VOLUME 12

Settlement Reports 1890 – 1900 (II)

Maddox's Final Report on the Survey and Settlement of Orissa (Temporarily Settled Areas), 1890–1900, Vol. II

12

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These proposals, so far as they relate to the present assessment, are in substantial conformity with the proposals of paragraph 8 of your letter. As the normal share set forth in clause (1) is to await Sir Alexander Mackenzie's decision, care should be taken to let the people know that the point is not yet decided, and that the shares taken in the assessments that are now announced are in no way binding upon Government for the future.

VII—Patwaris and the record-of-rights.

20. The Government of India accept without hesitation Sir Alexander Mackenzie's conclusion that the Orissa patwari establishment should be improved, and the record-of-rights maintained by its agency.

The present proposals appear to the Government of India to be suitable. In some respects the establishments are stronger than those of the Central Provinces, the North-Western Provinces and the Punjab. But considering the enormous number of fields and tenancies in proportion to area in Bengal, it is probable that the patwari and kanungo agency is not at all too strong. Nor is the superior supervising staff stronger than will be required, at any rate till the work is thoroughly in train. But its members will correspond with the Revenue Deputy Collectors and Tahsildars of Northern India; and, at any rate after the first few years, will be able to do very much more than merely superintend the maintenance of the record. They will probably then be invested with both executive and judicial powers on the revenue side, and will be the Collector's righthand men in the general administration of the district. They would, among other things, eventually relieve him of all mutation work, which would be effected in the villages and in the patwari's papers, as in other provinces where a record is maintained. At least half the cost of these men will then be more properly debitable to general administration than to land-records, and this will reduce the annual cost of the establishment. With regard to the proposed rules I am to suggest that the patwaris like the kanungos should be divided into grades for each district, the number in each grade being fixed and promotions to vacancies being made by selection. Under the proposed rule (No. 13) there will be no inducement to good work after eight years' service. Such legislative proposals as may be necessary will of course be referred in due course to the Government of India, who agree that power should be taken to compel landlords and tenants to furnish full information regarding mutations, rents, and other matters connected with the revenue administration. It might also be well to provide for a legal presumption of truth being attached to the record; so soon as the Local Government declares by notification that it is satisfied that the record is maintained with sufficient accuracy to justify this course. The Government of India also agree with the Lieutenant-Governor that attestation of rent collections should form part of the duties of the patwaris

21. The incidence of the land-record cess will be for consideration. The present annual expenditure is estimated at Rs. 1,200,000, which interest at 4 per cent. on a lakh-and-a-half on initial expenditure will raise to Rs. 1,80,000; the 5 per cent. on assests referred to in paragraph 17 of this letter will apparently produce an annual income of something like two lakhs, and, taking the new assessment at 50 per cent. of the assets, will be represented by a cess of 10 per cent. on the revenue. In no other province does the maximum incidence of the cess exceed 7½ per cent. At the same time, till the experiment has been tried, it would be unsafe to conclude that the establishment now proposed will prove sufficient; and there will probably be miscellaneous items of expenditure that will be fairly chargeable against the cess, but which have not been included in the estimate. It will appear from paragraph 13 above that the addition of even a 10 per cent. cess will if the normal share proposed in paragraph 14 be accepted only raise the total demand on account of land-revenue and cesses to 63 and 68 per cent. in all, as against 64 to 69 in the Central Provinces and 60 to 65 in the North-Western Provinces.

VIII—Owner's rates.

22. The Government of India consent to the postponemsnt of the report; and indeed with a 20 years' settlement, and under the circumstances of irrigation in Orissa, the matter is of no great importance save in the permanently-settled estates; and in their case their is no urgency.

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Rents settled in Orissa (excluding Khurda) up to some date previous to 24th January, 1897

Serial No.	Class of tenant.	Number of holdings.	Area in acres.	Existing rent.	Settled rent.		Enhancement.		Remarks.
					Amount.	Rs. per acre.	Amount.	Percentage.	
1	2	3	4	5	6	7	8	9	10
				Rs.	Rs.		Rs.		
1	Tenureholders ...	5,868	11,871	) ,634	16,732	1·41	7,098	73	
2	Nisf Bazyaftah ...	43,048	52,956	18,572	55,030	1·04	36,458		*196 ?
3	Kamil Bazyaftah ...	11,535	13,795	9,200	15,068	1·09	5,868		
4	Thani ...	12,016	17,614	41,151	42,055	2·39	904	2	
5	Thani-Pahi ...	18,324	76,229	1,36,789	1,46,330	1·92	9,541	7	
6	Settled and occupancy ... } Pahi	1,56,918	2,15,853	4,49,458	4,77,695	2·21	28,237	6	
7	Non occupancy ... } Pahi	4,665	3,657	6,760	7,615	2·08	855	12	
8	Building sites ...	12,426	2,586	12,104	12,:53	4·77	249		
	Grand total of raiyats (Nos. 4 to 8) ...	2,04,349	3,16,916	6,49,805	6,86,941	2·17	37,136	6	
9	Tenancies not binding against Government (assessed to rent).	1,007	1,245	303	1,632	1·31	1,329	438	
10	Tenancies not binding against Government (assessed to revenue).	11,935	13,088	1,829	23,749	1·81	21,920	1,199	

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Serial No.	Class of tenant.	Number of holdings.	Area in acres.	Existing rent.	Settled rent.		Enhancement.		Remarks.
					Amount.	Rs. per acre.	Amount.	Percentage.	
1	2	3	4	5	6	7	8	9	10
				Rs.	Rs.		Rs.		
11	Sarkari jagir (probably Patwaris)	3,476	6,962	...	14,039	2·01	...	...	
12	Towfir	4,286	960	...	1.859	1·93	...	...	
13	Sir nij-jot and nij-chas	11,853	37,630	...	82.895	2·20	...	...	
14	Sairat	...	...	...	5,052	...	...	...	
	Total (1 to 14) ...	1297,466	446,561	7,52,763	9,00,411	2·01	1,47.648	19	
					CORRECT TOTALS.				
Total of Nos.	1 to 3	60,451	78,622	37,406	86.830	1·10	49,424	132	
Do.	4 to 8	204,349	315,939	6.46,262	6,86,048	2·17	39,786	6	
Do.	9 and 10	12,942	14,333	2,132	25,381	1·77	23,249	1,090	
Do.	11 to 14	19,615	45,552	...	1,03,845	2·28	...	...	
Do.	1 to 14	297,357	454,446	6,85,800	9,02,104	1·99	...	...	

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No. 13.

No. 2776, dated Cuttack, the 31st December 1897.

From—S. L. MADDOX, ESQ., Settlement Officer, Orissa Division,

To—The Commissioner of the Orissa Division.

In accordance with the orders of the Director of the Department of Land Records and Agriculture, Bengal, in his No. 2645 S. of 15th November 1897, enclosing Government of India No. 2397—192-2 of 13th October 1897, and Government of Bengal No. 969-T.R. of 6th November 1897, I have the honour to submit to you the following report.

2. A complete revision and recalculation of returns of work has now been made. In the appendices to this letter I give figures showing particulars regarding rents, &c., for each class of tenancy for each district and for the province as follows :—

Statements (A, A_1, A_2, A_3, A_4). A and A_1, for the province and A_2, A_3, A_4, for each district—

(*a*) From the beginning of the work till the end of September 1896.

(*b*) From 1st October 1896 to 31st January 1897.

(*c*) A total of (*a*) and (*b*).

(*d*) From 1st February 1897 to the end of September 1897.

(*e*) For 1896-97, i.e., total of (*b*) and (*d*).

(*f*) For 1895, 1896, 1897, i.e., totals of (*a*) and (*e*).

Statement B gives comparative figures for incidences of *thani* and *pahi* rents.

Statements C (*a*), (*b*), (*c*), (*d*), (*e*) give figures showing increase of revenue and effect on proprietors' incomes in the estate dealt with by the Commissioner up to 1st November 1896-97. The estates are grouped according to the amount of the new revenue

3. I propose at the outset to give a brief outline of the different subjects dealt with in this report.

The six parts of the report treat of the following subjects :—

I. *Thani raiyats—Government of India letter, paragraph* 3.—*Thani* rents were generally fixed so high at the last settlement that even now they are higher than raiyats are paying for lands the rents of which have been fixed by competition. In order to prove this I shall have to set forth at some length the principles formulated for the settlement of the rents of *thani* raiyats at the last settlement, to consider the rents paid before that date, and to trace the history of prices through the period of the current settlement.

II. *Pahi raiyats—Governmet of India letter paragraph* 2—In my opinion *pahi* rents are, so far as may be in Orissa competition rents, and they have not run unchanged for 60 years or more.

III. *Settlement of Rents—Government of India letter, paragraphs* 2, 3, 8, 9.—An enquiry is made into existing *thani* and *pahi* rents. By comparative figures it is shown that the rents of both classes as now settled are as high as they can afford to pay.

IV. *Government of India letter, paragraph* 2.—The probable effect of the introduction of a railway in Orissa is discussed.

V. *Explanations.*—Explanations are submitted on various points not explained in the previous parts.

VI. *The pitch of the assessment—Government of India letter, paragraphs* 15, 16, 17, 18, 19.—The effect of the assessment on the incomes of the zamindars is explained by an analysis of the fair rent settlement work.

VII. *Government of India letter, paragraph* 12, *&c.*—The normal Government share of the assets.

I—THANI RAIYATS.

4. *Government of India letter, paragraph* 3.—In this part I shall endeavour to show that the rents of *thani* lands were fixed too high at the last settlement, and shall first set forth the principles then laid down for the assessment of tenancies.

Mr. Commissioner Ricketts' No. 1435 of 23rd September 1836 gives the principles on which he desired that the settlement of rents should be conducted :—

"I desire that actual payments should be the basis of assessment in Cuttack, to be altered only when the rate paid by the individual raiyats may appear to be lower than is paid by others from favour, caprice or other unsuitable cause satisfactorily demonstrable."

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In this letter he deprecates an attempt to make all lands of equal capabilities pay the same rent. He states that in every village thani raiyats are paying different rates for lands in every respect the same.

In maintaining rates, he says it is poverty as much as idleness we have to contend with—

"A man who has not bullocks of his own cannot pay as much for land as one who has. A man compelled to borrow his seed cannot afford to pay as much as he who has seed of his own. A man with four children under seven years old cannot pay as much as one with four between seven and twelve.....I would..... maintain the unequal assessment, unequal only, it is to be observed, with reference to the natural powers of the soil but equal and suitable with reference to all the countless agents in motion more or less directly or indirectly affecting the means by which these powers are to be developed, or the inequality would not have had existence."

In paragraph 30, however, he adds :—

"If it be proved that the old raiyats, the *kudimi* raiyats of Cuttack, can no longer pay the assessment imposed upon them, of course reduction must be resorted to. There is no help for it but that of which we relieve them must not be imposed on those reduce, to pauperism and already staggering under their load. Then utter ruin and disappointment in the settlement ensue, and I maintain the rates which have been paid for a course of years should not be reduced without undeniable evidence of the necessity, and then a return eventually to the old rates should, if possible, be provided for. I see no objection whatever to the issue of *pattas* to those who are ready to engage for the land they occupy at the full rate (by the full rate I mean the highest rate that such land for a series of years has paid).....

In paragraph 36 it is stated that the cultivators of lakhiraj lands pay less than cultivators of *khalisha* lands, much less, often 50 per cent. less, the natural powers of the land being the same. Mr. Ricketts explain this as follows :—

"Mr. Wilkinson also mentions the difficulty which will arise in classing lakhiraj lands, if productive powers of soil only are not to be assumed as the basis of settlement, and says if the present payment be taken as the basis of their assessment, the jama will be too low. Uuwillingly he has produced a very strong argument in favour of my plans and against his. The assessment of the lakhiraj lands is too low, he says ; too low with reference to what ? Does not the lakhirajdar get all he can ? To all intents and purposes the land of a lakhirajdar is his own property over which he has entire control ; he can dispose of it as he pleases ; it is not for an instant to be credited that he does not let it for all he can get. It is true that the cultivators of lakhiraj lands pay less than cultivators of *khalisha* lands, much less, often 50 per cent less, the natural powers of the land being the same ; and why ; Mr. Mills would tell us that the zamindar is so highly taxed, he cannot afford to let his land at a low rate, while the lakhirajdar paying no tax he can. But what is that to the cultivator ? He is not obliged to cultivate the taxed land ; the zamindar cannot prevent his giving up high rated *khalisha* land, and taking the low-rated lakhiraj land from the lakhirajdar, if he pleases."

Paragraph 42—Sir Thomas Munro is thus quoted :—

"If two adjoining fields of the same quality in respect of soil are held, the one by a poor and the other by a substantial raiyat, you will not enter them in the same class, but you will place the field of the poor raiyat in such lower one as its unimproved estate may render necessary."

In paragraphs 52 and 53 the dangers of a settlement based on classification of lands are set forth, and in paragraph 54 the principles upon which the settlement should be made are recapitulated—

"I propose to continue classification, capabilities of the land to be taken into consideration in forming the assessment, but actual payments and the conditions of the raiyats to be considered also; no raiyat paying more than the classification would subject him to, to be entitled to a decrease without undeniable evidence of his jama having been enhanced by unfair and unsuitable means, and in the same manner no raiyat's jama to be increased without his light assessment shall be clearly proved to have been the effect of favour or some cause equally unsuitable. On no account, as a rule, is the sum reduced on the assessment of those paying high rates, to be added to the *jama* of those paying low, and no *pattas* to be granted to those who do not pay, and will not agree to pay, immediately or within a few years, should there appear good cause for the indulgence of a *rasadi* or gradually increasing *jama*, the full *jama* which was paid from 1230 to 1238."

'The orders of the Board are found in Board's No. 15 of 30th October 1836. They advert to Mr. Mills' and Mr. Repton's remarks that *thani* raiyats pay *unusully* high rents because they cultivate *lakhiraj* lands at low rates.

"All the *thani* raiyats are much overassessed, and are only able to pay their rent by cultivating lakhiraj lands at an extremely low jama.

"The Board agree with Mr. Ricketts in placing the principles of the assessment in the ascertainment of the rent actually received by the proprietors from his several tenants, where that rent is not influenced by any improper motive or caprice or collusion, lowering the rate, and thus depriving Government of its just due or where, as in the case of lakhiraj lands at the low rates, the rate has not been made fictitiously high by the operation of a cause not of an abiding nature.

"But in the opinion of the Board, Mr. Ricketts speaks too much of the rate of rent actually paid as if it were something tangible and susceptible of direct proof, while on the contrary, it is, in fact, the only real difficult point in making the assessment, in the ascertainment of which, to prevent the frauds and collusions which it is the interest of every one excepting the settling officer himself to prepetrate, it is undeniably necessary that the settling officer must resort to all the tests advocated by Mr. Wilkinson and the other local officers and in doing which, in the opinion of the Board, each settling officer should be left unrestricted.

"Thus it is necessary for the settling officer to collect the following heads of information :—

1st.—The very best information he can obtain by every available means, such as patwaris, village accounts, etc., to ascertain what is the rent actually received by every proprietor from every tenant in his village.

2nd.—A classification of the several descriptions of soils and their respective rates of rent, with reference te their produce and situation on an average of years.

3rd.—Enquiries into and comparison of the rates of land of the same quality in adjacent places and villages to a greater or less extent as his judgment or opportunities lead him to make.

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"Having obtained all these data he then proceeds to determine to the best of his power what is the rent actually paid upon a consideration of the whole evidence before him; and when he finds special cases in which in reference to these data the rate said to have been actually paid is irregular high or low, he makes particular enquiries into causes of it, and then upholds the alleged rate of rent or increases or reduces it, as in his judgment appears right and equitable.

"The Board have reason to believe if the proposition to investigate every claim to hold land free of assessment be decided as a part of the approaching settlement of the province that one very great cause of the reason of over-assessment in the case of the *thani* raiyats will be met and provided for, that is, in all those cases the settling officers, acting with every due caution not to sacrifice the interests of Government unnecessarily, will reduce the excessive rent paid by those *thani* raiyats, who have only continued to pay the same from their deriving high profits from their tenures of lakhiraj lands, while the settling officers will find an equivalent infinitely more than a counterpoise to the reduction in the accession of revenue from lands now declared for the first time liable to assessment."

5. I have set forth at great length the principles on which rents were ordered to be fixed. We may now turn to Mr. Sterling's minute as describing the condition of *thani* tenants in 1821—

"The best lands of each village have been for ages divided out in fixed portions amongst the *thani* or *sthani* raiyats. They are in many parts bound to pay the rents of this portion annually, whether they cultivate the whole of it or not.

"As the *pahi* cultivates at his pleasure, and feels little reluctance in removing from a spot where he has taken up a merely temporary abode, he, of course, makes his own terms with the makuddum or talukdar and pays a far lower rate than the tenant attached permanently to the soil. The difference between the *nirkh pahi* and *nirkh thani* in the favour of the former is too well-known in this district. Besides the heavy regular rate charged on the *thani*, all impositions, contributions and extra collections on account of *abrajat* are loaded upon him as he can bear ther tsem. The Government increase, for instance, since 1216 Umli is often levied from the resident cultivators in the shape of *rugumar muthote* so much in the rupee, called *ijafok sircar*. The *sewai* collections made from the *pahi* are in general of trifling amount and such as are admitted to be justify demandable. It naturally becomes a question what are the advantages of the thani to compensate for the heavy burdens and impositions to which he is exposed? In the first place there is the general one of having a home of his own, where his ancestors have dwelt in all ages, of sitting under the shade of the trees which they planted and of bestowing his labours on lands which may in one sense be called his own, rooted to the soil he has a local habitation and a name, a character known to his neighbours, and a certain degree of credit thence resulting which enables him to borrow from the mahajan, and secures to him a settled market for the disposal of his produce. Then, again, he is exempt from demand of *chandina* or house rent and is allowed besides a small portion of rent-free *khanabari* land around his habitation as garden ground, where the trees which he plants, are his own, though liable probably to be cut down or attached in payment of arrears; also a spot called *talmoonda* to drop the rice seed into previous to transplanting. A preference is given to him in cultivating the lands of the village lakhirajdars, when they do not themselves handle the plough, and his sons and brethren, even himself, may cultivate untenanted land as *pahis* in their own or another village."

6. I could give many instances from the *ruidads* (completion reports of the last Settlement) to show that the officers settling rents regarded the assessments of *thani* raiyats as excessive. We are told in taluq Kaida, Balasore, that the rents of *thani* lands could only be paid by the raiyats out of their profits from manufacture of salt and labour as coolies in Charaman port. We learn that in Chandkilat, district Cuttack, *thani* rents were reduced from an incidence of Rs. 5-4 to Rs. 4 per acre, and in Kuhunda Jaipur *thani* rents were reduced from Rs 6,544 to Rs. 5,034. I have lately examined the assets of some estates in the Puri district, and I find heavy reductions were made at the last settlement, the assets having been raised to an unpayable pitch by the short settlements (1805—37) which preceded it. The *ruidads* explain that no previous local enquiry had been held. Notwithstanding occasional reductions high rents were generally retained.

7. IN 1847 Mr. Mills described the condition of the *thani* raiyats:—

"There was no difficulty in ascertaining the actual rent paid by the *thanis*, as it was notorious that they were almost invariably assessed at a rate infinitely higher than the produce of their lands or other concomitant advantages of residence could enable them to pay."

I am aware that the Board and the Government of Bengal (No. 1199 of 22nd August 1837) did not accept the fact of the overassessment.

Paragraph 3 of No. 1199 runs thus:—

"His Lordship concurs with Mr. Halliday in thinking that the extreme over-assessment of the *thani* raiyats has been too hastily assumed. Mr. Sterling's assertion, indeed, that their rents 'apparently absorb the whole produce' involves an impossibility, and it is not to be believed that whatever the attachment of the class to the fields which they and their forefathers have cultivated, it could not hold out for any length of time under the pressure of rents so high as to rob the *thani* raiyats of their fair returns, whilst they see *pahi* cultivators occupying land on every side of them on far more moderate terms and know that the need only migrate to a neighbouring mahal (if indeed they could not obtain *pahi* lands by the simple process of abandoning their *thani* privileges in their own village), to be placed on an equal footing. *The simple fact appears to be that the privileges enjoyed by the thani raiyats taken altogether are sufficient to make it worth while to pay the higher rates of rent which is found to be assessed upon the lands which they cultivate.*"

8. I also quote Board's proceedings of the 12th January 1838 recorded by Mr. Lewis "Reviser and Reporter of Settlement":—

"There is a point noticed in the Commissioner's report upon this settlement which may be familiar to those accustomed to the local peculiarities of the province, but which is novel to me. It appears to me erroneous in principle, and I therefore hold that it cannot be altogether unanimous in practice. I allude to those passages of the report in which it is asserted that the assessment laid upon *khalsa land* (meaning *thani* lands) need not in any degree depend upon their productiveness, but that the rate should be arbitrary *quoad*

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the productiveness of the said lands, depending, it would appear, upon the power possessed by the raiyat of cultivating certain lakhiraj lands at a very low rate. Now, admitting the principle that a thing is worth just as much as it will fetch in the market, it is still a misnomer to call an arrangement made as described a settlement of these particular *khalsa* lands, because such a settlement depends principally for its permanence upon the produce of what forms no part of the lands said to be settled; there is something else, although not expressed certainly understood. The real basis of the settlement is therefore not what it appears to be, and besides the *khalsa* lands exhibited on the several statements, there must be a supplementary quantity of land held by them at a mere quit-rent to enable the raiyats of these *khalsa* lands to discharge their engagements for a single season.

"What local peculiarities impede in the Cuttack Province the natural and wholeomle competition which elsewhere causes land of the same quality to yield the same rents I do not know, but the very circumstance of the help afforded by the cultivation of lakhiraj land in discharging the rent assessed upon the *khalsa* indicates certainly that agriculture is there in an unnatural condition, and although, as Mr. Ricketts observes, there are numerous advantages in tilling the land still forming part of the original village and disadvantages attending the cultivation of the detached lands, which could be removed only by an operation not now practicable, yet still the advantages cannot be of such a nature as to trench upon the real remuneration which the cultivation of the lands in question yields, else the surplus profit from the one could not help to pay the surcharge upon the other, and the only conclusion we can come to is that the possession of *khalsa* land gives a power of obtaining certain other lands at a rate far below their natural rate, and that for this undefined privilege the raiyats are content to pay a fair price under the denomination of rent for their *khalsa* lands.

"There is always safety in calling things by their right names and something of danger in the reverse, and in the present instance where a settlement for a long period of years is under consideration the laxity which has struck me, if left unnoticed, might produce mischievous results. Let us suppose a case in which a *thani* raiyat holds 50 bighas for which he has engaged to pay Rs. 5 per bigha ; but who has done this, not because the land can yield such a rent, but because, as a *thani* raiyat of a particular village, he can, from some unexplained peculiarity, procure 50 other bighas of lakhiraj land at one rupee per bigha. He thus has 100 bighas at the average rate of 3 rupees. But we have a settlement reported at the rate of 5 rupees, the supplementary assets being kept out of sight, and we pretend to judge of the pressure of the assessment, therefore, without accurate information of its true basis and in ignorance of the principal element of that which is to sustain it."

"I am not, however, prepared to run counter to the experience of so excellent an authority as Mr. Ricketts ; and besides I have no doubt that the possession of these *khalsa* lands is at *present* worth to the *thani* quite as much as they are willing to give for them ; but I am satisfied a system so artificial and contrary to sound principle could not exist except under very peculiar circumstances ; these circumstances will most certainly change before the lapse of another quarter of a century : the real and true basis of these settlements will therefore have altered, and the settlements themselves will probably require modification.

"I am the more anxious to direct attention to this point because I think upon the whole that the advantages to the agricultural community, from the settlement of the Government demand for a fixed period will more than counterbalance the risk run from the cases stated above, if the attention of the Revenue authorities be carefully directed to the alteration which will probably take place in the condition of the lakhiraj lands before the period of the settlement expires. The settlement should, therefore, be confirmed, but, with this understanding on the part of the Government officers, that if, in the progress of events, the lakhiraj lands become more valuable to their owners and left entirely at the disposal of those *khalsa* raiyats the pressure of the assessment upon these last is to be immediately examined into and, if necessary, lightened, one of those sources which now enables them to pay their revenue being, as we have supposed dried up."

9. It appears from the principles laid down for assessment that the relief which they could afford to the *thani* raiyats was insufficient. Actual examination of our papers proves this. *Thani*, as pure *thani*, survives in only 11, 191 out of 49,046 acres, for which I am now able to give complete figures. In some cases at the last settlement a new assessment of the *thani* lands was made, e.g.—

"The Deputy Collector has fixed rates for each description of land according to its quality, which is the method adopted by him in all his settlements. Half of what he thought a bigha of the best land would yield has been assessed by him as the Government share from which, however, he has made deduction in favour of the raiyats as a protection against risks of season, *leaving generally a sum varying from ¼ to ½ of the gross produce to be considered as rent.* The rate for the best land being in this way determined, a graduated scale of lower rates with reference to the inferior qualities of the other lands was then fixed."

10. Mr. Mc Pherson thus sums up the results :—

"We find that the settled *thani* rents absorbed from ¼ to ⅓ gross produce of the land that they had formerly been still higher, and that even after they had been settled, and before the zamindar had been called upon to execute his kabuliyat, *thani* raiyats were abandoning their lands."

Mr. Nathan in his report on Kotdesh, has made many enquiries regarding prices. Mr. Toynbee's History shows that from 1811 to 1817 the price of paddy averaged 100 seers to the rupee. Mr. H. Mc Pherson has made for me a summary of the evidence of prices, derived from Mr. Nathan's notes and other sources—

"From 1817 to 1836 no very exact information is procurable, but some notion may be gathered of the fluctuations in price from paragraph 7 of Mr. Commissioner Stockwell's letter to the Sadar Board of 20th January 1831 (*vide* page LXXXVII of Mr. Toynbee's History). His object is to show the danger to which a settlement based on the conversion of grain into money rents is exposed. The fall in prices which followed Mr. Wilkinson's settlement of Delang and the revision of Majnamutha assessment is referred to, and the Commissioner goes on to observe as follows :—'But no such annual adjustment (i.e., of rents to prices) can be made and the only precaution that can be taken is that of not overestimating the quantum of produce, nor assuming too high a price as an average, errors in which are not improbable as no correct prices-current are obtainable for any series of time, and if they were not always sure guides. How different would the average be in and around Cuttack from 1818 to 1828 when so many troops were employed to what it will be from 1828 to 1838, supposing only the single battalion now cantoned there to remain. So long as circumstances of this nature influence prices (setting aside variation in productiveness) settlements for long leases on fixed money rents will be precarious. This seems to indicate that from 1818 to 1828 there was a rise in

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prices to a higher level than that found to exist from 1811 to 1817, followed by a fall after 1828, probably to a lower level than before. In 1836 according to the papers of the Uriya *math* 226 seers were sold for a rupee, and this probably was the lowest point reached in the course of the descent. There is a sharp rise again in 1837 to 126 seers to the rupee, and high prices prevailed from 1837 to 1842, after which year again there is a sudden drop to an average of 30½ seers to the rupee.

Mr. Nathan gives the following statement of averages :—

1836 to 1845	219·3	
1836 to 1842	167·3	
1843 to 1852	287·4	
1853 to 1862	189·8	
1863 to 1872	94·1	(includes 1866 48·1 and 1867 41·8)
1873 to 1882	86·5	
1883 to 1892	65·6	

and this may be supplemented with 1887 to 1896—56.8.

The lowest point reached was in 1845 when the average price appears to above fallen to 360 seers to the rupee. If rents were calculated at anything like ½ or ¼ of the gross produce on the prices of the decennial period 1836 to 1842 (when most settlements were undertaken and concluded), it is obvious what hardship must have been undergone by *thani* raiyats during the following decennial period 1843 to 1852. It must have been absolutely impossible for them to pay their rents. Mr. Nathan estimates the yield of first class saradh in Kotdesh paying Rs. 3 an acre at 2½ bharans (1 bharan=80 gounies each, 1 gouni=3½ Cuttack seers, or 4·6 standard seers); or 920 seers. At the time of settlement Rs. 3 would represent 502 seers (3×167·3), that is slightly over one-half of the estimated produce. From 1843 to 1852 it would represented 862 seers (3× 287·4), that is, it would almost absorb the whole produce In 1845, Rs.3 represented (3×360) 1,080 seers or 160 seers in excess of the crop. Some of the best paddy land in Kotdesh was assessed as high as Rs. 6 per acre. In the decennial period 1843—1852, this would have absorbed the whole produce of land yielding a crop of 4½ bharans. Whether land was more productive 50 years ago is a question about which there may be doubt, but I have certainly not yet met with land which now-a-days produces as much as 4½ bharans even in the most favourable seasons."

11. The conclusions to which Mr. Nathan came after most careful enquiry in Kotdesh pargana may here be quoted :—

"With regard to the charges in the price of paddy which have occurred from the date of the institution of the settlement up to the present time, I have examined the landlords, tenure-holders, and raiyats of over 70 villages. The answers I have received were often vague and contradictory, butsifting the wheat from the chaff, I have, by comparing the evidence of a large number of witnesses, arrived at the following conclusions. At the very time of the introduction of the settlement, prices were greatly above the normal level, the period being one of scarcity, and still vividly remembered by the older raiyats. Immediately that this scarcity came to an end, there was a great fall in prices, and they reached the lowest level of a bharan to 100 gounies per rupee. I have sought in vain for a satisfactory explanation of this phenomenon. As far, however, as I can determine the level to which prices fell was a lower one than had been current before the scarcity that marked the begining of the settlement. In several villages I have found that *thani* raiyats lost their rights shortly after the settlement began, and the explanation given to me has always been that the great fall in prices made it difficult for the raiyats to pay the money rents fixed for their lands. A circumstance leading to confirm this idea is that not long after the settlement came into force Government passed an order forbidding *thani* raiyats to relinquish their lands. This order was passed on the complaint of the mokuddams, zamindars and others that the *thani* raiyats finding it difficult to pay their rent were relinquishing their lands, and that the Government revenue could not be collected."

The rise in prices is now easing the burden, and during the past few years transfer of *thani* lands on account of difficulty in payment of rent is more rare.

12. To sum up. Where existing *thani* rents were retained at the last settlement, they were found to be higher than the *thani* raiyat could pay, but the payment was made easier by—

(1) Cultivation of lakhiraj lands on easy terms.

(2) Cultivation of *pahi* lands on easy terms.

(3) Wages or profits of industries other than agriculture.

Where *thani* rents were readjusted at the last settlement, they were fixed with regard to the gross produce in the land, in some cases at one-half to one-third of its value.

II.—PAHI RAIYATS

13, *Government of India letter paragraph* 2.—I propose in this part to show the position *pahi* raiyat at the last settlement, and trace the development of the *pahi* rent as a competition report :

"The Government of India understand that even those (*pahi*) rents are not strictly competition rents. Many of them have run for 60 years or more ... ."

I am not aware from what source the Government of India have derived their information as to the nature of the *pahi* rent. The rent of the *pahi* raiyat is governed by competition so far as may be in Orissa, *i. e.*, the competition is only limited by the difficulty of landlord may have in either raising the rent or in getting rid of his tenant. a difficulty which has increased since the passing of Act X of 1859. It is also limited in the rare cases of the surviving *pahi pattas* granted before Government orders of 1837, see paragraph 15. The

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only "strictly competition rents" which I have found in Orissa are (excluding the rents of under-raiyats) the rents paid for the cultivation of landlord's "sir" or "nij-jote" or short term leases of roadside lands granted by the Public Works Department and Jagarnath Road Fund.

The province, as the Government of India observe, is a backward one, and for that reason rents appear to be governed by competition, more perhaps than in many other parts of India where rights of occupancy are more firmly established.

The *pahi* raiyat at the last settlement was a mere tenant-at-will. He cultivated inferior lands and generally paid low rates in consideration of the insecurity of the tenure.

14. To show the position of the *pahi* raiyat, I give the following extracts from the enclosures to Mr. Ravenshaw's No. 946A. of 23rd September 1875 regarding *pahi* raiyats :—

"*Cuttack report.*—As to their being mere tenants-at-will having no right of occupancy, I would beg to say that section 6 of Act X of 1859 has invested them with this right, and in many a case of enhancement or ouster, the revenue courts have bestowed upon them this boon whenever it was proved that they cultivated or held land for a period of twelve years; in this right, therefore, there is no distinction between a *thani* and *Pahi* raiyat.

"*Balasore report*—Mr. Mills, Commissioner, states that at the settlement the *thani* rates were lowered but even then the *pahi* rates, which were supposed to be the market rates, were fixed on the average at 4 annas in the rupee below the *thani* rates. Since that time the pressure of increasing population has made land more sought after and raised very considerably the rates for *pahi* land, so that the position of the *thani* raiyat, with his fixed rates, has gone on improving relatively to that of the *pahi* raiyat, and his *thani* patta has become a marketable article. In a number of Act X cases recently decided, in which the raiyats of several villages were at variance with the zamindar about the rates for *pahi* land, both parties agreed to accept an increase of 5 annas per bigha as an equivalent for the informal and sometimes irregular rise in rents which had taken place since the settlement. This represents an average increase on the *pahi* rental of 15 to 25 per cent.

Puri report.—On the other hand, as the *pahi* raiyats were lightly assessed, they had none of the privileges enjoyed by the *thani*. They had no voice in the distributiou of land, but had to content themselves with what they could get. The rent-free holders could not trust them with the management of their lands; they could not participate in the enjoyment of the common rights of the community of the village where they did not reside; they had no rent-free homestead land and the occupancy of their lands depended on the pleasure of the village community, who could oust them at any time if any of them required to take possession of their lands, and worse than all, had no credit with the village banker or grain dealer, and had to borrow rice or money on condition of paying interest at higher rate."

"*Pahi* raiyats, without rights of occupancy, are merely tenants-at-will. They cannot remain in possession of their land unless they agree to the terms of their landlord (section 8, Act X of 1859), their tenures are not of course heritable, transferable, or devisible and the rent payable by them is liable to enhancement at the pleasure of their landlord."

15. Paragraph 8 of No. 1199 of 22nd August 1837 from the Secretary, Government of Bengal, to the Officiating Additional Secretary, Sadar Board of Revenue, runs as follows :—

"Pattas should never be given by the assessing officer to *pahi* cultivators; such a proceeding necessarily creates a false and mischievous impression of right of occupancy, and it is clearly at variance with the tenor of paragraph 2 of the letter of the Secretary of the Sadar Board of Revenue at Allahabad, dated the 8th of March, and appended to the Board's Circular of the 12th of November 1833."

It appears, however, that in a few parganas assessed at the beginning of the last settlement some *pahi* pattas have been given. Apparently on receipt of the above quoted orders *pahi* pattas were discontinued.

16. In my experience of Balasore I have found such pattas in two villages, and only in the case of one single tenant a claim was advanced to be treated as a *thani* raiyat on the ground that the rent had not varied during the course of the settlement. In two or three parganas I have found that lands at the last settlement were given by *patta* to *chandna* raiyat. The *chandna* raiyat was in theory a shopkeeper and paid rent for house and garden. The rents of these lands have not generally altered during the course of the settlement. Mr. Webster, who has now had some experience of Cuttack, writes that in the early assessed parganas many tenants received *pahi* pattas—

"Even in Bakhrabad (close to Cuttack) the *pahi* pattas had not generally been respected, and as far as my experience goes, I should say that, while the number of strictly *pahi* tenants who received pattas is small, the number who have successfully resisted all enhancements is almost negligible."

17. Mr. Nathan writes of Kotdesh pargana in the Puri district as follows :—

"The raiyats struggle and scheme for land; the proprietor has no longer to seek for cultivators. There is no large body of raiyats without a fixed habitation who make their own terms with the makuddums and who are able to receive land under more favourable conditions than the tenants attached permanently to the soil. The substantial *pahi* raiyats is as firmly settled in the village as his *thani* neighbour; his credit with the mahajan may be as good or better. The word '*pahi*' is in fact a misnomer, for the raiyat commonly called *pahi* is in fact a settled and not a wandering raiyat. The distinction in its old form could not possibly have survived a long settlement, at the outset of which the rights and obligations of the thani raiyats were crystallized, and the growth of the class arrested. And to look at the matter from another point of view, *thani* rents have remained unchanged for 60 years and *pahi* rates have been rising with the rise in prices and increase in population. It depends entirely on the history of the particular village whether its *thani* raiyats hold their lands at a fixed rate higher than equal to, or below the prevailing *pahi* rates.."

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18. Mr. H. McPherson who has had some six years' experience of the Puri district writes as follows:—

"The two chief factors which could influence the rise of rents are (1) competition for land on account of the increase of population, (2) rise in prices of produce. The undoubted increase of population has as pointed out by Mr. Nathan, converted the struggle for raiyats into a struggle for land and thus paved the way for that enhancement which a rise in prices might *prima facie* be expected to produce. When what has been already stated on the subject of prices is considered, it will be admitted that no increased rents could reasonably be looked for in the first 30 years of the settlement, or, in other words, till after the great famine. I find that the average price of paddy for the decade following the famine 1868—77 was 100·7 seers per rupee. It has been shown that no exact information is available as to the average of prices for the years that immediately preceded the settlement, but we have seen that as far back as 1811 to 1817 prices were as high as 100 seers per rupee, that is, they stood at the level to which they returned nearly 60 years after. A general rise in rents is thus not likely to have occurred at any period of the settlement antecedent to 1877.

"During the last 20 years prices of paddy have varied from 50 to 100 seers per rupee, and for the last 10 years their fluctuation has been within still smaller limits, and the average for 1887 to 1896 is 56·8 seers to the rupee. It is thus only within the last 20 years that any general enhancement of rents on the ground of rise in prices has been possible. The amount of enhancement varies considerably from estate to estate.

"The adequacy of average existing rents to average land may be looked at from another point of view. Mr. Nathan in his notes on Kotdesh has put together a computation of the cost of cultivation which is perhaps a little elaborate. Accepting it, however, we have his conclusion that an acre of good *saradh* land paying Rs. 3 rent must yield at least 7 bharans 8 gounis (=872·8 standard seers) in order to repay the farmer 10 per cent. on the expenses of the field operations. In making this calculation, he took the present normal price of paddy to be 16 gounis (73·6 seers) to the rupee. The calculation shows that under present conditions there is not much room for an increase of rent; 2 bharans 8 gounis is a very fair yield for average first class *saradh* and 10 per cent. is a small profit to cover risks of season and bad harvests."

19. In the Balasore district I believe that *pahi* rents are generally more of the nature of competition rents than in Cuttack and Puri. In the two latter districts *pahi* raiyats had some customary rights of occupancy before our present settlement proceedings, but their customary as well as legal rights under Act X of 1859 are hardly known in Balasore. Moreover, both districts (Cuttack and Puri) contain a far larger area of *thani* and of influential *pahi* raiyats able to withstand oppressive enhancement and arbitrary transfer of *pahi* lands to tenants offering better terms. In Balasore cultivation has extended more freely; zamindars are stronger than raiyats and have transferred *pahi* holdings to any tenants offering higher rents. Our record and the status of settled raiyats will probably check this freedom. On the seaface, however, a certain freedom of transfer of holdings from raiyat. to raiyat will always survive despite the Tenancy Act, because the zamindars let out villages on yearly lease to ijaradars. The features of the country also constantly changed and raiyats cannot generally reside very near their holdings. In the South of the district *thani* rents were high at the last settlement and *pahi* rents have generally not yet risen above the *thani*. Again, in the east of the district the highest *thani* rents have disappeared, raiyats having abandoned their holdings either at the time of the famine or of the seawave. Thus *pahi* rents of holdings, many of which were originally *thani*, have in the eastern portions risen above the surviving *thani* but not so high as the highest *thani* of the last settlement. In the centre of the district and in the west *pahi* rents are generally higher than *thani*, and in the north of the district where population has enormously increased *pahi* rents are generally far higher than *thani*, *e, g.*, in Pargana Basta on the north of Balasore I found the following figures (many villages in the north of the district contained no *thani* at all even at the last settlement):—

Incidence of *thani* at last settlement.	Present Incidence of *pahi*.
Rs. A. P.	Rs. A. P.
1 4 11	1 8 4
0 13 2	1 6 9
0 14 4	1 5 8
0 10 4	1 14 0
1 4 8	1 10 3

These figures represent the villages in which there were *thani* lands at the last settlement, *i. e.*, 5 villages out of 18 or 20, taken up by the Assistant Settlement Officer in a month. It may be remembered that these villages are north of the Subarnarekha river and not a part of the original province of Cuttack. Probably the notion of the *thani* raiyat extended there later. In any case, the very small area under cultivation and the large culturable area did nor afford scope for high rents at the last settlement. We see, however that after absorbing a large area under cultivation the *pahi* incidence has risen very high as compared with the *thani*.

I would, therefore, give my opinion that so far as may be in Orissa, the rent of the *pahi* tenant is a competition rent. I would not call it a *strictly* competition rent, because such a condition could not exist in the face of Act X of 1859 and the tenancy Act.

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III.—Settlement of rents

20. *Government of India's letter, paragraphs, 2, 3, 8 and 9.*—I have so far endeavoured to show that *thani* lands were overassessed at the last settlement and that the rents now paid by *pahi* tenants are competition rents. I would now try to show that generally the rents of *thani* and of *pahi* raiyats are sufficiently high and that it would be unreasonable to make any general enhancement.

In the work of the two years the result of settlement of rents of *thani* [pure] raiyats and of settled and occupancy raiyats is as follows :—

——	Nnmber.	Area.	Existing rent.	Settled rent.	Incident.	Enhancement per cent
1	2	3	4	5	6	7
Thani	39,649	64,065	Rs. 1,35,456	Rs. 1,43,017	Rs. A. P. 2 3 9	5¾
Pahi settled and occupancy ...	441,111	610,491	13,07,997	13,84,465	2 4 3	6

21. I give the separate figures for each stage of the work as follows :—

Thani.—The following figures show the enhancement of *thani* surviving as pure *thani* since the beginning of the fair rent work : —

——	Number.	Area.	Existing rent.	Settled rent.	Incidence of settled rent.	Enhancement per cent.
1	2	3	4	5	6	7
1885-1886	4,474	6,254	Rs. 17,706	Rs. 18,438	Rs. A. P. 2 14 6	4
From October 1896 to 31st January 1897. ...	12,872	21,598	42,629	43,692	2 0 4	2
From 1st February 1897 to 30th September. ...	22,303	36,213	75,121	80,887	2 3 9	7
Total ...	99,649	64,065	1,35,456	1,43,017	2 3 9	5¾

Out of this area (64,065) I have complied from the reports for assessment of estates the following figures for 11,191 acres (comparative figures are not yet available for the whole area) :—

Thani area at last settlement.	Existing pure thani.	Rent of thani at the last settlement.	Existing rent of pure thani.	Settled rent.
1	2	3	4	5
49,046	11,191	Rs. 1,21,752	Rs. 29,127	Rs. 30,679

Enhancement per cent	Incidence of rent at last settlement	Of existing rent.	Of settled rent.
6	7	8	9
5⅛	Rs. A. P. 2 7 8	Rs. A. P. 2 9 9	Rs. A. P. 2 11 10

N. B.—These figures include some of the most fertile parganas of Cuttack.

Of the area within which 11,191 acres *thani* survives the figures for *pahi* are as follows :—

At last settlement area.	Present area.	Rent at last settlement.	Existing rent.	Settled rent	Enhancement per cent.	Incidence.		
						At last settlement.	Existing.	Settled.
1	2	3	4	5	6	7	8	9
79,219	180,106	Rs. 1,39,203	Rs. 4,09,061	Rs. 4,31,896	5	Rs. A. P. 1 14 5	Rs. A. P. 2 4 4	Rs. A. P. 2 6 4

N. B.—The present area of pahi includes some thani for which a lump thani pahi rent is paid.

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It will be seen from the above figures that the incidence of *thani* is still higher than that of *pahi*, but I believe that the lands are better and the *thani* rents are still too high in Cuttack.

The figures for each district are as follows (in the area for which assessment reports have been prepared) :—

——	Incidence of thani			Incidence of pahi.		
	At last settlement.	Existing.	Settled.	At last settlement.	Existing.	Settled.
1	2	3	4	5	6	7
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
Cuttack	2 13 2	3 0 4	3 2 9	2 2 7	2 11 10	2 13 11
Balasore	1 10 9	1 9 4	1 14 0	1 2 0	1 9 4	1 11 8
Puri	1 15 0	1 10 6	1 11 9	1 2 7	1 9 3	1 10 9

N. B.—The area in Balasore of *thani* was more strictly recorded at khanapuri than in Cuttack and Puri, hence a smaller variation in the last settlement and existing incidence.

22. *Pahi settled and occupancy raiyats.*—In the above comparative figures *pahi* raiyats of all kinds have been grouped together. I therefore give figures showing the manner in which settled raiyats have been dealt with :—

——	Number.	Area.	Existing rent.	Settled rent.	Incidence of settled rent.	Enhancement. per cent.
1	2	3	4	5	6	7
			Rs.	Rs.	Rs. A. P.	
1895-96	78.710	113,042	2,28,246	2,49,212	2 2 5	7
From 1st October 1896 to 31st January 1897	137,391	183,376	3,83,564	4,05,491	2 3 5	5½
From 1st February 1897 to 30th September 1897.	225.010	314,073	1,93,187	7,35,762	2 5 6	6
Total ...	441,111	610,491	13,04,997	13,84,465	2 4 9	6

23. As regards the question whether *thani* lands are now so much better than *pahi* lands, I have to say that the records of last settlement show this to have been the case at that time. At the present day the extension of irrigation in the province has levelled the difference in a large area. Diversion of water channels has had the same effect. Again, in the enormous area of reclaimed waste there must be *pahi* lands of superior or equal fertility to *thani*. Lastly, in the *pahi* area many *thani* lands are now found to pay a lump rent for the holding, and in many cases *thani* rights have lapsed and the lands have been recorded as *pahi*.

I believe that where the *thani* lands pay higher rents in a village, they are either still better than the *pahi* lands or they were over-assessed at the last settlement. Where these conditions exist I do not think that any general enhancement of *thani* with regard to the *pahi* would be possible or equitable.

I believe that the new rule provided by His Honour the Lieutenant-Governor gives an equitable and sufficient enhancement of the *thani* in all other cases, *i. e.*, where *thani* rents are unduly low generally, a general enhancement may be made or where in particular instances (*thani* rents being generally adequate) particular rents are unduly low, these may after due enquiry be enhanced. Lastly, where *thani* lands are inferior and pay below *pahi*, it would be inequitable to enhance them, provided that *pahi* lands pay sufficiently high rents.

Before His Honour's visit in January 1897, the enhancements of *thani* were 4 and 2 per cent. for 1895-96 and for the early part of 1896-97 respectively (see paragraph 30).

From February to September 1897, the enhancement was 7 per cent. This is due to close enquiry into unduly low rents and to proper use of the general enhancement proceedings.

24. As regards *pahi* rents, I would now discuss the question whether they are sufficiently high or whether a general enhancement is equitable, and would set forth the figures showing enhancements and percentages of altered rents.

His Honour found at the Conference of January 1897 that we were not scrutinizing the rents of *pahi* tenants who paid at an unduly low rate, *i. e.*, that practically the only enhancement of *pahi* rents was additional rent for excess area. Rents of Zamindar's servants and quit rents had hitherto been enhanced, but other unduly low rents of raiyats had passed without proper enquiry and enhancement. The rules were altered so as to provide for this. The rules already provided for cases of unduly low rents in a particular estate of a particular village and for cases where all the rents of a village had been recorded cullusively low. The effect of the new rules has been obscured, as the following figures will show.

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The percentages of enhancement for settled and occupancy raiyats work out thus :—

	Enhancement per cent.	Incidence of settled rent. Rs. A. P.
1895-96	7	2 2 5
October 1896 to January 1897 ...	5½	2 3 5
February 1897 to September 1897 ...	6	2 5 6

In 1895-96 the enhancement was higher, because more work was done in Balasore than elsewhere and the enhancements of raiyati rentals in Killa Ambhohatta were very large on account of excess area.

Again, in October 1896, to January 1897, the enhancements were high owing to the inclusion of pargana Shergara in Cuttack. There has been a slight rise from February in the enhancement, and considering the higher incidence and the areas within which work was going on, a still higher rise could hardly be expected. Looking to the percentages of rents retained in January and in the following months of the field season, it will be seen that more rents have been altered :—

———	January.	February.	March.	April.	May.	June.	July.
1	2	3	4	5	6	7	8
Cuttack	61	58	57	56	53	52	54
Puri	62	65	62	50	53	51	53
Balasore	53	56	58	56	50½	46½	52½

25. Whether in my opinion the rents now being settled by us are sufficient or at a level markedly below that at which they might fairly stand even under existing circumstances, and whether under any system of settling rents, I would, if the law permitted, be inclined to pitch them higher, I beg to submit the following for consideration. I presume existing circumstances to mean the case of Orissa without a railway, and that I may not take into consideration prospective advantages.

Raiyats of all kinds have been dealt with as follows up to date :—

———	Number.	Area.	Existing rent.	Settled rent.	Incidence of settled rent	Enhancement per cent.
1	2	3	4	5	6	7
			Rs.	Rs.	Rs. a. p.	
Thani	39,649	64,065	1,38,456	1,49,017	2 3 9	5½
Thani-pahi (generally paying a lump rent). ...	51,911	224,526	4,18,108	4,44,018	1 15 8	6
Settled and occupancy ...	441,111	610,491	13,04,597	13,84,465	2 4 3	6
Non-occupancy	11,982	10,081	19,622	22,176	2 2 11	13
Chandna	29,194	6,040	29,089	29,475	4 14 1	1
Total, ...	573,847	915,203	19,07,272	20,29,151	2 3 4	6

26. I would say at the outset that Orissa is often visited by floods and that the demand of rent is not generally collected in full. So far as I can gather from collection papers which I have examined, the full demand and something more for arrears is collected in two years out of every five. So far as one may speak generally, many zamindars at the end of five years or at the end of ten years settle up with raiyats and remit a portion of the arrears. It is, I believe, generally found that at the end of ten years not more than 14 annas of the demand will have been realised per annum. The papers which I have most recently examined show that in the flooded area of South Bayang Balasore, an average of 10 annas of the demand has been realized during the last five years. In addition to this facts we must consider that between 66 per cent. and 75 per cent. of the cultivated area of the province grows a single crop of rice, that prices are generally lower here than in other parts of Bengal, and that the expenses of cultivation absorb at least one-third of the value of the gross produce.

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27. In accordance with the Government of Bengal letter paragraph 4, I have compared the incidences of rents now settled with the incidences ascertained or settled in other estates and districts—

Sambalpur.—Raiyati payments vary from 3 annas 5 pies to 4 annas 11 pies per acre with an average incidence on cultivated area of 5 annas 5 pies.

Bilaspur.—Incidence per occupied area for all tenants=7 annas 3 pies and on cultivated area=9 annas 8 pies.

Raipur.—The rate per occupeid area at which payments of raiyats fall is 10 annas 6 pies.

The incidences of rent per acre on entire holdings in Behar are returned as follows :—

	Rs. a. p.
Muzaffarpur	3 15 9
Champaran	2 0 3
Saran	3 14 6
Tikari Estate, Gaya	4 4 4

From the road cess returns the incidences calculated on the cropped area work out as follows :—

	Rs. a. p.
Chota Nagpur districts...	0 12 1 0 7 11 1 15 2 1 14 6 0 2 0
Midnapore	2 8 5
Cuttack	1 13 5
Balasore	1 8 4
Puri	1 6 5

A comparison of other districts with Orissa might not perhaps show what we want to consider, because in Orissa we have large areas which have hitherto paid nominal rents, *e.g.*, up to date we have dealt with :—

———	Acres.	Existing rent.	Settled rent.	Enhancement. per cent.
1	2	3	4	5
		Rs.	Rs.	
Kharida Jamabandi ...	46,376	36,256	62,536	72
Nisfi baziafti	149,968	60,475	1,55,370	144
Kamil baziafti	37,460	26,993	40,927	51
Total ...	233,804	1,23,724	2,58,833	...

It will be seen that to avoid hardship, though the rents of those tenancies have been enhanced, the incidence of settled rent is still less than Re. 1-2.

I have endeavoured to show that the *pahi* rents are competition rents, and I have shown so far as I have now information on the subject, how the area and rents of *pahi* lands have increased since the last settlement. I repeat the comparative figures for ready reference :—

———	At last settlement.		At Present settlement.		Settled rent.	Incidence.			Remarks.
	Area	Rent.	Area.	Rent.		At last Settlement.	Existing.	Settled.	
1	2	3	4	5	6	7	8	9	10
		Rs.		Rs.	Rs	Rs. a.p.	Rs. a.p.	Rs. a.p.	
Thani	49,046	1,21,752	11,191	29,127	30.679	2 7 8	2 9 9	2 11 10	Comparative figures are not yet avilable for the whole area in which rents have been settled The incidence of thani settled rents over the whole area is Rs. 2-3-9 and that of pahi of all kinds Rs 2-9-4.
Pahi	73,219	1,39,203	180,106	409,062	4,31.896	1 14 5	2 4 4	2 6 4	

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The *pahi* incidence (Rs. 2-6-4) in these figures is so much less than the *thani* (Rs. 2-11-10) as compared with the figures for the whole work Rs. 2-3-9 and Rs. 2-3-4 respectively, because they represent most of the richest parganas in Cuttack where the rent of *thani* at the last settlement was very high and where *pahi* rents have not yet risen to the same level. It is true of a large proportion of the area included in these figures that the *thani* lands are the best and are still over assessed and that the *pahi* rents being for inferior lands cannot equitably be raised any higher under existing circumstances. Where different conditions exist, and where *pahi* lands are good the result is quite different, *e.g.*, in North Balasore. I have shown that there was little *thani* at the last settlement and much land available for cultivation with a small population. The result is that with the increase of population in one village the incidence of existing *pahi* rents is Re. 1-14 against a *thani* incidence at the last settlement of 10 annas. Up to the end of September 1897, the incidence of settled *thani* rents is Rs. 2-3-9 and that of *pahi* is Rs. 2-3-4.

The figures which make up these two incidences vary widely over the whole province but in the greater portion of the area *pahi* lands cannot yet, I believe, afford to pay the rents which *thani* lands are paying either because the *thani* lands are better or because they are still over-assessed. In the present circumstances of Orissa *pahi* raiyats generally cannot afford to pay more than they are now paying and in my opinion it is not safe to attempt to do more than work the rules for enhancement as they now stand. By present circumstances I mean that prices have not yet risen in Orissa so as to create any great competition for land. The main cause of present extension of cultivation is, I think increase of population.

To sum up, where *thani* lands are paying low rents or unduly low rents, the rules provide proper and sufficient means of enhancement. The incidence of the *thani* and of the *pahi* settled rents in now nearly the same, and there is I consider, every reason to believe that the *pahi* rent is a competition rent and a sufficient rent. In my opinion it would be unsafe to undertake any general enhancement. Prices and cost of cultivation do not at present lead me to think that we should attempt to generally raise *pahi* rents. The effect of the extension of the railway is dealt with in the next part (paragraph 29). The railway will, I believe, pave the way for large enhancements at the next settlement. Another consideration set forth in the beginning of this paragraph must not be lost sight of, viz., that the settled rent to be realised by the zamindar is a *demand of rent* not likely to be realised in full from year to year, and that Orissa is a country liable to periodical destruction of crop.

28. Thus I would not under any system of settling rents attempt to pitch them higher. The result would be, I believe, the ruin of many raiyats and default in payment by many estates of Government revenue. The new rules provide for enquiry into and adequate enhancement of all unduly low rentals. I have also to add that my principal objection to the rules is one of procedure only *i.e.*, that the lump rents now settled are not split up and applied to the fields which make up holdings. By this I mean that neither raiyat nor zamindar know what portions of the settled rent may be applied to the fields of which his holding is composed, and this defect will make our settlement less valuable to both zamindar and raiyat, and may seriously prevent freedom of transfer of holdings and portion of holdings. I have in my mind the case of the Khurda Government estate. Here every field in raiyat's holding at the last settlement was classed and rated. Government permitted free transfer and the custom of subdivision of holdings has sprung up. I do not know in Orissa a more prosperous class than the Khurda raiyats. I believe that their prosperity is mainly due to the fact that they know the value of every field and when in difficulties sell portions of their holdings to keep themselves free of heavy debts and ruinous rates of interest. Holdings are not appreciably smaller than they used to be. In the course of time *morcellement* appears to cease and an amalgation to set in. I am aware that the money-lender also reaps advantage by freedom of transfer, but in Khurda it is found that raiyats often sell to each other and there is no reason why the raiyats in the rest of Orissa should not create the same custom.

In conclusion I would give my opinion that pitch of rent is already sufficiently high, and I would not in the present circumstances of the province attempt by any system of settlement to raise rents. The Introduction of the railway will enable raiyats to sell their produce on better terms and will enable the zamindars and Government to obtain their share of the advantage on expiry of the short term of the new settlement.

IV.—The Introduction of the Railway.

29. *Government of India's paragraph* 2.—As regards the probable rise in rents due to the extension of the railway to Orissa, the Government of Bengal letter, paragraph 3, points out that rents of *thani* raiyats (baziaftidars may be added) are settled for 20 years, of settled and occupancy raiyats for 15 years, and of non-occupancy raiyats for five years. The term of settlements (20 years), the provisions of the Tenancy Act generally, and of section 113 in particular, do not leave much opportunity for the landlords to increase their profits during the currency of the settlement. During this period the lands in possession of the proprietors may in some cases be let out at higher rents and the rents of non-occupancy raiyats may be enhanced. Prices will probably rise to the level of the surrounding districts in Madras, and then will become more stable. The stability of prices will pave

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the way for enhancements in the future. Raiyats do not readily consent to enhancement, so long as they see that in one year prices fall to 80 seers paddy to the rupee and perhaps the next year rise to 40 seers, falling again to 70 or 80 in the following year. I do not, however, believe that the benefits of stability of prices will be reaped by the landlords to any great extent during the currency of the new settlement; more lands may be brought under cultivation owing to the rise in prices only and landlords may possibly assess them to higher rents. It is unlikely they will go to the expense of suits for enhancement of the rents of settled raiyats, as the revision of settlement will begin some five years before the expiry of this new settlement and the proceedings will afford facilities for timely and cheap enhancement.

I most respectfully submit that I do not understand how the zamindars will receive a large increment to their incomes, nor that Government will be deprived of any share to which it is entitled. I believe that to attempt now to take a larger share of the assets for Government would mean assessment on prospective assets.

V.—Explanation.

30. As regards the explanation called for in paragraph 4 of Government of Bengal letter (Government of India paragraph 3) regarding the 12,013 *thani* tenancies, I beg to submit the following :—

In 1895-96 the enhancement of *thani* rents was 4 per cent, but from October to the end of January 1897. the enhancement was only 2 per cent. (My note of 24th January does not include the returns of work for that month.)

It is a fact that up to the end of December (from October 1896 to December 1896) the enhancement of 12,016 *thani* tenancies was only 2 per cent., but a glance at the Cuttack returns will show the reason. Heavy reductions were given for permanent deterioration of soil. The Brahmini River has permanently injured a large portion of paragana Olas. In Bakhrabad also heavy reductions had to be made. Thus, in Cuttack district *thani* rents were on the whole actually reduced by 10 per cent. in December. A reduction so extensive has seriously affected the percentage of enhancement in the three months' work, especially as in October very little field work was done.

The reduction was very closely supervised. I visited the Olas centre early in December and with Mr. Kingsford, the Assistant Settlement Officer in charge, worked out the principles and procedure to be followed. Mr. Kingsford afterwards personally checked the soil maps and the details of the reduction. I believe that no unnecessary reduction was made. The areas of the 12,013 tenancies were generally the same as the *thani* areas of the last settlement.

As I have already stated, before His Honour's visit, the enhancements of *thani* were 4 and 2 per cent. for 1895-96 and for the early part of 1896-97 respectively.

From February to September 1897 the enhancement was 7 per cent. This is due to close enquiry into unduly low rents and to proper use of the general enhancement proceedings. A further proof of the working of the new rules is shown by the fall in the percentage of retained rents, to which I have already referred.

In conclusion, I most respectfully submit that with these figures before them the Government of India will be in a position to consider whether an attempt has been made to carry out the orders of His Honour the Lieutenant-Governor.

As regards the other explanations called for in paragraph 4 of Government of Bengal letter I have already discussed the question whether the lands held by *thani* raiyats are still better than *pahi* lands in paragraph 23 of this letter, and in paragraph 26 I have made a comparison of the incidences of rents now settled with incidences of rents in other districts.

In paragraphs 25, 26 and 27 I have given my opinion as to the sufficiency of the settled rents.

31. With reference to paragraph 5 of the Government of Bengal letter, I beg to submit the following explanation :—

The passage in my No. 1552 of 8th August 1896 runs as follows :—

"As regards the term of settlement I venture most respectfully to say that having regard to the enormous enhancement (as shown in the tabular statement submitted with my No. 1538 o: 4th instant) which Government is now etitled to take, but cannot do so in the ground of policy....."

Turning to the tabular statement it will be clear that my remarks referred to enhancements of revenue only. I had before me figures for 67 estates. At that time it was not possible to collect figures for a larger area. At the last settlement Government in the majority of estates retained 65 per cent. of the assets as revenue. It would appear that I was correct in saying Government was *entitled* to take this amount at the present settlement

(*cf.* paragraph 12 of Government of India letter.) The tabular statement shows the following results obtained by the retention of 65 per cent, as Government revenue :—

District.	Number of estate.	Existing revenue.	Existing income of proprietors.	New revenue at 65 per cent of new assets.	Income of proprietor at 35 per cent of new assets.	Enhancement of revenue per cent.	Decrease in proprietors' income per cent.	Remarks.
1	2	3	4	5	6	7	8	9
Cuttack	24	Rs. 11,954	Rs. 15,188	Rs. 19,207	Rs. 10,349	61	47	
Balasore	43	10,932	21,562	26,831	14,445	146	50	
Total ...	.....	22,886	...	46,038	.....	.....	.....	

From these figures my meaning will be clear, viz., that while Government is entitled to retain 65 per cent. of the assets, the enormous enhancement of 100 per cent, in the Government revenue would not be sound policy, if accompanied by a reduction of 50 per cent. in the income of the proprietors. It is worthy of note that considering the circumstances [paragraph 19 (1) and (2) the Government of India propose a normal and special share of the assets as basis of assessment.

The other points raised in paragraph 5 of the Government of Bengal letter have been already dealt with in paragraphs 23 to 25.

I may add that in my opinion the effect of any general enhancement of rents would involve the zamindars in liability to payment of larger revenue and in default of larger uncollected errears of rent.

32. No remarks are called for from me in regard to Government of Bengal paragraph 6.

In regard to paragraph 7 I propose to report on the patwari legislation in a separate letter.

My paragraphs 37 and 38 deal with some of the points raised in paragraphs 8 and 9.

Paragraph 10 requires no remarks from me. The Kabuliyat to be executed by zamindars has been approved by Government, and contains a clause in accordance with the views expressed in paragraph 10

33. As regards paragraph 11 (Bengal letter), I beg to submit the following :—

I very much regret the inaccuracy of the figures given by me in my note of January 1897 and I regred that I had no opportunity of revising them. It appears that various figures have been taken by various authorities based on monthly and other returns, I would ask that the figures now supplied in the Statement A, &c., may be accepted in place of earlier figures. They are, I believe, as nearly correct as possible considering that they are supplied by a large number of officers in monthly returns.

In my No. 1538 of 3rd August 1896, I regret to say that I used the word "rents" for "assets." At the time of writing this letter, the rules under which we were working had the effect of making a total increase of assets amounting to 15 per cent.

In my No. 470 of 18th March 1897, I said that I hoped *assets* would be enhanced 17½ per cent. by the present procedure, *i.e.*, after the new rules were introduced. The total enhancement is at present 15 per cent, excluding the killas of Cuttack. The excluded figures of the killas give a total enhancement from Rs. 5,292 to Rs. 11,813. In the work of 1895-96 it may be noted that enhancements are higher than they have been in 1896-97, because the work was done principally in an area of Balasore where cultivation has extended very largely. We have not yet dealt with the other parts of the province where the largest increase of assets are expected. i.e., North Balasore and South-East Cuttack, and I have little doubt that this year the enhancement will work out to 20 per cent. Thus we may expect that by completion of the work assets will have increased by 17½ per cent.

VI.—Pitch of the present assessment.

34. *Paragraphs 15 to 19 of Government of India's letter.*—I propose to take the detailed return (*Statement A*) in whole numbers for facility of calculation, and to show the actual increase of assets from which zamindars will derive assistance in payment of the new demand.

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Nij-jote and sairat have been included in both sides (existing and settled). I have deducted from settled assets the valuations of tenancies to revenue and 85 per cent. of the assets of resumed jagirs—

	Assets.	
	Existing	Settled.
	Rs.	Rs.
Kharida Jamabandi	36,300	62,500
Nissfi baziafti	60,500	1,55,100
Kamil baziafti	27,000	40,900
Thani	1,35,500	1,43,000
Thani-pahi...	4,18,100	4,44,000
Settled-raiyats	13,05,000	13,84,500
Non-occupancy	19,600	22,200
Chandna...	29,100	29,500
Other tenures	500	4,800
Resumed lakhiraj	...	3,800
Resumed jagir	...	40,000
Valuation for revenue	2,300	41,000
Nij-jote and nij-chas	2,52,000	2,52,000
Sairat	26,100	26,100
	23,12,000	26,49,700
Deduct tenancies valuen for revenue ...	2,300	41,000
	23,09 700	26,08,700
Deduct rent of resumed jagir	...	40,000
	23,09.700	25,68.700
And 15 per cent. of resumed jagir to settled assets	...	6,000
	28,10,000	25,75,000

35. The above figures give an increase to the assets amounting to 11½ per cent. of which the zamindars will be able to partake. Considering that the work is not yet done in the parts where very considerable enhancement is expected, it would be safe to assume the increase at 12½ per cent.

Existing assets are taken at	34	lakhs.
Add 12½ per cent. (say 4½)	4½	„
Total ...	38½	„

The following comparative table (in lakhs of rupees) will show the effect on the income of the zamindars:—

———	Assets.	Revenue.	Income of zamindars	Remarks.
1	2	3	4	5
Last Settlement ...	22	13·75	8·25	
Existing	34	13·75	20·25	
Ditto	34	17·85*	16·15	* At 52½ per cent. of the assets.
New added ...	4·50	2·3625*	2·1375	

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In the following remarks I do not taken into account the effect of the imposition of the patwari cess. It would appear from the figures that the income of the zamindars has increased by nearly 150 per cent. during the course of the settlement, i,e,, from $8\frac{1}{4}$ to $20\frac{1}{8}$ lakhs. Their present income we shall reduce from $20\frac{1}{8}$ lakhs to $16\frac{1}{7}$ or by 20 per cent., but to compensate them they are to retain 2.1375 lakhs out of the new assets of 4·50 lakhs. Thus the net reduction of income is from 20·25 lakhs to 18·2875 lakhs, or by 10 per cent.

36. *End of paragraph 11 of Government of Bengal letter.*—To turn from estimates to actuals the following figures are obtained from Statements C (*a*) to (*e*).

The estates are grouped according to the amount of new revenue payable. I would add that the new revenue was fixed by the Commissioner before the orders of the Government of India regarding the percentage of assets to be retained by Government were received—

Estate having new revenue of—	Number of estates.	Income of proprietors.			Government Revenue,		Remarks.
		Existing.	As now settled,	Decrease.	Existing.	As now settled.	
1	2	3	4	5	6	7	8
		Rs.	Rs.	Per cent	Rs.	Rs.	
Less than Rs. 100	102	2,688	1,975	26	1,296	2,260	
Between Rs. 100 and Rs. 200...	16	1,999	1,736	13	1,444	2,068	
Ditto 200 „ 500 ...	20	6,925	5,666	18	3,769	6,652	
Ditto 500 „ 1,000 ...	12	8,463	7,130	15	4,830	8,629	
More than Rs. 1,000 ...	12	68,984	58,823	14	45,638	72,833	
Total ...	162	89,059	75,330	18	56,977	92,442	Increase in Government revenue—62 per cent.

In the above assessments 55 per cent. has generally been retained as Government revenue, but the amount has varied from 60 per cent. to 50 per cent. as the special circumstances of each estate have appeared to require. The total assets are represented by Rs. 1,67,722, of which Government is to retain Rs. 92,442 and the proprietors to retain Rs. 75,330.

37. PATWARI CESS.—(*a*) *If paid by the proprietors.*—Paragraph 19 (2) of the Government of India letter runs as follows :—

"On the occasion of the present settlement, in view of the special circumstances, it (Government) will ordinarily be content with from 50 per cent. to 55 per cent."

Applying these orders to the above figures we have the following results :—Assets 1,67,772 ; 50 per cent. = 83,886, and 5 per cent. = 8,388. Thus the proprietor's income falls from 89,059 to 83,886, if Government retain 50 per cent. and to 75,498 if Government retain 55 per cent. For the purpose of illustration I take $52\frac{1}{2}$ per cent. as the amount to be retained by Government. The income of the proprietors will be reduced from 89,059 to 79,692 or by 15 per cent. The above refers to the reduction of income for payment of land revenue only. In addition to this a sum of 3 to 5 per cent. of the assets (1,67,772) is to be taken from the proprietors for maintenance of records. I take 4 per cent. for the purpose of illustration ; 4 per cent. of 1,67,772 = 6,711. This sum deducted from 79,692 leaves 72,981. The proprietors' income is thereby reduced by 18 per cent. It is true that many proprietors (*e.g.*, non-resident Bengalis) can afford such a reduction, but the assessment of each estate will have to be carefully considered with due regard to the circumstances of the proprietor.

(*b*) *If paid by the raiyats.*—As regards the raiyats, in paragraphs 23 to 25 I have endeavoured to show that rents are being settled as high as possible in the existing circumstances of the province. The raiyats in Orissa cannot in my opinion afford to pay any share of the patwari cess. The addition to the raiyati rentals of only half the cost, namely, 2 per cent., will be futile, that is to say, already in the majority of estates raiyats pay the full amount of road cess as well as all the zamindari dak cess In my opinion the imposition of 2 per cent. for patwari cess will simply mean the addition of 4 per cent. to their rents, i.e., the raiyats will be compelled to pay the whole amount. Such an addition will probably not be collected in three years out of five, and will result in danger to the Government revenue, ruin of zamindars and widespread misery throughout the province.

VII—NORMAL GOVERNMENT SHARE OF THE ASSEIS.

38. *Paragraphs 12, 13, 14, 17, 18, 19.*—In paragraph 12 of the Government of India letter the share of the assets to which Government is entitled in Orisss is set forth. Mr. Commissioner Mills is "to take 70 per cent., but in 1840 this was reduced to 65, with permission to reduce to 60 in cases where the particular circumstances of the estate justified the indulgence."

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The following figures show roughly the extension of cultivation and increase of assets since the last settlement. The temporarily-settled area in Orissa (excluding the Khurda Government estate) is roughly 3,075,900 acres. Of this area 18¾ lakhs are cultivated and occupied and 12 lakhs are uncultivated. I have not figures at present to say how much of the uncultivated area is culturable, but it would be safe to assume that not less than three and not more than six lakhs are culturable. At the last settlement the cultivated area was about 14½ lakhs, so that in 60 years the cultivated area has extended by 27½ per cent.

To turn to assets, at the last settlement assets were 22 lakhs. The enhanced assets upon which we are to settle revenue should amount to not less than 38½ lakhs. Thus in 60 years assets have increased by 75 per cent.

39 The claims of the Orissa zamindar to treatment as a *proprietor* may now be considered from an historical point of view. The enclosures to Mr. Ravenshaw's letters on the subject of the Orissa tenures (Babu R L. Banarjee on Cuttack, Babu N. K. Bose on Puri and Mr. Fiddian on Balasore), Mr. Toynbee's history, Mr. Mills' note and Mr. Sterling's minute give us the materials for consideration. In Government of India paragraph 14 it is shown that the working of the sale law transferred many estates into the hands of Bengali landlords (page 5), Mr. Toynbee's history). As a matter of fact, some estates passed into the hands of Bengali amlas whose representatives are still in possession.

The report on Puri tenures gives most information on the subject. Paragraph 18 *seq.* may be perused.

Paragraph 20 runs thus :—

"All these *landholders* have long since thrown off their distinctive appellation of taluqdars kanungos, mukkuddams and padhans, &c., and have already assumed the generic and more honorific and significant title of zamindar."

I may add that the process was still in course of completion at the time of the last settlement, *e g.*, we find that Government entered into engagements for payment of revenue with the *daroga* who collected from the *pursethi khuridadars* (a form of proprietory tenure) in the *patnas* which made up the estate of Patna Bagh Brindaban.

In the reports on tenure there is not a little evidence to show that the proprietary tenure-holders in Orissa were the original proprietors of the soil.

Thus it would appear that from an historical point of view the zamindar had very small claims as a proprietor He has, however, acquired in the course of the settlement a certain status, and he is entitled to be treated with consideration as a collector of revenue.

I have shown in Part VI the effect of the retention by Government of 52½ per cent of the assets in view of the special circumstances of this settlement, but we have also to consider the fact pointed out by the. Government of India that it will never be possible to raise the share (the normal Government share of the assets) now fixed, and that the special circumstances of the settlement must be considered quite apart from the normal Government share.

In view of this circumstances and the facilities will exist at the next settlement for enhancement of all rents, I most respectfully suggest that 60 per cent. should be laid down as the normal share of the assets to be retained by Government as land revenue proper. On the occasion of the present settlement, as the Government of India directs, it will ordinarily be sufficient to take from 50 per cent to 55 per cent.

STATEMENT A.

Return showing the manner in which rents have been settled in the Province of Orissa during 1895-96 and 1896-97.

Serial number.	Nature of Tenancy.	For 1895-96 and 1896-97.					Remarks.
		Number.	Area.	Existing rent.	Settled rent.	Enhancement per cent.	
1	2	3	4	5	6	7	8
			Acres.	Rs.	Rs.		
1	Khurda jamabandi ...	22,698	46,376	63,256	62,536	72	"Killajat" is the local name of the territory of a border chief who has become a zamindar. The Chiefs rarely enhance rent and a large proportion of the area is held by beneficiary tenure-holders. Separate figures are therefore given so as to show the true percentage of enhancements of the ordinary estates.
2	Nisfi bazifti	119,495	149,968	60,475	1,55,370	144	
3	Kamil bazifti	31,701	37,460	26,993	49,927	51	
4	Thani	39,649	64,065	1,35,456	1,43,017	5	
5	Thani pahi mixed... ...	51,911	224,526	4,18,108	4,44,018	6	
6	Settled and occupancy ...	441,111	610,491	13,04,997	13,84,465	6	
7	Non-occupancy	11,982	10,081	19,622	22,176	13	
8	Chandna	29,194	6,040	29,089	29,475	1	
9	Grand total of raiyats Nos.4, 5,6,7 and 8	573,847	915,203	19,07,272	20,23,151	6	
	Ditto for killajats ...	3,117	5,473	7,875	9,003	14	
10	Other tenancies assessed to rent	2,584	3,297	520	4,801	823	
11	Sarkar jagiri assessed ...	9,674	19,691	.....	99,996	.....	
12	Tawfir	8,520	2,168	.....	3,829	.....	
13	Other tenancies assessed to revenue	25,439	20,775	2,394	40,958	1,654	
14	Nijjote and nijchas... ...	33,542	116,415	2,51,953	2,51,953	.....	
15	Seirat	.....	.....	26,102	26,102	.....	
16	Total Nos. 1 to 8 and 10 to 15	827,500	1,911,353	23,11,905	26,49,623	15	
	Ditto for killajats ...	5,714	11,306	8,968	16,462	83	

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STATEMENT AI.

Return showing the manner in which rents have been settled in the Province of Orissa during 1895-96-97.

Nature of Tenancy.	For 1895-96					From October 1896 to 31st January 1897					Total for 1895-96 and to 31st January 1897.					From 1st February 1897 to 30th September 1897					Total for 1896-97					Remarks.
	Number.	Area.	Existing rent.	Settled rent.	Enhancement per cent.	Number.	Area.	Existing rent.	Settled rent.	Enhancement per cent	Number.	Area.	Existing rent.	Settled rent.	Enhancement per cent	Number.	Area.	Existing rent.	Settled rent.	Enhancement per cent.	Number.	Area.	Existing rent.	Settled rent.	Enhancement per cent.	
I(a)	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27
		Acres.	Rs.	Rs.			Acres.	Rs.	Rs.			Acres.	Rs.	Rs.			Acres.	Rs.	Rs.			Acres.	Rs.	Rs.		
Kharida jamabandi	1,722	3,678	3,182	5,685	70	8,238	15,531	12,205	21,193	73	9,960	19,209	15,387	26,878	74	12,738	27,167	20,869	35,658	70	20,976	42,698	33,074	56,851	70	
Nisfi baziafti ...	21,032	26,375	9,339	27,059	190	37,261	44,423	16,729	45,972	174	58,293	70,798	26,068	73,031	180	61,162	79,170	34,407	82,339	139	98,423	123,593	51,136	1,28,311	158	
Kamil baziafti ...	3,552	6,987	4,432	7,626	50	10,150	11,435	8,200	12,037	46	15,702	18,422	12,632	19,663	65	15,999	19 038	14,361	21,264	48	26,149	30,473	22,561	33,301	47	
Thani	4,474	6,254	17,706	18,438	4	12,872	21,598	42,629	43,692	2	17,346	27,852	60,335	62,130	3	22,303	36,213	75,121	80,887	7	35,175	57,811	1,17,750	1,24,579	58	
Thani pahi mixed ...	9,535	38,817	68,219	74,425	9	17 403	71.130	1,27,321	1,35,371	6	26,938	109,947	1,95,540	2,09,796	7	24,975	114,579	2,22568	2,34,222	5	42,376	185,709	3,49,889	3,69,593	5	
Settled and occupancy...	78,710	113.042	2,28,246	2,43,212	7	137,391	183,376	3,83,564	4 05,491	5	216.101	296,418	6.11.810	6,48,703	6	225.010	314,073	6,93,187	7,35,752	6	362,401	497,449	10,76,751	11,41,253	6	
Non-occupancy ...	2,355	1.818	3,337	9,737	12	3,761	3,001	5,749	6,489	12	6,116	4,811	9,086	10,226	12	5,866	5,270	10,536	11,950	13	9,627	8,271	16,285	18,439	11	
Chandna ...	7,277	1.707	7,350	7,494	2	7,653	1,450	6,947	6,965	...	14,930	3,157	14,297	14,459	1	14,264	2.883	14,792	15,016	1	21,917	4,333	21,739	21,981	1	
Grand total of raiyats Nos. 4 5 6 7 and 8.	102,351	161,630	3,24,858	3,47,306	7	179,080	280,555	5.66.210	5,98.008	5	281.431	442,185	8 91,068	9,45,314	6	292.416	473,018	10.16.204	10.77.837	6	471.496	753,573	15,82.414	16.75.845	6	
Ditto for killajats ...	...	...	...	...	...	2,076	3,102	4.677	5,428	16	2,076	3,102	4.677	5.428	16	1.041	2.371	3.198	3,575	11	3.117	5,473	7,875	9.003	14	
Other tenancies assessed to rent.	344	478	200	747	273	942	1,078	77	1,339	1,639	1,286	1 556	277	2.086	653	1,298	1,741	243	2,715	117	2,240	2.819	320	4 054	1,160	
Sarkari jagir assessed...	1,713	3,625	...	7,228	...	2,893	5,761	...	11,776	...	4,606	9,386	...	19,004	...	5,068	10,305	...	20,992	...	7,961	16,866	...	32,768	...	
Tawfir	2,138	431	...	851	...	3,588	879	...	1,638	...	5,726	1,310	...	2.489	...	2,794	858	...	1, 340	...	63,982	1,737	...	2,978	...	
Other tenancies assessed to revenue.	5,033	4,145	180	6,912	3,740	8,971	8,956	1.762	18,096	927	14,004	13.101	1.942	25,008	1,182	11,435	7.674	992	15,950	3,968	20,406	16,630	2,154	34,046	1,587	
Nijote and Nijchas ...	4,755	15,850	34,458	34,458	...	12,004	40,205	82,096	82,096	...	16,759	56,055	1,16,554	1,16,554	...	16,783	60,360	1,35,399	1,35,399	...	28,787	100,565	2,17,495	217,495	...	
Sairat	...	...	...	1.677	...	...	...	6.874	6,874	...	...	...	8,551	8,551	...	...	...	17,551	17.551	...	...	...	24,425	24,425	...	
Total Nos. 1 to 8 and 10 to 15.	144,640	223,199	3,78,326	4.39.349	16	263.127	408.823	6.94,153	7.99.029	15	407.767	632.022	10.72.479	12,38.578	14	419.693	679.331	12,39.426	14,11.045	14	682,820	1,088,154	19.33.579	22,10,074	14	
Ditto for killajats ...	...	...	...	...	...	4,161	7,863	5,292	11.813	123	4,161	7 863	5,292	11,813	123	1,553	3.443	3,676	4.649	26	5.714	11,306	8,968	16 462	83	

Killajat" is the local name of the territory of a border chief who has become a zamindar. See column of remarks in statement A.

STATEMEMNT A2

Return showing the manner in which rents have been settled in the district of cuttack during 1895-96-97.

Serial number	Nature of Tenancy.	For 1895-96,					From October 1896 to 31st January 1897					Total for 1895-96 and to 31st January 1897					From 1st February 1897 to 30th September 1897.					Total for 1896-97					Remarks.
		Number.	Area.	Existing rent.	Settled rent.	Enhancement per cent	Number.	Area.	Existing rent.	Settled rent.	Enhancement per cent.	Number.	Area.	Existing rent.	Settled rent	Enhancement per cent.	Number.	Area.	Existing rent.	Settled rent.	Enhancement per cent.	Number.	Area.	Existingrent.	Settled rent.	Enhancement per cent.	
1	1(a)	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27
			Acres.	Rs.	Rs.			Acres.	Rs.	Rs.			Acres.	Rs.	Rs.			Acres.	Rs.	Rs.			Acres.	Rs.	Rs.		
1	Khorida jamabandi ...	1,260	1.658	1,676	3,052	82	6,221	8 395	5,885	11.424	94	7,481	10,053	7,561	14.476	91	8,052	12.453	9.561	17,412	82	14.273	20.848	15.446	28.836	86	
2	Nisfi baziafti ...	7,336	6.382	2,744	7.455	172	16,181	14 740	8,673	18,727	230	23,517	21.122	8,417	26 182	211	25,473	22,652	9.508	25,248	165	41 654	37.392	15 181	43,975	189	
3	Kamil baziafti ...	2,240	1.596	1,405	2.134	52	4,826	3.603	3,095	4 930	59	7,066	5,199	4.500	7,064	56	6 879	5.450	5 179	7,495	44	11.705	9.053	8,271	12.425	50	
4	Thani	1.864	32.48	10 344	10.548	2	3.665	5.509	15.489	15.605	1	5 529	8.757	25 833	26.153	1	6.299	11.134	28.791	30,444	5	9.964	16 643	44.280	46.049	4	
5	Thani pahi mixed ...	1,797	7.323	18,099	19,587	8	3 647	15.729	38.020	40,858	7	5.444	23,052	56.119	60.425	7	7,018	32,646	79,804	83.046	4	10.665	48 375	1.17.824	1.23.884	5	
6	Settled and occupancy...	26,998	31.574	94.313	98.054	4	59.930	67.217	1.88.510	1.96,589	4	86.928	98,791	2.82.823	3.94.643	4	101,260	116.088	3 32,002	3,45 206	4	161,190	183.305	5,20.512	5.41 795	4	
7	Non-occupancy ...	856	664	1.784	1.957	10	2,403	1,882	4 062	4,548	11	3.259	2,546	5.846	6,505	11	3.227	2,548	6,892	7.401	7	5,630	4,430	10.954	11.949	9	
8	Chaudna	2,780	751	3,423	3,424	...	3.518	633	3.158	3.172	0·4	6.298	1 384	6,581	6 596	...	6.495	1,478	7,290	7.421	2	10.013	2,111	10,448	10,593	1	
9	Grand Total of raiyats Nos. 4, 5, 6, 7, and 8.	34.295	43.560	1,27.963	1.33,570	4	73,163	90.970	2,49,299	2,60.752	4	107,458	34 530	3 77.202	3.94.322	4	124,299	163.894	4.54,779	4.73,518	4	197,462	254,864	7,04,018	7.34,270	5	
	Ditto for killajats ...	...	...	...	...	...	2.076	3,102	4.677	5,428	16	2,076	3 102	4,677	5,428	16	1,041	2,371	3,198	3,575	11	3,117	5,473	7,875	9.003	14	
10	Other tenancies assessed to rent.	186	89	12	215	1.692	368	148	60	385	541	554	237	72	600	733	200	194	75	527	603	568	342	135	912	575	
11	Sarkari jagiri assessed...	977	1,566	...	3,839	...	1,503	2,335	...	5 878	...	2 480	3,901	...	9,717	...	2.498	4,206	...	10,061	...	4.001	6,541	...	15,939	...	
12	Tawfir	854	129	...	366	...	1,448	275	...	645	...	2.302	404	...	1,011	...	874	208	...	439	...	2.322	483	..	1,084	...	
13	Other tenancies assessed to revenue.	1,087	531	35	1,667	4 663	4.816	5,436	1,762	11.742	566	5 903	5.967	1,797	13.409	646	5,965	3,679	292	8.612	2.098	10.781	9,115	2.154	20.354	844	
14	Nejjote and nijchas ...	2,062	5,566	16,957	16,957	...	4.670	12,456	34,726	34,726	...	6.732	18.022	51,683	51.683	...	6,460	19.602	56.075	56,075	...	11,130	32,058	90.801	90.801	...	
15	Sairat	...	...	449	449	...	...	...	2.871	2,871	...	...	...	3,320	3 320	...	...	...	6.543	6.543	...	...	...	9,414	9.414	...	
16	Total Nos. 1 to 8 and 10 to 15.	50,297	61.077	1,51,241	1.69,704	12	113,196	138,358	3,03,311	3,52 080	16	163,493	199 435	4.54.552	5,21.784	14	180.700	232,338	5.42,109	6,05.930	12	896	370,696	8.45,420	9.58.010	13	
	Ditto for killajats ...	...	...	...	...	...	4,161	7.863	5,292	11,813	123	4.161	7,863	5,292	11.813	123	1.553	3,443	3,676	4 649	26	5,714	11.306	8.968	16.462	83	

"Killajat" is the local name of the territory of a border chief who has become a zamindar—see note in column of remarks of Statement A.

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STATEMEMNT A3

Return showing the manner in which rents have been settled in the district of Balasore during 1895-96-97.

Serial number.	Nature of Tenancy.	For 1895-96.					From October 1896 to 31st January 1897					Total for 1895-96 and to 31st January 1897					From 1st February 1897 to 30th September 1897.					Total for 1896-97					Remarks.
		Number.	Area.	Existing rent.	Settled rent.	Enhancement per cent.	Number.	Area.	Existing rent.	Settled rent.	Enhancement per cent.	Number.	Area.	Existing rent.	Settled rent	Enhancement per cent.	Number.	Area.	Existing rent.	Settled rent.	Enhancement per cent.	Number.	Area.	Existingrent.	Settled rent.	Enhancement per cent.	
1	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27
			Acres.	Rs.	Rs.			Acres.	Rs.	Rs.		429	Acres.	Rs.	Rs.			Acres.	Rs.	Rs.			Acres.	Rs.	Rs.		
1	Kharida jamabandi ...	374	1.605	1,233	2,171	76	1,055	3.079	2.737	4.171	52	1,698	4.684	3,970	6.342	60	2,002	5.786	4.751	6,854	44	3.057	8.865	7,491	11.025	47	
2	Nisfi baziafti ...	11,422	17.031	4,976	16,275	227	11,276	16 819	4.687	14,727	214	22,497	33,850	9,663	31 002	221	16,122	25,100	7.587	21,479	183	27 398	42,919	12.274	36,206	195	
3	Kamil baziafti ...	2,989	4.852	2,387	4.734	98	3,508	5.778	3,123	4 921	57	6,497	10.630	5,512	9,655	75	5 988	9.553	5.821	8 843	51	9.495	15.444	8,946	13.764	54	
4	Thani	1.141	1,928	3 859	4,176	8	1,783	3,172	4,820	5,180	7	2 924	5.100	8 679	9 356	8	2.997	5.161	8.827	9,534	8	4.783	8 333	13.647	14.764	8	
5	Thani pahi mixed ...	5.827	25.959	40,034	44.256	11	6 831	31,569	49.718	52,558	6	12.658	57,528	89.752	96,814	8	9,729	47,137	76,594	80.344	5	16.560	78 706	1.26,312	1 33 402	6	
6	Settled and occupancy...	42,907	71.086	1,15,088	1,24.485	8	42,944	66,920	1 20,753	1,29,359	7	85,851	138,006	2 35 841	2.53.824	8	76.115	130.057	2 30.146	2,49 967	9	119,059	196.977	3,50.899	3 79,306	8	
7	Non-occupancy ...	1.207	964	1 360	1.535	13	832	740	1 214	1.328	9	2.089	1,704	2,574	2,863	11	1 965	2,023	2.911	3.394	12	2,848	2,763	4.155	4,722	14	
8	Chandna	4,159	902	3,689	3,832	4	1.752	439	2.077	2.064	—1	5.911	1 341	5,766	5.896	2	3.541	788	3,478	3.484	...	5.293	1,227	5,555	5.548	—1	
9	Grand Total of raiyats Nos. 4, 5, 6, 7, and 8.	55,241	100,839	1,64,030	1,78 284	9	54,192	102,840	1,78.582	1,90,469	6	109,433	203 679	3,42,612	3,68,753	8	94,348	185,166	3,21,986	3,47.273	7	148,540	288,006	5,00,568	5,37,742	7	
10	Other tenancies assessed to rent.	78	344	174	457	163	395	609	17	582	3,324	473	953	191	1,039	444	729	1,017	168	1,329	571	1.134	1,626	185	1.911	933	
11	Sarkari jagiri assessed...	512	1,782	...	2,914	...	609	1,924	...	3 478	...	1.121	3,706	...	6,329	...	1.076	3,850	...	6,471	...	1 685	5,774	...	9,949	...	
12	Tawfir	1,175	289	...	463	...	1.472	445	...	...	...	2.647	734	...	1,190	...	1,476	493	...	753	...	2.948	938	..	1,480	...	
13	Other tenancies assessed to revenue.	3,630	3,490	99	5.041	4.991	2.795	2,828	...	5.058	...	6.425	6.318	99	10,099	10,101	3,209	3,017	...	5.295	...	6.004	5 845	...	10.353	...	
14	Nejjote and nijchas ...	2,051	7,198	12,759	12,759	...	2.559	9,243	16,831	16,831	...	4,610	16.441	29 590	29.590	...	4,021	20.448	36,829	36.829	...	6,580	29,691	53.660	53.660	...	
15	Sairat	...	...	1.106	1.106	...	...	...	3.134	3,134	...	...	...	4.240	4.240	...	...	...	8.057	8.057	...	...	...	11,191	11.191	...	
16	Total	77,472	137,430	1.86,764	2.24,204	20	77,861	143 565	2,09,113	2,44,098	16	155 333	280.995	3,95,877	4,68,302	18	128,981	255 543	3,85,202	4 43.183	15	206.843	399,108	5,94,315	6.87,281	16	

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STATEMENT A4

Return showing the manner in which rents have been settled in the district of Puri during 1895-96-97

Serial number.	Nature of Tenancy	For 1895-95					From October 1896-to 31st January 1897.					Total for 1895-96 and to 31st January 1897					From 1st February 1897 to 30th September 1897.					Total for 1896-97					Remarks.
		Number.	Area.	Existing rent.	Settled rent.	Enhancement per cent.	Number.	Area.	Existing rent	Settled rent.	Enhancement per cent.	Number.	Area.	Existing rent.	Settled rent.	Enhancement per cent	Number.	Area.	Existing rent.	Settled rent.	Enhancement per cent.	Number.	Area.	Existing rent.	Settled rent.	Enhancement per cent.	
1	1(a)	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27
			Acres.	Rs.	Rs.			Acres.	Rs.	Rs.			Acres.	Rs.	Rs.			Acres.	Rs.	Rs.			Acres.	Rs.	Rs.		
1	Kharida jamabandi ...	83	415	273	462	68	962	4,057	3 583	5.598	56	1,050	4,472	3.856	6,060	57	2,684	8,928	6.554	11.392	74	3,646	12.985	10.137	16.990	68	
2	Nisfi baziafti ...	2.274	2 962	1.619	3 329	105	9.804	12,864	6.369	12,518	96	12.078	15.826	7.988	15,847	98	19,567	30,418	17,312	35.612	106	29.371	43.282	23 681	48,130	103	
3	Kamil bazaifti ...	323	539	640	758	18	1.816	2.054	1.930	2 186	10	2,139	2,593	2.620	2,944	12	3,132	3.922	3,364	4.926	46	4-948	5.976	5 314	7.112	33	
4	Thani	1.469	1,073	3,603	3,714	6	7.424	12.917	22.320	22,907	2	8,883	13 995	25.823	29.621	3	13 007	19.918	37,503	40.859	9	20,431	32.835	59 823	63 766	7	
5	Thani pahi mixed ...	1.911	5.535	10.086	10 592	4	6,925	23.832	39.583	41,975	6	8.839	29.367	49.669	52.557	5	8.226	34,796	66.170	70.332	8	15,151	58.628	1.05.753	1,12,307	6	
6	Settled and occupancy...	8.805	10.382	18.845	20.673	9	34,517	49,239	74,921	79,563	7	43.322	59.621	93.146	1,00.236	7	47.635	67.928	1,31.039	1.40.589	7	82,152	117.167	2.05.349	2,20,152	7	
7	Non-occupancy ...	292	182	193	245	27	476	379	473	613	29	768	561	666	858	28	673	639	703	1,155	64	1.149	1,078	1.176	1 768	50	
8	Chandna	339	54	238	238	...	2.393	978	1.712	1,729	1	2,721	432	1.950	1.967	8	4,221	617	4.024	4,111	2	6 611	995	5,736	5.840	2	
9	Grand total of raiyats Nos.4 5.6.7 and 8.	12.815	17.231	32,865	35 452	7	51.725	86,745	1,38 389	1,46,787	6	64,540	103,976	1,71,254	1,82,250	6	73 769	123 938	2,39,439	2.57.046	7	125 494	210.703	3.77 828	4-03 833	7	
10	Other tenancies assessed to rent.	80	45	14	75	435	179	321	...	372	...	259	366	14	447	3,092	359	530	...	859	...	538	851	...	1,231	...	
11	Sarkari jagiri assessed...	224	277	...	475	...	781	1.592	...	2,420	...	1 005	1,719	...	2.895	...	1,494	2 249	...	4,460	...	2.275	3,751	...	6,880	...	
12	Tawfir	109	13	...	22	...	668	159	...	266	...	777	172	...	288	...	444	157	...	148	...	1,112	316	...	411	...	
13	Other tenancies assessed to revenue.	316	124	46	204	343	1,360	692	...	1,296	...	1,676	816	46	1,500	3.160	2.261	978	...	2.043	...	3.621	1.670	...	3,339	...	
14	Nijjote and nijchas ...	642	3,086	4.742	4,742	...	4,775	18,506	30,539	30,539	...	5.417	21,592	35,281	35,281	...	6 302	20,310	42.495	42 495	...	11.077	38,816	73,034	73.034	...	
15	Sairat	...	...	122	122	...	...	...	869	869	...	...	...	991	991	...	...	...	2.951	2.951	...	...	...	3.820	3 820	...	
16	Total	16.871	24.692	40.321	45.641	13	72.070	126.900	1.81,729	2,02,851	12	88.941	151.592	2,22,050	2,48,492	12	110,012	191.450	3,12,115	3,16 932	16	182.082	318 350	4.93.844	5.64.783	14	

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STATEMENT B.

Comparative Statement of area, rent and incidence of thani and pahi, at last settlement, existing and now settled.

N-B—The figures are taken from as many completion reports and have been received. Theyare not yet available for the whole Province.

District Cuttack

Name of Pargana.	Area.						Rent.						Incidence.						Remarks.
	Thani.			Pahi.			Of area in column 2 at last settlement.	Of area in column 3.		Of area in column 5 at the last settlement.	Of area in column 7.		Thani.			Pahi.			
	Last settlement.	As now recorded.	Out of the areas in column 3 now either paying lump rent or become pahi.	Last settlement. pure pahi.	Present area of pure pahi.	Total of columns 4 and 6.		Existing.	Settled.		Existing.	Settled.	At last settlement column 8/2.	Existing. column 9/3.	Settled. column 10/2.	At last settlement column 11/5.	Existing. column 12/7.	Settled. column 13/7.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	
Kusmandal	698	51	647	1.883	2.915	3.562	2.608	141	154	5.396	10.629	11 263	3 11 9	2 12 3	3 0 3	2 13 9	2 15 9	3 2 6	
Jajpur	168	36	132	806	998	1 130	463	102	114	1 724	3,559	3 735	2 12 1	2 13 4	3 2 9	2 2 3	3 2 4	3 4 9	
Kubunda Joypur ...	638	159	479	1.253	1.870	2.329	1.858	399	421	3.170	6.850	6 951	2 14 7	2 8 2	2 10 4	2 8 6	2 15 0	2 15 9	
Sargara	1.089	80	1.009	1.901	2.952	3 959	2.408	175	176	2-715	7,223	7 887	2 3 4	2 3 6	2 3 3	1 6 10	1 13 4	2 0 0	
Nahakhand	1.487	1.363	124	2 890	4 270	4.584	5.008	4 307	4.579	7.854	14.276	14.251	3 5 10	3 2 6	3 3 4	2 11 6	3 4 0	3 3 9	
Dibi Arakhpur... ...	733	52	681	416	1.986	2.187	2.898	166	175	1 457	6.803	7 374	3 15 3	3 3 0	3 5 10	3 8 0	8 1 9	3 6 0	
Olas	838	33	805	2.365	3.970	4.775	2.942	135	133	6.325	13 539	13 465	3 8 2	4 1 6	4 0 6	2 10 9	2 13 4	2 13 1	
Chaudkulat	1.074	99	975	3.211	3.753	4.725	3.134	273	302	5.428	14.970	15 397	2 14 8	2 12 2	3 0 9	1 11 0	3 2 9	3 4 1	
Utikan	9.961	851	9-110	11.059	11 911	21.021	18.193	1.422	1.861	15'181	51.931	56 061	1 13 2	1 10 9	2 3 0	1 6 0	2 7 6	2 10 8	
Matkatnagar	732	447	285	1 655	2 771	3 056	3.177	1.770	1.822	4 640	10,683	11 210	4 5 5	3 15 5	4 1 3	2 12 10	3 8 0	3 10 9	
Asureswar	3.713	2.736	977	9.324	14.786	15 765	14.895	9 676	9.659	23.489	50.560	52.729	4 0 2	3 8 7	3 8 6	2 8 3	3 3 3	3 5 6	
Tisania	12	3	9	184	241	425	35	11	9	304	657	667	2 1 4	3 10 8	3 0 0	1 10 5	2 10 6	2 10 9	
Suknai	3,123	678	2.445	4 747	7.585	10.830	9 889	1.672	2.909	10.649	31,765	34 024	3 2 6	2 7 6	2 15 5	2 3 7	3 2 8	3 6 9	
Baruan	3.666	686	2.980	6-758	15.270	18.250	10.447	1.796	1.931	15.371	38.325	39.108	2 13 8	2 9 10	2 13 0	2 4 4	2 1 7	2 2 3	
Balubisi	849	241	608	2.553	2.999	3 607	3.619	943	972	7,255	13,074	13 914	4 4 2	3 14 8	4 0 6	2 13 5	3 3 9	3 11 0	
Dalijora	2.278	265	2.013	3,279	8.031	18.044	6.226	535	586	6.460	18-652	20.001	2 11 9	2 0 3	2 3 4	1 15 6	2 5 1	2 7 9	
Total of Temporarily Settled estates.	31 059	7 780	23.279	54.284	83.785	1.07 064	87.781	23.523	24.703	117.414	293.498	307.405	2 13 2	3 0 4	3 2 9	2 2 7	2 11 10	2 13 11	
Killa Kantajhur ...	712	18	694	1 210	3.596	4.290	442	9	12	644	5 886	6.778	0 9 11	0 8 0	0 10 8	0 8 6	1 6 0	1 9 3	
,, Ragra	504	...	504	782	1.423	1 927	343	...	...	422	4 397	4 695	0 10 10	...	...	0 8 8	2 4 6	2 7 0	
,, Balrampur ...	398	...	398	516	709	1.107	298	...	...	336	1.885	2.158	0 12 0	...	...	0 10 5	1 11 0	1 15 2	
Total of killajats	1.614	18	1.596	2 508	5.728	7.324	1 083	9	12	1.402	12 168	13.631	0 10 8	0 8 0	0 10 8	0 8 11	1 10 6	1 13 9	

Districs Balasore.

Randia Argara... ...	2.186	250	1.936	2.231	20.297	22.233	3.153	368	403	2.195	35.472	39.286	1 7 1	1 7 6	1 9 9	0 15 9	1 9 6	1 12 3	
Balikhand	674	40	634	783	2 506	3.140	1.341	60	101	1.198	3.328	3,534	2 0 0	1 8 9	2 8 4	1 8 6	1 0 11	1 2 0	
Ankura	434	31	403	924	1.689	2.092	916	50	58	1.005	3.247	3.575	2 1 9	1 9 10	1 11 4	1 1 4	1 8 10	1 11 4	
Adbarupeya	192	28	164	1 948	6.250	6.414	202	25	37	2.192	7.577	8.364	1 0 0	0 14 3	1 5 2	0 13 8	1 2 10	1 4 11	
Dhamnagar	512	93	419	932	5.847	6.266	1.269	198	232	1.118	13,960	14.738	2 7 7	2 2 0	2 7 10	1 3 2	2 3 8	2 5 7	
Total ...	3.998	442	3.556	6.818	36,589	40.145	6.881	701	826	7.708	63.584	69.497	1 10 9	1 9 4	1 14 0	1 2 0	1 9 4	1 11 8	

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DISTRICT PURI

Name of Paraganas.	Area.						Rent.						Incidence.						Remarks.
	Thani.			Pahi.			Of area in column 2 at last settlement.	Of area in column 3		Of area in column 5 at the last settlement.	Of area in column 7.		Thani.			Pahi.			
	Last settlement.	As now recorded.	Out of the areas in column 2 now either paying lump rent or become pahi.	Last settlement. Pure pahi.	Present area of pure pahi	Total of columns 4 and 6.		Existing	Settled.		Existing.	Settled.	At last settlement. $\frac{8}{2}$.	Existing column $\frac{9}{3}$.	Settled. column $\frac{10}{3}$.	At last settlement. $\frac{11}{5}$.	Existing. column $\frac{12}{7}$	Settled. column $\frac{13}{7}$.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	
Kodhar	3,57	954	2.621	4,009	8,031	10.652	7,816	1,573	1,625	4,736	16,231	18,061	2 3 0	1 10 4	1 11 3	1 2 10	1 8 4	1 11 1	
Rahang	669	291	438	685	1,327	1,765	1,091	323	338	796	2,608	2,679	1 10 1	1 6 4	1 7 4	1 2 7	1 7 7	1 8 3	
Athsis Damarkhand ...	6,013	918	5,095	3,876	7,369	12,464	9,870	1,352	1,421	4,165	17,984	18,413	1 10 3	1 7 6	1 8 9	1 1 2	1 7 1	1 7 7	
Banchas	2,787	765	2,022	2,257	3,399	5,421	6,463	1,498	1,608	3,095	11,005	11,595	2 5 1	1 15 4	2 1 8	1 5 6	2 0 6	2 2 2	
Athsis (west) Matkatpatna...	945	101	844	1,290	1,751	2,595	1,850	157	158	1,349	4,151	4,246	1 15 3	1 8 10	1 9 0	1 0 10	1 9 7	1 10 2	
Total ...	13,989	2,969	11,020	12,117	21,877	32,897	27,090	4,903	5,150	14,081	51,979	54,994	1 15 0	1 10 6	1 11 9	1 2 7	1 9 3	1 10 9	
Total of Cuttack ...	31,059	7,780	23,279	54,284	83,785	107,064	87,781	25,523	24,703	1,17,414	2,99,498	3,07,405	3 13 2	3 0 4	3 2 9	2 2 7	2 11 10	2 13 11	
Total of Balasore ...	3,998	442	3,556	6,818	36,589	40,145	6,881	701	826	7,708	63,584	69,497	1 10 9	1 9 4	1 14 0	1 2 0	1 9 4	1 11 8	
Total of Puri ...	13,989	2,969	11,020	12,117	21,877	32,897	27,090	4,903	5,150	14,081	51,979	54,994	1 15 0	1 10 6	1 11 9	1 2 7	1 9 3	1 10 9	
Grand Total ...	49,046	11,191	37,855	73,219	142,251	180,106	1,21,752	29,127	30,679	1,39,203	4,09,061	4,31,896	2 7 8	2 9 7	2 11 10	1 14 5	2 4 4	2 6 4	

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STATEMENT C (*a*).

Statement showing the effect of the Revenue assessments sanctioned by the Commissioner up to 1st November 1897.

(*a*) Estates paying new revenue of less than Rs. 100.

District.	Pargana.	Number of estates.	Assets.			Revenue.			Income of Zamindar.			Proportion of columns 6 to 10.	Proportion of columns 9 to 10.	Remarks.
			Existing.	Settled.	Increase.	Existing.	Proposed.	Increase.	Existing.	Proposed.	Variation per cent.			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
			Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.			
Cuttack	Assureswar	73	2,222	2,311	89	778	1,243	465	1,444	1,068	—26	6	32	
	Bargaon	8	170	148	—22	53	79	26	117	69	—40	18	22	
	Kusmandal	1	53	53	.....	23	29	6	30	24	—20	...	20	
	Suknai	8	662	728	66	217	394	177	445	334	—24	15	39	
	Dalijora	5	425	486	61	80	247	167	345	239	—31	17	48	
	Total ...	95	3,532	3,726	194	1,151	1,992	841	2,381	1,734	—27	7	34	
Balasore	Ambohatta	2	149	202	53	49	101	52	100	101	+1	53	52	
	Randhiar Argara ...	5	303	307	4	96	167	71	207	140	—32	2	34	
	Total ...	7	452	509	57	145	268	123	307	241	—22	18	40	
	Grand Total ...	102	3,984	4,235	251	1,296	2,260	964	2,688	1,975	—26	9	35	

STATEMENT C. (*b*).

Estates paying new Revenue of more than Rs. 100 and less than Rs. 200.

District.	Pargana.	Number of estates	Assets.			Revenue.			Income of Zamindar			Proportion of columns 6 to 10.	proportion of columns 9 to 10	Remarks.
			Existing	Settled	Increase	Existing.	Proposed	Increase	Existing	Proposed.	Variation per cent			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
			Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.				
Cuttack	Assureswar	7	1,535	1,649	114	683	887	204	852	762	—10	13	23	
	Bargaon	1	191	221	30	70	110	40	121	111	— 8	25	33	
	Suknai	6	1,259	1 442	183	561	806	245	698	636	— 9	26	35	
	Total, ...	14	2,985	3,312	327	1,314	1.803	489	1.671	1,509	—9	20	29	
Balasore	Randhiar Argara ...	2	458	492	34	130	265	135	328	227	—30	10	40	
	Grand total ...	16	3.443	3,804	361	1,444	2,068	624	1.999	1,736	—13	18	31	

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STATEMENT C (c).

Estates paying new Revenue of more than Rs. 200 and less than Rs. 500.

District.	Pargana.	Number of estates	Assets.			Revenue			Income of zamindar			Proportion of columns 6 to 10.	Proportion of Columns 9 to 10.	Remarks.
			Existing	Settled.	Increase.	Existing.	Proposed.	Increase.	Existing.	Proposed.	Variation per cent.			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
			Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.				
Cuttack	Assureswar	5	2,163	2,398	235	779	1,288	509	1,384	1,110	—19	17	36	
	Kusmandal	1	588	668	80	291	372	81	297	296	—1	26	27	
	Suknai	6	3,818	4,324	506	1,160	2,208	1,048	2,658	2,116	—15	25	40	
	Athakanta	1	826	940	114	238	499	261	588	441	—25	19	44	
	Neulbisi	2	1,354	1,574	220	659	947	288	695	627	—9	31	40	
	Arakhpur	1	317	391	74	110	219	109	207	172	—17	35	52	
	Total ...	16	9,066	10,295	1,229	3,237	5,533	2,296	5,829	4,762	—18	21	39	
Balasore	Ambahata	3	1,138	1,499	361	323	831	508	815	668	—18	44	62	
	Randhiar Argara ...	1	490	524	34	289	288	79	281	236	—16	12	28	
	Total ...	4	1,628	2,023	395	592	1,119	587	1,096	904	—18	36	54	
	Grand total ...	20	10,694	12,318	1,624	3,769	6,652	2,883	6,925	5,666	—18	23	41	

STATEMENT C. (d).

Estates paying new Revenue of more than Rs. 500 and less than Rs. 1,000.

District.	Pargana.	Number of estates.	Assets.			Revenue.			Income of Zamindar			Proportion of columns 6 to 10.	Proportion of columns 9 to 10.	Remarks.
			Existing.	Settled.	Increase.	Existing.	Proposed.	Increase.	Existing.	Proposed.	Variation. per cent.			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
			Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.				
Cuttack	Assureswar	1	1,344	1,726	382	565	864	299	779	862	+10	49	39	
	Suknai	5	5,521	6,091	570	2,232	3,366	1,134	3,289	2,725	—17	17	34	
	Total ...	6	6,865	7,817	952	2,797	4,230	1,433	4,068	3,587	—12	23	35	
Balasore	Ambahata	2	1,945	2,445	500	731	1,399	668	1,214	1,046	—14	41	55	
	Randhiar Argara ...	4	4,483	5,497	1,014	1,302	3,000	1,698	3,181	2,497	—21	32	53	
	Total ...	6	6,428	7,942	1,514	2,033	4,399	2,336	4,395	3,543	—19	34	53	
	Grand total ...	12	13,293	15,759	2,466	4,830	8,629	3,799	8,463	7,130	—15	29	44	

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STATEMENT C (*e*).

Estates paying new Revenue of more than Rs. 1,000.

District.	Pargana.	Number of estates.	Assets.			Revenue.			Income of zamindar.			Proportion of columns 6 to 10.	Proportion of columns 9 to 10.	Remarks.
			Existing.	Settled.	Increase.	Existing.	Proposed.	Increase.	Existing.	Proposed.	Variation per cent.			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
			Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.				
Cuttack	Assureswar	1	2,015	2,193	178	1 088	1,212	124	927	981	+6	19	13	
	Bargaon	1	11,753	13,039	1,286	5,050	7,209	2,159	6,703	5,830	—13	19	32	
	Kusmandal	4	10,764	11,965	1,201	5,188	6,606	1,418	5,576	5,359	—4	21	25	
	Suknai	1	1,839	2,110	271	649	1,168	519	1,190	942	—21	22	43	
	Neulbisi	1	1,703	1,896	188	533	1,015	482	1,175	881	—25	16	41	
	Arakhpur	1	7,383	8,962	1,579	3,505	5,051	1,546	3,878	3,911	+1	40	39	
	Utikan	1	67,890	77,633	9,743	26,730	42,893	16,163	41,160	34,740	—15	23	38	
	Total ...	10	1,03,352	1,17,798	14,446	42,743	65,154	22,411	60,609	52,644	—13	24	37	
Balasore	Ambahata	1	8,848	10,997	2,149	2,128	6,095	3,967	6,720	4,902	—27	32	59	
	RandhiarArgara ...	1	2,422	2,861	439	767	1,854	817	1,655	1,277	—23	28	49	
	Total ...		11,270	13,858	2,588	2,895	7,679	4,784	8,375	617	—26	31	57	
	Grand total ...	12	1,14,622	1,31,656	17,034	45,638	72,833	27,195	68,984	58,823	—14	25	39	

S L. MADDOX,

Settlement Officer of Orissa.

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No. 14.

No. 450-S., dated Calcutta, the 2nd March 1898.

From—P. C. LYON, Esq., Director of the Department of Land Records and Agriculture, Bengal.

To—Secretary to the Board of Revenue, L.P.

In reply to your letter No. 101-A. of yesterday's date, on the subject of the settlement of rents and revenue in Orissa, in which you ask for an early report in order that the Hon'ble Mr. Toynbee may dispose of the subject before leaving for England, I have the honour to state that Mr. Maddox, Settlement Officer in Orissa, favoured me with a copy of his letter No. 2776, dated 21st December 1897, before he submitted it to the Commissioner, and discussed it with me during my last visit to Orissa. I find myself in agreement with Mr. Maddox on almost every point, and consequently need not trouble the Board with more than a few remarks on the subject.

2. In the first five paragraphs of the letter from the Government of Bengal, No. 969-T.R., dated 6th November 1897, in which these reports were called for, the Settlement Officer has been asked to furnish information as to the actual incidence of rents in Orissa, and to discuss the question whether rents are being enhanced sufficiently in the present settlement, or are being allowed to stand at too low a level. Mr. Maddox has dealt with this subject in Parts I, II and III of his letter, and has given full and complete statistics in the appendices; showing the actual figures for settlement of rents up to the end of September last.

3. In dealing with this subject of rents, I may say at once that the note by Mr. Kingsford, which is appended to the Commisssioner's letter, does not appear to me to be wholly sound. Mr. Kingsford speaks with a limited knowledge of the rent system of the Province, and gives reasons why *pahi* rents in Orissa should not be considered *competition* rents, most of which would apply equally well to all parts of India. In my opinion Mr. Kingsford's remarks as to the weakness of the ordinary landlord in Orissa are contradicted by many facts of which we have knowledge, such as the universal custom which obtains of exacting from the raiyat the whole of the Road and Public Works cesses, the numerous *abwabs* that are levied, and the fact that many of these landlords are rich absentees who are not troubled by any unduly lenient feeling towards their tenants. Again, the opinion expressed by Mr. Cooke, with Mr. Kingsford's support, that the original rules for enhancement contributed to keep *pahi* rents lower than they should have been, and that the new rules have been followed by a large increase in assets, is not supported by the figures of the actual settlements made. It is true that the rules at first left to the zamindars the task of pointing out for enhancement rents which were clearly too low, and that a modification of the rules has caused some improvement in the rate of enhancement of *thani* rents; but the stastistics given by Mr. Maddox in the appendices to his letter show that the percentage of enhancement of all assets has actually fallen in recent months, and that the percentage of enhancement of raiyati rents has remained stationary. Moreover, in the former rules, there was a special provision for dealing with beneficiary and collusive rents, and although the changes made in the rules, and the prominent attention called to the low percentage of enhancement of *thani* rents in the letter months of 1896 have served to improve our procedure for enhancement, it would be a mistake to suppose that the changes have had any marked effect on the assets.

4. I am of opinion, therefore, thrt neither Mr. Cooke nor Mr. Kingsford have fully appreciated the force of the statistics given by Mr. Maddox, and that the conclusion at which they appear to arrive are not supported by the facts and the figures before us.

5. The Settlement Officer's careful examination of the history of *thani* rents appears to me to leave little to be said, and I accept fully his conclusions that *thani* rents were generally settled at excessive rates at the last settlement, and that our present rules for enhancement will ensure that they are not now left at too low a level.

6. As regards *pahi* rents, Mr. Maddox is equally clear. There has been a considerable advance in *pahi* rents throughout the Province since the last settlement, and that advance appears so have been checked by the ordinary laws of supply and demand, the struggle for raiyats, as noted by Mr. Nathan and Mr. Mcpherson, having long since changed into a struggle for land. The list of "circumstances which tend to keep down *pahi* rates," given in paragraph 9 of the Commissioner's letter, is a list of reasons why competition has fail to run rents up to a higher level, and those reasons do not, in my opinion, influence the argument that these rents are not customary rents but competition ones.

7. As regards the general level and the sufficiency of *pahi* rents, I would again call attention to the remarkable fact that the landlords of Orissa, many of whom are Bengali and Uriya gentlement of intelligence and education, who have long been aware of the enhancement of revenue that was impending, have scarcely in a single instance interfered to secure larger enhancements from their tenants than our rules were giving them, and that complaints are not unknown that the landlords may find it difficult to realise the moderate enhancements we are taking. Mr. Maddox has also, after careful enquiry in all these districts, come to the conclusion that even the present nominal demand is not always realised, and that in the less carefully managed estates landlords bo not callect on an everage more than 14 annas in the rupee of the more substantial rents shown in their rent-roll. Moreover, the incidence of

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rents, as now settled in Orissa, and shown in the Settlement Officer's Statement B, is not so low as the circumstances of the province might reasonably be held to warrant, and do not compare unfavourably with the rates of rent obtaining in some of the permanently-settled estates in Orissa or in other parts of Bengal. The following figures will illustrate my meaning :—

District,	Rate of rent per acre. Rs. a. p.	How ascertained.
Cuttack	2 13 11	Present settlement.
Balasore	1 11 8	Ditto.
Puri	1 10 9	Ditto.
Province of Orissa	2 6 4	Ditto.
Kanika Raj Estate in Cuttack ...	1 2 2	Recent settlement.
Kujung Ward's Estate in Cuttack ...	1 14 6	Ditto.
Banki Estate in Cuttack—		
Raiyats under Government ...	0 15 7	Ditto.
Raiyats under-tenure-holders ...	1 9 9	
Ditto ditto ...	1 11 5	
Ditto ditto ...	2 5 6	
Srinagar-Banaili Estate in Bhagalpur, Purnea etc.	1 12 5	Ditto.
Sarail Estate in Tippera ...	2 0 11	Ditto.
Churaman Estate in Dinajpur ...	1 6 9	Ditto.
Maldwar Estate in Dinajpur ...	1 10 3	
Manbhum district	1 14 6	Road Cess returns.
Midnapore do.	2 8 5	Ditto.
Mymensingh do.	1 13 8	Ditto.
Dinajpur do.	1 11 7	Ditto.
Pabna do.	2 1 10	Ditto.
Faridpur do.	1 12 1	Ditto.
Malda do.	1 8 8	Ditto.

8. It may be also noted that, although prices have risen in recent years, they are still low in Orissa as compared with the prices obtaining in other districts in Bengal, as the following comparison of a few figures of the price of common rice will show :—

District,	Average price of common rice in seers to the rupee.		
	1895.	1896.	1897.
Cuttack	21·3	18·5	11·13
Puri	22·8	19·2	11·5
Balasore	21·5	18·12	12·0
Manbhum	19·13	14·8	10·4
Midnapore	18·7	15·11	10·1
Burdwan	16·15	13·11	9·5
Noakhali	17·10	11·12	9·11
Muzaffarpur	14·13	12·2	9·0

9. For the above reasons, combined with those shown by Mr. Maddox, I consider that the conclusions arrived at by him and by the other local officers that under no system of settlement we should have been able to settle higher rents which would at the same time have been fair and equitable, are altogether sound, and I venture to think that the opinion formed by the Government of India on the evidence originally bnfore them, that we were settling rents at a level markedly below that to which we might reasonably have enhanced them, will be materially affected by the facts and figures which have been now adduced.

10. In paragraph 32 Mr. Maddox refers to his note of January 1897 the figures in which have been found to be incorrect, but I think it right to explain further how little Mr. Maddox himself is responsible for them. It appears that the statement in question was called for only the day before the Settlement Office and were put up to Mr. Maddox on the day of the Conference. As they were required at once by my predecessor, Mr. Macpherson, they were handed over to him before Mr. Maddox had had time to check the figures in detail ; and as it was supposed at the time that the statements would not again be referred to, the Settlement Officer did not think it necessary to ask for their return for examination and correction. Had he understood that they were to be considered as summarising the final results of his work up to date, and, were to be printed and published, Mr. Maddox would, of course, have asked for them back, in order that they might be carefully scrutinised. It is a matter for great regret that the errors were not subsequently datected in this office, but Mr Maddox should, I think, be exonerated from personal responsibility in the matter.

11. As regards the question of the pitch of the present assessment, the Settlement Officer has pointed out that there was no real discrepancy in the statements which were made as to the enhancements of rents and assets, although there has been some confusion between the two. It is still a fact that the percentage by which assets have been enhanced is about 15 per cent, while the percentage of the enhancement of the rents of raiyats is only six

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per cent. The Settlement Officer clearly shows in Statement A1, appended to his letter that the increase in assets generally is mainly due to the heavy enhancement of the rents of protected tenures, and to the assessment to revenue of *jagir* and excess (*tawfir*) land hither to left untouched

12. With reference to the normal percentage of the assets, I have little to add to what Mr. Maddox has said. I much regret that the Government of India has found it impossible to accept the proposal of the Bengal Government to include the provision for the proposed patwari establishment in the revenue demand, and I deprecate the remission of five per cent., of the Government share of the assets unless and until it is finally decided that the landlords who receive that remission are to bear the cost of the patwari establishment. If, as seems probable, other Bengal precedents are followed, and the proposed patwari cess is imposed by legislation half on the zamindars and half on the raiyats, I have no hesitation in predicting that the whole of it will eventually be realised from the raiyats, with some slight amount in excess to cover the cost of collection, and we shall then have presented five per cent. of the assets to the zamindars without realising from them the equivalent for which it was given. I would, therefore, suggest that for the present the normal share of the assets be fixed at from 60 to 65 per cent. any further reduction on account of the patwari cess being made conditional on the terms on which the cess, is to be levied.

No. 15.

No. 240A., dated Calcutta, the 10th March, 1898.

From—E. W. COLLIN, ESQ., Offg. Secretary to the Board of Revenue, L. P,

To—The Secretary to the Government of Bengal, Revenue Department.

I am directed to forward, for the information and orders of Government, copies of the letters noted in the margin relating to the questions raised in the correspondence resting with your letter No. 969 T.R., dated the 6th November 1897.

THE HON'BLE G. TOYNBEE.

No 17O.S., dated the 5th February, 1898, from the Commissioner of Orissa, and its enclosures, including the Settlement Officer's No. 2776, dated the 31st December, 1897.

No. 450S., dated the 2nd March 1898, from the Director of Land Records, Bengal.

2. The excellent report submitted by Mr. Maddox, the Settlement Officer of Orissa (No. 2776, dated the 31st December 1897), the Commissioner's forwarding letter and its enclosures, and the letter of the Director of Land Records deal so fully and exhaustively with the various points on which Government required further information that the Board do not consider it necessary to go over the same ground or to make any detailed observations of their own. Mr. Toynbee agrees generally as regards the correctness of the facts stated by the local officers, and in the conclusions which they have based upon them. He also considers that the explanations furnished by Mr. Maddox in Part V of his report are entirely satisfactory.

3. The Board are of opinion that the great famine of 1865-66 and the large extension of cultivation which has since taken place have both been disastrous to the *thani* raiyat. The famine, to Mr. Toynbee's personal knowledge, enabled zamindars to make almost any terms they pleased with their *thani* raiyats, and in many cases to destroy their rights altogether; while the extension of cultivation, due to the growing pressure of population on the soil, and to the opening up of the country by the canals and by the Chandbally steamer service to Calcutta, deprived them of one of their most important privileges—that of cultivating the best culturable waste lands on very easy terms. The margin of cultivation has Mr. Toynbee believes, increased to such an extent since the last settlement that really good virgin soil is now only to be found in the Tributary States.

4. The Board consider that the local officers have given ample grounds for their opinion that, for the purposes of the settlement now being made, *pahi* rents should be considered as competition rents. In such a conservative Province as Orissa, where the prevailing characteristic of such of the people as have not been affected by the high wages earned in Calcutta is indolence and *laissezfaire*, it is, in Mr. Toynbee's opinion, perfectly true that the existing *pahi* rents are practically competition rents, though not strictly or theoretically so. There is still a large amount of good waste land available for cultivation on easy terms in the Tributary States; and if the zamindars of Orissa had attempted, during the last 2 years, to enhance the rents of their *pahi* raiyats beyond their marketable value, they would doubtless have availed themselves of it rather than pay more. When Mr. Toynbee served in Orissa between 1866 and 1876, it was a common and stereotyped form of raiyats' complaints against landlords. oppression or demand for enhanced rents to say —"We cannot stay in the Mogulbandi but, must fly to the Tributary States of this oppression goes on."

5. Considering that Orissa is specially liable to damage from floods and cyclones, that the people are practically dependent on one crop—rice, and that zamindars seldom or never actually collect to the full exent of their rent rolls, Mr. Toynbee has no doubt that the conclusion arrived at by the Settlement Officer to the effect that the rents of both *thani* and *pahi* raiyats, as settled under the existing rules, are as high as they can afford to pay, and quite as high as the landlords can collect, is correct.

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6. It is impossible, in the Board's opinion, to forecast the result of the construction of a railway through Orissa. The Province has only one main crop, and it is not certain that the railway will be able to carry rice as cheaply as it is now carried by water *via* Chandbally and the Coast Canal. The ultimate effect of the railway on the prices of rice will, no doubt, be, in Orissa as in the rest of India, to level them up. But the benefit of the increased demand for land which the increase of prices and the railway must bring will, in Mr. Toynbee's opinion go rather to the Chiefs of the Tributary States which border the west of the railway than to the revenue-paying zamindars, as the margin of profitable cultivation of waste lands has been nearly reached in the Mogulbandi. It is impossible, and contrary to the policy of Government, to take into account any prospective assets due to the railway.

7. The Board fully agree with the local officers that the proportion of assets to be taken as land revenue, *viz.*, 50 to 55 per cent., cannot be exceeded at this settlement without causing general hardship and, in individual cases, misery and ruin. From the 54 cases which have been disposed of by the Board, and from the facts and figures given by the Settlement Officer of Orissa in his report, it is clear that the zamindars will, as a body, feel the effects of the new assessment very severely even if the Board and the local officers make the fullest possible concessions allowed by the terms of paragraphs 18 and 19 of the Government of India's orders No. 2397—192-2, dated 13th October, 1897. The effect on the zamindars' income of the assessments sanctioned in the 54 cases above alluded to is a reduction varying from 15 to 20 per cent. The resident zaminnars of Orissa are, as a class, improvident and short-sighted. They spend a large part of their incomes locally on religious and social ceremonies and observanaces. Few of them save any thing for a rainy day, while most of them live even beyond their incomes. They have, it is true, enjoyed the benefits of the extension of cultivation during the last 60 years entirely as a free gift; and had they been prudent, far-seeing men, they would have saved some of these surplus receipts against the day of resettlement. But, as a class, Mr. Toynbee believes that they have not done so. They must be dealt with as they are, and not as they might, or ought to, have been.

8. The Board are of opinion that it is not yet necessary to decide what shall be the normal share of the Government assets in future settlement, but that the decision of this question should await the experience of the present settlement, the results of railway extension as regards rise in prices, enhancement of rents and extension of cultivation. It is, in their opinion, sufficient at persent to declare that the Government share of the assets, which is now being taken at 50 to 55 per cent., is not the normal percentage, but is exceptionally low in consequence of the desire of Government to soften as far as possible the reduction of income of the zamindars, and to deal with them in a liberal and equitable spirit.

9. The question of patwaris and the patwari cess will be dealt with separately in a future report.

No. 16.

No. 1418, dated Calcutta, the 31st March 1898.

From—M. FINUCANE, ESQ., C.S.I., Secretary to the Government of Bengal, Revenue and Agricultural Department,

To—The Secretary to the Government of India, Revenue and Agricultural Dept.

Wite reference to Mr. Ibbetson's letter No. 2397—192-2, dated 13th October 1897, and in continuation of this office memorandum No. 970T.R., dated 7th September 1897, I am directed to submit, for the information and consideration of the Government of india, the papers noted in the margin.

(1) Board's letter No. 240A., dated the 10th March 1898, to the Bengal Government
(1) Letter No. 170S., dated the 5th Fbruary 1898, from the Commissioner of Orissa, and its enclosure, including the Settlement Officer's No 2776, dated the 31st December 1897.
(3) Letter No. 450S., dated the 2nd March 1898, from the Director Land Records, Bangal.

Doubts were expressed in Mr. Ibbetson's letter on the questions (1) whether the *pahi* rents were competition rents in Orissa ; (2) whether the *thani* raiyats' rents being sufficiently enhanced ; (3 whether the rents being settled generally were not at a level markedly below that at which they might fairly stand even under existing circumstances; (4) whether the assessment of revenue, based on the rents being settled, is not unduly low and unfair to other provinces, though the best that can be made under the existing law. It was further stated in the same letter that no attempt had been made to supply information as to the actual amount by which enhancements of rent will increase the income flowing into the pockets of the landlords, so that it might be apparent what portion of any enhancement that might be imposed in the demand upon them would be met by a corresponding enhancement of their rent-rolls, and what protion would remain to be met in the first instance from their present resources, and would, therefore, represent immediate reduction of their net income. The normal share of the assets to be taken as revenue in future settlements was left for consideration and decision by Sir Alexander Mackenzie.

On receipt of Mr. Ibbetson's letter, the Officiating Lieutenant-Governor called for report on the points indicated above from the Board, the Director of Land Records, and the local officers. These reports have now been received and carefully considered by Sir Alexander Mackenzie, who desires me to submit them to the Government of India with the following remarks.

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2. It will be seen that the Settlement Officer, the Director, of Land Records and the Board are unanimously of opinion that the existing *pahi* rents in Orissa are competition rents so far as rents in India can be called competition rents at all. The Commissioner, Mr. Cooke, doubts whether the rents can be properly called competiton rents in the true sense of the term, but the mere term is a matter of no importance. He agrees with others in thinking that the *pahi* rents being settled are fair and equitable.

On this point Mr. Toynbee, whose long service in and knowledge of Orissa is unique, writes:—

"Considering that Orissa is specially liable to damage from floods and cyclones, that the people are practically dependent on one crop—rice, and that zamindars seldom or never actually collect to the full extent of their rent-rolls, Mr. Toynbee has no doubt that the conclusion arrived at by the Settlement Officer, to the effect that the rents of both *thani* and *pahi* raiyats, as settled under the existing rules, are as high as they can afford to pay, and quite as high as the landlords can collect, is correct."

3. As to points (2), (3) and (4) mentioned above, it will be seen that all the officers consulted are of opinion, for the reasons clearly stated in the Settlement Officer's report, that the incidence of the *thani* and *pahi* rents now being settled is as high as the raiyats can afford to bear. Mr. Maddox, after a careful investigation of the question, sums up his conclusions thus:—

"To sum up, where *thani* lands are paying low rents or unduly low rents, the rules provide proper and sufficient means of enhancement. The incidence of the *thani* and of the *pahi* settled rents is now nearly the same, and there is, I consider, every reason to believe that the *pahi* rent is a competition rent and a sufficient rent. In my opinion it would be unsafe to undertake any general enhancement. Prices and cost of cultivation do not at present lead me to think that we should attempt to generally raise *pahi* rents. The effect of the extension of the railway is dealt with in the next part (paragraph 29). The railway will, I believe, pave the way for large enhancements at the next settlement. Another consideration, set forth in the beginning of this paragraph, must not be lost sight of, *viz.*, that the settled rent to be realised by the zamindar is a *demand of rent* not likely to be realised in full from year to year, and that Orissa is a country liable to periodical destruction of crop.

"Thus I would not, under any system of settling rents, attempt to pitch them higher. The result would be, I believe, the ruin of many raiyats and default in payment by many estates of Government revenue. The new rulers provide for enquiry into, and adequate enhancement of, all unduly low rentals."

With these conclusions, the Director of Land Records and the Board of Revenue agree, and I am to add that Sir Alexander Mackenzie also concurs with them.

4. As regards the questions of the actual amount which will flow into the pockets of the landlords and the portion of the increased demand on them which will have to be met out of their present resources, it was obviously impossible to give full or precise information till the settlement of rents had been well advanced or completed. All the information available on the point is now furnished in Part VI of the Settlement Officer's report, from which it appears that the income of the landlords before settlement is estimated at Rs 20·25 lakhs, and that after settlement it will be about Rs. 18·2875 lakhs, or in other words, that it will be reduced by about 10 per cent. This reduction appears to the Lieutenant-Governor to be a very moderate one.

5. Regarding the question of the normal percentage of the assets to be taken as revenue in future settlements, the Board remark :—

"The Board are of opinion that it is not yet necessary to decide what shall be the normal share of the Government assets in future settlements, but that the decision of this question should await the experience of the persent settlement, the results of railway extension as regards rise in prices, enhancement of rents and extension of cultivation. It is in their opinion sufficient at present to declare that the Government share of the assests, which is now being taken at 50 to 55 per cent., is not the normal percentage, but is exceptionally low in consequence of the desire of Government to soften, as far as possible, the reduction of income of the zamindars, and to deal with them in a liberal and equitable spirit."

The Lieutenant-Governor agrees in this view. It is open to the State to take any percentage of the assets that it may think fit as revenue. The term of the settlement has now, under the orders of the Secretary of State, been fixed at 30 years. Circumstances will have largely changed within that period. It is impossible to say what percentage it may be practicable and equitable to take 30 years hence, and the Government of the day need not, in Sir Alexander Mackenzie's opinion, be hampered either by promises now to limit its demand to any particular percentage, or by the declaration that it will not accept less than a particular percentage. If, however, the Government of India still think that a normal theoretical percentage should be fixed, Sir Alexander Mackenzie would, as suggested by the Government of India, fix it at from 55 to 60 per cent.

6. Proposals for the imposition of a *patwari* cess will be submitted separately. Here Sir Alexander Mackenzie desires merely to place on record that as the term of settlement is to be 30 years, there is the less objection to the imposition of such a cess, and that in his opinion it ought to be paid entirely by the landlords.

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No. 17.

No. $\frac{560}{90-2}$, dated Calcutta, the 26th March 1898.

From—E. MACONOCHIE ESQ., I. C. S., Under-Secretary to the Government of India, Department of Revenue and Agriculture,

To—The Secretary to the Government of Bengal, Revenue Department.

WITH reference to the correspondence ending with your endorsement No. 970T.R. of the 6th November last, I am directed to forward a copy of a Despatch from the Secretary of State for India regarding the Orissa settlement, in which he intimates his approval of the instructions contained in Mr. Ibbetson's letter to the Government of Bengal, No. 2397—192-2, dated the 13th October, 1897, on the subject of (1) the adjustment of raiyat's rent; (2) the refusal of a permanent settlement, and (3) the patwari cess and the organization of patwaris.

2. On the important points of the share of the assets which are now to be taken by the Government and the term of the new settlement, the Secretary of State's orders are conclusive. The consequence will be that if the rents as adjusted by the Settlement Officer are inadequate, the concession enjoyed by the tenants will be much more considerable then was contemplated. The question remainsng for decision relates merely to the theoretical limits up to which the present assessment might have been pushed. I am to ask that, as desired in paragraph 14 of Mr. Ibbetson's letter referred to above, the Government of India may be favoured with the opinion of Sir Alexander Mackenzie on the subject.

No. 20 Rev., dated India Office, London, the 3rd February 1898.

From—THE RIGHT HONOURABLE LORD GEORGE FRANCIS HAMILTON, Her Majesty's Secretary of State for India,

To—His Excellency the Right Honourable the Governor-General of India in Council.

I have considered the papers received with your Excellency's letter No. 75 (Revenue), dated the 21st October, 1897, on the subject of the Orissa Settlement.

2. I approve the instructions contained in your Secretary's letter of the 13th October 1897, on the subject of (1) the adjustment of raiyat's rent; (2) the refusal of a permanent settlement; (3) the patwari cess and the organisation of patwaris.

3. With regard the Government share of the assets and the enhancement of demand to be actually imposed on the present occasion, you observe that "the enhancement of the demand is large, being 56 or 68 per cent. although the proportion of the Government share is reduced. The Bengal Government proposed that a normal percentage of 55 of the assets should be assessed as land revenue, and that the patwaris should be paid therefrom. Your Excellency's Government prefers that the cost of the patwari and land records establishments should be defrayed from the proceeds of a separate cess. The cost of patwaris you take at 5 per cent. of the assets, and you, therefore decide that "for the purposes of the present assessment, 50 per cent. of the assets shall be taken as the normal share, to be raised to 55 or (subject to sanction) reduced below 50 under special circumstances. This settlement you consider eminently moderate, it is in fact identical with the proposals of the Bengal Government, and I am prepared to agree, on the understanding that the permission to go "above 55 per cent." given in the next paragraph of your Secretary's letter to the Government of Bengal is very sparingly used. The responsibility of fixing assessments which will allow of the incresing prosperity of the agricultural population rests on your Excellency's Government, and I do not desire to limit your discretion. I will do no more than repeat the principle, that any theoretical rights of the State and even the increase of the revenue must be held second to the contentment of the people. I observe that the question, what is the proper Government share of the assets in Orissa, is still to be resolved after further consideration by Sir Alexander Mackenzie. I request that his opinion on this subject with the final conclusions of your Excellency's Government may be communicated to me before any orders upon it are published.

4. I am not able, however, to concur in your view regarding the term for the Orissa Settlement. The Province has enjoyed two successive 30 years' terms of settlement, the people hope for an expect a 30 years' settlement; the present settlement is expected to yield an increase of 56 to 68 per cent. in the revenue, and I do not see sufficient ground for reducing the term to 20 years. In Lord Kimberley's Despatch of November, 1893, and in my Despatch of October, 1895 were stated the reasons for ordinarily adhering to the term of 30 years in temporary settlements of fairly populous tracts, where 30 years has been the term for previous settlements. In my judgment it is not expedient to reduce the term to 20 years in Orissa, and I request that instuctions may be issued accordingly to the Government of Bengal.

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No. 18.

No. 1109-A, dated Calcutta, the 18th October, 1897.

From—E. W. COLLIN, ESQ., Offg, Secretary to the Board of Revenue, L. P.,

To—The Secretary to the Government of Bengal, Revenue Department.

I AM directed to forward, for the orders of Government, a copy of letter No. 375-T. S., dated 28th September, 1897, from the Director of Land Records and Agriculture, on the subject of the settlement of land revenue in Orissa, and also a copy of a note by the Commissioner of Orissa * on the same subject.

THE HON'BLE G. TOYNBEE.

*Enclosure to his letter No. 112—O.S., dated 6th August, 1897, to the Board's address.

2. Two of the questions raised by Mr. Macphersen were dealt with in a semi-official letter No 445-A., dated 7th September, 1897, from the Member in charge to your address; and I am to request that early orders may be passed on the Director's letter. Pending receipt of such orders, and of those of the Government of India on the assessment proposals of the Bengal Government, Mr. Toynbee has not yet taken up for disposal the 49 assessment reports which the Board have, up to date, received from the Commissioner of Orissa.

3 The Board approve and support all the three recommendations made by the Director.

4. As regards paragraph 4, Mr. Toynbee observes that (loking to paragraph 2 of your semi-official letter No. 7-T.R., dated 29th April, 1897, to the address of the Hon'ble Mr. C. C. Stevens) it was apparently intended that assessment reports should only go through the Director of Land Records and Agriculture during the period of his special deputation to Orissa and while he was in that Province; and that the laws in force for the settlement of land revenue do not provide for any appeal to higher authority in cases of settlement of Government revenue. Such cases appear to be governed by Rule 8, page 102 of the Survey and Settlement Manual, 1895, and by Rule 1, page 125 of the Board's Rules (1896), which are reproduced below for facility of reference.

Rule 8, Part III, Chapter 13, page 102 of the Survey and Settlement Manual (1895).—"All orders passed by any authority regarding settlements will be opened to appeal according to law, and to revision by superior authority on, or without, appeal, unless such revision by executive authority is barred by law."

Rule 1, Part I, Chapter VIII, page 125, Board's Rules (1896).—"The Board are competent, with or without appeal, to call for, revise or alter any proceedings of a Commissioner or other subordinate revenue authority not made final by law * *."

The Board consider that the above rules amply safeguard the interests both of Government and of the Orissa proprietors.

"General" Note on assessmemt of Governnent Revenve.

(ENCLOSURE TO ORISSA COMMISSIONER'S No. 112-O.S., DATED 6TH AUGUST, 1897).

1. I HAVE at present received two instalments of records of the settlements with a view to deciding what Government revenue shall be assessed on each estate. These records are those of pargana Newulbisi, containing 3 estates, and of killah Ambohatta, containing 8 estates.

2. I have read the reports of the Assistant Settlement Officers, the Settlement Officer, and the Director in the case of each estate.

3. The point that must strike any one is the marked want of uniformity in the operation of the rule as to allowing 45 per cent., as malikana. In this small group of eleven estates the effect has been to show that the landlord's income is reduced by very varying percentages. In one case the reduction in income exceeds 30 per cent.; and in another it is proposed to increase the landlord's income. Such a marked want of uniformity is to be avoided as far as possible, as being not always reconcilable with equity, depending as it does on the procustean rule of 45 per cent, of the gross assets which operates very differently in different cases.

The remedy is proposed in Director of Land Records' No. 375-T.S., dated28th Septmber, 1897 (page 1106 of my special file).

G. T.

4. In cases where the increased demand of rent is the result (*a*) of a large extension of cultivation, (*b*) or of an increase in the rates of rent during the currency of the settlement (made 60 years ago), the share of the Government is, so far as the rents of these lands are concerned increased entirely at the expense of the landlord.

Rightly so, subject to equity and moderation and somewhat to personal consideration which can't be altogether ignored.

G. T

5. The other item of increase of assets arises from the settlement operations, and consists of (*c*) trifling rises in the rates of rent, and (*d*) the assessment of areas formerly paying no rent. In this item the Government and landlord share in the ratio of 55 to 45, whereas in the previously mentioned item the landlord has already been in the enjoyment of his share as well as that of the Government, and he has now to part with the latter.

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6. Unfortunately, so far as my experience goes, the increase from extension of cultivation or rise in rates of rent during the currency of the old settlement is greater than that from other operations in the present settlement, and where this is the case the landlord has his income greatly reduced without this being made good by increased income derivable from the other item, settlement enhancements of rates and assessment of rent-free land.

The blow can be softened and should be as proposed in Director of Land Records' No. 375-T.S.
G. T.

7. Theoretically the landlord should be prepared to bear this, and be grateful that the call to pay the full Government share due to extension of cultivation and rise in rents during the currency of the old settlement has been so long deferred; but practically there should, I think, be a limit to the reduction of the landlord's income, and this limit should be fixed at the point at which a man of ordinary prudence can retrench his expenditure; and I am inclined to think that a reduction of income by 25 per cent. is as much as the landlords are capable of, and I feel disposed to adopt this as the limit. If more be taken, I think there is much danger of a number of estates defaulting, and their lands being sold up. I am of opinion that a settlement that leads to this result even though it presents the most gratifying results with regard to an increased revenue, would be an eminently bad settlement, and adequate measures should be conceived to render this calamity avoidable by the exercise on the part of the landlord of ordinary prudence.

Theoretically he ought to have invested the surplus to form a fund from which to pay the increased revenue.
G. T.

Yes.
G. T.

Then a general discretion must be given without a limit to save the smaller Uriya proprietors.
G. T.

See Director of Land Record's No. 375-T.S.
G. T.

8. The settlement, so far as the raiyats are concerned, has been, for well known reasons, an excessively lenient one; and as a consequence of such leniency the zamindars' increase of income from enhancements and from resumption of rent-free lands under the settlement has been much curtailed,—this being the only fund from which the loss of income due to the re-adjustment of the shares of the Government and the landlord in the assets due to increased cultivation or rise of rents can be redressed; thus the leniency towards the raiyats results in loss to the landlord, and it appears to me in accordance with justice and prudence that the landlord should also be treated with such leniency as the circumstances of the case allow, having due regard to the interests of the revenue.

9. The remarks of the Settlement Officer and of the Director display a solicitude to reduce what is described as "the shock"; but the measures adopted to this end do not appear to me adequate.

As proposed in Director of Land Records' No. 375-T.S., and as in Central Provinces and Punjab.
G. T.

10. One consists of a concession of 25 per cent. on the estimated raiyati value of his *nij-jot* and *nij-chas* lands; this concession affords very small amount of relief, as such lands are not extensive in the estates now under consideration.

See paragraph 3 of Director of Land Records' No. 375-T.S.
G. T.

11. The other remedy is to allow a "*rasadi*" revenue, the full revenue being attained after five or fewer yearly increments. This is only a temporary relief, and if the full revenue is in itself excessive, I do not think that it should be imposed either now or five years hence. I note that the reason given for a "*rasadi*" revenue is that it is doubtful whether for the first few years the whole settled rents will be collected. From this point of view such an arrangement is admirable, but it does not meet the case of an estate in which the Government revenue is excessive even when the whole rent is collected, and I think that such may be said to be the case where a landlord's income is suddenly reduced by more than one-fourth.

12. There is an objection to *rasadi* settlements, and especially to those now proposed, which are to take effect yearly: there is a danger of confusion in the Collector's tauzi office by annual alterations in the tauzi demand, and also of the landlords not bearing in mind the amount of the yearly enhancements, which would give rise to still greater confusion. When a *rasadi* jama is contemplated, I think the enhancement from the minimum to the maximum-enhanced revenue should be made by one increment, and that after a fixed period of five years in all cases. With some *rasadi* extending to 2, others to 3, and others to 5 years, the change of confusion in the tauzi office appears to me very great.

Such rasadi settlements are to be the exception, and I do not much believe in them. See Director of Land Records' No. 55-O.T.S., dated 23rd July 1897, paragraph 2(iv) page 720A of special file.
G. T.

13. The only other remedy that suggests itself is to summarily increase the malikana "by a round sum" as an act of grace without altering the declared percentage of malikana, so as to reduce the contraction of the landlord's income to a maximum of 25 per cent.

See Director of Land Records' No. 375-T.S., Central Provinces and Punjab have per cent., not lump.
G. T.

14. Such are my personal views, and I think it will be safe that they should be placed before the Board at the outset, so that they may be corrected if erroneous.

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15. I would add that the Settlement Officer and Director have not, perhaps, made sufficient allowance for certain charges to which the landlord is liable, viz, the dak cess and the road and public works cess. We are, it is true informed that the landlord collects his share of the last-named cess from the tenant: but to quote this as a reason for high assessment, or for ignoring the item as one to which the landlord is liable, is to acquiesce in and condone his extortion. Again when litigation is necessary for the collection of rents, this has to be done either by the landlord spending his own money, for which he would receive 24 per cent. interest, or by his borrowing money at that rate of interest. If he be successful he will receive a decree carrying interest at only 12 per cent., and the realization even of that is dependent on the successful execution of the decree. Money loans for litigation purposes, as well as for other purposes, are charged with a proportionate share of the usurer's income-tax and a grasping demand which bears the euphemistic designation of "*mithaikhaya*" (light refreshment). Considering all these things and the difficulty of all but very rich men, who either save or indulge in superfluities, making any reduction in thir ordinary expenditure, I am convinced that 25 per cent. is the very highest reduction that it is safe to make in the landlord's income. Indeed, I believe even that will be in many cases too high. The good easy man, who is largely represented in Orissa, will go under, and the hardest and most unsympathetic landlords will survive by extorting money in some form from their tenants.

Is the rate now so high in Orissa? I doubt it, though it was 30 years ago.

G.T.

16. I have only to add one remark as to the attempt to push on this work so as to enable a portion of the estate to be possessed to Government revenue from 1305, that is, from a date* in the month of September Next.

*8th September.

G.T,

The commissioner comes to the work of assessing Government revenue after having been, at least for a portion of the period during which the settlement was in progress, excluded from participation in the work of settlement. I received the first instalment of these reports on the 25th July, and I understand that the Settlement Department are striving to get as many of them as possible taken up before September 7th.

The subject is not so familiar to the Commissioner as it is to the Settlement Officer and the Director; and I do not think that the Commissioner should be hurried in a matter of this great importance. In any case, the number of estates dealt with is not likely to be large; even should I confine myself to recording my acquiescence in every proposal that reaches me But I do not think that is likely to happen. References will be necessary to the Board of Revenue, which will cause delays, and the result will be that an inconsiderable number of estates will be disposed of before the conclusion of 1304, so as to give effect to the enhancements of Government revenue in 1305. Is it worthwhile for the small increase of revenue that these represent to treat estates differently in the matter of giving effect to enhancements in different years, a few in 1305, many in 1306, and the balance perhaps in 1307?

This point is also dealt with in Director of Land 'Records' No. 375 T,S,

G,T,

No. 375-T.S., dated Darjeeling, the 28th September, 1897.

From—W. C. MACPHERSON, Esq, Director of the Department of Land Records and Agriculture, Bengal,

To—The Secretary to the Board of Revenue, Lower Provinces.

I HAVE the honour to ask the Board to be so good as to consider three important matters in connection with the settlement of the land revenue for the temporarily-settled estates of Orissa.

2. The first matter is the rigid character of the rule laid down in paragraph 8 of Bengal Government letter No. 238-T.R of the 12th May, 1897, which is quoted in the margin, with regard to the percentage of the assets to be taken for Government.

Extract from paragraph 8 of Bengal Government letter No, 238-T,R, dated 12th May, 1897,

Fifty-five per cent, of the assets is tha normal percentage to bs taken for Government. When it is proposed to take less than 55 per cent, of the assets for Gonvrnment, a special report must be submitted to the Board of Revenue and their sanction must be obtained,

The rule in force in the North-Western Provinces (to be found on page 28 of Part I of the Board's Rules, North-Western Provinces, quoted also on page 96 of volume II of Sir B H. Baden-Powell's Land Systems of British India) is that whenever the proposed revenue exceeds 55 per cent. or falls below 45 per cent. of the rent-roll, the Settlement Officer must obtain the special sanction of the Board to his proposals. In both limits the rule in force in the North-Western Provinces is more favourable to the zamindar than is the Orissa rule.

In the Central Provinces the ordinary variations of revenue demand are from 60 to 50 per cent. of the assets. But in the Central Provinces, as I understand, the assessment of every mahal is sanctioned by the Chief Commissioner before it is announced.

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Besides the delay in the assessment work which is involved in transmission of the estate report and statements to the Board, the Orissa rule cited above imposes, I think, unnecessarily strict limits on the Settlement Officer, checks proper concessions to the zamindars, and induces the Settlement Officer to undervalue assets, especially of lands held in direct possession of the zamindar and miscellaneous income from banker, and phalker, &c. I would recommend that, as in the North-Western Provinces, the Settlement Officer of Orissa should be allowed a discretion to take from 55 to 45 per cent. of the assets without necessity for special report to the Board. The special report to the Board may be declared to be necessary (1) Whenever the proposed revenue falls below 45 per cent. of the assets, or (2) whenever it exceeds 60 per cent. of the assets, unless (in the latter case) a large percentage than 60 per cent. was taken for Government at the last settlement.

I have been expecting to receive from the settlement Officer, but have not yet received a special report on the stagnancy since the last settlement of rents in parts of the Puri district, which has been due, as it is believed, partly to the destruction caused by the Puri rivers, partly to the relations existing between the mukaddams and their tenants, and patly to collusion between landlords and raiyats to get low rents recorded. In parts of Puri it will certainly be unnecessary to surrender to the landlords so much as 45 per cent. of the recorded assets; and in the case of some estates in the Balasore district in which it was found that the landlords and tenants had combined to understate rents (whether after payment of *salami* or otherwise), it has appeared to the Settlement Officer, to the Commissioner, and to me, that it is unnecessary at this settlement to increase the allowance of 35 or 40 per cent. made to the zamindar at the last settlement.

3. Connected with the matter stated in the last past paragraph is the question which was much discussed during my recent stay in Orissa, as to whether it is desirable that an increased percentage to the assets should be allowed to the zamindars and to the mukaddams and other sub-proprietors when there has been a very large increase of rents or assets since the last settlement, but when existing rents have been only very slightly increased in the present operations. In such cases the zamindars and mukaddams are sometimes threatened with a decrease of income so large that even a *rasadi* or progressive increase is an insufficient shield to prevent ruin or very serious embarrassment if the normal 55 per cent. of the assets is ultimately to be taken. Sometimes in such cases, before submitting assessment proposals to the Commissioner, the Settlement Officer and I have resorted to the device of undervaluing the land held in direct possession by the landlord; and this device occasionally meets the equities of the case. I do not think that serious objection need be taken to this course, though it has been stated that we thereby get a fictitious statement of assets. I have myself frequently impressed upon officers of the settlement staff the desirability of rightly valuing lands held in direct possession by landlords, so that the share of the assets left to them may be rightly known. Looking at the valuation made, however, in the cases under discussion, from the point of view of what the landlord can afford to pay, it need not, I think, be said that assets are being undervalued. It could even more rightly be said that the rents settled as payable by the bazyaftidars are an undervaluation, as such rents are rarely more than half the rents settled as payable by ordinary tenants. The fact is that the "assets" of a settlement of the land revenue cannot represent a uniform valuation of the land, but must represent the aggregate of the sums which the occupants of the land can afford to pay. Useful as the valuation is, therefore, in helping the Settlement Officers to determine what the people should pay, it is only one factor in determination of " assets."

I have, however, to report that the device of undervaluation of the lands held in direct possession by the landlord is not always available of reduction of "assets." Sometimes the landlord has no such lands or only a few fields. In such cases when ultimate demand of the normal percentage of the assets, *i. e.*, 55 per cent. (even though mitigated by progressive increases beginning with a much smaller percentage), would obviously cause great hardship to the zamindar, what is to be done? The Commissioner, Mr. Cooke, on consideration of some cases, suggested for discussion that a limit of diminution of a landlord's income by 25 per cent. should be prescribed. I would not agree, nor do I think that Mr. Cook would propose that such a limit should be absolutely laid down. A wealthy landlord might be able to suffer a greater contraction of income without serious inconvenience. Some estates in Orissa are owned by well-to-do non-resident Bengali zamindars to whom it is unnecessary to show any special tenderness. On the other hand, it is probably true that most of the Orissa zamindars are poor and have no savings. They live up to their present incomes ; and it will be a hard matter for many of them to contract their expenditure in such manner as to be able to pay even a moderately increased revenue. During the discussions as to the principles on which Orissa should be settled, I have on occasions invited attention to the consideration that the zamindars should not be "exploited" for the benefit of the Government, and the raiyats only be protected. It is submitted that the zamindars also must be mercifully treated. Government has for 60 years slept on its right to take an increased share of the assets of the land ; and it cannot now equitably taken in any estates so large a share of the assets as would ruin an ordinary landlord. By an ordinary landlord, I mean a landlord of ordinary prudence and style of living in Orissa. An improvident landlord, unbusinesslike and indebted, may be ruined even by a very moderate and reasonable addition to the burdence which he has to bear. The principle suggested by Mr. Cooke, whereby diminution of income is a matter to be looked to, appears to me to be more suitable and better grounded, so far as assessment of revenue is concerned, than, the

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rule which has been in force in Bombay (page 242 of Sir B. H. Baden-Powell's Land Systems), where by increase of the revenue of a taluka or group of villages is ordinarily limited to 33 per cent. and of a village to 66 per cent. If by assessment of increased cultivation, or by enhancement of rents unduly low, assets are much raised and the zamindra's income be increased, an increase of revenue exceeding 66 per cent, in a village or estate can often be regarded with equanimity.

Without, therefore, laying down a limit of 25 per cent. so far as regards diminution of a landlord's income, I would recommend that the principle be accepted that additional leniency of assessment is permissible, when exercise of such leninecy appears to be called for in order to prevent excessive diminution of a landlord's income.

In further explanation of the principle suggested I would recommend for adoption in Orissa rules 205 (4) and 205 (7) of the Central Provinces' Settlement Code, which are reproduced below:—

"In cases where the revenue is largely enhanced a smaller share may be taken than where the increased is considerable.

"Leniency should be shown in the case malguzars who are poor or indebted when there s any probability of its assisting them to better their condition. So also in the case of mahals where the profits are divided amongst a large number of shareholders."

It has been urged by some of the officers of the Orissa settlement staff that it is objectionable to allow to Zamindars a larger share of the assets than the normal 55 per cent. because such a concession must create expectations and be cited as a precedent in future settlements. I would admit that it will always be better not to allow such exceptions to be formed, and that instead of conceding for the whole term of settlement an unusally high percentage of the assets, it will be better, when adequate concession can there by be made, to fix progressive revenue. When, however, further concession is required to prevent hardship, it should, I submit, be given without reference to symmetry of assessment, and without any admission that the percentage conceded is to be stereotyped for the future. On the contrary, a departure from the normal percentage of assessment made in order to prevent hardship may expressly be declared to be given for the present settlement only, just as like concessions have been given to bazyaftidar tenants and others, with express reservation of the right to take a full assessment in the future.

Lest the Board should require re-assurance as to the probable result of the re-assessment of the land revenue of the temporarily-settled estates of Orissa, before sanctioning exercise of special leniency in the case of zamindars who are threatened with large decrease of income, I have to state that, so for as I can judge, (1) from the general figures compiled as to existing assests and settled assets and (2) from the assessment of land revenue in 71 estates situated in 9 parganas in Cuttack and Balasore, which I was able to pass on the Commisioner during my recent stay in Orissa, there is probability of a larger increase of revenue than the 50 per cent., or 6½ lakhs of rupees increase which has been heretofore estimated. The monthly progress returns of assessment of estates, so far as it has gone, will be found to point in the same direction.

4. The third matter which I wish to submit in this letter for consideration is the amount of lobour which is imposed upon the confirming authorities in considering in detail the assessment statements and reports for each of the 6,183 temporarily-settled estates in Orissa. The rule under which assessments of estates are now being considered and sanctioned is to the effect that when the Commissioner, the Director and the Settlement Officer agree, the assessment is to be completed in anticipation of, but subject to, the Board's approval. When I left Orissa at the beginning of this month the Commissioner accepted a proposal made by me, subject to the approval of the Board, that the estate assessment reports should be submitted to him directly by the Settlement Officer. This proposal was made by me in order to obviate delay in disposal of these reports. Mr Maddox and I have considered that it is desirable to push on the assessment of as many estates as possible before the middle of October.

It will be obvious from the assessment papers which have been submitted to the Board that detailed consideration by the confirming authorities of the assessment report and statements for each estate is a work of great labour. I have found that occasionally the consideration of the assessment of a single estate has involved a day's work in discussion, explanation, calculation of percentages, &c. While I was in close personal communication with Mr. Maddox at Cuttack, much labour and delay were obviated. If, however, the assessment papers for each estate have to be transmitted to me and to be considered by me in detail, much delay will be caused in the assessment work, especially at times when the Director is on tour. Supposing that a confirming authority can dispose of estate assessment reports at the rate of 20 a day (I do not think that I could travel over paper at a greater rate, and certainly the confirming authority could not check calculations at a greater rate), the consideration of the estate papers in detail will occupy a confirming authority for 300 days.

It seems certain that the Commissioner cannot give so much time to this work without sacrifice of his other work. The Director of Land Records cannot examine and express an opinion on the report for each estate without sacrifice of other work and especially of his touring, which takes him to all parts of these Provinces. On the whole I would wish; now that principles have been thoroughly discussed and now that a start has been made in the assessment work, to support the proposal made by Mr. Maddox and submitted by me, (but

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without recommendation) to the Board in April last, to the effect that the Settlement Officer's assessment of estates paying revenue not exceeding Rs. 100 should not ordinarily require special confirmation, but should be subject to revision on appeal to the Commissioner or in exercise of the general powers of supervision of the higher Revenue authorities. Variation of assessment below 45 per cent. of the assets or above 60 per cent., as suggested in paragraph 2 of this letter, may also be made a reason for requiring the special confirmation of the Commissioner. At present about 4,400 of the 6,188 temporarily-settled estates in Orissa pay less than Rs. 100 revenue. The number of estates paying over Rs. 100 will of course be increased by the new settlement ; but substantial relief will still be given to confirming authorities if the assessment papers for estates paying less than Rs. 100 have not to be submitted to them, and if their supervision is exercised only on appeal and in examination of the monthly lists of estates assessed.

No. 19.

No. 3578, dated Calcutta, the 29th November 1897.

From—M. FINUCANE, ESQ., Secretary to the Government of Bengal, Revenue Department,

To—The Secretary to the Board of Revenue, Land Revenue Department.

I AM directed to acknowledge the receipt of your letter No. 1109-A., dated the 18th October, 1897, with enclosures, in which the Board recommend the following three proposals of the Director of Land Records in connection with the settlement of land revenue in Orissa :—

(1) That the Settlement Officer of Orissa should be allowed a discretion to take from 55 to 45 per cent. of the assets without being required to submit a special report to the Board, and that a special report to them may be declared to be necessary, (*a*) whenever the proposed revenue falls below 45 per cent. of the assets, and (b) whenever it exceeds 60 per cent. of the assets, unless (in the latter case) a larger percentage than 60 per cent. was taken for Government at the last settlement.

(2) To prevent hardship to zamindars from the application of the normal percentage of the assets in cases where there has been a very large increase of rents or assets since the last settlement, but where existing rents have been only very slightly increased in the present operations, and where even a *rasadi* or progressive increase is insufficient to save them from ruin or very serious embarrassment, Mr. Macpherson recommends that the principle be accepted that additional leniency of assessment is permissible, in order to prevent the excessive diminution of a landlord's income. In further explanation of this principle, he suggests for adoption in Orissa, Rules 205 (4) and 205 (7) of the Central Provinces Settlement Code, which are reproduced below :—

"In cases where the revenue is largely enhanced, a smaller share my be taken than where the increase is considerable.

"Leniency should be shown in the case of malguzars who are poor or indebted when there is any probability of its assisting them to better their condition ; so also in the case of mahals where the profits are divided amongst a large number of shareholders".

Mr. Macpherson also recommends that any departure from the normal percentage of assessment made in order to prevent hardship may expressly be declared to have been made for the present settlement only, with express reservation of the right to take a full assessment in the future.

(3) That the Settlement Officer's assessment of estates paying revenue not exceeding Rs. 100 should not ordinarily require special confirmation, but should be subject to revision on appeal to the Commissioner, or in exercise of the general powers of supervision of the higher revenue authorities, and that a variation of assessment below 45 per cent. of the assets or above 60 per cent. may also be made a reason for requiring the special confirmation of the Commissioner.

2. In reply, I am, with regard to point (1) above, to refer the Board to the rules regulating the pitch of the present assessment, formulated in clauses (2) to (7) of paragrgraph 19 of the Government of India's letter No. $\frac{2397}{193-2}$ dated 13th October, 1897, a copy of which was forwarded to the Board with my letter No. 969-T.R., dated 6th November, 1897. As to point (2), I am to invite a reference to paragraph 18 of the Government of India's letter of 13th October, 1867, form which it will be seen that the Government of India agree to the principle that the effect of the enhanced demand on the zamindar's net income should be considered, and that they suggest that whenever it is proposed to reduce the Government demand below the normal percentage of the assets only or mainly on the ground of decrease in the zamindar's income, it should be considered whether the relief or a portion of it should be temporary and limited to the first five or ten years.

3. Referring to point (3) above, I am to say that the limits of variation of assessment should conform to the rule in clause (2) of paragraph 19 of the Government of India's letter dated 13th October, 1897, which provides that Government will ordinarily be content

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with from 50 to 55 per cent. that whenever it is proposed to take below 50 or above 55 per cent., the sanction of the Board must be obtained, and that within those limits the Settlement Officer will use his discretion with reference to the circumstances of each case. The Lieutenant-Governor, however, has no objection to Mr. Macpherson's proposal that the settlement Officer's assessment of estates paying revenue not exceeding Rs. 100 should not ordinarily require special confirmation, except in the cases indicated by the Government of India (i.e, where he proposes to take below 50 or 55 per cent. of the assets). As the Board remark, the laws in force for the settlement of land revenue do not provide for any appeal to higher authority in cases of settlement of Government revenue, and such cases are governed by Rule 8, page 102 of the Survey and Settlement Manual (1895), and by Rule 1 page 125 of the Board's Rules (1896).

No. 20.

No. 1057A., dated Calcutta, the 22nd September, 1897.

From—E. W. COLLIN, ESQ., Offg. Secretary to the Board of Revenue, L.P.,

To—The Secretary to the Government of Bengal, Revenue Department.

In continuation of the Board's endorsement No. 825A, dated the 26th July 1897, and its enclosures, I am directed to submit herewith, for the approval of Government, three forms of *kabuliyat* marked A, B, C, (as finally amended by Mr. Toynbee after personal discussion with Mr. W. C. Macpherson), to be used in the present settlement of the temporarily settled estates of Orissa, instead of the form prescribed in Appendix O, page civ of the Survey and Settlement Manual 1895. Copies of the communications on the subject from Mr. Macpherson, noted on the margin, are also submitted

THE HON'BLE G. TOYNBEE.

No. 39—O. T. S., dated the 20th July, 1897, with enclosure.
No. 2205S., dated the 6th September, 1897.

2. It will be seen that the chief importance of the correspondence centres on the 5th and 7th clauses, relating respectively to embankments and mineral rights.

3. As regards clause 5, it was decided in Government Order No. 104 L R., dated the 10th January, 1894, that the right of Government to abandon any embankment without giving compensation should be clearly stated in the settlement proceedings, and that it was not necessary to make a special examination of the old papers to ascertain what the obligations of Government were in this respect under the last settlement.

4. In a later Government order (No. 3486, dated the 14th July, 1894) it was ordered that the Chief Engineer's classification of embankments in Orissa should de recorded in the settlement records and in the topographical maps which the Survey Department would prepare. These orders were communicated to the Director, and it is presumed that all that is now required in the settlement *kabuliyat* is a general recognition of the right of Government to abandon embankments without giving compensation.

5. There are, however, no Schedule D embankments in Orissa, where Act XXXII of 1855, and Setions 4, 5, 6, 25, 34, and 76 of Act II (B.C.) of 1882, are in force. Sections 38 and 43 of the Embankment Act. II (B.C.) of 1882, are not in force in Orissa, and thus the question of compensation does not arise.

6. The question of abatement of revenue on account of the abandonment of embankments rests, however, on a different footing. The Settlement Officer will know, from the papers forwarded to the Director of Land Records, what embankments it has already been decided to abandon, what are likely to be abandoned in future, and what are likely to be retained; but he cannot anticipate the results on cultivation of such abandonments, and must, in making his assessments, deal only with existing facts and conditions and impose the full assessment. With regard, however, to readjustments of rents and revenue depending on future embankment and flood contingencies, the Board would strongly urge on Government that it is both just and equitable to adopt the course indicated in paragraph 3 of the letter of the Government of India No 1133, dated 25th July 1856, to the Government of Bengal, where the following passage occurs:—

"In the case, however, of a zamindar paying revenue direct to the Government, whose estate lies wholly on the right bank of the river (Damodar), and is so situated as to become permanently injured by the abandonment of these embankments, His Lordship in Council would be disposed to admit that if the injury were such as to reduce the gross rental of the estate below what it may be assumed to have been at the time of settlement, that is to say, about five-fourths of the sadar jama, the settlement might on application be cancelled, and the estate resettled on the basis of existing assets."

7. As to clause 7 of the *kabuliyat* regarding minerals, it will be observed that the Commissioner objects that the clause is opposed to the practice of the country by which zamindars at present enjoy the full rights of proprietors in all minerals on their estates. The Board, however, think that the question is not open to discussion. In Government Order No. 561 T.R., dated the 21st September 1895, it was distinctly laid down that in all temporarily settled estates the right of the State to all minerals is to be presumed in the absence of judicial precedent or proof of judicial usage; and that the assertion and reservation of such right must be made in all future settlements The clause should, therefore, stand as it is. The right of proprietors to laterite and limestone, which are not, perhaps, properly minerals, and which are not treated as such in the Rules for leasing Waste Lands, has been reserved to them.

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8. With regard to clause 9 of *kabuliyat*, the Board agree with Mr. Macpherson that it should stand. If any settlement is not sanctioned by the Board, or by Government, the zamindar will have the option of refusing to take settlement, at the revised assessment, and will be entitled to malikana.

A.

PROPOSED FORM OF KABULIYAT FOR PROPRIETOR WHERE THERE IS NO PROPRIETARY TENURE-HOLDER.

I take the proprietary settlement of estate , tauzi No. , district , for years, from to

, at an annual net revenue of rupees , subject to the following conditions :—

1st.—I shall be at liberty to sell, alienate, or otherwise transfer, the whole, or any share of the said estate subject to the terms of this settlement; but I shall remain liable for the revenue assessed thereon unless and until the transfer is registered under the provisions of Act VII (B.C.) of 1876. But, notwithstanding such transfer, so long as my name stands recorded in the Collector's registers, maintained under the provisions of the said Act VII (B.C.) of 1876, or of any other similar law for the time being in force, with respect to any share or interest in the estate, I shall continue to be jointly and severally liable with other sharers, if any, for the whole revenue of the estate.

2nd.—I will pay the aforesaid amount of Government revenue, *kist* by *kist*, according to the *kistbandi* noted at the foot of this engagement.

I hereby admit that I have no right or claim to any abatement of revenue on the ground of inundation, drought, or any other calamities of season.

3rd.—I hereby bind myself to respect the rights of all tenureholders, under-tenure-holders, raiyats, under-raiyats and other tenants as recorded in the settlement papers, and not to collect from them any higher rents than those recorded in the present settlement proceedings otherwise than after legal ehnancement.

4th.—On the expiry of the aforesaid period of settlement, I, or my legal representatives shall have the right to a renewal of the settlement on the revenue that may be then fixed, and if we do not take the settlement on the revenue that may be then fixed, we shall be entitled to receive *milikana* at the usual rates.

5th.—I recognise and admit that Government has the right to construct, maintain, or abandon any public embankments or drainage work upon my estate or on neighbouring land, and that payment of the land revenue of my estate is not to be dependent upon such maintenance, or to be affected by such construction or abandonment.

6th.—If any waste lands in my estate be brought under cultivation, my right to receive the rents derivable therefrom without increase of revenue will continue during the currency of this settlement.

I hereby bind myself to preserve as grazing grounds, cremation grounds, and reserved tanks the plots specified in the schedule hereunto annexed, and not to allow any person to cultivate such plots or any portion thereof; and I will not collect any rent on account thereof, so long as this lease continues in force. I also bind myself not to collect any money as grazing charge in respect of any of the aforesaid plots, and to take action in the courts to eject trespassers from the plots hereby reserved, if the Collector require me to do so.

7th.—I admit that Government has the right to all minerals in my estate, excluding laterite and limestone, and that, in case minerals are found, Government is entitled to them and to right-of-way, and all other reasonable facilities for working and carrying away such minerals.

8th.—I hereby engage to file, in such public office as may be prescribed, any measurement collection or other zamindari papers that may be from time to time called for from me by the Collector, or by any officer duly empowered under the rules framed by the Board of Revenue for the maintenance and correction of survey and settlement records, and to obey all the instructions contained in these rules without any objection so long as this lease continues in force.

9th.-This settlement has been made with me in anticipation of, and subject to, the sanction of the superior Revenue authorities, whose orders, if any, will be carried out by me with effect from the commencement of this lease. The settlement will not be valid unless it is sanctioned by such authorities or if it is set aside by them.

10th.—Neither I nor my heirs or representatives shall be at liberty to raise any objection to the remeasurement of my estate, or to the preparation of a record and settlement of rents and rights, under any orders of Government which may be passed in view of a resettlement of the land revenue, or otherwise, or to a reassessment of the land revenue with effect from the expiry of the present settlement.

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11*th*.—On breach of any of the above conditions, or on failure to perform any of the duties imposed upon me by the above ten clauses, I hereby acknowledge on behalf of myself, my heirs and representatives that, in addition to any other penalties to which I may be liable, the Collector may, with the sanction of the Board of Revenue, take my estate under *khas* management and pay me *malikana* as provided in section III, Regulation VII of 1822.

Kistbandi.

Kistbandi.	Total amount of revenue.	Rs. A. P.	Kists.	Amount.	Month in which the kist falls due.

Schedule of plots reserved under clause 6.

Number of each plot.	For what purpose reserved.	Area.	Remarks as to any special conditions, &c.

B

PROPOSED FORM OF KABULIYAT FOR PROPRIETOR WHERE THE WHOLE, OR A PORTION, OF THE ASSETS IS COLLECTED BY A PROPRIETARY TENURE-HOLDER.

I take the proprietary settlement of estate , tauzi No. , district , for years, from to , at an annual net revenue of rupees , subject to the following conditions:—

1*st*. I shall be at liberty to sell, alienate, or otherwise transfer, the whole, or any share of the said estate subject to the terms of this settlement; but I shall remain liable for the revenue assessed thereon unless and until the transfer is registered under the provisions of Act VII (B.C.) of 1876. But, notwithstanding such transfer, so long as my name atands recorded in the Collector's registers maintained under the provisions of the said Act VII (B.C.) of 1876, or of any other similar law for the time being in force, with respect to any share or interest in the estate, I shall continue to be jointly and severally liable with other sharers, if any, for the whole revenue of the estate.

2*nd*.—I will pay the aforesaid amount of Government revenue, *kist* by *kist*, according to the *kistbandi* noted at the foot of this engagement.

I hereby admit that I have no right or claim to any abatement of revenue on the ground of inundation, drought, or any other calamities of season.

3*rd*.—I hereby bind myself to respect the rights of all tenure-holders, under-tenure-holders, raiyats, under-raiyats and other tenants as recorded in the settlement papers, and not to collect from them any higher rents than those recorded in the present settlement proceedings, otherwise than after legal enhancement.

I will collect the amounts due from proprietary tenure-holders as recorded in the settlement papers and will respect and observe all the customary rights and special incidents of their tenures.

I will pay the whole revenue of the estate whether I collect the amounts payable by the proprietary tenure-holders or not.

4*th*.—On the expriry of the aforesid period of settlement, I or my legal representatives shall have the right to a renewal of the settlement on the revenue that may be then fixed; and if we do not take the settlement on the revenue that may be then fixed, we shall be entitled to receive *malikana* at the usual rates.

5*th*.—I recognise and admit that Government has the right to construct, maintain, or abandon any public embankments or drainage works upon my estate or on neighbouring land, and that payment of the land revenue of my estate is not to be dependent upon such maintenance or to be affected by such construction or abandonment,

6*th*.—If any waste lands in the *hustabud portion of the estate* be brought under cultivation, my right to receive the rents derivable therefrom without any increase of revenue will continue during the currency of this settlement.

I hereby bind myself to preserve as grazing grounds, cremation grounds, and reserved tanks the plots specified in the schedule hereunto annexed, and not to allow any person to cultivate such plots or any portion thereof; and I will not collect any rent on account thereof, so long as this lease continues in force. I also bind myself not to collect any money as grazing charge in respect of any of the aforesaid plots, and to take action in the courts, to eject trespassers form the plots hereby reserved, if the Collector require me to do so.

7*th*.—I admit that Government has the right to all minerals in my estate excluding laterite and limestone, and that, in case minerals are found, Government is entitled to them and to right-of-way, and all other reasonable facilities for working and carrying away such minerals.

8*th*.—I hereby engage to file, in such public office as may be prescribed, any measurement, Collection or other zamindari papers that may be from time to time called for from me by the Collector or by any officer duly empowered under the rules framed by the Board of

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Revenue for the maintenance and correction of survey and settlement records, and to obey all the instructions contained in these rules without any objection so long as this lease continues in force.

9th.—This settlement has been made with me in anticipation of, and subject to, the sanction of the superior Revenue authorities, whose orders, if any, will be carried out by me with effect from the commencement of this lease. The settlement will not be valid unless it is sanctioned by such authorities or if it is set aside by them.

10th.—Neither I nor my heirs or representatives shall be at liberty to raise any objection to the remeasurement of any estate, or to the preparation of a record and settlement of rents and rights, under any orders of Government which may be passed in view of a resettlement of the land revenue, or otherwise, or to a reassessment of the land revenue, with effect from the expiry of the present settlement.

11th.—On breach of any of the above conditions, or on failure to perform any of the duties imposed upon me by the above ten clauses, I hereby acknowledge on behalf of myself, my heirs and representatives that, in addition to any other penalties to which I may be liable, the Collector may, with the sanction of the Board of Revenue, take my estate under *khas* management and pay me *malikana*, as provided in section III, Regulation VII of 1822.

Kistbandi.

Kistbandi.	Total amount of revenue.	Rs. A. P.	Kists.	Amount.	Month in which the kist falls due.

Schedule of plots reserved under clause 6.

Number of each plot.	For what purpose reserved.	Area.	Remarks as to any special condition, &c.

C.

PROPOSED FORM OF KABULIYAT FOR PROPRIETARY TENURE-HOLDERS.

(*viz. Mukaddams, hereditary sarbarakars, parsethis and padhans and the like.*)

1st.—I hereby agree to pay from (date) to (date) to the recorded proprietor or proprietors of estate tauzi No. district , the following sums, kist by kist on the following dates :—

Kist.	*Amount.*	*Month in which the kist falls due.*	*Latest day of payment.*	*Remarks.*
1	*2*	*3*	3	*5*

N. B.—The date in column 4 shall be not less than 15 days before the end of the month specified in the last column of the kistbandi statement appended to the zamindar's kabuliyat.

2nd.—I admit that, with the permission of the Government, I am now permitted to engage and I now do engage with the abovementioned proprietor as a proprietary tenure-holder in mauza , district area. Total mufassal jama.

3rd.—I shall be at liberty to enjoy the customary rights and privileges of a proprietary tenure-holder from (date) to (date)

On expiry of this term I or my legal representatives shall have the right to re-engage with the recorded proprietor to pay the sums then fixed by the orders of Government, and the same rights and privileges of a proprietary tenure-holders shall then be continued to me or to my legal representatives.

4th —On the expiry of the aforesaid period of settlement, I or my legal representative, shall have the right to a renewal of the settlement on the revenue that may be then fixed ; and if we do not take the settlement on the revenue that may be then fixed, shall be entitled to receive *malikana* at the usual rates.

5th.—I recognize and admit that Government has the right to construct, maintain, or abandon any public embankments or drainage work *in the area above specified in clause 2* or on neighbouring land, and that payment of *the sum specified above in clause 1* is not to be dependent upon such maintenance, or to be affected by such construction or abandonment.

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6th—If any waste lands in the *areas specified above in clause* 2 be brought under cultivation my right to receive the rents derivable therefrom without any increase of *the sum specified above in clause I* will continue during the currency of this settlement.

I hereby bind myself to preserve as grazing grounds, cremation grounds, and reserved tanks the plots specified in the schedule hereunto annexed, and not to allow any person to cultivate such plots or any portion thereof; and I will not collect any rent on account thereof, so long as this lease continues in force. I also bind myself not to collect any money as grazing charge in respect of any of the aforesaid plots, and to take action in the courts to eject trespassers from the plots hereby reserved, if the Collector require me to do so.

7th—I admit that Government has the right to all minerals in my proprietary tenure excluding laterite and limestone, and that in case minerals are founds, Government is enti led to them and to right-of-way, and all other reasonable facilities for working and carrying away such minerals.

8th—I hereby engage to file, in such public office as may be prescribed, any measurement collection or other papers that may be from time to time called for from me by the Collector or by any officer duly empowered under the rules framed by the Board of Revenue for the maintenance and correction of survey and settlement records, and to obey all the instructions contained in these rules withont any objection so long as this lease continues in force.

9th—This *engagement* has been made with me in anticipation of, and subject to, the sanction of the superior Revenue authorities, whose orders, if any, will be carried out by me with effect from the commencement of this lease. The *engagement* will not be valid unless it is sanctioned by such authorities or if it is set aside by them.

10th—Neither I nor my heirs or representatives shall be at liberty to raise any objection to the remeasurement of the *area specified above in clause 2*, or to the preparation of a record and settlement of rents and rights, under any orders of Government which may be passed in view of a resettlement of the land revenue, or otherwise, or to a reassessment of the land revenue, with effect from the expiry of the present settlement.

11th—In default of fulfilment of any of the conditions *specified above, the recorded proprietor may apply to the Collector, and* Collector may *thereupon* take *the lands specified above* under *direct* management, *and I and my heirs shall have no clauim to receive any allowances unless my right to receive the same has been recognised by Government in a former settlement;*

Or, the Collector may, of his own motion, take such action as above specified.

12th—In default of due payment of the sum specified in clause I above, the recorded proprietor shall have right to recover such sum by suit according to the law for the time being in force.

Schedule of plots reserved under clause 6.

Number of each plot.	For what purpose reserved.	Area.	Remarks as to any special conditions, &c.

* * * * *

No. 21.

No. 3403, dated Calcutta, the 17th November 1897,

From—M. FINUCANE, Esq., Secretary to the Government of Bengal, Revenue Department,

To—The Secretary to the Board of Revenue, L. P., Land Revenue Department,

I am directed to acknowledge the receiept of your letter No. 1057 A., dated the 2nd September 1897, submitting for the approval of Government, three forms of *kabuliyat* marked A, B and C (as finally amended by the Member in charge, the Hon'ble Mr. G Toynbee, after personal discussion with Mr. W. C Macpherson, the Director of the Department of Land Records and Agriculture), to be used in the present settlement of the temporarily-settled estates of Orissa instead of the form prescribed in Appendix O, (page civ) of the Survey and Settlement Manual, 1895. In reply, I am to communicate the following orders and observations of the Lieutenant-Governor.

2. As remarked by the Board, the most important clauses of the draft *kabuliyats* are the 5th and 7th, which relate respectively to enbankments and to mineral rights. Clause 5 lays down that Government is to have "the right to *construct*, maintain, or abandon any public embankments, or drainage works" upon the estate on neighbouring land, and that "the payment of the land revenue" is not to be affected by such construction or abandonment. The Board urge that it is both fair and equitable to adopt the course indicated in paragraph 3 of the Government of India's letter No. 1143, dated the 25th July 1856, namely, that where the estate of a zamindar, paying revenue direct to Government, is so situated as to be permanently

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injured by the abandonment of an embankment, and where the injury is such as to reduce the gross rental of the estate below what it may be assumed to have been at the time of settlement, the settlement might, on application, be cancelled, and the estate be resettled on the basis of the existing (reduced) assets. The Director of the Department of Land Records and Agriculture does not agree in this recommendation of the Board. In the orders of Government quoted in the margin, it was directed that a clause should be inserted in the *kabuliyats* to the effect that Government reserved the liberty to abandon any embankments without giving compensation. The Lieutenant-Governor understands that the existing embankments are classified in the village records and in the estate assessment records, as in Mr Odling's Note of 2nd July 1894, and that the zamindars have, therefore, the opportunity of learning what embankments it is intended to abandon. That being so, there appears to His Honour to be nothing unreasonable in the clause under notice. If the zamindars are unwilling to engage for the revenue which it is proposed to assess, knowing that certain embankments are to be abandoned, and that others may be abandoned, they are at liberty to refuse settlement, and their objections can be considered on their merits in each individual case, or the estate may be managed khas or let out in farm. If on the contrary, they engage for the payment of revenue with the full knowledge of the facts that the embankments will be abandoned, they will have subsequently no cause for complaint. It will be always open to the Executive Officers of Government to give compensation for any injury arising from the abandonment of an embankment, where it appears to be equitable to do so, and they may be trusted to see that justice is done when any substantial loss is caused by the abandonment of embankments; but to give zamindars the power to claim compensation as of right would, in the Lieutenant-Governor's opinion, only cause unnecessary complications, and it would danger the realization of the revenue by encouraging unfounded claims and objections. The case referred to by the Board does not exactly correspond with that of Orissa, for the Damodar embankment was a Schedule D embankment, which Government was bound to maintain, whereas those in Orissa are not embankments of that class, and Government is not legally bound to maintain them.

(1) Government Order No 1041,R., dated the 10th January 1894

(2) Government Order No.3436L,R.,dated the 14th July 1894

3. As to the *construction* of embankments without payment of compensation for the damage that may be done by such construction, it has been ascertained from the Director of Land Records that there is no authority for the insertion of the word "*construct*" in clause 5. It would be unjust to laid down that Government is to be entitled to construct any new embankment which may be injurious to an estate, without paying compensation for such injury. The law gives sufficient power for the construction of embankments, dykes, etc., and there does not appear to the Lieutenant-Governor to be any necessity to refer to this matter in the *kabuliyats*.

4. With regard to clause 7 regarding minerals, the Commissioner of the Orissa Division says that the zamindars at present enjoy the full rights of proprietors in all minerals on their estates, and, therefore, that this clause should be omitted. The Director of Land Records has, however, reported that the only things in the nature of minerals, over which the zamindars exercise "full rights," are limestone and laterite, and their rights over these are reserved by the *kabuliyats*. The question of the right of the State to minerals, in permanently and temporarily-settled estates has been settled by the Government of India, and the Lieutenant-Governor is bound by that decision. His Honour agrees with the Board that clause 7 should stand as it is.

5. With the above remarks and the modification described in clause 5, the Lieutenant-Governor accepts the three forms of *kabuliyat* submitted by the Board, and desires that they may be adopted, with the commission of the works "construct" and "construction" from clause 5.

No.22.

No. 1040, dated Cuttack, the 16th May 1899.

From—S. L. MADDOX Esq., Settlement Officer, Orissa Division,

To—Director of the Department of Land Records and Agriculture, Bengal.

With reference to your No. 224-S .of 6th February 1899, I have the honour to submit a draft Bill, together with draft Rules for the maintenance of the land records in Orissa and a revised statement of cost.

In accordance with the directions contained in paragraphs 2 and 3 of your letter, the Bill and rules have been drafted by Mr. Webster, and have been subsequently modified and altered in accordance with the views expressed by you during your visit to Orissa last month.

2. From paragraph 4 of your letter, I understand that the question of the maintenance of records in Orissa, as well as the legislation required for that purpose, and the imposition of a cess for its cost, is still open to discussion. I submit, therefore, my views.

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3. The objects to be attained by a maintenance of records are numerous;—

(1) For the benefit of raiyats—

(*a*) by record of transfers;

(*b*) by protection from illegal enhancements and other kinds of tyranny.

(2) For the benefit of zamindars—

(*a*) by maintenance of their rent-rolls;

(*b*) by facilitating suits for recovery of rent.

(3) For the benefit of Government—

(*a*) by cheapening the proceedings for resettlement of land revenue;

(*b*) by providing statistics and a local agency in case of natural calamities, etc.

FOR THE BENEFIT OF RAYIATS.

4. (*a*) *Record of transfer.*—At present in Orissa according to custom *pahi* raiyats and even *thani* raiyats may not transfer their holdings or portions of their holdings without the consent of the zamindar. In the Khurda Government Estate, it is true, transfers are permitted, and now that the Tenancy Act has been partly introduced, a great many transfers will take place in other parts of Orissa. As long, however, as zamindars have the customary right of objecting to transfers, it is doubtful whether Government has the right to provide facilities for their registration without the consent of zamindars. At any rate, the maintenance of records scheme would be unpopular on this account with zamindars On the other hand, I think of all arguments in favour of the scheme free record of transfer by raiyats of the whole of portions of their holdings is the greatest.

(*b*) *Protecction of raiyats.*—It is open to doubt whether the raiyat in Orissa requires further protection than is given him by the record-of-rights now made. Their position has been so much improved by the record-of-rights that I propose to record a few facts which have come within my experience, It will be remembered that at the last settlement in Orissa no separate record was made of the rights of each *pahi* raiyat. The *pahi* was recorded in a lump as "*ztme zamindar.*" The result of the omission to record their rights separately was that *pahi* raiyats remained until quite recently tenants-at-will. A very few *pahi* raiyats did receive *pattas* contrary to orders (see my No. 2776 of 31st December 1897). I use the works "until quite recently" because, notwithstanding section 6, Act X of 1859, except in the case of *pahi* raiyats, who lived in the villages where they cultivated, the notion of *occupancy* did not generally attach to *pahi* holdings (whether rent was paid to a zamindar or to a tenure-holder) until that *status* was actually recorded in the settlement papers under the *khanapuri* rules.

It is to be remembered also that Tenancy Act is of comparatively recent date, and the introduction of certain sections into Orissa still more recent, i. e., after the beginning of the settlement proceedings. As regards tenants who did recieve *pattas* at the last settlement, *thani* raiyats and bazyattidars, they have clung to their lands in a remarkable way and have held rents unaltered for nearly 60 years. I do not wish to imply that nearly *all thani* and bazyafti holdings have survived. You are well aware that in many cases *thani* lands were over-assessed, and raiyats had to give them up, but often re-acquired them as *pahi* on lower rents, The Orissa famine too had precisely the same effect as that of over-assessment.

Again, thhe most serious difficulties which we have had to contend with in the course of our work were in connection with claims of zamindars of *nij-chas*. In the absence of any trustworthy record, it was often impossible to decide these claims with any degree of certainty. As I have already said, *pahi* raiyats were, before our village-to-village *khanapuri*, regarded as tenants-at-will. Moreover, lands for which produce rent was paid and any new cultivation for which hitherto no cash rent had ever been paid, were regarded by custom as zamindar's *nij-chas*. In the face of these facts, the officers engaged on *khanapuri* solved the difficulty by ascertaining whether the raiyats who claimed such lands cultivated other lands in the village for more than 12 years, and in that case recorded them as settled raiyats in respect of the whole.

The above, I submit, shows the advantages gained by a record-of-rights, but is not specially an argument for the maintenance of a record recently made in view of the provisions of section 113, Bengal Tenancy Act (non-occupancy raiyts are few and unimportant), and the fact that bazyaftidars and thani raiyats have their rents fixed for the term of settlement. It is my belief, and I know it was shared by mr. Cornish (for many years Collector of Balasore), that nearly all the troubles between landlords and tenants in Orissa arose in quite recent years and their origin was the desire to secure advantage at the time of settlement. This again may be an argument in favour of maintenance of records, but it is more an argument in favour of periodical revision. After 15 years only pahi raiyats' rents will be liable to enhancement, and rents will have to be fixed for new cultivation held by all raiyats. In so short an interval the extension of cultivation cannot be very large i.e., wheras at this settlement we have had to make a record for *pahi* tenants in the areas cultivated by them at the last settlement, as well as in the lands newly cultivated during the last 60 years, in 15 years from now the newly cultivated area will be proportionately very much smaller, and the addition to the record comparatively trifling.

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I have been informed by Magistrates in Orissa that the settlement produced litigation, especially small paddy-cutting cases. I think this is certainly an argument against a yearly maintenance of records, because the cases have generally been brought, as I am informed, to establish possession before the Assistant Settlement Officers. On the other hand, I think this may be an argument in favour of periodical revision, *i.e.*, it is not for the good of the raiyats that they should harass themselves or be harassed by settlement proceedings every year, but it is a matter for consideration whether or not in the middle of the term of this settlement it is for the benefit of the raiyats to adjust *pahi* rents and bring upon the record new cultivation. To my mind, however, the zamindars benifit more than the raiyats.

From the Government point of view such a procedure is very unprofitable, because the zamindars may sue in the courts at their own expense for enhancement of rents, and the imposition of new rents for new cultivation will not give any increase of revenue.

To sum up, I think the raiyats have reaped an enormous advantage, far more than they expected, at this settlement. I consider that a case may have been made out rather for periodical revision after 15 years than for yearly revision and, at the time of periodical revision, I would make landlords bear the cost of settlement of rents as the State derives no benefit.

In my opinion, considering the large areas held at rents fixed for the term of settlement, the safeguards provided against undue enhancements in cases where rents have been fixed under Chapter X, and the advantages gained by the tenants in having a complete record of their rights, a yearly maintenance of records is not necessary in Orissa on the ground of protection to the raiyats.

FOR THE BENEFIT OF THE ZAMINDARS.

5. (*a*) Maintenance of the rent-roll.

(*b*) Facility for bringing suits.

The two points are closely bound up.

With a few conspicuous exception, and I regret to say they are Bengalis not Uriyas, the zamindars in Orissa have no notion of maintaining their rent-rolls. I cannot now say for certain the exact proportion, but a very large proportion of the increase derived from the enhancement of rents during the present proceedings in Orissa has been due to excess area. Innumerable mutations and subdivisions of holdings have been recorded by the Settlement Department, and disputes as to existing rents have been the rule rather than the exception. It is the policy of the zamindar not to allow the raiyat to know the demand of rent, *pattas* being only given to favoured individuals. Receipts are given on palm leaf for certain sums at intervals during the year, and at the end of the year, or often every three or five years, a palm leaf *bisodhan* or quittance is made over to the raiyat, but the amount of the payment for quittance is never specified.

From my own experience as an Assistant Settlement Officer in charge of an attestation camp, I am able to say that it is impossible to discover from palm leaf receipts the actual amount of rent paid by a raiyat for a given year. The difficulties in the way of getting landlords to produce their *jamabandi* papers are as great in Orissa as elsewhere, and I do not remember to have ever seen original *jama-wasil-baki* papers. Collection of rents by kists at stated intervals is practically known, and counterfoil receipts are given, so far as my experience serves, only by a few Bengali zamindars and by the Collector in the cases of Court of Wards' estates and khas mahals.

Thus I do not think that without a maintenance of records by Government the majority of zamindars would maintain their rent-roll correctly. It would not be of any great advantage for them to do so.

They start the new settlement with papers sufficient to enable them to collect rents for 15 years and, as I have stated in a previous paragraph, the rents will vary little for that period, a large proportion being either fixed under section 113, Bengal Tenancy Act, or for the term of settlement. In addition to this fact, in Orissa the zamindars need not recognise transfers by raiyats made without their consent. Thus it seems that a yearly maintenance of records is not necessary for the zamindars, and that a revision of the record in 15 years' time will give them materials for recovery by suit. Such a revision is almost entirely for the benefit of the zamindars, *i.e.*, their revenue is fixed for 30 years, and any increase of rents by extension of cultivation or by enhancement will go into their own pockets. Thus if a periodical revision is to be made the zamindars should pay for the whole cost of settlements of rent.

FOR THE BENEFIT OF GOVERNMENT.

6. (a) I take first the the case of the supply of statistics and the benefit to the administration by the presence of a trained local agency.

It appears to me that in case of famine, &c., the statistics provided by the present proceedings are quite sufficient (provided they are supplemented by the district census reports for 1901, 1911 and 1921) to give the Collector all the material which he requires. The Collector will receive complete records showing field-to-field maps, and the number of houses in each village ; he will have village records arranged geographically by thanas, and statistics showing the areas for each village under each crop, with figures for irrigated areas, &c. He

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will receive figures for each estate showing the number, area and rent of each class in each portion of village belonging to each estate. He will also receive very elaborate reports (the general or block reports) written as a rule for each pargana as well as separate reports for every estate in his roll. These reports and (I hope) the final report of the Province should enable him to direct his attention to the places where scarcity will occur and will give him information as to the causes He has already in 1896 collected a mass of information regarding food-stocks, and he was able to do this without any other local agency save the police and the chakla kanungos. The introduction of the railway its connection on the south with Madras and on the north with Bengal, as well as the projects for the extension with the Central Provinces on the west, and the situation of the Province on the sea-coast lead me to suppose that a supply of food can be poured into Orissa without delay (if it is available elsewhere). Again for census and police administration the thanawar and geographical arrangements of records are ready to his hand.

It does not appear to me that for the above purposes—and they are the most important occasions which are likely to arise—any new set of statistics, is required. The local conditions will alter of course in 30 years, but generally the information will apply and, in an emergency, special local enquiries will be necessary, whether the records are maintained yearly or not. As regards the decided advantage of a trained local agency, it is to be remembered that the Collectors in Orissa have already the chakla kanungos, and, as Mr Webster points out, "by a moderate increase in the number of kanungos and by arrangements with the Public Works (Irrigation) Department, the Collector of the district would easily provide himself with informtion".

There are other objections in regard to the local agency—

(1) It would not be complete for the whole Province, as the permanently-settled areas would not be included in the scheme.

(2) As pointed out in paragraph 8 of your letter, the patwari in Orissa is not part and parcel of the village economy. The idea of "a public servant resident in a village or circle of moderate size, and entrusted with the duty of registering, after personal enquiries, the facts of ownership occupancy and rental, with regard to every field in that village or circle," is quite foreign. The area of Orissa may be taken roughly at 8,000 squaare miles. Out of some 6,000 estates and 15,000 villages, there are nearly 500 patwaris. The patwari has hitherto been regarded as a zamindar's servant, *e. g.*, we find in the Cuttack district that provision was made for patwaris at the last settlement in 86 estates. These estates have increased by partition, and we now find 95 patwaris holding 2,842 acres of jagir in 24 estates. "They" (the partwaris), writes the Collector of Cuttack in 1892, "are entirely untrustworthy, being mere creatures of the zamindars and so regarded by the raiyats." In the present proceedings these jagirs have been resumed and the patwari has for the moment ceased to exist. Thus to work the scheme we should have to introduce a foreign element in to the village, and I have grave doubts whether the supervising agency would be able to instruct the villagers in the uses of the patwari, or be strong enough to protect them against his abuses.

(b) *Cheapening of proceedings at re-settlement.*—I do not include the case of Khurda in my remarks on this head ; Khurda is a Government estate, and Government as zamindar must maintain its rent-roll. The present survey and settlement of Oriss will cost more than 36 lakhs. It is to be remembered that in the last settlement no field-to-field professional survey was made. Thus in the present proceedings there were heavy expenses on account of traverse and survey on the 16-inch scale. Again, 60 years had elapsed since the previous settlement. Lastly the number of petty revenue-free estates in almost every village necessitated an elaborate comparison with the last settlement papers and increased expenses by retarding progress. A complete record with field-to-field maps will very considerably reduce these expenses in future. It will be necessary, the settlement being for 30 years, to begin the work of revision not later than in 25 years' time. It is difficult to estimate cost, as I have only Khurda to draw upon by way of experience. I would endeavour to do so in three cases—

(1) Where there has been no revision since 1900, the cost of revision in 1925-1927.

(2) Where there has been a periodical revision in 1911-1913, the cost of revision in 1925-1927.

(3) Where there has been a yearly maintenance of records, the cost of revision in 1925-1927.

My figures are for a temporarily-settled area of 6,000 square miles (Cuttack 2,300, Balasore 1,700, Puri 2,000 square miles). I may add that the term of settlement is from 1898-1927, both years inclusive

(1) *Where there has been no revision since 1900 : the cost of revision in 1925, &c.*—The area of the Khurda khas mahal is about 575,000 acres, of which nearly 265,000 acres, or 414 square miles, are occupied and 310,000, or 484 square miles, are unassessed.

After some 12 years the settlement was revised and cost nearly Rs. 65,000 for survey and record-writing, and Rs 1,25,000 for a attestation of records and settlement of rents. The cost of survey works out to Rs. 62 per square mile. The Khurda maps are on the 32-inch scale as against the 16-inch scale in other parts of Orissa. Probably the cost in the assessed area for revision of maps in Khurda was not less than Rs. 100 per square mile. Of the

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area to be dealt with in Orissa, excluding Khurda, probably some 2,000 square miles are still waste and 4,000 square miles are assessed. I will, however, only consider 25 years as the period between survey and revision, and not consider extension of cultivation. I take the cost of revision of maps in the assessed area at Rs. 100 per square mile and in the unassessed at Rs. 30 per square mile :—

		Rs.
4,000 square miles, assessed, at Rs. 100	... ...	4,00,000
2,000 ditto, unassessed, at Rs. 30	... ...	60,000

We cannot take the Khurda figures for attestation and settlement of rents as a guide, because the record there was very elaborate. In Khurda there are roughly 8 lakhs of plots and in the rest of Orissa 80 lakhs. Taken by tenants, the figures work out very much the same, *i. e.*, 2 lakhs tenants in Khurda and 17 lakhs tenants in the rest of Orissa, but, as I have said, the work was elaborate and larger operations make the cost proportionally less. Without overestimating, we may set the probable cost of attestation and settlement of rents in 25 years' time at not less than half a lakh of rupees for every lakh of tenants. There are not likely to be less than 20 lakhs of tenants after 25 years. I therefore compute cost of attestation and settlement of rents in 25 years' time at Rs. Rs. 10,00,000.

In addition to this there is assessment of revenue probably Rs. 2,60,000.

Total cost estimated for settlement, &c., after 25 years :—

	Rs.
Revision of maps	4,60,000
Attestation and settlement of rents	10,00,000
Assessment to revenue	2,50,000
Total (say) ...	17,00,000

(2) *The cost of revision in 1925 after a revision in 1911-1913*—The cost of revision in 1911-1913 :—

	Rs.
Survey and record-writing	2,50,000
Attestation and re-arrangement of records	5,00,000
Settlement of rents on application	2,50,000
Total ...	10,00,000

The settlement of rents in 1911-1913 should be paid for by the zamindars, as it is solely for their benefit, thus 7½ lakhs may be taken as the net cost of revision. After revision in 1911-1913, the cost of revision in 1925, &c., mar be—

	Rs.
Survey and record-writing	2,00,000
Attestation and settlement of rents	7,50,000
Assessment of revenue	2,50,000
Total ...	12,00,000

Thus the total cost of revision in 1911-1913 and of a subsequent revision in 1925, &c., may be put at 12+7½ lakhs or 20 lakhs (payable by Government).

(3) The cost of revision in 1925 after a yearly revision may be estimated as follows :—

Check and revision of maps	1,25,000
Copying of records	25,000
Attestation and settlement of rents	4,00,000
Assessment of revenue	2,50,000
Total ...	8,00,000
To this may be adeed cost of yearly maintenance of records for 25 years, at Rs. 1,50,000 per annum	37,50,000
Total (say) ...	=45½ lakhs.

7. You will see that my figures are very rough, and that I have no experience to draw upon for the preprration of them. It is my opinion that the cost of all revisions has been underestimated. I would be inclined to say—

(1) 20 lakhs for the revision in 1925 only.

(2) 24 lakhs as the total cost of the revision in 1911-1913 and and of the revision in 1925, &c.

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(3) 10 lakhs for the revision in 1925 where records have been already maintained yearly at a total cost of 38 lakhs.

Looking at these figures, I think the advantage is very much in favour of the periodical revision, *i.e.*, a revision after 12 to 15 years.

To sum up the advantages of a maintenance of records, as they apply specially to Orissa,—

A yearly maintenance is most desirable for the raiyats if facilities for transfer are given. Such transfers are, however, contrary to custom and will not be acceptable to the zamindars, and may not be accepted by the courts.

For the protection of raiyats yearly maintenance is not required; the provisions of section 113 and the large proportion of rents fixed for the term of settlement are sufficient protection.

It is, however, desirable to have periodical revision, *i.e.*, in 1911.. to 1913, after 15 years, to recognise *de facto* transfers and adjust the records of mutations and status. For the zamindars a yearly maintenance is desirable, because the majority have no notion how to keep up their rent-roll, but the papers they have now received are sufficient for 15 years. Thus a periodical revision after 15 years is desirable.

After giving effect to all transfers, and adjusting the records, zamindars will be allowed to apply for settlement of fair rents, and such settlement will be made on payment of cost.

For Government a yearly maintenance is not necessary. In the present proceedings an enormous mass of statistics has been supplied. The total cost of a yearly maintenance and complete revision in 1925 will be 48 lakhs as against 24 lakhs, the cost of a revision after 15 years plus the cost of revision in 1925, and as against 20 lakhs, the cost of revision in 1925 only. In my opinion the expenditure for yearly maintenance is unnecessary, the patwari system is quite foreign to Orissa, and there is no one in Orissa who can afford to pay for it (see next paragraph). I submit that for the benefit of all concerned, the raiyat, the zamindar, and Government, a revision in 1911-1913 (rents were fixed in 1896-98) followed by the revision in 1925, &c., is most desirable. The cost of the two revisions should not, I submit, be more than 24 lakhs and should not exceed by 4 lakhs the cost of single revision in 1925, &c.

8. I now take up the cost of the scheme for maintenance on the supposition that it is to be introduced.

(1) COST.

Mr. W. C. Macpherson's note of 14th April 1897, amending my estimate of cost.—He has not included pension charges, yearly expenditure of forms, and stationery. I, therefore, take the yearly cost at Rs. 1,36,000. The intial cost of Rs. 90,000 may be raised to 1 lakh. Interest at 4 per cent. is Rs. 4,000.

We have, therefore, to provide for Rs. 1,40,000 annually. The assets of the temporarily-settled area may be placed at 40 lakhs and the revenue at 21½ lakhs. In the draft Bill it is proposed to calculate the cess on the mofussil assets of the temporarily-settled area. Thus, not less than 3½ per cent. is required to pay for the maintenance of records.

I give the following figures which are only approximately accurate.

In Orissa the assets have just been raised from 35 to 40 lakhs or by more than 14 per cent., again revenue has been raised from 13¾ lakhs to 21½ lakhs. Thus the tenants in Orissa are now to pay more by 14 per cent. than they used to, the Government revenue is raised by 58 per cent. and the zamindar's income is reduced from 21½ lakhs to 18¾ lakhs, or by 15 per cent. In this connection I would refer you to the correspondence ending with Government No. 1418L.R. of 31st March 1898. It is clearly shown, in a country such as Orissa, where crops are liable to many natural disabilities, that the raiyats cannot be called upon to pay ony portion of the cost of maintenance of records, and in the last paragraph of the letter above referred to, the opinion of the Lieutenant-Governor is deliberately given that the cost should be taken from the zamindars. As I have shown, the revenue payable by the zamindars is now increased by 58 per cent. (probably 56 per cent. is correct) and their incomes are reduced by 15 per cent. I do not, therefore think it is wise in the interets of safe collection of revenue to impose a further cess of about 7 per cent. on the amount which they will now have to pay as Government revenue.

It is quite certain that if the raiyats be called on to pay half, the zamindars will take the full amount from the raiyats. The experience gained from nearly all our "village notes" and completion reports is that all cesses are now collected in full from raiyats, not only cesses, half of which are payable by zamindars, but even in many cases zamindari dak cess.

In view of what I have tried to show in the previous paragraphs, I venture to maintain that not only is the yearly maintenance scheme unnecessary, but also that no one in Orissa can afford to pay for it.

9. I now look at the scheme as a practicable working scheme.

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Mr. Webster gives me the following comparative table regarding the area for which the patwari in Orissa and elsewhere is responsible :—

Area of patwaris' circles.

Province.	Area in acres.	Cultivated area in acres.	Number of fields.	Remarks.
1	2	3	4	5
North-Western Provinces ...	...	1,146	2,600	
Central Provinces ...	6,400	3,500	3,800	
Punjab	8,000	3,200	4,000	
Orissa.	5,000	4,000	10,000	As proposed.

I do not think the patwari in Orissa is likely to be particularly energetic, but the number of fields, which he has to check, is very much larger than in any other province.

As regards the kanungo, we get the following comparative figures for supervision :—

	Area.	Plots.
North-Western Provinces ...	...	150,000
Central Provinces ...	270 sq. miles.	100,000
Punjab	250 „	90,000
Orissa	120 „	150,000 as proposed.

It will be noted that the number of plots is larger, although the area is small. Considering the number of plots, the number of kanungos should be strengthened.

The patwari, it is proposed, will, in a circle of 8 square miles, visit 16 to 20 villages in the year and keep up mutations in respect of 10,000 fields. He is to make a field-to-field examination of his whole circle once in every two years. He is to receive a statement of demand and collections from landlords and verify this statement. As regards collections, he is to verify receipts.

No doubt the Kanungo will do his best to supervise, and no doubt the Superintendent of Land Records will decide disputed cases. In the face, however, of the custom in Orissa that even *thani* lands can only be transferred by the zamindar's consent, I do not think there should be any presumption in favour of the record in a court ; I have shown also in an earlier paragraph the nature of the receipts given by zamindars. Until the law regarding the use of of receipts with counterfoils contains prohibitive, instead of permissive, clauses, I do not thing the Uriya zamindars as a body will give such receipts as will enable a patwari to ascertain what has been paid by a raiyat in any given year. There is also a matter of detail.

Even if the Uriya raiyat agrees in the demand and receipts filed by the zamindar, I do not think he would attest any paper which set them forth, and the time he would take in making up his mind to do so would cause serious delay. If the patwari, on the other hand, was allowed to be content with oral admissions as to collections, a great deal of fraud would be perpetrated.

Lastly, in the Government of India's letter No. 2397 of 13th October 1897, paragraph 20, the Superintendents of Land Records, it is hoped, "after the first few years, will be able to do very much more than merely superintend the maintenance of the record. They will probably then be invested with both executive and judicial powers on the revenue side, and will be the Collector's right-hand men in the general administration of the district. They would, amongst other things, eventually relieve him of all mutation work, which would be effected in the villages and in the patwaris' papers as in other provinces where a record is maintained."

To relieve the Collector of all mutation work it would be necessary to invest the Superintendent of Land Records with power under the Registration Act.

In addition to the work now prescribed for the Superintendent, the registration of all *lakhraj bahal* (revenue-free) mutations would be a very heavy task.

There are about 1¼ lakhs of *lakhraj bahal* estates in Orissa, and many contain a large number of sharers. The work could of course be done and would be done more accurately than at present, but a large increase in the number of the establishments and especially of Superintendents (six are now proposed) would be necessary and, as the Government of India say, at least half the cost should be debited to General Administration.

Even after a few years the Superintendent would have great difficulty in getting through all his tenant mutation work as well as the supervision of the demand and collection returns made by zamindars. In addition to this, the mutations for lakhrajdars, proprietors, and proprietary tenure-holders will occupy much time. Besides this, revenue and judicial duties, *e.g.*,

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local trial of rent suits and criminal cases will, I fear, be very difficult for him to discharge. For the first few years he will have to teach the villagers what they are to do and how they are to make use of the patwari.

At present the patwari will come upon them as an alien and will be regarded with distrust as a low-paid Government servant.

10. If the system of maintenance is to be worked, I think that at the outset it should be less ambitious. Mr. Webester suggests that all registration of *lakhraj bahal* and of proprietary rights should be done at local centres by the Superintendent, and that in his record the patwari should only give effect to the maintenance of certain tenants' records, *e.g.*, *of thani* raiyats, tenure-holders, bazyaftidars and of raiyats paying rent direct to proprietors or sub-proprietors.

The changes in the cases of proprietors and sub-proprietors must, of course, be recorded by the patwari. He would report to the Superintendent such changes as he found out locally, and the Superintendent would give him information from time to time of the proprietors, etc., registered under the Registration Act.

The law regarding receipts should be altered so as to prohibit the use of any other form than a standard form, and these receipts should be checked from time to time by demand and collection statements voluntarily filed. I think that power should be taken by law to order the production of such statements, but that in practice the power should be sparingly used.

I think such a scheme as the above could be worked more efficiently, but it would be quite as costly as the other, and it would not be in any sense a complete maintenance of the record. It would not, I think, very materially cheapen a re-settlement after 25 years.

11. I am not in favour, therefore, of the yearly maintenance of records, and it appears to me that, having regard to all the circumstances of Orissa, the revision of the records once during the term of settlement, *i.e.*, after 15 years, would be the most suitable. My reasons have been already set forth—

(1) As regards transfers without the consent of the zamindar they are at present not valid. Probably in 15 years' time, however, custom will alter.

(2) The records of rights, together with section 113, Bengal Tenancy Act, and the fixity of rents of *thanî* and *basyafti*, for the term of settlement renders further protection unnecessary for 15 years.

(3) The present record is sufficent for 15 years, to give zamindars material to collect rents and to sue for arrears.

(4) The expense of the yearly maintenance cannot be paid for by zamindars or raiyats in Orissa.

(5) In view of the yearly cost, the cheapening of resettlement in 1925, etc., is not sufficiently important

(6) Revision after 15 years (1911-1913, re-settlement in 1925, etc.) will not be much more expensive than no revision till re-settlement. The former course will be beneficial to raiyats by reason of the record of *de facto* transfers, and will be very profitable to zamindars in giving them a correct rent roll and, if they pay for it, enhanced *pakî* rents. Government also will be able to obtain revised statistics.

As regards periodical revision, I have to admit my inexperience of the difficulties which will be encountered, and I understand that experts, have pronunced against such revisions.

12. In conclusion, I feel bound to draw attention to the fact that the people of Orissa have been burdened with settlement operations for ten years, and that for a few years the land should have rest. My conviction is that Orissa with its precarious crops cannot now afford the imposition of any greater burdens than the new settlement entails, and that the yearly maintenance scheme would be of no more advantage to it than an expensive education for which, in its present condition, the Province cannot afford to pay.

DRAFT BILL TO PROVIDE FOR THE MAINTENANCE OF LAND RECORDS IN ORISSA.

Preamble. Whereas it is expedient to provide for the maintenance of survey maps and records of right and of settlement records and to repeal the law relating to kanungos and patwaris in Orissa it is hereby enacted as follows :—

Short titles. 1. This Act may be called "The Orissa Land Records Maintenance Act, 1899"

Extent. It shall come into force only in those districts or parts of districts of the province of Orissa in which a survey and a record of rights has been made under Chapter X of the Bengal Tenancy Act [VIII (B.C.) of 1885, as amended by section 7, Act III (B.C.) of 1893] or under any other law for the time being in force, to which the Lieutenant-Governor may from time to time extend it by an order published in the *Calcutta Gazette* ; and thereupon this Act shall commence and take effect in the district or parts of districts, named in such order on the day which shall be in such order provided for the commencement thereof.

Commencement

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Enactments repealed.

2. On the commencement of this Act in any district or part of a district the enactments specified in Schedule A shall be repealed to the extent mentioned in the third column thereof.

3. In this Act the words and expressions "annual value" (subject to section 10). "district," "estate" "holder of an estate or tenure," "the Collector" and "the Collector of the district" shall have the meanings attributed to them in the Bengal Cess Act, IX (B.C.) of 1880, and all other words and expressions defined in the Bengal Tenancy Act, 1895, shall have the meanings attributed to them in that Act.

The term *land records* shall include the Khatian, khewat, map and khasra prepared under Chapter X of the Bengal Tenancy Act, and such new editions of the said documents as may be prepared under the rules made under this Act, and may include also any such register maintained under the rules made under this Act, as may be notified by the Local Government from time to time by an order published in the *Calcutta Gazette*.

The term "proprietary tenure" shall include all tenures, the holders of which have entered into separate engagements with Government as subordinate proprietors and have executed kabuliyats for the payment of revenue to the holder of the estate or tenure within which the lands held by him are included.

Power to form and to alter circles or villages.

4. The Collector of the district, with the previous sanction of the Board of Revenue, may for the purose of this Act, combine the villages in the district of which he is Collector into circles and may fix the number of circles in the district or part of the district to which this Act may be extended, and the respective limits of such circles, and may, with the like sanction, from time to time, alter the number and limits so fixed.

power to form "charge."

5. When the villages in any portion of a district shall have been formed into circles under the provisions of the last preceding section, the Collector of the district may, with the previous sanction of the Board of Revenue, combine such circles into larger groups which shall be known as "charges" or by such other name as the Board of Revenue, having regard to local custom, may direct; and may from time to time alter the numbers and limits so fixed.

Appointment of patwaris and Kanungos.

6. For each such circle formed under section 4 the Collector shall appoint a keeper of the land records to be called a "patwari," and to every charge formed under section 5 shall appoint an Inspector of Land Records to be called a kanungo. The appointments transfers and dismissal of kanungos and patwaris shall be made subject to the rules framed under section 35 of this Act.

Appointment of Superintendent of Land Rebords.

7. One or more supervising officers of the rank of Deputy Collectors or Sub-Deputy Collectors shall be appointed for each district for the supervision and control of the inspectors and keepers of land records.

Salaries of inspectors and keepers of land recor ds.

8. The salaries of inspectors and keepers of land records and of all establishments entertained for the maintenance of the land records shall be from time to time fixed by the Board of Revenue under the orders of the Local Government.

Levy of a cess for payment of land records keepers' salaries and charges incurred for efficient maintenance of records.

9. From and after the commencement of this Act all immovable property situated within the districts or parts of districts in which this Act may from time to time be in force shall be liable to the payment of a cess (hereinafter called the "Land Record Cess") to be applied for the purpose of defraying the salaries of the keepers of the land records appointed in such district, and any charges incurred on account of the correct and efficient maintenance and supervision of the records, and it shall not be lawful, save under the provisions of this Act, to levy or continue to levy within such districts or parts of such districts any cess, whether under the name of *khararapani* or other designation, for the purpose of keeping the accounts of the raiyats or for any similar purposes, and any such cess shall be regarded as an abwab within the meaning of section 74 of the Bengal Tenancy Act.

Valuations under the Cess Act, 1880, to be deemed to be valuations under this Act.

10. All valuations of immovable property which have been or may from time to time be determined under the Bengal Cess Act, 1880, shall be deemed to be valuations of immovable property for the purposes of this Act :

Provided that in local areas in which a record of rights has been made under Chapter X of the Bengal Tenancy Act, or any other law for the time being in force, the aggregate amount of the rents recorded as payable or settled, as the case may be, shall be deemed to be the valuation of the rent-paying lands for the purposes of this Act, and when so accepted, shall not be changed within the term of five years, except on cause shown by the landlords or tenants.

Provided also that in all temporarily-settled estates tha gross assets on which the revenue for the term of the settlement for the time being in force has been calculated shall be deemed to be the annual value of such estate or portion of such estates.

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11. The Local Government shall, by an other published in the *Calcutta Gazette*, determine the rate at which the cese for the maintenance of land records shall be leviable in each district or part of a district, and the date from which it shall take effect; such rate shall not exceed five per cent. of the valuation made under section 10 of this Act of the lands in such district or part of a district.

Rate of cess to be levied, not to exceed 5 per cent. of the annual value.

12. Every holder of an estate shall yearly pay to the Collector the entire amount of the cess for maintenance of land records calculated on the valuation made under section 10 of this Act of the lands comprised in such estate at the rate which may be determined for such cess as in this Act provided

Proportion of cese to be paid by holders of estates.

13. Every holder of a proprietary tenure shall yearly pay to the proprietor of the estate or tenure within which the land held by him is included, the entire amount of the cess for the maintenance of land records calculated on the valuation under section 10 of this Act of the land comprised in his tenure at the rate which may have been determined for such cess as in this Act provided, less a deduction to be calculated at the said rate on that portion of the amount recorded in the settlement papers as payable on account of the said tenure, which is retained by the proprietor or superior tenure-holder as his allowance.

Proportion of cess to be haid by tenure-holders.

14. The provisions of 42—71 (both inclusive) of the Bengal Cess Act, 1180, shall apply as far as practicable, to the cess for the maintenance of land records.

Provisions of sections 42—71 of Cess Act to apply to the land records cess

Provided that sections 50 to 71 of the said Act shall not be held to apply to temporarily-settled estates of which the annual value has been determined under the second proviso to section 9 of this Act.

15. Every person succeeding, whether by purchase, inheritance, gift or otherwise, to any proprietary right in any estate or revenue-free property, and being in possession, and every manager of such estate or revenue-free property shall, within six months from the date of such succession or assumption of charge, give notice of the fact (*i*) to the Collector, or (*ii*) to the kanungo of the charge in which the estate or property is situated, in such form as may be prescribed by the Board of Revenue.

Successions to proprietary rights to be reported to Land Record Inspectors.

All such notices under the above provision shall be forwarded by him to the Collector.

Notice given to the kanungo may, under the orders of the Collector be held to be a compliance with the provisions of section 42 of the Land Registrartion Act, VIII (B.C.) of 1876; and on receipt of such notice, the Collector shall take the action prescribed in sections 47, 48, and following sections of that Act.

Nothing in section 43 of Act VII (B.C.) of 1876 shall be held to exempt proprietors and managers and managers of petty estates and petty revenue-free properties from the obligation to give the kanungo the notice required by this section.

16. (*i*) Every person succeeding, whether by purchase, inheritance, gift or otherwise, to the position of a proprietary tenure-holder, or of a tenure-holder or under-tenure-holder, as defined in section 5(*1*) of the Bengal Tenancy Act, VIII of 1885, or to a raiyati holding at fixed rates within the meaning of section 4, of the same Act, or to the holding of a raiyat as defined in section 4 of the same Act, and being in possession of the same, shall, within four months from the date of such succession, give notice to the Patwari of the circle in such form as may be prescrided by the Board of Revenue.

Succession to tenures, under-tenures, raiyati holdings at fixed rates and occupancy holdings to be reported to land record-keeper.

(*ii*) Such notice shall be held to be sufficient compliance with section 15 of the Bengal Tenancy Act, VIII of 1885.

(*iii*) It shall be the duty of the patwari to notify the fact of such reported succession to the landlord or landlords of such person in the manner which may be prescribed by the Board of Revenue.

(*iv*) When the person succeeding has caused the instrument by which the transfer has been made to be registered in the office of a registering officer, it shall be the duty of that registering officer in all such cases to inform the patwari of the succession or transfer, and of the patwari to follow the same procedure as he would follow in the case of a notice given to him by a party concerned.

17 On payment of a fee to cover the actual cost of copying, a copy of any portion of the record or extract thereform, certified by the land record-keeper to be correct, shall be given to any applicant,

Copies of land records.

18. The records in the land recoad-keeper's office shall be open at all reasonable hours without fee to the inspection of all persons interested.

Records to be open to inspection.

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Disposal of fees

19. All fees paid for copies of records maintained under this Act, searching fees and fines imposed under this Act, and all other moneys received under this Act shall be credited to a fund to be called the "Land Records Fund" for the district.

Fines for failure to give notice of succession.

20. Whoever being required by this Act to give notice of succession to a proprietary tenure or tenure or holding shall omit to give such notice within the prescribed time, shall be liable to such fine as the Collector may see fit to impose, not exceeding Rs. 50, and to a further daily fine not exceeding Rs. for each day during which he shall omit to apply for such registration after a date fixed by the Collector in a notice requiring him to apply for registration; such fines shall be credited to the Land Records Fund of the district.

Holders of estates and tenures and cultivating raiyats to file prescribed returns

21. Every holder of an estate or tenure and every raiyat shall, if so required by the Collector within such time and in such manner as the Collector shall in a notice to that effect prescribe, and may at any time of his own motion file in the office of the Superintendent of Land Records for the circle in which the land is situated such statements and shall furnish such information relating to the records and the changes to be made therein or to the collection of rents as the Board of Revenue shall from time to time by rule direct.

Provided that nothing in this section shall impose any obligation on landlords and tenants to provide any returns in which neither landlords nor tenants are interested, such as returns of crops or statistical returns.

Penalty for omitting to furnish accounts.

22, All holders of estates or tenures and all raiyats who shall, without sufficient cause being shown to the satisfaction of the Collector, refuse or omit to furnish statements required under section 21 shall be severally liable to such fine as the Collector may think fit to impose not exceeding Rs. 25 for each such omission, and the Collector may impose such further daily fine as he may think proper, not exceeding Rs. 5 for each day during which such holder or raiyat shall omit to furnish the statements required after a date to be fixed by the Collector in a notice warning the holder or raiyat that such daily fine will be imposed.

23. It shall be the duty of the land record keeper of the circle to varify statements filed under sections 16 or 21 of this Act by local enquiry in the village in such manner as the Board of Revenue may by rule direct.

Preparation of statements dy patwari

24. If any holder of an estate or tenure or any raiyat fail to file, or is not required to file statements under section 22, the land record keeper shall prepare such statements from information gathered by local enquiry on the spot or otherwise as the Board of Revenue may by rule direct.

Undisputed entries to be presumed correct.

25. When any mutation entry made by the land record- keeper has been attested by a revenue officer in such manner as may be prescribed in rules framed under section 35 of this Act all Courts of justice shall presume that all entries shown as undisputed entries are correct until the contrary is proved.

Disability to sue for rent unless accounts filed.

26. From and after the expiry of the time allowed by the notice issued by the Collector under section 22 or from and after the time the strtements are prepared under section 24, no holder of an estate or tenure and no raiyat shall be entitled to sue for, or recover rent for, any land or tenure situated in a district or part of a district in which the Act is in force, unless at the time of instituting such suit or proceding, such holder or raiyat shall file in the Court in which such suit or proceeding is instituted an extract from the record of rights relating to the holding, together with extracts of mutations of the khatian if any) which are alleged to have taken place since the record was framed, prepared, and verified under sections 21, 23 and 24, afford such other proof as shall satisfy the Court that such holder or raiyat has filed in the office of the land record-keeper the statements mentioned in section 22 of this Act.

Daties of patwaris.

27. The duties of a patwari shall be—

1st.—To keep such registers and accounts relating to his circle as may be prescrided by the rules framed under this Act.

2nd.—To submit the prescribed returns to the kanungo on the dates fixed.

3rd.—To enquire into and report in the manner prescribed under the rules all transfers of, and successions to, ownership or occupancy of land in his circle.

4th.—To report all failures of crops, flood, pestilence, and other natural calamaties in any village in his circle.

5th.—To perform all other duties prescribed by the rules under this Act or enjoined by the Collector in conformity therewith.

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Duties of kanungos.

28. It shall be the duty of the kanungo—

1st.—To supervise and check the work of every patwari in his circle.

2nd.—To receive notices of mutations of proprietary rights under section 15 of this Act and to transmit them to the Collector.

3rd.—To report to the Collector any failure of crops, floods, pestilence, or other calamities in any village within his charge.

4th.—To keep all registers and accounts and submit all returns in such manner as may be prescribed by the rules under this Act.

5th.—To perform all other duties, which it has been customary for kanungos in Orissa to perform as laid down in the Boad's Rules given in the Revenue Officer's Manual of 1888.

Power to enter upon land for purposes of obtaining authorised information.

29. It shall be lawful for a Superintendent of Land Records within any part of the district to which the Act has been extended, and for a kanungo within the limits of his charge, and for a land record-keeper with limits of his circle, to enter upon any lands situated within such limits respectively, and to make such enquiries and investigations as may be necessary for the purpose af obtaining information, which he may be authorised to obtain under rules in that behalf made by the Local Government.

All persons shall, so far as possible, supply such information and facilitate such enquiries and investigations, subject to the penalties provided by Chapter X of the Indian Penal Code concerning contempt of the lawful authority of public servants.

Land record registrars and keepers to be public servants and their records public records.

30. Every land record-keeper, every kanungo, every Land Record Superintendent and every person appointed temporarily to discharge the duties of any such office shall be deemed to be a public servant within the meaning of the Indian Penal Code, and all official records and papers kept by any such officer under this Act shall be held to be public records and the property of Government.

Delegation of powers.

31. It shall be lawful to the Collector to delegate by a general or special order all or any of his powers under this Act, except his powers under section 4, section 5 of the Act, and the power of hearing appeals any revenue officer subordinate to him.

Appeals.

32. Eeery order passed by an officer engaged in the maintenance of land records in any district shall be appealable to the Collector of the district.

Every order passed by the Collector of the district under section 21 or 23 shall be appealable to the Commissioner within two months of the date of such order, and the decision of the Commissioner shall be final.

Service of notices

33. Every notice under this Act shall be served by tendering to the person to whom it may be, directed a copy thereof, or by delivering such copy at the usual place of abode of such person or to some adult male member of his family or, in case it cannot be so served, by posting such copy upon such conspicuous part of the usual or last known place of abode of such person, and in case such notice cannot be served in any of the ways hereinbefore mentioned, it shall be served in such way as the Collector issuing the notice may direct, and the date fixed by such notice shall not be less than 15 days after service thereof.

Levy offines.

34. The Collector may proceed from time to time to levy any amount which has become due in respect of any fine imposed under Act, notwithstanding that an appeal against the order imposing such fine may be pending.

Provided that whenever the amount levied under such order shall have exceeded one hundred rupees, the Collector shall report the case specially to the Commissioner of the Division, and no further levy in respect of such fine shall be made, otherwise than by the authority of such Commissioner.

All fines imposed under this Act shall be recoverable by process of any law in force for the recovery of arrears of Government revenue.

Power to make rules for selections, &c., of land record registrars and land record-keepers.

35. The Local Government and the Board of Revenue subject to the sanction of the Local Government, may from time to time make rules consistent with this Act—

(a) regarding the appointment, control, discipline and payment of all land record establishments;

(b) prescribing the method and periods for making entries of mutations in the record of rights and village maps, preparing new editions of such record and maps and re-publishing them from time to time, or otherwise making them available for public information;

(c) generally for the purpose of giving effect to the provisions of this Act; and may from time to time with the like sanction repeal or alter any such rules.

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Schedule A of enactments to be repealed.

SEE SECTION 2.

Number of year.	Enactments repealed (abbreviated titles,)	Extent of repeal.
1	2	3
Regulation VIII of 1793 ...	Decennial settlement ...	Section 34, so far as it relates to kanungos, and section 62.
Ditto V of 1816 ...	Kanungos, Cuttack, &c ...	So much as has not been repealed.
Ditto XII of 1817 ...	Patwaris	Ditto ditto.
Ditto I of 1819 ...	Ditto	Ditto ditto.
Ditto VII of 1822 ...	Settlement ceded and conquered provinces, Cuttack.	Section 33, clause 3rd.
Ditto XIII of 1825 ...	Kanungos	Sections 2 and 3.

Draft Rules for the organisation and working of a Land Records Establishment and staff in the temporarily-settled estates of Orissa.

CHAPTER I.—GENERAL RULES AS TO STAFF AND ESTABLISHMENTS.

1. *Extent of circles (halkas) and charges (chaklas).*—The establishment and staff will consist of patwaris, kanungos and Superintendents.

2. Subject to the supervision of the Commissioner and the control of the Board of Revenue, the extent of the circle of a patwari will be regulated in the discretion of the Collector by the extent of cultivated area, number of fields and number of tenancies. The average size of a patwari's circle will be 8 square miles. But in the case of jungle lands or for larger tracts of waste near the sea-side, a much larger area may be included in a circle.

3. One supervisor or chakla kanungo will be in charge of 10 to 15 patwaris' circles which will constitute his charge or "chakla."

4. Six officers of the rank of Sub-Deputy Collector or Deputy Collector or Assistant Superintendent of Survey, shall be appointed with the title of Superintendent of Land Records to supervise the work of the patwaris and kanungos and to perform such other duties as are prescribed in the following rules or as may be prescribed by the Board of Revenue from time to time.

CHAPTER II.—PATWARIS—EXAMINATION, APPOINTMENT, DISMISSAL OF, &c., AND THEIR DUTIES.

5. *Examination of patwaris and candidates.*—An Annual examination of patwaris and candidates for the office of patwari shall be held in each district under the conduct of an officer not below the rank of a Deputy Collector. To this examination there shall be admitted—

(*i*) any patwari who may be ordered by the Collector to attend..
(*ii*) any other candidate wohm the Collector may approve.

6. The subjects for examination shall be those prescribed from time to time by the Director of Land Records and Agriculture, who will have general control of the arrangements for the examination.

7. A patwari who may be ordered to attend the examination irrespective of his having previously passed an examination or not.

8. (*i*) *Disqualifications for performing the work of a patwari.*—No person shall be allowed to perform the work of a patwari who—

(*a*) is a female ;
(*b*) is of unsound mind ;
(*c*) is of bad character ;
(*d*) is physically incapacitated ;
(*e*) is under 18 years of age ;
(*f*) has failed to pass the prescribed examination ;
(*g*) is involved in debt to an extent likely to interfere with the proper performance of his duties ;
(*h*) is directly or indirectly concerned in trade or in any money-lending transaction, whether in his own or in another circle.

(*ii*) The holding of any land, whether as tenant or proprietor within or without his circle, shall be reported by the patwari to the Collector and may be a reason for his removal or dismissal if the Collector considers that he is thereby prejudiced in the performance of his duty.

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9. *The appointment of patwaris.*—The appointment of every patwari and patwarii gumashta shall be made by or subject to the confirmation of the Collector. No patwari shall be transferred from one circle to another without the Collector's sanction.

10. The office of patwari or remuneration appertaining to it, cannot be transferred or partitioned by private agreement; and any agreement purporting to assign a share of the remuneration of a patwari, in consideration of any supposed claims to the office, is void, unless it is made with the sanction of the Collector.

11. If a patwari becomes disqualified from performing his duties on any one of the grounds mentioned in Rule 8 and is exempted from dismissal, the Collector shall appoint a gumashta to fill his place temporarily.

12. *Residence of patwaris within their circles.*—Every patwari shall, with his family, reside within his circle, unless he shall have received written permission of the Collector to reside without it.

13. *Pay of patwaris.*—The monthly pay of each patwari shall on first appointment be Rs. 8, and it shall rise up to a maximum of Rs. 12. The post of patwari shall not be pensionable. For every 16 patwaris there shall be—

2 on Rs. 8.
4 on Rs. 9.
6 on Rs. 10.
4 on Rs. 12.

promotions from grade being made for approved service as vacancies occur.

14. *Dismissal of patwaris and patwari substitutes.*—A patwari may be dismissed—
(1) on any of the grounds of disqualification mentioned in rule 8;
(2) for wilful breach of rules after fair warning;
(3) for general misconduct.

Provided that if the disqualification is of a merely temporary character, the patwari may be exempted from dismissal and a substitute may be appointed: Provided also that no patwari shall be dismissed for failure to pass the prescribed examination until he has been given at least two trials.

Exemption from dismissal under the first *proviso* of this rule shall not be granted for a longer term than six months without the express sanction of the Collector. The acquisition of landed property in his circle by a patwari without the approval of the Collector is prohibited and such acquisition, direct or indirect, will involve dismissal.

15. A patwari who attempts to transfer partition or assign his office of patwari or the remuneration appertaining to it, in whole or in part, in contravention of rule 10, shall be liable to dismissal.

16. When assistance is required to complete the work of any circle on account of the incompetence or failure of the patwari to perform it, the Collector may appoint a substitute and pay him such proportion of the remuneration fixed for the patwari as, having regard to the period for which the substitute was employed, he may think necessary.

17. *Punishment of patwaris and patwari substitutes by fine.*—For misconduct or neglect of duty a patwari or patwari substitute, in addition to being punished as a public servant under the Indian Penal Code, may be fined by the Collector a sum which shall not exceed the amount of three months' emoluments.

DUTIES OF PATWARIS.

18. *As to attendance at a central office to receive pay and to furnish prescribed reports.*—Fixed dates in each quarter shall be arranged for the attendance of every patwari at such centre as may be appointed by the Collector. The same date shall not be fixed for the attendance of more than 30 patwaris. On the date fixed the patwari will receive his salary from the Superintendent Land Records or from the ministerial officer deputed for the purpose.

A patwari shall not be detained more than two days at the central office, when he shall attend under this rule.

19. When the patwari visits the central office under Rule 18, he is required to report in writing—

Cases of ejectment of tenants or enhancement of rents, otherwise than as provided for under the law, or obstruction by landlords of the legal exercise of rights of tenant or of any general withholding of rent by tenants.

See Central Provinces Rules, page 9.

20. *As to report to be furnished by patwaris When their circles are visited by chakla kanungos.*—When the circle of a patwari is visited by the supervisor-kanungo, the patwari shall report to him—

See North-Western Provinces Rules, page 4, and Central Provinces Rules, page 8.

[1] all cases of alluvion and deluvion with approximate areas;

[2] condition of crops and calamities such as hail, flood, cattle disease or epidemic, if not already reported under Rule 22;

[3] destruction or decay of boundary marks or alteration of village boundaries;

[4] emigration or settling of cultivators;

[5] cases of ejectments of tenants or enhancement of rents otherwise than as provided for under the law or of obstruction by landlords of the legal exercise of rights of tenants, or of any general withholding of rents by tenants;

[6] cases of encroachment on reserved grazing and cremation grounds.

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21. *Reports of calamities to be atonce submitted by patwaris on occurrence.*—Immediately on the occurrence of any calamity such as hail, locusts, fire ,flood, epidemic disease of man or beast, the patwari is required to report it in writing to the supervisor-kanungo.

North-Western Province Rules, page 4, and Central Provinces Rules, page 8.

22. *Visit of the patwari to villages in his circle.*—The patwarl shall visit every village in his circle once in every quarter, and at each such visit shall enquire into the state of crops, the death of any landholder or tenant and any transfer of land, and at one such visit in each year shall read out the statements of demand and collection received from the landlords and made over to him by the kanungo, and verify, as far as possible, such statements.

Once in every two years he shall make a field-to-field examination of every village in his circle.

The dates for such examination shall be notified by a notice, to be countersigned by the kanungo and published in the villages at least one month before the date fixed.

23. The Patwari shall keep the following registers and records in the forms prescribed:—

(1) *Roznamcha* or diary.
(2) Order-book.
(3) Field map.
(4) Khewat of proprietors.
(5) Khasra.
(6) Khatian.
(7) Khewat of proprietary tenure-holders.
(8) Mutation of proprietary titles.
(9) Mutation of holdings.
(10) Cash-book.
(11) Register of notices of mutation.

24. Blank sheets for each record and register will be given to the patwari and will be returned by him under the following arrangements:—

Name of record.	Whether bound or unbound.	Date on which blank register will be received from the kanungo.	When to be filed	Whether original or a copy to be filed.	How dealt with
1	2	3	4	5	6
Diary	Bound ...	June, every 4th year.	October, every 4th year..	Original	To be kept by patwari for the four years and then destroyed when brought to the central office.
Order-book ...	Do. ...	.....	.....	.....	A permanent record for the term of settlement to be kept by the patwari.
Khasra	Do. ...	June, every 4th year.	October, every 4th yeary.	Original	To be kept for four years after being filed and then destroyed.
Khatian ...	Do. ...	When the circle is first opened.	.....	.....	To be re-written only under special orders.
Mutation Registers	Do. ...	.....	.....	.....	To be kept for ten years, when fresh copies will be made and the old registers filed in the central offices.
Khewat of sub-proprietors. Khewat of proprietary rights.	...	.....	.....	...	Will be bound with the Mutation Register of holdings and fair copied when the register is renewed, unless any special reason arises to re-copy sooner.

25. The patwari shall be responsible for the safe custody, in good condition, of his copies of settlement records, or of any papers which he may be required to keep under these rules, or which may be made over to his charge by the district authority.

26. *Patwaris' records to be opened to inspection of persons interested.*—The patwari shall allow any one interested to inspect his records in his presence and to take notes of the same.

27. *The diary.*—The *roznamcha* is the book in which occurrences relating to the duties of a patwari are to be entered day by day. The patwari will keep one *roznamcha* for his circle. He will enter in the *roznamcha* all the matters to be reported under Rules 20 to 22 above, also attendances at Court or upon any official, visits of officials, and any other matters ordered by the Collector, and the receipt and despatch of letters, returns, notices, &c.

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28. When the patwari makes his field inspection, he shall daily enter in the *roznamcha* from what and to what number he has inspected.

29. The patwari shall, at the end of each month, enter in the *roznamcha* the general condition of the crops of his circle, stating whether they are good or injured by deficient or excessive rain, flood, blight, insects, hail, &c., which information he shall obtain by careful enquiry from the cultivators and from personal inspection. He shall at once send a copy of this entry to the chakla-kanungo.

30. The *roznamcha* shall be bound in volumes, each volume containing not ordinarily more than 100 pages. The diary of each year shall commence with the Amli year. It shall be kept by the patwari for four years from the date on which it is closed, and then brought to the central office to be destroyed.

31. *The order book.*—The order-book is a permanent register for the entry of all orders and instructions relating to rules of practice or of a permanent character, which the kanungo may communicate to the patwari. If the entry is made by the kanungo; it shall be in the character best understood by the patwari.

32. The order-book shall consist of not more than 50 pages, and shall be permanently retained by the patwari.

33. *The field map.*—Every patwari shall be furnished with two copies of the settlement map of his villages, or, if no copies available, shall make tracings of the map in the settlement file. One of these copies shall be kept by him intact for reference. Under no circumstances shall this copy be altered. The other copy shall be altered by him from time to time as required, and is the map to which the following rules refer.

34. The biennial correction of the village maps shall be an essential part of the partwaris' duties. This correction includes the boundaries which may have been removed, and the marking of boundaries which have been laid down since settlement. In this work as in all other works he will act under the orders of the supervisor-kanungo, to whom he will refer for instructions, when necessary.

35. The correction of the map will ordinarily be effected in the course of the biennial field-to-field inspection required for writing up the khasra, but in places where the corrections are very numerous, the patwari must make a special survey either before or after the period fixed for his field inspection.

36. All changes in the map should be shown in red ink, but alterations may be made with pencil on the field to be faired out with red ink.

37. When the corrections or erasures on a map have become inconveniently numerous, the patwari shall make a clean tracing on which he shall enter field boundaries as they are at the time, omitting boundaries removed since settlement, and entering any boundaries which have been newly laid down. In this case the old map shall be dated and filed with the papers of the year.

A fresh copy of a village map should always be made when 25 per cent. or more of the field boundaries have been altered.

38. Every plot on the map must bear a distinct number. In the case of plots which have remained as they were at settlement, the settlement number will be entered. When a plot is subdivided so as to form two or more plots, one of these will retain the former number, while the other will receive a fraction number with the number of the parent plot as numerator and the number next succeeding the largest number in the village as denominator. Thus in a village of 2,000 plots if plot No. 100 were divided into two, one part would retain the No. 100 and the other would be numbered 100—2001.

Plots formed by the union of two or more plots, or parts of plots separate at settlement, will bear the settlement numbers of all the plots from which or from parts of which they have been formed, connected by a hyphen, thus 25-26.

39. The Collector may dispense with the annual map correction of field boundaries in the case of any alluvial mahal or village if satisfied, after enquiry that the extent and character of the changes annually recurring makes the strict observance of Rule 35 impossible. In such cases preparation of a new map and khasra may be deferred till the next periodical revision of the assessment. In intermediate years the patwari will roughly show on a copy of the map last prepared all important changes in the physical features of the village, and will prepare a khasra with such accuracy as circumstances permit.

Page 11 of north-Western Provinces Patwari Rules.

40. *The khewat*—The khewat is the record in which the proprietary rights and interest of every person who holds any rights or interest in a mauza are recorded.

The draft Rules about maintenance of the khewat follow Chapter XI of the North-Western Provinces Patwari rules.

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41. The patwari shall maintain a register of all mutations of proprietary right in revenue-paying estates that are brought to his notice in the following form:—

Mauza.
Thana.
Thana No.

Name of mahal.	Tauzi number.	Entry in khewat.			Entry to be made.		Cause of mutation.	Signature of parties if obtained	Orders of kanungo	Date of reporting to the central office	Remarks.
		Serial number.	Name and parentage.	Share.	Name and parentage.	Share.					
1	2	3	4	5	6	7	8	9	10	11	12

He shall, in the month of June in each year, file in the central office a copy of all entries made in this register during the financial year last expired. If the mutation is admitted, the original khewat shall be corrected under the orders of the kanungo.

If the kanungo finds that any entry is disputed, he shall send a copy of the entry to the Collector, with a note as to the dispute, in the form provided in Rule 47, and the khewat shall be corrected in accordance with the decision of the Collector in the manner provided in that rule.

42. Tne khewat shall be in the form prescribed in Schedule I, and shall be bound with the mutation register of holdings.

The orginal entries shall be made in accordance with the khewats prepared at the time of settlement, columns 4, 5 and 6 being left blank. Corrections shall be made by the patwari in accordance with orders past in the register of mutation

All entries altered in accordance with such order will be penned through in red ink and new entries made below, so that the khewats shall always show all the proprietors and their interests, and that the total of column 4 shall always amount to 16 annas.

In column 6 the serial number of entry in the mutation register and a brief note of the nature of the mutation shall be made. One page shall be allowed for every five proprietors.

43. The khewat of sub-proprietors shall be in the form prescribed in Schedule I, and shall be bound up with the register of mutation of holdings, one page being allowed for every five sub-proprietors.

It shall be prepared from the khewats of sub-proprietors prepared in the settlement proceedings, and shall be maintained in the manner provided for the maintenance of proprietary knewats, with the difference that disputes shall be referred to the Superintendent of Land Records and not to the Collector.

44. If in any financial year thsre are no changes in the khewat of any estate or tenure in the circle, the patwari, instead of filing in the central office a copy of the entries in the mutation register, shall sign a certificate that the khewat is unchanged. This certificate, when countersigned by the kanungo, shall be filed in the central office, there to be kept for three years.

45. *Khasra.*—The khasra will be written by the patwari in *charsala* from, as prescribed by the Board of Revenue. It will at first be written in accordance with the settlement records and will contain columns for entry of details of changes for three years following the year in which it is first placed in the hands of the patwaris. The details of changes will be written up in the field, and the entries will represent the result ascertained by local enquiry and actual inspection by the patwari.

46. Entries in all the records must represent existing facts. If any entry is disputed, the patwari should mark the numbers with red cross and leave the disputed entries blank, reporting the case to the supervisor-kanungo, who will dispose of the dispute if he can, and cause the entries to be filled in under his signature. In the event of the kanungo being unable to settle a dispute, he shall at once report the matter to the Superintendent of Land Rrcords for orders.

North-Western Provinces Rules, page 11, and Central Provinces Rules, page 20.

47. The report of a dispute as to an entry to be made in the records shall be written by the patwari under the kanungo's instruction in the following form and shall be forwarded

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by the kannungo to the Superintendent of Land Records :—

Field number in khasra and numbers of tenancy or khewat numbers involved.	NAMES OF DISPUTANTS.		Summary of disputes.	Kanungo's report.	Order of Superintendent of Land Record
	First party.	Second party.			
1	2	3	4	5	6

When the Superintendent has passed orders, the khasras, khewat and register of mutation of holdings shall be written in accordance with the orders. The patwari shall certify on the dispute report that he has given effect to the orders, and shall return it to the central office after copying the entries into a volume of similar forms to be kept by the patwaris for each village in his circle.

48. When the patwari has written up changes in the khasra, he shall prepare a list of them in the khasra form to be called the "badar khasra," which he shall file in the central office by a date to be fixed by the Collector ; it will be kept for four years and then destroyed. A copy of the entries in the "badar khasra" affecting the lands of each estate shall be sent, in the case of *hastabud* villages, to the proprietor, in the case of *maurusi* villages, to the sub-proprietor.

Central Provinces Rules, page 26.

A reference will be made on the cover of the "badar khasra" to the year in which the last complete khasra was prepared, i.e., to the year for which entries have been changed.

49. Every fourth year the patwari, after finishing his corrections and filing his "badar khasra," will compile from the khasra a complete revised khasra in " charsala " form. In preparing the new kharsa effect will of course be given to the changes noted in the " badar " columns of the old khasra.

Central Provinces Rules, page 26.

The old khasra will be filed in the central office by the 1st October following the preparation of the new khasra.

50. *Mutation register of holdings.*—The patwari shall keep a register of all mutations of holdings and of revenue-free properties in the form prescribed by the Board of revenue.

(*Vide Schedule 1, Form X*).—It will originally be written up from the khatians prepared by the Settlement Department, a page being allowed for every five lines of entry.

Only plots in the immediate possession of the proprietor or tenant will be entered in detail in the page or pages of the register allotted to such proprietor or tenant, the total number of plots and area held by, and the rent payable by, each under-tenant, being entered in one line, with a reference to the khatian number of such under-tenant.

At the end of the entries of each status will be left as many blank pages as there are separate holdings in such status.

All mutations will be given effect to by crossing out such of the particulars entered in the register as required to be changed and entering below any new entries which it is required to make.

A fresh total will be struck every year.

Black and red ink will be used alternately in making mutations, thus an original entry in black ink will be corrected in red, and when this correction has in turn to be altered, the correction will be made in black ink.

51. The patwari shall keep a register of notices of mutations received under section 16 of the Act in the form prescribed.

If both parties admit the mutation, he shall at once enter it in the "badar khasra," khasra and mutation register and correct all the land records. If both parties do not admit the mutation, he shall enter it in the dispute list and put it up for the orders of the kanungo at his next visit.

52. No entry of rent shall be corrected without the consent of both landlord and tenant. Ordinarily, if the tenant claims an alteration of rents in virtue of the transfer of a portion of his holding, it will be sufficient to make a note of the fact in the remarks column of the mutation register, but if either party demand it, the patwari shall make a note of the dispute and shall submit it for the orders of the Superintendent of Land Records in the manner provided in section 47 of these rules, and shall correct the entry of rent on receipt of the orders of the Superintendent, provided that the Superintendent shall not pass orders without notice to the zamindar.

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53. When the khasra is re-written every fourth year, the patwari shall compare the new khasra with the mutation register and shall correct the entries in the register accordingly.

54. Every tenth year the mutation register shall be re-written and the old copy shall be filed in the central office, to be kept until the next succeeding copy is filed.

55. *Check of jamabandis and collection pcpers.*—The patwari will receive quarterly from the kanungo the statements of demand and collection filed by landlords.

He will, within one year of the date of receipt of such statements, read them out in the village and obtain the signature of raiyats to such entries as they admit to be correct.

He shall at the same time compare the entries in such statements with the khatian and shall enquire into the reason of any difference, and shall, when necessary, correct the mutation register and khasra, both as to entries of area and of rent, provided that no such correction shall be made without the consent of both parties, and that the patwari shall satisfy himself by local enquiry that such corrected entry represents the facts on the ground.

56. These statements shall be signed by the patwari after being checked, and shall be deposited in the central office at the end of the year next following that in which they were received.

CHAPTER III.

57. *Kanungos—their appointment, pay,duties, &c.*—The kanungos will eventually be devided into three grades with pay of Rs. 25,30 and 35 a mounth, respectively. Of every 16 kanungos—

			Rs.
6	shall be in the grade at	... ...	25
6	ditto ditto	... ...	33
4	ditto ditto	... ...	35

On first appointment all kanungos will receive pay of Rs. 25 a month, unless in reward of previous good service under Government the pay of a higher grade be approved.

The post of kanungo shall be pensionable.

58. Rules 5 to 7 above shall apply to examination and appointment of kanungos. But in addition to the subjects of examination prescribed for patwaris, kanungos shall be required to pass an examination in—

the Bengal Tenancy Act and Act X of 1859;
the Land Registration Act, VII (B.C) of 1876;
the Board's Survey and Settlement Manual.

59. After an establishment of patwaris has been organised and trained in their duties, appointments of kanungos shall ordinarily be filld up by promotion of deserving patwaris.

60. Rules 8 to 12 and 14 to 17, with regard to appointment, disqualifications, dismissal and punishment of patwaris, shall apply to kanungos.

Collectors may sanction transfers of kanungos within a district, and the Commissioner of Orissa within the Division.

61. A supervisor chakla kanungo will be allowed the services of a literate chainman on Rs. 10 a month, and will be given a fixed monthly allowance of Rs. 2 for contingencies.

62. Kanungos and their chainmen will receive their salaries monthly from tne Superintendent of Land Records.

63. *Duties of supervisor or chakla kanungos*—The supervisor-kanungo shall keep a diary in the following form, in which he shall enter day by day work done and matters relating to his duties:—

Date.	Place.	Work done.
1	2	3

If he be on any date outside the limits of his charge (chakla), he must mark the the entry with a cross. On days when he has done testing work he will enter the total number of field entries tested. Copy of the diary will be forwarded on the 15th and last day of the month to the Superintendent of land Records.

64. The supervisor-kanungo shall transmit, without delay, to the Superintedent of Land Records reports submitted to him by patwaris under Rules 20 and 21.

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65. The duties of the supervisor-kanungo in regard to patwaris are comprised under the following heads :—

(1) Superintendence.
(2) Instructions.
(3) Maintenance of village maps.
(4) Verification of records.

66. The supervisor-kanungo is required to ascertain that the patwari of every circle under his charge obeys all rules prescribed for his guidance, and he is bound to report any case in which the rules are infringed. He has to examine the dates fixed for the detailed field-to-field revision of each village, and see that dates are properly adhered to.

He is responsible that the patwaris of his charge permanently reside in the village which have been fixed for their residence or that failure to do so is immediately reported. On the last day of every quarter he will submit to the Superintendent of Land Records a list of his patwaris, giving details of their residence in the following from :—

Number of circle.	Name of patwari.	Village fixed for residence.	Village in which patwari resides.	REMARKS.
1	2	3	4	5

67. He will also report to the Superintendent of Land Records any patwari who is neglectful or dilatory in the performance of his duties, or who is in his opinion incompetnt, by reason of ill-health, old age, or other cause, for the proper performance of his duties.

67. The supervisor-kanungo will maintain a register of patwaris in his circle in the following form. The register will run on for the time of settlement, eight pages being allotted to each patwari's circle :—

FIRST PAGE.

Opening statement.

NUMBER OF CIRCLE.	Name of each mauza in circle.	Number of khasra entries in each mauza.	Area of each mauza.	Remarks as to heaviness or lightness of work.
1	2	3	4	5

SECOND PAGE.

Details of persons holding the office of Patwari.

DATE OF APPOINTMENT.	Name, age and caste.	Village of residence.	DETAIL OF CASH REMUNERATION.		Date of death or removal.	REMARKS.
			Date from which it runs.	Amount.		
1	2	3	4	5	6	7

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THIRD PAGE.

Result of each year's work.

YEAR.	Number of visits of supervisor-kanungo.	Date on which khasra finished.	Date on which khasra tested.	Number of khasra entries tested.	Number of khasra entries incorrect.	DATE OF FILING OF—		Number of khatian entries tested.	Number incorrect.	REMARKS.
						Copy of badar khasra.	Copy of mutation register.			
1	2	3	4	5	6	7	8	9	10	11

NOTE.—In column 5 show number of khasra numbers, i.e., lines of entries, tested and not number of entries in different columns on the same line. If there be a single error in a line of entries, the whole line shall be counted as incorrect,

FOURTH TO EIGHTH PAGE.

Remarks of superior officers, with details of punishments.

DATE.	Name and title of officer.	Remarks or description of punishment.
1	2	3

69. The supevisor-kanungo will once a year thoroughly inspect the records which, under Rule 23, are kept in the patwari's possession. If any of the records are in bad condition or missing, he will report the fact to the Superintendent of Land Records.

70. Every visit or inspection must be entered by the supervisor-kanungo in the diary of the patwari of the circle as well as in his own diary.

71. The supervisor-kanungo is responsible for the instruction of the patwaris of his circle in surveying, map-drawing, and the calculation of areas. He will, so far as possible, given instruction to each patwari on his periodical visits to his circle, and during the rains he will open a survey class at a place appointed by the Collector, and will give systematic instructions in these subjects to those patwaris of his circle who are not proficient in them.

72. The kanungo is responsible that the map of every village in his circle is corrected and kept up to date by the patwari in accordance with all changes in the khasra. The kanungo will himself conduct any survey or measurement, or prepare any map or superintend any survey operations prescribed under the Patwari Rules whenever required to do so by the Collector.

73. If the corrections in a village map have become inconveniently numerous, or the map has become torn or defaced, the kanungo will make the patwari take a tracing of it, as is enjoined in Rule 37. The new tracing must show boundaries as they actually are at the time, and all obsolete boundaries must be therefore omitted in making it.

74. If the settlement map of any village is found to be very inaccurate, a special report must be submitted by the supervisor kanungo to the Superintendent of Land Records and by that office to the Collector with a view to a re-survey being effected.

75. The kanungo will maintain a stock register of the survey instruments and appliances belonging to Government in his own possession, or lend to patwaris in his circle.

76. The kanungo is responsible that all the chains and measuring poles in use in his circle are of the proper length. For this purpose he will, in the neighbourhood of his office, peg off a length of ground with which each chain shall be compared at last twice in each year. Where there is a public building in the vicinity made of masonry, permanent marks may be made on a wall which will serve the required purpose. Any error detected in a chain must be at once rectified by a blacksmith in the kanungo's presence, and if a bamboo rod be found to be too long or too short, the rod must be shortened or replaced.

77. The kanungo will commence his regular annual village-to-village visitation on the 15th October. From this date till the setting in of the rains, he must be constantly on the field, moving from circle to circle, and must make frequent visits to ensure that each patwari is progressing with his map correction and khasra preparation. Any cases of idleness or ill-health, which will seriously delay the work, should be at once reported to the Superintendent Land Records.

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78. The khasra of every village in a circle must be tested at least once evey two years by the kanungo (see Central Provinces Rule 29), who will go with it to the fields with the cultivators of the village and check a certain proportion of its entries by actual test and inspection of the ground and by enquiries made on the ground. The proportion of entries to be tested will be as fixed for the district by the Collector in communication with the Director of Land Records. The testing may be partly effected while khasra writing is in progress, and need not be altogether postponed until the khasra is completed. The kanungo must initial each number tested by him and must mark with a cross all entries which were found incorrect and have been corrected by him.

79. When a number is tested all the entries in the line of that number must be tested. The results of the testing will be recorded by the kanungo in his register of patwaris (see Rule 68)

80. The kanungo must compare badar khasra and mutation registers with the khasra, and must see that total areas correspond, and that all changes have been correctly entered.

Copies of khasra, khatians, khewats and mutation registers will be examined and signed by the supervisior-kanungos before they are field at the central office by patwaris under Rules 24, 41, 42, 48 and 54.

81. The kanungo must give special attention to disputed entries and will be responsible that dispute lists are promptly forwarded to the Superintendent of Land Records, and that orders passed are duly carried into effect in the writing of the records.

82. The kanungo should examine the landlord's statements of demand and collections and compare a few entries in them with the mutation register and should note in his diary the result of his inspection.

83. The kanungo will submit a monthly report to the Superintendent of Land Records in the following form:—

Condition of crop.		Whether rainfall has been sufficient, in sufficient or excessive.	Note of any damage caused by hail, locusts or other insects, frost, blight, fire, or flood, with details of villages in which damage has occurred.	Details of the prices of the principal food-grains and cattle fodder.	Note of any outbreak of cattle disease with detail of villages affected	General remarks as to existence of any distress amongst the people.
Name of crop.	Condition stating probable outturn in annas per rupee.					
1	2	3	4	5	6	7

The crops regarding which information is given in columns 1 and 2 shall be prescribed for the circle by the Collector.

This report must be despatched to the Superintendent of Land Records by a date not later than the 7th of the month following that to which it refers.

84. Immediately on the occurrence of any extensive damage from hail, locusts or other insects, blight or fire, or on the outbreak of virulent cattle disease, the kanungo will submit a report to the Superintendent of Land Records.

85. The kanungo may be required by the Collector to make any local enquiry respecting the correctness of entries in village records or to collect any information relating to land or agriculture, provided that he shall not be called upon to make any investigation which would usually be referred to a Commission under the authority of a Revenue or Civil Court.

86. The kanungo shall keep a register of all notices of proprietary mutations received by him under section 15 of the Act in the form prescribed. He shall enter all such notices in the register and transmit them to the Collector, whithin seven days of their receipt.

87. The kanungo must not save under the general or special order of the Board of Revenue, be employed on any duties other than those mentioned in these rules.

88. The kanungo will submit to the Superintendent of Land Records quaterly returns of progress made by the patwaris in check and correction of records, and of his own works in forms which will be prescribed by the Board of Revenue.

Chapter IV.—Superintendents of Land Records, their duties, &c.

89. The pay of Sub-Deputy Superintendents of Land Records, Collectors, Deputy Collectors or Assistant Superintendents of Survey, employed as superintendents of Land Records, will be their grade pay, *plus* a special allowance of Rs. 30 a month for Sub-Deputy

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Collectors, and Rs. 50 a month for Deputy Collectors and Assistant Superintendents of Survey.

The central office shall be under the management of the Superintendent of Land Records, who will arrange—

(1) for the safe custody of all records which have been filed at the central office ;

(2) for the custody and issue of blank records and of statements of demand and collection to patwaris ;

(3) for the distribution of patwaris' salaries and contingency allowance and for keeping such accounts as may be ordered by the Board of Revenue ;

(4) for transmission to the Collector of reports submitted by patwaris under Rule 19 or by supervisor-kanungos under Rule 64 ;

(5) for the proper examination and custody of all diaries and reports received from the kanungos and patwaris ;

(6) for the transmission to the Collector, or the officer appointed by the Collector for such purpose of the copies of the register of mutation of proprietary rights received under Rule 41 from the patwaris ;

(7) for the submission to the Collector of all prescribed entries and statements.

90. Except during the monsoon months (15th June to the end of September), the Superintendent of Land Records will be constantly on tour in the villages.

But he will occasionally be present at his headquarters when the patwaris attend to receive their pay, and he will thoroughly control and inspect the work of his office.

He will submit, for the Collector's approval, on the 20th September, 20th December and 20th March, tour programmes for the quarters October to December, January to March and April to June.

91. The Superintendent of Land Records will maintain a diary in the following form, and will submit a copy of each month's entries to the Collector by the 5th of the month following :—

Date.	Number of miles travelled.	Name of patwari and number of circle.	Name of kanungo with detail of dates on which he has visited the patwari's cricle during the four weeks preceding.	Name of village with detail of kind of work on which the patwari is engaged and rate of daily outturn.	General result of inspection.
1	2	3	4	5	6

On leaving each kanungo's circle the Superintendent will write across the page of his diary a brief report on the kanungo's work.

At the end of the diary brief remarks should be given as to the condition of the crops and of the people in the area through which the Superintendent has toured.

92. *Central Provinces Rule 64.*—An abstract of the diary entries will be forwarded through the Collector to the Director of Land Records on 15th January, 15th April and 15th July of each year in the subjoined form :—

Number of days during which the Superintendent of Land Records has been on tour during the preceding three months.	Name of kanungo whose circle he has inspected.	Number of entries tested in each circle.	
		Found correct.	Found incorrect.
1	2	3	4

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Provided that the Director of Land Records and Agriculture may call for the submission of the monthly diaries in original if he considers it advisable to do so.

93. *Central Provinces Rule* 62.—In each supervisor-kanungo's chakla the Superintendent of Land Records shall test a sufficient number of fields which the kanungo has himself tested to satisfy himself that the kanungo has done his testing correctly. The kanungo must enter the number of the fields so tested (with the result ascertained) in his diary, which will be signed by the Superintendent of Land Recoeds.

94. *Central Provinces Rule* 66.—The Superintendent will instruct the kanungos in any matter connected with their duties in which they may require advice or correction, reporting any difficulty which may arise to the Collector.

95. The Superintendent will take with him on his inspection tours the dispute reports forwarded by kanungos under Rule 47 and will pass summary orders on the reports which he shall leave with the patwari to be dealt with under Rule 47.

The Superintendent shall so arrange his tours that they shall take him to those villages, where most disputes are reported or where the work of the patwaris and kanungos may be attended with most difficulties.

96. In addition to the diary and abstract of diary prescribed in Rules 90 and 91, the Superintendent of Land Records shall submit to the Collector such returns as may be prescribed by the Board of Revenue.

CHAPTER V.—DUTIES OF DISTRICT OFFICERS, OF SUBDIVISIONAL OFFICERS, WITH REGARD TO TESTING OF THE WORK OF THE LAND RECORDS STAFF AND ESTABLISHMENT.

97. *See Central Provinces Circular of 11th June 1892.*—Collectors are as responsible for the efficient working of the land records staff and establishment as for any other branch of the administration.

98. *See Central Provinces Circular of 27th June 1893.*—Laborious independent inspection of the work of patwaris is not required of Collectors. But it is expected Collectors and Subdivisional Officers will see that kanungos and Superintendents of Land Records are doing the work required of them, and independent checking of a patwari's work may occasionally be desirable, *e.g.*, when there is reason to suspect that a kanungo has wilfully omitted to test entries which plainly called for test.

99. *See Central Provinces Circular of 27 th June 1893.*—On visiting a village in the course of their tour, Collectors and Subdivisional Officers should see when it was last visited by a kanungo and what testing work was done dy him.

One or two of the entries crossed and initialled by the kanungo in the khasra under Rule 78 should be thoroghly tested on the spot and in the map, and it should be seen whether the entries in the records are correct, and, whether the prescribed entries have been made in the patwari register (prescrbed in Rule 68).

The Collector should also occasionally test on the spot and with the map, a few of the entries which may have been checked by the Superintendents of Land Records, in order to satisfy himself that the Superintendent's work has been thorough and effective.

100. Diaries and progress returns should be carefully examined by Collectors before they are submitted to the Director of Land Records.

SCHEDULE.

I.—Khewat of Proprietary Rights.

Name of village———— Name of estate———— Tauzi No.——— Mufassil jama————

Name and parentage of proprietor.	Residence.	Separate account number if any	Interest.							Notes as to separate possession by any of the proprietors.	Notes of nature of mutation.	Remarks.
			a.	*p.*	*kr.*	*b.*	*g.*	*k.*	*kr.*			
1	2	3	4							5	6	7

One page to be allowed for every five proprietors.

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II.—Khewat of Sub-Proprietor.

Name of village——Name of tenure——Tauzi No.——class of tenure——Mufassil jama——

Name and parentage of sub-proprietors.	Residence.	Interest.	Notes as to reasons for mutation.	Remarks.
1	2	3	4	5

One page for every five sub-proprietors.

III.—Charsala khasra.

Name of village——————Thana——————Thana No.————

Khasra number.	Number of plots.	Area.	Class of crop.	Tauzi number.	Name and parentage of tenant.	Khatian number.	Name and parentage of under-tenant.	Khatian number.	First Year's Mutation.							Second year, as for first year's mutation. Third year, as for first year's mutation.
									Area.	Class-crop.	Tauzi number.	Name of tenant.	Khatian number.	Name of under-tenant.	Khatian number.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17 to 30

IV.—Badar khasra.

Name of Village.	Thana.						Thana Number.								Reference to disputes.
Former Entry.							New Entry.								
Khasra number.	Area.	Class of crop.	Tauzi number.	Name and parentage of tenant.	Khatian number.	Name and parentage of under-tenant.	Khatian number.	Khasra number.	Area.	Class of crop.	Tauzi number.	Name of tenant.	Khatian number.	Name of under-tenant.	Khatian number.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17

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VII.—Register of notices of mutation under section 16 of the Act.

Name of applicant.	Name of village.	Khatian number.	Abstract of notice.	Date of receipt	Number in mutation register.	Date of sending notice in original to the landlord.	Remarks.
1	2	3	4	5	6	7	8

VIII.—Register of notices of mutation of proprietary right filed under section 15 (to be kept by the kanungo).

Serial number.	Name and residence of applicant.	Tauzi number.	Gist of application.	Date of filling.	Date of transmission to Collector.	Remarks.
1	2	3	4	5	6	7

IX.—Forms of submission of statements of demand and collection to be sold to zamindars at one pice each.

Name of landlord_____ Name and tauzi No. of mahal_____Name of village_____Year .

Serial number.	Name of tenant.	Status.	Area.	Rent.	Cesses.	Total.	Arrears.	Total.	Collection.	Remission.	Balance.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12	13

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*X.—Mutation Register of*_____

Village_____ Thana_____ Thana No._____

KHATIAN NUMBER.	STATUS.					REMARKS.
Name, father's name and caste of occupant and share in holding (enter below names and khatian numbers of under-tenants).	Khasra number ; if held by under-tenant, give total number of plots.	Area.		Rent.	Description of mutation with initial of patwaris.	(Here signature of parties, if obtained, and reference to orders on disputes.)
		A.	D.			
1	2	3	4	5	6	7
Total on 1st September. 1307(*a*)						
Ditto ditto 1308...						
Ditto ditto 1309...						
Ditto ditto 1310...						
Ditto ditto 1311...						
Ditto ditto 1312...						
Ditto ditto 1313...						
Ditto ditto 1314...						
Ditto ditto 1315...						
Ditto ditto 1316...						

(*a*) Not to be printed, but lines to be ruled by the patwari at the foot of the last page of entry.

REVISED SCHEME OF COST.

(1) Initial cost—

(*a*) *Traces.*—Assuming that maps are not photo-zincographed, about 4 lakhs of plots on 32 inch and 76 lakhs on 16-inch scale to be copied—

	Rs.
4 lakhs at Rs. 2 per 1,000	800
76 lakhs at Re. 1 per 1,000	7,600
Headings	1,500
Total ...	9,900 or, say, Rs. 10,000

(*b*) *Khatians.*—The copies must contain boundaries and be thoroughly reliable. I do not think they can cost less than 4 annas per 100 plots to copy.

	Rs.
Cost of 80 lakhs plots	20,000

(*c*) *Khasra.*—Our khasras are so bad that I would let the patwari prepare khasras from the khatian at his leisure, and would not put down anything for the cost of copying.

(*d*) *Khewats.*—Roughly 2 annas each mauzawar : khewat say 40,000 copies to be made, or Rs. 5,000. Also about 20,000 mahalwar khewats to be copied at Rs. 2,500, total Rs. 7,500.

(*e*) Instruments (Mr. Macpherson's estimate) is Rs. 48 per kanungo-supervisor and the same for each set of 15 patwaris.

There must be over 40 kanungos' circles (I have provided for 48 kanungos, but some of these are for office work), and there must be at least two sets to each charge, say 100 sets

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altogether, or Rs. 4,800. We shall save something by using our old surevy instruments, but shall have to set against this pens, padikas, &c.

		Rs.	Rs.
(*f*)	Building		25,000
(*g*)	Forms and Stationery, say—		
	8 lakhs of khatians	3,000	
	8 ditto of khatians	2,500	
	½ lakh khewats	120	
	10 lakhs mutation register forms	5,000	
	Tracing cloth, 1,000 yards	500	
	Bally paper, 500 reams	2.000	
	Blanks books for diaries, &c., at 8 annas each	1,000	
	Miscellaneous	880	
	Total		17,000
(*h*)	Total initial costs—		
	(1) Traces		10,000
	(2) Khatians		20,000
	(3) Khewats		7,500
	(4) Equipment		5.000
	(5) Building		25,000
	Forms and stationery		17,000
	Tooal		84,500
	Add—10 per cent. for contingencies		8,450
	Total ...		92,950 or, say, 93,000

		Monthly. Rs.	Annually. Rs.
(2)	Annual expenditure—		
	72 Patwaris at Rs. 8 each	576	
	144 Ditto „ 9 „	1,296	
	216 Ditto „ 10 „	2,160	
	144 Ditto „ 12 „	1,728	
Total 576	Total ...	5,760	69,120
	18 Kanungos at Rs. 25 each	450	
	18 Ditto „ 30 „	540	
	12 Ditto „ 35 „	420	
Total 48	Total ...	1,410	16,920
	1 Survey Superintendent at	500	6,000
	5 Superintendents, each at	230	13,800
	Establishment of Superintendents at ...	50	3,600
	Ditto of knungos at	10	5,760
	Contingencies at Rs. 12 per patwari ...	.....	6,912
	Ditto „ 24 per kanungo ...	.....	1,152
	Ditto „ 240 per Superintendent	.....	1,440
	House-rent, &c.	.....	4,000
	Interest at 4 per cent. on initial expenditure	.....	3,720
	Pensionary charges at 10 per cent. on pay of kanungos and Superintendents	.....	3,572
	Forms and stationery	.....	4,000
	Total ...	.....	1,40,096

(3) I would propose, to complete the scheme (cost to be debited to General Administration):—

	Rs.
Three Superintendents of Land Records at Rs. 350 each ...	12,600
Their pensionary charges	1,260
Their establishment	7,200
Their contingencies	720
Total ...	21,710

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No. 23.

No. 1443-S., dated Calcutta, the 4th August, 1899.

From—P. C. LYON, ESQ., I.C.S., Director of the Department of Land Records and Agriculture, Bengal,

To—The Secretary to the Board of Revenue, L. P.

In continuation of my letter No. 492, dated 14th March, 1899, on the subject of the maintenance of the Land records in Orissa, I have the honour to forward herewith copies of the letters noted in the margin, together with a draft Bill, with a draft of the Rules to be framed under it, for the imposition of a Patwari Cess in Orissa, and for the maintenance of the records from year to year by means of a staff of Patwaris and Kanungos.

Letter No. 2648, dated 24th November 1898, from the Settlement Officer, Orissa, to the Director of Land Records and Agriculture.

Letter No. 224-S., dated 6th February, 1899, from the Director of Land Records and Agriculture, to the Settlement Officer, Orissa.

Letter No. 1040, dated 16th May, 1899, from the Settlement Officer, Orissa, to the Director of Land Records and Agriculture.

2 This draft Bill and the draft Rules were originally called for in the Board's letter No. 713-A., dated 20th August 1898, and the first draft Bill was submitted by Mr. Maddox with his letter of 24th November 1898. This Bill was, however, through a misunderstanding, drafted on the model of the Land Records Maintenance Act, III (B.C.) of 1895, and not on the original Bill for the maintenance of the records in North Bihar prepared in 1894. The draft was discussed by me with Mr. Maddox and his Assistants in Orissa during my visit to Cuttack in December last and we took an opportunity of laying before His Honour the Lieutenant-Governor, on the occasion of his visit to Orissa in that month, the very grave doubts we felt as to the advisability of introducing the proposed system into Orissa, and of incurring the expenditure that would be involved in its organization and maintenance. The Lieutenant-Governor having permitted us to re-open this important question, the draft Bill was referred back by me to the Settlement Officer with my letter of 6th February 1899, and the whole question was further discussed fully by me locally with Mr. Maddox and Mr. Webster, Assistant Settlement Officer, in April last. Mr. Maddox's present report was submitted by him as soon as he was freed from the heavy and urgent work of assessment of revenue for the last April instalment, and the papers were finally printed off and submitted to me on the 20th of June.

3. The Bill has been carefully drafted on the lines indicated in paragraph 11 of letter No. 238T. R., dated 12th May 1897, from the Government of Bengal to the Government of India, and the rules have been adopted with but slight modifications from those previously submitted by Mr. W. C. Macpherson. It has not been found possible, however, to adopt in its entirety the suggestion made by the Government of India in their letter No, 2397, dated 13th October 1897, that provision should be made 'for a legal presumption of truth being attached to the record, so soon as the Local Covernment declares by notification that it is satisfied that the record is maintained with sufficient accuracy to justify such action.' With the very inferior agency available for the work of registering mutations in Orissa, it has not seemed to us feasible to attach any value to the new entries in the records until each one has been duly attested by a Revenue Officer of a grade superior to a kanungo, and provision has accordingly been made in the Act to give a certain authority to the alterations in the records after, and not before, such attestation has been made. The provisions of the Bill were discussed by me in detail with Mr. Maddox in April last, and I have at present no modifications to suggest in them. I propose to deal further with the question of the cost of carrying through the scheme in a later paragraph of this letter.

4. The question which is now submitted for the final decision of Government, is whether it is necessary or advisable to introduce any such scheme as the present one for the maintenance of the records, in view either of the prospects of its success, the actual advantages that will be obtained from it, or the very great cost that it will entail. Although a pronouncement on this question has been already made by the Government of India, that Government speaks in its letter of October 1898, referred to above, or the "improvement" of the patwari establishment of Orissa, and does not appear to have gathered from the correspondence that there are, for practical purposes, no patwaris at all in most parts of Orissa, and that a Patwari staff will have to be created for the purposes of the proposed scheme. It is again subsequent to the pronouncement of the Government of India that the Secretary of State has expressed a strong opinion as the limitation of the assessment of revenue to 55 per cent of the assets, and that definite instructions have been received from the Governments of India and Bengal that the incidence of the proposed patwari cess is not to be considered in assessing revenue in the course of the present settlement with the result that, where less than 55 per cent. of the assets has been taken by Government, and in many cases where that limit has been reached, the proprietors and proprietary tenure-holders have been already fully assessed to revenue. I would also note that His Honour Sir Alexander Mackenzie expressed his approval of the scheme in very guarded terms, declaring at the Cuttack Conference of January 1898, that he 'thought it would be worth the expense, if if could be satisfactorily worked,' and reporting to the Government of India that, while he was 'disposed to think' that the advantages of keeping the records corrected from year to year would more than counterbalance the expenses, he desired to bring prominently to the notice of that Government the doubts existing on the subject among

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competent and experienced officers in Bengal. At the same time the other chief supporter of the proposals, the Hon'ble Mr. George Toynbee, has more than once laid stress on the financial aspect of the question, and, in a note dated 28th December 1890, wrote:—"Before anything else is done, however, I think it should be made quite clear that the proposed patwari establishments will be at least as cheap as the revision establishments, which would have to be entertained (if they are not) when term of the coming new settlement expires."

5. In view of the above facts, and of the extreme difficulty found by my predecessors and myself in elaborating and satisfactory procedure for the record of collections of rents, which is considered by Government to be an essential part of the scheme, and in reducing the cost of the proposed annual operations, we have been permitted to again raise the main question for decision, and Mr. Maddox has accordingly submitted with his draft Bill and Rules a most carefully thoughtout opinion on that question. As the orginal author of the patwari scheme, who has become slowly convinced of its unsuitability to Orissa, and of the impossibility of imposing the cost of it upon either the landlords or the tenants of the temporarily-settled estates in that Province, Mr. Maddox's views are entitled, I think, to exceptional weight. He has been working, in close association with the people for the past six years, and the nature of his work, in the course of which he has had to assess to revenue every one of some 6,500 temporarily-settled estates, and has superintended the settlement of fair rents for over $1\frac{1}{2}$ millions of tenants, has given him an intimate acquittance with the material and economic conditions of the Province: and I would accordingly invite the special attention of the Board and of Government to Mr. Maddox's deliberate opinions, as expressed in the report he now forwards, that "the yearly maintenance scheme is unnecessary;" that "the patwari system is quite foreign to Orissa"; that "there is no one in Orissa who can afford to pay for it;" that "the people of orissa have been burdened with settlement operations for ten years, and for a few years the land should have rest," and, finally, that the new scheme "would be of no more advantage to it than an expensive education for which, in its present condition, the Province cannot afford to pay."

6. The papers which record the previous discussions of this subject show thrt the introduction of a local agency for the maintenance of the records has been condemned by almost all the officers who have considered the question, including Sir Charles Stevens three Commissioners of Orissa, Messrs. Stevenson, Cooke and Dutt, of whom Mr. Stevenson was also for several years Collector of Cuttack, and by all the Collectors who have been consulted on the subject. It will be remembered that at the conferences held in Cuttack in January 1898, the only supporter of the present scheme was my predecessor, Mr. W. C. Macpherson, whose chief reason for upholding it was the success that had attended such schemes in the Central Provinces and elsewhere. But in a later note, dated 9th April 1897, Mr. Macpherson records that he had been informed by Mr. Holderness that the "collection accounts of the North-Western Provinces patwaris are, generally speaking untrustworthy," and he confessed himself unable to suggest a satisfactory procedure for the verification of landlords' accounts of collections. Mr. Holderness has also informed me that, in the eastern districts of the North-Western Provinces, which resemble Bengal in their density of population and close cultivation, the maintenance of the records by patwaris has not obviated heavy expenditure on subsequent revisions of settlements, and he implied further that it was only in the sparsely populated districts, which more resemble those of the Central Provinces, that this system of maintenance had proved a success.

7. Of the advantages accruing from the existence of an intelligent and trustworthy local agency there can, of course, be no doubt, and when the village accountant is a permanent institution in every village, sanctioned by immemorial custom with duties and powers, the extent and limitations of which are understood by all, and with ties of association and interest which induce loyalty to his work, he can be of much value to the Government, and to the community at large, as a source of information in times of distress, as the unit of the organisation of famine relief, to check oppression on the part of the landlord, and to obviate the necessity for heavy expenditure on future settlements. But the creation of such an agency in a country in which its working is not understood is a very different matter, and it is now nearly three years since I laid before the Board my reasons for believing that we cannot get the work we want done properly performed by any such agency in Orissa, and that we shall cause serious harassment to the people in our attempts to establish a patwari system with the powers necessary for the maintenance of the record. Moreover, as regards the information actually required from a local agency, I would suggest that the bulk of it can be obtained with the help of our records without any patwari establishment, and that Mr. Maddox's remarks on this point are worthy of attention. By the geographical arrangement of all our records by thanas, by the publication of special thana maps and of thana registers of statistics sufficient to show the agricultural and economic circumstances of each village in each thana, we have afforded in a convenient form for District Officers a mass of information that was previously unattainable without elaborate local enquiries, while in the assessment reports prepared for each pargana, and for each group of estates within it, full information as to the physical features of the lands of each estate, their liability to flood or drought, the severity of their assessment and the material condition of the tenants occupying them, has been provided. By the settlement of the rents of the vast majority of the tenants under the Bengal Tenancy Act for 15 years, we have stopped that 'progress in the enhancement of rents,' which it has been held to be the duty of the patwaris to watch

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and to check, and there are reasons to believe that there will be very few landlords in Orissa who will be able, or will try, to break down the rents now settled by us within the period for which they have been settled.

8. On the subject of the cost to be incurred upon the scheme I may say at once that I consider that, if the patwaris are to carry out all the duties laid down for them, and if any authority whatsoever is to be given to the entries made by them, the expenditure, both initial and annual, will have to be raised. It will be noted that the original estimates were cut down by my predecessor under some pressure, and that in his final plans he included no procedure for the verification of collections of rent, while this has been now incorporated in the rules. I do not, for other reasons, some of which are noted below, consider that the reductions made in the estimates can be accepted, and I anticipate that the actual cost is likely to amount to at least Rs. 1,50,000 initial, and Rs. 1,50,000 annually.

9. In considering the initial cost, I would raise the charge for traces of the maps from Rs. 10,000 to Rs. 40,000. The cost of tracing appears to have been altogether under-estimated, and in some recent enquiries made by me as to the probable cost of the reproduction of the Orissa maps, the result of which has been separately reported to the Board, I have found that a single copy will cost Rs. 25,000 and two copies at least Rs. 40,000. We, shall require two copies of the map, as noted by Mr. Macpherson in his latest estimate. The cost for the copying of the records should also, I think, be raised, as I do not agree with Mr. Macpherson that all the work can be done on the copy which is left in the patwari's hands. The original records of the settlement, the entries in which have legal value, must be kept intact, and under the care of a responsible record-keeper at head-quarters, and I do not see how the Superintendents of Land Records and the kanungos are to carry on their duties without copies of the records at hand for reference, or, indeed, how the patwari's copy is to be efficiently checked, and kept free of fraudulent alterations, and interpolations, without the correction of a duplicate record on which attestation work can be done, and the entries in which would carry the presumption of truth given to mutations, after attestation, by section 25 of the Bill. I would accordingly provide for an increase of Rs. 27,500 in the initial cost under this head, and would add that, although I accept Mr. Maddox's suggestion that the patwaris should prepare *khasras* from the *khatians* themselves "at their leisure," I anticipate some difficulty in getting the work done in the way. Without going further into the details of initial cost, therefore, although they appear to me to have been unduly reduced under several heads, would add the two sums of Rs. 30,000 and Rs. 27,500 noted above, and would accordingly raise the total to Rs. 1,50,000.

10. In considering the annual expenditure, I think it should be remembered that the cost of carrying out the verification af collections has never been faced by the local officers, and I would suggest further that the serious dificulties we shall find in procuring returns from the zamindars appear to have been insufficiently weighed. Mr. Macpherson considered that the task of verifying individual collections was altogether too big for Government to under-take, and although the Government of Bengal would not cut these duties out of the scheme it has not yet been indicated in what manaer and at what expense they are to be carried out. The local officers who attended the preliminary conference held at Cuttack on 24th January 1898 were clearly of opinion that, if the record of cellections was to be included, the area of a patwari's circle would have to be reduced below 8 square miles, and they also recommended that there should be one kanungo to every 10 patwaris, instead of one to every 12 or more as in the present scheme. While I refrain from modifying, at present, the strength of the proposed staff which has already been approved by higher authorities, I desire to indicate the doubts I feel as to its adequacy for the work proposed. In the matter of supervision also, I agree with Mr. Maddox in deprecating the light estimate made in the Government of India's letter of the work that the Superintendents of Lands Records will have to do, and I anticipate that unlike their brethren in Upper India, where the population is less dense and the land is more sparsely cultivated, they will have their time fully occupied in the inspection and other work laid down for them in the present scheme. I would also call attention to the estimate submitted by Mr. Maddox for three Superintendents of Land Records and their establishments (to be paid for out of General Revenues) that he proposes to add to the Collector's staff to "complete the scheme." It is not quite clear what duties are to be entrusted to these officers, but I have no doubt Mr. Maddox recognised the value of such officers as those referred to by the Government of India as 'The Revenue Deputy Collectors and Tahsildars of Northern India,' and, realising the impossibility of the Superintendents of Land Records provided in the scheme ever carrying out the duties performed by those officers elsewhere, provided three extra supervising officers for the purpose. Apart, however, from these general indications of the directions in which the present estimates of costs are likely to be exceeded, I would suggest that some definite addition must be made to the establishment of the Superintendents of Land Records to enable them to keep their copies of the records up to date, and to the establishment of the kanungos to enable them to obtain and check the returns of rent collections to be called for from the landlords. In view of the above considerations and omitting the proposed charge for three superior officers as Superintendents of Land Records at the headquarters of sach district, and making alowance for the low pay to be drawn by patwaris and kanungos on their first appointment, I am doubtful whether it will be found possible to reduce the annual expenditure, as its lowest estimate, below Rs. 1,50,000.

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11. The total expenditure on the patwari scheme may thus be estimated at Rs. 1,50,000 for initial expenditure and Rs. (1,50,000 × 25) 37,50,000 for recurring expenditure allowance being made for some delay in introducing the scheme, and for its temporary suspension for two or three years at the end of the term of settlement, during the operations preparatory to the new settlement. With the addition of 7½ lakhs to meet the cost of a revision of the records and a re-assessment of the revenue at the expiration of the current settlement, we get a total of 46½ lakhs, and I may add that the cost here estimated for re-settlement assume the complete success of the maintenance work. Against this total we may set Mr. Maddox's rough estimates, which are, I believe, more than adequate, for the revision of the records after 15 years, and again at the time of re-settlement, and for a re-settlement after 30 years without any previous revision. He gives 24 lakhs as the probable cost of the double revision, and 20 lakhs as the cost of a single revision, at the time of re-settlement, and these estimates include all the operations necessary for a re-settlement of the revenue. It will be seen, therefore, that the additional cost involved in the introduction of the patwari scheme amounts to some 22½ lakhs, even if we adopt the proposal for the complete revision of the records after 15 years, a plan that I would commend for the favourable consideration of Government.

12. I hope that, in the circumstances I have detailed above, the project for the imposition of a Patwari Cess may be re-considered, and that such orders may be passed as will secure the revision of the records after 15 years, all attempts to maintain them in the meanwhile being dropped. I believe that the information that has been compiled in the course of the present settlement is sufficient for the present purposes of Government, and that the advantages to be gained by the creation of a local agency to assist in the general administration of the Province are far outweighed by the serious harassment that this would cause to the people. I suggest that the main object with which this scheme has been prepared, the efficient maintenance of the land records, would not be attained by the means proposed, and I would strongly support Mr. Maddox's contention that the people of the country, whether land lords or tenants, cannot afford to pay for it. Finally, I would emphasise the fact that we have only now completed lengthy and elaborate settlement proceedings, which have unavoidably caused much trouble and inconvenience to the people, and which have brought with them a general increase in rents and an enhancement of revenue by 50 per cent., and would urge on Government that in these circumstances we should be chary of imposing fresh burdens on the people, and of introducing a scheme which will involve them in large additional responsibilities and considerable expense, and the success of which is, at the best, problematical.

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APPENDIX B.

No. 1.

NOTIFICATION—No. 4867-L.R.

The 1st November 1894.—Under the authority vested in him by section 189 of the Bengal Tenancy Act, VIII of 1885 the Lieutenant-Governor is pleased to declare that the following Rules be substituted for Chapter VI of the Rules under the said Act, published by Notification, dated the 21st December 1885, at page, 1255 Part I of the *Calcutta Gazette* of the 23rd idem, as modified by Notification, dated the 2nd July 1889, published at page 560, Part I of the *Calcutta Gazette* of the 3rd July 1889. They are accordingly, under sub-section 5, section 190 of the said Act, published for general information.

C. E. BUCKLAND,
Secy. to the Govt. of Bengal

Chapter VI.

Rules under section 189 of the Bengal Tenancy Act as to the procedure to be followed by Revenue Officers in regard to the Record of Rights and Settlement of Rents.

1. (*a*) Every Revenue Officer appointed under the designation of "Settlement Officer" or "Assistant Settlement Officer" for the purpose of making surveys, record of rights, settlement of rents, determination of proprietors' private lands, and such like proceedings, or any one or more of them under the Tenancy Act, is hereby vested with all the powers exercised by a Civil Court in the trial of suits, and with the powers mentioned in section 189 (*1*) (*b*) and (*c*) of the Tenancy Act, VIII of 1885.

(*b*) A Revenue Officer who, under the designation of a Settlement Officer, has been appointed for the purpose of making a survey and record of rights and settlement of rents under Chapter X of the Bengal Tenancy Act, VIII of 1885, shall have power to make over applications for settlement of fair rents made under section 104, or objections preferred under section 105 of the Act, or dispute cases instituted under section 106 of the Act to the officers subordinate to him, who have been duly empowered under the designation of Assistant Settlement Officers to act as Revenue Officers under the provisions of the same Chapter of the same Act.

(*c*) On the application of either party, after giving notice to the other party interested and hearing objections perferred, if any, or of his own motion without giving such notice, a Revenue Officer so appointed under the designation of Settlement Officer shall have power to withdraw from the file of any Revenue Officer (designated Assistant Settlement Officer), who is subordinate to him any such applications made under section 104 or objections preferred under section 105 or dispute cases instituted under section 106 of the Bengal Tenancy Act, and to dispose of such applications, objections, or dispute cases himself, or to transfer them for disposal to another officer similarly subordinate to him, who is duly empowered to act as a Revenue Officer.

2. Deputy Superintendents of Survey and Assistant Superintendents of Survey employed in operations under these Rules are hereby declared to be Revenue Officers for the purpose of performing any duty imposed upon them by these Rules or by instructions consistent with these Rules, issued by the Board of Revenue. They are hereby vested with the powers specified in section 189 (i) (*b*), provided that an Assistant Superintendent shall not exercise the powers vested in a Superintendent under the Bengal Survey Act.

PROCEDURE FOR CADASTRAL SURVEY, RECORD OF RIGHTS, AND SETTLEMENT OF RENTS.

3. The following processes will ordinarily be comprised in a cadastral survey, record of rights, and settlement of rents :—

I.—Demarcation of boundaries.
II.—Measurement.
III.—Khanapuri, *i.e.*, preliminary preparation of the record.
IV.—Attestation of the record.
V.—Settlement of fair rents under section 104 of the Bengal Tenancy Act.
VI.—Draft publication of the record of rights.
VII.—Disposal of objections, and trial of disputes, under sections 105 and 106 of the Tenancy Act.
VIII.—Final publication of the record of rights.

I.—DEMARCATION OF BOUNDARIES.

4. (*a*) In the demarcation of village boundaries care shall be taken to preserve as far as possible, for the unit of suruey 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 shewn in the map.

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(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 purpose 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 dispute as to village boundaries, the Revenue Officer shall decide the dispute under the Bengal Survey Act, V (B.C.) of 1875.

(5) Boundary pillars of a permanent nature shall be erected at every point where the boundaries of three or more villages meet, and may be erected wherever the Revenue Officer considers it necessary to define by pillars the boundaries of estates or tenures, or of lands which have been the subject of dispute.

II.—MEASUREMENT.

6. A field map of every village shall by prepared. It shall show the boundaries of every field separately assessed to rent, or of such plot of land as the instructions of the Board of Revenue for giving effect to these Rules may lay down.

III.—KHANAPURI i.e; PRELIMINARY PREPARATION OF THE RECORD.

7. Settlement records made under Chapter X of the Tenancy Act shall be prepared in such manner as the Board of Revenue may prescribe, and shall consist of the following principal documents:—

Village map ;
Khasra, *i.e*, field index ;
Khewat ;
Khatian ;
Tirij ;

and any other papers which the Board of Revenue may prescribe.

8. The record of rights, which shall be published under section 105 of the Tenancy Act, shall be contained in the khewat and the khatian.

(9). (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 provisions 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.

10. (a) The khatian shall show in detail for all the lands of the village, estate by estate, landlord by landlord, and occupant, by occupant, the lands included in each estate, owned by each landlord and occupied by each tenant, with particulars of rent and of the incidents of each tenancy.

(b) Lands cultivated or otherwise held direct by the proprietor shall be shown in detail in the khatian, and shall be entered either as proprietor's private land, or as land held by the proprietor but not private land, in accordance with the provisions of Chapter XI of the Tenancy Act.

IV.—ATTESTATION OF THE RECORD.

11. (a) When the map, khasra, khewat, and khatian for a village have been prepared in such manner as the Board of Revenue may prescribe, the Revenue Officer shall issue a notification in such form as may be approved by the Board, fixing a day which shall be not less than a week from the date of issue of the notification, on which he will be present at some place to be specified, at or near the village, for the purpose of attesting and completing the record of rights.

(b) The notification shall further state that on the day so fixed, or on any other day to which the proceedings may be adjourned, the Revenue Officer will proceed to record rents when the circumstances are such as are specified in section 104 (1), and to receive applications for the settlement of fair rents ; and it shall require all parties interested in the subject-matter of the enquiry to attend at the time and place specified with such evidence as they have to offer in connection with the proceedings.

(c) Such notification shall be published by proclamation and beat of drum, and fixed up in the presence of not less than two persons in some conspicuous place in the village to which it refers.

12. The Revenue Officer may also, if he deem fit, take such additional measures under the powers, conferred on him by rule 1 of this Chapter as my be desirable to procure the attendance, at the place specified in the notification to be issued unddr the last preceding rule, of the under-raiyats, raiyats, tenure-holders, landlords and proprietors, or their authorized agents.

13. On the date specified in the notification to be issued under Rule 11, or on any other date to which the proceedings may be adjourned the entries which have been made in the khewat and in each tenant's khatian shall be read out in the presence of such of the interested parties as are in attendance. If the, correctness of any entry is disputed, the Revenue Officer shall settle the dispute after local enquiry or otherwise ; provided that if the correctness of

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the measurement is called in question, and a fresh measurement be demanded, the Revenue Officer may require the costs of the re-measurement to be deposited. If the re-measurement shows the original measurement to have been inaccurate, the amount deposited shall be refunded to the objector.

14 The Revenue Officer shall ascertain what raiyats claim the right to hold at fixed rates or fixed rents, explaining, as far as may be necessary, the provisions of the Act in this respect. If the right claimed is disputed by the landlord, the Revenue Officer shall call on the claimants for proof of such right.

15. The Revenue Officer shall ascertain which of the raiyats are setttled raiyats or occupancy raiyats, as the case may be, and shall record them as such, having regard to the presumption of section 20 (7) of the Tenancy Act in favour of the settled atatus.

16. The Revenue Officer shall ascertain what raiyats are non-occupancy, and to this end he shall be entitled to call upon the landlord or his agent to produce a statement showing the names of the raiyats alleged by him to be non-occupancy raiyats. On production of such statement, the Revenue Officer shall explain to the raiyats whose names are entered in the statement, and who have not already been recorded as occupancy or settled raiyats, the nature of the presumption raised by section 20 (7) of the Act. If, after such explanation, a raiyat admits himself to be a non-occupancy raiyat, he shall be recorded as such. If he does not admit himself to be a non-occupancy raiyat, the Revenue Officer shall call on the landlord to prove the allegation made by him in regard to such raiyat.

17. Abwabs shall not be recorded. Cesses which are authorized by law shall be recorded separately from the rent in the khatian.

18. The Revenue Officer shall summarily ascertain the tenant's present rent, and record it in the appropriate column of the khatian as the rent payable in respect of the land held by the tenant

19. When the record of rights and of existing rents has been prepared and attested in the manner prescribed in rules 11 to 18 above, and when the record shall have been arranged and corrected in accordance with the orders which the Revenue Officer may have passed, he shall record a proceeding in which he shall state that attestation of the records of the village has been completed; and shall publish a notfication in the village stating that a period, not less than one month, is allowed during which applications for the settlement of fair rents may be filed. But in special cases the Revenue Officer may exercise his discretion as to receiving such applications on a date outside of this limit up to the time of draft publication.

V.—Settlement of fair rents under Section 104 of the Tenancy Act.

20. When the landlord or tenant applies for the settlement of a fair rent, he shall be considered as plaintiff and the opposite party as defendant, and the Revenue Officer shall proceed as is directed in rules 24 to 28 following.

21. If it appears on legal evidence adduced before the Court that a tenant is holding land in excess of, or less than, that for which he is paying rent, the Revenue Officer shall proceed to fix a fair and equitable rent for the holding under section 104 (2) and (3).

22. When the state or tenure belongs to, or is managed by, the Government or the Court of Wards, the procedure laid down in these rules for recording or settling rents shall be followed, the Government, or the Manager of the estate or the tenure respectively, as the case may be, being regarded as the landlord.

23. (*a*) When in accordance with section 104 (2) read with section 101 (2) (*d*) of the Tenancy Act, a settlement of land revenue is being made in respect of any lands, it shall be the duty of the Revenue Officer to record a proceeding for each village in such form as may be approved by the Board of Reveneue setting forth that on a date named and at a place named he will settle fair rents in respect of all estates, tenures or holdings, and for unsettled lands included in such village.

(*b*) A schedule may be appended to the proceeding, giving the names and numbers of all estates, tenures and holdings paying revenue or rent to Government, and particulars of unsettled lands for which rent will be settled.

(*c*) Such proceeding shall be sufficient authority for making a settlement of all rents within such estates, tenures or holdings, and it shall not be necssary to state that Government or the Secretary of State is plaintiff, or to join any landlord as co-plaintiff, or to draw up any plaint or application.

(*d*) It shall not be necessary to register such proceeding as a plaint under section 58 of the Code of Civil Procedure, but applications made by landlords or tenants for settlement of fair rents shall be so registered.

Notices.

24. When (1) a landlord or tenant applies for the settlement of a fir 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 person.

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

25. With the consent of the Revenue Officer, any number of tenants occupying land under the same landlord in the same village may make a joint application for settlement of rents or may be joined as defendants in the same proceeding on a similar application by the landlord ; or when settlement of the land revenue is being made under section 101 (2) (*d*), the Revenue Officer may of his own motion join all landlords and the tenants in a village in one proceeding ; provided that if at any time it shall appear to the Revenue Officer that the question between any two of the parties of whom one is so joined with others cannot conveniently be so jointly tried, he may order a separate trial to be held of that question, or he may pass such other order, in accordance with the Civil Procedure Code, for the joint or separate disposal of the application as he may think fit.

26. (*i*) On the date fixed for settlement of fair rents other than those connected with settlements of the land revenue, or on any subsequent date to which the proceeding may be adjourned, the Revenue Officer shall proceed to read, or cause to be read aloud the name of each tenant whose rent has to be settled, the area of his tenancy, the existing rent, the rent applied for, if any, the ground stated for enhancement or reduction, and shall ask the landlord and tenant, if they are present, whether the new rent applied for is accepted.

(*ii*) In the case of settlement of rents in connection with a settlement of the land revenue on the date fixed, or on any subsequent date to which the proceeding may be adjourned, the Revenue Officer shall proceed to read, or cause to be read aloud the name of each tenant whose rent has to be settled the area of his tenancy, and the existing rent, and shall propose a rent for the acceptance of the landlord and tenant concerned, and shall ask them, if they are present, whether the new rent proposed is accepted.

(*iii*) In cases under both (*i*) and (*ii*)—

(*a*) If the landlord and tenant be present, and if both accept, in case (*i*) the rent applied for, in case (*ii*) the rent proposed, the Revenue Officer shall record their acceptance, and if in his opinion that rent be fair and equitable and in accordance with the provisions of the Tenancy Act, he shall settle it accordingly. If the Revenue Officer does not consider the rent fair and equitable, he shall proceed to fix a fair and equitable rent ;

(b) where landlord or tenant does not attend after due service of notice has been proved, the procedure will be *ex-parte*;

(c) where a landlord or tenant appears and does not accept, in case (*i*) the rent applied for, in case (*ii*) the rent proposed, the Revenue Officer shall record evidence in the manner prescribed in clause (*f*) of section 148 of the Bengal Tenancy Act for trial of rent suits, and shall settle a fair and equitable rent according to law; provided that in important cases the Revenue Officer may in his discretion record evidence at length.

(*iv*) Provided that when, in connection with a settlement of the land revenue, a Revenue Officer proposes to alter an existing rent, and the parties have not attended in compliance with the general notice prescribed in rule 24 (2), the Revenue Officer shall serve each person interested with a special notice, and the *ex-parte* proceeding, referred to in sub-rule (*iii*) (*b*), shall not be held until after due service of such special notice has been proved.

27. It shall not be necessary for a revenue Officer to draw up a separate decree with regard to the fair rent settled ; but the entry made in his decision or schedule attached thereto with regard to the fair rent settled shall be held to be a decree.

28. When a fair and equitable rent has been fixed under the preceding rules, it shall be entered in the khatian as the rent payable in respect of the holding.

VI.—Draft Publication of the Record of Rights.

29. (*a*) When the period prescribed by the notification issued under rule 19 has elapsed, and when all proceedings for settlement of fair rents have been completed in the manner laid down in rules 20 to 28, a notice shall be posted up at the landlord's office in the village or in the presence of not less than two persons, in some conspicuous place in the village, stating that the draft of the record will be published in the village on a day to be specified, not less than a week from the date of such notice, and calling on all persons interested to attend on the date so specified.

(*b*) On the date fixed for draft publication, the Revenue Officer shall either proceed to the village himself, and read the contents of the record in the presence of the parties who attend, or he shall depute an officer, not below the rank of kanungo, who shall read out the contents of the record in the presence of so many of the parties as attend, and the Revenue Officer or officer deputed by him, as the case may be, shall at the same time inform the parties who attend that the draft record will be open for inspection for not less than one month in the office of the Revenue Officer, or in such other convenient place as the Revenue Officer may determine. The Revenue Officer shall receive and consider any objection which may be made to any entry during the period named.

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VII.—DISPOSAL OF OBJECTIONS AND TRIAL OF DISPUTES UNDER SECTIONS 105 AND 106 OF THE TENANCY ACT.

30. (*a*) When an objection is made before the expiry of the period of publication of the draft record prescribed under rule 29 (*b*) above, regarding the correctness of an entry or as to the propriety of any omission, notice of the objection shall be served on all persons whose interests may, in the opinion of the Revenue Officer, be affected thereby, and they shall be called upon to attend at such time and place as the Revenue Officer may fix for the disposal of the objection. If no person attends to contest the objection, the record may be amended accordingly, or the person who made the objection may, if the Revenue Officer thinks fit, be called upon to produce evidence in support of his objection, which shall in that case be dealt with summarily.

(*b*) When a dispute arises before the final publication of the draft record as to the correctness of any entry (not being entry of a rent settle under section 104 of the Act), or as to the propriety of an omission, the proceeding shall be dealt with as a suit between the parties under section 106 of the Tenancy Act, in which the person objecting to the entry or to the omission which the Revenue Officer has made or proposes to make or to maintain shall be plaintiff and the other parties defendants.

VIII—FINAL PUBLICATION.

31. When all applications for settling a fair rent have been disposed of, and all objections and disputes of the nature mentioned in rule 30 have been decided by the Revenue Officer, he shall make in the appropriate columns of the khewat or khatian such corrections and additions as are required to carry out the orders passed in regard to those applications, objections and disputes. He shall then finally frame the record and cause it to be published by notifying that its contents will be read out in the village on a date to be specified not less than a week from the date of such notice, and by reading it out himself or causing it to be read in the village on the date so specified, in the manner prescribed in rule 29 (*b*), in the presence of the parties or of so many of them as attend.

Provided that it shall be open to the Revenue Officer in his discretion to publish finally such part of the record as is not affected by any dispute, the remainder of the record being published when the disputes have been disposed of.

SUPPLY OF COPIES OF THE RECORD OF RIGHTS TO PARTIES INTERESTED.

32. (*a*) The Revenue Officer having completed the record shall cause copies of it to be made, one of which, or extracts from which, will be made over to the landlord concerned or, where there are more landlords than one, to their common agent or common manager, as the case may be, and one to the Collector of the distrtrict.

(*b*) An extract from the khatian relatign to his tenancy shall be given to every tenant under the seal of the Revenue Officer and under the signature of an officer duly authorized by the Revenue Officer to give copies.

(*c*) Copies of records supplied to landlords and tenants under this rule shall be given free or on payment according as in the case of each local area the Local Government may direct. When payments is required the sums so recovered shall be adjusted against the expenses incurred on account of survey and settlement.

FINAL REPORTS.

33. The Local Government may, if it thinks fit, direct that a final report be written in English for each village and each local area under survey. The report for the village will show—

(*a*) The number of tenants of each class with the area held and rental paid by them.

(*b*) The area and classification of the village lands.

(*c*) The rental before settlement and according to settlement, and the number of fair rents settled judicially, with explanation of increase or decrease.

(*d*) When settlement of land revenue is being made, the amount of Governmet revenue, before and after resettlement, grounds of assessment, and comparison of gross assets with new assessment.

(*e*) The rates of rent prevailing.

(*f*) Proximity to markets, and facilities for irrigation.

(*g*) Village customs, including customs as to payment of village officials.

(*h*) Arrangements made for maintenance of records.

(i) Other matters deserving of notice which have excluded from the record of rights.

The report for the whole area under survey will contain the following particulars:—

I.—General description of the tract.
II.—Its fiscal history.

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III.—Statistical results.

IV.—Comparison of condition of the tract as regards rentals before and after survey.

V.—Financial results, including approximate division of expenses under the heads—

(*a*) Survey.

(*b*) Record of rights.

(*c*) Preparation and distribution of records.

APPLICATIONS UNDER SECTION 103 FOR SURVEY AND RECORD OF RIGHTS.

34. These applications shall be made to the Collector of the district.

35 The application shall specify—

(*a*) The status of the applicant, *viz.*, whether he is a proprietor or a tenure-holder and the particulars in respect of which the application is made.

(*b*) The number of tenants (so far as the applicant is able to state it) occupying the estate or tenure, or part thereof in respect of which the application is made, the total rent payable by them at the time, and the estimated area covered by the application.

36. If the application is made by a proprietor, it shall not be admitted unless the name of the applicant and the extent of his interest are registered under Act VII (B.C.) of 1879.

37. On receipt of the application, the Collector shall forward it to the Commissioner with any remarks which he may think necessary.

38. The Commissioner may call for further information, or may require the application to be amended.

39. If the Commissioner considers that the application cannot be granted with advantage to the interests of all persons concerned, he may reject it. If he approves it he shall forward the application with an expression of his opinion for the orders of the Board of Revenue.

40. A Commissioner rejecting an applicatton shall record his reasons for doing so, and the applicant if dissatisfied with the order, may appeal within one month to the Board of Revenue.

41. When an application is referred to the Board under rule 39, or an appeal referred under rule 40, the Board shall pass such orders as it may think fit for allowing or rejecting the application.

42. The Board, when allowing an application, shall report to Government with a view to the deputation of an officer and the conferment of the necessary powers upon him.

43 As soon as an application is allowed, the Collector shall call upon the applicant to deposit eight annas per acre of the estimated extent of the estate or tenure or part thereof in respect of which the application has been allowed. If the Collector is unable to estimate the area, he shall require a deposit at the rate of Rs. 2 for each tenant. If the amount does not exceed Rs. 500, the applicant must deposit the whole amount in advance. If it exceeds Rs. 500, the applicant shall deposit the sum of Rs. 500, and shall give such security as the Collector may require for the payment of the balance of the deposit in such instalments as the Collector may from time to time demand.

If the amount deposited as above proves more than sufficient to cover the cost of the proceedings the unexpended balance will be refunded on their termination.

If the amount deposited proves insufficient to cover the cost, the applicant shall, when required by the Collector, deposit from time to time such further sums as the Collector may think necessary for the completion of the proceedings. If he shall fail to do so, the proceedings may be stopped and the order allowing the application cancelled.

44. In conducting the operations, the Revenue Officers shall proceed in accordance with the rules for the guidance of officers acting under orders made under section 101.

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No. 2.

General Rules for the Survey and Settlement Operations in Orissa.

1. The settlement Officer and Deputy superintendent of Survey will exercise joint control over all establishments which will be utilized for survey and khanapuri simultaneously. The Settlement Officer may delegate such powers in this respect as he thinks advisable to his Circle Officers.

In order that this joint control may work successfully, it is neccessary that the Settlement Officer and Deputy Superintendent should continually consult each other. When they cannot come to a compromise in any matter of principle, references should be made by them respectively to the Direetors of Land Records and Surveys.

2. The Deputy superintendent will be responsible for the accuracy of the survey, and the Settlement Officer for the khanapuri ; but the survey staff will use every effort to check the latter in order that the one establishment may suffice for the supervision of both.

The status of tenants and rents will be filled up and the record completed in the first instance to the extent laid down in the following instructions.

3. The Revenue Officers will inspect the khanapuri as the writing of the records proceeds, disposing of as many disputes themselves, or through the agency of the Inspectors, as is possible, before the process of final attestation.

If the Revenue Officers find that the Khanapuri Inspectors are insufficient in number for the purposes of attestation, they will call the attention of the Camp Officer to the fact that an increase is required.

4. The entertainment and payment of survey and khanapuri establishments will be vested in the Camp Officer under directions from the Settlement and Survey Officers.

5. The object of the procedure prescribed in paragraph 3 above is to obviate the necessity of further preliminary attestation by munsarims and muharrirs sent to the villages to work otherwise than in the presence of the revenue Officer. The only other and final attestation ought to be that which is done at the Circle or Sub-Circle Officer's own camp, when the entries will be read out and the signatures of the interested parties taken.

6. No one is to be employed in khanapuri or attestation unless he is a trained surveyor and has received a certificate to this effect from the Survey Office. (The rule may be departed from in attestation work when trained men are not available, or for good reason reported to and approved by the Settlement Officer.)

7. When a foreign amin is employed, he will do the survey only.

8. 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 khasra, 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, jagir, and nijjote statements as laid down in the rules following.

9. The khanapuri of the records being thus finished simultaneously, the areas will be extracted and entered in them all. The khasras, 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.

10. Foreign Inspectors will check the survey.

11. Uriya Inspectors will check the khanapuri unless the Settlement officer will accept the test of the foreigners aided by Uriya muharrirs.

12. The following rules define the procedure in detail. They should be added to from time to time or modified as experience is gained, but copies of additions and changes should be sent for the information of the Director of the Department of Land Records, and in the case of alterations affecting the survey, record-writing and survey office work, for the information also of the Director of Surveys, by the Settlement and Survey Officers.

No. 3.

Detailed Rules for Khanapuri Work in Orissa.

In supersession of the Hidaetnama for Orissa, dated 4th March, 1892, and of the rules printed with inspection notes by the Director of Land Records, dated September, 1892, revised rules were drawn up at a meeting held in Calcutta on the 2nd and 3rd November, 1892.

The rules were further revised by the local officers in Orissa, as reported in the Settlement Officer's letter No. 3582, dated 29th November, 1892, and at conferences held at Bhadrak in February, 1893. The rules were further revised in the recess of 1893, and revised rules were submitted to the Board with the Director's letter No. 3198, dated the 4th December, 1893. The rules were further revised in February, 1894, withreference to the Government orders on the subject of entry of rent and status.

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1. The kistwar amin will measure fields (khet) only and not kitas. After the Inspector's partal he will send his map to the Camp Survey Office for independent partal. He will ink the field boundaries, but will not give any number to the fields. The map will be sent from the Survey Office for khanapuri.

2. The work will be allotted to the whole establishment by the camp Officers; but in the work of khanapuri and preliminary attestation the amins and Inspectors will carry out the instructions of the Circle Officer, which, in matters of general principle, should be communicated through the Camp Officers.

3. The khanapuri amins, before proceeding to a village, will be provided with map parcha-book, bhowria (khasra) and warija (khatian) khewat forms, Part I, tahsil alahida statement, khewats of tenure-holders, lakhiraj bahal, jagir and nij-jote statements and ekpadya papers.

It is desirable that, some time before the khanapuri amins enter a village, a notice should have been served on the landlords calling upen them to produce their ekpadya papers. The notice requiring submission of these papers should be signed by the Camp Officer, and should be served simultaneously with the notice requiring attendance before the kistwar amins.

In the lakhiraj bahal, jagir and nij-jote statements, the columns which are intended for information extracted from the Collector's registers and from the last settlement papers should be filled up beforehand. If it has not been found possible to arrange for these culumns having been filled up beforehand, the khanapuri amin should fill them up from the zamindari papers. Under the major head "Present Settlement" he will enter again the name of the old recorded filling holder the names of the present claimants, interests how acquired, and numbers of khasra plots. Circle and sub-Circle Officers must do everything in their power to prevent the in of these statements being made a cause of delay of khanapuri work. Areas will be entered in these statements by the Camp Office at the same time as they are entered in the khasra and khatians.

4. To prevent unnecessary harassment of the villagers, both kistwar and khanapuri amins should be careful to send each day for only such raiyats as hold lands on the chak or chaks being dealt with. The chaukidar of the village should be able to give the names of such raiyats.

5. The Circle and Sub-Circle Officers shall not themselves detain or require Inspectors to detain any records either for check or because the zamindars or others have not filed their ekpadya papers, nor shall the Circle or sub-Circle Officer require any records to be taken out of an Inspector's *halka* for examination. The Circle and Sub-Circle Officers will personally make such examination as they can while the record-writing is proceeding; and the rest must be done by the Head Inspectors, aided, if the Circle Officers so desired, by a kanungo or Head Inspector kept with the consent of the Camp Officer at the Camp Office to inspect all records as they come in for extraction of areas. When the records of any particular village are found at any stage to be faulty, the Circle or Sub-Circle Officer may require them to be made over again. Circle and Sub-Circle Oificers must also take care that records are promptly returned to the Camp Office after final attestation for preparation of the statistical statements.

6. In entering areas in the statements the conversion must be made according to the length of padika in use at the time of the last settlement. This length should always be recorded by the khanapuri amin on the first page of the khasra and should be verified by the Inspector. The local standard of measurement should be ascertained as early as possible by the Inspector, and should be entered on the first page of the bhowria. The Inspector should obtain the signature of the Circle or Sub-Circle Officer to this entry. Where there is a dispute as to what the local standard is, the question should be referred to the Circle Officer, who will enquire into it in the manner prescribed in rule 38, Chapter X, of the Survey Manual and after enquiry at once pass a summary order as to what should be taken as the local standard for purposes of attestation. He should in all cases give weight to the ruidad of the last settlement, where the local measure for each village is recorded.

7. numbers in the khasra must run serially from 1 to whatever the last number may be. Any fraction numbers, which may subsequently be found necessary, will be added at the end of the series of integral numbers, and never in the middle of the series.

8. The forms of bhowria, parcha and warija are the same as were appended to the inspection notes of the Director of Land Records, dated September 1892. The following instructions are given with regard to the map, the khewat, the bhowria, warija and parcha:—

The Map.

9. Any corrections of the map which may be found to be necessary must be made by the khanapuri amin *in red ink*, according to remeasurement. In numbering homestead lands he will give separate numbers to "ghar" and "bari." The inking of numbers may be done in office, if the amin cannot do it neatly in the field.

The Khewat.

10. The khewat should be filled up or corrected as khanapuri proceeds. Corrections should be made in red ink. In the tenure-holder's kheaat shall be entered only proprietary tenure-holders' i,e., those who do not pay rent to the zamindars, but who pay malikana or

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a certain percentage of their total collections as ascertained at the time of last settlement. *Maurasi makadams, maurasi sarbarakars, sikmi kharida jamabandidars* are therefore proprietary tenure-holders.

Detailed instructions for filling up the Bhowria Khasra.

11. *Column* (1). *Name of proprietor, mahal and tauzi number of mahal.*—In this column will be entered the tauzi number, the name of the mahal, the name of the proprietor, his caste and residence, and if the proprietor has mortgaged his interest, under the name of the proprietor will be entered the name of the mortgagee. If the proprietors are so numerous that their names cannot be conveniently entered, only the name of the principal proprietor need be entered with the addition of the words " and others ". Lakhiraj bahaldars are to be entered in this column. In all claims for lakhiraj bahal, the amin will refere to the draft lakhiraj bahal statement. If the claimant's name appears in the khewat or statement, and there be no dispute, his name will be written in column 1. If there be a dispute, the amin will treat it as such, i e., enter the claimant's name in column 1, but encircle it with a red line and note in the dispute list. If there be no dispute, but the claimant's name does not appear in the khewat or statement, he will treat it as a dispute as above, noting in the dispute list that the claimant's name does not eppear in the statement. In the case of bahaldars the general number will be given in place of the tauzi number, as bahal lands do not belong to any tauzi. The nature of the grant must also be given.

12. *Column* (2). *Name of tanure and under-tenure-holders.*—In this column will be entered the names of persons who intervene between the raiyat and the proprietor, such as mukadams, serbarakars, padhans, kharidadars, aimardars, tankidars, bazyafti tankidars, bazyafti lakhirajdars, jagirdars, istimrari pattadars, lagaut pattadars, etc. Those who collect rent from raiyats and themselves pay rent direct to the proprietor are tenure-holders ; those who collect rent from raiyats and themseleves pay rent to a tenure-holder, and not to the proprietor, are under-tenure-holders. The khanapuri amin will enter the vernacular name by which the tenure is known.

13. *Column* (3). *Name of chak.*—In this column will be entered the local name of the chak in which each plot is situated. If there be no local name for the chak, the column will be left blank.

14. *Column* (4). *Name of plot.*—In this column will be entered the serial number according to prsent survey. The unit of measurement will be a field or *khet*. It is only the raiyats and landholders themselves or their agants who can point out on the spot the area which constitutet a field and the boundaries thereof. The khanapuri amin should number separately every area which is pointed to him as a separate field (khet), beginning the serial number from the north-west corner of the village, and ending at the south-west corner. It will often be found that what is pointed out as one field contains several subdivisions made by ails for purposes of cultivation or irrigation. These subdivisions of fields are called *kittas*, and must not be separately measured or numbered. The total number of them will be entered in column 6.

15. *Column* (5). *Boundaries.*—In this column will be entered the name of the cultivator of one field on each of the four sides of the field surveyed. It will not be enough to enter "East—the preceding field." The boundaries should be given as follows :—

North	...	A B's field.	East	...	E F's field.
South	...	C D's orchard.	West	...	This raiyat's field number so and so.

Boundaries of waste lands shall be given when the plot of waste is small and of regular shape. Boundaries need not be given in the cases of houses.

15. *Column* (6) *Number of kittas.*—In this column will be entered the total number of kittas (as defined above in rule 14) into which the field may have been divided.

16 *Column* (7). *Names of raiyats and under-raiyats.*—When filling in the column, the khanapuri amin will refere to the ekpadya papers mentioned in paragraph 3 of these instructions. If the landlord and raiyat agree as to the name of the occupant, the name as given by them will be entered. If there be a dispute as to who is the occupant, the amin will enter in his dispute list the plot in dispute and the names of the claimants, leaving the column for " substance of dispute" blank ; and will make no entry till order has been passed in the dispute list by the Inspector. Orders passed by the Inspector will be open to revision by the Supervising Officers, Survey and Revenue. An order having been passed by the Inspector the amin will write his papers in accordance therewith. This procedure must be followed in the case of all disputes in any of the three records, viz., the bhowria, warija and parcha. The name, father's name, caste and residence of the tenant actually in possession will be entered opposite the first number of the raiyat, and in all subsequent numbers thir number will be referred to,

18. If a field is in possession of a mortgagee, his name, etc., will be entered after the name of the tenant, with the vernacular term for the king of mortgage,

19. The name of the occupant of a rent-free field will be entered in the same way as that of any other tenant, the nature of holding to be entered in the column of remarks.

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20. Land in the possession of the proprietor may be nij-jote or may be nij-chas. Nij-chas is also commonly known as nij-dakhal. Nij-jote may be cultivated either by the proprietor or by a tenant. Where both parties admit at the time of khanapuri that the land is nij-jote it will be described in the remarks column as dawi nij-chas and the name of the cultivating tenant, if any, will be entered in column 7 below the name of the proprietor who holds the land as in nij-jote. The field will be entered both in the tenant's and landlord's parchas and in the nij-jote khatian.

Where there is a dispute the khanapuri amin will under orders of the Inspector, always enter the land as raiyati, putting the raiyat's name in column 7, and will enter the proprietor's claim to hold the land as nij-jote in his dispute list.

Where there is no tenant the land will be entered as dawi nij-jote or nij-chas, according as the proprietor may claim. The above procedure will also be followed in reccording the nij-ote land of hereditary tenure-holders, who by custom have ancestral private lands.

21. Amins must not accept ekpadya papers from the landlords. The latter must file all ekpadyas in office, when the date of receipt must be at once entered on them.

22. *Names of under-raiyats.*—In this same column (7) will be entered the names of under-raiyats by whatever local name they are known.

It should be remembered that the occupants of nij-jote, zerait, or kamat lands, claimed by the proprietor or his representatives. are raiyats, not under-raiyats; the tenants of raiyats only are under-raiyats. The names of nij-jote raiyats will be entered on column 7 under the nij-jote entry.

23. *Column* (8). *Area.*—This column will be left blank by the khanapuri amin. On completion of khanapuri the area of each plot will be worked out, and the area column in this and the other records will be filled up in the Camp Office.

24. *Kolumn* (9) *Irrigation.*—Only land irrigated from canals is to be entered.

25. *Column* (10)· *Clats of soil.*—The khanapuri amin will leave this column blank to be filled up afterwards as the Settlement Officer may direct.

26. *Column* (11). *Name of crop and in case of dofasli land of both crops.*—In this column the khanapuri amin will enter the class of crop as locally known and under stood by the people of the village, such as Sarad Dofasli, Sarad Ekfasli. Bara Laghu, Majla Laghu, Chota Laghu, (or in Balasore, Asu, Nabokanda and Goru), Beali Ekfasli. Beali Dofasli,* Daluas Bezefasal (under which should be added the name of the crop, including orchards, bamboo groves and thatching grass). He will also enter the particular name of the actual crop last grown, such as shomali, kanda shomali, champa, &c. Under this column will be included cultivated bari lands and homestead (bari) except ghar. Bari lands when not cultivated will be entered as old or new fallow, as the case may be. The names of the crops grown in the year of survey should be entered in this column. If two harvests have been taken of the land in the year, such as beali rice and kulthi, the land is dofasli; if only one harvest is reaped, it is ekfasli. When parts of the same field have been sown with different crops and there is only one harvest reaped off the land in the year, or crops are grown intermixed in the field together and there is only one harvest, the land is ekfasli, but the proportion, expressed in annas, under each crop, should be noted in this column, thus:—

*Beali is almost always dofasli.

Jao ... ... $\frac{9}{16}$ | Sersoo ... ... $\frac{4}{16}$.
Tissi ... ... $\frac{3}{16}$

27. *Column* (12). *Cultivated.*—In this column will be entered the area of all cropped land, including fruit-bearing orchards and bamboo groves; in fact everything shown in column 11.

28. *Column* (13). *Uncultivated, subdivided into culturable fallow and unculturable waste, &c.*—Under culturable fallow will be entered all land which is capable of being brought under cultivation, whether it ever has been cultivated or not; new fallow, old fallow, and culturable land, which never has been cultivated but is capable of cultivation, being distinguished by their local vernacular names. Old fallow is not necessarily unculturable fallow.

Under "unculturable" will be entered reserved forests, canals, roads, houses (ghar) tanks, rivers, sites of temples, bandhs, &c., and land under unreserved jungle, which is never likely to fit for cultivation.

29. *Column* (14). *Rate of reat as stuted by the landlord and raiyat.*—This column will not be filled up by the khanapuri amin. It will not be filled up at all unless under the express orders of the settlement Officer at a later stage, *e. g.*, for assessment purposes.

30. *Remarks column.*—Thani, pahi, minha, and chandna will be entered in this column against each plot; only last settlement thani should be entered as thani. In this column will also be noted any public rights in tanks, waste lands, burning and burial grounds, &c., and also the number of trees in the polt, notice being taken only of trees of more than an ordinary man's height. The exact extent and nature of every public right recorded should be clearly expressed.

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31. The khasra should be carefully covered with brown paper before it is made over to the Settlement Officer, or where this has not been done, the khasra should be so covered before it is sent out from the Settlement Office for attestation. The attestation officers should arrange for the khasras to be so protected.

The Warija (or Khatian).

32. The khanapuri amins will fill in columns 1, 3, 4 agd 5 only of the warija (or khatian) form. The minha, thani, pahi, and chandna numbers will be enumerated in the blank place at the top of column 10.

33. The khatians of each village shall be divided into the following main heads :—

I. Lands outside all tauzis.
II. Tauzi No. 1.
III. „ „ 2.
IV. Tazi No. 3 and so on for all tauzis.
V. Ijmali lands belonging to one or more tauzis.

Khas mahal lands have a tauzi number and should be treated in the same way as ordinary tauzis.

In I (lands outside all tauzis) will be included—

1. Lakhiraj bhal lands.
2. Land belonging to a Government Department or a public body.

First will come the khatians of all lakhiraj bhaldars ; after them the khatians of persons holding under lakhiraj bahaldars, subdivided according to the bahaldars under whom they hold.

Then the khatians of Government or public bodies arranged according to the Department or body to which they belong. After them will come the khatians of persons holding under Government or public bodies.

II.—The khatians of each village or tahsil alahida will be sub-divided as follows :—

1. (*a*) Government (*i.e.*, lands in direct possession of Government).
   (*b*) Set led and occupancy raiyats of Government.
   (*c*) Non-occupancy raiyats of Government.
2. (*a*) Lakhiraj bahaldar.
   (*b*) Settled and occupancy raiyats of Government.
   (*c*) Non-occnpancy raiyats of Government.
3. Waste not included in any holding.
4. Zamindar's nij-jote.
5. Proprietary tenure-holders' nij-jote.
6. Raiyats holding zamindars' nij-jote.
7. Raiyats holding proprietary tenure-holders' nij-jote.
8. Zamindars' nij-chas.
9. Proprietary tenure-holders' nij-chas.
10. Khorida jamabandi tenure-holder.
11. Bazyaftidar tenure-holder.
12. Bazyaftidar settled raiyat.
13. Kamildar tenure-holder.
14. Kamildar settled raiyat.
15. Ordinary tenure-holder.
16. (*a*) Settled thani raiyats under zamindar.
   (*b*) Do. do. under proprietary tenure-holders.
17. (*a*) Thani and pahi mixed under zamindar..
   (*b*) Do. do. under proprietary tenure-holders.
18. (*a*) Settled and occupancy pahi raiyats under zamindar.
   (*b*) Do. do. under proprietary tenure-holders.
   (*c*) Do. do. under khorida jamabandi tenure-holders.
   (*d*) Do do. under baziaftidar tenure-holders.
   (*e*) Do. do. under kamildar tenure-holders.
   (*f*) Do. do. under ordinary tenure-holders.
19. (*a*) Non-occupancy raiyats under zamindar (those who do not cultivate the nij-jote lands).
   (*b*) Do. do. under proprietary tenure-holders (ditto.)
   (*c*) Do. do. under khorida zamabandidars.
   (*d*) Do. do. under bazyaftidar tenure-holders.
   (*e*) Do. do. under kamildar tenure-holders.
   (*f*) Do. do. under ordinary tenure-holders.
20. (*a*) Chandinadar under zamindar.
   (*b*) Dc. under proprietary tenure-holder.

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21. (*a*) Paik and khandait jagir.
(*b*) Chaukidar do.
(*c*) Patwari do.
(*d*) Other jagirs (*i.e.*, barbers, washermen, &c.),

22. (*a*) Rent-free given by zamindar since last settlement
(*b*) Do by proprietary tenure-holders since last settlement.

23. (*a*) Raiyat of the mahal who pay produce rent.
(*b*) Do under-proprietary tenure-holders who pay produce rent.
(*c*) Do under other tenure-holders who pay produce rent.

24. Under raiyats,

Each of these 1 to 11 will be, where necessary, subdivided according to the several landlords under whom the tenants hold. The nij-jote and nij-chas khatians will be arranged alphabetically, as also will the khatians of the tenants in each subdivision.

In binding, No. 1., *i.e.*, all land outside tauzis, should be bound in one book. The khatians of each tauzi should be bound in separate books subject to the proviso that where the number of pages in any tauzi exceeds 100, the khatians of the tauzi should be split up into two or more volumes as nearly as possible of a size.

III. There will be a separate collection of khatians for the ijmali lands belonging to each different combination of proprietors; but as these will ordinarily be few in number, they can be placed at the time of binding in one volume.

34. The warijas (khatians) of tenure-holders and under-tenure-holders should show all the lands in the tenure, but the boundaries need only be shown of lands held nij-chas. The names of the under-tenure-holders or raiyats well be shown in column 3 or column 4 against the numbers of the plots which they hold. Other details will be found in the warijas (khatians) of the under-tenure-holders and raiyats.

35. As the parcha and warijas (khatians) are written up day by day, so should all that is entered in them be explained, as far as practicable, day by day, to the tenants and landlords concerned; so that, if anybody interested has any objection to any entry made relating to his fields, he should be able to have his objection cleared up or noted in the dispute list before the amin leaves the village.

36. *Heading of Warija.*—In the heading of the warija must be clearly entered (1) the name of the proprietor of the estate to which the lands entered in the khatians belong, (2) the name of the mahal, (3) its tauzi number. In the case of lakhiraj bahal holding instead of the tauzi number and mahal zamindar, the general number and the name of the bahaldar will be given. Should there be a large number of co-sharer proprietors, only the name of the principal proprietor need be entered followed by the words "and others". The name of the mahal or of the bahal holding with the tauzi or general number will enable a reference to be made to the khewat or statement in which all the shares will be found.

The heading must also contain the name of the person to whose tenancy the khatian relates.

37. *Column* (1) *of the Warija, Name of landlord.*—Enter here the name of the landlord, *i.e.*, the person who receives rent or who would receive rent if any were paid, Should there be a large number of co-sharer landlords, only the name of the principal landlord to whom rent is paid need be entered : but a reference should be made to the entry in the khewat, form 19, or statement containing the names all of the other landlords. It should be remembered that the landlord may be different from the proprietor. The proprietor is a tenure-holder's landlord, a tenure-holder is the landlord of an under-tenure-holder, and a raiyat is the landlord of an under-raiyat. It is the name the immediate landlord to whom rent is payable that should be entered in this column. If he is not the proprietor, the name of the proprietor will be found on the top of the warija.

38. *Column* 2.—The number in this column will not be fiilled up until the khatians have been finally arranged. This number must correspond with the terij.

39. *Column* (3).—In this column will be written the name, caste, and residence of all raiyats, as in the bhowria. For warijas of under-raiyats, that is to say, where the raiyat is the landlord, column 3 will be bank. In such cases the name of the under raiyat will be in column 4, and that of the raiyat in column 1.

40. *Column* (5). *Boundaries.*—The boundaries will be given as in the bhowrias. At the discretion of the Settlement Officer, the sub-columns for boundaries and number of kittas may be left blank.

41. *Column* (6). *Class.*—Will be left blank for the present to be filled up after the class of soil has been determined by the Assessment Officer. The total area of each holding according to the local standard should be given at the foot of the warija as well as the area in acres, thus—

Total in acres.
Total by local standard of

The *sabik jami* according to the ekpadya papers will be entered at a ttestation at the foot of column 4.

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42. *Column* (7).—Area will not be filled up by the khanapuri amin, but will be filled up in the Survey Office before attestion.

43. *Columns* (8) (*a*) and (*b*) will be left blank at the time of khanpuri. They will be filled up afterwards at the time of attestation by the attestation muharrir in the Revenue Officer's presence, or by the Revenue Officer.

44. *Column* 8 (*c*)—Columns 9 and 10, headings (*a*), (*b*), (*c*), (*d*), (*e*), (*f*) will be left blank, as above stated, to be filled up at a later stage.

45. When there is a mortgagee with possession, his name, followed by the vernacular description of the mortgage under which he holds, must be written in column 4, opposite the plot mortgaged. Mortgagees who have not possession will not be recorded. The mortgagee will in no case have a separate khatian.

The Parchas.

46. The parchas (in foil and counterfoil) will be bound books, and the number of slips contained in each book will be noted on the book.

47. While the khanapuri amin is writing up the bhowria, he must at the same time fill up the foil and counterfoil of the parcha except colmns 5, 7, 8 and 9.

Before commencing khanapuri the amin will give to each tenant in the village a parcha slip (*i e.*, the foil), taking the tenant's signature on the back of the conterfoil as a receipt. At this stage only the tenant's name will be entered. As khanapuri proceeds from day to day, he will enter the bhowria numbers, number of kittas, &c., giving a separate parcha for each interest. The parcha will be handed to him for this purpose by the tenant, and will be immediately restored to the tenant.

Parchas will not be colected at the close of khanapuri. It will be arranged that areas of holdings will be entered in such parchas as are brought by the tenants to the attestatation camps as the first step before attestation begins. Areas of holdings will be entered in the local measure in the counterfoil of the parchas

48. Parchas will be prerared also for the lands cultivated by proprietors and tenure-holders and entered in their names.

49. Mortgagees will not be given a separate parcha. The name of the mortgagee and the nature of the mortgage will be entered in the mortgagor's parcha and counterfoil in the column of remarks opposite the plot or plots mortgaged.

50. The signature and seal of the Revenue Officer should not be attached to the parcha.

General.

51. *Corrections.*—The khanapuri amin is to make no correction in either the khasra khatian, or parcha. An entry once made must stand. If disputed or found incorrect, the entre or entries in dispute must be encircled with a red line, and must be treated as any other dispute and entered in the dispute list. Corrections can only be made by Camp Officers, Revenue Officers, and Inspectors, and must be initialled in ink and dated by the officer making the correction. No erasure with the penknife permitted.

52. *Disputes.*—No entries shall be made in khasra, khatian, khewat or parcha by amins at the khanapuri stage in cases of dipute. In cases of dispute the amin will leave the columns in dispute blank and will enter the dispute in his dispute list for the orders of the Inspector. The Inspector will record preliminary orders in the dispute lists in accordance with which the records will be written up (in red ink) so far as above stated. The Inspectors orders entered in the dispute list will be subject to the revision of the supervising officers, survey and revenue, to whom the Inspectors are subordinate, and the records will be corrected according to the direction of these supervising officers.

53. Weekly reports of the progress of khanapuri will be sent in by the Camp Officers to the Cirrcle Officers in such form as may be agreed on between them.

54. On completion of the work of khanapuri the map, bhowria, warija, and counterfoil parchas will be sent into the Survey Camp Office in order that areas may be extracted and entered. The bhowria and warija will be compared in the Camp Survey Office with one another, and with the conterfoil parchas.

55. When the records have been completed as laid down in the preceding rule they will together with the trace, be made over to the Circle Officer for final attestation. The records should be delivered as soon as the areas have been entered, and should not be kept back in order that they be delivered in groups.

56. *Final attestation.*—The Circle Officer has up to this time worked chiefly with survey establishment. He will proceed to attestation of the records in the manner laid down in the detailed attestation rules.

57. *Statistics.*—The milan khasra, columns 1, 2, 17, 23 and 34, will be filled up by the Camp Office bofore attestation. The remainder of the milan khasra, except columns 3 to 14, which will be left to be filled up after soil mapping, and the crop statement will be filled up after attestation. The mot khasra will be omitted altogether as being unnecessary.

The terij will be written in the Revenue Officer's camp after the records have been finally attested.

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58. The Circle Officer will strictly carry out the procedure laid down in these instructions. He will issue no orders contrary to these instructions to the Camp Officer. Any doubtful point will be referred to the Settlement Officer, who will consult the Deputy Superintendent of Survey with a view to issue of joint instructions.

59. *Fines.*—When a report has been received from an Inspector or from an amin through his Inspector that any person has failed in attendance or in filing papers, and it is considered necessary that a fine should be imposed, the following procedure shall be gone through by the Revenue or Camp Officer :—

1. It shall be ascertained that the notice requiring attendance or production of papers was duly served on the person.

2. If it is clear that the notice was so served, a notice shall again issue calling on the person to show cause within a reasonable time to be stated in the notice why he should not be fined for failure to comply with the original notice.

3. If no attention is paid to the second notice, or if sufficient cause is not shown, fine may then be imposed and realised.

No. 4.

RULES FOR ATTESTATION, ORISSA, 1893-94.

CHAPTER I.

General Rules for Circles.

1. *Establishment.*—The establishment sanctioned for attestation circles and officers is the following—

		Rs. per month.
1	English clerk on	30
1	Nazir on	20
1	Record-keeper on	20
2	Muharrirs on	15 each.
8	Peons on	5 ,,
1	Tent khalasi on	6
1	Daftari on	6
2	Head muharrirs on	20 each.
20	Attestation muharrirs on	15 ,,

A Sub-Circle Officer is allowed the same establishment as a circle Officer except that he is not allowed the record-keeper. The full establishment of a Circle Officer amounts therefore to Rs. 492, and of a sub-Circle Officer to Rs. 472 monthly. In the case of European officers, two out of the eight peons may be orderly peons on Rs. 6 per month each. Where it is found convenient, there is no objection to the establishment of the Circle and Sub-Circle Officers being re-arranged among themselves, provided that the Settlement Officers' sanction is obtained and that the total amount is not exceded.

The attestation muharris are only allowed when attestation work is actually being done by an officer.

2. *Travelling Allowance of Peons.*—only orderly peons are entitled to travelling allowance.

3. *Head-quarters.*—The head-quarters of an officer are defined in Article 69 of the Civil Service Regulations ; as the place where his records are kept. This will be, in the case of attestation circles, the permanent head-quarters of the circle, not the head-quarters of the Orissa settlement, nor the centre of the attestation halka in which an officer may happen to be with a few records.

4. *Accounts.*—The following accounts registers must be be kept in every circle :—

(1). *General Cash book.*—All receipts and disbursements must be shown in detail in this chsh-book, except disbursements from the permanent advance, of which the details will be given in the permanent advance register and the totals only carried daily into the cash-book. The cash-book must be balanced daily and initialled by the head cleark daily and by the Assistant Settlement Officer daily, if he is present at head-quarters. Whenever the Assistant Settlement Officer has omitted for one or more days to initial the cash-book, he must, when it is next put before him, go though each entry since the date of the last initial wil the vouchers and strike the balance after each day's transactions, initialling the balance on each day. A memorandum showing the details of each day's balance should be shown on the left-hand page, thus :—

	Rs.	a.	p.
Permanent advance	24	9	6
Undisbursed pay	14	8	0
Deposits	2	3	0
Fines	5	0	0
Total ...	46	4	6

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The whole balance must thus be accounted for each day.

(2) *Permanent Advance Register.*—This is to be kept in the same way as the general cash-book to which it is a subsidiary register. Only expenditure from the permanent advance and recoupments there of will be shown.

(3) *Contingent Register.*—This register must be very carefully kept in the regular printed from in accordance with the instructions given in the form itself and in rules 79-87, Chapter 6, Civil Account Code, Volume I, pages 25—28. Attention is called to the rule that when the advance runs low, and it is necessary to draw a contingent bill, each entry must be separately initialled by the Assistant Settlement Officer at the time of comparing it with the voucher, and the date of signing the bill must be clearly entered against the total. Care must be taken also to add subsequently in its proper column the date of submission of the detailed contingent bill.

(4) *Establishment Bill-book.*—This is a bound book of office copies of all establishment bills drawn. Office copies should be also kept of all travelling allowance bills of ministerial officers, and it will be found convenient to keep office copies even of salary and travelling allowance bills of the Assistant settlement Officer himself.

(5) *Acquittance Roll.*—Receipt for all salaries paid should be entered in the acquittance roll, a stamp being affixed where the amount is over Rs. 20.

(6) *Court-fee stamp.*—All court-fees received must be entered at once in a registrar to be kept in the form given on page 225, High Court's Rules and Circular Orders (Civil). Care must be taken that all court-fee stamps are properly concelled.

Deposit Registers.—A register must be kept for entry of all deposits received and disbursed again in the form given on pages 201-202, High Court Rules and Circular Orders (Civil.)

(8) *Fine Registers.*—Two registers of fines imposed and realised must be kept—one showing impositions in Board's Form No. 37, the other showing daily realisations.

(9) *Register of Process fee.*—This is to be kept in Board's Register Form No. 43, page 151, Miscellaneous Rules of 1888. This register should be carefully kept up to date, and Assistant Settlement Officers should see that processes are served without unnecessary delay. Care should be taken to see that whenever process-fees are realised in cash, the nazir purchases court-fee stamps with the money thus realised and affixes the stamps to the report of realisation or the process when returned. These court-fee stamps must be entered in the Court-fee Register.

(10) *Treasury Remittance Book.*—This should be kept in Form B, page 59, Revenue Officers' Manual. Remittances should always be made to the treasury of the district in which the circle lies, even though it may be nearer to the headquarters of another district. The register is to be sent with each remittance for initial by the Treasury Officer.

(11) *Stock Book.*—A register should be kept in the rorm given on page 60 of the Revenue Officers' Manual for all tents and other articles of office furniture, including instruments. Whenever any article is returned or sent to the head office or otherwise disposed of, a note should be made to that effect in the remarks column.

(12) *Stationery Stock Book.*—This should be carefully kept with a separate page for each kind of stationery on which all issues and receipts and the balance after each issue or receipt should be distinctly shown.

5. *Travelling Allowance Bills.*—In submitting travelling allowance bills care must be taken that whenever the month commences with a halt for which charge is made, the date of commencement of the halt is given.

6. *Detailed Contingent Bills.*—Detailed bills for all abstract bills drawn during any month must invariably be submitted by the 15th of the following month. When a detailed bill has become due under this rule, no new abstract bills will be countersigned in the head office until the detailed contingent bill has been received there.

Care must be taken that all necessary details are given in the detailed bills, and that the calculations are correctly made; also that the headings in these and all other bills are correctly and fully filled up.

7. *Separate Bills for Contract Work.*—Contract (*i.e.*, Job or *thikka*) work is controlled by the Settlement Officer, whereas paid establishments are controlled by the Director of Land Records and Agriculture. Ordinary contingent charges again are controlled by bhe Commissioner. On no account, therefore, must items of charges for job or *thikka* work be included in establishment or ordinary abstract or detailed contingent bills. They must be drawn on separate abstract contingent bills supported in due course by separate detailed contingent bills with all necessary vouchers and certificates.

8. *Fines— Powers of Assistant Settlement Officers to impose.*—Under rule I, Chapter VI of the Tenancy Act Rules, all Ruvenue Officers appointed to be Assistant Settlement Officers have in all their proceedings the powers of a Civil Court. They have also powers, under the Survey Act [Act V (B.C) of 1875], of Assistant Superintendents of Survey, and powers under the Settlement Regulations. As however, it has been ruled by the Board of Revenue that they have no power under Act XX of 1848, there is no means of easily levying

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fines imposed under the Regulations, and it will be well, therefore, where it is necessary to obtain the presence of a witness or the production of papers, to set about doing so by use either of the Survey Act or of the Civil Procedure Code.

9. In using the provisions of the Bengal Survey Act the following points must be carefully attended to :—

(1) Before any fine can be imposed a special notice must have issued under section 7 of the Act, and the service of such special notice must have been proved to the satisfaction of the Assistant Settlement Officer. The law does not make this imperative in the case of boundary disputes, which are being decided under Part V of the Act, but in these cases also a notice is necessary, and it will be better always to issue a special notice under section 7 before fining.

(2) The fine must be a daily fine not exceeding Rs. 50.

(3) Whenever the amount levied shall have exceeded Rs 500, the Assistant Settlement Officer must report the case immediately to the Commissioner of the Division, at the same time informing the Settlement Officer, and no further amount may be levied except by authority of the Commissioner.

(4) Such fines are leviable at once by the method of the Code of Criminal Procedure unless the defaulter has no movable property in the district, in which case a certificate should be applied for.

10. It will usually be simpler to employ the Civil Procedure Code. Summons must first be issued under section 159. If the service is proved and the summons not obeyed, warrant of arrest can be issued under section 174. On the person being arrested and brought before the Assistant Settlement Officer, he can be fined at once up to Rs. 500, unless he can prove a lawful excuse for not obeying the summons. Such fines can be levied by distrain and sale of movable property under Chapter XIX of the code

11. The Settlement laws only give the power of calling for existing papers, and do not give any power of demanding that papers in any particular form be drawn up by zamindars or others. Zamindars cannot therefore be ordered under any direct penalty to file ekpadyas in a particular form. They can, however, be asked to do so, and if they do not comply, they can be ordered to file their original papers, and can be fined for not doing so. They will no doubt in most cases prefer to fill up the settlement form rather than file their orginal ekpadya papers.

12. Besides the immediate notice to the Commissioner of the Division of any fines imposed under the Regulations, the following fine statements must be punctually forwarded to the Settlement Office on the lst of each month for the previous month :—

(1) *Fine Statement showing all fines remitted into the Treasury during the previous month.*—This must be in Accountant-General, Bengal's Form 16. At the end of this statement must be shown also all fines for which requisitions have been made to tne Collector during the past month.

(2) *Fine statement showing all fines imposed during the month under the Regulations.*—This will be in the same form as the immediate report to the Commissioner; it is necessary in order that the head office may send the Commissioner a monthly consolidated statement of fines imposed during each month under the Regulations.

(3) An abstract fine statement showing totals of fines imposed, levied, and outstanding up to the end of the previous month and during that month. This will include all descriptions of fines and will be in the following form:—

Abstract of fine Statement for the month of 189 .

Imposed up to end of previous month.	Imposed during month.	Total.	Realized up to end of previous month.	Realized during month.	Total.	Balance out-Standing.	Remarks.
1	2	3	4	5	6	7	8

If there are no entries for anyone or more of these statements, the form should be reported to be blank.

13. Unless paid on demand, finesimposed under the Regulations can, under Act XX of 1848, be only levied by means of certificates. In asking that a certificate may issue, the requiring officer must fill up Forms 2 and 3, Schedule II, Act VII (B.C) of 1880, and send them to the Collector with a covering letter. The Assistant Settlement Officer must at the

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same time keep up carefully Register No. 9 prescribed on page 34 of the Certificate Manual columns 1—4 and 9. Columns 1—4 will be filled up by the Assistant Settlement Officer when sending the requisition, and column 9 when the case has been disposed of by the Certificate Officer, and the result communicated to the Assistant Settlement Officer. All requisitions are to be reported to the Settlement ffficer in the monthly statement of fines remitted to the Treasury [see rule 12 (1) above].

14. *Refunds of fines* will be made from the Treasury in the same manner as refunds of criminal fines. In drawing the money from the Treasury, Accountant-General, Bengal's Form No. 210 (new), supported by an attested copy of the Assistant Settlement Officer's order of refund, should be used.

15. *Security.*—Under the order of Government all ministerial officers through whose hands money passes should be required to give security to the amount of 10 percent. above the highest sum which is likely to be in their custody at one time. Under Government orders No. 5 F.—Cir., dated the 14th February, 1193, any officer who fails to see that this rule is carried out will be held personally, responsible for any amounts which may become irrecoverable owing to the rule not having been carried out. It will be sufficient to take a security of Rs. 50 from Assistant Settlement Officers' nazirs and Rs. 30 from their record-keepers. The security should be in the from of a cash balance at the Savings Bank, the book being kept in the custody of the Assistant Settlement Officer himself.

16. *Attending Courts.*—Permanent employes in Assistant Settlement Officers' offices when attending a court on duty should, draw their pay and travelling allowance in the ordinary manner from their own department and not from the Court.

17. *Communication of decisions affecting Map to Survey Office.*—Copies of the decisions in all boundary disputes, or in all alterations or decisions in any way affecting the maps, must throughout the proceedings be invariably sent at once with all requisite badars to the Survey Office in order that the maps may be corrected accordingly. After attestation the corrected trace, together with a badar list of all corrections made therein, must be sent at once to the Survey Office for correction of the sheets.

18. *Progress Returns.*—The monthly progress returns will be submitted in the form prescribed. Great care must be taken in submitting this return that the figures agree with those shown in previous returns, or that full explanation is given where they do not so agree. khanapuri work is shown in the remarks column. In filling in the figures for attestation work, it must be distinctly understood that the figures of only such villages as have been absolutely finished are to be shown. When any work remains to be done, however little it may be the figures of that village must be kept out to be shown in a future return when the work of the village is really finished. There is no objection, however, to explanation being given in the remarks column to the effect that, besides the work shown as completed in columns 15 to 26 , so many plots and so many acres have been attested in other villages not yet-completed. or that so many other villages have been completed with the exception of the preparation of such and such statements, etc.

19. *Diaries.*—Diaries should be not unnecessarily long, but should suffice to show clearly how the officer was engaged both in the morning and the afternoon of each day. Where khanapuri checking and attestation is being done, the number of villages checked each day, and the number of plots attested each day, may conveniently be shown. Every diary must be preceded by an abstract showing the number of days devoted to different kinds of work, such as office work, khanapuri inspection, attestation, deciding boundary disputes, travelling at headquarters, etc.

CHAPTER II.

Instructions to Assistant Settlement Officers engoged in supervising Khanapuri and preparing for attestation.

1. *Mujmilis.*—Before taking take field, the Assistant Settlement Officer should obtain from the Camp Survey Officer mujmili tracings of the area to be khanapuried in his circle during the season. These will be on the 2″=1 mile scale and divided ordinarily according to pargrnas. When a village contains more than one sheet, the edge of each sheet should be shown in faint lines on the mujmili.

2. These mujmili maps should be kept very carefully. The best method of preservation is to roll them up from north to south or south to north. When so rolled, ten of them can be conveniently kept together in one tin cylinder. Each mujmili should be rolled separately.

3. The Assistant Settlement Officer should also get from the Survey Office a 1″=1 mile scale map, and should send this map to the district authorities for making of roads, bungalows, ferries, thanas, and markets. This information will be found invaluable.

4. Enquiries should also be made as to which portions of the circles are most liable to floods, with a view to these being khanapuried before the rains.

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5. *Registers.*—A khanapuri register should now be opened for the circle in the following form :—

Khanapuri register—

Serial number of village in circle.	Name of pargana.	No. of halka.	Name of village as shown on mujmili after khanapuri and corrected in red to agree with the khasra.	Sheet.	Khanapuri.		Name of Amin.	Dates on which each village has been inspected with number of plots found khanapuried.	Remarks. (*e.g.*, name of Inspector of halka).
					Date of commencement.	Date of completion.			
1	2	3	4	5	6	7	8	9	10

The villages should be arranged according to parganas and put alphabetically under each pargana.

6. *Ekpadiyas.*—If not already collected, notice should be issued at once for ekpadiya papers. The notices can be issued mahalwar to save time. The names of the mouzas forming each mahal will be found in the copies of the Collectorate A Registers.

7. *Draft Statements.*—If draft statements have not been previously prepared, the prepa ration of them must be at once begun. This can best be done at the district headquarters before the last settlement records are taken out to the circle record-rooms. It should be done by a special establishment for which sanction should be promptly applied to the settlement Officer, and which should be put under charge of the Sadar kanungo. The preparation of the draft statements consists in filling up from the old records the entries in the left-hand portions of the lakhiraj bahal, jagiri, and nij-jote statement.

8. *Old records* —The following records of the last settlement are required at the circle record-room, and should be brought as soon as the draft statements have been completed at the district headquarters :—

(1) *Revenue Survey maps.*
(2) *Ruidads.*
(3) *Abstract registers.*
(4) *The janajati or detailed bhians.*—These are necessary for checking the state- ments of privileged revenue-paying lands.
(5) *The Sadar bhian or rakaba jama kharach.*—This is necessary for checking the statements of revenue-free lands.
(6) *The ekual* for lakhiraj bahal mauzas.

The warijas and bhowrias need not ordinarily be brought out, but in some cases of difficulty reference to them may be necessary. In such cases the particular record wanted will have to be sent for.

9. *Advices from Camp Office.*—To enable the Circle Officer to fill up the khanapuri registers, arrangement saould be made for the Camp Officer to send the following statement weekly to the Circle Officer:—

Weekly statement of villages begun and finished. *Dated the*

Name of pargana.	Name of village as per mujmili.	Number of sheets.	Date of commence- ment	Date of completion.	Date of daspatch to Camp Office.	Name of amin.	Name of Inspector.	Remarks.
1	2	3	4	5	6	7	8	9

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10. The Circle Officer should camp at the same place as the Camp Officer until the khanapuri has got into working order.

11 He should hold classes for the instruction of himself, his assistant, if any, the Camp Officer and his assistants, Head Inspectors, Inspectors and amins. The object of these classes should be to ground all the officers thoroughly in the khanapuri hidaetnama. Questions of all sorts should be encouraged as much as possible at such classes.

12. If possible, it should be arranged with the Camp Officer that all amins shall be sent to the Circle Officer to be passed by him before taking up work, as long as the circle office is in the same place as the Camp Office. Such amins must be examined and passed or rejected on the same day that they are sent to the Circle Officer or on the following day.

13. In order to have a proper knowledge of the progress and quality of the work, the Circle Officer should—

(1) keep up his khanapuri registers himself ;

(2) insist on the weekly statements being sent regularly and punctually from the Camp Office ;

(3) see that all subordinates send in brief diaries at least once every week.

14. The date and state of the village at inspections can conveniently be thus noted in column 9 of the khanapuri register $\frac{5\text{-}12}{300}$. This would mean that inspection was made on the 5th December, and that 300 khasra numbers were then found to have been completed. Means should be used to distinguish in the register inspections by the Circle Officer, the Sub-Circle Officer if any, and head muharrirs or kanungos, *e g*, the Circle Officer's inspections can be entered in black ink, the Sub-Circle Officer's inspections in a red ink, and those of head muharrirs or kanungos in black ink with the initials of the name of the man of halka to which he belongs.

15. *Nature of Inspections.*—The Circle and sub-Circle Officers should try to visit a large number of villages to see that the rules of the hidaetnama are being adhered to.

16. Disputes may often conveniently be decided during the checking of khanapuri, but it should be remembered that the inspection work is at this time of paramount importance and should not be sacrificed to an endeavour to dispose of as many disputes as possible at this stage.

17. Detailed checking must be done in the main through the Inspectors. It will usually be found that errors run through Inspectors' halkas. By supervising the detailed work of the Inspector, the work of the whole of the amins in his halka will be corrected and uniformity obtained. It is useless for one Circle Officer with one Sub-Circle Officer to attempt to inspect in detail the work of all the amins in an area of 500 square miles.

18. When inspecting a halka, previous notice should be given to the Inspector, so that he may be present at a certain place. As many villages as possible should then be gone through, and the mistakes of the amins pointed out to the Inspector. The work of the whole halka will by this means be improved, even though only a few villages in it be visited.

19. The Camp Officer should be asked to supply every amin, when he is sent out, with a slip of paper showing the date of his despatch to the village and the slip should be regularly examined by the inspecting officer as a check against loitering.

20. Inspectors should be promptly reported for punishment if they disobey orders or persist in not carrying out the instructions of the hidaetnama. On the other hand, they should be supported by the prompt dismissal of any amin whom they report as unfit for his work.

21. With the consent of the Camp Officer it is well that Inspectors should be put to khanapuri small villages rather than remain idle for want of amins, This will give the Circle Officer an early opportunity of seeing and correcting the work of such Inspectors, so that the work of the amins in their halkas will afterwards be more correct.

22. Kanungos or head muharrirs should only be allowed to inspect amins, but should always meet the halka Inspector after each inspection and inform him of any mistakes which they may have found.

23. No instruction which is not strictly and only an explanation of the hidaetnana must on any account be issued to any member of the khanapuri staff excepting through the camp Officer.

24. The passing of the mauzas, i.e., the accepting of the records as satisfactory, will be done not in the field, but by a special head muharrir or kanungo at the Camp Office—see rules 28—33 below.

25. The following are some of the most important points to be seen to during inspections:—

(1) That the villagers are thoroughly impressed with the fact that they must not bribe or in any way pay the khanapuri amin, but need only provide him with food and lodging on payment.

(2) That the amin distributes the parchas *pari passu* with the record-writing.

(3) That he does not sign them.

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(4) That raiyats and zamindars attend at khanapuri, and that if not, they be promptly made to do so.

(5) That the amin does not delay unnecessarily over the work.

(6) That Inspectors do not detain records when ready.

(7) That the entries in the ekpadiya papers are followed as far as possible at the time of khanapuri.

(8) That the amins are properly supplied with forms, good black and red ink, ekpadiyas and draft statements.

(9) That the amin corrects the map properly and neatly in red ink.

(10) That the correct length of padika now in use has been ascertained.

(11) That all disputes are entered in the dispute list.

26. All corrections made by Assistant Settlement Officers or Inspectors at the time of inspection of khanapuri must be initialled by them.

27. *Securing of attendance.*—It is most important that all notices, processes, summonses; etc., be dealt with in the most regular and systematic manner, in order that, if is becomes necessary at any stage to secure, by fine or warrant, the attendance of any unwilling party, there can be no difficulty in proving the legality of the steps taken with this end. Extreme care is necessary in this matter as a safeguard both to the Revenue Officers themselves and also to the parties whose attendance of papers it is necessary to procure. The following precautions should be carefully taken :—

(1) That the process issue register must be properly kept up to date, a note being invariably made in it of the date for which the parties have been summoned.

(2) That a specific date and hour be always mentioned in every summons, and a clause inserted to the effect that if the Assistant Settlement Officer has moved camp, the party must present himself at the place to which he may have moved.

(3) That on the day fixed, and at the hour fixed, the parties be duly called, and a note of their being present or not present entered in the return by the Assistant Settlement Officer himself.

(4) That when the parties are not present, the evidence of the serving peon be at once recorded.

(5) That the process register is examined by the Assistant Settlement Officer, and that each entry is then initialled and checked by him.

(6) That prompt steps are taken to secure the attendance of those who have disobeyed summonses or notices. It will frequently be found that the office is not as keen as it should be to enforce attendance.

(7) Generally, that notices and summonses are strictly in accordance with the law and carefully worded, and that they are properly served. Service must be made on the person himself or a duly authorised agent ; it has been held that an ordinary gumashta is not a duly authorised agent unless he holds written authority.

28. *Passing of records.*—As soon as records begin to be sent in after khanapuri by the Inspectors to the Camp Office, a trustworthy and intelligent head muharrir should be attached to the Camp Office to examine and report on the records as they come in. By this time the Circle Officer will have become acquainted with the weak points of the khanapuri staff, and will be able to frame a set of questions to serve this head muharrir as a guide in his examination records.

29. The Circle Officer should carefully consider the reports of this head muharrir, and draw the attention of the Camp Officer to the faults discovered. By this examination the Circle Officer will also learn what points especially to look to when he comes to attestation work.

30. In passing orders on the reports of the head muharrir, the Circle Officer must constantly bear in mind that where the mistakes discovered are slight and such as can easily be put right at the time of attestation, it will be cheaper and more convenient to pass the records at once, and leave the correction of such errors until attestation time.

31. Where, however, the errors are serious, and such as cannot well be corrected at attestation time, the records must be returned to the Camp Office for revision, the point in which they are defective being clearly notified to the Camp Officer, so that he can have them corrected.

32. Records should never be accepted in which every erasure or correction is not initialled by an officer of the survey establishment, whose signature and initials appearing on first page of the khasra are there attested by the Camp Officer.

33. When available, it will probably be best to pick a kanungo for the very responsible work of this head muharrirship, and the same man should, if possible, remain on the work throughout, and be always at headquarters.

34. The invoice list should not be signed by the Circle Officer until the head muharrir has certified that every mauza mentioned therein may be accepted.

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35. Columns 4, 5 and 6 of the attestation register will be filled up on signing the invoices, and will subsequently be corrected after attestation.

36. *Boundary Disputes.*—It is most important that boundary disputes should be, as far as possible, decided before the maps are issued for khanapuri, as this may save much alteration of the records at a later stage. All Assistant Settlement Officers should therefore take up boundary disputes and dispose of them as soon as the traces are received from the Survey Office.

37. A register of boundary disputes instituted at survey should be kept in the following form :—

Serial number.	Name of villages.	Pragana.	Date of receipt.	Date of Disposal.	Purport of order.	Remarks.
1	2	3	4	5	6	7

38. Where the boundary dispute is between the Moghulbandi and the Tributary Mahals, the Assistant Settlement Officer has no power to finally dispose of it. He must first secure the attendance of authorised agents on both sides, the notice for attendance on behalf of the Tributary State being sent, if necessary, through the Settlement Officer to the Superintendent of the Tributary Mahals for appointment of an egent. The boundary will be settled in presence of both parties and clearly marked on the trace. The trace, together with a full report showing how the decision recommended was arrived at, will be forwarded to the Settlement Officer, who will send it to the Superintendent of the Tributary Mahals for orders.

39. Returns of boundary disputes must be carefully entered from the register in the monthly progress returns.

40. *Return of Khanapuri Inspection.*—The amount of khanapuri inspection done during the month must be clearly shown in the remarks column of the monthly progress report, thus :—

——	Villages inspected once.	Villages inspected twice.
1	2	3
By Circle Officer ... ... By Sub-Circle Officer ...		

CHAPTER III.

General Attestation Rules.

These instructions should be read in continuation of rules 11 to 19 of Chapter VI of the Government Rules under the Bengal Tenancy Act.

1. *General.*—Attestation comprises two classes of work—*first*, the preparatory work which is done in the office and by muharrirs under the direct supervision and attention of the Assistant Settlement Officer ; *secondly*, attestation proper which is done by the Assistant Settlement Officer himself.

2. *Centres of Attestation.*—Under the Board's rules the attestation of every village must be done at a place which is not more than three miles distant from the furthest point of that village.

3. Attestation centres (halkas) should be carefully selected in consultation with the Camp Officer, and with a view to good groves and drinking water and general camping facilities. In the rainy season centres should also be arranged with a view to the use of bungalows or other adquate shelter.

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4. A list of centres selected and of the villages contained in each should be sent to the Camp Officer with the request that he will as fer as possible get his records ready according to such groups. The Camp Officer should inform the Circle Officer on what date he will be able to supply the records of each group.

5. *Settlement Rubakari.*—On receiving the above information, a rubakari will be drawn up in the Form A annexed, and notice will be issued under rule 11 (*a*) of the rules under the Tenancy Act. fixing a date for attestation and for attendance of the zamindars and tenants, such date to be not less than one week from the date of the service of the notice. The Board have directed that the usual practice should be to allow *one month's* interval. The notice shall be as far as possible in the form given in Schedule I to the rules, and will be published as directed in rule 11 (*c*).

6. If the records are not received from the Survey Office before the dates fixed, postponement will have to be recorded in the rubakari fixing a further date for attestation. On receiving the records from the Survey Office, the precise date for final attestation will again be notified by beat of drum in the village concerned in the Form B annexed.

7. A report sheet should be attached to the rubakari in double column for keeping a record of every order passed. This may be conveniently kept in the following from :—

NAME OF VILLAGE.	PARGANA.
Report by kanungo. head muharrir, or attestation muharrir.	Orders passed by Assistant Settlement Officer.
1	2

8. The rubakari of attestation will include all the points mentioned in rule 8, Appendix D, page 81 of the Settlement Manual. When the attestation is finished, the rubakari must be completed, and signed, dated, and sealed by the Assistant Settlement Officer.

9. Every Circle Officer will keep an attestation register in the following from. It is very important that this register should be kept up to date. It will be found of great use in submitting the monthly progress return correctly :—

Attestation register

Serial number of village in circle.	Name of pargana.	Name of village as corrected at khanapuri, also (in red) as recorrected at attestation.	AREA AS ASCERTAINED BY THE CADASTRAL SURVEY and ALSO IN RED AS CORRECTED AT ATTESTATION.		Number of plots shown in village as recorded and corrected at attestation.	Number of tenants in village.	Date on which the records were received from the Survey Office ready for attestation.	Date on which attestation was conducted.	Place where attestation was conducted.	Whether the records have been corrected according to the dispute list or not.	Date of signing of the final order in the rubakari.	Remarks.
			Acres.	Decimals.								
1	2	3	4	5	6	7	8	9	10	11	12	13

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10. The same register will be kept by every Assistant Settlement Officer engaged on attestation, and a copy will be submitted to the Circle Officer on the 26th of each month for the compilation of the monthly returns.

11. *Camp Record-keeper.*—Before proceeding to camp, one establishment muharrir should be appointed to take charge of the records. He will at once open a record register in the following form, and fill up columns 1 to 4 from the receipt which he gives to the circle record-keeper for the records taken out to camp:—

REGISTER I OR REGISTER OF RECORD.

1	2	3	4							5	6	7	8
			NUMBER OF SHEETS IN—										
Serial number.	Name of pargana.	Name of village.	Khasra.	Khatian.	Parchacounterfoils.	Petitions.	Survey dispute list.	Other papers.	Trace.	Attestation muharrir's signature	Date of receipt by attestation muharrir.	Date of return by attestation muharrir.	Remarks.
			(*a*)	(*b*)	(*c*)	(*d*)	(*e*)	(*f*)	(*g*)				

On arrival in camp, he will distribute the records to the attestation muharrirs, taking their signatures in columns 5 and 6, and when the work is finished, in 7. Records are to be returned to him every night after work. It must be borne in mind that in every camp or branch camp one muharrir must be held directly responsible by the Assistant Settlement Officer for the custody of the records and must keep up this register.

12. The Assistant Settlement Officer should divide among his two head muharrirs the supervision of the villages given out.

13. Every morning it will be the duty of the head muharrir to see that—

(1) The records of the villages in his charge are duly entered in the camp attestation register.

(2) The rubakari is written up to date, *e.g.*, if the village is given out on that day, the order-sheet will show that—

(*a*) Rule 11 (*a*) notice was duly served ;

(*b*) the *sani* notice was duly served ;

(*c*) the name of the attestation muharrir to whom the record is given is duly recorded ; and if work has been done on the day before, the fact of postponement must be recorded as well as the work done on that day.

14. *Nazir.*—The duty of the nazir will be to receive the money given in deposit for amins' fees and keep up the deposit register. He will also keep up the camp process register and he will generally write 12 annas notices, but in this work he can get the help of the attestation muharrirs in charge of the village.

15. The second establishment muharrir should be instructed by the head muharrir in the work of checking villages, and his leisure (after performing the following works) should be occupied in that work :—

(1) On arrival in camp, he should open a mahalwar register in the form given in Rule 2 Chapter VI, hidaetnama, giving a separate page for each tauzi number found in the records brought out to camp. He must act in concert with the head muharrir, and either prepare the correct entries in columns 1 to 3, and correct the mauzawar khewats, or fill up these columns from the mauzawar khewats as corrected by the head muharrir,

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(2) He will also keep the register of lakhirajdars whose names have not been recorded. This will be kept with a separate page for each general number.

16. The two establishment muharrirs should have an attestation muharrir or apprentice at their entire disposal. His principal duties will be—

Helping the second muharrir in keeping up the mahalwar and unrecorded lakhirajdars' register, and in day by day making a copy of these for transmission to the Settlement Officer at the end of the month in the forms given in rule 18, Chapter IV, and rule 2, Chapter VI, of the hidaetnama.

He will also help the record muharrir in writing necessary notices and correct the work pending in villages partly passed.

17. The record muharrir is responsible for seeing that the records are corrected according to the dispute list, and when such work is ready for the attestation muharrir, he should not allow him to take up records for a fresh village until this is done.

18. The Assistant Settlement Officer should at least once in the day (in the morning if possible, before work begins) go round to each muharrir and see what work he is doing, and check the work shown as done with the rubakari and with the muharrir's diary.

19. Both establishment muharrirs should be so trained as to be able to do head muharrir's work.

20. A branch camp must not be left in charge of any one who is not a head muharrir or establishment muharrir, and should not be fixed at a greater distance than three miles from the Assistant Settlement Officer's camp or visited less often than once in three days.

21. When the Assistant Settlement Officer is able to take his clerk with him in camp the clerk should be employed as far as possible in checking villages.

22. Where bazyafti statements are found in the record, they should be preserved and included in the miscellaneous papers of the settlement misal, but need not be attested.

23. Before proceeding to camp, the following registers should be opened for attestation :—

1. Camp attestation register, see rule 9, Chapter III.
2. Camp record register, see rule 11, Chapter III.
3. Camp boundary dispute register in the same form as in rule 37, Chapter II, the number in the circle register being entered in the remarks column.
4. Petition register (roznamcha), see Chapter IV, rule 65.
5. Register of unrecorded mutations for revenue-paying estates. } To be sent in original through the settlement Officer to the Collector.
6. Register of unrecorded mutations for lakhiraj bahal. }
7. Amin's deposit register.
8. Court-fees registers.
9. Process register.
10. Assistant Settlement Officer's date book of adjournments.—This register should allow a page or half a page for each day of the month.
11. Daily attendance register.

CHAPTER IV.

Instructions to Attestation Muharrirs.

1. In addition to the records and statements (*i. e.*, the lakhiraj, bahal, minha, jagiri and nij-jote statements), the attestation muharrir shall be provided from the office with a statement in the following form for comparison of the last settlement and the present tahsil alahidas :—

Last Settlement.				Present Survey.				Remarks.
Name of mauza.	Name of tahsil alahida.	Area of mauza.	Area of tahsil alahida.	Name of mauza.	Name of tahsil alahida.	Area of mauza.	Area of tahsil alahida.	(Here note the last settlement padika.)
1	2	3	4	5	6	7	8	9

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Columns 1—4 of this statement will be filled up in office from the ruidads. The first duty of the attestation muharrir will be to fill in columns 5—8 from the records and then to reconcile any discrepancies. The object of this form is to ensure—

(1) that no tahsil alahidas have been overlooked ;

(2) that all tahsil alahidas now entered in the records are accounted for

The use of the form is further explained in Chapter VIII, rule 2.

2. The following procedure will be adopted where it is found that the village now shown in the map does not agree with the Revenue Survey village, and for *dakhil kharij* and *dian-chaks* :—

(*a*) Where one Revenue Survey village has now been split into two or more villages, it is not necessary to recombine them ; all that need be done is to make a note on each of the new records (map and khasra) that this village is a portion of old Revenue Survey village so and so.

(*b*) Where two or more Revenue Survey villages have now been shown as one village, the khasra will remain as given by the Survey Department, and the old Revenue Survey boundary will be shown in red on the map. The khatians will be divided into the different tauzis in the usual manner if the two villages are separate tauzis.

(*c*) *Dian-chaks* and *kharij-dakhil* will be treated precisely as tahsil alahidas, a note being made on the map and khasra to show to what villages they belong.

(*d*) When an old Revenue Survey mauza consists entirely of scattered *dian-chaks* or *kharij-dakhil* lands, one of these portions, *viz.*, the one containing the *ghar-bari* will be taken as the *nij mauza*, and the others will be treated as tahsil alahidas within the villages in which they geographically lie.

(*e*) When one Revenue Survey mauza or a portion of one lies completely whithin the ambit of another Revenue Survey mauza map, it will not be taken out, but will remain in the same map and khasra with only one series of numbers for the whole.

3. *Parchas.*—The muharrir will then enter the areas in the parchas. To do this he will call up each person whose name appears in the khatians. The person will produce his parcha before the muharrir, who, after filling up the area column by reference to the khatian in the parcha, will give it back to the tenant. The parchas will be brought back by tenant's before or at final attestation, and will be returned after the attestation of each tenant's khatians in presence of the Assistant Settlement Officer. The entries of rent and status made by the Revenue Officer in the khatian shall at the time of the attestation by such officer be entered under their appropriate headings in the parcha before it is returned to the tenant to keep.

The counterfoils of all parchas as well as cancelled parchas will be destroyed, or the counterfoils can be made over to the landlords if they desire them, as soon as final attestation is completed.

4. If convenient, a day or two should be allowed for the people to get to understand the areas entered in the parchas.

5. If a tenant has lost his parcha, a copy of his khatian can be given to him on his filing the requisite stamped folio. This copy should be enfaced as an uncertified copy of an unfinished record.

6. In the case of Government or public lands a duplicate parcha can be given, if asked for, to the officer who is present at attestation on behalf of the department or public body to which the land belongs.

7. The muharrir shall total the kittas in the parcha, if not already done, and shall, if necessary, alter the parcha to agree with the khatian, initialling any such alteration in the parcha in black ink.

8. If any objection is made against an area entered in the parcha, it must be at once enquired into on deposit of an amin's and chainman's fees at the rate of annas 11 daily.

9. Under rule 20. Chapter VI of the Rules under the Tenancy Act, such fees must be refunded if the original measurement is proved wrong, but this will seldom be the case. The error is usually due to some mistake in showing the plots or holding, due to the fact that the parties did not attend to point out their lands at the time of khanapuri. When this is so, the fees should not be refunded.

10. Two Kistwar amins may be maintained in each attestation camp for the purpose of making such enquiries.

11. Fees must be regularly remitted into the treasury at least once a month. A return in the following form must be submitted monthly with the progress returns showing all fees remitted into the treasury during the month. The value of the court-fee stamps attached

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to petitions or applications for copies presented to the Assistant Settlement Officer will also be shown :—

Amins' fees paid into Treasury.	Process fees.	Court-fee stamps.
1	2	3
Rs. A. P.	Rs. A.	Rs. A.

12. *Statements.*—The muharrir will next take up the statements. The left-hand (last settlement) portion of these should have been prepared beforehand in office, and the right-hand portions filled up in the field by the Khanapuri Amin. In many cases, however, there will be two separate statements—one with the left-hand portion only filled up in office, the other with the right-hand portion filled up by the amin in the field. Where this is so, the muharrir will make use of this latter statement in helping him to compare the khatians with the last settlement entries as filled up in office, and will thus fill in the right-hand portion of this latter statement.

13. The muharrir will compare the "Present" portion in all the statements with the khatians and ascertain that they agree, that the areas have been correctly entered, and that the areas shown in *mans*, &c,. in the left-hand side of the statement have been correctly converted to acres.

14. Such conversion must be according to the length of *padika* in use in the village at the time of the last settlement.

15. All necessary corrections in the statements will be made in black ink and initialled by the muharrir.

16. The muharrir will fill up the columns in the statements which show the difference between the area as now shown and the area at the last settlement, and will also make the necessary notes in the remarks column, which will serve as a future guide at the time of assessment. In doing this the following instructions must be followed :—

17. *Lakhiraj bahal.*—When any doubt exists as to certain plots being bahali, a detailed note must be made in the remarks columns for the decision of the Assistant Settlement Officer.

18. In case of a failure to register a mutation of lakhiraj bahal lands, such failure should be entered in a register in the following form to be sent monthly in *original* to the settlement Officer for communication to the Collector :—

Settlement Register of unregistered mutation of revenue free estates.
Pargana , District

Number.	Name of mauza.	Number of mauza according to Collectorate mauzawar register.	General number of revenue-free estates.	Copy of B Register.		Khewat as now prepared.		Remarks.
				Name.	Share.	Name, father's name and address.	Share.	
1	2	3	4	5	6	7	8	9

19. In the Cuttack district it is not necessary to enter in this register cases where the grant does not exceed 2 *mans*, as these do not require to be registered in that district.

20 If the transfer purports to have been by sale, the deed of sale should be called for, and the lands claimed carefully identified with those mentioned in the deed.

21. If the claim is valid, but it appears that the claimant holds in excess of the area shown in the last settlement papers, this fact and the amount of the excess should be noted on the statement, and the holder should be asked what khasra numbers he would prefer to give up, and a note of these numbers or portions of numbers should be made with a view to subsequent resumption proceedings if held to be necessary.

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22. When only a portion of a number is in excess and so chosen by the lakhirajdar for resumption, the area and portion (i. e., whether the north, south, east or west part of the field) should be noted.

23. If the claim is found to be unsupported by the general register or by the records of the last settlement, a note to that effect will be made in the statement

24. When the bahal land has descended by inheritance, but has become divided among a number of heirs, the partition so formed can be accepted and noted in the statement.

25. Where it appears that bahal lands held in trust by *Shebaits* have been alienated, or that the service of the idol for whose benefit the lands were granted is no longer performed, the fact will be noted in the statements.

26. Transfer of such trust lands under a deed known as a "*Sheba Samarpan*" is recognizable where it appears that such transfer was made with the knowledge and consent of the whole body of the trustees and for the *bona fide* benefit of the idol.

27 The actual orders of resumption, and the amount or percentage of excess which will be allowed to pass free of resumption in the case of lakhiraj bahal, jagir and minha, &c., will be left to the time of assessment. Attestation officers have no power of resumption. They can only leave an indication of where resumption proceedings may be necessary.

28. *Minha.*—Claimants of *minha* should be called on to produce their *pattas*, if possible.

29. Where they cannot do so, such evidence of possession and heirship or purchase as is available should be gone into, and if the claim is established, the plots held minha should be noted in the khatian.

30. If the *minha* be not held by the original grantee's successor in interest, the words *zamindar dia* will be entered in the khatian in columns 8 (*a*) and 8 (*b*).

31. *Nij-jote.*—The muharrir will enquire of the tenants whether the lands shown as nij-jote in the khatians and statement are admitted by them to be so. If they are so admitted, he will compare the total area with the area shown in the last settlement figures. When the nij-jote area shown in the statement and khatians is more than 10 per cent. in excess of the area shown in the last settlement papers the case must be put up before the Assistant Settlement Officer for orders.

32. In villages in which hereditary tenure-holders have by custom been allowed to hold ancestral private lands, these will be similarly recorded as tenure-holder's nij-jote.

33. *Jagir.*—Jagirs are of two kinds—(1) lands occupied by Government or semi-Government servants, such as khandaits, patwaris, chaukidars, &c.; (2) lands occupied by village servants, such as barbers, blacksmiths washermen, &c.; all jagir is to be entered in the statement.

34. Enquiry should be made whether the service for which the jagir was granted is still properly performed.

35. If it is found that the service is no longer being performed, a note to that effect will be made in the statement.

36. Excess area will be noted as in the case of lakhiraj bahal.

37. A statement of all police jagir lands should be obtained as a clerk form the District Superintendent of Police, and should be carefully compared with the jagir statement.

38. Jagir given by the zamindar as a supplement to the original grant or where no original grant existed should be crossed through in the statements, and the works *zamindar dia* written in the remarks column. Such *zamindar dia jagir* should be entered in the raiyati khatians.

39. In many cases chaukidars or other jagirdars may be now in possession of a portion only of the jagir granted at the last settlement. When this is so, an explanation should be given in the statement showing how the jagirdar came to part with portion of his jagir.

40. Anything unusual with regard to any of the lands entered in the statements which may come to the notice of the muharrir should be noted in the statement in question.

41. While preparing and checking the statements, the muharrir will at the same time examine and correct the corresponding khatians in the same manner and to the same extent as he is empowerd by the rules below to correct the ordinary raiyati khatians.

42. *Raiyati khatians.*—The raiyats will be called up by the muharrir one by one.

43. Each raiyat will bring his parcha, and his *patta*, if he has one. Thani raiyats should ordinarily be able to produce their pattas, and the muharrir shall test the entries of thani given above, column 10.

44. The muharrir shall read out slowly and carefully to each raiyat the whole of his khatian entries, and shall fully explain any point which the raiyat does not understand. Neglect or disobedience of this order will render a muharrir liable to summary dismissal.

45. In the case of lakhiraj, bahal or bazyafti, sikmi kharida, jagir, etc., the kind of tenancy (i. e., bahal, &c.) and the specification (i. e., brahmottar, debôttar, chakran, &c.) will be entered in column 10 (*a*).

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46. No remark regarding the transferability of a tenancy will be made either in column 10 (*d*) or elsewhere in the khatians unless the question of such transferability has been specially raised and decided by the Assistant Settlement Officer, in which latter case the result of such decision will be entered in column 10 (*d*).

47. He will enter in column 8 (*a*) of the khatian the total rental as shown by the ekpadiya, in column 8 (*b*) the rent as stated to him by the raiyat

48. If the list of the raiyats in the ekpadiya does not agree with the khatians, he will obtain from the zamindars and raiyats explanations for the discrepancies, and will put these explanations in a note at the bottom of the khatian affected. It will sometimes be found that the rent as stated by the landlord or tenant refers to lands included in several khatians. Where this is so, and separate rentals cannot be given, the rent should be entered in one khatian only, a note being made both in that khatian and in all the other khatians in which lands covered by that rent are included, to the effect that the rent of such lands is given in such and such a khatian.

49. *Rent in kind.*—Where a raiyat pays rents in kind, such as *bakhra* or *dhulibhag*, the description should be entered by the muharrir in columns 8 (*a*) and (8) (*b*), opposite the numters for which such rent is paid.

50. Where a tenant holds in addition to the lands shown in his khatians other lands far removed in jungle and therefore not surveyed in detail, a note will be made on his khatian to the following efiect:—'holds also many *mans* jungle land'.

51. *Under-raiyats*:—The khatians of under-raiyats will be examined in the same way as those of raiyats, and corrected and initialled where necessry. Columns 8 (*a*) and 8 (*b*) must be filled up, if not already done, according to the statement of the parties.

52. Under-raiyats may have by custom occupancy rights. When this is so, the Assistant Settlement Officer will record such rights after careful enquiry into the facts.

53. Ekpadiya papers need not be corrected, or revised ones filed at attestation time, but zamindars should be called on to file a *jama-wasil-baki* statement for the last three years in the Form C annexed.

54. Any authorised mutations which have taken place since khanapuri shall be given effect to in the records after due enquiry from the villagers. The head muharrir or kanungo will initial all such alterations.

55. The muharrir will obtain to each khatian the signature of the landlord and tenant, if possible, but no compulsion of any kind must be used to this end.

56. Signatures should be recorded as follows:—

(*a*). Those who can sign their names should do so themselves; (*b*) for those who cannot, the signature will be obtained from a co-villager who can, in the following form :—

"..... santak ..... karsahi, bakalam ..... sakin ..... ." This co-villager shall not be the tenant's landlord or his agent; (*c*) landlords will sign and add their denomination, *e.g.*, zamindar bahaldar, &c; (*d*) landlords' agents will describe themselves as "*khemota prapta karpardaz*" or "*janabi karpardaz*" acccording as they do or do not hold a power of attorney.

37. *Corrections.*—All corrections made by the attestation muharrir must be initialled by him in black ink.

58. Care must be taken that the corrections are made in the khasra, parcha and khatian, and, if necessary, in the statement also.

59. ** ** ** **

60. All other mistakes which the attestation muharrir discovers must be referred by him to the head muharrir and entry made according to the order of the head muharrir, who will initial the correction in red ink.

61. ** ** ** **

62. *Disputes.*—Wherever there is a dispute of any kind, an entry must be made in the attestation badar form and the existing entries will remain until the Assistant Settlement Officer has decided the dispute and passed orders.

63. The names of the parties and the plots in dispute and briefly the nature of objection should only be entered by the muharrir. But the signature of the party filing the objection should invariably be taken belw the statement of the nature of objection. Orders on all objections and reports should be passed by the Assistant Settlement Officer with his own hand in English.

64. The records will be corrected in accordance with the orders of the Assistant Settlement Officer on the report sheet or badar form. In each case the attestation muharrir must certify on the report sheet or badar form that the order has been carried out.

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65. *Petitions.*—Petitions should be taken as far as possible at a fixed time daily. They will be entered by the second establishment muharrir in the petition register (roznamcha). If the petition refers to a dispute, enter in column 3 the word *bibad* only; if to a razi badar, enter the word *razi badar*; if miscellaneous enter the subject as briefly as possible, *e.g.*, *shimar bibad.* In column 4 will be entered the date of receipt, and in column 5 the village record to which the petition is sent. Column 6 will contain the signature of the attestation muharrir, whose duty it will be to enter the dispute or badar in the attestation badar form and to file the petion in the record of the mauza.

66. Throughout the handling of the records the muharrir should invariably fold back all khatians bearing numbers which appear in the dispute list, or concerning which a petition has been filed.

67. Lakhiraj bahal lands are not subordinate to any tauzi, hence where bahal khatians have been distributed throughout several tauzis, they should be taken out of the tauzi volumes and bound in one volume consisting only of the khatians of bahaldars and persons holding under them, as laid down in the following rule.

68. *Arrangement of khatians,*—All head muharrirs and kanungos and attestation muharrirs must take especial care that khatians are arranged and bound according to system prescribed in the khanapuri hidaetnama. This system has undergone considerable discussion and alteration from time to time. It is reproduced here for easy reference, and is as follows :—

The khatians of each village shall be divided into the following main heads :—

I.—Lands outside all tauzis.
II.—Tauzi No. 1.
III.—Do. No. 2.
IV.—Do. No. 3.
V.—Do. No. 4.
IV.—Ijmali land belonging to two or more tauzis.

Khas mahal lands all have a tauzi number, and should be treated in the same way as ordinary tauzis.

I.—In lands outside all tauzis will be included—

1. Lakhiraj bahal lands,
2. Lands belonging to a Government or public department.

First will come the lakhiraj bahaldars' khatians followed by those of the persons holding under lakhiraj bahaldars.

Then the khatians of Government or public bodies arranged according to the department or body to which they belong. After these will come the khatians of persons holding unde Government or public bodies.

II.—The khatians of each village or tahsil alahida will be subdivided as follows :—

1. (*a*) Government (*i.e.*, lands in direct possession of Government).
   (*b*) Settled and occupancy raiyats of Government.
   (*c*) Non-ocupancy raiyats of Government.
2. (*a*) Lakhiraj bahaldar.
   (*b*) Settled and occupancy raiyats of Government.
   (*c*) Non-occupancy raiyats of Government.
3. Waste not included in any holding.
4. Zamindar's nij-jote.
5. Proprietary tenure-holder's nij-jote.
6. Raiyats holding zamindar's nij-jote.
7. Raiyats holding proprietary tonure-holder's nij-jote.
8. Zamindar's nij-chas.
9. Proprietary tenure-holder's nij-chas.
10. Khorida jamabandi tenure-holder.
11. Bazyaftidar tenure-holder
12. Bazyaftidar settled raiyat.
13. Kamildar tonure-holder.
14. Do. settled raiyat.
15. Ordinary tenure-holders.
16. (*a*) Settled thani raiyats under zamindars.
   (*b*) Do. do. under proprietary tenure-holder.
17. (*a*) Thani and pahi mixed under zamindrs.
   (*b*) Do. do. under proprietary tenure-holders.
18. (*a*) Settled and occupancy pahi raiyats under zamindars.
   (*b*) Do. do. under proprietary tenure-holder.
   (*c*) Do. do. under khorida jamabandi tenure-holders.
   (*d*) Do. do under bazyaftidar tenure-holders.
   (*e*) Do. do. under kamildar tenure-holders.
   (*f*) Do. do. nnder ordinary tenure-holders.

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19. (*a*) Non-occupancy raiyats under zamindars (those who do not cultivate the nij-jote lands).
(*b*) Do. do. under proprietary tenure-holders (do.).
(*c*) Do. do. under khorida jamabandidars.
(*d*) Do. do. under baziaftidar tenure-holders.
(*e*) Do. do. under kamildar tenure-holders.
(*f*) Do. do. under ordinary tenure-holders.
20. (*a*) Chandanadar under zamindar.
(*b*) Do under proprietary tenure-holder.
21. (*a*) Paik and khandait jagir.
(*b*) Chaukidar do.
(*c*) Patwari do.
(*d*) Other jagirs (*i.e.*, barbers, washermen, &c.)
22. (*a*) Rent-free given by zamindar since last settlement.
(*b*) Do. do. by proprietary tenure-holders since last settlement.
23. (*a*) Raiyat of the mahal who pay produce rent.
(*b*) Do. under proprietary tenure-holders who pay produce rent.
(*c*) Do. under other tenure-holders who pay produce rent.
24. Under raiyats.

Each of these (1 to 24) will be, where necessary, subdivided according to the several landlords under whom the tenants hold. The khatians of the tenants in each subdivision will be arranged alphabetically.

In binding, No. I, *i.e.*, all lands outside tauzis, should be bound in one book. The khatians of each tauzi should be bound in a separate book, subject to the proviso that, where the number of pages in any tauzi exceeds 100, the khatians of the tauzi should be split up into two or more volumes as nearly as possible of a size.

VI.—There will be a separate collection of khatians for the ijmali lands belonging to each different combination of proprietors, but as these will ordinarily be few in number, they can be placed at the time of binding in one volume.

69. All new khatians should be placed in their proper position between the leaves of the khatian volumes, but the khatian volumes should not be opened for rebinding until so ordered by the Assistant Settlement Officer. When the khatian volumes are rebound, column 2 of every khatian (serial numder of raiyat) must be corrected in red ink by the muharrir before the record is finally passed.

70. The muharrir must see that in the bahali khatians the general number is entered in column 1 under the name of the bahaldar.

71. Attestation muharrirs must prepare for each mauza the following statement :—

A statement showing the names of the different varieties of rice grown in the village in the following forms :—

Bialis.	Asus.	Nabakandas.	Gorus.	Daluas.
1	2	3	4	5

This form is for Balasore. For Cuttack and Puri the headings will be Bialis, Chota Lagus, Majla Lagus, Bara Lagus and Daluas.

72. *Tahsil alahidas.*—After finishing the preparatory work of the khatians of the nij-mauzas, the attestation muharrir will take up the khatians of the thasil alahidas, if any with the aid of the statement prepared under rule 1 of this chapter. He will compare the tahsil alahida khasra numbers with those shown on the map. If any mistake is found, it should be entered in the report sheet for orders.

73. He must also see that, where not already done, the tahsil alahidas are marked plainly on the map in thick lines.

74. The same procedure is to be used in attesting the khatians of the tahsil alahidas as in attesting those of the nij-mauza.

75. A separate settlement misl must be prepared for each tahsil alahida, and also separate lakhiraj bahal and other statements just as was done for the nij-mauza.

76. If any interested party is not present at the time of the preparatory work, a notice bearing 12 annas fees should be issued in the Form D annexed, in order to secure his attendance.

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77. The khatians of tahsil alahidas will have volumes of their own under rule 67 of this chapter, inasmuch as tahsil alahidas are nearly always separate tauzis. It is not necessary to make separate copies of the khasra numbers belonging to each tauzi for keeping with the khatians of that tahsil alahida.

78. The arrangement of the settlement misl will be according to the following order with a separate fly-leaf or list of contents for each part:—

Part I.—General.

1. Rubakari.
2. Notice under rule 11 (*a*) of the rules under the Tenancy Act.
3. Subsequent notice for attendance of parties on adjourned date.
4. Survey dispute list
5. Report sheets.
6. Attestation badars.
7. Petitions.
8. Khewat, Part I.
9. Form 19, tenure-holders' khewat.
10. Tahsil alahida statement.
11. Bahil statement.
12. Miscellaneous papers, if any.

Parts II, III, IV, etc., for each tauzi.

1. Jagiri statement.
2. Nij-jote statement.
3. List of raiyats not present at attestation.
4. Ekpadya papers.
5. Jama-wasil-bakis.
6. Miscellaneous papers, if any.

79. When the preparatory work has been completed according to the foregoing rules, the head muharrir or kanungo and the attestation muharrir will go very carefully through the records together to see whether anything is wanting, and will enter on the report sheet the result of their examination,

80. The parties will then be ordered to appear before the Assistant Settlement Officer at a fixed time and date for the completion of attestation, and in order to have their parchas returned to them.

81. Every attestation muharrir or other muharrir employed in an attestation camp must keep a diary showing exactly what kind of work and how much work he does each day.

CHAPTER V.

Instructions to Head Muharrirs.

1. Whenever their services are available, it will be found convenient to entrust the work of head muharrirs to selected kanungos. Where kanungos are not available, carefully chosen head muharrirs must be appointed by the Assistant Settlement Officer.

2. The principal duty of the head muharrir is to scrutinise and see to the correctness of the records for which he is responsible, and to see that the instructions as to the preparatory work are fully observed by the muharrirs.

3. The head muharrir must see that all corrections ordered on the dispute list or badar are carried out in the khasra, khatian, and map and other records when necessary.

4. The head muharrir may correct any wrong entries which are not the subject of a dispute or petition, and must initial all such corrections. Such sorrections must be made in red ink.

5. Head muharrir shall prepare the statements for the Assistant Settlement Officer's attestation, by seeing that the conversation of mans to acres in the last settlement portions of the statement has been correctly made. He must also see that the noties as to excess areas and plots chosen by the parties for resumption are correctly entered.

6. The head muharrir shall sign every statement in the bottom right-hand corner to show that he has checked its accuracy.

CHAPTER VI.

Khewats.

1. The second establishment muharrir shall prepare the mahalwar khewat in the form given below.

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2. He shall at the same time prepare a rubakari to issue under the Assistant Settlement Oficer's signature to the other attestation officers (if any) in the same circle, informing them of the tauzis which he is about to take up. Similarly, when a tauzi includes lands in more than one circle, the Circle Officer who takes up the mahalwar khewat of that tauzi must inform the other Circle Officers of his doing so, sending them a copy of columns 1 to 4 of his mahalwar khewat in order that they may fill up columns 2 to 4 of the mauzawar khewats of those villages of the tauzi which lie in their circles in accordance with his mahalwar khewat. They will in return send him copies of columns 5 and 6 of those mauzawar khewats to enable him to complete his mahalwar khewat :—

Name of mahal, tauzi number and revenue payable	Zamindar's name, father's name, caste and residence.	Amount of share in the mahal.	Signature of zamindars.	No. of mauza in Collectorate mauza register.	Names of mauzas as per present survey.	Names of mauzas as per last settlement.	AREAS AS PER PRESENT SURVEY. Acres. Cultivated.	Acres. Uncultivated.	Acres. Total.	Local measure according to 24 dasti Padika. Cultivated.	Local measure according to 24 dasti Padika. Uncultivated.	Local measure according to 24 dasti Padika. Total.	REMARKS.
1	2	3	4	5	6	7	8	9	10	11	12	13	14

3. Columns 8 to 13 he will fill up after completion of the attestation of the mauza from the mauzawar khewat.

4. The area to be shown in column 9 of the mahalwar khewat (corresponding with column 6, sub-column 2 of the mauzawar khewat) will be the total area shown in the waste Khatian of the tauzi This area deducted from the total area of the tauzi, excluding the bahal lands, *i.e.*, deducted from column 10, will give the balance to be shown in column 8.

5. Bisides the above mahalwar khewat, the muharrir shall also prepare a mauzawar khewat for each of the mauzas to be kept with the records of that mauza in form 16 given on page 62 of the Settlement Manual. In column 1 serial numbers will be given to each tauzi in the village. Only columns 1, 2, 3, 4 and 6 need be filled up. At the top of the form will be entered clearly the name of the mauza according to the last settlement papers, and according to the present survey.

6. The muharrir must note on the new khewat that he has compared the entries with the A Register, and entered all unregistered proprietors in a register to be kept by him under rule 14 of this chapter.

7. If there is any doubt or dispute as to any entry, the matter must be referred at once for the decision of the Assistant Settlement Officer before entry is made.

8. Care must be taken to ascertain at the time of preparing this khewat the full and correct name of each mauza, as mistakes in names give rise to many objections and confusions.

9. *Tenure-holder's khewat.*—A tenure-holder's khewat should be prepared for each village in form No. 19, as directed in chapter VI, rule 9 of the Government rules under the Tenancy Act, and the Board's instruction thereon, as given on page 15 of the Settlement Manual, that is to say, for all proprietary tenure-holders such as mukaddam, maurasi sarbarakars, and sikmi kharidadars.

10. Column 2 will be taken from the khewat, Part I. The tauzi number as well as the name of the estate should be entered in this column.

11. With a view to filling up this form, the muharrir should always enquire from the zamindars, after completing his khewat, Part I, whether there are any person subordinate to them with proprietary tenure-holders' rights. He should also ascertain from the attestation muharrir whether any one has claimed such rights, or whether any person's name appears in the khasra as having such rights.

12. Columns 5—10 inclusive can be left blank.

13. *Final attestation of khewats.*—The khewats, when prepared as above, shall be read out to the assembled sharers in the presence of the Assistant Settlement Officer, who shall sign them and affix the attestation seal.

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14. The muharrir will be responsible that all unregistered mutations are entered in a register in the following form :—

Name of Mahal.	Tauzi number.	Copy of A Register.		Khewat as now prepared.		Remarks.
		Name.	Share.	Name.	Share.	
1	2	3	4	5	6	7

15. This register as well as the register as stated in rule 18, Chapter IV, shall be put before the Assistant Settlement Officer, who shall not attest the khewat without first ascertaining that these registers have been properly kept up. This register will be sent monthly in orginal to the Settlement Officer for communication to the Collector with the register prescribed in Chapter IV, rule 18.

16. The mahalwar khewats will be bound parganawar and kept separately in the record room after all the mauzas have been attested and the area columns filled up.

17. *Local measurement.*—In entering the total areas according to the local measurement in khewats, the standard to be adopted will be the 24th dasti padika by which one *man* is equal to one acre.

CHAPTER VII.

Final Attestation.

1. *Final attestation work.*—When all the preparatory work has been finished, the records will be put up before the Assistant Settlement Officer for final attestation, the attendance of all the parties with their accounts, deeds, pattas and rent receipts having been secured.

2. Khewat, Part I, will be attested as directed in the preceeding part.

3. The Assistant Settlement Officer will then first attest the khatians of bahaldars; bazyaftidars, jagirdars, and of nij-jote lands, and the khatians of tenants holding under such tenancies, *vide* supplementary rules of 21st March 1896 for re-attestation.

4. When any doubt as to the land being bahali exists, the Assistant Settlement Officer should call for the original *sanad* or certified copy thereof or, if the original holder is dead, the certificate that mutation has been registered. If these be produced, or if the claimant is unable to produce them, but nevertheless proves that he is in possession and that he has obtained the lakhiraj bahal land in a valid manner, his claim should be noted in the statement as valid.

4½. The Assistant Settlement Officer shall enquire of the bahaldars whether they have signed their khatians and whether the areas of their lands have been correctly entered in their parchas.

5. The attestation muharrir will then read out the general number, extent, and class of each bahali holding. When these are admitted correct, the Assistant Settlement Officer will then sign and seal the khatians.

6. He will then take up the khatians of the bahaldars' raiyats and will fill up columns 8 (*c*) and 10 (*a*) in the same way as is directed for ordinary raiyati khatians.

7. He will thus go through every general number of bahali land, and all jagiri, bazyafti and nij-jote lands, signing and sealing all the khatians and statements. The present rentals of privileged holders can easily ascertained from the last settlement papers. The raiyats of nij-jote lands have no right of occupancy.

8. Nij-chas land not nij-jote, but held by the zamindar. It is ordinary raiyati land. The landlord cannot acquire any right of occupancy in it. The "status" to be entered in such lands is "nij-chas" or "hal-chas" (zamindari or mukaddami, as the case may be). See also Appendix E.

9. ** ** ** **

10. The Assistant Settlement Officer will then take up the ordinary raiyati khatians, all of which, with the exception of those in which some dispute still remains undecided, will have been previously signed by the parties.

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11. The attestation muharrir will read out before the Assistant Settlement Officer—

(1) the name of the landlord,
(2) the number of fields.
(3) the number of kittas,
(4) the area.
(5) rental as stated by landlord,
(6) rental as stated by tenant.

12. The Assistant Settlement Officer will then ascertain the actual rental and raiyati status, and either with his own hand fill in column 8 (*c*) and column 10 (*a*) accordingly, or cause those columns to be filled up on the spot by the attestation muharrir. Care shall be taken to see that the ascertained rent is in all cases clearly recorded in its proper column 8 (*c*), rent and cesses being also clearly separated; and the Assistant Settlement Officer's signature should be put under this entry and not in any casual place in the khatian.

13. It will very rarely be found that there are many special incidents attaching to an individual holding to be entered in column 10 (*d*). General incidents which apply not to an individual holding, but to all similar holdings in a village, should not be entered. The incidents of jagiri holdings, such as *boja-bajai*, should be entered in this place with the numbers to which such incidents refer.

14. *Ascertainment of rentals.*—Where the entries in column 8 (*a*) and column 8 (*b*) are the same, the rental there entered may be accepted and recorded in column 8 (*c*), unless it appears to the Assistant Settlement Officer from an examination of pattas or rent receipts that the landlord and tenant have combined to show a less rental than that actually paid. The rental already recorded for other raiyats combined with the area of the holding under attestation will usually show where this attempt has been made.

15. Where there is a discrepancy between column 8 (*a*) and column 8 (*b*), the Assistant Settlement Officer must come to a decision as to the actual rent by scrutinising the rent receipts, and, when available, the jamabandis of the zaimndars for some years back. The plan of striking a mean between the rent stated by the landlord and the rent stated by the tenant is altogether unreliable, and should never be resorted to except at the desire of both parties.

16. A useful note on the recording of status will be found in Appendix E to these rules.

17. Whenever the Assistant Settlement Officer decides that a raiyat is not a settled raiyat, he shall, when recording his status, record also the length of his occupancy in column 10 (*a*).

18. *Corrections in khatians to be initialled.*—After filling in columns 8 (*c*) and 10 (*a*) the Assistant Settlement Officer will initial all corrections made at attestation in the khatians.

19. *Signing and sealing.*—He will then sign and seal each khatian, and make over the parcha to the raiyat, at the same time taking back the counterfoil of the parcha to be dealt with as directed in Chapter IV, rule 3.

20. The Assistant Settlement Officer will attest according the above rules the khatian of every raiyat and under-raiyat.

21. After completing the attestaion of one tauzi volume, the Assistant Settlement Officer will similarly attest the records of the other tauzis and of the tahsil alahidas.

22. The attendance of every raiyat is not indispensably necessary for the attestation of his khatian (see clause I, Appendix D, to the Settlement Manual). Any person whose presence it appears advisable to secure can be summoned with a notice bearing a process fee of anaas 12.

23. A list of all raiyats not present at final attestation must be prepared by the attestation muharrir, and kept with the settlement misl in the place directed in Chapter IV, rule 78.

24 Lastly, the Assistant Settlement Officer will go through and attest very carefully the khatians of Government lands. If no responsible officer comes at the time of attestation, the parchas should be sent to the heads of the departments or bodies to whom the lands belong for verification.

25. All corrections in khasra must then be initialled by the head muharrir and the head muharrir will also give a certificate on the last page of the khasra stating that all corrections have been made in the khasra. The trace map and each sheet of the khasra will be marked with the final attestation seal. The trace map and the last page of the khasra will also be initialled by the Assistant Settlement Officer.

26. When the attestation has been thus finished, the rubakari will be completed and signed and sealed.

27. *Terijes.*—After completion of the record the terij will be written up as follows:—

I. There will be only one terij for the whole mij-mauza prefixed to the first volume of khatians.

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At the beginning of the terij will be the *sadar* or total of the village giving the areas in total of—

(*a*) Bahal lands.
(*b*) Government andrpublic bodies' lands.
(c) The lands of each tauzi.

These will be totalled.

II. Then will come in detail the persons holding bahal or Government land in the village—

1. Bahaldars.
2. Their raiyats.
3. Their under-raiyats.
4. Government and public bodies.
5. Their raiyats.
6. Their under-raiyats.

III. Then will follow the terij of the first tauzi number divided into classes according to the arrangement of the khatians, *i.e.*—

1. Waste,
2. Jagirdars,
3. Jagirdars' raiyats,
4. Bazyaftidars,

and so on as laid down in Chapter IV, rule 68.

The terijes will run on continuously instead of beginning a fresh page for each class, and care must be taken that the terij forms are economised to the utmost. Special care must also be taken to see that the column for rental is properly filled up.

The terij of each tahsil alahida will be prefixed to its volume of khatians.

28. All uselss papers, such as cancelled parchas or khatians, draft statements or khewats amins' chittas, etc., should be carefully removed from the records at the time of final attestation and destroyed.

29. The proceedings required by rule 19, Chapter VI of the Government Rules under the Tenancy Act, must be carefully embodied in the Final Rubakari, and must state clearly that attestation of the records has been completed, and show the date on which it was completed. A convenient form of rubakari is given in Appendix A to these rules.

30. The trace as corrected at attestation must be sent at once to the Survey Office with a fraction badar list showing the number and area of the original plot and the number and area of each fraction made, in order that the sheets may be corrected. Before returning it the volume and number in the Revenue Survey volume should be entered on each trace.

CHAPTER VIII.

Instructions to Attesting Officers.

1. *Disposition of Muharrirs.*—The Assistant Settlement Officer should be very careful to see that muharrirs while doing preliminary attestation with the tenants do not crowd together. Each village should be kept quite separate at a distance of 20 or 30 yards, if possible, from the others.

2. *Identification of mauzas and tahsil alahidas.*—The Assistant Settlement Officer should examine the statement alluded to in Chapter IV, rule 2, and see that the identification of mauzas and tahsil alahidas is complete With regard to original mauzas, he may find that the Revenue Survey mauzas has now become two mauzas, or *vice versa*. He should endeavour to discover the cause of any considerable difference in area. With regard to tahsil alahidas he may discover numerous discrepancies. These should be reconciled in such manner that every tahsil alahida shown in the settlement records is accounted for, whilst the existence of every new tahsil alahida is explained.

3. The following examples will illustrate the nature of the questions that may arise and the manner in which they should be treated :—

(*a*) A tahsil alahida actually existing, but erroneously omitted from the khanapuri record.—The lands in this case must be identified, the map corrected, and a separate volume of khatians prepared.

(*b*) A tahsil alahida held by the same zamindars as the original mauza or some other tahsil alahida, and not distinguished at the time of khanapuri.—This need not be distinguished if the tauzi number is the same. An explanatory remark should be made in the remarks column of the statement prescribed in Chapter IV, rule 1.

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(c) A tahsil alahida at the last settlement included in another mauza, but now included in this mauza, or *vice versa*.—No change need be made in the records. The last settlement figures must be shown in the statement of the mauza in which the tahsil alahida now occurs, and a remark made in the remarks column of the statement of both mauzas.

(d) *Dian chaks*.—See Chapter IV, rule to above.

4. *Waste lands*.—The khatians of waste lands will be signed and sealed in the same way as other khatians, care being taken that the nature of the public right (if any) is recorded intelligibly and specifically.

5. *Jama-wasil-bakis*.—The jama-wasil-baki papers do not require to be attested. It will be sufficient to have them filed in the records enfaced with a certificate to the effect that the particulars detailed in them are correct to the best knowlege of the person signing them. These papers should merely be asked for, and the parties left to file them or not as they may please.

6. *Ekpadiyas*.—The ekpadiya papers should be initialled and dated by the Assistant Settlement Officer at attestation. It must be borne in mind (*a*) that zamindars frequently enter in these papers what they desire to collect, not what they actually do collect ; (*b*) that they generally omit to state their collections for lands which they desire to regard as new nij-jote accrued since the last settlement, and which they call nij-chas ; (*c*) that they generally omit all mention of rents in kind.

7. The ekpadiyas should be examined by the Assistant Settlement Officer, and he should satisfy himself that every discrepancy between the ekpadiya and the khatians has been accounted for.

8. *Decisions*.—A short Uriya abstract of all summary decisions passed on the dispute list should be entered thereon as soon as the English order has been passed.

9. *Passing records*.—A record ready to be passed shall be put up by the head muharrir or the attestation muharrir, as the Assistant Settlement Officer may direct. The muharrir putting up the record will, as the village is being passed, keep a paper before him on which he will enter all the work not actually finished at passing of the record.

The Assistant Settlement Officer should fix a day, once a week, on which he will try to finish all work pending on records partly passed. It would be well if, after he passes such a record not entirely finished, he were to keep a note in a book of the pending work, and the date which he has fixed for finishing such work. Such an entry would be most useful, if made on the date to which he has adjourned the work.

After the record is passed by the Assistant Settlement Officer, the attestation muharrir who has put it up to him will write out the notes of the work pending on a paper, and fixed it to the top of the Settlement misl, and will show the record to the second establishment muharrir for making entries in the mahalwar register and in the register of lakhirajdars which have not been registered. He will then take the record to the first establishment muharrir and draw his attention to what remains, and the latter will be responsible for issuing the necessary notices and completing the work by the day of adjournment, if any, and for seeing if the record is corrected throughout according to the orders in the dispute list.

10. Before signing the Final Rubakari, the following points deserve special notice :—

(*a*) That the attestation register has been filled up.

(*b*) That all corrections have been made in the records, and that a certificate showing that the orders for corrections on the dispute list have been carried out has been attached to each order.

(*c*) That the registers of unregistered mutations in the Collectorate A and B Registers have been duly entered up.

(*d*) That Whenever anything has to be left unfinished until reference can be made to records of some other mauza not obtainable at the time, a report on the subject be invariably filed in the record-room for attachment to the misl of the mauza to which reference is to be made, so that when the mauza's attestation is taken up, the point may not be overlooked.

In such cases the first mauza shall not be considered as passed, and shall not therefore appear in the progress returns.

11. *Standard of measure*.—In all comparisons with areas as stated in the last settlement records, the standard used at the time of the last settlement must be taken as the basis of calculation. The standard in use at the time of the last settlement can be ascertained from the ruidads.

This applies to the areas shown in the lakhiraj bahal, bazyafti, jagiri, nij-jote and minha statements. In the khatians the conversion should be according to the standard now in use in the pargana or village.

12. *Rivers*.—A navigable river is a river which is navigable throughout the year. The proprietary right in the beds of such rivers belongs to Government, and they should not therefore be included in the maps or records of zamindari mauzas.

13. It should be made clearly known that no stamp is required to be affixed to petitions tendered at attestation time in temporarily-settled areas under settlement of Government revenue. If it is found that stamps are still attached to such petitions, a notice should be posted in the camp pointing out that petitions will be received without stamp. This does not refer to petitions of applications for copies, which should be stamped in the usual way.

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Appendix A.

(SEE CHAPTER III, RULES 5, AND CHAPTER VII, RULE 29.)

Final Attestation Rubakari.

IN THE COURT OF ASSISTANT SETTLEMENT AND REVENUE OFFICER,

CIRCLE, DISTRICT.

Dated the 189 .

Under the powers conferred on him by the provisions of the Bengal Tenancy Act concerning the lands of all zamindars, tenure-holders, raiyats and under-raiyats, it is necessary to inform all tenants of district , thana pargana , village , by notices that the final attestation will be completed according to rule 11 of the rules framed under section 189 of the Bengal Tenancy Act.

It is ordered, therefore, that on due notice be served in the village by proclamation and beat of drum, and that a copy of the notice be affixed in a conspicuous place in the village in the presence of not less than two of the villagers.

Dated the 189 .

It is found when put up to-day that the records of the mauza have not yet been received from the Survey Office.

It is therefore ordered that the attestation work be suspended, and the tenants of all descriptions of the mauza be informed accordingly.

Dated the 189 .

On being put up to-day it is found that the records of the mauza have been received from the survey Office, and that attestation work can now be proceeded with.

It is therefore ordered that the zamindars and tenants of all descriptions be informed by proclamation and beat of drum to present themselves at the time of attestation at station in the month of

Dated the 189 .

On being put up to-day it is found that all the zamindars and tenants of the mauza are present.

Ordered, therefore, that be appointed attestation Muharrir, and that all the necessary papers and records be made over to him, and he be instructed to do the attestation work carefully according to the rules.

Dated the 189 .

On being put up to-day it is found that the records of the mauza are ready for final attestation.

Ordered, therefore, that notice be issued by proclamation and beat of drum that the final attestation of the mauza will be taken up by me on the day of 189 .

Dated the 189 .

Whereas the final attestation of the mauza has been completed in the presence of all the zamindars, lakhirajdars and tenants of all descriptions, with the exception of those detailed in the list below, it is ordered therefore that the settlement misl of the said mauza be kept in the sharista, and that the trace be made over to the record-keeper to be sent to the Survey Office.

The 189 . *Assistant Settlement Officer.*

Seal.

Appendix B.

(SEE CHAPTER III, RULE 6.)

ORDER OF ASSISTANT SETTLEMENT AND REVENUE OFFICER OF

CIRCLE STATION

Subsequent notice for final attestation.

To the zamindars, tenure-holders, raiyats and under-raiyats of district thana , pargana , village

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In continuation of the notice issued previously in accordance with rule 16 of the rules framed under section 189 of the Bengal Tenancy Act, you are hereby informed that you should appear before me at on with the parcha given to you on at ,and with your documents and other necessary papers, failing which proceedings will be instituted against you as the law provides.

Dated 189 . *Assistant Settlement Officer.*

Appendix C.

(SEE CHAPTER IV, RULE 53.)

Wasil-Baki.

Serial number of tauzi.	Names of tenure-holders and raiyats.	ACCORDING TO ZAMINDARS PAPER.											
		Area according to local measurement.	RENTAL—JAMA.				COLLECTION—WASIL.				ARREARS—BAKI.			
			1297.	1298.	1299.	Total.	1297.	1298.	1299.	Total.	1297.	1298.	1299.	Total.

Appendix D.

(SEE CHAPTER IV, RULE 76.)

Order of Assistant Settlement and Revenue Officer.

Circle.

Notice with talabana fee.

To

As you were absent at the time when work was being done in the village, the Government work has suffered much. You are therefore informed that you should appear before this Court on 189 at with all your documentary and other evidence, and that you should pay a process-fee of annas 12 only failing which legal steps will be taken.

Dated. 189 . *Assistant Settlement Officer.*

Appendix E.

(SEE CHAPTER VII, RULE 16.)

Note for the guidance of Khanapuri and Attestation Officers when recording the status of proprietors, tenure-holders, and raiyats.

In fixing the status of tenants, the Tenancy Act does not make any distinction between rent-free and rent-paying tenants. The conditions under which rent-paying and rent-free tenants become raiyats or tenure-holders are the same, though as a rule I have found the Survey Department and subordinate officers of the Settlement Department have entered all holders of rent-free holdings as tenure holders, and in the same way all holders of rent-paying holdings have been entered as raiyats. This mistake is at the root of all the confusion that has arisen in connection with the recording of the status of tenants. These erroneous ideas must be thoroughly and effectually eradicated, before any uniformity in the system followed in recording the status of tenants can be looked for.

While on the one hand *rent*-free tenants have been invariably classed as tenure-holders, so on the other hand *revenue*-free holders, whose names are entered in Register B of the Land Registration Act, and who are therefore *proprietors*, have invariably been classed as tenure-holders. Between these two points of error lies the whole range of confusion.

Proprietors.

All land, which is or which ought to be included under one entry of Register A, is an estate.

This includes Government khas mahals.

All owners of *estates* are proprietors.

All *revenue*-free lands, whether entered in Register B or not, are estates, and therefore all holders of revenue-free lands are proprietors.

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A proprietor does *not* hold *under* any person, but is laible to pay revenue to the Supreme Ruling Power, unless expressly exempted from the obligation. The proprietor's interest in land (next after that of the Sovereign) is paramount, and all subordinate interests are derived from it, or held under it.

Tenants.

All persons who hold *under* another person, whether that person be a proprietor, tenure-holder, or raiyat, and who are or who but for a special contract would be, liable to pay rent to that person for the land, are *tenants*. The word "tenant" in the Tenancy Act not only includes all persons holding directly under the proprietor, but also all persons holding under *any landlord* as defined by the Tenancy Act. Tenants are therefore either rent-paying or rent-free, either holding under proprietor, tenure-holder or raiyat. What distinguishes tenant from proprietor is, *not* the actual payment of rent to a person holding superior interest, but his *liability* to pay rent.

A mukaddam is a tenant because he pays rent to the zamindar or proprietor. He is recorded as a tenure-holder because he leased the land for which he pays rent with the intention of establishing raiyats on it.

In the same way a sarbarakar is a tenant though recorded as a tenure-holder.

A mustajir or farmer, whether holding for one year, 10 years, or by succession is a tenant though he is recorded as a farmer.

A person holding *minha* or rent-free lands from a zamindar is a tenant. He is a tenure-holder if the rent-free land was taken by him with the purpose of realising rent by establishing tenants on it. He is a raiyat if he holds the land to cultivate it himself; but in this case he is *presumed* to be a tenure-holder if he holds more than 34 acres of zamindari rent-free land, but this presumption may be rebutted if he gives proof to the contrary.

A thani holder is a tenant, but he is recorded as a raiyat.

A sikmidar is a tenant, but as he holds under a raiyat he is recorded as an under-raiyat.

A person who has escaped assessment through oversight, and is holding land rent-free without paying rent to any body, and without his rent having been taken into consideration for determination of assets on which land revenue has been based, is a tenant, because though he does not actually pay rent, he is *liable* to pay it to the zamindar or mukaddam, as the case may be.

All persons who hold land under another person, must hold it directly or indirectly from the proprietor, whether they psy rent for it or not; and the classification of tenancies under the Bengal Tenancy Act is made not according to liability to, or exemption from, payment of rent, or according to whether the land is held directly or indirectly from proprietor, but according to the *purpose* for which the land is taken. If the land has been taken for cultivation by the under-holder himself, he is a raiyat. If it has been taken by the under-holder, not primarily for the purposes of cultivation by himself, but of realising rent from it by establishing tenants on it he is a tenure-holder. Again, if this tenure-holder, supposing that he leased his land direct from the proprietor, and is thus a tenure-holder of the first degree, lets his land to a person for cultivation, that person becomes his raiyat; but if the person leasing the land from the tenure-holder took it, not to cultivate it himself but to realise rent from it by establishing tenants on it, he would be a tenure-holder to the tenure-holder of the first degree; in other words, an *under-tenure-holder*, and so on. All tenure-holders, except the tenure-holder of the first degree, are called under-tenure-holders, though their incidence is precisely *the same as that of the tenure of the first degree*. The law makes no distinction whatever, and an under-tenure-holders is included within the definition of *tenure-holder*. As with raiyats, tenure-holders are tenure-holders by virtue of the purposes for which they took the land, and not whether they pay or do not pay rent, or whether they hold directly or indirectly from proprietor. The latter two conditions are absolutely immaterial to his status.

The above is subject to the statutory presumption that all tenants, holding more than 34 acres are presumed to be tenure-holders, with all the advantages and disadvantages of that status, till the contrary is proved.

Thus in all cases when the area leased is less than 34 acres, the Settlement Officer is bound to find out the *purpose* for which the land was given to the holder, before he can give him any status. For lands above that area he gives the holder the status of a tenure-holder straight off, throwing the burden of proof on the holder of the land, if he claims to hold it as a tenant of any other description.

It follows from the above that no owner of a rent-fee, tanki, service or bazyafti land should be treated as a tenure-holder, unless the area so leased is more than 34 acres in extent, or unless the circumstance under which the tenancy originated (evidenced in most cases by its present conditions) distinctly gives a warrant to the supposition that it was let for the purposes of realisation of rent by establishment of tenants, and not for cultivation by the holder himself. If the area was leased with the intention of being cultivated by the owner himself, no matter how large the holding may be (short of 34 acres), no matter whether it pays full rent, half rent, or no rent at all, it is a *raiyati* holding and *not* a *tenure*.

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A tenant with a holding of 29 acres might wish to go to Culcutta on service, and would put in one or more sub-tenants and go away, and may be away 20 to 25 years. If he cultivated these lands himself prior to his going to Calcutta, he is still a raiyat, and his sub-tenants under-raiyats. What the Assistant Settlement Officer has to see to is the *intention* with which the lands were first leased.

On the other hand, suppose a man in Cuttack leases lands in Jajpur. There can be no question that he took the land to put in under-tenants and not cultivate the land himself. The presumption will therefore be that he is a tenure-holder.

It is only possible to lay down and explain the crucial difference between a tenure-holder and a raiyat, but it is almost impossible to decide on meagre reports sent up in many instances by Assistant Settlement Officers, whether a particular holding should be treated as a raiyati holding or a tenure. But the matter is comparatively easy for an officer on the spot to decide whether a holding is to be recorded as a tenure or a raiyati holding, once he has grasped the distinction between the two. Nor is the distinction one difficult to comprehend or complicated in its nature. There are two distinct issues in each case —

1st.—Does the area of the holding exceed 34 acres ?

2nd.—Was the area leased by the tenant for the purpose of cultivating the land himself or of leasing it out to tenants and realising rent ?

It would be as well perhaps to give some illustrations.

Suppose,—A is the proprietor, B leases 3 *mans* of land from A the proprietor and establishes tenants on it. Out of the 3 *mans* leases B leases 1½ *mans* to C at the ordinary rate. To D, a second tenant, B gives 1½ *mans* as a gift for good services. Then,—

1. B is a tenure-holder.
2. C and D are raiyats.

AGAIN SUPPOSE,—

(1) B took 100 *mans* from A, the proprietor of the estate, before the last settlement.

(2) Subsequently, some years after the settlement, he (B) leases the whole land (100 *mans*) to C, for ten years.

(3) D, E and F are heirs in succession to the tankidars recognised at the time of the last settlement, who hold, say, 10 *mans* each and who some years cultivate the lands themselves and some years sub-lease it to tenants under the " Sanja " and " Dhulibhag " system.

(4) G is another tankidar recognised at the last settlement, but holding 3 *mans*, who has all along sublet the land to H, the present tenant or his predecessor, under the " Dhulibhag " system.

(5) I is a holder of zamindari *minha* of 1 *man*, and he has been in possession of this land for the past 30 years. For the past 3 years he has sublet his land to J on a money rent, which is in arrears, and for which he has had to sue J in Court. Prior to leasing the land to J, he had cultivated the land himself.

(6) K holds 25 *mans* (it does not matter whether he has held the land before or since the past settlement). Of this area he has been cultivating 16 *mans* himself ever since he obtained the land, but has sublet the remaining nine *mans* to L, M and N, whether under money rent or a grain rent under the " Dhulibhag " or " Sanja " system, and L, M, and N have been holding the lands, say, for the last 40 years.

STATUS TO BE RECORDED.

All the lands in the following illustrations are supposed to be included in these 100 *mans* :—

(1) B is tenure-holder.

(2) C is under-tenure-holder.

(3) D, E, and F are raiyats liable to pay rents to under-tenure-holder C for the time that he holds the farm, unless it is distinctly mentioned in the settlement papers that he is liable to pay rent to B, tenure-holder, holding from before the settlement, in which case B could not have leased the whole 100 *mans* to C, but could lease only such portion of the area as was not encumbered with any special incident.

(4) G is an under-tenure-holder holding under C during the term of his farm, subject to the remarks in illustration (3).

(5) I is a settled raiyat [*vide* remarks in illustrations (3) and (4)]
J is his under-raiyat.

(6) K is a raiyat ; L, M and N are under-raiyats and m y have acquired rights of occupancy if custom allows an under-raiyat to acquire such a righ.

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MERGER OF OCCUPANCY RIGHTS.

In connection with the question of the status of landlord and tenant it is necessary to carefully bear in mind the provisions of section 22 of the Tenancy Act. That section lays down:—

"(1) When the immediate landlord of an occupancy holding is a proprietor or a permanent tenure-holder, and the entire interests of the landlord and the raiyat in the holding become united in the same person by transfer, succession, or otherwise, the occupancy right shall cease to exist, but nothing in this sub-section shall prejudicially affect the rights of any third person.

"(2) If the occupancy right in land is transferred to a person jointly interested in the land as proprietor of permanent tenure holder, it shall cease to exist, but nothing in this sub-section shall prejudicially affect the right of any third person.

"(3) A person holding land as an ijaradar or farmer of rents shall not, while so holding, acquire a right of occupancy in any land comprised in his ijara or farm.

"Explanation.—A person having a right of occupancy in land does not lose it by *subsequently* becoming jointly interested in the land as proprietor or permanent tenure-holder or by subsequently holding the land in ijara or farm."

The above section is a most important one to one entrusted with the record of rights, and should be carefully studied by all Assistant settlement Officers. Many deductions can be drawn from this section. Some of them are enumerated below:—

1. This doctrine of merger apparently applies *only* to occupancy rights and not to rights of raiyats holding at fixed rates or of tenure-holders.

2. In the case of occupancy rights it apparently applies *only* when the landlord is a *proprietor or permanent tenure-holder.*

3. It applies only where the proprietor or permanent tenure-holder is the *immediate* landlord.

4. It applies to join proprietors similarly situated.

5. From paragraph 2 above, if it stood alone, its operation would not apparently extend to farmers, ijaradars or mustajirs, as they are neither proprietors nor permanent tenure-holders ; but sub-section 3 specifically extends its operation to them.

6. It applies only when the occupancy right is transferred to an immediate landlord who is a proprietor or permanent tenur-holder or ijaradar from *before*, and not to one who becomes such *after* the occupancy rights had accrued to him.

Thus, if any landlord (including proprietor and permanent tenure-holder) purchases the interests of raiyat at fixed rates, these interest are *not* merged. Thani raiyats are *not* raiyats at fixed rates. So if thani rights are transferred to the proprietor by purchase or otherwise, thani right is extinguished ; and the right that remains with the proprietor is his proprietary right only, and not proprietary right *plus* thani right. It is necessary to bear this in mind in cases of recording the status (after such transfer) of tenants who were under raiyats under the thani raiyat. The moment a thani holding is transferred to the proprietor, the sub-tenants become raiyats and are not longer under-raiyats. Thus, suppose A is proprietor or mukaddam, B is a thani raiyat under A, and C an under-raiyat under B. Five years ago A, the proprietor, purchased the land of the thani raiyat B. The moment A purchases the thani holding the land is removed from the stock of the thani lands of the village and becomes part and parcel of the ordinary raiyati land of the village. The under-raiyat under thani raiyat B becomes the direct raiyat of the proprietor A, and can of course no longer be looked upon as an under-raiyat, but must be treated as an ordinary raiyat whose raiyati character begins from the date on which the holding passed in to the hands of the proprietor, and who therefore, as soon as he has cultivated *any* land in the village for 12 years, becomes a settled raiyat with full rights of occupancy.

The under-raiyat hitherto holding under the thani raiyat would at once be elevated to the status of a raiyat, but *not of a settled raiyat* ; because, though he may have been cultivating the land for a long time, perhaps 30 years, he has hitherto been cultivating it *as an under-raiyat* of a thani raiyat, and the status of raiyat has only accrued to him from the date on which the holding passed into the hands of the proprietor, that is, in this particular case, five years prior to the date of attestation of the village.

If the purchase had been made more than 12 years ago, the under-tenant would be a settled raiyat of the village, with occupancy rights.

If, however, A is *not* a permanent tenure-holder or proprietor, or not the immediate landlord of the thani raiyat, then the occupancy right would *not* be extinguisned. Thus, if A is a zamindar, B a mukaddam, C an occupancy raiyat under the mukaddam, and D an under-raiyat under C then if A purchases the occupancy right of C, the occupancy right will not be extinguished, and D will remain an under-raiyat as before, while A will for this particular plot of land, occupy the position of a raiyat to B, his own mukaddam, liable to pay rent to him.

NIJ-JOTE.

Nij-jote lands are defined in section 120 of the Tenancy Act. This section has not been extended to Orissa, where the question of nij-jote is still governed by section 6, Act X of 1859 ; but the spirit of the Tenancy Act definition should be followed, with the exception of

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clause (*a*), which prescribes that nij-jote must have been cultivated by the proprietor for twelve continuous years befor the passing of the Act. The real guide to whether land is nij-jote or not will be the custom of the country by which nij-jote is held to be the last settlement nij-jote, with the addition of such lands as the zamindar may have reclaimed from waste either by his own plough or by letting it in *bhag chas* to a raiyat, and for which no cash rent has hitherto been paid. To this area must be applied the provisions of sections 6 and 7, Act X of 1859, *i.e.*, land can only be protected against accrual of occupancy rights where it has been let out on lease for a term or year by year.

Appendix F.

IN addition to the registers prescribed in the body of the rules, the following are commonly necessary in Assistant Settlement Officer's offices :—

Registers to be kept in Circle office.	Registers to be kept in sub-circle office.
English Registers.	*English Registers.*
1. Register of letters issued, Board's No. 61	1. }
2. Register of letters received, Board's No. 60	2. }
3. Index Register of English correspondence, Board's No. 62.	3. } Not necessary in sub-circle offices.
4. Stationery Register book	4. }
5. Cash-book, Board's Miscellaneous No. 268	5. Cash-book necessary.
6. Treasury remittance-book, Board's No. 269	6-12. Not necessary in sub-circle offices.
7. Register of contingent charges, Accountant-General, Bengal's No. 181 new.	
8. Register of Revenue fines, Board's No. 87	
9. Requisition Register for certificates ...	
10. Register of deposits and repayments ...	
11. Register of Dismissals	
12. Register of books	
13. Patwari Attendance Register	13. Patwari Attendance Register whenever any patwari works there.
14. Acquittance Roll	14. } Not necessary in sub-circle offices.
15. Register of peons	15. }
16. Order-book	16. Order-book. Necessary in the sub circle offices also.
17. Stock-book	17. Not necessary in sub-circle offices.
Vernacular Registers.	*Vernacular Registers.*
1. Daily Register of Court-fees realized, Board's No.58.	1-6. All these Registers are necessary on sub-circle offices.
2. Register of petitions, Board's No. 27.	
3. Register of Reports, Board's No. 28.	
4. Register of miscellaneous cases, Board's No. 8.	
5. Register of Processes, Board's No. 43 (69)	
6. Register of application for copies, Board's No. 170.	
7. Register of Records received from Survey office.	7. Not necessary in the sub-circle offices.

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ENGLISH REGISTER No. 1.

Register of letter issued.

Consecutive number in this Register.	Date.	To whom addressed.	Subject.	WHERE THE DRAFT IS PLACED.		Number and date of reply received.	REMARKS.
				Number and title of the collection.	Number of the file within the collection.		
1	2	3	4	5	6	7	8

ENGLISH REGISTER No. 2.

Register of letters received.

Consecutive number in this Register.	Date of receipt.	From whom received	Number of the letter.	Date.	Subject.	WHERE THE LETTER IS PLACED.		Number and date of reply or abstract or other mode of disposal.	REMARKS.
						Number and title of the collection.	Number of the file within the collection.		
1	2	3	4	5	6	7	8	9	10

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ENGLISH REGISTER No. 3.

Index Register of English correspondence.

Department.

Number and title of collection.	Number of file within collection.	File subject.	Year under which the file is deposited in the record-room, and collection number.	REMARKS.
1	2	3	4	5

ENGLISH REGISTER No. 4.

Stationery Register.

Date of receipt.	Quantity.	Date of issue.	To whom issued.	Balance after each receipt or issue.	REMARKS.
1	2	3	4	5	6

NOTE—This form is to be used for all stationery and froms, and a separate page given to each article.

ENGLISH REGISTER No. 5.

Cash-book of the Nazir of the *Collectorate for the month of* 189 .

RECEIPTS.						DISBURSEMENTS.						
Date.	From whom received	On what account.	Amount.	Daily total of subsidiary registers.	Daily total.	Date.	Serial number of remittance to treasury.	To whom paid.	On what account.	Amount.	Daily total of subsidiary registers.	Daily total
1	2	3	4	5	6	7	8	9	10	11	12	13

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ENGLISH REGISTER No. 6.

Treasury Remittance Book for the month of 189 .

Serial number.	Date.	Amount remitted to the Treasury.	Initials of Treasurer.	REMARKS.
1	2	3	4	

ENGLISH REGISTER No. 7.

Register of Contingent charges of the _____ *Department of the District of* _____ *for* 189 .

CLASSIFICATION.—For heads to be opened by each Drawing Officer, and for kinds of payments falling under each of those heads, see Circular 83. Expenditure must be shown as incurred on the account on which it is made. Budget provision existing or not has nothing to do with determining the classification of a charge Posting Register and preparing Abstract and detailed Contingent Bills.—The principle on which the expenditure is to be posted in the register and abstract and detailed bills prepared, is laid down in Code, Chapter 5; 5 to 15. RESPONSIBILITY.—The obligations imposed in Rules 7 and 8 of officers signing bills in respect of initialling unusual charges and when the register is sent up with an abstract, initialling the date of each payment, should be scrupulously fulfilled. PERMANENT ADVANCE—The permanent advance *must be recouped* on the last working day of each month, as also when the charge of office is transferred in the course of the month, Rule 9, Acknowledgment of personal responsibility for the permanent advance must be sent to Accountant-General on transfer of charge and on 15th April each year, Rule 4. MONTH OF CHARGE—The month of charge quoted in abstract, and detailed bills must be the month in which the charges are paid *from the Treasury*, Rule 13. As the detailed contingent bill of a month is merely an aggregation of the sums drawn from the *Treasury during that month*, the total of the former should be the sum of the abstracts. PAYMENT—Purchases, &c., must be paid for at once. The discharge of liabilities may not be deferred. Rule 2 and Chapter 9; 9. INTER-DEPARTMENTAL TRANSACTIONS—Rule 22 regarding posting the amount of inter-departmental receipts in Contingent Register *after the total of the month's cash transaction has been struck*, should be carefully carried out. CLOSING REGISTER FOR THE MONTH—At the end of a month the register should be completed thus; 1. Total cash payments of the month; 2. Add amount of current month's inter-departmental debits; 3. Add total cash payments and inter-departmental debits to end of last month; 4. Grand total expenditure to date, Rule 14. RETRENCHMENTS—A disallowance must, without fail, be refunded by short drawal on the first abstract presented after receipt of disallowance order, Rule 20. UNNECESSARY OR EXCESS DRAWINGS—should be refunded by short drawal on subsequent abstract bill or in cash. In both cases the original detailed head of charge and the total and date of the abstract on which the amount was drawn should be quoted. DETAILED BILLS must be submitted for countersignture by the 1st of the month following that to which they relate, Circular 325. SANCTION—Budget provision does not warrant special and unusual expenditure. For rules regarding authority or contingent expenditure see Rule 2. Sanctions not acted on for a year become void.

To whom paid. Budget grant for each detailed head.	Number of Sub-Voucher.										

			Unusual charges		Total of each contingent abstract	Total of each month's bill.	Date of despatch of detailed bill.	Date of recovery of disallowance, and number and date of counter-signing officer's letter admitting a disallowed item	Remarks. Amount disallowed, &c.
			Description.	Amount.					

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ENGLISH REGISTER No. 8 .

Register of Revenue Fines.

Serial Number.	Name of estate, tenure, or mauza.	Name of proprietor, tenure-holder, or other person fined.	Act and section under which the fine is imposed.	Date and abstract of orders with initials of officer imposing the fine.	Date from and to which the fine runs.	Daily amount of fine.	Total amount of fine.
1	2	3	4	5	6	7	8

Amount of fine remitted.	Date and abstract of orders remitting the fine with initials of remitting officer.	Amount realized with signature of ministerial officer.	Date of payment into treasury.	Draft of refund with initials of officer sanctioning refund.	Signature of Sarishtadar	Remarks.
1	2	3	4	5	6	7

ENGLISH REGISTER No. 9.

Register of Requisitions for certificates under the Public Demands Recovery Act VII (B.C.) of 1880, to be kept by each Requiring Deputy Collector or other Public Officer issuing the notice under Section 9 of the Act.

Serial number.	Nature of claim.	Name and address. of defaulter.	Amount due.	Date on which requisition is made to the Certificate Officer (Initial of Certificate Officer).	Date on which petition of objection, if any, is received by the Requiring Officer from Certificate Officer for disposal (Initial of Requiring Officer.)	Date of disposal of petition.	Date of return of petition with connected file to Certificate Officer.	Date of final disposal of certificate with note of the manner in which disposed of.	Remarks.
1	2	3	4	5	6	7	8	9	10

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ENGLISH REGISTER No. 10

Daily Register of deposits received in Court or advised as having been received in the Treasury of in the month of 189 .

Date of receipt.	Annual consecutive No. of each deposit.	No. of chalan.	From whom received.	Nature of deposit with name of payee.	Amount of each deposit.	Initial of offer in charge.	Monthly Total.	DETAILS OF REPAYMENT														
								Date.	Amount of each repayment.	Initial of officer in charge.	Date.	Amount of each repayment.	Initial of officer in charge.	Date.	Amount of each repayment.	Initial of officer in charge.	Date.	Amount of each repayment.	nitial of officer in charge.	Total repayment.	Balance after each repayment.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	

ENGLISH REGISTER No. 11.

Register of Dismissals

No.	Name of officer.	Office.	Department.	Date of dismissal	Reason for dismissal.	REMARKS.
1	2	3	4	5	6	7

ENGLISH REGISTER No. 12.

Register of Books.

No.	Name of officer.	Date of receipt from Head office.	Number of pieces.	How disposed of.	REMARKS.
1	2	3	4	5	6

ENGLISH REGISTER No. 13.

Patwari Attendance Register for the month of

No	Name of Patwari.	1st.	2nd.	3rd.	4th.	5th.	6th.	7th.	8th.	9th.	10th.	11th.	12th.	13th.	14th.	15th.	16th.	17th.	18th.	19th. &c.	REMARKS.

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ENGLISH REGISTER No. 14.

Acquittance Roll of the Establishment under the Assistant Settlement Officer of *for the year 189 -9 .*

Number and date of order sanctioning the establishment.	Age on first appointment.	Name.	Rank.	Monthly salary.	MARCH.		APRIL.		MAY.		JUNE.		JULY.	
					Amount.	Receipt.	Amount.	Receipt.	Amount.	Receipt	Amount.	Receipt.	Amount.	Receipt.

AUGST.		SEPTEMBER.		OCTOBER.		NOVEMBER.		DECEMBER.		JANUARY.		FEBRUARY.		REMARKS.
Amount.	Receipt.	Amount.	Receipt.	Amount.	Receipt.	Amount.	Receipt.	Amount.	Receipt.	Amount.	Receipt.	Amount.	Receipt.	

ENGLISH REGISTER No. 15.

Register of peons.

Number.	Name of peon.	Age of peon at date of appointment.	Place of abode.	Father's name.	Date of appointment.	Signature of Nazir.	Signature of presiding officer.	Salaried, or for occasional employment	Remarks.
1	2	3	4	5	6	7	8	9	10

REGISTER No. 16.

Standing Order Book.

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ENGLISH REGISTER No. 17.

Stock-Book.

Serial number.	Date.	Names of articles.	From whom and how obtained.	REMARKS.
1	2	3	4	5

VERNACULAR REGISTER No. 1.

Date.	Process fees.		Other fees.		Total.		REMARKS.
	Rs.	A.	Rs.	A.	Rs.	A.	

VERNACULAR REGISTER No. 2.

Board's Register No. 27.

Register of Petitions.

1.—Petitions are to be entered in the Case Register of the subject to which they relate.
2.—This Register is restricted to petitions which—(*a*) do not initiate any case—(*b*) refer to a case already instituted.
3.—This Register is to be kept in English, unless the special sanction of the Board has been obtained to its being kept in the Vernacular.
4.—Petitions for which any other Register is provided, and applications to be examined as Revenue Agents are not to be entered in this Register.

Number.	Name of petitioner, and his place of residence.	Abstract of petition.	Date of order
1	2	3	4

Purport of order.	Signature of the officer who received the petition after registry.	REMARKS.
1	2	3

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VERNACULAR REGISTER No. 3.

Register No. 28.

Register of all other papers received into the Office except English Letters.

This Register is not meant for—
(1) Papers written in the office.
(2) Processes received from other districts with English letters.
(3) Returns of service of processes.
(4) Petitions.

When processes are received from other districts with vernacular rubakaries or under simple endorsements, the rubakari or endorsement should be entered in this Register.

Number.	Description of papers, with their respective dates.	Purport of papers.	Date of order.	Purport of order.	Signature of the officer who received the paper after	REMARKS.
1	2	3	4	5	6	7

VERNACULAR REGISTER No. 4.

Board's Register No. 8.

Register of Miscellaneous cases.

Number.	Name of petitioner, or nature of document occasioning the case.	Abstract of case.	Date of institution.	Date of order.	Abstract of order.	REMARKS.
1	2	3	4	5	6	7

N. B.—Two Registers should be opened in this form—one for boundary dispute cases and the other for cases under section 106 of the Bengal Tenancy Act.

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Register No. 43 (69).

VRNACULAR RGISTER No. 5.

Register of Processes.

Number.	Name of applicant for service or execution.	Name of party on whom to be served.	Date of order for the issue of process.	Number or name of peon employed.	Name of place at which served.	Distance of place from Court.
1	2	3	4	5	6	7

Fees levied or received.					Date and hour of peon's departure.	Date and hour of peon's return.	Time occupied.	Remarks.
(a)	(b)	(c)	(d)	(e)				
Process fees.	Railway fare, boat hire, ferry tolls, postal charges, &c.	Demurrage	Total.	Date of deposits.				
8					9	10	11	12

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Board's Miscellaneous No. 170.

VERNACULAR REGISTER No. 6.

D.—Register of Applications for Copies.

Serial number.	Date of application.	Name of applicant.	Ordinary searching fee paid in court-fee stamp.	Extra searching fee paid in court-fee stamp.	Number of	
					Filed with applications.	Filed afterwards.
1	2	3	4	5	6	7

Folios.		Date on which copy was ready for delivery.	Date on which delivery was taken.	Court-fee levied on certified copies under rule 18.	Remarks.
Returned unused.	Used.				
8	9	10	11	12	13

VERNACULAR REGISTER No. 7.

Register of Khasras, Khatians and statements, &c., received from Survey Office for attestation in the Office of the Assistant Settlement Officer, . Circle.

Date of receipt from the Survey Office.	Serial number.	Name of Pargana and Zilla.	Name of village.	Number of fields according to survey.	Number of fields according to settlement.	Area in acres and decimals.	Trace.	Khasra pages.	Dispute list page.	Khatian pages.	Terij pages.	Total khasra pages.	Milan khasra pages.	Statistical forms.	Number of counterfoil parchas.	Khewat pages.	Lakhraj Bahal statement pages.	Khpadiya papers field by zamindars.	Badar forms.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21

[App. B.

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WORKING

Serial No. | Warija of | Son of | holding land as Proprietor | the proprietary right of

1	2	3	4	5			6	7	
				Bhowria No. and boundaries of each plot.				Area.	
Name of landlord,	Serial No. of raiyat.	Name of raiyat, his father's name, caste, residence.	Name of under-raiyat, his father's name, caste, residence and number of his warija.	Bhowria number.	Boundaries.	Number of kitas.	Class.	A.	D.
					Total in local measurement.				
				Total in acres ...					

Bhowria No. | Mauza | Pargana | District

1	2	3	4	5	6	7
Name of Proprietor, Mahal and Khewat number.	Name of each tenure-holder and under-tenure holder (if any), his father's name, caste and residence, the natue of the tenure and the extent of his interest therein.	Name of Chak.	Number of Plot.	Boundaries.	Number of Kitas.	Name of raiyat and under-raiyat, his father's name, caste and residence.
Total ...						

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KHATIAN.

in Mahal Mauza Pargana District
according to Khewat No.

8									9	10
Total rent of holding.									Fair rent fixed by Settlement Officer.	Particulars of tenancy and remarks.
According to landlord.			According to raiyat.			Ascertained by Settlement Officer.			(a) Rent per acre.	(b) Rate of holding.	
Rent.	Cesses.	Total.	Rent.	Cesses.	Total.	Rent.	Cesses.	Total.			
											(a) Class of holding, and in case of non-occupancy raiyat, length of possession. (b) Mode in which rent has been fixed, i.e., whether by contract, order of the court, or otherwise. (c) If the rent is gradually increasing, the time at which and the steps by which it increases. (d) The special condition and incidents of the tenancy (if any). (e) Enumeration of columns the entries in which have been the subject of dispute. (f) Enumeration of columns the entries of which have not been the subject of dispute.

Property of Tauzi No. Estate

8		9	10	11	12		13						14		15
Area in acres.		Irrigated by canals.	Class of soil.	Names of crop and in case of dofasli land of both crops.	Cultivated.		Uncultivated.						Rate of rent of raiyats and under-raiyats in cash or kind as stated by		Remarks.
							Culturable fallow.			Uncultivable waste.			Landlord.	Raiyat.	
							Kind.	Area.		Kind.	Area.				
A.	D.				A.	D.		A.	D.		A.	D.			

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APPENDIX C.

Rules for the Guidance of the settlement Department in Setting rents and Revenue in Orissa.

PART I.—PRINCIPLES AND PROCEDURE FOR THE SETTLEMENT OF RENTS.

RULE 1. *Introductory.*—Assistant Settlement Officers are reminded that all the suggestions given in these rules are for their general guidance, and that all difficulties and exceptional cases may be referred to the Assistant Settlement Officer in charge, or to the Settlement Officer, by demi-official notes in half margin. It is their duty to bring to the notice of the Settlement Officer, or Assistant Settlement Officer in charge, any matters in which they may find that rigid application of these rules would produce inequitable results either as regards these interest of individuals, or of Government. Pending orders on any matters referred, if early decision is necessary, the Assistant Settlement Officers must use a reasonable discretion to depart from any rule, which, in all the circumstances of a particular case, is clearly not wholly applicable or just.

RULE 2. *Village rate.*—This rate is obtained by the following process :—

Add the areas (present survey) and the rents of mahal *pahi* settled and occupancy reiyats separately for each mahal in a village.

Then total respectively the areas and the rents thus obtained. Divide total rent by the total area ; the quotient will be the village rate.

RULE 3. *Thani rate.*—This rate is obtained by the following process :—

Take into consideration those *thani* holdings which now survive in the village. Ascertain the areas and rents of those holdings as they stood at the former settlement. Divide the total rent by the total area ; the quotient will be, for the purpose of this rule, the *thani* rate.

In villages where there is little *thani* surving, the former settlement *bhians* may be referred to, and a *thani* rate deduced from the areas and rents recorded therein.

RULE 4. The following form is prescribed for calculation of the "village rate" and "*thani* rate."

Form for calculation of the "village rate" and "thani rate"

Name of vilage.	Name, &c., of mahal.	PAHI SETTLED AND OCCUPANCY RAIYATS.		THANI RAIYATS.		REMARKS.
		Area, in acres.	Rent.	Last settlement area in acres.	Last settlement rent.	
1	2	3	4	5	6	7
Bishenpur, C, Register No. 1411.	Nizmauza, Tausi No. 805	200	300	100	120	
	Rampur taluk, Tauzi No. 101	40	80	50	60	
	Sampur taluk, Tauzi No. 160	50	55	10	10	
		290	435	160	200	

		Rs.	A.	P.
Village rate	$\frac{435}{290}$ =	1	8	0
Thani rate	$\frac{200}{160}$ =	1	4	0
½ percentage of difference	...	10 per cent.		

Seal. XYZ.

1st January 1896, *Assistant Settlement Officer.*

UNTIL this form has been signed, dated and sealed by the Assistant Settlement Officer no new rents shall be entered in column 7 of the schedules. As soon as the village rate is passed, it shall be entered on the *mujmili* map.

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RULE 5. For the preparation of the village rate the following instructions are given to meet difficult cases :—

(1) If it is impossible for the Assistant Settlement Officer to deduce a village rate under the last rule—
(*a*) because there are no *pahi* raiyats in a village, or

(*b*) because the *pahi* raiyats hold an area which is insufficient to enable the Assistant Settlement Officer to deduce from it a village rate, or

(*c*) because there is reason to believe that the recorded *pahi* rents are not actually the existing rents, and that the latter have been collusively concealed,
a rate may be deduced from the village rates of three or four contiguous villages.

(2) It may occasionally happen that a village consists of two distinct classes of lands in blocks almost separate, e.g., the one of pal and the other of jala lands. It would be equitable in such a case to make two village rates.

(3) Occasionally the rates in any one or more tahsil alahidas are collusively low, or lower by 25 per cent than that of the other tauzis in the village or in the neighbourhood. The Assistant Settlement Officer may, if he thinks fit, exclude the areas and the rents of such tauzis and tahsil-alahidas from the calculation of the village rate.

All such cases should be reported to the Assistant Settlement Officer in charge for sanction of the rates proposed.

RULE 6.—Officers must remember that the *village* and *thani* rates, as described above, should only form the basis for the proposal of fair rents, and that if the proposal is not accepted they must proceed to settle a fair rent according to law. Where, however, the rent is not accepted at first, it may be possible, by proper explanation to the raiyat. e.g., by comparison of the khatian with the trace, and by pointing out to the raiyat that other raiyats are paying at the average rate on his boundaries, to show him that the rent proposed is fair. The raiyat may have specic objections in regard to all or one or more of his fields, and if he can substantiate these there might be a ground for reduction of rent or for foregoing the enhancement. The necessity for frequent local inspection in cases of this nature is impressed upon the Assistant Settlement Officer.

RULE 7. *Enhancement of the rent of pahi tenants, whether settled, occupancy or non-occupancy raiyats.*—The existing rents of the raiyats of the above three classes are it is to be presumed, fair and equitable ; they will not therefore generally be enhanced by the Assistant Settlement Officer of his own motion, except on the ground of excess area. When, however after taking into account the increase of rent resultant from the application of the rule 12 to, excess area, the rent of a tenancy of one of these classes still remains substantially lower (say 33⅓ per cent. lower) than the village rate whould give, the Assistant Settlement Officer may consider whether sufficient reason exists in inferiority of soil or otherwise [see, e.g., sections 30(*a*) and 31(*c*) of the Bengal Tenancy Act] for the lower rent ; and unless sufficient reason exists for the difference, or unless, in his opinion, the existing rents be fair, shall propose enhance rents. He will do this because the presumption that the existing rent is fair and equitable appears *prima facie* to be contrary to the facts. In any case in which the landlord or tenant may formally apply, or in which the rents proposed may not be accepted, the rent must be settled in accordance with the law.

RURE 8. *Enhancement of thani rents.*—The rule for ascertaining the "*thani* rate" is Rule 3.

A. *Thani rents unmixed.*—(1) When the "*thani* rate" exceeds the "village rate" for *pahi* tenants, or is equal to it, or falls short of it by not more than 12½ per cent, there shall be no general enhancement of *thani* rents without special reasons to be recorded.

(2) The rate of any *general* enhancement shall not exceed 12½ per cent. of the "*thani* rate."

(3) In cases in which the "*thani* rates" falls short of the "village rate" by 12½ per cent. or more, the Assistant Settlement Officer shall consider whether grounds exists for a general enhancement of *thani* rents, but he should not ordinarily propose any general enhancement beyond half the percentage of difference between the "*thani* rate" and the village rate.

(4) It will be understood that under no circumstances will individual rents be enhanced which are already fair and equitable.

(5) If no general enhancement of *thani* rents appears to be justified, the rent of a particular *thani* holding may nevertheless be enhanced when it is substantially lower [say by 33⅓ per cent.] than the *thani* rate would give. In this latter case the Assistant Settlement Officer may consider whether sufficient reason exists, in inferiority of soil or otherwise (see e.g., sections 30 (*a*) and 31 (*c*) of the Bengal Tenancy Act) for the lower rent ; and unless sufficient reason exists for the difference, or unless in his opinion the existing rents be fair, shall propose enhanced rents.

(6) It is unnecessary to increase *thani* rent on the ground of excess area when the enhanced rent obtained under the above instructions appears to be fair and equitable.

(7) The above instructions have reference only to enhanced rents to be proposed by the Assistant Settlement Officer of his own motion. If the landlord of a *thani* tenant should apply for settlement of rent, the application will be disposed of according to law.

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(8) Excess area in *thani* tenancies will be treated under rule 8, unless the landlord applies for a reduction of the allowance for difference of measurement. The whole area will be considered as *thani*.

B. Thani-pahi mixed —Separate the *thani* areas and rents. The *thani* portion may be enhanced by the percentage rule given in (*a*). The balance is *pahi*. and should be treated accordingly ; but the allowance given for excess area should be 10 per cent. of the whole former *thani-pahi* mixed area.

Form for calculating the rents of thani raiyats.

Village rate = Re. 2-8
Thani rate = Re 2.
Half percentage of difference = Re. 12½ per cent.

Serial number.	Schedule number	Area.		Rent.	12½ per cent. of rent.	Total columns 3b and 4.	Product of existing area and village rate.	Proposed rent.	Remarks.
1	2	3			4	5	6	7	8
		a	*b*						
				Rs. a. p.	Rs. a. p.	Rs a. p.	Rs. a. p.	Rs. a. p.	
1	2	2		4 0 0	0 8 0	4 8 0	5 0 0	4 8 0	
2	17	2		4 0 0	0 8 0	4 8 0	4 4 0	4 4 0	

C. In villages irrigated by canals it is possible than *thani* lands, which were of inferior quality at the last settlement, may now have improved. As it would be unfair to enhance the rents of such lands by the percentage rule, the Assistant Settlement Officer may, if he thinks fit, propose a rent equal to the product of the present survey area and ⅞ths of the village rate.

RULE 9. *Chandna raiyats* —The existing rents of *Chandna* raiyats shall in all cases be retained, unless no rent has been paid hitherto, or the landlord applies formally for a settlement of fair rents. If a formal application is made, the Assistant Settlement Officer may, if he thinks fit, propose a rent deduced from the average rate of *Chandna* raiyats.

The above rule refers to *chandna* raiyats in villages only. The rules regarding the enhancement of the rents of *chandna* raiyats in towns are to be found in rule 16. The rents of tenants holding as "*chandnadur ko de lu patta*" may be treated in the same manner as the rents of *thani* raiyats, and enhanced accordingly.

RULE 10. *Excess area in ordinary pahi and thani tenancies*—(*a*) The broad rule in regard to enhancement for excess area is that where the new area exceeds the old by 10 per cent. of the latter, the excess, after deduction of 10 per cent. of the old area, may be assessed at the village rate.

(*b*) Generally 10 per cent. on the old area is a fair and equitable allowance for difference of measurement ; but, on the application of the landlord or of the tenants, the Assistant Settlement Officer may after satisfying himself as to the manner in which the original measurement was made, reduce or increase this allowance if he considers that it is fair and equitable to do so. He should not, however, reduce the allowance below 4 per cent., or one *gunt* in a *man*. All such cases should be specially reported to the Assistant Settlement Officer in charge.

(*c*) If after reduction of the allowance, the excess area assessable is less than 1 *gunt*, it may be neglected. (In this connection see town rules).

If the raiyat pleads that the lands for which an additional rent is being fixed on the ground of excess area, are of inferior quality, a local inspection should be held and an equitable reduction made if necessary.

RULE 11. *Reduction for diminished area.*—The Assistant Settlement Officer need not reduce rent for reduction of area unless the tenant applies, or unless the loss of area amounts to 10 per cent. If the rent is altered under this rule, the reduction shall be made in the proportion which the new area bears to the old, i.e, old area : : old rent · new rent.

RULE 12. *Enhancement of baziaftidars' rents*—(*a*) *Kamil pura jama.*—The rents of *kamildars* should ordinarily be enhanced 50 per cent. They may be further enhanced up to 100 per cent. when the rates thus obtained are still low in comparison with the village rate.

(*b*) *Adha jama.* – At the last settlement a temporary concession was made to holders of *baziafti* tenures of this description, and they were allowed to hold their lands at half rates. The term of this concession having expired, their rents should now be doubled, and the full rents thus calculated should ordinarily be enhanced by 50 per cent ; and may be enhanced up to 100 per cent. in accordance with the rules given in (*a*) for *kamildars*.

(*c*) In cases where the cultivated area exceeds by 50 per cent. the area recorded as cultivated at the last settlement, or where the zamindar applies to have a fair rent fixed, the Assistant Settlement Officer may enhance the rents beyond the above limits.

Provided that in no circumstances whatever shall the settled rent eceed two-thirds of the product of the present cultivated area and the village rate.

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The Assistant Settlement Officers, in every judgment which fixes the fair rent of *baziaftidars*, shall make a note that the area recorded as waste and included in the *baziaftidar's* holding at the time of this settlement has been left unassessed, and if brought under cultivation, will be assessed to rent at the next settlement.

In fixing rents of *baziaftidars* the Assistant Settlement Officer must bear in mind that the rent must in all cases be fair and equitable, and one which the *baziaftidar* can afford to pay.

For the use of the tenure-holders forms in calculation of *baziaftidar's* rents see next rule.

RULE 13. *Assessment of Tenure-holders.*—Columns 1 to 11 of the subsidiary statement given below for the calculation of tenure-holders' rents must be filled up in the case of all tenure-holders.

Where the tenure-holder has both *nij-chas* and raiyati lands, the valuation of *nij-chas, bhag*, and rent-free portions will be ascertained by multiplying the cultivated areas so held by the village rate. Each product should be entered in column 8 (*c*). The total of the existing rents of raiyats, or, if new rents are fixed, the total of the settled rents, should also be entered in column 8 (*c*). A total should then be made of all entries in column 8 (*c*).

In column 9 shall be entered, in the case of *kharida jamabandi*, the percentage of the assets given at the last settlement, and in the case of *baziafti* tenure-holders 33⅓ per cent. The calculation of these percentages shall be made in column 10. The entry in column 13 shall be three times the existing rent in the case of *kharida jamabandi*, twice the existing rent in the case of *pura jama baziafti*, and four times the existing rent in the case of *adha jama baziafti* tenures.

In the case of *baziafti* and *kharida jamabandi* tenures, column 12 will also be filled up, and the amount in column 11, column 12 or column 13, whichever is least, will form the basis for the proposal of rents.

The assessment of all cases of *kharida jamabandi*, where the area exceeds 20 acres should be reported to the Assistant Settlement Officer in charge.

Tenure-holder's Form.

Serial number.	Schedule number.	Former area.	Former rent.	NEW AREA. Uncultivated	NEW AREA. Cultivated.	NEW AREA. Total.	ASSETS. Class.	ASSETS. Area.	ASSETS. Rent	ALLOWANCE Rate per cent.	ALLOWANCE Amount.	Difference of columns 8 and 10.	¾ product of the village rate × cultivated area.	2 × existing rent, if kamil. 3 × existing rent, if kharida jamabandi. 4 × existing rent, if mahi.	REMARKS.
1	2	3	4	5	6	7	8*a*	8*b*	8*c*	9	10	11	12	13	14

RULE 14. *Lands granted by landlords as jagir or minha or at a nominal rent.*—The provisions of section 192 of the Bengal Tenancy Act which have been extended to Orissa must be borne in mind in settling rents for such lands.

It has been ruled, however, that when a settlement of land revenue is being made the provisions of section 104 (2) override the provisions of section 192, in so far that it is necessary for Revenue Officers employed in such operations to settle rents of lands held from a landlord rent-free, or at a particular rent, without recognition from Government in a previous settlement, *even though no application be made by parties.*

When, however, no such application is made by parties it will be open to the Revenue Officer in his discretion to settle a lenient rent only, and to make a note in the tenant's khatian describing any particular incident of the tenancy. For assessment of the land revenue the rent settled shall ordinarily be held to be the asset of the tenancy. When, however, such rent appears to be very far below a fair valuation of the tenancy, and when, further there is good reason for thinking that unusual favour has been shown by the landlord, or that a *salami* or lump sum has been paid by the tenant in consideration of a rent-free grant, or a low rent or quit-rent, and that there is no sufficient reason why the landlord should not be assessed on an ordinary valuation, it will be open to the Revenue Officer in his discretion to make such a valuation at ordinary rates. In such cases the valuation made shall not be entered in the tenant's khatian but shall be entered in the Revenue Officer's schedule of rents settled and valuations made ; and the landlord shall be assessed to revenue upon such valuation.

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A separate statements should be appended to the *sairat* statement, showing the *khatian* numbers and amounts which make up the total of valuations for revenue under this head, and that total should be carried into the *sairat* statement.

RULE 15. *Beneficiary and collusive rents.*—The rents of zamindars servants should be carefully scrutinized ; other rents which are clearly collusive of beneficiary should be also examined. New rents, such as the Assistant Settlement Officer may think fair and equitable, should be proposed to tenants whose existing rents are of this description.

RULE 16. *Settlement of town rates.*—(*I*) *Calculation of rates.*—(*a*) Where a village consists partly of townlands and partly of cultivated lands, it may be necessary to prepare the following rates :—

Village rate	According to the instructions already given.
Mahal chandna rate ...	These rates are calculated from the areas and rents of the mahal and *baziafti chandna* holdings, respectively, by the same process as the village rate is determined, the area and rents of *chandna* tenants being used instead of those of settled and occupancy raiyats in the village.
Baziafti " " (*i.e.* the rate at which the *chandna* tenants pay the *Baziaftidar*.)	

(*b*) In a village consisting of town lands, it is sufficient to calculate the mahal *chandna* and *baziafti chandna* rates.

(2) *Proposal of rents for chandna tenancies* —Existing rents of *chandna* raiyats should generally be retained, unless the zamindar shows special and sufficient grounds for enhancement. Rents may be altered (*a*) for excess area, (*b*) where no rent is hitherto paid, (*c*) where rents appear to be beneficiary or collusive.

(*a*) *Excess area in chandna.*—The Assistant Settlement Officer should generally give an allowance of 5 per cent. on the old area for difference of measurement, but may increase or diminish this allowance as he thinks fit.

To the balance of excess area, however small, after deduction of the allowance, the Assistant Settlement Officer may apply—(1) The mahal *chandna* ; or (2) in the case of *baziafti chandna*, the *mahal chandna* rate or the *baziafti chandna* rate, whichever is less ; or (3) the rate obtained by a division of the former rent of the *chandna* tenant by his former area, whichever of these may seem to him fair and equitable. To obtain the rate in (3) he may add two columns 11 and 12 to the excess area statement, viz, column 11 (former rate paid by the tenant), column 12 (additional rent at that rate, *i.e.*, column 7 × column 11).

Where the divisions of the former rent by the present area gives a rate in excess of the *mahal chandna rate*, no enhancement should be made without an application by the zamindar supported by special and sufficient grounds, *e.g.*, desirability of site. If at the time of proposal of additional rent for excess area, the landlord or tenant plead that the additional rent is too high because it is calculated at the rate which is based upon an average of *bari* and *ghar* ; whereas *ghar* with smaller area pays a far higher rate than the large area under *bari*, the Assistant Settlement Officer, if he can obtain the rates of each, may enhance separately the excess according to the area under *ghar* and under *bari* at the rates which he has obtained.

(*b*) *Where on rent has hitherto been paid in chandna tenancies* :—In this case the Assistant Settlement Officer may apply the *mahal chandna* rate to the present area of *mahal chandna*, and if that rate is less than the *baziafti chandna* rate, apply it also to the present area of *baziafti chandna*. The product may generally be proposed as rent, provided that may lower rate which the Assistant Settlement Officer thinks fair and equitable may be appplied, after due regard to the circumstances of the neighbourhood, and to the fact that the tenant has hitherto paid no rent.

Where the excess area consists partly of *chandna* and partly of agricultural lands, or where no rent is being paid for lands partly *chandna* and partly agricultural, the *chandna* rate and the *pahi* rate may be applied with due regard to the proportion of area under each class.

(*c*) *Beneficiary and collusive rents.*—See under Rule 15.

(3) *Reduction of the rents of chandna tenancies* :—Reduction for diminished area should be made, on the application of the tenant, on the same principle as enhancement for excess area, provided that no reduction should ordinarily be made if the rent paid on the present area is not above the average rate of that class of land to which the holding belongs.

(4) *General as to chandna tenancies.*—(*a*) The *nij-chas* and the *anabadi* khatians should be very carefully examined, and local enquiry should, if possible, be held to detect lands which have escaped assessment. Such lands should be assessed either at the rates which are being paid for the lands of the classes to which they belong (viz., *chandna* at *chandna* rates and agricultural lands at *pahi* rates), or at any rate which the Assistant Settlement Officer considers fair and equitable.

Eligible sites and unoccupied houses may be assessed at any rate which the Assistant Settlement Officer considers fair and equitable.

(*b*) Rent of *baziafti chandna tenancies* may be enhanced up to four times the former rent of *adhi jama*, and double the former rent of *kamil* provided that where the *baziaftidar* is a tenure-holder, the profit remaining to him is not less than 33 per cent. of the valuation

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of his *nij-chas* at the *chandna* rate *plus* the total rents of his raiyats. In cases where the cultivated area has increased by more than 50 per cent. the rent may be enhanced up to ¾ of the product of the new area and the rate for each class of land. If the *baziaftidar* has no tenant, the new rent should not exceed ¾ of the valuation of his *chandna* lands at the *chandna* rate, and of the *pahi* lands at the *pahi* rate.

RULE 17. *Nij-jote and Nij-chas.*—The Assistant Settlement Officer will make the normal valuation for *nij-jote* and *nij-chas* at the village rate, but should, so far as possible, at the time of settling fair rents assess *nij-jote and nij-chas* lands at their actual valuation (letting value) rather than at average rates.

In preparing schedules the whole *nij-jote* area (both lands held *khas* and those held by raiyats) should be entered in the B schedule and assessed to revenue. For the guidance of the Assistant Settlement Officer in making the valuation, a note may be made in the column of remarks showing the area and rental (if any) of the *nij-jote* lands held by the raiyats. The rental shown in the column of remarks should be the new rent and not the original rent.

Raiyats holding *nij-jote* lands may be entered in the C schedule as non-occupancy raiyats unless applications are made their exsting rents should be settled. If the landlord or tenant applies for the settlement of fair rents in respect of such lands, rents will be fixed in the ordinary way.

The zamindar or his *gomasta*, if present, shall be informed of the valuation made, and any reasonable objection will be considered ; but it is to be borne in mind that rents are not being proposed in this case under the Tenancy Act.

The lands of absconding tenants, or of tenants who have died without heirs, may be recorded at this stage in the *nij-chas* khatian. Petitions presented at this stage by raiyats in which it is stated that they have given up their lands to the landlords, should be filed with the records ; but effect should not be given to them unless the Assistant Settlement Officer has clearly satisfied himself by local enquiry or otherwise that the holding has actually been abandoned by the raiyat and has come into the *nij-chas* of the landlord.

RULE 18. *Excess lakharaj bahal*,—Assistant Settlement Officers will leave unassessed with the lakhiraj dar an excess area not exceeding 10 per cent. of the area of his revenue-free holding as recorded at the last settlement, where such excess is probably due to difference in the systems of measurement. If after the surrender of 10 per cent., there is still any surplus which is more than '04 of an acre, but does not exceed '25 of an acre, the balance of surplus land exceeding '04 of an acre shall only be assessed where there is available for assessment whole field or khasra number, other than homestead, comprising an area not greater than that surplus.

The procedure of the resumption laws should be followed in resuming excess lands where parties do not accept the terms offered.

RULE 19. *Hinihayati lakhiraj* or *lifefree-grants*.—When the grantee of a petty *Hinihayati-lakhiraj* or lifefree grant is dead, the lands of the grant should ordinarily (to prevent multiplication of petty estates on the Collector's revenue-roll) be included in a neighbouring temporarily-settled estate or Government estate. The status of tenure-holder or raiyats should be conceded to persons in possessing of such land in such manner as not to degrade the status of the actual cultivators. In case of such inclusion the assets of the resumed grant will be included in the assets of the estate in which it is absorbed.

RULE 20. *Orchards.*—Where rent is taken from orchards as part of a tenant's holding, the ordinary rules will apply.

Where an orchard is included in a tenant's holding without payment of rent, it should be assessed at the lowest *pahi* rate in the zamindar's *bhian*, or at any rate which the Assistant Settlement Officer may consider fair and equitable.

When the right to collect fruit, tap trees, &c., is leased, without lease of land on which the trees stand. the asset should be treated as *sairat* (*phalhar*). The Assistant Settlement Officer will in this latter case make a fair valuation of the asset, allowing for the vicissitudes of season.

RULE 21. *Lands on which crops other than staple crops are grown.*—(1) When lands are used for growing sugarcane, tobacco, *pan*, or any crop other than the staple crops, the existing rents shall be recorded in the *khatian*, unless the Assistant Settlement Officer finds that any part of the rent paid should be excluded as an *abwab*.

(2) No *abwab* must be recorded as part of the existing rent.

(3) If the rent be liable to re-adjustment when the land ceases to grow a crop other than a staple crop, or during the currency of the lease. *e.g.*, as often in the case *pan* gardens a note to this effect shall be made in the khatian.

(4) When the existing rent recorded for such lands is higher than it would be if calculated at the rate paid for the best lands under a staple crop in the village, the land will be valued for revenue assessment at the rate paid by the best lands under a staple crop, unless the high rent is clearly due to special fertility of the soil not brought about by capital expended by landlord or tenant.

(5) Care must be taken not to assess revenue on improvements effected by landlord or tenant.

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(6) But in assessing *pan* lands regard may be had—

(*a*) To the fact, if found, that other land besides the area covered by the *pan* garden is used and suffers deterioration by reason of the *pan* cultivation.

(*b*) To the fact, if found, that area covered by the *pan* garden itself suffers deterioration and requires after a period to be left waste.

(*c*) The any variation in the rent which may be found to be customary, or to be in force in particular villages, during the term of life of the *pan* garden.

RULE 22. *Waste lands.*—No rent should be assessed on waste lands which have not hitherto borne a rent, but the case of estates comprising large tracts of jungle should be specially considered by the Settlement Officer. The assets of such waste lands and fisheries as may be assessed should be included in the *sair*.

The above rule covers applications made by raiyats for the settlement of waste lands or of the edges of tanks.

Generally the Assistant Settlement Officer should not fix a rent, unless the land has already been cultivated, or he has reason to believe it is now fraudulently thrown out of cultivation. In special cases where the zaminda is willing to accept the applicant as a tenant, a rent may be fixed.

RULE 23. *Grazing and cremation Grounds.*—Before beginning the proposal of rents in any village, Assistant Settlement Officers should examine the trace and the *anabadi* khatian and endeavour to choose some plot or plots for grazing and also for cremation grounds.

If the zamindar consents, these plots will be taken out of the *anabadi* khatian and entered in a separate khatian. The latter khatian should be attested by the zamindar, and at least five principal raiyats. A note in column 10 (*d*) of the *khatian* should show the purpose for which the lands are set apart and the right which the villagers have in them.

The Assistant Settlement Officer will direct the draft publication kanungo to go round the boundaries of these plots at draft publication and demarcate them.

The plot numbers, areas, and the purpose for which these lands are set apart will be detailed in the *kabuliyat* under which the zamindar engages for the resettlement of his estate.

In an average sized village of 300 or 400 acres, two or three large plots in different parts of the village may be selected to form the grazing ground. Their total area should not ordinarily exceed 15 to 20 acres, except in villages the lands of which form the recognised grazing grounds for the cattle of neighbouring villages. Small detached plots should not be reserved as grazing land, but they may be recorded as cremation grounds where they are already used as such. River beds or *char* lands are commonly used by the raiyats of riparian villages for burning their dead, these should not be recorded as cremation grounds.

It should be noted in the decision that these lands have been exempted from assessment on condition of their being used, free of rent, for the purpose for which they have been reserved.

RULE 24. *Minha,*—The area granted as *minha gharbari* or *khanabari* at the last settlement, and still held as *minha*, may be confirmed as *minha*. On the application of the villagers, or if the Assistant Settlement Officer's attention is directed to the matter, a *thakurani asthan* up to 2½ *gunts* in area may be granted as *minha*. With the consent of the raiyats and the zamindar, a tank may be reserved for drinking purposes, and may be granted as *minha*. The Assistant Settlement Officer, before he reserves the tank, will make a careful record of the persons entitled to the fishery of the tank. Orchards devoted to religious or charitable purpose may also be reserved as *minha* The area of such lands should be entered in the register prescribed in Part II, rule 11, for the record of the lands reserved under Rule 23.

RULE 25. *Jagirs of chaukidars and others.*—The *jagirs* of chaukidars are to be assessed to rent. When a fair rent is settled for land hitherto held as chaukidar's *jagir*, the following note should be made in the village judgement: "Fair rents have been settled for the jagir lands of the chaukidars, schedule Nos. , and accepted by them. The rents will become payable by them from the date on which the Magistrate may dispense with the services of the chaukidar, or arrange for his payment under the provisions of section 18 of the Chaukidari Act".

The *jagirs* of *paiks*, *khandaits* and patwaris are to be assessed to rent. The rent proposed should generally be the product of the area and the village rate. Any objection should be examined most carefully. It is absolutely necessary to resume these *jagirs* by consent and any reasonable reduction may be made. If the rent proposed is reduced by more than half before acceptance is obtained, a report should be made to the Settlement Officer. Where a *jagirdar* declines to pay any rent, a report should be made to the Assistant Settlement Officer in charge, and at his next inspection the *jagirdar* will be summoned to the camp. The Assistant Settlement Officer in charge is requested to report in his inspection notes the manner in which he has treated such objections.

Other village servants' *jagirs* may be confirmed as rent free, unless the tenants or the landlord make a specific and satisfactory objection.

The entry of status in the *khatian* of these resumed *jagirs* will be *stithiban thani*, and a note will be made in column 10 (c) "formerly jagir". If the holder of the resumed jagir has also a *thani* holding he will nevertheless get a separate *khatian* for his resumed jagir. The arrangement of the schedule need not be altered.

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RULE 26. *Under-rayats.*—A Revenue Officer conducting a settlement of Land Revenue under section 104 (2) read with section 101 (2) (*d*), is bound to settle fair and equitable rents for under-raiyats, but the provisions of section 113 of the Tenancy Act do not apply to the rents of under-raiyats. It does not follow that the existing rents of under-raiyats must be altered. On the contrary, it will probably be seldom found necessary to alter them. When such rents are altered the Revenue Officer will be guided by the principles laid down in the Act for the enhancement and reduction of the rents of occupancy raiyats, according as the under-raiyats have or have not occupancy rights. But the rents of under-raiyats, as settled, will be subject to the limits prescribed by section 48 of the Act.

RULE 27. *Certain explanations to be given before the proposal of rents.*—Notices must be put up in camp, that unless applications be made, the rent of under-raiyats, *nij-jote* raiyats and *baziafti* tenure-holders' raiyats, and *baziafti* undertenure-holders, will generally be retained. Tenants should be warned of this fact at the time of the proposal of rents.

Before beginning the proposal of rents to the tenants of any village, the Assistant Settlement Officer should explain the full meaning of section 113 of the Tenancy Act, and any special orders of Government regarding the term for which rents are settled.

RULE 28. *Calculation and proposal of rents.*—As soon as the village rate and, where necessary, the *thani* rate and percentage of difference have been calculated, the following form shall be filled up, all tenants of the village, for whom rents are to be fixed, being entered in the order given in column 2 of form A. The schedules shall be divided into three portions for each tauzi in the village.

A.—*Mahal babat, i.e.,* tenants paying direct to the proprietors or to the proprietary tenure-holders.

B.—*Rajeswari, i.e.,* assessment for revenue.

C.—*Ananya babat, i.e.,* tenants not paying direct to the proprietor.

The name of each class of tenancy shall be written in red ink across the form above the first entry of that class. A fresh form shall be used for each mahal.

(1) *'Taufir:* tenants and tenants whose rents have been settled on application (*vide* Rule (4) should be entered among the *pahi* before arranging the *khatians,*

(2) *Anabadi Desheta* jagirs not resumed, and grazing and cremation grounds, should be entered at the end of the B schedule.

(3) Lands under class V of the embankments as classified by Mr. Odling should be taken out of the P. W. D. khatians and recorded in the *mahal anabadi* khatian if *anabadi,* or in the *mahal* rayati lands if cultivated. In the latter case a fair rent should be settled.

Schedule of tenants of the village

Village , Tauzi No. , Pargana , Village rate.

Serial number.	Name of tenants.	Terij number	Old area.	New area.	Existing rent.	Proposed		Settled		Remarks.
						Rent.	Whether accepted or not.	Rent.	Whether accepted or not.	(Here note reference to judgement. in case of non-acceptance. and the number of the tenant in the subsidiary excess area statement.)
1	2	3	4	5	6	7	8	9	10	11

Column 7 should be filled up by the muharrir in all cases except where the rent that would ordinarily be entered appears unduly low, *e.g.,* in the case of pahi or thani raiyts where the proposed rent is less than two-thirds of the product of the area and the village rate.

The Assistant Settlement Officers should at the time of proposal of rents inquire into these cases, and may enhance any rent if it appears fair and equitable to do so up to the ful amount of the product.

The entries of all *thani, thani-pahi, pahi* settled, occupancy, and non-occupancy raiyats, holdings (except those of *bahaldars* who have not applied for settlement for their raiyats' rents

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