarcation of 462 square miles had been completed in the Cuttack district the *village* was understood to mean the fiscal unit shown as a village in the papers of the last settlement and was demarcated accordingly. As to the disadvantages of this system I here quote from Mr. Reilly's letter No. 27 T. P. of the 29th June, 1891:—

"Unfortunately, however, the demarcation has been hitherto done in accordance with the boundaries given in the old Settlement papers and not in accordance with the revenue survey records. The truth is that all the registers in the Collector's office, as well as all proceedings taken in connection with sales, *batwaras* or transfer of property, the boundary and area of the property has I believe, always followed the old Settlement papers, and not the revenue survey records. In Bengal the Collector's registers have been based on the revenue

* Board of Government, No. 781 A., dated 3rd October, 1891.

survey records and the *thakbust* map. In Orissa, however, no *thakbust* survey was ever made, the old Settlement papers taking their place. The revenue survey maps in Orissa were thrown aside as next to useless, and the Collector's registers have been written up in accordance with the old survey papers. It may be said that, seeing that the boundaries as given in the old Settlement papers are familiar to all concerned, it would have been as well to keep to these boundaries, and not those laid down by the revenue survey records. Apart from the fact that a departure of this kind would require the special orders of Government, I am not prepared to recommend this arrangement. To separately demarcate and traverse each detached block detailed in the old settlement papers, would, in my opinion, put Government to much useless expense. Not only would the cost of the demarcation be needlessly increased, but the cost of the traverse survey and stone-embedding would be raised to three or perhaps four times the sum it would cost if we adhered to the revenue survey records.

"If we demarcate each separate village or detached block, in many cases consisting of a few acres, as detailed in the old Settlement papers, we should have to traverse over 16,184 separate villages in Cuttack, and 3,784 in Puri; while if we adhere to the revenue survey records, the number of villages to be traversed would be only 4, 138 in Cuttack and 1,430 in Puri. It will be seen that the amount of traverse work to be done would be reduced by one-fourth and the stone-embedding would also be reduced to one-eighth of the amount that would be necessary if we followed the old Settlement papers."

Meanwhile the practice of the Survey Department varied in different areas. In the Tangi Circle the *tahsilalahidas* found within the exterior ambit of the revenue survey village were treated as so many separate villages, a note being made against the numbers in such *tahsilalahidas* that they were transferred to the village the name of which they bore and details as to area, &c., left blank. In Puri district we find from Mr. Walsh's reports that the practice was to give independent serial numbers to the plots included in the *tahsilalahidas* and to prepare a separate *khasra*, so that each *tahsilalahida* was practically treated as a separate village, but without any necessity for reduplicating numbers.

Some correspondence followed between the Survey and the Settlement Departments and in his letter No. 682, dated the 5th December, 1891, Colonel Sandeman, the Deputy Superintendent of Survey then in charge of the Orissa party, wrote:—

"Let us suppose there are two *mauzas* and in the latter there are two portions of A. The map of B will be numbered throughout and the fields in the portions which belong to A. will find their proper places in the *khasra* of B in which their proprietary (*sic*) and the fact of their being a portion of A will be recorded. When the *khatians* of A and B are prepared, they will be by rights omitted from B and find their places at the end of the *khatian* of A."

With the modification that the separate *khatians* prepared for the *tahsilalahidas* of A continued to be kept with the records of B, this order remained in force until the conclusion of the survey operations, though it was variously interpreted. Generally the traverse took as their unit the existing "*mausa*" as pointed out by the villagers and plotted the village on a 4" scale. Comparison was then made with the old 4" maps of the revenue survey, and whenever any differences appeared they were ordered to be noted for the information of the Settlement Department. Actually very few notes of such discrepancies appear to have been recorded. All *tahsilalahidar* blocks over 50 acres in area were separately traversed, but not plotted separately. In 1893, at the instance of Mr. C. A. Radice, the Survey were asked to demarcate on their maps the boundaries of *estates* as being practically equivalent to *tahsilalahidas*, but the question being considered by the Director during his visit to Orissa in August 1893 he recorded his opinion as follows:—

"Mr. Radice is said to have asked that boundaries of estates should be marked on the maps. But estates are often not compact. I do not think that this should be attempted. It is enough to mark the *tahsilalahida* boundaries on the maps."

Accordingly the attempt to demarcate estates was abandoned, but there were many practical difficulties, and in spite of the repeated orders to reconstruct the revenue survey villages it was often found impossible to do so.

In 1893 a suggestion was made that in the case of large villages the unit of survey should be the hamlet, "*tolah*" or "*sahi*". But Mr. Maude in his letter No. 1093 of 20th April, 1893 to the Director of Land Records reported that it was too late to effect any change in the existing rules. As a matter of fact the Survey Department had in several cases made into separate villages the hamlets included in one revenue survey village, as in the case of *mausa* Bidyadharpur of Pargana Bakhrabad now surveyed as three separate villages.

To explain the difficulty of following either the revenue survey or the records of the last settlement it is necessary to give some account of the term "village" as used in Orissa.

From an early time there appears to have been confusion between the terms "*mauza*" meaning village, and "*mahal*" meaning estate. Each pargana originally contained a certain number of *taluks* or estates and each village belonged to one or the other of these *taluks*.

Then came divisions, sales and other exchanges of lands, so that the proprietor of village A, of estate X, became possessed of lands in village B, belonging to estate Y, and for convenience collected rents from these lands along with those of village A.

In the last settlement these lands were treated as forming part, not of estate X only, but of village A, and in the measurement papers of village B would be described as "*tahsilalahida*" or "separate collection" lying in B, but belonging to A and would be excluded from the area of village B as *dakhilkharij* lands, i.e., lands transferred from B to A. Sometimes the *amins* went further and measured such isolated plots ("*dianchaks*") as part of the village to which they had been transferred, the land finding its place in the field book of A and being entirely omitted from that of B. In this case the settlement papers would not show the existence of the isolated plot in village B. Though it would appear in the revenue survey map. The same thing might happen within one estate also if the landlord's agent or the tenure-holder who collected the rents of village A also collected those of certain lands in village B. Again portions of villages might be alienated by sale or gift or become separate estates though not with the dignity of a *taluk*. The area of these lands would be excluded from that of the villages of the *taluk* and each such portion would be a *tahsilalahida*, or a "*dianchak*". Often the Settlement Department lumped together a number of such portions and created of them one village, but this was by no means always the case.

This is a general account of the origin of the revenue villages of Orissa, but the nomenclature was by no means always consistent and what appears to have been practically done was to follow the zamindars' papers with all their inconvenience and inconsistencies.

In the present settlement it was desired really to find the *gram* or village locally known by one name and included within one periphery.

This in most cases is shown in the *rakba jama-kharach* or statement of village areas prepared at the last settlement, in the Collector's *mauzawar* register and in the revenue survey maps. In the area statements however of both the last settlement and the revenue survey the unit for which details were given was the revenue village and sometimes the local village or *gram* was not even mapped. In such cases the present survey followed the boundaries as pointed out by the villagers.

To illustrate the confusion that was possible I have given in Appendix D extracts from the records of village Ahyas, the most complicated that I have met with. At the revenue survey the lands of 32 villages were mapped on one sheet. Appendix D reproduces the revenue survey area statement for a single one of these component villages. Appendix D 3 shows the same village as given in the Collector's *mauzawar* registers while Appendix D 4 is an abstract of what is known as a *tahsilalahida* statement or comparative table of past and present areas of whole villages such as has now been prepared for every village in the Province. It will be seen that on the present survey sheets have been mapped the lands of 52 original villages *mauzas* now owing to division of estates shown as 111, and 40 *tahsilalahidas*. In the C register 296 *tahsilalahidas* are shown, but the present records have been simplified by including most of them without any distinction in the villages shown in column 5 to which they appertain. Appendix D 1 shows a *tahsilalahida* statement of a moderate sized village containing, according to the Collector's *mauzawar* register, lands of one *taluk* and a single *tahsilalahida*.

411. The procedure for the writing of *khewats* is governed by Rule 9, Chapter VI. of the rules under the Bengal Tenancy Act which runs :—

Preparation of draft *khewats*.

"(a) The proprietary *khewat* shall show the character and extent of proprietary interests; and when there are large tenure-holders, the character and extent of whose interests may, in the opinion of the Revenue Officer, require it, such interests shall be recorded in a similar form in addition to being recorded in the *khatian*."

"(b) The *khewat* of proprietary interests shall first be drawn up in accordance with the registers maintained by the Collector under the provision of the Land Registration Act VII (B. C.) of 1876. As the record-writing proceeds the proprietary *Khewat* shall be corrected in accordance with the facts of possession."

For this purpose it was necessary to supply the Survey Department with copies or extracts from the Land registration Registers, and it appears that copies were indeed taken in May, 1891 but were mislaid, and the *amins* took the field unprovided with any means of checking the landlord's statements.

No *khewats* were prepared in the field in 1891 and the resulting inconvenience is well set forth in a report by Babu Chaku Lal Sifkar, one of the circle officers, which is here quoted :—

"The want of a *Khewat* is causing much inconvenience, for I am often in the dark as to whether the *mauza* under survey is held under a temporary or permanent lease, or whether it forms part of a revenue free estate".

"I am therefore working entirely in the dark as to the interests of the landlords and many subordinate tenure-holders in the tract under my jurisdiction. I have to trust entirely to such information as I can gather from the landlord's agents and others in the *mufasal*".

In order to remove these difficulties, rules for the preparation of *khewats* were drawn up by Mr. Reily for the season of 1891-92, but the scheme broke down and the *khewats* were either prepared in recess by the Survey Department without the aid of the Settlement Officers, when they were generally little more than copies of the Collector's registers, or they were written in the field at *khanapuri* or preliminary attestation, and were a record of *mauzawar* possession without reference to the names of the persons recognised by the Collector as proprietors of the estate. The difficulties met with are set forth in the following extract from a letter, No. 678, dated 18th November, 1892, from the Deputy Superintendent of Survey to the Settlement Officer :—

"The preparation of draft *khewats* is not ordinarily a duty of the Survey Department, and hitherto we have always been supplied with draft *khewats* before commencing *khanapuri*. Last season, however, owing to the failure of the Settlement Department in supplying these draft *khewats*, it was decided in April that the draft *khewats* should be prepared by the Survey Department for the remainder of the season. We were then (*i. e.*, during last week of April) supplied with blank forms of *khewat* Part II, and form 19 (*khewat* Part IV Tenure-holders), but no instructions as to their filling up, although asked for, were given. These forms were issued to the *khanapuri amins* who prepared, the *khewats* in the field. Copies of the Collectorate registers were not supplied till late and comparison had therefore to be made after the field season had closed.

"Draft *khewats* Part I were supplied by the Settlement Department, but as these were made out *mahalwar* they were useless to us in that form and had to be made out *mauzawar*. This was done in the case of such *mauzas* as we could identify on the *mujmilli* map, but the *kharij-dakhil* portions could not be traced. The *mauzas* we could identify were sent out into the field and the *kharij-dakhil* portions are now being sent to the Assistant Settlement Officers to file with the *mauzas* to which they belong.

"The forms of *khewat* Part III were not received till after the close of the field season."

In the next season, 1892-93, draft *khewats* were prepared by the Settlement Department from the Collector's general registers of revenue-paying and revenue-free land and were supposed to be attested at the time of *khanapuri*. *khewats* so prepared were however but little better than rough drafts, and in 1893 elaborate rules for the attestation of *khewats* were drawn up by Mr. Radice and approved by Mr. Maude, and with some modifications were eventually incorporated in the attestation rules printed in Appendix B.

The principle of the rules was that for each revenue-paying estate a *khewat* should be prepared based on the entries in the Collector's land registration register A, as corrected by the mutation register D. That no mutations or corrections in the names or shares recorded in the Collectorate should be allowed save under the orders of the Assistant Settlement Officer, and that all such mutations should be reported to the Collector to enable him to take action under Act (VII B. C.) of 1876.

From this *mahalwar khewat* was to be extracted the *mauzawar* or village *khewat*.

There was a good deal of discussion as to the proper method of dealing with cases where, owing to some private and unregistered arrangement, the proprietorship of the village differed from that of the whole estate, and as far back as 1893 it was decided that as all the registered proprietors had under the Land

Registration and Tenancy acts the right to sue for and recover rents, even in the villages in the sole possession of a single co-sharer, they must all be recorded; but that where the interests of the proprietors in a particular village were clearly proved to differ from that in the estate as a whole, a note should be made of the fact in the remarks column of the *khewat*.

Unfortunately these orders came rather late and were not always understood, so that many of the *khewats* were records of ownership in the village only, while in every circle the *mahlwar khewats* were left sadly incomplete.

Strenuous efforts were made at the time of settlement of rents to complete and correct all the *khewats*, but it was found very difficult to procure the attendance of all the zamindars, and when it came to taking *kabuliyats* for the payment of revenue so many mistakes were found that in December, 1897 after a conference with the Director of Land Records it was decided :—

That the *khewats* framed at attestation should not be finally published.

That at the time of taking *kabuliyats* the *mahlwar khewats* should be finally corrected and the notes as to differences of possession in particular villages verified by the *kabuliyat* officer.

That from these *mahlwar khewats* fresh village *khewats* should be prepared and after final publication in the village bound into the volume of the record of rights. It is hoped that by this means a maximum degree of accuracy may have been attained while still complying with the provisions of the law as to final publication.

There have been many forms of *khewat* in use at different times, but under the last rule they will all, except in parts of the Puri District, be in a form which differs chiefly from that given in Appendix G of the Survey and Settlement Manual of 1895 in that area is divided into "Assessed", "Unassessed" and not into "Cultivated," "Uncultivated," and that the *mufassal* assets of the village and not the *sadar jama* of the estate are shown.

Besides this *khewat* of revenue-paying estates, *khewat* Part I, three other *khewats* are prescribed by the Survey and Settlement Manual and were prepared in the early years of the operations.

Khewat Part II, is a *khewat* of revenue-free estates and under the instructions originally issued by Mr. Reily should have been prepared from the Collector's Land Register B, and corrected at the time of *khanapuri*. This, however, was not done, and in the attestation camps this *khewat* was generally discarded in favour of a comparative statement of revenue-free lands. It continued however to be copied from these statements until the visit of H. H. Sir Charles Elliott to Orissa in March, 1894, when, under his orders, it was discontinued. Full particulars regarding revenue-free lands are entered in the final records and have been finally published.

Khewat Part III corresponds to the Land Registration Register B, Part II, of lands occupied for public purposes. It was supposed to be prepared at the time of attestation and Assistant Settlement Officers were enjoined to take particular care in verifying the contents. It was not a convenient form and its preparation appears to have been abandoned in 1894, and the form is now rarely to be found in any record and has not been included in the record of rights. Full particulars regarding the lands occupied for public purposes are however entered in the final records, and registers prepared for each department have been made over to the Collectors and to the Departments concerned.

The tenure-holders' *khewat* was originally prepared in form No. 19 of the Survey and Settlement Manual of 1888 for all *muqaddams* and other proprietary tenure-holders. It was not however decided until 1893 who were to be considered as proprietary tenure-holders and the form was by no means always filled up even in villages where there were *muqaddams* or *sarbarhkars*. In 1896 a form was devised for Orissa and was prepared for a good many villages at the stage of settlement of rents, but this in turn gave way to the form which was prepared at the time of settling revenue, revised when taking *kabuliyats*, and after final publication bound up with the *khatians* in the volume of record of rights.

412. The following figures taken from the returns of the Survey

Outturn and cost of survey
and record writing.

Department will show the annual progress and cost
of survey and of the *khanapuri* or preliminary

writing of the record. They do not therefore show the cost of supervision by the officers of the Settlement Department, which was heavier in the later years owing to the greater number of Assistant Settlement Officers employed, but it is practically impossible to separate the charges on this account from those for attestation to which the whole amount is therefore debited*—

413. The following is a statement by districts showing the progress of the major operations from the beginning :—

DISTRICT.	Survey year.	AREA COMPLETED IN SQUARE MILES.			
		Traverse Survey.	Cadastral Survey.	Record-writing.	Topographical Survey with village boundaries.
Puri ...	1889-90	413	358	358	...
	1890-91	481	364	364	...
	1891-92	135	307	307	...
	1892-93	...	...	...	...
	1893-94	...	105†	105	...
	1894-95	123	...	...	162
Cuttack ...	1890-91	501	331	279	...
	1891-92	1,286	1,453§	1,164	...
	1892-93	...	485	826	...
	1893-94	15	...	...	...
	1894-95	646	5	5	661
	...	...	...	...	...
Balasore ...	1891-92	588	...	...	...
	1892-93	1,145	1,084	1,069	...
	1893-94	...	649	664	...
	1894-95	190	$\frac{1}{2}$	$\frac{1}{2}$	190
Total ...	.....	5,523	5,141 $\frac{1}{2}$	5,141 $\frac{1}{2}$	1,013

414. The amounts expended from 1889 to 1895 are as follows :—

TOTAL SUMS EXPENDED.						
	Traverse Survey including demarcation and stone-embedding.	Cadastral Survey including maps and areas.	Record-writing.	Other heads including Topographical Survey with boundaries.	TOTAL.	
	Rs.	Rs.	Rs.	Rs.	Rs.	
Puri ...	1890-91 ...	19,687	47,132	10,413	1,850	79,082
	1891-92 ...	9,768	33,696	9,453	13,529	66,436
	1892-93 ...	...	4,998	3,454	776	9,228
	1893-94 ...	...	3,032	3,261	...	6,293
	1894-95 ...	3,962	336	510	4,708	9,546
Total ...	33,407	89,224	27,091	20,863	1,70,585	
Cuttack ...	1890-91 ...	22,388	34,682	9,399	3,548	70,017
	1891-92 ...	47,880	1,10,666	39,980	15,286	2,13,812
	1892-93 ...	3,794	59,427	76,567	1,371	1,41,159
	1893-94 ...	798	...	32,568	374	33,740
	1894-95 ...	13,953	6,277	814	6,219	27,263
Total ...	88,813	2,11,052	1,59,328	26,798	4,85,991	
Balasore ...	1891-92 ...	17,740	...	...	...	17,740
	1892-93 ...	49,601	79,992	33,723	47	1,63,363
	1893-94 ...	842	50,527	45,096	...	96,465
	1894-95 ...	3,823	9,991	3,920	1,767	19,501
Total ...	72,006	1,40,510	82,739	1,814	2,97,069	
GRAND TOTAL ... 1,94,226 4,40,786 2,69,158 49,475 9,53,645						

N. B.—In paragraph 622 the cost is returned at Rs. 9,43,091, but some of the cost in column 5 above was incurred in permanently-settled areas.

† Revision.

‡ 13 square miles of overlaps on Madras excluded.

§ Of this 364 is revision.

* See however Chapter XXV.

415. The following table shows the cost rates per square mile in the three Districts. P. stands for Puri; C. for Cuttack; and B. for Balasore.

		COST RATES PER SQUARE MILE.				REMARKS.
		For Traverse Survey.	For Cadastral Survey.	For Record-writing.		
1890-91	{ P.	...	40.9	68.5	28.4	
	{ C.	...	42.7	76.6	29.3	
	{ B.	...	Nil	...	...	
1891-92	{ P.	...	58.4	109.8	30.7	
	{ C.	...	38.2	{ 88.8 33.9 (a)	36.7 31.0 (a)	
	{ B.	...	24.2	...	...	
1892-93	{ P.	...	...	{ 11.5 43.4 (c)	...	
	{ C.	...	...	{ 65.7 56.0 (a)	46.1 38.5 (b)	
	{ B.	...	47.1	68.8	34.6	
1893-94	{ P.	...	...	...	27.0 (c)	(c) Temple lands.
	{ C.	...	53.2	...	29.0 (d)	(d) The rate of revision survey.
	{ B.	...	...	75.2	70.0	
1894-95	{ P.	...	32.2 (e)	...	...	(e) Traverse Survey 2" Scale.
	{ C.	...	21.6 (e)	...	...	
	{ B.	...	20.1 (e)	...	...	

The total cost of the survey and record-writing varied from Rs. 137 per square mile in Puri in 1890-91 to Rs. 199 per square mile in Puri in 1891-92.

The high rate for cadastral survey in 1891-92 may be accounted for by the difficulty of getting any decent work out of the local *patwaris* and *amins*, and that of traverse partly by the difficult nature of the country.

416. Taking the years 1891-95 the mean annual cost rates in Bihar work out to—

	PER SQUARE MILE			
Traverse, &c.	...	...	...	33
Cadastral Survey	...	...	...	67
Record-writing	...	...	...	68
Total	...	...	...	168

For Orissa the average expenditure on these operations in the 5 years of 1890-95, during which the survey was in full swing, came to—

	RS.			
Traverse, &c.	...	...	...	38
Cadastral Survey	...	...	...	93
Record-writing	...	...	...	56
Total	...	...	...	187*

The greater cost in Orissa may be said to be due almost entirely to the difference in the cadastral survey; and this may be accounted for by the acknowledged inferiority of the Uriya *amin*.

* In the purely temporarily-settled areas the cost works out to Rs 181 per square mile, see end of paragraph 623.

CHAPTER XVII

ATTESTATION.

417. After the *khanapuri* or "filling up of the forms" the draft record had to undergo the process known as "attestation," or verification by a revenue Officer. Where the *khanapuri* has been good this would naturally be the simplest of all the stages of a Settlement under the Bengal Tenancy Act. The revenue officer would have before him a complete record of the holdings in the village and a statement of the rents claimed by the landlords if not by the tenants. It would only remain to read out to the tenants their *khatians*, to settle any disputes left over from *khanapuri* and to enter the rent and status. Indeed, in theory, the process should be one of almost mechanical monotony; but in Orissa the *khanapuri* of two-thirds of the Province was done while the rules as to forms and procedure were still in a state of flux.

The survey with their huge camps had far outstripped the revenue officers, and records, framed, under different sets of rules, by *amins* whose natural perversity had been imperfectly checked, were found to be full of mistakes.

Tenants, ignorant and apathetic, neither understood nor cared to understand our system of measurement, and could with difficulty be persuaded to take the trouble to attend the *amin* in order to point out their own fields. Landlords were, as a rule, little better; many did not take the trouble to file correct papers; others, while understanding the value of the settlement record, deliberately altered their rent-rolls in the way they thought most advantageous to themselves. With such a record, of which the only reliable portion was the map and the field area statement, attestation, far from being simple, became the most important and difficult process of the whole Settlement.

418. Attestation began first in the Circle of Bahang, Serai, and Chaubiskud under rules framed by the first Settlement Officer, Mr. A. K. Ray, working under Act VIII (B. C.) of 1879 and the Settlement Regulations.

The main features of the system were—

- (a) The despatch to each village of a *muharrir* to do the preliminary attestation of the record before the visit of the Assistant Settlement Officer.
- (b) The visit of the Assistant Settlement Officer to the village and the reading out of the *khatians*, in his presence, to the landlords and tenants.

The main defects of his system are summed up by Mr. Walsh as being—

- (1) The insufficient number of attestation *muharrirs* employed at a time.
- (2) The delivery to one *muharrir* of the records of several villages.
- (3) The absence of a proper inspecting staff.
- (4) The omission to distribute "*parcha* slips."
- (5) The incompleteness of the instructions to attestation *muharrirs*.
- (6) The incompleteness of the forms handed over to the *muharrir* to be filled up in the village.
- (7) The omission to take on the *khatians* the signature of the parties.

419. After the appointment of Mr. Reilly as Settlement Officer, detailed rules for attestation under the Tenancy Act were drawn up and submitted to the Director and Commissioner, and in July, 1891 we find the following description of the procedure :—

"They (the Assistant Settlement Officers) test the *khanapuri* as it is being done by the Survey Department. Afterwards, when the records of villages are received from the Survey Department, the following procedure is adopted :

"Notice is given in the village that attestation work will be begun on a date not less than ten days from the date of notice. An attestation *muharrir* is then sent to the village, who reads out to the raiyats and zamindars, or their representatives, all the entries in the *khassra* and *khatians* as made by the Survey Officers. When these entries are disputed, the *muharrir* makes out a list of such disputes ; and if the dispute is due to a manifest error which

is admitted by both parties he notes the fact in the dispute list. When he has completed the attestation in this way, the *muharrir* reports to the Assistant Settlement Officer, who then gives the dispute list to the *kanungo* and deposes him to the village with instructions to arrange the disputes if he can.

"The *kanungo* returns the lists showing what he has done towards arranging the disputes. The Assistant Settlement Officer next goes himself to the village. He assembles the raiyats and zamindars or their agents and reads over the entries which are not disputed, then takes up those which have been disputed but arranged by the attestation *muharrir* and *kanungos*, and finally enquires into points still in dispute and comes to a summary finding upon them. He then, in or near the village, enters in the *khatians* the status of the tenants ascertained by himself, and the total amount of each tenant's rent, and he records the rate of rent as stated by the parties where there is a rate."

Mr. Sen, then Assistant Settlement Officer of the Tangi Circle, reported that the *khanapuri* was so incorrect that he found it necessary for the attestation *muharrir* to go over every field again with the *khasra* and also to distribute fresh *parchas*, and Mr. Walsh in the Serai, Rahang, and Chaubiskud Circles made a similar check.

420. During the season of 1891-92 the several circle officers drew up detailed instructions based generally on Mr. Finucane's note, but greatly differentiated to meet local necessities. The most complete of these appear to be the rules in force in Mr. Baroda Charan Mitra's circle, which were approved by Mr. Reily and printed by the Director in October, 1892. They are typical of the procedure in those circles in which the *khanapuri* had been completed before the year of 1892 the salient features of the system being—

- (1) Every circle was divided up into a number of groups of villages each in the charge of a *munsarim*.
- (2) Under each *munsarim* were employed a number of attestation *muharrirs*, as a rule one for every ordinary village and two more for larger villages.
- (3) The attestation *muharrir*, was before beginning his work, provided with that—
 - (a) The *khasra*, *khatian* and map.
 - (b) *Parchas* in duplicate already filled up by *thika muharrirs* in this office.
 - (c) *Lakhiraj*, *tanki minha*, etc., statements for which the columns regarding the last Settlement had been previously filled in from the old records by *thika muharrirs*.
- (4) The attestation *muharrir* on arriving in the village distributed the *parchas* to the tenureholders and raiyats.
- (5) He then attested the record by reading over and explaining *khatians* in the village, filling up at the same time the columns of rent and rights. Where necessary he visited the field with the parties after his day's work in the village.
- (6) All mistakes were entered by him in the *badar fard*, or mistake list.
- (7) If there were no disputes, the attestation was completed by taking the signatures of the parties to the *badar* corrections and *parchas*, and in most circles by correcting the *khatian*.
- (8) Disputes were entered in the *badar fard*. If amicably decided with the assistance of the attestation *muharrir*, the parties and he himself signed the *badar* and the *parchas*. If not so decided, the signature columns of the *badar* remained blank and the *parchas* were left unsigned.
- (9) The *munserim* inspected the work of the attestation *muharrir* and endeavoured to bring about an amicable settlement of those disputes the attestation *muharrirs* could not deal with. He treated the disputes in the same manner as the *muharrir*.
- (10) At the time of preliminary attestation the *muharrir* filled up the blank columns of the *lakhiraj*, etc., statements.
- (11) He also attested the *khewat*, entering the disputes in the *badar fard*.

- (12) When the preliminary attestation of a group of villages was completed the final attestation was performed by the Assistant Settlement Officer at a convenient centre. He employed, where possible, as his *muharrirs* the men who had performed the preliminary attestation; this was understood to form part of their duties. When this was impossible, each Assistant Settlement Officer made his own arrangement for appointing men and dividing the 12 annas per hundred numbers, which was the rate sanctioned for each village.
- (13) The *khatians* were read over to the raiyats whose signatures are taken on the bottom of the page. The *khatian* was also signed by the landlords and tenure-holders.
- (14) The Assistant Settlement Officer decided summarily disputes still outstanding and examined and initialled each page of the *khatian*. The *khatians* were corrected according to his decision.
- (15) He examined and initialled the entries of the *lakhiraj*, etc., statements.
- (16) He finally attested the *khewat*.
- (17) In most circles *adhai-jama-fards* (statements of collections) were prepared in some at the time of preliminary and in others at the time of final attestation.

Defects of the rules of 1892.

421. The main defects of the system appear to have been :—

- (a) The isolation of *muharrirs* in villages where no effective supervision was possible.
- (b) The absence of a gazetted officer before whom objections could at any time be preferred.
- (c) The payment of *muharrirs* at contract rates.

Mr. Mitra was of opinion that with the procedure described, he could efficiently attest 3,000 fields in a day or 3rds of a lakh in a month. Subsequent experience has shown such an outturn to be absolutely incompatible with good work, even with all the records already written in the correct form, which was not always the case in the early attestation, and in a subsequent paragraph* will be found an account of the disastrous results of thus forcing the pace.

422. In the *khanapuri* of 1892 an attempt had been made, notably in the Gope Circle, to do away with the stage of preliminary attestation. The *khanapuri* officer visited the village from time to time while *khanapuri* was proceeding, disposed of all disputes, and entered rents and status.

As soon as the *khassra* was complete, and while the Survey officers were still on the ground, the Assistant Settlement Officer visited the village, asked each raiyat his rental and status and took his signature to the *khatian*. This was the final attestation, and we find records finally attested in this manner before the areas had been entered in the *khatian* or before the *Parchas* had been distributed, and even in one or two instances in the absence of a map.

This was clearly not a success, and in September, 1892, the Settlement Officers proposed that the Survey Department should prepare only a map and an area statement leaving the *khanapuri* to the Settlement Department. This proposal was considered impracticable and a compromise was effected by which the *khanapuri* was to be done under the joint supervision of the two departments, the Survey being responsible for the map and the Settlement for the other records.

Khanapuri being complete, the records were at once sent to the Survey office where areas were extracted and entered.

The records were then returned with a trace of the map to the circle officer, who grouped the villages together and issued a proclamation calling upon all concerned to attend before him at convenient centres distant not more than three miles from any village of the group.

* Paragraph 435.

As such centre the *parchas* were explained to the tenants and the areas entered in them, if this had not been already done by the camp office. The signatures of landlords and tenants having been secured and all objections disposed of, the Assistant Settlement Officer attested the rent and status which had been already entered at *khanapuri*. The records were then returned to the Survey Department for correction of the trace according to the orders on the dispute list and for the compilation of statistics.

423. The rules were still very incomplete and nearly all details were left to the circle officers, who drew up long and elaborate instructions which were submitted to the Settlement Officer for his approval. From these Mr. Maude compiled very complete instructions for the season of 1893-94.

The salient features of the system then adopted were :—

- (a) The periodical inspection of the records by the revenue officer while *khanapuri* was in progress.
- (b) The examination of the records for the detection of serious errors before they were taken over from the Survey camp.
- (c) The preliminary attestation of the records by a *muharrir* in the circle officer's camp.
- (d) The comparison of present entries with the figures in the records of the last settlement.
- (e) The disposal of all disputes and the correction of the record before final attestation.
- (f) The reading out before the Assistant Settlement Officer of the—
 - (1) Name of landlord.
 - (2) Number of fields.
 - (3) Number of *kitas*.
 - (4) Area.
 - (5) Rental as stated by landlord.
 - (6) Rental as stated by tenant.
- (g) The summary decision by the Assistant Settlement Officer of the rent and status of the holding.
- (h) The return of records to the Survey camp for extraction of statistics and correction of the original map.

Corrections in the rules continued to be made during the whole of the year 1894 chiefly with a view to the economy of labour. The rules were finally revised in 1895, and are printed as Appendix B to this report.

424. Unfortunately nearly all the attestation of the Province had been completed before the promulgation of these orders.

The following table shows year by year the number of records attested in each of the three districts—

YEAR.		Cuttack.	Puri.	Balasore.
1890-91	....	69	278	Nil.
1891-92	....	1,282	1,613	Nil.
1892-93	....	963	62	511
1893-94	....	564	1	620
1894-95	....	1,356	23	1,800
1895-96	....	670	120	686
Total	....	4,904	2,097	3,607
Total number of records				
to be attested		4,876	2,109	3,607

The figures are only approximately correct, as it has been found impossible to reconcile the returns of different years, which being added together give in Cuttack a total of more villages attested than there are in the district. Figures in Balasore have been adjusted; in Cuttack probably some villages are shown twice, having been twice attested; in Puri a few village records have been amalgamated.

425. The wording of the former rules framed by Government required the Assistant Settlement Officer to be in or near the village at the time of attestation of the record and settlement of rents, and at first *muharrirs* were actually deputed to the villages to do the preliminary attestation; but when this had been accomplished the Assistant Settlement Officer, instead of going to the village himself and reading out the *Khatians* on the spot, generally summoned the tenants to his camp for the purpose of finally attesting the record. Both in Orissa and elsewhere it was found that the attempt to do attestation in each and every village led to waste of time and supervising power and in a revenue circular issued by the Board in 1893 it was laid down that the tenants might be made to attend a camp distant not more than three miles from the furthest limit of their village, objections being as far as possible disposed of in the village and on the spot. This necessitated a careful arrangement of circles and a strict adherence to programmes, and it was at one time the practice for the attesting officers to open branch camps two or three miles away from their centre, at which outlying villages were attested. The camps were in charge of a head *muharrir* and were visited periodically by the Assistant Settlement Officer for the purpose of disposing of disputes and for final attestation. These camps however led to a waste of time and were difficult to supervise properly, and their opening was accordingly discouraged and eventually forbidden save for very special reasons. The same rule applied to fair rent camps and was generally observed.

426. In the *Khasra* the arrangement of fields was purely geographical and presented no difficulty once the map of the village had been prepared. At first some doubt was felt as to whether * *tahsilalahidas* should be treated as separate villages and allotted separate *Khasras*, but it was eventually decided that one *Khasra* only should be prepared with a single set of serial numbers running geographically from the north-west to south-east corner.

427. The unit of the *Khatian* is the parcel or parcels of land held by as tenant or group of tenants in a village as a single tenancy, and it is therefore necessary to prepare a separate *Khatian* for every tenure-holder, raiyat, and under-raiyat in each estate in a village, and for the lands held in direct possession by each separate group of proprietors and tenure-holders; and if a cultivator holds lands in more than one share of a partitioned estate or tenure, a separate *Khatian* for his holding in each such share.

This is the rule laid down in the Survey and Settlement Manual and its applicability to Orissa appears to have been recognised from the very beginning of the work; but the principle was not at first carried to its logical conclusion that only the lands of a single tenancy should be entered in any one *Khatian*, and that for every separate status separate *Khatians* should be prepared.

This appears indeed to have been the intention of Mr. Reily, but while *Khanapuri amins* were absolutely forbidden to record status it was impossible for them to excerpt *Khatians* by classes. In the *Khanapuri* rules of March, 1892, it was laid down that "the slips for tenure and under-tenure holders will be separated by the *Khanapuri* officer from raiyats' *Khatians* after determination of each tenant's status and will be separately filed." This rule was unworkable, the amount of labour involved being equivalent to the personal *khanapuri* by the revenue officer of the village. These rules went, however, still further and directed that if a raiyat held lands under numerous petty landlords in a village, one *khatian* for the whole would suffice. This rule accounts for much of the confusion to be found in the records of that period.

In the records prepared in the season of 1890-91, the confusion appears to have been worse; we find from the reports of the Assistant Settlement Officers that revenue-free, resumed, and raiyati lands were not infrequently found in the same *khatian*, necessitating the complete re-arrangement of the *khatians* and a great deal of re-copying. For example in the Rahang circle the number of *khatians* was increased during attestation from 13,035 to 16,079, and in all the circles of Puri, and the Tanghi Circle of Cuttack, the Assistant Settlement Officers thought it desirable to re-copy a very large percentage of the *khatians*.

* Vide Cap. XVI, Paragraph 410.

It was not until the visit of the Director in September, 1892 that definite orders were passed as to the arrangement and division of the *khatians*, status by status. The rules then framed have been added to since, but differed but little from those in Rule 68 of Appendix B, Part III. to this report. For the purpose of settlement of rents this arrangement was subsequently modified,* but the principle remains the same, viz., that the arrangement of a volume is first by estates or *tahsilalahidas*, within each estate by separate groups of landlords, within each such group by status, and within each status, and alphabetical arrangement of tenants. In his inspection note of 1894 His Honour Sir Charles Elliot recorded his opinion that too much pains was being taken to separate statuses, and a long correspondence was started which led to a final settlement of the question.

In a note written in December, 1894, Mr. R. Nathan made the following observations on the *khatian* writing and *tirij* writing :—

“There are three possible courses —

“(i) To prepare separate *khatians* for separate classes of interests.

“(ii) To enter different classes of interests in the same *khatian*, but to place together the plots belonging to each separate interest, and to arrange the various tenures in a regular sequence in the *khatian* page.

“(iii) To enter different classes of interests in the same *khatian* taking no heed in the sequence of the plots as to the class of interest to which each plot belongs.

“(3) The third of these systems is the least satisfactory. In addition to the points noted in paragraph 4, the following disadvantages would arise: The *khatian* would present a confused picture both to the raiyat and the attesting officer and clerks. This would entail loss of time both at preliminary and final attestation. To explain the *khatian* to the raiyat it would be necessary to take out the areas included in the different classes of tenure, and make sure that he realised the plots included in each. If from the first there has been a separate *khatian* and *parcha*, this would be unnecessary. As Mr. Maude points out, the want of clearness in the *khatian* would open the way to errors that might otherwise be avoided. It would also be necessary to further confuse the *khatian* by entering different classes of rents. The present *khatian* forms are not arranged for this. The *khatian* would require a further attestation: a status column would have to be substituted for the single status space. Finally, when it came to preparing the *tirij*, more time would, I think, be spent in separating out the interest than would have been necessary had the separation been performed in the first instance.

“(4) With regard to the first two methods, the separate *khatian* system has the following advantages :—

“(i) Greater facility in the preparation of the *tirij*.

“(ii) A valuable use of the *tirij* is an index list. Mr. Maude points out this important aid to attestation would be lost if the *tirij* was not arranged in the same manner as the *khatians*.

“(iii) It would be necessary to avoid the difficulties indicated in paragraph 3 to complete the *khatian* by totalling the area held under each class of tenure. Again a rent and a status column would be required for the entries relating to each class of tenure.

“(iv) It is convenient at final attestation to take up each class of tenure in turn. The same classes of questions and references are apt to arise in considering the different *khatians* regarding one class of interest, and it is convenient to dispose of them before going on to the consideration of another class.

“(5) The special advantage of the second and third methods is the saving of space and reduction in the bulk of the record, which tends to become unwieldy. I do not think that this advantage is sufficient to counterbalance the difficulties noted in paragraph 3 and 4. If the final record is prepared in the form of a *Jamabandi* roll, the saving of space would not be very great.”

On this the Director of Land Records expressed a doubt as to the practicability of such a division as Mr. Nathan recommended, especially in respect of *thani* and *pahi* fields, and Mr. Nathan explained that he did not propose to have separate *khatians* for *thani* and *pahi* or *minha* holdings, but that *bazyafiti* and similar tenures and the service tenures ought not to be entered on the same *khatian* with raiyati lands.

Mr. Nathan at the conference of 1894 expressed his conviction that the arrangement under which raiyats of *bazyafitidars* and *kamildars* came before raiyats holding under proprietors and permanent tenure-holders was sound, as it was convenient at the time of attestation to take up the raiyats of these persons at the same time that their own *khatians* were attested. At the time of settlement of rents it was however necessary to bring together

* Cap XX, Paragraph 489 and Appendix C.

first all tenants paying rent directly to the proprietor; secondly, all lands valued for revenue only or unassessed; thirdly, tenants paying to classes 1 and 2, and rents were not included in the assets of the estate. The order of the *khatians* laid down in Rule 68, Cap. IV., App. B, Part III was therefore modified to this extent.*

All the Orissa officers consulted strongly deprecated the proposal to keep *bazyafii*, *bahali*, *jagir*, and *raiya* lands in one *khatian* form, and the Director expressed his opinion that on this point the unanimous opinion of the Orissa officers should be accepted.

It was agreed in conference at Tangi on the 16th December 1894 that it was necessary to distinguish in the *khatians* and in the *jamabandi* between *thani* and *pahi* lands, and that the word "*thani*" or "*pahi*" should be entered against each plot in the *khatians* so far as information can be obtained; but it was thought unnecessary to have separate *khatians* for *thani* and *pahi* lands.

These rules were adopted and continued in force to the end of work, but it was found by experience that at the time of settlement of fair rents, and still more at the stage of compilation, it was an advantage to have separate *khatians* for *thani* and for *pahi* lands, and at re-attestation every separate class was where possible given a separate set of *khatians*.

428. The "entry of rent and status" has been already discussed under the head of *khanapuri*.†

Entry of rent and Status.

The rules required that both entries should be made or attested by the revenue officer himself, but in practice the entry of status was almost always made either by the *amin* at the time of *khanapuri* or by a *muharrir* in the attestation camp, and was read out to the *raiya* in the presence of the Assistant Settlement Officer, who, if no objection was raised, attested the entry with his signature. Similarly in the case of rents the statements of both landlord and tenant were entered by the *amin* or *muharrir*, who if the statements agreed filled up also the column for rent as ascertained by the Assistant Settlement Officer. The entry thus made was read out in the presence of the Assistant Settlement Officer to the assembled tenants and attested. If there was any dispute as to the amount, it was summarily decided by the Assistant Settlement Officer and the entry at once made and attested, no record being kept of the grounds of the finding.

429. Division of a *raiya*'s holding without the consent of the landlord is invalid alike under Act X. of 1859 and Act VIII of 1885, nor are landlords in Orissa bound by custom to recognise any such partition. In the case of *bazyafii* and *kharida jamabandi* holdings, indeed, to which a *quasi*-proprietary right attaches, the whole or any portion may by custom, be alienated, but even in respect of these lands many zamindars have successfully insisted on the payment of a premium or '*salami*.'

In spite, however, of law and custom it was found that *raiya*s had very commonly alienated portions of a holding and still more often had made a *de facto* division among themselves, the zamindar's papers continuing to show the original *raiya* and his holding only.

Payments for rent were credited as made by so and so on account of the original holding.

Necessarily, when the *amin* was preparing the *khasra* and *khatian* in the village the name first given him was that of the man in possession. The original rules of 1893-94 required that he should compare such name with the lists of tenants supplied by the landlord and make entries according to the following rules:-

"In the case of partitions of holding by mutual consent, which have not been recorded in the *jamabandi* papers, the name of the tenant given in the lists of tenants furnished by the landlord should be entered first, and the names of co-sharers after, as joint tenants, land a remark may be made that partition has not been recorded by the landlord.

"If in any case the tenure or under-tenure is held by more than one person, and such persons have privately divided the lands comprised in the tenure or under-tenure among themselves, and the division is not recorded in the landlord's *sherista*, then in the remarks column against the plot in question should be entered '*dakhal* tenure-holder so and so,' the name to be entered being that of the tenure-holder who is in direct, exclusive possession of the plot in question, and to whom alone the person in possession pays the rent of such land."

* See Rule 28, Appendix C, Part I.

† Cap. XVI, Paragraphs 403 and 404.

Subsequently these rules were withdrawn and the practice was to enter as raiyat the person found in possession, but the rental was not divided, the former area and the whole rent being entered in the *khatian* representing the original holding, while in the *khatians* of the new holdings formed by the partition a note was made that the rent was *barati*, i. e., included in the rent of the afore-mentioned holding.

When, however, it became necessary to settle rents the rule was that a rent must be settled for every holding to which a separate *khatian* had been assigned, and thus the imperfect partitions recorded at attestation have in the new settlement been completed. The tenants showed a strong desire to avail themselves of the settlement proceedings to have partitions made of their holdings, but this tendency was discouraged as far as possible by insisting on the consent of the landlord being obtained, and refusing to accept obviously inconvenient divisions. Only one zamindar, the proprietor of the large estate of Utikan, made any serious protest against this division of rents and holdings, and he did not long press his objections.

On the whole zamindars were very apathetic in regard to this matter; their objections were not so much to the subdivision of the holdings and apportionment of the rents as to the loss of *salami* or fees payable on mutation and division.

430. In the records of the last settlement were to be found for every Comparative statements—*Lakhiraj Bahal*, village and every estate not only totals of the *jagir*, *Minha*, *Bazyafiti* and *Nijjot*. area and rent of every class of land and holding, but details of every holding in which there were raiyats having rights superior to those of the ordinary *pahi*-raiyyat, or tenant-at-will as he then was.

The most important classes were :— (1) *Lakhiraj Bahal*, or confirmed revenue free grants. (2) The *Bazyafiti*, or resumed revenue-free grants. (3) The *Jagirs* or service grants. (4) *Minha*, or land, generally homestead held without rent but included in a rent-paying holding. (5) Proprietor's private lands.

For each and every one of these, statements were prepared showing the entries as they stood at the last settlement and the present claimants and areas claimed. The statements were certainly useful as a check, and those of revenue-free and *jagir* lands were almost indispensable to a correct record, but they took up time. In 1894 Sir Charles Elliott recorded his opinion that time was being wasted on their preparation, and accordingly the *bazyafiti* statement was discontinued, and the *lakhiraj* statement allowed to take the place of the *khewat* of revenue-free lands.

The other statements, however, continued to be prepared until 1896, when all except that of revenue-free lands were stopped.

This last showed the entry in the *zuidad* or report of the last settlement, the entry in the Collector's general register of revenue-free estates, and the facts found on the ground, and it continued to be attested and corrected till the end of the work. It was required for the resumption by consent of areas in excess of revenue-free grants.

431. The question of the entries to be made in the *khatian* having been raised at the time of Mr. Finucane's visit to Orissa in February 1892, it was found that the existing form contained many superfluous and useless columns, and the following declaration of the guiding principle was made by the Director :—

"Nothing should be entered on the *khatians* which is not necessary for the raiyats and landlords to have in the extracts of the records to be subsequently made over to them. The *khatian* is the 'record' which has to be published. Every entry in the *khatian* as published may be made the subject of a dispute which may have to be decided as a suit."

Notwithstanding this declaration and the fact that the form of *khatian* was remodelled, it continued to be the practice to record the name of the crop grown, but nearly all the special incidents of particular tenancies were omitted, those entered being generally—

- (a) Rights of user by the public.
- (b) Conditions on which service tenures were held.

In the record as finally revised and published in the seasons of 1896-97 the following entries were made in the remarks column of the *khatian* in addition to that of status:—

- (a) Right of *thani* and *bazyafiti* raiyats, etc., to hold at a fixed rent for the term of settlement.
- (b) Rights of purchaser of an estate at an auction sale to assess to rent invalid rent free grants.
- (c) Rights of the public to the free use of grazing and cremation grounds and other reserved lands.
- (d) The fact that the extra rent for a "special crop" grown in a certain field was only payable so long as that crop was grown.
- (e) Liability of certain rents for river-side lands to annual variation.
- (f) Right of fishery in rivers entered in the proprietor's *khatian*.

It was agreed at a conference held by Mr. W. C. Macpherson with the local officers in August 1897 that entries (a), (c), (e) and (f) were properly made owing to the revision of the rule, entry (d) had already ceased to be necessary, and with the orders to settle rents for all rent-free tenancies which came into force from January 1898, entry (b) ceased to be of any use.

In the estate of Madhupur the terms on which certain *Debottar* grants were held were at the instance of the proprietor recorded, but such entries are not usual.

432. Whenever a landlord or tenant objected to any entry in the records, a note was made by the attestation *muhammad* on a list, the "*badar fard*", showing the name of the objecter and of the other party, if any, the fields in dispute and the nature of the objection, and no correction of the record was made nor was the *khatian* signed until the Assistant Settlement Officer had passed orders on the objection. Obvious mistakes in which both landlord and tenant were agreed as to the correction to be made were, however, at first disposed of by the *muhammad* or *munsarim* and the records corrected, subject only to the confirmation of the Assistant Settlement Officer; and even under the later and more accurate methods of attestation it was customary to enter on a separate list corrections agreed upon by both parties; taking their signature in token of acquiescence. The Assistant Settlement Officer even in such cases generally called up the parties and asked whether they really agreed to the change before signing the order, and might exercise his discretion in declining to allow mutations in cases of suspected collusion.

A good deal of difference of opinion prevailed as to the best form of entry in these disputes lists. Many of the best and most careful attestation officers preferred that the *muhammad* should enter nothing beyond the numbers of the fields and the names of the parties, while on the other hand it has been pointed out that if the substance of the dispute is not recorded it is necessary to write a long order to prevent the risk of mistake. The balance appears to Mr. Webster entirely in favour of an accurate record of the nature of the dispute. It enables the Assistant Settlement Officer to see at once what it is he has to find out, and without it he may have to listen to a long rambling story before he catches the drift of the dispute. It takes up some of the *muhammad's* time, but this is much less valuable than that of the Assistant Settlement Officer, and at the same time it is of great assistance to the *muhammad*, who has to interpret an extremely brief order not always very accurately worded.

It must, however, be added that *muhammad*s, unless the supervision be very strict, exact money by their version of the dispute and waste an enormous amount of time in the mere effort of literary composition and in making fair copies. Moreover an over-worked or unconscientious Assistant Settlement Officer may not make independent inquiries or go behind the *muhammad's* version. On the whole I prefer to have a record only of the *khassra* numbers and the names of the parties to the dispute.

Parties were also entitled to file petitions of objection without affixing any court-fee stamp. These were decided in the same way as the *badars* or objections recorded by the *muhammad*.

433. During preliminary attestation the *muhammad* was required to obtain, if this had not been already done, the signature of both landlord and tenant to every *khatian*, and to

Signing of *Khatians*.

sign it himself in token of its having been duly read out and explained. The Assistant Settlement Officer at the time of final attestation was further required to initial the entries of rent and status.

This should have provided an ample safe guard against defective or careless attestation, but unfortunately in the early days of attestation many *khatians* were passed by *muharrirs* without the signatures of the parties, and the final attestation was done by stamping with a facsimile seal. This use of seals is a great saving in mechanical labour, and could have done no harm if the Assistant Settlement Officer never allowed the *khatian* to be stamped until every one had been read out and every objection disposed of. I am afraid however that this was not always the case, and the seal often meant very little.

After the rules of 1893-94 were framed, the use of facsimile seals was discontinued in most circles.

The original rule as to the initialling of corrections was that it should be done by the *muharrir* or *munsarim*, the idea being that where there were many corrections the record should then be fair copied. In the rules of 1893-94 the Assistant Settlement Officer was required to himself initial every correction in the *khatian* and *khasra*. The rule was subsequently rescinded as regard the *khasra*, but the Assistant Settlement Officer continued to be responsible for the attestation of all mistakes in the *khatian*. In practice, however, only corrections of rent and status were initialled by the Assistant Settlement Officer, all others being checked and initialled by a head *muharrir*.

434. After attestation, records were returned to the Survey Department, who entered the totals of the area columns of the *khasra* in a form known as the *milan khasra* or a shorter form known as the *mot khasra* and prepared a statement of cropped areas, they also corrected the original sheet map and its trace, and corrected the *khasra* in accordance with the reports of the *amins* attached to the attestation camp for the formation of new fields or division of old ones.

In 1894 the preparation of statistics after attestation was transferred from the Survey to the Settlement Department, and in 1895, the survey being complete the corrections of traces and *khasras* were made entirely in the Settlement camp.

435. In January 1893 the examination by Mr. Baroda Churn Mitra of a number of records of the Serai and Chubiskud, Rahang, Kodhar, and Gop Circles of Puri disclosed so many errors and omissions in the attestation that it was held to be necessary to completely revise the attestation before beginning the settlement of fair rents.

The nature of the errors brought to light was very various, but the following is a list of the most prominent defects of the early work :—

- (1) The inclusion in one and the same *khatian* of lands held under different proprietors.
- (2) The omission to ascertain the existing rent of a holding.
- (3) The omission to give effect to orders on the dispute lists.
- (4) The postponement of petitions for future disposal.
- (5) The absence of the Assistant Settlement Officer's signature on the records.
- (6) The absence of any record of the attestation proceedings.
- (7) The confusion of status; revenue-free and revenue-paying lands, paying fixed and variable rents all being entered in one *khatian*.
- (8) Failure to demarcate and prepare separate *khatians* for *tahsilalahidas*.

There has been much controversial discussion as to the cause of and responsibility for these defects. It appears to me that the state of the records may chiefly be attributed to the bad *khanapuri*, the inexperience of officers and the praise awarded to large outturns. The *khatian* forms were not suitable. The postponement of correction of records by vernacular-knowing *muharrirs* according to orders passed in English from the field season to recess was also a great source of error.

Be this as it may, the result was that practically all the records of the Puri District and so much of Cuttack as had been attested before the middle of 1893 had to be re-attested for revision. The work was begun in both Districts in 1895-96 and half-way through the season special rules were framed to simplify and expedite it; much of the elaborate comparison of last settlement areas and rents that characterised the attestation of 1894-95 being stopped, and simple directions given for the utilisation of the old forms in place of re-copying. How this revision was combined with the settlement of fair rents will be told in a different chapter.* What it cost it is not easy to estimate; roughly, 15 lakhs of plots in Puri and 10 lakhs in Cuttack had to be revised. Revision and fair rent work combined cost about Rs. 1,000 per 10,000 fields, revision alone about Rs. 1,000 for 20,000 fields, or about Rs. 1,25,000 for the revision of 25 lakhs of plots. Some of this work would, however, have had to be done owing to the lapse of time, so we may reduce the estimate for actual revision to one lakh besides what it has cost, owing to the consequent postponement of the realization of the new revenue.

436. When attestation first began, the Assistant Settlement Officers were engaged in the twofold work of inspecting the *Establishment and Outturn.* *khanapuri* and supervising attestation, and progress was alarmingly slow.

Mr. Finucane, when he visited the Province in February 1892, found that less than 10,000 plots a month were being attested, and recorded his opinion that 1,000 plots per working day was a more proper outturn.

The Officers engaged on the work do not seem to have understood the conditions under which such an outturn was possible; for we find that in April one officer attested over 39,000 plots, while two officers in another circle attested 47,000 plots in addition to repairing soil maps. In May five officers attested over 207,000 plots or an average of 41,000 each.

Next year, under the revised rules there was again a falling off, but in January 1893 the average outturn was over 30,000 plots per officer, and in February one officer showed 4,193 plots as attested in a single day. In 1893-94 the average outturn per officer was only 8,019 plots per month, but in Balasore it was 12,660 plots against only 5,921 in Cuttack. It is difficult to account for this very small outturn, partly it was due to the very inaccurate *khanapuri* and which the officers were working in Cuttack and partly to an almost excessive striving after perfection, *e. g.*, the elaborate comparison of last settlement and present settlement areas, the reconstruction of revenue survey villages, and the initialling of every correction in the record by the Assistant Settlement Officer himself. After the visit of His Honour Sir Charles Elliott, in 1894, all superfluous refinements were done away with, and with more experience and more systematic arrangements of the work, the average outturn for 1894-95 came to 19,418 plots per month.

* Cap. XVIII, Paragraph 451, and App. C., part VII.

CHAPTER XVIII.

SETTLEMENT OF RENTS.

437. In order that the land revenue of the temporarily-settled estates should be equitably assessed, that the public burthens should be equalized, and that Government should obtain its fair share of the increased wealth of the country with the list possible loss to the landed proprietors, it was necessary to have a complete record of the rents payable to zamindars and of the value of the land for which no rent was actually being paid.

Introduction.

So much could have been done under the provisions of Regulation VII of 1822, but a good deal more was found to be necessary. Many tenants had been holding at rents fixed for the term of settlement, many at very low rents, and it was clearly right that both these classes should be made to contribute towards the increase to be demanded in the revenue. This principle had so clearly been recognised that under section 104 (2) of the Bengal Tenancy Act it was imperative to settle fair rents for all tenants in all cases in which it was proposed to revise the land revenue.

438. In a note of the 3rd February 1891 Mr. Finucane, in recommending that for this and other reasons Chapter X of the Bengal Tenancy Act should be extended to Orissa, wrote as follows :—

Principles of assessment, 1891.

“It would be premature now to discuss the principles on which settlement should be made. It will probably be found that the rents of the *pahi* raiyats are as high as the land can afford to bear, and that they may be left undisturbed.

“The rents of *thani* raiyats, which, under the terms of last settlement, ought to have remained unaltered for the past sixty years, will, as a matter of course, have to be now enhanced, if they have not in fact been enhanced during the currency of the existing settlement. It is not easy to lay down *a priori* the principles on which such enhancement should be made.

“The full enhancement which may be demandable on the ground of rise in prices cannot, it is probable, be taken, because the rents fixed for *thani* raiyats at last settlement were higher than the competition rents demanded from *pahi* raiyats.

“Neither can the rents of *thani* raiyats be fixed on the principle of raising them to those now paid by *pahi* raiyats. A middle course will have to be followed. The question is one regarding which the Settlement Officer should ascertain facts and ask for orders before finally adopting any principle of enhancement.”

The general impression appears to have been that rents would be enhanced up to the “prevailing rate”, as defined in the Bengal Tenancy Act, and Mr. Reily, early in 1891, issued to all Assistant Settlement Officers instructions for the preparation of soil maps, really rate maps. The system its attendant difficulties, and the possible alternatives are so clearly set forth by Mr. Finucane in his notes of July 1891 that I cannot do better than quote what he says :—

“When the attestation of a number of contiguous villages is done, the Assistant Settlement Officer goes over the village lands with maps and records in his hands, and divides the whole village into blocks or *chaks* of land. These blocks are pointed out by the raiyats and zamindars as being blocks recognised by them, which are said to pay the same rate of rent.

“The Assistant Settlement Officer marks off these blocks on the maps by drawing a line round the boundary of the block, each of which is coloured differently. The rate of rent, where there is a generally prevailing uniform rate, is also noted on the map.

“The Assistant Settlement Officer then extracts the fields belonging to each tenant in each block, and calculates what the rental would be on the area of the holding, at what may be called the block rate.

“Having worked out the rental of each holding in this way the Assistant Settlement Officer is supposed to compare the rental so arrived at with the rental actually paid, as already stated, by the parties and recorded by him, and if he finds that the actual rent paid is much less than the rent arrived at in the manner above described, he next proceeds to consider whether the rent should be enhanced on the ground that the tenant is paying at less than the prevailing rate. If he thinks that there are *prima facie* grounds for supposing that the rent ought to be enhanced, he, before proceeding to enhance it, calls on the raiyat to state the previous history of the holding and to show whether there is any reason for his being allowed to hold at less than the prevailing rates.

“This is the procedure described by Mr. Reily as being that which he proposed to follow, and has followed to this extent, that the attestation has been done in the manner described of 167 villages.

"The existing rentals of these villages have been recorded and the village lands have been split up into blocks, but the subsequent operation of extracting the area of the fields belonging to each raiyat in the several blocks, applying the block rates to these areas, working out the rental in this way and comparing it with the actual rental, has not been gone through.

"I examined the blocks or *chaks* into which the only one village in Cuttack, of which the records were available, had been split up, and had the rates actually paid marked on the fields of each block.

"The result was that in a village of 62 acres there are four blocks and thirteen different rates. In other villages it will, Mr. Reily thinks, be found, as he has found in a pargana of Puri, that there is greater uniformity of rates, that in fact there will be practically one uniform rate for a whole block.

"It is obvious that the system of splitting up villages into blocks in the manner described has one great advantage, in that it renders it necessary for the Assistant Settlement Officer to walk or ride through every village, or, as Mr. Reily says, to 'go over every inch of the ground', and thus enables him to note facts of interest regarding the village lands; but whether the system of splitting up the village into *chaks* will help very materially in the settlement of rents will very largely depend on the question of facts, is there, or is there not, a uniform rate of rent paid generally for the lands of the block? If there be a uniform rate, or anything like a uniform rate, then the system enables the Settlement Officer to see at a glance which of the tenants are paying at less than that rate, and also enables him to call on such tenants to show why their rents should not be enhanced up to the prevailing rate. But if it be found that there is not a uniform rate paid generally for the whole block, or for recognised classes of soil within the block, then it appears to me that it is questionable whether much will be gained, as regards settlement of rents, by splitting up the village into blocks and by extracting the fields belonging to each raiyat in each block; for the new rental cannot be worked out by the application of a prevailing rate to the areas of fields appertaining to each holding in each block, if there be no prevailing rate.

"The procedure is obviously a very elaborate and thorough one, and it must, I fear, add considerably to the cost of settlement. Mr. Reily is unable to say what the cost will be on the system above described. Babu Chaku Lal Sircar says he thinks the expense will be double of what it would be if the villages were not split up in blocks.

"The only alternative procedure which might be adopted would be to have the attestation of holdings made and existing rents recorded, as is now done, and then to make out a list of the tenants, showing the area of land of each class in each holding, and the amount of the present rent.

"When on looking over the list it is found that any particular tenant is paying less rent than is generally paid for the same area, he might be asked why he is paying less, and if he alleges that it is because the land he holds is of inferior quality to that for which the higher rent is paid, his particular fields might be noted on the map, and the Assistant Settlement Officer might go on the spot and ascertain whether these particular fields are really inferior to those for which the higher rent is paid.

"The effect would be that the Assistant Settlement Officer's enquiry on the ground would be limited to the particular holdings which, from an examination of the *terij*, appear to be paying an unduly low rent."

439. For more than a year all Assistant Settlement Officers continued to combine with the work of attestation and inspection of *khanapuri*, the preparation of rate maps and the collection of all the miscellaneous information required for assessment at the end of that time.

Mr. Nathan, who had all along been working in Kotdes, in the Puri District, wrote:—

"The system of preparing soil maps, as originally attempted, is not applicable to Orissa. The villagers are not able to point out with any degree of accuracy or certainty definite tracts of land bearing a uniform rent, and therefore the attempt to classify soils by the aid of present rates of rent, as stated by land holders and cultivators, has not been altogether successful."

He proposed, however, to substitute for it, not Mr. Finucane's alternative scheme of working solely on existing rents, but a system of classification of land according to the crop grown, and, following out this plan, made an experimental assessment of 24 villages of Kotdes.

Experimental assessment of Kotdes. 440. Briefly the principles of his assessment were—

- (1) To ascertain the rate of rent paid in each village for lands-growing a particular crop; this be called the "prevailing rate." When different rates were found in different blocks belonging to the same class, he formulated the following rule of practice for the determination of the prevailing rate: arrange the rates for corresponding to a particular class of soil in order of descending magnitude; against each write

the *pahi* area over which the rate obtains. By trial find the area highest on the scale, the sum of which with the sum of all areas lower on the scale is greater than the sum of all areas higher on the scale.

- (2) To ascertain the average of prevailing rates paid for lands of a particular class in a group of similar villages: this was the "guiding rate."
- (3) All rents primarily to be raised up to the prevailing or the guiding rate whichever was less.
- (4) The maximum limit of enhancement on the ground of rise in prices to be, in the case of rents fixed for the term of settlement, 100 per cent.
- (5) In the case of *pahi* raiyats whose new rent, according to the above rules, would be more than Rs. 10, a deduction to be made from the above enhancement in proportion to the rise of rent rates during the term of settlement.
- (6) In the case of tenants paying at privileged rates *bazyafidar* where the rent to be fixed was Rs. 5 or over the limit of enhancement, to be 200 per cent., or Rs. 5, whichever was greater.
- (7) In the absence of special reasons, the existing rent to be assumed not to be more than the fair rent.

Thus there were two methods of enhancement, either up to the prevailing rate under sections 30 and 31 of the Bengal Tenancy Act, subject to limitation by the guiding rate; or, on the ground of rise in prices, subject to the limitation of the guiding rate and to rules (4) and (5) above.

The results of this experiment were submitted by Mr. Nathan with a complete report dealing with the whole question of settlement of rents and assessment of revenue.*

It was pointed out that, equitable and fair though the rents calculated under this system might be, it was still necessary to settle them in the manner provided for the trial of civil suits, and neither Mr. Nathan nor the Director saw any way of doing this without a prohibitive waste of time and money, excluding the expenditure on such legal proceedings.

Mr. Nathan estimated the cost of settlement of rents under his scheme at three annas per acre.

441. No final orders were at the time passed on the proposals, but

Mr. Finucane's note of December 1893. Mr. Finucane† pointed out that the cost of Mr. Nathan's scheme was prohibitive, that legally it was unsound, in that the so-called prevailing rates were not such as the Civil Courts would recognise, while, in order to enhance on the ground of rise in prices, it was necessary to show when a rent was fixed. He proposed that for the next two years the work of the Revenue Officers should be practically confined to ascertaining existing rents or status.

That they should assume the rents of *pahi* raiyats to be fair and equitable as they stood and should take no action of their own motion to alter them.

That the rents of *thani* raiyats should be fixed about 25 per cent. lower than the average incidence of *pahi* rents in the village, basing all enhancements on the "rise in prices".

If the rents so calculated were agreed to they would be settled; if not, it would remain for the Assistant Settlement Officer to put on record evidence of the rise in prices and any other points raised before proceeding to enhance the rents according to law.

The Lieutenant-Governor, Sir Charles Elliott, recorded his general agreement with these suggestions, while still thinking some simple form of soil map essential to an equitable settlement of rents with reference to the agricultural value of land.

442. The next attempt to settle rents was made by Mr. Taylor in the year 1894-95 in a block of 41 villages in the immediate neighbourhood of Cuttack. Mr. Taylor's experiment-assessment in Bakhraabad and Dalijora.

These formed a far more promising area for experiments in soil mapping than Pargana Kotdes. In the latter the rents were

* Appendix A (2) (a).

† Appendix A (2) (c). Note of 14th December 1893.

all lump rents, the proprietors were notoriously ignorant of the details of their estate management, and, the classification of crops and soils appears to have been unusually complicated. In Kodinda and Bakhrabad Mr. Taylor found most of the estates in the hands of descendants of the proprietors who had held them at the last settlement, and a very large area belonging to a shrewd and capable zamindar whose papers were in excellent order and showed clearly his classification of the land, which was generally well known to the tenants also.

In this area Mr. Taylor, following Mr. Nathan's lead, divided up the villages into blocks according to the crop grown. He personally checked the rates and then caused a detailed rent-roll "*chakbandi* sheet," showing the area and class and rate of rent for every plot in each holding to be prepared. On this sheet the former area and rent were entered and the new rent at the "prevailing rates" calculated.

Existing rents were not reduced except for special reasons, such as deterioration or diluvion of the land, raiyati rents were never more than doubled; Mr. Taylor afterwards proposed to limit the enhancement to 50 per cent. except in the case of purely peppercorn rents. *Bazyaftidars* were assessed at full rates subject to a limit of enhancement of 200 per cent.

Where tenants were willing to accept, Mr. Taylor recorded their acceptance; where they did not appear, no steps were taken to enforce attendance.

Objections taken at the time were summarily disposed of and tenants were allowed a month in which to put in formal petitions for revision.

On the whole the experiment was successful. The tenants understood and appreciated the procedure and were willing enough to accept even large enhancements, and I am of opinion that the rents then fixed were very fair. Certainly the procedure removed many glaring inequalities, though perhaps the rates as a whole were in some cases a little high and in others a little low.

The drawbacks to the system were that it depended for its legality on enhancement up to a "prevailing rate" while the rates taken were in many cases "averages", and it would have certainly been difficult to prove that they were "prevailing rates" within the meaning of the definition in the Bengal Tenancy Act.

Further, the system entailed a lot of local inspection and lengthy calculations, so that it would have been costly and there would have been a considerable liability to error. Accordingly Mr. Taylor next took up the settlement of rents in *Killa Dalijora* to the north of Cuttack containing 100 villages, and contented himself with preparing a rough soil map used only for reference in case of objection.

Rents of raiyats were left untouched except for the assessments of lands held in excess of that shown in the zamindar's papers. In a few cases only where the rental shown by the zamindar was less than at the last settlement a general enhancement of *pahi* and *thani* rents was made on the ground of rise in prices.

Lands held by the proprietors, or tenants paying at privileged rates were assessed at the "village rate," *i.e.*, at the average rate paid in the village for all *pahi* lands or for all *pahi* and *thani* if the latter was higher.

The enhancement of rents of *bazyaftidars* was subjected to a limit of 200 per cent.

The assessment so made was a very lenient one and was readily accepted by the tenants, but the proceedings were never confirmed and the rents were eventually resettled in 1897.

443. Meanwhile an attempt had been made to tabulate figures for the

Rate Reports of 1895.

Province to show the area and rent under each class of tenants and the increase in cultivated area and in assets since the last settlement. Figures for seven Parganas of Puri were compiled in 1894, and the results were published in the annual report, but were considered too incomplete to be of any real use.

In 1895 rate reports were written by four officers for the circles of Jajpur, Balubisi, Utikan and Asureswar, but the figures have never been reviewed or put to any practical use.

444. In the spring of 1895, I proposed rents on the basis of a soil map in

Experimental assessment in Balasore.

14 villages of Balasore, and as the result of my experience submitted in my letter No. 1075 of

of 5th May 1895 proposals for the settlement of fair rents of which the following is an abstract:—

- (1) The *Kanungo* being duly empowered by a commission issued to him should prepare a soil map and enter the rates.
- (2) The soil map having been open to inspection for three days the Assistant Settlement Officer should dispose of disputes and objections and confirm or modify the rates.
- (3) In fixing the rates the guiding principle should be to make new rents, area for area, conform as nearly as possible to existing rents.
- (4) *Pahi* rents when less than the deduced rent, to be proposed at the latter amount, but not to be more than doubled except for excess area.
- (5) *Pahi* rents to be levelled down to the prevailing rates only in case of loss more than 10 per cent of the former area or for special reasons.
- (6) *Thani* rents to be enhanced by not more than 33 per cent. on the ground of rise in prices.
- (7) *Bazyafiti* rents to be enhanced up to full rates subject to a limit of 300 per cent. besides the assessment of excess area at full rates. The limit of enhancement to be 200 per cent. for substantial rents.

In proposing this rule for *bazyafitidars*, I gave it as my personal opinion that a settlement at half rates would be more equitable.

Working on this system I estimated that one Assistant Settlement Officer should be able to dispose of 8,000 or 10,000 plots in a month or 2,000 tenants at a cost of nearly 3 annas per acre.

445. During the rains of 1895 figures were tabulated and preliminary assessment reports written by Babu Sri Gopal Bhattacharjya in the Kapari, Adda, Tappa Parsand and Bhateswar sub-circles, and in the following cold weather the settlement of fair rents was begun by Babus Sri Gopal Bhattacharjya, Prasanna Kumar Banerji, Romesh Chandra Das and Girish Chandra Dutt,

They proposed rents in November and December to 13,805 tenants and the results were discussed by me in my letter No. 320 of the 10th January 1896 to the Director of Land Records and Agriculture.

The procedure adopted was based on Mr. Finucane's Note of the 14th December 1893, existing rents of tenants other than the privileged tenants being assumed to be fair, and the standard with which rents were to be compared being the "village rate" or the average incidence of rents paid by occupancy raiyats as found by dividing the total rent by the total area after exclusion of lands held rent free or at privileged rates.

Rents of all classes of tenants when found to be less than 90 per cent. of the product of the area held and the "village rate" were in general raised, some remission being allowed where cause was shown.

A compassionate reduction of one-third from the rent calculated at the village rate was suggested in the case of the privileged tenants.

Briefly the result of this experiment was to raise the nominal existing rental by a third, two-fifths of the increase being contributed by *bazyafitidars*. Occupancy raiyats' rents were in the aggregate raised by 10 per cent., no distinction being made between *thani* and *pahi*.

The bulk of the work, however, was done in tracts where in recent years there had been a large increase of cultivation very little of which had been assessed by zamindars. For this reason assets was raised by one-third a large proportion of the increase being derived from rents imposed upon excess areas.

446. Certain rules were framed by me and submitted with the report No. 320 already referred to. To discuss these rules I was summoned to Calcutta and returned with instructions to take charge of the whole of Orissa (Mr. Maude, the Settlement Officer of Cuttack and Puri having gone on leave). I was directed to start settlement of rents at once in all three districts.

In March Mr. Stevens, the Senior Member of the Board, Mr. Lyon, then officiating as director of Land Records, visited Orissa. They drew up the first set of detailed rules for the settlement of fair rents.

It was decided that:—

- (1) The rents of *pahi*, settled and occupancy raiyats and non-occupancy raiyats, were presumably fair and should not be interfered with except on the application of landlord and tenant.
- (2) That for difference of measurement an allowance of 10 per cent. of the former area should be made and any further excess found assessed at the village rate, i.e., at the average rate paid by cash-paying occupancy raiyats under the zamindar, as found by dividing the total recorded rental by the surveys * area of their holdings.
- (3) That, subject to a maximum enhancement of 100 per cent. the rents of *thani* raiyats should be proposed at a rate which was the mean of the village rate and of the average rate paid by *thani* raiyats; this rate to be called the *mean rate*, provided that the rent of no *thani* raiyat already greater than the product of the mean rate and the survey area or within 10 per cent. of such product should be altered.
- (4) That the rents of *bazyafidars* paying nominal full rates should ordinarily be raised by 50 per cent. or in special cases by 100 per cent., provided that the rent so settled should not exceed two-third of the product of the village rate and the cultivated area.
- (5) That the rent of *bazyafidars* holding at half-rates should ordinarily be enhanced by 200 per cent. and in special cases by 300 per cent., provided that the rent so settled should not exceed two-third of the product of the village rate and the cultivated area.
- (6) That lands in the possession of proprietors should be assessed at the village rate, a grace concession being made in all deserving cases.
- (7) That invalid grants made by the zamindars should not be resumed but assessed for revenue, leaving the zamindars to take steps for their assessment.
8. That where additional rents were taken on account of the cultivation of specially valuable crops, such additional amount should not be included in the fair rent settled, but separately entered as a temporary *de facto* payment.

Such were the lines on which the settlement of rents began in Orissa generally. They depended for their validity on the general presumption enunciated in Section 27 of the Bengal Tenancy Act that the rent payable for the time being by an occupancy raiyat is fair and equitable, and on the liability of tenants to pay additional rent for land held by them in excess of the area for which rent has been previously payable by them. (Section 52 of the Bengal Tenancy Act.)

For the rest it was expected that the tenants would accept the rents proposed, and that if they did not it could be proved that the enhancements were justified by the rise in prices.

The system did not pretend to perfection, and it was obvious that it would leave untouched many inequalities that under a more elaborate method, such as that tried by Mr. Nathan in Kotdes, would have been removed.

On the other hand it was very justly claimed for it that it was simple; that it involved the least possible disturbance of the *status quo*; that on the whole the existing *pahi* rents might rightly be assumed to be fair, and that the settled rents would consequently be fair also; that it avoided the great danger inseparable from all systems of soil mapping of inequalities in assessment due to the idiosyncrasies of individual officers; and lastly that it was open to any person dissatisfied with the rent proposed to apply for the settlement of a different rent and adduce formal evidence in support of his contentions.

*By survey area is meant the area of a holding as determined by the Survey Department.

447. Naturally the scheme provoked a good deal of criticism both from the District Officers and from some of the leading men of the native community, but they had nothing better to propose in its place and with some slight modification, the rules were accepted by the Local Government in their letter No. 400 T. R. of the 6th June 1896, and recommended to the approval of the Government of India in letter No. 766 T. R. of the 15th September 1896.

In a letter No. 4136-4010, dated the 3rd November 1896, * the Government of India suggested further consideration of some of the points raised in the correspondence, and these were accordingly discussed in a conference held at Cuttack on the 25th and 26th January 1897. His Honour the Lieutenant-Governor being in the Chair, and the Senior Member of the Board and the Director as well as all the local officers being present. †

Alterations were made in the rules with a view to ensure that unduly low rents should not escape enhancement. A modification originally proposed by Mr. Thomson in the rules for assessment of *thani* rents was accepted, i. e., it was decided that where the average incidence of the *thani* rents was higher than or within $12\frac{1}{2}$ per cent. of the village rate, *thani* rents in such village should be altered only for alteration in area or because some particular rent was exceptionally low, and where the difference came to more than $12\frac{1}{2}$ per cent. all *thani* rents should be raised by half the percentage.

It was also decided to discontinue the separation of the additional rent taken for specially valuable crops from the normal rent; and to record a specially high rent only in cases where it was justified by the quality of the soil. with these and a few other minor alterations the rules were again submitted by the Government of Bengal with their letter No. 238 T. R. of the 12th May 1897 to the Government of India.

Some exception was taken by the Government of India to the rules for the settlement of *pahi* and *thani* rents and further reports ‡ were called for from the local officers. On receipt of these reports § the Government of Bengal expressed themselves satisfied that the rents settled were not unduly low, and the rules eventually received the approval of the Secretary of State, communicated in his despatch ¶ No. 20 of the 3rd February 1898 and are printed as Appendix C to this report.

I shall now proceed to consider in detail the most important points in the rules and correspondence, especially the treatment of the several classes of tenants found in Orissa.

448. In settling rents the revenue officer was, under section 107 of the Bengal Tenancy Act, required to follow the procedure laid down in the Code of Civil Procedure for the trial of suits, subject only to such rules as the Local Government might make.

The rule framed in this behalf, Rule 24, Chapter VI of the rules framed under the Bengal Tenancy Act, runs as follows :—

“When (1) a landlords or tenant applies for the settlement of a fair rent, or (2) in any case in which a revenue officer engaged in the settlement of the land revenue proposes to alter an existing rent, notice shall be given in the following manner to persons interested :—

“(1) In the case of an application made by the landlord or tenant, notice shall be served on every person interested in the application, together with a copy of the application or extract therefrom or summary thereof so far as the application concerns such persons.

“ Board’s instruction under Rule 24 (1) :

“ If only one person is interested in the application a copy should be served on him, if more than one, an extract containing such particulars as concern him, should ordinarily be served on each persons. If a summary only is given, the revenue officer should satisfy himself that such summary contains all that it is material for the parties interested to be informed of.

“(2) In the case of a settlement of the land revenue, a copy of the proceedings prescribed in Rule 23 shall be served by proclamation and beat of drum, and by posting it in the

* Appendix A, No. 9.

† Appendix A, No. 10.

‡ Appendix A, No. 12.

§ Appendix A, Nos. 13 to 16.

¶ Appendix A, No. 17.

presence of not less than two persons in some conspicuous place in the village comprising the lands under settlement. Proof of service of such notice at least one week previous to the date fixed for settlement of fair rents shall be sufficient notice to all persons concerned."

The first preliminary then to settlement of rents was the preparation for each estate and tenure in the village of a schedule showing the name of each tenant, the area of his holding according to the survey papers, the rent paid, and the area for which it was being paid.

From these data the village rate and *thani* rate were extracted and the rents calculated and entered in the column for proposed rents.

Then having satisfied himself that the record was complete and that a month's notice had been given inviting parties to file applications for settlement, the Assistant settlement Officer fixed a date for proposal of rents and issued a notice accordingly. On such date he read out the proposed rent to the assembled villagers and after listening to their objections and making such modifications as he found necessary in his original proposals recorded the fact of their acceptance.

If any tenant whose rent it was proposed to alter was absent a notice was served upon him informing him of the amount of new rent and fixing a date for his appearance. Unless he made any objection the rent proposed was settled on such adjourned date.

In only a very few cases in the whole Province tenants refused to accept the rents ultimately proposed to them and in those instances evidence was recorded and a rent settled according to law.

The proceedings were closed by the record of a formal judgement recapitulating the general grounds on which rent had been altered and declaring the new rents entered in the schedule to be fair and equitable.

449. With the passing of Act III of 1898 a change was introduced.

Before beginning the settlement of rents the attested records were published in the village. Then the tenants were sent for and rents proposed and settled as before, but objections were now more summarily dealt with at this stage.

The rent roll or schedule of old and new rents was then published in the village and the tenant allowed a month in which to prefer objections. These being disposed of, the roll was submitted to the Settlement Officer for confirmation before the new rents were entered in the *khatians*.

The later system certainly entailed more work on the Settlement Officer, but it enabled him to exercise a far more effective supervision, and also gave the tenants a better chance of getting their objections properly disposed of.

450. It was for a long time uncertain whether Section 101 (2) (d) of the

Tenancy Act would apply before the date of expiry of the old Settlement, the wording used being "where a settlement of revenue is being made."

To clear up this doubt and also a difficulty as to the date from which the new rents should take effect, Act V of 1894 was passed.

This act corrected the wording of Section 101 (2) (d) to "where a settlement of revenue is to be or is being made," and further provided that the new rents should become payable from the date on which the new settlement of land revenue came into force.

451. It has been shown in paragraph 435 that in 1896 the state of the

records was such that in the whole of the District of Puri and in one-fourth of Cuttack, it was necessary to go over the whole attestation again, and as settlement of rents was also going on the question was raised how the two processes could be combined so as to economise time and power.

In Puri in the rains of 1896 the experiment was first tried of letting one officer revise and attest the record and then pass it on to another, who fixed the village rate, sent for the tenants, and proposed and settled rents.

The great impediment to any closer combination of the two processes was the sequence prescribed in the Government Rules under the Tenancy Act, which required that, attestation having been completed, at least a week's notice should be given of the date for settlement of rents and that a month's time should be

Combination of re-attestation with settlement of rents.

allowed to all parties to apply for settlement of rents; and to comply with this rule, and yet prevent too great a waste of time, the following procedure was suggested by Mr. Lyon and work out during my visits to the Puri and Khurda camps in October-November, 1896 *.

The preliminary attestation of the village being complete and objections disposed of, a schedule of existing areas and rents was drawn up, the village rate extracted, and the new rents calculated according to rule.

On the date fixed for attestation the new rents were also read out to the tenants and their acceptances, where given, recorded. They were then informed that on a date at least one week ahead the rents would be settled and a notice to that effect was published in the village.

On the date so fixed rents were again read out, the acceptances of former absentees recorded, and objections disposed of and the new rents entered as settled.

The records were however not published until the expiration of a month from the date on which they had been finally attested.

The great merit of this procedure was that it gave the tenants a whole week to think over the rents proposed to them and ensured nearly all objections being preferred before the record was published in the village.

After the passing of Act III (B. C.) of 1898 the reading out of the rents at the time of re-attestation was in many instances discontinued as causing delay in the publication of the record, and as being unnecessary in view of the subsequent publication in the village of the rent-roll.

452. It was at first assumed that, except in the villages requiring re-attestation, the records were sufficiently perfect to allow of rents being settled at once without further corrections. Accordingly, so far as possible, schedules were prepared at headquarters in the recess of 1896, and issued with the records to officers about to settle fair rents.

Experience however soon showed this to have been a great mistake. It answered fairly in the records attested in 1895 and 1896 but in the case of those attested in previous years the result was that numerous corrections had to be made in the schedules which were so cut about as to become almost illegible.

More and more liberty had to be allowed to officers to correct mistakes before beginning to settle rents and in the season of 1897-98 the general rule was to make an informal revision of the record explaining all *khatians* to the tenants before proposing rents.

The records were a good deal altered at this stage, but schedules were only allowed to be re-copied where this was absolutely necessary.

453. In paragraph 11 of his letter No. 455 of the 11th February 1896 with which he recommended for approval the experimental settlement of rents in Balasore, Mr. W. C. Macpherson, the Director of Land Records, suggested that unless the signatures of tenants were obtained they might hereafter deny having accepted the rents, and that the mere record of the fact of acceptance might not be held by the special judge to be sufficient, and he recommended a change in the law whereby a tenant should not be allowed to subsequently object to a rent unless he within a reasonable time filed a written objection before the Assistant Settlement Officer.

The Board however and the Government of Bengal held that there was no reason to apprehend that the special judges would not be satisfied with a note of acceptance and did not consider any change in the law to be necessary.

Some attempt was made when beginning work in 1896 to obtain the signatures of tenants in token of their acceptance of the settled rents, but the villager writes so extremely deliberately that the waste of time was prohibitive and all that was done was to record on the schedule opposite the tenant's name "Accepts", and later "Appears and accepts," together with the name of the substitute if the raiyat did not come himself.

Genuine acceptances in the early stages of the work were very difficult

* See Appendix C.

to get. Our rapid and somewhat summary method did not suit the slow understanding and love of detail of the Uriya and the *bazyafidars* in particular were not at that time convinced that their opposition to enhancement was hopeless.

In the end however every tenant was induced to give some sort of consent to the proceedings; and as the work went on and the people got more accustomed to our procedure and realised how easy our terms were and how little they gained by objecting, acceptances were obtained with no great difficulty.

Naturally it was not easy to get a man to definitely express his acquiescence in an enhancement even though he knew it to be fair and the Board of Revenue in their letter No. 486A dated 23rd April 1897, held that it was unreasonable to expect that every tenant who meant to accept would say so in so many words, and that regard should be had to the man's demeanour.

The number of appeals against fair rent decisions was very small and such as were brought were in contested cases in which the Assistant Settlement Officer had in the first instance recorded evidence.

The general opinion among the officers engaged in fair rent work appears to have been that the system of basing the settlement on acceptances was a mistake; that such acceptances might mean that the man really was willing to pay the rent proposed, or that he could not argue the matter with the Assistant Officer, or that he was really afraid lest he should draw down upon himself the anger of the all-powerful Government.

They would have had some system, such as that suggested by Mr. Macpherson in his letter of February 1896, whereby rents should be proposed to tenants and their objections listened to, but acceptances only taken in the case alterations; and that where such acceptance was not given the Assistant Settlement Officer should record the ground on which he made the alteration and settle the rent accordingly, leaving it to the tenant to put in a written petition to have such rent modified.

Practically this is very much what is done under section 104 A (1) (d) of Act III (B. C.) of 1898.

Rents in Orissa have, since that introduction of that Act, been proposed, and acceptances recorded, under section 104 A (1) (d), but where after allowing any reasonable concession the Assistant Settlement Officer has failed to obtain an acceptance he has under section 104 A (1) (d) retained or altered the rent, recording the grounds of alteration, if any and has left the tenant if still dissatisfied to put in a written objection under section 104 E, i.e., after draft publication of the rent-roll.

In the first code of rules it was provided that acceptances need only be recorded where rents were altered. Rents it was proposed to maintain were read out to the tenant and settled as fair unless a specific application for reduction or enhancement was made.

Subsequently, in accordance with the law, every rent was read out and settled whether alteration was made or not.

454. The present cultivators or raiyats of Orissa are generally divided into two classes: *Thani* meaning resident, and *Pahi* meaning non-resident. Of the latter Mr. Ricketts, the Collector of Balasore, wrote in answer to the question of the Board of Revenue in 1831:—

Pahee raiyats are those tilling land in villages in which they do not reside. The rates paid by them are, as before mentioned, lower than the *thanees* rates. *Pahee* raiyats are to be found whom for a lengthened period have tilled the same land *pahee* at one unvarying *jama*. But no length of possession is considered to give a right, and should any person propose to settle in the village and take as *thanees* the land held *pahee*, the *pahee* raiyat must give way."

The settlement of 1837 left their rights unchanged, except in the few Parganas in which *pattas* were given by Mr. Wilkinson and Mr. Hunter, and for the most part there was not even a record of the rents payable by individual raiyats. The grant *pattas* was definitely forbidden by paragraph 8, Government order No. 1199 of 22nd August 1837, and there after the aggregate rent payable for all the *pahi* land under cultivation was taken as the basis of assessment to revenue, and the raiyat left to make his own terms with the zamindar.

Act X of 1859 gave rights of occupancy to such raiyat: as had held the same land for 12 years, but the landlords continued to enhance rents periodically, though, except in Balasore, their power of ousting tenants without recourse to the Courts became much more limited.

The rights of *pahi* raiyats and their relations with their landlords are dealt with fully in another chapter,* here it must suffice to say that in the present proceedings the provisions of the Bengal Tenancy Act have been applied and they have been treated as having the rights of settled, or occupancy or non-occupancy raiyats under that Act.

It has been assumed that their rents are competition rents† and that they should not ordinarily be altered except for the assessment of excess area or because they were found to be lower by a third than the village rate, without any reason for the difference.

It may here be noted that the term *pahi* is applied only to raiyats paying directly to the zamindars or proprietary tenure-holders of the village, and not to tenants holding under the resident *lakhirajdars* and petty tenure-holders, who, by the custom of the country, were all regarded as "under raiyats" without rights.

On the whole, the enhancement of their rents has been as follows :—

		Former rent.	New Rent.	Percentage of enhancement.
		Rs.	Rs.	
Cuttak.	....	11,40,500	11,95,700	4.9
Puri....	....	2,38,500	2,52,500	5.9
Balasore.	....	6,04,600	6,59,400	8.4
Total.	....	19,83,600	21,07,600	6.2

These figures exclude the *pahi* lands included in mixed *thani-pahi* holdings, for which another Rs. 2,60,000 should be added. Adjusting the figures Mr. Kingsford found in Balasore that the total *pahi* enhancements were from Rs. 7,23,550 to Rs. 7,84,300 or 8.4 per cent., *i. e.*, the same as for pure *pahi*.

455. Under section 52 of the Bengal Tenancy Act VIII of 1885 every tenant was liable to pay additional rent for all land proved by measurement to be in excess of the area for which rent had been previously paid by him, and in determining the amount to be added to the rent the Court was to have regard to the rents payable by tenants of the same class for lands of a similar description and with similar advantages in the vicinity.

The area found by measurement appeared on the face of the record; the area for which rent had been previously paid was found in the zamindar's papers and attested. To the latter area in order to cover possible errors due to difference of measurement 10 per cent. was added and the amount so obtained deducted from the survey area; the remainder, if exceeding .4 of an acre, was assessed at the village rate, *i. e.*, an amount equal to the product of the remainder, and the village rate was proposed to the tenant as additional rent, but was in many cases reduced for specific reasons, *e.g.*, inferiority of soil. In a few cases it was raised on application of the landlord on the ground of special fertility of the soil.

This rule as to excess area was the subject of much discussion. It was on the one hand pointed out that in Wards' Estates it was the practice not to assess any excess amounts less than 20 per cent. on the former area, while on the other hand some of the local officers were in favour of only allowing one gunth in the *man*, *i. e.*, 4 per cent. as the margin of error in the case of *thani* and other holdings, known to have been accurately measured.

Eventually as a compromise Rule 10 of Appendix C was adopted providing :—

- (i) That 10 per cent. should be the normal allowance.
- (ii) That in special cases the allowance might on the application of the landlord and tenants be reduced to 4 per cent.
- (iii) That no excess of less than .04 of an acre should be assessed.

* Chapter XI, paragraph 324, &c.

† Settlement officer to Commissioner No. 2770, dated 31st December 1897, paragraph 19. Appendix A (13).

The only zamindars who moved in the matter were those of Utikan, who claimed to have the allowance for error reduced to 4 per cent. in the case of all tenants in their zamindari.

In Madhupur special arrangements were made and are described in the chapter* dealing with the settlement of that estate.

Ordinarily no attempt was made to identify the particular plot of land which constituted the excess, but the tenants often knew, and if it was inferior usually claimed and got a small reduction.

Where either the *khanapuri* was bad or the landlord's papers inaccurate, the tenants would in many cases deny the existence of any excess. If they did so they were on payment of annas 11 a day allowed the services of an *amin* to re-measure the land.

Sometimes it would be found that the measurement of the field was actually wrong and in that case the fee deposited for the enquiry was refunded; more often the tenant had had recorded in his name a bit of some one else's land, or of fallow which he did not want and gave up, but generally the survey papers were found to be practically correct, and the objection groundless, or due to an error in the zamindar's papers, or to a misunderstanding on the part of the raiyat.

The percentage of assessments on excess area varied very much from circle to circle and from district to district. The percentage was greatest in Balasore and least in Puri. It appears to me that the percentage of enhancement to a certain extent varies according to the quality of the *khanapuri* and attestation. In Balasore we worked on good *khanapuri* and well-attested records, great pains having been taken to record in the village, or at the camp close by, the area for which the tenant was paying rent. In Puri and parts of Cuttack this had not been done and in many cases the zamindars borrowed the areas contained in our records when they were called on to file rent-rolls at the re-attestation stage. At any rate in Balasore there was no re-attestation. Cuttack was partially re-attested and Puri entirely so. It must be added however that there is a larger area for extension of cultivation in Balasore than elsewhere.

The assessment of excess lands in Orissa has throughout been based on the rates generally payable for similar lands in the vicinity; the alternative of a proportionate increase on the existing rental provided by section 6 of Act III (B. C.) of 1898 has rarely been used, except in the case of homestead lands.

456. The rules as at first framed contained no provisions for the reduction of rents. This omission was subsequently rectified and it was provided :

Reduction of rent. That where a tenant's lands as found by measurement were less by 10 per cent. than the area for which he was paying rent, he should receive a reduction of his rent proportionate to the deminution in the area of his holdings. †

This was sufficient provision for cases of dispossession or diluvion, but tenants could also claim a reduction as of wright for deterioration of the soil of their holdings by deposit of sand or other specific cause. (Section 38, Act VIII of 1885.) Such cases were met with in Paraganas Kodinda, Olas, Saibir, Kalamatia of district Cuttack, and to some extent throughout the whole of the unprotected area. Purubduai and Oldhar in Puri had suffered especially great injury owing to the Adlabad breach in the Bhargabi river which it has been finally decided to leave open. Such cases as these had to be dealt with each on its own merits, and much was necessarily left to the discretion of the Circle Officers; but rules showing the general principle on which the reductions should be calculated were drawn up and issued early in 1897, and the case of Purubduai and Oldhar was specially reported to the Board.

As a rule in such cases soil maps showing the areas affected were prepared and the block rates ascertained, but instead of calculating the fair rents directly on such rates the decrease in the annual value was calculated for each holding and the amount deducted from the former rent. The rules are printed in Appendix C, Part VI.

A third case was where the existing rent was unduly high, but there was no specific ground on which the tenant could claim a reduction. Such rents were

* Paragraph 605.

† Appendix C, Part I.

occasionally found where petty landlords in a densely-populated area rack-rented their tenants, but as the Local Government had not thought fit to vest any of the officers engaged in settling rents with powers under section 112 (1) (b) of the Tenancy Act they were unable to redress the injustice and inequality complained of.

It is true that very high rents were the exception and not the rule, and that without soil maps or rates it would have been difficult to be certain which rents were too high, but I think it is a matter for grave regret that in a settlement where rents found to be obviously low were unhesitatingly enhanced, the Settlement Officer should have been powerless to reduce rent which he knew to be oppressively high.

The result of this inability to equalise rents has been to enable the landlord who rack-rents his tenants to make a double gain, firstly in that he extorts more from his tenantry, and secondly that, owing to the great increase in assets and for the security of the public revenue, it has been necessary to leave with him a larger share of his collections. It is my opinion however that cases of this nature are rare and officers entrusted with the power to reduce rents would very rarely have been called upon to exercise them.

457. The criterion by which the fairness of all rents in a village has, under the summary procedure adopted in Orissa, to be judged is the average "village rate" i.e., the average incidence of competition rents.

Village rate.

It was not at first at all clear how this village rate was to be found, what was the area on which the rent should be held to be payable, nor what classes of tenants should be excluded.

In the rules of the experimental assessment in Balasore it was, where possible, to be ascertained by dividing the sum of the attested rents of *pahi* raiyats and of the *thani-pahi* raiyats paying lump competition rents by the sum of the areas of their holdings as shown in the zamindar's papers.

However, after a full discussion at which the Senior Member of the Board, Mr. (now Sir) C.C. Stevens, and Messrs. Lyon, Thomson and myself were present, it was resolved that the village rate should be based on present survey areas,* and should be calculated by dividing the sum of the cash rents paid by the settled and occupancy *pahi* raiyats in each revenue-paying estate in the village by the sum of the present survey areas.

Before doing this it was the practice to deduct from both sides of the sum the areas and rents of lands growing special crops as well as those paying produce rents.

Further provision was made for special cases (*vide* Rule 5, Appendix C, Part I. and four alternative methods for ascertaining the village rate were prescribed :—

- (1) To take the average of the village rates of three or four adjacent villages.
- (2) To take the rate as deduced from the principal estates only of the village.
- (3) To make two rates for different parts of the village.
- (4) To neglect figures for estates in which there was obviously collusive and low record of rents.

The first provision was very frequently resorted to either where the *pahi* lands in the village were insufficient to form a safe basis for a rate, or where, owing to the very marked difference between the rate as deduced from the recorded rents of the village in question and those of the surrounding villages with similar advantages, there was reason to believe the rents to be incorrectly recorded.

(2) The second provision was used where, as was often the case, either owing to the inferiority of the soil or the absence of the proprietors, rents in the "*taksilalahida*" portions of a village were much below the general average.

(3) The third provision was very rarely used indeed, but was intended to provide for cases where there was a very well-defined distinction between *jala* and *pal* or rice and river side lands. It was based on the case of *mauza* Adda, Pargana Adda Rupiya, in Balasore, where there was one block of ordinary rice land and another of valuable *pal* lands paying widely different rates.

* Survey area means the area entered in the record prepared by the Survey Department.

In all cases such deviations from rule were subject to the approval of the Settlement Officer or his covenanted assistants in charge of districts, and were carefully supervised.

458. By the custom of the country the collectors of revenue under the Hindu, Moghul, and Mahratta *regime*, held in part payment for their services certain lands free of assessment. Proprietors' lands. In the case of the superior officers their lands were known as *khanabari* (homesteads) and *nankar* (bread giving) lands and in the case of the *muqaddams*, *sarbarahkars*, and other village headman as *watan* or *pitrali* (ancestral) or *heta* (i. e., *jagir*) lands.

It is not very clear what rights in these lands were recognised, but there can be no doubt but that the village headmen always claimed to retain their *pitrali* even on sale for arrears of revenue.

This right the British Government did not recognise, as will appear from the following quotation from a letter of the Sadar Board of Revenue, dated the 8th November 1805, addressed to the Collector of Cuttack, in connection with a proposal of the *padhans* of Lembai to make over the rights connected with the payment of revenue to one Nilmoni Choudhuri:—

"It must be explained to the *padhans* that their *nankar* lands in common with the other land will be considered as forming part of the security of Government for the public revenue, and that in case it is necessary to have recourse to an attachment or to a sale of lands such *nankar* property will be attached and sold."

At the last Settlement all such lands were nominally assessed at full rates under the designation of *khudkasht*, *nijjot*, or *khamar* except small areas of homestead (*khanabari*) lands exempted from assessment.

No right of occupancy was at that time recognised in any but *thani* raiyats, and act X of 1859, while extending rights of occupancy to all raiyats who had held the same land for 12 years, exempted from this rule *khamar* and *nijjot* lands let for a term or year by year. Practically down to 1894 the record of *nijjot* land was made in accordance with local custom and Act X of 1859, no distinction being observed between the lands of zamindars and those of proprietary tenure-holders.

The question what should and what should not be considered to be *nijjot* was answered in the Director's inspection note of February 1892 in which it is provided that:

"Under *nijjot* is to be entered—(1) land held as *nijjot* at the last Settlement cultivated by the proprietor or his assignee; (2) land shewn as *nijjot* at the last Settlement, if specifically let to raiyats as *nijjot*."

In this report on Kotdes Mr. Nathan (paragraph 20) pointed out that, differing from Section 6 of Act X 1859, Section 116 of the Bengal Tenancy Act protected only the private lands of the proprietors and not those of any class of tenure-holders, and suggested the necessity of special legislation. The Board considered this view of the law to be correct, but thought the matter too small for legislation, and Government agreed.

Chapter XI of the Tenancy Act has, however, not been extended to Orissa and the rights of *muqaddams*, *sarbarahkars* and other village tenure-holders have been scrupulously observed in preparing our record.

In the Attestation Rules of 1895 it was laid down as follows:—

"*Nijjot* lands are defined in section 120 of the Tenancy Act. This section has not been extended to Orissa where the question of *nijjot* is still governed by Section 6 of Act X of 1859, but the spirit of the Tenancy Act definition must be followed with the exception of clause (a) which prescribes that *nijjot* must have been cultivated by the proprietor for 12 continuous years before the passing of this Act."

"The real guide to whether land is *nijjot* or not will be the custom of the country by which *nijjot* is held to be the last settlement *nijjot* with the addition of such lands as the zamindar may have reclaimed from waste, either by his own plough or by letting in *bhagchas* to a raiyat and for which no cash rent has been paid. To this area must be applied the provision of Sections 6 and 7, Act X of 1859, i.e., land can only be protected against the accrual of occupancy rights where it has been let out on lease for a term or from year to year."

All lands in the immediate possession of the proprietor or sub-proprietor and cultivated by his servants and not recognised as *nijjot* have been recorded as *nij-chas*. By the custom of the country *nijjot* included also the lands cultivated by a tenant paying produce rents, but applying the provisions of the Tenancy

Act. Such tenants have in this settlement been classed as occupancy or non-occupancy raiyats.

In the Assessment Rules of 1896 it was proposed to value all these lands, *nijjot* and *nij-chas*, at the "village rate", but to allow the proprietors a deduction not exceeding 25 per cent. of the gross valuation on all lands *bona fide* cultivated by themselves or their servants and not obtained by improperly ousting raiyats.

This concession was based on the analogy of Rule 53 of the North-Western Provinces' Board's Rules; which allows a deduction of 25 per cent. on all 'sir' land actually and in good faith cultivated by the proprietors, or by hired labour at their expense, and the adoption of this rule was approved by the Local Government. *

The Government of India in their No. 4136, dated the 3rd November 1896, pointed out that a hard and fast rule such as that proposed might prove inconvenient and suggested that it would be sufficient to issue instructions to value *sir* lands leniently.

This suggestion was adopted and the final rule on the subject (†) runs thus:

"The Assistant Settlement Officer will make the normal valuation for *nijjot* and *nij-chas* at the village rate, should so far as possible, at the time of settling fair rents, assess *nijjot* and *nij-chas* lands at their actual valuation (letting value) rather than at average rates."

In making proposals for the assessment of revenue it was at first the practice to reduce the increase of revenue, in cases of apparent hardship, by allowing deduction from the valuation of the proprietor's lands, but Mr. Commissioner Cooke, in submitting for the orders of the Board of Revenue the settlement reports on 13 estates of Pargana Randia Orgara, expressed his disapproval of the under-valuation of *nij-chas* lands, and the Board of Revenue in their letter No. 21 A of the 18th January, 1898, accepted the Commissioner's views.

Thenceforward no reductions have been allowed in any valuations of *nijjot* or *nij-chas* except where the proprietors could show it to exceed the fair letting value of the land.

459. *Nijjot* lands are commonly sublet to tenants who usually pay half the produce as rent. A certain number of these tenants, though by no means all, have been recorded in our *khatians*, and their existing rents have been settled as fair and equitable, neither tenants nor land lords ever applying for alteration.

Nij-chas lands when leased out cease to be *nij-chas*, but by custom the zamindar may let them on produce rents without losing his right to immediate possession. In this settlement that custom has not been recognised and many fields claimed by the proprietors as *nij-chas* have been recorded as *raiya*ti.

On the other hand many fields actually let on produce rents are recorded as *nij-chas*, the tenants finding no place in our record and not claiming any.

460. By "special" crops are meant those crops for the cultivation of which an extra rent is paid in addition to that paid for the land when growing the staple crops of the Province.

Mr. Maude included under this head two crops only, the *Pan* or "piper betel", the leaves of which are used by the people to wrap round the preparation of the lime and betel-nut that they habitually chew, and sugarcane. To these I would add three more—tobacco, cotton and jute.

Pan is grown in raised gardens of from one-fiftieth to a quarter of an acre. At the last Settlement these gardens were assessed at Rs. 25 to Rs. 75 per acre, and though the life of a garden is only from 15 to 20 years, these high rates continued to be paid in some villages by the *thani* raiyats down to the present settlement.

Pahi tenants sometimes got leases for the term of life of a garden at a similarly high rate, but generally the rents were liable to revision annually

* Government to Board No. 400 T. R., dated the 6th June 1896.

† Rule 17, Appendix C.

According to the area of the garden found in their possession and to its condition, very young and very old gardens paying less than the full rates.

Sugarcane is grown on ordinary rice land, generally near the homestead. It is a very paying crop, but entails much labour for its cultivation and cannot be grown on the same land two years in succession. In some parts, but by no means in all, it was the practice to take an extra rent from *Pahi* raiyats when they grew it. Another feature of sugarcane cultivation was the practice of exchange of fields, locally known as *akhubadali*, whereby a tenant desirous of growing sugarcane but having no suitable land temporarily exchanged one field with a neighbour and grew the crop on that. Each continued to pay his ordinary rent, but the actual grower of the sugarcane made also an extra payment to the zamindar.

Cotton is on much the same footing with sugarcane, but more dependant on the fertility of the soil.

Tobacco, a more valuable crop than either, is entirely dependant on silt deposits for its growth, and the high and variable rents taken may be accounted for by the varying depth and quality of the silt deposited from year to year.

The four cases have these features in common that in all the rent is higher than that paid for similar lands growing other crops in the neighbourhood; and the rent is annually determined by the addition of a certain sum proportional to the area actually growing the crop to the ordinary or normal rent of the holdings. To some extent this additional rent was a tax on industry, but in the case of tobacco and cotton it was chiefly due to the special qualities of the soil and in a sense this appears to be the case with *pan* also, as only in a few villages can good leaves be produced. At first it was proposed in all these cases to arbitrarily ascertain the normal rent of the holding, recording the balance as a temporary payment terminable on ceasing to grow the special crop.

Exception to this rule was taken by Government* on the ground that it was opposed to the policy laid down in Lord William Bentinck's Minute of 1833 and that it must act as a check on industry and discourage cultivation of the more valuable crops. Two alternatives were suggested, the first that of settling as fair the whole rent actually paid, the second that of settling the normal rent only and treating all further collections as illegal *abwabs*.

The first alternative had the sanction of custom and of the practice in the last settlement, but was open to the objection that these rents could not in fact be always collected every year; the second proposal was in conformity with imperial policy, but it was in the first place very difficult to say how much of the extra rent should be treated as a tax on industry and moreover there was found to be no legal means of reducing the existing rent.

Eventually a compromise was effected and—

- (i) The rent actually paid was settled in full.
- (ii) If a custom of yearly alteration was found to exist, a note of the fact was made in the *khatian*.
- (iii) Where there was any fear that the whole amount could not be collected in full, or where the extra payments were considered not to be warranted by the fertility of the soil, only such amount was carried into the assests of the estate as the Settlement Officer considered should be demanded with reference to the capability of the land.

417. *Thani*† raiyats literally 'rai-yats of the place,' were those who had homes in the village.

Thani raiyat

They were in a manner proprietors of their holdings and from the earliest times had been protected against ejectment or enhancement of their rents beyond the recognised amount. To them in the last settlement leases‡ were given, showing the land held by them, the amount free of rent, and the rent payable on the balance. This rent was fixed for the term of settlement and had in most cases been unaltered up to the time when we began to settle rents.

In the present settlement, the *thani* right of every tenant who could prove that he held *thani* land by inheritance or purchase from the holders at the last settlement was recorded in the *khatians*, no attempt being made to identify

* Letter No. 400 T. R., dated 6th June 1896.

† See paragraph 319 *Supra*.

‡ *Kalipatta*, i. e., ink leases.